



CITY OF
CARLSBAD

Planning Division

www.carlsbadca.gov

December 27, 2011

Jim Connelly
4445 Eastgate Mall
Suite 407
San Diego, CA 92121

SUBJECT: SP 187(B) – NORTH COUNTY PLAZA – ARCHITECTURAL CHANGES

Request for the approval of a Minor Specific Plan Amendment (SP) to allow the upgrade of existing exterior finishes, including new paint colors, to the group of commercial buildings located at **1810-1884 Marron Road**, in the C-2-Q Zone and Local Facilities Management Zone 1.

The City Planner has completed a review of your application for a Minor Specific Plan Amendment, **SP 187(B) – North County Plaza, for the upgrade of existing exterior finishes, including new paint colors, to the group of commercial buildings located at 1810-1884 Marron Road**. A notice was sent to property owners within 300' requesting comments regarding the above request. No comments were received within the ten day notice period (ending on **December 23, 2011**). After careful consideration of the circumstances surrounding this request, the City Planner has determined that findings for granting a Minor Specific Plan Amendment Permit can be made and therefore, **APPROVES** this request based on the following findings and conditions.

Findings:

1. The proposed development as described by the Minor Specific Plan Amendment (**SP 187(B)**) is consistent with **Land Use Element Commercial Policy C.6** of the General Plan which requires that **commercial architecture emphasizes establishing community identity while presenting tasteful, dignified and visually appealing designs compatible with their surroundings. The project consists of the repainting of exterior buildings, light poles, signs, the removal and replacement of new tile and the replacement of canvas awnings to the existing commercial center. These improvements will result in a cleaner, updated look that is visually appealing while maintaining the Spanish architectural design theme.**
2. The proposed Minor Specific Plan Amendment would not be detrimental to the public interest, health, safety, convenience or welfare of the City in that **the exterior improvements will not add any additional building square footage and will provide an updated look that is visually appealing.**
3. The proposed project will be appropriate in area, location, and overall design to the purpose intended. The design and development standards are such as to create an environment of sustained desirability and stability. Such development will meet performance standards established by this title in that **the project complies with all applicable sections of the Zoning Ordinance (Carlsbad Municipal Code Title 21) and the requirements of the North County Plaza Specific Plan (SP 187) which was found to be consistent with the various elements and objectives of the General Plan.**



4. That the City Planner has determined that the project belongs to a class of projects that the State Secretary for Resources has found do not have a significant impact on the environment, and it is therefore categorically exempt from the requirement for the preparation of environmental documents pursuant to Section 15301 – Existing Facilities of the State CEQA Guidelines. In making this determination, the City Planner has found that the exceptions listed in Section 15300.2 of the state CEQA Guidelines do not apply to this project.

Conditions:

1. Approval is granted for **SP 187(B) – North County Plaza** as shown on Exhibits “A” – “K” dated **December 27, 2011** on file in the Planning Division and incorporated herein by reference. Development shall occur substantially as shown unless otherwise noted in these conditions.
2. 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 **Minor Specific Plan Amendment**.
3. Staff is authorized and directed to make, or require Developer to make, all corrections and modifications to the **SP 187(B)** documents, as necessary to make them internally consistent and in conformity with final action on the project. Development shall occur substantially as shown in the approved Exhibits. Any proposed development, different from this approval, shall require an amendment to this approval.
4. 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 **Minor Specific Plan Amendment (SP 187(B))**, (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.
5. Developer shall comply with all applicable provisions of federal, state, and local laws and regulations in effect at the time of building permit issuance.
6. This project shall comply with all conditions and mitigation measures, which are required as part of **Zone 1 Local Facilities Management Plan** and any amendments made to that Plan prior to the issuance of building permits.
7. Prior to the issuance of a building permit, the Developer shall submit to the City a Notice of Restriction to be filed in the office of the County Recorder, subject to the satisfaction of the City Planner, notifying all interested parties and successors in interest that the City of Carlsbad has issued a **Minor Specific Plan Amendment** on the real property owned by the owner/applicant. Said Notice of Restriction shall note the property description, location of the file containing complete project

details and all conditions of approval as well as any conditions or restrictions specified for inclusion in the Notice of Restriction. The City Planner 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 owner/applicant or successor in interest.

Code Reminders:

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

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 the 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.

This decision may be appealed by you or any other member of the public to the Planning Commission within ten days of the date of this letter. Appeals must be submitted in writing to the Planning Division at 1635 Faraday Avenue in Carlsbad, along with a payment of \$620.00 plus noticing fees. The filing of such appeal within such time limit shall stay the effective date of the order of the City Planner until such time as a final decision on the appeal is reached. If you have any questions regarding this matter, please feel free to contact Chris Garcia at (760) 602-4622.

Sincerely,



DON NEU
City Planner

DN:CG:bd

- c: Don Neu, City Planner
Chris DeCerbo, Principal Planner
Van Lynch, Senior Planner
Jeremy Riddle, Project Engineer
File Copy
Data Entry

ORDINANCE NO. 9662

1
2 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
3 CARLSBAD, CALIFORNIA, APPROVING SPECIFIC PLAN
4 (SP-187) FOR A 17.6 ACRE COMMERCIAL AREA
5 GENERALLY LOCATED ON THE WEST END OF PLAZA CAMINO
6 REAL, EAST OF THE INTERSECTION OF JEFFERSON
7 STREET AND MARRON ROAD.
8 HUGHES: SP-187

9 WHEREAS, the Planning Commission did on the 8th day of
10 December, 1982, hold duly noticed public hearings as prescribed by
11 law to consider a request by the City of Carlsbad to approve a
12 Specific Plan (SP-187) for a 17.6 acre commercial area, said plan
13 is attached hereto as Exhibit A and made a part hereof; and

14 WHEREAS, at the conclusion of said hearing, the Planning
15 Commission adopted Resolution No. 2059 recommending approval of
16 said Specific Plan, which resolution is attached hereto as Exhibit
17 B and made a part hereof; and

18 WHEREAS, the Land Use Planning Manager has determined that
19 this project will not have a significant adverse impact on the
20 environment and has issued a Negative Declaration on October 15,
21 1982, which was approved by the Planning Commission on December 8,
22 1982; and

23 WHEREAS, the City Council of the City of Carlsbad did hold
24 a duly noticed public hearing on June 21, 1983, and after hearing
25 and considering the testimony and arguments of any or all persons
26 desiring to be heard, made the following finding:

- 27 1) That the findings made by the Planning Commission in Resolution
28 No. 2059 constitute the findings of the City Council in this
matter except for finding no. 7.

