

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
767-2370

RECORD PACKET COPY

**Tue 10f**

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49th Day: 1/14/02  
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Staff: SD-DS  
Staff Report: 2/8/02  
Hearing Date: 3/5/02

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-175

Applicant: Anthony DeLeonardi's

Agent: Robert Richardson

Description: Construction of two 4,660 sq. ft., 2-story duplexes on a 14,014 sq. ft. site located on Bristol Cove of the Agua Hedionda Lagoon.

Lot Area	14,014 sq. ft.
Building Coverage	9,320 sq. ft. (66%)
Pavement Coverage	1,995 sq. ft. (15%)
Landscape Coverage	2,699 sq. ft. (19%)
Parking Spaces	10
Zoning	Residential Waterway
Plan Designation	Residential High Density
Project Density	15-23 du/ac
Ht abv fin grade	30 feet

Site: Vacant lots, northeast side of Cove Drive, south of Hillside Drive, north shore of Agua Hedionda Lagoon, Carlsbad, San Diego County.  
APN 207-150-66 & 67.

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the permit with special conditions. The proposed development is located on a small private cove in close proximity to the Agua Hedionda Lagoon. The primary issue raised by the development relates to protection of water quality. Because the site drains directly into Bristol Cove, special conditions require that all runoff from the site be filtered prior to discharge into the cove. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the coastal Act.

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Substantive File Documents: Preliminary Geotechnical Evaluation, GeoSoils Inc.  
5/31/00; City of Carlsbad Tentative Parcel Map Ms 01-03; Special Use  
Permit No. 00-12; Planning Commission Resolution No. 5067; CDP #6-  
98-51.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal  
Development Permit No. 6-01-175 pursuant to the staff  
recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and written approval of the Executive Director, a final landscaping plan. Said plan shall be in substantial conformance with the draft landscape plan submitted 6/12/00 by Karnak

Architecture, including provision of at least a 3-ft vegetative strip between the project development and the Cove shoreline designed to filter runoff from the development, and shall include the following:

(a) A maintenance plan for the landscaped area that shall describe the herbicide, pesticide and fertilizer practices as well as list the chemical pesticides and fertilizers that will be employed on site. Said chemicals shall not be toxic to fish or wildlife or persistent in the environment. Herbicides and pesticides, if used at all, shall be applied by hand application or by other means that will prevent leakage, percolation, or aerial drift into adjacent lagoon;

(b) A plan showing the type, size, extent and location of all plant materials used;

(c) Drought-tolerant native or non-invasive plant materials shall be utilized;

(d) A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction;

(e) All required plantings shall be maintained in good growing conditions, and whenever necessary, shall be replaced with new drought-tolerant native or non-invasive plant materials to ensure continued compliance with landscape requirements; and

(f) Five years from the date of issuance of the coastal development permit, the applicant shall submit for review and written approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies that the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and written approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

The permittee shall undertake the development in accordance with the approved landscape plans. Any proposed changes to the approved landscape plans shall be reported to the Executive Director. No changes to the landscape plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Drainage and Polluted Runoff Control Plan. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for the review and approval of the Executive Director, final drainage and runoff control plans approved by the City of Carlsbad, including supporting calculations. The plan shall be prepared by a licensed engineer and shall incorporate structural and non-structural Best Management Practices (BMPs) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. In addition to the specifications above, the plan shall be in substantial conformance with the following requirements:

- (a) Selected BMPs (or suites of BMPs) shall be designed to treat, infiltrate or filter stormwater from each runoff event, up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume-based BMPs, and/or the 85th percentile, 1-hour runoff event, with an appropriate safety factor, for flow-based BMPs.
- (b) Runoff shall be conveyed off site in a non-erosive manner. Energy dissipating measures shall be installed at the terminus of all outflow drains.
- (c) Drainage from all roofs, parking areas, driveway area, and other impervious surfaces on the building pad shall be directed through vegetative or other media filter devices effective at removing and/or mitigating contaminants such as petroleum hydrocarbons, heavy metals, and other particulate.
- (d) Opportunities for directing runoff into pervious areas on-site for infiltration and/or percolation of rainfall through grassy swales or vegetative filter strips, shall be maximized where geotechnical concerns would not otherwise prohibit such use. If said infiltration is determined insufficient to protect wetland resources, the applicant shall install an appropriate runoff control device that allows water leaving the energy dissipater to be filtered prior to its discharge into the buffer and lagoon area.
- (e) The plan shall include provisions for maintaining the drainage system, including structural BMPs, in a functional condition throughout the life of the approved development. The plan shall include an identification of the party or entity(ies) responsible for maintaining the various drainage systems over its lifetime and shall include written acceptance by the responsible entity(ies). Such maintenance shall include the following: (1) BMPs shall be inspected, cleaned and repaired when necessary prior to and during each rainy season, including conducting an annual inspection no later than September 30<sup>th</sup> each year and (2) should any of the project's surface or subsurface drainage/filtration structures or other BMPs fail or result in increased erosion, the applicant/landowner or successor-in-interest shall be responsible for any necessary repairs to the drainage/filtration system or BMPs and restoration of the eroded area. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the applicant shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

