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San Diego Coast District

CONSENT CALENDAR

Thursday, August 12, 1999

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6-99-66

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

3111 CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

21-8036



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Staff Report: 7/19/99
Hearing Date: 8/10-13/99

STAFF REPORT: CONSENT CALENDAR

Application No.: 6-99-66

Applicant: Beach King, Inc.

Agent: J.D. Ostic

Description: Consolidation of two 4,500 sq.ft. lots into one lot and construction of a 1,919 sq.ft. two-story, 30-foot high, single-family residence and attached garage. Also proposed is the construction of a cul de sac, sidewalk, curb & gutter, drainage system (storm drain), sewer laterals and water service connections.

Lot Area	9,000 sq. ft.
Building Coverage	1,499 sq. ft. (17 %)
Pavement Coverage	3,473 sq. ft. (38 %)
Landscape Coverage	4,028 sq. ft. (45 %)
Parking Spaces	2
Zoning	R-3 (Residential Multi-Family)
Plan Designation	R-H (Residential High)
Ht abv fin grade	30 feet

Site: 156 Chinquapin Avenue, Carlsbad, CA, San Diego County (APN 204-013-14-15)

Substantive File Documents: Certified Agua Hedionda Land Use Plan, CDP #6-99-37

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 provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government

having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, 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. Consolidation of two 4,500 sq.ft. lots into one lot and construction of a 1,919 sq.ft., two-story, 30-foot high, single-family residence and attached garage. Also proposed is the construction of a cul de sac, sidewalk, curb & gutter, drainage system (storm drain), sewer laterals and water service connections.

The project site is located on the north side of Chiquapin Avenue between Garfield Street and Carlsbad Blvd., approximately 300 feet north of Agua Hedionda Lagoon in the City of Carlsbad. 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.

The City approved a variance to reduce front and rear yard setbacks to 15 feet. The City found exceptional circumstances existed which justified the variance. The site formerly consisted of Lots 5 and 6 of parcel map #1747. The City required the applicant to dedicate land for the construction of a cul-de-sac bulb for the western terminus of Chiquapin Avenue. The cul-de-sac bulb is offset to the north requiring a larger than typical amount of dedication. The cul-de-sac bulb is an engineering requirement of the City of Carlsbad and is offset to the north because existing multi-family development on the south side of the street precludes the cul-de-sac from being extended to the south. Due to the amount of area necessary for the dedication, the existing two lots were too small to support single-family residences. Thus, the City of Carlsbad required the two lots to be consolidated. The lot, because of the consolidation, is twice as wide as the adjacent lot thus requiring twice the required rear yard setback as the adjacent lot. The property is further encumbered by an access easement granted to the adjacent lot to the west. This lot fronts on Carlsbad Boulevard and is precluded access from Carlsbad Blvd. because of steep topography. The City found the extraordinary circumstances and conditions created by the dedication of property for public roadways and access easement justified the modification of the required front yard setback. The Commission concurs and finds the lot consolidation can be approved based on the above and given that no adverse impacts to coastal resources would occur from this action.

2. Visual Resources. Section 30251 of the Coastal Act is applicable and states in part:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas...

As noted, the project site is near Agua Hedionda Lagoon and Carlsbad Blvd., a designated scenic corridor. The proposed structure would be a maximum of 28-ft. in height. The surrounding area is characterized by a mixture of older, single-family homes and duplexes, and newer high density, multi-family housing. The proposed structure would be consistent in scale and character with the surrounding area. The proposed project is not located within the viewshed of the lagoon or Carlsbad Boulevard and will not impact any existing public views; thus, the Commission finds no potential exists that scenic resources of the area will be impacted. Therefore, the project can be found consistent with Section 30251 of the Coastal Act.

3. Water Quality. Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

The site of the proposed cul-de-sac and related improvements (curb, gutter, sidewalk) is the existing street end of Chiquapin Avenue. No sensitive vegetation would be impacted at the project site by the improvements. A storm drain extension is also proposed. The proposed storm drain would collect water from a proposed curb inlet in the cul-de-sac and discharge it offsite into an existing curb inlet that directs storm water into Agua Hedionda Lagoon. No impacts to eel grass along the shoreline in the lagoon are proposed as no work is proposed in the lagoon. Currently an existing surface drainage channel is used to direct stormwater towards the bluff edge. The proposed storm drain improvement will improve the current situation as runoff sheet flows over the bluff as it discharges from the surface drainage channel.

