

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN to you, because your interest may be affected, that the City Council of the City of Carlsbad will hold a public hearing at the Council Chamber, 1200 Carlsbad Village Drive, Carlsbad, California, at 5 p.m. on Tuesday, June 25, 2024, to consider a Variance and Coastal Development Permit to allow a series of retaining walls, which are currently built but unpermitted, to be kept in place. The retaining walls, which are installed up to 22 vertical feet from the toe of slope, were installed without required grading or building permits. The Variance application includes a request to allow retaining walls into an uphill perimeter manufactured slope beyond six feet from the toe of slope, where six vertical feet is the standard limit per section 21.95.140(C)(1)(a)(i) of the Carlsbad Municipal Code. The project site, 939 Begonia Court, is within the Mello II Segment of the city's Local Coastal Program and Local Facilities Management Zone 4, and more particularly described as:

Lot 138 of Carlsbad Tract No. 73-79, Spinnaker Hill Unit #3, in the City of Carlsbad, County of San Diego, State of California, according to map thereof no. 8453, filed in the Office of the County Recorder of San Diego County on Dec. 29, 1976

Whereas, on March 20, 2024, the City of Carlsbad Planning Commission voted 5/0/1/1 (Merz – Abstain; Sabellico – Absent) to recommend the City Council deny a Variance and Coastal Development Permit to allow a series of retaining walls, which are currently built but unpermitted, to be kept in place. The Variance application includes a request to allow retaining walls into an uphill perimeter manufactured slope beyond six feet from the toe of slope, where six vertical feet is the standard limit per section 21.95.140(C)(1)(a)(i) of the Carlsbad Municipal Code. The project site, 939 Begonia Court, is within the Mello II Segment of the city's Local Coastal Program and Local Facilities Management Zone 4. The project site is not within the appealable area of the California Coastal Commission. The City Planner has determined that the project is exempt from environmental review pursuant to Sections 15061(b)(4) and 15270 of the State CEQA Guidelines because CEQA does not apply to projects that a public agency rejects or disapproves.

Those persons wishing to speak on this item are cordially invited to attend the public hearing. Copies of the staff report will be available on and after June 21, 2024. If you have any questions, please contact Kyle Van Leeuwen in the Planning Division at 442-339-2611 or kyle.vanleeuwen@carlsbadca.gov. The meeting can be viewed online at <https://www.carlsbadca.gov/city-hall/meetings-agendas> or on the City's cable channel. In addition, written comments may be submitted to the City Council at or prior to the hearing via U.S. Mail to the attention of Office of the City Clerk, 1200 Carlsbad Village Drive, Carlsbad, CA 92008, or via email to clerk@carlsbadca.gov.

If you challenge the Coastal Development Permit and Variance in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice or in written correspondence delivered to the City of Carlsbad, Attn: City Clerk's Office, 1200 Carlsbad Village Drive, Carlsbad, CA 92008, at or prior to the public hearing.

CASE FILE: CDP2023-0016/V 2023-0002 (DEV2020-0134)

CASE NAME: Begonia Court Retaining Wall

PUBLISH: FRIDAY, JUNE 14, 2024

CITY OF CARLSBAD CITY COUNCIL