

CALIFORNIA COASTAL COMMISSION

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Staff: K. Robinson-SD
Staff Report: 11/19/15
Hearing Date: 12/10/15

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-15-1415

Applicant: Rincon Real Estate Group, Inc

Agent: Kevin Dunn

Location: 165-175 Chinquapin Avenue, Carlsbad, San Diego County (APN 206-070-02)

Project Description: Demolition of three existing attached residential units and construction of three detached, three-story single family residences (approximately 3,104 sq.ft., 3,369 sq.ft., and 3,185 sq.ft.) on a 9,867 sq.ft. lot.

Staff Recommendation: Approval with Conditions

SUMMARY OF STAFF RECOMMENDATION

Staff is recommending approval with conditions to avoid adverse impacts to public coastal views and to minimize visual impacts to nearby major coastal access corridors.

The primary issues raised by the proposed development relate to potential visual impacts from the proposed houses to the viewshed along the Carlsbad Boulevard corridor and protection of public views. Specifically, visual resources could be impacted if the new houses did not provide and protect views to the nearby Agua Hedionda Lagoon or were out of character with the adjacent scenic lagoon environment.

To address these potential adverse impacts the Commission staff is recommending several special conditions. **Special Conditions #1 and #2** require submittal of final site and landscape plans that establish view corridors between each of the proposed residences and protect view corridors along the northeast and southwest side yards of each house by limiting the height of landscaping and fencing types; **Special Condition #3** includes exterior treatment provisions to require coloration of the houses so that they blend in with the surrounding natural environment; and **Special Condition #4** requires the applicant to record a deed restriction against the property that imposes the conditions of the permit for the purpose of providing notice to future property owners.

Commission staff recommends **approval** of coastal development permit application 6-15-1415 as conditioned.

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APPENDICES

Appendix A – Substantive File Documents

EXHIBITS

[Exhibit 1 – Vicinity Map](#)

[Exhibit 2 – Aerial View](#)

[Exhibit 3 – Existing Structure](#)

[Exhibit 4 – Site Plan](#)

[Exhibit 5 – Landscape Plan](#)

I. MOTION AND 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 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

This permit is granted subject to the following 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 of 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.

III. SPECIAL CONDITIONS

This permit is granted subject to the following special conditions:

1. **Final Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT,** the applicant shall submit for review and written approval by the Executive Director, final plans approved by the City of Carlsbad that are in substantial conformance with the plans by Rincon Real Estate Group, Inc date stamped as received on September 14, 2015.

The applicant shall undertake 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.

2. **Final Landscape/Yard Area Plans. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval final landscaping and fencing plans. Said plans shall first be stamped approved by the City of Carlsbad and be in substantial conformance with the plans submitted by Rincon Real Estate Group, Inc date stamped as received on November 5, 2015, and shall include the following:
 - a. View corridors on the northeast and southwest side yards of each house, each approximately between 5 ft. and 5.5 ft. in width, shall be kept free of all structures and free of landscaping which at maturity would rise above a reasonable view line from vehicles passing on the public road. The total width of these view corridors shall equal approximately 33 ft. in width. All proposed landscaping in the front yard area shall be maintained at a height of two feet or lower (including raised planters) to preserve the views from Chiquapin Avenue toward the ocean.
 - b. All landscaping shall be drought tolerant and native or non-invasive plant species. All landscape materials within the identified view corridors shall be species with a growth potential not to exceed two feet at maturity. No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plant Council, or 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 within the property.
 - c. All fencing, gates, or patio railings in the identified view corridors within the front, rear, or side yard setback areas shall use clear glass above two feet in height in order to protect public views.
 - d. If using potable water for irrigation, only drip or micro spray irrigation systems may be used.
 - e. A written commitment by the applicant that five years from the date of the issuance of the coastal development permit for the residential structure, the applicant will submit for the review and written approval of the Executive Director a landscaping monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies whether 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 successor 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 applicant 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. **Exterior Treatment. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall submit for the review and written approval of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed residence and improvements. This documentation shall comply with the following requirements:
 - a. The color of the proposed residences and rooves permitted herein shall be restricted to colors compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents.
4. **Deed Restriction. PRIOR TO THE ISSUANCE OF THIS COASTAL DEVELOPMENT PERMIT**, the applicant shall submit to the Executive Director for review and written approval documentation demonstrating that the landowner has executed and recorded against the parcel(s) governed by this permit a deed restriction, in a form and content acceptable to the Executive Director: (1) indicating that, pursuant to this permit, the California Coastal Commission has authorized development on the subject property subject to the terms and conditions that restrict the use and enjoyment of that property, and (2) imposing the special conditions of this permit as covenants, conditions, and restrictions on the use and enjoyment of the property. The deed restriction shall include a legal description of the entire parcel or parcels governed by this permit. The deed restriction shall also indicate that, in the event of an extinguishment or termination of the deed restriction for any reason, the terms and conditions of this permit shall continue to restrict the use and enjoyment of the subject property so long as either this permit or the development it authorizes, or any part, modification, or amendment thereof, remains in existence or with respect to the subject property.

