

THE CASCADES AT CARLSBAD DESIGN GUIDELINES

EXECUTIVE SUMMARY

The Cascades at Carlsbad Design Guidelines represent a commitment to good design that will maintain the overall quality and value of the development. These guidelines are intended to shepherd developers, architects and engineers through the design and construction of new buildings and common areas. This document must be referenced in addition to all other applicable governmental regulations, zoning conditions, environmental controls and other restrictions established or adopted by the Carlsbad Department of Development and the City of Carlsbad. Applications for new construction must be submitted to the ARC for approval prior to issuance of a building permit.

LAND DEVELOPMENT

Provision will be made for limiting the area that may be covered by building on each parcel within the Cascades at Carlsbad. This is to assure adequate space for pedestrian access, outdoor dining and shopping in an attractive canal front promenade setting. Total building coverage shall be limited to 85% of the aggregate parcel area. The property is primarily utilized for commercial, retail, institutional and restaurant uses at ground level with offices occupying upper levels. The total ground area not covered by building, pedestrian ways, plazas or service areas shall be landscaped:

- A minimum of 20% of the canal frontage of any parcel shall be landscaped with trees and shrubs from the list provided in Section 3. All remaining areas shall be approved hardscape.
- A minimum of one tree is required for every tree well along canal frontage on any parcel

ARCHITECTURAL TREATMENTS

The character of new construction within the Cascades at Carlsbad shall be inspired by architecture that is indigenous to the arid climates of southern Europe and the southwestern United States. This architecture is often referred to as “Southwestern” or “Spanish”.

Pedestrian arcades at ground level, upper level balconies and terraces, deep-set fenestration, tile roofs and simple massing characterize the style. The intent of the Master Plan is to build a commercial village of buildings that are designed to integrate with their neighbors. The Cascades at Carlsbad is primarily intended for the pedestrian. To ensure an appropriate architectural response to program uses, buildings shall respond directly to the unique attributes of this desert environment. New construction shall help shape the environment in favor of shopping, strolling and sitting. Buildings shall be limited to three stories except in cases of buildings with special requirements. The ARC shall review and approve all development proposals for new construction within the district.

ACCESS

Vehicular access to parking on the north and west sides of the Cascades is via Park Drive and Cascades Avenue. Pedestrians can access the Cascades from parking by four paseos or pedestrian ways. The primary public entrance for a retail or restaurant venue shall face the Canal. Upper level offices shall be accessible from one primary public entrance in each building. Emergency exit stairs shall be located in accordance with all applicable City of Carlsbad code requirements. All plazas, colonnades, stairs, and ramps shall be designed as accessible ways.

ART, FOUNTAINS and WATER FEATURES

Artwork and water features contribute to the overall aesthetic of the Cascades of Carlsbad. New construction projects shall incorporate at least one exterior fountain or water feature into the overall design concept for a parcel. Acceptable fountains may be incorporated into the architecture and located on the primary retail façade, along a pedestrian way or incorporated into the development parcel common area. Art and water features in outdoor dining areas are encouraged.

PLAZAS, PEDESTRIAN WAYS AND OTHER OPEN SPACES

Open space provides opportunities for public congregation, recreation, interpretive cultural displays and outdoor commercial activities. Open space design shall seek to:

- ☞ Increase people's awareness of their surroundings
- ☞ Provide opportunities for outdoor dining, passive seating areas, vendor kiosks & tourist information.
- ☞ Utilize native plant material in public spaces and emphasize seasonal colors.
- ☞ Reflect the character of the architecture.

Site design for each parcel shall provide a continuous and contiguous hardscape that interfaces with the promenade along the canal.

SITE FURNISHINGS

A coordinated system of site furnishings shall be utilized throughout the Cascades at Carlsbad.

LANDSCAPE

Landscape requirements for plazas, pedestrian ways and other open spaces shall include plant material that is cold hardy in Carlsbad, New Mexico. Plant selections shall emphasize drought tolerance. An automated irrigation system shall be installed in all planting areas.

LIGHTING

A coordinated hierarchy of lighting sources shall be required for the Cascades at Carlsbad. Lighting shall be compatible and harmonious throughout and shall be in keeping with the design and function of the buildings. Decorative lighting, such as twinkle lights are required in the canopies of all trees.

WAYFINDING, SIGNAGE AND ENVIRONMENTAL GRAPHICS

A major factor in the creation of the overall character of the Cascades at Carlsbad lies in the establishment and enforcement of a coordinated, comprehensive signage and graphics program. Size, placement and design details of all signs within the Cascades shall be considered an integral part of the overall site development as well as the architectural design and detailing. The ARC shall review all signage and graphic proposals. Final plans shall contain all specifics in terms of size, quality, color, placement/location, materials and message schedule for the signage program.

CONSTRUCTION METHODS

Since the Cascades at Carlsbad will be developed over an extended period of time, each parcel owner shall establish a "Statement of Construction Methods" that shall be submitted to the ARC for approval prior to the start of construction. This statement shall include all site plans, utility plans and all other reference materials necessary to adequately describe the Owner's operational plans for parcel development to the ARC. The Statement of Construction Methods shall address the construction, construction debris and vehicle cleaning, among other things that will affect the perceived qualities of the Cascades.

I.0 PURPOSE

The following Design Guidelines pertain specifically to new and future construction/remodeling by private and public development within the Cascades at Carlsbad. The purpose of the document is to reach consensus on the design intent of commercial facilities prior to commencing design and construction documentation and to ensure that the development retains consistent character.

These guidelines shall describe the overall requirements and expectations for development of the Cascades at Carlsbad. These shall be used in conjunction with established permitting requirements by the City of Carlsbad. Carlsbad Department of Development is responsible for the administration of this work. All new and future construction/remodeling shall comply with these guidelines. Information is included for prospective builders, their lenders and consultants; owners, agents and leasees. Each Owner of a Parcel, by acceptance of a deed therefore, whether or not it is so expressed in such deed and/or covenants, agrees to the land use restrictions contained herein and further covenants and agrees that no structure of any sort shall be erected upon the Parcel, nor shall any change in materials or colors or deletion or additions to the exterior of any structure be made, until plans and specifications showing the proposed uses, the nature and location of proposed structures, or any proposed changes, deletions or additions or other requirements as set forth herein have been submitted to and approved in writing by the Architecture Review Committee (ARC) or its designee.

1.1 VISION STATEMENT

The Pecos River is the root of design inspiration for the Cascades at Carlsbad. The Pecos has been an important component in the history and development of the City of Carlsbad. Today, the river functions primarily as a recreational amenity, but The Cascades at Carlsbad will change the face of the district surrounding the Pecos and introduce new vital retail, office, dining, entertainment, cultural and recreational experiences in the City, as well as expand office and other commercial business opportunities.

The Cascades is envisioned to be a self-sustaining cultural and commercial district that reflects the history and importance of water in the development of Carlsbad. Rather than a traditional “Main Street” experience, The Cascades at Carlsbad will offer a pleasant, shady, waterfront environment for locals, visitors and tourists alike. The National Cave and Karst Research Institute, located within the district, will provide national research and public educational services on the vast area of knowledge of underground geologic phenomenon. The NCKRI will also offer an enlightening learning experience that focuses on the local geology and celebrates that which is unique to Carlsbad, the Caverns and the region.

The Cascades District Master Plan is seen as another step in the expanded celebration of the Pecos River and the evolution of interactive relationships between the Cascades at Carlsbad, the Pecos River Village Conference Center, the Carlsbad Municipal Beach and the Carlsbad Riverwalk Recreation Center, all creating strong interaction with Downtown Carlsbad.

To both educate and entertain visitors, the character of the district will respond to the unique qualities of this high, arid climate. A 1500’ long ornamental canal and lively fountains will establish the initial ambience for the space. Each new construction project will add to the district’s ambience with architecture and water features. The architecture shall contribute to the character of the site and respond to the unique conditions in Carlsbad.

1.2 APPLICABILITY

These Design Guidelines represent a commitment to good design that will maintain the overall quality and value of the Cascades at Carlsbad. The environment created will have diversity that enlivens the

place, but is appropriate to the context, quality and scale of the existing environment and neighborhood. These Guidelines are intended to guide developers, architects and engineers in the design and construction of new buildings and common areas.

This document must be referenced in addition to applicable governmental regulations, zoning conditions, environmental controls and other restrictions that must be observed. This document does not enumerate all the applicable regulations. In the case of a conflict between any governmental regulation, these guidelines or other restriction, the most restrictive condition shall apply.

1.3 ARCHITECTURAL REVIEW COMMITTEE

The approval and adoption of these guidelines by the Carlsbad Department of Development (CDOD) establishes an Architectural Review Committee (ARC) for the Cascades at Carlsbad. The ARC shall consist of a five-member board of volunteers appointed by the Board of the Carlsbad Department of Development. 3 of the 5 members of the ARC will consist of a registered architect, a landscape architect or landscaper and an urban designer/planner. The remaining two members are at large members from the board membership and are selected by the CDOD Board President and confirmed by the CDOD Board of Directors every two years. The Executive Director of Carlsbad Tomorrow, Inc. shall serve as a non-voting, ex-officio member of the committee.

