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DATE: February 9, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REVISION TO DEVELOPMENT PLAN (D-10-80REV07) AND VARIANCE (V-8-07) FOR THE CONSTRUCTION OF A 5,110-SQUARE-FOOT COMMERCIAL BUILDING, TO ALLOW CONSTRUCTION OF TWO RETAINING WALLS WITH A MAXIMUM HEIGHT OF 20.5 FEET AND 22 FEET RESPECTIVELY ON A 0.5-ACRE PORTION OF A 3.69-ACRE SITE LOCATED WITHIN THE 2200 BLOCK OF SOUTH EL CAMINO REAL. – NORTH COUNTY PLACE REVISION -- APPLICANT: OCEANSIDE-NIERMAN LP**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 32 categorical exemption for "Infill Development Projects" pursuant to Section 15332 of the California Environmental Quality Act; and,
- (2) Approve a revision to Development Plan D-10-80 REV07 and Variance V-8-07 by adopting Planning Commission Resolution 2009-P10 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The 3.96-acre project site is an undeveloped portion of the 5.8-acre North County Place commercial center, which is located in the 2200 block of South El Camino Real.

On October 20, 1980, the Planning Commission approved "North County Place," a 65,600-square foot complex of mixed commercial lots (ZA-4-80, D-10-80), by approving Resolution No. 80-P98 with a 5 to 0 vote.

On November 12, 1980, the City Council approved Development Plan D-10-80 with modifications to conditions 4, 15, and 17 of Planning Commission Resolution No. 80-P98 by adopting City Council Resolution No. 80-367 with a 4 to 1 (abstaining) vote.

On December 6, 1982, the Planning Commission approved a time extension for Development Plan D-10-80 for one year to construct a commercial office complex totaling 79,187 square feet and approved Resolution No. 82-P132 with a 6 to 0 vote.

On August 15, 1983, the Planning Commission considered and approved a revision to Development Plan D-10-80 for the relocation of access and the provision of other street improvements by approving Resolution No. 83-P85 with a 5 to 1 vote.

On October 1, 2007, Oceanside-Nierman LP submitted an application requesting to construct a fourth building at North County Place and to revise Development Plan D-10-80, a previously approved entitlement.

**Site Review:** *General Plan and Zoning designations:* The site is located within a Community Commercial (CC) land use designation and is zoned Community Commercial (CC) District.

*Existing development and land uses:* During 1984, two commercial buildings were constructed (63,475 square feet) and, 10 years later, a 5,000-square foot building was constructed on a separate parcel. This newer building is currently occupied as a bank (The previous tenant was Blockbuster). These three commercial buildings constitute what is known as North County Place, and includes office, banking, eating and drinking establishments, and retail land uses. There are currently 330 on-site parking spaces at North County Place.

The 0.5-acre portion of the 3.69-acre site that is proposed for development is currently landscaped with turf and ornamental trees. The project site area is within the boundaries of the City's proposed Wildlife Corridor Planning Zone, as described in the Draft Subarea Habitat Conservation Plan. This wildlife corridor follows the major SDG&E transmission line routes through the City, including areas adjacent to the site. While this wildlife corridor is intended to link areas of native habitats together and provide contiguous lands for wildlife movement across the City, this portion of the wildlife corridor includes a golf course and landscaped areas of North County Place.

*Topography:* The topographic features of the developed portion of the site may be described as gentle to moderate slope with gradients ranging from two percent in the main parking lot to 9.5 percent at the northern site entrance.

There are approximately 35 feet of relief across the site. Elevations across the site vary from 156.0 Mean Sea Level (MSL) at the northern site entrance to 121.0 MSL at a low-point located in the southern parking lot.

*Surrounding land uses:* To the east of the project site is an existing golf course. Along El Camino Real are commercial office, professional office, eating and drinking establishment, and retail land uses.

**Project Description:** The project application is comprised of two components: a revision to a Development Plan and a Variance.

Development Plan No. D-10-80 REV07 represents a request for the following: to construct a 5,110-square foot commercial office building on a 0.5-acre portion of a 3.96-acre site pursuant to Articles 11, 30, and 43 of the Zoning Ordinance.

Variance No. V-8-07 represents a request for the following: Pursuant to Article 41 of the Zoning Ordinance, the applicant requests a variance to construct two retaining walls above the maximum wall height allowed by Section 3040.

The proposed project consists of the constructing a new commercial pad and building on Parcel 2 of the existing North County Place development. The proposed 5,110-square foot commercial building's access would encompass altering the existing southern entry (signalized) by extending the driveway and creating 27 additional on-site parking spaces. (The proposal is to eliminate 19 existing parking spaces and create 46 new parking spaces on-site.) Currently there are 330 parking spaces on-site and the proposal is to provide 357 total parking spaces on-site.

The proposed architecture mimics the style of the existing three buildings on-site. The structure is proposed as a one-story (26-feet tall) building with windows on each side of the building. The applicant proposes a neutral stucco color for the building's exterior that is similar to the existing three North County Place buildings. Red tile roof material is proposed and is presently used throughout the existing development.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan Conformance**

The General Plan Land Use Map designation on the subject property is Community Commercial (CC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan, as follows:

#### **Land Use Element II. Community Development**

**Goal:** The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

**Objective 2.2 Commercial Development:** To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

#### **Policies 2.21 Community Commercial:**

- A. This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.
- B. Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

In the long term, the community is enhanced by the addition of the proposed 5,110-square foot building and additional off-street parking spaces. The proposal expands upon an existing commercial center (which includes retail, banking, restaurants, and office land uses) and proposes additional commercial office space along the El Camino Real corridor. The proposed project preserves a balance of services in the vicinity and is designed to compliment the existing site's aesthetic. The proposal will integrate naturally with the existing North

County Place commercial land uses and compliment the surrounding area’s land uses, including the many restaurants, retail, banking, and other venues that enjoy a Citywide market appeal along the southerly El Camino Real corridor. Therefore, the proposal supports the Community Development goal and its associated objectives and policies for development on Community Commercial designated lands.

