

## CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA  
7575 METROPOLITAN DRIVE, SUITE 103  
SAN DIEGO, CA 92108-4402  
67-2370

**W18f**

## RECORD PACKET COPY

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Staff: WNP-SD  
Staff Report: 11/21/01  
Hearing Date: 12/11-14/01

REGULAR CALENDAR  
STAFF REPORT AND PRELIMINARY RECOMMENDATION

Application No.: 6-01-120

Applicant: Ja Buza Corp

Agent: Planning Systems/Dennis  
Cunningham

Description: Subdivision of a vacant 6.51-acre lot into five lots and construction of a 45-ft-high, 86-room 53,561 sq.ft. hotel, 333 subterranean and surface parking spaces, 4,800 sq.ft. restaurant, 7,700 sq.ft. restaurant, 16-pump gas station and 1,500-sq.ft-food mart. Off-site improvements include installation of a traffic signal and dual west to southbound left turn lanes at the intersection of Cannon Road and Avenida Encinas.

Site: Northwest corner of Cannon Road and Interstate 5, Carlsbad (San Diego County) APN 210-010-38

Substantive File Documents: Certified Agua Hedionda Land Use Plan, Minor subdivision (MS 99-16), Nonresidential Planned Development Permit (PUD 00-109), and Sign Program (PS 00-67).

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STAFF NOTES:Summary of Staff's Preliminary Recommendation:

Staff is recommending approval of the proposed project subject to special conditions. The development raises potential concerns regarding traffic circulation, water quality, public access/recreation and visual resources. The special conditions require the applicant to submit a BMP program with site-specific requirements, a grading plan identifying the location of the disposal site of graded material, a landscaping plan assuring that the project will be screened from public views from I-5 and final plans. As conditioned, the proposed development is consistent with all applicable Chapter 3 policies of the Coastal Act.

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I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

**MOTION:**     *I move that the Commission approve Coastal Development Permit No. 6-01-120 pursuant to the staff recommendation.*

**STAFF RECOMMENDATION OF APPROVAL:**

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

**RESOLUTION TO APPROVE THE PERMIT:**

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of Chapter 3 of the Coastal Act and will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Final Plans. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit to the Executive Director for review and written approval, final site, building and elevations plans as well as all off site improvements, approved by the City of Carlsbad, which shall be in substantial conformance with the preliminary plans submitted by the applicant, dated received July 31, 2001 by McArdle Associates and O'Day Consultants.

The permittee shall undertake development in accordance with the approved final plans. Any proposed changes to the approved final plans shall be reported to the Executive Director. No changes to the approved final plans shall occur without an amendment to

this coastal development permit unless the Executive Director determines that no amendment is required.

2. Landscaping Plan. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit for review and written approval of the Executive Director, a detailed final landscape plan approved by the City of Carlsbad indicating the type, size, extent and location of all plant materials, the proposed irrigation system and other landscape features. The plan shall include:

- a. the use of drought-tolerant native or non-invasive plant materials to the maximum extent feasible.
- b. special emphasis on screening the entire site from Interstate 5. The number of canopy trees along the I-5 frontage shall not be less than twenty, with additional trees located in the area where the majority of eucalyptus trees are being removed.
- c. all proposed canopy trees shall be a minimum 24-inch box size.
- d. a written commitment shall be made that all planted materials shall be maintained in good growing condition, and landscaping shall be installed concurrent with, or within 60 days of completion of grading.

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

3. Runoff Control/BMP Plans. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall agree in writing to implement and maintain the pollution control practices and facilities identified in the Storm Water Pollution Prevention Plan, dated February 13, 2001, which was designed by a licensed engineer (Meg Carroll, O'Day Consultants) and which minimizes the volume, velocity and pollutant load of stormwater leaving the site and subsequently discharged into Agua Hedionda Lagoon. The drainage and filtration systems shall be maintained such that they are functional throughout the life of the approved development. Should repairs or restoration become necessary, prior to the commencement of such repair or restoration work, the permittee shall submit a repair and restoration plan to the Executive Director to determine if an amendment or new coastal development permit is required to authorize such work.

In addition, regarding the fuel dispensing area and temporary erosion control, the plan shall include the following requirements:

- (a) The concrete fuel dispensing area shall extend 6.5 feet (2.0 meters) or more from the corner of each fuel dispenser, or the length at which the hose and nozzle assembly may be operated plus 1 foot (0.3 meter).

(b) If dead-end sump is not used to collect spills, the applicant shall install an oil/water separator.

(c) In order to prevent fuel spills and leaks, which can pollute stormwater, the applicant shall:

1. Install vapor recovery nozzles to help control drips as well as air pollution.
2. Install signage discouraging "topping-off" of fuel tanks.
3. Use secondary containment when transferring fuel from the tank truck to the fuel tank.
4. Use absorbent materials on small spills and general cleaning rather than hosing down the area. Remove the absorbent materials promptly.
5. Carry out all federal and State requirements regarding underground storage tanks.
6. Not use mobile fueling of mobile industrial equipment around the facility. The applicant shall transport the equipment to the designated fueling areas.
7. Keep the Spill Prevention Control and Countermeasures (SPCC) Plan up to date.
8. Train employees in proper fueling and cleanup procedures
9. Keep ample supplies of clean-up materials on site and readily available.

(d) Temporary erosion control after the site is graded shall also be addressed in the plan

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

4. Disposal of Graded Spoils. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall identify the location for the disposal of graded spoils. If the site is located within the coastal zone, a separate coastal development permit or permit amendment shall first be obtained from the California Coastal Commission or its successors in interest.

5. Construction Access/Staging Area/Project Timing. PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit plans showing all locations which will be used as staging and storage areas for materials

and equipment during the construction phase of this project. The staging/storage plan shall be subject to review and written approval of the Executive Director. Use of sandy beach, public walkways and public parking areas, including on-street parking for the interim storage of materials and equipment shall not be permitted. If offsite areas are designated as staging/storage areas, or if construction will require any restrictions on traffic flow along Cannon Road or Carlsbad Boulevard (such as lane closures), the plan shall also indicate that no work may occur during the summer months (Memorial Day weekend to Labor Day) of any year.

The permittee shall undertake the development in accordance with the approved plan. Any proposed changes to the approved plan shall be reported to the Executive Director. No change to the plan shall occur without a Commission-approved amendment to the permit unless the Executive Director determines that no such amendment is required.

#### IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Detailed Project Description. The development proposal consists of a five lot subdivision and the phased construction of a 16-pump gas station with a 1,500 square foot mini-mart; a three-story, 45-foot high, 86 room hotel (53,651 square feet) with a 105 space subterranean parking garage; a 7,700 square foot restaurant (Restaurant "B") located west of the hotel; and, a 4,800 square foot restaurant (Restaurant "A") located near the center of the site. Total proposed parking is 333 spaces. Off-site improvements include installation of a traffic signal and dual west to southbound left turn lanes at the intersection of Cannon Road and Avenida Encinas. The vacant 6.51-acre site is located on the northwest corner of Cannon Road and Interstate 5 in Carlsbad and is located about 3 blocks east of the ocean.

The subdivision is for four "postage stamp" lots and one common lot which contains the private driveway, and much of the parking and landscape area. According to the City, the subdivision and associated nonresidential planned development permit will enable the project to be developed with a private street, will allow for reciprocal parking and access between properties, and will allow each building pad area to be owned separately.

The site is relatively level and grading for the project will consist primarily of excavation for the underground parking structure and finish grading for the building pads and parking areas. The proposed building pads are within 3 feet of natural grade and the grading of the site is necessary to provide positive drainage for the site. The estimated project grading quantities will consist of 28,000 cubic yards of cut, 1,800 cubic yards of fill, and 26,200 cubic yards of export. Special Condition #4 requires the location of exported materials be identified. If the site is located within the coastal zone, approval of the location must be obtained from the California Coastal Commission or the appropriate local government with coastal development permitting authority.

