

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Tue 4b

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Staff: ToniRoss-SD
Staff Report: November 13, 2006
Hearing Date: December 12-25, 2006

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-06-125

Applicant: Ramona Fletes **Agent:** Ronnie Fletes

Description: Construction of a 534 sq. ft. addition to an existing 1,750 sq. ft. single-family residence on an 7,467 sq. ft. lot.

Site: 4050 Harbor Drive, Agua Hedionda, Carlsbad, San Diego County. APN# 206-101-18 .

Substantive File Documents: Certified City of Carlsbad 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. Findings and Declarations.

The Commission finds and declares as follows:

A. Detailed Project Description. The applicant proposes an addition of 534 sq. ft. to an existing 1,750 sq. ft. single-family residence on an 7,467 sq. ft. lot. The construction would include the addition of a single bedroom and bathroom, as well as additional square footage to the existing kitchen. The subject site is located on the east side of Harbor Drive, just south of Chinquipen Avenue in the City of Carlsbad. The residence is located in a Residential Low-Medium Density (RLM) Zone, and meets all zoning requirements for the City of Carlsbad. The addition will not add any height to the residence, nor will it require any additional parking. As proposed the residence will remain a similar size and scale to the surrounding community. The site does not contain any existing native vegetation nor any sensitive coastal resources .

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 will not result in erosion or adverse impacts to water quality, as adequate drainage controls are already 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. Public Access/Parking. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

D. Local Coastal Planning. Agua Hedionda is one of six segments of the City of Carlsbad's LCP. 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 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 Land Use Plan used as guidance. The proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act. Approval of the project will not prejudice the ability of the City of Carlsbad to obtain a fully certified local coastal program for the Agua Hedionda segment.

E. Unpermitted Development. Unpermitted development has occurred on the subject site without the required coastal development permit in that the proposed development has already commenced. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act.

Approval of this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

F. 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.

