ITEM NO. 14

STAFF REPORT

CITY OF OCEANSIDE

DATE: January 21, 2009

TO: Honorable Mayor and City Council Members

FROM: Development Services Department/Planning Division

SUBJECT: **INTRODUCTION OF AN ORDINANCE AMENDING THE ZONING DISTRICT MAP (ZA-1-07) FROM MEDIUM DENSITY A - SENIOR MOBILE HOME PARK OVERLAY - HISTORIC OVERLAY (RM-A-SMH-H) DISTRICTS TO SPECIAL COMMERCIAL - HIGHWAY ORIENTED - HISTORIC OVERLAY (CS-HO-H) DISTRICTS; AND ADOPTION OF TWO RESOLUTIONS APPROVING A GENERAL PLAN AMENDMENT (GPA-2-07) TO CHANGE THE LAND USE DESIGNATION FROM MEDIUM DENSITY A RESIDENTIAL (MDA-R) TO SPECIAL COMMERCIAL (SC); A HISTORIC PERMIT (H-2-08) TO CHANGE THE BASE ZONE WITHIN AN HISTORIC DISTRICT; AND A CONDITIONAL USE PERMIT (C-13-08) FOR VEHICLE/EQUIPMENT SALES AND RENTALS ON A PORTION OF A LOT LOCATED ON THE NORTHEAST CORNER OF MISSION AVENUE AND DOUGLAS DRIVE – MISSION VIEW MANOR LOT – APPLICANT: COLE AND ASSOCIATES**

RECOMMENDATION

Staff recommends that the City Council introduce an Ordinance amending the Zoning District Map (ZA-1-07) from Medium Density A - Senior Mobile Home Park Overlay - Historic Overlay (RM-A-SMH-H) Districts to Special Commercial - Highway Oriented - Historic Overlay (CS-HO-H) Districts on a 0.66-acre portion of an existing 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive, commonly known as Mission View Manor East Mobile Home Park.

Staff recommends that the City Council adopt a resolution for a General Plan Amendment and Historic Permit to allow a change to the land use designation from Medium Density A Residential (MDA-R) to Special Commercial (SC) and to change the base district designation within the Mission San Luis Rey Historic Area. Staff recommends that the City Council adopt a second resolution for a Conditional Use Permit to allow land use 450.CC.5 *Vehicle/equipment sales and rentals* (i.e., mobile home sales) on the aforementioned site.

BACKGROUND

On August 27, 2008, Council member Jerry Kern called for review the Planning Commission's findings adopting Resolution No. 2008-P51.

On October 15, 2008, the City Council adopted a resolution approving the Mitigated Negative Declaration for Mission View Manor.

On October 15, 2008, the City Council determined that the proposed change to the land use designation, the amendment to the Zoning District Map, the change to the base district on land situated within the Mission San Luis Rey Historic Area, and the sale of mobile homes would be in accord with the objectives of the General Plan, the regulations of the Zoning Ordinance, and the goals and policies of the *Mission San Luis Rey Historic Area Development Program and Design Guidelines*. Therefore, staff was directed to return to the City Council with the appropriate draft ordinance and resolutions approving the project.

CITY ATTORNEY'S ANALYSIS

City Council review of the ordinance and resolutions shall determine if the documents accurately reflect the findings made during the October 15, 2008 hearing. If the Council determines that the ordinance and resolutions are adequate and accurate documents, it shall move to introduce the ordinance and adopt the resolutions.

The ordinance and resolutions have been reviewed by the City Attorney and approved as to form.

FISCAL IMPACT

Does not apply.

RECOMMENDATION

This item is for introduction of an Ordinance amending the Zoning District Map (ZA-1-07) from Medium Density A - Senior Mobile Home Park Overlay - Historic Overlay (RM-A-SMH-H) Districts to Special Commercial - Highway Oriented - Historic Overlay (CS-HO-H) Districts on a 0.66-acre portion of an existing 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive.

Staff recommends that the City Council adopt a resolution for a General Plan Amendment and Historic Permit to allow a change to the land use designation from Medium Density A Residential (MDA-R) to Special Commercial (SC) and to change the base district designation within the Mission San Luis Rey Historic Area. Staff recommends that the City Council adopt a second resolution for a Conditional Use Permit to allow land use 450.CC.5 *Vehicle/equipment sales and rentals* (i.e., mobile home sales) on the aforementioned site.

