

PLANNING COMMISSION RESOLUTION NO. 6035

1 A RESOLUTION OF THE PLANNING COMMISSION OF THE
2 CITY OF CARLSBAD, CALIFORNIA, APPROVING A
3 TENTATIVE TRACT MAP TO GRADE AND SUBDIVIDE A
4 2.79 ACRE SITE INTO 14 RESIDENTIAL LOTS AND 3 OPEN
5 SPACE/RECREATION/PRIVATE DRIVEWAY LOTS ON
6 PROPERTY GENERALLY LOCATED ON THE WEST OF
7 DONNA DRIVE AND NORTH OF CARLSBAD VILLAGE
8 DRIVE WITHIN LOCAL FACILITIES MANAGEMENT ZONE
9 1.

CASE NAME: TRAILS END

CASE NO.: CT 04-14

8 WHEREAS, **Dennis Cunningham**, "Developer," has filed a verified application with the City of
9 Carlsbad regarding property owned by **Chris Coseo**, "Owner," described as

10 **Portion of lot 7 of Section 32, Township 11 South, Range 4**
11 **West, San Bernardino Meridian, in the City of Carlsbad,**
12 **County of San Diego, State of California, according to official**
13 **plat thereof**

14 ("the Property"); and

15 WHEREAS, said verified application constitutes a request for a Tentative Tract
16 Map as shown on Exhibit **CT 04-14** dated **March 1, 2006**, on file in the Planning Department
17 **TRAILS END – ZC 04-10**, as provided by **Chapter 20.12** of the Carlsbad Municipal Code; and

18 WHEREAS, the Planning Commission did, on the **1st** day of **March, 2006**, hold a
19 duly noticed public hearing as prescribed by law to consider said request; and

20 WHEREAS, at said public hearing, upon hearing and considering all testimony
21 and arguments, if any, of persons desiring to be heard, said Commission considered all factors
22 relating to the Tentative Tract Map.

23
24 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
25 Commission of the City of Carlsbad as follows:

- 26 A) That the foregoing recitations are true and correct.
- 27
- 28 B) That based on the evidence presented at the public hearing, the Commission
APPROVES TRAILS END – CT 04-14, based on the following findings and
subject to the following conditions:

1 **Findings:**

- 2 1. That the proposed map and the proposed design and improvement of the subdivision as
3 conditioned, is consistent with and satisfies all requirements of the General Plan, any
4 applicable specific plans, Titles 20 and 21 of the Carlsbad Municipal Code, and the State
5 Subdivision Map Act, and will not cause serious public health problems, in that **the
6 project is consistent with all requirements of the General Plan, and Titles 20 and 21
7 governing subdivisions and the design of planned developments.**
- 8 2. That the proposed project is compatible with the surrounding future land uses since
9 surrounding properties are designated for **residential** development on the General Plan,
10 in that **the proposed project consists of 14 two-home residential lots at densities
11 similar and compatible with the surrounding residential land uses.**
- 12 3. That the site is physically suitable for the type and density of the development since the
13 site is adequate in size and shape to accommodate residential development at the density
14 proposed, in that **all required development standards and design criteria required by
15 the applicable zoning standards are incorporated into the project without the need
16 for variances from development standards.**
- 17 4. That the design of the subdivision or the type of improvements will not conflict with
18 easements of record or easements established by court judgment, or acquired by the
19 public at large, for access through or use of property within the proposed subdivision, in
20 that **the project has been designed and conditioned such that there are no conflicts
21 with established easements.**
- 22 5. That the property is not subject to a contract entered into pursuant to the Land
23 Conservation Act of 1965 (Williamson Act).
- 24 6. That the design of the subdivision provides, to the extent feasible, for future passive or
25 natural heating or cooling opportunities in the subdivision, in that structures are oriented
26 **in a manner that allows for solar exposure and will take advantage of shade and
27 receive prevailing breezes.**
- 28 7. That the Planning Commission has considered, in connection with the housing proposed
by this subdivision, the housing needs of the region, and balanced those housing needs
against the public service needs of the City and available fiscal and environmental
resources.
8. That the design of the subdivision and improvements are not likely to cause substantial
environmental damage nor substantially and avoidably injure fish or wildlife or their
habitat, in that **the proposed development will impact 1.10 acres of Diegan Coastal
Sage Scrub as well as non-native grassland, eucalyptus woodland, and disturbed
and ornamental these impacts will be mitigated consistently with the Carlsbad
Habitat Management Plan (HMP) as the project is conditioned to pay habitat in-lieu
mitigation fees to mitigate the loss of the various habitat resources.**
9. That the discharge of waste from the subdivision will not result in violation of existing
California Regional Water Quality Control Board requirements, in that **the project has**

1 **been designed in accordance with the Best Management Practices for water quality**
2 **protection in accordance with the City's sewer and drainage standards and the**
3 **project is conditioned to comply with the National Pollutant Discharge Elimination**
4 **System (NPDES) requirements.**

5 10. **The Planning Commission finds that the project, as conditioned herein, is in**
6 **conformance with the Elements of the City's General Plan, based on the facts set forth in**
7 **the staff report dated March 1, 2006 including, but not limited to the following:**

8 a. **Land Use - The project is consistent with the City's General Plan since the**
9 **proposed density of 5.88 du/ac is within the density range of 4 – 8 du/ac**
10 **specified for the site as indicated in the Land Use Element of the General**
11 **Plan. The project's proposed density of 5.88 du/ac is slightly below the**
12 **Growth Management Control Point density (6 du/ac) used for the purpose of**
13 **calculating the City's compliance with Government Code Section 65584.**
14 **However, consistent with Program 3.8 of the City's certified Housing**
15 **Element, all of the dwelling units which were anticipated toward achieving**
16 **the City's share of the regional housing need that are not utilized by**
17 **developers in approved projects are deposited in the City's Excess Dwelling**
18 **Unit Bank. These excess dwelling units are available for allocation to other**
19 **projects. Accordingly, there is no net loss of residential unit capacity and**
20 **there are adequate properties identified in the Housing Element allowing**
21 **residential development with a unit capacity, including second dwelling**
22 **units, adequate to satisfy the City's share of the regional housing need.**

23 b. **Circulation – The project will take access off of Donna Drive and the**
24 **applicant is proposing full street improvements. On-site circulation consists**
25 **of a private driveway which will be designed in accordance with City**
26 **standards.**

27 c. **Noise - The project is required to construct a six-foot masonry sound**
28 **attenuation barrier along the southeast property line fronting Carlsbad**
29 **Village Drive and provide an acoustical analysis for lots 2-6 to ensure**
30 **adequate interior noise attenuation to below 45 dBA CNEL will be achieved.**

31 d. **Housing – The project is consistent with the Housing Element of the General**
32 **Plan and the Inclusionary Housing Ordinance as the applicant is proposing**
33 **to enter into an Affordable Housing Agreement to construct two affordable**
34 **dwelling units on site.**

35 11. **The project is consistent with the City-Wide Facilities and Improvements Plan, the Local**
36 **Facilities Management Plan for Zone 1 and all City public facility policies and**
37 **ordinances. The project includes elements or has been conditioned to construct or**
38 **provide funding to ensure that all facilities and improvements regarding: sewer collection**
39 **and treatment; water; drainage; circulation; fire; schools; parks and other recreational**
40 **facilities; libraries; government administrative facilities; and open space, related to the**
41 **project will be installed to serve new development prior to or concurrent with need.**
42 **Specifically,**

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- a. The project has been conditioned to provide proof from the **Carlsbad Unified** School District that the project has satisfied its obligation for school facilities.
 - b. Park-in-lieu fees are required by Carlsbad Municipal Code Chapter 20.44, and will be collected prior to issuance of building permit.
 - c. The Public Facility fee is required to be paid by Council Policy No. 17 and will be collected prior to the issuance of building permit.
12. The project has been conditioned to pay any increase in public facility fee, or new construction tax, or development fees, and has agreed to abide by any additional requirements established by a Local Facilities Management Plan prepared pursuant to Chapter 21.90 of the Carlsbad Municipal Code. This will ensure continued availability of public facilities and will mitigate any cumulative impacts created by the project.
13. This project has been conditioned to comply with any requirement approved as part of the Local Facilities Management Plan for Zone 1.
14. That all necessary public facilities required by the Growth Management Ordinance will be constructed or are guaranteed to be constructed concurrently with the need for them created by this project and in compliance with adopted City standards.
15. The **Planning Commission** of the City of Carlsbad does hereby find:
- a. it has reviewed, analyzed and considered Mitigated Negative Declaration **TRAILS END – ZC 04-10/CT 04-14/HDP 04-07/PUD 04-10**, the environmental impacts therein identified for this project and said comments thereon, and the Program, on file in the Planning Department, prior to **APPROVING** of the project; and
 - b. the Mitigated Negative Declaration and the Program have been prepared in accordance with requirements of the California Environmental Quality Act, the State Guidelines and the Environmental Protection Procedures of the City of Carlsbad; and
 - c. they reflect the independent judgment of the **Planning Commission** of the City of Carlsbad; and
 - d. based on the EIA Part II and comments thereon, the **Planning Commission**, finds that there is no substantial evidence the project will have a significant effect on the environment.
16. The Planning Commission has reviewed each of the exactions imposed on the Developer contained in this resolution, and hereby finds, in this case, that the exactions are imposed to mitigate impacts caused by or reasonably related to the project, and the extent and the degree of the exaction is in rough proportionality to the impact caused by the project.

1 **Conditions:**

2 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
3 **recordation or issuance of grading permit, whichever occurs first.**

- 4 1. If any of the following conditions fail to occur; or if they are, by their terms, to be
5 implemented and maintained over time, if any of such conditions fail to be so
6 implemented and maintained according to their terms, the City shall have the right to
7 revoke or modify all approvals herein granted; deny or further condition issuance of all
8 future building permits; deny, revoke or further condition all certificates of occupancy
9 issued under the authority of approvals herein granted; record a notice of violation on the
10 property title; institute and prosecute litigation to compel their compliance with said
11 conditions or seek damages for their violation. No vested rights are gained by Developer
12 or a successor in interest by the City's approval of this **Tentative Tract Map**.
- 13 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
14 and modifications to the **Tentative Tract Map** documents, as necessary to make them
15 internally consistent and in conformity with the final action on the project. Development
16 shall occur substantially as shown on the approved Exhibits. Any proposed development
17 different from this approval, shall require an amendment to this approval.
- 18 3. Developer shall comply with all applicable provisions of federal, state, and local laws and
19 regulations in effect at the time of building permit issuance.
- 20 4. If any condition for construction of any public improvements or facilities, or the payment
21 of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are
22 challenged, this approval shall be suspended as provided in Government Code Section
23 66020. If any such condition is determined to be invalid this approval shall be invalid
24 unless the City Council determines that the project without the condition complies with
25 all requirements of law.
- 26 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold
27 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
28 representatives, from and against any and all liabilities, losses, damages, demands, claims
and costs, including court costs and attorney's fees incurred by the City arising, directly
or indirectly, from (a) City's approval and issuance of this **Tentative Tract Map**, (b)
City's approval or issuance of any permit or action, whether discretionary or non-
discretionary, in connection with the use contemplated herein, and (c)
Developer/Operator's installation and operation of the facility permitted hereby, including
without limitation, any and all liabilities arising from the emission by the facility of
electromagnetic fields or other energy waves or emissions. This obligation survives until
all legal proceedings have been concluded and continues even if the City's approval is not
validated.
6. Developer shall submit to **the Planning Department** a reproducible 24" x 36" mylar
copy of the **Tentative Map** reflecting the conditions approved by the final decision
making body.

- 1 7. Developer shall implement, or cause the implementation of, the **Trails End Project**
2 Mitigation Monitoring and Reporting Program.
- 3 8. Prior to the issuance of a building permit, the Developer shall provide proof to the
4 Director from the **Carlsbad Unified** School District that this project has satisfied its
5 obligation to provide school facilities.
- 6 9. This project shall comply with all conditions and mitigation measures which are required
7 as part of the Zone 1 Local Facilities Management Plan and any amendments made to that
8 Plan prior to the issuance of building permits, including, but not limited to the following:
9
10 10. Building permits will not be issued for this project unless the local agency providing
11 water and sewer services to the project provides written certification to the City that
12 adequate water service and sewer facilities, respectively, are available to the project at the
13 time of the application for the building permit, and that water and sewer capacity and
14 facilities will continue to be available until the time of occupancy. **A note to this effect**
15 **shall be placed on the Final Map.**
- 16 11. This project has been found to result in impacts to wildlife habitat or other lands, such as
17 agricultural land, non-native grassland, and disturbed lands, which provide some benefits
18 to wildlife, as documented in the City's Habitat Management Plan and the environmental
19 analysis for this project. Developer is aware that the City has adopted an In-lieu
20 Mitigation Fee consistent with Section E.6 of the Habitat Management Plan and City
21 Council Resolution No. 2000-223 to fund mitigation for impacts to certain categories of
22 vegetation and animal species. The Developer is further aware that the City has
23 determined that all projects will be required to pay the fee in order to be found consistent
24 with the Habitat Management Plan and the Open Space and Conservation Element of the
25 General Plan. The City is currently updating the fee study, which is expected to result in
26 an increase in the amount of the fee, and the Developer or Developer's successor(s) in
27 interest shall pay the adjusted amount of the fee once it is approved by the City Council.
28 The fee shall be paid prior to recordation of a final map, or issuance of a grading permit
or building permit, whichever occurs first. If the In-lieu Mitigation Fee for this project is
not paid, this project will not be consistent with the Habitat Management Plan and the
General Plan and any and all approvals for this project shall become null and void.
12. Prior to the approval of the final map for any phase of this project, or where a map is not
being processed, prior to the issuance of building permits for any lots or units, the
Developer shall enter into an Affordable Housing Agreement with the City to provide and
deed restrict 2 dwelling units (including: **Lots 7 and 8**) as affordable to lower-income
households for 55 years, in accordance with the requirements and process set forth in
Chapter 21.85 of the Carlsbad Municipal Code. The draft Affordable Housing
Agreement shall be submitted to the Planning Director no later than 60 days prior to the
request to final the map. The recorded Affordable Housing Agreement shall be binding
on all future owners and successors in interest.
13. Developer shall submit and obtain Planning Director approval of a Final Landscape and
Irrigation Plan showing conformance with the approved Preliminary Landscape Plan and
the City's Landscape Manual. Developer shall construct and install all landscaping as

1 shown on the approved Final Plans, and maintain all landscaping in a healthy and thriving
2 condition, free from weeds, trash, and debris.

3 14. The first submittal of Final Landscape and Irrigation Plans shall be pursuant to the
4 landscape plan check process on file in the Planning Department and accompanied by the
project's building, improvement, and grading plans.

5 15. Developer shall establish a homeowner's association and corresponding covenants,
6 conditions and restrictions. Said CC&Rs shall be submitted to and approved by the
7 Planning Director prior to final map approval. Prior to issuance of a building permit the
8 Developer shall provide the Planning Department with a recorded copy of the official
CC&Rs that have been approved by the Department of Real Estate and the Planning
9 Director. At a minimum, the CC&Rs shall contain the following provisions:

10 a. General Enforcement by the City. The City shall have the right, but not the
11 obligation, to enforce those Protective Covenants set forth in this Declaration in favor
of, or in which the City has an interest.

12 b. Notice and Amendment. A copy of any proposed amendment shall be provided to the
13 City in advance. If the proposed amendment affects the City, City shall have the right
14 to disapprove. A copy of the final approved amendment shall be transmitted to City
within 30 days for the official record.

15 c. Failure of Association to Maintain Common Area Lots and Easements. In the event
16 that the Association fails to maintain the "Common Area Lots and/or the
17 Association's Easements" as provided in Article _____, Section _____ the
18 City shall have the right, but not the duty, to perform the necessary maintenance. If
19 the City elects to perform such maintenance, the City shall give written notice to the
20 Association, with a copy thereof to the Owners in the Project, setting forth with
21 particularity the maintenance which the City finds to be required and requesting the
22 same be carried out by the Association within a period of thirty (30) days from the
giving of such notice. In the event that the Association fails to carry out such
maintenance of the Common Area Lots and/or Association's Easements within the
period specified by the City's notice, the City shall be entitled to cause such work to
be completed and shall be entitled to reimbursement with respect thereto from the
Owners as provided herein.

23 d. Special Assessments Levied by the City. In the event the City has performed the
24 necessary maintenance to either Common Area Lots and/or Association's Easements,
25 the City shall submit a written invoice to the Association for all costs incurred by the
26 City to perform such maintenance of the Common Area Lots and or Association's
27 Easements. The City shall provide a copy of such invoice to each Owner in the
28 Project, together with a statement that if the Association fails to pay such invoice in
full within the time specified, the City will pursue collection against the Owners in
the Project pursuant to the provisions of this Section. Said invoice shall be due and
payable by the Association within twenty (20) days of receipt by the Association. If
the Association shall fail to pay such invoice in full within the period specified,
payment shall be deemed delinquent and shall be subject to a late charge in an amount

1 equal to six percent (6%) of the amount of the invoice. Thereafter the City may
2 pursue collection from the Association by means of any remedies available at law or
3 in equity. Without limiting the generality of the foregoing, in addition to all other
4 rights and remedies available to the City, the City may levy a special assessment
5 against the Owners of each Lot in the Project for an equal prorata share of the invoice,
6 plus the late charge. Such special assessment shall constitute a charge on the land and
7 shall be a continuing lien upon each Lot against which the special assessment is
8 levied. Each Owner in the Project hereby vests the City with the right and power to
9 levy such special assessment, to impose a lien upon their respective Lot and to bring
10 all legal actions and/or to pursue lien foreclosure procedures against any Owner and
11 his/her respective Lot for purposes of collecting such special assessment in
12 accordance with the procedures set forth in Article _____ of this Declaration.