The project site is relatively flat and currently drains to a 5' x 5' railroad tie culvert in the AT&SF Railroad right of way ("r.o.w") located along the western side of the site. The pad area is devoid of any significant vegetation. Mature Eucalyptus trees along with other varieties of trees and shrubs surround the property either on-site or within the adjacent CalTrans r.o.w on the eastern side of the site near the freeway. The majority of this vegetation is in poor condition and most of the on-site trees and shrubs are proposed to be removed and replaced with new landscaping.

The AT&SF Railroad r.o.w. is located west of the site with the Encinas Power Plant beyond. A 60-foot wide road easement is located adjacent to the west property line and provides access to the SDG&E storage yard, substation, and high-tension power lines to the north. South of the site, a new Inns of America hotel is currently under construction on the southeast corner of Avenida Encinas and Cannon Road.

The applicant is proposing a phased construction of the site. Phase I includes grading (except underground parking), infrastructure improvements (including the Cannon Road traffic signal), and perimeter fencing and landscaping (including the "park" site); Phase II includes construction of the gas station and mini-mart; Phases III and IV will result in development of Restaurant "A" and the surrounding parking and landscape areas; Phase V includes construction of the hotel, 105 space subterranean parking garage, and remaining surface parking spaces and landscaping except for around the pad area of Restaurant "B". Restaurant "B" and associated landscape would be included in the final Phase VI construction. According to the City, each phase has been evaluated to ensure that adequate parking and circulation can be provided for the proposed uses.

Access to the site is via a private road which will tie into a new signalized intersection at Avenida Encinas and Cannon Road. The road will also provide access for existing and future uses north of the project site. The roadway has been designed to allow for future widening, if necessary, depending on future development proposals for the property north of the site. Three driveway entrances provide access to the development area from the private road. Continuous circulation is provided between the shared parking areas so that it is not necessary to exit and re-enter the site to access the various parking areas. A secondary emergency egress road is located within the adjacent 60 foot wide strip of property owned by SDG&E. The property owner (West Development) has obtained an easement from SDG&E for the right to grade and construct improvements over the 60 foot wide easement in exchange for giving SDG&E access rights on the new private road. SDG&E's use of this property will be abandoned when the new private road is installed. The new road configuration will allow for signalized access into the site for the Cannon Court project and for current and future uses on the SDG&E property. It also eliminates the potential for a second vehicular access point on Cannon road (within the 60-foot easement) which would be undesirable because of its proximity to the railroad crossing.

The site is zoned C-T-Q (Commercial-Tourist-Qualified Development Overlay Zone) with a Carlsbad LCP Land Use Designation of T-R (Travel-Recreation/Commercial). The property is located within the Agua Hedionda Segment of the Local Coastal

Program, an area of deferred certification; therefore, the standard of review is Chapter 3 policies of the Coastal Act.

2. Parking. The following Coastal Act policies are most pertinent to the proposed development, and state, in part:

Section 30213

Lower cost visitor and recreational facilities shall be protected, encouraged, and, where feasible, provided. Developments providing public recreational opportunities are preferred....

Section 30222

The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.

Section 30252

The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service, (2) providing commercial facilities within or adjoining residential development or in other areas that will minimize the use of coastal access roads, (3) providing nonautomobile circulation within the development, (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation . . .

The proposed hotel will increase the number of hotel guest units available near this part of the coast. As a visitor-serving commercial facility, it clearly qualifies as a priority use under Coastal Act Section 30222. Additionally, the southwest corner of the site will be developed as a park-like amenity to accentuate the entrance of the site. The park will include a variety of seating opportunities for guests, customers, and employees and as such provides a visitor-serving amenity. Moreover, a bike route currently exists along Cannon Road and additional amenities such as bike racks and benches are included in the development proposal.

With respect to the provision of parking in relationship to public access, as noted above, the Coastal Act requires that adequate parking be provided. The subject site is located between I-5 and the ocean, about 3 blocks from Carlsbad State Beach. Based on this location, it is important that the project be adequately parked so site visitors do not have to compete with beach visitors for beach parking. Although the proposed development is subject to the Commission's deferred jurisdiction and is therefore governed by Chapter 3, the Commission may look to the certified Carlsbad Parking Ordinance for guidance

regarding parking requirements for the project. The applicant proposes 333 parking spaces to serve the proposed facilities as follows:

PARKING	<ul style="list-style-type: none"> <li>Hotels: 103 spaces (1.2 spaces per unit plus dining/kitchen area @ 1 space/100 s.f.)</li> <li>Gas Station/Mini-Mart: 8 spaces (1 space/300 s.f. plus 3 additional employee spaces)</li> <li>Restaurant A: 76 spaces</li> <li>Restaurant B: 136 spaces (20 spaces, plus 1 /50 s.f. in excess of 2,000 s.f. )</li> <li>Total spaces required: 332</li> </ul>	<ul style="list-style-type: none"> <li>Required to enter into a joint parking and joint access agreements</li> <li>Surface parking: 228 spaces</li> <li>Subterranean parking: 105 spaces</li> <li>Total spaces provided: 333</li> </ul>
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The above figures were taken from the City of Carlsbad resolution approving the proposed parking plan. Based on the above, no adverse impacts on coastal access should occur from project approval. Special Condition #1 requires final plans in substantial conformance with the submitted plans. As conditioned, the project is consistent with Sections 30210, 30213, 30222 and 30254 of the Act.

3. . Visual Resources. Section 30251 of the Coastal Act provides for the protection of scenic coastal resources, and states:

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas.

The flat project site is located in southern Carlsbad between the Encina power plant to the west and the I-5 corridor to the east. Although it is bordered by trees on the side nearest the freeway, many of these trees are diseased and will be removed and replaced by non-mature vegetation. Thus, the potential for adverse visual impacts is high. The project observes a 30-foot landscape setback from Cannon Road and the setback area is landscaped consistent with the City's Scenic Corridor Guidelines for Cannon Road. Additionally, the project has been designed so that the mini-mart is located between Cannon Road and the gas station pump islands so that views of the pumps are obscured by the building mass as well as the low walls, berms and landscaping. New landscaping around the perimeter of the site includes a combination of trees and shrubs for screening and enhancing the appearance of the site. The interior landscaping theme complements the building design with informal groupings of pines, deciduous trees, and evergreen trees. Shrub masses are used as foundation plantings and to screen vehicles. Swaths of turf are used as accents along the roadways. Additionally, a comprehensive sign



program, approved by the City of Carlsbad, is proposed. It indicates that only monument signs, not to exceed eight (8) feet in height, or facade signs are proposed. No tall, freestanding pole or roof signs are proposed or approved.

The project will be visible from I-5 and the railroad r.o.w. as well as from Cannon Road. The three-story hotel is the tallest building with a height of 45 feet to the peak of the roof. The peak elevation will be approximately 28 feet above the elevation of the freeway. The height of the single-story restaurants are approximately 26 feet to the roof peaks and the highest points of the mini-mart and gas station canopy, respectively, are 23.5 feet and 29 feet. Since no views of the coastline are present from the freeway in either a north or southbound direction, the primary aesthetic concerns are in regard to any negative visual impacts of the proposed three-story hotel. While existing and proposed trees will partially screen the hotel from public views from I-5, the hotel, particularly its roofline, will be seen by motorists.

Although much unscreened development exists along the I-5 corridor, the highway is designated as scenic and the proposed project as designed would further contribute to the cumulative adverse impacts of development along the I-5 viewshed. Because the submitted landscaping plan is inadequate to completely screen the project site from I-5, Special Condition #2 identifies the plan must be enhanced to screen the project as seen from I-5. The number of canopy trees along this frontage shall not be less than twenty, with additional trees located in the area where the majority of eucalyptus trees are being removed; all proposed canopy trees shall be a minimum 24-inch box size. The goal of the landscaping is to completely screen the hotel from I-5 upon maturity of the trees. A written commitment shall be made that all planted materials shall be maintained in good growing condition, and landscaping shall be installed concurrent with, or within 60 days of completion of grading. Also, the project is proposed in phases; thus the site may remain graded for some time. Therefore, landscaping plans are needed to address erosion control as well as visual impacts. As conditioned, the Commission finds the proposed project is consistent with Section 30251 of the Coastal Act.

