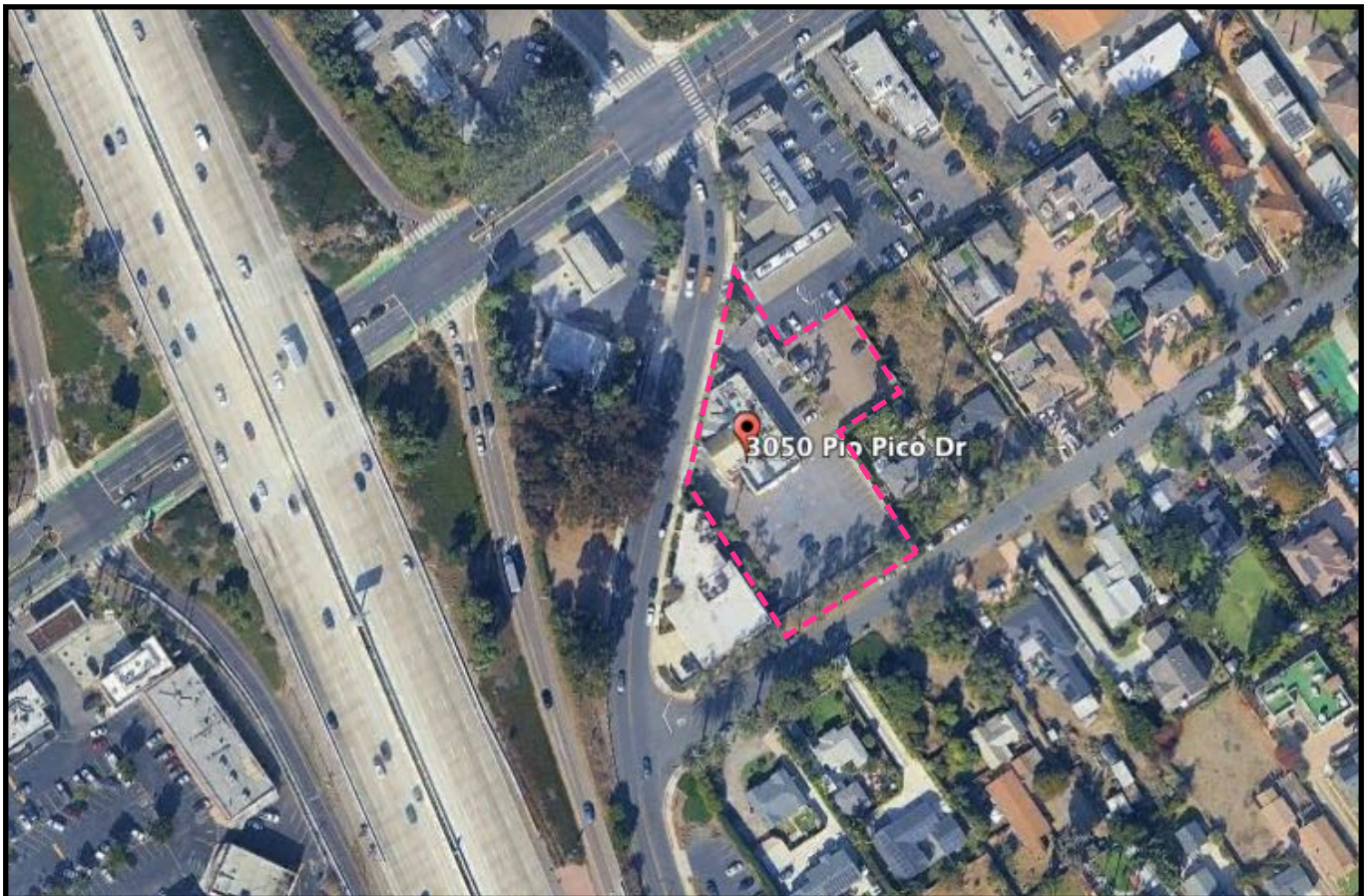


Pio Pico

Pre-Design Report

APN: 156-180-44-00
Project Address: 3050 Pio Pico Drive

**TEN
SEVENTY**
ARCHITECTURE



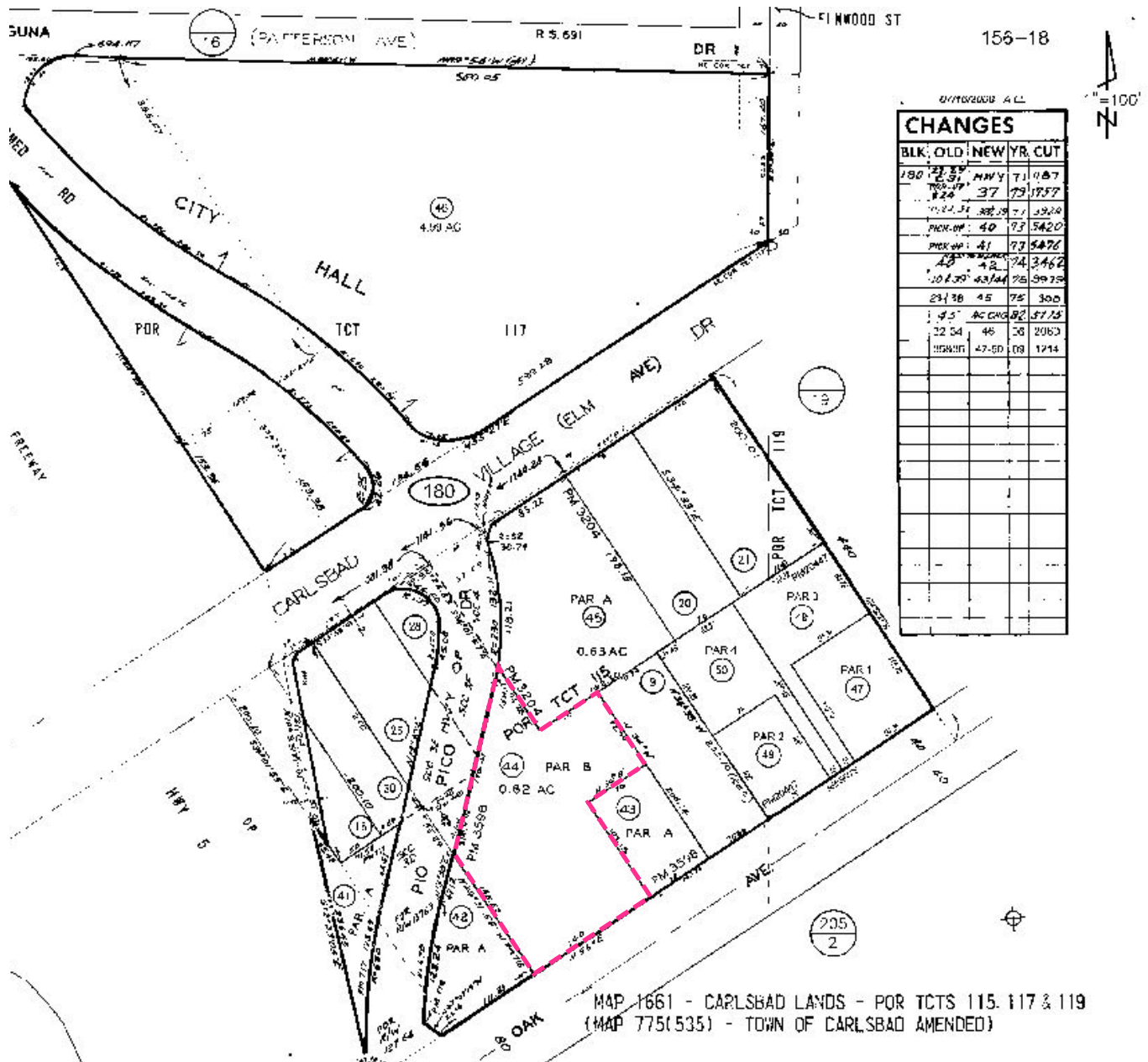
Prepared by Ten Seventy Architecture

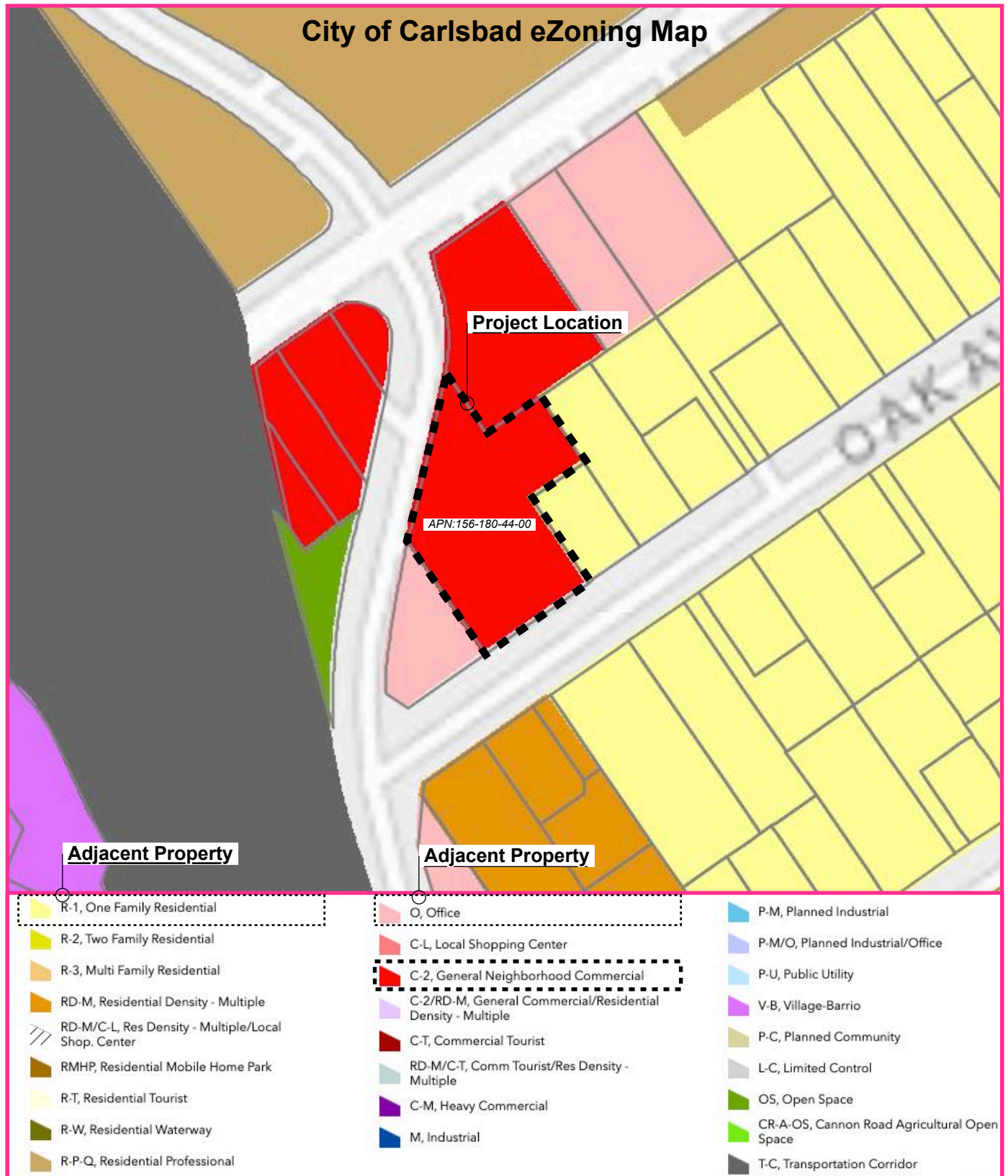
4411 30th St., Suite 202
San Diego, CA 92116

This research is representative of the most complete development information available @ the time, based on current codes / standards. There are many variables that are impossible to take into account + many assumptions that have to be made to plan for a development this early on. B/c of this, the ideas presented may / may not represent the ultimate development possibility / feasibility. This is understood by both the Client + the Architect @ the time this Proposal is issued.

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Parcel Information	
General Plan	GC
Land Use	https://ecode360.com/44011074
Coastal Zone	No
Master Plan	N/A
Specific Plan	SP000025
Flood Zone	N/A
Drainage Area	B
Sewer District	CBD
Water District	CMWD
School District	CA
LFMZ	1.0
Park District	1.0
Fire District	1.0
Census Tract	178.0
Sewer Benefit Area	N/A
In Redevelopment Zone	No
In Beach Overlay Zone	No
In Fire Zone	No
In Visitor Zone	No
In Village-Barrio Master Plan	No
Improvement Area	0.0
Digital Flood Insurance Rate Map ID	06073C
Flood Area ID	06073C_52
Flood Zone	X
Special Flood Hazard Area	F
Static BFE	-9,999.00
Depth	-9,999.00
Velocity	-9,999.00
BFE Revert	-9,999.00
Depth Revert	-9,999.00
Source Citation	06073C_STUDY1
FloodZone FloodWay	Zone X
Publish Date	10/15/2012 5:00 PM
FEMA_CarlsbadFloodZone FID	109.00
Firm Panel	06073C0762G
Panel Effective Date	5/15/2012 5:00 PM

Site Summary

Lot Area: 35,962sf (.8356 acres)
(parcel map)

Setbacks: Front: none required
(§21.28.030) Side: n/a
(§21.28.040) Rear: 10' (only where abutting an R-zone without an alley)
(§21.28.050) 5' (only where abutting an R-zone with an alley)
All required setbacks shall be increased at a ratio of 1' horizontal for every 1' of vertical construction beyond 35'. The additional setback area shall be maintained as landscaped open space

Height Restrictions: Standard: 35'
(§21.28.030) Allowed protrusions: 45'
w/Minor site development plan: 45' (additional setbacks required)
w/Site development plan: 55' (additional setbacks required)
- cannot adversely affect surrounding properties
- cannot be unduly disproportionate to other buildings in the area

F.A.R. Restrictions: *

C-2 Allowable Uses: P = Permitted
(§21.28.010) CUP = Conditional Use Permit
(see table A below) 1: Minor CUP (Process 1)
2: CUP (Process 2)
3: CUP (Process 3)
Acc = Permitted as an accessory use

* FAR information could not be located in the Carlsbad municipal code (Carlsbad staff did not return our email)

Use	P	CUP	Acc	Use	P	CUP	Acc
Accessory dwelling unit (subject to Section 21.10.030; defined: Section 21.04.121)			X	Nightclubs, dance clubs, and other establishments that play live or recorded music or make regular use of amplified sound (see note 1 below)		3	
Adult and/or senior day care and/or recreation facility (private or non-private)		1		Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)			X
Alcoholic treatment centers		2		Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Amusement parks		3		Parking facilities (primary use, i.e., day uses, short-term, non-storage)		1	