9 e. Landscape Maintenance Responsibilities. The HOAs and individual lot or unit owner
10 landscape maintenance responsibilities shall be as set forth in Exhibit _____.

11 f. Balconies, trellis and decks. The individual lot or unit owner allowances and
12 prohibitions regarding balconies, trellis and decks shall be as set forth in Exhibit
13 _____.

13 16. This approval is granted subject to the approval of **the Mitigated Negative Declaration**
14 **and Mitigation and Monitoring Report, Zone Change, Hillside Development Permit,**
15 **and a Planned Development Permit** and is subject to all conditions contained in
16 Planning Commission Resolutions No. 6033, 6034, 6036 and 6037 for those other
17 approvals incorporated herein by reference.

17 17. Prior to occupancy of the first dwelling unit the Developer shall provide all required
18 passive and active recreational areas per the approved plans, including landscaping and
19 recreational facilities.

19 18. Developer shall report, in writing, to the Planning Director within 30 days, any address
20 change from that which is shown on the permit application.

21 19. Prior to the issuance of the **Final Map**, Developer shall submit to the City a Notice of
22 Restriction to be filed in the office of the County Recorder, subject to the satisfaction of
23 the Planning Director, notifying all interested parties and successors in interest that the
24 City of Carlsbad has issued a **Zone Change, Tentative Tract Map, Hillside**
25 **Development Permit, and Planned Development Permit** by Resolutions No. **6034,**
26 **6035, 6036, and 6037** on the property. Said Notice of Restriction shall note the property
27 description, location of the file containing complete project details and all conditions of
28 approval as well as any conditions or restrictions specified for inclusion in the Notice of
Restriction. The Planning Director has the authority to execute and record an amendment
to the notice which modifies or terminates said notice upon a showing of good cause by
the Developer or successor in interest.

20. Developer shall submit a street name list consistent with the City's street name policy
subject to the Planning Director's approval prior to final map approval.

- 1 21. Developer shall pay the citywide Public Facilities Fee imposed by City Council Policy
2 #17, the License Tax on new construction imposed by Carlsbad Municipal Code Section
3 5.09.030, and CFD #1 special tax (if applicable), subject to any credits authorized by
4 Carlsbad Municipal Code Section 5.09.040. Developer shall also pay any applicable
5 Local Facilities Management Plan fee for Zone 1, pursuant to Chapter 21.90. All such
6 taxes/fees shall be paid at issuance of building permit. If the taxes/fees are not paid, this
7 approval will not be consistent with the General Plan and shall become void.
- 8 22. If satisfaction of the school facility requirement involves a Mello-Roos Community
9 Facilities District or other financing mechanism which is inconsistent with City Council
10 Policy No. 38, by allowing a pass-through of the taxes or fees to individual home buyers,
11 then in addition to any other disclosure required by law or Council policy, the Developer
12 shall disclose to future owners in the project, to the maximum extent possible, the
13 existence of the tax or fee, and that the school district is the taxing agency responsible for
14 the financing mechanism. The form of notice is subject to the approval of the Planning
15 Director and shall at least include a handout and a sign inside the sales facility stating the
16 fact of a potential pass-through of fees or taxes exists and where complete information
17 regarding those fees or taxes can be obtained.
- 18 23. Developer shall display a current Zoning and Land Use Map, or an alternative, suitable to
19 the Planning Director, in the sales office at all times. All sales maps that are distributed
20 or made available to the public shall include but not be limited to trails, future and
21 existing schools, parks and streets.
- 22 24. Developer shall post a sign in the sales office in a prominent location that discloses which
23 special districts and school district provide service to the project. Said sign shall remain
24 posted until ALL of the units are sold.
- 25 25. Prior to the recordation of the first final **tract** map or the issuance of building permits,
26 whichever occurs first, the Developer shall prepare and record a Notice that this property
27 may be subject to noise impacts from the proposed or existing Transportation Corridor
28 (**Carlsbad Village Drive**), in a form meeting the approval of the Planning Director and
City Attorney (see Noise Form #1 on file in the Planning Department).
- 29 26. Prior to the recordation of the first final **tract** map or the issuance of building permits,
30 whichever occurs first, the Developer shall prepare and record a Notice that this property
31 is subject to overflight, sight and sound of aircraft operating from McClellan-Palomar
32 Airport, in a form meeting the approval of the Planning Director and the City Attorney
33 (see Noise Form #2 on file in the Planning Department).
- 34 27. Developer shall post aircraft noise notification signs in all sales and/or rental offices
35 associated with the new development. The number and locations of said signs shall be
36 approved by the Planning Director (see Noise Form #3 on file in the Planning
37 Department).
- 38 28. Developer shall submit and obtain Planning Director approval of an exterior lighting plan
including parking areas. All lighting shall be designed to reflect downward and avoid any
impacts on adjacent homes or property.

1 29. **The landscape buffer in the southwest corner of the property shall be enhanced to**
2 **the satisfaction of the Planning Director to provide additional buffering to the**
3 **westerly property.**

4 30. **Surfacing of the utility access extending from the end of the cul-de-sac shall be**
5 **added to discourage skateboarding.**

6 **Engineering**

7 **NOTE:** Unless specifically stated in the condition, all of the following conditions, upon the
8 approval of this proposed tentative map, must be met prior to approval of a final map, building or
9 grading permit whichever occurs first.

10 **General**

11 31. Prior to hauling dirt or construction materials to or from any proposed construction site
12 within this project, Developer shall apply for and obtain approval from, the City Engineer
13 for the proposed haul route.

14 32. Developer shall provide to the City Engineer, an acceptable means, CC&Rs and/or other
15 recorded document, for maintaining the private easements within the subdivision and all
16 the private improvements: streets, sidewalks, street lights, and storm drain facilities
17 located therein and to distribute the costs of such maintenance in an equitable manner
18 among the owners of the properties within the subdivision.

19 33. Prior to occupancy, Developer shall install rain gutters to convey roof drainage to an
20 approved drainage course or street to the satisfaction of the City Engineer.

21 34. There shall be one Final Map recorded for this project.

22 35. Developer shall install sight distance corridors at all street intersections in accordance
23 with Engineering Standards.

24 36. Developer shall install sight distance corridors at all street intersections in accordance
25 with Engineering Standards and shall record the following statement on the Final Map
26 (and in the CC&R's).

27 a. "No structure, fence, wall, tree, shrub, sign, or other object over 30 inches above
28 the street level may be placed or permitted to encroach within the area identified
as a sight distance corridor in accordance with City Standard Public Street-Design
Criteria, Section 8.B. The underlying property owner shall maintain this
condition."

b. The limits of these sight distance corridors shall be reflected on any improvement,
grading, or landscape plan prepared in association with this development.

1 **Fees/Agreements**

- 2 37. Developer shall cause property owner to execute and submit to the City Engineer for
3 recordation, the City's standard form Geologic Failure Hold Harmless Agreement.
- 4 38. Developer shall cause property owner to execute and submit to the City Engineer for
5 recordation the City's standard form Drainage Hold Harmless Agreement regarding
6 drainage across the adjacent property.
- 7 39. Prior to approval of any grading or building permits for this project, Developer shall
8 cause Owner to give written consent to the City Engineer to the annexation of the area
9 shown within the boundaries of the subdivision into the existing City of Carlsbad Street
10 Lighting and Landscaping District No. 1 **and/or to the formation or annexation into an**
11 **additional Street Lighting and Landscaping District. Said written consent shall be**
12 **on a form provided by the City Engineer.**

11 **Grading**

- 12 40. Prior to the issuance of a grading permit or building permit, whichever occurs first,
13 Developer shall submit to the City Engineer proof that a Notice of Intention for the start
14 of work has been submitted to the State Water Resources Control Board.
- 15 41. Upon completion of grading, Developer shall file an "as-graded" geologic plan with the
16 City Engineer. The plan shall clearly show all the geology as exposed by the grading
17 operation, all geologic corrective measures as actually constructed and must be based on a
18 contour map which represents both the pre and post site grading. The plan shall be signed
19 by both the soils engineer and the engineering geologist, and shall be submitted on a 24"
20 x 36" mylar or similar drafting film format suitable for a permanent record.
- 21 42. Based upon a review of the proposed grading and the grading quantities shown on the
22 tentative map, a grading permit for this project is required. Developer shall apply for and
23 obtain a grading permit from the city engineer prior to issuance of a building permit for
24 the project.

21 **Dedications/Improvements**

- 22 43. **Developer shall process documents through the City to quitclaim an existing city**
23 **easement, dated October 30, 1968 File No. 1968-189781 of Official Records for**
24 **"construction, excavation, embankment and drainage purposes" along the**
25 **southeasterly 60 feet of the property.**
- 26 44. Developer shall cause Owner to make an offer of dedication to the City and/or other
27 appropriate entities for all public streets and other easements shown on the tentative map.
28 The offer shall be made by a certificate on the final map and/or separate recorded
document. All land so offered shall be offered free and clear of all liens and
encumbrances and without cost. Streets that are already public are not required to be
rededicated.

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- 45. Additional drainage easements may be required. Developer shall dedicate and provide or install drainage structures, as may be required by the City Engineer, prior to or concurrent with any grading or building permit.

- 46. Developer shall provide the design of all private streets and drainage systems to the satisfaction of the City Engineer. The structural section of all private streets shall conform to City of Carlsbad Standards based on R-value tests. All private streets and drainage systems shall be inspected by the City. Developer shall pay the standard improvement plancheck and inspection fees.

- 47. Developer shall execute and record a City standard subdivision improvement agreement to install and secure with appropriate security as provided by law, public improvements shown on the tentative map and the following improvements including, but not limited to paving, base, signing & striping, sidewalks, curbs and gutters, grading, clearing and grubbing, relocation of utilities, sewer, water, driveway approach, fire hydrants, street lights, retaining walls to City Standards to the satisfaction of the City Engineer. The improvements are:
 - a. **Curb, gutter, sidewalk, street pavement, retaining wall, streetlight, relocation/replacement of traffic signal loop detectors, and water services on Donna Drive.**
 - b. **Water main, fire hydrants and related appurtenances within the proposed project street and public utility easement.**
 - c. **Sewer main, access holes and related appurtenances within the public sewer easement and public utility easement.**

- A list of the above shall be placed on an additional map sheet on the Final Map per the provisions of Sections 66434.2 of the Subdivision Map Act. Improvements listed above shall be constructed within 18 months of approval of the subdivision or development improvement agreement or such other time as provided in said agreement.

- 48. Developer shall cause Owner to waive direct access rights on the final map/by separate document and provide proof of recordation to the city engineer prior to the issuance of a building permit for all lots abutting **Carlsbad Village Drive and Lot 17 abutting Donna Drive.**

- 49. **Donna Drive** shall be dedicated by Owner along the project frontage based on a center line to right-of-way width of 30 feet and in conformance with City of Carlsbad Standards.

- 50. Developer shall have the entire drainage system designed, submitted to and approved by the City Engineer, to ensure that runoff resulting from 10-year frequency storms of 6 hours and 24 hours duration under developed conditions, are equal to or less than the runoff from a storm of the same frequency and duration under existing developed conditions. Both 6 hour and 24-hour storm durations shall be analyzed to determine the detention basin capacities necessary to accomplish the desired results.

1 51. Developer shall comply with the City's requirements of the National Pollutant Discharge
2 Elimination System (NPDES) permit. Developer shall provide improvements constructed
3 pursuant to best management practices as referenced in the "California Storm Water Best
4 Management Practices Handbook" to reduce surface pollutants to an acceptable level
5 and subject to the approval of the City Engineer **and shall be incorporated in the
6 CC&R's**. Said plans shall include but not be limited to notifying prospective owners and
7 tenants of the following:

- 8 a. All owners and tenants shall coordinate efforts to establish or work with
9 established disposal programs to remove and properly dispose of toxic and
10 hazardous waste products.
- 11 b. Toxic chemicals or hydrocarbon compounds such as gasoline, motor oil,
12 antifreeze, solvents, paints, paint thinners, wood preservatives, and other such
13 fluids shall not be discharged into any street, public or private, or into storm drain
14 or storm water conveyance systems. Use and disposal of pesticides, fungicides,
15 herbicides, insecticides, fertilizers and other such chemical treatments shall meet
16 Federal, State, County and City requirements as prescribed in their respective
17 containers.
- 18 c. Best Management Practices shall be used to eliminate or reduce surface pollutants
19 when planning any changes to the landscaping and surface improvements.

20 52. Prior to the issuance of grading permit or building permit, whichever occurs first,
21 Developer shall submit for City approval a "Storm Water Pollution Prevention Plan
22 (SWPPP)." The SWPPP shall be in compliance with current requirements and provisions
23 established by the San Diego Region of the California Regional Water Quality Control
24 Board and City of Carlsbad Requirements. The SWPPP shall address measures to reduce
25 to the maximum extent practicable storm water pollutant runoff during construction of
26 the project. At a minimum, the SWPPP shall:

- 27 a) include all content as established by the California Regional Water Quality
28 Control Board requirements;
- 29 b) include the receipt of "Notice of Intent" issued by the California Regional Water
30 Quality Control Board;
- 31 c) recommend source control and treatment control Best Management Practices
32 (BMPs) that will be implemented with this project to avoid contact or filter said
33 pollutants from storm water to the maximum extent practicable before discharging
34 to City right-of-way or natural drainage course; and
- 35 d) establish specific procedures for handling spills and routine clean up. Special
36 considerations and effort shall be applied to employee education on the proper
37 procedures for handling clean up and disposal of pollutants.

38 53. Prior to the issuance of grading permit or building permit, whichever occurs first,
39 Developer shall submit for City approval a "Storm Water Management Plan (SWMP)." The SWMP shall demonstrate compliance with the City of Carlsbad Standard Urban
40 Stormwater Mitigation Plan (SUSMP), Order 2001-01 issued by the San Diego Region of
41 the California Regional Water Quality Control Board and City of Carlsbad Municipal
42 Code. The SWMP shall address measures to avoid contact or filter said pollutants from

1 storm water, to the maximum extent practicable, for the post-construction stage of the
2 project. At a minimum, the SWMP shall:

- 3 a) identify existing and post-development on-site pollutants-of-concern;
- 4 b) identify the hydrologic unit this project contributes to and impaired water bodies
5 that could be impacted by this project;
- 6 c) recommend source controls and treatment controls that will be implemented with
7 this project to avoid contact or filter said pollutants from storm water to the
8 maximum extent practicable before discharging to City right-of-way;
- 9 d) establish specific procedures for handling spills and routine clean up. Special
10 considerations and effort shall be applied to resident education on the proper
11 procedures for handling clean up and disposal of pollutants;
- 12 e) ensure long-term maintenance of all post construct BMPs in perpetuity; and
- 13 f) identify how post-development runoff rates and velocities from the site will not
14 exceed the pre-development runoff rates and velocities to the maximum extent
15 practicable.

11 54. Prior to occupancy, Developer shall install streetlights along all public and private street
12 frontages abutting and/or within the subdivision boundary in conformance with City of
13 Carlsbad Standards.

14 55. Developer shall incorporate into the grading/improvement plans the design for the project
15 drainage outfall end treatments for any drainage outlets where a direct access road for
16 maintenance purposes is not practical. These end treatments shall be designed so as to
17 prevent vegetation growth from obstructing the pipe outfall. Designs could consist of a
18 modified outlet headwall consisting of an extended concrete spillway section with
19 longitudinal curbing and/or radially designed rip-rap, or other means deemed appropriate,
20 to the satisfaction of the City Engineer.

18 **Final Map Notes**

19 56. Developer shall show on Final Map the net developable acres for each parcel.

20 57. Note(s) to the following effect(s) shall be placed on the map as non-mapping data

21 a. All improvements are privately owned and are to be privately maintained with the
22 exception of the following:

23 i. **Street frontage improvements within Donna Drive right-of-way.**

24 ii. **Water main and appurtenances within the proposed public access and
25 utility easement.**

26 iii. **Sewer facilities within the public sewer easement and public access
27 and utility easement.**

28 b. Building permits will not be issued for development of the subject property unless
the appropriate agency determines that sewer and water facilities are available.

c. Geotechnical Caution:

i. The owner of this property on behalf of itself and all of its successors in
interest has agreed to hold harmless and indemnify the City of Carlsbad
from any action that may arise through any geological failure, ground

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water seepage or land subsidence and subsequent damage that may occur on, or adjacent to, this subdivision due to its construction, operation or maintenance.

- d. No structure, fence, wall, tree, shrub, sign, or other object over 30 inches above the street level may be placed or permitted to encroach within the area identified as sight distance corridors.

Water

- 58. Prior to approval of improvement plans or final map, Developer shall meet with the Fire Marshal to determine if fire protection measures (fire flows, fire hydrant locations, building sprinklers) are required to serve the project. Fire hydrants, if proposed, shall be considered public improvements and shall be served by public water mains to the satisfaction of the District Engineer.
- 59. The Developer shall design and construct public facilities within public right-of-way or within minimum 20-foot wide easements granted to the District or the City of Carlsbad. At the discretion of the District Engineer, wider easements may be required for adequate maintenance, access and/or joint utility purposes.
- 60. Prior to issuance of building permits, Developer shall pay all fees, deposits, and charges for connection to public facilities. Developer shall pay the San Diego County Water Authority capacity charge(s) prior to issuance of Building Permits.
- 61. The Developer shall install potable water services and meters at a location approved by the District Engineer. The locations of said services shall be reflected on public improvement plans.
- 62. The Developer shall install sewer laterals and clean-outs at a location approved by the District Engineer. The locations of sewer laterals shall be reflected on public improvement plans.
- 63. The Developer shall design and construct public water, sewer, and recycled water facilities substantially as shown on the Tentative Map to the satisfaction of the District Engineer. Proposed public facilities shall be reflected on public improvement plans.
- 64. This project is approved upon the express condition that building permits will not be issued for the development of the subject property, unless the District Engineer has determined that adequate water and sewer facilities are available at the time of occupancy.
- 65. Prior to Final Map approval or issuance of building permits, whichever is first, the entire potable water, recycled water, and sewer system shall be evaluated in detail to ensure that adequate capacity, pressure, and flow demands can be met to the satisfaction of the District Engineer.