NOW, THEREFORE, the City Council of the City of Carlsbad
does ordain as follows:

SECTION 1: That the Specific Plan (SP-187) attached as

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1 Exhibit A is approved subject to the conditions imposed by the
2 Planning Commission in Resolution No. 2059 which is Exhibit B to
3 this ordinance except for condition 8 and with the following
4 additional conditions:

- 5 1) The right turn only in and out driveway shown on Exhibit A
6 is approved. The detailed design of this intersection
7 shall be subject to the approval of the City Engineer.
- 8 2) The developer shall widen the west side of Monroe Street a
9 width of 12 feet from Marron Road to the existing widened
10 area. Improvements shall include paving, base grading,
11 and any drainage structures as required by the City
12 Engineer. The City will enter into a reimbursement
13 agreement with the developer for this work and will use
14 its best efforts to collect such reimbursement from the
15 owners of the property on both sides of Monroe Street
16 south of Marron Road which are benefited by this work.
- 17 3) The developer shall improve the Jefferson Street/Marron
18 Road intersection. This shall include widening the
19 streets on each leg of the intersection as required by the
20 City Engineer. No additional right-of-way shall be
21 required from the northwest quadrant of the intersection
22 for this widening. The widening shall be a maximum of 12
23 feet on Marron Road and 8 feet on Jefferson Street.
- 24 4) The developer shall upgrade the traffic signals at Marron
25 Road and Monroe Street and at the intersection of Marron
26 Road and Jefferson Street. This upgrading shall include
27 interconnection of these two signals and provision for
28 interconnecting to the future signal at the freeway ramp
on the south side of Highway 78.
- 5) Improvement plans for items 1 through 4 above shall be
approved by the City Engineer prior to the issuance of any
building permits. The installation of items 1 through 4
above shall be completed prior to the occupancy of any
buildings.
- 6) No drive-thru restaurants shall be permitted in this
project. The only drive-thru facility which may be
considered is for a financial institution.

Also, condition no. 8 of said resolution no. 2059 is deleted.

SECTION 2: The Specific Plan (SP-187) approved by this
ordinance indicates acceptance by the City Council of the general
framework for development of the subject property and of the
development standards contained in said plans. Said plans are

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PASSED AND ADOPTED at a regular meeting of said City Council held on the 5th day of July, 1983, by the following vote, to wit:

AYES: Council Members Casler, Lewis, Kulchin, Chick and Prescott
NOES: None
ABSENT: None

Mary H. Casler

MARY H. CASLER, Mayor

ATTEST:

Aletha L. Rautenkranz

ALETHA L. RAUTENKRANZ, City Clerk

(SEAL)

NORTH COUNTY PLAZA

SPECIFIC PLAN

I. PURPOSE AND LOCATION

The purpose of this Specific Plan is to amend the previously adopted SP-41 (Ordinance No. 9334) and to provide a comprehensive development plan for the area between Marron Road and Buena Vista Creek, west of Plaza Camino Real as shown on Figure 1. The property north of Buena Vista Creek lying in the City of Carlsbad is not to be considered part of this plan, however, access to this site must be approved by the City of Carlsbad. This property will be developed in conjunction with the future development planned for the adjacent property in the City of Oceanside north of Buena Vista Creek and south of Highway 78. This plan is to insure that development of this area takes into consideration adjacent and neighboring properties, existing developments, and future development.

This Specific Plan is intended to be a tool to implement the goals and policies of the City's General Plan. This plan is primarily intended to provide a set of development standards and does not provide a guarantee of approval for any future discretionary acts or projects within its' boundaries.

II. GENERAL PLAN AND ZONING REGULATIONS

The site is designated in the Land Use Element of the Carlsbad General Plan as RRI - Intensive Regional Retail. The property is zoned C-2, General Commercial.

III. GENERAL DEVELOPMENT CONCEPT

The Specific Plan area will be a comprehensively planned regionally oriented commercial and office development. The area will feature extensive landscaping, including street side berming, sign controls, and quality development standards.

IV. CIRCULATION

Primary access to the site is planned at the intersections of Jefferson Street/Marron Road and Monroe Street/Marron Road. An access easement for the latter entrance has been obtained from Plaza Camino Real; approval for this access also must be obtained from the City of Carlsbad Parking Authority prior to approval of this Specific Plan. The main entry drive at the Jefferson Street intersection, the access driveway from the Plaza Camino Real parking area and internal circulation will be

as shown on the Site Plan (Exhibit A). The traffic signal at Jefferson and Marron will be upgraded to at least five phases and coordinated with the proposed signals at Marron and Monroe and Jefferson and Highway 78. Also shown on the plan is a future bridge across Buena Vista Creek located northeast of the actual Specific Plan area. Although this bridge will occur entirely within the City of Oceanside, access to and from it will be necessary through the existing Plaza Camino Real parking area.

V. PERMITTED USES

This Specific Plan determines land use for the site and serves to implement the combination General Plan designation of "RRI" and the zoning classification of C-2. The following uses, only, shall be permitted without further action by the Planning Commission.

- A.
- (1) Accountants;
 - (2) Addressing, secretarial and telephone answering services;
 - (3) Antique shops;
 - (4) Art stores and art galleries;
 - (5) Attorneys;
 - (6) Bakeries or confectioneries;
 - (7) Barbershops or beauty parlors;
 - (8) Bicycle shops;
 - (9) Blueprinting, photocopying, duplicating and mimeographing services;
 - (10) Book and stationery stores;
 - (11) Business machine and computer sales display and service;
 - (12) Card shops;
 - (13) Cheese shops;
 - (14) Clock shops;
 - (15) Curtain and drapery shops;
 - (16) Cutlery shops;
 - (17) Delicatessen stores;
 - (18) Department stores;
 - (19) Dinner theaters;
 - (20) Doctors, dentists, optometrists, ophthalmologists, chiropractors and others practicing the healing arts for human beings and related uses such as oculists, pharmacies (prescription only);
 - (21) Donut shops;
 - (22) Dressmaking or millinery shops;
 - (23) Drugstores;
 - (24) Dry cleaning and laundry agencies;
 - (25) Dry goods or notion stores;
 - (26) Electronic data processing, tabulating and record keeping services;
 - (27) Employment agencies;
 - (28) Engineers, architects and planners;