PREPARED BY:

Juliana von Hacht
Associate Planner

SUBMITTED BY:

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner

ATTACHMENTS:

1. Plans and exhibits
2. City Council Ordinance amending the Zoning District Map ZA-1-07
3. City Council Resolution approving GPA-2-07 and H-2-08
4. City Council Resolution approving C-13-08

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING THE ZONING DISTRICT MAP FROM MEDIUM DENSITY-A RESIDENTIAL SENIOR MOBILE HOME PARK OVERLAY HISTORIC OVERLAY DISTRICTS TO SPECIAL COMMERCIAL-HIGHWAY ORIENTED HISTORIC OVERLAY DISTRICT ON A 0.66-ACRE PORTION OF A LOT LOCATED ON THE NORTHEAST CORNER OF MISSION AVENUE AND DOUGLAS DRIVE.

(Applicant: Cole and Associates)

WHEREAS, an application was filed for a Zone Amendment (ZA-1-07) which would amend the Zoning District Map from Medium Density-A Residential- Senior Mobile Home Park Overlay-Historic Overlay (RM-A-SMH-H) Districts to Special Commercial-Highway Oriented-Historic Overlay (CS-HO-H) Districts on a 0.66 acre portion of an existing 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive. This amendment creates a lot bisected by district boundaries.

WHEREAS, on June 3, 2008, the Oceanside Historic Preservation Advisory Committee, after a duly noticed public hearing, adopted Resolution No. 2008-H01 by a 6-to-0 recommending disapproval of GPA-2-07, ZA-1-07, C-13-08 and H-2-08;

WHEREAS, on August 25, 2008, the Planning Commission, after a duly noticed public hearing, adopted Resolution No. 2008-P51 by a 6-to-0 vote denying GPA-2-07, ZA-1-07, C-13-08 and H-2-08; and finding that a Special Commercial (SC) land use designation, a zoning map change to CS-HO-H Districts, and allowing land use 450.CC.5 do not conform to the goals and objectives of the General Plan and the land use and development regulations of the Zoning Ordinance and the Mission San Luis Rey Historic Area Development Program and Design Guidelines;

WHEREAS, on August 27, 2008, Council Member Kern timely filed a call for review the sufficiency of the findings of Resolution 2008-P51 with the City Clerk of the City of Oceanside;

WHEREAS, on October 15, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and oral testimony by all interested parties concerning the call for review of the Planning Commissions findings to deny the above identified Zone Amendment;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

WHEREAS, the Planning Commission adopted Resolution No. 2008-P50 approving a Mitigated Negative Declaration together with any comments received and a Mitigation Monitoring and Reporting Program (M.M.R.P.) incorporated as conditions approving said resolution;

WHEREAS, based on such evidence and testimony, including but not limited to the reports of the Planning Division Staff and records of the Planning Commission hearing and the Oceanside Historic Preservation Advisory Committee meeting, this Council finds that the findings and decision of the Planning Commission and the recommendations of the Oceanside Historic Preservation Advisory Committee do not adequately and properly address the concerns raised by Council Member Kern and this Council finds as follows:

<u>For the Zone Amendment ZA-1-07</u>:

1. The proposed change to the Zoning District Map is consistent with the policies of the General Plan. The proposed CS-HO-H Districts is situated within the boundaries of the Special Commercial Area of the Mission San Luis Rey Historic Area. The site is included in the Mission San Luis Rey Historic Area, which was adopted to recognize the importance of maintaining and enhancing the area around the Mission. The *Mission San Luis Rey Historic Area Development Program and Design Guidelines* provides a flexible design framework that respects and compliments the Mission's historic setting, as well as encourages high quality, new development in the San Luis Rey area of the City. The limited area proposed as CS-HO-H Districts will assist the City in achieving the long range goals and objectives of the Mission San Luis Rey Historic Area.

2. The proposed change to the Zoning District Map (to the CS-HO-H Districts) is consistent with the purposes of the Zoning Ordinance. The purposes of the H Historic Overlay District are to: promote the conservation, preservation, protection, and enhancement of each historic district; stimulate the economic health and visual quality of the community and stabilize and enhance the value of the property; encourage development tailored to the character and significance of each historic district through a Conservation Plan that includes goals, objectives, and design guidelines and development criteria; and provide a mechanism to resolve conflicts in an orderly fashion between goals of historic preservation and alternative land use. The CS-HO District is intended for highway oriented commercial areas, which encourages some visitor serving land use classifications and does not conflict with the goals of the Mission San Luis Rey Historic Area.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. To uphold the Planning Commission adoption of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program denoted in Planning Commission Resolution No. 2008-P50.