4. Traffic/Public Access. Section 30212 (a) requires that:

Public access from the nearest public roadway to the shoreline and along the coast shall be provided in new development projects...

Section 30250 (a) of the Coastal Act requires, in part:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.

Section 30252 of the Act states, in part:

The location and amount of new development should maintain and enhance public access to the coast by...

The Coastal Act requires that public access/circulation be maintained so that coastal visitors can have access to the shoreline. In this case, traffic/circulation is a concern because the project site is located about 3 blocks west of the ocean with frontage on a major east/west coastal access route (Cannon Road). Cannon Road immediately east of I-5 provides access to several major commercial, retail and visitor serving uses, including the Legoland Theme Park. Further east it has not yet been constructed but is expected to occur soon and will open up the area to higher traffic demands from inland areas in the near future. Near the project site, Cannon Road provides direct access from I-5 to Carlsbad Boulevard (Old Highway 101) about 3 blocks west of the project site. Immediately west of Carlsbad Boulevard is Carlsbad State Beach, a major coastal destination in Carlsbad. Thus, poor circulation along Cannon Road would have a direct adverse effect on beach access.

A traffic report was submitted for the proposed development. The report addresses two circulation issues. First, the report analyzes the impact of the project on existing City streets. Additionally, the report analyzes the access requirements of the 45-acre parcel directly to the north. When the vacant 45-acre parcel north of the project is developed, it will take access through the project site. Two alternatives were studied to establish the ultimate width of this access road and since uses are not currently planned for the 45 acres, two alternative land use assumptions were made by the City. Alternative 1 assumed 15 acres for a high technology power plant plus 30 acres for the utility corporate headquarters. This alternative results in a traffic generation of 3,450 Average Daily Trips (ADTs). Alternative 2 assumed 15 acres for a high technology plant, 17.5 acres for corporate headquarters and 12.5 acres of visitor commercial use. This alternative resulted in traffic generation of 7,200 ADTs. To accommodate both alternatives, the project proposes to build two lane improvements through the project, with widening to four lanes at the intersection with Cannon Road. These improvements would meet the requirements of alternative 1. To meet the requirements of alternative 2, additional right of way would be reserved for the widening of the street to a four-lane road.

The project itself will generate an additional 4,793 ADTs would be generated by the project, including 308 AM peak-hour trips and 401 PM peak-hour trips. The traffic analysis indicates that the additional traffic generated by the project does not significantly affect the current levels of service of the existing streets. Urban Systems Associates, Inc. provides information on the future level of service on roadways adjacent to the project. Year 2005 With Project traffic projections indicate levels of service (LOS) to be at LOS "A" on all segments, except one segment of Carlsbad Blvd. at LOC "C". According to the study, these are acceptable levels of service and would accommodate vehicles within the design capacity of the roadways. Year 2005 with Project intersection analyses indicate intersection peak hour levels of service. The study found all locations were at LOS "A", "B", "C" or "D", considered acceptable levels of service to accommodate

vehicles during peak hours within the design capacity of the intersections. Year 2020 With Project traffic projections indicate all segments would operate acceptably at LOS "A", with one segment at LOS "B". The study found all segments are expected to accommodate daily and peak hour traffic within their design capacities. Additionally, the study found levels of service at nearby intersections are expected to operate acceptably according to Carlsbad and Caltrans levels of service requirements.

However, the study found that due to the proximity of the I-5/Cannon Road freeway ramps to the east and the railroad crossing to the west, some traffic operations measures need to be implemented. The project will be required to construct a traffic signal and dual west to southbound left turn lanes at the intersection of Cannon Road and Avenida Encinas. Additionally, the intersection of Cannon Road and Avenida Encinas will need to be signalized once project occupancy occurs. Additionally, traffic operations measures are also required in order to coordinate the signal timing with the freeway ramp signals and railroad crossing. Because the applicant has not submitted plans for these improvements, Special Condition #1 requires that final off-site improvement plans be submitted prior to issuance of the permit. The private road has been designed to accommodate existing traffic to the north of the site and easements will be dedicated so that the road can be widened if warranted by future development. With the above measures, the study found no permanent adverse impacts to circulation/public access are anticipated

As is often the case with projects in nearshore areas, the construction phase of the project can cause adverse impacts on public access. This is especially a concern when construction requires the closure of traffic lanes on coastal access routes, usurps public parking spaces in beach or park lots for staging/storage areas, or excludes the public from high-use areas. In these instances, the Commission typically applies a condition prohibiting all, or selected portions of, construction activity during the summer months (Memorial Day weekend to Labor Day) when public use is at its peak.

In this particular case, the Commission is applying Special Condition #5 to address potential construction impacts. The applicant has indicated that all staging and storage areas can be accommodated within the property; however, no plan was submitted showing the exact location of these features. The condition thus requires submittal of such a plan. Provided all staging/storage areas are located onsite, construction can occur during the summer months; if any areas offsite are required, the summer construction prohibition will apply. Use of public parking areas and sand beaches is prohibited in either case. The Commission finds that public access impacts will be minimal due to the limited public use of the area and potential seasonal prohibitions if any staging or storage must occupy public land outside the project site. Therefore, the Commission finds that the proposed private improvements, as conditioned herein, are consistent with the cited Coastal Act policies.

5. Water Quality. The following Coastal Act policies addressing water quality are most applicable to the subject proposal, and state, in part:

Section 30230

Marine resources shall be maintained, enhanced, and where feasible, restored...Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters....

Section 30231

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum population of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment ....

The project site drains to the west to an area containing a railroad culvert and then offsite to Agua Hedionda Lagoon which is a body of water in the coastal zone worthy of protection. Any new development which results in the conversion of currently pervious surfaces to impervious ones accelerates runoff to some degree and must be mitigated through appropriate design and maintenance to assure no adverse impacts to water quality. Also, runoff from gas stations and restaurants has an especially high potential to adversely affect water quality.

Development of the project site will result in impervious surfaces and corresponding increased runoff flows. The project proposes to use detention basins in several areas of the parking lot (Exhibit 9). According to the applicant, these basins were designed to comply with Carlsbad's requirements for detention. The LCP requirement is to maintain the runoff resulting from the 10-year frequency storms of 6 hour and 24-hour duration under developed conditions to be equal to or less than the runoff from a storm of the same frequency and duration under existing conditions. Approximately 5.6 cfs has been detained to maintain the existing flow rate of 21.6 cfs.

The drainage plans for the project indicate the use of fossil filters for catchbasins in parking lot areas. Tests indicate that up to 65 gpm for grated inlets and up to 80 gpm for curb inlets of water can be treated before overflow of the filter system. According to the California Regional Water Quality Control Board San Diego Region Order No. 2001-01 NPDES No. CASO108758, flow based BMP's can be designed to mitigate the maximum flow rate of runoff produced from a rainfall intensity of 0.2 inch of rainfall per hour. The applicant's calculations show that the maximum flow rates meet the flow based criteria. The applicant's Storm Water Pollution Prevention Plan, Post-Construction, Cannon Court, dated September 27, 2001 includes recommendations for BMPs, including maintenance provisions. The applicant is proposing in CC&R's provisions for maintenance and implementation of these BMPs. The Commission's water quality staff has reviewed the project and found it meets Commission requirements regarding for

selected BMPs designed to treat, infiltrate or filter the stormwater runoff from each runoff event up to and including the 85<sup>th</sup> percentile, 24-hour runoff event for volume based BMPs and/or the 85<sup>th</sup> percentile, 1 hour event, with an appropriate safety factor, for flow-based BMPs.

