

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036

Filed: May 8, 1996  
 49th Day: June 26, 1996  
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 Staff: DL-SD  
 Staff Report: June 20, 1996  
 Hearing Date: July 9-12, 1996



REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Fr 7h

Application No.: 6-96-72

Applicant: David &amp; Sandy Huarte Agent: B.A. Worthing, Inc.

Description: Construction of an approximately 1,330 sq.ft. new second story and an approximately 264 sq.ft. first-story addition to an existing 1,300 sq.ft. single-family residence including an attached 460 sq.ft. garage.

Lot Area	7,562 sq. ft.
Building Coverage	2,164 sq. ft. (29%)
Pavement Coverage	850 sq. ft. (11%)
Landscape Coverage	4,548 sq. ft. (60%)
Parking Spaces	2
Zoning	R-1-7500
Plan Designation	Residential Low Medium 3.2
Ht abv fin grade	25 feet

Site: 5036 Tierra Del Oro, Carlsbad, San Diego County. APN 210-20-06.

Substantive File Documents: Certified Carlsbad Mello II LCP &amp; Agua Hedionda LUP segments.

STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Although the proposed residential addition will result in a loss of ocean views from Cannon Road, the proposed project is consistent with the policies of the certified Local Coastal Program; therefore, staff is recommending approval of the project with no special conditions.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval.

The Commission hereby grants a permit for the proposed development on the grounds that the development will be in conformity with the adopted Local

Coastal Program, and will not have any significant adverse impacts on the environment within the meaning of the California Environmental Quality Act.

## II. Standard Conditions.

See attached page.

## III. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. Proposed is the construction of an approximately 264 sq.ft. first story addition, and an approximately 1,030 sq.ft. new second story addition to an existing 1,300 sq.ft. one-story single-family residence. The proposed residential addition requires a coastal development permit because the site is located between the sea and the first public roadway, and involves an addition of more than 10% of the internal floor area of the existing residence, and an increase of more than 10% of the height of the existing residence. The 7,562 sq.ft. lot is located in an established residential neighborhood on the east side of Tierra Del Oro, a cul-de-sac located immediately west of and parallel to Carlsbad Boulevard. The site is on the inland side of the street, and does not front the beach. No grading is proposed. The site is located within the Mello II segment of the Carlsbad Local Coastal Program (LCP).

2. Visual Impact/Community Character. Policy 8-1 of the Mello II segment of the LCP states that within the Scenic Preservation Overlay Zone, 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, the Coastal Shoreline Development Overlay Zone, which applies to areas within the Mello II segment of the LCP located between the sea and first public road, states "Buildings, structures, and landscaping will be so located as to preserve to the degree feasible any ocean views as may be visible from the nearest public street" (21.204.100C). The existing residence is located immediately west of the intersection of Carlsbad Boulevard and the terminus of Cannon Road. Currently, from westbound Cannon Road approaching Carlsbad Boulevard, there are views of the ocean over the existing subject residence. Cannon Road is designated as a scenic route in the Agua Hedionda segment of the LCP. In addition, Cannon Park is located on the northeast corner of Cannon Road and Carlsbad Boulevard, and the ocean is currently visible from the park over the existing residence on the subject site. Any significant increase in the height of the existing structure would result in some ocean view blockage.

Traditionally, the Commission has attempted to discourage the construction of structures which will block views of the ocean from public areas, including public streets and parks. However, in this particular case, the standard of review is the certified LCP. The City of Carlsbad has indicated that the subject site does not lie within the Scenic Preservation Overlay Zone. Thus, individual review for view obstruction is not required for development such as the proposed addition. In addition, because the proposed second story is less

than the maximum 30 foot height limit, no discretionary approvals were required from the City of Carlsbad, and therefore no site plan review was performed.

Although there will be a loss of ocean views from Cannon Road and Cannon Park, the nearest public roadways to the project site are Tierra del Oro and Carlsbad Boulevard. Like Cannon Road, Carlsbad Boulevard is a designated scenic roadway. However, because Carlsbad Boulevard is at essentially the same elevation as the project site, the existing one-story structures preclude views of the ocean from Carlsbad Boulevard in this location, and thus the proposed second story would not block any existing ocean views. The scenic corridor designation itself does not evoke any view blockage policies, but rather requires that projects visible from scenic roads incorporate landscape screening. Therefore, the project is not inconsistent with this policy.

Although the loss of ocean views from Cannon Road will have an incremental impact on the overall scenic quality of the area, the existing LCP policies do not require all new development to preserve views corridors from public roadways or parks. Thus, in this particular case, the scenic preservation policies are not specific enough to require the applicant to redesign the addition to reduce or avoid the view blockage. As proposed, the project is consistent with the visual resources policies of the LCP. Therefore, the Commission finds the project consistent with the provisions of the Mello II certified LCP.