2. To reject the Planning Commission findings and decision as adopted in Resolution No. 2008-P51.

3. To reject the Oceanside Historic Preservation Advisory Committee recommendations as adopted in Resolution No. 2008-H01.

4. To amend the Zoning District Map (ZA-1-07) from Medium Density A - Senior Mobile Home Park Overlay - Historic Overlay (RM-A-SMH-H) Districts to Special Commercial - Highway Oriented - Historic Overlay (CS-HO-H) Districts on a 0.66-acre portion of a 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive and commonly called Mission View Manor East Mobile Home Park.

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5. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Govt.C. Section 65009.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 21 day of January, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

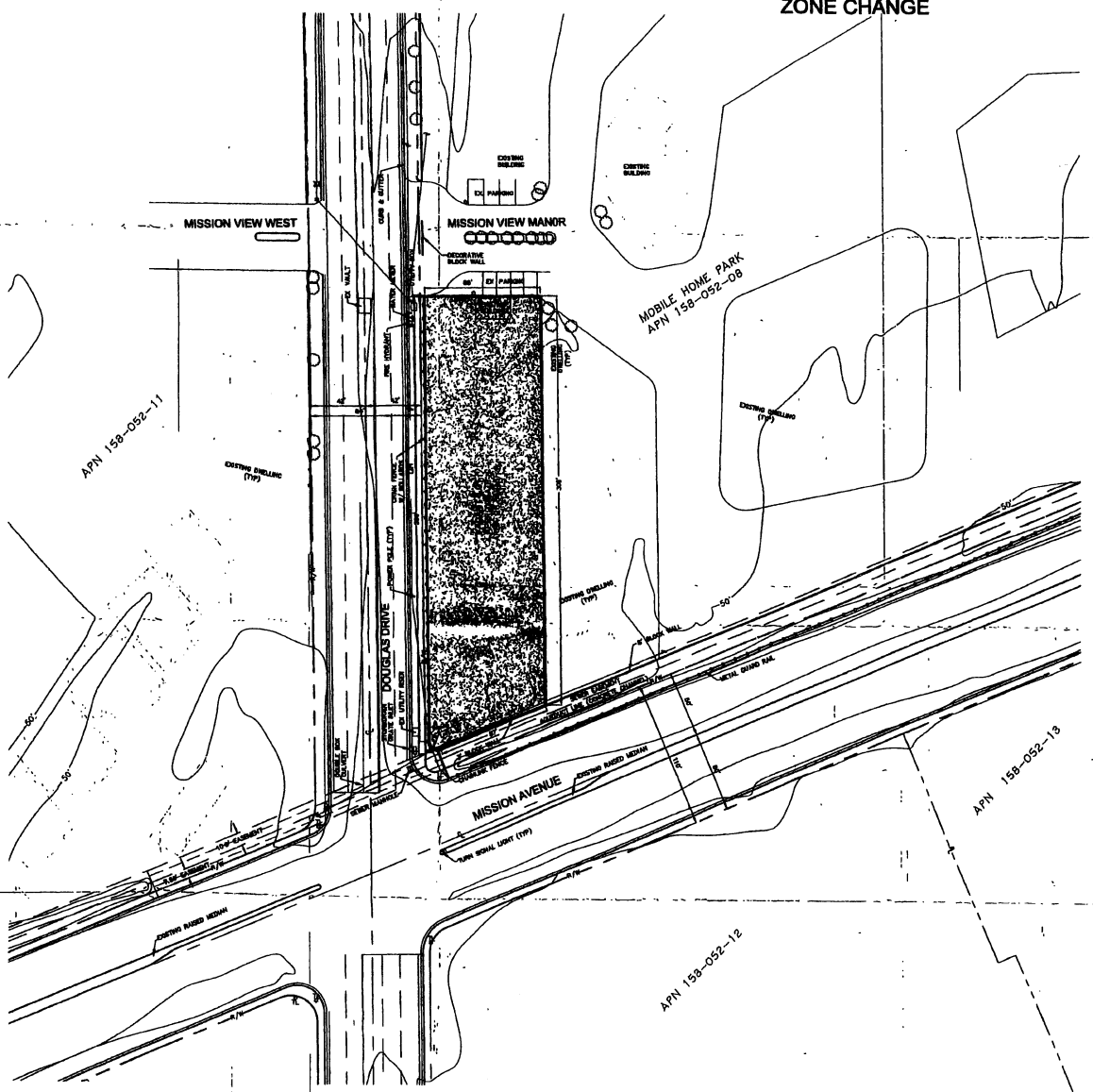
ATTEST:

