

CALIFORNIA COASTAL COMMISSION
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Staff: WNP-SD
Staff Report: 11/27/95
Hearing Date: 12/12-15/95

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AMENDMENT REQUEST
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-87-680-A-11

Applicant: Aviara Resort Associates Larry Clemens

Original Description: Conceptual Approval of the Master Plan for a mixed use project covering 1,402 vacant acres in southern Carlsbad. Uses proposed include: 2,836 single-and multi-family residential units; a multi-building hotel/resort, sports complex and restaurants; golf course with clubhouse; shopping center and natural and recreational open space areas.

Subdivision, grading (3.9 million cubic yards) and construction approvals for Phase 1 (540 acres) of the project consisting of 1,522 single-and multi-family residential units; a resort/hotel, sports complex and visitor-serving commercial center, including restaurants (589,000 sq.ft. total). Other than the residential units, uses would be located in 73 one-, two- and three-story buildings and the proposed four-story hotel structure; also proposed within the first phase is construction of an 18 hole golf course and two-story 24,000 sq. ft. clubhouse and construction of roads and facilities, including offsite improvements.

Proposed Amendment: Revise planning area (PA) boundaries and uses within PAs 1,2,9,10, and 11 to allow for redesign of resort hotel and sports center/restaurant sites resulting in 16 additional guest rooms in main hotel (336 rooms), revise shared parking agreement; replace 169 garden wing/villa rooms and 89 multi-family units with 240 timeshare units in three villages.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the amendment request subject to special conditions memorializing the proposed open space tradeoff between areas not previously subject to an open space deed restriction, a condition that requires an approved site development plan by the City of Carlsbad showing the alignment of the community trail that traverses the subject planning areas, and a condition that identifies that all previous special conditions relating to the subject site remain in full force and effect.

Site: Batiquitos Lagoon and lands along its north shore between Interstate 5 and El Camino Real, Carlsbad, San Diego County. APNs 214-170-51; 215-040-02,15,16; 215-050-14; 215-051-10; 215-070-51; 215-080-02; 216-110-02,19,28; 216-111-01,02,04; 216-121-15,16; 216-122-01,23; and 216-150-06,07

Substantive File Documents: Certified Carlsbad Local Coastal Program Mello I, Mello II and East Batiquitos Lagoon/Hunt Properties segments, as amended; City of Carlsbad/CT #95-02; Master Plan #177(0); CUP 95-8; CDP #6-87-680-A5

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants an amendment for the proposed development, subject to the conditions below, on the grounds that the amended development, as conditioned, will be in conformity with the adopted Local Coastal Program, and will not have any adverse impacts on the environment within the meaning of the California Environmental Quality Act.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Open Space Deed Restriction. Prior to the issuance of the coastal development permit amendment, the applicant shall record an amendment to the open space deed restriction that was recorded against the subject property on April 14, 1989 pursuant to the initial Commission approval of CDP #6-87-680. The amendment shall be recorded free of all prior liens and encumbrances, except for tax liens, and binding on the permittee's successors in interest and any subsequent purchasers of any portion of the real property. The amendment shall revise the boundaries of the deed restricted open space areas to include the 6,568 sq.ft. area shown as Area #11 on the attached Exhibit 3, and to exclude the 6,487 sq.ft. of area shown as Areas 1 through 10 on the attached Exhibit 3. The recording document shall include legal descriptions of both the applicant's entire parcel(s) and the restricted area, and shall be in a form and content acceptable to the Executive Director. Evidence of recordation of such restrictions shall be subject to the review and written approval of the Executive Director.

2. Final Community Trail Plans and Construction. Prior to the issuance of the coastal development permit, the applicant shall submit for review and approval of the Executive Director, final trail improvement plans and a site

development plan indicating the alignment of the scenic trail as approved in the certified Master Plan pursuant to LCPA #1-90. The submitted plans shall include the following:

- a. The approved trail shall be maintained and open to the public in perpetuity;
- b. The trail shall be signed to facilitate and enhance public use. A public access signage plan shall be submitted which shall include a public access sign near the intersection of the entry road and Alga Road on the north, and Batiquitos Drive on the south. The signs shall be visible from Alga Road and Batiquitos Drive to alert pedestrians of public trail opportunities within the resort complex. Said signage shall read, "Public Access Trail - Open to the Public" or similar language. Said plan shall be approved in writing by the Executive Director.

The trail shall be approved by the City of Carlsbad, shall be installed prior to the issuance of building permits for the hotel, and shall be maintained and open to the public in perpetuity.

3. Shared Parking Program. Any revisions to the herein approved shared parking program shall require an amendment to this coastal development permit.

4. Prior Permits and Amendments. All special conditions and provisions of the previously-issued coastal development permit and subsequent Coastal Commission-approved amendments are binding and remain in force, unless specifically modified herein.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Amendment Description and History. On April 12, 1988, the Commission approved the development of the master plan for a mixed use project consisting of 32 separate planning areas and covering 1,402 acres, and which included the following specific phases of development: conceptual approval of the Pacific Rim Country Club and Resort Master Plan; subdivision of portions of Phase 1 of the site in accordance with the City of Carlsbad's subdivision map CT 85-35; implementation of Phase 1 of the Master Plan including grading in Planning Areas #1-16 and construction in Planning Areas 1, 2, 9, 10, and 11; construction of utility and road improvements outside of the Phase 1 area of the project; and construction of single family homes on the residential lots of Planning Areas #s 3, 4, 8, 13 and 14, subject to review and written approval of the Executive Director of building plans. Subsequent implementation phases and elements of the project, including construction in Planning Areas #s 5-7, 12, 15 and 16 within Phase 1 were to require approval under a separate coastal development permit or permits.

The subdivision, grading and related infrastructure improvements of Phase II Planning Areas 25-30 was approved in 1991 in CDP #6-91-46; the subdivision,

grading and related infrastructure improvements of Phase III Planning Areas 17-22, and 32 was approved in 1994. Approval for the tentative map for Planning Area 15 is proposed at the Commission's December 1995 hearing.

The center point of the project is a proposed destination hotel/resort with conference facilities adjacent to an 18 hole golf course (Planning Areas #2 and #1 respectively). Adjacent Planning Areas #10 is a recreational and visitor serving-commercial site. Planning Area #23 is designated for a neighborhood commercial center. Proposed Planning Area 2b is designated for timeshares interval ownership. Almost all of the remaining planning areas are designated for a mixture of single- and multi-family housing tracts to surround the hotel and resort. A total of 2,836 residential units are proposed over the anticipated 15 to 20 year life construction period of the three phased project. The residential mix includes 364 standard single family homes on separate lots, 423 small lot single family homes and 2,049 multiple family units. Planning Area #31 covers the wetlands of Batiquitos Lagoon and is designated for open space and Planning Areas #6 and #32 are proposed for a school and park/church site.

There have been numerous amendments to the master plan permit (CDP #6-87-680) since its approval by the Commission in 1988. These amendments were primarily for minor changes to development standards and design guidelines. Most relevant in terms of the proposed amendment, in 1990 the Commission approved CDP #6-87-680-A-5, which was for the redesign of the proposed hotel, golf clubhouse, sports complex and restaurants in Planning Areas 1, 2, 10 & 11, including revised building designs for all structures; reallocation of square footage within structures; expansion of the hotel, golf clubhouse and sports complex; reduction in size of the restaurant building; reduction of total number of hotel rooms and suites; increase in number of stories of hotel uses to five stories; reduction in the total number of parking spaces; modification of open space designated areas. The amendment was approved subject to two special conditions which required that a deed restriction be executed for an approved open space tradeoff, and that a landscaping plan be executed for the proposed hotel.

This amendment modifies the site plan approved in CDP #6-87-680-A-5. Thus, this is the third time the Commission has reviewed the site plan that is the subject of this amendment request. The current hotel operator, Four Seasons Resorts, concluded that the design approved in CDP #6-87-680-A-5 was not adequate for their purposes which has resulted in the proposed site design.

The subject amendment request again involves the resort facility previously approved in Planning Areas 1, 2, 9, 10 and 11. There are some important changes that are proposed with this amendment as compared to CDP #6-87-680-A-5. First, the Planning Area design of the master plan is being revised: new PA 2B (timeshare resort club) is being proposed--previous PA 2 included the hotel and residential uses associated with the hotel--new PA 2A is now the hotel; PAs 9 (old 32.5 acre site associated with multi-family residential near hotel) and 11 (old 2.4 acre restaurant site associated with the sports complex) are being deleted; PA 10 (sports center) and restaurant uses in old PA 11 are being merged (they were separate in CDP #6-87-680-A-5).