Regarding water quality, storm water pollution measures and best management practices, the proposed storm drain will discharge stormwater into Agua Hedionda Lagoon. This water is from properties upland of the project site in existing developed areas. The

development of a number of lots in the subject area will add to the amount of water that will enter the storm drain as currently pervious surfaces will be replaced by impervious surfaces associated with developing vacant sites such as driveways, sidewalks, roofs, etc.,. Although this water will discharge into Agua Hedionda Lagoon, significant impacts to water quality are not expected. The City has conditioned the project to comply with NPDES requirements of the Regional Water Quality Control Board (RWQCB).

According to the RWQCB representative, steps that are typically taken to improve water quality both at the point of discharge and upstream include employing best management practices (solid waste management [trash removal] and street sweeping, testing for pollutants, such as bacteria, organic material or toxins, monitoring activities performed on the storm drain outlet discharge, and any remedial or preventive measures taken to improve water quality, etc.). The City has a regular maintenance program which employs the above measures to assure water quality is preserved throughout the City. In this case, several ground drains were required to intercept surface water and convey it to the stormwater system. This will improve the present situation as sheet flow over the site picks up sediments which are carried off-site, some of which are discharged into Agua Hedionda Lagoon. Thus, in this case, no adverse impacts to water quality are anticipated as a result of the proposed improvements. Accordingly, the Commission finds the proposed project can be found consistent with Section 30231 of the Coastal Act.

4. Local Coastal Planning. Section 30604(a) also requires that a coastal development permit shall be issued only if the Commission finds that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program (LCP) in conformity with the provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made.

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. Based on the above, the project has been found consistent with the Chapter 3 policies of the Coastal Act and the certified Agua Hedionda Lagoon LUP. Approval of the project will not prejudice the ability of the City of Carlsbad to prepare and implement a certifiable LCP for this area.

5. 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)(A) 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 effect, 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 resource and water quality policies of the Coastal Act. 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 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. 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.