Any use permitted in the C-1 zone	X			Pawnshops (subject to Section 21.42.140(B)(105))		3	
Aquaculture (defined: Section 21.04.096)		1		Personal services (defined: Section 21.04.291.1)	X		
Aquaculture stands (display/sale) (subject to Section 21.42.140(B)(10))		1		Pet shops	X		
Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)		1		Pool halls, billiard parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X			Public meeting halls, exhibit halls, and museums		2	
Auto repair	X			Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Bars, cocktail lounges (subject to Section 21.42.140(B)(20); defined: Section 21.04.041) (see note 1 below)		2		Racetracks		3	
Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)		2		Radio/television/microwave/broadcast station/tower		2	
Blueprinting, photocopying and duplicating services	X			Recreation facilities		1	
Bowling alley (subject to Section 21.42.140(B)(35); defined: Section 21.04.057)		1		Recycling collection facilities, large (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		2	
Breweries with retail accessory use, including tasting rooms		3		Recycling collection facilities, small (subject to Chapter 21.105 of this title) (defined: Section 21.105.015)		1	
Car wash (subject to Section 21.42.140(B)(45))		1		Religious reading room		1	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2		Residential uses (subject to Section 21.28.015 of this title)	X		
Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		1		Retail, wholesale or service businesses catering directly to the consumer	X		
Columbariums and mausoleums (not within a cemetery)		2		Satellite television antennae (subject to Sections 21.53.130 through 21.53.140) (defined: Section 21.04.302)			X
Commercial printing and photoengraving	X			Signs (subject to Chapter 21.41)			X
Delicatessen (defined: Section 21.04.106)	X			Stadiums		3	
Drive-thru facilities (excluding restaurants)		1		Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Educational facilities, other (defined: Section 21.04.137)	X			Theaters (motion picture or live) — Indoor		2	
Educational institutions or schools, public/private (defined: Section 21.04.140)		2		Theaters, stages, amphitheaters — Outdoor		3	
Fairgrounds		3		Thrift shops (subject to Section 21.42.140(B)(150))		1	
Farmworker housing complex, small (subject to Section 21.10.125) (defined: Section 21.04.148.4)		1		Transit passenger terminals (bus and train)		2	
Gas stations (subject to Section 21.42.140(B)(65))		2		Upholstering shops	X		
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B)(70))		1		Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)		1	
Group homes (serving seven or more persons and requiring state licensing) (defined: Section 21.04.163)	X			Welfare and charitable services (private or semi-private) with no permanent residential uses (e.g., Goodwill, Red Cross, Traveler's Aid)		1	
Hospitals (defined: Section 21.04.170)		2		Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		2	
Hospitals (mental) (defined: Section 21.04.175)		2		Wireless communication facilities (subject to Section 21.42.140(B)(165))		1/2	
Hotels and motels (subject to Section 21.42.140(B)(80))		3		Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		1	
Liquor store (subject to Section 21.42.140(B)(85); defined: Section 21.04.203)		1					
Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)		1					
Mortuaries		2					