No member shall represent a Cascades private land owner. Appointments are for two years. New members shall be selected in July and sworn in by August in applicable years. In the ARC's first year, three of the five initial appointments shall be limited to a one-year term. This shall include one of the two required architectural professional members.

The Architectural Review Committee shall convene as needed or once a month to review submissions for all new construction, renovations to existing facilities and site improvements prior to the commencement of construction on any parcel. ARC approval shall be required prior to the issuance of a building permit by the City of Carlsbad. Submissions shall be made three weeks in advance of the next scheduled meeting of the ARC. Review and approval by the ARC does not supersede any other required review by jurisdictional agencies with authority over development in Carlsbad.

2.0 LAND DEVELOPMENT

2.1.1 LAND TO BUILDING RATIO

Provisions will be made for limiting the area, which may be covered by buildings, in order to assure adequate space for pedestrian access, outdoor dining, deliveries and loading and an attractive canal/plaza/promenade setting. The percentage of building coverage on any parcel may vary. Up to 100% of a site may be covered with building if site conditions allow and reasonable accommodation for access has been designed into the site plan. Total building coverage at full development on all parcels should not exceed 85% of the total land area of all parcels, unless granted by special exception of the ARC. The ARC shall be responsible for reviewing the percentage of building coverage on all parcels to ensure compliance with the maximum allowable coverage for all parcels.

2.1.2 PERMITTED USES

The property is to be primarily utilized for commercial, retail, institutional and restaurant uses at ground level with office uses above.

2.1.3 RESTRICTED USES

The following uses are restricted from development in the Cascades at Carlsbad unless otherwise approved by special exception of the ARC:

- Ambulance Services
- Heavy Equipment Rental
- Bulk Fuel Sales
- Bingo Establishments/Social Gaming Outlets
- Check Cashing Uses (as a primary use)
- Funeral Homes/Mortuaries
- Motor Vehicle, Recreational Vehicle Dealers
- Pawnshops
- Wholesale and Commercial Building Equipment and Material Dealers
- Adult Bookstore
- Adult Entertainment Facility

2.1.4 LANDSCAPE

The total ground area of the site not covered by buildings, pedestrian ways, paved parking, interior roadways and service areas is to be landscaped. A minimum of twenty percent (20%) of the Canal frontage of any parcel is to be landscaped with plant material such as trees and shrubs listed in Section 8.0 Landscape. A minimum of one tree for every 15' of Canal front footage is required for each parcel. In addition, the landscape for each parcel shall include a minimum of three palm trees as access plants within the overall landscape concept. Trees and shrubs are to be placed at least 6' from back of curb.

Side and rear yards, except areas paved for pedestrian ways, loading, driveways and parking are to be landscaped with appropriate plant materials, such as drought-tolerant native or naturalized trees and shrubs. Plant materials identified as noxious weeds are not allowed.

All slopes are to be entirely covered by plant material such as; grass or groundcovers, flowerbeds, hedges, shade and ornamental trees, specimen and flowering trees and shrubs. Grass shall not cover more than 10% of any planting area that is part of a development parcel.

Owners shall preserve existing trees on their property and incorporate them into their overall site and landscape plan.

2.1.5 SETBACKS FROM STREETS

The building front yard setback line along Cascades Avenue and along the 60' road easement on the north and west sides of the Canal District area shall be 0' from the right of way.

The building front yard setback line along Park Drive shall be no less than 40' from the right of way. No building shall encroach into the designated floodway on Park Drive.

Only walks, water features and landscaping will be permitted in the setback area.

2.1.6 OTHER SETBACKS

To provide sufficient light and air for all buildings and to assure an attractive setting, building setback lines shall be established at not less than 5' from a side property line. Zero lot line development shall be allowed as outlined on the Parcel Plan shown in the appendix. Building footprints shown on the parcel plan suggest probable setbacks for new construction. Common walls are allowed. These shall be limited to the common walls as shown on the parcel plan or as approved by the ARC.

Where colonnades are desired, they may be constructed with 0' setback from the easement line.

2.1.7 PARKING

On-site employee and public parking for the Cascades is located on the north and west sides of the site (Please refer to the Appendix Parcel Plan for parking location). Additional parking is available in the south overflow lot. No street or individual lot parking is permitted, although drop off points will be established.

The Carlsbad Department of Development (CDOD) shall establish and administer a fund for the maintenance of the parking and other common areas. Parcel developers shall contribute funds in an amount established by the CDOD that is based pro-ratio on respective parcel square footage.

Parking at the Cascades at Carlsbad is of a collective or shared nature with each building owner. The development was designed with adequate parking for all commercial, retail, and entertainment operations to be built therein.

2.1.8 FENCES AND WALLS

Erection of fences and walls will be subject to prior written approval of the ARC to assure that they harmonize with the surroundings.

3.0 ARCHITECTURAL TREATMENTS

The character of new construction within the Cascades at Carlsbad shall be inspired by architecture that is indigenous to dry, arid climates of Southern Europe and the Southwestern United States. This architecture is characterized by pedestrian arcades at ground level, upper level balconies and terraces, deep-set fenestration, tile roofs and simple massing. Building massing, roof articulation, finish materials, fenestration and scale shall be coordinated throughout the development. The ARC shall review and approve all development proposals for new construction within the district.

To ensure an appropriate environmental architectural response to program uses, it is important to understand the context of the architecture. Traditional architecture of this region responds directly to unique characteristics of the desert environment. Southeastern New Mexico is a high desert region characterized by hot dry summers and cool wet winters. Strong sun, high winds and dramatic temperature changes are typical of the region. Cool mornings often turn to hot days that in turn become cold nights.

The Architectural Character of the Cascades at Carlsbad shall be one that is appropriate to the region. Regional materials such as native stone, and exposed wood timber construction are common. Both native stone, stucco/ plaster and brick facades effectively control heat gain during the day and store that heat for release during cool evenings. By using deeply set windows, heat gain is also reduced without sacrificing natural light in interior spaces.

The intent of the Master Plan is to build a “village” of buildings that are designed to integrate with their neighbors. This “village” is the opposite of the stand-alone, pad-site retail building which is designed to be completely distinct from its neighbors. It’s also different in that it shall be designed primarily for the pedestrian. The buildings shall express themselves clearly and honestly as restaurants, stores, offices and cultural venues at ground level. These shall help shape the environment in favor of shopping, strolling and sitting. Building form shall be articulated to limit conditions of blankness, emptiness or harshness through the unnecessary internalization of activities.

3.1.1 BUILDING FORM, MASSING AND FUNCTION

Building form and massing shall consist of simple articulated forms with simple fenestration treatments and articulated entrances. The primary retail façade shall face the Canal and the primary office entrance shall face the streets or parking areas. Articulation of the upper level building mass and articulation of the

roof line is critical to the animation of the Cascades at Carlsbad and the ambience of the district for both day and night time activity.

3.1.2 BUILDING HEIGHTS AND FLOOR HEIGHT

Buildings will normally be limited to a maximum of three (3) stories, except in cases of buildings with special requirements. Building heights and floor heights may vary by building type. In general, commercial buildings intended for retail and restaurant uses shall have a minimum first floor height of eighteen feet (18'). Upper story spaces, primarily intended for office uses, shall have a minimum of fourteen feet (14') floor-to-floor height. Total building height shall include roof treatments and in no case shall a retail building exceed sixty feet (60'). Freestanding or attached tower elements are encouraged and the ARC shall approve their finished height.

In cases of buildings with special requirements, the ARC may approve building heights that exceed those described above.

3.1.3 COLONNADES

The use of colonnades is encouraged on the public facades of buildings, specifically facades on the south and west, or those facing the canal. Colonnades shall be designed and constructed to ensure easy passage between pedestrian areas and interior spaces. The minimum depth of a colonnade shall be ten feet (10'). The minimum height of a colonnade shall be twelve feet (12').

3.1.4 TERRACES AND BALCONIES

Terraces and balconies are encouraged on the upper levels of buildings. Terraces shall face the canal on one side. Terraces shall be designed as an integral part of the building architecture. Balconies may be used on façades where space does not allow the use of a terrace. Balconies are encouraged for those façades that do not face the canal. Operable doors are required for access to all terraces and balconies.

3.1.5 FACADES

All exterior walls of buildings, façades, are to be finished in materials of pleasing and harmonious appearance; unsightly or low-grade facade materials such as, plywood, particleboard and concrete block are not permitted.

Façade materials shall be limited. Native stone masonry, plaster/stucco, warmtone modular brick, and wood or iron framing elements shall be the primary architectural material allowed on the façades.

