



CITY COUNCIL Staff Report

Meeting Date: April 21, 2020

To: Mayor and City Council

From: Scott Chadwick, City Manager

Staff Contact: Steven Stewart, Municipal Projects Manager
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Michael Calderwood, Fire Chief
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Subject: Preliminary Design Plans, Specifications and Proposal Solicitation for the Reconstruction of Fire Station 2

Recommended Action

Adopt a resolution approving the preliminary design plans and specifications for reconstruction of Fire Station 2 and construction of a temporary fire station, Capital Improvement Program Project No. 4060, and authorizing the City Clerk to advertise for design-build proposals.

Executive Summary

Staff is seeking the City Council's approval of preliminary design plans and specifications for rebuilding Fire Station 2 that will be used to solicit a request for qualifications and a request for proposals from design-build firms to complete the work. Design-build firms handle both the design completion and construction of a project, which saves time. City Council selection of the awarding method is required under Carlsbad Municipal Code Section 3.28.085 (F). Staff recommends that the selection criteria for the winning proposal be based on paragraph 3 of Carlsbad Municipal Code Section 3.28.085 (F) given the highly prescriptive nature of the preliminary design plans and specifications.

Discussion

Background

Fire Station 2 was built in 1969 for one full-time firefighter and a yearly workload of fewer than 250 calls for service. Today, the station has a staff of five full-time firefighters who handle approximately 4,000 calls per year. The station, which was designed to house fire apparatus built in the 1960s, is too small to house the fire apparatus currently used by public safety staff. The station also lacks the fire separation between the fire apparatus parking area, working and living spaces and medical equipment supplies, which is required by the building code.

In November 2016, 71% of Carlsbad voters approved Measure O, which authorized the use of general fund money to rebuild Fire Station 2. Under a law passed by voters in 1982, the City of Carlsbad may not spend more than \$1 million in general fund money to purchase or improve city property without first getting voter approval.

On July 11, 2017, City Council adopted Resolution No. 2017-134, which authorized an agreement with Domusstudio Architecture, Inc. to develop preliminary design plans and specifications for reconstruction of Fire Station 2 and construction of a temporary fire station. On July 23, 2018, these plans and specifications were completed and submitted to the city Planning Division for formal processing. On Feb. 19, 2020, the Planning Commission adopted Resolution No. 7360 (Exhibit 2), which approved the conditional use permit, special use permit and variance required for the new station. On Feb. 19, 2020, the Planning Commission also adopted Resolution No. 7361 (Exhibit 3), which approved the conditional use permit and coastal development permit for the temporary fire station.

Reconstruction plans

Fire Station 2 will be rebuilt at the station's existing site. During the reconstruction work, the station's staff will operate out of temporary facilities in the parking lot area of the Carlsbad City Library.

The reconstructed fire station will:

- Have enlarged fire apparatus bays to accommodate new, modern fire response vehicles
- Be built to current building and seismic codes with consideration for green technologies
- Provide gender-specific facilities
- Ensure medical supplies and living quarters are not exposed to carcinogens from firefighting equipment
- Meet Occupational Safety and Health Administration and National Fire Protection Association standards
- Follow the architectural design elements of the surrounding community

Given the project's challenging site constraints, staff has chosen the design-build project delivery method over the more traditional method of putting the full design of the Project out to bid first and using a design-bid-build delivery method. The design-build approach allows a greater level of design and construction creativity. The first step in the design-build project delivery method is to develop project criteria (i.e., preliminary design plans and specifications), which disclose all site conditions and constraints known to the city and convey the city's requirements for the finished project.

Staff requests City Council approval of these preliminary design plans and specifications so the City Clerk can advertise them as part of a solicitation for a request for qualifications to prospective design-build firms under Carlsbad Municipal Code Section 3.28.085 (D)-(E). Staff will then solicit a request for proposals from the three most qualified design-build firms and select the firm able to provide the lowest responsive and responsible bid to the city for the project, in keeping with Carlsbad Municipal Code Section 3.28.085 (F)-(G) subparagraph F3. The city manager has recommended in writing the use of design-build procurement for this project. Given that the cost estimate from Measure O was dated in 2016, an additional appropriation may be necessary at the time of contract award if deemed reasonable by the City Council.

Climate Action Plan consistency

This project is consistent with measures B, G and J in the City of Carlsbad's Climate Action Plan. Additionally, this project will meet an objective of Council Policy No. 71.

These measures and that policy state:

- Measure B Action 1: “Require PV (photovoltaic solar array) on large new nonresidential construction.” The project work scope requires a photovoltaic solar array on the roof sized to meet the requirements of City Ordinance CS-347, which was approved by City Council on March 12, 2019.
- Measure G Action 2: “Commission city facilities.” The Project work scope requires a commissioning process that tests all newly installed mechanical and electrical systems to ensure operational efficiency.
- Measure J Action 2: “Solar water heating and heat pump ordinance for new nonresidential construction.” The Project work scope requires installation of a solar water heater to meet this requirement.
- Council Policy No. 71, subparagraph 2(a), on construction of civic facilities: “Whenever practicable and within a reasonable cost/benefit ratio, design and construct mechanical and electrical systems to achieve the maximum energy efficiency achievable with current technology.” The design for this Project meets the latest federal standards, as set forth in Title 24, with compliant heating, ventilation and air conditioning equipment, light-emitting diodes, or LED, light fixtures, and photovoltaic solar arrays to optimize electrical energy efficiency.