The permittee shall undertake development in accordance with the approved drainage and runoff control plans. Any proposed changes to the approved drainage and runoff control plans shall be reported to the Executive Director. No changes to the approved plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

3. Revised Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicants shall submit to the Executive Director for review and written approval, final site, building and elevation plans for the permitted development that have been approved by the City of Carlsbad. Said plans shall be in substantial conformance with the plans submitted by Karnak Architecture, dated 6/12/00, except they shall be modified as follows:

- (a) All reference to floating boat docks shall be deleted.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

4. Origin of Imported Materials. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location from which the imported fill materials will be obtained. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/History. Proposed is the construction of two duplexes, totaling approximately 9,320 sq. ft, with covered garages, on a 14,014 sq. ft. site located on Bristol Cove of the Agua Hedionda Lagoon in the City of Carlsbad. The project also includes 30 cubic yards of cut and 230 cubic yards of fill in order to prepare the site for construction. Special Condition #4 is attached, and requires the applicant to identify the origin of imported fill material and, if the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

Bristol Cove is a private cove and marina facility located off the inner basin of Agua Hedionda Lagoon. The cove is owned by Bristol Cove Property Owner's Association, which comprise the residential condominium complexes along the shoreline of the cove channel. The proposed site is the last remaining undeveloped lot on Bristol Cove and is surrounded by multi-unit condominium complexes. The residential development history

of the site pre-dates the Coastal Act, with a subdivision map created in the 1960's. Since 1972, over three dozen permits have been issued for the construction of condominium complexes and duplexes along Bristol Cove, ranging in size from 2-unit structures to 100-unit complexes.

Aqua Hedionda Lagoon is a "man-made" water body that was originally dredged in 1954 to -11 ft. MSL, out of a historical 230 acre salt marsh slough to provide cooling water for the Encina Power Plant. Two settling basins were included in the design: one in the outer lagoon to trap sands carried in from the ocean, and one at the eastern end to trap incoming sediments from Hedionda Creek. Several Coastal Development Permits have been issued since 1980 for the dredging of Bristol Cove and other areas of the lagoon. On July 8, 1998 the Commission approved CDP #9-98-51 for the dredging of 20,000 cubic yards of silt from Bristol Cove, as well as the replacement of 1,200 cu. yds. rip-rap along the shoreline. The permit included conditions concerning eelgrass impacts and a Monitoring Program for eelgrass mitigation that required replanting of the species at a ratio of 1.2:1 sq. ft. impacted area.

The certified Agua Hedionda lagoon Land Use Plan (LUP) is one of six segments of the City of Carlsbad's LCP and Bristol Cove is within the area governed by this document. While most of the city's coastal zone has a fully certified LCP, with the city issuing coastal development permits, an implementation program for the Agua Hedionda lagoon segment has not been certified as yet.. Thus, permit responsibility remains with the Commission, and Chapter 3 of the Coastal Act is the standard of review with the certified Agua Hedionda Lagoon LUP used as guidance.

2. Public Access. Public access along and to the waters of Agua Hedionda Lagoon is very important because of the recreational nature of the lagoon. It is the only lagoon in San Diego County where water sports are permitted. Additionally, a public trail and bike route along the north shore of the lagoon is identified in the certified Agua Hedionda Lagoon LUP that from the terminus of Hoover Street, following the shoreline east to Cove Drive, heads inland along Cove Drive to Park Drive, then leads back to the shoreline from Marina Drive. The following Coastal Act sections are applicable to the proposed project with regards to public access:

#### Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30212

(a) Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects except where:

(1) it is inconsistent with public safety, military security needs, or the protection of fragile coastal resources, [or]

(2) adequate access exists nearby....