First floor commercial facades shall be highly detailed with appropriately sized windows, awnings, lighting and signage to enrich the pedestrian experience. The use of "stucco-type" materials is encouraged in combination with masonry detailing, especially at the lower level. Special attention shall be given to wall recesses or "pop-outs", window/door detailing and wall mounted fountains.

Façade treatments on the upper levels may be simple surfaces of stucco, stone finished stucco, and GFRC or EIFS type materials. Upper level terraces shall be utilized to articulate the facades and provide outdoor spaces for the offices or residential.

Roof parapets shall be designed as simple forms or may incorporate decorative elements such as cornice moldings, capstone and scuppers.

Non-public facades shall be consistent with the requirements for public facades. Simple massing, repetitive forms, exposed structure and local materials are acceptable. Windows shall be required on any facade that abuts a public street or designated pedestrian way.

3.1.6 FENESTRATION

The arrangement of a building's windows and doors is critical in communicating the character and use of the building as well as reinforcing the pedestrian scale of the project. Typically, first floors of the commercial buildings are predominantly transparent with a large portion of glass to solid. This distinction defines the first floor as open to the public.

Storefront window heights shall be between 10' and 12' to establish a pedestrian scale and allow those approaching by car to perceive activity within the retail and restaurant spaces. 70% of the first floor wall area, including walls facing parking areas or designated pedestrian ways, shall contain display windows, entry doors and/or view windows to expose merchandising displays, retail activity, dining or service activity. First floor windows shall use clear glazing.

On upper levels, operable windows that reinforce typical rhythms and spacing that are found on more traditional commercial buildings are appropriate. Punched openings are encouraged. Strips or bands of continuous windows are discouraged. Modulations of glazing, mullion and muntin arrangements should be similar to that found on traditional commercial buildings.

Glazing on upper levels should be as clear as possible. Use of double pane, low emission and energy efficient glazing is required on the second level. Upper level elements such as overhangs, recesses and awnings should be considered to help compensate for the increase in transparency. Low emission glazing shall be required on south and west facing upper level windows. Full or partially reflective glass is not permitted anywhere on the buildings.

3.1.7 ROOFS

Flat or sloped roofs that enhance the nature of the architecture are encouraged. Sloping roofs such as shed, hip roofs and gable ends may be approved. Mansard roofs are prohibited. Flat roofs may be used as temporary storm water retention areas. If roofs are utilized for storm water retention, then roof loads shall be designated to accommodate retention of up to four inches (4") of water during seasonal storm events.

All roofing material shall have a matte or flat finish. Materials which are reflective, shiny or have a "plastic" sheen and those which generally appear artificial are not allowed. Rounded profile Spanish or "Mission" tiles are required. The ARC shall approve roofing materials and finishes.

3.1.8 FACADE AND ROOF COLOR SELECTIONS

Color selections for new construction shall be generally limited to terra-cotta color ranges, other than special roof or dome features. The color palette for the development shall be coordinated and consistent. Use of color to distinguish building features is encouraged, but color shall not be substituted for architectural detailing. All color selections are subject to the approval of the ARC. Building entrances, windows, awnings, canopies and railings may be distinguished by the selective use of color and/or material. Roof colors shall conform to the overall color scheme and be compatible with adjacent roofs. The ARC shall approve color selections for roofing materials.

3.1.9 RETAIL FRONTAGE

Retail frontage on back and sides exposed to streets, parking of building will be built architecturally designed to be aesthetically pleasing and conform to overall design of building. Retail façades shall consist of 70% transparent glazing. The primary retail facade shall include the primary retail entry door. The balance of the wall area, including walls facing parking access ways, shall contain display windows, entry doors and or view windows to expose merchandising, display, retail activity, dining or service activity. Retail entrances should be ceremonial or oversized to be distinguished from service, employee entrances or emergency exits. The primary retail façade may face the Cascades canal promenade or a pedestrian way. Primary identity signage should be on the same wall as the primary retail entrance. Storefront window heights shall be between ten feet (10') and twelve (12').

3.1.10 SERVICE / TRASH ENCLOSURES / WASTE DISPOSAL

Service and trash enclosures should be recessed into the buildings to minimize negative effects. Storage of materials, supplies, products and equipment shall be enclosed or screened by an approved wall, or other suitable barrier providing year-round visual screen from adjacent properties and parking areas.

Refuse, trash and waste is to be kept in closed, fire resistant sanitary containers especially manufactured for waste storage. The size and number of containers is to be such that refuse will not overflow the container between pickups. Refuse containers shall be so located and screened so as not to be visible from any street or adjoining property. No burial of waste materials is permitted on the premises. No lagoon or open vessels for sludge or spent chemical storage shall be permitted either inside or outside of buildings. Open burning of rubbish or trash is prohibited. Waste storage areas and dumpsters shall be accessible to all commercial venues. Restaurant and other food service venues shall provide a dedicated recessed waste storage area where waste shall be stored until collected by the local waste management authority.

3.1.11 GRAPHICS, WAYFINDING AND SIGNAGE

Graphics and wayfinding signage shall be consistent with the architecture. Each retail and restaurant space shall be allowed one primary identity graphic. All signage is subject to approval by the ARC. Secondary identity graphics shall be allowed subject to the approval of the Committee.

Wayfinding signage shall be required for all buildings with upper level uses. Such buildings shall have a tenant directory at the primary entrance to the upper level(s). Wayfinding signage shall be of a uniform type and permanent quality. No billboards or similar advertising signs will be permitted except signs advertising a property for sale or lease. Painted plywood, particle board or other temporary signs shall not be erected. Specific requirements for signage are addressed in Section 10.0 Wayfinding, Signage and Environmental Graphics.

3.1.12 AWNINGS / CANOPIES / TRELLISES

Awnings shall be allowed and encouraged on all buildings. These may be used to extend the space under colonnades, over upper level terraces or balconies, or as approved by the ARC. Awning colors shall be subject to approval by the ARC.

Canopies shall be allowed on all commercial buildings. Canopies are encouraged at building entrances, especially at entrances to upper level offices. These shall be constructed of permanent materials and should be an integral part of the building design. The ARC shall approve canopy roof materials.

Trellises are allowed over seating areas to provide a sense of enclosure and shelter from the sun. Trellises may be made of steel. There shall be a hierarchy of sizes to the structural materials making up the trellis. Major structural members should be the largest. Secondary structural members shall be next in size. The

actual trellis shading members shall be the smallest. Trellises shall be painted to coordinate with the colors used on an adjacent building.

3.1.13 WATERPROOFING

All buildings shall be waterproofed per Federal Emergency Management Agency (FEMA) regulations.

3.1.14 INTERIOR FINISHES

Interior finishes of commercial buildings are not controlled by these guidelines.

3.1.15 TRANSMITTING, RECEIVING TOWERS, DISHES OR ANTENNAS

No tower, dish or antenna for the transmission or reception of electromagnetic or laser radiation shall be erected, used or maintained on the property if visible outside of any building whether attached to an improvement or self-standing without prior approval of the ARC.

3.1.16 STRUCTURAL SYSTEMS

Structural systems for commercial structures shall be at the discretion of the developer and local building codes, but subject to approval by the ARC.

3.1.17 MECHANICAL EQUIPMENT

All mechanical equipment including air handling units, condensers, compressors, ventilators, chimneys, stacks, ductwork, vents and conductors erected, used and installed on the property if visible outside of any building, must be opaquely screened from view in a manner approved by ARC.

4.0 ACCESS

4.1.1 RETAIL SPACES

Retail spaces shall be limited to one primary public entrance and one delivery entrance, as well as necessary required exits. Secondary entrances to retail venues may be approved, but shall not be designed to detract from the primary entrance. The ARC may approve additional shop entrances.

4.1.2 PUBLIC ENTRANCES

The primary public entrance for a retail or restaurant venue shall face the canal or the central plaza. This door shall be predominantly transparent with a large proportion of glass to solid. Storefront openings shall be between ten to twelve feet (10-12') high to establish a sense of scale. Awnings, signage and architectural detailing should highlight each entryway or window.

4.1.3 DELIVERIES

Deliveries for retail and restaurant venues shall be from the parking areas or designated loading zones. Wherever possible, commercial buildings shall be designed with separate delivery access for upper levels. Deliveries to upper levels shall be via stairs or elevator from the first floor.

4.1.4 COLONNADES, STAIRS AND RAMPS

All colonnades, stairs and ramps shall be designed as accessible ways for universal design. These elements shall be subject to all applicable codes and ordinances governing such within the City of Carlsbad.

4.1.5 VERTICAL CIRCULATION AND EXITING

Multi-level commercial buildings shall provide elevators for tenant access to all occupied levels. Elevators are subject to local regulations. All commercial buildings on the site shall comply with applicable accessibility ordinances.

