

CALIFORNIA COASTAL COMMISSION  
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REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-96-43

Applicant: Aviara Land Associates Agent: Paul Klukas

Description: Application of Aviara Land Associates to subdivide 44.1 acres into 69 lots (65 single family residential lots, two open space lots, and two interior private street lots) and site preparation including 21,200 cubic yards of balanced grading in Planning Area 28 of Aviara Master Plan. The applicant also proposes a number of public access improvements including a 25 space off-street public parking lot, a 1/3 mile nature trail to link-up from the parking lot through a eucalyptus grove to the Batiquitos Lagoon North Shore Trail just west of the Planning Area boundary, a public access easement over the entire alignment of this trail, an additional improved public trail access at the existing Aviara Golf Clubhouse and an offer to dedicate this trail segment, exclusive reservation of 10 parking spaces at the clubhouse for trail parking. A complete list of the applicant's proposed public access improvements is provided as Exhibit 9 attached to this staff report.

Zoning	PC Planned Community
Plan Designation	RLM/RM/OS
Project Density	1.38 dua

Site: South of Batiquitos Drive between Kestrel Drive and I-5, Carlsbad, San Diego County, APN 216-111-08, 09, 216-150-18

Substantive File Documents: Certified City of Carlsbad Mello I and East Batiquitos Lagoon/Hunt Properties Local Coastal Program segments; City of Carlsbad Local Coastal Program Amendment #1-91; CDP #6-87-680 and amendments; CDP #6-91-46-A; CDP #6-91-305, CDP #6-91-318; CDP #6-92-5; CDP #6-92-209; Negative Declaration and Tentative Tract Map #CT 90-31.

STAFF NOTES:

Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed development subject to special conditions requiring timely completion of public access improvements and dedications proposed by the applicant. Other conditions include submittal of a revised tentative map indicating the improvements will be installed, a revised landscape/fire suppression plan to ensure visual impacts will be mitigated, prohibition of grading during the winter rainy season, and an advisory condition regarding future residential development of the site.

PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

I. Approval with Conditions.

The Commission hereby grants a permit for the proposed development, subject to the condition below, on the grounds that the development will be in conformity with the adopted Local Coastal Program and Chapter 3 policies of the Coastal Act, and will not have any significant 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. Proposed Public Trail Access Easements and Public Facilities. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, compliance with the following to implement the applicant's proposed public access program:
  - a. Planning Area #28: Evidence of recordation of an offer to dedicate or deed restriction, in a form and content acceptable to the Executive Director, restricting for public use the proposed public access parking lot #1, to accommodate 25 automobiles, on the proposed lot at the northwestern corner of Batiquitos Drive and Nitens Street.
  - b. Planning Areas #28 and #30: Evidence of recordation of an offer to dedicate or deed restriction, in a form and content acceptable to the Executive Director, restricting for public use a 10 foot wide public access easement (Trail No. 1) to provide pedestrian access to the existing Batiquitos Lagoon North Shore Trail. Such access trail shall extend from the PA 28 parking lot, through Open Space Lots 64 and 106 (PA 28 and 30), to the North Shore Trail. Such trail shall be open to the public in perpetuity and include benches to be constructed by the developer.
  - c. Planning Area #1. Evidence of recordation of an offer to dedicate or deed restriction, in a form and content acceptable to the Executive Director, restricting for public use a 5 foot wide public access easement within the lagoon buffer between the Golf Clubhouse parking lot and the existing North Shore Trail.
  - d. Evidence of recordation of a deed restriction, in a form and content acceptable to the Executive Director, restricting for public use ten parking spaces (including 2 handicapped spaces) within the existing Golf Clubhouse parking lot for exclusive use for public trail parking

during the hours the North Shore Trail is open to the public, as adopted by the Department of Fish and Game (DFG) and approved by the Coastal Commission. Use of the public area within the Golf Course parking lot shall be subject to the rules and regulations for North Shore Trail usage adopted by the DFG, including, but not limited to specific hours of operation and the prohibition of overnight parking. It is the right of the underlying owner to take steps to enforce these rules, including reporting violations to the DFG, the local Police Department, or private security.

- e. Submittal of a Letter of Agreement, signed by the applicant, to dedicate land for a Lagoon Information Center in the area immediately westerly of the North Batiquitos Sewer Pump Station in PA 30, if requested in the future by the Department of Fish and Game.
- f. Submittal of a Letter of Agreement, signed by the applicant, to fund construction of a single all-weather (decomposed granite) bus parking space to serve the existing and future Lagoon Interpretive Center, if requested in the future by the Department of Fish and Game. The developer shall be responsible only for the construction, and shall not be responsible for site acquisition, permits, mitigation or other requirements of installation of the space.

2. Revised Tentative Map. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, a revised tentative map in substantial conformance with the submitted map, approved by the City of Carlsbad, which indicates the following changes to CT-31 for subdivision of PA 28:

- a. Provision of a 10 foot wide public access trail easement to provide pedestrian access to the existing Batiquitos Lagoon North Shore Trail. Such access trail shall extend from the PA 28 parking lot, through Open Space Lots 64 and 106 (PA 28 and 30), to the North Shore Trail. Such trail shall be open to the public in perpetuity;
- b. Provision of a public trail access parking lot #1, to accommodate 25 automobiles, on the proposed lot at the northwestern corner of Batiquitos Drive and Nitens Street, within PA 28;
- c. Deletion of the outdoor classroom;
- d. Notes indicating the on-site public access trail and parking improvements shall be installed prior to occupancy of the residential units within PA 28, and shall be open to the public in perpetuity.

3. Public Access Improvement Plans. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, public access improvement plans which indicate the following:

- a. Planning Area #28. Reconstruction of the access trail between Public Parking Lot #2 (Phase II lot) to design parameters in compliance with

handicapped access standards, if feasible. The revised design may require an amendment to this coastal development permit. The proposed on-site public access improvements shall be installed prior to occupancy of the residential units within PA 28.

- b. Planning Areas #28 and #30. Construction of an improved trail with benches at view areas along the alignment of the access trail in PA 28 and PA 30 to be constructed by the developer prior to occupancy of the residential units within PA 28.
- c. Planning Area #1. Provision of an additional public access trail (5 foot wide) between the Aviara Golf Clubhouse parking lot and the North Shore Trail to be constructed within 6 months of Commission action on this coastal development permit. During the interim period, between Commission action on this permit and 6 months from that date, public access through this proposed trail alignment shall be accommodated to the degree feasible, recognizing that safety considerations may preclude such access during the period of actual construction of the subject gate, trail and signage improvements.
- d. Signage to designate each of the ten parking spaces (including 2 handicapped spaces) within the existing Golf Clubhouse parking lot for public trail parking for the North Shore Trail to be installed within 3 months of Commission action on this coastal development permit.

4. Public Access Signage Plans. Prior to the issuance of the coastal development permit, and within 30 days of Commission action on this permit, the applicant shall submit to the Executive Director for review and written approval in consultation with the Department of Fish and Game, a detailed public access signage plan, to be installed at the entry to all public parking lots and North Shore Trail access trailheads. The signs shall also be installed at the intersections of Poinsettia Lane and Batiquitos Drive, Alga Road and Poinsettia Lane, Alga Road and Batiquitos Drive, and the Kestrel Drive and Alga Road intersection. Additionally, public access signs shall be installed at the No. 1 parking lot and the No. 3 parking lot (Golf Clubhouse) visible from Batiquitos Drive, and at the trailheads leading from the parking lots, and at both ends of the North Shore Trail. Said signage shall read, "Public Parking Lot" and "Public Access to Lagoon Trail - Open to the Public" or similar language. Hours of operation consistent with public hours proposed by the Department of Fish and Game and approved by the Executive Director may be posted. All signs must be erected at the proposed locations within 6 months of the Commission's action on this permit. Said plan shall be approved in writing by the Executive Director in consultation with the Department of Fish and Game.

5. Grading/Erosion Control. Prior to the issuance of the coastal development permit, the applicant shall submit to the Executive Director for review and written approval, final site and grading plans approved by the City of Carlsbad which incorporate the following requirements:

a. All grading activity shall be prohibited between October 1st and April 1st of any year.

b. All permanent runoff and erosion control devices shall be developed and installed prior to October 1.

c. All areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized prior to October 1. Any proposed temporary erosion control measures, such as interceptor ditches, sandbagging, debris basins, temporary desilting basins and silt traps shall be used in conjunction with plantings to minimize soils loss from the construction site.

d. Maintenance of temporary erosion control measures is the responsibility of the applicant, including replacement of any devices altered or dislodged by storms.