3. Public Access. Section 30604 (c) requires a specific finding that the proposed development is consistent with the public access and public recreation policies of Chapter 3 of the Coastal Act. The subject site is located between the ocean and the first public roadway, which in this case is Carlsbad Boulevard. The site is located within a developed single-family residential neighborhood, and contains an existing single-family residence. There are existing public beach accessways at Carlsbad State Beach to the north and south of the site. The proposed residential addition will not affect these or any other public accessways, and the project will have no direct impacts upon the public's ability to access the water.

4. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to specific statutory dates. In reviewing development proposals, the Commission must essentially act like local government and assess whether a project is consistent with the implementing zone and other policies of the certified LCP.

In this case, such a finding can be made. The site is planned and zoned for low-medium density residential uses by the City of Carlsbad. The proposed addition is consistent with this designation. As proposed, the project is consistent with the applicable policies of the Mello II and Agua Hedionda LUP segments. The Commission therefore finds that approval of the subject project will not prejudice the ability of the City of Carlsbad to prepare and implement a certifiable Local Coastal Program for the area.

5. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's Code of Regulations requires Commission approval of coastal development permits to be supported by a finding showing the permit, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not cause significant adverse impacts to the environment. Specifically, the project has been found consistent with the visual resources and public access policies of the certified City of Carlsbad LCP. There are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and can be found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgement. 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. Compliance. All development must occur in strict compliance with the proposal as set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the development during construction, subject to 24-hour advance notice.
6. 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.
7. 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.

