

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Page 1 of 5
Permit Application No. 6-07-056/tr
Date 6/18/2007

ADMINISTRATIVE PERMIT**T 3a**

APPLICANT: Joshua Cantor

PROJECT DESCRIPTION: 162 sq. ft. addition to an existing 162 sq. ft. commercial storage shed located at Snug Harbor and directly adjacent to Agua Hedionda Lagoon. The addition is to be constructed on top of an existing slab.

PROJECT LOCATION: 4215 Harrison St., Carlsbad, San Diego County

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 09-13, 2007 | LOCATION: Embassy Suites Hotel |
| 9:00 a.m., Tuesday | 333 Madonna Road |
| | San Luis Obispo, CA 93405 |

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. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. 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.
5. 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.

The applicant proposed the construction of a 162 sq. ft. addition to an existing 162 sq. ft. commercial storage building. The proposed addition will be constructed on existing slab and as such no grading will be required. The site is located on one of the 5 beach-front parcels of Snug Harbor located in the eastern portion of Agua Hedionda Lagoon. Snug Harbor is a commercial recreational boating facility open to the general public and includes a launch, a dock, rental and eating facilities. The site is zoned as Residential Tourist and is designated as Tourist-Recreation and open space. The development meets all zoning and general plan restriction and fits within the scale and character of the surrounding community. The addition will be visible from Interstate-5 but is located in an already developed area and will not have impacts of public views. No new signage is proposed as a component of this project.

The entire site slopes southerward towards the lagoon. Currently all runoff sheetflows from the property and impervious surfaces to the lagoon. These waters are filtered by existing vegetation and sand prior to entering the lagoon waters. The project does not propose any changes to runoff or drainage patterns. No additional landscaping is proposed as a component of this project.

Coastal Act section 30604 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 provisions of Chapter 3 of the Coastal Act. In this case, such a finding can be made. The City of Carlsbad's Local Coastal Plan (LCP) Land Use Plan (Agua Hedionda Lagoon Segment) has been certified by the Commission; however, no implementation plan has been certified for this segment and therefore the area remains an area of deferred certification and Chapter 3 policies of the Coastal Act is the standard review. The proposed commercial shed addition requires a coastal development permit because it is located between the first public road and the sea and involves an addition of greater than 10%. The development is located more than 100' inland of the lagoon waters and as such observes an adequate buffer. There are a total of 6 existing buildings on site as well as a deck, dock and launch ramp. The Agua Hedionda LUP states goals for Snug Harbor and promotes the recreational uses and expansion of said facility.

Coastal Act policies 30240 and 30251 restrict the alteration of natural landforms and protect sensitive habitats. Section 30231 of the Coastal Act requires that coastal waters are protected and runoff minimized. The proposed development will not have an adverse impact on any sensitive habitat, and, as conditioned, will not result in erosion or adverse impacts to water quality, as adequate drainage controls will be provided. Thus, the project is consistent with the resource protection policies of Chapter 3 of the Coastal Act.

Sections 30250, 30251 of the Coastal Act protect visual qualities of the surrounding area by influencing the location, and type of development permitted. The development is located within an existing developed area and, as conditioned, will be compatible with the character and scale of the surrounding area and will not impact public views. Therefore, the Commission finds that the development, as conditioned, conforms to Section 30251 of the Coastal Act.

Sections 30210, 30211, 30212, 30221, 30251 regulate public access on coastal properties, and properties close to coastal recreational activities. The proposed development will not have an adverse impact on public access to the coast or to nearby recreational facilities. As conditioned, the proposed development conforms to Sections 30210 through 30214, Sections 30220 through 30224, Section 30252 and Section 30604(c) of the Coastal Act.

This permit is an after-the-fact permit as the construction of the proposed building addition has already began. Although development has taken place prior to submission of this permit application, consideration of this application by the Commission has been based solely upon the policies and provisions of the certified City of Carlsbad LCP as well as the public access and recreation policies of Chapter 3 of the Coastal Act.

Commission review and action on this permit does not constitute a waiver of any legal action with regard to the alleged violation nor does it constitute an admission as to the legality of any development undertaken on the subject site without a coastal permit.

There are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

As conditioned, the project is consistent with all applicable Chapter 3 policies of the Coastal Act. The Executive Director finds that approval of the subject project will not prejudice the ability of the City of Carlsbad to obtain a fully certified local coastal program for the Agua Hedionda Lagoon Segment.

SPECIAL CONDITIONS:

1. Final Drainage Plans. **PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT**, the applicant shall submit to the Executive Director for review and written approval, final drainage and runoff control plans, which shall be approved by the City of Carlsbad. The plans shall document that the runoff from the roof shall be collected (rain gutters) and directed into pervious areas on the site (landscaped, sandy areas) for infiltration and/or percolation to the maximum extent practicable, prior to being conveyed into Agua Hedionda Lagoon.

The permittee shall undertake the development in accordance with the approved plans. Any proposed changes to the approved plans shall be reported to the Executive Director. No changes to the plans shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

2. Sign Program. **No tall, free-standing pole or roof signs shall be allowed on site**. If any signage is proposed the applicant shall submit a comprehensive sign program, documenting that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. Said plans shall be subject to the review and written approval of the Executive Director, prior to the authorization to proceed with development.

3. Exterior Treatment. **PRIOR TO THE AUTHORIZATION TO PROCEED WITH DEVELOPMENT**, the applicant shall submit for the review and approval in writing of the Executive Director, a color board or other indication of the exterior materials and color scheme to be utilized in the construction of the proposed shed addition. The color of the structure and roof permitted hereby shall be restricted to color compatible with the surrounding environment (earth tones) including shades of green, brown, and gray, with no white or light shades and no bright tones except as minor accents. All windows shall be comprised of non-glare glass.

The permittee shall undertake the development in accordance with the approved color board. Any proposed changes to the approved color board shall be reported to the Executive Director. No changes to the color board shall occur without a Coastal Commission approved amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

4. Condition Compliance. **WITHIN 60 DAYS OF COMMISSION ACTION ON THIS CDP APPLICATION**, or within such additional time as the Executive Director may grant for good cause, the applicant shall satisfy all requirements specified in the conditions hereto that the applicant is required to satisfy prior to the authorization to proceed with development. Failure to comply with this requirement may result in the institution of enforcement action under the provisions of Chapter 9 of the Coastal Act.

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