C-1 Allowed Uses (also allowed in C-2 Zone)

Allowable Uses:

(§21.28.010)

(see table A below)

P = Permitted

CUP = Conditional Use Permit

1: Minor CUP (Process 1)

2: CUP (Process 2)

3: CUP (Process 3)

Acc = Permitted as an accessory use

Use	P	CUP	Acc	Use	P	CUP	Acc
Accountants	X			Mobile buildings (subject to Section 21.42.140(B)(90); defined: Section 21.04.265)		1	
Adult and/or senior daycare and/or recreation facility (private/non-private)		1		Outdoor dining (incidental) (subject to Section 21.26.013; defined: Section 21.04.290.1)			X
Alcoholic treatment centers		2		Packing/sorting sheds > 600 square feet (subject to Section 21.42.140(B)(70))		1	
Amusement parks		3		Paint stores	X		
Arcades—coin-operated (subject to Section 21.42.140(B)(15); defined: Section 21.04.091)		1		Parking facilities (primary use) (i.e., day use, short-term, nonstorage)		1	
Athletic clubs, gymnasiums, health clubs, and physical conditioning businesses	X			Pawnshops (subject to Section 21.42.140(B)(105))		3	
Attorneys	X			Personal services (defined: section 21.04.291.1)	X		
Banks and other financial institutions without drive-thru facilities	X			Pet supply shops	X		
Bakeries	X			Pool halls, billiards parlors (subject to Section 21.42.140(B)(110); defined: Section 21.04.292)		2	
Biological habitat preserve (subject to Section 21.42.140(B)(30); defined: Section 21.04.048)		2		Private clubs, fraternities, sororities and lodges, excepting those the chief activity of which is a service customarily carried on as a business	X		
Book or stationery stores	X			Public meeting halls, exhibit halls, and museums		2	
Child day care centers, subject to the provisions of Chapter 21.83 of this title	X			Public/quasi-public buildings and facilities and accessory utility buildings/facilities (defined: Section 21.04.297)		2	
Churches, synagogues, temples, convents, monasteries, and other places of worship		2		Racetracks		3	
Clubs—nonprofit, business, civic, professional, etc. (defined: Section 21.04.090)		1		Radio/television/microwave/broadcast station/tower		2	
Columbariums, crematories, and mausoleums (not within a cemetery)		2		Realtors	X		
Delicatessen (defined: Section 21.04.106)	X			Recreation facilities		1	
Doctors, dentists, optometrists, chiropractors and others practicing the healing arts for human beings, and related uses such as oculists, pharmacies (prescription only), biochemical laboratories and x-ray laboratories	X			Recycling collection facilities, large (subject to Chapter 21.105 of this title; defined: Section 21.105.015)		2	
Dressmaking or millinery shops	X			Recycling collection facilities, small (subject to Chapter 21.105 of this title; defined: Section 21.105.015)		1	
Drive-thru facility (not restaurants)		1		Religious reading room (separate from church)		1	
Drugstores	X			Residential uses (subject to Section 21.26.015 of this title)	X		
Dry goods or notion stores	X			Restaurants (bona fide public eating establishment) (defined: Section 21.04.056)	X		
Educational facilities, other (defined: Section 21.04.137)	X			Restaurants (excluding drive-thru restaurants), tea rooms or cafes (excluding dancing or entertainment and on-sale liquor)	X		
Educational institutions or schools, public/private (defined: Section 21.04.140)		2		Satellite television antennae (subject to Section 21.53.130—21.53.150; defined: Section 21.04.302)			X
Engineers, architects and planners	X			Shoe, clothing or wearing apparel stores	X		
Fairgrounds		3		Signs (subject to Chapter 21.41)			X
Farmworker housing complex, small (subject to Section 21.10.125; defined: Section 21.04.148.4)		1		Stadiums		3	
Florist shops	X			Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Fortune tellers, as defined in Section 5.50.010	X			Theaters (motion picture or live) — Indoor		2	
Gas stations (subject to Section 21.42.140(B)(65))		2		Stadiums		3	
Greenhouses > 2,000 square feet (subject to Section 21.42.140(B)(70))		1		Tattoo parlors (subject to Section 21.42.140(B)(140))		3	
Grocery or fruit stores	X			Theaters (motion picture or live) — Outdoor		2	
Group homes (serving seven or more persons and requiring state licensing) (defined: Section 21.04.163)		X		Theaters, stages, amphitheaters — Outdoor		3	
Hardware stores	X			Thrift shops (subject to Section 21.42.140(B)(150))		1	
Hospitals (defined: Section 21.04.170)		2		Transit passenger terminals (bus and train)		2	
Hospitals (mental) (defined: Section 21.04.175)		2		Veterinary clinic/animal hospital (small animals) (defined: Section 21.04.378)		1	
Hotels and motels (subject to Section 21.42.140(B)(80))		3		Welfare and charitable service (private or semi-private) with no permanent residential uses (i.e., Goodwill, Red Cross, Traveler's Aid)		1	
Institutions of a philanthropic or eleemosynary nature, except correctional or mental	X			Windmills (exceeding height limit of zone) (subject to Section 21.42.140(B)(160))		2	
Jewelry stores	X			Wireless communication facilities (subject to Section 21.42.140(B)(165); defined: Section 21.04.379)		1/2	
Laundries or clothes cleaning agencies	X			Youth organizations (e.g., Boy Scouts, Girl Scouts, Boys and Girls Clubs, YMCA, YWCA, except lodgings)		1	
Liquor store (subject to Section 21.42.140(B)(85); defined: Section 21.04.203)		2					
Meat markets	X						

Conditional Use Permit

(Per 21.42.070)

☐ § 21.42.070 **Decision-making authority.**

A. Applications for minor conditional use permits or conditional use permits shall be acted upon in accordance with the following. Please refer to the use regulation table in each zone to determine whether the conditional use permit is decided by process one, two or three.

1. Process One—Minor Conditional Use Permit.

- a. An application for a minor conditional use permit may be approved, conditionally approved or denied by the City Planner based upon his/her review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
- b. The City Planner may approve or conditionally approve the minor conditional use permit if all of the findings of fact in Section **21.42.030** of this title are found to exist.

2. Process Two.

- a. An application for a conditional use permit subject to process two may be approved, conditionally approved or denied by the Planning Commission based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
- b. The Planning Commission shall hear the matter, and may approve or conditionally approve the conditional use permit if all of the findings of fact in Section **21.42.030** of this title are found to exist.

3. Process Three.

- a. An application for a conditional use permit subject to process three may be approved, conditionally approved or denied by the City Council based upon its review of the facts as set forth in the application, of the circumstances of the particular case, and evidence presented at the public hearing.
- b. Before the City Council decision, the Planning Commission shall hear and consider the application for the conditional use permit and shall prepare a recommendation and findings for the City Council. The action of the Planning Commission shall be filed with the City Clerk, and a copy shall be mailed to the applicant.
- c. The City Council shall hear the matter, and may approve or conditionally approve the conditional use permit if all of the findings of fact in Section **21.42.030** of this title are found to exist.