The project site is located between Agua Hedionda Lagoon and Cove Drive and contains roughly 170 feet of actual shoreline frontage. Bristol Cove is an approximately 800 ft. long, 50 ft. wide, channel that runs northwest from Agua Hedionda Lagoon's inner basin. The Cove's shoreline is entirely private and lined with approximately 15 feet of rip-rap along its length. All existing shoreline developments include small-craft floating boat docks that attach to the rip-rap and extend into the Cove. Vertical public access to the Agua Hedionda Lagoon shoreline is provided 2 lots to the south of the proposed site, at the terminus of Cove Drive. From there, public trail segments exist to the east in front of the Bristol Cove multi-family project and the two lots to the immediate west. The project site itself does not provide any views of the main channel, nor is there evidence that it is used by the public to access the shoreline.

The construction of a duplex structure along the lagoon raises issues of consistency with Coastal Act policies protecting public access to and along the shoreline (which includes the shoreline of coastal lagoons). The Aqua Hedionda Land Use Plan (LUP), however, does not identify public access along the shoreline of Bristol Cove and private development currently exists on all surrounding lots located on the Cove shoreline. Pedestrian trail access outlined in the LUP ends at the entrance of Bristol Cove on the western bank, continues inland along Cove Drive to Park Drive, and resumes again along the Lagoon on the opposite side of the cove mouth on the eastern shore. (See exhibit No. 4). Currently there is not public access to any part of the Bristol Cove shoreline, as it is fully developed (except for the proposal site) with existing residential development, and construction of the project proposal will not impact public access to the area. In the case of the proposed development, adequate public access to Agua Hedionda Lagoon is provided 2 lots to the south of the subject site. In addition, the proposed development does not propose any structures that would interfere with existing access, and the Commission finds the project consistent with the public access policies of both the Coastal Act and the Agua Hedionda Land Use Plan.

3. Environmentally Sensitive Habitat/Wetlands. The project site is located along the southwest shore of Bristol Cove of Agua Hedionda Lagoon. Coastal Act Sections 30233 and 30240 call for the preservation of sensitive habitat areas, including wetlands. Agua Hedionda in particular has been identified as one of 19 high priority coastal wetland acquisition areas, as referenced in Section 30233 of the Act.

Section 30233

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(1) New or expanded port, energy, and coastal-dependent industrial facilities, including commercial fishing facilities.

(2) Maintaining existing, or restoring previously dredged, depths in existing navigational channels, turning basins, vessel berthing and mooring areas, and boat launching ramps.

(3) In wetland areas only, entrance channels for new or expanded boating facilities....

(4) In open coastal waters, other than wetlands, including streams, estuaries, and lakes, new or expanded boating facilities and the placement of structural pilings for public recreational piers that provide public access and recreational opportunities.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities....

Section 30240

(a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.



(b) Development in areas adjacent to environmentally sensitive habitat areas and parks and recreation areas shall be sited and designed to prevent impacts which would significantly degrade those areas, and shall be compatible with the continuance of those habitat and recreation areas.

The .32 acre project site is a waterfront lot that has been previously graded and does not contain any native vegetation, wetlands, or upland habitat. While the lot extends to the waters edge, no wetland vegetation exists on site and no fill of wetlands is proposed. The shoreline of Bristol Cove is lined completely with rock rip-rap and no natural upland habitat is located on the site. Existing vegetation consists of several non-native palm species, with the majority of the site covered with crabgrass.

The Commission has typically in the past required a 100-foot buffer between new development and the water's edge of a coastal lagoon along Adams Drive. Historically, the Commission requires that buffer areas remain undeveloped to provide physical space between development and environmentally sensitive areas like Agua Hedionda Lagoon. The project site, however, is within an area where development pre-dates the Coastal Act; most the lots around Bristol Cove were developed in the 1960's. Thus, the current pattern for development along Bristol Cove establishes a 20-ft. setback. Bristol Cove's entire shoreline is covered with rip-rap and all parcels along the Cove, except for the project site, contain residential development built along the 20-ft setback line. In addition, while some eelgrass may exist in the cove, it is periodically dredged to provide safe passage for boats. As well, approximately fifty floating boat docks exist within the Cove itself. The project proposal includes a landscaped 22-ft setback between the proposed development and the Cove shoreline. This setback is consistent with neighboring structures and maintains the character of the surrounding area.

A vegetative area between the proposed structure and the Cove will provide both a visual and physical barrier between the Cove and the project development. In order to provide a sufficient landscape buffer between the proposed development and the Cove shoreline, Special Condition #1 requires that the applicant submit to the Executive Director a final landscape plan that requires the use of only drought-tolerant native or non-invasive plant species, requires a vegetative 3-ft. wide vegetated filter between the landscaping and shoreline, requires that landscaping be maintained in good growing condition, and requires, whenever necessary, that landscaping be replaced with new plant materials.