4.1.6 WASTE STORAGE AND DUMPSTER

Waste and/or recyclable storage areas and dumpsters shall be accessible to all commercial venues. Restaurant and other food service venues shall provide a dedicated recessed waste and/or recyclables storage area where waste shall be stored until collected by the local waste management authority.

5.0 ART / FOUNTAINS / WATER FEATURES

Artwork and water features contribute to the overall aesthetic of the Cascades at Carlsbad. Water features add interest, detail and relaxing sound to an environment. New construction projects may incorporate fountains or water features into the overall design concept for its development parcel.

Artwork and fountains shall be sensitively sited. Acceptable fountains may be incorporated into the architecture and located on the primary retail façade, along a pedestrian way or incorporated into the development parcel common area. Fountains integrated into outdoor seating areas of restaurants are encouraged.

Variety in the design of individual fountains is encouraged. Fountains may be freestanding, incorporated into a facade, or part of another site feature.

Artwork and fountains shall be lighted. All required equipment and controls, water source and drains shall be located within the development parcel and shall not be sited so as to detract from the visitor experience. Artwork and water features are not allowed inside the designated emergency access lane along the canal. The ARC shall approve all artwork, fountain and water feature designs. Examples of some interesting fountain designs are shown below:

6.0 PLAZAS, PEDESTRIAN WAYS AND OTHER OPEN SPACES

Although the specific designs of the plazas, pedestrian ways and other common areas will be completed with the development of the individual projects, there are several design issues important to the continuity of the overall project. These open spaces will provide opportunities for public congregation, recreation, interpretive cultural displays and outdoor commercial activities.

The open space design shall seek to:

- Increase people's awareness of their surroundings by using scale, texture, light and shadow and visual variety to animate the environment.
- Complement the surroundings; spaces should be simple with clean lines and generous proportions.
- Provide opportunities for kiosks and outdoor dining areas.
- Use native plant material in public open space, emphasizing seasonal colors.
- Design individual open spaces to reflect the character of the architecture and regional aesthetic.

Open spaces shall be designed to allow for pedestrian seating areas and to encourage visibility across the canal from the street and other pedestrian circulation areas. Plazas shall have transparent edges to pique curiosity, invite exploration, increase safety and improve circulation. Retail shops and restaurants are the primary uses along the canal and create a continuous line of shop fronts and outdoor dining areas at the pedestrian level.

Open space should typically be constructed at grade; plazas shall not be located more than thirty inches (30") above or below the level of an adjoining right of way. Pedestrian ways that are part of the emergency access route have a minimum twenty feet (20') clear width. Pedestrian ways that are not part of the emergency access route shall have a minimum of twelve feet (12') wide. Note that in all cases, the development of a parcel requires that sidewalks be provided on all open or unattached sides of a building.

Continuous and contiguous pedestrian access is required on and between all development parcels and public open spaces, such as the canal promenade or the parking areas. Developers are required to provide sidewalks on all unattached sides of buildings and to extend sidewalks to meet plazas and sidewalks of adjacent properties and/or the Cascades at Carlsbad.

Accessible routes must be provided for universal design. All public spaces shall comply with locally adopted codes and ordinances.

Paving patterns are encouraged to be simple, geometric, large contiguous panels of materials. Care shall be taken to transition between different materials in plaza areas. The overall paving pattern for the Cascades at Carlsbad is a simple geometric pattern that is composed with a limited pallet of materials, colors and textures.

Each development parcel shares at least one common property line with the canal promenade. Where parcels meet the promenade paving, the promenade paving design shall be continued to a logical transition within the parcel before a new pattern is introduced.

Developers are encouraged to look for creative paving solutions. Standard grey concrete is not encouraged. Concrete unit pavers, integrally colored concrete, standard brick pavers and rustic tarrazzo are examples of appropriate materials for plazas and pedestrian ways. Use of stained finished concrete is not recommended for areas with high volumes of pedestrian traffic. Other pavement types may be approved by the ARC.

The following amenities are permitted in open spaces: stairways, ramps, ornamental fountains, waterfalls, sculptures, arbors, trellises, planting beds, drinking fountains, clock pedestals, vendor kiosks, information kiosks, public telephones, landscape, canopies and similar structures. Vending machines are not allowed in exterior spaces.

6.1.1 VEHICULAR DROP-OFF AND ENTRANCE PLAZA

Vehicular drop-offs and entrance plazas are located on both Cascades Avenue and Park Drive. The Cascades Avenue drop-off is located west of the National Cave and Karst Institute. A second is located at the plaza adjacent to the south canal basin. These are sized to accommodate passenger vehicles and serve as lay-bys for vans, small buses and delivery trucks. Vehicular drop-offs are also located along the west and north parking lots. Long parking is not allowed at these areas.

6.1.2 PARKING ACCESS

Parking areas for the Cascades at Carlsbad are located on the north and west sides of the project site. These parking areas are contiguous. Entrances to parking are located on Cascades Avenue and Park Drive. Additional overflow parking is located along the south side of Cascades Avenue. The Cascades

Avenue entrance is intended as the primary access to parking. Pedestrian passages (paseos) provide visitor access to the Cascades at Carlsbad.

6.1.3 PEDESTRIAN PASSAGES (PASEOS)

The site design provides five (5) distinct pedestrian passages into the Cascades from either parking or from the street. Of those, two (2) are within the public open space and two shall be established by easements across private property. The two public paseos are designed for emergency access and require a twenty feet (20') wide clear path to the canal. The paseos crossing private property are narrower and require no vehicle access. The fifth is near Park Drive. The paseos shall be articulated so that these spaces contribute to the overall quality of the pedestrian experience.

6.1.4 OUTDOOR DINING

Common areas located around, between, and adjacent to buildings are available for outdoor dining. These spaces shall have moveable tables and chairs. To ease maintenance and clean up of outdoor dining areas, fixed furnishings are not allowed. The use of umbrellas, canopies and trellises is encouraged in outdoor dining areas; however these amenities shall not intrude into the designated emergency access route. Accent lighting in trees, shrubs and on architectural features is also encouraged.

6.1.5 SPECIAL EVENTS, FESTIVALS AND PRODUCT PROMOTIONS

The Cascades at Carlsbad canal promenade and privately owned common areas may be utilized for special events, festivals and product promotions. Such events are subject to review and approval by the Carlsbad Department of Development and the ARC. Product promotions may be restricted to private property. Event organizers are responsible for setting-up, operating, breaking down and cleaning-up after any event. All applicable permits pertaining to such events are the responsibility of the event organizer.

7.0 SITE FURNISHINGS

A coordinated system of site furnishing helps maintain continuity throughout the Cascades at Carlsbad. In accordance with this concept, the ARC shall approve the use and placement of site furnishings.

7.1.1 SEATING – PLAZAS / OPEN SPACES

Locations: Seating shall be located in pedestrian activity areas such as plazas and building entrances. Outdoor seating in commercial areas such as cafes and restaurants shall maintain a high level of quality. Tenant bench selections can reflect the style of shop or restaurant. Non-conventional seating should be integrated into the plaza design. For example, a café should have tables and chairs that reflect the style of restaurant furniture. Planters, stairs and other materials should also be considered as seating.

7.1.2 BOLLARDS

Bollards may be used at plaza edges or in locations where vehicle movement must be controlled.

Height: 30"

Finish: Powder coated steel or Cast Stone

7.1.3 BICYCLE RACKS

Bicycle racks shall be located outside the path of travel in pedestrian areas and shall not impede pedestrian movement or emergency access. Racks shall be permanently anchored in place. The ARC shall approve locations.

Finish: Powder coat, color: black, dark grey

7.1.4 TRASH RECEPTACLES

Trash receptacles shall be concentrated in high-use areas such as plazas, eating areas, building entries and along public ways. Typically, one trash receptacle will be located every one hundred feet (100') along the Cascades at Carlsbad canal zone. In plazas, receptacles shall be located convenient to pedestrians. One receptacle is required per 3,000 square feet of paved area or a minimum of one receptacle per open space.

7.1.5 TREE GRATES

Tree grates shall be utilized in paved areas with trees where the trees are not located within a larger landscape area.

7.1.6 PLANTERS AND POTS

Where used, planters and pots shall be constructed of materials and shapes consistent with the architecture. Use of terra cotta planters and pots is encouraged. Planters and pots shall have drain holes and accept drip irrigation lines.

7.1.7 FENCING

Fencing is prohibited on individual building sites except to enclose exterior service areas and during the construction phase as further described in Section 11.0 Statement of Construction Methods. Where other enclosures or screening is necessary, walls integral with the adjacent architecture shall be used. The ARC may grant exceptions at its discretion.

7.1.8 VENDING MACHINES AND ACCESSORIES

Vending machines are not allowed in public areas. Drop boxes and newspaper boxes may be placed on Cascades Avenue or Park Drive, but are not allowed within the Cascades at Carlsbad. Locations of such shall not impede the primary path of pedestrian travel or emergency access. The style of all newspaper boxes and other "free publications" shall be limited to those approved by the ARC.

