

South Carlsbad Coastal Redevelopment Project

Redevelopment Plan

Prepared for:

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SECTION I. (100) INTRODUCTION

A. (101) General

This is the Redevelopment Plan for the South Carlsbad Coastal Redevelopment Project (“Plan”), located in the City of Carlsbad, California. It consists of the text (Sections 100 through 1100), the Project Area Map of the South Carlsbad Coastal Redevelopment Project Area (“Project Area”) (Exhibit A), the legal description of the Project Area boundaries (Exhibit B), a listing of the proposed projects, public facilities, and infrastructure improvement projects (Exhibit C), and a diagram of permitted land uses (Exhibit D).

This Plan has been prepared by the Carlsbad Housing and Redevelopment Commission (“Commission”) pursuant to the California Community Redevelopment Law (Health and Safety Code Section 33000, *et seq.*), the California Constitution and all applicable laws and ordinances. It does not present a specific plan for the redevelopment, rehabilitation and revitalization of any area within the Project Area; instead, it establishes a process and framework for implementation.

This Plan is based upon a Preliminary Plan formulated and adopted by the Carlsbad Planning Commission and Housing and Redevelopment Commission on October 6, 1999 and October 19, 1999, respectively.

SECTION II. (200) GENERAL DEFINITIONS

The following definitions will be used generally in the context of this Plan unless otherwise specified herein:

- A. “Annual Work Program” means that portion of the Commission's annual budget that sets forth programs and goals to be accomplished by the Commission during the fiscal year.
- B. “City” means the City of Carlsbad, California.
- C. “City Council” means the legislative body of the City.
- D. “Commission” means the Carlsbad Housing and Redevelopment Commission.
- E. “County” means the County of San Diego, California.
- F. “Disposition and Development Agreement” means an agreement between a developer and the Commission that sets forth terms and conditions for improvement and redevelopment.

- G. "General Plan" means the General Plan of the City, the comprehensive and long-term general plan for the physical development of the City, as it exists today or is hereafter amended.
- H. "Legal Description" means the metes and bounds legal description of the Project Area attached hereto as Exhibit B.
- I. "Map" means the map of the Project Area attached hereto as Exhibit A.
- J. "Method of Relocation" means the methods or plans adopted by the Commission pursuant to Sections 33352(f) and 33411 of the Redevelopment Law for the relocation of families, persons and businesses to be temporarily or permanently displaced by actions of the Commission.
- K. "Ordinance" means City Council Ordinance No. NS-553 adopted on July 18, 2000 adopting this Plan.
- L. "Owner Participation Agreement" means an agreement between the Commission and an Owner which sets forth terms and conditions for use of property, and/or its improvement and/or its redevelopment as to a specific property.
- M. "Person" means an individual(s), or any public or private entities.
- N. "Plan" means the Redevelopment Plan for the South Carlsbad Coastal Redevelopment Project.
- O. "Project" means the South Carlsbad Coastal Redevelopment Project.
- P. "Project Area" means the South Carlsbad Coastal Redevelopment Project Area, which is the territory this Plan applies to, as shown on Exhibit A.
- Q. "Redevelopment Law" means the California Community Redevelopment Law (Health and Safety Code, Sections 33000, et seq.) as it now exists or may be hereafter amended.
- R. "Redevelopment Permit" means a permit issued by the Commission, pursuant to this Plan, for all rehabilitation, redevelopment, and development activities involving private and public real property, buildings, facilities, and infrastructure systems within the Project Area.
- S. "State" means the State of California.
- T. "State Law" means an enactment of State of California, and includes such regulations as have the force of law.

SECTION III. (300) PROJECT AREA BOUNDARIES

The boundaries of the Project Area are illustrated on the map attached hereto and incorporated herein as Exhibit A. The legal description of the boundaries of the Project Area is as described in Exhibit B attached hereto and incorporated herein.

SECTION IV. (400) REDEVELOPMENT PLAN GOALS

This Plan is intended to achieve the following goals:

- Eliminating blight and environmental deficiencies in the Project Area.
- Assembling of land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area.
- Replanning, redesigning, and developing properties which are stagnant or improperly utilized.
- Increasing, improving, and preserving the community's supply of housing affordable to very low, low, and moderate income households.
- Developing new beach and coastal recreational opportunities.
- Facilitating the redevelopment of the Encina power generating facility to a smaller, more efficient power generating plant.
- Funding the Carlsbad Boulevard realignment which will yield excess property that could facilitate expansion of the Carlsbad State Beach campgrounds and other recreational facilities.
- Retaining as many existing businesses as possible by means of redevelopment and rehabilitation activities.
- Enhancing commercial and recreational functions in the Project Area.
- Strengthening the economic base of the Project Area and the community by the installation of needed on- and off-site improvements to stimulate new commercial/industrial expansion, employment, and economic growth.
- Increasing parking and open spaces amenities.
- Implementing performance criteria to assure quality site design environmental standards to provide unity and integrity to the entire Project Area development.

SECTION V. (500) REDEVELOPMENT ACTIONS

A. (501) General

The Commission proposes to alleviate and prevent the spread of blight and deterioration in the Project Area through:

1. The acquisition, installation, construction, reconstruction, redesign, or reuse of streets, utilities, curbs, gutters, sidewalks, traffic control devices, flood control facilities, buildings, structures, parks, playgrounds, and other public improvements.
2. The rehabilitation, remodeling, demolition, or removal of buildings, structures, and improvements.
3. The rehabilitation, development, preservation, provision, or construction of affordable housing in compliance with State Law.
4. Providing the opportunity for participation by owners and tenants presently located in the Project Area and the extension of preferences to persons engaged in business desiring to remain or relocate within the redeveloped Project Area.
5. Providing relocation assistance to displaced residential and nonresidential occupants in accordance with applicable State Law.
6. The development or redevelopment of land by private enterprise or public agencies for purposes and uses consistent with the objectives of this Plan.
7. The acquisition of real property, personal property, any interest in property, and improvements on the property by purchase, lease, option, grant, bequest, gift, devise, or any other lawful means, or, where it is deemed necessary, by exercising the power of eminent domain, as permitted by Section 503 of this Plan, after conducting appropriate public hearings and making appropriate findings.
8. Site preparation and development and construction of necessary off-site improvements.
9. Increasing open space.
10. Managing property acquired by the Commission.

11. Providing financing for the assistance of commercial and industrial development that increases the economic base of both the Project Area and the City, and the number of temporary and permanent jobs.
12. The disposition of real, personal, or any interest in property through methods such as sale, lease, exchange, subdivision, transfer, assignment, pledge, encumbrance or any other lawful means of disposition.
13. Recommending standards to ensure that property will continue to be used in accordance with this Plan.
14. The closure or vacation of certain streets and the dedication of other areas for public purposes.
15. Providing replacement housing, as required.
16. Applying for, receiving and utilizing grants and loans from federal or state governments or any other source.
17. Clearing or moving buildings, structures or other improvements from any real property acquired by the Commission.

To accomplish these actions and to implement this Plan, the Commission is authorized to use the powers provided in this Plan, and the powers now or hereafter permitted by the Redevelopment Law and any other State law.

B. (502) Property Acquisition

1. (503) Acquisition of Real Property

The Commission may acquire real property by any means authorized by law, including by gift, grant, exchange, purchase, cooperative negotiations, lease or any other means authorized by law, including eminent domain.

Except as otherwise provided by law, no eminent domain proceeding to acquire property within the Project Area shall be commenced after twelve (12) years following the date of adoption of the Ordinance. Such time limitations may be extended only by amendment of this Plan.

To the extent required by law, the Commission shall not acquire real property on which an existing building is to be continued on its present site and in its present form and use without the consent of the owner, unless: (1) such building requires structural alteration, improvement, modernization or rehabilitation; or (2) the site or lot on which the building is situated requires modification in size, shape or use; or (3) it is necessary to impose upon such property any of the standards,

restrictions and controls of this Plan and the owner fails or refuses to participate in the Plan pursuant to Sections 506 through 509 of this Plan and applicable provisions of the Redevelopment Law.

2. (504) Acquisition of Personal Property, Any Other Interest in Real Property, or Any Improvements in Real Property

Where necessary in the implementation of this Plan, the Commission is authorized to acquire personal property any other interest in property and any improvements on property by any lawful means.

