

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4421  
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# Th 5b

Filed: April 10, 2007  
49th Day: May 29, 2007  
180th Day: October 7, 2007  
Staff: Toni Ross-SD  
Staff Report: May 21, 2007  
Hearing Date: June 13-15, 2007

## STAFF REPORT: CONSENT CALENDAR

Application No.: 6-07-038

Applicant: Bernard Goldstein Agent: Urbitech Platform

Description: Demolition of 1-story single-family residence and construction of two-story over basement, 30 ft. high, 4-unit condominium structure with open ten-space parking area.

|                    |                                     |
|--------------------|-------------------------------------|
| Lot Area           | 10,800 sq. ft.                      |
| Building Coverage  | 4,407 sq. ft. (41 %)                |
| Pavement Coverage  | 2,613 sq. ft. (24 %)                |
| Landscape Coverage | 3,780 sq. ft. (35 %)                |
| Unimproved Area    | 0 sq. ft. (0 %)                     |
| Parking Spaces     | 10                                  |
| Plan Designation   | Residential High                    |
| Zoning             | R-3 Multifamily, BAOZ (15-23 du/ac) |
| Project Density    | 16.13 du/ac                         |
| Ht abv fin grade   | 30 feet                             |

Site: 3981 Garfield Street, Carlsbad, San Diego County. APN# 216 013 19

Substantive File Documents: Certified Agua Hedionda Local Coastal 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 Drainage Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, final drainage 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 with this application by Alta Consultants, date stamped received on 3/2/07, and shall include the following:

- a. Runoff from the roof, driveway and other impervious surfaces shall be directed into pervious areas on the site (landscaped areas) for infiltration and/or percolation, prior to being conveyed off-site in a non-erosive manner.

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.

**2. Revised 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 revised final landscape plan approved by the City of Carlsbad. Said landscape plan shall be in substantial conformance with the plans submitted with this application by Urbitech Platform dated March 2, 2007, except they shall be revised as follows:

- a. The landscape palate shall emphasize the use of drought-tolerant native species, but use of drought-tolerant, non-invasive ornamental species and lawn area, is allowed as a small component. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or as may be identified from time to time by the State of California shall be employed or allowed to naturalize or persist on the site. No plant species listed as 'noxious weed' by the State of California or the U.S. Federal Government shall be utilized.

- b. A planting schedule that indicates that the planting plan shall be implemented within 60 days of completion residential construction
- c. A written commitment by the applicant that all required plantings shall be maintained in good growing condition, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with applicable landscape screening requirements.
- d. Rodenticides containing any anticoagulant compounds (including, but not limited to, Warfarin, Brodifacoum, Bromadiolone or Diphacinone) shall not be used.
- e. 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 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 plans. Any proposed changes to the approved 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.

3. **Disposal of Graded Spoils.** Prior to the issuance of the coastal development permit, the applicant shall identify the location for the disposal of graded spoils. 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:

##### **A. Detailed Project Description/History.**

The proposed development includes the demolition of a 1,703 sq. ft. single-story single family residence and the construction of four two-story single-family attached air space condominium units with mezzanine and underground basement. The site is relatively flat, but approximately 1,840 cubic yards of material will be excavated to construct the basement and exported offsite. Each condominium will be 3, 286 sq. ft. The project will include 10 parking spaces. Construction phase and permanent BMP's include silt fencing, Stormfilter catch basins and gravel bags protecting the existing storm drains. The proposed landscape plan does not include invasive species but does include native and non-native ornamental plants.

The project site is located on the southwest corner of Garfield Street and Chinquapin Avenue, approximately 300 feet east of Carlsbad Boulevard, and approximately 500 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 temporary erosion controls (construction BMPs) 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, as conditioned, 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.** As conditioned, 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.

