

**PLANNING DEPARTMENT
Administrative Policy**

Policy No.	35
Date Issued	August 18, 1998
Effective Date	February 26, 2001
Revised Date	February 23, 2001
Supersedes No.	

General Subject: Discretionary Permit Consistency Determinations

Specific Subject: Guidelines

Copies to: Department Staff, File

POLICY:**I. Intent and Purpose**

An expectation and goal of the Carlsbad City Council, Planning Commission, City staff and general public is that all aspects of an approved development project (i.e. site design, landscaping, architecture, grading and conditions of approval) are completely implemented through project build-out. The overriding objective is to attain the highest quality project consistent with the design, conditions, and commitments associated with the original project approval. To this end, project applicants are required to provide detailed planning, engineering and building design information during the project review process. It is, however, recognized that there will be situations where aspects of an approved project will be proposed for revision.

When the project involves a Tentative Tract Map or Tentative Parcel Map, and the proposed revisions would change that map, then the applicant must follow the Substantial Conformance policy of the Engineering Department (Policy 30, dated September 5, 1990). In these cases, according to State Law, the City Engineer must determine if "the subdivision as shown is substantially the same as it appeared on the Tentative Map and approved alterations thereof."

Virtually all projects, however, involve a discretionary permit(s) issued by the authority of Title 21 - the Zoning Ordinance. In these cases, the Planning Director has the responsibility of determining if the revised project is substantially the same as approved. Therefore this policy was derived to outline the criteria and procedures for obtaining a Consistency Determination from the Planning Director.

More specifically, these Guidelines provide: (1) criteria for determining whether a requested project revision can be found to be consistent with the original project approval; and, (2) procedures for processing a Consistency Determination request. Since this process is different and separate from the Engineering Department's Substantial Conformance review, it is possible for a project to be conforming to the approved Tentative Map but not consistent to the other discretionary permits.

II. Consistency Determination Criteria

A project revision may be determined to be consistent with the approved project if all of the following findings can 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;

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- (2) The request represents an upgrade in overall design features and or materials and improves upon the project's compatibility with the surrounding neighborhood;
- (3) The proposed revision does not change the density (i.e. the addition of units) 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 (e.g. adding a commercial use to a residential project, replacing single family units with attached residential units, vice versa for each example, etc.);
- (5) The proposed revision does not rearrange the major land uses within the development (e.g. it does not exchange the locations of single family units with attached units);
- (6) The proposed revision does not create changes of greater than ten percent (10%), provided that compliance will be maintained with the applicable development standards of the Carlsbad Municipal Code as follows:

Per individual lot or structure - yards, setbacks, coverage or height (height reductions of >10% are permitted);
On an aggregate project basis - parking, open space, common area or landscaping;
- (7) The proposed change will not result in any significant environmental impact, and/or require additional mitigation;
- (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; and
- (10) The proposed change would not be readily discernible to the decision makers as being substantially different from the project as originally approved.

If the proposed revision does not comply with all of the above listed Consistency Determination findings, then a determination of consistency cannot be made. The proposed project revision should be processed as a formal project amendment.

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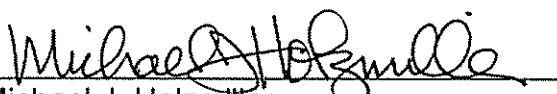
III. Consistency Determination Procedures

A request for a Consistency Determination shall be submitted to the Planning Department as a **"major"** Preliminary Review (CD) application **and the appropriate fees collected**. The application shall include 2 sets of amended exhibits, graphics, statements or other information as may be required to explain and justify the request.

Consistency Determination Preliminary Reviews will, where feasible, be assigned to the original project planner and engineer for review. The Consistency Determination request should also be reviewed by the project planner's "team". Within approximately 30 days of the Consistency Determination request submittal date, a letter will be sent to the applicant which will either: 1) include the Planning Director's decision on the Consistency Determination request; or 2) identify any additional information deemed necessary to make a Consistency Determination. Within approximately 30 days of the date of submittal of all requested additional information, notice of the Planning Director's decision on the Consistency Determination request shall be mailed to the applicant. The letter shall include a decision regarding whether the Consistency Determination request is granted or denied.

Upon approval of a Consistency Determination request by the Planning Director, the project applicant shall submit two (2) blueline copies (24" x 36") of all Consistency Determination exhibits to be stamped "Consistency Determination Exhibit" and filed in the appropriate project files. The applicant shall also provide the City with a reproducible 24" x 36" mylar copy of the amended Site Plan, which shall be stamped "Consistency Determination Exhibit" and signed by the Planning Director.

APPROVED BY:


Michael J. Holzmillier
Planning Director