Fiscal Analysis

The cost of this construction project is estimated at \$10,045,739. That amount plus an additional 10% has been set aside to cover the cost of construction as well as any potential bid variations from this estimated value and any changes that may arise during construction. General Capital Construction Funds have been appropriated for this project as shown in the table below:

CITY OF CARLSBAD FIRE STATION 2 RECONSTRUCTION, CIP PROJECT NO. 4060	
Total appropriation to date	\$13,000,000
Total expenditures and encumbrances to date	\$937,138
CURRENT PROJECT ACCOUNT BALANCE	\$12,062,862
Construction (estimated contract amount)	\$10,045,739
Construction contingency (estimated)	\$1,004,574
Soft costs (construction management, design and staff time)	\$1,012,549
TOTAL ESTIMATED PROJECT COSTS	\$12,062,862
REMAINING BALANCE AFTER CIP PROJECT NO. 4060	\$0
ADDITIONAL APPROPRIATION NEEDED	\$0

Next Steps

City staff will advertise the plans and specifications on the city’s website and will return to the City Council in summer 2020 to request approval of an agreement with the prequalified design-build firm offering the lowest responsive and responsible bid for this work. Additional funding sources may be necessary at the time of contract award if deemed reasonable by the City Council.

Environmental Evaluation (CEQA)

The project has been reviewed pursuant to the California Environmental Quality Act and the Environmental Protection Ordinance (Title 19) of the Carlsbad Municipal Code. The environmental impact assessment prepared in conjunction with the project identified potentially significant impacts to cultural resources, as well as exposure of people to noise. Mitigation measures have been incorporated into the design of the project or have been placed as conditions of approval for the project such that all potentially significant impacts have been mitigated to below a level of significance. On Feb. 19, 2020, the Planning Commission approved Resolution No. 7359 adopting a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for Fire Station 2 and the temporary fire station. The recommended action is within the scope of these documents and no further environmental review is required per CEQA Guideline Section 15162.

Public Notification and Outreach

This item was noticed in accordance with the Ralph M. Brown Act and was available for public viewing and review at least 72 hours prior to the scheduled meeting date.

Exhibits

1. City Council resolution
2. Planning Commission Resolution No. 7360 for the Fire Station 2 project
3. Planning Commission Resolution No. 7361 for the temporary fire station project
4. Location map
5. Preliminary design plans and specifications (on file in the city clerk's office)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING THE PRELIMINARY DESIGN PLANS AND SPECIFICATIONS FOR RECONSTRUCTION OF FIRE STATION 2 AND CONSTRUCTION OF A TEMPORARY FIRE STATION, CAPITAL IMPROVEMENT PROGRAM (CIP) PROJECT NO. 4060 (PROJECT), AND AUTHORIZING THE CITY CLERK TO ADVERTISE FOR DESIGN-BUILD PROPOSAL SOLICITATION.

WHEREAS, Carlsbad voters approved Measure O in November 2016 for the Project; and

WHEREAS, the City Council of the City of Carlsbad, California has determined that the preliminary design plans and specifications have been completed to the satisfaction of city staff; and

WHEREAS, the project has been reviewed pursuant to the California Environmental Quality Act and the Environmental Protection Ordinance (Title 19) of the Carlsbad Municipal Code; and

WHEREAS, on Feb. 19, 2020, the Planning Commission adopted Resolution No. 7360, approving the conditional use permit, special use permit and variance required for the new station, and Resolution No. 7361 approving the conditional use permit and coastal development permit for the temporary fire station; and

WHEREAS, staff has prepared a Request for Qualifications (RFQ) to post on the City of Carlsbad website for the solicitation of qualifications from prospective design-build firms; and

WHEREAS, staff has prepared a Request for Proposals (RFP) to issue to the top three qualified design-build firms; and

WHEREAS, an independent cost estimate was prepared for the Project last year indicating that adequate funding had been appropriated.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Carlsbad, California, as follows:

1. That the above recitations are true and correct.
2. That the preliminary design plans and specifications for the Project are hereby approved and on file in the city clerk's office.
3. That the city clerk of the City of Carlsbad is hereby authorized and directed to publish, in accordance with State law and Carlsbad Municipal Code Section 3.28.085(D)-(E), a

Notice to design-build firms inviting RFQ's and RFP's for the Project, in accordance with the preliminary design plans and specifications referred to herein.

PASSED, APPROVED AND ADOPTED at a Regular Meeting of the City Council of the City of Carlsbad on the __ day of _____, 2020, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

MATT HALL, Mayor

BARBARA ENGLESON, City Clerk

(SEAL)

PLANNING COMMISSION RESOLUTION NO. 7360

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT, SPECIAL USE PERMIT, AND A VARIANCE TO CONSTRUCT A 10,782-SQUARE FOOT, TWO-STORY FIRE STATION IN PLACE OF EXISTING FIRE STATION NO. 2 AT 1906 ARENAL ROAD IN LOCAL FACILITIES MANAGEMENT ZONE 6.

CASE NAME: FIRE STATION NO. 2
 CASE NO.: CUP 2018-0014/SUP 2018-0009/V 2018-0007
 (PUB2018-0010)

WHEREAS, the City of Carlsbad, "Developer/Owner," has filed a verified application with the City of Carlsbad regarding property described as:

Lot 133 of La Costa Valley Unit No. 1, in the County of San Diego, State of California, according to Map thereof No. 5434, filed in the Office of the County Recorder of San Diego County, July 29, 1964

("the Property"); and

WHEREAS, said verified application constitutes a request for a Conditional Use Permit, Special Use Permit, and Variance as shown on Exhibits "A" – "Z" dated **February 19, 2020**, on file in the Planning Division, **CUP 2018-0014/SUP 2018-0009/V 2018-0007 – FIRE STATION NO. 2**, as provided by Chapter 21.40, 21.42 and 21.50 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **February 19, 2020**, 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 Conditional Use Permit, Special Use Permit and Variance.