6. Revised Landscape/Fire Suppression Plan. Prior to the issuance of the coastal development permit, the applicant shall submit a revised landscape/fire suppression plan for Planning Area 28. The plan shall indicate the type, size, extent and location of trees to be planted in the rear yards and manufactured slopes of said lots and be prepared in consultation with the City of Carlsbad Planning and Fire Departments. Regarding these lots, the revised plan shall include the following:

The placement of a combination of 15 gallon and 24 inch box specimen size trees in the rear yards of Lots 17 to 23, 39 to 43 and 56 to 62. Said trees shall be of an evergreen species compatible with the natural character of the surrounding environs. The trees shall be located to soften views of the structures from Interstate 5 and the North Shore Trail, while preserving views from the homes to Interstate 5 and Baticuitos Lagoon. It is not necessary that a tree be located in every rear yard to create the desired screening.

The required trees shall be planted prior to occupancy of the homes and be maintained in good growing condition for the life of the residence.

Said plan shall be submitted to, reviewed and approved in writing by the Executive Director prior to the issuance of the coastal development permit.

7. Future Development. Construction of single family residences, shall 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.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description/Site History. Proposed is the subdivision of 44.1 acres into 65 single family residential lots (minimum lot size 10,000 sq.ft.) two open space lots, two interior private street lots, and site preparation including 21,200 cubic yards of balanced cut and fill grading

for building pads and infrastructure construction. Also proposed is a 25 space off-street public parking lot, a nature trail to link-up from the parking lot to the Batiquitos Lagoon North Shore Trail, and an additional public trail access at the existing Aviara Golf Clubhouse. Planning Area 28 is the only residential community within the Aviara Master Plan area that is located between the first public road (Batiquitos Drive) and Batiquitos Lagoon that contains a portion of the existing North Shore Trail (NST) of Batiquitos Lagoon. The NST is located immediately adjacent to the boundary of the California Department of Fish and Game's (DFG) Ecological Reserve which includes the lagoon and its immediate uplands. Because of its location, the standard of review when evaluating the proposed development is whether the proposed development conforms with the public access and recreation Chapter 3 policies of the Coastal Act and the policies of the certified East Batiquitos Lagoon/Hunt Properties LCP.

The East Batiquitos Lagoon/Hunt Properties LCP segment includes roughly 1,000 acres comprised of the eastern basin of Batiquitos Lagoon (440 acres) and approximately 550 acres of uplands located to the north and south of the lagoon, including 280 acres to the south of the lagoon, known as Green Valley. On April 12, 1988, the Commission approved the LCP segment area which contained a set of land use policies for both the lagoon and upland areas. The land use plan policies include provisions for the protection of wetland and riparian habitats; and constrained, steep-sloping hillsides; and it also requires the provision of public access opportunities along the north and south shores (bicycle lanes) of Batiquitos Lagoon.

The East Batiquitos Lagoon/Hunt Properties LCP segment includes a Master Plan (now known as the Aviara Master Plan) that provides for development of residential and commercial uses on 1,402 acres immediately north of Batiquitos Lagoon. The Aviara Master Plan involves portion of the lands within the subject LCP segment and adjoining lands to the north and south in the Mello I and Mello II segments of the City's LCP.

In CDP #6-87-680, the Commission conceptually approved proposed plans for development of the entire 1,402 acre Aviara Master Plan area. In addition, the Commission approved subdivision of the entire area into 32 Planning Areas, grading in Planning Areas 1-16, residential and non-residential construction in Planning Areas 1,2,9,10, and 11, construction of specified utility and road improvements, construction of single family homes on the residential lots of Planning Areas 3,4,8,13, and 14 (subject to Executive Director approval) and construction of public access improvements including trails, trailheads and interpretive signage.

In CDP #6-91-46, the Commission approved the subdivision and mass grading of Phase II of the Master Plan, which includes residential Planning Areas 24 through 30, including the subject site. Both CDP #6-87-680 and CDP #6-91-46 have been amended a number of times.

In CDP #6-92-209, the Commission authorized the subdivision of PA 28 into residential lots. The permit expired. Because the residential community is located between the first public road (Batiquitos Drive) and Batiquitos Lagoon

and has direct access to the North Shore Trail (NST) of Batiquitos Lagoon, conditions of approval included a number of public access requirements based on the site's location immediately upland of the NST. Most importantly, PA 28 was not approved as a gated community as the applicant had sought. Instead, the Commission approved a revised tentative map for the subdivision requiring that the proposed gated entryways be removed and that public access and parking not be restricted along the site's internal private streets by signs, gates, or red curbing so that the public could use the streets for parking to access the NST. Additionally, the Commission required the subdivision be revised to provide a public pedestrian access easement to allow for a 15 foot wide trail from the subdivision to the North Shore Trail to be improved by the applicant with decomposed granite. A 40 foot wide privacy buffer was required between the improved trail and the residential lots. As stated, that permit has expired and the applicant is now proposing the same tentative map along with additional public access improvements to address the Commission's concerns related to the gating of the residential community and need for additional public access to the North Shore Trail.

The coastal development permit (CDP #6-87-680) that served as the Commission's approval of implementation of the Master Plan imposed a number of other requirements regarding the trail's alignment, design and construction. These included the recordation of a 40-foot-wide public access easement (NST) above the shoreline of Batiquitos Lagoon, and construction of a 10-foot wide improved path (decomposed granite) within the easement. The NST is the 10 foot-wide trail within the 40-foot-wide public access easement. Also, two trailheads (parking lots with trails leading to the lagoon trail) were required to provide for 20 off-street parking spaces and signage (9 spaces in Phase I lot, 11 spaces in Phase II lot). The locations of these trailheads is shown on Exhibit 4. The Phase I lot is located about 1.25 miles from I-5 to the west and .5 miles from El Camino Real to the east; the Phase II lot is located about .5 miles from I-5 to the west and 1.25 miles from El Camino Real to the east. The applicant was responsible for construction and maintenance of the required access improvements which were to be constructed prior to occupancy of any structure. Currently the Phase I parking lot is built and operating; the Phase II parking lot is improved and recently open to the public. It provides 11 parking spaces and a short, unimproved trail leading to the NST.

2. Public Access and Recreation. Section 30210 of the Coastal Act states:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30223 of the Coastal Act states:

Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

Section 30604(c) of the Coastal Act states:

Every coastal development permit issued for any development between the nearest public road and the sea or the shoreline of any body of water located within the coastal zone shall include a specific finding that the development is in conformity with the public access and public recreation policies of Chapter 3 (commencing with Section 30200).

Section 30211 states that development shall not interfere with the public's right of access to the sea where acquired through use. Section 30212 states that public access from the nearest public roadway to the shoreline and along the coast shall be provided except where it is inconsistent with public safety, military needs or protection of fragile resources or where adequate access exists nearby or where agriculture would be adversely affected. Section 30213 provides that lower cost visitor and recreational facilities be encouraged and protected. Section 30223 of the Coastal Act states upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible. Section 30240 provides that new development be sited and designed to not adversely affect coastal resources. Finally, Section 30604 (c) of the Coastal Act requires that for any development between the first public road and the sea, a specific finding must be made that the project is in conformity with the public access and recreation policies of the Coastal Act. The above citations reference the "sea"; the "sea" is meant in the Coastal Act to include coastal waterways such as lagoons. Planning Area 28 is located between the first coastal roadway and the sea (i.e between Batiquitos Drive and Batiquitos Lagoon).

The East Batiquitos Lagoon/Hunt Properties LCP states:

A public access trail system along the north shore of Batiquitos Lagoon with adequate trail-head public parking areas (emphasis added) shall be required as a condition of approval for any development along the north shore pursuant to the Pacific Rim Master Plan [now known as the Aviara Master Plan]. The trail shall be conveyed to an appropriate agency or non-profit organization (subject to Carlsbad approval) through a recorded public access easement. Lagoon accessways and overlook areas along the north shore shall be provided. The responsibility for construction and maintenance of such facilities shall be with the developer as a condition of any permit approval unless otherwise specified in the Batiquitos Lagoon Enhancement Plan (on file with the City of Carlsbad) and/or as approved by the Coastal Commission in Coastal Development Permit #6-87-680. The accessways shall not adversely impact environmentally sensitive habitats.

