

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

CAMINO DEL RIO NORTH, SUITE 200

SAN DIEGO, CA 92108-1725

(619) 521-8036



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Permit Application No. 6-96-126/10

Date October 15, 1996

ADMINISTRATIVE PERMIT

APPLICANT: Al and Pamela Corbin

PROJECT DESCRIPTION: Demolition of two residential units and conversion of a workshop within a detached garage, to a 480 sq.ft. guest house (without kitchen) on a 5,400 sq.ft. site a single family residence which will remain. Portions of the work has already occurred without a coastal development permit.

PROJECT LOCATION: 167 Redwood Avenue, Carlsbad, San Diego County.  
APN 204-253-19

EXECUTIVE DIRECTOR'S DETERMINATION: The findings for this determination, and for any special conditions, are discussed on subsequent pages.

NOTE: The Commission's Regulations provide that this permit shall be reported to the Commission at its next meeting. If one-third or more of the appointed membership of the Commission so request, a permit will not be issued for this permit application. Instead, the application will be removed from the administrative calendar and set for public hearing at a subsequent Commission meeting. Our office will notify you if such removal occurs.

This permit will be reported to the Commission at the following time and place:

DATE and TIME: November 12, 1996      LOCATION: Radisson Hotel/Mission Valley  
10:00 a.m., Tuesday      1433 Camino del Rio South  
San Diego, CA

IMPORTANT - Before you may proceed with development, the following must occur:

For this permit to become effective you must sign the enclosed duplicate copy acknowledging the permit's receipt and accepting its contents, including all conditions, and return it to our office. Following the Commission's meeting, and once we have received the signed acknowledgment and evidence of compliance with all special conditions, we will send you an authorization to proceed with development. BEFORE YOU CAN OBTAIN ANY LOCAL PERMITS AND PROCEED WITH DEVELOPMENT, YOU MUST HAVE RECEIVED BOTH YOUR ADMINISTRATIVE PERMIT AND THE PERMIT AUTHORIZATION FROM THIS OFFICE.

PETER DOUGLAS  
Executive Director

By:

*Laurinda R. Owens*

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.

EXECUTIVE DIRECTOR'S DETERMINATION (continued):

Pursuant to Public Resources Code Section 30624, the Executive Director hereby determines that the proposed development, subject to Standard and Special Conditions as attached, is in conformity with the provisions of Chapter 3 of the Coastal Act of 1976, will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3, and will not have any significant impacts on the environment within the meaning of the California Environmental Quality Act. Any development located between the nearest public road and the sea is in conformity with the public access and public recreation policies of Chapter 3.

Proposed is the demolition of two residential units and the conversion of a workshop within an existing detached garage, to a 480 sq.ft. guest house (without kitchen) on a 5,400 sq.ft. site containing an existing single family residence which will remain. In addition, the applicant proposes to provide one additional parking space for a total of five on-site parking spaces. The subject site is located approx. one-half block east of Highway 101/Carlsbad

Boulevard in Carlsbad. Portions of the proposed work has already occurred without a coastal development permit.

Although development has taken place prior to submission of this permit application, consideration of the application by the Commission has been based solely upon the Chapter 3 policies of the Coastal Act. Approval of the permit does not constitute a waiver of any legal action with regard to this violation of the Coastal Act that may have occurred; nor does it constitute admission as to the legality of any development undertaken on the subject site without a coastal development permit.

As stated, the project involves the conversion of a workshop area attached to a detached garage, to a guest house. In addition, the applicant has indicated that two illegal residential units that formerly existed on the property have been demolished within the past two years. The structures were originally built by the previous property owner sometime before the passage of the Coastal Act and were generally located in the area of the proposed guest house. Both the demolition of the two residential units as well as the conversion of the workshop area to a guest house have already occurred without a coastal development permit. The applicant received an exemption to coastal development permit requirements from the Commission's San Diego office dated 4/2/96 to construct a 400 sq.ft. workshop addition to an existing garage. According to the City of Carlsbad Planning Department, the applicant subsequently did some interior work including relocating walls to create a guest house which triggered the need for a coastal development permit. The City then issued a stop work order and required the applicant to obtain a coastal development permit for the guest house. The applicant has maintained that the building footprint has remained unchanged since the time the exemption was issued for the workshop addition to the detached garage and that only interior improvements have been made to the structure.

A subsequent exemption dated 10/10/96 has also been issued for purposes of applying stucco to the exterior of the existing structure in order to waterproof it, in addition to paving an existing driveway, until such time that the applicant gains approval for the guest house via the subject coastal development permit. As was noted in the letter of exemption, conversion of the structure to a use other than a guest house will require approval from the City of Carlsbad, and either a new coastal development permit or amendment to the subject permit.

The subject site is planned and zoned for medium to high density residential development at a density of 8-15 dwelling units per acre in the City of Carlsbad's Zoning Ordinance and certified LCP. A maximum of two dwelling units would be permitted on the site. The City has not authorized the installation of a kitchen for the proposed guest house and it is not recognized as a second dwelling unit at this time. Special Condition #1 has been attached as an advisory condition which specifies that the subject permit is for the construction of a guest house without a kitchen and that the use of the structure as a second dwelling unit or an accessory unit will require further review and approval from the Commission or the City of Carlsbad (either as an amendment to the subject permit or a new coastal development

permit, respectively).

Several policies of the certified Carlsbad LCP address public access and the preservation of scenic and visual resources. These policies also refer to the City establishing future policies to protect the character of existing older communities. With regard to public access, although the site is located one-half block east of Highway 101/Carlsbad Boulevard, a major coastal access route, the proposed development will not result in adverse impacts to beach access or public recreational parking since a total of four parking spaces will continue to be provided on site for the primary residence as well as an additional new parking space to serve the proposed guest house.

With regard to visual resources, the site is located within an established residential neighborhood consisting of single- and multi-family residential development. The proposed structure will be compatible in size and scale with the surrounding development. The guest house structure will be located behind, and to the south of, the existing single family residence on the site. The proposed development is not visible from Highway 101/Carlsbad Boulevard or from any other designated coastal access routes or scenic corridors and will not have an adverse visual impact on the community. Therefore, the project can be found consistent with the certified Carlsbad LCP, and approval, as conditioned, will not prejudice the ability of the City of Carlsbad to implement its certified LCP.

SPECIAL CONDITIONS:

1. Permitted Development. This permit is for the conversion of a workshop to a 480 sq.ft. guest house (without kitchen) attached to an existing detached garage. No portion of the proposed guest house permitted on this site shall be used as a second dwelling unit or an accessory unit without the prior review and approval of the Coastal Commission as an amendment to this permit, or the City of Carlsbad as a separate coastal development permit.

ACKNOWLEDGEMENT OF PERMIT RECEIPT/ACCEPTANCE OF CONTENTS:

I/We acknowledge that I/we have received a copy of this permit and have accepted its contents including all conditions.

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Applicant's Signature

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Date of Signing

(6126R)