- (29) Financial Institutions, including banks, savings & loans, mortgage companies and finance companies;
- (30) Florists;
- (31) Furniture stores;
- (32) Gift shops;
- (33) Health clubs or exercise salons;
- (34) Health or specialty food stores;
- (35) Hobby shops;
- (36) Home appliance stores;
- (37) Ice cream and yogurt;
- (38) Indoor plant sales and service facilities;
- (39) Interior designers or decorators;
- (40) Jewelry stores;
- (41) Kitchen supplies or culinary accessories;
- (42) Leather goods and luggage shops;
- (43) Light fixtures and accessories;
- (44) Lock and key shops;
- (45) Medical appliance sales;
- (46) Modeling schools;
- (47) Music stores;
- (48) Nurseries - plant;
- (49) Offices;
- (50) Paint and wallpaper specialty stores;
- (51) Pet shops;
- (52) Photographic equipment;
- (53) Photographic studios and retail outlets;
- (54) Picture frames;
- (55) Pool and patio supplies;
- (56) Pottery shops;
- (57) Realtors;
- (58) Record and tape stores;
- (59) Restaurants, tea rooms or cafes (including dancing or entertainment and on-sale liquor);
- (60) Rollerskating or ice skating rinks;
- (61) Rug and carpet stores;
- (62) Shoe stores or repair shops;
- (63) Sporting goods;
- (64) Stereo stores;
- (65) Stock brokerage firms;
- (66) Studios for teaching of art, dancing and music;
- (67) Tailors, clothing or wearing apparel shops;
- (68) Telephone sales;
- (69) Theaters - indoor;
- (70) Toy stores;
- (71) Travel bureaus;
- (72) Variety stores;
- (73) Wine specialty shops (including Liquor Boutiques);
- (74) Other uses determined to be similar in character, accessory to or compatible by the Land Use Planning Manager.

(B) Uses and structures permitted by Conditional Use Permit. Subject to the provision of Chapter 21.50, the following uses and structures are permitted by Conditional Use Permit. In addition to the findings

required by Chapter 21.50, in order to approve a Conditional Use Permit, it must be found that the use, as proposed, will not adversely affect the viability of use of the area as a commercial district or adversely affect nearby uses of traffic movements.

- (1) Bars, cocktail lounges and other licensed (on-sale) liquor dispensing operations not meeting the definition of a bona fide eating establishment, subject to the following conditions:
 - (A) An opening shall be provided through which an unobstructed view of the interior of the premises can be obtained from the street upon which business fronts;
 - (B) Parking shall be provided at the rate of not less than one space per fifty square feet of gross floor area;
 - (C) Surrounding grounds, including parking areas, shall be maintained in a neat and orderly condition at all times;
 - (D) Any structure housing such operation shall meet all applicable code provisions prior to occupancy;
 - (E) Licensee or agent shall not permit open containers of alcoholic liquor to be taken from the premises;
 - (F) No licensed liquor dispensing operation shall be located within five hundred feet of any other licensed liquor dispensing operation not meeting the definition of a bona fide eating establishment.
- (2) Drive through facilities for financial institutions only.

VI. GENERAL DEVELOPMENT STANDARDS

The intent of this section is to provide the maximum opportunity for creative site planning and building design, while ensuring consistency with a high-quality commercial development. There will be a pleasing variety of setbacks and separations between buildings, with a visual continuity provided by common landscape treatment.

- A. Building Setbacks: All building setbacks shall be measured from the property line.

(1) Streetside:

- a) Marron Road, east of frontage midpoint between Monroe Street entrance and Jefferson Street entrance. All one story buildings shall maintain a 20 foot minimum setback. Two story buildings shall maintain a 30 foot minimum setback. Setbacks for adjacent buildings will be varied 5 foot minimum to create more interest along the street. Parking areas and drives shall maintain a minimum 15 foot setback.
- b) Jefferson Street and Marron Road, north of midpoint between Monroe Street entrance and Jefferson Street entrance and south of Buena Vista Creek: All buildings, parking areas, and driveways except for approved areas of ingress and egress shall maintain a 30 foot minimum setback.

(2) Side yard: None.

(3) Rear yard: None.

(4) Buena Vista Creek: A 15 foot landscaped setback will be maintained from the top of the south bank of the creek. To insure protection of the creek, a fence shall be erected within this setback. This fence will be a visually attractive, low (42") fence.

The following improvements shall specifically be permitted within the Marron Road streetside and 15 foot creekside building setback:

- a) walks;
- b) landscaping;
- c) planters, architectural fences or walls;
- d) approved areas of ingress and egress;
- e) one freestanding sign and monument signs as detailed in Section H(1).

The following improvements shall specifically be permitted between the 15 foot and 20 (or 30) foot portion of the streetside setback areas, east of the right in, right out drive.

- a) walks;
- b) parking area paving and associated curbing;
- c) landscaping;
- d) planters, architectural fences or walls;
- e) driveways, as shown on the Site Plan;
- f) roof projections or sun screens not to exceed a 6 foot overhang;
- g) parking lot lighting.

- B. Sidewalks: The sidewalks along Jefferson Street and Marron Road shall comply with City standards.
- C. Coverage: Maximum building coverage excluding parking shall not exceed 30% of gross lot area.
- D. Building Height: The maximum building height shall be 35 feet.
- E. Parking: Off-street parking shall be provided to accomodate all parking needs of the project. Parking shall be provided at a ratio of 4.7 spaces per 1,000 square feet of gross building area. A maximum of twenty (20) percent of the required parking will be provided by compact car spaces.
- F. Architecture: Prior to issuance of any building permits for this site, architectural guidelines for the entire site shall be submitted to and approved by the Land Use Planning Manager. Since this site will be visible from the freeway, it is imperative that all portions of the buildings shall be aesthetically pleasing.
- G. Landscape: This site will be highly visible to traffic along Jefferson Street and Marron Road; therefore, it is imperative that all development on this property be well landscaped. All landscaped areas shall be planted with a combination of trees, shrubs and ground cover. Prior to approval of a building permit, each applicant shall submit a landscape and irrigation plan for the approval of the Land Use Planning Manager. All developments within this site shall comply with the following standards:
- (1) All setback areas as detailed in Section VI (A) shall be entirely devoted to landscaping. No parking lots, driveways, trash receptacles, or other accessory structures shall be located within this setback. This setback shall be heavily planted with fast-growing drought tolerant species. The ground plane will be varied with undulating berms to create a definitive statement, screen parking areas and enhance the architecture of the building as shown on Exhibit "B" (streetscape cross section).
 - (2) Buena Vista Creek: As previously stated, there will be a 15-foot wide strip extending from the top of the south bank of the creek devoted entirely to landscaping. This will occur along the entire southern creek bank.
 - (3) Parking areas: The intent of landscaping in parking lots is to offer relief from the monotony of rows of parked cars and to create an overhead canopy. At least five percent of the parking area shall be planted with

a mixture of ground cover, shrubs and trees. All parking lot trees shall be a minimum of 15 gallon size, except for Eucalyptus species, which shall be 5 gallon.

