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CALIFORNIA COASTAL COMMISSION

SAN DIEGO COAST AREA

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SAN DIEGO, CA 92108-1725
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Permit Application No. 6-98-57/BP

Date June 17, 1998

ADMINISTRATIVE PERMIT

APPLICANT: Thomas Frey

PROJECT DESCRIPTION: Conversion of a 4-unit 2,416 sq.ft. apartment building into a 3-unit apartment on a 5,000 sq.ft. lagoon channel-fronting lot in Bristol Cove. Also proposed is the replacement of flat roofs with pitch roofs which would increase building height from 21 feet high to 27 feet high.

PROJECT LOCATION: 4677 Park Drive, Carlsbad, San Diego County, APN 207-150-46

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 Wednesday, July 8, 1998
9:00 a.m.

LOCATION: Hyatt Regency
No. 5 Embarcadero
San Francisco, 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: Bill Ponder

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.

EXECUTIVE DIRECTOR'S DETERMINATION. The applicant is proposing the conversion of a 4-unit 2,416 sq.ft. apartment building into a 3-unit apartment on a 5,000 sq.ft. lagoon channel-fronting lot in Bristol Cove. Bristol Cove is privately-owned tidelands and submerged lands and contains a marina facility for a residential condominium complex located along the north shore of Agua Hedionda Lagoon. The upstairs two units are proposed to be reduced to one

unit through modification of interior walls and removal of one kitchen. The conversion requires a coastal development permit because it represents a change in use on the site. Although the subject site is a channel-fronting lot containing rip-rap and a dock area, no modification to existing shoreline protection or grading is proposed. Also proposed is the conversion of 129 sq.ft. of deck area into a closet, adding an additional entry to one of the units, the replacement of an existing staircase and adding window replacements throughout the structure. The improvements represent less than 10% of the size of the structure and would be exempt under Section 13253 of the Commission's regulations. Also proposed is the replacement of flat roofs with pitch roofs (from 21 feet high to 27 feet high), which is greater than a 10% increase in height, thus a coastal development permit is required.

The project site is located between the first coastal road (Park Drive) and the sea (Agua Hedionda Lagoon). Thus, pursuant to Section 30604 of the Coastal Act a finding must be made that the project is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act. Bristol Cove is a privately-owned facility on tidelands and submerged lands and subject to a public navigation easement. All of the docks and marina facilities are used by the residents of the area and belong to the homeowner's association; as such, the cove facilities are not accessible to the public for general recreational use. However, it should be noted that lateral and vertical access to the cove and Agua Hedionda Lagoon is present along much of the boat channel. Other areas of the lagoon outside of Bristol Cove are more accessible for public access. In addition, recreational boating for the general public is also available at the lagoon at Whitey's Landing to the west and Snug Harbor. As such, the proposed project should not result in any adverse impacts to public access opportunities in this area, consistent with Coastal Act policies.

Section 30251 of the Coastal Act provides that new development not result in adverse visual impacts as seen from public areas. The project raises the building height of the existing building up to six feet. However, it would not be any higher than surrounding residential development in Bristol Cove and would be within the City's 30-foot height limit. Additionally, because of topography it would not intrude into any identified public viewshed from Park Drive or Adams Street. Thus, the Executive Director determines the proposed project would not result in adverse visual impacts and can be found consistent with Section 30251 of the Coastal Act.

Section 30252 of the Coastal Act provides that new development provide adequate parking facilities. Parking in the Bristol Cove area is deficient. Because of inadequate parking there, a spillover occurs on Park Drive and Cove Drive. The project site itself has 4 parking spaces for the existing 4 units. No additional parking is proposed with the conversion. However, the project will reduce the level of intensity of the site as it will convert 4-units to 3-units and as such represents a reduction in the parking demand in the area. There is no ability to provide additional parking on the subject site; thus, the Executive Director determines the project can be found consistent with Section 30252 of the Coastal Act.

Section 30250 of the Coastal Act provides that new development must be located in areas able to accommodate it. The proposed project would take place in an existing developed area along the north shore of Agua Hedionda Lagoon. The project is a conversion of 4-units into 3-units and represents a less intensive use of the property. As such, the revised project should require less demand for services and infrastructure. The applicant has indicated final plans may incorporate some changes to the preliminary plans the Executive Director has reviewed. Any such changes would be to the project design and would not affect the conversion from 4-units to 3-units. However, because of the possible changes, to assure the final plans are part of the Commission's file, the attached condition requires submittal of the final plans. As conditioned, the proposed project is consistent with the applicable policies of the Coastal Act.

SPECIAL CONDITIONS:

1. Final Plans. Prior to authorization to proceed with development, the applicant shall submit, for review and written approval of the Executive Director, final plans for the proposed building conversion that substantially conform with the plans submitted to the Commission, dated 4/27/98.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. Proposed changes to the approved final plans shall not occur without a Coastal Commission-approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

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

(8057R)