7.1.9 CANOPIES

Canopies and awnings are permitted in open spaces and to extend over some public sidewalks. These may be constructed of rigid or flexible material designed to complement the adjacent pedestrian area. A minimum overhead clearance of eight feet (8') above the sidewalk must be maintained. Canopies may include graphics such as business logos or emblems. All canopy graphics shall comply with the guidelines described in Sections 10 - 10.1.2 Tenant Identification.

7.1.10 FLAGS AND BANNERS

Flags and banners are permitted in open spaces and to extend over public sidewalks to add color and animate the retail environment. Flags and banners may include graphics such as business logos or emblems, seasonal graphics or event graphics. All flag and banner graphics shall comply with the guidelines herein and are subject to ARC approval.

8.0 LANDSCAPE

Landscape requirements for plazas, pedestrian ways, and other open space shall comply with ANSI Z60.1. Plant material shall be installed in accordance with the standards and practices of the American Nurseryman's Association. All plant material shall be cold hardy in Carlsbad, NM, Zone 7. Plant selections should emphasize drought tolerant species. Use of native species is encouraged in all planting areas. Palms, if planted, shall be utilized as accent plants. Palms in in-ground planting areas require special protection and maintenance during the cool season. The ARC shall reserve the right to review all proposed plant species and inspect all plant material prior to installation.

8.1 TREES

8.1.1 STREET TREES

Trees along the public rights-of-way shall have natural forms and color. Street trees shall have a minimum height of fifteen feet (15') at the time of installation.

- a. Minimum size: 3"-3 1/2" caliper
- b. Spacing: as per Master Plan
- c. Representative Species:

Fraxinus berlandieriana- Mexican Ash (native)
Fraxinus velutina- Arizona Ash (native)
Gleditsia triacanthos- Honey Locust
Platanus wrightii- Arizona Sycamore (native)
Pistacia chinensis- Chinese Pistachio
Quercus muehlenbergii- Chinquapin Oak (native)
Quercus texana- Texas Red Oak (native)

8.1.2 SHADE TREES

Major deciduous trees shall be used in parking islands, in tree planting pits along the canal and in perimeter areas. Trees with natural forms and colors shall be used.

- a. Minimum size: 3"-3 1/2" caliper
 - b. Representative species:
- Gleditsia tricanthos*- Honey Locust
Platanus wrightii- Arizona Sycamore (native)
Populus fremontii- Western Cottonwood (native)
Quercus arizonica- Arizona White Oak (native)
Quercus grisea- Gray Oak (native)
Quercus virginiana- Southern Live Oak

8.1.3 MAJOR SPECIMEN/ FLOWERING TREES

Medium to large ornamental trees that grow 12'-25' tall at maturity.

- a. Minimum size: 2"-2 1/2" caliper
- b. Representative species:

Arbutus texana- Texas Madrone (native)
Celtis reticulata- Nettleleaf Hackberry (native)
Chilopsis linearis- Desert Willow (native)
Prosopis glandulosa- Honey Mesquite (native)

Prosopis pubescens- Screwbean Mesquite (native)
Quercus emoryi- Emory Oak (native)

8.1.4 MINOR SPECIMEN/ FLOWERING TREES

Multiple or single stem small-scale trees may be used in small-scale pedestrian locations where space is limited and an intimate feeling is appropriate. Minor flowering trees may be combined with shade trees and major flowering trees.

Minimum size: 10' – 12' high at time of installation

Cercis Canadensis- Eastern Redbud
Forestiera neomexicana- New Mexico Privet (native)
Fraxinus cuspidata- Flowering Ash (native)
Lagerstroemia indica- Crape Myrtle
Malus 'Hopa'- Flowering Crab
Rhus lanceolata- Flameleaf Sumac (native)
Ungnadia speciosa- Mexican Buckeye (native)

8.1.5 EVERGREEN TREES

These trees shall be used in group plantings to create winter interest, screen objectionable views to parking or service areas and as a backdrop to major flowering trees. These trees are often identified with winter holidays and may be used to enhance this seasonal experience. Evergreen trees shall be selected from native species. Such trees shall not be located such that the arrangement will block views of buildings from public areas.

Minimum size: varies by species

Acacia farnesiana- Sweet Acacia (native)
Cupressocyparis leylandii- Leyland false cypress
Cupressus arizonia- Arizona Cypress (native)
Juniperus scopulorum- Rocky Mountain juniper (native)
Pinus cembroides- Mexican Piñon Pine (native)

8.1.6 PALM TREES

These trees shall be used in select accent plantings to create summer interest, and will require special maintenance considerations during the winter months.

Minimum size: varies by species

Sabal texana- Texas Sabal palm
Chamaerops humilis- Mediterranean fan palm
Trachycarpus fortunei- Chinese windmill palm
Washingtonia filifera- California fan palm
Butia capitata- Pindo palm
Phoenix canariensis- Canary Island Date palm

8.2.1 DECIDUOUS SHRUBS

Deciduous shrubs may be used to create seasonal color interest. Native shrubs shall be required. Due to their informal appearance, they should be restricted to informal planting areas. Deciduous shrubs shall be maintained with a “natural” growth habit and shall not be used as a formal hedge.

Acacia greggii- Catclaw Acacia (native)
Euonymus alata- Winged Euonymus
Fallugia paradoxa- Apache Plume (native)
Forestiera neomexicana- New Mexico Privet (native)
Forsythia- Forsythia
Fouquieria splendens- Ocotillo (native)
Jasminum nudiflorum- Flowering Jasmine
Syringa vulgaris- Lilac
Ungnadia speciosa- Mexican Buckeye (native)

8.2.2. EVERGREEN SHRUBS

Evergreen shrubs shall be selected from native winter hardy varieties. These may be used as a low screen or hedge. Typical locations may be at the perimeter of parking lots, along sidewalks, in mass plantings or general landscape.

Berberis julianae- Wintergreen barberry
Fouquieria splendens- Ocotillo (native)
Ilex vomitoria- Yaupon holly
Nandina domestica- Nandina
Pyracantha- Pyracantha

8.3.1. DECIDUOUS GROUND COVERS

Artemisia ludoviciana- Prairie Sage (native)
Cotoneaster apiculatus- Cranberry cotoneaster

8.3.2. EVERGREEN GROUND COVERS

Evergreen ground covers may be used in planting beds or in parking lot planting islands and tree pits. Evergreen ground covers shall be native or drought tolerant species.

Minimum size: Vines – 2 ¼” pots
Shrubs - 5 gal. – 18” – 24” spread

Liriope spicata- Lilyturf
Lonicera japonica- Honeysuckle
Nandina domestica- Compact nandina
Vinca major- Periwinkle

8.3.3. TURF GRASS

Unless otherwise approved by the City of Carlsbad, sod, rather than grass seed shall be used on all disturbed or bare areas not otherwise landscaped or covered with paving per 6.0.

Buchloe dactyloides- Buffalo Grass (native)
Cynodon dactylon- Common Bermuda
Festuca- Fescue
Lolium- Ryegrass

8.4 IRRIGATION AND MAINTENANCE

8.4.1 IRRIGATION

An automated irrigation system shall be installed in all planted areas. The system shall be designed for water efficiency and include a controller, a soil moisture sensor and a rain gauge. Where applicable, drip irrigation systems should be utilized to conserve water.

8.4.2 MAINTENANCE

Public Rights of Way

The City of Carlsbad or adopted maintenance district shall maintain the public right-of-way. The maintenance program shall cover all paved and planted areas within the right-of-way. The City shall be responsible for the upkeep of paving, painting and stripping of all hardscape areas within its jurisdiction.

The City shall be responsible for the maintenance and replacement of all plant material within their jurisdiction.

8.4.3 COMMON AREAS AND JANITORIAL SERVICES

Buildings, grounds, pavements, improvements and appurtenances shall be kept in a safe, clean, neat, wholesome and well-repaired condition and owner or lessee shall comply in all respects with governmental statutes, ordinances, regulations, health, police and fire requirements. Trash, debris or used materials are not permitted to accumulate on the property. Lawn and landscape materials are to be kept trim and free of obnoxious weeds and deleterious growth.

Pavement in common areas shall be cleaned and washed with water at least once a week. All windows in ground floor retail/restaurant venues shall be cleaned biweekly. All lawns shall be mowed weekly during the growing season. Seasonal annuals shall be changed out as needed. Trees and shrubs shall be maintained as required by the species or as recommended by a Master Gardener from The Eddy County Extension Agency. All planting areas shall be mulched. All clippings and green waste shall be swept up and disposed of according to local solid waste regulations.

9.1 LIGHTING

A coordinated hierarchy of lighting sources shall be required for the Cascades. Streets and public rights-of-way shall be lit with a combination of pole and building mounted fixtures. Lighting shall be compatible and harmonious throughout and shall be in keeping with the design and function of the buildings.