Site Development Permit

(Per 21.06.070 & 21.06.020)

☐ § 21.06.070 **Decision-making authority.**

A. Applications for minor site development plans or site development plans shall be acted upon in accordance with the following:

1. Minor Site Development Plan.

- a. An application for a minor site development plan may be approved, conditionally approved or denied by the City Planner based upon his/her review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at the administrative hearing, if one is conducted pursuant to the provisions of Section 21.54.060.B.2 of this title.
- b. The City Planner may approve or conditionally approve the minor site development plan if all of the findings of fact in Section 21.06.020 of this title are found to exist.

2. Site Development Plan.

- a. An application for a site development plan may be approved, conditionally approved or denied by the Planning Commission based upon its review of the facts as set forth in the application, the circumstances of the particular case, and evidence presented at the public hearing.
- b. The Planning Commission shall hear the matter, and may approve or conditionally approve the site development plan if all of the findings of fact in Section 21.06.020 of this title are found to exist.

☐ § 21.06.020 **Permitted uses and findings of fact.**

(a) Subject to the provisions of subsection (b), in the Q qualified development overlay zone, any principal use, accessory use, transitional use or conditional use permitted in the underlying zone is permitted, subject to the same conditions and restrictions applicable in such underlying zone and to all of the requirements of this chapter.

(b) Notwithstanding subsection (a) of this section, no development or use shall be permitted unless the decision-making authority finds:

- (1) That the proposed development or use is consistent with the general plan and any applicable master plan or specific plan, complies with all applicable provisions of this chapter, and all other applicable provisions of this code;
- (2) That the requested development or use is properly related to the site, surroundings and environmental settings, will not be detrimental to existing development or uses or to development or uses specifically permitted in the area in which the proposed development or use is to be located, and will not adversely impact the site, surroundings or traffic circulation;
- (3) That the site for the intended development or use is adequate in size and shape to accommodate the use;
- (4) That all of the yards, setbacks, walls, fences, landscaping, and other features necessary to adjust the requested development or use to existing or permitted future development or use in the neighborhood will be provided and maintained;
- (5) That the street system serving the proposed development or use is adequate to properly handle all traffic generated by the proposed use; and
- (6) The proposed development or use meets all other specific additional findings as required by this title.

(Ord. 9425 § 3, 1975; Ord. 9739 § 2, 1984; Ord. NS-765 § 1, 2005; Ord. CS-178 § III, 2012)

ADU Code Excerpt

(Per California State Accessory Dwelling Unit Handbook - January 2025)

Multifamily Converted ADUs

ADUs may be created within the portions of existing multifamily structures that are not used as livable space (Gov. Code, § 66323, subd. (a)(3)(A)). Local agencies shall allow 18 at least one ADU within an existing multifamily dwelling and up to 25 percent of the existing multifamily dwelling units (Gov. Code, § 66323, subd. (a)(3)(B)). Examples of structures that are not used as livable space include, but are not limited to: storage rooms, boiler rooms, passageways, attics, basements, or garages (Gov. Code, § 66323, subd. (a)(3)(A)).

Multifamily Detached ADUs

Up to two detached ADUs are allowed on a lot that has a proposed multifamily dwelling, or up to eight detached ADUs are allowed on a lot with an existing multifamily dwelling, not to exceed the number of existing units on the lot. These ADUs are subject to fourfoot rear and side yard setbacks and height limits of 16, 18, or 20 feet depending on conditions specified in Government Code section 66321, subdivision (b)(4). (Gov. Code, § 66323, subd. (a)(4)(A).) A local agency may not require that a setback be modified for an existing multifamily dwelling with setbacks less than four feet as a condition of ADU application approval (Gov. Code, § 66323, subd. (a)(4)(B)).

Accessory Dwelling Unit Carlsbad Code Excerpt

(Per 21.10.030(E)(9)(C))

Converted Garage Parking Requirements

When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an ADU or converted to an ADU, the loss of parking for the primary dwelling does not need to be replaced.

Design Standards Excerpt

(Relevance varies per proposal)

(Multifamily Housing and Mixed-Use Development Objective Design Standards - June 2023 (Updated May 2025))

Landscape Buffer

A landscape buffer of minimum five feet shall be located adjacent to all ground-level residential spaces to provide additional privacy and security for residents. The buffer shall be planted with shrubs which grow to or are maintained at a maximum height of four feet.

Vertical Mixed-Use

Ground Floor Use and Activity: In addition to non-residential uses, common recreational spaces, amenities, and leasing offices are allowed in the ground floor space and within 20 feet of the building frontage along the primary street. Residential dwelling units shall not be located within the ground floor space and within 20 feet of the building frontage along the primary street.

Ground Floor Height: Mixed-use buildings shall incorporate a minimum ground floor height (measured from floor to floor) of 12 feet.

Horizontal Mixed-Use

Pedestrian Circulation: Pedestrian walkways shall connect multiple buildings throughout the site

Access to Common Recreational Spaces: Commercial tenants, visitors, and residents may be given access to the same common recreational spaces, or separate common recreational spaces.

SP25A

EXHIBIT "C"



City of Carlsbad

Planning Department

September 24, 2007

Mr. Harvey Lyons
3252 Holiday Court, #223
La Jolla, CA 92037

RE: PIO PICO PROPERTY/COLONIAL MALL PROPERTY PARKING
AGREEMENT

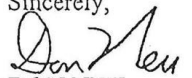
Dear Mr. Lyons:

The City of Carlsbad has reviewed the latest version of the Supplemental Agreement for Joint Parking and Maintenance (the "Agreement") dated August 20, 2007. The Agreement complies with all changes requested by the City of Carlsbad on August 9, 2007. Therefore, the City of Carlsbad is with this letter hereby providing written consent of approval of the proposed Agreement, as required by the original recorded agreement (Doc # 74-131027).

Once you have recorded the Agreement, please submit a recorded copy to our offices for our files. Once we have received the recorded copy of the Agreement, it will be forwarded to our City Attorney and Code Enforcement offices for closure on this issue.

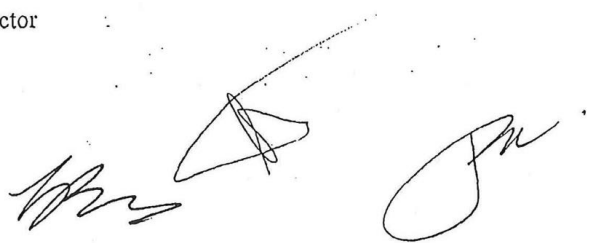
Should you have any questions or need any further assistance regarding this issue, please contact Gary T. Barberio, Assistant Planning Director at (760) 602-4606.

Sincerely,


DON NEU
Planning Director

DN:GTB:bd

c: Jane Mobaldi, Assistant City Attorney
Paul Edmondson, Deputy City Attorney
Gary T. Barberio, Assistant Planning Director
Yan Lynch, Senior Planner
Mr. Bruce Brown, Colonial Mall





From the desk of
HARVEY LYONS

*FILE SP 126
(SP 25A)*

October 26, 2007

City of Carlsbad
Attn: Don Neu
1635 Faraday Ave
Carlsbad, CA 92008

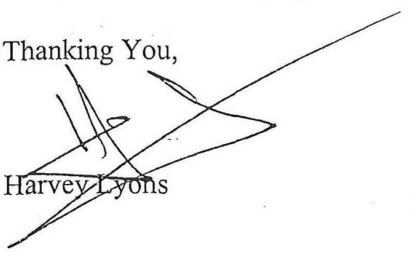
Re: 3050 Pio Pico Drive, Carlsbad, CA 92008

Dear Mr. Neu,

Herewith attached is a copy of the recorded document. Please see the last page for reference.

Please call me with any questions you may have.

Thanking You,


Harvey Lyons

NOV 2007
Planning Department
City of
Carlsbad

3252 Holiday Ct. #223 • La Jolla, CA 92037 • 858-452-8363/tel • 858-450-1843/fax

Please complete this information.