**2. Zoning Ordinance Compliance**

The proposed development is located in the Community Commercial (CC) District and complies with the land use and development regulations of Articles 11 and 30. In accordance with Article 41, the applicant requests a variance for wall heights pursuant to Section 3040.

**Table 1: Section 1130 CC Districts Property Development Regulations**

<b>Regulation</b>	<b>Requirement</b>	<b>Proposal</b>
Minimum front yard	15 feet	15 feet
Maximum height	50 feet	26 feet
Maximum lot coverage	50%	29.46%
Maximum base FAR	1.0	0.27
Minimum site landscaping	15%	28%
Fences and walls	Section 3040	variance requested
Off-street parking	348	357
Signs	CSP required	revise existing CSP

Pursuant to Section 1130, the proposed 5,110-square foot building complies with commercial development regulations (see Table 1). The proposal complies with yard, height, and floor area ration (FAR) requirements. The proposal is conditioned to satisfy the screening of rooftop mechanical equipment, employee eating areas, and refuse storage requirements. The applicant will submit a revised North County Place Comprehensive Sign Program (CSP) to the City Planner to add the proposed building to the existing commercial center’s CSP.

The applicant proposes to exceed the off-street parking requirement by providing a total of 357 on-site parking spaces.

Pursuant to Section 4101, a Variance may be granted with respect to walls. The applicant is requesting a variance from the requirements of Section 3040 of the Zoning Ordinance and to construct two retaining walls above the maximum allowed six-foot wall height. The proposed walls are respectively 20.5 feet and 22 feet tall. The proposal includes planting the retaining walls and landscaping the slopes on the southern and eastern areas of the project site.

The two retaining walls would be constructed along the project's eastern boundary and would be visible from the golf course located to the east of the project site. The proposed retaining walls would address the elevation differential between the golf course and the project site. Staff finds that the project site is typically shaped like a triangle, which limits the property owner's opportunity to develop the site as compared to other lots within the vicinity; therefore, granting a variance from the requirements of Section 3040 would not constitute a special privilege.

## **DISCUSSION**

*Issue: Storm water run-off and site drainage during storm events.*

*Recommendation:* Staff has determined that the proposed stormwater mitigation plan and the preliminary hydrology study satisfactorily address site drainage and water run-off concerns. The site designed Best Management Practices include rainfall infiltration, maximizing rainfall interception, and minimizing directly connected impervious areas. In addition the slopes and existing channel would be protected. For example, swales, walls and berms would convey runoff from tops of slopes; the slopes would be planted with native, drought tolerant, erosion resistant vegetation; and riprap would be constructed to dissipate energy at storm drains.

## **ENVIRONMENTAL DETERMINATION**

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 32 15332, Categorical Exemption "Infill Development Projects."

## **PUBLIC NOTIFICATION**

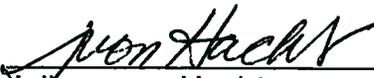
Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant. As of January 20, 2009, staff has been contacted by two residents who were concerned about stormwater run-off.

**SUMMARY**

The proposed revision to Development Plan D-10-80 REV07 and Variance V-8-07, as conditioned, are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable land use requirements. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No. 2008-P10 approving a revision to Development Plan D-10-80 REV07 and Variance V-8-07 with findings and conditions of approval attached herein.

PREPARED BY:

  
\_\_\_\_\_  
Juliana von Hacht  
Associate Planner

SUBMITTED BY:

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

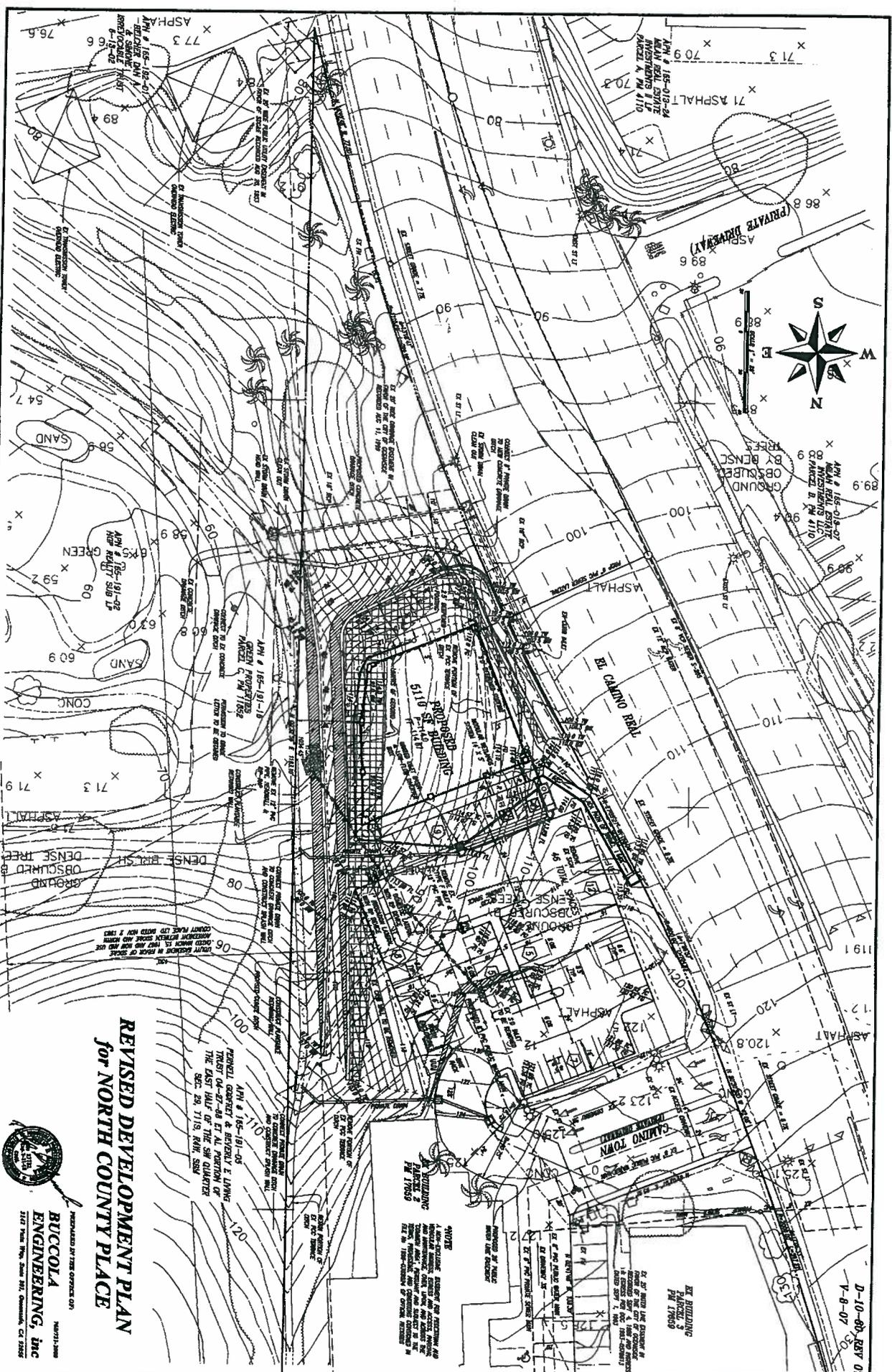
REVIEWED BY:   
\_\_\_\_\_  
Richard Greenbauer, Senior Planner