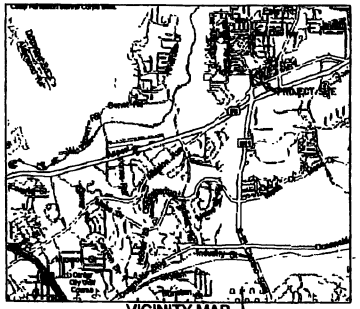
_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY

EXHIBIT for GENERAL PLAN AMENDMENT and ZONE CHANGE





LEGEND

DESCRIPTION	SYMBOL
PROPERTY LINE	
CENTERLINE	
EASEMENT LINE	
RIGHT OF WAY	
EXISTING CONTOURS	
EXISTING PAVEMENT	
EXISTING POWER POLE	
EXISTING HOUSE	
EXISTING OVER HEAD	
EXISTING SEWER MANHOLE	
EXISTING CHAIN FENCE W/ BOLLARDS	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
EXISTING WALL	
EXISTING-TURN SIGNAL LIGHT	
EXISTING TREE	

PROPERTY OWNERS:

LINDA COLE AND ASSOCIATES
188 SOUTH SANTA FE ROAD
SAN MARCOS, CA 92078

PHONE (760) 420-6289 FAX (760) 598-6589
ATTN LINDA COLE

REPRESENTATIVE:

ELIZABETH J. GRAFF, AICP
LAND USE PLANNING CONSULTANT
3208 SEA RIDGE ROAD
OCEANSIDE, CA 92054

PHONE/FAX (760) 231-7459

ENGINEER:

CORNERSTONE ENGINEERING, INC
620 MISSION AVENUE
OCEANSIDE, CA 92054
(760)722-3495

DENIED BY THE PLANNING COMMISSION
this 25 day of August 20 08
CASE No. GPA-2-07, ZA-1-07, C-15-08, H-97-
SIGNED

GENERAL NOTES:

1 EXISTING GENERAL PLAN LAND USE DESIGNATION- RESIDENTIAL MEDIUM DENSITY-A
2 PROPOSED GENERAL PLAN LAND USE DESIGNATION- GENERAL COMMERCIAL
3 EXISTING ZONING DESIGNATION- RESIDENTIAL MEDIUM DENSITY-A (7-12 DU PER ACRE) -H (HISTORIC OVERLAY)
4 PROPOSED ZONING DESIGNATION- COMMERCIAL-GENERAL (CG)

RECEIVED
MAR 22 2007
Planning Department

GRAPHIC SCALE
(IN FEET)
1 inch = 40 ft.

NO	DATE	REVISION	BY

CORNERSTONE ENGINEERING, INC.
620 MISSION AVENUE, SUITE 400
OCEANSIDE, CA 92054
TEL (760) 722-3495
FAX (760) 722-3496
CONSULTING CIVIL ENGINEERING AND LAND SURVEYING
www.cornerstoneeng.com

DEVELOPMENT BY:
LINDA COLE ASSOCIATES
188 SOUTH SANTA FE ROAD
SAN MARCOS, CA 92078

EXHIBIT for GENERAL PLAN AMENDMENT and ZONE CHANGE

FOR

DOUGLAS AT MISSION WITH CONCEPTUAL SITE PLAN

DESIGNER	MCL
CHECKED BY	GEC
DATE	01-16-07
DRAFTER	JAR
SCALE	AS SHOWN
COMP NO 149-01 SITE PLAN	
JOB NO	149-02-00
SHEET	1 OF 1

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2008-P51 AND APPROVING GENERAL PLAN AMENDMENT AND HISTORIC PERMIT ON 0.66-ACRE PORTION OF A LOT LOCATED ON THE NORTHEAST CORNER OF MISSION AVENUE AND DOUGLAS DRIVE

(Applicant: Cole and Associates)

WHEREAS, an application was filed for a General Plan Amendment (GPA-2-07) to change the land use designation from Medium Density A Residential (MDA-R) to Special Commercial (SC); for a Zone Amendment (ZA-1-07) to change the zoning district map from Medium Density A - Senior Mobile Home Park Overlay - Historic Overlay (RM-A-SMH-H) Districts to Special Commercial - Highway Oriented - Historic Overlay (CS-HO-H) Districts; for a Historic Permit (H-2-08) to change the base district designation within the Mission San Luis Rey Historic Area; and for a Conditional Use Permit (C-13-08) to allow land use 450.CC.5 *Vehicle/equipment sales and rentals* on a 0.66-acre portion of a 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive and commonly called Mission View Manor East Mobile Home Park;