C. (505) Participation by Owners and Persons Engaged in Business

1. (506) Owner Participation

This Plan provides for opportunities for participation in the redevelopment of property in the Project Area by the owners of all or part of such property if the owners agree to participate in the redevelopment in conformity with this Plan.

Opportunities to participate in the redevelopment of property in the Project Area may include without limitation the rehabilitation of property or structures; the retention of improvements; the development of all or a portion of the participant's property; the acquisition of adjacent or other properties from the Commission; purchasing or leasing properties in the Project Area; participating with developers in the improvement of all or a portion of a participant's properties; or other suitable means consistent with objectives and proposals of this Plan and with the Commission's rules governing owner participation and re-entry.

In addition to opportunities for participation by individual persons and firms, participation, to the extent it is feasible, shall be available for two or more persons, firms or institutions, to join together in partnerships, corporations, or other joint entities.

The Commission desires participation in redevelopment activities by as many owners and business tenants as possible. However, participation opportunities shall necessarily be subject to and limited by such factors as the provision or expansion of public improvements and/or public utilities facilities; elimination and changing of land uses; realignment of streets; the ability of owners and business tenants to finance acquisition and development activities in accordance with this Plan; development experience, where applicable, availability of franchises, whether the proposed activities conform to and further the goals and objectives of this Plan; and any change in the total number of individual parcels in the Project Area.

2. (507) Reentry Preferences for Persons Engaged in Business in the Project Area

The Commission shall extend reasonable preferences to persons who are engaged in business in the Project Area to relocate and reenter in business in the redeveloped area, if they otherwise meet the requirements prescribed by this Plan and the Commission's rules governing owner participation and re-entry.

3. (508) Owner Participation Agreements

Under an Owner Participation Agreement, the participant shall agree to rehabilitate, develop, or use the property in conformance with this Plan and be subject to the provisions hereof. In the Owner Participation Agreement, participants who retain real property shall be required to join in the recordation of such documents as are necessary to make the provisions of this Plan applicable to their properties.

Owner Participation Agreements shall include appropriate remedies such as the ability of the Commission to declare the Owner Participation Agreement terminated and acquire the real property or any interest therein, and sell or lease such real property or interest therein for rehabilitation or development in accordance with this Plan in the event a participant breaches the terms of such Owner Participation Agreement.

If conflicts develop between the desires of participants for particular sites or land uses, the Commission is authorized to establish reasonable priorities and preferences among the owners and tenants.

Where the Commission determines that a proposal for participation is not feasible, is not in the best interests of the Commission or City or that redevelopment can best be accomplished without affording a participant an opportunity to execute an Owner Participation Agreement, the Commission shall not be required to execute an Owner Participation Agreement.

D. (509) Implementing Rules

The provisions of Sections 505 through 508 of this Plan shall be implemented according to the rules adopted by the Commission prior to the approval of the Ordinance, which may be amended from time to time by the Commission. Such rules allow for Owner Participation Agreements with the Commission.

E. (510) Cooperation with Public Bodies

Certain public bodies are authorized by State Law to aid and cooperate, with or without consideration, in the planning and implementation of activities authorized by this Plan.

The Commission shall seek the aid and cooperation of such public bodies and shall attempt to coordinate the implementation of this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and to achieve the highest public good.

Property of a public body shall not be acquired without its consent in accordance with State Law. The Commission shall seek the cooperation of all public bodies which own or intend to acquire property in the Project Area.

The Commission may impose on all public bodies the planning and design controls contained in and authorized by this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan. The Commission is authorized, to the extent permissible by law, to financially (and otherwise) assist public bodies in the cost of public land, buildings, facilities, structures or other improvements (within or outside the Project Area) where such land, buildings, facilities, structures, or other improvements are of benefit to the Project Area.

F. (511) Property Management

During such time as property, if any, in the Project Area is owned by the Commission, such property shall be under the management and control of the Commission. Such properties may be rented or leased by the Commission pending their disposition.

G. (512) Payments to Taxing Agencies

The Commission may pay, but is not required to pay, in any year during which it owns property in the Project Area directly to any City, County or district, including, but not limited to, a school district, or other public corporation for whose benefit a tax would have been levied upon such property had it not been tax exempt, an amount of money in lieu of taxes.

In addition, to the extent required by State Law, the Commission shall remit payments to the affected taxing agencies in a manner consistent with Section 33607.5, Section 33676(b), and any other pertinent and applicable sections of the Redevelopment Law.

All such amounts shall be calculated after the amount required to be deposited in the Low and Moderate Income Housing Fund has been deducted from the total amount of tax increment funds received by the Commission in the applicable fiscal year. Such payments shall be reduced in accordance with the provisions of Section 33607.5 of the Redevelopment Law or any other applicable statute. Such payments shall be the exclusive payments that are required to be made by the Commission to affected taxing entities for the duration of this Plan. Such payments may be subordinated to loans, bonds, or other Commission indebtedness as provided by the Redevelopment Law.

H. (513) Relocation of Persons Displaced by a Project

1. (514) Relocation Program

In accordance with the provisions of the California Relocation Assistance Law (Government Code Section 7260, et seq.) (“Relocation Assistance Act”), the guidelines adopted and promulgated by the California Department of Housing and Community Development (“Relocation Guidelines”) and the Rules and Regulations for Implementation of the California Relocation Assistance Law (“Relocation Rules”) adopted by the Commission, the Commission shall provide relocation benefits and assistance to all “displaced” persons (including families, business concerns, and others) as may be required by law. Such relocation assistance shall be provided in the manner required by the Relocation Rules. The Commission shall make a reasonable effort to relocate displaced individuals, families, and commercial and professional establishments within the Project Area. The Commission is also authorized to provide relocation for displaced persons outside the Project Area.

2. (515) Relocation Benefits and Assistance

The Commission shall provide all relocation benefits required by law and in conformance with the Relocation Rules, Relocation Guidelines, Relocation Assistance Act, the Redevelopment Law, and any other applicable rules and regulations.

I. (516) Demolition, Clearance, Public Improvements, Site Preparation and Removal of Hazardous Waste

1. (517) Demolition and Clearance

The Commission is authorized, for property acquired by the Commission or pursuant to an agreement with the owner of property, to demolish, clear or move buildings, structures, or other improvements from any real property as necessary to carry out the purposes of this Plan.

2. (518) Public Improvements

To the greatest extent permitted by law, the Commission is authorized to install and construct, or to cause to be installed and constructed, the public improvements and public utilities (within or outside the Project Area) necessary to carry out the purposes of this Plan. Specifically, the Commission may pay for, install, or construct the buildings, facilities, structures, and other improvements identified in Exhibit C, attached hereto, and may acquire or pay for land required therefor. Additionally, the Commission is authorized to install and construct, or

to cause to be installed and constructed, within or without the Project Area, for itself or for any public body or entity for the benefit of the Project Area, public improvements and public facilities, including, but not limited to: over or underpasses; bridges; streets; curbs; gutters; sidewalks; street lights; sewers; storm drains; traffic signals; electrical distribution systems; natural gas distribution systems; cable TV and fiber optic communication systems; water distribution systems; parks; trails; plazas; playgrounds; motor vehicle parking facilities; landscaped areas; schools; civic, cultural and recreational facilities; camping facilities; and pedestrian improvements. The public facilities and infrastructure improvement projects that may be undertaken by the Commission pursuant to this Plan are identified in the General Plan, and capital improvement program, incorporated herein by reference.

The Commission, as it deems necessary to carry out the Plan and subject to the consent of the City Council, as may be required by the Redevelopment Law, may pay all or part of the value of the land for and the cost of the installation and construction of any building, facility, structure or other improvement which is publicly owned either within or outside the Project Area, upon both the Commission and the City Council making the applicable determinations required pursuant to the Redevelopment Law.

When the value of such land or the cost of the installation and construction of such building, facility, structure or other improvement, or both, has been, or will be, paid or provided for initially by the City or other public corporation, the Commission may enter into a contract with the City or other public corporation under which it agrees to reimburse the City or other public corporation for all or part of the value of such land or all or part of the cost of such building, facility, structure or other improvements, or both, by periodic payments over a period of years. Any obligation of the Commission under such contract shall constitute an indebtedness of the Commission for the purposes of carrying out this Plan.