JH/JH/fil

Attachments:

1. Site plans, elevations
2. Planning Commission Resolution No. 2009-P10





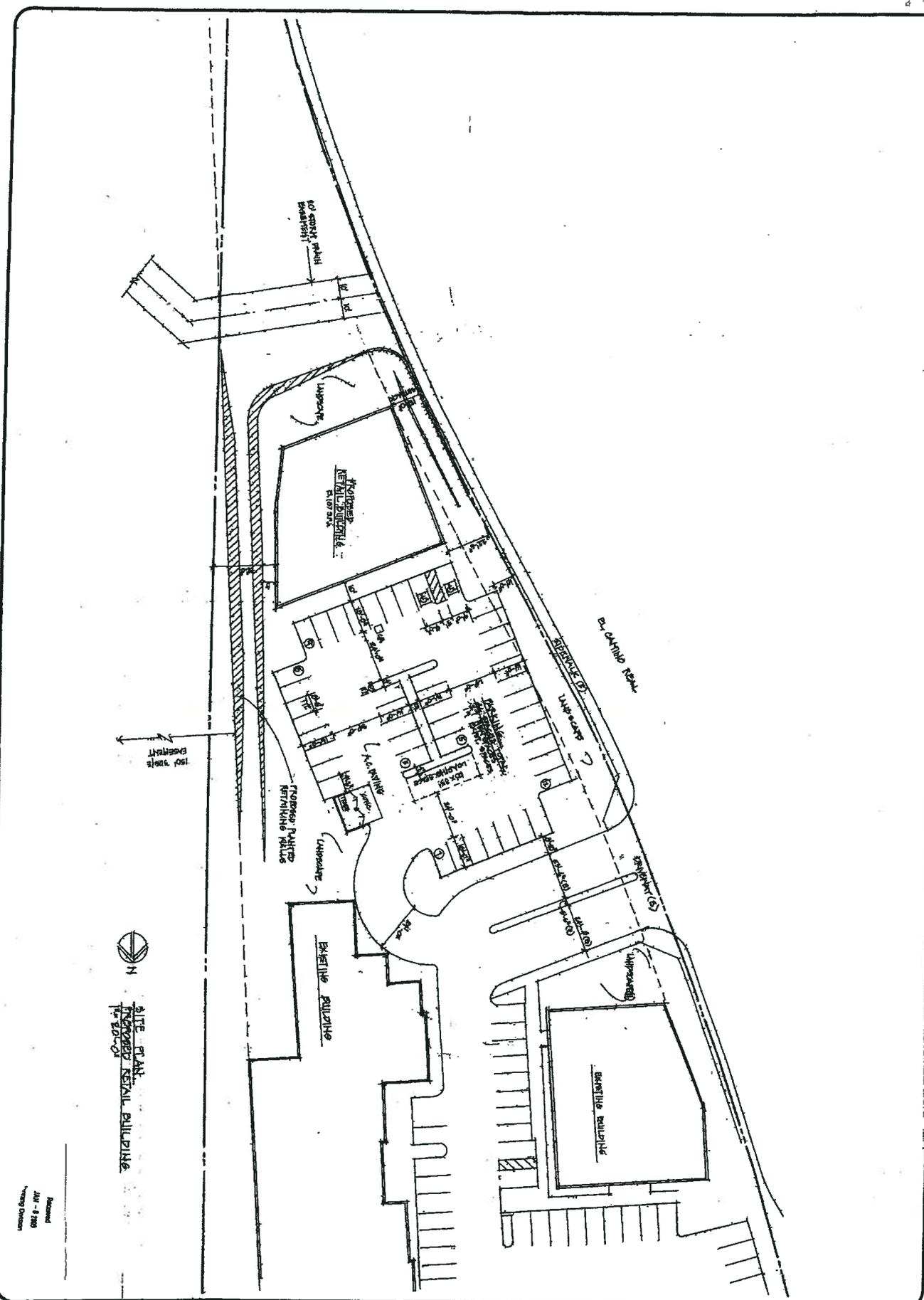
**REVISED DEVELOPMENT PLAN  
for NORTH COUNTY PLACE**

PREPARED BY THE OFFICE OF  
**BUCCOLA  
 ENGINEERING, Inc**  
 2110 West 19th Street 241, Oceanside, CA 92052  
 PHONE 760-431-1111  
 FAX 760-431-1112  
 WWW.BUCCOLA.COM

SHEET 2 OF 2 SHEETS

D-10-80-REV 07  
 1-8-07

**NOTES**  
 1. SEE EXISTING RECORDS FOR UTILITIES AND  
 2. ALL DIMENSIONS ARE IN FEET AND INCHES  
 3. ALL DIMENSIONS ARE TO FACE UNLESS  
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 SITE PLAN
   
 TROPICAN RETAIL BUILDING
   
 TO GO ON

1/8" = 1'-0"
   
 1/4" = 3'-0"
   
 1/2" = 6'-0"
   
 1" = 12'-0"

ALL DESIGN, MEASUREMENTS, AND PLANS SHOWN OR REFERRED TO BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF SCHUCARD ASSOCIATES, INC. AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH DESIGN, ARRANGEMENTS, OR PLANS SHALL BE USED OR REPRODUCED IN ANY MANNER, PRINT OR ELECTRONIC, WITHOUT THE WRITTEN CONSENT OF SCHUCARD ASSOCIATES, INC.