(4) Irrigation: All landscaped areas shall be permanently irrigated. The irrigation system shall be designed and operated to prevent or minimize run-off and discharge of irrigation water onto roadways, driveways, adjacent properties and any area not under control of the user.

(5) Street Trees: All new street trees shall be 24 inch box size, with individual bubblers. Existing street trees will be retained wherever possible.

H. Signs: Prior to the issuance of any building permits for this site, a detailed comprehensive sign program for the entire site shall be submitted to and approved by the Land Use Planning Manager. All signs will be internally illuminated and will encourage design creativity. In addition, the following sign standards shall apply to this site:

(1) The following methods of center identification may be used:

(a) One freestanding sign for the specific plan area. This sign may identify up to four tenants, and is to be located on the creekside portion of the project. It shall be located within reasonable proximity to the main entrance to the site at Jefferson Street and Marron Road and shall not exceed 20 feet in height and 100 square feet in area.

(b) One monument sign located within reasonable proximity to the Monroe Street entrance to the site. This sign shall be no greater than 3 feet in height and 15 feet in length.

(2) Wall Signs, Canopy Signs, Under-Canopy Signs: Building tenants shall be allowed wall signs, canopy signs or under-canopy signs, or a combination thereof, as will be indicated in the comprehensive sign program. For each building, the total maximum allowable area for these signs shall not exceed 1.5 square feet per lineal foot of building frontage. Building frontage shall be defined as the longest dimension of the building, regardless of street orientation. On buildings fronting on Marron Road, no more than 33% of this total area may face directly upon Marron Road.

I. Storage: No outside storage shall be permitted.

- J. Roof Equipment: All roof equipment (and similar equipment, such as air conditioners, ducts, tanks, piping, etc.) shall be screened so as not to be visible from adjacent streets, freeway, or properties.
- K. Refuse Collection Areas: All outdoor refuse collection areas shall be completely enclosed and screened from the freeway, streets and adjacent property by a decorative block wall, not less than 6 feet in height as approved by the Land Use Planning Manager. Location and material shall be shown on each building plan.
- L. Lighting: A detailed lighting plan shall be submitted to and approved by the Land Use Planning Manager prior to the issuance of building permits. All lighting fixtures shall be shielded from direct glare onto adjoining properties, roadways, freeway, and the creek.
- M. Loading Areas: All loading areas shall be oriented and/or screened so as not to be visible from the adjacent streets or properties.
- N. Minor changes or adjustments in the Site Plan that do not alter the accepted parking ratio or traffic flow may be approved by the Land Use Planning Manager.
- O. Project Phasing: The site plan as submitted shows the planned ultimate development of the site. Due to the great number of projected building tenants, it is a certainty that the project will be built in phases as the market and tenant demand occurs. A phasing plan shall be submitted, to be approved by the Land Use Planning Manager which will state the site improvements which will be constructed with each phase. Each phase must be able to stand on its own with regard to parking, circulation, pedestrian access, etc. Included with the first phase of construction, will be the perimeter landscaping strips and sufficient development of parking area improvements to provide a vehicular interconnect to all points of ingress and egress planned for the ultimate development, including upgrading the existing signals at the main entrance drives per City requirements.

PLANNING COMMISSION RESOLUTION NO. 2059

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2 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
3 CARLSBAD, CALIFORNIA, RECOMMENDING APPROVAL OF SP-187, TO
4 DEVELOP A COMMERCIAL RETAIL AND PROFESSIONAL OFFICE
5 CENTER.

6 APPLICANT: HUGHES INVESTMENTS
7 CASE NO.: SP-187

8 WHEREAS, a verified application for certain property, to
9 wit:

10 Lot 29 of Carlsbad Tract 76-18 according to Map No. 8956
11 and lots 32 to 36 inclusive of Hosp Co.'s Tract, in
12 Carlsbad, California filed August 11, 1978 and June 8,
13 1908, respectively.

14 has been filed with the City of Carlsbad and referred to the
15 Planning Commission; and

16 WHEREAS, said verified application constitutes a request
17 as provided by Title 21 of the Carlsbad Municipal Code; and

18 WHEREAS, the Planning Commission did on the 8th day of
19 December, 1982, hold a duly noticed public hearing as prescribed by
20 law to consider said request; and

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

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

27 A) That the above recitations are true and correct.

28 B) That based on the evidence presented at the public hearing the
Planning Commission recommends APPROVAL of SP-187, as shown on
Exhibits "A" and "B", dated November 30, 1982, and incorporated
herein by reference, based on the following findings and
subject to the following conditions:

Findings:

1) The site is physically suitable for the type and density of the
development since the site is adequate in size and shape to
accommodate the proposed development.

