

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
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# Wed 3a

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49th Day: September 21, 2005  
180th Day: January 30, 2006  
Staff: DL-SD  
Staff Report: September 20, 2005  
Hearing Date: October 12-14, 2005

**STAFF REPORT: CONSENT CALENDAR****RECORD PACKET COPY**

Application No.: 6-05-77

**Applicant:** Greg Dileo, Patrick Kellett, & Cyril Kellett **Agent:** Bill Hofman

**Description:** Demolition of an existing single-family residence and secondary dwelling unit. Subdivision of existing .17-acre lot into two parcels: Lot 1: 0.08 acres and Lot 2: 0.082 acres, and construction of two, 2-story single-family residences on each lot, 2,526 sq.ft. and 2,671 sq.ft.

Lot Area	7,405 sq. ft.
Building Coverage	2,143 sq. ft. ( 29%)
Pavement Coverage	1,380 sq. ft. ( 19%)
Landscape Coverage	3,882 sq. ft. ( 52%)
Parking Spaces	4
Zoning	R-3 Multifamily, BAOZ (15-23 du/ac)
Plan Designation	Residential High
Project Density	11.76
Ht abv fin grade	30 feet

**Site:** 3955 Garfield Street, Agua Hedionda, Carlsbad, San Diego County.  
APN 206-013-21.

**Substantive File Documents:** Certified Agua Hedionda Land Use Plan.

**I. STAFF RECOMMENDATION:**

The staff recommends the Commission adopt the following resolution:

**MOTION:** *I move that the Commission approve the coastal development permit applications included on the consent calendar in accordance with the staff recommendations.*



**STAFF RECOMMENDATION TO ADOPT CONSENT CALENDAR:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of all the permits included on the consent calendar. The motion passes only by affirmative vote of a majority of the Commissioners present.

**II. Standard Conditions.**

See attached page.

**III. Special Conditions.**

The permit is subject to the following conditions:

**1. Final Landscape Plan.** PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, a final landscape plan approved by the City of Carlsbad that includes the following requirements:

- a. The installation of plant materials shall consist only of non-invasive or native, drought-tolerant, fire-resistant materials. The plan shall also indicate the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site.
- b. Indication of the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features on the site.
- c. A written commitment by the applicant that all required plantings will be maintained in good growing condition, and whenever necessary, will be replaced with new plant materials to ensure continued compliance.

The permittee shall undertake development in accordance with the approved landscaping plans. Any proposed changes to the approved landscaping plans shall be reported to the Executive Director. No changes to the 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.

**IV. Findings and Declarations.**

The Commission finds and declares as follows:

**A. Detailed Project Description/History.** Proposed is the demolition of an existing single-family residence and secondary dwelling unit, subdivision of the .17-acre site into two lots (3,485 sq.ft. and 3,572 sq.ft.), and construction of two, 2-story single-family residences on each lot, 2,526 sq.ft. and 2,671 sq.ft. A total of 4 off-street parking spaces are proposed in attached garages on each lot. Runoff from the site will be treated



with grass-lined bioswales that traverse the private rear yards before draining into the existing storm drain. A conceptual landscape plan submitted with the application proposes non-invasive plants designed to limit water consumption.

The project site is located on the southwest corner of Garfield Street and Sequoia Avenue, approximately 300 feet east of Carlsbad Boulevard, and 400 feet north of Agua Hedionda Lagoon in the City of Carlsbad. The surrounding area is characterized by a mixture of older, single-family homes and duplexes, and newer high density, multi-family housing. There are no existing public views or scenic resources on or across the site. The site is designated Residential High (RH) with a Residential Multi-Family (R-3) zoning designation in the Agua Hedionda Lagoon LUP. The proposed development is consistent with these designations.