A1	DATE	1/15/03
	BY	MM
PROJECT NO. 03-001		

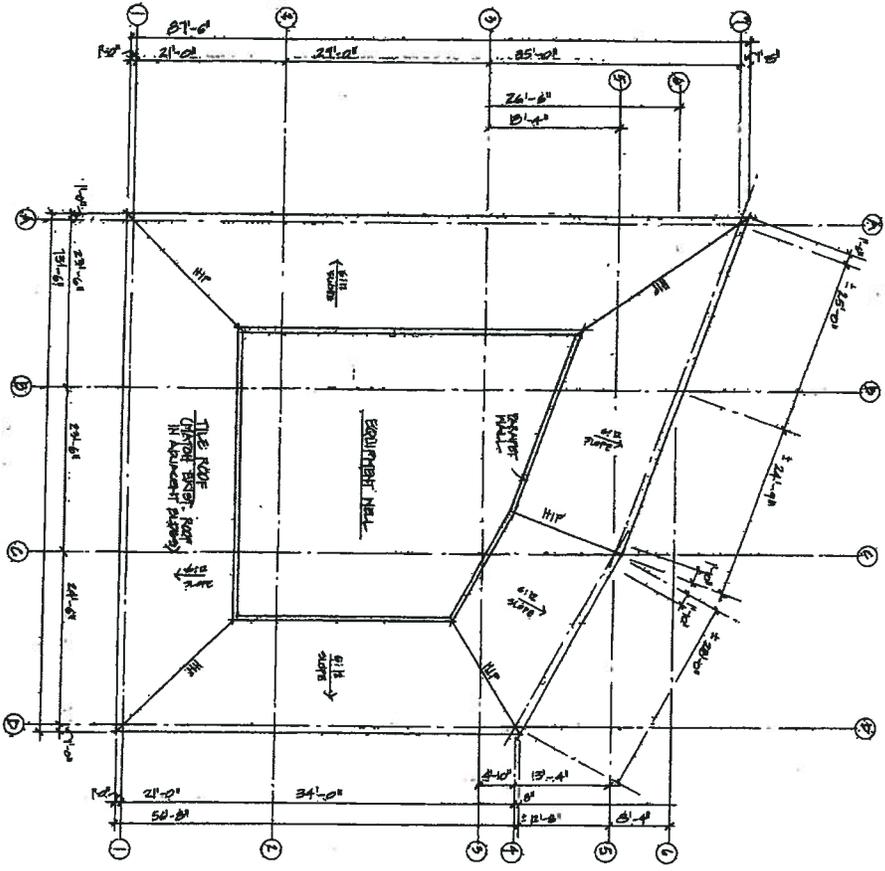
SITE PLAN

**NORTH COUNTY PLACE**  
 RETAIL BUILDING - OCEANSIDE, CA

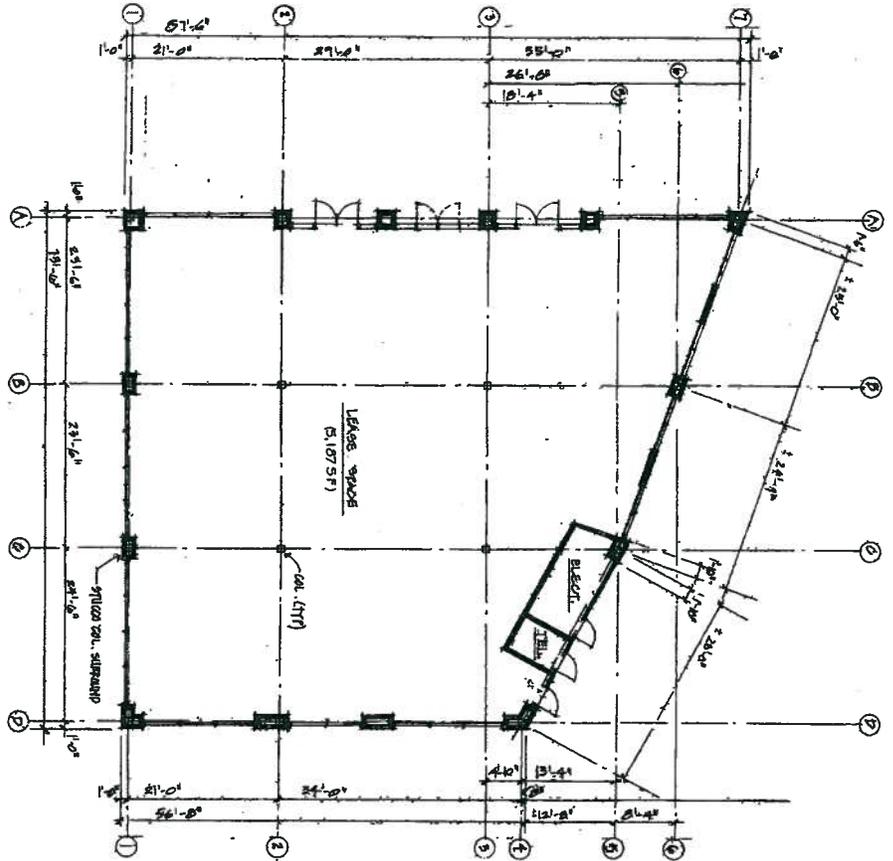


**SCHUCARD ASSOCIATES, INC.**  
 ARCHITECTURE & CONSULTING  
 SOLANA BEACH, CALIFORNIA (858) 523-9801

ROOF PLAN  
NORTH COUNTY PLACE



FLOOR PLAN  
NORTH COUNTY PLACE



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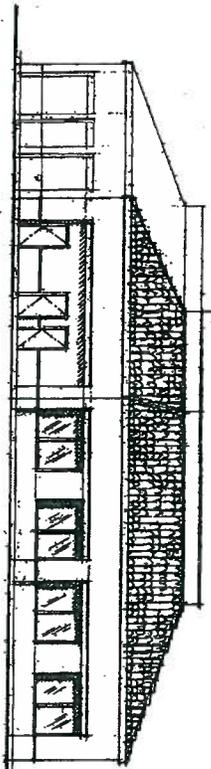
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**SITE & ROOF PLANS**  
**NORTH COUNTY PLACE**  
RETAIL BUILDING • OCEANSIDE, CA