As noted, the Aviara Master Plan approved by the Commission covers approximately 1,400 acres located between Interstate 5 and El Camino Real,



north of the Batiquitos Lagoon in the City of Carlsbad and will accommodate up to 2,600 new residential units. The Commission approved a public access plan as part of the East Batiquitos Lagoon/Hunt Properties LCP to assure public access within the master plan area and to the north shoreline of Batiquitos Lagoon. This plan included community trail and lagoon trail systems.

As noted above, the East Batiquitos Lagoon/Hunt Properties LCP requires the installation of the North Shore Trail (NST) of Batiquitos Lagoon as a condition of development of the Aviara Master Plan area. As built, the NST within the Aviara Master Plan is approximately 1.5 miles long and is located upland of the north shore of the lagoon shoreline. It extends as a path/dirt road near El Camino Real on its eastern boundary to near I-5 on its western boundary, traversing three Planning Areas (1,8,28). As noted, the trail is located on both private and public property. Within PA 28 it is within open space lots owned by the Aviara Homeowners Association and approved by the Commission. At other locations the trail is within boundaries of the Ecological Reserve which is under the proprietorship of the State Department of Fish and Game (DFG). The LCP establishes a 100 foot buffer for new development from wetlands associated with the lagoon; however, the NST was permitted within the upper wetland buffer. Additionally, segments of the trail alignment located near both steep slopes and wetlands are permitted to encroach within the lower buffer (within 50 feet of the lagoon) to minimize landform alteration that would have resulted from grading the slopes to accommodate the setback. A portion of the lagoon trail is located in the southern portion of the subject Planning Area 28.

In its approval of the Aviara Master Plan, the Commission noted the cumulative impacts of the buildout of the entirety of the master plan property. The ultimate buildout of the master plan property with 2600+ residential units and a 500-room resort hotel with 74,000 sq. ft. of banquet/conference facilities and 10+ acres committed to recreational commercial uses would require many public services and facilities i.e., library, parks, drainage, circulation, fire, schools, sewer and water distribution and would result in 52,746 vehicle trips in the area and further need of parklands to serve the recreational needs of project residents. Regarding current patronage of just the North Shore Trail itself, a representative of the Batiquitos Lagoon Foundation states that approximately 2,500 schoolchildren from three nearby school districts visited the north shore trail in the 1995 school year, and that 50-75 persons a day visit the trail on average for exercise, bird watching and bike riding. Clearly, Batiquitos Lagoon and its environs offer an attractive destination for potentially large gatherings of visitors.

With buildout of the master plan holdings, it can be reasonably assumed that NST patronage figures could increase tenfold, considering that (1) less than 10% of the approved residential units have been built (i.e. only approximately 200 of the approved 2,600 units have been built); (2) a planned four-star 500-room resort hotel with 74,000 sq. ft. of banquet/conference facilities is scheduled for completion in the near future which will bring many visitors to the area; and (3) 10+ acres is committed in the Master Plan to recreational commercial uses that would also draw visitors to the area. Moreover, the adjacent Poinsettia Shores Master Plan is another large development on the

north shore of Batiquitos Lagoon that will attract many visitors to the lagoon and its amenities. Located between I-5 and Old Highway 101 to the west of the subject site, approximately 500 residential units will be built in the near future. This development, along with buildout of the remaining 2,400 residential units in the Aviara Master Plan will further increase the demand for recreational opportunities to serve the needs of the residents in southern Carlsbad and the region.

Additionally, Batiquitos Lagoon is projected as a major destination point on a regional scale for future visitor-serving use. The lagoon is noted internationally for its many shorebirds and as a major layover point for migrating birds of the Pacific Flyway. Additionally, it is the home of the Batiquitos Lagoon Enhancement Plan (BLEP), a one-of-a-kind restoration project that has attracted international attention. BLEP will create a permanent open ocean entrance for the lagoon and dredged spoils from the lagoon bottom are being placed on the adjacent ocean shoreline to enhance the region's visitor-serving potential. Additionally, Carlsbad State Beach and campground is located on the coastal bluff at the west end of the lagoon and is also a popular destination point for coastal visitors. In the future many of its visitors may be able to access the North Shore Trail via a public access trail system that could extend from the Pacific Ocean to El Camino Real, a distance of over two miles, a situation that would be unique in Southern California, and for that reason could develop into a regional destination point. Clearly, the cumulative effect of the above indicates that this area will only increase in visitor-serving demand in the future. Thus, it is important that adequate public access and recreational opportunities and the necessary support facilities be provided and maintained in support of the public interest shown in Batiquitos Lagoon.

The community trail system contained in the approved Master Plan connects upland access routes throughout the Master Plan area to Batiquitos Drive which is the first coastal roadway in the area. Although not yet all built, these upland trails generally run throughout the Master Plan area along streets in the form of meandering sidewalks on one side of the street, but also will traverse portions of the golf course and other open space areas. The Master Plan shows trail alignments and design requirements and requires construction of the trail network upon buildout of the individual planning areas. Only a portion of the individual planning areas have been built, so the community trail system is incomplete at this time. No upland community trails, as identified in the Master Plan, are located within Planning Area 28, the subject of this coastal development permit.

The upland community trail system connects to the public parking lots where trailheads leading from the parking lots provide public access to the NST. Thus, the community trail system is an important link in providing access to the NST.

The subject proposal includes a request for the community to be gated. The purpose of providing a gated entrance to a residential development is to provide privacy for the residents of these communities. In its review of other subdivisions approved as gated communities within the Master Plan area,

the Commission has considered the proximity of the residential subdivisions to required community trails and the lagoon trail, and whether the provision of gates limiting vehicular access would have an adverse impact on public access opportunities throughout the Master Plan area. For the gated communities which have been identified in the certified Master Plan and approved as such in Commission approval of subsequent subdivision requests (Planning Areas 7,9,12,13, and 16 in Phase I and Planning Area 30 in Phase II. ref. CDP #6-90-249, #6-90-294, #6-90-302, #6-91-85 and 6-92-189), the Commission has made the findings that the gated entrances proposed for the planning areas in no way limit access to the lagoon, the community trail system or the designated open space areas from use by the general public.

As noted, Planning Area 28 is located between the first public road (Batiquitos Drive) and Batiquitos Lagoon and includes a significant portion of the existing NST. For this reason, public access concerns are raised. Staff recommended the Commission approve PA 28 as parkland when the master plan and the East Batiquitos Lagoon segment were initially considered by the Commission. Staff noted PA 28's location was adjacent to the north shore of Batiquitos Lagoon and the outstanding scenic and resource values associated with it. These values include the lagoon bluff near the shoreline and the many eucalyptus trees present along the bluff, as well as an inland grove of trees. While the Commission ultimately approved PA 28 as a residential subdivision, it is clear that the property has value as a public access destination. In addition, PA 28 has value as a recreational resource, as coastal visitors can stroll the lagoon trail. The North Shore Trail serves as a lower cost visitor and recreational facility to bikers, hikers, sightseers, and birdwatchers.

In CDP #6-92-209, the Commission found that besides limiting public accessibility to the resources of the north shore of Batiquitos Lagoon, the proposed gates would prevent coastal visitors wishing to access the lagoon trail from parking on the interior streets within this community. The Commission found that gates were inappropriate, public parking opportunities within the subdivision's were needed to promote public access to the trail, and that a public access easement through Lot #57 be provided so the public would have immediate access from the subdivision to the North Shore Trail.

As currently proposed, the street system in PA 28 can accommodate up to 123 cars. Thus, closure of this community to the public would preclude public parking for approximately 123 cars (based upon review by the City of Carlsbad) within the subdivision's interior streets, for those who could otherwise use these streets to park and have close access to Batiquitos Lagoon and its North Shore Trail.