1 66. The Developer shall submit a detailed sewer study, prepared by a Registered Engineer,
2 that identifies the peak flows of the project, required pipe sizes, depth of flow in pipe,
3 velocity in the main lines, and the capacity of the existing infrastructure. Said study shall
4 be submitted concurrently with the improvement plans for the project and the study shall
be prepared to the satisfaction of the District Engineer.

5 67. The Developer shall submit a detailed potable water study, prepared by a Registered
6 Engineer that identifies the peak demands of the project (including fire flow demands).
7 The study shall identify velocity in the main lines, pressure zones, and the required pipe
8 sizes. Said study shall be submitted concurrently with the improvement plans for the
project and the study shall be prepared to the satisfaction of the District Engineer.

8 **Code Reminders**

9 The project is subject to all applicable provisions of local ordinances, including but not limited to
10 the following code requirements:

11 68. The tentative map shall expire twenty-four (24) months from the date this tentative map
12 approval becomes final.

13 69. Developer shall exercise special care during the construction phase of this project to
14 prevent offsite siltation. Planting and erosion control shall be provided in accordance
15 with Carlsbad Municipal Code Chapter 15.16 (the Grading Ordinance) to the satisfaction
of the City Engineer.

16 70. Approval of this request shall not excuse compliance with all applicable sections of the
17 Zoning Ordinance and all other applicable City ordinances in effect at time of building
permit issuance, except as otherwise specifically provided herein.

18 71. Premise identification (addresses) shall be provided consistent with Carlsbad Municipal
19 Code Section 18.04.320.

20 72. Any signs proposed for this development shall at a minimum be designed in conformance
21 with the City's Sign Ordinance and shall require review and approval of the Planning
Director prior to installation of such signs.

22 73. Developer shall pay park-in-lieu fees to the City, prior to the approval of the final map as
23 required by Chapter 20.44 of the Carlsbad Municipal Code.

24 74. Developer shall pay a landscape plan check and inspection fee as required by Section
25 20.08.050 of the Carlsbad Municipal Code.

26 75. Developer shall exercise special care during the construction phase of this project to
27 prevent offsite siltation. Planting and erosion control shall be provided in accordance
28 with Carlsbad Municipal Code Chapter 15.16 (the Grading Ordinance) to the satisfaction
of the City Engineer.

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NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

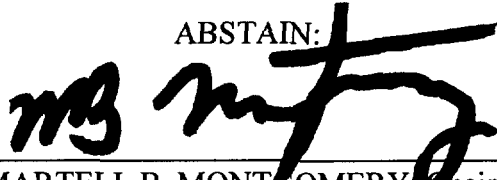
PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the 1st day of March 2006, by the following vote, to wit:

AYES: Chairperson Montgomery, Commissioners Cardosa, Dominguez, and Whitton

NOES: Commissioner Baker

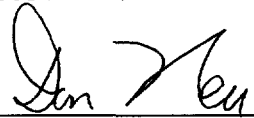
ABSENT: Commissioner Heineman and Segall

ABSTAIN:



MARTELL B. MONTGOMERY, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU
Assistant Planning Director

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NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission as follows:

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Planning Commission hereby **RECOMMENDS ADOPTION** of the **Mitigated** Negative Declaration, Exhibit "ND," according to Exhibits "NOI" dated **November 28, 2005**, and "PII" dated **November 21, 2005**, attached hereto and made a part hereof, based on the following findings:

Findings:

- 1. The Planning Commission of the City of Carlsbad does hereby find:
 - A. it has reviewed, analyzed and considered the **Mitigated** Negative Declaration **TRAILS END – ZC 04-10/CT 04-14/HDP 04-07/PUD 04-10**, the environmental impacts therein identified for this project and any comments thereon prior to **RECOMMENDING ADOPTION** of the project; and
 - B. the **Mitigated** Negative Declaration has been prepared in accordance with requirements of the California Environmental Quality Act, the State Guidelines and the Environmental Protection Procedures of the City of Carlsbad; and
 - C. it reflects the independent judgment of the Planning Commission of the City of Carlsbad; and
 - D. based on the EIA Part II and comments thereon, there is no substantial evidence the project will have a significant effect on the environment.

Conditions:

- 1. The applicant shall implement or cause the implementation of the **Trails End Mitigation Monitoring and Reporting Program.**
- ...
- ...
- ...
- ...
- ...
- ...
- ...

1 PASSED, APPROVED AND ADOPTED at a regular meeting of the Planning
2 Commission of the City of Carlsbad, California, held on the 1st day of March 2006, by the
3 following vote, to wit:
4

5 AYES: Chairperson Montgomery, Commissioners Cardoso, Dominguez,
6 and Whitton

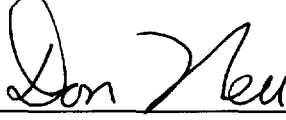
7 NOES: Commissioner Baker

8 ABSENT: Commissioner Heineman and Segall

9 ABSTAIN:

10 
11 _____
12 MARTELL B. MONTGOMERY, Chairperson
13 CARLSBAD PLANNING COMMISSION

14 ATTEST:

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16 _____
17 DON NEU
18 Assistant Planning Director
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City of Carlsbad

Planning Department

FILE COPY

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION

CASE NAME: Trails End
CASE NO: ZC 04-10, CT 04-14, PUD 04-12, HDP 04-07
PROJECT LOCATION: APN: 156-090-41, West of Donna Drive and north of Carlsbad Village Drive

PROJECT DESCRIPTION: Project consists of a Zone Change, Tentative Tract Map, Planned Unit Development, and Hillside Development Permit to allow the development of fourteen (14) twin homes on a 2.79-acre site.

PROPOSED DETERMINATION: The City of Carlsbad has conducted an environmental review of the above described project pursuant to the Guidelines for Implementation of the California Environmental Quality Act and the Environmental Protection Ordinance of the City of Carlsbad. As a result of said review, the initial study (EIA Part 2) identified potentially significant effects on the environment, but (1) revisions in the project plans or proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and (2) there is no substantial evidence in light of the whole record before the City that the project "as revised" may have a significant effect on the environment. Therefore, a **Mitigated Negative Declaration** will be recommended for adoption by the City of Carlsbad City Council.

A copy of the initial study (EIA Part 2) documenting reasons to support the proposed Mitigated Negative Declaration is on file in the Planning Department, 1635 Faraday Avenue, Carlsbad, California 92008. Comments from the public are invited. Please submit comments in writing to the Planning Department within 20 days of the date of this notice.

The proposed project and Mitigated Negative Declaration are subject to review and approval/adoption by the City of Carlsbad Planning Commission and City Council. Additional public notices will be issued when those public hearings are scheduled. If you have any questions, please call Jessica Galloway in the Planning Department at (760) 602-4631.

PUBLIC REVIEW PERIOD November 28, 2005 –December 18, 2005
PUBLISH DATE November 28, 2005



ENVIRONMENTAL IMPACT ASSESSMENT FORM - PART II

(TO BE COMPLETED BY THE PLANNING DEPARTMENT)

CASE NO: ZC 04-10 / CT 04-14 / PUD 04-12 / HDP 04-07

DATE: November 21, 2005

BACKGROUND

1. CASE NAME: Trails End
2. LEAD AGENCY NAME AND ADDRESS: City of Carlsbad
3. CONTACT PERSON AND PHONE NUMBER: Jessica Galloway, 760-602-4631
4. PROJECT LOCATION: APN 156-090-41 - West of Donna Drive and north of Carlsbad Village Drive
5. PROJECT SPONSOR'S NAME AND ADDRESS: Dennis Cunningham, 6469 Camino del Parque Carlsbad, CA 92009
6. GENERAL PLAN DESIGNATION: Residential Medium (RM)
7. ZONING: Residential Agricultural Zone - (R-A 10,000)
8. OTHER PUBLIC AGENCIES WHOSE APPROVAL IS REQUIRED (i.e., permits, financing approval or participation agreements): N/A
9. PROJECT DESCRIPTION/ ENVIRONMENTAL SETTING AND SURROUNDING LAND USES:
The applicant is proposing a Zone Change, Tentative Tract Map, Planned Development Permit, and a Hillside Development Permit to develop fourteen (14) twin homes on a 2.79 acre site, located west of Donna Drive and north of Carlsbad Village Drive. The applicant is proposing a zone change from Residential Agricultural (R-A 10,000) to Residential Density-Multiple Zone (RD-M), which is in accordance with the existing General Plan land use designation of Residential Medium (RM). The proposed tentative map (CT 04-14) will divide the parcel into 17 lots. Lots 1-14 are residential twin home lots, and lots 15-17 include the private driveway, community area, and open space which will be maintained and owned by the Home Owners Association. Impacts to Diegan Coastal Sage Scrub include 1.10 acres for the proposed development. These impacts meet the terms set by the HMP regarding CSS. The impacts will be

mitigated per the Carlsbad HMP. The project site is surrounded by residential and Carlsbad Village Drive to the south.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The summary of environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," or "Potentially Significant Impact Unless Mitigation Incorporated" as indicated by the checklist on the following pages.

- | | | |
|--|---|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Geology/Soils | <input checked="" type="checkbox"/> Noise |
| <input type="checkbox"/> Agricultural Resources | <input type="checkbox"/> Hazards/Hazardous Materials | <input type="checkbox"/> Population and Housing |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Hydrology/Water Quality | <input type="checkbox"/> Public Services |
| <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Land Use and Planning | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Cultural Resources | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Transportation/Circulation |
| | <input type="checkbox"/> Mandatory Findings of Significance | <input type="checkbox"/> Utilities & Service Systems |

DETERMINATION.

(To be completed by the Lead Agency)

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have "potentially significant impact(s)" on the environment, but at least one potentially significant impact 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. A Negative Declaration is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, there WILL NOT be a significant effect in this case because all potentially significant effects (a) have been analyzed adequately in an earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier ENVIRONMENTAL IMPACT REPORT or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project. Therefore, nothing further is required.


Planner Signature

11/22/05
Date


Planning Director's Signature

11-22-05
Date

ENVIRONMENTAL IMPACTS

STATE CEQA GUIDELINES, Chapter 3, Article 5, Section 15063 requires that the City conduct an Environmental Impact Assessment to determine if a project may have a significant effect on the environment. The Environmental Impact Assessment appears in the following pages in the form of a checklist. This checklist identifies any physical, biological and human factors that might be impacted by the proposed project and provides the City with information to use as the basis for deciding whether to prepare an Environmental Impact Report (EIR), Negative Declaration, or to rely on a previously approved EIR or Negative Declaration.

- A brief explanation is required for all answers except “No Impact” answers that are adequately supported by an information source cited in the parentheses following each question. A “No Impact” answer is adequately supported if the referenced information sources show that the impact simply does not apply to projects like the one involved. A “No Impact” answer should be explained when there is no source document to refer to, or it is based on project-specific factors as well as general standards.
- “Less Than Significant Impact” applies where there is supporting evidence that the potential impact is not significantly adverse, and the impact does not exceed adopted general standards and policies.
- “Potentially Significant Unless Mitigation Incorporated” applies where the incorporation of mitigation measures has reduced an effect from “Potentially Significant Impact” to a “Less Than Significant Impact.” The developer must agree to the mitigation, and the City must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level.
- “Potentially Significant Impact” is appropriate if there is substantial evidence that an effect is significantly adverse.
- Based on an “EIA-Part II”, if a proposed project could have a potentially significant adverse effect on the environment, but all potentially significant adverse effects (a) have been analyzed adequately in an earlier EIR or Mitigated Negative Declaration pursuant to applicable standards and (b) have been avoided or mitigated pursuant to that earlier EIR or Mitigated Negative Declaration, including revisions or mitigation measures that are imposed upon the proposed project, and none of the circumstances requiring a supplement to or supplemental EIR are present and all the mitigation measures required by the prior environmental document have been incorporated into this project, then no additional environmental document is required.
- When “Potentially Significant Impact” is checked the project is not necessarily required to prepare an EIR if the significant adverse effect has been analyzed adequately in an earlier EIR pursuant to applicable standards and the effect will be mitigated, or a “Statement of Overriding Considerations” has been made pursuant to that earlier EIR.
- A Negative Declaration may be prepared if the City perceives no substantial evidence that the project or any of its aspects may cause a significant adverse effect on the environment.
- If there are one or more potentially significant adverse effects, the City may avoid preparing an EIR if there are mitigation measures to clearly reduce adverse impacts to less than significant, and those mitigation measures are agreed to by the developer prior to public review. In this case, the appropriate “Potentially Significant Impact Unless Mitigation Incorporated” may be checked and a Mitigated Negative Declaration may be prepared.

- An EIR **must** be prepared if "Potentially Significant Impact" is checked, and including but not limited to the following circumstances: (1) the potentially significant adverse effect has not been discussed or mitigated in an earlier EIR pursuant to applicable standards, and the developer does not agree to mitigation measures that reduce the adverse impact to less than significant; (2) a "Statement of Overriding Considerations" for the significant adverse impact has not been made pursuant to an earlier EIR; (3) proposed mitigation measures do not reduce the adverse impact to less than significant; or (4) through the EIA-Part II analysis it is not possible to determine the level of significance for a potentially adverse effect, or determine the effectiveness of a mitigation measure in reducing a potentially significant effect to below a level of significance.

A discussion of potential impacts and the proposed mitigation measures appears at the end of the form under DISCUSSION OF ENVIRONMENTAL EVALUATION. Particular attention should be given to discussing mitigation for impacts, which would otherwise be determined significant.

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
I. AESTHETICS - Would the project:				
a) Have a substantial adverse effect on a scenic vista?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including but not limited to, trees, rock outcroppings, and historic buildings within a State scenic highway?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of the site and its surroundings?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light and glare, which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
II. AGRICULTURAL RESOURCES - (In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model-1997 prepared by the California Department of Conservation as an optional model to use in assessing impacts on agriculture and farmland.) Would the project:				
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Involve other changes in the existing environment, which, due to their location or nature, could result in conversion of Farmland to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
III. AIR QUALITY - (Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.) Would the project:				
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is in non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Create objectionable odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

IV. BIOLOGICAL RESOURCES - Would the project:

a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by California Department of Fish and Game or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filing, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
g) Impact tributary areas that are environmentally sensitive?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
V. CULTURAL RESOURCES – Would the project:				
a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
VI. GEOLOGY AND SOILS - Would the project:				
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:				
i. Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii. Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
iii. Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv. Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soils, as defined in Table 18 - 1-B of the Uniform Building Code (1997), creating substantial risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VII. HAZARDS AND HAZARDOUS MATERIALS -

Would the project:

a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project within an airport land use plan, or where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

VIII. HYDROLOGY AND WATER QUALITY - Would the project:

a) Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Substantially deplete groundwater supplies or interfere substantially with ground water recharge such that there would be a net deficit in aquifer volume or a lowering of the local ground water table level (i.e., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner, which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the flow rate or amount (volume) of surface runoff in a manner, which would result in flooding on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Create or contribute runoff water, which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h) Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Place within 100-year flood hazard area structures, which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j) Expose people or structures to a significant risk of loss injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k) Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
l) Increased erosion (sediment) into receiving surface waters.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m) Increased pollutant discharges (e.g., heavy metals, pathogens, petroleum derivatives, synthetic organics, nutrients, oxygen-demanding substances and trash) into receiving surface waters or other alteration of receiving surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
n) Changes to receiving water quality (marine, fresh or wetland waters) during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
o) Increase in any pollutant to an already impaired water body as listed on the Clean Water Act Section 303(d) list?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p) The exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
IX. LANDUSE AND PLANNING - Would the project:				
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with any applicable habitat conservation plan or natural community conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
X. MINERAL RESOURCES - Would the project:				
a) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XI. NOISE - Would the project result in:				
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance or applicable standards of other agencies?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of persons to or generation of excessive groundbourne vibration or groundbourne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within 2 miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XII. POPULATION AND HOUSING - Would the project:

a) Induce substantial growth in an area either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIII. PUBLIC SERVICES

a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, a need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:				
i) Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v) Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XIV. RECREATION

a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XV. TRANSPORTATION/TRAFFIC - Would the project:				
a) Cause an increase in traffic, which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Result in insufficient parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turn-outs, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
XVI. UTILITIES AND SERVICES SYSTEMS - Would the project:				
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which would cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Issues (and Supporting Information Sources).

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
e) Result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Comply with federal, state, and local statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have environmental effects, which will cause the substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

XVIII. EARLIER ANALYSES

Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case a discussion should identify the following on attached sheets:

- a) Earlier analyses used. Identify earlier analyses and state where they are available for review.
- b) Impacts adequately addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
- c) Mitigation measures. For effects that are "Less Than Significant with Mitigation Incorporated," describe the mitigation measures, which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

DISCUSSION OF ENVIRONMENTAL EVALUATION

AESTHETICS

No Impact. The project is subject to the site design, and architectural standards contained in City Council Policy 44 regarding neighborhood architectural design and City Council Policy 66 regarding livable neighborhoods, which are designed to reduce visual impacts.

AGRICULTURAL RESOURCES

No Impact. There will be no impacts on agricultural resources due to the proposed project as the site is not designated as or used as farmland. The subject site is zoned for single-family Residential (R1-10,000) and is not subject to Williamson Act Contract. The project would not result in other changes to the environment that would result in the conversion of farmland to non-agricultural uses. The project would be characterized as infill development and has been surrounded by residential development for many years.