3. (519) Preparation of Building Sites

Any real property owned or acquired by the Commission may be developed as a building site. In connection with such development it may cause, provide, or undertake or make provisions with other agencies for the installation, or construction of streets, utilities, parks, playgrounds and other public improvements necessary for carrying out this Plan.

4. (520) Removal of Hazardous Waste

To the extent legally allowable, the Commission may, in its sole discretion, take any actions which the Commission determines are necessary and which are consistent with other State and federal laws, to remedy or remove a release of hazardous substances on, under, or from property within the Project Area.

J. (521) Rehabilitation, Moving of Structures by the Commission and Seismic Repairs

1. (522) Rehabilitation and Conservation

The Commission is authorized to rehabilitate and conserve, or to cause to be rehabilitated and conserved, any property, building or structure owned by the Commission. The Commission is also authorized to advise, encourage, and assist (through a loan program or otherwise) in the rehabilitation and conservation of property, buildings or structures in the Project Area not owned by the Commission to the extent permitted by the Redevelopment Law. The Commission is authorized to acquire, restore, rehabilitate, move and conserve buildings of historic or architectural significance.

The Commission is authorized to conduct a program of assistance and enforcement to encourage owners of property within the Project Area to upgrade and maintain their property consistent with this Plan and such standards as may be developed for the Project Area.

The extent of rehabilitation in the Project Area shall be subject to the discretion of the Commission based upon such objective factors as:

- a. Compatibility of rehabilitation with land uses as provided for in this Plan.
- b. Economic feasibility of proposed rehabilitation and conservation activity.
- c. Structural feasibility of proposed rehabilitation and conservational activity.
- d. The undertaking of rehabilitation and conservation activities in an expeditious manner and in conformance with the requirements of this Plan and such property rehabilitation standards as may be adopted by the Commission.
- e. The need for expansion of public improvements, facilities and utilities.
- f. The assembly and development of properties in accordance with this Plan.

The Commission may adopt property rehabilitation standards for the rehabilitation of properties in the Project Area.

2. (523) Moving of Structures

As necessary in carrying out this Plan, the Commission is authorized to move, or to cause to be moved, any building structures or other improvements from any real property acquired.

3. (524) Seismic Repairs

For any project undertaken by the Commission within the Project Area for building rehabilitation or alteration in construction, the Commission may, by following all applicable procedures which are consistent with local, State, and federal law, take those actions which the Commission determines are necessary to provide for seismic retrofits.

K. (525) Property Disposition and Development

1. (526) Real Property Disposition and Development

a. (527) General

For the purposes of this Plan, the Commission is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property. To the extent permitted by law, the Commission is authorized to dispose of real property by negotiated lease or sale without public bidding. Except as otherwise permitted by law, before any interest in property of the Commission acquired in whole or in part, directly or indirectly, with tax increment moneys is sold or leased for development pursuant to this Plan, such sale or lease shall be first approved by the City Council after public hearing, together with such findings as may then be required by State Law.

The real property acquired by the Commission in the Project Area, except property conveyed by it to the City or any other public body, shall be sold or leased to public or private persons or entities for improvement and use of the property in conformance with this Plan. Real property may be conveyed by the Commission to the City, and where beneficial to the Project Area, to any other public body without charge or for an amount less than fair market value.

All purchasers or lessees of property from the Commission shall be obligated to use the property for the purposes designated in this Plan, to begin and complete improvement of such property within a period of time which the Commission fixes as reasonable, and to comply with other conditions which the Commission deems necessary to carry out the purposes of this Plan.

During the period of redevelopment in the Project Area, the Commission shall ensure that all provisions of this Plan, and other documents formulated pursuant to this Plan, are being observed, and that development of the Project Area is proceeding in accordance with applicable development documents and time schedules.

All development, whether public or private, must conform to this Plan and all applicable federal, State, and local laws, including without limitation the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or specific plans as they now exist or are hereafter amended. Such development must receive the approval of all appropriate public agencies.

b. (528) Purchase and Development Documents

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of blight, all real property sold, leased, or otherwise disposed of by the Commission, as well as all property subject to Owner Participation Agreements and Disposition and Development Agreements, shall be made subject to the provisions of this Plan by leases, deeds, contracts, agreements, declarations of restrictions, provisions of the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or master or specific plans as they now exist or are hereafter amended, conditional use permits, or other means. Where appropriate, as determined by the Commission, such documents or portions thereof shall be recorded in the office of the Recorder of the County.

Leases, deeds, contracts, agreements, and declarations of restrictions of the Commission may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan.

The Commission shall reserve such powers and controls in Disposition and Development Agreements or similar agreements as may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that redevelopment is carried out pursuant to this Plan.

The Commission shall obligate lessees and purchasers of real property acquired in the Project Area and owners of property improved as part of a redevelopment project to refrain from restricting the rental, sale or lease of the property on the basis of race, color, religion, sex, marital status, ancestry, or national origin of any person. All deeds, leases, or contracts for the sale, lease, sublease or other transfer of land in the Project Area shall contain such nondiscrimination and non-segregation clauses as are required by Redevelopment Law.

2. (529) Personal Property Disposition

For the purposes of this Plan, the Commission is authorized to sell, lease, exchange, subdivide, transfer, assign, pledge, encumber, or otherwise dispose of personal property or any other interest in property by any lawful means.

3. (530) Prevention of Discrimination

a. (531) Redevelopment

The redeveloper shall comply with all state and local laws, in effect from time to time, prohibiting discrimination or segregation by reason of race, color, creed, religion, sex, marital status, national origin or ancestry, in the sale, lease or occupancy of the property.

Pursuant to the Redevelopment Law (Sections 33337 and 33435-33436), contracts entered into by the Commission relating to the sale, transfer or leasing of land, or any interest therein acquired by the Commission within any survey area or redevelopment project, shall comply with the provisions of said sections in substantially the form set forth therein. All such contracts shall further provide that the provisions of said sections shall be binding upon and shall obligate the contracting party or parties and any subcontracting party or parties, or other transferees under the instrument.

b. (532) Deeds, Leases, and Contracts

All deeds, leases, or contracts which the Commission proposes to enter into with respect to the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of any land in the Project Area shall contain the following nondiscrimination clauses as prescribed by Redevelopment Law, Section 33436: In deeds the following language shall appear:

“The grantee herein covenants by and for himself or herself, his or her heirs, executors, administrators and assigns, and all persons claiming under or through them, that there shall be no discrimination against or segregation of, any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure, or enjoyment of the premises herein conveyed, nor shall the grantee or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees, or vendees in the premises herein conveyed. The foregoing covenants shall run with the land.”

In leases, the following language shall appear:

“The lessee herein covenants by and for himself or herself, his or her heirs, executors, administrators, and assigns, and all persons claiming under or through him or her, and this lease is made and accepted upon and subject to the following conditions:

“That there shall be no discrimination against or segregation of any person or group of persons. on account of race, color, creed,

religion, sex, marital status, national origin, or ancestry, in the leasing, subleasing, transferring, use, occupancy, tenure, or enjoyment of the premises herein leased nor shall the lessee himself, or any person claiming under or through him or her, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use, or occupancy, of tenants, lessees, sublessees, subtenants, or vendees in the premises herein leased.”

In contracts, the following language shall appear:

“There shall be no discrimination against or segregation of any person or group of persons on account of race, color, creed, religion, sex, marital status, national origin or ancestry in the sale, lease, sublease, transfer, use, occupancy, tenure or enjoyment of the land, nor shall the transferee itself or any person claiming under or through it, establish or permit any such practice or practices of discrimination or segregation with reference to the selection, location, number, use or occupancy of tenants, lessees, subtenants, sublessees or vendees of the land.”

L. (533) Provision for Low and Moderate Income Housing

The Commission shall comply with all of the low and moderate income housing requirements of the Redevelopment Law which are applicable to this Plan, including applicable expenditure, replacement, and inclusionary housing requirements, and in connection therewith, the Commission shall have all of the powers and authorization to act as may, from time to time, be provided by the Redevelopment Law and other applicable provisions of law.