As originally proposed, the project included two small-craft floating boat docks that would attach to the property shoreline and extend approximately 21 feet into Bristol Cove. However, the applicant has withdrawn this part of the application and Special Condition #3 requires that the applicant submit to the Executive Director revised final plans that document the removal of all references to said boat docks.

In summary, the proposed residential development does not involve impacts to any sensitive upland habitat or any fill of wetlands, incorporates an average 22-foot buffer between the mean high tide line and on-site development, and as proposed, assures

coastal resources will be preserved. Therefore, as conditioned, the Commission finds the proposed project consistent with the cited Coastal Act policies.

4. Runoff/Water Quality. Sections 30230 and 30231 of the Coastal Act are applicable to the proposed development and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff...

The project site is immediately adjacent to Bristol Cove, a small offshoot of Agua Hedionda Lagoon, currently undeveloped, and surrounded by existing residential condominium and apartment complexes. The proposed 4-unit development and driveway will create new impervious surface. This reduction in pervious surface leads to an increase in the volume and velocity of stormwater runoff that can be expected to leave the site. Furthermore, pollutants commonly found in runoff associated with residential use include petroleum hydrocarbons including oil and grease from vehicles; heavy metals; synthetic organic chemicals including paint and household cleaners; soap and dirt from washing vehicles; dirt and vegetation from yard maintenance; litter; fertilizers, herbicides and pesticides; and bacteria and pathogens from animal waste.

The proposed development includes some offsite drainage improvements to ensure that most runoff is collected and dissipated prior to it entering the Cove. An existing 12-inch public storm drain and outlet structure exists along the western property line that collects runoff from surrounding offsite areas. A smaller private drainage system, that includes a filtered outlet structure, is proposed near the eastern property line to collect runoff from the site itself, as well as from a 3-foot wide concrete walkway bordering the site. However, because the project did not include a detailed drainage and runoff control plan, Special Condition #2 requires that the applicant submit to the Executive Director a detailed drainage plan designed to treat, infiltrate or filter stormwater from each runoff event, up to and including an 85<sup>th</sup> percentile, 24-hour runoff event.

Furthermore, in order find the proposed development consistent with the water and marine resource policies of the Coastal Act, the Commission finds it necessary to require the incorporation of Best Management Practices (BMP's) designed to control the volume, velocity and pollutant load of stormwater leaving the developed site. The application of appropriate design standards for sizing BMPs is critical to the successful function of post-construction structural BMPs in removing pollutants in stormwater to the Maximum Extent Practicable (MEP). The majority of runoff is generated from small storms because most storms are small. Additionally, storm water typically conveys a disproportionate amount of pollutants in the initial period that runoff is generated during a storm event. Designing BMPs for the small, more frequent storms, rather than for the large infrequent storms, results in improved BMP performance at lower cost.

The Commission finds that sizing post-construction structural BMPs to accommodate (infiltrate, filter or treat) the runoff from the 85<sup>th</sup> percentile storm runoff event, in this case, is equivalent to sizing BMPs based on the point of diminishing returns (i.e., the BMP capacity beyond which, insignificant increases in pollutants removal (and hence water quality protection) will occur, relative to the additional costs. Therefore, the Commission requires the selected post-construction structural BMPs be sized based on design criteria specified in Special Condition #2, and finds this will ensure the proposed development will be designed to avoid adverse impacts to coastal resources, in a manner consistent with the water and marine policies of the Coastal Act.

To ensure that water quality will be treated prior to discharge into sensitive areas like lagoons, the Commission typically requires that runoff be filtered through vegetation or filters. In this case the applicant has included a cursory landscaping plan that indicates a 3-ft. vegetative filter between the landscaping and the rip-rap bordering Bristol Cove. The Commission can accept the applicant's approach provided the vegetative buffer will be sized to handle runoff from the 85<sup>th</sup> percentile storm event. If this proves unfeasible, the Commission is requiring that the drainage be put through an appropriate runoff control device that allows water leaving the energy dissipater to be filtered prior to its discharge into the buffer and lagoon area. Special Condition #2 would allow this measure as a post construction best management practice.

In summary, as conditioned to require a drainage and runoff control plan which includes BMPs designed to treat, infiltrate, or filter stormwater from each runoff event, the proposed development will reduce any impacts to water quality from the project to insignificant levels. Therefore, the Commission finds the proposed project consistent with Section 30231 of the Coastal Act.