Second, PA 1 (Golf Clubhouse) is being added to the shared parking program. In summary, the proposed permit amendment request involves changes to the following approved projects in these Planning Areas:

SUMMARY OF PROPOSED CHANGES

| USE | APPROVED PLAN | PROPOSED PLAN |
|---|---|---|
| MAIN HOTEL (PA 2A) | | |
| Guest Rooms | 320 rooms | 336 rooms |
| Food/beverage | 662 seats | 629 seats |
| Conference/Banquet | 32,769 sq.ft. | 22,888 sq.ft. 12,490 sq.ft. of void space |
| Retail | 6,000 sq.ft. | 5,808 sq. ft. |
| SPORTS CENTER (PA 10) | | |
| Main Building | 47,000 sq.ft. | 47,000 sq. ft. |
| Restaurant (Old PA 11) | up to 10,000 sq.ft. | 5,869 sq. ft. |
| Tennis Courts | 11 regular courts 1 tournament court | 12 courts (1 with limited seating) |
| Racquetball/Squash | 4 courts | 4 courts |
| RESORT CLUB/PREVIOUS HOTEL&RESIDENTIAL(Old PA 9) | | |
| | 169 garden wing/villa rooms 89 multifamily units | 240 timeshare units |

The following is a more detailed description of the proposed amendment:

A. Hotel. The proposed revisions to the hotel building and site include interior alterations, redesign of the surrounding landscaped areas, and an update to the master plan development standards. The approved parking garage contains a large subterranean area which currently is to extend under the porte cochere. This portion of the approved parking structure is proposed to be removed and backfilled, creating a 651 space garage. A discussion of the parking supply implications will be described in the "Parking" section of this report. Within the hotel itself, some of the approved public spaces, such as meeting rooms, foyers, and portions of the lounge would be "voided" by enclosing the spaces and excluding them from habitable occupancy. The applicant is proposing that these void spaces be held for potential refurbishment should demand and parking availability exist. Also proposed is a consolidation of some of the larger hotel suites into individual guest rooms. This would increase the number of rooms in the main hotel building from 320 to 336. These internal revisions to the garage and hotel would not be apparent from the exterior, leaving the hotel elevations almost identical to current approvals. In CDP 6-87-680-A-5, the Commission approved a five-story hotel structure while observing the 45 foot height limit approved in the original permit through a lowering of the ceiling for each floor.

The hotel amendment also proposes a minor redesign of the pool areas and surrounding landscaping areas. The approved fire access route around the pool areas would remain and no significant loss in approved amenities would result. All approved specimen landscaping, including the 30 foot high palm trees around the main hotel, would remain as approved.

B. Sports Center and Restaurant. The proposed revisions to the sports center and restaurant include the replacement of the approved parking structure with surface parking, the merging of the sports center and restaurant buildings into a single structure, and the relocation of the tennis courts towards the golf course. All ancillary recreational opportunities such as the lap pool, children's pool and outdoor lounge would remain substantially as currently approved. The redesign of the entire sports center and restaurant sites would allow the creation of a 380 space surface parking area with landscaping. Elimination of the parking structure and relocation of the tennis courts allows for more parking lot landscaping and improved views from the exhibition tennis court. The applicant indicates that merging of the restaurant and sports center uses into a single 52,400 sq. ft. building frees up more area for landscaping, provides a more cohesive resort setting and promotes joint use of the facilities.

C. Time Share Villages. The proposed timeshare development encompasses all of Planning Area 9 and the eastern and southern portions of Planning Area 2. These areas will become the new Planning Area 2B. The 240 unit timeshare project would be divided into three villages, each with a recreation building, support service buildings, and surface parking. The timeshare buildings would consist of four types, ranging from three-story six unit buildings to two-story two or four unit buildings. All architecture and landscaping within the timeshare villages is designed to match that of the hotel and sports center. Building massing and separation would be significantly less intensive than the approved hotel garden wings and similar to the approved single family residential units.

The parking for the timeshare project would be separate from the shared parking arrangement in the remainder of the resort. The 360 surface parking spaces proposed for the timeshare units provides a parking supply ratio of 1.5 spaces per unit, which is 25% more parking than required by the parking ordinance. All parking areas are connected to the timeshare units with a system of trails and bridges. Each timeshare guest would be able to use the hotel's shuttle system to travel to the main hotel, sports center, or golf clubhouse.

A separate component of the timeshare use is the pre-development marketing and administration. Office space for approximately 60 staff members would be necessary to allow for on-site marketing of the timeshare units. The applicant is proposing that this office space be temporarily accommodated within the voided areas of the hotel. According to the new parking study and shared parking program, occupation of the voided hotel area by marketing staff would create a need for shared parking between the hotel area and sports center during mid-day on weekdays and early evenings on Saturdays. This temporary occupation of the hotel area would be controlled under the City's

conditional use permit for the timeshares and monitored for impacts to parking availability and use compatibility. According to a city representative, should any adverse impacts result, the marketing areas would be relocated off of the resort grounds.

D. Shared Parking Program. The current hotel and sports center parking program involves shared parking between the hotel and sports center uses. This shared parking is based upon a parking study which has been incorporated into the master plan. The proposed shared parking program would still involve the hotel and sports center and also include the golf club/driving range parking areas.

The essence of the shared parking program is that different uses within the resort will have different peak parking demands, thereby allowing shared use of their respective parking facilities. The new parking study and shared parking program would operate on the same assumptions as the approved study and program, however the total number of parking spaces per hotel room would increase from 1.6 spaces per room to 1.9 spaces per room. According to the new program, shared parking between the hotel, sports center and golf club might be necessary on weekday and Saturday early evenings if the voided areas of the hotel were completed and occupied. The currently proposed operations, excluding the hotel void space, would not generate a need for shared parking.

In addition to the overflow parking, the hotel is conditioned to operate on a valet parking system. According to the applicant, a valet system allows for aisle parking, which would increase the total parking supply of the hotel garage by over 100 spaces. According to the City, this additional parking supply, along with the shared parking program and future parking safeguards required by the City in its conditional use permit ensures that no parking inadequacy should occur.

The proposed amendment request has been reviewed by the City of Carlsbad. In addition to the approval of the amendment through the site development plan and conditional use permit process, the City determined that a Master Plan Amendment would be required. Because of the level of detail written into the Master Plan, and because the Master Plan serves as both the LUP and the Implementation Program for the East Batiquitos Lagoon/Hunt Properties segments of the City of Carlsbad's Local Coastal Program (LCP), an amendment to the LCP (LCPA #3-95) was also approved by the City and is the subject of a separate Commission action.

2. Sensitive Coastal Resources. The policies of the certified Mello I and East Batiquitos segments of the City's LCP contain the following language regarding the development of steeply sloping hillsides with native vegetation:

Grading and Erosion Control

- a) For those slopes mapped as possessing endangered plant/animal species and/or coastal sage scrub and chaparral plant communities, the following shall apply:
 - 1) Slopes of 25% grade and over shall be preserved in their natural

state, unless the application of this policy would preclude any reasonable use of the property, in which case an encroachment not to exceed 10% of the steep slope area over 25% grade may be permitted. For existing legal parcels, with 25% grade, encroachment shall be permitted, however, any such encroachment shall be limited so that at no time is more than 20% of the entire parcel (including areas under 25% slope) permitted to be disturbed from its natural state. This policy shall not apply to the construction of roads of the City's Circulation Element or the development of utility systems. Uses of slopes over 25% may be made in order to provide access to flatter areas if there is no less environmentally-damaging alternative available.

Due to the project site's proximity to the sensitive resources of Batiquitos Lagoon, any action on the project site raises the issues of impacts to lagoon resources. In its previous actions on the subject permit and in its original actions on the Master Plan, the Commission generally required that any areas that were both over 25% grade and containing native coastal sage scrub/chaparral vegetation be subject to an open space deed restriction.

Of the roughly 310 acres of slope of 25% grade or greater contained within the Master Plan area, about 160 or one-half of those on-site meet the dual criteria of 25% grade and coastal sage and chaparral plant communities. Of the 160 acres which meet the dual criteria, the Master Plan as approved by the Commission allowed encroachment onto about 50 acres. The Commission found that the retention of the open space areas as proposed in the Master Plan committed substantial acreage to permanent open space and the preservation of natural landforms consistent with Coastal Act Section 30240. The Commission further found that the proposal served to off-set and mitigate the proposed encroachment into sensitive steep slope areas that are shown in the Master Plan.

The currently proposed permit amendment would require some encroachment into the areas that were protected under the Commission's original approval of the Master Plan. The ten areas proposed for removal from open space, totalling 6,487 sq. ft. (0.149 acres), abut the approved development pad edge, and are small in size, the largest being only 2,447 sq. ft. The proposed trade is being done, according to the applicant, to allow better views to Batiquitos Lagoon. All ten areas combined equal slightly less area than the area proposed in exchange to be restricted as open space in area #11 (6,568 sq. ft.)

The area to be restricted as open space was shown to be developed in the previous site plan approval; however, according to the applicant, Area #11 was not graded as allowed through the permit amendment. Its biological quality is good, native sage scrub. Since the applicant is proposing to pull back development from this area, and the vegetation quality is good, the applicant has proposed it as deed-restricted open space.