SECTION VI. (600) USES PERMITTED IN THE PROJECT AREA

A. (601) Map and Uses Permitted

The Map attached hereto as Exhibit A and incorporated herein illustrates the location of the Project Area boundaries. The land uses permitted by this Plan shall be those permitted by the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or specific plans as they now exist or are hereafter amended, with the exception that new development which provides for one or more of the following specific uses may be permitted in the Project Area only after all of the following are satisfied a) the Carlsbad Housing and Redevelopment Commission approves a finding that the land use serves an extraordinary public purpose, and b) a precise development plan or other appropriate planning permit or regulatory document is first approved by the Commission which sets forth the standards for development of the project, and c) the Commission has issued a Redevelopment Permit for the project:

- (i) Desalination Plant and other facilities for the production, generation, storage, treatment or transmission of water;
- (ii) Generation and transmission of electrical energy;
- (iii) Public Utility district maintenance & service facilities;
- (iv) Governmental maintenance, storage and operating facilities;
- (v) Processing, using and storage of natural gas, liquid natural gas, and domestic and agricultural water supplies;
- (vi) Energy transmission facilities, including rights-of-way and pressure control or booster stations for gasoline, electricity, natural gas, synthetic natural gas, oil or other forms of energy sources; and/or
- (vii) Wastewater treatment, disposal or reclamation facilities and other facilities for the production, generation, storage, treatment or transmission of wastewater.

The above findings and conditions shall not be required for, or applied to, any land use regulated by the Public Utilities Commission.

A diagram of current permitted uses is presented on Exhibit D. Redevelopment Law Section 33336 requires this Plan contain adequate safeguards that the work of redevelopment will be carried out pursuant to the Plan. In addition, Redevelopment Law Section 33338 provides that this Plan contain other covenants, conditions, and restrictions which the City Council prescribes in order to implement the goals and objectives of this Plan and to provide adequate safeguards that the work of redevelopment will be carried out pursuant to this Plan.

B. (602) Public Uses

1. (603) Public Street Layout, Rights-of-Way and Easements

The public street system and street layout for the Project Area is illustrated on the Map identified as Exhibit A. The street system in the Project Area shall be developed in accordance with the General Plan, and all other state and local codes, guidelines, or master or specific plans as they now exist or are hereafter amended.

Certain streets and rights-of-way may be widened, altered, realigned, abandoned, vacated, or closed by the City as necessary for proper development of the Project Area. Additional easements may be created by the Commission and City in the Project Area as needed for proper development and circulation.

The public rights-of-way shall be used for vehicular, bicycle and/or pedestrian traffic as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way. In addition, all necessary easements for public uses, public facilities, and public utilities may be retained or created.

2. (604) Other Public and Open Space Uses

Both within and, where appropriate, outside of the Project Area, the Commission may take actions to establish, or enlarge public, institutional, or non-profit uses, including, but not limited to, schools, community centers, auditorium and civic center facilities, criminal justice facilities, park and recreational facilities, parking facilities, transit facilities, libraries, hospitals, educational, fraternal, philanthropic and charitable institutions or other similar associations or organizations. All such uses shall be deemed to conform to the provisions of this Plan provided that such uses conform with all other applicable laws and ordinances and that such uses are approved by the City. The Commission may impose such other reasonable restrictions as are necessary to protect development and uses in the Project Area.

C. (605) Nonconforming Uses

The Commission is authorized but not required to permit an existing use to remain in an existing building in good condition if the use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area.

The Commission may take actions to, but is not required to, authorize additions, alterations, repairs or other improvements in the Project Area for buildings which do not conform to the provisions of this Plan where, in the determination of the Commission, such improvements would be compatible with surrounding Project Area uses and proposed development.

D. (606) Interim Uses

Pending the ultimate development of land by developers and participants, the Commission is authorized to use or permit the use of any land in the Project Area for interim uses. Such interim use, however, shall conform to General Plan and zoning ordinance, and all other state and local building codes, guidelines, or specific plans as they now exist or are hereafter amended.

E. (607) General Controls and Limitations

All real property in the Project Area is hereby made subject to the controls and requirements of this Plan. No real property shall be developed, redeveloped, rehabilitated, or otherwise changed after the date of the adoption of this Plan except in conformance with the goals and provisions of this Plan and the regulations and requirements of the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or master or specific plans as they now exist or are hereafter amended. The land use controls of this Plan shall apply for the periods set forth in Section 1000 below. The type, size, height, number and use of buildings within the Project Area will be controlled by the General Plan and applicable zoning ordinance, and

all other state and local building codes, guidelines, or master or specific plans as they now exist or are hereafter amended.

1. (608) Redevelopment Permit

Pursuant to this Plan, unless otherwise determined to be exempt by the Zoning Ordinance or other redevelopment implementing ordinance or regulatory document subsequently approved by the Housing and Redevelopment Commission, all rehabilitation, redevelopment, and development activities involving private and public real property, buildings, facilities and infrastructure systems within the Project Area shall require the issuance of a Redevelopment Permit and compliance with applicable development standards and/or design guidelines as set forth under separate approval by the Housing and Redevelopment Commission. Redevelopment Permits shall not be required for land uses regulated by the Public Utilities Commission.

2. (609) New Construction

Unless otherwise determined to be exempt by the Zoning Ordinance or other redevelopment implementing ordinance or regulatory document subsequently approved by the Housing and Redevelopment Commission, all construction in the Project Area shall comply with all applicable State and local laws in effect from time to time, and shall require a Redevelopment Permit. In addition to the City land use regulations and requirements in this Plan, and the necessity for a Redevelopment Permit, additional specific performance and development standards may be adopted by the Commission to control and direct improvement activities in the Project Area. Redevelopment Permits shall not be required for land uses regulated by the Public Utilities Commission.

3. (610) Rehabilitation

Unless otherwise determined to be exempt by the Zoning Ordinance or other redevelopment implementing ordinance or regulatory document subsequently approved by the Housing and Redevelopment Commission, any existing structure within the Project Area that is repaired, altered, reconstructed, or rehabilitated shall require a Redevelopment Permit, with the exception that a Redevelopment Permit shall not be required for demolition of an existing structure or land uses regulated by the Public Utilities Commission.

4. (611) Number of Dwelling Units

The total number of dwelling units in the Project Area shall be regulated by the General Plan. As of the date of adoption of this Plan, there are 9 dwelling units in the Project Area.

5. (612) Open Space and Landscaping

The approximate amount of open space to be provided in the Project Area is the total of all areas so designated in the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or specific plans as they now exist or are hereafter amended, and those areas in the public rights-of-way or provided through site coverage limitations on new development as established by the City and this Plan. Landscaping shall be developed in the Project Area to ensure optimum use of living plant material in conformance with the standards of the City.

6. (613) Limitations on Type, Size and Height of Buildings

The limits on building intensity, type, size and height, shall be established in accordance with the provisions of the General Plan and zoning ordinance, and all other state and local building codes, guidelines, or master or specific plans as they now exist or are hereafter amended.

7. (614) Signs

All signs shall conform to the requirements of the City, and shall require a Redevelopment Permit. Design of all proposed new signs shall be subject to the review of the City and the procedures of this Plan.

8. (615) Utilities

The Commission, in conformity with municipal code, and City policies, shall require that all utilities be placed underground for new developments whenever physically possible and economically feasible. This requirement shall not apply to rehabilitation, reconstruction, expansion or continuation of existing facilities or developments. It also shall not apply to any land uses regulated by the Public Utilities Commission.

9. (616) Subdivision of Parcels

No parcels in the Project Area, including any parcel retained by a participant, shall be consolidated, subdivided or re-subdivided without the approval of the City.

10. (617) Variations

The Commission is authorized to permit variations from the limits, restrictions and controls established by this Plan. In order to permit any such variation, the Commission must determine all of the following:

- a. The application of certain provisions of this Plan would result in practical difficulties or unnecessary hardships inconsistent with the general purposes and intent of this Plan.
- b. There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same standards, restrictions, and controls.
- c. Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
- d. Permitting a variation will not be contrary to the objectives of this Plan.

No such variation shall be granted other than a minor departure from the provisions of this Plan. In permitting any such variation, the Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of this Plan.

F. (618) Design for Development

Within the limits, restrictions, and controls established in this Plan, and subject to the provisions of Sections 601 and 607 herein, the Commission is authorized to establish heights of buildings, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area.

