

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

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Permit Application No. 6-98-110/bp

Date 10/13/98

ADMINISTRATIVE PERMIT

APPLICANT: Craig Sherman

PROJECT DESCRIPTION: Construction of a single-story, 20-foot high, 3,688 sq.ft. single family residence and 1,064 sq.ft. detached garage on a vacant 1.8 acre lot.

PROJECT LOCATION: 4435 Sunnyhill Drive, Carlsbad, San Diego County, APN 207-100-55

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME:  
November 5, 1998  
8:00 a.m.LOCATION:  
Radisson Hotel - Agoura Hills  
30100 Agoura Road  
Agoura Hills, CA 91301IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS  
Executive DirectorBy: *Leah Grubbs*  
*for*  
*Bill Ponder*

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

The applicant proposes the construction of a single-story, 20-foot high, 3,688 sq.ft. single family residence and 1,064 sq.ft. detached garage on a 1.8 acre lot. The project site is located north of and inland of Agua Hedionda Lagoon on the west side of Sunnyhill Drive, in the City of Carlsbad. A building pad has been constructed on the upper portion of the site. The remainder of the site contains steep slopes covered with

native vegetation (coastal sage scrub habitat). Although the City of Carlsbad has a certified LCP, the Agua Hedionda Lagoon plan area, where the subject site is located, is a deferred certification area where coastal development permit authority has not been transferred to the City. As such, the standard of review is Chapter 3 policies of the Coastal Act.

The subject site was created in 1987 (ref. CDP #6-87-198) when the Coastal Commission approved the subdivision of a 6.2 acre parcel into four lots and grading and site preparation. The approval also included construction of a two-story, 4,900 sq.ft. single family residence on the subject parcel. Construction of the residence was approved with 6,300 cubic yards of cut and 4,700 cubic yards of fill to create a bi-level pad and to provide access from an adjacent lot under the applicant's ownership. At that time, pursuant to Section 30240 of the Coastal Act and the policies of the certified Agua Hedionda Land Use Plan, the Commission addressed the preservation of the steep sloping hillsides on the property. The Commission required that an open space deed restriction be placed over the site's steep naturally-vegetated hillside. Future development of the property was to be limited to those portions of the lot outside of the open space restricted area. The approved bi-level building pad was constructed, but the residence was never constructed. The pad was landscaped with ground cover on the fill slopes, turf on the flat pad, and fruit trees at the base of the southwest facing slopes. However, it was later determined that the pad was constructed inconsistent with the City's Hillside Development Permit (HDP) and also encroached into the recorded open space area required in the Commission's earlier approval.

The Commission addressed this issue in its approval of CDP #6-87-198A in April of 1992. This action required the applicant to regrade those portions of the slope that have potential for failure within the open space by returning the slope to the same contours that existed prior to the grading. Additionally, the Commission required the graded area to be revegetated. This work was subsequently completed and verified by Commission staff. With the return of the open space portion of the site to its natural condition, this issue was resolved.

In the subject request, the applicant is not proposing any additional grading and is proposing a site plan that can be found consistent with the Chapter 3 policies of the Coastal Act and the Agua Hedionda LUP. The proposed project is located in an established residential neighborhood consisting of single-family residences similar to the proposed development. The proposed development is landscaped with shrubs and groundcover and will not block any public views. The low profile of the residence will be below upslope residences to further reduce any adverse visual impacts from Agua Hedionda Lagoon. No encroachment into the recorded open space area is proposed. However, to ensure that any proposed future improvements on the site are reviewed, Special Condition #1 is proposed. The condition puts the applicant on notice that any other development proposals for the site must be reviewed by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit. Only as conditioned is the proposed project consistent with the visual

resource protection policies of the certified Agua Hedionda Lagoon LUP and Chapter 3 policies of the Coastal Act.

SPECIAL CONDITIONS:

1. Future Development. This permit is for construction of a single-family residence and detached garage and patio. All other development proposals for the site shall require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this permit.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

\_\_\_\_\_  
Applicant's Signature

\_\_\_\_\_  
Date of Signing

(8110R)