WHEREAS, on June 3, 2008, the Oceanside Historic Preservation Advisory Committee, after a duly noticed public hearing, adopted Resolution No. 2008-H01 by a 6-to-0 recommending disapproval of GPA-2-07, ZA-1-07, C-13-08 and H-2-08;

WHEREAS, on August 25, 2008, the Planning Commission, after a duly noticed public hearing, adopted Resolution No. 2008-P51 by a 6-to-0 vote denying GPA-2-07, ZA-1-07, C-13-08 and H-2-08; and finding that a Special Commercial (SC) land use designation, a zoning map change to CS-HO-H Districts, and allowing land use 450.CC.5 do not conform to the goals and objectives of the General Plan and the land use and development regulations of the Zoning Ordinance and the *Mission San Luis Rey Historic Area Development Program and Design Guidelines*;

WHEREAS, on August 27, 2008, Council Member Kern timely filed a called to review the sufficiency of the findings of Resolution 2008-P51 with the City Clerk of the City of Oceanside;

WHEREAS, on October 15, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and oral testimony by all interested parties concerning the call to review of the Planning Commission's findings to deny the above identified General Plan Amendment, Zone Amendment, Conditional Use Permit, and Historic Permit;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

WHEREAS, the Planning Commission adopted Resolution No. 2008-P50 approving a Mitigated Negative Declaration together with any comments received and a Mitigation Monitoring and Reporting Program (M.M.R.P.) incorporated as conditions approving said resolution;

WHEREAS, based on such evidence and testimony, including but not limited to the reports of the Planning Division Staff and records of the Planning Commission hearing and the Oceanside Historic Preservation Advisory Committee meeting, this Council finds that the decisions of the Planning Commission and the recommendations of the Oceanside Historic Preservation Advisory Committee do not adequately and properly address the concerns raised by Council Member Kern and this Council finds as follows:

For the General Plan Amendment GPA-2-07:

1. The long term community and neighborhood values are supported by the proposed Special Commercial (SC) general plan designation.
2. The provision of a balanced, self-sufficient, and efficient community is supported by the proposed SC general plan designation. Designating the 0.66-acre area as Special Commercial will contribute to a balanced distribution of land uses within the area, because the surrounding commercial land use share this designation.

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3. A Special Commercial land use designation does not conflict with the adjacent residential land use. The 0.66-acre site does have sufficient area to provide a buffer to the adjacent mobile home park and construct the necessary infrastructure associated with special commercial uses.

4. The site provides adequate access for future proposed commercial use, the sale of mobile homes.

For Historic Permit H-2-08:

1. Designating a larger area as Special Commercial (SC) would create an opportunity for a land use which does enhance or promote the Mission San Luis Rey Historic Area goals and objectives.

2. This proposal, as conditioned, does satisfy the development program and design guidelines of the Mission San Luis Rey Historic Area; for example:

   a) While the proposed land use, 450.CC.5 *Vehicle/equipment sales and rentals*, is not identified as a desired land use within the Historic Core of the *Mission San Luis Rey Historic Area Development Program and Design Guidelines*; it is permitted with an approved use permit within the CS-HO-H Districts.

   b) Land uses permitted on this 0.66-acre portion of the 16.37-acre lot will be required to satisfy the design guidelines of the *Mission San Luis Rey Historic Area Development Program and Design Guidelines*. For example, street trees will be provided along Douglas Drive and Mission Avenue. Structures will not project into required yards. Special paving materials and street furniture will be integrated with the site's final landscaping design.

3. Land uses requiring a conditional use permit on this 0.66-acre portion of the 16.37-acre lot requires the endorsement of OHPAC and the Planning Commission and the site design shall satisfy requirements to create a "sense of arrival to the historic core" of the Mission San Luis Rey Historic Area.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. To overturn the Planning Commission findings as adopted in Resolution No. 2008-P51.

2. To overturn the Oceanside Historic Preservation Advisory Committee findings as adopted in Resolution No. 2008-H01.

3. To approve General Plan Amendment (GPA-2-07) to change the land use designation from Medium Density A Residential (MDA-R) to Special Commercial (SC) and to approve a Historic Permit (H-2-08) to change the base district designation within the Mission San Luis Rey Historic Area on a 0.66-acre portion of a 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive and commonly called Mission View Manor East Mobile Home Park.

4. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Govt.C. Section 65009.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this 21 day of January, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

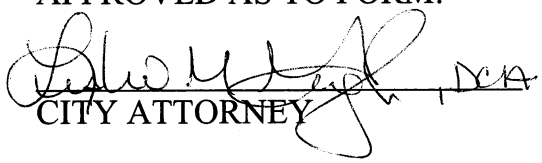
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____

CITY CLERK

APPROVED AS TO FORM:



CITY ATTORNEY

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2008-P51 AND APPROVING A CONDITIONAL USE PERMIT ON A 0.66-ACRE PORTION OF A LOT LOCATED ON THE NORTHEAST CORNER OF MISSION AVENUE AND DOUGLAS DRIVE

(Applicant: Cole and Associates)

WHEREAS, an application was filed for a General Plan Amendment (GPA-2-07) to change the land use designation from Medium Density A Residential (MDA-R) to Special Commercial (SC); for a Zone Amendment (ZA-1-07) to change the zoning district map from Medium Density A - Senior Mobile Home Park Overlay - Historic Overlay (RM-A-SMH-H) Districts to Special Commercial - Highway Oriented - Historic Overlay (CS-HO-H) Districts; for a Historic Permit (H-2-08) to change the base district designation within the Mission San Luis Rey Historic Area; and for a Conditional Use Permit (C-13-08) to allow land use 450.CC.5 *Vehicle/equipment sales and rentals* (mobile home sales) on a 0.66-acre portion of a 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive and commonly called Mission View Manor East Mobile Home Park;

WHEREAS, on June 3, 2008, the Oceanside Historic Preservation Advisory Committee, after a duly noticed public hearing, adopted Resolution No. 2008-H01 by a 6-to-0 recommending disapproval of GPA-2-07, ZA-1-07, C-13-08 and H-2-08;

WHEREAS, on August 25, 2008, the Planning Commission, after a duly noticed public hearing, adopted Resolution No. 2008-P51 by a 6-to-0 vote denying GPA-2-07, ZA-1-07, C-13-08 and H-2-08; and finding that a Special Commercial (SC) land use designation, a zoning map change to CS-HO-H Districts, and allowing land use 450.CC.5 do not conform to the goals and objectives of the General Plan and the land use and development regulations of the Zoning Ordinance and the Mission San Luis Rey Historic Area Development Program and Design Guidelines;

WHEREAS, on August 27, 2008, Council Member Kern timely filed a called to review the sufficiency of the findings of Resolution 2008-P51 with the City Clerk of the City of Oceanside;

WHEREAS, on October 15, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and oral testimony by all interested parties concerning the call to review of the Planning Commissions findings to deny the above identified General Plan Amendment, Zone Amendment, Conditional Use Permit, and Historic Permit;

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

WHEREAS, the Planning Commission adopted Resolution No. 2008-P50 approving a Mitigated Negative Declaration together with any comments received and a Mitigation Monitoring and Reporting Program (M.M.R.P.) incorporated as conditions approving said resolution;

WHEREAS, based on such evidence and testimony, including but not limited to the reports of the Planning Division Staff and records of the Planning Commission hearing and the Oceanside Historic Preservation Advisory Committee meeting, this Council finds that the decisions of the Planning Commission and the recommendations of the Oceanside Historic Preservation Advisory Committee do not adequately and properly address the concerns raised by Council Member Kern and this Council finds as follows:

<u>For Conditional Use Permit C-13-08</u>:

1. The proposed location of land use 450.CC.5 *Vehicle/equipment sales and rentals* is in accord with the objectives of the Zoning Ordinance and the purposes of the CS-HO-H Districts. Land use classification 450.CC.5 and the sale of mobile homes is typically a highway oriented commercial venture and is an appropriate opportunity for commercial uses within a CS-HO District.
2. The proposed location of land use 450.CC.5 *Vehicle/equipment sales and rentals* and the proposed conditions under which it would be operated or maintained are consistent with

the General Plan, will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. Land use classification 450.CC.5 and the sale of mobile homes are consistent with General Plan Community Development Goal and Policies 2.24 *Special Commercial*; the location for the sale of mobile homes is adjacent to areas with unique characteristics such as the Mission San Luis Rey and Highway 78 corridor.

3. The proposed land use 450.CC.5 *Vehicle/equipment sales and rentals* does comply with the provisions of the Zoning Ordinance, including yard requirements, off-street parking, and landscape regulations. The project has been specifically conditioned to comply with the design guidelines for commercial uses within the Historic Core of the *Mission San Luis Rey Historic Area* and the regulations of Articles 11, 30, 33, and 41.

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. To approve a Conditional Use Permit (C-13-08), for use classification 450.CC.5 and the sale of mobile homes, on a 0.66-acre portion of a 16.71-acre lot located on the northeast corner of Mission Avenue and Douglas Drive and commonly called Mission View Manor East Mobile Home Park, subject to the conditions adopted herein.

