

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

RECORD PACKET COPY



Thu 15b

Filed: January 5, 2004
49th Day: February 23, 2004
180th Day: June 7, 2004
Staff: BP-SD
Staff Report: January 29, 2004
Hearing Date: February 18-20, 2004

STAFF REPORT AND RECOMMENDATION ON APPEAL
SUSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Carlsbad

DECISION: Approved with Conditions

APPELLANTS: Barbara Ryan

APPEAL NO.: A-6-CII-04-01

APPLICANT: Sea Biscuit Inc.

PROJECT DESCRIPTION: Demolish an existing one-story residence and construction of an attached two-story, 30 foot high, two family dwelling on a 0.22-acre site; Unit "A" is 3,715 square feet and Unit "B" is 3,837 square feet.

PROJECT LOCATION: 4132 Garfield Street, Mello II, Carlsbad (San Diego County)

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. The development as approved by the City, is consistent with applicable LCP land use policy and development standards of the certified LCP Implementation Plan, is in character with the surrounding community and will not result in any adverse impacts on public views. In addition, the project incorporates increased lagoonward setbacks to help minimize its bulk from the public viewshed. Thus, staff recommends that the Commission find no substantial issue exists with the City's permit decision.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Carlsbad Mello II Local Coastal Program; City of Carlsbad Resolution Nos. PC 5482 and CC 2003-322 and 323; Appeal Application dated January 5, 2004

I. Appellants Contend That:

The City's decision on the project is inconsistent with several provisions of the City's LCP. Specifically, the appellants contend that the project, as approved by the City, is too tall, massive, dense, will block an important view of the Aqua Hedionda lagoon looking east from Garfield Street, is inconsistent with the character of the neighborhood and inadequate public notice was given.

II. Local Government Action:

On November 5, 2003, the Planning Commission approved (4-3), with conditions, CDP 03-20 and SDP 03-06 giving the developer approval to develop a two-family dwelling on the subject property. On November 16, 2003, Barbara Ryan filed an appeal of the Planning Commission's decision to the City Council. On December 9, the City Council denied the appeal upholding the Planning Commission's approval.

III. Appeal Procedures/Substantial Issue Analysis:

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within mapped appealable areas.

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project. If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, certain proponents and opponents (as indicated below) will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is

raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Section 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. title 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City of Carlsbad does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

IV. Staff Recommendation On Substantial Issue.

MOTION: *I move that the Commission determine that Appeal No. A-6-CII-04-01 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF NO SUBSTANTIAL ISSUE:

Staff recommends a YES vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. A-6-CII-04-01 does not present a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

1. Project Description. The proposed development involves the demolition of an existing single-family dwelling and construction of an attached two-story 30 foot high, two family dwelling. The property is a 0.22 acre lot located on the east side of Garfield Street two lots south of Olive Avenue. A 778 square foot single-story single-family home currently exists on the lot and is proposed for demolition. Vehicular access is proposed near the southern end of Garfield Street, with one driveway serving both units. The northerly dwelling unit, Unit "A", is 3,715 square feet and the southerly dwelling unit, Unit "B", is 3,837 square feet. A two-car garage is proposed for each unit, with one uncovered guest parking space provided on-site. Each unit is articulated with balconies, roof decks, decorative stone veneer walls, copper chimney shrouds, numerous windows, and decorative roof tile to create an aesthetically pleasing façade, which will protect and enhance the unique residential mix and aesthetic quality of the beach area and surrounding neighborhood.

The property is surrounded by two detached single story homes to the north, a two story single-family dwelling to the east, the Hubbs Sea World Fish Hatchery and Agua Hedionda Lagoon to the south, and Garfield Street to the west. The project site is located in the certified Mello II Segment of Carlsbad.

The LCP Land Use Plan designates the subject site for Residential Medium High (RMH, 8-15 units per acre) density development. The site is zoned R-2 which allows density that is consistent with the land use designation. Based on a maximum density of 15

du/ac, the lot can accommodate three dwelling units. The project's density is 9.1 dwelling units per acre.

2. LCP Consistency. The appellants contend that the City's approval is inconsistent with the City's certified LCP. The following Land Use Plan policy is applicable and states:

Mello II Policy 8-1

The Scenic Preservation Overlay Zone should be applied where necessary throughout the Carlsbad coastal zone to assure the maintenance of existing views and panoramas. Sites considered for development should undergo individual review to determine if the proposed development will obstruct views or otherwise damage the visual beauty of the area. In addition to the above, height limitations and see-through construction techniques should be employed. The Planning Commission should enforce appropriate height limitations and see-through construction, as well as minimize any alterations to topography.

The below provisions are R-2 development standards from the certified Carlsbad Implementation Plan:

No building in the R-2 zone shall exceed a height of thirty feet and two stories if a minimum roof pitch of three to twelve (3:12) is provided or twenty-four feet and two stories if less than a 3:12 roof pitch is provided for lots under twenty thousand square feet. Buildings on lots with a lot area of twenty thousand square feet or greater shall not exceed thirty-five feet and three stories with a minimum roof pitch of 3:12 provided.

The minimum required area of a lot in the R-2 zone shall be not less than seven thousand five hundred square feet, unless otherwise shown on the zoning map.

The minimum lot area per dwelling unit in the R-2 zone shall be not less than twenty-five hundred square feet; provided, that for lots having six thousand square feet of area or more, the minimum lot area per dwelling unit shall be not less than three thousand square feet.

All buildings, including accessory buildings and structures, shall not cover more than fifty percent of the area of a lot.

The following standard is taken from Section 21.45.070 of the municipal code (Small-lot, single-family and two-family dwelling development standards) regarding Minimum SideYard Setbacks.

Zero lot line homes may reduce one sideyard setback to 0 feet provided that the other sideyard setback is equal to 20% or 25% of the lot width as required herein.

In addition, the subject site lies within the Beach Area Overlay Zone (BAOZ). The intent and purpose of the BAOZ is to supplement the underlying residential zone by providing additional regulations for development within the beach area to: 1) ensure development will be compatible with existing and proposed developments; 2) provide adequate parking for residential projects; 3) ensure that public facilities exist to serve the beach area; and, 4) protect the unique mix of residential development and aesthetic quality of the area. The maximum allowed building height in the BAOZ is 30 feet, as measured from the peak of the roof from the proposed grade for roofs with a minimum pitch of 3:12, with a maximum allowed building height of 24 feet for roof decks. The project proposes a 30-foot maximum height, a minimum roof pitch of 3:12, and roof decks not exceeding 24 feet in height.

The following table evaluates the project against the R-2 and BAOZ LCP standards.