**B. Biological Resources.** Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized.

The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

**C. Community Character /Visual Quality.** The development is located within an existing developed area and will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

**D. Local Coastal Program.** The Agua Hedionda Lagoon plan area is the only uncertified segment in the City of Carlsbad's LCP; therefore, the Commission retains permit jurisdiction in this area with the standard of review being the Chapter 3 policies of the Coastal Act. As proposed, the development is consistent with Chapter 3 of the Coastal Act. Approval of the project will not prejudice the ability of the local government to prepare a Local Coastal Program for the Agua Hedionda Lagoon plan area that is in conformity with the provisions of Chapter 3.

**E. California Environmental Quality Act.** There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project 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.



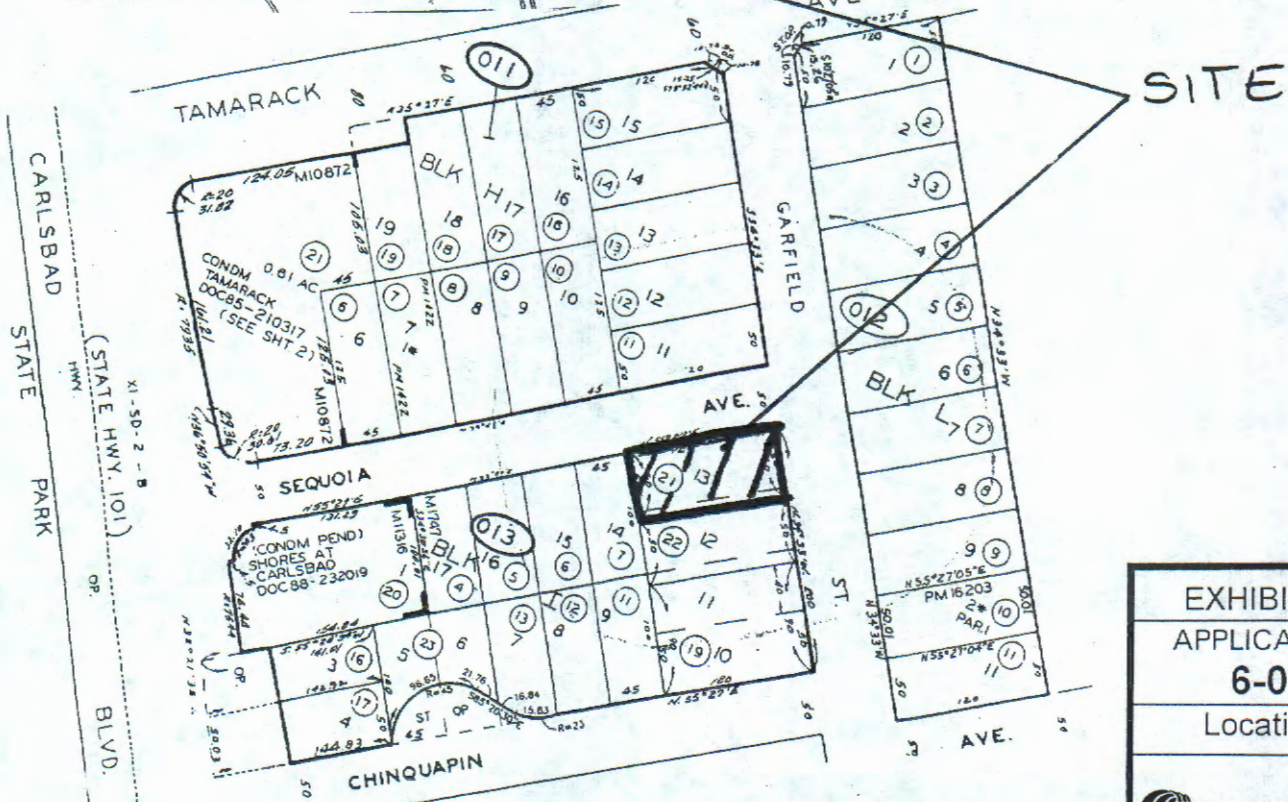



EXHIBIT NO. 1
APPLICATION NO.
6-05-77
Location Map
 California Coastal Commission