Building:

2. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check (As of January 1, 2008 the 2007 California Building Code, and 2007 California Electrical Code).

3. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.

4. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC), Chapter 11B).

5. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on building and electrical plans.

6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

7. The developer shall monitor, supervise and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:

   a. Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

   b. The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small Amounts of construction debris may be stored on site in a neat, safe manner for short periods of time pending disposal.

8. A complete set of Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.

9. Tenant Improvements or other construction to the existing building requires permits (including all required Inspections and approvals, and Issuance of Certificate of Occupancy) from the Building Division.

Fire Prevention

10. Future development of the property will require compliance with all applicable Fire Department Standards.

Engineering

11. The average daily trips for any land use shall be limited. The limitation shall be based upon the average daily trips equivalent to the residential land use generated on the 0.66-acre site by a 9.9 residential density.

12. Infrastructure improvements near one existing bus stop location shall be completed prior to grading and shall include a concrete bus pad, ADA-compliant boarding pad, passenger waiting shelter, and trash can. Bicycle racks shall be installed to accommodate at least five bicycles on-site.

13. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following landscaping requirements shall be required prior to issuance of a plan approval and certificate of occupancy or issuance of a business license:

    a. Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

    b. Landscape Architect shall be aware of and demonstrate on plan all utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.

    c. All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.

    d. Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all fire department requirements.

e. All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

f. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotransporation and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.

g. The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

h. Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

i. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain City Planner approval for these items in the conditions or application stage prior to first submittal of working drawings.

j. For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.

k. An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.

l. Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.

m. All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.

n. The landscape plans shall match all plans affiliated with the project.

o. Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.

p. Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.

q. The proposed property is located at the corner of Mission Avenue and Douglas Drive. According to the *Mission San Luis Rey Historic Area Development Program and Guidelines* this intersection is one of three that have been designated as a 'Special Intersection' which require several improvements as follows to the satisfaction of the City Engineer: (i) Street corner and right-of-way shall be designed to create a 'sense of arrival' by receiving special design treatment using special paving materials, landscaping, signage and street furniture. (ii) City preferred colors and patterns of high grade pavers shall be applied within the intersection. (iii) Identity of the 'Historic Core' shall be announced and the use of directional graphics shall be located here. (iv) 'Special Treatment' shall focus on the public right-of-way within a 100 foot radius drawn from the center of the intersection, including corners, sidewalks, roads and medians. (v) The 'Entry Monument' required by the Monumentation Plan within the *Mission San Luis Rey Historic Area Development Program and Guidelines* shall be installed at the corner of Mission Avenue and Douglas Drive. (vi) 'Special Intersections' shall have a more thematic planting scheme as well as having more dense and colorful planting than the rest of the 'Historic Core'. (vii) Mission Avenue shall have Schinus molle – California Pepper as the street tree planted in groupings of two to three on an average of one grouping per every 250 lineal feet of road frontage. (viii) Douglas Drive shall have Schinus molle – California Pepper as the street tree planted on an average of one tree for every 40 lineal feet of road frontage. A regimental planting is acceptable, but

clustering in less formal arrangements is preferred. For more information, descriptions and diagrams on the required elements of this 'Special Intersection' at the 'Historic Core' please refer to the *Mission San Luis Rey Historic Area Development Program and Guidelines* document last adopted November 12, 1986 by the City Council Resolution No. 86-292.

14. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

15. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

16. Installation and final inspection of the landscaping shall occur prior to issuance of a business license or final occupancy for a building permit.

Planning

17. This Conditional Use Permit approves only the sale of mobile homes pursuant to land use classification 450.CC.5 *Vehicle/equipment sales and rentals* and as shown on the plans and exhibits presented to the City Council for review and approval. No deviation from these approved plans and exhibits shall occur without City Planner approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

18. The Conditional Use Permit (C-13-08) is valid beginning on the effective date of an approved Ordinance to amend the Zoning District Map for this site. (An Ordinance to create an CS-HO-H District).

19. The Conditional Use Permit (C-13-08) term shall be limited. Specific evidence presented at the hearing on the matter show that the use is appropriate while the remainder of the property operates as a mobile home park. The Council found that the landscaping and improvements that will occur as part of this project will enhance the area while the mobile home park continues to operate as such. However, if and when the mobile home park ceases to operate, then this conditional use permit shall expire by its own terms. Cessation of the 450.CC.5 use classification shall occur when the mobile home park located on the 16.71-acre site ceases to operate. C-13-08 is subject to possible extension pursuant to the provisions of the Zoning Ordinance.