R-2 and BAOZ Compliance

Standard	Required	Proposed	Comply?
Density	8-15 du/ac	9.1 du/ac	Yes
Setbacks	Front entry	20 feet	Yes
	garage – 20 feet	12 feet	Yes
	Residence	9 feet	Yes
	front-12 feet	18 feet	Yes
Sides – 9 feet			
Rear – 18 feet			
Resident Parking	Four Spaces	Two two-car garages	Yes
Guest Spaces	One Space	One open space	Yes
Building Height	30 feet*	30 feet	Yes
Lot Coverage	50%	47.63% (unit A) / 46.64% (unit B)	Yes

* 30' maximum height permitted by the BAOZ

The following is a point-by-point response to the appellant's objections:

A. The Project is too high a density. A two family project will have double the impact in an area where parking and congestion are already issues. It will contribute to problems of emergency access and egress in the neighborhood.

The project conforms to the LCP land use designation of RMH and R-2 zoning. Adequate parking is provided in the proposed two-car garages and one on-site

parking space is proposed to comply with the guest-parking requirement of the BAOZ. No LCP provisions require the City to evaluate the impacts of development on property values.

B. The proposed structure is not in keeping with the character of the neighborhood, which is all single-family homes (new and old).

As noted, the project is consistent with the LCP Land Use and Zoning designations which the adjacent properties share. The property directly to the north of this project is a two-family development like the proposed development. The surrounding neighborhood is a mix of single and two story single-and multi family homes. There are existing condominium buildings to the north and east of the subject site and several two-story single-family homes.

C. It will be too massive, more than twice as big as any other structure.

The project complies with the required development standards of the R-2 zone. Similar size structures exist in the immediate neighborhood, including a two story single family home on the easterly abutting property. The proposed two-story, two-family dwelling project would be compatible with the existing and proposed developments in the area.

D. It is too tall, having not just the peak of the roof at 30' but a flat roof at 30'. This flat roof covers a "mezzanine" which is the 3rd story of the building- an open room not even considered livable floor area. It serves only to profit the developer at great expense to the public and neighbors.

The roof above the mezzanine has a roof pitch of 3.5:12. The certified zoning ordinance requires a minimum roof pitch of 3:12 for roof structures over 24' in height. The maximum height of the proposed building is 30 feet which is consistent with the R-2 Zoning. The zoning ordinance does not consider a mezzanine as a "story". The LCP definition of "story" is that portion of a building included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. Underground parking, a basement or a cellar shall not be considered a story. Lofts or *mezzanines* (emphasis added) shall not be considered a story provided that they do not exceed fifty percent of the floor area of the story they are located within. The mezzanines of both structures are less than 33% of their respective second stories; thus, the project is consistent with the LCP requirement that the mezzanine not exceed 50% of the floor area of the story they are located within (in this case the second story).

E. It will block an important view of the Aqua Hedionda lagoon looking east from Garfield Street.

No such view will be blocked. Staff determined that no public views of the lagoon to the east would be blocked by the proposed project. The project does not

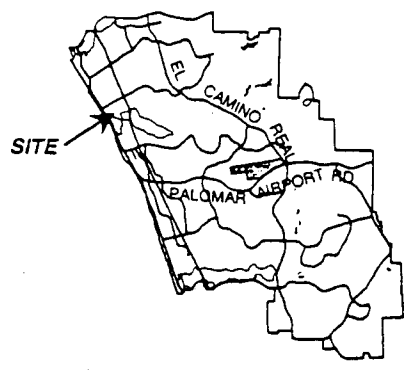
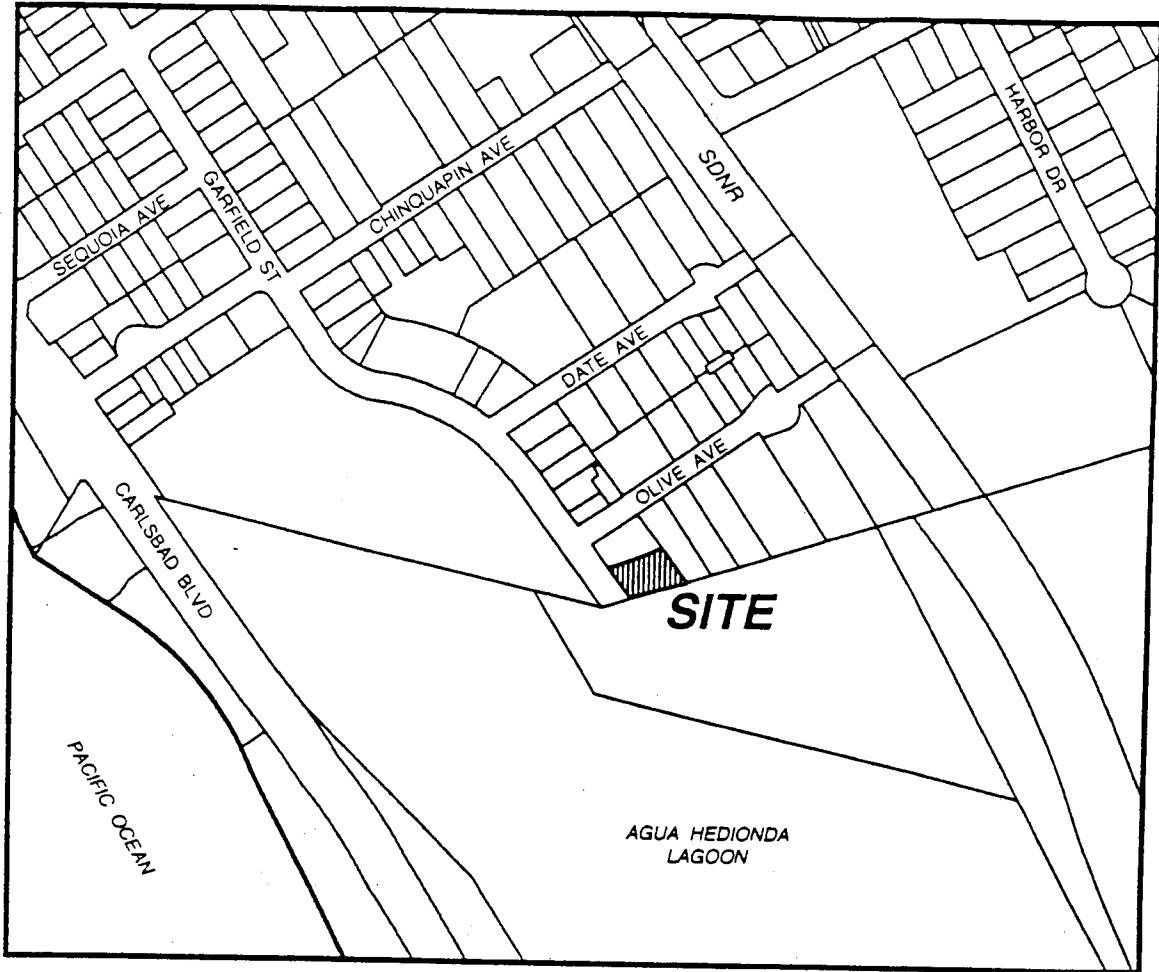
obstruct views of the coastline as seen from public lands or public right-of-way or otherwise damage the visual beauty of the coastal zone (exhibit 2), consistent with Mello II Policy 8-1 above.