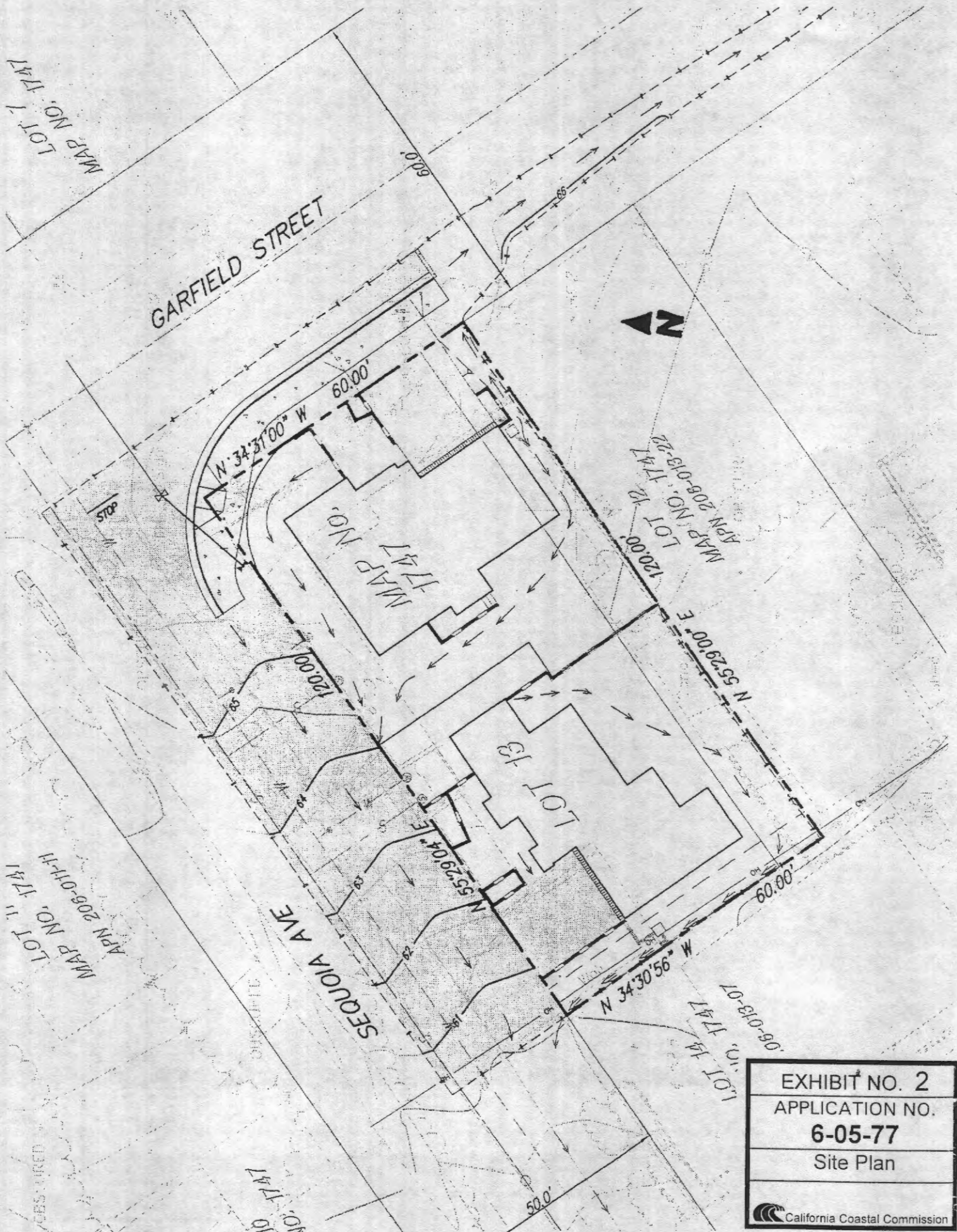


EXHIBIT NO. 2
APPLICATION NO.
<b>6-05-77</b>
Site Plan
 California Coastal Commission