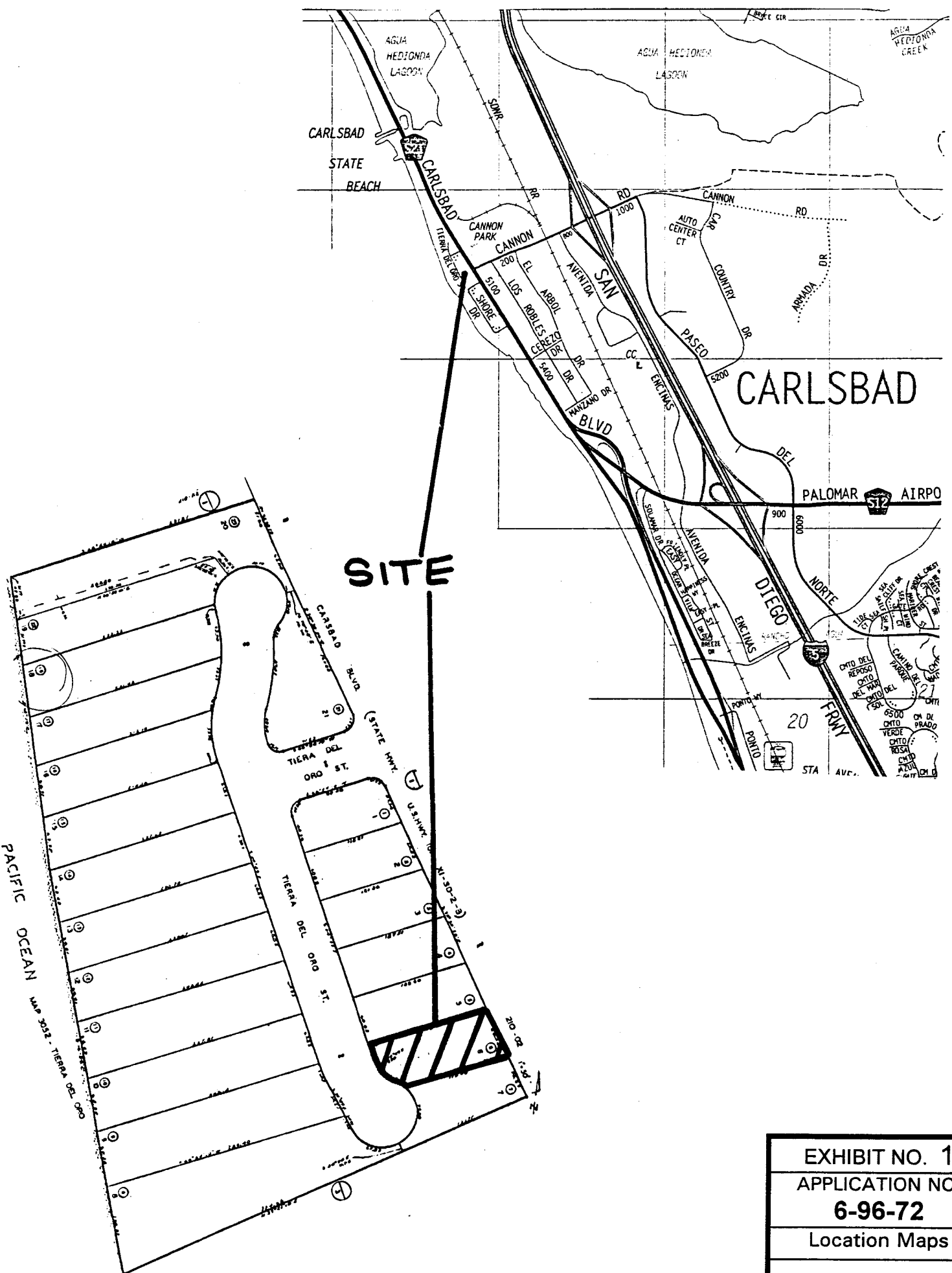

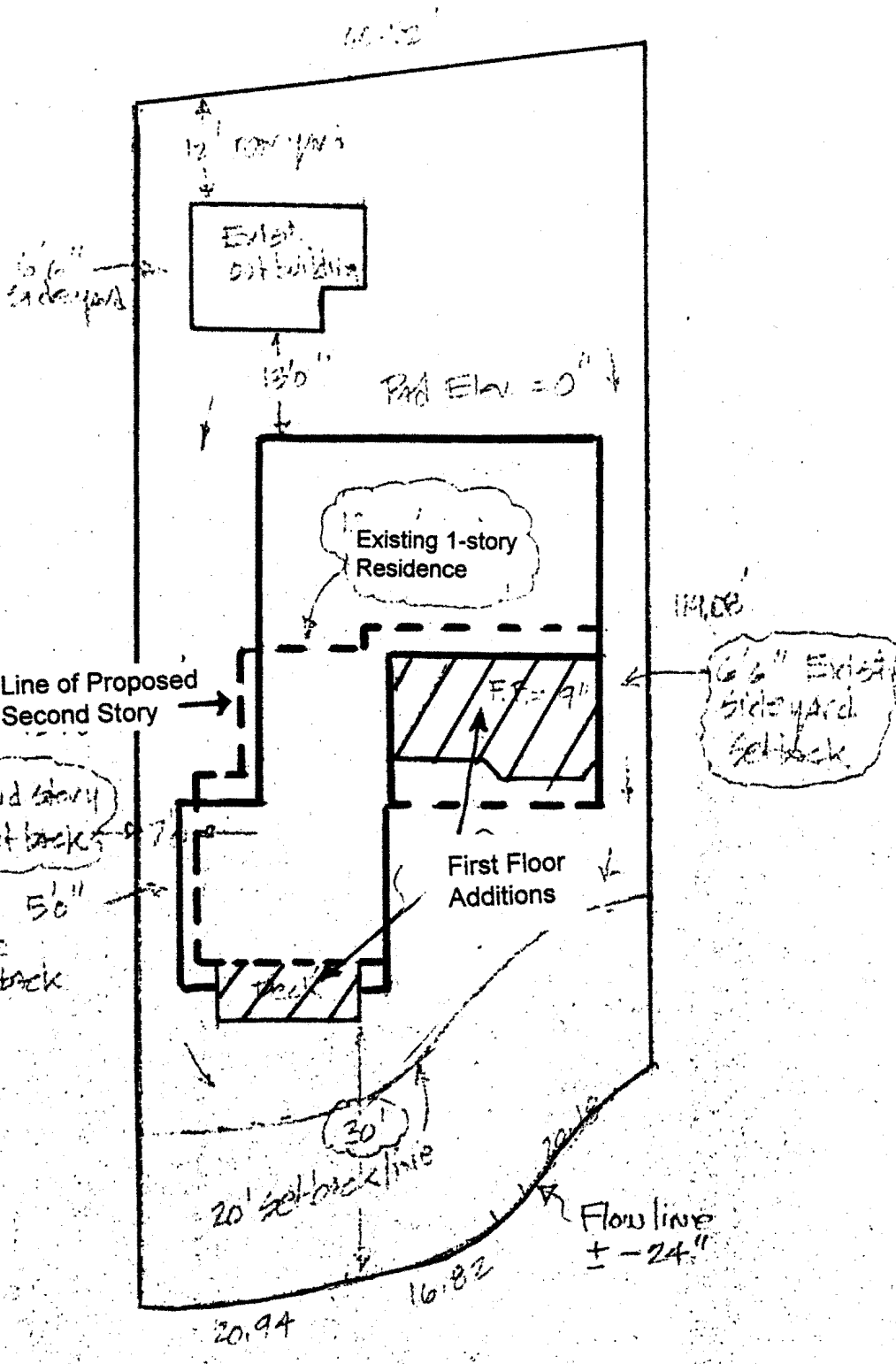
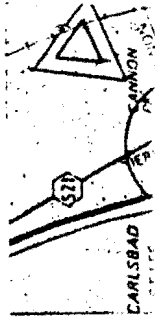
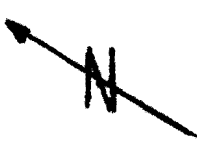


EXHIBIT NO. 1
APPLICATION NO.
<b>6-96-72</b>
Location Maps
 California Coastal Commission



OWNERS: D & C

Address: 50' C

Addition of LI

Addition to C

APN: 2

No Grading Proposed!

All Drainage shall flow away from building for 5' 0" at 270 and to street

Tierra Del Oro 140

Plot Plan

EXHIBIT NO. 2	AP
APPLICATION NO. 6-96-75	
Site Plan	
California Coastal Commission	