The applicant asserts that the development of PA 28 as a gated community was considered by the Commission during the LCP certification process and the LCP explicitly allows for PA 28 to be gated because the internal streets are not needed to assure public access to the lagoon. In addition, the applicant notes that in its approval of CDP #6-87-680, the Commission found that the 11 space parking lot within PA 28 was adequate as a parking reservoir for visitors to this segment of the lagoon trail. The applicant concludes that

the trail system and public access improvements were agreed upon as part of the Master Plan planning process and since public access was not identified through the PA 28 residential neighborhood it would be inappropriate to require it. Finally, the applicant cites that the certified Master Plan provides in its "entry treatment" section that PA 28 may be developed as a "gated community".

The Commission recognizes the already critically short supply of parking opportunities along ocean shorelines of most coastal cities which adversely affects the public's ability to access and enjoy coastal recreational opportunities at ocean locations. Although the subject site is not an oceanfront location, it too offers recreational and educational opportunities that will require adequate support facilities for visitors to meaningfully get to and experience the resource. Support facilities such as parking often dictate the level of future use of public amenities such as trails, because no other alternatives are available to access the resource.

In recognition of the above, the Commission must try to resolve questions regarding the future intensity of public use of the North Shore Trail and the need for a parking reservoir within PA 28 to serve public access needs. The Commission believes that parking opportunities and trail access near the trail should be maximized so that the visiting public can conveniently utilize this outstanding public resource. The applicant has researched similar trails and recreation facilities in Southern California to determine if any relationship exists between the nature and extent of public amenities provided at similar resource areas, and the amount of public parking required to support use of such areas. Additionally, staff and the applicant have coordinated with the Department of Fish and Game, the Batiquitos Lagoon Foundation, and other Commission offices to determine what additional public amenities, such as a visitor center, are being planned for the vicinity of the NST and whether DFG has concerns as to the carrying capacity of the resource, such that public parking availability should be restricted.

In that regard, recent funding of the Batiquitos Lagoon Foundation by the California Coastal Conservancy to study further public access improvements at Batiquitos Lagoon has resulted in some additional information addressing the adequacy of public access improvements that will be provided to serve the level of existing and potential future public use along the North Shore Trail. The Conservancy envisions a potential interpretive center to serve the North Shore Trail located within a Conservancy easement on the east side of the lagoon. Another location for the center that has been discussed is near the Broccotto site (immediately west of the Aviara holding) on property owned by the California Department of Fish and Game (DFG). However, locating the visitor center in that location might require additional area, possibly open space area associated with Planning Area #30, within the Aviara Master Plan. Additionally, DFG indicates that enough area is needed to accommodate a bus parking space near the center. The bus space is sought to bring schoolchildren and others to the interpretive center where they could learn about the lagoon in a classroom setting and then visit the lagoon firsthand at the North Shore Trail. The Commission previously approved a bus space at the Phase II parking lot, but the space was not constructed because of bus turnaround requirements of the City of Carlsbad.

While recognizing an increased future need for public access and associated facilities along the north shore of Batiquitos Lagoon, the DFG has concerns about the number of access points onto the North Shore Trail, particularly the direct access to the trail through PA 28 as approved in CDP #6-92-209. The concerns center around the carrying capacity of the sensitive resources associated with the lagoon. For this reason DFG supports distributing parking lots and trail access along the entire length of the trail. DFG desires to manage the resources of the lagoon by not concentrating public use in any one area. DFG is also concerned that too much public use of the NST may have adverse impacts on the lagoon from domestic pets getting loose from residential neighborhoods and disrupting plants and animals of the lagoon ecosystem.

In light of the Commission's concerns regarding public access, in recognition of the resource management concerns of the DFG and in exchange for approval as a gated community, the applicant has proposed a public access program which when implemented will go beyond those required in the approved Master Plan. The applicant has pledged to work with DFG to provide a site for a possible interpretive center to the North Shore Trail. The applicant has indicated that a suitable site exists within PA 30 by the existing sewer pump station for an interpretive center. The applicant has indicated the willingness to allow the portion of the North Shore Trail buffer area to become part of the Ecological Preserve. This is desirable because it will increase the enforcement capability of DFG against potential abuse of the resource. The applicant has revised the project description with this application to agree to improve the existing public trail leading from the Phase II parking lot to the North Shore Trail to meet handicapped standards, if feasible without significant impacts to undisturbed areas. Presently, this trail is too steep, making access difficult for all but the physically agile.

The applicant has offered the following public improvements to mitigate the impacts of seeking a gated community:

1. Construction of a public trail access parking lot, to accommodate 25 automobiles, on the proposed lot at the northwestern corner of Batiquitos Drive and Nitens Street, within PA 28.
2. A 5 foot wide public access nature trail to provide pedestrian access to the existing Batiquitos Lagoon North Shore Trail. Such access trail shall extend from the PA 28 parking lot, through Open Space Lots 64 and 106 (PA 28 and 30), to the North Shore Trail. Such trail shall be open to the public in perpetuity.
3. Provision of an additional public access trail (5 foot wide) between the Aviara Golf Clubhouse parking lot and the North Shore Trail. Ten parking spaces (including 2 handicapped spaces) within the existing Golf Clubhouse parking lot shall be designated for public trail parking for the North Shore Trail.
4. Public access easement or deed restriction recordation over the access trail between the PA 28 parking lot and the existing North Shore Trail.

5. The subject PA 28 access trail shall include benches at specified and agreed upon view areas to be constructed by the developer.
6. Upon completion of an agreed-upon design, the developer shall reconstruct the access trail between Public Parking Lot #2 (Phase II lot) to design parameters in compliance with ADA gradient standards.
7. Public access easement or deed restriction over the access trail within the lagoon buffer between the Golf Clubhouse parking lot and the existing North Shore Trail.
8. Coastal public access signage to be installed at the entry to all public parking lots and North Shore Trail access trailheads.
9. Reconstruction of the Golf Clubhouse access trail to ADA surfacing standards if it is determined by DFG that this resurfacing is necessary.
10. Developer cooperation in the dedication of land for a Lagoon Information Center in the area immediately westerly of the North Batiquitos Sewer Pump Station, if required in the future by DFG.
11. Developer funding of construction of a single all-weather (decomposed granite) bus parking space if required in the future by DFG, on the Brocotto property. The developer shall be responsible only for the construction, and shall not be responsible for site acquisition, permits, mitigation or other requirements of installation of the space.

The applicant's recent proposal has also addressed many of the Commission's concerns regarding how much parking is required to serve the existing and proposed use of the trail. Regarding total parking opportunities near the North Shore Trail, both required in the Master Plan and proposed by the applicant, 62 parking spaces would be made available to the public in 5 separate parking areas near or along the lagoon shoreline (21 spaces at the Phase I and II parking lots, 25 spaces at the proposed PA 28 trailhead, reservation of 10 spaces at the golf clubhouse, and 6 spaces off-site to the west, Brocotto subdivision). Additionally, the applicant notes that up to 60 parking spaces are available for public parking on nearby public streets (Goldenstar Lane and Savannah Lane) within PA 27, which is located immediately north of the subject site across Batiquitos Drive. Public parking is not permitted on Batiquitos Drive because of its proposed use as a bike route. Moreover, another 45 parking spaces will be available within the public streets of the adjacent Brocotto subdivision immediately west of PA 28. Therefore, there will be 167 total parking spaces available for the public either through existing master plan requirements, surrounding streets, or the proposed access improvements.

Based on the above, the Commission finds that, with the proposed public access improvements the proposal to gate PA 28 is consistent with the public access provisions of the Coastal Act. The Commission finds that the above improvements will assure that future use of the NST and surrounding environs

will be served by an adequate public access system that will promote widespread use of this popular destination both now and in the future.

A number of special conditions are proposed to memorialize the applicant's proposal. Special Condition #1 requires public trail and access easements or deed restrictions to assure the proposed trail proposals and public facilities are reserved for public use in perpetuity. The condition also requires letters of agreement to assure that the applicant will be supportive in providing area for DFG's future interpretive center and a bus space to serve the public wishing to use the center. Special Condition #2 requires a revised tentative map in substantial conformance with the submitted plan, approved by the City of Carlsbad, which incorporates the proposed changes to CT-31 for subdivision of PA 28. Special Condition #3 identifies what public access provisions must be provided on and off-site and timing associated with these provisions (i.e, trail improvements must be installed within 6 months of issuance of this coastal development permit and prior to occupancy of the residential units respectively to give the public immediate access to such improvements). Special Condition #4 requires signage at key locations to notify the public of the access opportunities at Batiquitos Lagoon.