The fuel dispensing area has been designed to ensure clean storm water discharge from these areas and development of the site will be required to comply with all applicable City regulations regarding drainage and runoff, including compliance with NPDES regulations/requirements and Best Management Practices. The applicant notes an overhang and downspouts are proposed to prevent drainage across the fueling area, the dispensing area will be paved with Portland cement concrete and the grades at the fuel dispensing area are currently 0.5%, within standard practice for concrete pavement for drainage. Concrete swales are proposed to be added to separate the fueling area from the remainder of the site by a grade break to prevent run-on of stormwater.

Notwithstanding the above, the proposed fueling area has the potential to create hazardous and polluted run-off caused by fuel and oil spills, as well as other fluid leaks, such as radiator fluid and engine coolant. To ensure that polluted run-off is not discharged into local coastal waters, Special Condition #3 requires the applicant to augment the BMP program to provide for the proper construction and maintenance of the fueling area, clean-up of potential hazardous material spills, and training for service station employees in proper fueling and cleanup procedures. This condition requires that safe and necessary precautions be implemented to ensure the health of the surrounding environment so that the project may be found consistent with sections 30230 and 30231 of the Coastal Act.

6. 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 City's certified LCP contains six geographic segments as follows: Agua Hedionda, Mello I, Mello II, West Batiquitos Lagoon/Sammis Properties and East Batiquitos Lagoon/Hunt Properties and Village Redevelopment Area. On October 21, 1997, the City assumed permit jurisdiction and has been issuing coastal development permits for all of its segments except Agua Hedionda. The Agua Hedionda Lagoon LCP segment remains as a deferred certification area until an implementation plan is certified.

The property is located within the Agua Hedionda Segment of the Local Coastal Program, therefore, the standard of review is Chapter 3 policies of the Coastal Act. The site is zoned C-T-Q (Commercial-Tourist-Qualified Development Overlay Zone) with a Carlsbad LCP Land Use Designation of T-R (Travel-Recreation/Commercial). The proposed uses consisting of a gas station and mini-mart, restaurants, and hotel are consistent with those designations. Thus, as conditioned herein, the proposed project is consistent with Chapter 3 policies of the Coastal Act and applicable policies of the

certified Agua Hedionda LUP and will not prejudice the ability of the City of Carlsbad to obtain a certified LCP for this area.

7. 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, as conditioned, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) 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 effect that the activity may have on the environment.

The proposed project has been conditioned to be consistent with the public access, visual resources and water quality policies of the Coastal Act. The mitigation measures addressing the above and described and recommended herein, will minimize all adverse environmental impacts. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact that the activity may have on the environment. Therefore, the Commission finds that the proposed project is the least environmentally damaging feasible alternative and is consistent with the requirements of the Coastal Act to conform to CEQA.

#### STANDARD CONDITIONS:

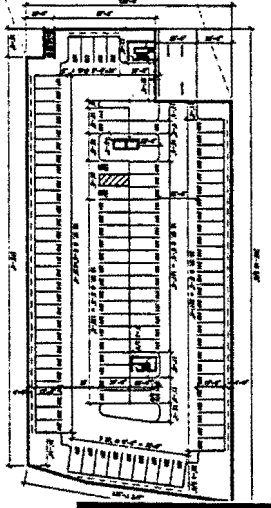
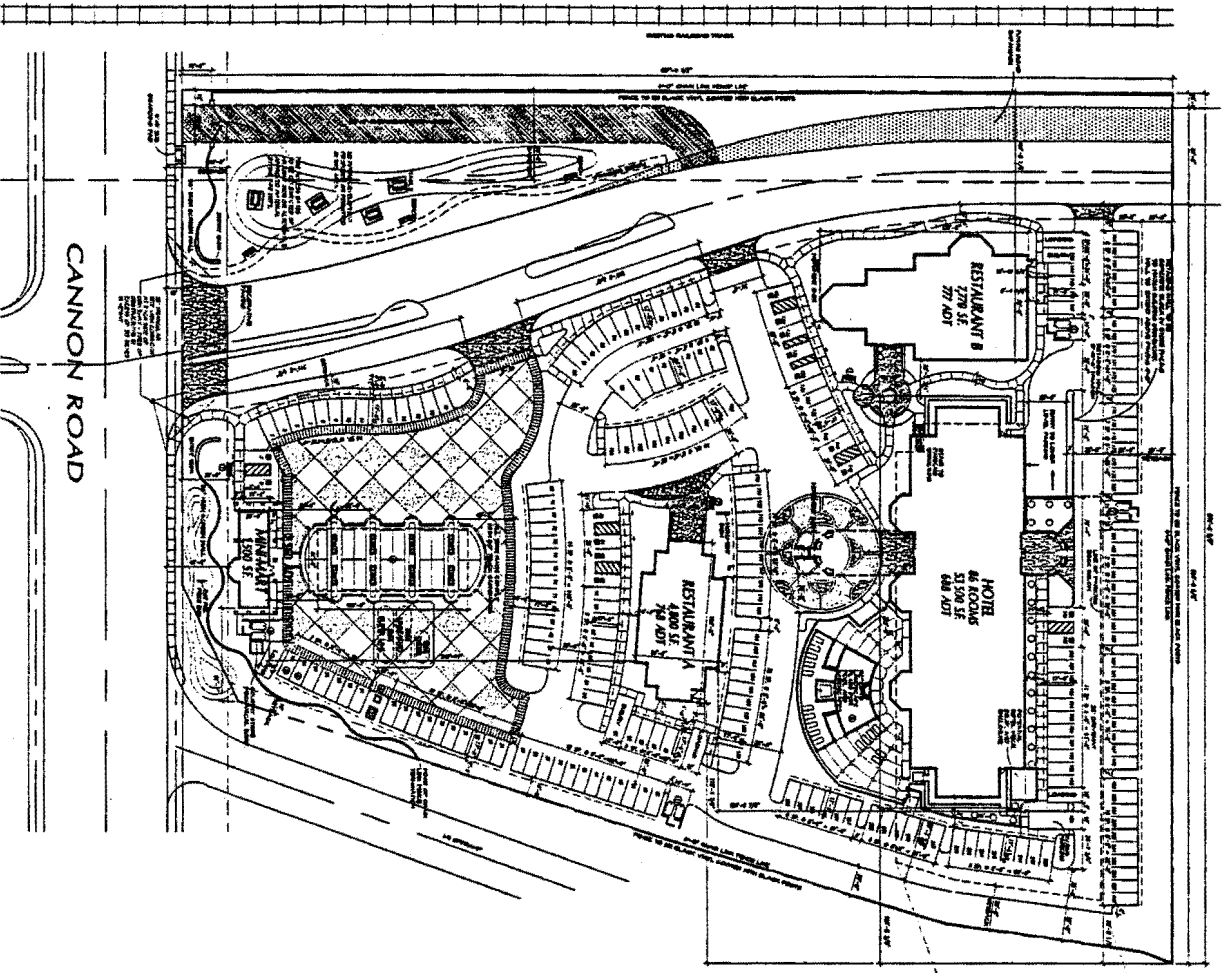
1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



SEE 1127 MAP

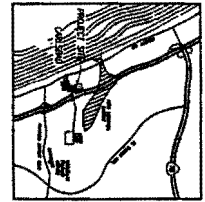
EXHIBIT NO. 1  
APPLICATION NO.  
6-01-120  
Location Map

California Coastal Commission



UNDERGROUND PARKING GARAGE (SEE SHEET 2)

WICINITY MAP



SITE LEGEND

1. TRAIL ENDOUSE
2. ROYAL AREA
3. AIR AND WATER
4. CAR PARK
5. HOTEL POOL AREA
6. ELECTRIC CAR PARKING
7. AIRPORT
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100. AIRPORT