F. There has not been adequate public notice. The project will be in an area that is widely enjoyed by the public-at-large, yet no sign has been posted advising of the proposed development.

A review of the City's file indicates the project was properly noticed as required by the zoning ordinance. The project was reviewed and approved by the Planning Commission and the City Council on appeal.

3. Conclusion. In summary, the development as approved by the City, is consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. The project, as approved by the City, is in character with the surrounding community, will not result in any adverse impacts on public views. In addition, the project incorporates increased lagoonward setbacks to help minimize its bulk from the public viewshed. Therefore, the Commission finds there is no substantial issue with regard to the project's consistency with the certified LCP or the Coastal Act.

4. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is typical in size and scale of other projects in the vicinity and is not of unusual extent or scope. The objections to the project do not raise any substantial issues of regional or statewide significance.

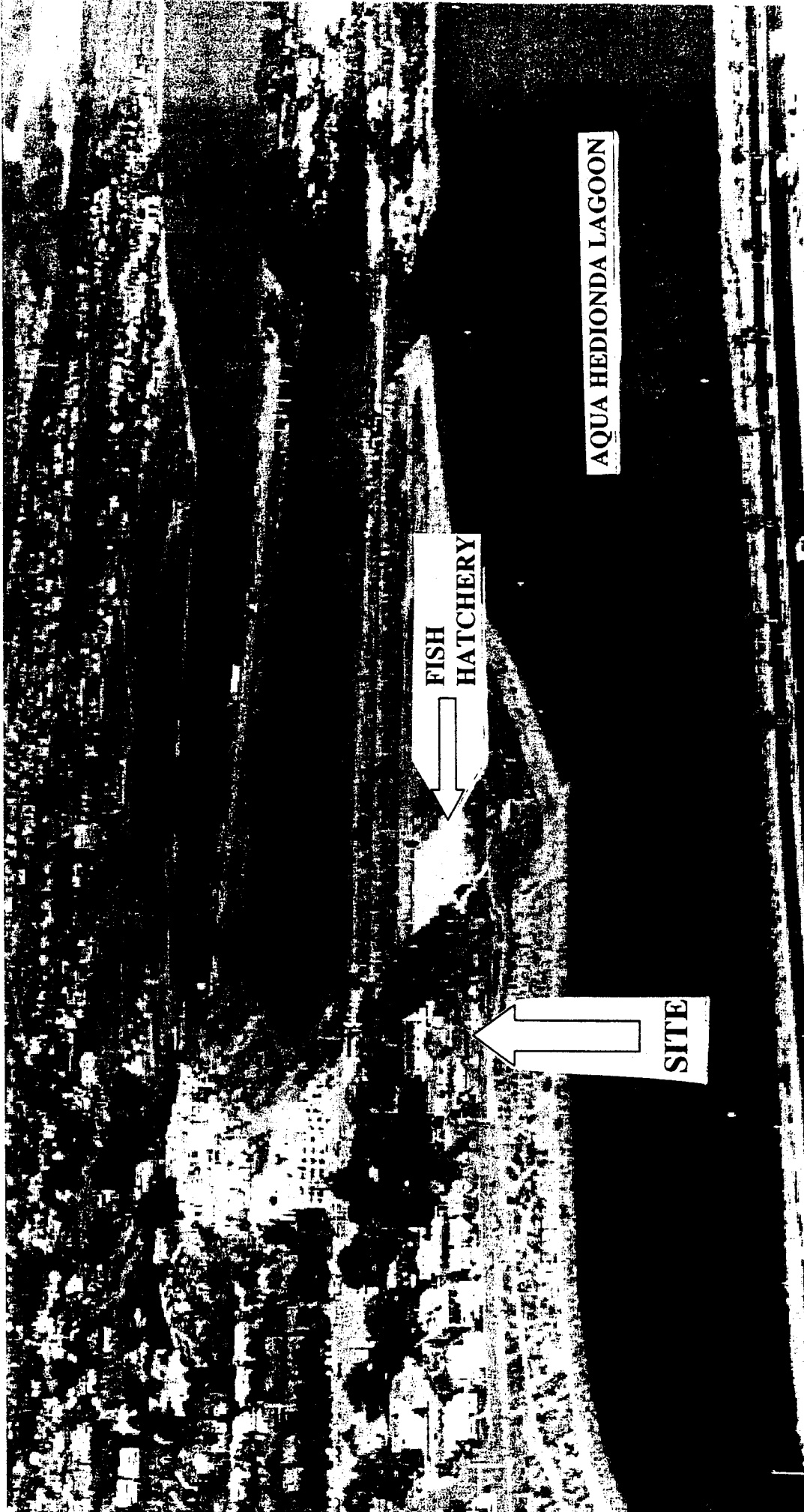


GARFIELD POINT

SDP 03-06/CDP 03-20

EXHIBIT NO. 1
APPLICATION NO.
A-6-CII-04-001
Location Map

PICTURE FROM
CALIFORNIA COAST LINE



AQUA HEDIONDA LAGOON

FISH
HATCHERY

SITE

EXHIBIT NO. 2a-k
APPLICATION NO.
A-6-CII-04-001
Project Areas

2 STORY
CONDOS &
TOWNHOMES

1 STORY
HOMES

2 STORY
CONDOS

GARFIELD ST.

2 STORY
DUPLEX

3 STORY CONDOS

1 & 2 STORY
HOMES

DATE AVE.

1 STRY
HOME

2 STORY
HOMES

2 STORY
VACATION
RENTAL

1 STORY
HOME

OLIVE AVE.