Therefore, as proposed and conditioned, the Commission finds the proposed project consistent with the public access and recreation policies of Section 30604 (c) of the Coastal Act, the standard of review for projects that are proposed between the first coastal roadway and the sea, and the policies of the certified East Batiquitos Lagoon/Hunt Properties LCP and the Aviara Master Plan.

3. 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.

As noted, grading of this site has been allowed under the Master Plan Phase II permit (CDP #6-91-46-A) with the exception of the new western trail within the open space area. The grading proposed in this permit application involves only the finish grading on previously graded area to prepare the site for its ultimate development. The grading will be performed to construct the building pads for the residences that will ultimately be constructed on the site, infrastructure improvements, and for the construction of the proposed internal roads only. Additionally, minor grading, less than 500 cubic yards, is proposed in PAs 28 and 30 to construct the proposed public access trail. No additional disturbance of "dual criteria" areas will occur. While no LCP-protected naturally-vegetated steep slopes would be impacted by trail construction, up to 20 eucalyptus trees in two groves would be removed. The removal of eucalyptus trees are permitted in the LCP provided no adverse visual impacts would occur as the groves provide visual screening of the Aviara development from views to the west. Because the removal of 20 trees would not significantly thin the eucalyptus grove, the Commission can find they can be removed and be found consistent with the LCP.

The scale of the proposed grading and the proximity to Batiquitos Lagoon raise the issue of the impacts of grading and possible sedimentation within the lagoon. In the case of this particular development, a temporary desiltation basin is in place on-site. Additional localized improvements, including the installation of localized street drains, curb inlets and connections to the drainage system will be completed concurrent with this permit, consistent with the approved subdivision map. As such, no additional drainage or erosion control measures, other than the application of erosion control techniques to newly graded areas as required under Special Condition #5, would be required.

In this area, however, both prior Commission actions and the policies of the certified LCP have required that any grading performed to prepare sites for development occur outside the typical southern California rainy season. That is, the Commission has prohibited grading from occurring between October 1st and April 1st of each year.

In order to provide this protection against damage to sensitive resources, Special Condition #5 has been proposed. This condition would require the submittal of a final grading plan indicating that all grading activity shall be prohibited between October 1st and April 1st of any year, that all permanent runoff and erosion control devices shall be developed and installed prior to October 1, and that all areas disturbed, but not completed, during the construction season, including graded pads, shall be stabilized prior to October 1. At the time of construction, all major storm drains, culverts and sedimentation basins must be developed and installed, including curbs, gutters and curb inlets. Through this condition, the maximum protection of sensitive resources would be provided.

Special Condition #7 has been proposed to place the applicants on notice that any future development of the site will require additional review and approval by the Commission. Given the special conditions described above, the proposed project should not result in any impacts to natural resources inconsistent with either the certified LCP for the area or with Chapter 3 policies.



Therefore, the Commission finds that the proposed permit, subject to the special conditions outlined above, is consistent with the resource protection provisions of the Mello I and East Batiquitos Lagoon/Hunt Properties segments.

4. Visual Impact.

The subject site is highly visible from the Batiquitos Lagoon and surrounding roadways, including Interstate 5, La Costa Avenue and El Camino Real, all coastal access routes and all designated scenic corridors. In the approved master plan, community development standards were developed which apply to the entire master planned community, including the subject site. In addition, specific site development standards were developed for each planning area. Within Planning Area #28, in which the subject property is located, the specific development standards relate to height of structures, setbacks and design criteria. These include requirements for building height variations and architectural relief to prevent a "walling effect" when seen from Batiquitos Drive and I-5. However, no residential development is proposed with this application.

In LCPA #3-95, the Commission approved an amendment that revised development standards in PA 28 to allow two-story 30 foot high homes. The Commission found the amendment could be accepted by finding the visual impact of the two-story homes would be mitigated by: their distance from the north shore of Batiquitos Lagoon (i.e., a minimum setback of 150 feet from the wetlands boundary which would minimize the bulk mass of the structures from the North Shore Trail); the existing eucalyptus trees and fill slope that separates the developable portion of the site from the North Shore Trail; the proposed architectural design criteria and landscaping, and a master plan requirement that the homes be appropriately colored to minimize their visual impact. Further, the Commission noted the visual impacts of the homes will be further addressed when they come before the Commission in a permit action.

Despite the above development standards and design guidelines, Lots 17 to 23, 39 to 43 and 56 to 62 will be highly visible from I-5, the North Shore Trail and the lagoon. In its approval of the subdivision of the site (Coastal Development Permit #6-91-46), the Commission approved a landscaping/fire suppression plan designed to mitigate visual impacts resulting from the finish grading of the site and habitat impacts associated with fuel modification requirements of the Carlsbad fire department. It includes both landscaping and fire suppression provisions to revegetate all manufactured slopes, and stipulates that drought tolerant native plants shall be used to the maximum extent feasible. However, the approved plan does not include landscaping that would adequately screen the above lots from the freeway and lagoon. For that reason the Commission finds that a revised fire suppression/landscaping plan must be submitted as Special Condition #6 which provides that these lots will be screened with trees to soften public views. The condition requires the placement of a combination of 15 gallon and 24 inch box specimen size trees in the rear yards and on the adjacent slopes of the above lots. Thus, trees must be included in the landscaping of the 19 lots at locations which would break-up the wall effect of development as seen from the freeway. The condition gives the applicant the discretion to cluster the trees on these

lots or another combination of clustered trees that would achieve the goal of minimizing the visual impact of the houses. Said trees shall be of an evergreen species compatible with the natural character of the adjacent slopes. Evergreens are preferred because they would maintain visual screening throughout the year as opposed to deciduous trees which lose their leaves at some time during the year. The Commission applied a similar condition to PA 30, which is above PA 28 to the north and also highly visible.

Special condition #6 also requires the submittal of a revised fire suppression plan which is consistent with the overall concept plan approved for Phase II, and submittal of a landscape plan which is consistent with the overall concept plan approved for Phase II, and requires that the manufactured slopes be landscaped upon completion of the grading associated with this permit. Such a condition will allow landscaping to establish prior to construction of the residences, where possible, to mitigate the visual impact of the graded areas until such time as financing, etc. allows the residential development to commence. Only as conditioned does the Commission find the proposed development consistent with the previously approved Master Plan and the resource protection provisions of the Mello I and East Batiquitos Lagoon/Hunt Properties LCP segments.

5. Local Coastal Planning. Sections 30170(f) and 30171 of the Coastal Act were special legislative amendments which required the Commission to adopt and implement a Local Coastal Program for portions of the City of Carlsbad and County islands prior to the specific statutory dates. The Master Plan covers property located within the jurisdiction of three of the City of Carlsbad's six local coastal program segments. The proposed project is located within two of the segments, the Mello I and East Batiquitos Lagoon/Hunt Properties segments.

The City of Carlsbad amended the Mello I and II segments of its LCP in 1987. In those actions, the City proposed that the "Pacific Rim Master Plan" (now the Aviara Master Plan) serve as both the LUP and implementing ordinances for those portions of the LCP that contained the Pacific Rim project site. These segments have been the subject of additional amendments over the years, including amendment LCPA #3-91 which pertained to portions of the Phase II site.

The special conditions outlined above have been proposed specifically to bring the project into consistency with the certified LCP, as amended. The special conditions proposed above support the requirements of the LCP, particularly as they relate to public access. Grading in the area of the Lagoon is prohibited during the period of October 1 through April 1 of each year under the LCP policies, which are applied to the development through Special Condition #5.

In all other respects, the proposed development, as conditioned, is consistent with the applicable policies of the Master Plan and the LCP. Therefore, the Commission finds that the proposed development, subject to the special conditions, is consistent with the certified Aviara Master Plan and the Mello I and East Batiquitos Lagoon/Hunt Properties segments of the City of Carlsbad LCP.

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.