- 1 2) The project is consistent with all city public facility pol-
2 icies and ordinances since:
- 3 a) The Planning Commission has, by inclusion of an appropriate
4 condition to this project, insured that building permits
5 will not be issued unless the City Council finds that sewer
6 service is available to serve the project. In addition,
7 the Planning Commission has added a condition that building
8 permits may not be issued for the project unless the City
9 Engineer determines that sewer service is available, and
10 building cannot occur within the project unless sewer
11 service remains available, and the Planning Commission is
12 satisfied that the requirements of the public facilities
13 element of the General Plan have been met insofar as they
14 apply to sewer service for this project.
- 15 b) All necessary public improvements have been provided or
16 will be required as conditions of approval.
- 17 c) The applicant has agreed and is required by the inclusion
18 of an appropriate condition to pay a public facilities fee.
19 Performance of that contract and payment of the fee will
20 enable this body to find that public facilities will be
21 available concurrent with need as required by the General
22 Plan.
- 23 3) The uses proposed in the Specific Plan are compatible with the
24 surrounding properties and surrounding land uses.
- 25 4) The Specific Plan properly implements the RRI General Plan
26 designation.
- 27 5) The Specific Plan is consistent with the Carlsbad General Plan
28 and with Sections 65451 and 65452 of the Government Code which
regulate the use of specific plans.
- 19 6) This project will not cause any significant environmental
20 impacts and a Negative Declaration has been issued by the Land
21 Use Planning Manager on October 15, 1982 and approved by the
22 Planning Commission on December 8, 1982.
- 23 7) The proposed right-in/right-out access to the site from Marron
24 Road will likely result in a hazardous traffic safety
25 problem.

23 Conditions

- 24 1) Approval is granted for SP-187, as shown on Exhibit(s) "A",
25 dated November 30, 1982 and as stipulated in the North County
26 Plaza Specific Plan text, labeled Exhibit "B", dated November
27 30, 1982, incorporated by reference and on file in the Land Use
28 Planning office. Development shall occur substantially as
shown unless otherwise noted in these conditions.

- 1 2) This project is approved upon the express condition that the
2 final map shall not be approved unless the City Council finds
3 as of the time of such approval that sewer service is available
4 to serve the project.
- 5 3) This project is approved upon the express condition that
6 building permits will not be issued for development of the
7 subject property unless the City Engineer determines that sewer
8 facilities are available at the time of application for such
9 sewer permits and will continue to be available until time of
10 occupancy.
- 11 4) This project is approved upon the express condition that the
12 applicant shall pay a public facilities fee as required by City
13 Council Policy No. 17, dated April 2, 1982, on file with the
14 City Clerk and incorporated herein by reference, and according
15 to the agreement executed by the applicant for payment of said
16 fee, a copy of that agreement, dated September 9, 1982, is on
17 file with the City Clerk and incorporated herein by reference.
18 If said fee is not paid as promised, this application will not
19 be consistent with the General Plan and approval for this
20 project shall be void.
- 21 5) Approval of this request shall not excuse compliance with all
22 sections of the Zoning Ordinance and all other applicable city
23 ordinances in effect at time of building permit issuance.
- 24 6) This approval shall become null and void if initial building
25 permits are not issued for this project within two years from
26 the date of project approval.
- 27 7) Water shall be provided by the city of Carlsbad unless some
28 other arrangement is approved by the City Council.

18 Land Use Planning Office

- 19 8) The right-in/right-out access to the site near the midpoint of
20 the Marron Road frontage is specifically not approved. This
21 frontage shall maintain a solid curb and landscape treatment.
- 22 9) The applicant shall prepare a reproducible mylar of the final
23 site plan incorporating the conditions contained herein. Said
24 site plan shall be submitted to and approved by the Land Use
25 Planning Manager prior to the issuance of building permits.
- 26 10) The applicant shall prepare a detailed landscape and irrigation
27 plan which shall be submitted to and approved by the Land Use
28 Planning Manager prior to the issuance of building permits.
- 11) All landscaped areas shall be maintained in a healthy and
thriving condition, free from weeds, trash, and debris.
- 12) Approval of SP-187 does not guarantee approval of any future
permits, licenses or other required actions which may be
necessary for development of the site.

- 1 13) The drive-thru lanes as shown on Exhibit "A" are not approved
2 by this Specific Plan. They may be considered only through
3 approval of Conditional Use Permits.
- 4 14) This Specific Plan approval is contingent upon Parking
5 Authority permission to allow access through the Plaza Camino
6 Real parking lot. The Ordinance approving this Specific Plan
7 shall not be introduced until this permission is obtained. If
8 permission is not obtained this Specific Plan shall not become
9 effective.
- 10 15) Any signs proposed for this development shall be designed in
11 conformance with the city's Sign Ordinance and shall require
12 review and approval of the Land Use Planning Manager prior to
13 installation of such signs.

14 Engineering

- 15 16) Additional drainage easements and drainage structures shall be
16 provided or installed as may be required by the County
17 Department of Sanitation and Flood Control or the City Engi-
18 neer.
- 19 17) All land and/or easements required by this project shall be
20 granted to the city, without cost to the city, free and clear
21 of all liens and encumbrances.
- 22 18) The developer shall comply with all the rules, regulations and
23 design requirements of the respective sewer and water agencies
24 regarding services to the project.
- 25 19) Prior to the issuance of any building permits on the site the
26 developer shall submit a detailed site plan indicating the
27 precise layout and dimension of the parking stalls and planter
28 areas for the approval of the City Engineer.
- 29 20) Prior to the issuance of any building permits on the site the
30 developer shall bond for the upgrading of the traffic signals
31 located at the intersections of Marron Road with Jefferson
32 Street and Marron Road with Monroe Street to the satisfaction
33 of the City Engineer. The signal upgrade shall include an
34 interconnect between the two signals with provision for an
35 interconnect to the future freeway on/off ramp signals. The
36 signal upgrading shall be accomplished prior to the occupancy
37 of the first unit.
- 38 21) Prior to the issuance of any building permits for the site the
39 developer shall bond for the construction of a full width
40 median with left turn pocket on Marron Road from the
41 intersection of Jefferson Street to the southern freeway off
42 ramp at Highway 78. The median shall be installed prior to
43 the occupancy of any buildings.

- 1 22) Prior to occupancy of any buildings on the site the developer
2 shall install wheel chair ramps per City standards at all
3 23) Prior to occupancy of any buildings on the site the developer
4 shall reconstruct the existing Plaza Camino Real parking lot
5 in general conformance with Exhibit "A" dated November 30,
6 1982 and to the satisfaction of the City Engineer.
7 24) The developer shall relinquish direct access rights for all
8 lots abutting Marron Road prior to the issuance of any
9 building permits for the site.
10 25) Prior to issuance of any building permits on the site the
11 owner shall process any permits or maps required by the
12 Subdivision Map Act or Title 20 of the Carlsbad Municipal
Code.
- 10 26) Prior to the issuance of any developmental permit by the City
11 on this site the developer shall pay the required
12 reimbursement fee for the construction of Marron Road in
accordance with the agreement as approved by City Council on
January 27, 1981 per Resolution No. 6431.