1 STORY
2 HOMES

SITE



View looking north from Pacific Coast Hwy

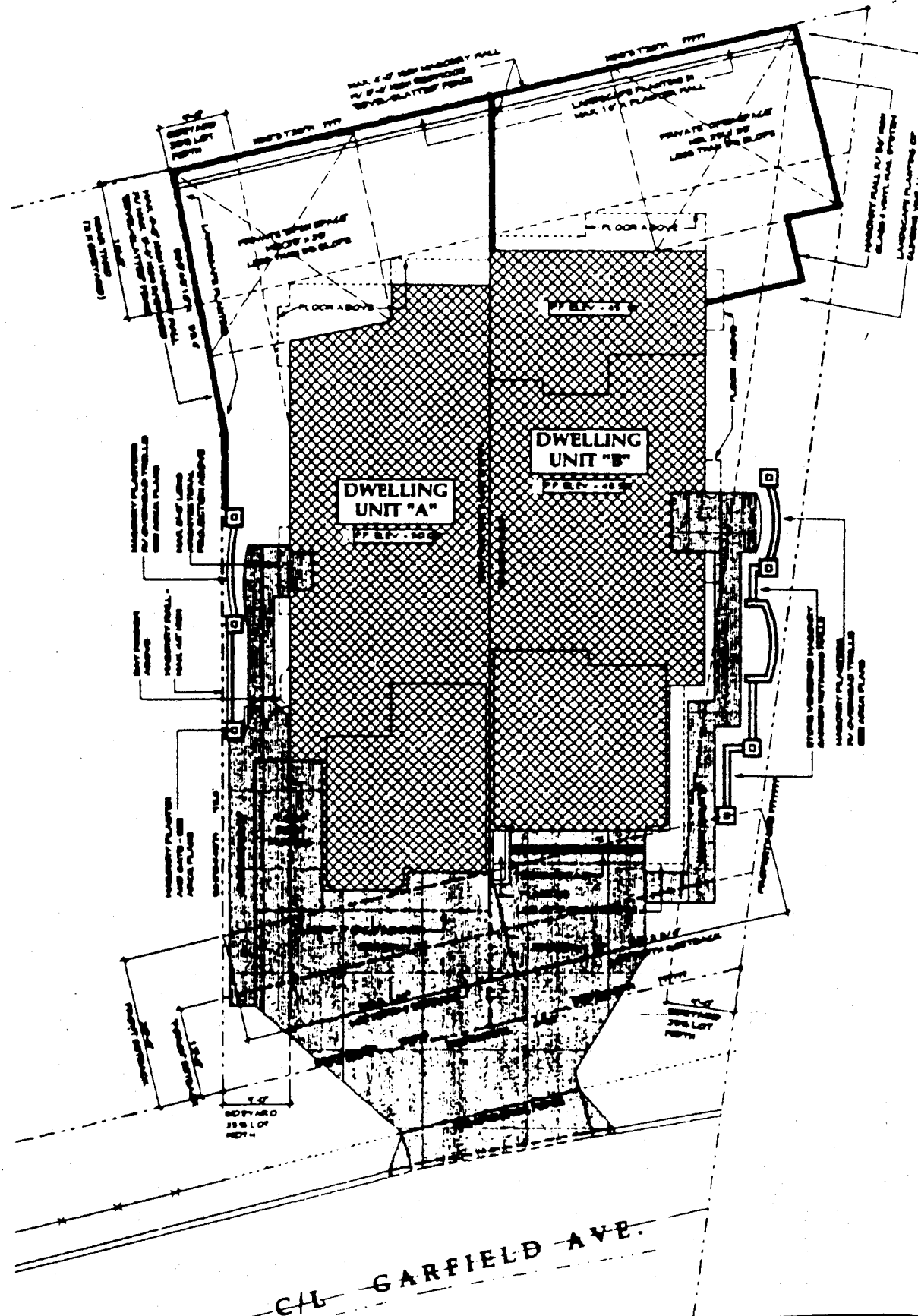
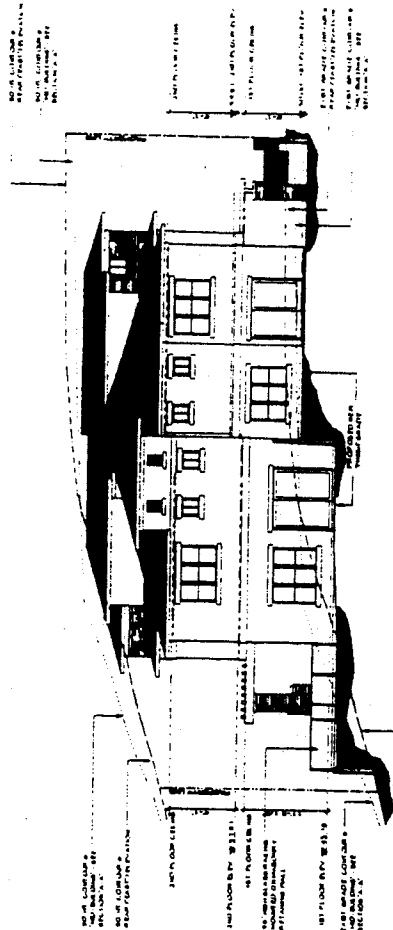
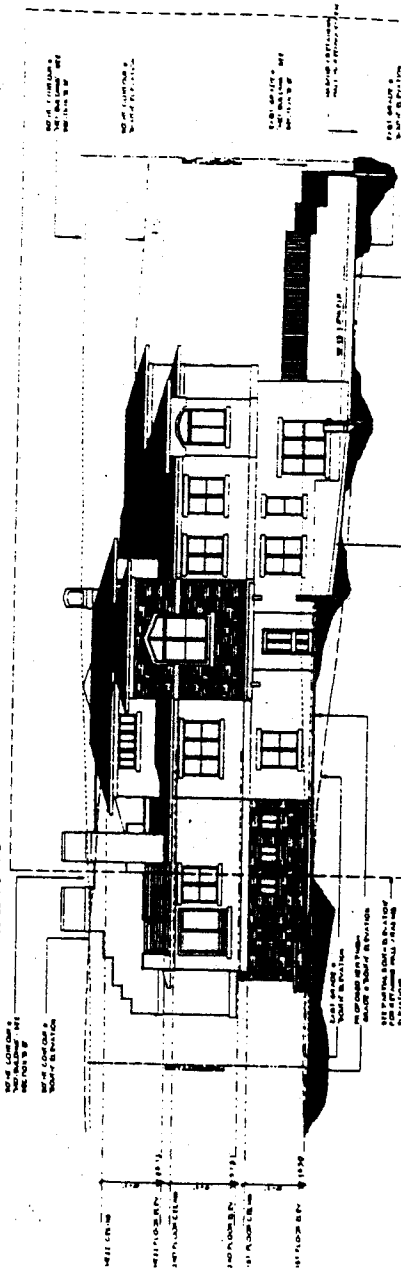


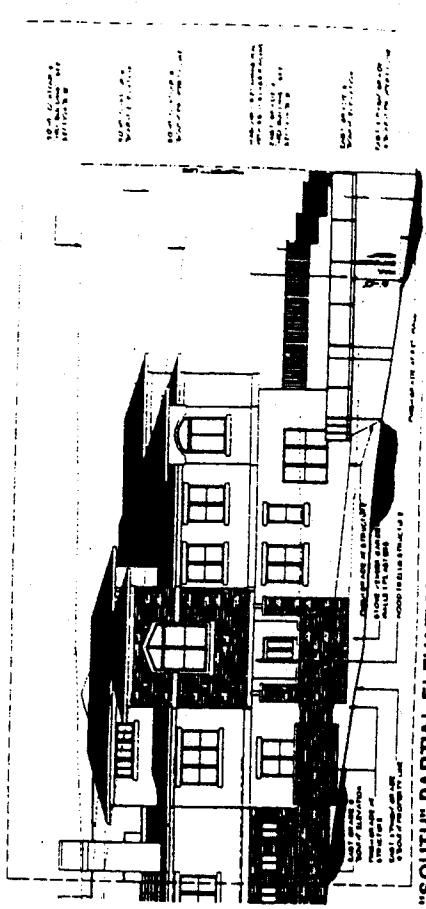
EXHIBIT NO. 3
 APPLICATION NO.
A-6-CII-04-001
 Site Plan