AIR QUALITY—Would the project:

a) Conflict with or obstruct implementation of the applicable air quality plan?

No Impact. The project site is located in the San Diego Air Basin which is a federal and state non-attainment area for ozone (O₃), and a state non-attainment area for particulate matter less than or equal to 10 microns in diameter (PM₁₀). The periodic violations of national Ambient Air Quality Standards (AAQS) in the San Diego Air Basin (SDAB), particularly for ozone in inland foothill areas, requires that a plan be developed outlining the pollution controls that will be undertaken to improve air quality. In San Diego County, this attainment planning process is embodied in the Regional Air Quality Strategies (RAQS) developed jointly by the Air Pollution Control District (APCD) and the San Diego Association of Governments (SANDAG).

A plan to meet the federal standard for ozone was developed in 1994 during the process of updating the 1991 state-mandated plan. This local plan was combined with plans from all other California non-attainment areas having serious ozone problems and used to create the California State Implementation Plan (SIP). The SIP was adopted by the Air Resources Board (ARB) after public hearings on November 9th through 10th in 1994, and was forwarded to the Environmental Protection Agency (EPA) for approval. After considerable analysis and debate, particularly regarding airsheds with the worst smog problems, EPA approved the SIP in mid-1996.

The proposed project relates to the SIP and/or RAQS through the land use and growth assumptions that are incorporated into the air quality planning document. These growth assumptions are based on each city's and the County's general plan. If a proposed project is consistent with its applicable General Plan, then the project presumably has been anticipated with the regional air quality planning process. Such consistency would ensure that the project would not have an adverse regional air quality impact.

Section 15125(B) of the State of California Environment Quality Act (CEQA) Guidelines contains specific reference to the need to evaluate any inconsistencies between the proposed project and the applicable air quality management plan. Transportation Control Measures (TCMs) are part of the RAQS. The RAQS and TCM plan set forth the steps needed to accomplish attainment of state and federal ambient air quality standards. The California Air Resources Board provides criteria for determining whether a project conforms with the RAQS which include the following:

- Is a regional air quality plan being implemented in the project area?
- Is the project consistent with the growth assumptions in the regional air quality plan?

The project area is located in the San Diego Air Basin, and as such, is located in an area where a RAQS is being implemented. The project is consistent with the growth assumptions of the City's General Plan and the RAQS. Therefore, the project is consistent with the regional air quality plan and will in no way conflict or obstruct implementation of the regional plan.

b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation?

Less Than Significant Impact. The closest air quality monitoring station to the project site is in the City of Oceanside. Data available for this monitoring site through April, 2002 indicate that the most recent air quality

violations recorded were for the state one hour standard for ozone (one day in both 2000 and 2001) and one day in 2001 for the federal 8-hour average for ozone and one day for the 24-hour state standard for suspended particulates in 1996. No violations of any other air quality standards have been recorded recently. The project would involve minimal short-term emissions associated with grading and construction. Such emissions would be minimized through standard construction measures such as the use of properly tuned equipment and watering the site for dust control. Long-term emissions associated with travel to and from the project will be minimal. Although air pollutant emissions would be associated with the project, they would neither result in the violation of any air quality standard (comprising only an incremental contribution to overall air basin quality readings), nor contribute substantially to an existing or projected air quality violation. Any impact is assessed as less than significant.

- c) **Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?**

Less Than Significant Impact. The Air Basin is currently in a non-attainment zone for ozone and suspended fine particulates. The proposed project would represent a contribution to a cumulatively considerable potential net increase in emissions throughout the air basin. As described above, however, emissions associated with the proposed project would be minimal. Given the limited emissions potentially associated with the proposed project, air quality would be essentially the same whether or not the proposed project is implemented. According to the CEQA Guidelines Section 15130 (a)(4), the proposed project's contribution to the cumulative impact is considered *de minimus*. Any impact is assessed as less than significant.

- d) **Expose sensitive receptors to substantial pollutant concentrations?**

No Impact. As noted above, the proposed project would not result in substantial pollutant emissions or concentrations. In addition, there are no sensitive receptors (e.g., schools or hospitals) located in the vicinity of the project. No impact is assessed.

- e) **Create objectionable odors affecting a substantial number of people?**

No Impact. The construction of the proposed project could generate fumes from the operation of construction equipment, which may be considered objectionable by some people. Such exposure would be short-term or transient. In addition, the number of people exposed to such transient impacts is not considered substantial.

IV. BIOLOGICAL RESOURCES—Would the project:

- a) **Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by California Department of Fish and Game or U.S. Fish and Wildlife Service?**
- b) **Have a substantial adverse effect on any riparian, aquatic or wetland habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by California Department of Fish and Game or U.S. Fish and Wildlife Service?**
- f) **Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community conservation Plan, or other approved local, regional, or state habitat conservation plan?**

Potentially Significant Unless Mitigation Incorporated (a, b and f). The following table summarizes the impacts to vegetation types as documented in the Biological Resources Assessment prepared for the project (Planning Systems, 2005).

POTENTIAL IMPACTS TO EXISTING HABITAT TYPES AND LAND COVERS (ACRES)

HABITAT	EXISTING ACREAGE*	IMPACTS FROM PROPOSED DEVELOPMENT (ACRES)
Non-Native Grassland	0.64	0.64
Diegan Coastal Sage Scrub (unoccupied)	1.10	1.10
Eucalyptus Woodland	.69	.69
Ornamental	.22	.22
Disturbed	0.1	0.1
TOTAL	2.75	2.75

* Acreage may not total exactly due to rounding.

Sensitive Plants and Wildlife Species

No sensitive plant or animal species were detected during site surveys. The only sensitive vegetation resource observed on site is the 1.10 acres of Diegan Coastal Sage Scrub (DCSS). No California gnatcatchers (*Poliopitila californica californica*) (CAGN) were observed during the course of the general wildlife surveys and therefore no focused surveys were conducted. CAGN are not expected to occur on-site because the site is surrounded by urban development, DCSS area size is well below the typical territory size of CAGN, and the subject edge effects and the presence of urban predators compromise the quality of the habitat. The wildlife surveys identified or observed signs of twenty avian species, two reptilian, and ten mammal species. None of the species observed are considered sensitive or listed as endangered or threatened by state or federal resource agencies. No records of endangered or threatened species on or immediately adjacent to the property are identified in the Carlsbad HMP.

POTENTIALLY SIGNIFICANT IMPACTS AND PROPOSED MITIGATION REQUIREMENT (ACRES)

HABITAT	EXISTING ACREAGE*	IMPACTS FROM PROPOSED DEVELOPMENT (ACRES)	MITIGATION FEE RATIO	MITIGATION REQUIREMENT (ACRES)
Non-Native Grassland	0.64	0.64	0.5:1	.32
Diegan Coastal Sage Scrub	1.10	1.10	1:1	1.10
Eucalyptus Woodland	.69	.69	1:1	.69
Disturbed and ornamental	0.32	0.32	1:1	.32

Mitigation Measures or Requirements

The project site is not located in an identified HMP preserve area. The project site is an infill site with no sensitive plant or wildlife species. Therefore, the project will be conditioned to pay habitat in-lieu mitigation fees according to the ratios established by the HMP as mitigation for project impacts to non-native grassland, Diegan Coastal Sage Scrub, Eucalyptus woodland, and disturbed and ornamental habitats. The fee will be paid prior to recordation of a final map, or issuance of a grading permit, whichever occurs first. The City's Habitat Management Plan does not identify the site for preservation and no local policies or ordinances exist regarding the removal of mature non-native trees. Therefore, with the incorporation of the mitigation measure, no potentially significant impacts to above identified biological resources will occur.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including but not limited to marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?
- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?

- e) **Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?**
- g) **Impact tributary areas that are environmentally sensitive?**

No Impact (c, d, e, and g). The biological resource assessment provides a focused, current and detailed project level analysis of site-specific biological impacts and provides refined project level mitigation measures.

Please see "Biological Resources Assessment for APN # 156-090-41 Carlsbad, California" prepared by Planning Systems, dated June 10, 2005 (Planning Systems, 2005).

V. CULTURAL RESOURCES—Would the project:

No Impact (a-d). The project site does not appear on the City of Carlsbad Cultural Resources Map and the list of archeological sites prepared by San Diego State University, 1987. The subject site is undeveloped, yet is disturbed and is an urbanized infill site, which is surrounded by residential development, and there will be no impacts on cultural resources. There are no known historical, archeological, paleontological, or human remains on the project site.

VI. GEOLOGY AND SOILS—Would the project:

- a) **Expose people or structures to potential substantial adverse effects, including the risk of loss, injury or death involving:**
 - i. **Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42.**

No Impact. The "Geotechnical Grading Plan review, Trails End Development, Northwest Corner of the Intersection of Donna Drive and Carlsbad Village Drive, Carlsbad, San Diego County, California" (Geosoils, 2005) found that by following standard and accepted soil preparation techniques, the site is suitable for the project proposed, and would not expose people or structures to fault ruptures, liquefaction or landslides.

- ii. **Strong seismic ground shaking?**

Less Than Significant Impact - There are no Alquist-Priolo Earthquake Fault zones within the City of Carlsbad and there is no other evidence of active or potentially active faults within the City. However, there are several active faults throughout Southern California, and these potential earthquakes could affect Carlsbad. The project site is located in an area of generally stable soil conditions and the risk of seismic-related ground failure or liquefaction is very minimal (according to City of Carlsbad Geotechnical Hazards Analysis and Mapping Study, November 1992). In addition, a project specific Geotechnical Investigation was prepared by Geosoils Incorporated, dated August 29, 2005. The report states that strong seismic ground shaking is a potential that affects all construction in this region of California. It is understood that the same building code standards, which ensure the relative safety of all new residential construction, will be applied to the units constructed pursuant to the proposed tentative map.

- iii. **Seismic-related ground failure, including liquefaction?**
- iv. **Landslides?**

No Impact. The above referenced geotechnical study found that by following standard and accepted soil preparation techniques, the site is suitable for the proposed project, and would not expose people or structures to fault ruptures, liquefaction or landslides. The site has natural stable slopes and according to the City of Carlsbad Geotechnical Hazards Analysis and Mapping Study, November 1992, the project site is in an area of stable soil conditions that are not subject to landslides. All new slopes will not exceed a 2:1 steepness. Also, according to the soils report, the existing and proposed slopes will have a surficial safety factor of 1.5 or greater. Graded slopes will be properly landscaped and irrigated. Groundwater is not expected to be a major factor in the development of the site. However, seepage and/or perched groundwater conditions may develop throughout the site along boundaries of contrasting permeabilities and should be anticipated during and after development. Such occurrences can be rectified as they appear with the advice and monitoring of a soils engineer.

b) Result in substantial soil erosion or the loss of topsoil?

Less Than Significant Impact -The site is underlain by colluvium/top soil, and Quaternary-age Terrace Deposits. In addition, as described in the soil report, artificial fill was found in one of the test pits. This fill, as well as topsoil/colluvium and Quaternary-age terrace deposits within planned grading limits should be removed and replaced as compacted fill prior to placing additional fill and/or structural improvements. The project's compliance with standards in the City's Excavation and Grading Ordinance that prevent erosion through slope planting and installation of temporary erosion control means will avoid substantial soil erosion impacts.

c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction, or collapse?

d) Be located on expansive soils, as defined in Table 18 - 1-B of the Uniform Building Code (1994), creating substantial risks to life or property?

No Impact (c and d). Significant geologic hazards were not observed or are known to exist on the site that could adversely impact proposed development. The site has natural stable slopes and according to the City of Carlsbad Geotechnical Hazards Analysis and Mapping Study, November 1992, the project site is in an area of stable soil conditions that are not subject to landslides. Expansive soils composed of clay and silt are found within the Quaternary-age terrace deposits. The soils report recommends removal of these soils where structures will be placed and replacing with suitable soil.

e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?

No Impact. The proposed project does not propose septic tanks and will utilize the public sewer system. Therefore, there will be no impacts involving soils that support the use of septic tanks or alternative wastewater disposal systems.

Reference "Geotechnical Grading Plan review, Trails End Development, Northwest Corner of the Intersection of Donna Drive and Carlsbad Village Drive, Carlsbad, San Diego County, California" prepared by Geosoils Incorporated, revised August 29, 2005.

VII. HAZARDS AND HAZARDOUS MATERIALS—Would the project:

a-h) No Impact. The proposed residential development does not propose any transportation or storage of hazardous materials. The site is not listed as a hazardous materials site. The site is consistent with the McClellan Palomar Airport Comprehensive Land Use Plan.

VII. HYDROLOGY AND WATER QUALITY—Would the project:

a-p) No Impact. The proposed project will include the water quality infrastructure as required by the City of Carlsbad. All drainage will be directed to an onsite precast concrete modular storm water detention system. Drainage currently sheet flows over natural slopes in a southwesterly direction. The proposed detention system will store drainage such that post-development flows off-site do not exceed existing flows during a 10 year or 100 year storm event. Stored water within the detention system that does not percolate into the ground will be released through an orifice, sized to control the flow to predevelopment levels, before entering the westerly open space property. Pollutants from street and roof runoff will be treated via grass swales or strips before entering the detention system. All onsite storm drains are designed to accept a 100-year storm event. As a result, there will be no impact to water quality, site erosion, pollutant discharge, or drainage from the site as it may affect adjacent properties and existing stormwater infrastructure.

Please reference the Drainage Study and the Stormwater Management Plan prepared by Tait Consulting, Inc., dated September 2005.

IX. LAND USE AND PLANNING—Would the project:

a) No Impact. The project is a residential development consistent with the surrounding uses. The site does not physically divide an established community.

- b-c) **No Impact.** The proposed project does not conflict with any existing or proposed land use plans or policies of the City of Carlsbad. The project is consistent with the City of Carlsbad General Plan. The General Plan land use designation is Residential Medium (RM), which anticipates medium density residential development (4 to 8 du/ac). The project is providing 14 dwelling units that will yield 5.88 du/ac, within the anticipated range. The project includes a Zone Change from Residential Agriculture Zone (R-A 10,000) to Residential Density Multiple Zone (RD-M). A zone change is required to bring this project in compliance with the General Plan land use designation of RM. The project would not be able to develop consistent with the as a R-A-10,000 Zone and still achieve the minimum density required by the RM land use classification (4 du/ac). The project does not conflict with any applicable plans or policies.

X. MINERAL RESOURCES—Would the project:

- a-b) **No Impact.** There is no indication that the subject property contains any known mineral resources that would be of future value to the region or the residents of the State.

XI. NOISE—Would the project:

- a) **Potentially Significant Unless Mitigation Incorporated.** The “Acoustical Analysis Report, Trails End Subdivision Carlsbad Village Drive Carlsbad, CA, Project #A40326N2”, by Eilar Associates Acoustical and Environmental Consulting (2005) reported that the traffic noise levels from Carlsbad Village Drive in the year 2020 will exceed the City’s 60-dBA CNEL noise threshold for all units within the proposed development having a line of sight to Carlsbad Village Drive (Lots 2-6); therefore, these lots will require mitigation. The proposed ground level mitigation plan consists of a six-foot-high sound attenuation barrier along the southeastern property line fronting Carlsbad Village Drive. Prior to approval of building plans, Lots 2 -6 will require supplemental acoustical analysis of the exterior building design elements to ensure adequate noise attenuation to achieve noise levels below 45 CNEL in habitable residential space.

- b & d) **Less than Significant Impact.** The anticipated grading operation associated with the proposed tentative map would result in a temporary and minor increase in groundborne vibration and ambient noise levels. Following the conclusion of the grading, the ambient noise level and vibrations is expected to return to pre-existing levels.

- c) **No Impact.** The ambient noise levels on site were found to be consistent with the observed setting and intervening topography.

- e & f) **No Impact.** The project is not within the 60 dBA CNEL influence area of McClellan-Palomar Airport. The above acoustical assessment states that no aircraft noise mitigation would be required for this project.

Please reference the “Acoustical Analysis Report, Trails End Subdivision Carlsbad Village Drive Carlsbad, CA, Project #A40326N2”, prepared by Eilar Associates Acoustical and Environmental Consulting, dated June 29, 2005.

XII. POPULATION AND HOUSING—Would the project:

- a) **No Impact.** The area surrounding the proposed development is designated for residential development and was analyzed in the City’s Growth Management Plan accordingly. The proposed development’s density by the tentative map is consistent with the City of Carlsbad General Plan. The GP land use designation is RM, which anticipates medium density residential development (4 to 8 du/ac). The project is providing 14 dwelling units that will yield 5.88 du/ac, within the anticipated range. No major infrastructure facilities are proposed for extension to serve the project.

- b-c) **No Impact.** The project site is currently vacant therefore no existing housing or people will require replacement housing elsewhere due to the development of the site.

XIII. PUBLIC SERVICES —Would the project:

- a) **Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered government facilities, a need for new or physically altered government facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times, or other performance objectives for any of the public services:**

- a. Fire Protection?
- b. Police Protection?
- c. Schools?
- d. Parks?
- e. Other public facilities?

No Impact. The proposed project is in compliance with the City of Carlsbad's Growth Management Plan and is not exceeding the population projections anticipated for the site or the northwest quadrant.

VIV. RECREATION —Would the project:

- a) **Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?**

No Impact. The proposed project will not generate use that would substantially cause physical deterioration to a regional or existing neighborhood park. In addition, the project is providing two common recreation areas. The central common recreation area is 3,794 square feet including a 1,000 square foot tot-lot. The second common area is 3,710 square foot passive recreation area.

- b) **Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment?**

No Impact. The grading and construction of the proposed common recreation areas are developed within the scope of project grading and will not have an adverse effect on the environment.