PROJECT DATA

AREA	SQ. FT.	PG. RATIO	PG. REQ.
AREA			
RESTAURANT A	1300 SF	0.1300	0.1300
RESTAURANT B	1300 SF	0.1300	0.1300
RESTAURANT C	1300 SF	0.1300	0.1300
RESTAURANT D	1300 SF	0.1300	0.1300
RESTAURANT E	1300 SF	0.1300	0.1300
RESTAURANT F	1300 SF	0.1300	0.1300
RESTAURANT G	1300 SF	0.1300	0.1300
RESTAURANT H	1300 SF	0.1300	0.1300
RESTAURANT I	1300 SF	0.1300	0.1300
RESTAURANT J	1300 SF	0.1300	0.1300
RESTAURANT K	1300 SF	0.1300	0.1300
RESTAURANT L	1300 SF	0.1300	0.1300
RESTAURANT M	1300 SF	0.1300	0.1300
RESTAURANT N	1300 SF	0.1300	0.1300
RESTAURANT O	1300 SF	0.1300	0.1300
RESTAURANT P	1300 SF	0.1300	0.1300
RESTAURANT Q	1300 SF	0.1300	0.1300
RESTAURANT R	1300 SF	0.1300	0.1300
RESTAURANT S	1300 SF	0.1300	0.1300
RESTAURANT T	1300 SF	0.1300	0.1300
RESTAURANT U	1300 SF	0.1300	0.1300
RESTAURANT V	1300 SF	0.1300	0.1300
RESTAURANT W	1300 SF	0.1300	0.1300
RESTAURANT X	1300 SF	0.1300	0.1300
RESTAURANT Y	1300 SF	0.1300	0.1300
RESTAURANT Z	1300 SF	0.1300	0.1300
TOTAL	1300 SF	0.1300	0.1300
TOTAL PARKING PROVIDED	1300 SF	0.1300	0.1300

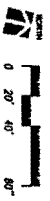
SITE LEGEND

- 1. NO. PARKING
- 2. CONCRETE PARKING
- 3. BRICK PARKING
- 4. ASPHALT PARKING
- 5. GRAVEL PARKING
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- 100. SAND PARKING

INDEX OF DRAWINGS

1. COVER SHEET
2. SITE PLAN
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APRIL 2, 2000







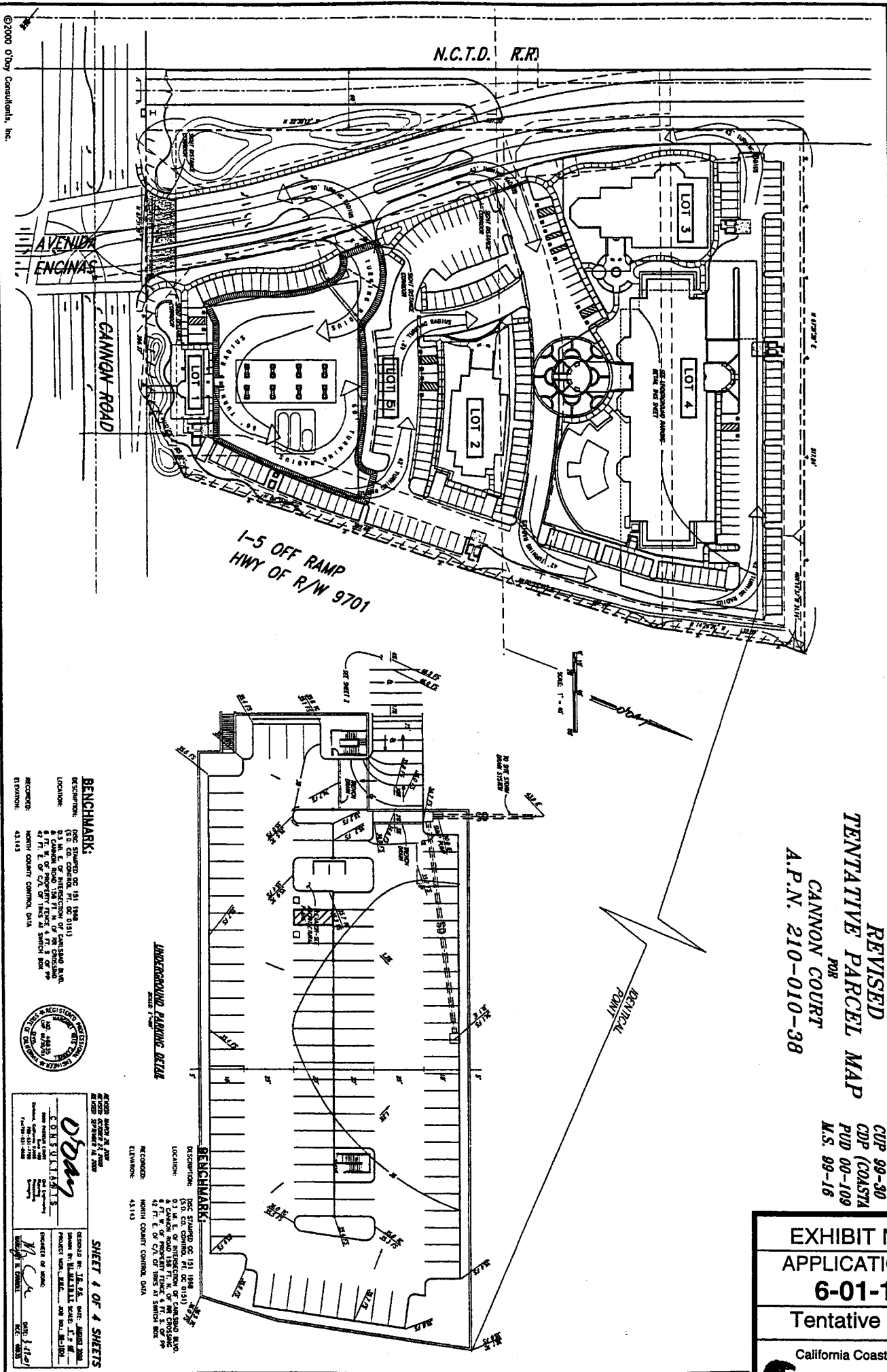
1000

REVISED  
TENTATIVE PARCEL MAP  
FOR  
CANNON COURT  
A.P.N. 210-010-38

CUP 99-30  
CDP (COASTA)  
PUD 00-109  
M.S. 99-16

EXHIBIT NO. 4  
APPLICATION NO.  
**6-01-120**  
Tentative Parcel

California Coastal Commission

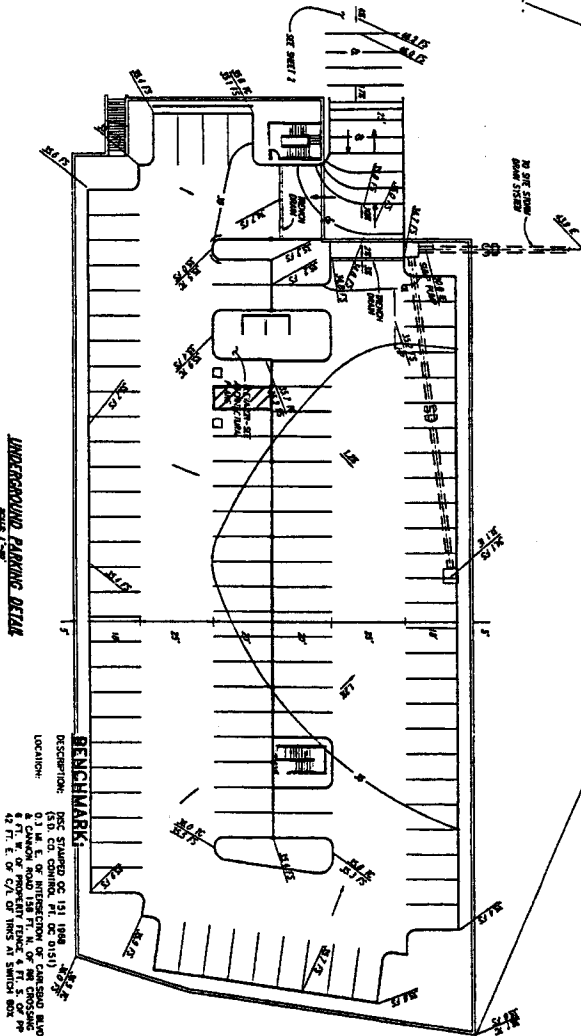


**BENCHMARK:**

DESCRIPTION: 0.1 M. E. OF INTERSECTION OF CANNON ROAD AND  
LOCATION: 150.00 CONTROL, P.T. 01911  
RECORDED: 0.1 M. E. OF INTERSECTION OF CANNON ROAD AND  
40 FT. E. OF PROPERTY CORNER 4 FT. 3 OF PP  
40 FT. E. OF C/L OF THIS A. SWITCH BOX  
RECORDED: NORTH COUNTY CONTROL DATA  
ELEVATION: 43143