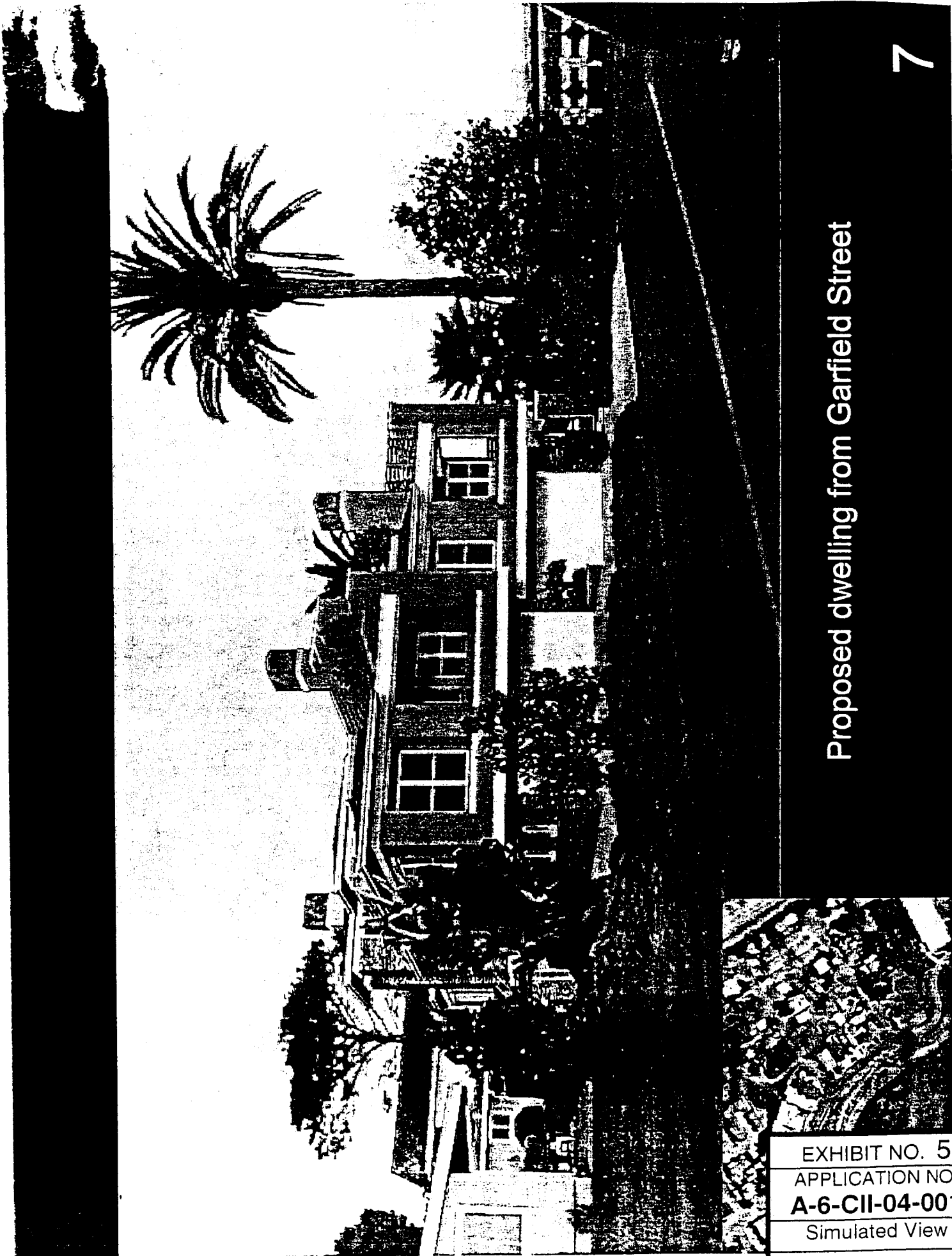
"REAR" ("EAST") ELEVATION
 SCALE 1/8" = 1'-0"



"SOUTH" ELEVATION
 SCALE 1/8" = 1'-0"



"SOUTH" PARTIAL ELEVATION
 SCALE 1/8" = 1'-0"



Proposed dwelling from Garfield Street

EXHIBIT NO. 5
APPLICATION NO.
A-6-CII-04-001
Simulated View

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

RECEIVED

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

JAN 05 2004

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Barbara Ryan
4132 Garfield St., Carlsbad
CA 92008 (760) 720-2289
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Carlsbad

2. Brief description of development being appealed: Sea Biscuit, Inc development at Garfield Point

3. Development's location (street address, assessor's parcel no., cross street, etc.): 4132 Garfield St., Carlsbad, CA 92008
Cross street Olive Ave.

4. Description of decision being appealed:

a. Approval; no special conditions: _____

b. Approval with special conditions: _____

c. Denial: Appeal MS 03-05
SOP-03-06 / CDP 03-20

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A6-CAR-04-01

DATE FILED: Submitted by HAND 1.05.04

DISTRICT: SAN Diego

D/86

EXHIBIT NO. 6
APPLICATION NO.
A-6-CII-04-001
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- c. Planning Commission
- b. City Council/Board of Supervisors
- d. Other _____

6. Date of local government's decision: 12/9/03

7. Local government's file number (if any): COP 03-20/SDP 03-0

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Sea Biscuit, Inc
P.O. Box 2406
Carlsbad, CA 92018-2406

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Margaret Bonas
231 Olive Ave
Carlsbad, CA 92008

(2) Mary and Patrick Oshima
315 Olive Ave
Carlsbad, CA 92004

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

Please see attached

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed *[Signature]*
Appellant or Agent

Date 1/5/04

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

APPEAL FROM COASTAL PERMIT DECISION
OF
LOCAL GOVERNMENT
Barbara Ryan - Appellant
Appealing Denial of Appeal by the City of Carlsbad
(MS 03-05, SDP 03-06/CDP 03-20)