TRANSPORTATION/TRAFFIC—Would the project:

- a) **Cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system?**

Less Than Significant Impact. The project will generate 112 Average Daily Trips (ADT) and 9 morning and 11 afternoon/evening peak hour trips. This traffic will utilize the following arterial roadway: Carlsbad Village Drive. Per the latest data, existing traffic on this arterial is 12,400 ADT (2002) and the 2002 peak hour level of service at the arterial intersection(s) impacted by the project is "A". The design capacities of the arterial roads effected by the proposed project is 20,000 to 40,000 vehicles per day. The project traffic would represent 0.9 % and 0.28 % of the existing traffic volume and the design capacity respectively. While the increase in traffic from the proposed project may be slightly noticeable, the street system has been designed and sized to accommodate traffic from the project and cumulative development in the City of Carlsbad. The proposed project would not, therefore, cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system. The impacts from the proposed project are, therefore, less than significant.

- b) **Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?**

Less Than Significant Impact. SANDAG acting as the County Congestion Management Agency has designated three roads (Rancho Santa Fe Rd., El Camino Real and Palomar Airport Rd.) and two highway segments in Carlsbad as part of the regional circulation system. The Existing and Buildout average daily traffic (ADT) and Existing LOS on these designated roads and highways in Carlsbad is:

	<u>Existing ADT*</u>	<u>LOS</u>	<u>Buildout ADT*</u>
Rancho Santa Fe Road	17-35	"A-D"	35-56
El Camino Real	27-49.	"A-C"	33-62
Palomar Airport Road	10-57	"A-D"	30-73
SR 78	124-142	"F"	156-180
I-5	199-216	"D"	260-272

*The numbers are in thousands of daily trips.

The Congestion Management Program's (CMP) acceptable Level of Service (LOS) standard is "E", or LOS "F" if that was the LOS in the 1990 base year (e.g., SR 78 in Carlsbad was LOS "F" in 1990). Accordingly, all designated roads and highways are currently operating at or better than the acceptable standard LOS.

Note that the buildout ADT projections are based on the full implementation of the region's general and community plans. The proposed project is consistent with the general plan and, therefore, its traffic was used in modeling the buildout projections. Achievement of the CMP acceptable Level of Service (LOS) "E" standard assumes implementation of the adopted CMP strategies. Based on the design capacities of the designated roads and highways and implementation of the CMP strategies, they will function at acceptable levels of service in the short-term and at buildout.

- c) **Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?**

No Impact. The proposed project does not include any aviation components. The project is consistent with the Comprehensive Land Use Plan for the McClellan-Palomar Airport. It would not, therefore, result in a change of air traffic patterns or result in substantial safety risks. No impact assessed.

- d) **Substantially increase hazards due to a design feature or incompatible uses?**

No Impact. All project circulation improvements will be designed and constructed to City standards; and, therefore, would not result in design hazards. The proposed project is consistent with the City's general plan and zoning. Therefore, it would not increase hazards due to an incompatible use. No impact assessed.

- e) **Result in inadequate emergency access?**

No Impact. The proposed project has been designed to satisfy the emergency requirements of the Fire and Police Departments. No impact assessed.

- f) **Result in inadequate parking capacity?**

No Impact. The proposed project is not requesting a parking variance. Additionally, the project would comply with the City's parking requirements to ensure an adequate parking supply. No impact assessed.

- g) **Conflict with adopted policies, plans or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks, etc.)?**

No Impact. The project has access to bus stops along Carlsbad Village Drive which can be accessed by pedestrians. The proposed project does not conflict with adopted policies, plans, or programs supporting alternative transportation.

XVI. UTILITIES AND SERVICES SYSTEMS—Would the project:

No Impact (a-g) - The proposed project development will be required to comply with all Regional Water Quality Control Board Requirements. In addition, the Zone 1 LFMP anticipated that the project site would be developed with residential uses thus wastewater treatment facilities were planned and designed to accommodate future development on the site. All public facilities, including water facilities, wastewater facilities, wastewater treatment facilities and drainage facilities, have been planned and designed to accommodate the growth projections for the City at build-out. The proposed project will increase the demand for these facilities. However, the proposed project would not result in an overall increase in the City's growth projection. Therefore, the project will not result in development that will result in a significant need to expand or construct new water facilities/supplies, wastewater treatment or storm water drainage facilities.

Existing waste disposal services are adequate to serve the proposed subdivision on site without exceeding landfill capacity. In addition, the proposed development will be required to comply with all federal, state, and local statutes and regulations related to solid waste.

XVII. MANDATORY FINDINGS OF SIGNIFICANCE

- a) **Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of fish or wildlife species, cause fish or wildlife population to drop below self-sustaining**

levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range or rare or endangered plant or animal or eliminate important examples of the major periods of California or prehistory?

No Impact. The proposed project will not degrade the quality of the environment. The project site does not contain any sensitive fish or wildlife species. Therefore, the project will not reduce the habitat of a fish or wildlife species.

The project site is currently undeveloped and is surrounded by existing residential development. The site is not identified by any habitat conservation plan as containing a protected, rare or endangered plant or animal community. The project will not threaten the number of a plant or animal community. In addition, there are no historic structures on the site and there are no known cultural resources on the site. The project will not result in the elimination of any important examples of California History or prehistory.

b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects?)

Less Than Significant Impact. San Diego Association of Governments (SANDAG) projects regional growth for the greater San Diego area, and local general plan land use policies are incorporated into SANDAG projections. Based upon those projections, region-wide standards, including storm water quality control, air quality standards; habitat conservation, congestion management standards, etc., are established to reduce the cumulative impacts of development in the region. All of the City's development standards and regulations are consistent with the region wide standards. The City's standards and regulations, including grading standards, water quality and drainage standard, traffic standards, habitat and cultural resource protection regulations, and public facility standards, ensure that development within the City will not result in a significant cumulatively considerable impact.

There are two regional issues that development within the City of Carlsbad has the potential to have a cumulatively considerable impact on. Those issues are air quality and regional circulation. As described above, the project would contribute to a cumulatively considerable potential net increase in emissions throughout the air basin. As described above, air quality would be essentially the same whether or not the development is implemented.

The County Congestion Management Agency (CMA) has designated three roads (Rancho Santa Fe Rd., El Camino Real and Palomar Airport Rd.) and two highway segments in Carlsbad as part of the regional circulation system. The CMA had determined, based on the City's growth projections in the General Plan, that these designated roadways will function at acceptable levels of service in the short-term and at build-out. The project is consistent with the City's growth projections, and therefore, the cumulative impacts from the project to the regional circulation system are less than significant.

With regard to any other potential impacts associated with the project, City standards and regulations will ensure that development of the site will not result in any significant cumulatively considerable impacts.

c) Does the project have environmental effects, which will cause the substantial adverse effects on human beings, either directly or indirectly?

No Impact. Based upon the residential nature of the project and the fact that future development of the site will comply with all City standards, the project will not result in any direct or indirect substantial adverse environmental effects on human beings. Any future residential development on the site will be required to comply with all applicable federal, state, regional and City regulations, which will ensure the development of the site will not result in an adverse impact on human beings, either directly or indirectly.

EARLIER ANALYSIS USED AND SUPPORTING INFORMATION SOURCES

The following documents were used in the analysis of this project and are on file in the City of Carlsbad Planning Department located at 1635 Faraday Avenue, Carlsbad, California, 92008.

1. Acoustical Analysis Report, Trails End Subdivision Carlsbad Village Drive Carlsbad, CA, Project #A40326N2", prepared by Eilar Associates Acoustical and Environmental Consulting, dated June 29, 2005.
2. Biological Resources Assessment for APN # 156-090-41 Carlsbad, California prepared by Planning Systems, dated June 10, 2005 (Planning Systems 2005).
3. City of Carlsbad Geotechnical Hazards Analysis and Mapping Study, November 1992.
4. City of Carlsbad Cultural Resources Map and the list of archeological sites prepared by San Diego State University, 1987.
5. Drainage Study and the Stormwater Management Plan prepared by Tait Consulting, Inc., dated September 2005.
6. Final Master Environmental Impact Report for the City of Carlsbad General Plan Update (MEIR 93-01). City of Carlsbad Planning Department. March 1994.
7. Geotechnical Grading Plan Review, Trails End Development, Northwest Corner of the Intersection of Donna Drive and Carlsbad Village Drive, Carlsbad, San Diego County, California" prepared by Geosoils Incorporated, revised August 29, 2005.

LIST OF MITIGATING MEASURES

BIOLOGICAL RESOURCES

1. Prior to recordation of a final map or issuance of grading permit, whichever occurs first, the project shall pay habitat in-lieu mitigation fees according to the ratios and amounts established by the Habitat Management Plan for Natural Communities in the City of Carlsbad.

IN-LIEU MITIGATION REQUIREMENT (ACRES)

HABITAT	EXISTING ACREAGE*	IMPACTS FROM PROPOSED DEVELOPMENT (ACRES)	MITIGATION FEE RATIO	MITIGATION REQUIREMENT (ACRES)
Non-Native Grassland	0.64	0.64	0.5:1	.32
Diegan Coastal Sage Scrub (un- occupied)	1.10	1.10	1:1	1.10
Eucalyptus Woodland	.69	.69	1:1	.69
Disturbed and ornamental	0.32	0.32	1:1	.32

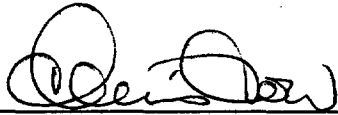
NOISE

2. The proposed project shall construct, as shown on the grading plan, a six-foot-high solid, decorative masonry sound attenuation barrier along the southeastern property line fronting Carlsbad Village Drive.
3. Prior to the issuance of building permits Lots 2-6 will required to complete and submit a supplemental acoustical analysis of the exterior building design elements to ensure adequate noise attenuation to achieve noise levels below 45 CNEL in habitable residential space.

APPLICANT CONCURRENCE WITH MITIGATION MEASURES

THIS IS TO CERTIFY THAT I HAVE REVIEWED THE ABOVE MITIGATING MEASURES AND CONCUR WITH THE ADDITION OF THESE MEASURES TO THE PROJECT.

11.22.05
Date


Signature

PROJECT NAME: Trails End

FILE NUMBERS: ZC 04-10, CT 04-14, PUD 04-12, HDP 04-07

APPROVAL DATE: December 11, 2005

The following environmental mitigation measures were incorporated into the Conditions of Approval for this project in order to mitigate identified environmental impacts to a level of insignificance. A completed and signed checklist for each mitigation measure indicates that this mitigation measure has been complied with and implemented, and fulfills the City's monitoring requirements with respect to Assembly Bill 3180 (Public Resources Code Section 21081.6).

Mitigation Measure	Monitoring Type	Monitoring Department	Shown on Plans	Verified Implementation	Remarks
Prior to recordation of a final map or issuance of grading permit, whichever occurs first, the project shall pay habitat in-lieu mitigation fees according to the ratios and amounts established by the Habitat Management Plan for Natural Communities in the City of Carlsbad. (See EIA Part II for ZC 04-10)	Project	Planning Department			
The proposed project shall construct, as shown on the grading plan, a six-foot-high, solid, decorative masonry sound attenuation barrier along the southeastern property line fronting Carlsbad Village Drive.	Project	Planning Department	Yes		
Prior to issuance of building permits Lots 2-6 will required to complete and submit a supplemental acoustical analysis of the exterior building design elements to ensure adequate noise attenuation to achieve noise levels below 45 CNEL in habitable residential space.	Project	Planning Department	Yes		

Explanation of Headings:

Type = Project, ongoing, cumulative.

Monitoring Dept. = Department, or Agency, responsible for monitoring a particular mitigation measure.

information.

Shown on Plans = When mitigation measure is shown on plans, this column will be initialed and dated.

Verified Implementation = When mitigation measure has been implemented, this column will be initialed and dated.

Remarks = Area for describing status of ongoing mitigation measure, or for other

RD - Appendix P.

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PLANNING COMMISSION RESOLUTION NO. 6034

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, RECOMMENDING APROVAL OF A ZONE CHANGE TO CHANGE THE ZONING DESIGNATION FROM RESIDENTIAL AGRICULTURAL (R-A 10,000) TO RESIDENTIAL DENSITY-MULTIPLE ZONE (RD-M) ON A 2.79 ACRE SITE GENERALLY LOCATED ON THE WEST SIDE OF DONNA DRIVE AND NORTH OF CARLSBAD VILLAGE DRIVE IN LOCAL FACILITIES MANAGEMENT ZONE 1.

CASE NAME: TRAILS END
CASE NO: ZC 04-10

WHEREAS, **Dennis Cunningham**, "Developer," has filed a verified application with the City of Carlsbad regarding property owned by **Chris Coseo**, "Owner," described as

Portion of lot 7 of Section 32, Township 11 South, Range 4 West, San Bernardino Meridian, in the City of Carlsbad, County of San Diego, State of California, according to official plat thereof

("the Property"); and

WHEREAS, said application constitutes a request for a Zone Change as shown on Exhibit "**ZC 04-10**" dated **March 1, 2006**, attached hereto and on file in the Planning Department, **TRAILS END - ZC 04-10** as provided by Chapter 21.52 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did on the **1st day of March, 2006**, hold a duly noticed public hearing as prescribed by law to consider said request; and

WHEREAS, at said public hearing, upon hearing and considering all testimony and arguments, if any, of all persons desiring to be heard, said Commission considered all factors relating to the Zone Change.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning Commission as follows:

- A) That the foregoing recitations are true and correct.

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B) That based on the evidence presented at the public hearing, the Commission **RECOMMENDS APPROVAL** of **TRAILS END – ZC 04-10** based on the following findings:

Findings:

1. That the proposed Zone Change from **Residential Agricultural (R-A 10,000)** to **Residential Density-Multiple Zone (RD-M)** is consistent with the goals and policies of the various elements of the General Plan, in **that the proposed Zone Change is necessary to implement the Residential Medium Density (RM) General Plan Land Use designation.**
2. That the Zone Change will provide consistency between the General Plan and Zoning as mandated by California State law and the City of Carlsbad General Plan Land Use Element, in that **the Zone Change from R-A 10,000 to RD-M, as shown on Exhibit “ZC 04-10” attached hereto, implements the General Plan Land Use designation of RM.**
3. That the Zone Change is consistent with the public convenience, necessity and general welfare, and is consistent with sound planning principles in that **future residential uses allowed by the proposed Zone Change are compatible with the existing surrounding residential uses.**

Conditions:

1. This approval is granted subject to the approval of **the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program** and is subject to all conditions contained in Planning Commission Resolution No. **6033** incorporated herein by reference.

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2 **NOTICE**

3 Please take **NOTICE** that approval of your project includes the "imposition" of fees,
4 dedications, reservations, or other exactions hereafter collectively referred to for convenience as
"fees/exactions."

5 You have 90 days from date of final approval to protest imposition of these fees/exactions. If
6 you protest them, you must follow the protest procedure set forth in Government Code Section
7 66020(a), and file the protest and any other required information with the City Manager for
8 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
annul their imposition.

9 You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions
10 **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning,
11 zoning, grading or other similar application processing or service fees in connection with this
12 project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a
NOTICE similar to this, or as to which the statute of limitations has previously otherwise
expired.

13 **PASSED, APPROVED AND ADOPTED** at a regular meeting of the Planning
14 Commission of the City of Carlsbad, held on the **1st** day of **March 2006**, by the following vote,
15 to wit:

16 **AYES:** Chairperson Montgomery, Commissioners Cardoso, Dominguez,
17 and Whitton

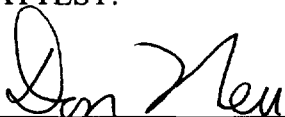
18 **NOES:** Commissioner Baker

19 **ABSENT:** Commissioner Heineman and Segall

20 **ABSTAIN:**

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22 
23 _____
24 **MARTELL B. MONTGOMERY**, Chairperson
CARLSBAD PLANNING COMMISSION

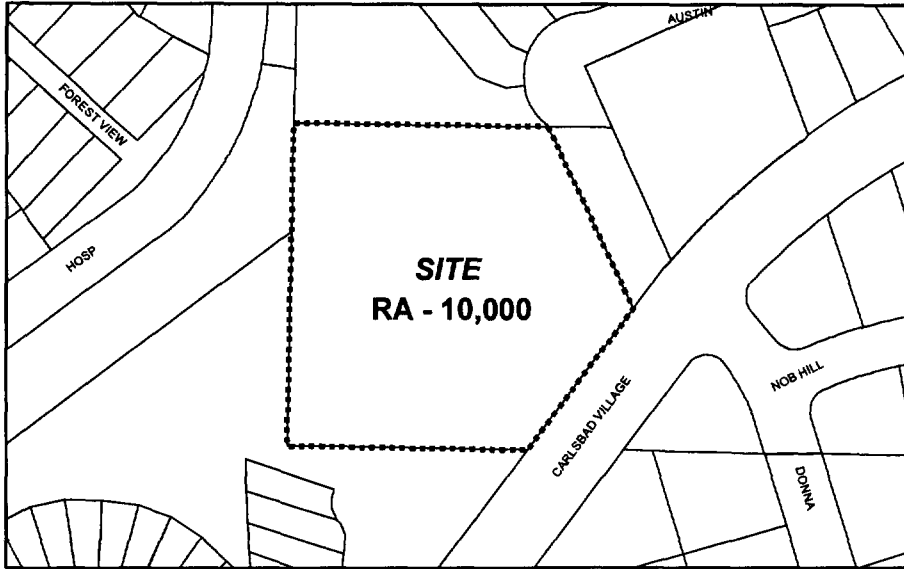
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26 **ATTEST:**

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DON NEU
Assistant Planning Director

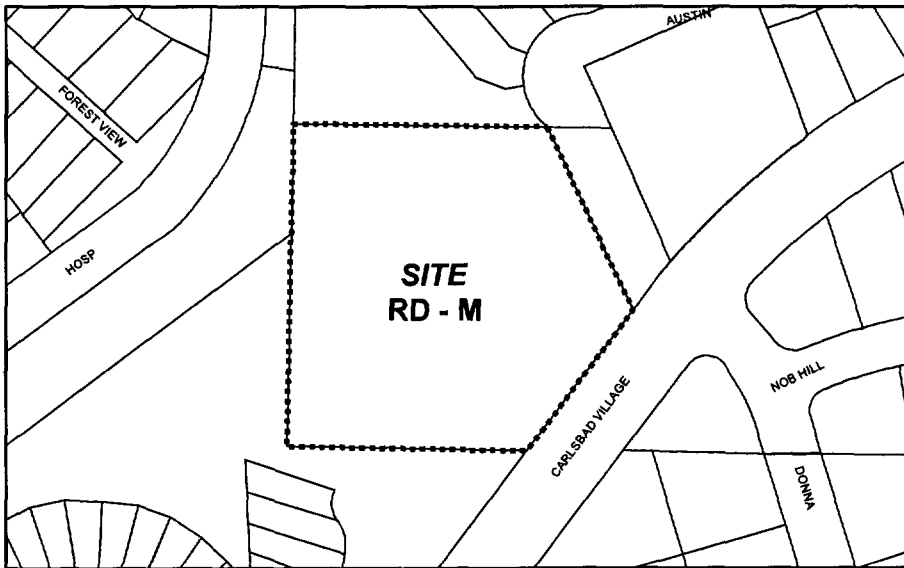
ZC 04-10

Trails End

March 1, 2006



EXISTING



PROPOSED

Related Case File No(s): ZC 04-10		
Zone Change		
Property	From:	To:
A. 156-090-41-00	RA - 10,000	RD-M
B.		
C.		
D.		