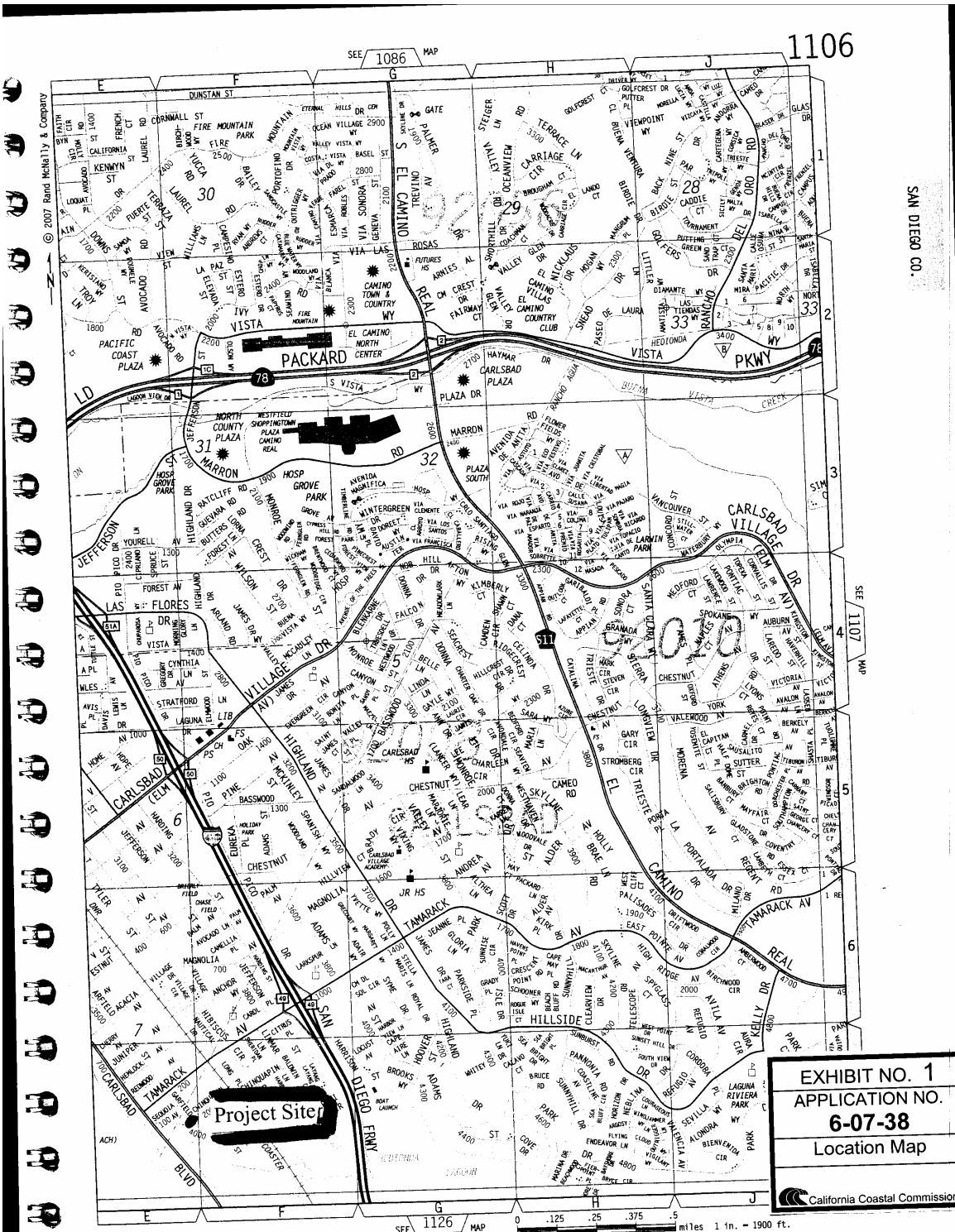
**E. Local Coastal Program.** The Agua Hedionda Lagoon plan area is the only uncertified segment in the City of Carlsbad's LCP; therefore, the Commission retains permit jurisdiction in this area with the standard of review being the Chapter 3 policies of the Coastal Act. As proposed, the development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

to prepare a Local Coastal Program for the Agua Hedionda Lagoon plan area that is in conformity with the provisions of Chapter 3.

**F. Consistency with the California Environmental Quality Act (CEQA).** 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, as conditioned, 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.