Section IV

1. This project does not confirm to the standards set forth in the certified local coastal program (Mello II).
2. The site is not suitable for the proposed density of development. Additional density will contribute to parking and traffic problems in an already congested area. All streets in the surrounding area have "no outlet" and additional congestion will block and limit emergency access and egress.
3. The proposed project is *not* substantially surrounded by urban uses, and should not be categorically exempt from environmental impact reviews. The project borders Agua Hedionda Lagoon and important fish and wildlife habitats. Additionally, the area is a Great Blue Heron nesting site, and the species is protected when nesting (November through April). This bird returns to its nesting site every year, and this project would interrupt its pattern.
4. The proposed subdivision will conflict with an easement of the public at large because it will block public views of the lagoon and coastline.
5. The project does *not* provide for natural heating and cooling opportunities, as one of the proposed units will have no southern exposure and extensive northern exposure. It will also block all winter sun on the adjacent lot which has two single family houses.
6. The proposed project will negatively impact the neighborhood. It is universally opposed by neighborhood property owners because it will decrease our property values and detract from our quality of life.
7. The proposed structure is not in keeping with the character of the neighborhood, which is all single family homes (new and old). The structure is too massive, more than twice as big as any other structure. The structure is too tall, having not just the peak of the roof at 30 feet, but the flat roof at 30 feet. The flat roof covers a mezzanine which is the 3rd story of the building. It serves to profit the developer at great expense to the public.
8. It will block an important public view of Agua Hedionda Lagoon looking east from Garfield Street.

9. There has not been adequate public notice. The project will be in an area that is widely enjoyed by the public at large, yet no sign has been posted advising of the proposed development.
10. The project is too high density. A two family project will have double the impact in an area where parking and congestion are already issues. It will contribute to problems of emergency access and egress in the neighborhood.

October 20, 2003

CARLSBAD PLANNING DEPT.
Attn: Jessica Galloway
1635 Faraday Ave.
Carlsbad CA 92008

NOV 2003
PLANNING DEPARTMENT
City Of
Carlsbad

Re: Parcel # 206-092-17

Please add our names to the many residents negatively affected by an oversized overoccupied facility planned by the Seabisquit Corp.


We are already blocked egress to our property on weekends and this would further escalate the problem. We all paid premium prices for our property to enjoy the view.

This is not in conformance to the adjacent structures which consist of single story structures.

Sincerely,

Michael McNiff
Ruth McNiff

Michael & Ruth McNiff, owners
331 Olive Ave #203
Carlsbad CA 92008

EXHIBIT NO. 7
APPLICATION NO.
A-6-CII-04-001
Letters of Concern
<i>objection</i>
 California Coastal Commission

October 27, 2003
Carlsbad City Planning Commission



To Whom It May Concern:

As residents of the Palisades neighborhood, we would like to voice our concerns about the proposed project at the south end of Garfield Avenue across from the Agua Hedionda Lagoon. We feel that this more than 8,0000 square foot three story building is too intrusive and out of character for this neighborhood. We think that this enormous structure will not blend in with the neighborhood. We understand that the property owners have the right to develop the land, but we ask that they consider the rights and wishes of the residents here and rethink this project. Greed and self- interest should not be allowed to take precedence over the preferences of the existing residents. It is designed poorly and oversized for the property.

Please take into consideration that the neighbors want the charm of this area preserved.

Thank you,

Sincerely,

Kristen Blake

A handwritten signature in cursive script that reads "Kristen Blake".

Dean Colman

A handwritten signature in cursive script that reads "Dean Colman".

346 Olive Ave.
Carlsbad, CA 92008
(760) 720-9251

October 31, 2003

City of Carlsbad Planning Commission
Attn: Julie Baker, Chairperson
C/o Jessica Galloway
City of Carlsbad Planning Department
1635 Faraday Ave.
Carlsbad, CA 92008

NOV 2003
PLANNING DEPARTMENT
CITY OF
CARLSBAD

From: Charles J. & Rosemarie A. Kubes
331 Olive Avenue #201
Carlsbad, CA 92008

RE: Case File: SDP 03-06-/CDP 03-20
Case Name: Garfield Point
Address: 4132 Garfield Street, Carlsbad, CA 92008

To Whom It May Concern:

The purpose of this correspondence is to voice our opposition to the building of the "monstrosity" proposed at 4132 Garfield Avenue by the Seabisquit, Inc. for the following reasons:

- A 3-story "appearing" building is being built with the thought of making a big return on investment for this size lot.
- Every inch is a stretch including overhangs beyond the foundation measurements.
- Parking on the street and access to the hatchery will be a major problem to the local residents.
- It will create a disturbance to the natural vegetation/habitat as well as being a visual eyesore to the rest of the neighborhood.
- A building of this size will obstruct the natural beauty of the lagoon and ocean views for the residents.

We are totally opposed to this project and will be attending the meeting planned for November 5th to voice our opposition personally.

Thank you.

Sincerely yours,

Rosemarie A. Kubes
Charles J. Kubes
Charles J. & Rosemarie A. Kubes

Jessica Galoway, Project Planner

October 29, 2003

TO: PLANNING COMMISSION

FROM: Margaret J. Bonas
231 Olive Avenue
Carlsbad, CA 92008
(760) 729-8137

CASE FILE: SDP 03-06/CDP 03-20

APPLICANT: GARFIELD POINT/SEABISQUIT, INC

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OCT 29 2003

CITY OF CARLSBAD
PLANNING DEPT

Thank you Chairperson Baker and fellow members of the Commission for the opportunity to comment further on my October 4, 2003 letter to the commission. I firmly believe the price of freedom is ever vigilance. Let us think to smart growth.

I REQUEST DENIAL/POSTPONEMENT OF THE PROJECT FOR THE FOLLOWING REASONS:

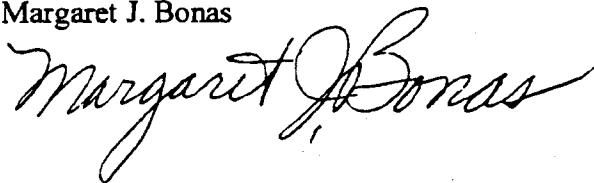
1. **Postpone** the project until the City of Carlsbad finishes its "Connecting Community, Place & Spirit" workshops. This project extends beyond the usual noticing of 300 feet to the neighbors.
2. **Downsize** the project. No more Gifts of Public Right of Ways to increase the buildable lot size. SDG&E also has a utility easement between the property and the hatchery, which exists and was not abandoned with the removal of the poles.
3. **Rezone** the neighborhood of the Beach Overlay Zone back to the 25-foot height limit. Property owners in the zone were not noticed as to the increased height limit and public hearings were not held regarding any changes.
4. **Downzone** to single-family homes on larger lots in this special needs area and community.
5. **Story poles** need to be erected to show actual size of any project complete with upper decks/mezzanines. This will enable the people to visualize the monumental size of project of the 2 two story common wall homes, which will block the scenic inland, lagoon, and costal views.