PLANNING COMMISSION RESOLUTION NO. 6329

1 A RESOLUTION OF THE PLANNING COMMISSION OF THE
2 CITY OF CARLSBAD, CALIFORNIA, APPROVING AN
3 AMENDMENT TO CARLSBAD TRACT CT 04-14(A) TO
4 SUBDIVIDE A 2.79 ACRE SITE INTO 14 RESIDENTIAL LOTS
5 AND 3 OPEN SPACE LOTS ON PROPERTY GENERALLY
6 LOCATED ON THE WEST SIDE OF DONNA DRIVE AND
7 NORTH OF CARLSBAD VILLAGE DRIVE WITHIN LOCAL
8 FACILITIES MANAGEMENT ZONE 1.

CASE NAME: TRAILS END

CASE NO.: CT 04-14(A)

9 WHEREAS, **Luke Development, LLC**, "Owner/Developer," has filed a verified
10 application with the City of Carlsbad regarding property described as

11 **That Portion of Lot 7 of Section 32, Township 11 South, Range**
12 **4 West, San Bernardino Meridian, in the City of Carlsbad,**
13 **County of San Diego, State of California, according to official**
14 **Plat thereof, as described in Attachment "A"**

15 ("the Property"); and

16 WHEREAS, said verified application constitutes a request for a Tentative Tract
17 Map **Amendment** as shown on Exhibits "A" – "P" dated **March 1, 2006**, on file in the Planning
18 Department **TRAILS END – CT 04-14**, as provided by **Chapter 20.12** of the Carlsbad
19 Municipal Code; and

20 WHEREAS, the Planning Commission did, on the **19th** day of **September, 2007**,
21 hold a duly noticed public hearing as prescribed by law to consider said request; and

22 WHEREAS, at said public hearing, upon hearing and considering all testimony
23 and arguments, if any, of persons desiring to be heard, said Commission considered all factors
24 relating to the Tentative Tract Map; and

25 WHEREAS, on **March 1, 2006**, the **Planning Commission** approved, **CT 04-14**,
26 as described and conditioned in Planning Commission Resolution No. **6035**.

27 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
28 Commission of the City of Carlsbad as follows:

- A) That the foregoing recitations are true and correct.

1 B) That based on the evidence presented at the public hearing, the Commission
2 **APPROVES TRAILS END - CT 04-14(A)**, based on the following findings and
3 subject to the following conditions:

4 **Findings:**

- 5 1. All the findings contained in Planning Commission Resolution 6035, dated March 1,
6 2006 for CT 04-14 are incorporated herein by reference and remain in effect.
- 7 2. That the City's Inclusionary Housing Ordinance (Chapter 21.85) requires that a
8 minimum of 15% of all approved units in any qualified residential subdivision be
9 made affordable to lower income households; that in accordance with the
10 Inclusionary Housing Ordinance and at the sole discretion of the City Council, the
11 developer may receive approval of an alternative to producing two (2) affordable
12 dwelling units on site through the participation in an off-site combined inclusionary
13 housing project as set forth within C.M.C. Chapter 21.85 including, but not limited
14 to, the purchase of three (3) affordable housing credits in the Roosevelt Gardens
15 affordable condominium project located within the Northwest Quadrant of the City;
16 and that in the event that housing credits are not available at the time of
17 development, the developer may construct and deed restrict two (2) units on Lots 7
18 and 8 as affordable to lower-income households for 55 years, in accordance with the
19 requirements and process set forth in Chapter 21.85 of the Carlsbad Municipal
20 Code (C.M.C.).
- 21 3. That the purchase of three (3) affordable housing credits as an alternative to
22 construction of two new attached town home inclusionary units can be supported in
23 that a restriction on the affordability of two town-home inclusionary units would be
24 infeasible and would present unreasonable financial hardship in light of such
25 factors as project size, site constraints, market competition, price, product type
26 disparity, developer capability, and financial subsidies available.
- 27 4. That the environmental impacts of the project were previously analyzed during the
28 approval of the Mitigated Negative Declaration and the new condition is equivalent
to the previous condition and will create no more adverse effects on its own than the
original measure would have.
5. The Planning Commission has reviewed each of the exactions imposed on the Developer
contained in this resolution, and hereby finds, in this case, that the exactions are imposed
to mitigate impacts caused by or reasonably related to the project, and the extent and the
degree of the exaction is in rough proportionality to the impact caused by the project.

25 **Conditions:**

- 26 1. All of the conditions contained in Planning Commission Resolution No. 6035, dated
27 March 1, 2006 for CT 04-14 are incorporated herein by reference and remain in
28 effect, except for condition No. 12 which is replaced by new condition 2 below.
2. Prior to the approval of the final map for any phase of this project, or where a map is not
being processed, prior to the issuance of building permits for any lots or units, the

1 Developer shall enter into an Affordable Housing Agreement with the City to provide and
2 deed restrict **two (2) dwelling units on Lots 7 and 8** as affordable to lower-income
3 households for 55 years, in accordance with the requirements and process set forth in
4 Chapter 21.85 of the Carlsbad Municipal Code, **or shall receive approval from the City**
5 **Council to participate in an off-site combined inclusionary housing project as set**
6 **forth in C.M.C. Chapter 21.85 and located within the Northwest Quadrant of the**
7 **City which may include, but is not limited to, financial participation in the off-site**
8 **combined inclusionary housing project known as the Roosevelt Gardens affordable**
9 **housing project which is located in the Northwest Quadrant of the City.** The draft
10 Affordable Housing Agreement shall be submitted to the Planning Director no later than
11 60 days prior to the request to final the map. The recorded Affordable Housing
12 Agreement shall be binding on all future owners and successors in interest.

9 Grading

- 10 3. Developer shall cause property owner to process, execute and submit an executed copy to
11 the City Engineer for recordation a City standard Permanent Stormwater Quality Best
12 Management Practice Maintenance Agreement for the perpetual maintenance of all
13 treatment control, applicable site design and source control, post-construction permanent
14 Best Management Practices prior to the issuance of a grading permit or building permit,
15 or the recordation of a final map, whichever occurs first for this Project.

14 Final Map Notes

15 Add the following note to the final map as non-mapping data.

- 16 4. The owner of this property on behalf of itself and all of its successors in interest has
17 agreed to hold harmless and indemnify the City of Carlsbad from any action that may
18 arise through any diversion of waters, the alteration of the normal flow of surface waters
19 or drainage, or the concentration of surface waters or drainage from the drainage system
20 or other improvements identified in the City approved development plans; or by the
21 design, construction or maintenance of the drainage system or other improvements
22 identified in the City approved development plans.

21 NOTICE

22 Please take NOTICE that approval of your project includes the “imposition” of fees, dedications,
23 reservations, or other exactions hereafter collectively referred to for convenience as
24 “fees/exactions.”

25 You have 90 days from date of approval to protest imposition of these fees/exactions. If you
26 protest them, you must follow the protest procedure set forth in Government Code Section
27 66020(a), and file the protest and any other required information with the City Manager for
28 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
annul their imposition.

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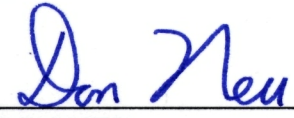
You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the **19th** day of **September, 2007**, by the following vote, to wit:

- AYES: Chairperson Baker, Commissioners Boddy, Cardoso, Dominguez, Douglas, Montgomery, and Whitton
- NOES:
- ABSENT:
- ABSTAIN:



JULIE BAKER, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:


DON NEU
Planning Director

Page 1
Order No. 53010268

DESCRIPTION

THAT PORTION OF LOT 7 OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7, SOUTH 1°32'19" WEST 360.00 FEET; THENCE ALONG THE STRAIGHT LINE DRAWN THROUGH THE NORTHWEST CORNER OF LOT 6 OF FALCON HILL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SOUTH 88°43'21" EAST 264.90 FEET; THENCE NORTH 36°59'11" EAST 208.57 FEET TO THE BEGINNING OF A TANGENT 892.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 266.77 FEET THROUGH AN ANGLE OF 17°08'07" TO THE NORTH LINE OF SAID LOT 7; THENCE NORTH 88°41'14" WEST 570.54 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS DAF:

EXCEPTION PARCEL A:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 353.62 FEET TO THE TRUE POINT OF BEGINNING OF THAT PORTION TO BE DESCRIBED.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST, A DISTANCE OF 156.94 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY BEING A POINT ON AN 892.00 FOOT RADIUS CIRCULAR CURVE, CONCAVE SOUTHEASTERLY (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 49°33'44" EAST);

THENCE NORTHEASTERLY ALONG SAID CURVE, AND SAID GRANTOR'S BOUNDARY, AN ARC DISTANCE OF 206.00 FEET, THROUGH AN ANGLE OF 13°13'54", TO THE NORTH LINE OF SAID LOT 7;

THENCE NORTH 89°11'20" WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 214.98 FEET TO THE TRUE POINT OF BEGINNING OF THE PORTION DESCRIBED.

EXCEPTION PARCEL B:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 303.94 FEET TO THE TRUE POINT OF BEGINNING;

DESCRIPTION

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST A DISTANCE OF 200.85 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY, BEING A POINT ON THE ARC OF AN 892 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 52°48'16" EAST);

THENCE NORTHEASTERLY ALONG SAID 892 FOOT RADIUS CURVE, THROUGH AN ANGLE OF 3°14'32" FOR AN ARC DISTANCE OF 50.48 FEET;

THENCE NORTH 24°15'57" WEST A DISTANCE OF 156.94 FEET;

THENCE NORTH 89°11'20" WEST A DISTANCE OF 49.68 FEET TO THE TRUE POINT OF BEGINNING.

(APN: 156-090-41)

1 **PLANNING COMMISSION RESOLUTION NO. 6036**

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, APPROVING A
4 HILLSIDE DEVELOPMENT PERMIT TO GRADE AND
5 SUBDIVIDE A 2.79 ACRE SITE INTO 14 RESIDENTIAL
6 LOTS AND 3 OPEN SPACE/RECREATION/PRIVATE
7 DRIVEWAY LOTS ON PROPERTY GENERALLY LOCATED
8 ON THE WEST SIDE OF DONNA DRIVE AND NORTH OF
9 CARLSBAD VILLAGE DRIVE WITHIN LOCAL FACILITIES
10 MANAGEMENT ZONE 1.

11 CASE NAME: TRAILS END

12 CASE NO: HDP 04-07

13 WHEREAS, **Dennis Cunningham**, "Developer," has filed a verified application with the
14 City of Carlsbad regarding property owned by **Chris Coseo**, "Owner," described as

15 **Portion of lot 7 of Section 32, Township 11 South, Range 4**
16 **West, San Bernardino Meridian, in the City of Carlsbad,**
17 **County of San Diego, State of California, according to official**
18 **plat thereof**

19 ("the Property"); and

20 WHEREAS, said verified application constitutes a request for a Hillside
21 Development Permit as shown on Exhibits "A" - "P" dated **March 1, 2006**, on file in the
22 Carlsbad Planning Department, **TRAILS END - HDP 04-07**, as provided by Chapter **21.95** of
23 the Carlsbad Municipal Code; and

24 WHEREAS, the Planning Commission did on the **1st** day of **March 2006**,
25 consider said request; and

26 WHEREAS, at said hearing, upon hearing and considering all testimony and
27 arguments, if any, of all persons desiring to be heard, said Commission considered all factors
28 relating to the Hillside Development Permit.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
Commission as follows:

- A) That the foregoing recitations are true and correct.

1 B) That based on the evidence presented at the public hearing, the Commission
2 **APPROVES TRAILS END – HDP 04-07** based on the following findings and
3 subject to the following conditions:

4 **Findings:**

- 5 1. That hillside conditions have been properly identified on the constraints map which show
6 existing and proposed conditions and slope percentages;
- 7 2. That undevelopable areas of the project, i.e. slopes over 40%, have been properly
8 identified on the constraints map.
- 9 3. That the development proposal is consistent with the intent, purpose, and requirements of
10 the Hillside Ordinance, Chapter 21.95, in that **the grading design minimizes the**
11 **amount of grading, respects the natural terrain, and incorporates contour grading**
12 **and variable slope grades into the site. The project is proposing 7,010 cubic yards of**
13 **cut, 26,410 cubic yards of fill, and an import of 19,400 cubic yards of material. This**
14 **will result in a volume of grading equaling 9,500 cubic yards per acre which is**
15 **considered “potentially acceptable” under the Hillside Development Regulations of**
16 **the Carlsbad Municipal Code Chapter 21.95. The applicant was required to submit**
17 **findings justifying the reasons for the amount of grading subject to the approval of**
18 **the Planning Director and City Engineer.**
- 19 4. That the proposed development or grading will not occur in the undevelopable portions
20 of the site pursuant to provisions of Section 21.53.230 of the Carlsbad Municipal Code,
21 in that **no residential development occurs on any natural slopes with an inclination of**
22 **greater than 40 percent, an elevation differential of greater than 15 feet, and an area**
23 **of greater than 10,000 square feet.**
- 24 5. That the project design substantially conforms to the intent of the concepts illustrated in
25 the Hillside Development Guidelines Manual, in that **the grading design minimizes the**
26 **amount of grading, respects the natural terrain, and incorporates contour grading**
27 **and variable slope grades into the site which will be landscaped with non-invasive,**
28 **fire-resistant, native type vegetation.**
6. That the project design and lot configuration minimizes disturbance of hillside lands, in
that **the proposed development follows the hillside pattern of the site. In order to**
provide access into the site it is necessary to disturb areas of steep slope. The site is
configured with terraced pads to minimize the amount of grading and slope
disturbance.

25 **Conditions:**

26 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
27 **recordation or issuance of grading permit, whichever occurs first.**

- 28 1. If any of the following conditions fail to occur; or if they are, by their terms, to be
implemented and maintained over time, if any of such conditions fail to be so
implemented and maintained according to their terms, the City shall have the right to

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revoke or modify all approvals herein granted; deny or further condition issuance of all future building permits; deny, revoke or further condition all certificates of occupancy issued under the authority of approvals herein granted; record a notice of violation on the property title; institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. No vested rights are gained by Developer or a successor in interest by the City's approval of this **Hillside Development Permit**.

2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Hillside Development Permit** documents, as necessary to make them internally consistent and in conformity with the final action on the project. Development shall occur substantially as shown on the approved Exhibits. Any proposed development different from this approval, shall require an amendment to this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are challenged, this approval shall be suspended as provided in Government Code Section 66020. If any such condition is determined to be invalid this approval shall be invalid unless the City Council determines that the project without the condition complies with all requirements of law.
5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold harmless the City of Carlsbad, its Council members, officers, employees, agents, and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this **Hillside Development Permit**, (b) City's approval or issuance of any permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and (c) Developer/Operator's installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions. This obligation survives until all legal proceedings have been concluded and continues even if the City's approval is not validated.
6. This approval is granted subject to the approval of the **Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change, Tentative Tract Map, and a Planned Development Permit** and is subject to all conditions contained in Planning Commission Resolutions No. **6033, 6034, 6035, and 6037** for those other approvals incorporated herein by reference.

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2 **NOTICE**

3 Please take **NOTICE** that approval of your project includes the “imposition” of fees,
4 dedications, reservations, or other exactions hereafter collectively referred to for convenience as
5 “fees/exactions.”

6 You have 90 days from date of final approval to protest imposition of these fees/exactions. If
7 you protest them, you must follow the protest procedure set forth in Government Code Section
8 66020(a), and file the protest and any other required information with the City Manager for
9 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
10 follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
11 annul their imposition.

12 You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions
13 **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning,
14 zoning, grading or other similar application processing or service fees in connection with this
15 project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a
16 **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise
17 expired.