A biological survey has been conducted of the areas to be removed from open space and those proposed to be placed into the open space as compensation for

the areas to be removed. The assessment has found that the open space area proposed as compensation for the removal is superior habitat than those areas previously restricted.

Given that the area currently restricted, as identified by a site-specific biological survey, does not represent good quality habitat, and that good gnatcatcher habitat is available for compensation, the Commission finds that suitable protection of the sensitive coastal resources in the area has been given. Additionally, the revision to the open space boundary has been approved through an amendment to the Master Plan in which the Commission found that sensitive habitat values would be retained, and the proposed revision would not prejudice the NCCP planning process with regards to protection of environmentally sensitive habitats.

In order to memorialize this swapping of lands, Special Condition #1 has been proposed. This condition would require that the applicants place an open space deed restriction over the replacement open space area. As with the remainder of the required open space, the deed restriction would prohibit the alteration of natural land forms, placement or erection of structures and removal of vegetation. Given this protection, and given the superior habitat value of the replacement area, the Commission finds that the proposed permit amendment would not result in any overall loss of habitat values at the project site. Therefore, the Commission finds that the proposed permit amendment is consistent with the resource protection provisions of the certified Mello I and East Batiquitos Lagoon LCPs.

3. Parking. The East Batiquitos LUP and the certified Aviara Master Plan provides that adequate parking facilities be provided for new development. The subject amendment request has been accompanied by a detailed parking study for all the uses in Planning Areas 1, 2, 10 and 11. As a result of the parking study, a revised parking program that does not meet the standards of the Municipal Code has been proposed to be employed in these planning areas. The Commission approved a similar study and shared parking arrangement in CDP #6-87-680-A-5.

The previously approved hotel and sports center parking program involves shared parking between the hotel and sports center uses. This shared parking is based upon a parking study which has been incorporated into the master plan. The proposed shared parking program would still involve the hotel and sports center and also include the golf club/driving range parking areas. As indicated in the parking demand study performed for the Master Plan amendment, use of the proposed shared parking will occur when the hotel is at or near full occupancy and non-hotel guests wish to use the hotel's ballrooms and/or banquet facilities. This is anticipated to occur on weekends, when low sports center occupancy is anticipated.

The essence of the shared parking program is that different uses within the resort will have different peak parking demands, thereby allowing shared use of their respective parking facilities. The new parking study and shared parking program would operate on the same assumptions as the approved study and program; however the total number of parking spaces per hotel room would

increase from 1.6 spaces per room to 1.9 spaces per room. According to the new program, shared parking between the hotel, sports center and golf club might be necessary on weekday and Saturday early evenings if the voided areas of the hotel were completed and occupied. The currently proposed operations, excluding the hotel void space, would not generate a need for shared parking.

According to the City, the main reason for the proposed inclusion of the golf course parking lots to the shared parking arrangement is the proposed revision to the hotel parking garage. While the total number of hotel rooms is being reduced, so to are the number of parking spaces, although at a lessened proportion. Since the number of spaces has diminished, there is now potential that, at buildout of all meeting space within the hotel, there will be a need for some golf course parking lot use during weekday and Saturday early evenings. However, even with the shared use of the golf course parking lots, there will be an excess of 20 to 30 spaces, considering full use of the golf course facilities and meeting spaces in the hotel.

A worst case scenario projects that the hotel could have a 306 space deficiency on early Saturday evening when all rooms and meeting areas are in full use. This deficiency would be partially offset by shared parking, 235 spaces available, with the sports center, leaving a 71 space deficit. There are 178 total golf course parking spaces; 71 would be required to cover shortage identified above. e In addition to the shared parking arrangement, the hotel is conditioned by the city to operate on a valet parking system. According to the applicant, a valet system allows for aisle parking, which would increase the total parking supply of the hotel garage by over 100 spaces. This additional parking supply, along with the shared parking program and future parking safeguards required by the City in its conditional use permit ensures that no adverse impacts due to parking inadequacy should occur.

In addition, as part of the approval of the Master Plan amendment and the modified site development permit, the City is requiring an additional Conditional Use Permit (CUP 90-05-A) which would require a yearly monitoring report on parking at the project site. If changes to the valet system are proposed or if any negative parking impacts are identified, one of several actions could be triggered. First, an amendment to the site development plan or conditional use permit could be processed, limiting further development. Second, parking could be added at the sports center through the construction of a parking structure. Third, additional parking within the service area of the hotel shuttle (e.g. PA 23) could be added. Fourth, future use of the voided hotel areas could be precluded. Fifth, the City has required in its CUP that should parking problems persist the periods of occupancy of various uses within the hotel, sports center and golf clubhouse could be restricted. Finally, the CUP identifies the permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed above have not been met. The attached advisory condition requires that any changes to the approved shared parking program be reviewed by the Commission as an amendment to this coastal development permit or a new coastal development permit.

Historically, the Commission has not been inclined to support such parking arrangements because of their difficulty in both administration and long-term monitoring or security. However, in judging the adequacy of parking, whether in its review of a permit or a planning item, the Commission must determine whether the parking arrangement will serve as a barrier to public access to the coast. In this regard, the submitted parking demand study has indicated that there will be sufficient parking available to serve the proposed development, particularly when compared to other, similar resorts in other areas.

Second, the proposed permit amendment provides for proposed uses in Planning Areas 1, 2, 10 and 11 which are all visitor-serving commercial uses. Each of the proposed uses in these planning areas are high priority uses under the Coastal Act and will, by their nature, facilitate the public's ability to gain access to the coast.

In spite of these two reasons, however, if the reduced parking to be provided under the amended permit were found to serve as an impediment to public access to the coast by displacing other visitors or usurping public parking areas, it would still not be consistent with Section 30252 of the Act. For example, if there were other coastal access opportunities in the project, not related to the commercial recreation facilities located in the subject planning areas, inadequate parking could result in significant barriers to access that would not be consistent with the public access and recreation policies of the Act. Therefore, the Commission finds that the proposed permit amendment to the permit is consistent with the parking provisions of the certified Aviara Master Plan.

Regarding the proposed public access trail, the trail alignment is consistent with that approved in LCPA #1-90, as it extends southward from Alga Road to Batiquitos Drive, in the alignment of Blue Heron Road, the shuttle road, and Kingfisher Place. Therefore, rather than being a scenic nature trail, it is a readily accessible trail that assures public access through the resort complex is provided and maintained, consistent with the provisions of the Master Plan. Special Condition #2 requires submittal of final trail improvement plans and site development plan showing the approved trail, prior to issuance of the amendment. The trail must be installed along with the required public access signage, prior to issuance of building permits for the hotel. Such requirements are consistent with the certified Aviara Master Plan as amended through LCPA #3-95.

4. Visual Resources. The site of the development is a visually prominent area on the north shore of Batiquitos Lagoon. The site is visible from I-5, La Costa Avenue, El Camino Real, Old Highway 101 and from at least two designated vista points identified in the previously certified County of San Diego Local Coastal Program, which, at one time, covered the project site and what is now the City of Encinitas. Any development occurring on this site will have impacts upon views, compared to the formerly vacant slopes and valleys located adjacent to the open lagoon area. Given the visual prominence of the site, the goal has been to soften or to minimize the impacts of the

large-scale development approved for the site.

Since the previous coastal development permit amendment approval for the main hotel building, the method of measurement for building height has changed in the City of Carlsbad. It is now measured to the roof peak whereas it was previously measured to the mid-point of the roof. There is no proposed change to the actual height of the hotel over what the Commission has previously approved, only an acknowledgement that the new method of measuring building to the roof peak height indicates the hotel is 53 feet high rather than 35 feet high as measured under the previously used standard. This necessitates a revision to the master plan development standard for maximum height in the planning area. Overall, the City's change in definition resulted in a reduction in allowed building heights within the Aviara Master Plan.

No obstruction of existing views from public or private lands will occur, except for those private development areas to be developed within the Master Plan area. The small change in the design of the building will not increase the overall height of the structure and no obstruction of existing public views will occur. Additionally, Special Condition #3 of CDP 6-87-680-A-5 required that a landscaping plan be submitted which placed emphasis on the treatment of the hotel complex, as viewed from Batiquitos Lagoon, with use of specimen size (24 inch box) trees which at mature height to serve to break-up the building facade. This condition remains in full force and effect. The Commission finds that the subject amendment request is consistent with the visual resource provisions of the Aviara Master Plan.

5. 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 changes proposed for this permit through the permit amendment process directly mirror those changes in the Master Plan for the Aviara Resort area. Given that the proposed changes will directly implement the Master Plan, the changes proposed in the amendment are by their nature consistent with the LCP for the area.