6. **No Grading** on the Wind Blown Bluffs of the lagoon. A soils test and environmental survey needs to be done by an independent company.
7. **Termites** constantly swarm from the current structures on the property in warm weather. A tenting of the buildings should precede any demolition of the structures.
8. **Grants are available** to the city to purchase a Neighborhood View Park, which has not been done along the bluffs south of Tamarack even though recommended in past surveys of the citizens and supported by previous commissions and councils as part of the Lagoon Trail program.

In conclusion it is time for peace and reflection. It is time for new ordinances and sensitivity. Carlsbad, as well as California, has to realize we cannot build on every inch. Leave some place for our children to play out of the street and in the safety of their yards. It is the right thing to do.

Thank you for your attention and consideration.

Margaret J. Bonas

A handwritten signature in cursive script that reads "Margaret J. Bonas". The signature is written in black ink and is positioned below the typed name.

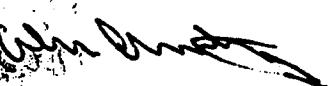

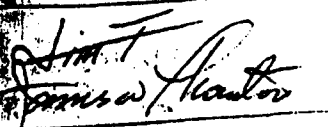
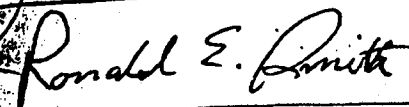
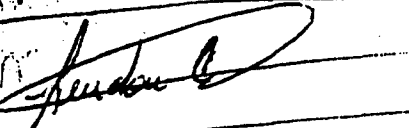
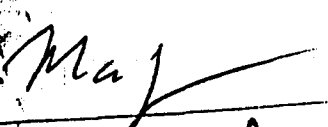
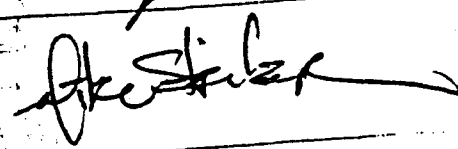
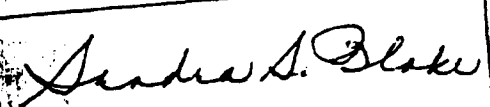
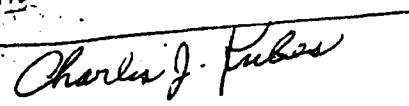
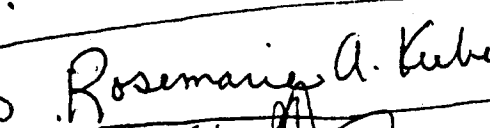

To: The Planning Commission


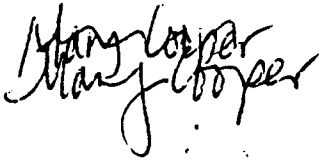
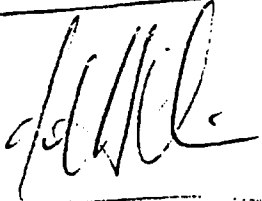
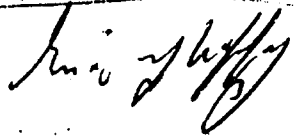
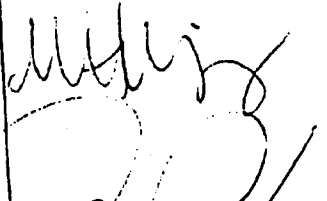
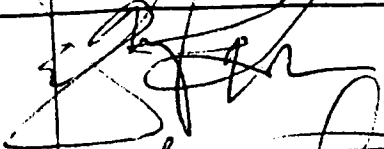
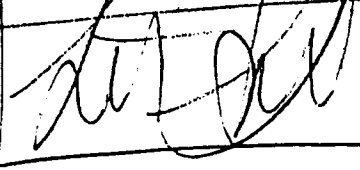
Re: 4132 Garfield Street

"original" AB# 7,404
Garfield Point
Barbara Ryan
12-16-03
appl. card

Please Preserve Our View!

Deny the application to build "Garfield Point"

Signature	Print name	Address
1. 	ALAN ARMSTRONG	4550 CAPE COD CT. CARLSBAD, CA, 92008 760-720-4124
2. 	TOM FARRELL	9001 VISTA CALIFORNIA BEANSIDE CA 92006 760-941-2560
3. 	JAMES W. THURSTON	575 A VILLAGE CARLSBAD 92005
4. 	Ronald E. Smith	812 Citrus Pl Carlsbad 92008
5. 	Guillermo A Rendon	350 Chungnapiri Av #24 Carlsbad 92008
6. 	Mark H. Langford	4845 NARRAGANSETT AVE #1 SAN DIEGO, CA 92107
7. 	MIKE STRILEF	2718 ATHENS AVE CARLSBAD, CA 92008
8. 	SANDRA S. BLAKE	4783 FLYING CLOUDWAY CARLSBAD CA 92008
9. 	CHARLES J. KUBES	331 OLIVE AVE 201 CARLSBAD, CA 92008
10. 	Rosemarie A Kubes	331-Olive Ave 201 Carlsbad, CA.
11. 	Maria Blake	1857 Palisades Dr 92008

Date	Signature	Print Name	Address/Phone
12. 10/27/03	Madelyn Davidson	Madelyn Davidson	144 Sequoia #1 Carlsbad, CA 92008
13. 10/30/03		Tay Cooper	292-A Chiquipin Carlsbad 92008 760-729-3745
14. 10/30/03		Mary Cooper	292-A Chiquipin Av Carlsbad, Ca. 92008
15. 10/3 11/1/03		MARK GALLI	4365 SIASTA PL CARLSBAD, CA 92008
11/1/03		760-434-6341	353 Date Ave Carlsbad CA 92008
16			
17 11/03/03	B. McNeese	BRANDY MCNEESE BRANDY MCNEESE	3576 Binnacle Oceanside, CA 92056
18 11/03/04		Mandi Haring Mandi Haring	1735 Kelly St. Oceanside CA 92056
19 11/03/04		619 7657370	41361 Carlsbad, LA JOLLA CA 92037
20 1/05/09		TRENT SMITH	3107 Camino del Carlsbad CA 92008 889-1455