18 **PASSED, APPROVED AND ADOPTED** at a regular meeting of the Planning
19 Commission of the City of Carlsbad, California, held on the **1st** day of **March 2006**, by the
20 following vote, to wit:

21 **AYES:** Chairperson Montgomery, Commissioners Cardosa, Dominguez,
22 and Whitton

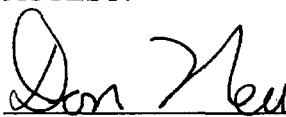
23 **NOES:** Commissioner Baker

24 **ABSENT:** Commissioner Heineman and Segall

25 **ABSTAIN:**

26 
27 MARTELL B. MONTGOMERY, Chairperson
28 CARLSBAD PLANNING COMMISSION

ATTEST:

29 
30 DON NEU
31 Assistant Planning Director

1 B) That based on the evidence presented at the public hearing, the Commission
2 **APPROVES TRAILS END - PUD 04-10**, based on the following findings and
3 subject to the following conditions:

4 **Findings:**

- 5 1. That the proposed project complies with all applicable development standards included
6 within Chapter 21.45 of the Carlsbad Municipal Code, in that **the proposed project is**
7 **consistent with Chapter 21.45 of the Carlsbad Municipal Code.**
- 8 2. That the proposed project's density, site design and architecture are compatible with
9 surrounding development, in that **the site is surrounded by single-family and multi-**
10 **family residential uses at similar densities.**

11 **Conditions:**

12 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
13 **recording or issuance of grading permit, whichever occurs first.**

- 14 1. If any of the following conditions fail to occur; or if they are, by their terms, to be
15 implemented and maintained over time, if any of such conditions fail to be so
16 implemented and maintained according to their terms, the City shall have the right to
17 revoke or modify all approvals herein granted; deny or further condition issuance of all
18 future building permits; deny, revoke or further condition all certificates of occupancy
19 issued under the authority of approvals herein granted; record a notice of violation on the
20 property title; institute and prosecute litigation to compel their compliance with said
21 conditions or seek damages for their violation. No vested rights are gained by Developer
22 or a successor in interest by the City's approval of this **Planned Unit Development**
23 **Permit.**
- 24 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
25 and modifications to the **Planned Unit Development Permit** documents, as necessary to
26 make them internally consistent and in conformity with the final action on the project.
27 Development shall occur substantially as shown on the approved Exhibits. Any proposed
28 development different from this approval, shall require an amendment to this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and
regulations in effect at the time of building permit issuance.
4. If any condition for construction of any public improvements or facilities, or the payment
of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are
challenged, this approval shall be suspended as provided in Government Code Section
66020. If any such condition is determined to be invalid this approval shall be invalid
unless the City Council determines that the project without the condition complies with
all requirements of law.
5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold
harmless the City of Carlsbad, its Council members, officers, employees, agents, and

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representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney’s fees incurred by the City arising, directly or indirectly, from (a) City’s approval and issuance of this **Planned Unit Development Permit**, (b) City’s approval or issuance of any permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and (c) Developer/Operator’s installation and operation of the facility permitted hereby, including without limitation, any and all liabilities arising from the emission by the facility of electromagnetic fields or other energy waves or emissions.

6. This approval is granted subject to the approval of **the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program, Zone Change, Tentative Tract Map, and Hillside Development Permit** and is subject to all conditions contained in Planning Commission Resolutions No. **6033, 6034, 6035 and 6036** for those other approvals incorporated herein by reference.

NOTICE

Please take **NOTICE** that approval of your project includes the “imposition” of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as “fees/exactions.”

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning, zoning, grading or other similar application processing or service fees in connection with this project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a **NOTICE** similar to this, or as to which the statute of limitations has previously otherwise expired.

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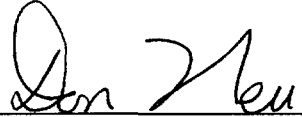
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PASSED, APPROVED AND ADOPTED at a regular meeting of the planning Commission of the City of Carlsbad, California, held on the 1st day of March 2006, by the following vote, to wit:

- AYES: Chairperson Montgomery, Commissioners Cardoso, Dominguez, and Whitton
- NOES: Commissioner Baker
- ABSENT: Commissioner Heineman and Segall
- ABSTAIN:



MARTELL B. MONTGOMERY, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:


DON NEU
Assistant Planning Director



City of Carlsbad

Planning Department

PLANNING COMMISSION NOTICE OF DECISION

August 21, 2008

Tait Consulting
702 Civic Center Dr.
Oceanside, CA 92054

SUBJECT: CT 04-14(A)x1/ HDP 04-07x1/ PUD 04-12x1 – TRAILS END

At the Planning Commission meeting of August 20, 2008, your application was considered. The Commission voted 5-1-1 to **APPROVE** your request. The decision of the Planning Commission will become final on August 30, 2008.

The time within which judicial review of this decision must be sought is governed by Code of Civil Procedure, Section 1094.6, which has been made applicable in the City of Carlsbad by Carlsbad Municipal Code 1.16. Any petition or other paper seeking judicial review must be filed in the appropriate court not later than the ninetieth day following the date which this decision becomes final; however, if within ten days after the decision becomes final a request for the record of the proceedings accompanied by the required deposit in an amount sufficient to cover the estimated cost of preparation of such record, the time within which such petition may be filed in court is extended to not later than the thirtieth day following the date on which the record is either personally delivered or mailed to the party, or his attorney of record, if he has one. A written request for the preparation of the record of the proceedings shall be filed with the Planning Director, Don Neu, Secretary of the Planning Commission, 1635 Faraday Avenue, Carlsbad, CA 92008.

If you have any questions regarding the final dispositions of your application, please call the Planning Department at (760) 602-4600.

Sincerely,

A handwritten signature in blue ink that reads "Don Neu".

DON NEU
Planning Director

DN:BK:lt

cc: Data Entry
File

Enclosed: Planning Commission Resolution No. 6452, 6453, 6454



PLANNING COMMISSION RESOLUTION NO. 6452

1 A RESOLUTION OF THE PLANNING COMMISSION OF THE
2 CITY OF CARLSBAD, CALIFORNIA, APPROVING A ONE
3 YEAR EXTENSION OF CARLSBAD TRACT CT 04-14(A) TO
4 SUBDIVIDE A 2.79 ACRE SITE INTO 14 RESIDENTIAL LOTS
5 AND 3 OPEN SPACE/RECREATION/PRIVATE DRIVEWAY
6 LOTS ON PROPERTY GENERALLY LOCATED ON THE
WEST SIDE OF DONNA DRIVE AND NORTH OF
CARLSBAD VILLAGE DRIVE WITHIN LOCAL FACILITIES
MANAGEMENT ZONE 1.

7 CASE NAME: TRAILS END
CASE NO.: CT 04-14(A)x1

8 WHEREAS, **Luke Development, LLC**, "Owner/Developer," has filed a verified
9 application with the City of Carlsbad regarding property described as

10 **That Portion of Lot 7 of Section 32, Township 11 South, Range**
11 **4 West, San Bernardino Meridian, in the City of Carlsbad,**
12 **County of San Diego, State of California, according to official**
13 **Plat thereof, as described in Attachment "A"**

14 ("the Property"); and

15 WHEREAS, said verified application constitutes a request for a Tentative Tract
16 Map Extension (CT 04-14x1) as shown on Exhibit(s) "A" – "P" dated **March 1, 2006**, on file
17 in the Planning Department **TRAILS END – CT 04-14**, as provided by **Chapter 20.12** of the
18 Carlsbad Municipal Code; and

19 WHEREAS, on **March 1, 2006**, the **Planning Commission** approved, **CT 04-14**,
20 as described and conditioned in Planning Commission Resolution No. **6035**; and

21 WHEREAS, on **June 27, 2006**, the **City Council** adopted the **Mitigated**
22 **Negative Declaration and Mitigation Monitoring and Reporting Program for the Trails**
23 **End project**, as described and conditioned in **City Council** Resolution No. **2006-143**; and

24 WHEREAS, on **September 19, 2007**, the **Planning Commission** approved **CT**
25 **04-14(A)** for an amendment to the conditions of approval for **CT 04-14**, as described and
26 conditioned in Planning Commission Resolution No. **6329**; and
27
28

1 WHEREAS, the Planning Commission did, on **August 20, 2008**, hold a duly
2 noticed public hearing as prescribed by law to consider **CT 04-14x1**; and

3 WHEREAS, at said public hearing, upon hearing and considering all testimony
4 and arguments, if any, of persons desiring to be heard, said Commission considered all factors
5 relating to the Tentative Tract Map **extension**.
6

7 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
8 Commission of the City of Carlsbad as follows:

- 9 A) That the foregoing recitations are true and correct.
- 10 B) That based on the evidence presented at the public hearing, the Commission
11 **APPROVES TRAILS END - CT 04-14(A)x1**, based on the following findings
12 and subject to the following conditions:

13 **Findings:**

- 14 1. All the findings contained in Planning Commission Resolution No. **6035**, dated **March 1,**
15 **2006** for **CT 04-14** are incorporated herein by reference and remain in effect.
- 16 2. All the findings contained in Planning Commission Resolution No. **6329**, dated
17 **September 19, 2007** for **CT 04-14(A)** are incorporated herein by reference and remain in
18 effect.
- 19 3. That the design and improvement of the subdivision are consistent with the general plan,
20 Titles 20 and 21 of this code, and any public facility or growth management policies in
21 existence at the time the extension is approved.
- 22 4. That the subdivider is diligently pursuing those acts required to obtain a final map for the
23 subdivision in that **a final map, grading, improvement and landscape plans are**
24 **currently being prepared by the developer; the developer recently applied for an**
25 **amendment to the conditions of approval to allow an alternative to the construction**
26 **of on-site inclusionary housing due to financial feasibility concerns; minor design**
27 **modifications to the housing style/floor plans are proposed due to changing market**
28 **demands and these modifications have been submitted and are currently under**
review through an administrative Consistency Determination; the developer states
that obtaining funding for the development has been difficult and the developer
estimates that it could take over a year to obtain financing for the substantial site
grading and improvements that are necessary for the project.
5. That all related permits or approvals issued pursuant to Title 21 have been extended to
expire concurrent with the tentative map **in that applications for the Hillside**

1 **Development Permit and Planned Development Permit have been applied for**
2 **together with the Tentative Map extension.**

3 6. That such permits and approvals as extended are consistent with the requirements of Title
4 21 of this code at the time of the extension of the tentative map.

5 7. The Planning Director has determined that:

6 a. the project is a project for which a **Mitigated Negative Declaration and**
7 **Mitigation Monitoring and Reporting Program for the Trails End project,**
8 **dated June 27, 2006 (City Council Resolution No. 2006-143)** was previously
9 adopted [15162];

10 b. this project is consistent with the project cited above;

11 c. **a Mitigated Negative Declaration and Mitigation Monitoring and Reporting**
12 **Program** was adopted in connection with the prior project or plan;

13 d. the project has no new significant environmental effect not analyzed as significant
14 in the prior **Mitigated Negative Declaration and Mitigation Monitoring and**
15 **Reporting Program;** and

16 e. none of the circumstances requiring a Subsequent **Mitigated Negative**
17 **Declaration** under CEQA Guidelines Section 15162 exists.

18 8. The Planning Commission has reviewed each of the exactions imposed on the Developer
19 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
20 to mitigate impacts caused by or reasonably related to the project, and the extent and the
21 degree of the exaction is in rough proportionality to the impact caused by the project.

22 **Conditions:**

23 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
24 **recordation or issuance of a grading permit, whichever occurs first.**

25 1. If any of the following conditions fail to occur; or if they are, by their terms, to be
26 implemented and maintained over time, if any of such conditions fail to be so
27 implemented and maintained according to their terms, the City shall have the right to
28 revoke or modify all approvals herein granted; deny or further condition issuance of all
29 future building permits; deny, revoke or further condition all certificates of occupancy
30 issued under the authority of approvals herein granted; record a notice of violation on the
31 property title; institute and prosecute litigation to compel their compliance with said
32 conditions or seek damages for their violation. No vested rights are gained by Developer
33 or a successor in interest by the City's approval of this **Tentative Tract Map Extension.**

34 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
35 and modifications to the **Tentative Tract Map Extension** documents, as necessary to
36 make them internally consistent and in conformity with the final action on the project.

1 Development shall occur substantially as shown on the approved Exhibits. Any proposed
2 development different from this approval, shall require an amendment to this approval.

3 3. Developer shall comply with all applicable provisions of federal, state, and local laws and
4 regulations in effect at the time of building permit issuance.

5 4. If any condition for construction of any public improvements or facilities, or the payment
6 of any fees in-lieu thereof, imposed by this approval or imposed by law on this Project are
7 challenged, this approval shall be suspended as provided in Government Code Section
8 66020. If any such condition is determined to be invalid this approval shall be invalid
9 unless the City Council determines that the project without the condition complies with
10 all requirements of law.

11 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend and hold
12 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
13 representatives, from and against any and all liabilities, losses, damages, demands, claims
14 and costs, including court costs and attorney's fees incurred by the City arising, directly
15 or indirectly, from (a) City's approval and issuance of this **Tentative Tract Map
16 Extension**, (b) City's approval or issuance of any permit or action, whether discretionary
17 or non-discretionary, in connection with the use contemplated herein, and (c)
18 Developer/Operator's installation and operation of the facility permitted hereby, including
19 without limitation, any and all liabilities arising from the emission by the facility of
20 electromagnetic fields or other energy waves or emissions. This obligation survives until
21 all legal proceedings have been concluded and continues even if the City's approval is not
22 validated.

23 6. Developer shall pay the citywide Public Facilities Fee imposed by City Council Policy
24 #17, the License Tax on new construction imposed by Carlsbad Municipal Code Section
25 5.09.030, and CFD #1 special tax (if applicable), subject to any credits authorized by
26 Carlsbad Municipal Code Section 5.09.040. Developer shall also pay any applicable
27 Local Facilities Management Plan fee for Zone 1, pursuant to Chapter 21.90. All such
28 taxes/fees shall be paid at issuance of building permit. If the taxes/fees are not paid, this
approval will not be consistent with the General Plan and shall become void.

29 7. **All of the conditions contained in Planning Commission Resolution No. 6035 dated
30 March 1, 2006, for CT 04-14 are incorporated herein by reference and remain in
31 effect, with the exception that the all typographical errors referencing project
32 number PUD 04-10 shall be changed to reflect the correct project number as PUD
33 04-12.**

34 8. **All of the conditions contained in Planning Commission Resolution No. 6329 dated
35 September 19, 2007, for CT 04-14(A) are incorporated herein by reference and
36 remain in effect.**

37 9. **This Tentative Map Extension is granted for a period of one (1) year retroactively
38 from June 27, 2008 through June 27, 2009, together with an automatic one-year
extension pursuant to SB 1185 from June 27, 2009 through June 27, 2010, unless
additional extensions are approved pursuant to the Carlsbad Municipal Code.**

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NOTICE

Please take NOTICE that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby FURTHER NOTIFIED that your right to protest the specified fees/exactions DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a NOTICE similar to this, or as to which the statute of limitations has previously otherwise expired.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on the **August 20, 2008**, by the following vote, to wit:

AYES: Commissioners Boddy, Cardosa, Douglas, Montgomery, and
Chairperson Whitton

NOES: Commissioner Baker

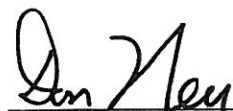
ABSENT: Commissioner Dominguez

ABSTAIN:



FRANK H. WHITTON, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU
PC RESO NO. 6452

Page 1
Order No. 53010268

DESCRIPTION

THAT PORTION OF LOT 7 OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7, SOUTH 1°32'19" WEST 360.00 FEET; THENCE ALONG THE STRAIGHT LINE DRAWN THROUGH THE NORTHWEST CORNER OF LOT 6 OF FALCON HILL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SOUTH 88°43'21" EAST 264.90 FEET; THENCE NORTH 36°58'11" EAST 208.57 FEET TO THE BEGINNING OF A TANGENT 892.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 266.77 FEET THROUGH AN ANGLE OF 17°08'07" TO THE NORTH LINE OF SAID LOT 7; THENCE NORTH 88°41'14" WEST 570.54 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS DAF:

EXCEPTION PARCEL A:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 353.62 FEET TO THE TRUE POINT OF BEGINNING OF THAT PORTION TO BE DESCRIBED.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST, A DISTANCE OF 156.94 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY BEING A POINT ON AN 892.00 FOOT RADIUS CIRCULAR CURVE, CONCAVE SOUTHEASTERLY (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 49°33'44" EAST);

THENCE NORTHEASTERLY ALONG SAID CURVE, AND SAID GRANTOR'S BOUNDARY, AN ARC DISTANCE OF 206.00 FEET, THROUGH AN ANGLE OF 13°13'54", TO THE NORTH LINE OF SAID LOT 7;

THENCE NORTH 89°11'20" WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 214.98 FEET TO THE TRUE POINT OF BEGINNING OF THE PORTION DESCRIBED.

EXCEPTION PARCEL B:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS;

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 303.94 FEET TO THE TRUE POINT OF BEGINNING;

DESCRIPTION

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST A DISTANCE OF 200.85 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY, BEING A POINT ON THE ARC OF AN 892 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 52°48'16" EAST);

THENCE NORTHEASTERLY ALONG SAID 892 FOOT RADIUS CURVE, THROUGH AN ANGLE OF 3°14'32" FOR AN ARC DISTANCE OF 50.48 FEET;

THENCE NORTH 24°15'57" WEST A DISTANCE OF 156.94 FEET;

THENCE NORTH 89°11'20" WEST A DISTANCE OF 49.68 FEET TO THE TRUE POINT OF BEGINNING.