PROJECT SITE

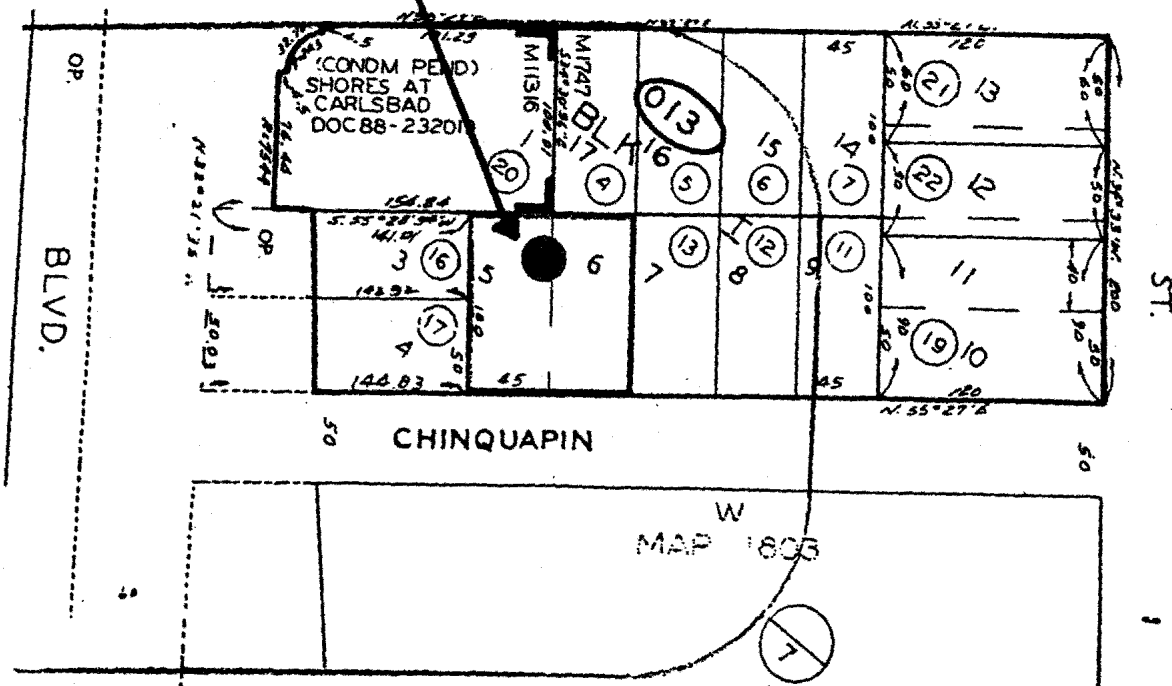
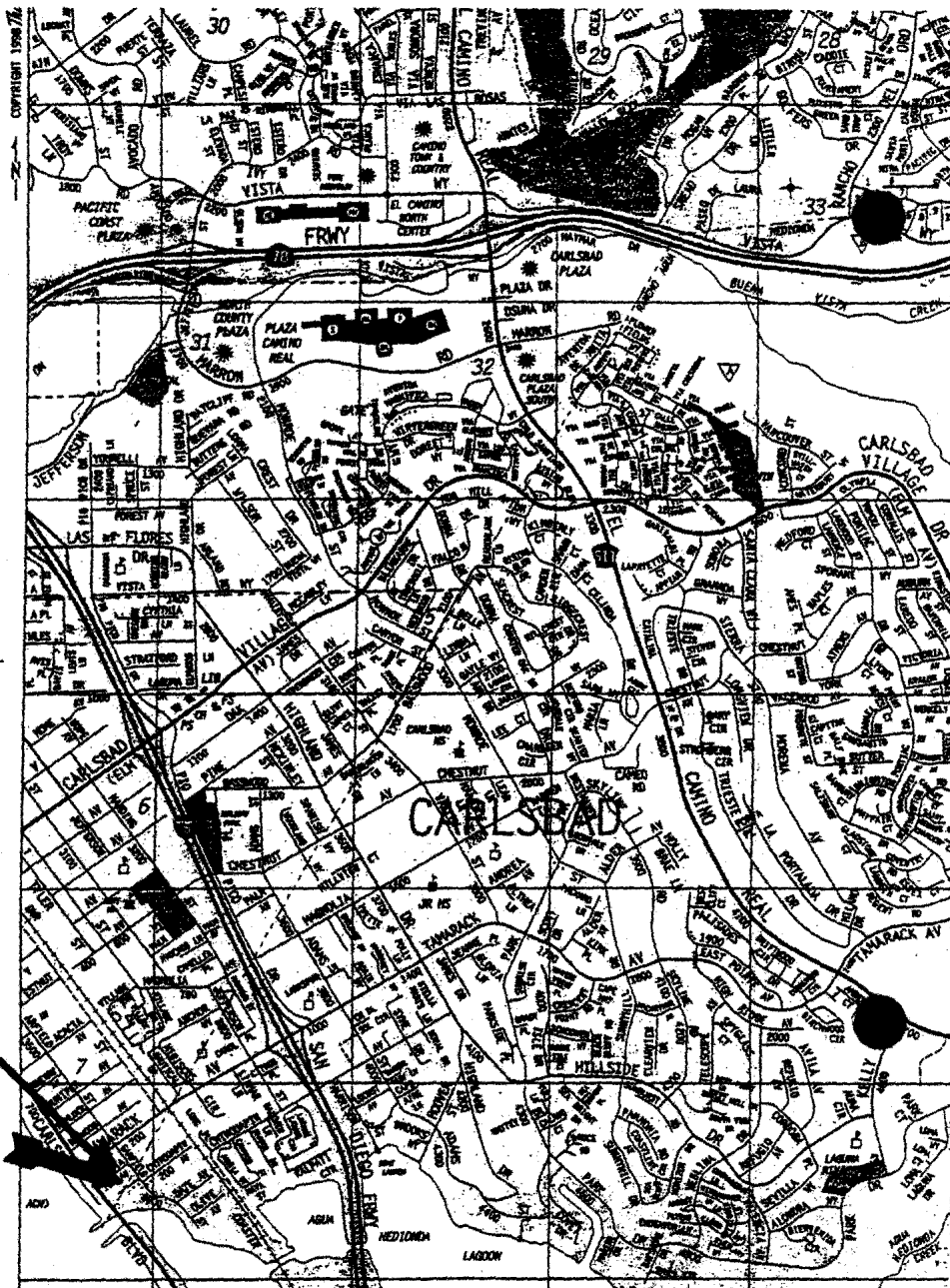