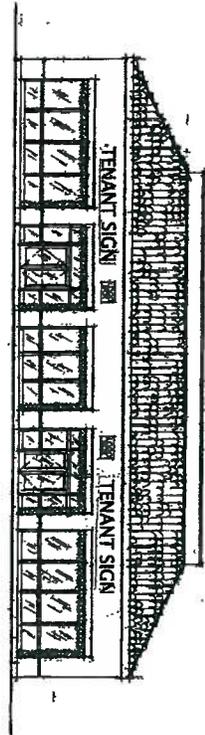


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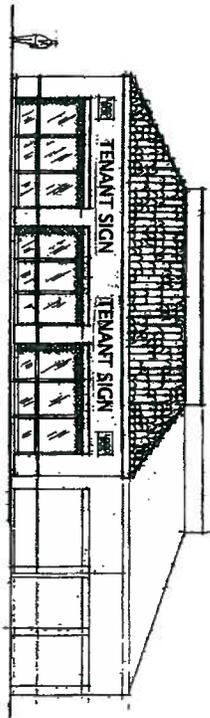
EAST ELEVATION  
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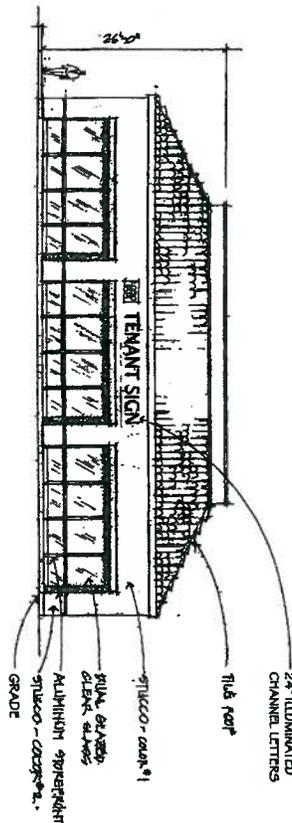
NORTH ELEVATION  
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SOUTH ELEVATION  
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WEST ELEVATION  
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A3	ELEVATIONS	NORTH COUNTY PLACE									
		RETAIL BUILDING • OCEANSIDE, CA									
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**SCHUCARD ASSOCIATES, INC.**  
 ARCHITECTURE & CONSULTING  
 50 LANA BEACH, CALIFORNIA (858) 523-9801





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PLANNING COMMISSION  
RESOLUTION NO. 2009-P10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A REVISION TO A DEVELOPMENT PLAN AND A VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: D-10-80 REV07 and V-8-07  
APPLICANT: Oceanside-Neirman LP  
LOCATION: 2200 Block of South El Camino Real

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THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DOES RESOLVE AS FOLLOWS:

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting Development Plan and Variance under the provisions of Articles 11, 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a revision to the North County Place development to allow the construction of a 5,110-square foot commercial building with 27 additional off-street parking spaces; and a variance for construction of two retaining walls (20.5 feet and 22.0 feet tall);  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of February, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is exempt per Article 32, Section 15332, "In-Fill Development Project" from further environmental review;

WHEREAS, there is hereby imposed on the subject development project certain fees, dedications, reservations and other exactions pursuant to state law and city ordinance;

WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
6	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside
7	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
10	Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
12	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$35,160 for a 2" meter.
15	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter.
18	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non- residential is \$21,599 for a 2" meter.

20 WHEREAS, the current fees referenced above are merely fee amount estimates of the  
21 impact fees that would be required if due and payable under currently applicable ordinances and  
22 resolutions, presume the accuracy of relevant project information provided by the applicant, and  
23 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

24 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be  
25 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside  
26 City Code and the City expressly reserves the right to amend the fees and fee calculations  
27 consistent with applicable law;

28 WHEREAS, the City expressly reserves the right to establish, modify or adjust any fee,  
29 dedication, reservation or other exaction to the extent permitted and as authorized by law;

1           WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN that  
2 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction  
3 described in this resolution begins on the effective date of this resolution and any such protest  
4 must be in a manner that complies with Section 66020;

5           WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes  
6 effective 10 days from its adoption in the absence of the filing of an appeal or call for review;

7           WHEREAS, the documents or other material which constitute the record of  
8 proceedings upon which the decision is based will be maintained by the City of Oceanside  
9 Planning Department, 300 North Coast Highway, Oceanside, California 92054.

10          WHEREAS, studies and investigations made by this Commission and in its behalf reveal  
11 the following facts:

12 FINDINGS:

13 For the revision to Development Plan D-10-80 REV07:

- 14 1.       The site plan and physical design of the revision to North County Place, as proposed, is  
15 consistent with the purposes of the Zoning Ordinance. The proposed 5,110-square foot  
16 commercial office building and 27 additional off-street parking spaces comply with the  
17 Article 11, 30, and 31 development regulations. The additional development at this site  
18 would continue to provide space for a variety of commercial establishments.
- 19 2.       The proposed Development Plan conforms to the General Plan. In the long term, the  
20 community is enhanced by the addition of the proposed 5,110-square foot building and 27  
21 off-street parking spaces. The proposal expands upon an existing commercial center and  
22 promotes additional commercial office space along the El Camino Real corridor. The  
23 proposed project preserves a balance of services in the vicinity and is designed to  
24 compliment the existing site's aesthetic. Therefore, the proposal supports the Community  
25 Development goal, and Objective 2.2 and its policies for development on Community  
26 Commercial designated lands.
- 27 3.       The area covered by the Development Plan can be adequately, reasonably, and  
28 conveniently served by existing and planned public services, utilities and public facilities.  
29 The City Engineer, Fire Marshal, and Building Official have reviewed the proposal and

1 found existing and planned public services, utilities and public facilities can adequately  
2 serve the proposed 5,110-square foot building.