(APN: 156-090-41)

1 PLANNING COMMISSION RESOLUTION NO. 6453

2 A RESOLUTION OF THE PLANNING COMMISSION OF THE
3 CITY OF CARLSBAD, CALIFORNIA, APPROVING A
4 HILLSIDE DEVELOPMENT PERMIT EXTENSION (HDP
5 04-07x1) TO GRADE AND SUBDIVIDE A 2.79 ACRE SITE
6 INTO 14 RESIDENTIAL LOTS AND 3 OPEN SPACE/
7 RECREATION/PRIVATE DRIVEWAY LOTS ON PROPERTY
8 GENERALLY LOCATED ON THE WEST SIDE OF DONNA
9 DRIVE AND NORTH OF CARLSBAD VILLAGE DRIVE
10 WITHIN LOCAL FACILITIES MANAGEMENT ZONE 1.

11 CASE NAME: TRAILS END

12 CASE NO: HDP 04-07x1

13 WHEREAS, **Luke Development, LLC**, "Developer/Owner," has filed a verified
14 application with the City of Carlsbad regarding property described as

15 **That Portion of Lot 7 of Section 32, Township 11 South, Range**
16 **4 West, San Bernardino Meridian, in the City of Carlsbad,**
17 **County of San Diego, State of California, according to official**
18 **Plat thereof, as described in Attachment "A"**

19 ("the Property"); and

20 WHEREAS, said verified application constitutes a request for a Hillside
21 Development Permit **Extension (HDP 04-07x1)** as shown on Exhibits "A" – "P" dated **March**
22 **1, 2006**, on file in the Carlsbad Planning Department, **TRAILS END – HDP 04-07**, as provided
23 by Chapter **21.95** of the Carlsbad Municipal Code; and

24 WHEREAS, on **March 1, 2006**, the **Planning Commission** approved, **HDP**
25 **04-07**, as described and conditioned in Planning Commission Resolution No. **6036**; and

26 WHEREAS, on **June 27, 2006**, the **City Council** adopted the **Mitigated**
27 **Negative Declaration and Mitigation Monitoring and Reporting Program for the Trails**
28 **End project**, as described and conditioned in **City Council** Resolution No. **2006-143**; and

WHEREAS, the Planning Commission did on **August 20, 2008**, hold a duly
noticed public hearing as prescribed by law to consider **HDP 04-07x1**; and

WHEREAS, at said hearing, upon hearing and considering all testimony and

1 arguments, if any, of all persons desiring to be heard, said Commission considered all factors
2 relating to the Hillside Development Permit **Extension**.

3 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
4 Commission as follows:
5

6 A) That the foregoing recitations are true and correct.

7 B) That based on the evidence presented at the public hearing, the Commission
8 **APPROVES TRAILS END – HDP 04-07x1** based on the following findings
and subject to the following conditions:

9 **Findings:**

- 10 1. All findings contained in Planning Commission Resolution No. **6036** dated **March 1,**
11 **2006** for **HDP 04-07** are incorporated herein by reference and remain in effect.
- 12 2. The Planning Commission has reviewed each of the exactions imposed on the Developer
13 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
14 to mitigate impacts caused by or reasonably related to the project, and the extent and the
degree of the exaction is in rough proportionality to the impact caused by the project.

15 **Conditions:**

16 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
17 **recordation or issuance of a grading permit, whichever occurs first.**

- 18 1. If any of the following conditions fail to occur, or if they are, by their terms, to be
19 implemented and maintained over time, if any of such conditions fail to be so
20 implemented and maintained according to their terms, the City shall have the right to
21 revoke or modify all approvals herein granted; deny or further condition issuance of all
22 future building permits; deny, revoke, or further condition all certificates of occupancy
23 issued under the authority of approvals herein granted; record a notice of violation on the
property title; institute and prosecute litigation to compel their compliance with said
24 conditions or seek damages for their violation. No vested rights are gained by Developer
25 or a successor in interest by the City's approval of this **Hillside Development Permit**
extension.
- 26 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
27 and modifications to the **Hillside Development Permit extension** documents, as
28 necessary to make them internally consistent and in conformity with the final action on
the project. Development shall occur substantially as shown on the approved Exhibits.
Any proposed development, different from this approval, shall require an amendment to
this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and
regulations in effect at the time of building permit issuance.

- 1 4. If any conditions for construction of any public improvements or facilities, or the
2 payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this
3 Project are challenged, this approval shall be suspended as provided in Government Code
4 Section 66020. If any such condition is determined to be invalid, this approval shall be
5 invalid unless the City Council determines that the project without the condition complies
6 with all requirements of law.
- 7 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold
8 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
9 representatives, from and against any and all liabilities, losses, damages, demands, claims
10 and costs, including court costs and attorney's fees incurred by the City arising, directly
11 or indirectly, from (a) City's approval and issuance of this **Hillside Development Permit
12 extension**, (b) City's approval or issuance of any permit or action, whether discretionary
13 or nondiscretionary, in connection with the use contemplated herein, and
14 (c) Developer/Operator's installation and operation of the facility permitted hereby,
15 including without limitation, any and all liabilities arising from the emission by the
16 facility of electromagnetic fields or other energy waves or emissions. This obligation
17 survives until all legal proceedings have been concluded and continues even if the City's
18 approval is not validated.
- 19 6. This approval is granted subject to the approval of **Tentative Tract Map CT 04-14(A)x1
20 and Planned Unit Development Permit PUD 04-12x1** and is subject to all conditions
21 contained in Planning Commission Resolution No. **6452 and 6454** for these other
22 approvals.
- 23 7. **All the conditions contained in Planning Commission Resolution No. 6036 dated
24 March 1, 2006, for HDP 04-07 are incorporated herein by reference and remain in
25 effect.**
- 26 8. **This approval shall become null and void upon the expiration of Tentative Map
27 CT 04-14(A)x1.**

28 NOTICE

21 Please take **NOTICE** that approval of your project includes the "imposition" of fees,
22 dedications, reservations, or other exactions hereafter collectively referred to for convenience as
23 "fees/exactions."

24 You have 90 days from date of final approval to protest imposition of these fees/exactions. If
25 you protest them, you must follow the protest procedure set forth in Government Code Section
26 66020(a), and file the protest and any other required information with the City Manager for
27 processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely
28 follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or
annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions
DOES NOT APPLY to water and sewer connection fees and capacity charges, nor planning,
zoning, grading, or other similar application processing or service fees in connection with this
project; **NOR DOES IT APPLY** to any fees/exactions of which you have previously been given a
PC RESO NO. 6453

1 NOTICE similar to this, or as to which the statute of limitations has previously otherwise
2 expired.

3 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
4 Commission of the City of Carlsbad, California, held on **August 20, 2008**, by the following vote,
5 to wit:

6 AYES: Commissioners Boddy, Cardosa, Douglas, Montgomery, and
7 Chairperson Whitton

8 NOES: Commissioner Baker

9 ABSENT: Commissioner Dominguez

10 ABSTAIN:
11
12

13 
14 _____
FRANK H. WHITTON, Chairperson
15 CARLSBAD PLANNING COMMISSION

16 ATTEST:

17
18 
19 _____
DON NEU
20 Planning Director

1 arguments, if any, of all persons desiring to be heard, said Commission considered all factors
2 relating to the Planned Development Permit **Extension**.

3
4 NOW, THEREFORE, BE IT HEREBY RESOLVED by the Planning
5 Commission as follows:

6 A) That the foregoing recitations are true and correct.

7 B) That based on the evidence presented at the public hearing, the Commission
8 **APPROVES TRAILS END – PUD 04-12x1** based on the following findings and
subject to the following conditions:

9 **Findings:**

- 10 1. All findings contained in Planning Commission Resolution No. **6037** dated **March 1,**
11 **2006** for **PUD 04-12** are incorporated herein by reference and remain in effect.
- 12 2. The Planning Commission has reviewed each of the exactions imposed on the Developer
13 contained in this resolution, and hereby finds, in this case, that the exactions are imposed
14 to mitigate impacts caused by or reasonably related to the project, and the extent and the
degree of the exaction is in rough proportionality to the impact caused by the project.

15 **Conditions:**

16 Note: Unless otherwise specified herein, all conditions shall be satisfied prior to **final map**
17 **recordation or issuance of a grading permit, whichever occurs first.**

- 18 1. If any of the following conditions fail to occur, or if they are, by their terms, to be
19 implemented and maintained over time, if any of such conditions fail to be so
20 implemented and maintained according to their terms, the City shall have the right to
21 revoke or modify all approvals herein granted; deny or further condition issuance of all
22 future building permits; deny, revoke, or further condition all certificates of occupancy
23 issued under the authority of approvals herein granted; record a notice of violation on the
property title; institute and prosecute litigation to compel their compliance with said
24 conditions or seek damages for their violation. No vested rights are gained by Developer
25 or a successor in interest by the City's approval of this **Planned Development Permit**
26 **extension.**
- 27 2. Staff is authorized and directed to make, or require the Developer to make, all corrections
and modifications to the **Planned Development Permit extension** documents, as
28 necessary to make them internally consistent and in conformity with the final action on
the project. Development shall occur substantially as shown on the approved Exhibits.
Any proposed development, different from this approval, shall require an amendment to
this approval.
3. Developer shall comply with all applicable provisions of federal, state, and local laws and
regulations in effect at the time of building permit issuance.

- 1 4. If any conditions for construction of any public improvements or facilities, or the
2 payment of any fees in-lieu thereof, imposed by this approval or imposed by law on this
3 Project are challenged, this approval shall be suspended as provided in Government Code
4 Section 66020. If any such condition is determined to be invalid, this approval shall be
5 invalid unless the City Council determines that the project without the condition complies
6 with all requirements of law.
- 7 5. Developer/Operator shall and does hereby agree to indemnify, protect, defend, and hold
8 harmless the City of Carlsbad, its Council members, officers, employees, agents, and
9 representatives, from and against any and all liabilities, losses, damages, demands, claims
10 and costs, including court costs and attorney's fees incurred by the City arising, directly
11 or indirectly, from (a) City's approval and issuance of this **Planned Development
12 Permit extension**, (b) City's approval or issuance of any permit or action, whether
13 discretionary or nondiscretionary, in connection with the use contemplated herein, and
14 (c) Developer/Operator's installation and operation of the facility permitted hereby,
15 including without limitation, any and all liabilities arising from the emission by the
16 facility of electromagnetic fields or other energy waves or emissions. This obligation
17 survives until all legal proceedings have been concluded and continues even if the City's
18 approval is not validated.
- 19 6. This approval is granted subject to the approval of **Tentative Tract Map CT 04-14(A)x1
20 and Hillside Development Permit HDP 04-07x1** and is subject to all conditions
21 contained in Planning Commission Resolution No. **6452 and 6453** for these other
22 approvals.
- 23 7. **All of the conditions contained in Planning Commission Resolution No. 6036 dated
24 March 1, 2006, are incorporated herein by reference and remain in effect with the
25 exception that the all typographical errors referencing the project number as PUD
26 04-10 shall be changed to reflect the correct project number as PUD 04-12.**
- 27 8. **This approval shall become null and void upon the expiration of Tentative Map
28 CT 04-14(A)x1.**

NOTICE

Please take **NOTICE** that approval of your project includes the "imposition" of fees, dedications, reservations, or other exactions hereafter collectively referred to for convenience as "fees/exactions."

You have 90 days from date of final approval to protest imposition of these fees/exactions. If you protest them, you must follow the protest procedure set forth in Government Code Section 66020(a), and file the protest and any other required information with the City Manager for processing in accordance with Carlsbad Municipal Code Section 3.32.030. Failure to timely follow that procedure will bar any subsequent legal action to attack, review, set aside, void, or annul their imposition.

You are hereby **FURTHER NOTIFIED** that your right to protest the specified fees/exactions **DOES NOT APPLY** to water and sewer connection fees and capacity charges, nor planning, zoning, grading, or other similar application processing or service fees in connection with this PC RESO NO. 6454

1 project; NOR DOES IT APPLY to any fees/exactions of which you have previously been given a
2 NOTICE similar to this, or as to which the statute of limitations has previously otherwise
3 expired.

4 PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning
5 Commission of the City of Carlsbad, California, held on **August 20, 2008**, by the following vote,
6 to wit:

7
8 AYES: Commissioners Boddy, Cardoso, Douglas, Montgomery, and
9 Chairperson Whitton

10 NOES: Commissioner Baker

11 ABSENT: Commissioner Dominguez

12 ABSTAIN:
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16 FRANK H. WHITTON, Chairperson
17 CARLSBAD PLANNING COMMISSION

18 ATTEST:

19 

20 DON NEU
21 Planning Director
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Page 1
Order No. 53010268

DESCRIPTION

THAT PORTION OF LOT 7 OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7, SOUTH 1°32'19" WEST 360.00 FEET; THENCE ALONG THE STRAIGHT LINE DRAWN THROUGH THE NORTHWEST CORNER OF LOT 6 OF FALCON HILL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SOUTH 88°43'21" EAST 264.90 FEET; THENCE NORTH 36°59'11" EAST 208.57 FEET TO THE BEGINNING OF A TANGENT 892.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 266.77 FEET THROUGH AN ANGLE OF 17°08'07" TO THE NORTH LINE OF SAID LOT 7; THENCE NORTH 88°41'14" WEST 570.54 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS DAF:

EXCEPTION PARCEL A:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 353.62 FEET TO THE TRUE POINT OF BEGINNING OF THAT PORTION TO BE DESCRIBED.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST, A DISTANCE OF 156.94 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY BEING A POINT ON AN 892.00 FOOT RADIUS CIRCULAR CURVE, CONCAVE SOUTHEASTERLY (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 49°33'44" EAST);

THENCE NORTHEASTERLY ALONG SAID CURVE, AND SAID GRANTOR'S BOUNDARY, AN ARC DISTANCE OF 206.00 FEET, THROUGH AN ANGLE OF 13°13'54", TO THE NORTH LINE OF SAID LOT 7;

THENCE NORTH 89°11'20" WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 214.98 FEET TO THE TRUE POINT OF BEGINNING OF THE PORTION DESCRIBED.

EXCEPTION PARCEL B:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH 89°11'20" EAST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 303.94 FEET TO THE TRUE POINT OF BEGINNING;

DESCRIPTION

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST A DISTANCE OF 200.85 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY, BEING A POINT ON THE ARC OF AN 892 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 52°48'16" EAST);

THENCE NORTHEASTERLY ALONG SAID 892 FOOT RADIUS CURVE, THROUGH AN ANGLE OF 3°14'32" FOR AN ARC DISTANCE OF 50.48 FEET;

THENCE NORTH 24°15'57" WEST A DISTANCE OF 156.94 FEET;

THENCE NORTH 89°11'20" WEST A DISTANCE OF 49.68 FEET TO THE TRUE POINT OF BEGINNING.

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DESCRIPTION

THAT PORTION OF LOT 7 OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7; THENCE ALONG THE WEST LINE OF SAID LOT 7, SOUTH $1^{\circ}32'19''$ WEST 380.00 FEET; THENCE ALONG THE STRAIGHT LINE DRAWN THROUGH THE NORTHWEST CORNER OF LOT 6 OF FALCON HILL UNIT NO. 3, ACCORDING TO MAP THEREOF NO. 5520, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, SOUTH $88^{\circ}43'21''$ EAST 264.90 FEET; THENCE NORTH $36^{\circ}59'11''$ EAST 208.57 FEET TO THE BEGINNING OF A TANGENT 892.00 FOOT RADIUS CURVE CONCAVE SOUTHEASTERLY; THENCE NORTHEASTERLY ALONG SAID CURVE 266.77 FEET THROUGH AN ANGLE OF $17^{\circ}08'07''$ TO THE NORTH LINE OF SAID LOT 7; THENCE NORTH $88^{\circ}41'14''$ WEST 570.54 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THOSE PORTIONS DAF:

EXCEPTION PARCEL A:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH $89^{\circ}11'20''$ EAST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 353.62 FEET TO THE TRUE POINT OF BEGINNING OF THAT PORTION TO BE DESCRIBED.

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH $24^{\circ}15'57''$ EAST, A DISTANCE OF 156.94 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY BEING A POINT ON AN 892.00 FOOT RADIUS CIRCULAR CURVE, CONCAVE SOUTHEASTERLY (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH $49^{\circ}33'44''$ EAST);

THENCE NORTHEASTERLY ALONG SAID CURVE, AND SAID GRANTOR'S BOUNDARY, AN ARC DISTANCE OF 206.00 FEET, THROUGH AN ANGLE OF $13^{\circ}13'54''$, TO THE NORTH LINE OF SAID LOT 7;

THENCE NORTH $89^{\circ}11'20''$ WEST, ALONG THE NORTH LINE OF SAID LOT 7, A DISTANCE OF 214.98 FEET TO THE TRUE POINT OF BEGINNING OF THE PORTION DESCRIBED.

EXCEPTION PARCEL B:

ALL OF THAT PORTION OF LOT 7, OF SECTION 32, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 7, BEING ALSO THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 32;

THENCE SOUTH $89^{\circ}11'20''$ EAST ALONG THE NORTH LINE OF SAID LOT 7 A DISTANCE OF 303.94 FEET TO THE TRUE POINT OF BEGINNING;

DESCRIPTION

THENCE FROM SAID TRUE POINT OF BEGINNING SOUTH 24°15'57" EAST A DISTANCE OF 200.85 FEET TO THE SOUTHEASTERLY BOUNDARY OF GRANTOR'S PROPERTY, BEING A POINT ON THE ARC OF AN 892 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY, (FROM SAID POINT THE CENTER OF SAID CURVE BEARS SOUTH 52°48'16" EAST);

THENCE NORTHEASTERLY ALONG SAID 892 FOOT RADIUS CURVE, THROUGH AN ANGLE OF 3°14'32" FOR AN ARC DISTANCE OF 50.48 FEET;

THENCE NORTH 24°15'57" WEST A DISTANCE OF 156.94 FEET;

THENCE NORTH 89°11'20" WEST A DISTANCE OF 49.68 FEET TO THE TRUE POINT OF BEGINNING.

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