6043R

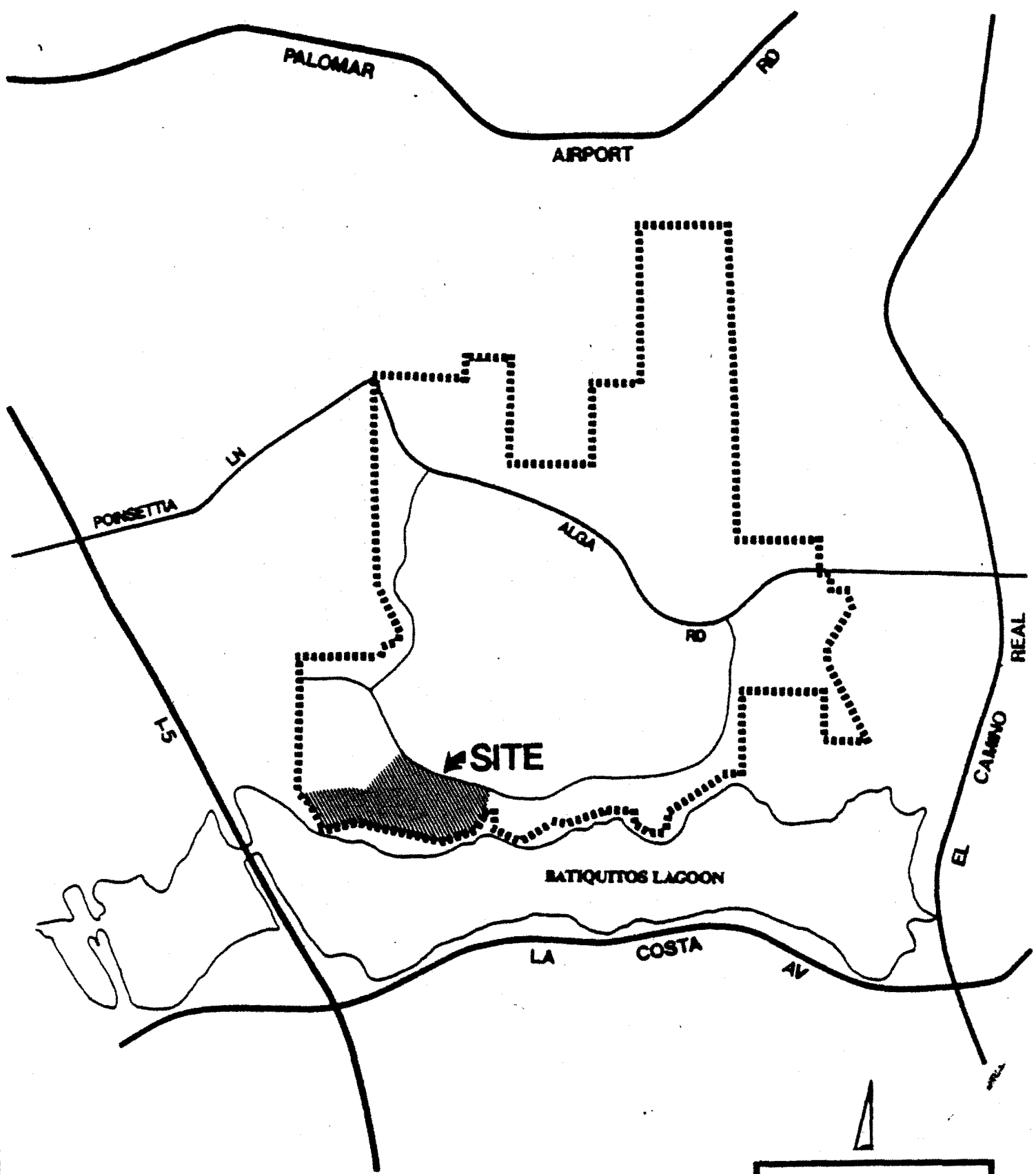


EXHIBIT NO. 1
APPLICATION NO. 6-96-43
Location Map
California Coastal Commission





EXHIBIT NO. 3
APPLICATION NO. 6-96-43
PROPOSED NATURE TRAIL ALIGNMENT
California Coastal Commission

**LEGEND**

- PROPOSED P.A. 28 LAGOON ACCESS TRAIL
- EXISTING BATIQUITOS LAGOON TRAIL



PROPOSED BATIQUITOS LAGOON ACCESS TRAIL  
 PLANNING AREA 28  
 CARLSBAD, CALIFORNIA

6-96-43

ORIGINALLY  
REQUIRED  
(APPROVED)

AVIARA  
PROPOSED

ORIGINALLY  
REQUIRED  
(EXISTING)

AVIARA  
PROPOSED

ORIGINALLY  
REQUIRED  
(EXISTING)

ALLOCATED PARKING SPACES	
8	AUTO
6	TOTAL

ALLOCATED PARKING SPACES	
20	AUTO
20	TOTAL

ALLOCATED PARKING SPACES	
11	AUTO
1	BUS
12	TOTAL

ALLOCATED PARKING SPACES	
10	AUTO
10	TOTAL

ALLOCATED PARKING SPACES	
2	AUTO
1	TOTAL

FUTURE PUBLIC TRAIL ACCESS	
(UNKNOWN PUBLIC PARKING REQUIREMENT)	
(10 SPACES?)	

45 ON-STREET SPACES  
(APPROVED)

PARK'S RIDE  
(EXISTING 116 SPACES)

FUTURE INFO CENTER  
(PROBABLE 20 SPACES)





MURPHY / MITSUUCHI DEVELOPMENT  
(PROBABLE 6 SPACES)