5. Visual Resources. Because Agua Hedionda Lagoon and the viewshed surrounding the lagoon is both an environmentally sensitive area and major recreational resource, it was the subject of a detailed Land Use Plan prepared by the City and certified by the Coastal Commission. In response to Section 30251 of the Coastal Act, one of the issues addressed in the Land Use Plan was the preservation of views from Adams Street. This street is a designated scenic corridor that runs along the north shore of the lagoon, and briefly runs above Cove Drive. Policy 8.3 of the LUP requires that development of

the lots which lie between Adams Street and Agua Hedionda Lagoon be designed so as to preserve the public views from Adams Street.

#### Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

In the case of the proposed development, the roofline of the proposed residence is proposed at elevation 30-ft. MSL, which does not exceed the elevation of Adams Street, running well above the project site. Thus, the project conforms to the LUP requirement and will not threaten any existing viewsheds from Adams Street. The existing community along Bristol Cove is made up of multi-unit apartment and condominium complexes that create a solid wall of development along the shoreline such that no views to Bristol Cove exist along Cove Drive, except for the project site. The proposed development will place a large residential structure between the road and shoreline of the Cove, and will complete the line of development consistent with all other development along Bristol Cove. In summary, the residential development as proposed provides for the required view preservation from the adjacent scenic roadway, and the Commission finds that the proposed development is consistent with Section 30251 of the Coastal Act and the applicable policies of the Agua Hedionda Land Use Plan regarding scenic preservation.

6. Local Coastal Planning. Section 30604 (a) requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, as conditioned, such a finding can be made.

The Agua Hedionda Land Use Plan (LUP) has been certified by the Commission but no implementing ordinances have been submitted by the City for this plan segment. Thus, the standard of review for this application is Chapter 3 policies of the Coastal Act. The Agua Hedionda Land Use Plan (LUP) designates the site for residential development. The project is consistent with that designation. As conditioned, the project is consistent with the policies of the Agua Hedionda Land Use Plan regarding scenic resources, habitat preservation and the provision of public access and also consistent with the corresponding Chapter 3 policies of the Coastal Act. Therefore approval of the project should not prejudice the ability of the City of Carlsbad to prepare a fully certifiable Local Coastal Program for its Agua Hedionda Lagoon segment.

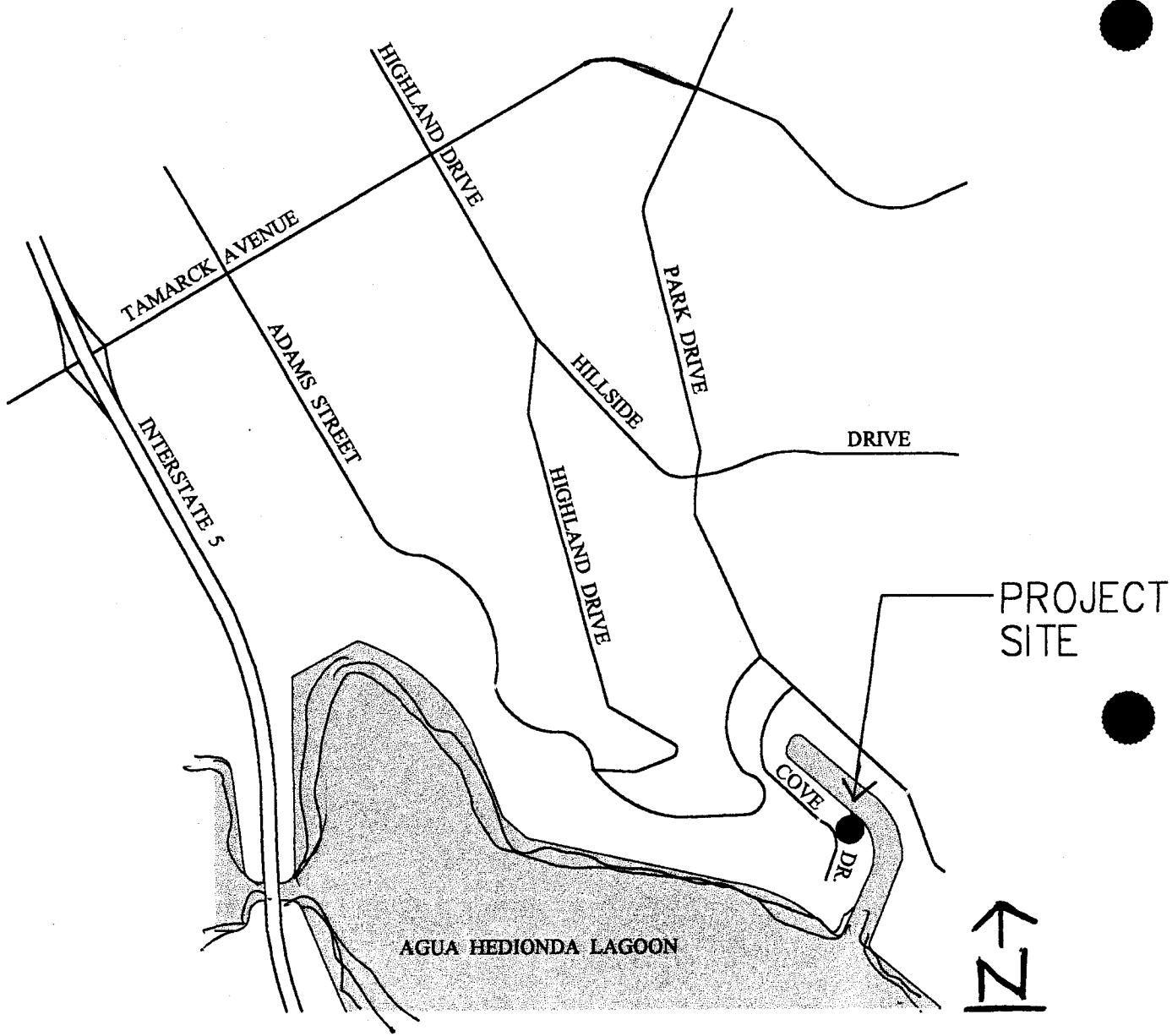
7. California Environmental Quality Act (CEQA) Consistency. Section 13096 of the Commission's administrative regulations requires Commission approval of a Coastal Development Permit to be supported by a finding showing the permit, as conditioned, is consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be consistent with the resource, visual and public access protection policies of the Coastal Act. The required mitigation measures regarding landscaping and water quality will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally-damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