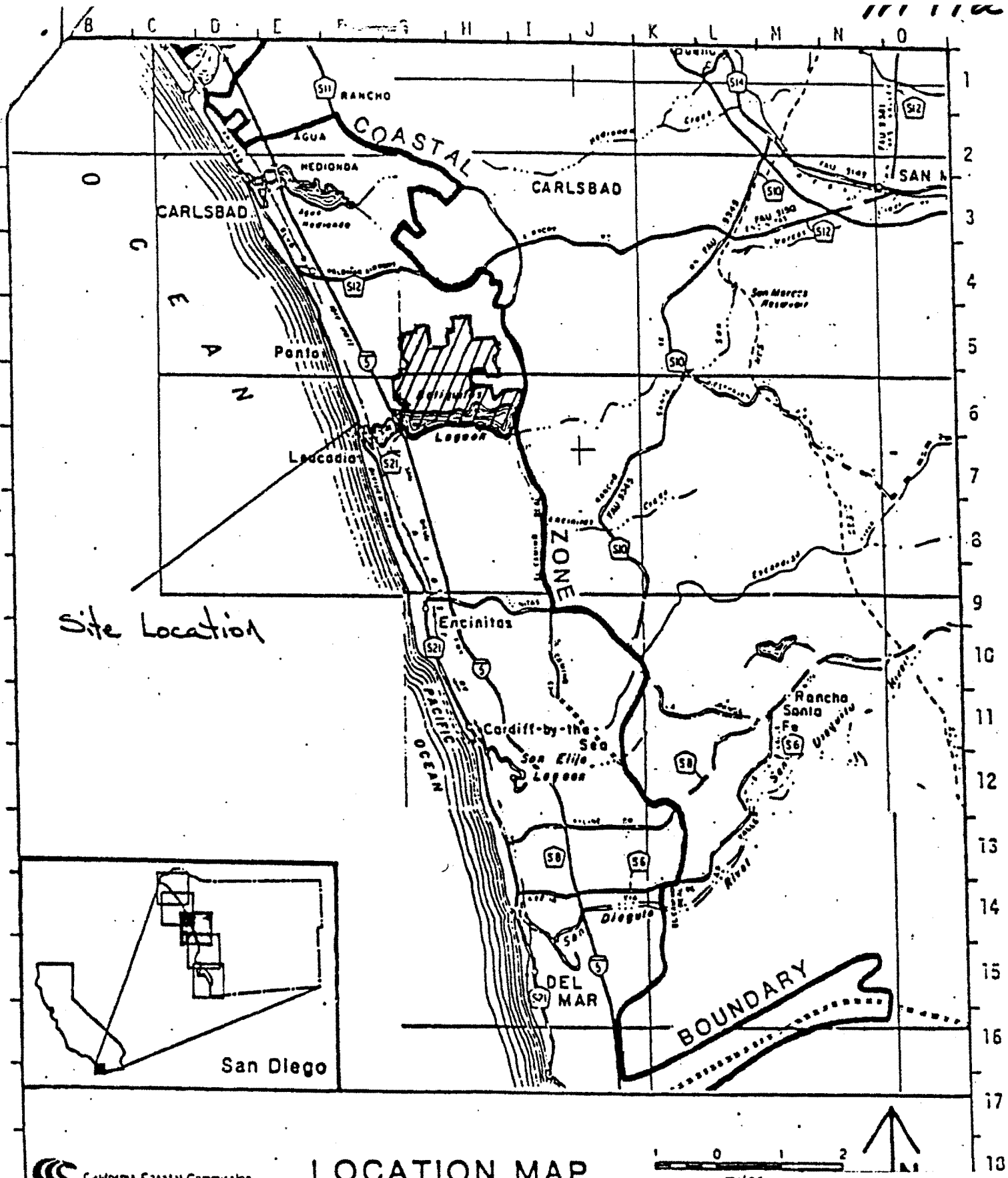
With respect to the proposed trade-off of the open space areas, however, some form of protection for the replacement open space areas must be provided. The proposed Special Condition #1 requires permanent protection of these areas, consistent with the requirements of the LCP. Therefore, the Commission finds that the subject development proposal, as conditioned, is consistent with the certified LCP for the area.

6. Consistency with the 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)(i) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any

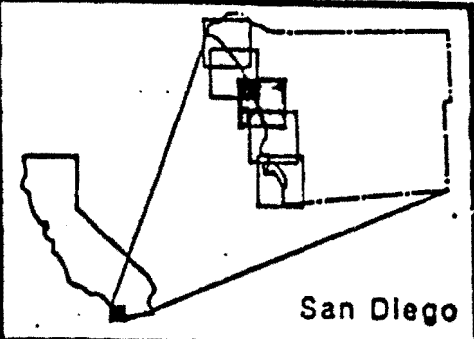
significant adverse impact which the activity may have on the environment.

As discussed herein, the proposed project will not result in any significant adverse impacts to the environment. Specifically, as conditioned to ensure resource protection measures will be maintained within the subject planning area, the project has been found consistent with the provisions of the Aviara Master Plan and the East Batiquitos Lagoon and Mello I LCPS. There are no other alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity might have on the environment because necessary mitigation measures have already been incorporated to reduce any impacts below a level of significance. Therefore, the Commission finds that the proposed project can be found consistent with the requirements of the Coastal Act to conform to CEQA.

(0747A)



Site Location



San Diego

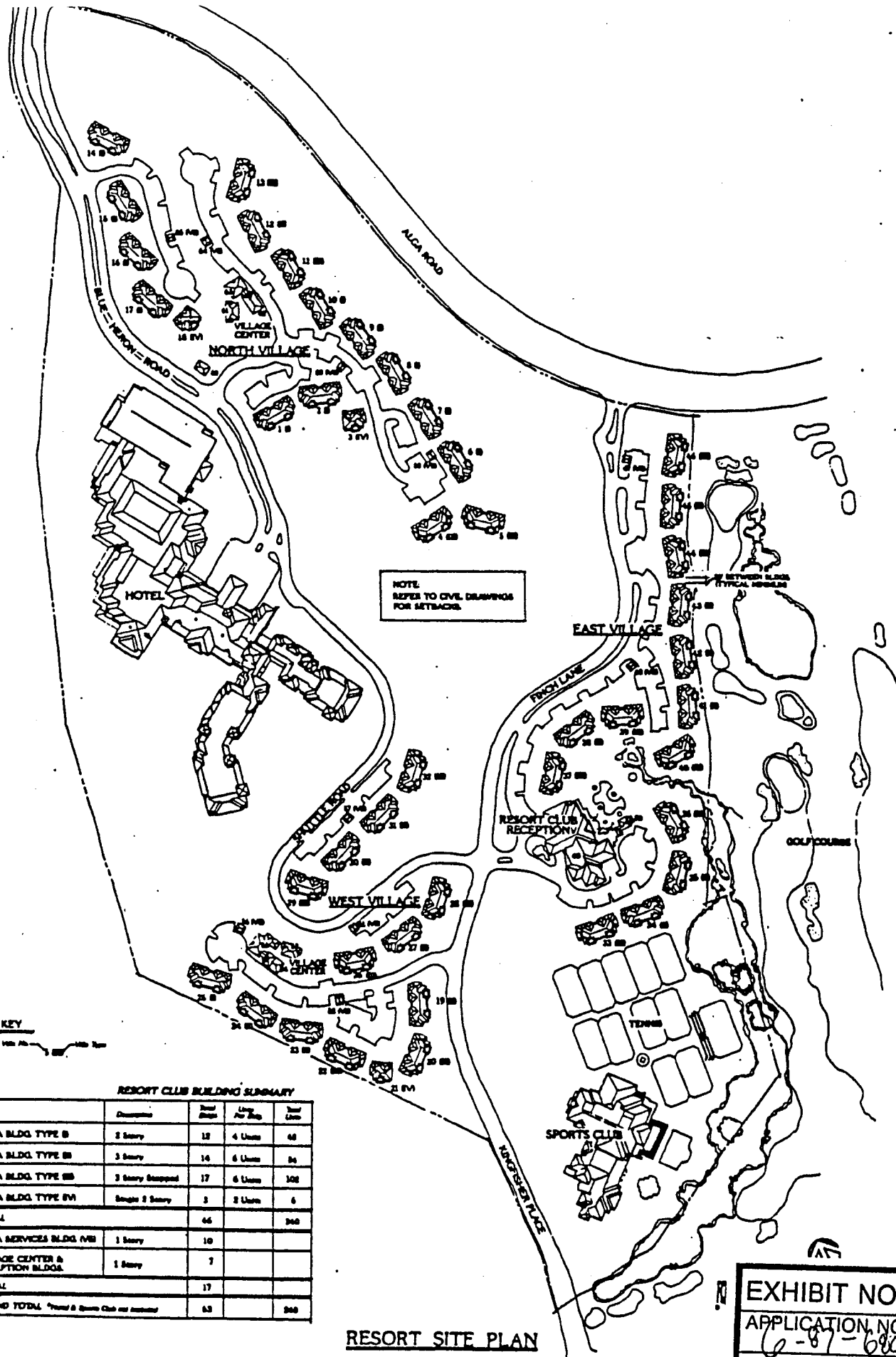
California Coastal Commission

LOCATION MAP



County of San Diego

| |
|---------------------------------|
| EXHIBIT NO. / |
| APPLICATION NO. 0-87-080-AT1 |
| Location |
| California Coastal Commission |