**UNDERGROUND PARKING DETAIL**

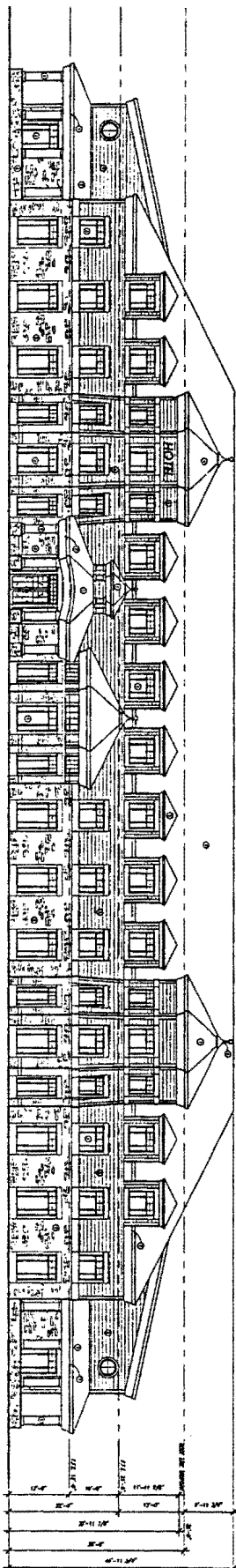


RECORD: 0.1 M. E. OF INTERSECTION OF CANNON ROAD AND  
40 FT. E. OF PROPERTY CORNER 4 FT. 3 OF PP  
40 FT. E. OF C/L OF THIS A. SWITCH BOX  
RECORDED: NORTH COUNTY CONTROL DATA  
ELEVATION: 43143

SHEET 4 OF 4 SHEETS

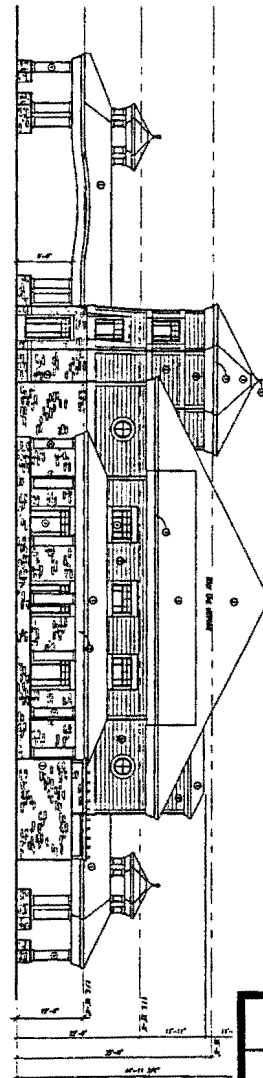
DESIGNED BY: J.E. O'DAY, DATE: JANUARY 2000  
DRAWN BY: J.E. O'DAY, DATE: JANUARY 2000  
PROJECT NO.: 00-109, AND NO. 00-109  
CONTRACT NO.: 00-109  
DATE: 1/10/00  
BY: J.E. O'DAY  
CHECK: J.E. O'DAY

**SOUTH ELEVATION**



DATE	02/01/10
DRAWN BY	JOHN J. COOPER
CHECKED BY	JOHN J. COOPER
PROJECT NO.	6-01-120
PROJECT NAME	CANNON COURT HOTEL
LOCATION	1000 N. MISSION AVE. CARLSBAD, CA 92008
OWNER	THE CARLSBAD HOTEL CO.
ARCHITECT	JOHN J. COOPER ARCHITECTS
SCALE	1/4" = 1'-0"

**EAST ELEVATION**

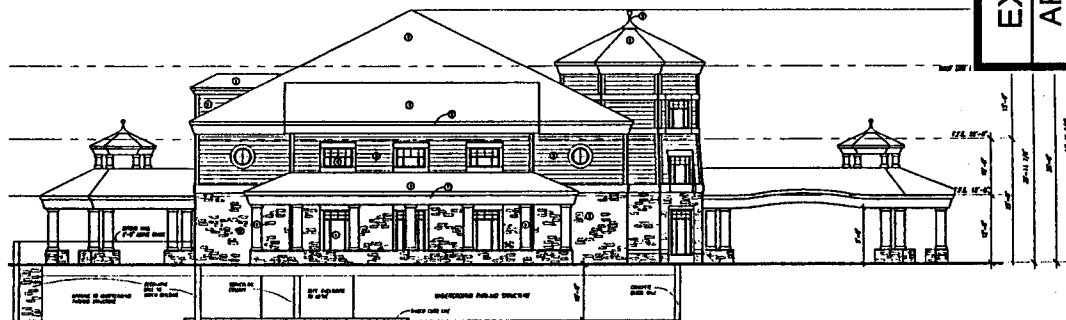


- BUILDING COLOR/MATERIAL LEGEND**
- ① DIMENSIONAL SHINGLES
  - ② WARE SHINGLE SIDE SIDING
  - ③ DECORATIVE BRICK STONE
  - ④ VINYL CLAD WINDOWS
  - ⑤ WARE PLANK BUILT UP COLUMNS
  - ⑥ DECORATIVE CORNER CAP
  - ⑦ BUILT UP WARE PLANK FACIA/CORNER/ROOF/SHED/SHED
  - ⑧ REGIONAL WOOD SHED
  - ⑨ WARE PLANK ROOF & PORCH
  - ⑩ NATURAL WOOD SHED
  - ⑪ NATURAL TAN
  - ⑫ BLEND TAN MIX
  - ⑬ WHITE
  - ⑭ WHITE
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**EXHIBIT NO. 5A**  
**APPLICATION NO.**  
**6-01-120**  
**Hotel Elevation**  
**A**



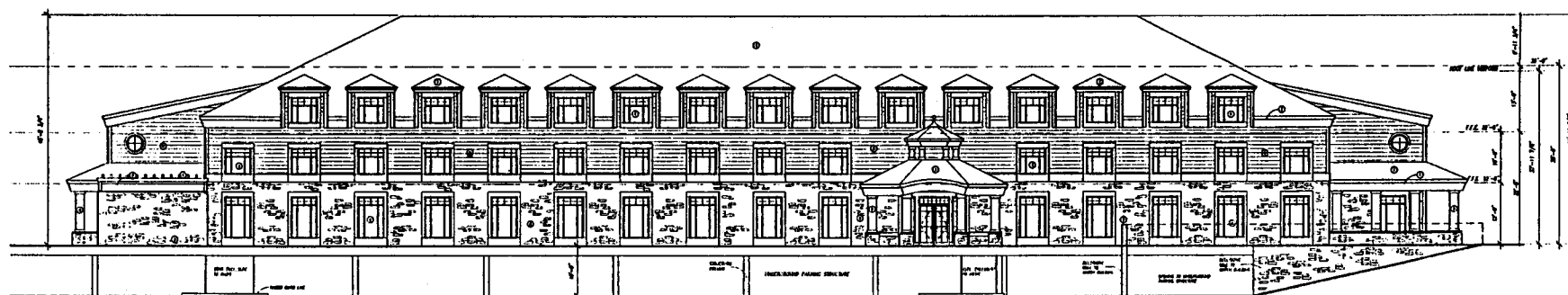
**CANNON COURT**  
 CARLSBAD, CALIFORNIA