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

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission **APPROVES CUP 2018-0014, SUP 2018-0009 and V 2018-0007 – FIRE STATION NO. 2**, based on the following findings and subject to the following conditions:

Findings:

Conditional Use Permit (CUP 2018-0014)

1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan, in that **the development of the fire station in the location proposed is supported by the community and the City Council given the passage of Proposition O and inclusion of the station in the city's capital improvement project budget. The proposal also complies with Goal 2-G.21 of the Land Use and Community Design - Growth Management Element to ensure that adequate public facilities and services are provided in a timely manner to preserve the quality of life of residents.**

2. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located in that **the project's design fits well with and complements its surroundings by incorporating elements of old California/Hispanic architectural style, the proposed fire station maintains compliance with the design theme established by the El Camino Real Corridor Development Standards Area 5 and blends in with the design of the adjacent Omni La Costa Resort and Spa. The new station would have old California/Hispanic architectural style details including white plaster walls, traditional terracotta tile walls, heavy wood timber trellises and wood siding accents, grid framed punched windows and native drought tolerant landscape palette. Further, the requested use would replace an existing 50 year-old fire station and incorporates design elements, such as perimeter walls, which help it fit with nearby residences.**

3. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the City Planner, Planning Commission or City Council, in order to integrate the use with other uses in the neighborhood, in that **CMC Section 21.42.140.A permits, through the CUP process and resulting findings and conditions, exemptions to be made to development standards with respect to front and side yard setbacks, off-street parking and building height. Due to the project site's irregular lot shape, small size, limited depth and the need for a larger fire station, the station is proposed within setbacks and is higher than the maximum permitted height. Furthermore, three parking spaces are also proposed partially in the Arenal Road right of way. As parking is required to be on-site, an exemption through CUP findings to permit off-site parking is proposed.**

Excluding allowed protrusions such as parapets, skylights, and rooftop equipment, the proposed height of the flat-roofed building is 32 feet whereas the R-1 zoning only allows a 24-foot height with a roof pitch of less than 3:12. A height above 24 feet is required to adequately house staff and fire apparatus on the small site. The height of the fire apparatus dictates the minimum width and height of the first-floor apparatus bays; this dictates a minimum first floor height of approximately 15'-5". The height of the residential space on the second floor has been designed to a code compliant minimum height. A flat roof design would be utilized to maximize useable interior space and minimize overall building height. While 32 feet is the maximum height to the top of the roof, protrusions proposed above the maximum roof height extend to approximately 33 feet to the top of parapet and 37 feet to the top of rooftop mechanical equipment.

4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use, in that **once the new fire station becomes operational, the**

service area is expected to remain the same as in the existing condition and it can reasonably be assumed that the frequency of emergency response requests would be like the existing conditions. Similarly, the signalized intersection will continue to use emergency vehicle pre-emption to allow access to and from the new fire station. Once operational, the roadway network would experience similar operating conditions as it currently does.

Scenic Corridor Special Use Permit (SUP 2018-0009)

5. The project is consistent with the purposes of the chapter and all other applicable requirements of this code, in that **the project complies with all applicable provisions of the El Camino Real Corridor Development Standards, except as discussed elsewhere in these findings. The old California/Hispanic architectural style maintains compliance with the design theme established by the El Camino Real Corridor Development Standards for Area 5 and blends in with the design of the adjacent Omni La Costa Resort and Spa.**
6. The project is consistent with the General Plan, Local Coastal Program, and applicable Master or Specific Plans, in that **the Project complies with General Plan Land Use and Community Design Element goals, including Land Use Goal 2-G.3, which states: "Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern" and Growth Management Goal 2-G.21: to "Ensure that adequate public facilities and services are provided in a timely manner to preserve the quality of life of residents." Furthermore, the Project is also within and consistent with the La Costa Master Plan (MP-149). The Master Plan identifies the Project site as a fire station and defers to the Zoning Ordinance for applicable standards.**
7. The project will not adversely affect the scenic, historical or cultural qualities of the property, in that **there are no notable landmarks, mountains or other unique topographical features on the property. Furthermore, the project is conditioned to implement the Cultural & Tribal Resources mitigation measures, which require archaeological and Native American monitors on site where known cultural resources have been identified in the area, during any ground disturbing activities. This will reduce any historical or cultural impacts to less than significant.**

El Camino Real Corridor Development Standards Deviations (SUP 2018-0009)

8. That compliance with a particular standard is not feasible for a particular project, in that **compliance with required setbacks along El Camino Real is not possible due to the irregular shape, small size, and limited depth of the existing fire station lot. The lot is hampered by two street frontages and irregular depth and width of lot. Further, a portion of the lot consists of an approximately 20-foot wide by 200-foot long "stem" along El Camino Real that connects the site to Estrella De Mar Road. Most of this stem is unusable and combined with the irregular lot dimensions and setback requirements, reduces the site's usable area and ability to accommodate a modern fire station, adequately house staff and fire apparatus, ancillary equipment, on-site parking, and provide necessary circulation and security.**
9. That the scenic qualities of the corridor will continue to be maintained if the standards are not fulfilled in that **the design of the new fire station blends elements of Old California/Hispanic architectural themes within the El Camino Real corridor into a fully functioning, technology enhanced, 'state of the art' fire station. Old California/Hispanic architecture is captured by using simple white plaster walls contrasted against the traditional terracotta tile walls that form the**

base and entries to the fire station. An entry tower would provide identity to the corner and identify the prominence of this new civic building. Heavy wood timber trellises and wood siding accents complement the other traditional materials. Grid framed punched windows and native drought tolerant landscape plantings are prominently visible on the public corner of El Camino Real and Arenal Road. The flat roofs and parapet walls allow for incorporating, while also screening from view, new technology, such as the proposed photovoltaic panels.

Additionally, by proposing an old California/Hispanic architectural style, the fire station maintains compliance with the design theme established by the El Camino Real Corridor Development Standards for Area 5 and blends in with the design of the adjacent Omni La Costa Resort and Spa. Further, the project's building height and minimal cut and fill grading meet the development standards and landscaping along the project perimeter and soften the building and perimeter wall that encroach into the setback. The project maintains existing grade differences and the general locations and heights of existing walls.