6-01-175



# VICINITY MAP

EXHIBIT NO.
APPLICATION NO.
<b>6-01-175</b>
Location Map

California Coastal Commission

45

4 IT: 35 F.T.

SQU. FT		
1	7104	0.16
2	<u>5562</u>	<u>0.12</u>
TOTAL	13666	0.32 ACRES
1		
2		
ADDED INTO		
S LOT		
TOTAL	13666	0.32 ACRES

IRFD  
2PER UNIT  
GUEST .5 PER UNIT  
USED

## SPACES

REGULAR SPACES  
GARAGES (ENCLOSED)

UNITS	TOTAL	10	5	5
1 <sup>ST</sup> FLOOR	2 <sup>ND</sup> FLOOR	TOTAL	GARAGE	
786 SQ.FT.	1435 SQ.FT.	2220 SQ.FT.	504 SQ.F	
665 SQ.FT.	1295 SQ.FT.	2010 SQ.FT.	408 SQ.F	
	GRAND TOTAL	4230 SQ.FT.	912 SQ.F	
1 <sup>ST</sup> FLOOR	2 <sup>ND</sup> FLOOR	TOTAL	GARAGE	
710 SQ.FT.	1310 SQ.FT.	2020 SQ.FT.	464 SQ.F	
1100 SQ.FT.	1970 SQ.FT.	3070 SQ.FT.	504 SQ.F	
	GRAND TOTAL	5090 SQ.FT.	968 SQ.F	