IV. FINDINGS AND DECLARATIONS

A. PROJECT DESCRIPTION

The proposed project includes demolition of three existing attached residential units and construction of three detached, three-story single family residences (approximately 3,104 sq.ft., 3,369 sq.ft., and 3,185 sq.ft.) on a 9,867 sq.ft. lot at 165-175 Chinquapin Avenue, Carlsbad (Exhibit #1). The subject site is zoned RD-M, which is a zone that regulates multi-family residential development in Carlsbad, and is within an existing residential area similar in size and scale to the proposed development. The site is within the City of Carlsbad's Agua Hedionda Land Use Plan (LUP) area; however, an Implementation Plan for the Agua Hedionda segment has not yet been certified. Therefore, Chapter 3 of the Coastal Act is the standard of review, while the City's LCP is used as guidance.

The subject site is south of Chinquapin Avenue, west of Garfield Street, and east of Carlsbad Boulevard, a major coastal access corridor. In addition, the site is approximately 175 feet north of Agua Hedionda Lagoon and 600 feet inland from the ocean (Exhibit #2). Because the project is located between the first public road and the sea, there is the potential for the project to impact views to the ocean shoreline and lagoon from Chinquapin Avenue. The certified LUP designates a public vista point at the western terminus of Chinquapin Avenue. In order to preserve public views, public access improvements to this street end were approved by the Commission under CDP #6-99-048, which include the public parking spaces, benches, and landscaping that exist today. The proposed new homes will be set back 10 feet from the street and will not impact this view corridor.

The Agua Hedionda LUP states that where no significant elevation difference exists between the shoreline and the first parallel public road, development will provide a view corridor that is at least one-third of the parcel's road frontage; this view corridor prohibits structures or landscaping that blocks views from vehicles passing on the public road towards the lagoon or ocean. Currently, the existing three unit structure, which was built before the Coastal Act, does not provide any public view corridors from the road frontage south towards Agua Hedionda Lagoon (Exhibit #3), as the side yards on the east and west of the structures are narrow and blocked with landscaping. The proposed project would create four new public view corridors, each approximately between 5 ft. and 5.5 ft. in width, from Chinquapin Avenue south towards Agua Hedionda Lagoon on both sides and between the three new residences. The total width of these view corridors would equal approximately 33 ft. in width, which is approximately one-third of the parcel's road frontage width, is consistent with the view corridor policies of the Agua Hedionda LUP (Exhibits #4, 5). **Special Condition #1** requires the applicant to construct the home in substantial conformance with the plans submitted to the Commission. In order to ensure that neither fencing nor landscaping in the front, side, and rear yard areas impede these designated view corridors, **Special Condition #2** requires limiting landscaping and solid fencing in the view corridors to a maximum height of two feet. In addition, Special

Condition #2 requires glass fencing in the front, side, and rear yards for fences over two feet in height, which will also protect public views.