13 Parks and Recreation

- 14 27) Where not existing, the developer shall install street trees
15 at the equivalent of 40-foot intervals along Marron Road in
16 conformance with City of Carlsbad standards. The trees shall
be of a variety selected from the approved street tree list.

16 Fire

- 17 28) Prior to the issuance of building permits, complete building
18 plans shall be submitted to and approved by the Fire
Department.
19 29) Additional public and/or on site fire hydrants shall be re-
20 quired if deemed necessary by the Fire Marshall.
21 30) The applicant shall submit two (2) copies of a site plan
22 showing locations of existing and proposed fire hydrants and on
site roads and drives subject to the approval of the Fire
23 Marshall.
24 31) An all weather access road shall be maintained throughout
construction.
25 32) All required fire hydrants, water mains and appurtenances shall
26 be operational prior to combustible building materials being
located on the project site.

27 ////

- 1 33) All private driveways shall be kept clear of parked vehicles at
2 all times, and shall have posted "No Parking/Fire Lane Tow Away
3 34) Fire retardant roofs shall be required on all structures.
4 35) All fire alarm systems, fire hydrants, extinguishing systems,
5 automatic sprinklers, and other systems pertinent to the
6 project shall be submitted to the Fire Department for approval
7 prior to construction.


8 PASSED, APPROVED AND ADOPTED at a regular meeting of the
9 Planning Commission of the City of Carlsbad, California, held on
10 the 8th day of December, 1982, by the following vote, to wit:

11 AYES: Chairman Farrow, Commissioners Rombotis, Marcus,
12 Schlehuber, Jose, Friestedt and Rawlins.

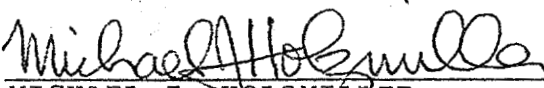
13 NOES: None.

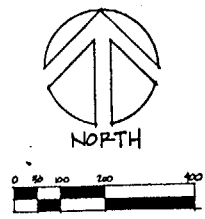
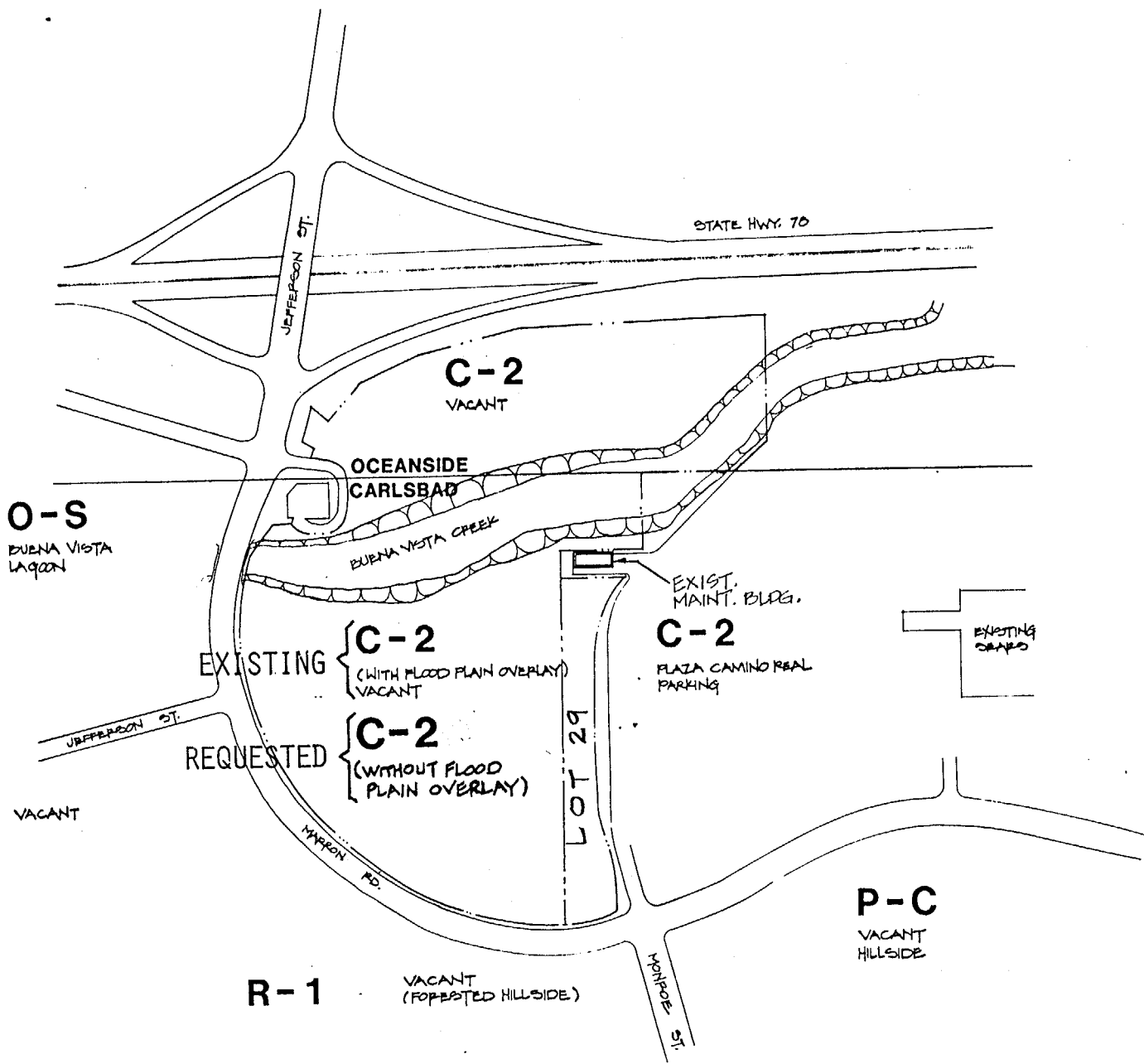
14 ABSENT: None.

15 ABSTAIN: None.

16 
17 VERNON J. FARROW, JR., Chairman
18 CARLSBAD PLANNING COMMISSION

19 ATTEST:

20 
21 MICHAEL J. HOLZMILLER
22 LAND USE PLANNING MANAGER



NORTH COUNTY PLAZA

HUGHES INVESTMENTS

EXHIBIT B

STREETSCAPE CROSS SECTION - MARRON RD.