RECORDING REQUESTED BY:
FIDELITY NATIONAL TITLE
AND WHEN RECORDED MAIL TO:

HARVEY LYONS
3252 HOLIDAY CT. #223
LA JOLLA, CA 92037

THE ORIGINAL OF THIS DOCUMENT
WAS RECORDED ON OCT 26, 2007
DOCUMENT NUMBER 2007-0686366
GREGORY J. SMITH, COUNTY RECORDER
SAN DIEGO COUNTY RECORDER'S OFFICE
TIME: 2:19 PM

Space above this line reserved for Recorder's Use Only
Govt. Code 27361.6

AGREEMENT

(Please fill in document title(s) on this line)
Govt. Code 27324

THIS PAGE ADDED TO PROVIDE ADEQUATE SPACE FOR RECORDING INFORMATION
Govt. Code 27361.6
(Additional recording fee applies)

Recording Requested By:
Fidelity National Title Co

When Recorded Mail To:
Harvey Lyons
3252 Holiday Court #223
La Jolla CA 92037

SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE

Supplemental Agreement for Joint Parking and Maintenance

This Agreement is made this 30th DAY OF AUGUST 2007 between BJ Properties & Management, LLC, a Nevada Limited Liability Company, to be held in Series C, hereinafter referred to as "BJ Properties", the owner of Parcel A, and Harvey Lyons, as Trustee of The Lyons Revocable Family Trust, hereinafter referred to as "Lyons Trust" the owner of Parcel B.

BJ Properties is the successor in interest to COLONIAL MALL LTD, a Limited Partnership and is the owner of Assessors Parcel No# 156-180-45 at 1207 Carlsbad Village Dr Carlsbad CA 92008, more fully described as Parcel A in the City of Carlsbad, County of San Diego, State of California, as shown at Page 3204 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, November 13, 1974, and hereinafter referred to as Parcel A and having acquired its ownership interest pursuant to a grant deed dated May 22, 2006 and recorded on June 7, 2006 as Document No. 2006-0401590 of the official records of the County Recorder of San Diego County.

The Lyons Trust is the successor in interest to CARLSBAD INVESTMENT CORPORATION, and is the owner of Assessors parcel No # 156-180-44-00, at 3050 Pio Pico Dr Carlsbad CA 92008 more fully described as Parcel B of Parcel Map No. 3598, in the City of Carlsbad, County of San Diego, State of California, filed in the office of the County Recorder of San Diego County, February 28, 1975, hereinafter referred to as Parcel B; having acquired its ownership pursuant to a grant deed dated February 18, 2004 and recorded February 20, 2004 as Document No. 2004-0132913 of the official records of the County Recorder of San Diego County.

BJ Properties and the Lyons Trust, as the successor owners of record of Parcel A and Parcel B as described above, hereby agree to replace and supercede in its entirety, that certain agreement executed on December 28, 1981 and recorded on January 13, 1982 as document # 82-008986 of the official records of the County Recorder of San Diego County, hereinafter referred to as the 1982 Agreement, and replace it with this document.

BJ Properties and the Lyons Trust, as the successor owners of Parcel A and Parcel B hereby supplement and further define the extent of the joint use of parking facilities over Parcel B, as granted to Parcel A in the agreement dated May 8th 1974 and recorded on May 20th 1974 in book 1974, page number 803 as Instrument No# 74-131027, hereinafter referred to as the "1974 Agreement" and the parties herewith establish certain additional obligations of joint use, maintenance and repair and a sharing of a pro-rata proportional share of the real property taxes as a joint expense.

Now therefore, the parties agree that only that portion of Parcel B, more fully described as Parcel C in the legal description attached hereto as "Attachment 1" and incorporated herein by reference, constitutes the parking available for nonexclusive, joint usage by the owner of Parcel A, including all rights of access to Parcel C.

The Lyons Trust as the owner of Parcel B hereby confirms that the easement in favor of the owner of Parcel A for the nonexclusive, joint use of all the designated parking on Parcel B, as more specifically described as Parcel C in the "Attachment 1" includes all rights of access to Parcel C.

It is further agreed that the owner of Parcel A shall be equally responsible with the owner of Parcel B for all ongoing property taxes, maintenance and repair of that portion of Parcel B described as

Initial

Initial

Initial

Page (1 of 8)

Parcel C in the legal description attached hereto as "Attachment 1" and as further referenced in Addendum "D" as attached, which constitutes approximately 20% of the total Parcel B. The parties herein acknowledge that the restaurants operating on Parcel B are open day and night and as such require parking at all times and that reciprocal parking shall be maintained pursuant to Specific Plan 25(A) as approved by Planning Commission Resolution 1141, dated March 11, 1975.

Paragraph 4(c) of the Agreement For Joint Parking Facilities And Grant of Reciprocal Parking Easements, on file with the Recorder for County of San Diego, document number 74-131027, is modified to read as follows: These mutual covenants are superior and paramount to the rights of any of the parties in the respective servient estates so created, and the parties further agree that these covenants shall run with both parcels of land described herein. The City of Carlsbad retains the right, but not the obligation to seek enforcement of these covenants. Notwithstanding the prior sentence, the parties hereto retains all rights and obligations, independent of the City of Carlsbad, to enforce these mutual covenants.

The 1974 Agreement continues to remain in force and effect subject to the changes as specified in this agreement.

All other agreements with the exception of the 1982 Agreement continue to remain in force and effect.

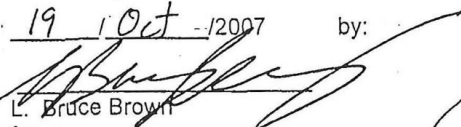
Both parties agree that these covenants shall run with both parcels of land described herein.

See Addendum "D" as attached which references Parcel A as Lot "A" and Parcel B as Lots "B" & "C" and which is incorporated into and as part of this agreement.

Agreed to and executed

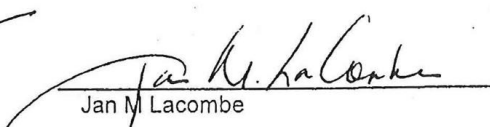
19 Oct - 2007

by:


L. Bruce Brown

for

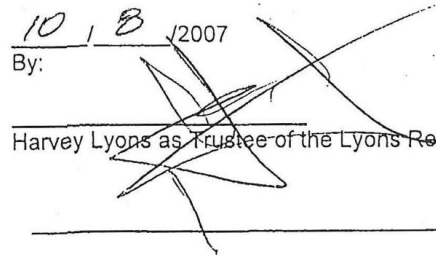
BJ Properties & Management, LLC a Nevada Limited Liability Company, to be held in Series C (Parcel A)


Jan M. Lacombe

Agreed to and executed

10 18 /2007

By:


Harvey Lyons as Trustee of the Lyons Revocable Trust (Parcel B)

[SEE NOTARY JURATS ON PAGES 3 & 4]

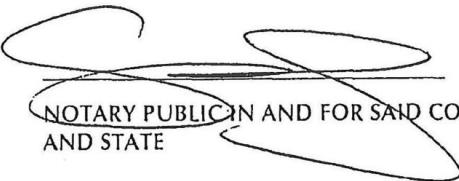
STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

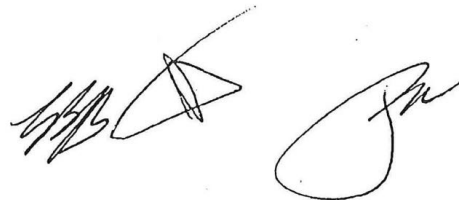
On October 8th, 2007 before me, SYLVIA BROOKS, a Notary Public in and for said State, personally appeared HARVEY LYONS personally known to me, proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal




NOTARY PUBLIC IN AND FOR SAID COUNTY
AND STATE

(Page 3 of 8)

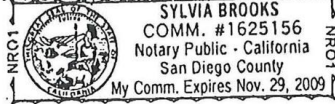


STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On 10/19/2007, 2007 before me, SYLVIA BROOKS, a Notary Public in and for said State, personally appeared L. Bruce Brown, personally known to me/ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the persons(s), or the entity upon behalf of which the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



[Signature]
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

STATE OF CALIFORNIA

COUNTY OF SAN DIEGO

On 10/19/2007, 2007 before me, SYLVIA BROOKS, a Notary Public in and for said State, personally appeared NAN M LACOMBE, personally known to me/ proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the persons(s), or the entity upon behalf of which the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal



[Signature]
NOTARY PUBLIC IN AND FOR SAID COUNTY AND STATE

(Page 4 of 8)

[Signature]
[Signature]

Attachment 1

Parcel C

That portion of Parcel B of Parcel Map No. 3598 lying Northeasterly of that certain course of North 34° 00' 00" West 274.42 feet, as shown on said map, in the City of Carlsbad, County of San Diego, State of California, according to Map recorded in the office of the County Recorder February 28, 1975 as File No. 75-047328, being a portion of Tract 115 of Carlsbad according to Amended Map of the Town of Carlsbad, Map No. 775, filed in the office of the County Recorder of San Diego, February 15, 1894.