No new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated except in accordance with this Plan and any such controls approved by the Commission. In the case of property which is the subject of a Disposition and Development Agreement or an Owner Participation Agreement with the Commission, such property shall be developed in accordance with the provisions of such Agreement. One of the objectives of this Plan is to create an attractive and pleasant environment in the Project Area. Therefore, such plans shall give consideration to good design, open space and other amenities to enhance the aesthetic quality of the Project Area. The Commission shall not approve any plans that do not comply with this Plan except as permitted by Section 617 of this Plan.

G. (619) Building Permits

Any building permit that is issued for the rehabilitation or construction of any new building or any addition, construction, moving, conversion or alteration to an existing building in the Project Area from the date of adoption of this Plan must be in conformance with the provisions of this Plan, any design for development adopted by the

Commission, any restrictions or controls established by resolution of the Commission, and any applicable participation or other agreements.

SECTION VII. (700) METHODS FOR FINANCING THE PROJECT

A. (701) General Description of the Proposed Financing Methods

Upon adoption of this Plan by the City Council, the Commission is authorized to finance implementation of this Plan with assistance from local sources, the State and/or the federal government, property tax increment, interest income, Commission bonds, donations, loans from private financial institutions or any other legally available source.

The Commission is also authorized to obtain advances, borrow funds, issue bonds or other obligations, and create indebtedness in carrying out this Plan. The principal and interest on such indebtedness may be paid from tax increment revenue or any other funds available to the Commission. Advances and loans for survey and planning and for the operating capital for administration of this Plan may be provided by the City until adequate tax increment revenue or other funds are available to repay the advances and loans. The City or other public agency, as it is able, may also supply additional assistance through issuance of bonds, loans and grants and in-kind assistance. Any assistance shall be subject to terms established by an agreement between the Commission, City and/or other public agency providing such assistance.

The Commission may issue bonds or other obligations and expend their proceeds to carry out this Plan. The Commission is authorized to issue bonds or other obligations as appropriate and feasible in an amount sufficient to finance all or any part of Plan implementation activities. The Commission shall pay the principal and interest on bonds or other obligations of the Commission as they become due and payable.

B. (702) Tax Increment Revenue

For the purposes of the collection of property tax revenue pursuant to this Plan, the "effective date of the ordinance" shall mean and refer to August 18., 2000 (30 days after the City Council adopted the Ordinance).

All taxes levied upon taxable property within the Project Area each year by or for the benefit of the State, County, City, district, or other public corporation (hereinafter called "Taxing Agency" or "Taxing Agencies") after the effective date of the ordinance, shall be divided as follows:

1. That portion of the taxes which would be produced by the rate upon which the tax is levied each year by or for each of said Taxing Agencies upon the total sum of the assessed value of the taxable property in the Project Area as shown upon the assessment roll used in connection with the taxation of such property by such Taxing Agency, last equalized prior to the effective

date of the ordinance, shall be allocated to and when collected shall be paid to the respective Taxing Agencies as taxes by or for said Taxing Agencies on all other property are paid (for the purpose of allocating taxes levied by or for any Taxing Agency or Agencies which did not include the territory in the Project Area on the effective date of the ordinance but to which such territory has been annexed or otherwise included after such effective date, the assessment roll of the County last equalized on the effective date of the Ordinance shall be used in determining the assessed valuation of the taxable property in the Project Area on said effective date).

2. That portion of said levied taxes each year in excess of such amount shall be allocated to and when collected shall be paid into a special fund of the Commission to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Commission to finance or refinance, in whole or in part, the Project and this Plan. Unless and until the total assessed valuation of the taxable property in the Project Area exceeds the total assessed value of the taxable property in the Project Area as shown by the last equalized assessment roll referred to in paragraph (1.) hereof, all of the taxes levied and collected upon the taxable property in the Project Area shall be paid to the respective Taxing Agencies. When said loans, advances, and indebtedness, if any, and interest thereon, have been paid, all monies thereafter received from taxes upon the taxable property in the Project Area shall be paid to the respective Taxing Agencies as taxes on all other property are paid.
3. That portion of the taxes in excess of the amount identified in paragraph (1.) above which is attributable to a tax rate levied by a Taxing Agency for the purpose of producing revenues in an amount sufficient to make annual repayments of the principal of and interest on any bonded indebtedness for the acquisition or improvement of real property shall be allocated to, and when collected shall be paid into, the fund of that Taxing Agency. This paragraph (3.) shall only apply to taxes levied to repay bonded indebtedness approved by the voters on or after January 1, 1989.

The Commission is authorized to make pledges as to specific advances, loans and indebtedness as appropriate in carrying out the Project. The portion of taxes allocated and paid to the Commission pursuant to subparagraph (2.) above is irrevocably pledged to pay the principal of and interest on loans, monies advanced to, or indebtedness (whether funded, refunded, assumed, or otherwise) incurred by the Commission to finance or refinance, in whole or in part, the redevelopment program for the Project Area.

C. (703) Commission Bonds

The Commission is authorized to issue bonds and other obligations from time to time, if it deems it appropriate to do so, in order to finance all or any part of Plan implementation activities.

Neither the members of the Commission nor any persons executing the bonds are liable personally on the bonds or other obligations by reason of their issuance.

The bonds and other obligations of the Commission are not a debt of the City, County, or the State; nor are any of its political subdivisions liable for them; nor in any event shall the bonds or obligations be payable out of any funds or properties other than those of the Commission; and such bonds and other obligations shall so state on their face. The bonds and other obligations do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction.

D. (704) Other Loans and Grants

Any other loans, grants, guarantees or financial assistance from the federal government, the State, or any other public or private source will be utilized, if available, as appropriate in carrying out this Plan. In addition, the Commission may make loans as permitted by law to public or private entities for any of its redevelopment purposes.

E. (705) Rehabilitation Loans, Grants, and Rebates

To the greatest extent allowed by State Law, the Commission and the City may commit funds from any source to rehabilitation programs for the purposes of loans, grants, or rebate payments for self-financed rehabilitation work. The rules and regulations for such programs shall be those which may already exist or which may be developed in the future. The Commission and the City shall seek to acquire grant funds and direct loan allocations from State and federal sources, as they may be available from time to time, for the carrying out of such programs.

SECTION VIII. (800) ACTIONS BY THE CITY

The City shall aid and cooperate with the Commission in carrying out this Plan and shall take all reasonable actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the Project Area of conditions of blight. Actions by the City may include, but shall not be limited to, the following:

1. Institution and completion of proceedings for opening, closing, vacating, widening, or changing the grades of streets, alleys, and other public rights-of-way, and for other necessary modifications of the streets, the street layout, and other public rights-of-way in the Project Area. Such action by the City shall include the requirement of abandonment and relocation by the public utility companies of their operations in public rights-of-way as appropriate to carry out this Plan, provided that nothing in this Plan shall

be deemed to require the cost of such abandonment, removal, and relocation to be borne by others than those legally required to bear such costs.

2. Institution and completion of proceedings necessary for changes and improvements to publicly-owned parcels and utilities in the Project Area.
3. Performance of the above, and of all other functions and services relating to public health, safety, and physical development normally rendered in accordance with a schedule which will permit the redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.
4. Imposition, whenever necessary and applicable, of appropriate design controls within the limits of this Plan in the Project Area to ensure proper development and use of land.
5. Provisions for administration/enforcement of this Plan by the City after completion of development.
6. The undertaking and completion of any other proceedings necessary to carry out the Project.
7. The expenditure of any City funds in connection with redevelopment of the Project Area pursuant to this Plan.
8. Revision of the City zoning ordinance, adoption of master or specific plans or execution of statutory development agreements to permit the land uses and facilitate the development authorized by this Plan.

SECTION IX. (900) ADMINISTRATION AND ENFORCEMENT

Upon adoption, the administration and enforcement of this Plan or other documents implementing this Plan shall be performed by the City and/or the Commission, as appropriate.

The provisions of this Plan or other documents entered into pursuant to this Plan may also be enforced by litigation or similar proceedings by either the Commission or the City. Such remedies may include, but are not limited to, specific performance, damages, re-entry onto property, power of termination, or injunctions. In addition, any recorded provisions which are expressly for the benefit of owners of property in the Project Area may be enforced by such owners.