20. The Conditional Use Permit (C-13-08) is subject to biannual review by the City Planner and/or Planning Commission, from the effective date of this resolution, to determine the project's impact on the surrounding land uses and conformance with the project's conditions. The Commission may institute modification or revocation proceedings and may add new conditions and/or delete and/or modify existing conditions, as it deems necessary, after notice and hearing, to protect the general health, safety and welfare of residents in the area or surrounding land uses.

21. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Conditional Use Permits C-13-08. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

22. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the approval of a business license at this site or issuance of building permits. The covenant shall provide that the property is subject to this Resolution, and shall generally list the conditions of approval.

23. The applicant shall prepare a Management Plan. The Management Plan is subject to the review and approval of the City Planner and the Police Chief prior to the issuance of a business license or building permit, and shall be recorded against the property. The Management Plan shall cover the following:

a. Security - The Management Plan, at a minimum, shall address on-site management, hours-of-operation and measures for providing appropriate security for the project site.

b. Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti and site and exterior building, landscaping, parking lots, sidewalks, walkways and overall site maintenance measures and shall ensure that a high standard of maintenance at this site exists at all times. The maintenance portion of the management plan shall include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

c. Any on-site graffiti shall be removed by the applicant or property owner or their designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.

d. Acknowledgement that the property is situated within the Historic Core of the *Mission San Luis Rey Historic Area* and the site is subject to its Design Guidelines and Development Standards.

e. Acknowledgement that the site is adjacent to residential land uses and subject to Section 1130(E), and similar development standards, for site all improvements including temporary structures or vehicles.

f. An agreement regarding on-site and off-site parking arrangements and use of the existing mobile home driveway.

24. The applicant and property owner shall comply with goals and objectives of the *Mission San Luis Rey Historic Area Development Program and Guidelines*, as adopted by City Council Resolution No. 86-292.

25. Prior to the issuance of building permits or business license, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the City Planner. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

26. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

27. Failure to meet any conditions of approval for this development shall constitute a violation of the Conditional Use Permit.

28. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

29. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions, Ordinances, Municipal Codes, *Mission San Luis Rey Historic Area Development Program and Guidelines*, or does not conform with the information contained in or representations made in the application, any supporting material submitted to the City or during any hearing on the application.

30. The hours-of-operation are not limited, but shall be reviewed and may be limited by the Planning Commission when valid issues or complaints pertaining to the hours-of-operation arise.

31. An eight-foot high decorative masonry wall shall be constructed between the CS-HO-H District boundary and the RM-A-SMH-H District boundary. The wall shall be shown on the landscape and improvement or grading plans.

32. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved *Mission San Luis Rey Historic Area Development Program and Design Guidelines* and the Final Landscape Plans. Any substantial change in any aspect of fencing or wall design from the approved Plan shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

33. If any aspect of the project fencing and walls is not covered by an approved Conditional Use Permit, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the Zoning Code, unless expressly granted by a Variance or other development approval.

34. All signs shall meet the requirements of the *Mission San Luis Rey Historic Area Development Program and Design Guidelines.*

35. The applicant shall install landscaping and signs in accordance with the policies and goals of the *Mission San Luis Rey Historic Area Development Program and Design Guidelines* Historic Core Area and Zoning Ordinance.

36. The mitigation monitoring and reporting measures adopted by Planning Commission Resolution No. 2008-P50 shall be satisfied prior to the issuance of a grading permit, building permit, or business license.

Water Utilities

37. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.

38. The property owner shall maintain private water and wastewater utilities located on private property.

39. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.

40. The following conditions shall be met prior to the approval of engineering design plans and or landscape plans:

a. An Encroachment Removal Agreement must be submitted for the landscaping and model home located over the sewer main easement on-site.

b. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.

c. No trees, structures or building overhang shall be located within any water or wastewater utility easement.

d. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (UPC).

e. The developer shall construct a public reclamation water system that will serve each lot and or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.

f. If a property goes through a zone change and an increase in density occurs, a water and sewer study must be prepared by the developer at the developer's expense, and reviewed and approved by the Water Utilities Department.

g. A separate irrigation meter and approved backflow prevention device is required and shall be displayed on the plans.

41. Notice is hereby given that the time within which judicial review must be sought on this decision is governed by Govt.C. Section 65009.

PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this _____ day of _____, 2009, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
MAYOR OF THE CITY OF OCEANSIDE

ATTEST:

_____
CITY CLERK

APPROVED AS TO FORM:

_____
CITY ATTORNEY