WEST ELEVATION  
SCALE: 5/32" = 1'-0"

# BUILDING COLOR/MATERIAL LEGEND

① DIMENSIONAL SHINGLE	GREY/GREEN
② HARDIE SHINGLESIDE SIDING	NATURAL TAN
③ DECORATIVE STACK STONE	BLENDED TAN MIX
④ VINYL GLAD WINDOWS	WHITE
⑤ HARDIE PLANK BUILT UP COLUMNS	WHITE
⑥ DECORATIVE COPPER CAP	WHITE
⑦ BUILT UP HARDIE PLANK FACIA/CORNERBOARDS/WINDOW TRIM	WHITE
⑧ SECTIONAL HOOD DOOR	WHITE
⑨ HARDIE PLANK SOFFIT & ARCADE	NATURAL HOOD STRIPS



NORTH ELEVATION  
SCALE: 5/32" = 1'-0"

CANNON COURT  
CARLSBAD, CALIFORNIA

Date: 8/24/98 - Probs  
Project: CANNON COURT  
File: 14  
Revised: 8/24/00 - Probs  
12/4/00 - Probs

Sheet Title:  
HOTEL  
ELEVATIONS


Sheet Number:

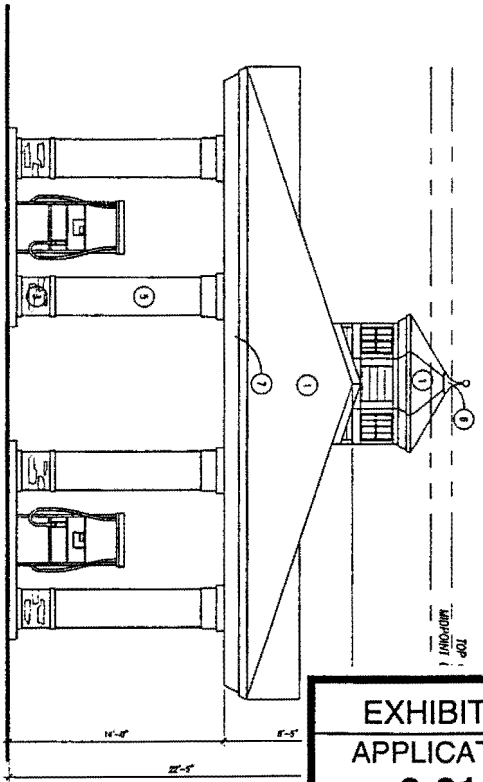
EXHIBIT NO. 6

APPLICATION NO.

6-01-120

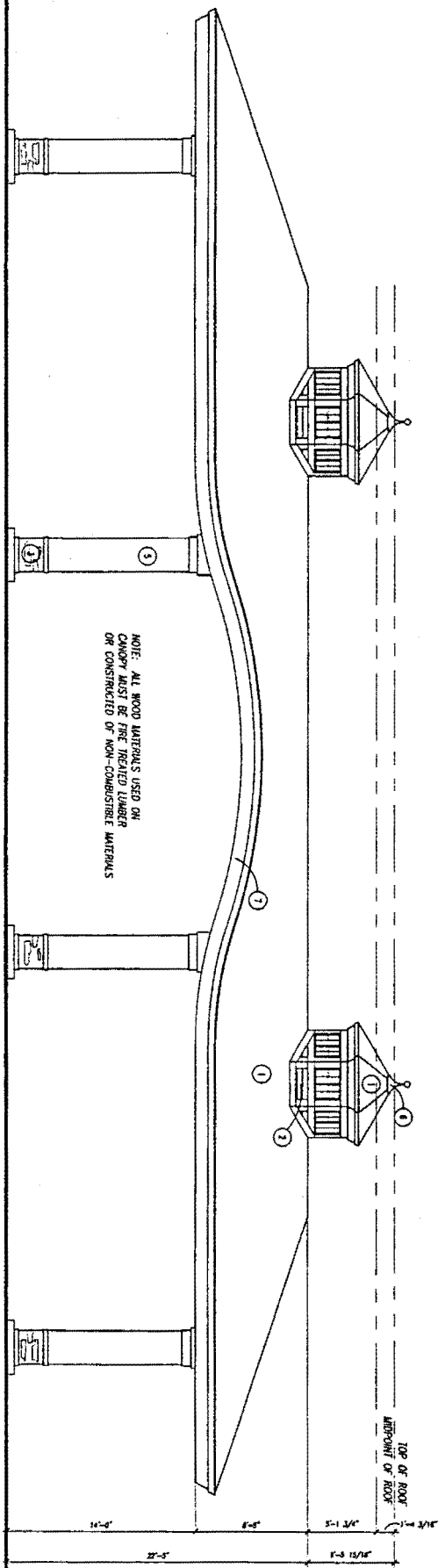
Store Elevation


California Coastal Commission



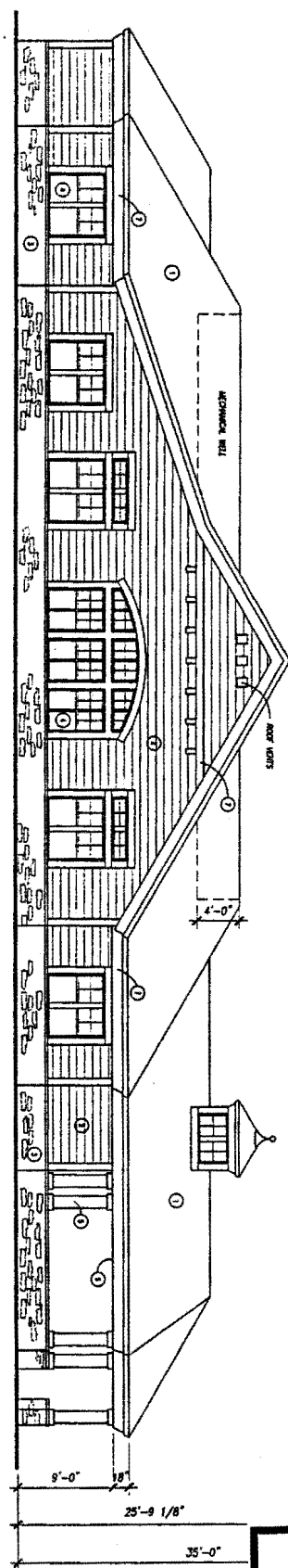
SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

- BUILDING COLOR/MATERIAL LEGEND**
- 1. DIRECTIONAL SHINGLE
  - 2. HARDY SHINGLE SIDE SHIP
  - 3. DECORATIVE STACK STONE
  - 4. VINT CLAD SIDING
  - 5. HARDY PLANK BUILT UP COLLARS
  - 6. DECORATIVE COPPER CAP
  - 7. BUILT UP HARDY PLANK FACIA/CORNER/SHIMON TRIM
  - 8. SECTIONAL HOOD DOOR
  - 9. HARDY PLANK SHIPIT & ARCADE
- DOOR/GARAGE**
- 1. NATURAL TAN
  - 2. BLEACHED TAN 1X4
  - 3. WHITE
  - 4. WHITE
  - 5. WHITE
  - 6. NATURAL HOOD SHIPING