3 4. The proposed project is compatible with the existing and potential development on  
4 adjoining properties or in the surrounding neighborhood. The building has been  
5 specifically designed to mimic the architecture of adjacent buildings.

6 5. The site plan and physical design of the project is consistent with policies contained with  
7 in Section 2.21 of the Land Use Element of the General Plan. In the long term, the  
8 community is enhanced by the addition of the proposed 5,110-square foot building and 27  
9 off-street parking spaces. The proposal expands upon an existing commercial center and  
10 promotes additional commercial office space along the El Camino Real corridor. The  
11 proposed project preserves a balance of services in the vicinity and is designed to  
12 compliment the existing site's aesthetic. Therefore, the proposal supports the Community  
13 Development goal and its associated objective and policies for development on  
14 Community Commercial designated lands.

15 For the Variance V-8-07:

16 1. That because of conditions applicable to the development, including the shape of the lot  
17 and the topography of the land, strict application of the requirements of the Zoning  
18 Ordinance deprives such property of privileges enjoyed by other property in the vicinity  
19 and under identical zoning classification. The lot is triangular and most narrow in the  
20 area proposed for improvement. The shape of the lot is unusual for commercial lots in  
the vicinity.

21 2. Granting the variance from the height limitations of Section 3040 will not be  
22 detrimental or injurious to the property or improvements in the vicinity of the  
23 development site, or to the public health, safety or general welfare. The proposed  
24 retaining wall construction and planting would comply with local regulations,  
25 geotechnical and hydrological recommendations.

26 3. Granting the variance from the height limitations of Section 3040 is consistent with the  
27 purposes of the Zoning Ordinance and will not constitute a grant of special privilege  
28 inconsistent with limitations on other properties in the vicinity and in the same Zoning  
29 District.

1  
2 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
3 approve a revision to Development Plan D-10-80 REV07 and Variance V-8-07 subject to the  
4 following conditions:

5 1. All prior Planning Commission and City Council Resolutions, including Planning  
6 Commission Resolutions No. 80-P98, 82-P132, and 83-P85 and City Council  
7 Resolution No. 80-367, are not replaced by this resolution. The conditions herein  
8 augment the existing entitlements rendered by the Planning Commission and the City  
9 Council. If there is any inconsistency between the conditions in previously adopted  
10 resolutions and any other previous conditions, this resolution's conditions shall prevail.

11 **Building:**

- 12 2. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
13 Building Division plan check. (Currently the 2001 California Building Code, and 2004  
14 California Electrical Code)
- 15 3. The granting of approval under this action shall in no way relieve the applicant/project  
16 from compliance with all State and Local building codes.
- 17 4. Site development, parking, access into buildings and building interiors shall comply  
18 with the State's Disabled Accessibility Regulations. (2001 California Building Code  
19 (CBC), Chapter 11B)
- 20 5. The building plans for this project are required by State law to be prepared by a licensed  
21 architect or engineer and must comply with this requirement prior to submittal for  
22 building plan review.
- 23 6. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
24 property shall be underground (City Code Sec. 6.30).
- 25 7. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution  
26 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
27 other such lights may be utilized and shall be shown on building and electrical plans.
- 28 8. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
29 plans.

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
6 work that is not inherently noise-producing. Examples of work not permitted on  
7 Saturday are concrete and grout pours, roof nailing and activities of similar  
8 noise-producing nature. No work shall be permitted on Sundays and Federal  
9 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving  
10 Day, Christmas Day) except as allowed for emergency work under the  
11 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

17 10. Construction plans submitted to the Building Division after January 1st 2008 must  
18 comply with the State adopted ICC codes.

19 11. Separate/unique addresses will/may be required to facilitate utility releases. Verification  
20 that the addresses have been properly assigned by the City's Planning Division must  
21 accompany the Building Permit application.

22 12. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation  
23 will be required at time of plans submittal to the Building Division for plan check. The  
24 Soils Report & Structural Calculations must show that the hillside soils conditions are  
25 suitable to support the Buildings, Retaining walls, etc. for this project.

26 13. A private sewer system design must be submitted to the Building Division and approved  
27 prior to the construction of the sewer system. If a gravity flow system is not used, an  
28 engineered mechanical system must be submitted and approved by the Planning,  
29 Engineering, Water, and Building Divisions.

- 1 14. Tenant Improvements or other construction to the existing building requires permits  
2 (including all required Inspections and approvals, and Issuance of Certificate of  
3 Occupancy) from the Building Division.
- 4 15. All lighting showcasing building architecture shall be shown on the building plans.

5 **Fire Prevention:**

- 6 16. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan  
7 indicating the fire access and hydrant locations must also be submitted on CD Rom.
- 8 17. A "Knox" key storage box shall be provided for all new construction.
- 9 18. Fire extinguishers are required and shall be included on the plans submitted for plan  
10 check.
- 11 19. An approved fire sprinkler system must be installed throughout the building. The  
12 system shall be designed per NFPA 13, and UBC. Standard 9-1. The sprinkler system  
13 requires 24-hour supervision.
- 14 20. The Fire Department connection shall be located on the address side of the building –  
15 unless otherwise determined by the Fire Department. The hydrant shall be located on  
16 the same side of the street as the Fire Department connection.
- 17 21. In accordance with the Oceanside Fire Code Section 505, approved addresses for  
18 commercial, industrial, and residential occupancies shall be placed on the structure in  
19 such a position as to be plainly visible and legible from the street or roadway fronting  
20 the property. Numbers shall be contrasting with their background and meet the current  
21 City of Oceanside size and design standard.
- 22 22. Commercial buildings require six-inch address numbers. Minimum specifications are  
23 set forth in Oceanside Fire Code Section 505.1, and the Fire Marshal may establish  
24 other requirements, as deemed necessary.
- 25 23. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
26 approval prior to the issuance of building permits.
- 27 24. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
28 permit application.
- 29 25. All fire sprinkler systems shall be electronically monitored unless approved by the Fire  
Chief (exception: one & two family dwellings).