For example, due to grade differences between El Camino Real and the fire station building, the height of the "interior" side of the proposed wall would vary from five to nine feet as the property grade gradually drops in elevation from north to south. Similar to the existing fire station wall along El Camino Real, this interior side of the perimeter wall will not be in the public view. Instead, a maximum six-foot high wall and gate would be visible from El Camino Real. The wall would be made of block with a white stucco finish to match the adjacent Old California style walls located at the Omni La Costa Resort and Spa.

10. That the project will not have an adverse impact on traffic safety in that the new project driveways onto El Camino Real are necessary to facilitate more efficient and safe ingress and egress of emergency vehicles and personnel vehicles and to aid response times and that their use would be periodic and brief. Furthermore, the City Engineer and the city's Traffic Division have reviewed the additional driveways, as well as the bus stop and signal relocations proposed to accommodate the emergency vehicle exit onto El Camino Real, and have concluded the proposal is compliant with requirements. Therefore, no adverse impact on traffic safety is anticipated.
11. That the project is designed so as to meet the intent of the scenic preservation overlay zone in that since the project maintains the scenic quality objectives of the corridor standards, it also is consistent with the intent of the Scenic Preservation Overlay Zone (Zoning Ordinance Chapter 21.40). The Overlay Zone supplements the underlying zoning by providing additional regulations and guidelines (which the El Camino Real Corridor Development Standards provide) to guide development in designated areas, such as scenic corridors, and implement General Plan goals and objectives.

Consistent with the General Plan, the project fulfills Land Use and Community Design Element goals, including Land Use Goal 2-G.3 ("Promote infill development that makes efficient use of limited land supply, while ensuring compatibility and integration with existing uses. Ensure that infill properties develop with uses and development intensities supporting a cohesive development pattern") and Growth Management Goal 2-G.21 ("Ensure that adequate public facilities and services are provided in a timely manner to preserve the quality of life of residents").

Variance (V 2018-0007)

12. That because of special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification, in that **special circumstances of the subject property include its irregular shape, small size, limited depth, two street frontages, and grade. To accommodate the space needed for a modern fire station and to adequately and securely house staff and fire apparatus, the building and related features, including walls, encroach into setbacks or exceed maximum permitted heights. The strict application of the Zoning Ordinance, in particular its requirement that wall heights not exceed three and a half feet in the front setback and six feet elsewhere, combined with the property's special circumstances, deprive the property of privileges enjoyed by other properties in the vicinity, namely that of reasonable security and screening provided by a six-foot-high wall.**
13. That the variance shall not constitute a grant of special privileges inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located and is subject to any conditions necessary to assure compliance with this finding, in that **proposed wall heights exceeding those otherwise permitted do not represent a grant of special privilege. Instead, they are reasonable response to the need to provide screening and security for station equipment, medicines, sensitive information, and personnel vehicles considering property constraints, such as lot configuration and grades, and property surroundings, including frontage along El Camino Real and Arenal Road and adjacency with three single-family homes.**

Further, the portions of proposed wall heights exceeding six feet would not be readily visible to the public due to the presence of the fire station building and intervening walls, fencing and landscaping.

14. That the variance does not authorize a use or activity which is not otherwise expressly authorized by the zone regulation governing the subject property, in that **the proposal is a conditionally permitted use within the One-Family Residential (R-1) Zone and walls are ancillary to the use. A variance to allow wall heights above those permitted in the front setback and elsewhere does not permit an unauthorized use or activity.**
15. That the variance is consistent with the general purpose and intent of the general plan and any applicable specific or master plans, in that **the granting of a variance to allow walls exceeding permitted height maximums is consistent with the general purpose and intent of the General Plan for the R-4 residential land use designation to ensure neighborhood compatibility, adequate public facilities and public safety. Furthermore, the use is consistent with the La Costa Master Plan, which identifies the project site as a fire station and defers to the Zoning Ordinance for applicable development standards.**

General

16. That the project is consistent with the City's Landscape Manual and Water Efficient Landscape Ordinance (Carlsbad Municipal Code Chapter 18.50).
17. The project is consistent with the Citywide Facilities and Improvements Plan, the Local Facilities Management Plan for Zone 6 and all city public facility policies and ordinances. The project includes elements or has been conditioned to construct or provide funding to ensure that all

facilities and improvements regarding sewer collection and treatment; water; drainage; circulation; fire; schools; parks and other recreational facilities; libraries; government administrative facilities; and open space, related to the project will be installed to serve new development prior to or concurrent with need.

18. 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.

Conditions:

NOTE: Unless otherwise specified herein, all conditions shall be satisfied prior to **issuance of a grading or building 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 **Conditional Use Permit, Special Use Permit and Variance.**
2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Conditional Use Permit, Special Use Permit and Variance** 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. This project shall comply with all conditions and mitigation measures which are required as part of the Zone 6 Local Facilities Management Plan and any amendments made to that Plan prior to the issuance of building permits.
6. Developer shall implement, or cause the implementation of, the **applicable mitigation measures as stated in the Mitigation Monitoring and Reporting Program (MMR&P) for the Project. All mitigation measures shall be incorporated into final construction plans and specification documents.**