BATIQUITOS LAGOON  
LA COSTA AVENUE

ALLOCATED PUBLIC PARKING TOTALS	
56	AUTO
1	BUS
57	TOTAL SPACES

NOTE: 60 ADDITIONAL ON STREET OVERFLOW PUBLIC PARKING SPACES AVAILABLE

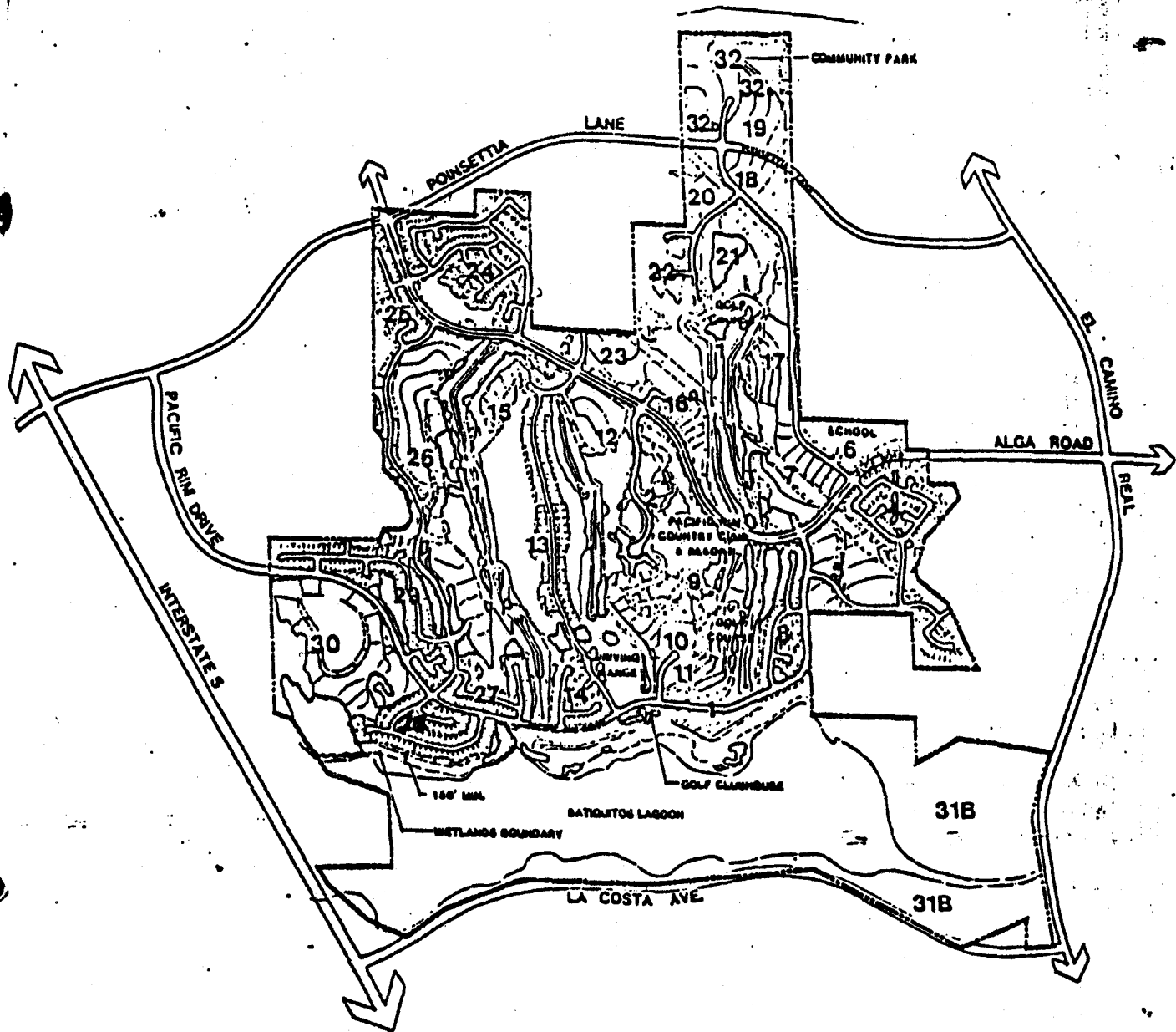
LEGEND

-  EXISTING NORTH SHORE TRAIL
-  PROPOSED NORTH SHORE TRAIL
-  NORTH SHORE TRAIL ACCESS POINTS
-  PUBLIC TRAIL ACCESS POINT



# PUBLIC ACCESS NORTH SHORE TRAIL

EXHIBIT NO. 4
APPLICATION NO. 0-96-113
EXISTING AND POTENTIAL PUBLIC PARKING
California Coastal Commission



**SUMMARY**

**RESIDENTIAL**

SF			
Area #	Planned Area	Code	Units
3	5.4	27	
4	22.8	102	
8	27.2	76	
12	66.6	72	
14	20.0	62	
24	64	102	
26	10.2	60	
27	21.2	66	
28	24.6	76	
29	44	80	
<b>SUBTOTAL</b>			<b>214.0 787</b>

MF			
Area #	Planned Area	Code	Units
5	23.8	100	
7	20.2	240	
9	22.8	100	
12	26.1	231	
16	22.2	102	
18	6.2	121	
17	24.7	100	
18	18.6	62	
18	6.2	74	
20	6.0	24	
21	26.0	80	
22	20	67	
26	26.2	100	
28	60.6	126	
<b>SUBTOTAL</b>			<b>402 1049</b>

**TOTALS 1402 ACRES  
2836 UNITS**

\*EXCLUDES UTILITY CORRIDORS

**COMMERCIAL**

Area #	Code	Planned Area	Code
CM	Community Commercial	22	12.8
CV	Medium Density Commercial	2	27.6
CV	Medium Density Commercial	11	2.4
<b>SUBTOTAL</b>			<b>43.8</b>

**OPEN SPACE**

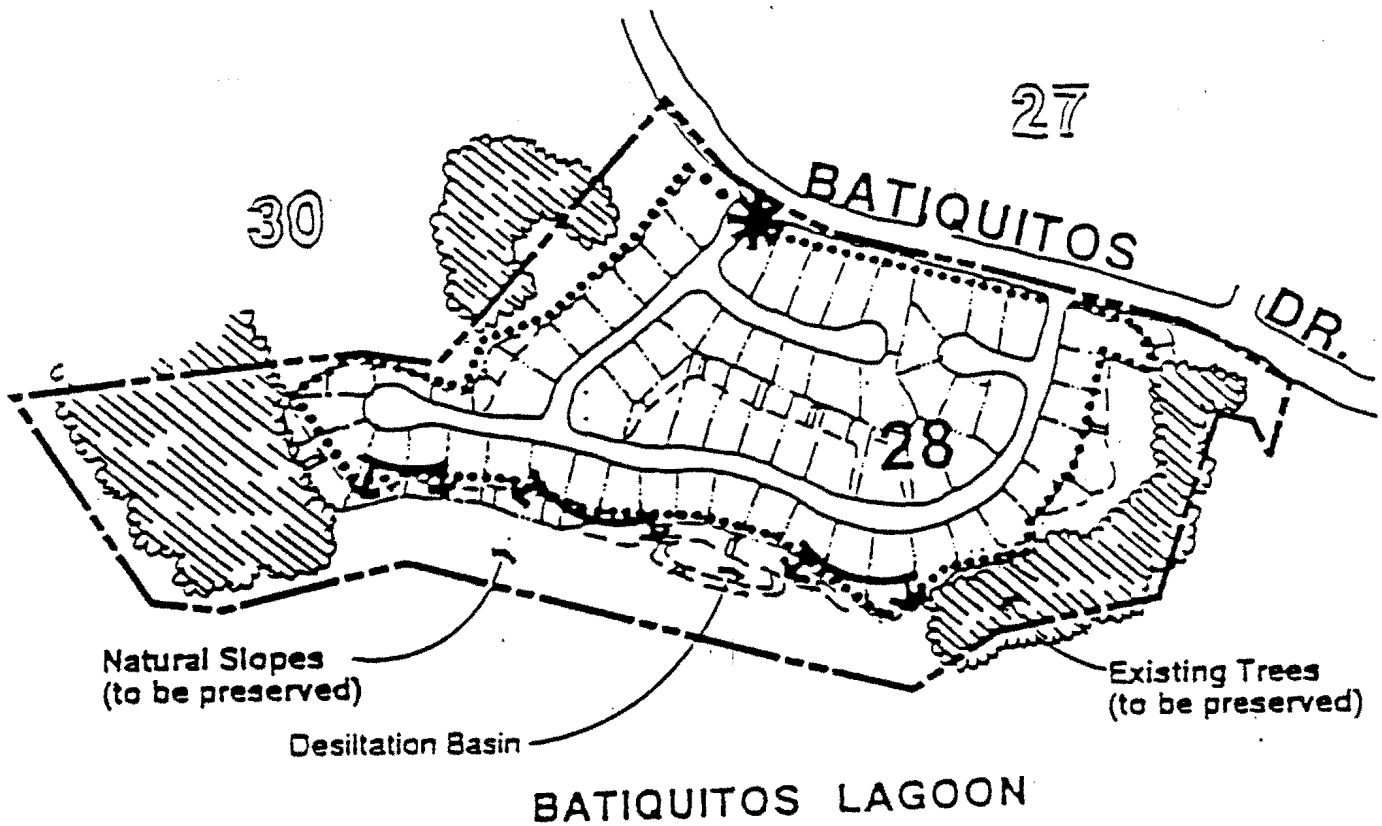
Area #	Code	Planned Area	Code
GC	Green Space	1	171.8
P	Park	22	24.3
PH	Park	22A	6.7
L	Lagoon	21A	207.1
REC	Recreation	21B	26.9
REC	Recreation	10	6.2
<b>SUBTOTAL</b>			<b>633.8</b>

**COMMUNITY**


Area #	Code	Planned Area	Code	
5	Community	0	12.4	
GC	Green Space			
<b>SUBTOTAL</b>				<b>12.4</b>