KEY
 1/8" = 1' - 0" Scale

RESORT CLUB BUILDING SUMMARY

| | Description | Total Bldgs | Units Per Bldg | Total Units |
|----------------------------------|-----------------------------------|-------------|----------------|-------------|
| VILLA BLDG. TYPE B | 3 Story | 12 | 4 Units | 48 |
| VILLA BLDG. TYPE BB | 3 Story | 14 | 6 Units | 84 |
| VILLA BLDG. TYPE BB | 3 Story Stopped | 17 | 6 Units | 102 |
| VILLA BLDG. TYPE BV | Single 3 Story | 3 | 2 Units | 6 |
| TOTAL | | 46 | | 240 |
| VILLA SERVICES BLDG. (VB) | 1 Story | 10 | | |
| VILLAGE CENTER & RECEPTION BLDG. | 1 Story | 7 | | |
| TOTAL | | 17 | | |
| GRAND TOTAL | *Total 8 Sports Club not included | 63 | | 240 |

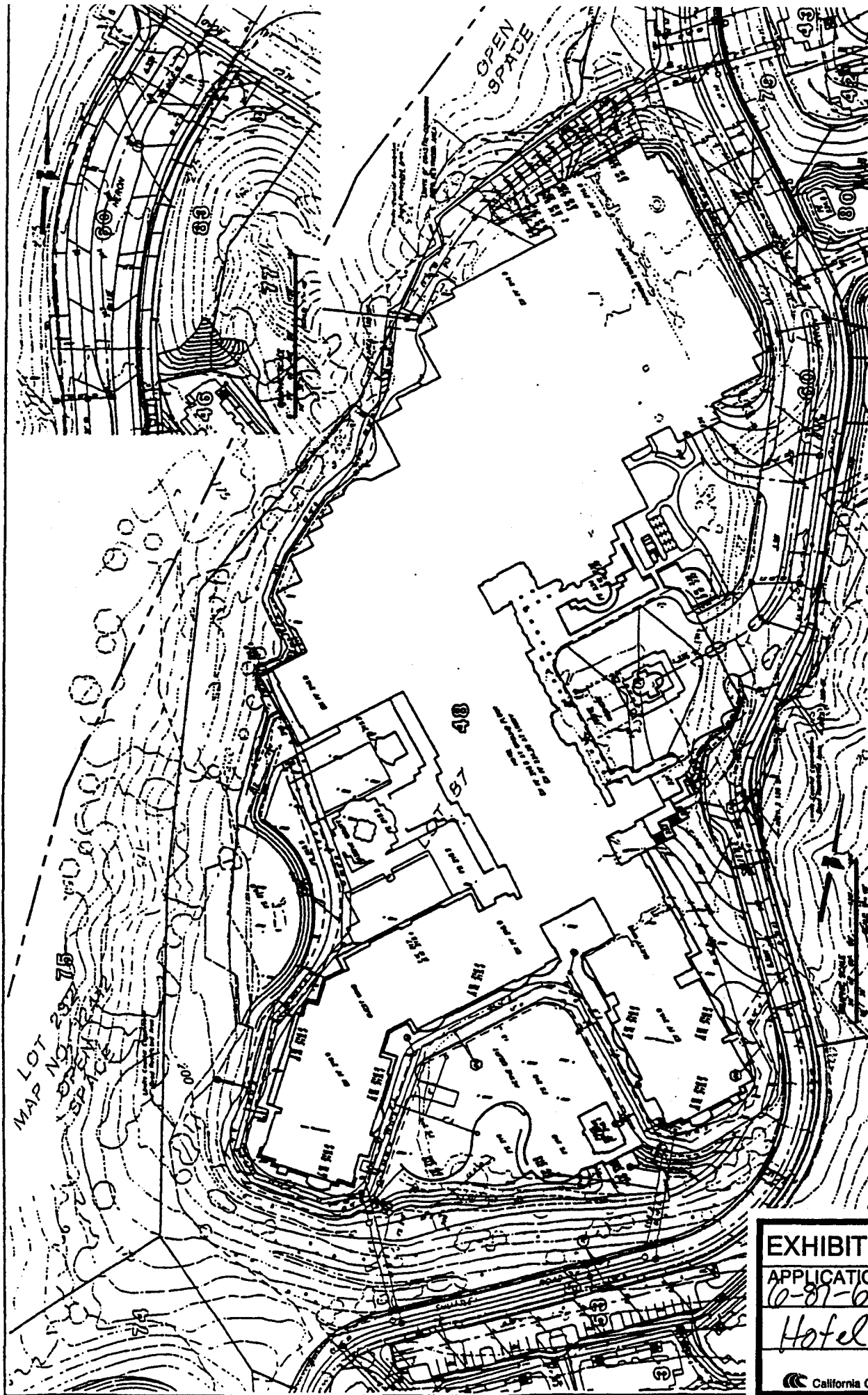
RESORT SITE PLAN

FOUR SEASONS RESORT CLUB
 · AVIARA ·



PROJECT NO. 8848

EXHIBIT NO. *2a*
 APPLICATION NO. *6-87-680-All*
Site Plan
 California Coastal Commission

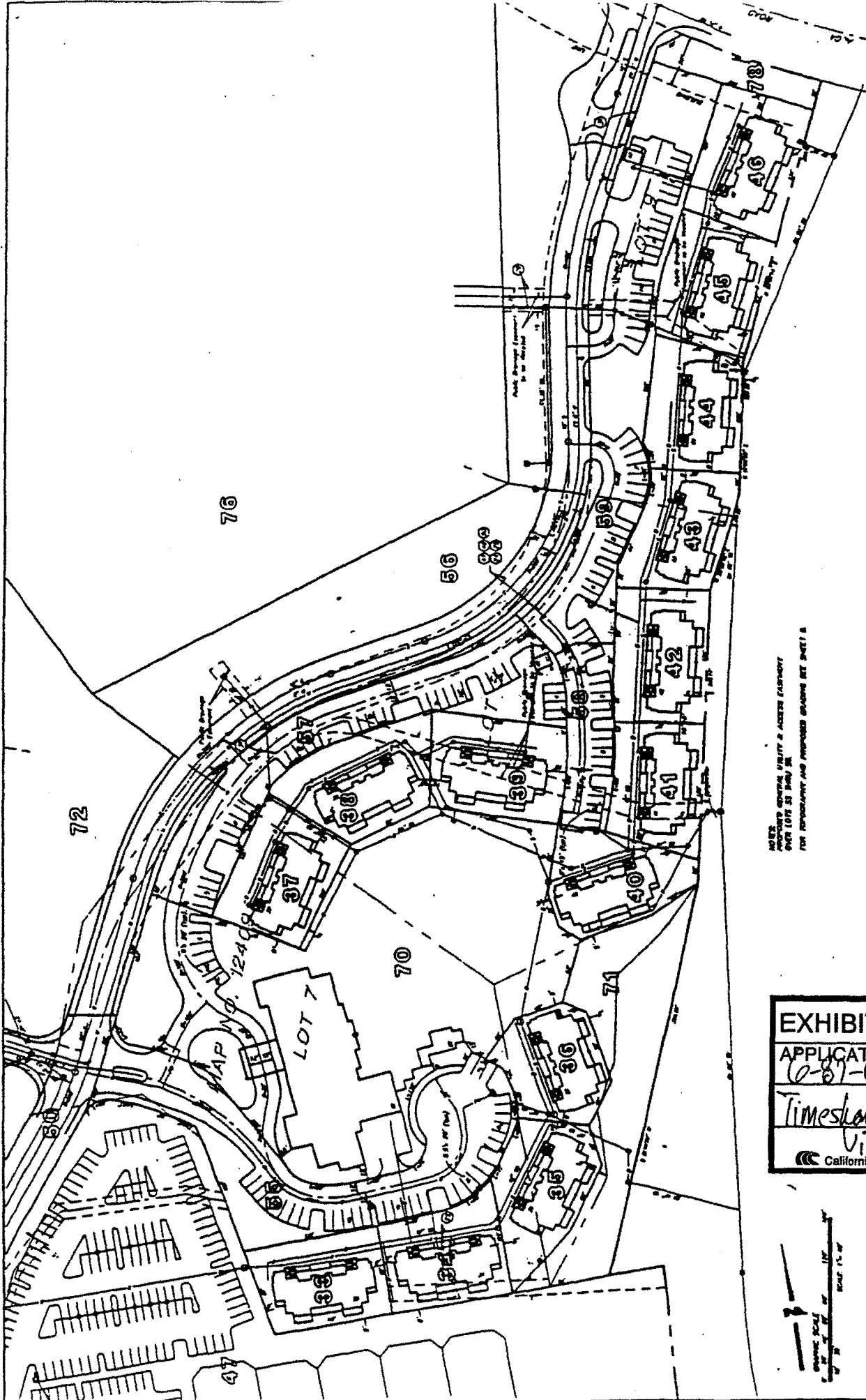


FOUR SEASONS RESORT at AVIARA
 HOTEL
 TENTATIVE MAP/SITE DEVELOPMENT PLAN AVIARA

N **NOLTE and ASSOCIATES, Inc.**
 Engineers / Planners / Surveyors
 8449 Keeney Vln. Red. Suite 306, San Diego, CA 92123