ALLOWABLE DENSITY: 19 du/ac. ~~Proposed~~ 125 du/ac

1A	253	20 FT.
1B	476	20 FT.
2A	346	60 FT.
2B	312	

TOTAL 14.07 SAFF 10% LOT. COVERAGE

EXISTING SIDEWALK

EXISTING BOLTED CLIPS

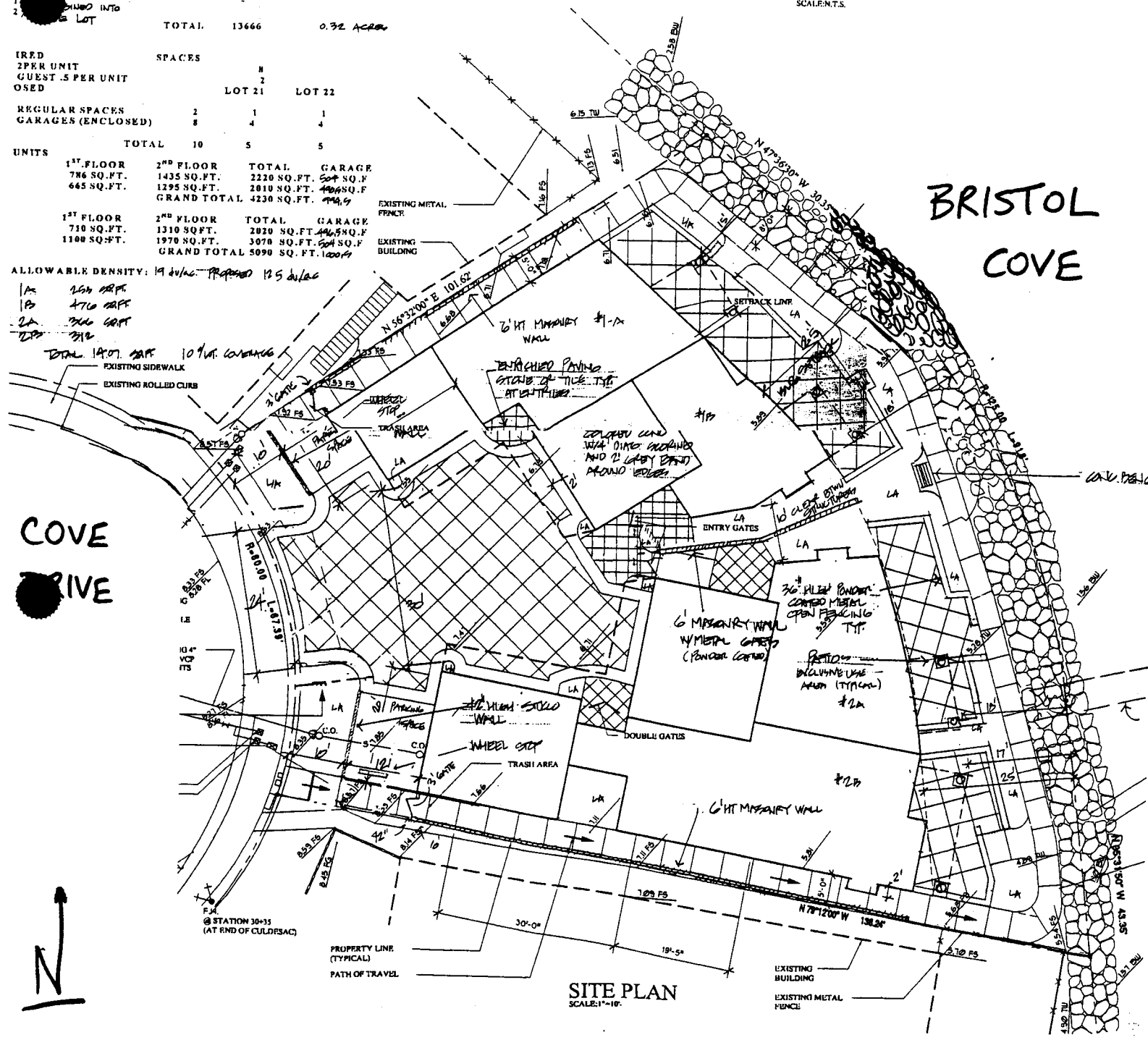
COVE  
RIVE

# SITE PLAN

SECTIC  
SCALE: N.T.S.

BRISTOL  
COVE

EXHIBIT NO. 2  
APPLICATION NO.  
**6-01-175**  
Site Plan



**ANTHONY V. DeLEONARDIS**

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To: Mr. David Stahl, Planner  
California Coastal Commission  
San Diego, Ca

Re: Boat Docks in Application 6-01-175

**RECEIVED**

JAN 17 2002

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT

Dear Mr. Stahl:

Per your suggestion to me by telephone today, I am removing from my application any reference to approval for two small boat docks to be built on my property along Bristol Cove in Carlsbad, CA.

My application as it now stands is to build two duplexes on Lots 21 and 22 along the Cove, each duplex to have a small boat dock.

As you've pointed out, all the other properties along Bristol Cove, some fifty in all, already have boat docks. It is one of the great charms and attractions of living along this Cove that the property owners can anchor their small boats there.

I would like to come before the Commission later, perhaps in an amendment to my current application, to allow the construction of these docks. This would allow Commission staff more time to look into the matter and resolve any concerns they might have.