SECTION X. (1000) PLAN LIMITATIONS

The following financial and time limitations shall apply to this Plan:

A. (1001) Amount of Bonded Indebtedness Outstanding At Any One Time

The amount of bonded indebtedness, to be repaid in whole or in part from the allocation of taxes pursuant to Section 33670 of the Redevelopment Law, which can be outstanding at one time shall not exceed \$100 million, except by amendment to this Plan.

B. (1002) Time Frame to Incur Indebtedness

The time limit on the establishing of loans, advances, and indebtedness to be paid with the proceeds of property taxes received pursuant to Section 33670 of the Redevelopment Law to finance in whole or in part the redevelopment project shall be a period of twenty (20) years from the effective date of the Ordinance. This limit, however, shall not prevent the Commission from incurring debt to be paid from the low and moderate income housing fund or establishing more debt in order to fulfill the Commission's housing obligations under Section 33413 of the Redevelopment Law. The loans, advances, or indebtedness may be repaid over a period of time longer than this time limit as provided herein. No loans, advances, or indebtedness to be repaid from the allocation of taxes shall be established or incurred by the Commission beyond this time limitation. This limit shall not prevent the Commission from financing, refunding, or restructuring indebtedness after the time limit if the indebtedness is not increased and the time during which the indebtedness is to be repaid is not extended beyond the time limit to repay indebtedness required by this section.

Provided, however, that the time limits established in this Section 1002 may be extended in the manner provided by applicable law.

C. (1003) Duration of This Plan

Except for the nondiscrimination and nonsegregation provisions of this Plan, and recorded covenants implementing the same, which shall remain in effect in perpetuity, and except as otherwise expressly provided herein, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan shall be effective for thirty (30) years from the date of adoption of the Ordinance adopting this Plan.

After the expiration of the effective term of the Plan, the Commission shall have no authority to act pursuant to the Plan except to pay previously incurred indebtedness and to enforce existing covenants or contracts. However, if the Commission has not completed its housing obligations pursuant to Section 33413 of the Redevelopment Law, the Commission shall retain its authority to implement requirements under 33413, including

the ability to incur and pay indebtedness for this purpose, and shall use this authority to complete these housing obligations as soon as is reasonably possible.

D. (1004) Time Frame to Collect Tax Increment Revenue

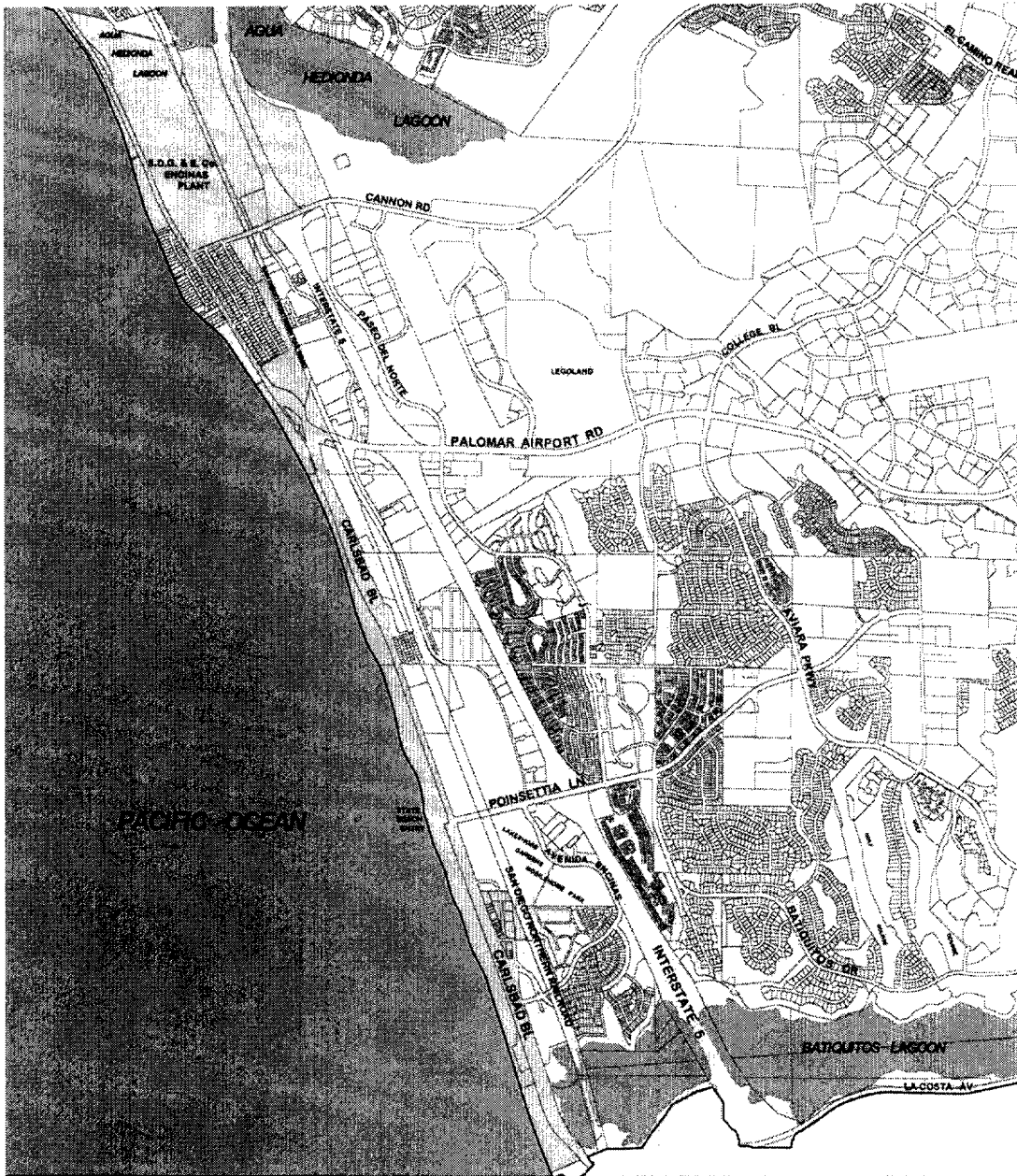
Except as otherwise provided herein or by Redevelopment Law, the time limitation for the receipt of tax increment and the payment of indebtedness with the tax increment pursuant to Section 33670 of the Redevelopment Law shall be forty-five (45) years from and after the date of adoption of the Ordinance adopting this Plan.

SECTION XI. (1100) PROCEDURE FOR AMENDMENT

This Plan may be amended by means of the procedure established in Sections 33450-33458 of the Redevelopment Law or by any other procedure hereafter established by law.

EXHIBIT A

PROJECT AREA MAP OF THE SOUTH CARLSBAD COASTAL REDEVELOPMENT PROJECT



South Carlsbad Coastal Redevelopment Project

 **Project Area**

0.5 0 0.5 Miles



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EXHIBIT B

LEGAL DESCRIPTION OF THE PROJECT AREA BOUNDARIES

BEING THAT CERTAIN REAL PROPERTY SITUATED IN THE CITY OF CARLSBAD, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE CENTERLINE OF POINSETTIA LANE, 102.00 FEET WIDE, WITH THE EASTERLY LINE OF CARLSBAD BOULEVARD, VARIABLE WIDTH; THENCE

- (1) ALONG SAID EASTERLY LINE S19°09'02"E, 1,470.51 FEET TO THE NORTH LINE OF MAP NO. 12926, RECORD OF SURVEYS OF SAID COUNTY; THENCE
- (2) ALONG SAID NORTH LINE S89°09'36"E, 565.07 FEET TO THE WESTERLY LINE OF THE SAN DIEGO NORTHERN RAILROAD (A.T.&S.F.) RIGHT OF WAY, 200.00 FEET WIDE; THENCE
- (3) ALONG SAID WESTERLY LINE S20027'52"E, 1,052.99 FEET TO A POINT ON THE NORTH LINE OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 4 WEST, S.B.M.; THENCE
- (4) ALONG SAID NORTH LINE S89°59'04"W, 233.90 FEET TO THE WEST LINE OF SAID SECTION 33; THENCE
- (5) ALONG SAID WEST LINE S0°09'24"W, 110.33 FEET; THENCE
- (6) LEAVING SAID SECTION LINE S04°41'37"E, 913.85 FEET TO THE EASTERLY LINE OF CARLSBAD BOULEVARD, VARIABLE WIDTH; THENCE
- (7) ALONG SAID EASTERLY LINE S17°30'37"E, 2,303.09 FEET TO A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 2,350.00 FEET, THENCE
- (8) CONTINUING ALONG SAID EASTERLY LINE SOUTHEASTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 25°15'54", AN ARC DISTANCE OF 1,036.25 FEET TO A POINT ON A NON-TANGENT LINE; THENCE
- (9) SOUTHEASTERLY ALONG SAID LINE TO A POINT ON THE NORTHERLY LINE OF LOT 10 IN SAID SECTION 33 AS SAID LOT IS SHOWN ON MAPS 505 AND 528 OF RECORD OF SURVEY, RECORDS OF SAID COUNTY, SAID POINT BEING LOCATED S66°46'00"W, 132.63 FEET FROM THE NORTHEASTERLY CORNER OF SAID LOT 10; THENCE