EXHIBIT NO. 1
APPLICATION NO.
6-99-66
Location Map
California Coastal Commission

EXHIBIT 'C'

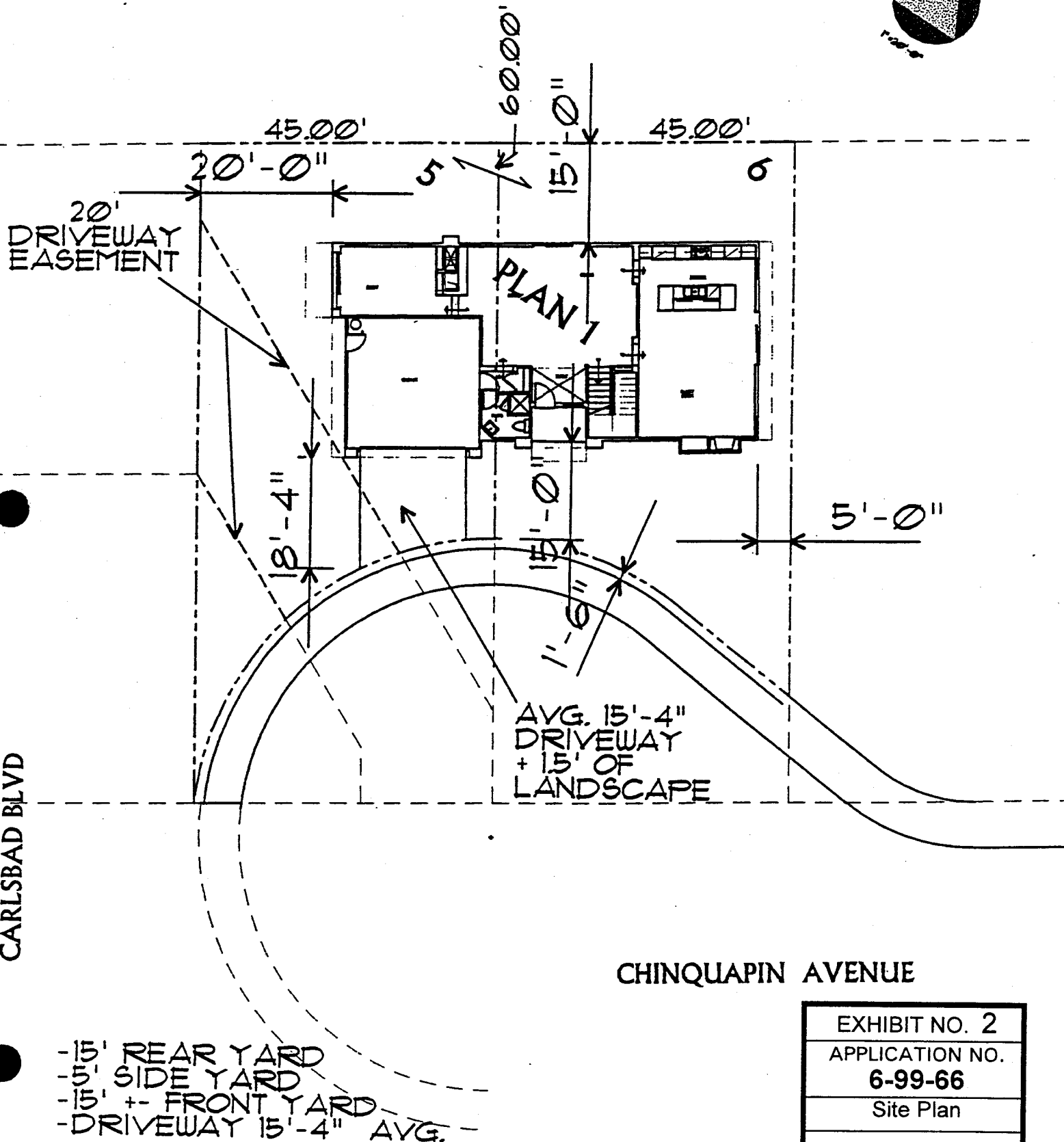


EXHIBIT NO. 2

APPLICATION NO.

6-99-66

Site Plan