Lighting levels shall be safe and of uniform level. There shall be no glaring or obtrusive light to detract from the overall atmosphere of the development. Flashing lights and poorly made fixtures shall not be permitted. Uncontrolled flood lighting is not permitted as a source of general illumination. To minimize the trespass of light onto adjacent street and properties, only lighting fixtures utilizing shielded or screened lamps, and designed to control glare by having a light cutoff feature, shall be used for exterior lighting. Wiring for exterior lighting fixtures shall be installed underground. A white lighting source shall be used, providing 2 foot-candles average level of illumination in parking areas and on streets. Lighting in the Canal Zone shall provide an average 0.2 foot-candles average level of illumination. In all cases light fixtures shall conform to the requirements of the New Mexico Night Sky Protection Act. Sodium vapor luminaires are not allowed. Neon accent lighting shall be permitted.

9.1.1 MOTOR COURTS AND DROP-OFFS

Motor courts and drop-offs shall receive some spillover illumination from adjacent buildings and streets. Additional lighting shall be provided by pole or building mounted fixtures in a style to coordinate with the streetlights.

Wherever possible building mounted fixtures are preferred. Hidden-source landscape up-lights and down-lights are also permitted.

9.1.2 PLAZAS AND OTHER OPEN SPACE

Plazas and open spaces shall be illuminated to maintain a safe light level for pedestrians. Pole mounted fixtures, wall mounted fixtures and hidden-source landscape up-lights and down-lights are permitted. The style of fixture shall be coordinated. Poles and luminaries must be a uniform color compatible with the building color. Pole heights shall not exceed building heights.

Height: 10' for pedestrian areas

9.1.3 PARKING LOT LIGHTING

Parking areas shall be illuminated with pole-mounted fixtures. The design shall be coordinated to match pedestrian area lighting.

Height: 20' for parking areas, streets and other vehicular areas

Spacing: Refer to contract documents for spacing of various fixture types

Distance from edge of curb: 2'-0" clear

Manufacturer: TBD

Model: TBD

Finish: TBD

Luminaire: TBD

9.2 ARCHITECTURAL LIGHTING

Grade level up-lighting is recommended for all building facades facing the Canal Zone, pedestrian way or a public street. The fixture type shall be determined by location. Fixtures in landscape areas may be ground mounted. Fixtures in paved areas shall be recessed below grade in weather tight housings and shall have double lenses to reduce heat transmission to the surface of the glass.

Architectural lighting fixtures shall be located at a maximum of 25' on center with a minimum of two fixtures per façade. Distance from the façade shall be a minimum of 2' or as recommended by the manufacturer. Wall packs that cast light outward from buildings are not permitted.

Architectural lighting shall not be used to highlight exhibits, advertisements or signs on buildings.

9.3 LANDSCAPE LIGHTING

Landscape up-lighting and down lights are required. Street trees and shade trees shall be up lighted with a minimum of two fixtures per tree. These fixture shall be located a minimum of 2' from the centerline of the trunk.

Decorative twinkle lights are recommended in the canopies of all trees exceeding 20 feet in height. These add to the overall ambience of the space at night.

9.4 FOUNTAIN LIGHTING

All exterior fountains shall be lit internally per manufacturer's specifications. All fountain lighting shall be coordinated with other lighting systems to insure appropriate electrical and design standards are met.

10.1 WAYFINDING, SIGNAGE AND ENVIRONMENTAL GRAPHICS

The establishment and enforcement of a coordinated, comprehensive signage and graphics program that provides for business identification and effective information communication in a distinctive and aesthetically pleasing manner is a major factor in the creation of the overall character of the Cascades at Carlsbad. Size, placement, and design details of all signs within the Cascades at Carlsbad shall be considered an integral part of the overall site development as well as the architectural design and detailing.

All proposed signage must be submitted to the Architectural Review Committee (ARC) for approval prior to fabrication and installation. This includes any temporary retail or restaurant signage. These guidelines shall apply to the following categories of signage:

10.1.1 PROJECT/MAJOR TENANT IDENTITY

A major project identification sign will be provided by the prime developer in the form of a monument sign located at the northwest corner of the intersection of Hagerman Street and Riverside Drive, in accordance with the overall Master Plan. Smaller, ground-mounted identification signs, which serve to identify both the project as well as the major tenants, may be provided by the developer at the main access points. These signs shall match the design character, materials, method of illumination, and colors of the monument sign. These signs are to be placed within a landscaped area of two square feet for each square foot of sign area, with a minimum area to be landscaped of 25 square feet. Any signage located within the roadway R.O.W. shall conform to any applicable City of Carlsbad ordinances.

10.1.2 TENANT IDENTIFICATION

a. Building Mounted

Any tenant identification signage mounted directly to the retail building shall be located on a building fascia panel, canopy, awning, or architecturally detailed wall area (designated sign area) specifically designed for this purpose as an integral part of the architecture. Signage of this type shall not extend higher than the roofline of the structure. Any designated sign areas shall accommodate individual letters, individual channel letters or projecting signs mounted perpendicular to the building face. Projecting or hanging signs are encouraged to display a symbol of the business (i.e. a violin, watch or bicycle could be used to identify a music store, jewelry shop or bike shop). Projecting signs are not allowed to project into street rights-of-way. If illuminated, backlighting, internal illumination of individual channel letters or discretely placed spotlights shall be utilized. Backlighting techniques shall silhouette the signage with neon tubes set into the back of each individual channel letter, reflecting the light off a wall to create a shadow effect. Signs shall be made of quality materials and well crafted. Colors of sign letters shall be compatible with the architectural detailing and overall character of the development. Sign letters may be of any style to accommodate individual symbols or identity programs. Maximum height of the letters shall be as shown on the chart below. The ARC may grant variances to the height restriction and color for major tenant(s) subject to approval.

Table 1: Tenant Identification Signage Letter Height and Illumination Allowances	Frontage on Internal Pedestrian Courtyards/ Plazas and along Canal	Frontage along Cascades Drive and Parking Area	Frontage on Park Drive and the Pecos River
Recommended Letter Height*:	8"	18"	24"
Illumination allowed:	Backlighting of individual letters	Internal Illumination and Backlighting of individual letters	Internal Illumination and Backlighting of individual letters

* Letter heights may be increased in special cases with the approval of the ARC.

Only the name of the establishment and/or an identifying symbol shall be allowed. One sign is allowed per tenant/ storefront adjacent to a pedestrian or vehicular way, provided it is attached parallel to the wall of the building. Signs will be limited in size to a maximum of 70% of the building or tenant lineal feet of store frontage.

b. Upper Level Tenants

Upper level tenants (2nd or 3rd story) shall be identified on wall-mounted directories near elevator and stair access points. Identification will be limited to tenant name and suite number unless tenant is a retail or restaurant establishment in which case an exterior building mounted sign will be allowed.

Directories shall be compatible with the architectural detailing and overall character of the development.

c. Window Mounted and Under Canopy Signs

In situations where tenant identification signage mounted directly to the retail building is blocked from the pedestrian's line of sight by a continuous overhanging canopy or arcade along the store front, window lettering and under canopy signs will be permitted at customer entrances. Colors of sign letters shall be compatible with the architectural detailing and overall character of the development. The 'etched glass' look is preferred for window lettering, however, adhesive vinyl lettering will be considered. Under canopy signs shall be limited to a maximum of four square feet and shall be mounted perpendicular to building walls. A minimum clearance of 8' must be provided for all under canopy signs. Sign letters may be of any style to accommodate individual symbols or identity programs, and the maximum height of the letters shall be 3". Only the name of the establishment and/or an identifying symbol will be allowed.

Special allowances for both building and window mounted tenant identification signage will be considered by the ARC for restaurants and entertainment uses.

10.1.3 SPECIALTY SIGNS AND GRAPHICS

All specialty signs and graphics must be approved by the ARC prior to fabrication.

a. Flags and Banners

Fabric flags, banners, and streamers are allowed, provided they contribute to the overall theme of the project. Banners may be displayed from buildings, streetlight standards, or from free-standing poles designed specifically for that purpose. Colors for banners and streamers are unrestricted, and all banners installed and displayed at any one time shall be consistent in shape and size. No advertisement of a product shall be affiliated with this signage type.

b. Marquees

Canopies with marquees, with changeable copy for motion picture theatres and other entertainment establishments shall be allowed, provided that they are designed as an integral part of the architecture and the colors are consistent with the overall character of the signage and graphics program.

c. Kiosks

Kiosks providing bulletin or poster display space, identifying or explaining special events, movies, etc. shall be allowed provided they are compatible with the surrounding architecture and architectural detailing, and are consistent with the overall character of the signage and graphics program. Kiosks shall be located within the pedestrian courtyards and plazas.