- (10) ALONG SAID NORTHERLY LINE OF LOT 10 AND ITS WESTERLY PROLONGATION S66°46'00"W, TO THE ORDINARY HIGH TIDE OF THE PACIFIC OCEAN; THENCE
- (11) MEANDERING IN A NORTHWESTERLY DIRECTION ALONG SAID ORDINARY HIGH TIDE 14,000.00 FEET MORE OR LESS TO THE SOUTHERLY LINE OF LOT 24 OF THE POINSETTIA BEACH, UNIT NO.1 AS PER MAP NO. 3897, RECORDS OF SAN DIEGO COUNTY; THENCE
- (12) ALONG SAID SOUTHERLY LINE N59°02'10"E, 192.27 FEET TO THE WESTERLY LINE OF CARLSBAD BOULEVARD, 100.00 FEET WIDE; THENCE
- (13) ALONG SAID WESTERLY LINE N30°38'50"W, 3,531.15 FEET TO A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 5,298.13 FEET; THENCE
- (14) NORTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 00°33'37", AN ARC DISTANCE OF 51.80 FEET TO THE NORTH LINE OF THE TIERRA DEL ORO SUBDIVISION AS PER MAP NO. 3052, RECORDS OF SAN DIEGO COUNTY; THENCE
- (15) ALONG SAID NORTHERLY LINE S65°54'10"W, 291.21 FEET TO THE ORDINARY HIGH TIDE OF THE PACIFIC OCEAN; THENCE
- (16) MEANDERING IN A NORTHWESTERLY DIRECTION ALONG SAID ORDINARY HIGH TIDE, 2,530 FEET MORE OR LESS TO A POINT ON A LINE THAT IS S65°17'40"W, 94.54 FEET AND PERPENDICULAR TO THE WESTERLY LINE OF SAID CARLSBAD BOULEVARD; THENCE
- (17) ALONG SAID PERPENDICULAR LINE N65°17'40"W, 94.54 FEET TO A POINT ON SAID WESTERLY LINE OF CARLSBAD BOULEVARD, 100.00 FEET WIDE, SAID POINT ALSO BEING THE BEGINNING OF A CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 4,950.00 FEET; THENCE
- (18) NORTHWESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 12°10'30", AN ARC DISTANCE OF 1,051.84 FEET TO A TANGENT LINE; THENCE
- (19) CONTINUING ALONG SAID WESTERLY LINE AND TANGENT LINE N36°57'30"W, 727.67 FEET TO THE NORTHERLY LINE OF LOT H OF THE RANCHO AGUA HEDIONDA, AS PER PARTITION MAP NO. 823, RECORDS OF SAID SAN DIEGO COUNTY; THENCE
- (20) ALONG SAID NORTHERLY LINE N78°02'00"W, 1,014.32 FEET; THENCE
- (21) LEAVING SAID NORTHERLY LINE OF LOT H, S30°49'10"E, 237.58 FEET; THENCE

- (22) S76°47'10"E, 931.69 FEET; THENCE
- (23) S29°17'10"E, 1,100.00 FEET MORE OR LESS TO A POINT ON THE WESTERLY LINE OF THE SAN DIEGO NORTHERN RAILROAD RIGHT OF WAY, 100.00 FEET WIDE; THENCE
- (24) ALONG SAID WESTERLY LINE N22°30'29"W, 342.20 FEET; THENCE
- (25) LEAVING SAID WESTERLY LINE N09°41'20"E, 233.73 FEET TO THE EASTERLY LINE OF SAID SAN DIEGO NORTHERN RAILROAD RIGHT OF WAY, 150.00 FEET WIDE; THENCE
- (26) ALONG SAID EASTERLY LINE N22°30'29"W, 302.87 FEET TO A POINT ON THE SOUTHERLY LINE OF THE AGUA HEDIONDA LAGOON; THENCE ALONG SAID SOUTHERLY LINE THE FOLLOWING SIX (6) COURSES:
- (27) N60°48'00"E, 13.61 FEET; THENCE
- (28) N29°53'00"E, 35.00 FEET; THENCE (29) N41°02'50"E, 63.50 FEET; THENCE
- (30) N69°48'00"E, 39.00 FEET; THENCE
- (31) N72°42'00"E, 205.00 FEET; THENCE
- (32) S67°30'00"E, 332.00 FEET TO A POINT ON THE WESTERLY LINE OF THE INTERSTATE 5 FREEWAY, VARIABLE WIDTH; THENCE
- (33) TRAVERSING ACROSS SAID FREEWAY, N81°10'00"E, 370.00 FEET MORE OR LESS TO A POINT ON THE EASTERLY LINE OF SAID FREEWAY AND THE SOUTHWESTERLY LINE OF SAID AGUA HEDIONDA LAGOON; THENCE
- (34) SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE THROUGH ITS VARIOUS COURSES TO A POINT ON THE NORTHERLY PROLONGATION OF THE EASTERLY LINE OF MAP NO. 7492 RECORDS OF SAID SAN DIEGO COUNTY; THENCE
- (35) ALONG SAID PROLONGATION S22°9'22"E, 2,063.77 FEET TO THE NORTHEAST CORNER OF SAID MAP NO. 7492, SAID CORNER ALSO BEING A POINT ON A CURVE OF THE SOUTHERLY LINE OF CANNON ROAD AS SHOWN ON SAID MAP, SAID CURVE BEING CONCAVE SOUTHWESTERLY AND HAVING A RADIUS OF 949.00 FEET; THENCE
- (36) WESTERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 15°17'07", AN ARC DISTANCE OF 253.17 FEET TO A TANGENT LINE; THENCE

- (37) ALONG SAID LINE AND SOUTHERLY LINE OF CANNON ROAD. S67°31'14"W, 285 FEET MORE OR LESS TO AN ANGLE THEREON; THENCE
- (38) SOUTHWESTERLY, 140 FEET MORE OR LESS TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID INTERSTATE 5 FREEWAY, VARIABLE WIDTH; THENCE
- (39) TRAVERSING ACROSS SAID FREEWAY SOUTHWESTERLY, 660 FEET MORE OR LESS TO A POINT OF INTERSECTION OF THE SOUTHERLY LINE OF CANNON ROAD AND THE WESTERLY LINE OF SAID FREEWAY; THENCE
- (40) ALONG SAID WESTERLY LINE S39°57'39"E, 504.90 FEET; THENCE
- (41) LEAVING SAID WESTERLY LINE S61_4'41"W, 251.13, FEET TO THE EASTERLY LINE OF AVENIDA ENCINAS, 70.00 FEET WIDE; THENCE
- (42) TRAVERSING ACROSS SAID AVENIDA ENCINAS S67°02'31"W, 70.46 FEET TO THE WESTERLY LINE OF SAID STREET; THENCE
- (43) S67_9'31"W, 220.81 FEET TO THE EASTERLY LINE OF SAID SAN DIEGO NORTHERN RAILROAD RIGHT OF WAY, 100.00 FEET WIDE; THENCE
- (44) TRAVERSING ACROSS SAID RIGHT OF WAY S67°29'31"W, 100.00 FEET TO THE WESTERLY LINE OF SAID RIGHT OF WAY; THENCE
- (45) ALONG SAID WESTERLY RIGHT OF WAY S22°30'29"E, 3,900.00 FEET MORE OR LESS TO THE SOUTHERLY LINE OF PALOMAR AIRPORT ROAD, VARIABLE WIDTH; THENCE
- (46) ALONG SAID SOUTHERLY LINE N66°04'37"W, 185.97 FEET TO THE EASTERLY LINE OF CARLSBAD BOULEVARD, VARIABLE WIDTH; THENCE (ALL OF THE REMAINING COURSES ARE ALONG SAID EASTERLY LINE OF CARLSBAD BOULEVARD)
- (47) S11°49'19"W, 68.46 FEET; THENCE
- (48) S100°54'30"W, 110.29 FEET; THENCE (49) S07°37'57"E, 204.32 FEET; THENCE
- (50) S17°30'33"E, 305.67 FEET; THENCE
- (51) S24°44'16"E, 2,154.27 FEET TO A TANGENT CURVE CONCAVE WESTERLY AND HAVING A RADIUS OF 5,080.00 FEET; THENCE
- (52) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 03°42'23", AN ARC DISTANCE OF 328.62 FEET TO A POINT ON A NONTANGENT LINE; THENCE