The proposed project site can be seen from Carlsbad Boulevard, which is a major coastal access corridor and provides primary access to beaches in the surrounding area. Since the three houses are visible from the closest coastal access corridor, **Special Condition #3** limits the coloration of the proposed residences to colors compatible with the surrounding environment. **Special Condition #4** requires recordation of the permit conditions against the property to ensure future properties owners are aware of the above mentioned protections and conditions.

B. COMMUNITY CHARACTER/VISUAL QUALITY

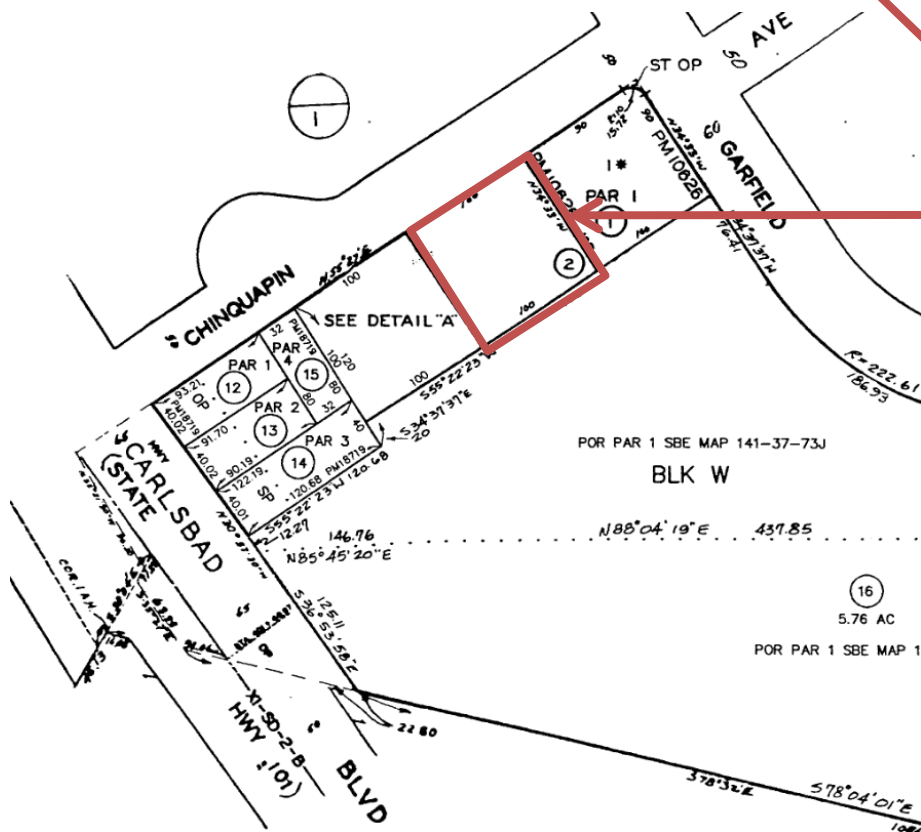
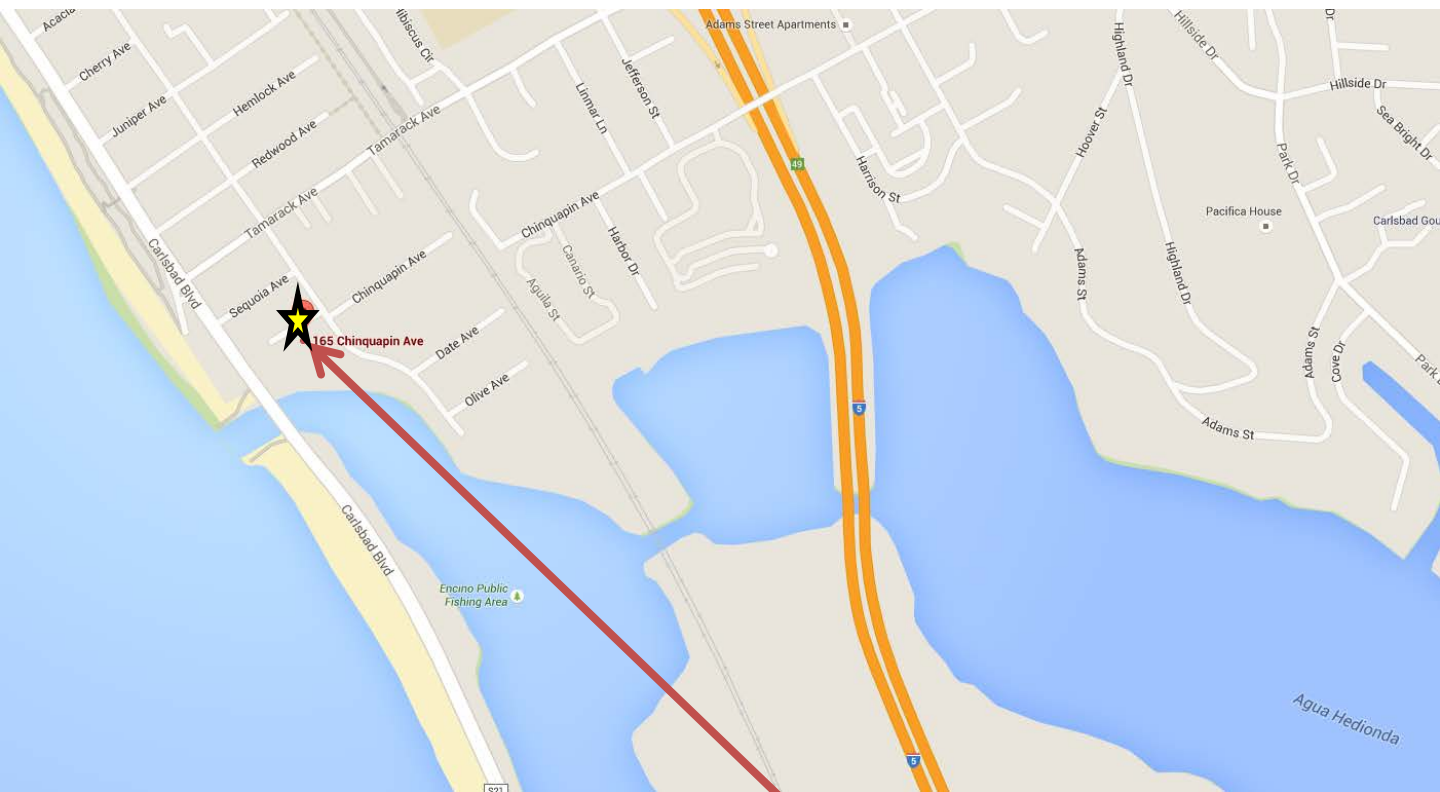
The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