10.1.4 INFORMATIONAL/ DIRECTIONAL SIGNAGE

As components of the overall wayfinding system for the development, these signs provide visitors with general information about location or direction towards a specific area, building, shop, roadway, or facility. Signage of this nature works on both vehicular and pedestrian levels. The entire system of wayfinding signage shall be coordinated with the overall character of the project signage.

10.1.5 TEMPORARY SIGNAGE

Temporary signage (both freestanding and window-mounted) may be used for construction, marketing, and future tenant identification purposes. All temporary signs shall be consistent with the comprehensive signage and graphics program developed for the project, and must be approved by the ARC prior to installation. Colors shall be compatible with architecture and architectural detailing. The ARC will establish time limits for removal of temporary signs when the signs are approved.

Generally, only one temporary sign will be allowed per parcel at any one time. The ARC must approve additional temporary signs. The advertisement of any product is prohibited. Freestanding marketing/real estate leasing signage is limited to the designated area shown on the Master Plan at the temporary fountain fronting Riverside Drive, and shall be coordinated with the City of Carlsbad. Temporary window-mounted signs to provide leasing information or to announce special events (sales, etc.) shall be allowed, provided that no such sign or group of signs in aggregate exceeds 15% of the total area of the window in which they are displayed. Special event signage may be erected no sooner than seven days preceding the event, and must be removed within three days following.

Colors for temporary window signage are unrestricted. No windows may be painted or blocked to make them opaque.

10.1.6 REGULATORY AND TRAFFIC CONTROL SIGNAGE

Standard, City-approved vehicular, bicycle, and pedestrian traffic control signage shall be used as required by the City of Carlsbad. Traffic control signs shall be mounted on square, metal posts, the color of which shall be coordinated with the overall character of the project signage. Mounting on hatchannels is not allowed. All traffic control signage and graphics shall comply with the most current edition of the *Manual of Uniform Traffic Control Devices*, as published by the U.S. Department of Transportation/ Federal Highway Administration.

10.1.7 PROHIBITED SIGNAGE

The following types of signs are prohibited in the Cascades at Carlsbad:

Any sign, banner, or sign structure which:

1. Is structurally unsafe.
2. Constitutes a hazard to safety or health by reason of inadequate maintenance.
3. Is not kept in good repair.
4. Is capable of causing electric shocks to persons likely to make incidental contact.
5. In any way obstructs the view of, may be confused with, or purports to be an official traffic sign, signal or device, or any other official sign.
6. Uses any words, phrases, symbols, or characters implying the existence of danger, or the need for stopping or maneuvering of a motor vehicle.
7. Creates in any other way an unsafe distraction for motor vehicle operators.
8. Obstructs the view of motor vehicle operators entering a public roadway from any parking area, service drive, private driveway or other thoroughfare.

Any sign attached to a building, canopy, or arcade which:

9. Is parallel with a wall of the building, the canopy, or the arcade, but projects more than 18 inches from such wall.
10. Extends above the roofline or above the top of the parapet of the front wall of the building, whichever is higher.

Any sign which obstructs free ingress to or egress from a required door, window, fire escape, or other required exit way.

11. Off-premise advertising signage or any other sign not pertinent and clearly incidental to the permitted use on the property where located.
12. Inflatable signs.
13. Sandblasted, wood signs
14. Signs not permanently affixed or attached to the ground or to any structure, except for signs and temporary barriers utilized for emergency purposes. Approved restaurant 'sandwich boards' are also exempt from this provision but are not allowed in the emergency access route.
15. Signs with visible moving, revolving or rotating parts, or visible mechanical movement of any description, or other apparent visible movement achieved by electrical, electronic, or mechanical means.
16. Signs with optical illusion of movement by means of a design that presents a pattern capable of reversible perspective, giving the illusion of motion or changing of copy.
17. Signs with lights or illuminations which flash, move, rotate, scintillate, blink, flicker, vary in intensity, vary in color, or use intermittent electrical pulsation.
18. Strings of bulbs used in connection with commercial premises for commercial purposes are discouraged, but may be approved in limited circumstances by the ARC.
19. Signs that incorporate projected images, emit any sound which is intended to attract attention, or involve the use of live animals.
20. Any sign located on public property or within public rights-of-way.
21. All new or renovated signs not approved by the ARC.
22. Provocative and/or vulgar language.

10.2 APPROVAL

10.2.1 PURPOSE AND ACTIONS

For the purpose of maintaining architectural and aesthetic integrity within the overall project, an Architectural Review Board (ARC) will be established by the City of Carlsbad. The ARC desires to know the impacts of signs on the overall development when reviewing the preliminary plans for the parcel. The final plans must contain all specifics in terms of quantity, color, location, materials, and any other features related to the proposed installation. All signs require preliminary and final approval by the ARC.

The ARC may disapprove the applicant's sign plans only if:

1. They are not in substantial compliance with these general sign guidelines.
2. The ARC determines that the sign plans submitted are incompatible with the quality of design or construction of the overall project.

The applicant agrees that all signs shall be constructed in accordance with the plans approved by the ARC, and that no signs shall be constructed until such approval is obtained.

10.2.2 TIMING

Preliminary plans for all signs shall be submitted as part of either Sketch Plan or Schematic Design stages. All signs must receive approval separately from building plans. The Applicant may wish to combine final approval of signs with the Design Development phase.

The ARC requires 21 days to review sign plans. If the ARC has not contacted the applicant within this time period, the sign plans shall be deemed approved. The ARC shall act upon resubmitted plans within 14 days of submittal.

10.2.3 ITEMS TO BE SUBMITTED

All plans shall designate whether signs are permanent or temporary and what their purposes are. Preliminary plans shall show sizes and locations of signs. Materials associated with the sign, colors, type of illumination, and location of the sign shall be shown on the final plans. Elevations, cross-sections, and/or perspective drawings shall be submitted to show the relationship of permanent signs to the building. Illustrations with dimensions should accompany all requests for sign approval.

All plan submittals are to include two full-scale copies and six copies at a 50% reduction. Fees required for sign approval shall not exceed \$500 per sign approval. A fee schedule is available from the ARC.

10.2.4 MEETING ATTENDANCE

The staff sessions and ARC meeting shall be attended by the developer and sign consultant, as required. ARC staff will also be in attendance.

11.0

11.1 STATEMENT OF CONSTRUCTION METHODS

Since the Cascades at Carlsbad will be developed over an extended period of time, new construction will be underway adjacent to completed and occupied buildings. Therefore, this section establishes the criteria for the Owner's "Statement of Construction Methods" which shall be prepared by the Owner of a development parcel and must be submitted to the Architectural Review Committee for approval prior to the start of construction. This statement shall be prepared in the form of a single document that will specifically reference each issue described in this section and shall include all site plans, utility plans, and other reference materials necessary to adequately describe the Owner's operational plans to the Architectural Review Committee.

These standards are not intended to replace local requirements.

11.1.1 NOTICE OF CONSTRUCTION

Upon receipt of written approval of the Statement of Construction Methods by the Architectural Review Committee, the Owner shall notify the Carlsbad Department of Development (CDOD), no later than 30 hours prior to start of construction.

11.1.2 SCHEDULE

The Statement of Construction Methods shall include a detailed preliminary schedule for the construction project including estimated dates for substantial completion and occupancy.

11.1.3 SITE SECURITY

Owners shall be solely responsible for security arrangements on construction sites. Security measures must obtain Architectural Review Committee approval and be described in the Statement of Construction Methods.

11.1.4 ON-SITE REPRESENTATION

Owners will be required to maintain a representative on site at all times during construction. The Owner's representative shall be identified and shall be available to Architectural Review Committee representatives at all regular working hours.

11.1.5 VEHICULAR AND PEDESTRIAN CIRCULATION

Safe, clean vehicular and pedestrian access in the vicinity of a construction site must be maintained. Construction parking in adjacent parking lots shall be prohibited without permission of CDOD. Where granted, construction parking shall be maintained in a neat, orderly and dust-free condition. Owner shall indicate temporary circulation and parking on plans.

11.1.6 EQUIPMENT ACCESS POINTS

A maximum of two construction access points may be permitted for each site at locations and by means approved by the Architectural Review Committee.

Specific access points and hours of operation must be plainly indicated. Dust, mud, etc. on equipment must be removed before leaving the construction site so that debris is not transferred to public roadways. Construction traffic must be minimized during peak traffic hours.

11.1.7 CONSTRUCTION FENCING

A finish grade, painted plywood fence 8 feet high is required between the construction site and public roadways, completed buildings/sites and the Canal Zone. A 6-foot high chain link fence shall be installed around the remainder of the site to control access and debris, where applicable. The location, design and color of both of these fences shall be included in the Statement of Construction Methods and will be designed consistent with the project character per the project's graphic design package. The 8-foot fence shall contain 2 foot by 2-foot openings at 24 feet on center. The openings shall be located in the center of the 8-foot panel with header 5 feet above grade. These openings will provide observation points for the general public but shall be covered on the construction side with chain link to prevent access.

