



July 24, 2024

Marcela Escobar-Eck
Atlantis Group
Suite 220
2488 Historic Decatur Road
San Diego, CA 92101

SUBJECT: CD 2024-0015 (DEV12010) – THE FORUM – PATIO REALLOCATION OF GROSS LEASING AREA

Dear Marcela Escobar-Eck,

The City Planner has completed a review of your application for Consistency Determination, CD 2024-0015, which is a modification to Site Development Plan, SDP 00-10, to add an outdoor dining patio area to a tenant space at The Forum shopping center. The request proposes to decommission 3,326 square feet of gross leasing area to create a 2,690-square-foot patio space for a restaurant's outdoor dining area. A portion of the proposed patio area will replace five parking spaces. The shopping center consists of an 18.19-acre site located south and east of Calle Barcelona, west of El Camino Real, within the Green Valley Master Plan (MP 92-01), in the Planned-Community (P-C) Zone with an underlying zoning of General Commercial (C-2), and in Local Facilities Management Zone 23.

After careful consideration of the request, the City Planner has determined that the request meets all of the findings below and **APPROVES** this request. The proposed modifications include:

- A proposed 2,690-square-foot outdoor dining patio to 1935 Calle Barcelona, Suite 170.
 - A portion of the proposed patio will occupy five existing parking spaces that provide parking at ratio of 1 space per 200 square feet, or parking for 1,000 square feet of gross leasing area to be removed.
 - 400 square feet of the outdoor dining patio is exempt from additional parking requirements pursuant to Carlsbad Municipal Code (CMC) Section 21.26.013(C)(7 & 9).

- A total decommissioning of 3,326 square feet of gross leasing area.
 - The 2,690-square-foot patio – 400 square feet of dining area to be exempt + parking for 1,000 square feet of gross leasing area to be removed = A minimum of 3,290 square feet of gross leasing area required to be decommissioned.

In order for a Discretionary Permit Consistency Determination to be approved, all of the following findings must be made:

- 1) *No project condition, feature, facility, or amenity is changed or deleted that had been considered essential to the project's design, quality, safety, or function in that the **2,690-square-foot outdoor dining area is a complementary use to The Forum shopping center and is consistent with Site Development Plan, SDP 00-10. The outdoor dining area proposes to remove five parking spaces. The additional dining area, and the removal of the parking spaces, necessitates the decommissioning of 3,290 square feet of underutilized retail space. As a result, the project proposes to decommission 3,326 square feet of gross leasing area.***
- 2) *The request represents an upgrade in overall design features and or materials and improves upon the project's compatibility with the surrounding neighborhood **in that adequate parking remains for The Forum shopping center.***
- 3) *The proposed revision does not change the density or boundary of the subject property.*
- 4) *The proposed revision does not involve the addition of a new land use not shown on the original permit **in that the project entails the addition of an outdoor dining area for a commercial tenant of The Forum shopping center.***
- 5) *The proposed revision does not rearrange the major land uses within the development.*
- 6) *The proposed revision does not create changes of greater than ten percent provided that compliance will be maintained with the applicable development standards of the Carlsbad Municipal Code **in that no additional building area is proposed and the removal of five parking spaces represents less than a ten percent change in the existing number of parking spaces. Adequate parking is provided to accommodate the outdoor dining area with the decommissioning of 3,326 square feet of gross leasing area.***
- 7) *The proposed change will not result in any significant environmental impact, and/or require additional mitigation **in that the proposed improvements do not create any inconsistencies or new impacts relative to the environmental review process associated with the original project's approval.***
- 8) *The proposed change would not result in any health, safety, or welfare impacts.*
- 9) *There were not any major issues or controversies associated with the original project which would be exacerbated with the proposed change.*
- 10) *The proposed change would not be readily discernable to the decision makers as being substantially different from the project as originally approved **in that the overall character of the center is unchanged from Site Development Plan, SDP 00-10.***

Therefore, the City Planner has determined that the application **qualifies** for a consistency determination with the approved permit and **approves** the changes to the project based on Planning Division Administrative Policy No. 35.

NOTICE

Please take **NOTICE** that approval of your project includes the “imposition” of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as “fees/exactions.”

You have 90 days from the date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a) and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

This decision may be appealed by you or any other member of the public to the Planning Commission within ten days of the date of this letter. Appeals must be submitted in writing to the Planning Division at 1635 Faraday Avenue in Carlsbad, along with a payment of \$900. The filing of such appeal within such time limit shall stay the effective date of the order of the City Planner until such time as a final decision on the appeal is reached.

If you have any questions regarding this matter, please feel free to contact your project planner, Edward Valenzuela at 442-339-2624.

CITY OF CARLSBAD



ERIC LARDY, AICP

City Planner

EL:EV:cf

c: Jim Geskey, 1819 Wazee Street, Denver, CO 80202
Jason Geldert, Project Engineer
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