As envisioned, the docks would be four or five feet wide and 21 feet long over the water surface. The docks would be anchored to the shore above the water line, and the docks themselves would float atop the water. There would be NO construction done within the water itself.

In the opinion of the applicant, the construction of these small docks would have minimal impact on the eel grass and habitat along the Cove, given the fact that there already exists boat docks on every other single development along the Cove.

Thanks for your consideration,

*Anthony DeLeonardis*  
Anthony DeLeonardis

EXHIBIT NO.
APPLICATION NO.
6-01-175
Letter

Page 1 of 1



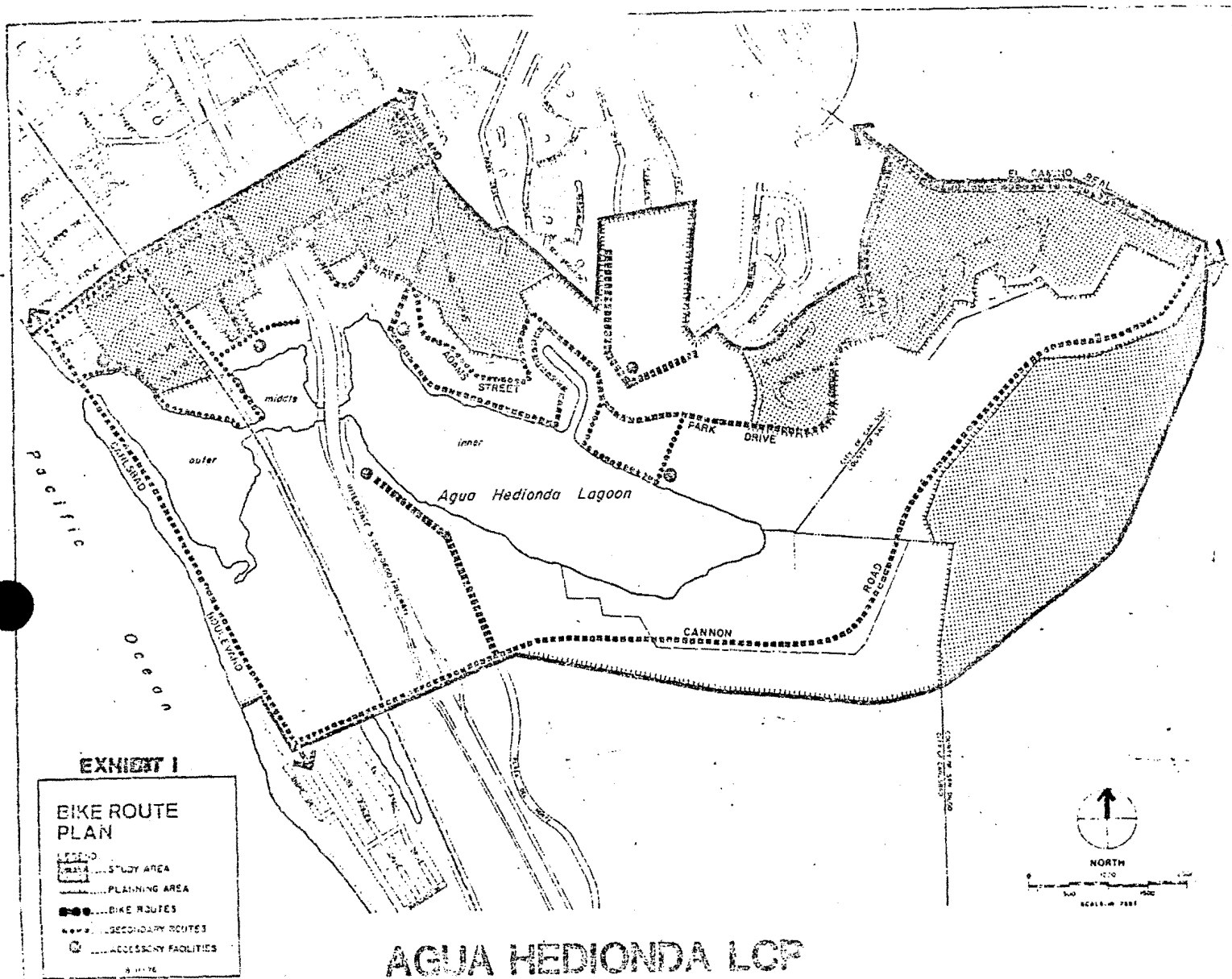


EXHIBIT NO. 4  
APPLICATION NO.  
**6-01-175**  
LUP MAP