(5 of 8)

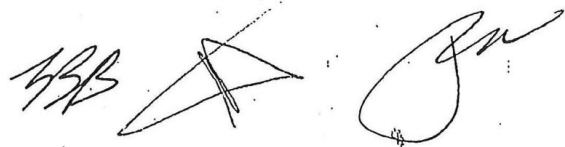
Handwritten signatures and initials, including "BB", a stylized "A", and a signature that appears to be "Jm".

EXHIBIT "A"

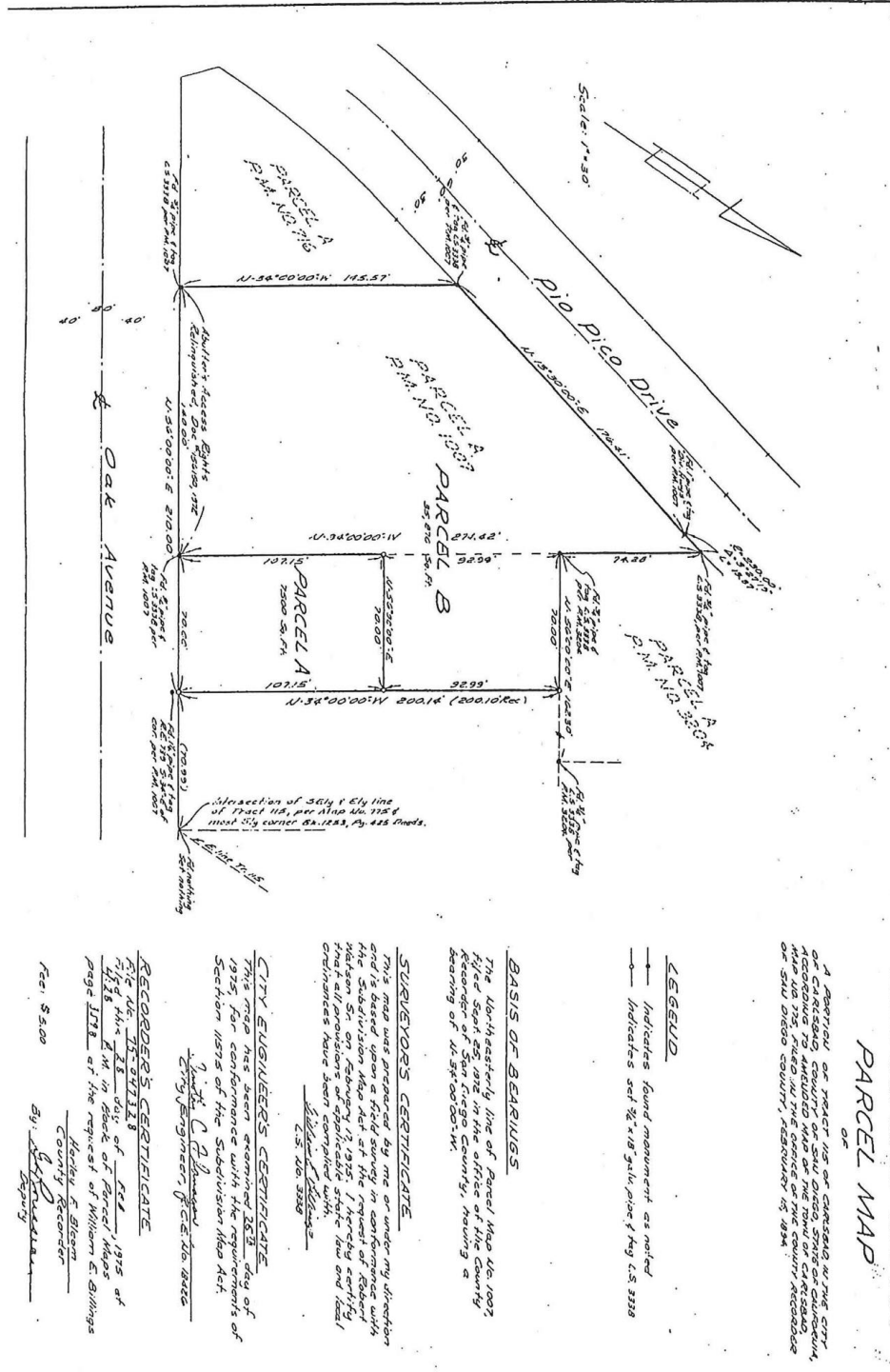
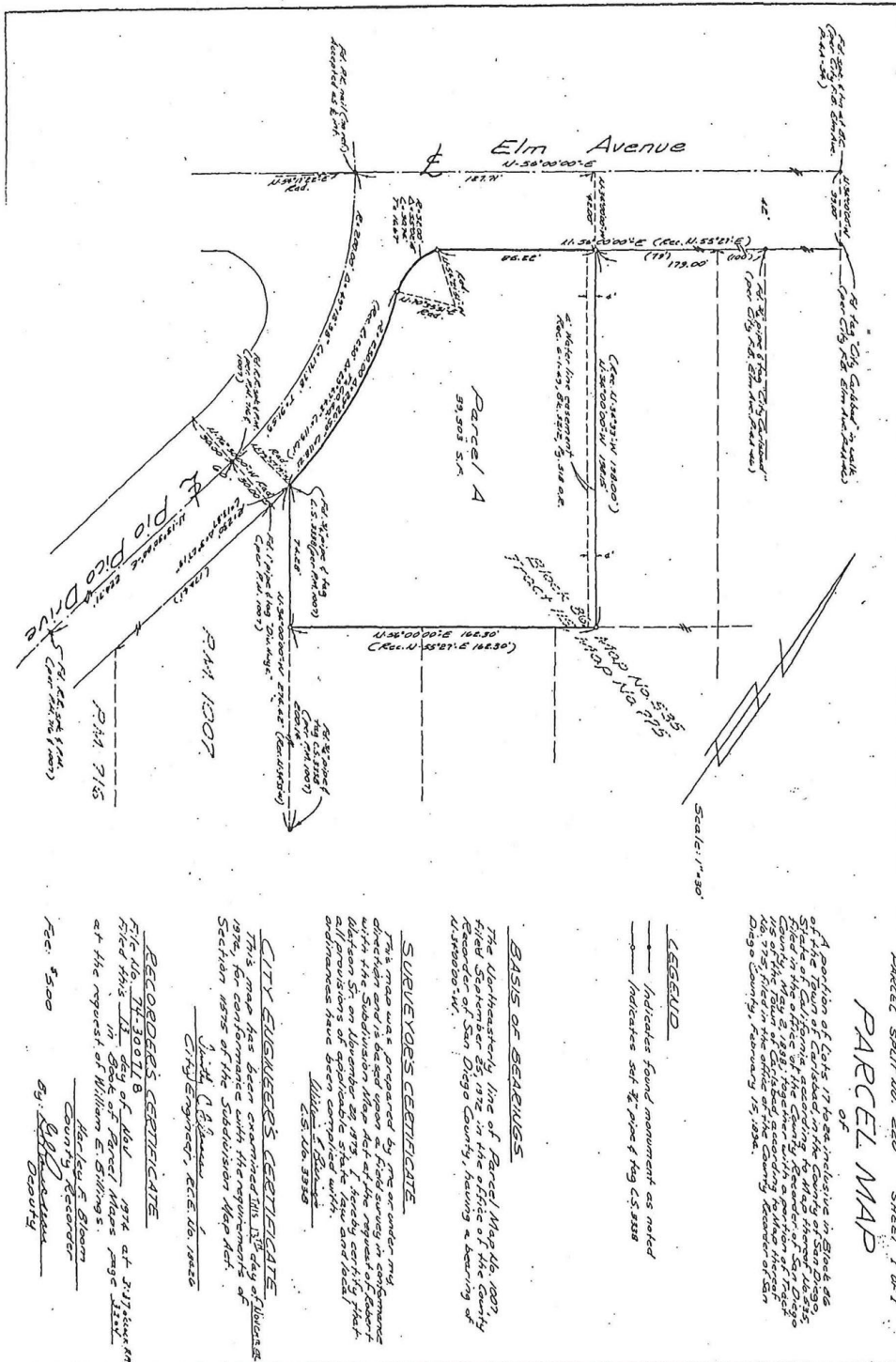
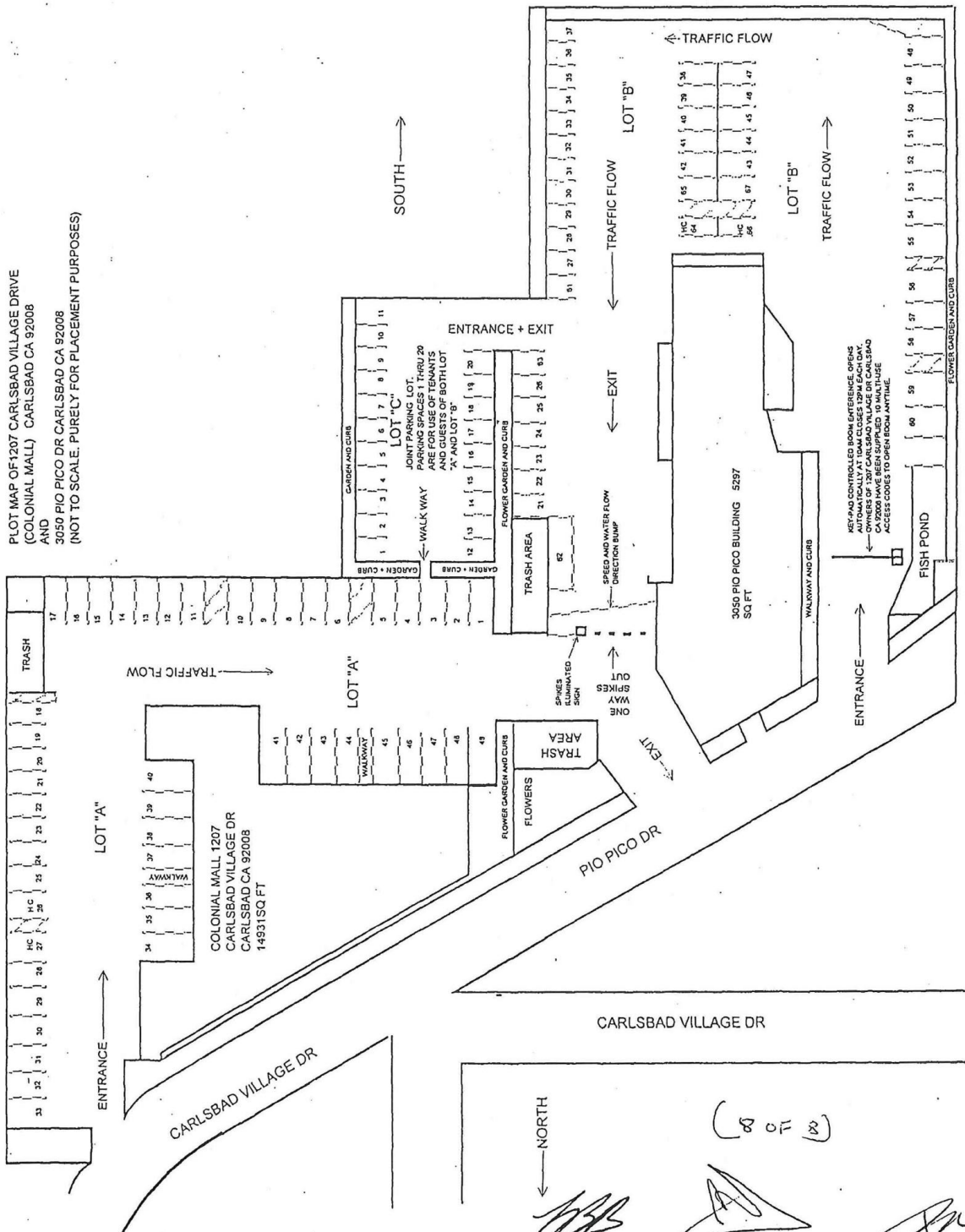


