

June 24, 2016

Michael Graham  
Pacific Legacy Homes  
Suite 400  
16870 West Bernardo Drive  
San Diego, CA 92127

**SUBJECT: CT 03-10X1 – AURA CIRCLE**

Dear Mr. Graham,

The Planning Division has completed its review of your application for a Tentative Tract Map Extension CT 03-10x1 – AURA CIRCLE, submitted on April 26, 2016. The Tentative Tract Map (CT 03-10) was originally approved by Planning Commission Resolution No. 6290 on May 2, 2007 with an expiration date of May 2, 2009. Since that time, the tentative tract map has been automatically extended a total of four times with Senate Bill 1185 granting a one year extension to May 2, 2010, Assembly Bill (AB) 333 granting a two year extension to May 2, 2012, AB 208 granting a two year extension to May 2, 2014, and most recently AB 116 granting a two year extension to May 2, 2016.

After careful consideration of the circumstances surrounding this request, it has been determined that (1) the Tentative Tract Map Extension CT 03-10x1 – AURA CIRCLE was submitted in a timely manner prior to the expiration date, (2) there has been no change of circumstances in relation to the Major Subdivision regulations (i.e., Title 20 of the Carlsbad Municipal Code), (3) the project is still in compliance with the Major Subdivision regulations, and (4) the findings required for granting a Tentative Tract Map Extension can be made; therefore, the City Planner **retroactively APPROVES Tentative Tract Map Extension CT 03-10x1 for two (2) years from May 2, 2016 to May 2, 2018**, based on the following findings and conditions.

**Findings:**

1. All the findings contained in **Planning Commission Resolution No. 6290 dated May 2, 2007**, are incorporated herein by reference and remain in effect.
2. That **Tentative Tract Map CT 03-10** remains consistent with the General Plan, all titles of the Carlsbad Municipal Code and growth management program policies and standards in place at the time the extension was filed.
3. That circumstances have not substantially changed since **Tentative Tract Map CT 03-10** was originally approved.

4. The City Planner has determined that:
  - a. The project, **CT 03-10x1**, is a subsequent activity of Aura Circle, for which a **Mitigated Negative Declaration** was previously adopted (CEQA Guidelines Section 15162);
  - b. The project, **CT 03-10x1**, is consistent with the **Aura Circle** project cited above;
  - c. A **Mitigated Negative Declaration** was adopted in connection with the prior project or plan;
  - d. The project, **CT 03-10x1**, has no new significant environmental effect not analyzed as significant in the prior **Mitigated Negative Declaration**; and
  - e. None of the circumstances requiring a Subsequent **Mitigated Negative Declaration** under CEQA Guidelines Section 15162 exist.

**Conditions:**

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

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 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 **Tentative Tract Map Extension**.
2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Tentative Tract Map Extension** 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 **Tentative Tract Map Extension**, (b) City's approval or issuance of any permit or action, whether discretionary or nondiscretionary, 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. **Tentative Tract Map Extension CT 03-10x1 is granted for a period of two (2) years from May 2, 2016 through May 2, 2018.**
7. All conditions contained in **Planning Commission Resolution No. 6290 dated May 2, 2007** apply to this extension and are incorporated herein by reference and remain in effect **except for Condition Nos. 31, 35, 45, 46, and 47, which are hereby superseded by Condition Nos. 8-21 of this approval letter.**

#### General

8. 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 permit issuance and will continue to be available until time of occupancy.
9. Prior to submittal of the building plans, improvement plans, grading plans, or final map, whichever occurs first, developer shall submit to the city planner, a reproducible 24" x 36", mylar copy of the Site Plan and conceptual grading plan reflecting the conditions approved by the final decision making body. The reproducible shall be submitted to the city planner, reviewed and, if acceptable, signed by the city's project engineer and project planner.
10. Developer shall install sight distance corridors at all street intersections and driveways in accordance with City Engineering Standards. The property owner shall maintain this condition.
11. Developer shall submit to the city engineer an acceptable instrument, via CC&R's and/or other recorded document, addressing the maintenance, repair, and replacement of shared private improvements within this subdivision, including but not limited to **private storm drain facilities, landscaping and irrigation, water quality treatment measures, low impact development (site design)** features located therein and to distribute the costs of such maintenance in an equitable manner among the owners of the properties within this subdivision.