7. Developer shall implement the **cultural resource procedures, which would require monitoring in areas that intersect with known archaeological sites that may contain tribal cultural resources in compliance with City Council Policy 83 and the city's Tribal, Cultural and Paleontological Resources Guidelines (September 2017). This shall be incorporated into final construction plans and specification documents.**
8. 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 **Conditional Use Permit, Special Use Permit and Variance**, (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.
9. Prior to submittal of the building plans, improvement plans, or grading plans, whichever occurs first, developer shall submit to the City Planner, a 24" x 36" copy of the **Site Plan**, conceptual grading plan reflecting the conditions approved by the final decision-making body. The copy shall be submitted to the City Planner, reviewed and, if found acceptable, signed by the city's project planner and project engineer. If no changes were required, the approved exhibits shall fulfill this condition.
10. This approval is granted subject to the approval of **Conditional Use Permit CUP 2019-0034** and **Coastal Development Permit CDP 2019-0030** and is subject to all conditions contained in Planning Commission Resolution No. **7361** for those other approvals incorporated herein by reference.
11. Prior to the issuance of a building permit, the Developer shall provide proof to the Director from the **Carlsbad Unified School District** that this project has satisfied its obligation to provide school facilities.
12. Building permits will not be issued for this project unless the local agency providing water and sewer services to the project provides written certification to the city that adequate water service and sewer facilities, respectively, are available to the project at the time of the application for the building permit, and that water and sewer capacity and facilities will continue to be available until the time of occupancy.
13. This approval shall become null and void if building permits are not issued for this project within 24 months from the date of project approval.
14. **CUP 2018-0014** shall be reviewed by the City Planner annually to determine if all conditions of this permit have been met and that the use does not have a substantial negative effect on surrounding properties or the public health, safety and general welfare. If the City Planner determines that: 1) the Conditional Use Permit was obtained by fraud or misrepresentation; or 2) the use for which such approval was granted is not being exercised; or 3) the Conditional Use Permit is being or recently has been exercised contrary to any of the terms or conditions of approval or the conditions of approval have not been met; or 4) the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or 5) the use is in

violation of any statute, ordinance, law or regulation; or 6) the use permitted by the Conditional Use Permit is being or has been so exercised as to be detrimental to the public health, safety or welfare or so as to constitute a nuisance, the City Planner shall recommend that the Planning Commission hold a public hearing and after providing the permittee the opportunity to be heard, the Planning Commission may revoke and terminate the Conditional Use Permit in whole or in part, reaffirm the Conditional Use Permit, modify the conditions or impose new conditions.

15. This Conditional Use Permit is granted without an expiration date. This permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed herein have not been met.
16. Developer shall submit and obtain City Planner 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 and irrigation as shown on the approved Final Plans. All landscaping shall be maintained in a healthy and thriving condition, free from weeds, trash, and debris. All irrigation systems shall be maintained to provide the optimum amount of water to the landscape for plant growth without causing soil erosion and runoff.
17. The first submittal of Final Landscape and Irrigation Plans shall be pursuant to the landscape plan check process on file in the Planning Division and accompanied by the project's building, improvement, and grading plans.
18. All roof appurtenances, including air conditioners, shall be architecturally integrated and concealed from view and the sound buffered from adjacent properties and streets, in substance as provided in Building Department Policy No. 80-6, to the satisfaction of the Directors of Community Development and Planning.
19. Developer shall construct trash receptacle and recycling areas enclosed by a six-foot high masonry wall with gates pursuant to City Engineering Standards and Carlsbad Municipal Code Chapter 21.105. Location of said receptacles shall be approved by the City Planner. Enclosure shall be of similar colors and/or materials to the project to the satisfaction of the City Planner.
20. 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.
21. Developer shall construct trash receptacle and recycling areas enclosed by a six-foot high masonry wall with gates pursuant to City Engineering Standards and Carlsbad Municipal Code Chapter 21.105. Location of said receptacles shall be approved by the City Planner. Enclosure shall be of similar colors and/or materials to the project to the satisfaction of the City Planner.
22. **Developer shall construct a six-foot-high masonry site wall in place of the approximate 20-foot length of wrought iron fence identified by plan elevation detail "4/A004" on plan sheet "A002.) The required site wall shall separate staff parking space 7 from the nearby residence at 7243 Estrella De Mar Road, as shown on plan sheet "A002."**

Engineering Conditions:

General

23. Prior to hauling dirt or construction materials to or from any proposed construction site within this project, developer shall apply for and obtain approval from, the City Engineer for the proposed haul route.
24. Developer shall submit to the City Engineer written approval from North County Transit District (NCTD) demonstrating mass-transit improvement requirements for this project have been satisfied.

Grading

25. Based upon a review of the proposed grading and the grading quantities shown on the site plan, a grading permit for this project is required. Developer shall prepare and submit plans and technical studies/reports as required by City Engineer, post security and pay all applicable grading plan review and permit fees per the city's latest fee schedule.
26. This project may require 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

27. 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.
28. Developer shall complete and submit to the City Engineer a Determination of Project's SWPPP Tier Level and Construction Threat Level Form pursuant to City Engineering Standards. Developer shall also submit the appropriate Tier level Storm Water Compliance form and appropriate Tier level Storm Water Pollution Prevention Plan (SWPPP) to the satisfaction of the City Engineer. Developer shall pay all applicable SWPPP plan review and inspection fees per the city's latest fee schedule.
29. Developer shall complete the City of Carlsbad Standard Stormwater Requirement Checklist Form. Developer is responsible to ensure that all final design plans, grading plans, and building plans incorporate applicable best management practices (BMPs). These BMPs include site design, source control and Low Impact Design (LID) measures including, but not limited to, minimizing the

use of impervious area (paving), routing run-off from impervious area to pervious/landscape areas, preventing illicit discharges into the storm drain and adding storm drain stenciling or signage all to the satisfaction of the City Engineer.

Dedications/Improvements

- 30. Prior to any work in the city right-of-way or public easements, Developer shall apply for and obtain a right-of-way permit to the satisfaction of the City Engineer.

Code Reminder:

- 31. 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 or occupancy permit issuance**, except as otherwise specifically provided herein.
- 32. The project shall comply with the latest nonresidential disabled access requirements pursuant to Title 24 of the California Building Code.
- 33. Premise identification (addresses) shall be provided consistent with Carlsbad Municipal Code Section 18.04.320.
- 34. Any signs proposed for this development shall at a minimum be designed in conformance with the city's Sign Ordinance and shall require review and approval of the City Planner prior to installation of such signs.