1 26. Provide a horn strobe device on the exterior of the building to be activated by fire  
2 sprinkler water flow.

3 27. Fire sprinklers required: Group A, B, F, M and S occupancies when square footage  
4 exceeds 5,000 square feet or height exceeds 34 feet.

5 **Engineering:**

6 28. Vehicular access rights to El Camino Real shall be relinquished to the City from the  
7 proposed abutting lot except for the existing private driveway (Camino Town).

8 29. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
9 dedicated and constructed or replaced as required by the City Engineer.

10 30. Design and construction of all improvements shall be in accordance with standard plans,  
11 specifications of the City of Oceanside and subject to approval by the City Engineer.

12 31. Prior to issuance of a building permit all improvement requirements shall be covered by  
13 a development agreement and secured with sufficient improvement securities or bonds  
14 guaranteeing performance and payment for labor and materials, setting of monuments,  
15 and warranty against defective materials and workmanship.

16 32. Please provide proof of legal access as well as reciprocal access easement from and to  
17 the existing private driveway (Camino Town) prior to approval of the grading plan and  
18 issuance of the grading permit.

19 33. The developer shall provide public street dedication if required to serve the property. El  
20 Camino Real is a Prime Arterial Road with the ultimate right-of-way of 124 feet (62 feet  
21 half right-of-way). Additional five feet right-of-way may be required for the bike lane.  
22 In the event that a parking prohibition has already been established on El Camino Real  
23 along the project frontage, then the five feet bike lane dedication will not be required.

24 34. The approval of the project shall not mean that closure, vacation, or abandonment of any  
25 public street, right-of-way, easement, or facility is granted or guaranteed to the  
26 developer/owner. The developer/owner is responsible for applying for all closures,  
27 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
28 approved or rejected by the City of Oceanside under separate process (es) per codes,  
29 ordinances, and policies in effect at the time of the application.

1 35. Where proposed off-site improvements, including but not limited to slopes, public  
2 utility facilities, and drainage facilities, are to be constructed, the developer/owner shall,  
3 at his own expense, obtain all necessary easements or other interests in real property and  
4 shall dedicate the same to the City of Oceanside as required. This includes the proposed  
5 grading and drainage discharge onto the adjacent southern property. The applicant shall  
6 provide documentary proof satisfactory to the City of Oceanside that such easements,  
7 permit to grade, drainage discharge or other interest in real property have been obtained  
8 prior to the approval of the grading plan and issuance of any grading permit.  
9 Additionally, the City of Oceanside, may at its sole discretion, require that the applicant  
10 obtain at his sole expense a title policy insuring the necessary title for the easement or  
11 other interest in real property to have vested with the City of Oceanside or the applicant,  
12 as applicable.

13 36. Prior to the issuance of a grading permit, the developer shall notify and host a  
14 neighborhood meeting with all of the area residents located within 300 feet of the  
15 project site, and residents of property along any residential streets to be used as a "haul  
16 route", to inform them of the grading and construction schedule, haul routes, and to  
17 answer questions.

18 37. The developer shall monitor, supervise and control all construction and construction-  
19 supportive activities, so as to prevent these activities from causing a public nuisance,  
20 including but not limited to, insuring strict adherence to the following:

21 38. Dirt, debris and other construction material shall not be deposited on any public street or  
22 within the City's stormwater conveyance system.

23 a) All grading and related site preparation and construction activities shall be  
24 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
25 engineering related construction activities shall be conducted on Saturdays,  
26 Sundays or legal holidays unless written permission is granted by the City  
27 Engineer with specific limitations to the working hours and types of permitted  
28 operations. All on-site construction staging areas shall be as far as possible  
29 (minimum 100 feet) from any existing residential development. Because  
construction noise may still be intrusive in the evening or on holidays, the City

1 of Oceanside Noise Ordinance also prohibits “any disturbing excessive or  
2 offensive noise which causes discomfort or annoyance to reasonable persons of  
3 normal sensitivity.”

4 b) The construction site shall accommodate the parking of all motor vehicles used  
5 by persons working at or providing deliveries to the site. An alternate parking  
6 site can be considered by the City Engineer in the event that the lot size is too  
7 small and cannot accommodate parking of all motor vehicles.

8 c) A haul route shall be obtained at least 7 days prior the start of hauling operations  
9 and must be approved by the City Engineer. Hauling operations shall be 8:00  
10 a.m. to 3:30 p.m. unless approved otherwise.

11 d) It is the responsibility of the owner/developer to evaluate and determine that all  
12 soil imported as part of this development is free of hazardous and/or  
13 contaminated material as defined by the City and the County of San Diego  
14 Department of Environmental Health. Exported or imported soils shall be  
15 properly screened, tested, and documented regarding hazardous contamination.

16 39. A traffic control plan shall be prepared according to the City traffic control guidelines  
17 and be submitted to and approved by the City Engineer prior to the start of work within  
18 open City rights-of-way. Traffic control during construction of streets that have been  
19 opened to public traffic shall be in accordance with construction signing, marking and  
20 other protection as required by the Caltrans Traffic Manual and City Traffic Control  
21 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless  
22 approved otherwise.

23 40. Approval of this development project is conditioned upon payment of all applicable  
24 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside  
25 City Code. All traffic signal fees and contributions, highway thoroughfare fees, park  
26 fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior  
27 to the issuance of any building permits, in accordance with City Ordinances and  
28 policies. The developer/owner shall also be required to join into, contribute, or  
29 participate in any improvement, lighting, or other special district affecting or affected by  
this project. Approval of the project shall constitute the developer's approval of such

1 payments, and his agreement to pay for any other similar assessments or charges in  
2 effect when any increment is submitted for building permit approval, and to join,  
3 contribute, and/or participate in such districts.

4 41. The existing curb, gutter and sidewalk on El Camino Real along the property frontage  
5 shall be re-constructed (if it is damaged) to the City of Oceanside Design Standards.

6 42. El Camino Real shall provide a parkway between the face of curb and the right-of-way  
7 line. The existing sidewalk improvements along the project frontage on El Camino Real  
8 shall be re-constructed if it has been damaged and if it is not to the City standards, in  
9 compliance with ADA requirements. The pedestrian ramps at the intersection of El  
10 Camino Real and the private driveway (Camino Town) must be fully located within  
11 public right-of-way.