	PRINT NAME	SIGNATURE	ADDRESS
22	Jim Hlawek	J Hlawek	324 Olive Ave. Carlsbad, CA. 92008
	Phone 760-730-0504		
22	Kevin Derry	Kevin Derry	1907 Tremont St Oceanside, CA 92054
	Phone 760 672 9778		
23	STEPHEN BLAKE	S. Blake	4426 TRIESTE DR. CARLSBAD CA 92008
	760-7294635		4134 SPCA
24	AILEEN PRICE	Aileen Price	3475 ROOSEVELT ST #1 CARLSBAD CA 92008
	PHONE (614) 733-6196		
25	XCAR 2215	Mark Green	647 EDICVILLE RD CARLSBAD CA 92008
26	503) 871-5755	High Powers	1111 LOMA VISTA DR. 92008
27	LIA ROSE	Lia Rose	325 S SIERRA ST CARLSBAD CA 92008
28	CHRIS MYERS	Chris Myers	2040 FIRE MOUNTAIN DR OCEANSIDE, CA 92054
29	SCOTT NICOLINI	Scott Nicolini	3909 LIME C MCCLELLAN LA 7002
30	ADAM KUPRA	Adam Kupra	2601 #319 WETHERSON ST CARLSBAD CA
31	ANNY DAVIS	Anny Davis	1305 Tanager CARLSBAD CA 92008
32	SPENCER WENZEL	Spencer Wenzel	2840 MADISON ST CARLSBAD 92008
33	NATHAN WALTER	Nathan Walter	3612 VILLAGE CARLSBAD, CA 92008
	760 720 7285		
34	ANDREA J. FIGUEROA	Andrea Figueroa	3840 CIBOLA BLVD CARLSBAD 92008
35	Kimberly Ann Rodriguez	Kim Rodriguez	4576 CORE DR #A CARLSBAD, CA 92008
36	PICK HANKOFF	Pick Hankoff	415 HARRISON ST CARLSBAD CA 92008
37	PHANTULIPS	Phantulips	666 HARRISON ST. STEVEN WILKINSON
38	Grey Campbell	Grey Campbell	2800 HURON AVE CARLSBAD CA 92008
39	CARLOS E. LOUREIRO	Carlos Loureiro	3475 ROOSEVELT ST #5 CARLSBAD CA. 92008
40	Francesca Nicole	Francesca Nicole	3255 Sierra #15 SKS
41	Andy Bauer	Andy Bauer	116 S Ditmar

	PRINT NAME	SIGNATURE	ADDRESS
42	Nore Bethwell		114 S. DITMAY
	Phone		
43	Jean L Stealy 720 5208		3906 Carlsgate Blvd 92008
44	LANCE TAYLOR		4695 HAWKSWAY # 3 CARLSBAD
45	TRIAN BIBBEY		720 B E. Cambridge Rd CARLSBAD CA 92009
46	MARK D. HIRSH		1233 OAK AVE. CARLSBAD, CA 92008 PO BOX 1077 TOLLAND UT 82563
47	Jeanette Stella		
48	JENNIFER OLSON		1427 BOUNDARY #D OCEANSIDE 92054
49	DARLENE NEWTON		2494 RUSSELL RD OCEANSIDE CA 92054
50	RICK KALDE		3930 AK CSBD.
51	T.R. EGGLEY Sr		4276 L. Highway 1 92008
52	Henry Rodriguez		748 Partsettice car mck FACILITIES (920)
53	Nicole DiPent		215 VIA ESPERANCA OCEANSIDE CA 92054
54	Jennifer Mear		2522 STERLING WAY CARLSBAD CA 92008
55	Mark Gura		1301 S. WILSON SULPHUR CT 91343
56	Claude Stuart		1244 ESCANOR AVE LH CA 92009
57	ERIC GOSSELL		1168 MARGUERITE VISTA CA 92083
58	KIMBERLY COODY		253 Chingapi Ave 92008
59	Seth Minza		VIA RSF 3791 Vuelta 92091
160	Greg Khoshnarian		16974 Avenida Culma RSF 92091
61	Barbara Peisch		3132 Roosevelt Suite D 315 STEWART CANYON FALLBROOK 92028
2/62	Downa M. OSTERKAMP		315 STEWART CANYON Rd FALLBROOK 92028
4/63	JOE N. OSTERKAMP		
3			
4			

2005-03

re: Case File SDP 03/06 / CDP 03-20

Citizens Petition to Save the Public Vistas!
Deny the "Blockade" at 4132 Garfield Point

PRINT NAME	SIGNATURE	ADDRESS
#64 Phone MARY Oshima 760-729-2847	Mary Oshima	352 Olive Ave
#65 ANDREA Oshima (660) 434-9340	Andrea Oshima	315 Olive Ave Csbcd, Ca 92008
#66 PAT OSHIMA 434-9340	Pat Oshim	315 Olive Ave Csbcd Ca. 92002
#67 Ruth McNiff	Ruth McNiff	331 Olive Ave #203 Carlsbad 92008
#68 Michael McNiff	Michael McNiff	331 Olive Ave #203 Carlsbad 92008
#69 Jewel Kelley	Jewel Kelley	331 Olive Ave #104 Carlsbad, CA 92008
#70 LEW KELLBY 760-729-3142	Leon Kellby	331 Olive Ave #104 Carlsbad CA 92008

Continued

PRINT NAME	SIGNATURE	ADDRESS
#71 Phone DONALD J HOGAN (760) 726-9956	Donald J Hogan	1234 Palte Julius #15 VISTA, CA 92084
#72 JON JONES 760 940 0814	Jonathan Jones	1654 APPALOUSA WAY O'SIDE CA 92054
#73 RODNEY SMITH 760-942-7029	Rodney Smith	P.O. Box 230433 ENCINITAS, CA 92023
#74 L. POLLACK 760 754 1155	L. Pollack	2530 VIKTA WAY OCEANSIDE CA 92551
#75 760-458-3409 Michelle MAIRA	Michelle Maira	554 Greenbair #105 Oceanside, CA 92054

1-28-03

Citizens Petition to save the public vistas -
Deny the "Blockade" at 4132 Deepfield Point.

	PRINT NAME	SIGNATURE	ADDRESS
	Debbie VAUGHAN Phone	Debbie Vaughn	3189 Woreen Wy. Oceanside CA 92054
#76	June Krisher	June Krisher	3202 Via Torrala Carlsbad 92008
#77	DORIS JOHNSON	Doris Johnson	429 S. SIERRA AVE SOLANA BEACH, CA
#78	Denise Hornyak	D. S. AH	231 Olive Carlsbad CA 92008
#79	Caroline James	Caroline James	3931 Garfield's Carlsbad, CA 92008
#80	Chris James	Chris James	5931 Goodwill St Carlsbad CA 92008
#81	Ann V. Somerville	Ann V. Somerville	271 Sundown Road Westlake Village CA 91361
#82	Tim Somerville	[Signature]	271 Sundown Road Westlake Village CA 91361
#83	Matt Somerville	Matt Somerville	271 Sundown Road Westlake Village, CA 91361
#84	ANASTASIA WELF	Anastasia Welf	567 Spyglass Lane Thousand Oaks, CA 91320
#85	RAY FAULSTICH	Roy Faulstich	5824 MIDDLE CREST DR AGOURA HILLS CA 91301
#86	Gabriel WEISS	Gabriel Weiss	3231 Waring Ct #J Oceanside, CA 92054
#87	PAUL McQUADE	Paul McQuade	306 OLIVE AVE CARLSBAD CA 92009
#88	BRYAN BONAS	Bryan Bonas	241 OLIVE AVE 92008