**EXHIBIT NO. 5**  
**APPLICATION NO.**  
 6-96-43  
**AVIARA MASTER PLANNING AREAS**  
 California Coastal Commission








Legend

- 

Entry Treatment
- 

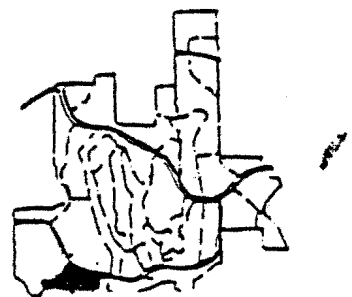
Scenic Point
- 

Wall/Fencing
- 

View Orientation
- 

Trail

Key Map

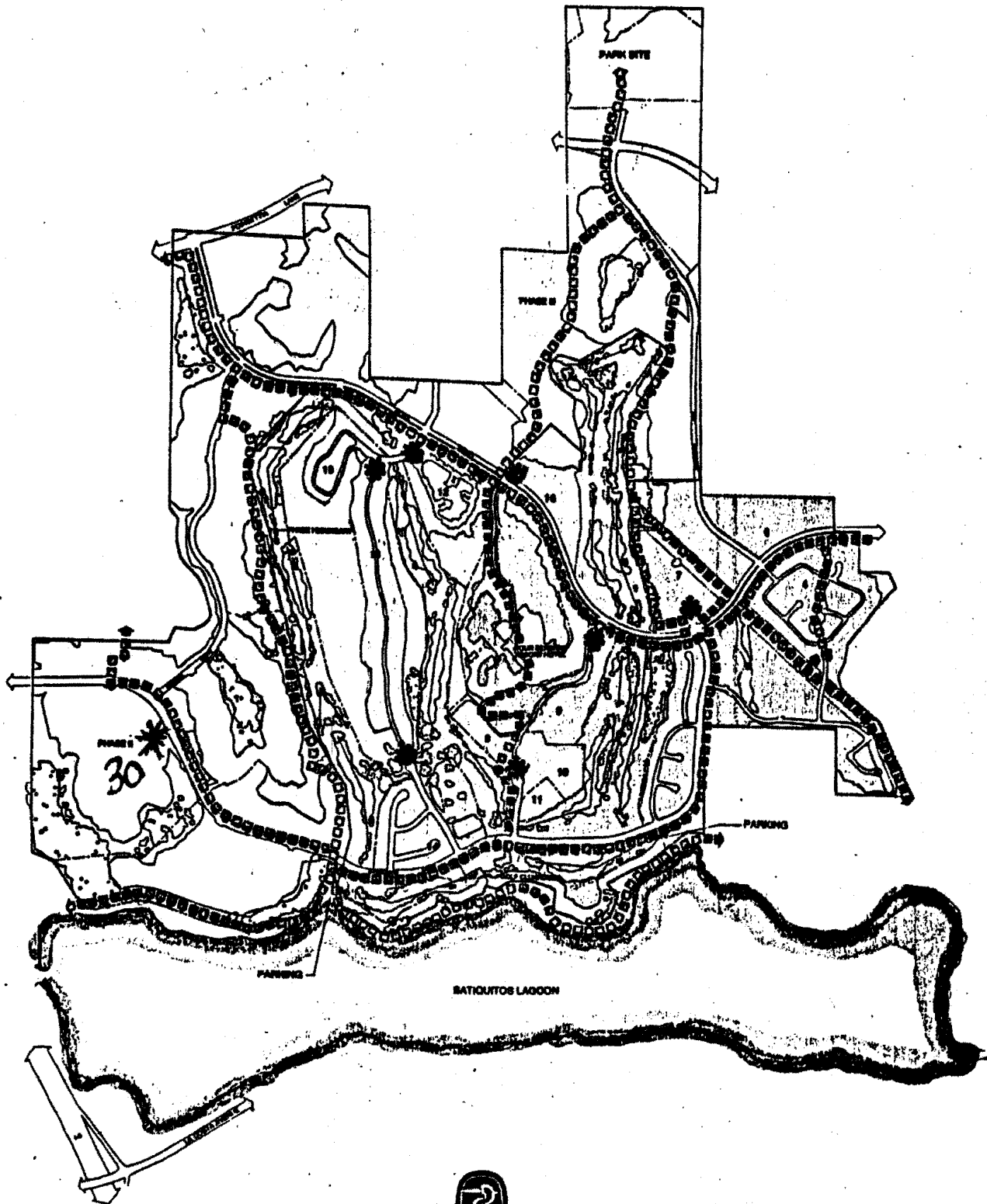



Design Criteria - Planning Area 28

Exhi

EXHIBIT NO. 6  
 APPLICATION NO.  
 6-96-43  
 MASTER PLAN  
 SCHEMATIC

Amende




 NORTH  
 COMMUNITY TRAILS  
 BOUNDARIES



AVIARA

PHASE I GATED COMMUNITIES

EXHIBIT NO. 7

APPLICATION NO.  
6-96-43

EXISTING GATED  
COMMUNITIES


 California Coastal Commission

RECEIVED

AUG 31 1995

CALIFORNIA  
COASTAL COMMISSION  
SAN DIEGO COAST DISTRICT



**Baticuitos Lagoon Foundation**  
Preserve, Protect, and Enhance

Post Office Box 3103  
Carlsbad, California 92009

29 August 1995

Mr. Bill Ponder  
California Coastal Commission  
3111 Camino Del Rio North, Suite 200  
San Diego, CA 92123

Dear Bill:

This letter is in response to your request for information concerning the number of people using the Baticuitos Lagoon North Shore Trail. The Baticuitos Lagoon Foundation in cooperation with the City of Carlsbad has been operating an information center at the foot of Baticuitos Drive for the last two years. During that time we estimate that 50-75 people use the trail on a daily basis for exercise, bird watching, and unfortunately bike riding. During the 1995 school year Foundation docents presented trail tours to approximately 2500 students from the Encinitas, Carlsbad, and San Marcos School District's. Tours were presented for groups of all ages, ranging from kindergarten through community college.

One of the Foundation's long term goals is to support creation of a continuous trail from El Camino Real to the Pacific Ocean. As an example, the Foundation has applied to the Coastal Conservancy for grant funding to study trail placement under I-5. A similar trail was recently dedicated under I-15 at Lake Hodges. The Foundation continues to strongly support the need for a middle basin trail. The Foundation understands the need for possible alternate alignments and supports study of these alternatives. However, we do not believe a sidewalk alignment adequately fulfills the original conditions attached to the development permit.

Sincerely,

Seth Schulberg  
President

EXHIBIT NO. 8
APPLICATION NO. 6-96-43
Trail Use
California Coastal Commission



# AVIARA

June 21, 1996

Mr. Chuck Damm  
California Coastal Commission  
3111 Camino del Rio North  
Suite 200  
San Diego, CA 92108-1725

EXHIBIT NO. 9
APPLICATION NO. 6-96-43
Project Description By Applicant
California Coastal Commission

RE: CDP Application No. 6-96-43: Aviara Planning Area 28

Dear Mr. Damm:

Aviara Land Associates Limited Partnership hereby requests revision to the above-referenced coastal permit application. This proposed revised project description includes the following:

1. Construction of a public trail access parking lot, to accommodate twenty-five (25) automobiles, on the proposed lot at the north-western corner of Batiquitos Drive and Nitens Street, within Planning Area 28.
2. A five (5) foot wide public access nature trail to provide pedestrian access to the existing Batiquitos Lagoon North Shore Trail. Such access trail shall meander within the Lot 67 open space, to connect the Planning Area 28 parking lot (no. 1 above) and the North Shore trail. Such trail shall be open to the public in perpetuity.
3. Provision of an additional public access trail (five (5) foot wide) between the Aviara Golf Clubhouse parking lot and the North Shore Trail. Ten (10) parking spaces (including two (2) handicapped spaces) within the existing Golf Clubhouse parking lot shall be designated for public trail parking for the North Shore Trail.
4. Public access easement or deed restriction recordation over the access trail between the PA 28 parking lot and the existing North Shore Trail.
5. The subject PA 28 access trail shall include benches at specified and agreed-upon view areas to be constructed by the developer.
6. Upon completion of an agreed-upon design, the developer shall reconstruct the access trail between Public Parking Lot #2 (Phase II Lot) to design parameters in compliance with ADA gradient standards.

JUN 21 '96 10:45AM HILLMAN PROPERTIES

P. 3/3

Mr. Chuck Damm  
June 21, 1996  
Page 2

7. Public access easement or deed restriction recordation over the access trail within the lagoon buffer between the Golf Clubhouse parking lot and the existing North Shore Trail.
8. Coastal public access signage to be installed at the entry to all public parking lots and North Shore Trail access trailheads.
9. Reconstruction of the Golf Clubhouse access trail to ADA surfacing standards if it is determined by DF&G that this resurfacing is necessary.
10. Developer cooperation in the dedication of land for a Lagoon Information Center in the area immediately westerly of the North Batiquitos Sewer Pump Station, if required in the future by DF&G.
11. Developer funding of construction of a single all-weather (decomposed granite) bus parking space if required in the future by DF&G, on the Broccato property. The developer shall be responsible only for the construction, and shall not be responsible for site acquisition, permits, mitigation or other requirements of installation of the space.

Please consider these factors revisions to the above-referenced permit application. Aviara looks forward to our July hearing before the Coastal Commission on this matter.

Sincerely,



D. L. Clemens  
Vice President/General Manager

DLC/er  
cc: Sherilyn Sarb  
Bill Ponder