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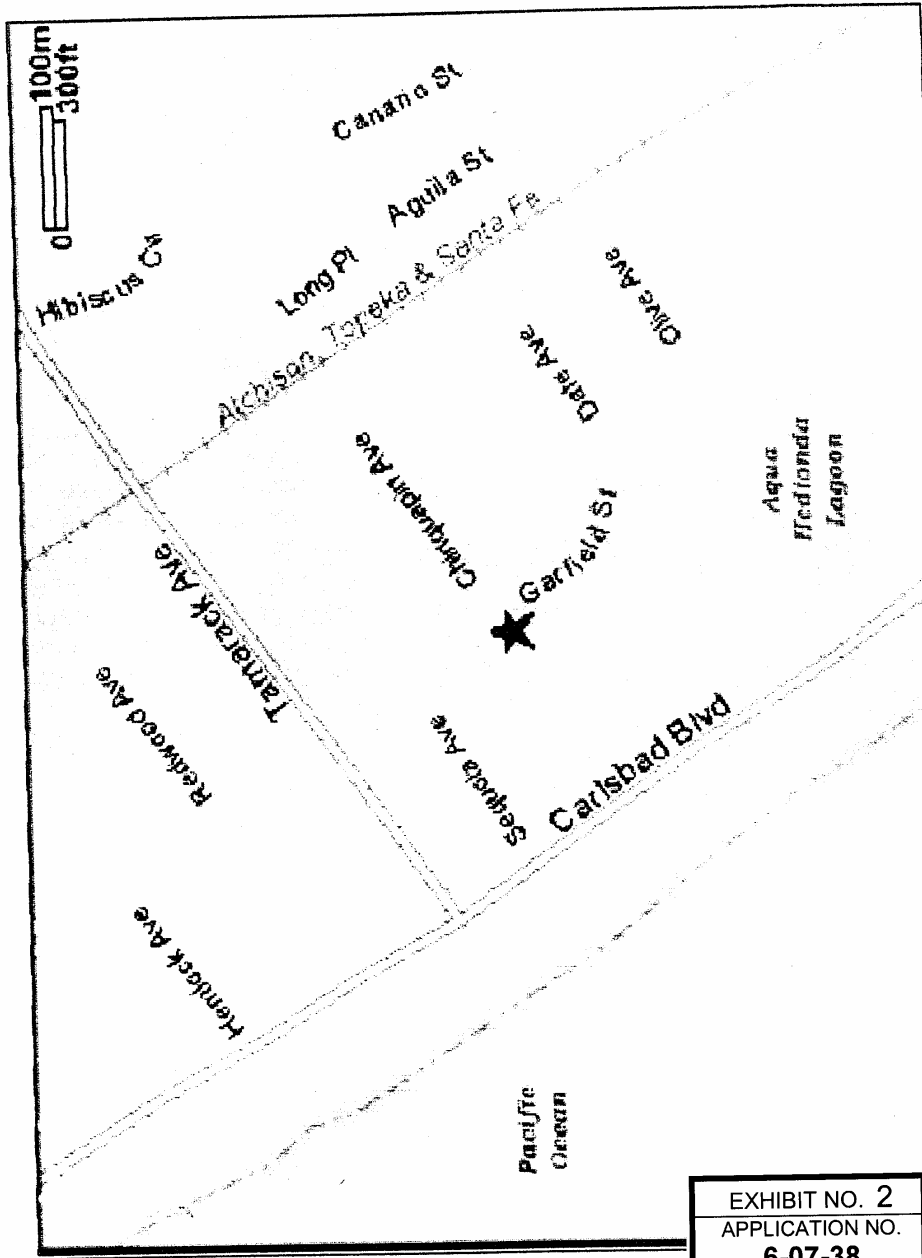
SAN DIEGO CO.

**EXHIBIT NO. 1**  
**APPLICATION NO.**  
**6-07-38**  
**Location Map**



SEE 1126 MAP 0 .125 .25 .375 .5 miles 1 in. = 1900 ft.

VICINITY MAP



|                 |
|-----------------|
| EXHIBIT NO. 2   |
| APPLICATION NO. |
| <b>6-07-38</b>  |
| Location Map    |

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California Coastal Commission