EXHIBIT "B"



ADDEMDUM "D"

PLOT MAP OF 1207 CARLSBAD VILLAGE DRIVE
(COLONIAL MALL) CARLSBAD CA 92008
AND
3050 PICO DR CARLSBAD CA 92008
(NOT TO SCALE, PURELY FOR PLACEMENT PURPOSES)



Calculations for Unit Count

(Per 21.28.015 & Carlsbad General Plan Table 2.3)

Lot Area: 35,962sf (.8356 acres)
(parcel map)

Land Use: C-2
(Carlsbad Zoning Map)

Residential Density: Min: 15 units per acre
Max: 30 units per acre
(§21.28.015)
(General Plan Table 2-3)

Density Allowed: 25% of the developable area
(§21.28.015)
(General Plan Table 2-3)

Dwellings Allowed $(0.8356 \text{ acres} \times 0.25) \times 30(\text{max}) = 6.375$
= 6 Dwellings (Rounded Down)

Calculations for Maximum Unit Count w/Density Bonus Increase

(Per 21.28)

Dwellings Allowed $((0.85 \times 0.25) \times 1.5) \times 30 = 9.5625$
(24% of units low-income [2 affordable]) = 10 Dwellings (Rounded Up)

Dwellings Allowed $((0.85 \times 0.25) \times 1.29) \times 30 = 8.22375$
(16% of units low-income [1 affordable]) = 9 Dwellings (Rounded Up)

Dwellings Allowed $((0.85 \times 0.25) \times 1.5) \times 30 = 9.5625$ *recommended approach*
(15% of units very low-income [1 affordable]) = 10 Dwellings (Rounded Up)

Requirements for Parking

(Per 21.44.020)

Accessory Dwelling Units: 1 space (covered or uncovered), unless specified in Section 21.10.030
(parcel map) 0 parking required within 0.5 miles of a Major transit stop (this site is).

Two-Family Dwellings: 2 spaces per unit provided as:
(Apartments only) 2-car garage (min. 20 x 20 interior)
2 separate 1-car garages (min 12 x 20 interior)
otherwise permitted pursuant to 21.10.030 (ADU garage conversion)

Multiple Family Dwellings: Studio & 1-Bedroom: 1.5 spaces/unit (one of which must be covered)
(Apartments only) 2+ Bedrooms: 2 spaces/unit (one of which must be covered)

Visitor Parking: 10 units or fewer: 0.30 spaces per unit (covered or uncovered)
(Two & Multi-Family Dwellings) 11 units or more: 0.25 spaces per unit (covered or uncovered)

Commercial: Hotel: 1.2 spaces per unit
(Varies per use) Personal/Professional Services: 1space/300sf of gross floor area
Restaurants (less than 4,000sf): 1 space /100sf of gross floor area
Restaurants (more than 4,000sf): 40 + 1 space/50sf of gross floor area in excess of 4,000sf
Retail Uses (individual): 1 space/300sf of gross floor area

PROPOSED DEVELOPMENT A

Phase I - Restaurant & Detached Townhomes

Building # and Type	8 Dwellings (1 affordable rental rate)	2 Dwellings	1 Commercial (Restaurant)
Square Footage	2,100sf ea.	1,700sf ea.	1,000sf
Interior Spaces	4-Bed 3.5-Bath	3-Bed 2.5-Bath	-
Parking	2-Car Garage per Dwelling	2-Car Garage + Storage per Dwelling	10 Parking Spaces
Parking (Visitor)	0.3 * 10 = 3 Visitor Spaces Required		-



PROPOSED DEVELOPMENT A

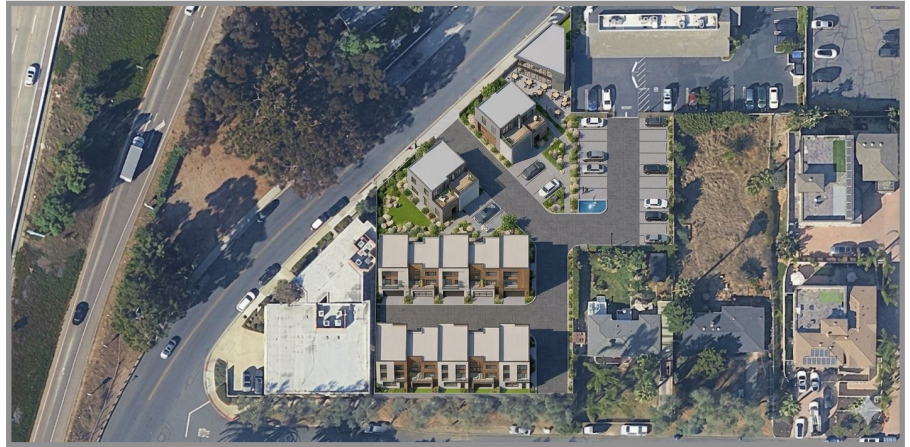
Phase II - Detached ADU's & Garage Conversions

Building # and Type	4 ADUs	4 ADUs	2 ADUs
Square Footage	850sf ea.	400sf ea.	400sf ea.
Interior Spaces	2-Bed 1-Bath	Studio	Studio (storage conversion)
Parking	2-car Garage per ADU	No Parking Provided	No Parking Provided



PROPOSED DEVELOPMENT A

Project Renderings



View from Pio Pico Dr.