NOTICE TO APPLICANT

An appeal of this decision to the City Council must be filed with the City Clerk at 1200 Carlsbad Village Drive, Carlsbad, California, 92008, within ten (10) calendar days of the date of the Planning Commission's decision. Pursuant to Carlsbad Municipal Code Chapter 21.54, section 21.54.150, the appeal must be in writing and state the reason(s) for the appeal. The City Council must make a determination on the appeal prior to any judicial review.

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.

PASSED, APPROVED, AND ADOPTED at a regular meeting of the Planning Commission of the City of Carlsbad, California, held on **February 19, 2020** by the following vote, to wit:

AYES: Commissioners Geldner, Lafferty, Meenes, Merz and Stine

NOES: Chair Anderson, Commissioner Luna

ABSENT:

ABSTAIN:



Velyn Anderson, Chairperson
CARLSBAD PLANNING COMMISSION

ATTEST:



DON NEU
City Planner

PLANNING COMMISSION RESOLUTION NO. 7361

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CARLSBAD, CALIFORNIA, APPROVING A CONDITIONAL USE PERMIT AND COASTAL DEVELOPMENT PERMIT FOR A TEMPORARY FIRE STATION IN A PORTION OF THE DOVE LIBRARY PARKING LOT AT 1775 DOVE LANE IN LOCAL FACILITIES MANAGEMENT ZONE 6.

CASE NAME: FIRE STATION NO. 2 TEMPORARY LOCATION
 CASE NO.: CUP 2019-0034/CDP 2019-0030 (PUB2018-0010)

WHEREAS, the City of Carlsbad, "Developer/Owner," has filed a verified application with the City of Carlsbad regarding property described as:

Parcel 2 of Parcel Map 16044, in the City of Carlsbad, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, April 5, 1990.

("the Property"); and

WHEREAS, said verified application constitutes a request for a Conditional Use Permit and Coastal Development Permit as --shown on Exhibits "A" -- "P" dated **February 19, 2020**, on file in the Planning Division, **CUP 2019-0034/CDP 2019-0030 -- FIRE STATION NO. 2 TEMPORARY LOCATION**, as provided by Chapters 21.42 and 21.201 of the Carlsbad Municipal Code; and

WHEREAS, the Planning Commission did, on **February 19, 2020**, 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 Conditional Use Permit and Coastal Development Permit.

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

- A) That the foregoing recitations are true and correct.
- B) That based on the evidence presented at the public hearing, the Commission **APPROVES CUP 2019-0034 and CDP 2019-0030 -- FIRE STATION NO. 2 TEMPORARY LOCATION**, based on the following findings and subject to the following conditions:

Findings:

Conditional Use Permit (CUP 2019-0034)

1. That the requested use is necessary or desirable for the development of the community, and is in harmony with the various elements and objectives of the general plan, including, if applicable, the certified local coastal program, specific plan or master plan, in that **development of the temporary fire station proposed complies with Goal 2-G.21 of the Land Use and Community Design Element to ensure that adequate public facilities and services are provided in a timely manner to preserve the quality of life of residents and with Policy 2-P.41 of the element to ensure compatibility among different land uses.**
2. That the requested use is not detrimental to existing uses or to uses specifically permitted in the zone in which the proposed use is to be located in that **the temporary fire station, located within the northern parking lot of the library, is positioned away from primary view corridors, vehicle entries and pedestrian areas of the library and adjacent shopping center, is surrounded and screened by chain link fencing with privacy slats, and is designed with a separate driveway and adequate maneuvering area to not conflict with library, shopping center, or Dove Lane vehicle circulation. In addition, the temporary station does not conflict with pedestrian and bicyclist circulation as it does not remove or negatively impact sidewalks and bicycle paths.**
3. That the site for the proposed conditional use is adequate in size and shape to accommodate the yards, setbacks, walls, fences, parking, loading facilities, buffer areas, landscaping and other development features prescribed in this code and required by the City Planner, planning commission or City Council, in order to integrate the use with other uses in the neighborhood, in that **the temporary use of the northern parking lot is adequate in size and shape to accommodate the temporary facility, comply with required setbacks, and provide adequate screening, circulation, and parking area. No permanent improvements are proposed. Further, despite the temporary loss of most parking on the library's north side, adequate parking to serve patrons exists or can be provided elsewhere on the site and, as necessary, can be added along Dove Lane. Residential uses near the temporary station are separated from it by a 50-foot tall slope and a distance of 90-feet.**
4. That the street system serving the proposed use is adequate to properly handle all traffic generated by the proposed use, in that **the proposed temporary fire station will be served by its own driveway and maneuvering area such that circulation of fire station personnel and emergency vehicles will not conflict with library, shopping center, or Dove Lane traffic. Further, as the area served by the temporary station (Fire District 2) would remain the same as that served by existing Fire Station 2 approximately one mile south, it can reasonably be assumed that the frequency of emergency response requests would be similar to that of the existing fire station. Similarly, emergency vehicle pre-emption is proposed for the signalized intersection at El Camino Real and Dove Lane. Thus, the roadway network would experience similar, acceptable operating conditions as it currently does.**

Coastal Development Permit (CDP 2019-0030)

5. That the proposed development is in conformance with the Certified Local Coastal Program and all applicable policies in that **the temporary improvements are proposed on a fully developed site located 2.5 miles from the coast and will not impact sensitive coastal resources, agriculture,**

or impact views or public access. Further, the project site is not in an area of known geologic instability.

6. The proposal is in conformity with the public access and recreation policies of Chapter 3 of the Coastal Act in that **the project site's inland location will not interfere with coastal access nor any coastal recreational opportunities, such as water-oriented activities, hiking, bird watching, or use of recreational facilities.**
7. The project is consistent with the provisions of the Coastal Resource Protection Overlay Zone (Chapter 21.203 of the Zoning Ordinance) in that the project will adhere to the city's Master Drainage Plan, Grading Ordinance, Storm Water Ordinance, BMP Design Manual and Jurisdictional Runoff Management Program (JRMP) to avoid increased urban runoff, pollutants, and soil erosion. As it is already developed as a parking lot with adjacent planters, no steep slopes or native vegetation are located on the subject property and the site is not located in an area prone to landslides, or susceptible to accelerated erosion, floods, or liquefaction.