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 | 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 | 52 | 53 | 54 | 55 | 56 | 57 | 58 | 59 | 60 | 61 | 62 | 63 | 64 | 65 | 66 | 67 | 68 | 69 | 70 | 71 | 72 | 73 | 74 | 75 | 76 | 77 | 78 | 79 | 80 | 81 | 82 | 83 | 84 | 85 | 86 | 87 | 88 | 89 | 90 | 91 | 92 | 93 | 94 | 95 | 96 | 97 | 98 | 99 | 100 |
|---|---|---|---|---|---|---|---|---|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|----|-----|

EXHIBIT NO. 26
 APPLICATION NO.
 10-81-680-A-11
Hotel Site Plan
 California Coastal Commission



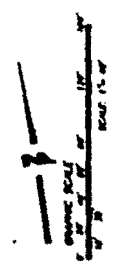
SHEET 6

FOUR SEASONS RESORT at AVIARA
EAST VILLAGE
 TENTATIVE MAP/SITE DEVELOPMENT PLAN AVIARA

NOLTE and ASSOCIATES, Inc.
 Engineers / Planners / Surveyors
 8445 Seaview Way, Suite 205, San Diego, CA 92123

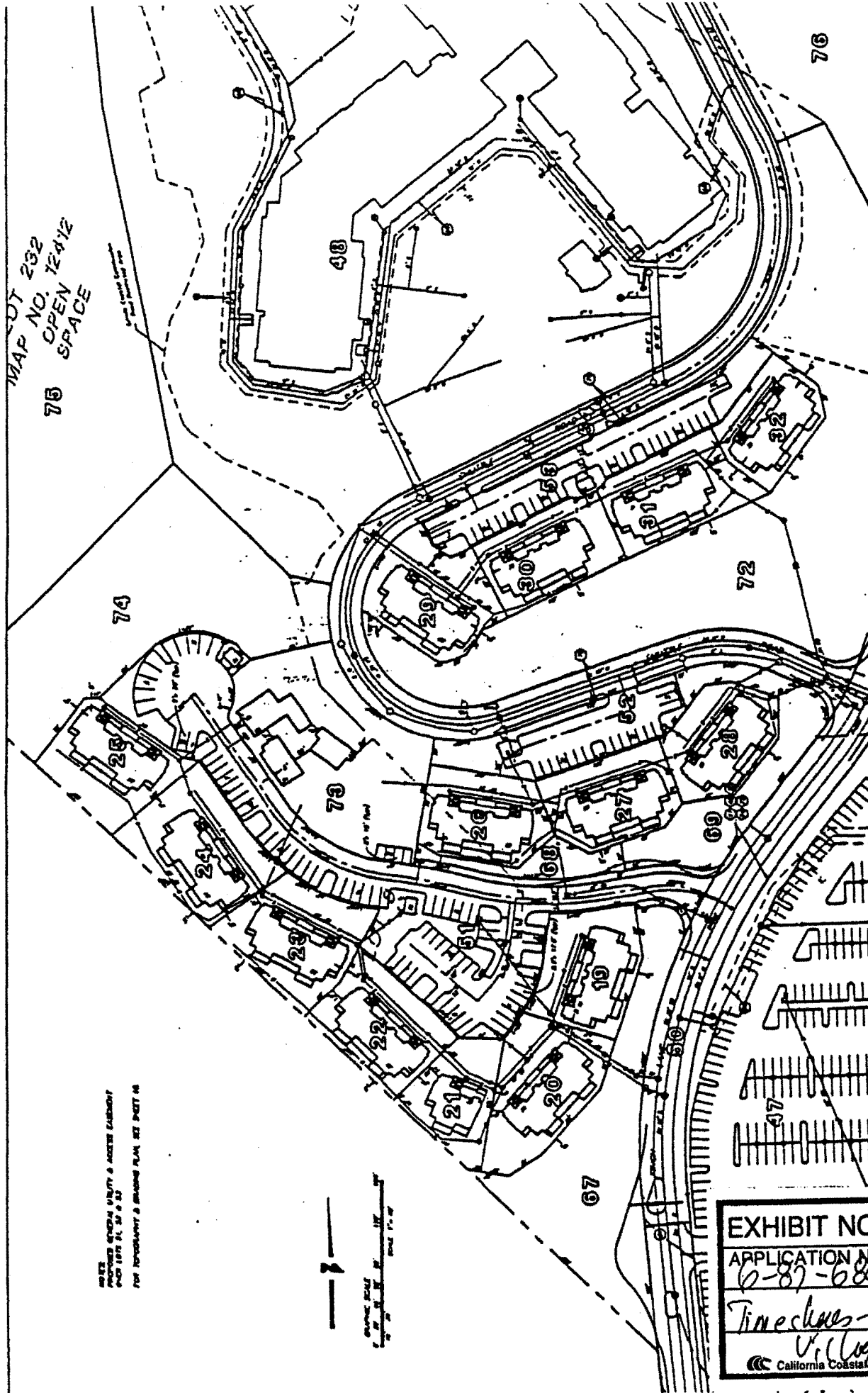
NOTES:
 1. PROPERTY GENERAL UTILITY & ACCESS FACILITY
 2. PER LOTS 35 thru 47
 3. FOR REVISIONARY AND PROPOSED SHADING SEE SHEET 8

EXHIBIT NO. 2E
 APPLICATION NO.
 16-87-080-A-11
Timeslago - East Village
 California Coastal Commission



CAUTION:
 This map is not to be used for any purpose other than that for which it was prepared and is not to be construed as a warranty of any kind. The user assumes all responsibility for the accuracy and reliability of the information shown hereon. The user shall indemnify and hold the preparer harmless from and against all claims, damages, and expenses, including reasonable attorneys' fees, which may be asserted against or incurred by the preparer in connection with the use of this map.

MAP NO. 282
 OPEN SPACE
 75



SEE
 APPROVED GENERAL PLAN & ACCESS EASEMENT
 MAP NO. 281, 282, 283
 FOR IMPROVEMENT & GRADING PLAN SET SHEET 48



SHEET
 7
 OF 7

FOUR SEASONS RESORT AT AVIARA
 WEST VILLAGE
 TENTATIVE MAP/SITE DEVELOPMENT PLAN AVIARA

N MOLTE and ASSOCIATES, Inc.
 Engineers / Planners / Surveyors
 8455 Century Blvd., Suite 200, San Diego, CA 92123

EXHIBIT NO. 2F
 APPLICATION NO.
 0-87-688A-11
Tinechas-Walt
V. Lopez
 California Coastal Commission