11.1.8 EROSION AND SEDIMENT CONTROL

Methods of controlling erosion and sedimentation are required during the construction. The controls shall be planned as an integral part of the construction operation and detailed in the Statement of Construction Methods.

a. General Criteria

The following precautions shall be taken during construction to minimize the causes of erosion and siltation.

Both topsoil and fill material stockpiled on the site shall be seeded, mulched, or covered and appropriately graded to avoid erosion and blowing.

Stockpiles shall be maintained and kept weed-free and dust shall be controlled.

Dust shall be controlled on a daily basis. Availability and frequency of use of water trucks or hoses must be indicated.

The permanent subsurface drainage system shall not be used during construction unless entering water is virtually free of soil particles. To ensure effectiveness, silting basins shall be installed at locations to intercept water before it enters catch basins and at outfall locations. Silting basins shall be cleaned-out after each substantial storm. Location of all siltation basins and maintenance schedules must be indicated.

b. Post-Construction Restoration

Temporary berms, swales, settling ponds, and other control mechanisms shall be restored to their original condition and planted to blend with the surrounding environment when the project has been completed. The time frame for accomplishing restoration shall be indicated.

11.1.9 CONSTRUCTION DEBRIS

All procedures for handling debris accumulation and removal shall be describe in the Statement of Construction Methods.

a. Screening

Construction debris shall be concealed during construction in a visually screened place and shall be removed on a regular weekly basis. Debris pits are not allowed. Open burning of debris will not be permitted.

b. Trash collection

A central trash collection area shall be identified. Dumpsters and any trash container shall be emptied on a regular basis. Paper and other debris shall be removed on a weekly basis. Locations of dump sites, the frequency of dumping and the scheduling of cleaning out or emptying shall be indicated. The owner shall supply the Architectural Review Committee with a collection schedule.

c. Street Maintenance

Streets shall be swept and washed once weekly or more frequently as necessary to prevent mud or dust from spreading to adjacent paved areas or passing vehicles. No construction parking is permitted on public streets. The schedule for cleaning streets must be indicated. Construction vehicle wheels and tires shall be washed prior to leaving the construction site on all trips.

d. Final Removal

After construction is completed, temporary barriers, surplus material, all trash, debris and rubbish shall be removed from the site. All backfill shall be clean and free from building material, stone, and other construction debris. Barriers shall be removed from the site and streets swept of all remaining debris and dust.

All disturbances to the public streetscape, Canal Zone or rights of way caused by construction activities shall be restored to original condition or standards set forth in the streetscape section of this Guideline.

11.1.10 TEMPORARY STRUCTURES

Temporary structures, portable offices and other related facilities will be maintained in good repair and arranged in a compact and organized manner on the construction site. These shall not be allowed for more than 16 months without obtaining an extension of time from the Architectural Review Committee. These facilities shall be situated so as not to be obtrusive or unsightly when seen from the street or adjacent properties. All temporary structures and portable facilities will be removed within 30 days from issuance of a Certificate of Occupancy. As needed, the contractor shall provide shoring along adjacent driveway structures or landscape areas. The Statement of Construction Methods shall indicate type, design and location of all temporary structures.

11.1.11 EQUIPMENT AND MATERIAL STORAGE

The area designated for storage of equipment and materials shall be visually unobtrusive from the roadway and adjacent properties. Off-site storage of materials is encouraged. Storage areas shall be described in the Statement of Construction Methods.

11.1.12 TEMPORARY UTILITIES

All temporary utilities on the construction site shall be arranged by the Owner and shall be continued in a single, unobtrusive alignment. Distribution of temporary utilities to the various areas of construction will be from an approved on-site location. Temporary utilities locations shall be described within the Statement of Construction Methods.

11.1.13 INTERIM SIGNS

a. General standards

Subject to approval by the Architectural Review Committee and local review authority and in conformance with local sign ordinances, construction signs may be allowed on site. Signs shall conform to specified criteria indicated in “Wayfinding, Signage and Environmental Graphics” section of this document.

Dimensional detail plans, materials and colors and a site plan indicating the location of the construction signs shall be included in the Statement of Construction Methods.

b. Content

The sign(s) shall identify the name of the projected facility, the parties participating in the design and construction, the anticipated date of occupancy and leasing information. Should a contractor desire to use an existing identity sign, the Architectural Review Committee may allow this option following review of the sign.

c. Location

Each contractor is limited to one standard sign attached to the construction trailer face. Architectural Review Committee shall allow trailer identity signage upon review.

11.2 REVIEW OF PLANS

11.2.1 PLAN APPROVAL

To assure project integrity, prior approval of users’ site plans, construction plans, landscape plans and wayfinding and graphics will be required by the Architectural Review Committee. Plans shall be submitted to the Architectural Review Committee at least thirty days (30) prior to the anticipated start of construction. Plans shall show, among other things, the location of main and accessory structures on the

site and in relation to one another, the exterior building materials, color and textures to be used in construction, storm drainage systems, the height and bulk of structures, roads and parking areas, the provision of other open space on the site, the landscape, paving, fences and walls on the sited and all display of signage.

11.2.2 VARIANCES

In order to make possible adjustments which are desirable and do not detract from a parcel's overall development and to allow future changes needed to protect or enhance the value of the total Cascades at Carlsbad development, the City reserves the right to grant variances from these restrictions on a case-by-case basis and in its sole discretion. Approval of any variance or adjustment shall not be deemed to change or generally waive the covenants and restrictions herein contained or to serve as precedent for any proposed future variances or adjustments that may be requested. The Architectural Review Committee shall approve all variances.

11.2.3 CASCADES AT CARLSBAD APPROVAL

Review and approval of plans by the Architectural Review Committee in no way releases the Owner from any responsibility to obtain necessary approvals or building permits from the City of Carlsbad prior to construction.

The development standards contained herein are intended to supplement, not substitute for, the development standards enforced by the City of Carlsbad.

11.2.4 FUTURE ALTERATION

Future site or building alterations, renovations, or remodeling where costs exceed \$1,000 are required to be reviewed by the ARC. The exception to this requirement includes that all signage, paint and landscaping changes must be reviewed by the ARC. Decisions by the ARC are binding in perpetuity and affect all future changes.

11.3 PROPERTY DEVELOPMENT AND TRANSFER

11.3.1 PROPERTY DEVELOPMENT

Within nine (9) months of the purchase date of a lot (date of closing), the Buyer shall cause construction to be started. Unless modified by a written agreement signed by the Seller and Buyer, construction shall be completed within twenty-four (24) months of the purchase date of a lot. Buyer may mortgage the subject property to obtain loan funds for the project on the subject property. Buyer shall not mortgage the subject property as collateral to secure a loan for another project that is not on the subject property and any such mortgage shall be void or voidable at the sole discretion of the Seller. If the provisions of this paragraph are not strictly complied with, title to the subject property shall automatically revert to the Seller and 100% of the consideration (sale price) shall be retained by the Seller. The Carlsbad Department of Development, at its sole discretion, may approve time extensions for this provision and/or increase reimbursed considerations if unforeseen delays and/or change in plans are adequately substantiated through documentation.

11.3.2 SUBSEQUENT TRANSFER

Upon closing of the sale and after transfer of deed, lots may be further sold, leased or subdivided so long as the proposed action meets the requirements herein of 2.1 Land To Building Ratio and the intended use of the proposed subdivision is within the scope of Permitted Uses as set forth in 2.1.1 Permitted Uses herein. In addition, job creation is a requirement for sale, lease or subdivision of all land. As a prerequisite

to the sale or transfer, any subsequent transfer shall be approved by the Board of Directors of the Carlsbad Industrial Action, Inc. d/b/a Carlsbad Department of Development, which shall not be unreasonably withheld. If the provisions of this paragraph are not strictly complied with, title to the subject property shall automatically revert to the Seller and 100% of the consideration (sale price) shall be retained by the Seller.

11.4 GENERAL PROVISIONS

11.4.1 ENFORCEMENT

The City of Carlsbad, the Architectural Review Committee, or any Owner shall have the right to enforce, by any proceeding at law or in equity, all restrictions, conditions or covenants, now or hereafter imposed by the provisions of this Declaration. However, only the Owner shall enjoy authority to enforce collection of assessments, with authority may employ in any lawful manner. Failure by the Owner or by any Owner to enforce any covenant or restriction herein contained shall in no event be deemed a waiver of the right to do so thereafter.

11.4.2 SEVERABILITY

Invalidation of any provision of this Declaration by judgment or court order shall in no way affect any other provision, which shall remain in full force and effect.

11.4.3 AMENDMENT

The covenants and restrictions of this Declaration shall run with and bind the land. This Declaration may be amended in writing by the Declarant (the Carlsbad Department of Development Board of Directors) or by authority delegated to the ARC.