C. LOCAL COASTAL PLANNING

Although the City of Carlsbad has a certified LCP, the subject site is located in an area of deferred certification, where the Commission retains permit authority and Chapter 3 of the Coastal Act remains the legal standard of review. The policies of the certified LCP are used as guidance. As conditioned, the proposed development is consistent with Chapter 3 of the Coastal Act. Approval of the project, as conditioned, will not prejudice the ability of the local government to prepare a Local Coastal Program for this area that is in conformity with the provisions of Chapter 3.

D. CALIFORNIA ENVIRONMENTAL QUALITY ACT

As conditioned, 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 to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.



Subject Site



EXHIBIT NO. 1
APPLICATION NO. 6-15-1415
Vicinity Map
 California Coastal Commission



**Subject
Site**



EXHIBIT NO. 2

APPLICATION NO.

6-15-1415

Aerial View



California Coastal Commission



Chinquapin Avenue

EXHIBIT NO. 3

APPLICATION NO.

6-15-1415

Existing Structure



California Coastal Commission

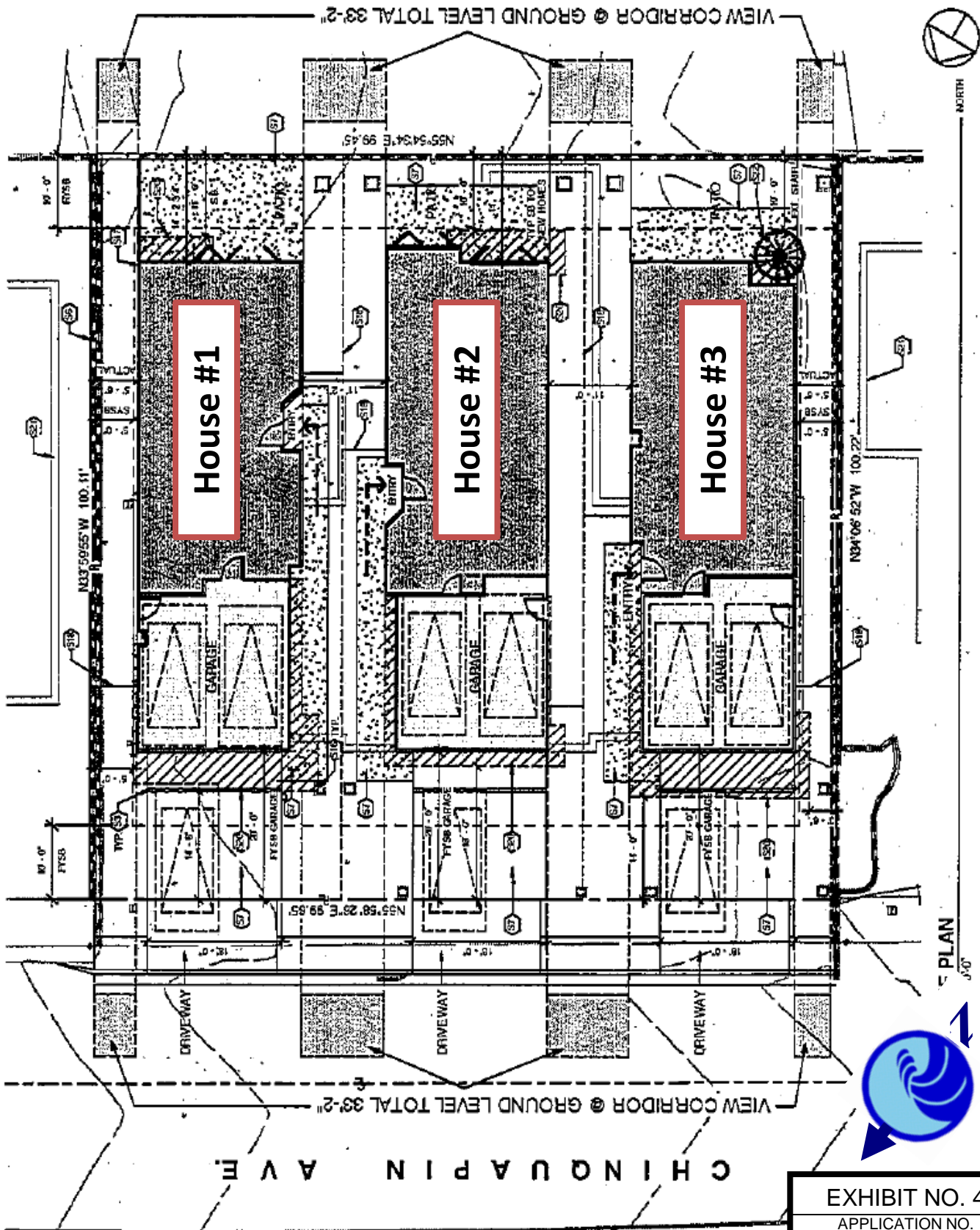


EXHIBIT NO. 4

APPLICATION NO.

6-15-1415

Site Plan



California Coastal Commission