General

8. The project is consistent with the Citywide Facilities and Improvements Plan, the Local Facilities Management Plan for Zone 6 and all city public facility policies and ordinances. The project includes elements or has been conditioned to construct or provide funding to ensure that all facilities and improvements regarding sewer collection and treatment; water; drainage; circulation; fire; schools; parks and other recreational facilities; libraries; government administrative facilities; and open space, related to the project will be installed to serve new development prior to or concurrent with need.
9. 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.

Conditions:

NOTE: Unless otherwise specified herein, all conditions shall be satisfied prior to **issuance of a building permit.**

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 **Conditional Use Permit and Coastal Development Permit.**
2. Staff is authorized and directed to make, or require the Developer to make, all corrections and modifications to the **Conditional Use Permit and Coastal 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. This project shall comply with all conditions and mitigation measures which are required as part of the Zone 6 Local Facilities Management Plan and any amendments made to that Plan prior to the issuance of building permits.
6. Developer shall implement, or cause the implementation of, the **applicable mitigation measures as stated in the Mitigation Monitoring and Reporting Program (MMR&P) for the Project. All mitigation measures shall be incorporated into final construction plans and specification documents.**
7. 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 **Conditional Use Permit and Coastal Development Permit**, (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.
8. Prior to submittal of the building plans or improvement plans, whichever occurs first, developer shall submit to the City Planner, a 24" x 36" copy of the **Site Plan** reflecting the conditions approved by the final decision-making body. The copy shall be submitted to the City Planner, reviewed and, if found acceptable, signed by the city's project planner and project engineer. If no changes were required, the approved exhibits shall fulfill this condition.
9. This approval is granted subject to the approval of **Conditional Use Permit CUP 2018-0014, Special Use Permit SUP 2018-0009 and Variance V 2018-0007** and is subject to all conditions contained in Planning Commission Resolution No. **7360** for those other approvals incorporated herein by reference.
10. Prior to the issuance of a building permit, the Developer shall provide proof to the Director from the **Carlsbad Unified** School District that this project has satisfied its obligation to provide school facilities.
11. Building permits will not be issued for this project unless the local agency providing water and sewer services to the project provides written certification to the city that adequate water service

and sewer facilities, respectively, are available to the project at the time of the application for the building permit, and that water and sewer capacity and facilities will continue to be available until the time of occupancy.

12. This approval shall become null and void if building permits are not issued for this project within 24 months from the date of project approval.
13. **CUP 2019-0034** shall be reviewed by the City Planner annually to determine if all conditions of this permit have been met and that the use does not have a substantial negative effect on surrounding properties or the public health, safety and general welfare. If the City Planner determines that: 1) the Conditional Use Permit was obtained by fraud or misrepresentation; or 2) the use for which such approval was granted is not being exercised; or 3) the Conditional Use Permit is being or recently has been exercised contrary to any of the terms or conditions of approval or the conditions of approval have not been met; or 4) the use for which such approval was granted has ceased to exist or has been suspended for one year or more; or 5) the use is in violation of any statute, ordinance, law or regulation; or 6) the use permitted by the Conditional Use Permit is being or has been so exercised as to be detrimental to the public health, safety or welfare or so as to constitute a nuisance, the City Planner shall recommend that the Planning Commission hold a public hearing and after providing the permittee the opportunity to be heard, the Planning Commission may revoke and terminate the Conditional Use Permit in whole or in part, reaffirm the Conditional Use Permit, modify the conditions or impose new conditions.
14. This Conditional Use Permit is granted **for a maximum period of five years except that the temporary improvements approved herein shall be permitted only as long as necessary to enable construction and initial occupancy of permanent Fire Station No. 2 at 1906 Arenal Road (CUP 2018-0014)**. This permit may be revoked at any time after a public hearing, if it is found that the use has a substantial detrimental effect on surrounding land uses and the public's health and welfare, or the conditions imposed herein have not been met.
15. **Temporary improvements approved herein, including above and below ground utilities, shall be removed within 120 days of occupancy of permanent Fire Station No. 2 at 1906 Arenal Road (CUP 2018-0014). Within that time frame, the project site, including landscaping, sidewalk, parking lot striping, etc., shall be restored to its prior configuration. Removal of temporary improvements and site restoration shall be performed to the satisfaction of the City Planner, City Engineer, and Library and Cultural Arts Director, as appropriate.**
16. **Landscaping and irrigation removed or damaged to accommodate temporary improvements, such as the driveway to Dove Lane, shall be promptly repaired or replaced, as appropriate, and maintained in a manner compatible with adjacent landscaped areas.**
17. **Fire Department staff shall delay engine checks until after 9 a.m. In the event of an emergency call, staff shall delay siren activation for both the fire engine and ambulance until entering El Camino Real unless siren activation is necessary for public safety.**
18. All roof appurtenances, including air conditioners, shall be architecturally integrated and concealed from view and the sound buffered from adjacent properties and streets, in substance as provided in Building Department Policy No. 80-6, to the satisfaction of the Directors of Community Development and Planning.

19. 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.
20. Developer shall construct trash receptacle and recycling areas pursuant to City Engineering Standards and Carlsbad Municipal Code Chapter 21.105, **except that receptacles shall be enclosed by a six-foot-high chain link fence and gate with privacy slats, at a minimum.** Location of said receptacles shall be approved by the City Planner. Enclosure shall be of similar colors and/or materials to the project to the satisfaction of the City Planner.

Engineering Conditions:

General

21. 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.