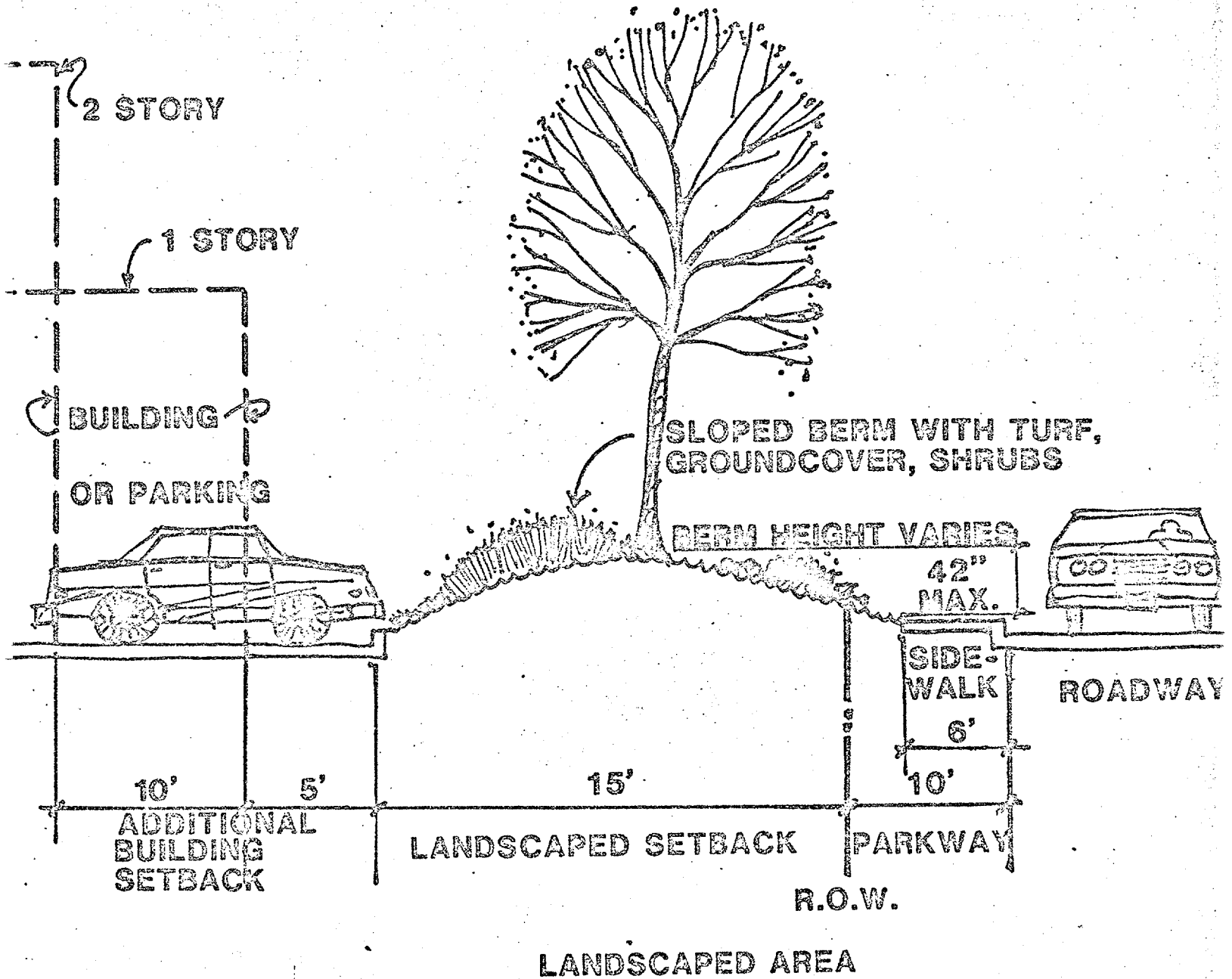
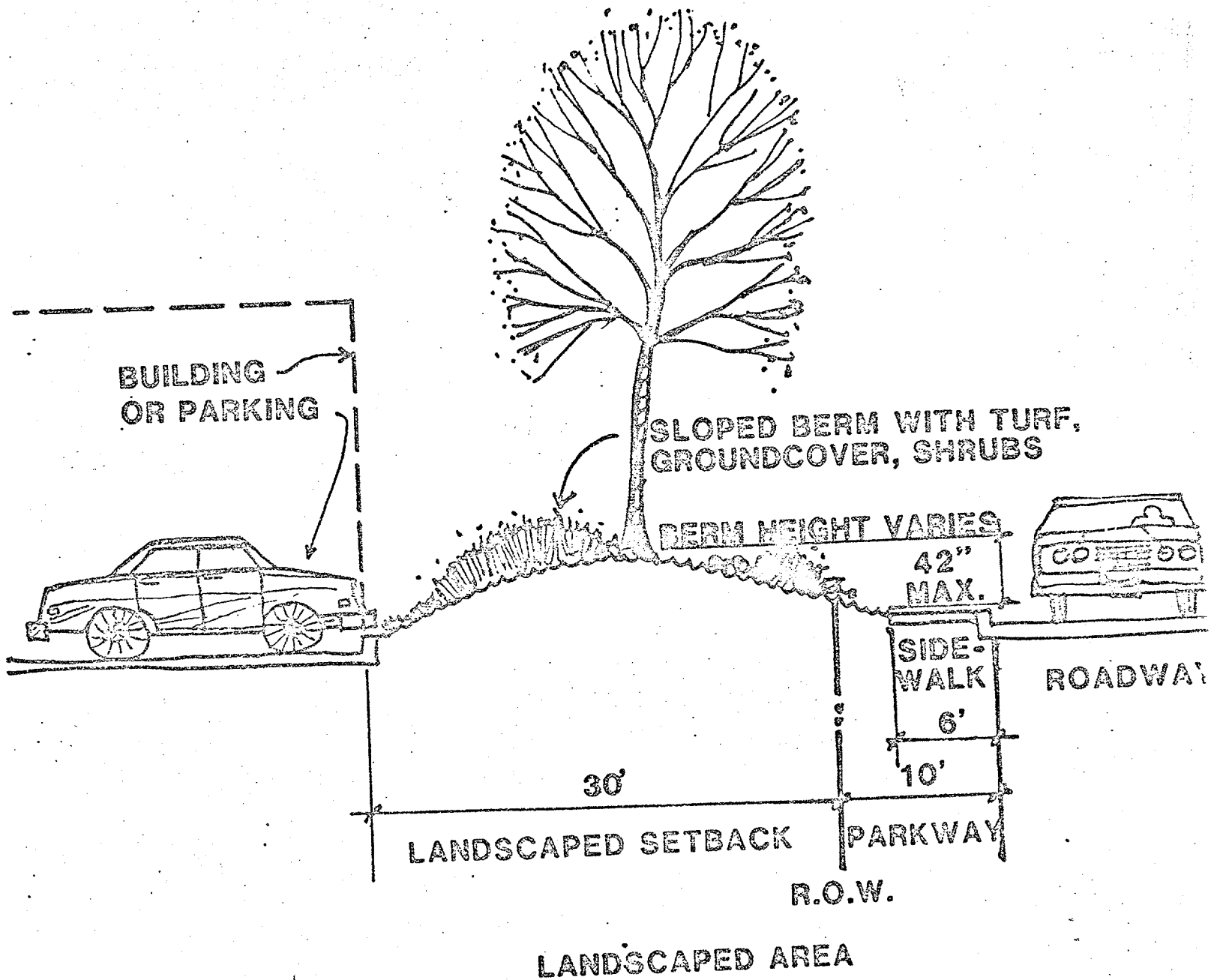
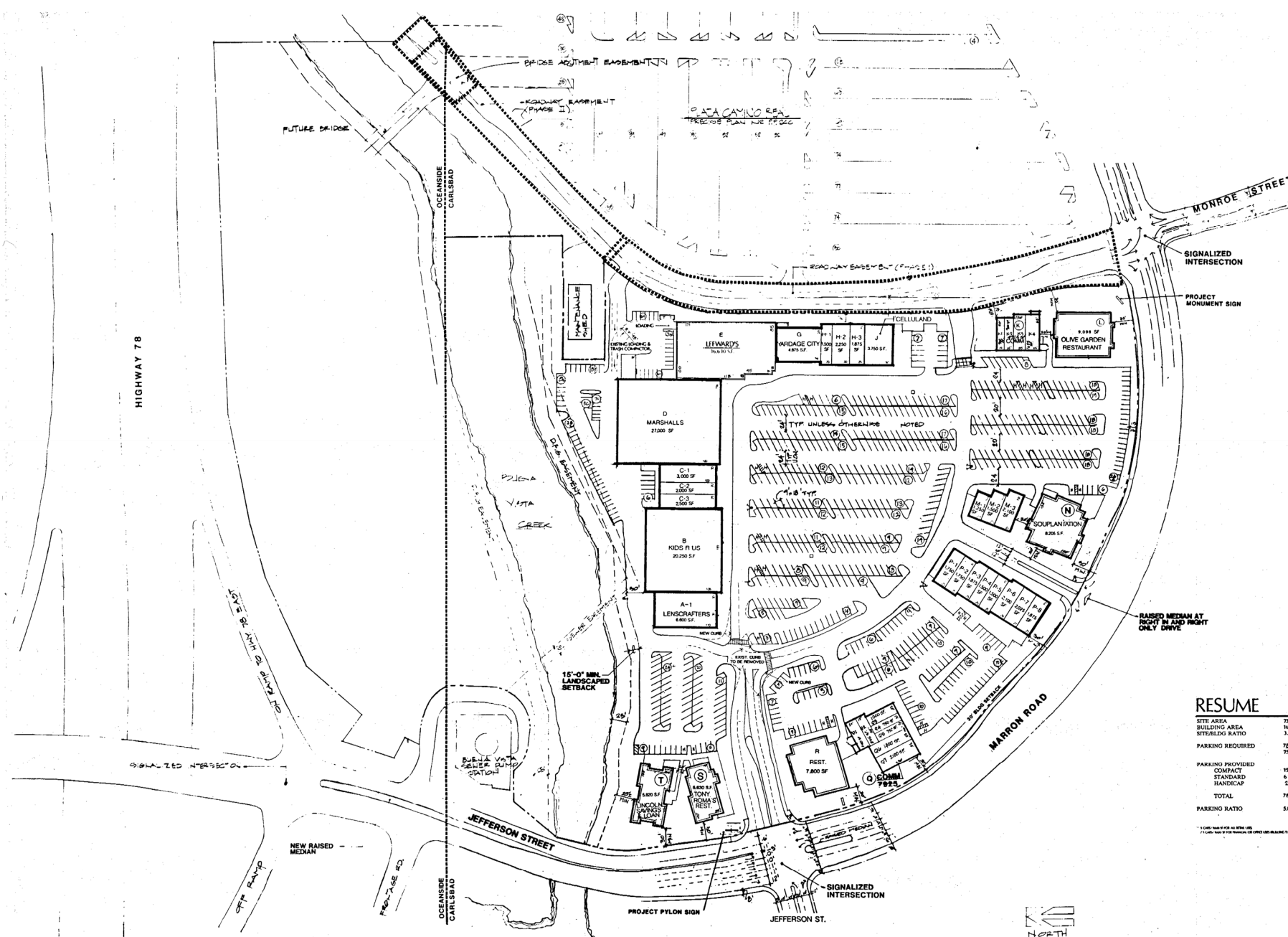


EXHIBIT B-1

STREETSCAPE CROSS SECTION - JEFFERSON ST. AND MARRON ROAD



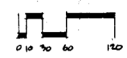
SP 187 10/1
NORTH COUNTY PLAZA



RESUME

SITE AREA	796,164 SF (18.7 AC)
BUILDING AREA	160,618 SF
SITE/BLDG RATIO	1.28 TO 1
PARKING REQUIRED	794 (AT 5 CARS/1000 SF) 757 (AT 4.7 CARS/1000 SF)
PARKING PROVIDED	193 SPACES (19%) 417 SPACES 25 SPACES 789 SPACES
PARKING RATIO	50 CARS/1000 SF

APPROVED
THIS IS THE APPROVED SITE PLAN FOR THE PROJECT AS SUBMITTED TO THE COMMISSION ON PLANNING AND DEVELOPMENT (SP 187) ON 11/15/05 BY Hughes Investments



NORTH COUNTY PLAZA

HUGHES INVESTMENTS