RECEIVED

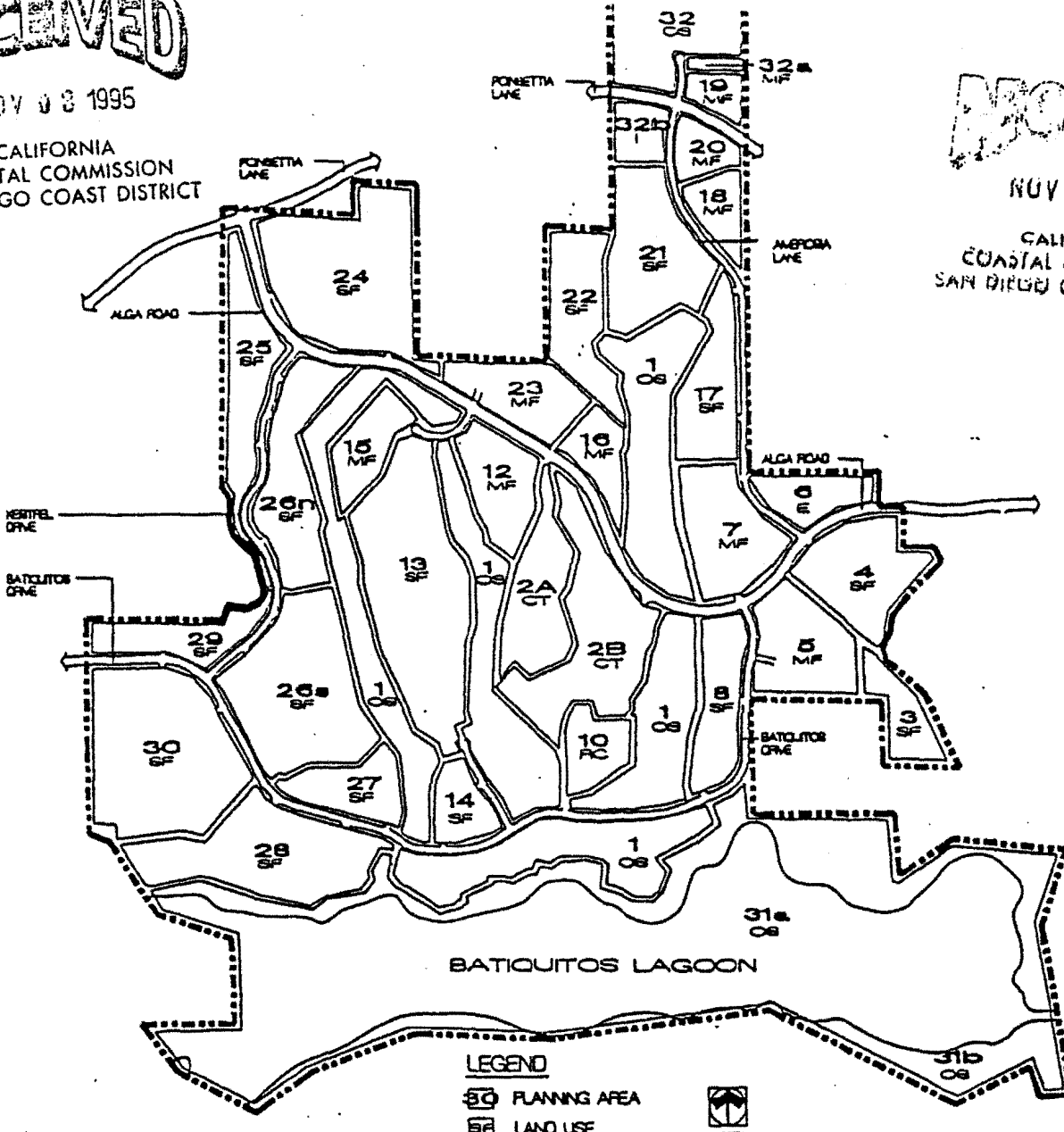
NOV 08 1995

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

RECEIVED

NOV 08 1995

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



LEGEND

- PLANNING AREA
- LAND USE



| RESIDENTIAL | | | |
|-------------|---------------|----|-------|
| SF | PLANNING AREA | FM | ACRES |
| 3 | | 3 | 5.4 |
| 4 | | 4 | 22.8 |
| 8 | | 8 | 27.3 |
| 13 | | 13 | 88.5 |
| 14 | | 14 | 20.9 |
| 17 | | 17 | 25.1 |
| 21 | | 21 | 30.4 |
| 22 | | 22 | 21.8 |
| 24 | | 24 | 54.0 |
| 26 | | 26 | 28.4 |
| 28 | | 28 | 78.4 |
| 27 | | 27 | 18.9 |
| 28 | | 28 | 46.8 |
| 29 | | 29 | 18.4 |
| 30 | | 30 | 57.4 |
| TOTAL | | | 521.1 |

| RESIDENTIAL | | | |
|-------------|---------------|----|-------|
| MF | PLANNING AREA | FM | ACRES |
| 5 | | 5 | 23.8 |
| 7 | | 7 | 30.3 |
| 12 | | 12 | 28.1 |
| 15 | | 15 | 22.2 |
| 18 | | 18 | 8.2 |
| 18 | | 18 | 11.8 |
| 19 | | 19 | 9.3 |
| 20 | | 20 | 13.2 |
| TOTAL | | | 144.7 |

| COMMERCIAL | | | |
|------------|---------------------------|----|-------|
| N | PLANNING AREA | FM | ACRES |
| 23 | NEIGHBORHOOD | 23 | 18.3 |
| 2A | RESORT HOTEL | 2A | 4.4 |
| 2B | RESORT CLUB | 2B | 45.6 |
| 10 | RECREATION AND RESTAURANT | 10 | 10.8 |
| TOTAL | | | 88.9 |

| OPEN SPACE | | | |
|------------|-----------------|-----|-------|
| CS | PLANNING AREA | FM | ACRES |
| 1 | GOLF COURSE | 1 | 171.5 |
| 32 | PARK | 32 | 24.3 |
| 32A | PARK RESERVE | 32A | 5.7 |
| 31A | LAGOON | 31A | 307.1 |
| 31A | WETLAND | 31A | 79.9 |
| 3B | RECREATION | 3B | 8.2 |
| 10 | STREET CORRIDOR | 10 | 27.2 |
| TOTAL | | | 821.9 |

| INSTITUTIONAL | | | |
|---------------|-------------------|-----|-------|
| I | PLANNING AREA | FM | ACRES |
| 6 | ELEMENTARY SCHOOL | 6 | 2.4 |
| 32B | DAY CARE / GARDEN | 32B | 4.5 |
| TOTAL | | | 18.9 |

MASTER LAND USE PLAN



EXHIBIT NO. 4a
 APPLICATION NO.
 0-87-680-A-11
Planning Area
 California Coastal Commission

EXHIBIT NO. 4B
 APPLICATION NO. 0-07-688-A-11
 Planning Areas
 California Coastal Commission

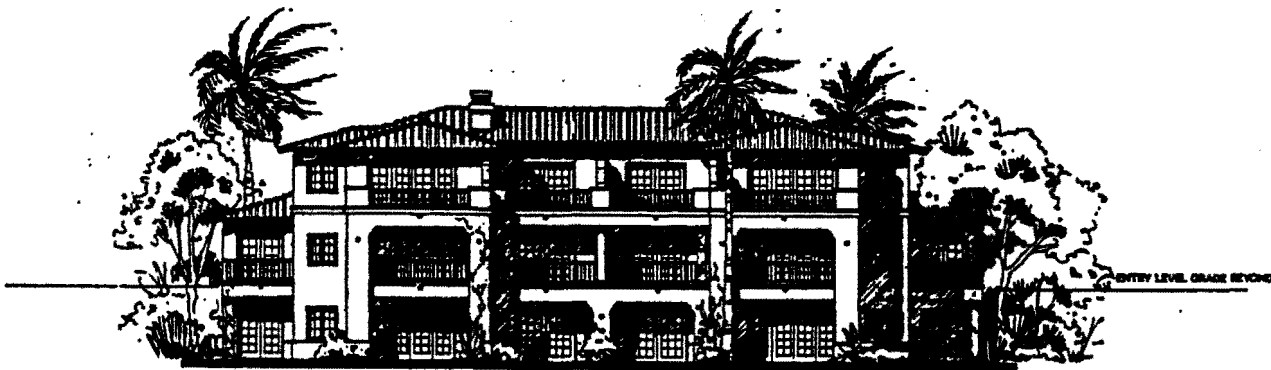
TABLE 1
MAXIMUM CONCEPTUAL LAND USE SUMMARY

| PLAN AREA | PHASE | LAND USE | ACRES ¹ | BUILDING AREA SQ. FT. | NO. OF UNITS GROWTH CONTROL | DENSITY DU/AC | NO. OF POTENTIAL UNITS IF PERMITTED UNDER 21.90* |
|--------------|-------|------------------------------|--------------------|-----------------------|-----------------------------|---------------|--|
| 1 | I | GOLF COURSE | 171.5 | 30,000 | | | |
| 2a | I | RESORT HOTEL | 20.3 | 661,200 | | | |
| 2b | I | RESORT CLUB | 46.0 | 415,500 | | | |
| 3 | I | SINGLE FAMILY | 5.4 | | 27 | 5.4 | *See discussion in text. |
| 4 | I | SINGLE FAMILY | 22.8 | | 103 | 4.5 | |
| 5 | I | MULTIPLE FAMILY | 23.8 | | 189 | 7.9 | |
| 6 | I | ELEMENTARY SCHOOL | 12.4 | | | | |
| 7 | I | MULTIPLE FAMILY | 30.3 | | 240 | 7.9 | |
| 8 | I | SINGLE FAMILY | 27.3 | | 75 | 2.7 | |
| 9 | I | MULTIPLE FAMILY | 32.5 | | 100 | 3.1 | |
| 10 | I | SPORTS CENTER | 8.2 | 47,000 | 52,400 | | |
| 11 | I | RESTAURANTS | 2.4 | 10,000 | | | |
| 12 | I | MULTIPLE FAMILY | 26.1 | | 351 | 13.4 | |
| 13 | I | SINGLE FAMILY | 66.5 | | 72 | 1.1 | |
| 14 | I | SINGLE FAMILY | 20.9 | | 52 | 2.5 | |
| 15 | I | MULTIPLE FAMILY | 22.2 | | 192 | 8.2 | |
| 16 | I | MULTIPLE FAMILY | 8.2 | | 121 | 14.9 | |
| 17 | III | SINGLE FAMILY | 25.1 | | 43 | 1.7 | |
| 18 | III | MULTIPLE FAMILY | 11.6 | | 145 | 12.5 | |
| 19 | III | MULTIPLE FAMILY | 9.3 | | 184 | 19.8 | |
| 20 | III | MULTIPLE FAMILY | 13.2 | | 120 | 9.1 | |
| 21 | III | SINGLE FAMILY | 30.4 | | 82 | 2.7 | |
| 22 | III | SINGLE FAMILY | 21.6 | | 16 | 1.3 | |
| 23 | III | NEIGHBORHOOD SHOPPING CENTER | 18.3 | 120,000 | | | |
| 24 | II | SINGLE FAMILY | 54.0 | | 193 | 3.6 | |
| 25 | II | SINGLE FAMILY | 28.4 | | 37 | 1.3 | |
| 26 | II | SINGLE FAMILY | 78.4 | | 185 | 2.35 | |
| 27 | II | SINGLE FAMILY | 18.9 | | 55 | 2.9 | |
| 28 | II | SINGLE FAMILY | 45.6 | | 66 | 1.44 | |
| 29 | II | SINGLE FAMILY | 18.4 | | 36 | 1.9 | |
| 30 | II | SINGLE FAMILY | 57.4 | | 105 | 1.82 | |
| 31 | II | OPEN SPACE | 387.0 | | | | |
| 32 | City | PARK | 24.3 | | | | |
| 32(a) | III | PARK RESERVE | 1.75 | | | | |
| 32(a) | III | CHURCH/DAY CARE | 4.5 | | | | |
| TOTAL | | | 1356.15 | 20 | 2789 | 3.13 | |