- (53) ALONG SAID NON-TANGENT LINE S24°26'19"E, 342.37 FEET; THENCE
- (54) S63°49'40"E, 141.43 FEET; THENCE (55) S14°35'51"E, 425.67 FEET; THENCE
- (56) S17°19'22"E, 132.00 FEET; THENCE
- (57) S18°05'14"E, 1,834.10 FEET TO A TANGENT CURVE CONCAVE EASTERLY AND HAVING A RADIUS OF 19,846.00 FEET; THENCE
- (58) SOUTHERLY ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 01°03'48", AN ARC DISTANCE OF 368.32 FEET TO A TANGENT LINE; THENCE
- (59) S19°09'02"E, 1,703.61 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THE LAND WITHIN THE SEVEN (7) SUBDIVISIONS RECORDED AS MAP NOS. 2692, 2758 2867, 3212, 3371, 4064, AND 6347 RECORDS OF SAN DIEGO COUNTY.

CONTAINING: 555.5 ACRES MORE OR LESS.

EXHIBIT C

LISTING OF THE PROPOSED PROJECTS, PUBLIC FACILITIES, AND INFRASTRUCTURE IMPROVEMENTS

PROPOSED PROJECTS AND PROGRAMS

Housing Programs

Increase and improve the community's supply of affordable housing for very low, low, and moderate income households. Projects include, but are not limited to, the following:

1. **Citywide Housing Programs:** The Commission will invest housing set-aside funds into affordable housing rehabilitation and development projects throughout the City.

Infrastructure Programs

Improve pedestrian, bicycle, and vehicular traffic flows, upgrade utilities and drainage systems, enhance public safety, and promote recreational opportunities. Projects include, but are not limited to, the following:

1. **Carlsbad Boulevard:** Realign and construct sidewalks, gutters, and other road improvements from Manzano Drive to the Batiqitos Lagoon.
2. **Palomar Airport Road:** Widen road and reconstruct existing overpasses from Carlsbad Boulevard to Avenida Encinas.
3. **Ponto Drive/Carlsbad Boulevard Frontage Roads:** Construct curbs, gutters, sidewalks, and street lights.
4. **Poinsettia Drive:** Widen road and bridge from Carlsbad Boulevard to Avenida Encinas.
5. **Waterline Upsizing:** Upsize approximately 560 feet of 6-inch waterline on Avenida Encinas near Cannon Road.
6. **Waterline Replacement:** Replace approximately 2,500 feet of 10-inch waterline along Carlsbad Boulevard north of Palomar Airport Road.
7. **Waterline Installation:** Install various line sizes along Carlsbad Boulevard.

Public Facility Programs

Develop and renovate community facilities that meet the needs of both the Project Area and City. Such projects include, but are not limited to, the following:

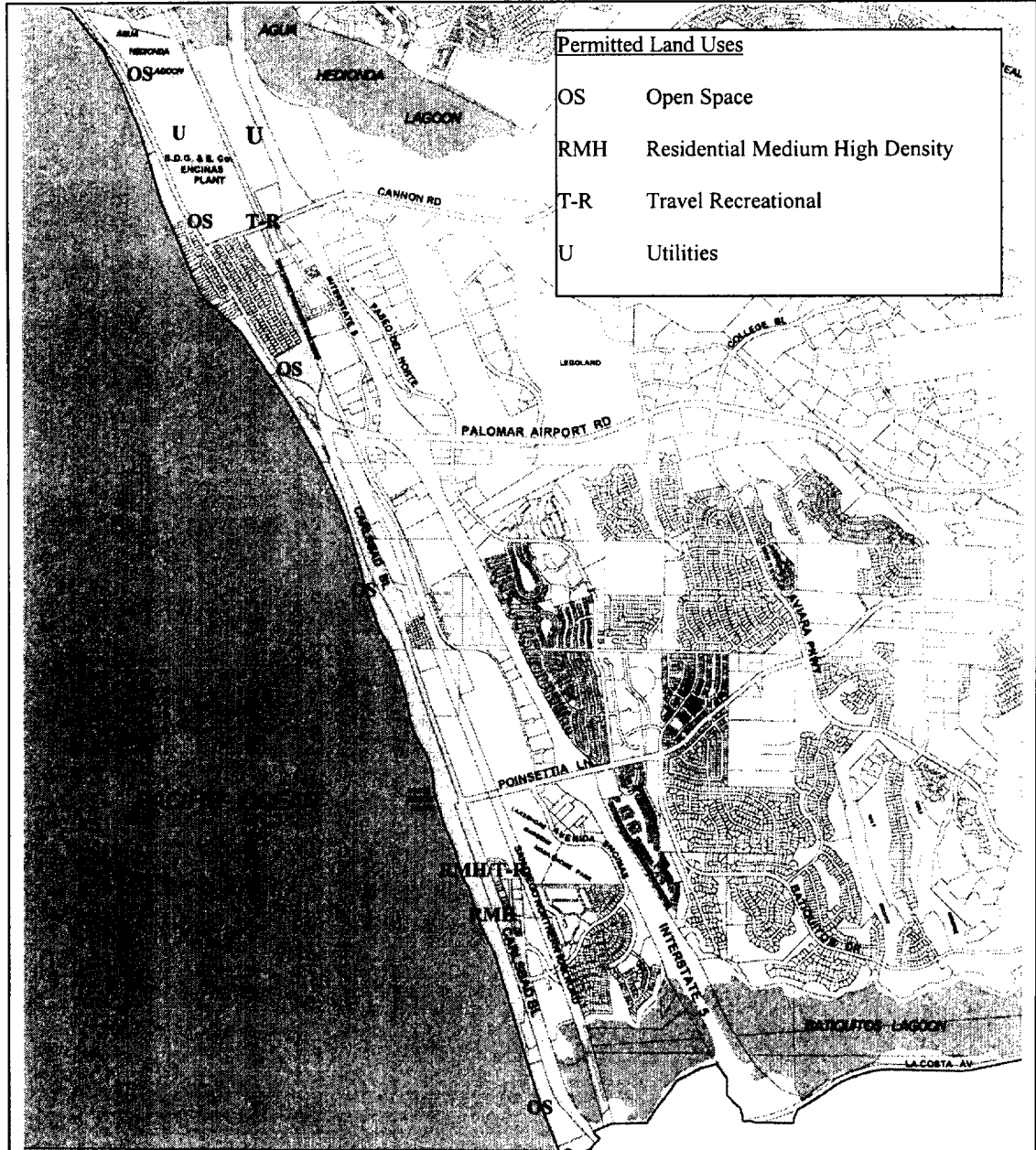
1. **Parks and Other Recreational Facilities**
2. **Public Safety Facilities**
3. **Public Works Facilities**

Commercial Rehabilitation and Economic Development Programs

Implement projects that result in the redevelopment of obsolete structures, cleanup contaminated properties, consolidate irregular lots under mixed ownership, and facilitate development of modern industrial, commercial, and utility facilities.

EXHIBIT D

DIAGRAM OF PERMITTED LAND USES



Permitted Land Uses	
OS	Open Space
RMH	Residential Medium High Density
T-R	Travel Recreational
U	Utilities

South Carlsbad Coastal Redevelopment Project

 Project Area

0.5 0 0.5 Miles



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 Planning and Development Department
 12 Jan 2008