#### Fees/Agreements

12. Prior to approval of a grading permit or any building permits for this project, developer shall cause owner to give written consent to the city engineer for the annexation of the area shown within the boundaries of the subdivision into the existing City of Carlsbad Street Lighting and Landscaping District No. 1 and/or to the formation or annexation into an additional Street Lighting and Landscaping District. Said written consent shall be on a form provided by the city engineer.

13. Prior to approval of the final map or issuance of any permits, the developer shall enter into an agreement with the city to pay the city's Transportation System Management Program and Transportation Demand Management Program fees established as a result of the forthcoming Traffic Impact Fee Update. The form and content of said agreement shall be to the satisfaction of the city engineer and city attorney.

#### **Grading**

14. Supplemental grading plans are required for precise grading associated with this project. Developer shall prepare, and submit for approval, grading plans for the precise grading as shown on the tentative map all subject to city engineer approval.
15. This project requires off site grading. No grading for private improvements shall occur outside the project unless developer obtains, records, and submits a recorded copy, to the city engineer, a temporary grading, construction or slope easement or agreement from the owners of the affected properties. If developer is unable to obtain the temporary grading or slope easement, or agreement, no grading permit will be issued. In that case developer must either apply for and obtain an amendment of this approval or modify the plans so grading will not occur outside the project and apply for and obtain a finding of substantial conformance and/or consistency determination from both the city engineer and city planner.

#### **Storm Water Quality**

16. Developer shall comply with the city's Stormwater Regulations, latest version, and shall implement best management practices at all times. Best management practices include but are not limited to pollution control practices or devices, erosion control to prevent silt runoff during construction, general housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices or devices to prevent or reduce the discharge of pollutants to stormwater, receiving water or stormwater conveyance system to the maximum extent practicable. Developer shall notify prospective owners and tenants of the above requirements.
17. Developer shall submit for city approval a Tier 3 Storm Water Pollution Prevention Plan (TIER 3 SWPPP). The TIER 3 SWPPP shall comply with current requirements and provisions established by the San Diego Regional Water Quality Control Board and City of Carlsbad Requirements. The TIER 3 SWPPP shall identify and incorporate measures to reduce storm water pollutant runoff during construction of the project to the maximum extent practicable. Developer shall pay all applicable SWPPP plan review and inspection fees per the city's latest fee schedule.
18. This project is subject to 'Priority Development Project' requirements. Developer shall prepare and process a Storm Water Quality Management Plan (SWQMP), subject to city engineer approval, to comply with the Carlsbad BMP Design Manual latest version. The final SWQMP required by this condition shall be reviewed and approved by the city engineer with final grading plans. Developer shall pay all applicable SWQMP plan review and inspection fees per the city's latest fee schedule.

19. Developer is responsible to ensure that all final design plans (grading plans, improvement plans, landscape plans, building plans, etc) incorporate all source control, site design, pollutant control BMP and applicable hydromodification measures.

#### **Dedications and Improvements**

20. Developer shall cause owner to dedicate to the city and/or other appropriate entities **Aura Circle for public street & public utility** purposes as shown on the tentative map. The offer shall be made by a certificate on the final map. All land so offered shall be free and clear of all liens and encumbrances and without cost to the city. Streets that are already public are not required to be rededicated. Additional easements may be required at final design to the satisfaction of the city engineer.
21. Developer shall design the private drainage systems, as shown on the tentative map to the satisfaction of the city engineer. All private drainage systems (12" diameter storm drain and larger) shall be inspected by the city. Developer shall pay the standard improvement plan check and inspection fees for private drainage systems.

#### **CITY OF CARLSBAD**



**VAN LYNCH**

Principal Planner

VL:SW:fn

c: Don Neu, City Planner  
David Rick, Project Engineer  
Data Entry  
File Copy  
HPRM