

CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA
3111 CAMINO DEL RIO NORTH, SUITE 200
SAN DIEGO, CA 92108-1725
(619) 521-8036



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Permit Application No. 6-96-73/lro
Date June 14, 1996

ADMINISTRATIVE PERMIT

APPLICANT: Jeff Seymour/Carlsbad Coastal Carriage

PROJECT DESCRIPTION: Construction of a 14-foot high, 2,400 sq.ft. barn structure for two horses associated with a horse and carriage business on a vacant 20.1 acre parcel.

PROJECT LOCATION: 5600 Avenida Encinas, Carlsbad, San Diego County.
APN 210-090-27

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: July 12, 1996 LOCATION: Waterfront Hilton Beach Resort
9:00 a.m., Friday 21100 Pacific Coast Highway
Huntington Beach, 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: _____

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 construction of a 14-foot high, 2,400 sq.ft. pre-fabricated barn structure for two horses, in association with a proposed horse and carriage business, on a vacant 20.1 acre parcel located on the west side of Avenida Encinas. Also proposed is the installation of a septic system. The site is a state-owned parcel at the southeast corner of Carlsbad Boulevard (Highway 101) and Manzano Drive in Carlsbad, across the street from South

Carlsbad State Beach.

A past coastal development permit (CDP #6-87-667) was approved by the Commission for the subject site for the construction of a 4,600 sq.ft. office building, a six-bay vehicle maintenance building and a three-bay vehicle storage building for proposed storage and operational use by State Parks and Recreation. However, the proposed development was never constructed.

The applicant has obtained a temporary use permit from the State Department of Parks and Recreation. According to State Parks, the temporary use permit can be rescinded at any time on short notice in the event the site is needed by State Parks. Thus, the proposed barn is a prefabricated removable structure. In addition, State Parks has confirmed that there are no plans to use the parcel for any public use or state parks use of any kind (including public parking for beach access) in the near future and that most likely, the parcel may be sold in the future. Meanwhile, under the provisions of the temporary use permit, the proposed barn structure will not preclude the use of the property by State Parks for any potential future public use.

Although the horses will be stabled in the proposed barn, the carriage will be kept at a different location elsewhere in Carlsbad (i.e., a private residence on Date Street). The applicant proposes to transport the horses by trailer to the Date Street site (approx. 1-1/2 miles to the north) and then commence with the tour from that location. The applicant has submitted a tour route of the proposed operation which primarily includes the downtown Carlsbad village area as well as portions of Ocean Street to the west and residential areas to the south.

The applicant has received a Special Events Permit from the City of Carlsbad which specifies the conditions of operation for the proposed business. The permit is effective for six months from the date of approval. In addition, the hours of operation are limited to 9:00 a.m. to thirty minutes after dusk. Due to City concerns regarding potential traffic congestion, the horse and carriage use is not permitted to operate during the hour between 5 p.m. and 6 p.m. The applicant proposes to operate the carriage business Tuesday through Saturday. In addition, the number of carriages permitted through the City permit is limited to one, and the horse and carriage must follow an approved route (which has been submitted with the subject coastal development permit application), as shown on an exhibit to the special use permit. No changes from the approved route are permitted without further approval from the Special Events Committee through a subsequent application. Other provisions of the City permit include that horses not be stabled/boarded in the downtown area and that the loading and unloading of horses shall occur on private property, the locations of which must be provided in writing.

The applicant has indicated that the barn can house up to eight horses, and that, eventually, a total of four carriages may be in operation (two horses/carriage). However, this would be subject to future changes to the City approved Special Events Permit and additional review by the Coastal Commission or its successor in interest.

With respect to permit jurisdiction, it is only the construction of the proposed barn structure which is subject to a coastal development permit at this time. The operation of the horse and carriage business as currently proposed (i.e., one vehicle) is not subject to a coastal development permit itself because it does not involve a change in the density or intensity of use of land or water, or of access thereto. Specifically, the types of changes which may result in a change in the intensity of use include, but are not limited to, elimination of public parking spaces, red curbing for drop-off/pick-up points, increases in the number of horses and carriages on public streets or changes to the proposed route or hours of operation, etc. However, the proposed horse and carriage business will not result in the elimination of any public parking nor will it impede traffic, particularly between the site where the horses will be stabled and the proposed tour route, since the horses will be trailered to the location of the carriage, which will be stored just south of the Carlsbad village area. The applicant has received several letters of support from different businesses in the community who have permitted the horse and carriage business to make stops on their properties to pick up and drop off passengers. Therefore, the proposed use will not adversely affect parking or public access opportunities.

In addition, with regard to protection of visual resources, the proposed barn structure will not result in adverse visual impacts nor obstruct public views to and along the ocean. Although the barn will be visible from westbound Palomar Airport Road, the structure is only 14 feet high. Due to the gently sloping nature of the lot from west to east and the fact that the barn will be located towards the eastern portion of the lot well removed from the Carlsbad Boulevard (Highway 101) frontage, it should not be significantly visible from this major coastal access route. The proposed barn will also be compatible with the character of the surrounding neighborhood which primarily consists of single family residential development to the north, the ocean to the west (across Carlsbad Boulevard), and the AT&SF railroad right-of-way to the immediate east with light industrial and office use further to the east.

The proposed use is only for one buggy and two horses at this time. Because any changes to the Special Use Permit, as described above, may result in changes to the intensity of use of land, an advisory condition has been attached which informs the applicant that any changes to the number of horses and carriages proposed to operate on the street, changes to the proposed route, changes to the number of stops or the hours of operation, or elimination of public parking through red-curbing or other means, will require further review and approval by the Commission which may require an amendment to the permit or a separate coastal development permit.

In summary, the proposed project, as conditioned, can be found consistent with the public access and recreation policies of the Coastal Act and the certified Carlsbad Mello II LCP segment. The subject site is designated as "Open Space/Park". Stables, and related structures, such as barns, are permitted uses on sites designated for open space subject to a Conditional Use Permit through the City. However, in this particular case, the City has issued a Special Events Permit in lieu of a CUP to regulate the horse and buggy operation. Thus, the proposed use can be found consistent with the plan

designation. Furthermore, as conditioned, the proposed project is consistent with all policies of the certified Mello II segment of the City of Carlsbad's LCP. Therefore, approval of the proposed project, as conditioned, will not result in adverse impacts to any coastal resources.

SPECIAL CONDITIONS:

1. Permit Limitations. Any future changes to the conditions of the Special Events Permit approved by the City of Carlsbad dated 4/16/96 will require review and approval in writing by the Executive Director. Specifically, any changes to: the number of horses and carriages proposed to operate on the street, the proposed route, the number of stops, the hours of operation; or the elimination of public parking through red-curbing or other means shall be reported to the Executive Director and may require review and approval by the Coastal Commission, or its successor in interest, under a separate coastal development permit or an amendment to this 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.

Applicant's Signature

Date of Signing

(6073R)