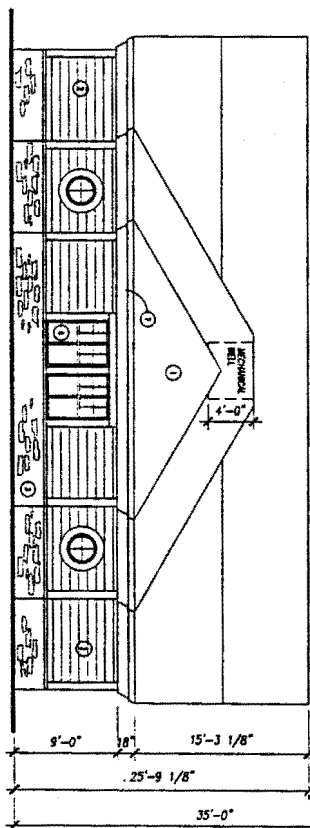
NOTE: ALL WOOD MATERIALS USED ON CANOPY MUST BE FIRE TREATED LUMBER OR CONSTRUCTED OF NON-COMBUSTIBLE MATERIALS

EAST ELEVATION  
SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 3/8" = 1'-0"



EAST ELEVATION

SCALE: 3/8" = 1'-0"

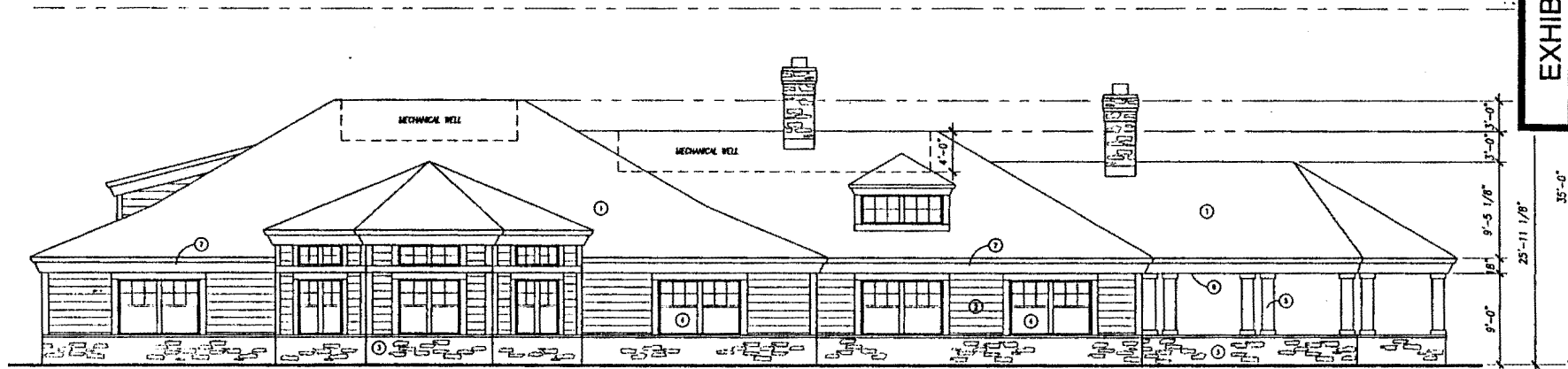
- BUILDING COLOR/MATERIAL LEGEND**
- ① DIMENSIONAL BRICK #2
  - ② HANDED PLANK SIDING
  - ③ DECORATIVE STACK STONE
  - ④ VINYL CLAD WINDOWS
  - ⑤ HANDED PLANK BELT UP COLLARS
  - ⑥ DECORATIVE COPPER CAP
  - ⑦ BUILT UP HANDED PLANK PLY/COMBINATION SHROUD TRIM
  - ⑧ SECTIONAL WOOD DOOR
  - ⑨ HANDED PLANK SCOTT'S ARCADES
  - ⑩ NATURAL WOOD SHEDS

EXHIBIT NO. 7  
APPLICATION NO  
**6-01-120**  
Rest. A Elevations

California Coastal Commission

CANNON COURT  
CARLSBAD, CALIFORNIA

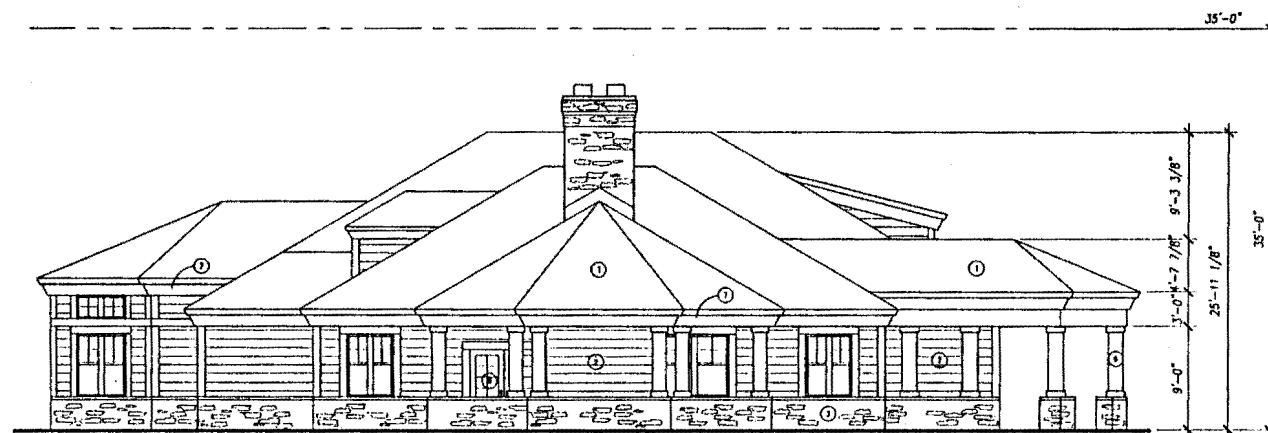
DATE: 12/24/11  
DRAWN: J. P. HARRIS  
CHECKED: J. P. HARRIS  
DATE: 12/24/11  
SCALE: 3/8" = 1'-0"



WEST ELEVATION  
SCALE: 3/8" = 1'-0"

BUILDING COLOR/MATERIAL LEGEND

- |  |                       |
|--|-----------------------|
| ① DIMENSIONAL SHINGLE                                  | GREY/GREEN            |
| ② HARDIE SHINGLESIDE SIDING                            | NATURAL TAN           |
| ③ DECORATIVE STACK STONE                               | BLENDED TAN MIX       |
| ④ VINYL CLAD WINDOWS                                   | WHITE                 |
| ⑤ HARDIE PLANK BUILT UP COLUMNS                        | WHITE                 |
| ⑥ DECORATIVE COPPER CAP                                |                       |
| ⑦ BUILT UP HARDIE PLANK FACIA/CORNERBOARDS/WINDOW TRIM | WHITE                 |
| ⑧ REGIONAL WOOD DOOR                                   | WHITE                 |
| ⑨ HARDIE PLANK SOFFIT & ARCADE                         | NATURAL WOOD STRIPING |



SOUTH ELEVATION  
SCALE: 3/8" = 1'-0"

CANNON COURT  
CARLSBAD, CALIFORNIA

Date: 02/14/11 - Prelim  
 Project: CANNON COURT  
 Plan: 21  
 Revision: 02/14/11 - Prelim  
 Drawn: 02/14/11 - Prelim

Sheet Title:  
 REST. B  
 ELEVATIONS

Sheet Number:

STORM DRAIN

R.R.

AND

N.C.T.D.

POINT 'A'

TO AGUA  
HEDIONDA  
LAGOON

STORM DRAIN

RESTAURANT

HOTEL

STORM DRAIN

DETENTION  
BASINS

RESTAURANT

STORM DRAIN

GAS STATION

DETENTION  
BASINS

I-5 OFF RAMP  
HWY OF R/W 9701

SEWER  
ROADWAY

STORM DRAIN

CANNON ROAD

AVENIDA  
ENCINAS



SCALE: 1" = 100'

EXHIBIT NO. 9

APPLICATION NO.  
6-01-120

Storm Water  
Drainage Plan

California Coastal Commission