View from Oak Ave.



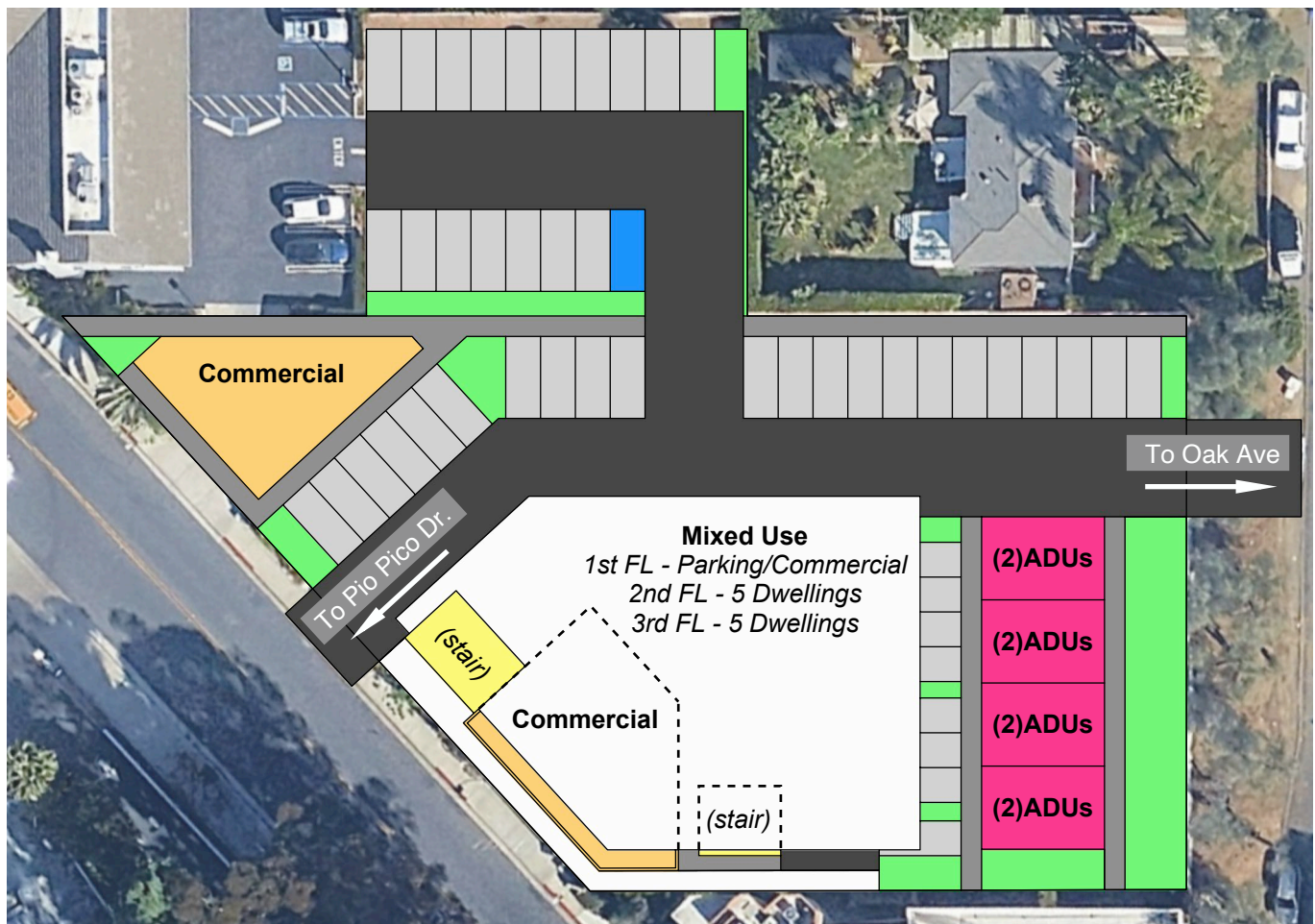
Building # and Type	Mixed-Use - (Restaurant)	Mixed-Use - 10 Dwellings	1 Commercial (Restaurant)
Square Footage	2,200sf	1,300sf ea.	1,500sf
Interior Spaces	-	3-Bed 2-Bath	-
Parking	22 Parking Spaces	10 (covered spaces) +10 (uncovered spaces)	15 Parking Spaces



PROPOSED DEVELOPMENT B

Phase II - ADU Structures

Building # and Type	+ 4 ADU	+4 ADU
Square Footage	700sf ea.	500sf ea.
Interior Spaces	2-Bed 1-Bath	1-Bed 1-Bath
Parking	No Private Parking Provided	No Private Parking Provided



PROPOSED DEVELOPMENT B

Project Renderings



View from Pio Pico Dr.



View from Oak Ave.



Shawheen,

1070 Architecture has evaluated the 3050 Pio Pico Dr. property, considering various State codes, Carlsbad City Code, Carlsbad Zoning Information, Carlsbad's Design Standards, Permitting Implications, and the site's preexisting parking agreement. We have concluded that the property has two practical design options that allow for the greatest use. We believe the strongest potential designs that meet the owner's goals and priorities are as follows:

Development 'A' (2-phases)

Resulting in 1,000sf of commercial space and ~26,000sf of residential space, including:

- (1) commercial building (restaurant), 1,000sf
- (8) townhomes, 2,100sf, 4 bedroom / 3.5 bathroom, + a (2) car garage
- (2) townhomes, 1,700sf, 3 bedroom / 2.5 bathroom, + a (2) car garage
- (4) ADUs, 850sf, 2 bedroom / 1 bathroom, + a (2) car garage
- (6) ADUs, 400sf, studio / 1 bathroom
- additional parking spaces in lot

Development 'B' (2-phases)

Resulting in ~3,700sf of commercial space and 17,800sf of residential space, including:

- (1) mixed-use building of
 - (1) commercial space (restaurant), 2,200sf
 - (10) dwelling units, 1,300sf, 3 bedroom / 2 bathroom
 - parking spaces on the ground floor
- (1) commercial building (restaurant), 1,500sf
- (4) ADUs, 700sf, 2 bedroom / 1 bathroom
- (4) ADUs, 500sf, 1 bedroom / 1 bathroom
- additional parking spaces in lot

To achieve the proposed unit count on the site, we are utilizing the Density Bonuses found in the Carlsbad City Code, allowing you up to 4 additional units on the site (one of which has its rent capped, see page 22). A potential additional benefit of using the Density Bonus program is the ability to request incentives such as reduced parking. Additional information on the incentives can be found in municipal code section 21.86.040-21.86.060.

Then, using the current California ADU code, we may build up to 8 additional detached ADUs on the property to maximize the potential density of the site. A major bonus of this site location is the proximity to a major transit corridor, creating the condition in which ADUs require 0 additional parking spaces to build.

It should be noted that two important pieces of information were missing at the time this report was prepared. First, we could not determine specifics related to the shared parking agreement. Second, the Carlsbad municipal code did not have any information on maximum FAR. More research would be needed to clarify both of these items.

For the uses of the commercial space, please see pages 6-7 for the allowed uses. You are allowed both the C-1 and the C-2 uses for this site. A major limiting factor of the size of the commercial space and the layout of the site overall is the required number of parking spaces (see page 22).

Ten Seventy Architecture would like to express that the proposed developments within these pages, particularly the project renderings, are not intended to show finalized designs, but rather aid in conceptualizing the potential development scale.



Sean Canning, Architect, LEED AP
Principal Architect
Ten Seventy Architecture