Storm Water Quality

22. 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.
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Dedication/Improvements

25. Prior to any work in the city right-of-way or public easements, Developer shall apply for and obtain a right-of-way permit to the satisfaction of the city engineer.

26. **Upon vacation of the temporary station, Developer shall restore the temporary emergency vehicle driveway access to curb, gutter, and sidewalk to the satisfaction of the city engineer.**
27. **Upon vacation of the temporary station, Developer shall remove and abandon the water laterals and sewer lateral serving the temporary station.**

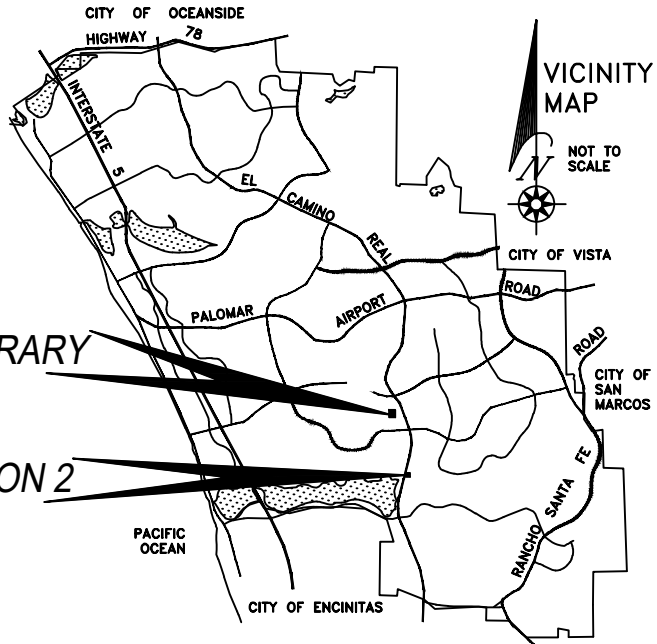
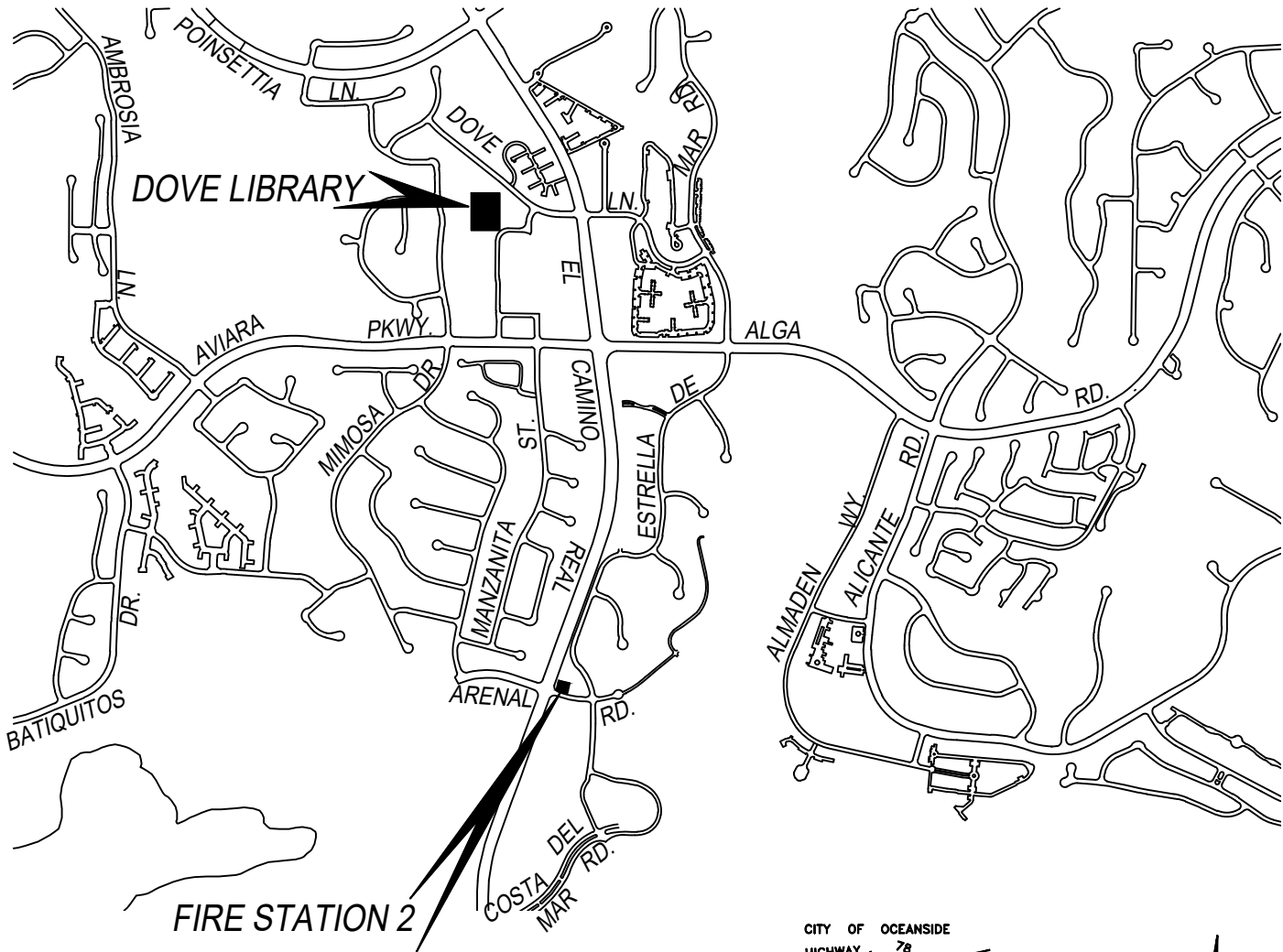
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LOCATION MAP



PROJECT NAME

FIRE STATION 2 RECONSTRUCTION AND TEMPORARY STATION CONSTRUCTION

EXHIBIT

4