¹ Excludes 27.2 Acre Utility Corridors



SIDE ELEVATION



VIEW ELEVATION



ENTRY ELEVATION

| |
|----------------------------------|
| EXHIBIT NO. 5 |
| APPLICATION NO. 6-87-080-A-11 |
| Timeshore Elevation |
| California Coastal Commission |

THREE STORY STEPPED
VILLA BLDG. TYPE III

W-17



FOUR SEASONS RESORT CLUB
· AVIARA ·

Wimberly
Allison
Tung
& Coe



SIDE ELEVATION



VIEW ELEVATION



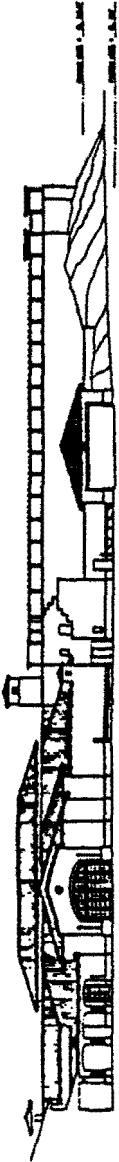
ENTRY ELEVATION

THREE STORY
VILLA BLDG. TYPE II
 W-17

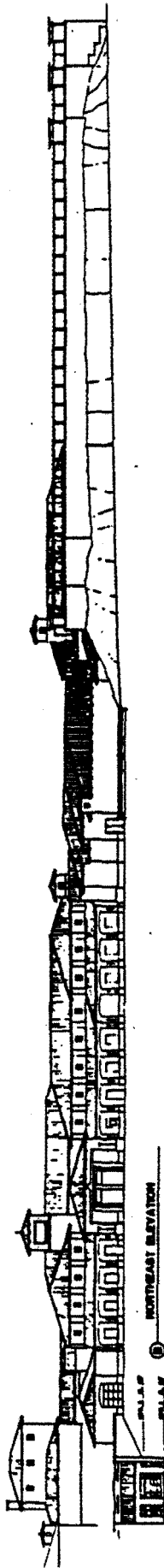
FOUR SEASONS RESORT CLUB
 · A V I A R A ·



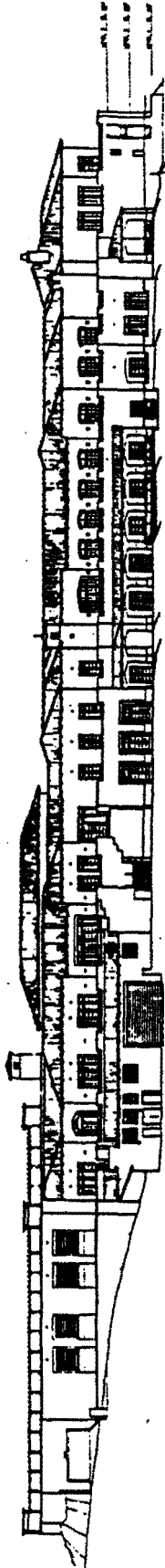
Wimberly
 Allison
 Tong
 & Goo



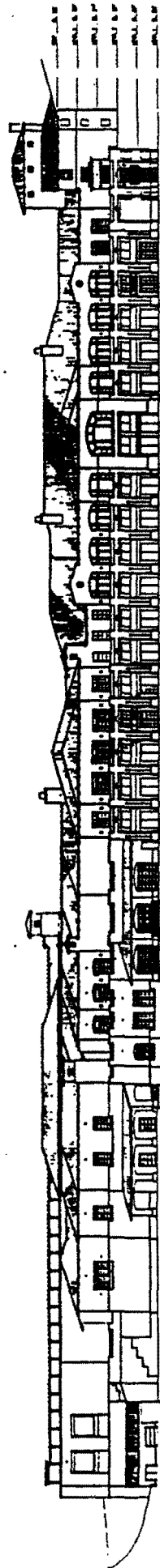
SOUTHEAST ELEVATION
A



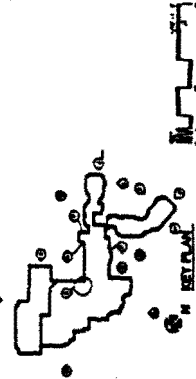
NORTHEAST ELEVATION
B



NORTHWEST ELEVATION
C



SOUTHWEST ELEVATION
D

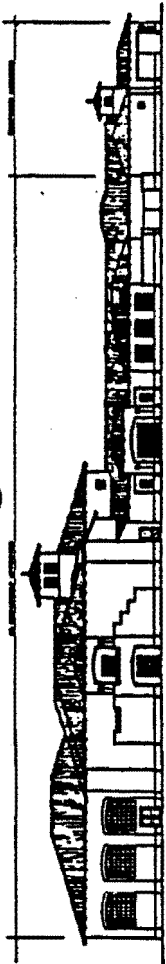


NOTE:
EXTERIOR ELEVATIONS
REMAIN AS APPROVED

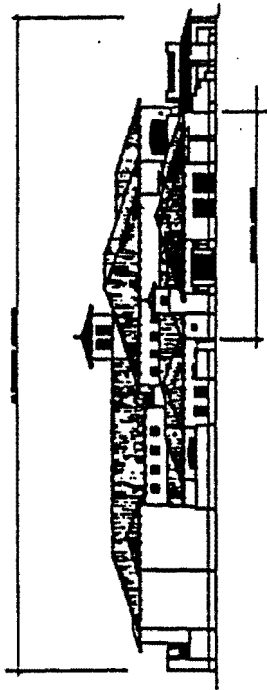
AVIARA
RT ASSOCIATES

Four Seasons Resort Aviaira
CALIFORNIA CALIFORNIA

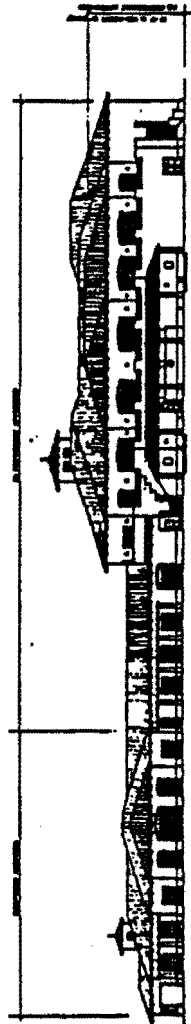
EXHIBIT NO. 6
APPLICATION NO.
6-87-080-A-11
Hotel Elevations



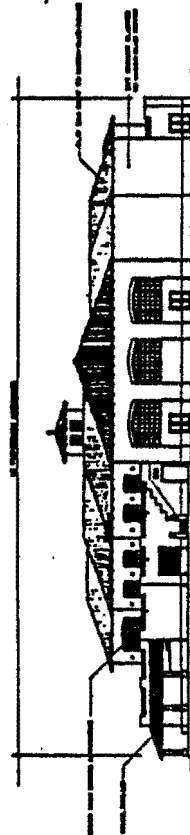
NORTHWEST ELEVATION



SOUTHWEST ELEVATION



SOUTHEAST ELEVATION



NORTHEAST ELEVATION



| |
|---------------------------------|
| EXHIBIT NO. 7 |
| APPLICATION NO. 0-87-080-A-d |
| Sports Club Elevations |
| California Coastal Commission |

AVIARA
REPORT ASSOCIATES

 Aviaira Sports Club