12 43. Sight distance requirements for each direction of traffic on El Camino Real at the  
13 project private driveway (Camino Town) shall conform to the corner sight distance  
14 criteria as provided by SDRSD DS-20A and or DS-20B.

15 44. The developer/owner shall pay all applicable fees, energy charges, and/or assessments  
16 associated with City-owned (LS-2 rate schedule) streetlights and shall agree to the  
17 formulation of, or the annexation to, any appropriate street lighting district.

18 45. This project's driveways shall remain private and shall be maintained by an association.  
19 The pavement sections, traffic indices, alignments, and all geometrics shall meet public  
20 street standards.

21 46. Prior to approval of the grading plans, the developer/owner shall contract with a  
22 geotechnical engineering firm to perform a field investigation of the existing pavement  
23 on El Camino Real and the private driveway (Camino Town). The limits of the study  
24 shall be half-street plus 12 feet along the project's frontage. The field investigation  
25 shall include a minimum of one pavement boring per every 100 linear feet of street  
26 frontage for El Camino Real, between Camino Town (private driveway) and the  
27 southern boundary of the project, and one pavement for the private driveway (Camino  
28 Town). Should the existing AC thickness be determined to be less than the current  
29 minimum standard for AC and Class II Base as set forth in the table for City of  
Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the

1 developer shall remove and reconstruct the pavement section as determined by the  
2 pavement analysis submittal process detailed in the condition listed below:

- 3 47. Upon review of the pavement investigation, the City Engineer shall determine whether  
4 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the  
5 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or  
6 2) Perform R-value testing and submit a study that determines if the existing pavement  
7 meets current City standards/traffic indices. Should the study conclude that the  
8 pavement does not meet current requirements, rehabilitation/mitigation  
9 recommendations shall be provided in a pavement analysis report, and the  
10 developer/owner shall reconstruct the pavement per these recommendations, subject to  
11 approval by the City Engineer.
- 12 48. Pavement sections for El Camino Real, the private driveways and parking areas shall be  
13 based upon approved soil tests and traffic indices. The pavement design is to be  
14 prepared by the developer's/owner's soil engineer and must be approved by the City  
15 Engineer, prior to paving.
- 16 49. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
17 construction of the project, shall be repaired or replaced as directed by the City  
18 Engineer.
- 19 50. The developer/owner shall comply with all the provisions of the City's cable television  
20 ordinances including those relating to notification as required by the City Engineer.
- 21 51. Grading and drainage facilities shall be designed and installed to adequately  
22 accommodate the local storm water runoff and shall be in accordance with the City's  
23 Engineers Manual and as directed by the City Engineer.
- 24 52. The developer/owner shall obtain any necessary permits and clearances from all public  
25 agencies having jurisdiction over the project due to its type, size, or location, including  
26 but not limited to the U. S. Army Corps of Engineers, California Department of Fish &  
27 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality  
28 Control Board (including NPDES), San Diego County Health Department, prior to the  
29 issuance of grading permits.

1 53. The approval of the project shall not mean that proposed grading or improvements  
2 (including all drainage discharges and all proposed drainage structures) on adjacent  
3 properties, including any City properties/right-of-way or easements, is granted or  
4 guaranteed to the developer/owner. The developer/owner is responsible for obtaining  
5 permission to grade to construct on adjacent properties. Should such permission be  
6 denied, the project shall be subject to going back to the public hearing or subject to a  
7 substantial conformity review.

8 54. Prior to any grading of any part of the tract or project, a comprehensive soils and  
9 geologic investigation shall be conducted of the soils, slopes, and formations in the  
10 project. All necessary measures shall be taken and implemented to assure slope  
11 stability, erosion control, and soil integrity. No grading shall occur until a detailed  
12 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning  
13 Ordinance, is approved by the City Engineer.

14 55. This project shall provide year-round erosion control including measures for the site  
15 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
16 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
17 by the applicant with cash securities and approved by the City Engineer.

18 56. A precise grading and private improvement plan shall be prepared, reviewed, secured  
19 and approved prior to the issuance of any building permits. The plan shall reflect all  
20 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,  
21 and signage, footprints of all structures, walls, drainage devices and utility services.  
22 Parking lot striping and any on-site traffic calming devices shall be shown on all precise  
23 grading and private improvement plans.

24 57. Landscape and irrigation plans shall be approved by the City Engineer prior to the  
25 issuance of occupancy permits, and a pre-construction meeting held, prior to the start of  
26 any improvements.

27 58. Landscaping plans, including plans for the construction of walls, fences or other  
28 structures at or near intersections, must conform to intersection sight distance  
29 requirements. Landscape and irrigation plans for disturbed areas must be submitted to  
the City Engineer prior to the issuance of a preliminary grading permit and approved by

1 the City Engineer prior to the issuance of occupancy permits. Frontage and median  
2 landscaping shall be installed prior to the issuance of any certificates of occupancy.  
3 Any project fences, sound or privacy walls and monument entry walls/signs shall be  
4 shown on, bonded for and built from the landscape plans. These features shall also be  
5 shown on the precise grading plans for purposes of location only. Plantable, segmental  
6 walls shall be designed, reviewed and constructed by the grading plans and  
7 landscaped/irrigated through project landscape plans. All plans must be approved by  
8 the City Engineer and a pre-construction meeting held, prior to the start of any  
9 improvements.

10 59. Open space areas and down-sloped areas visible from a collector-level or above  
11 roadway and not readily maintained by the property owner, shall be maintained by a  
12 management association that will insure installation and maintenance of landscaping in  
13 perpetuity. These areas shall be indicated and identified on an exhibit and/or grading  
14 plan and reserved for an association. Future buyers shall be made aware of any  
15 estimated monthly costs. The previously recorded CC&R that was approved and  
16 recorded as part of the Parcel Map 17659 shall be revised to include the new disclosure  
17 for this new project, and shall be submitted to the City Engineer for review prior to the  
18 recordation.

19 60. The drainage design on the development plan is conceptual only. The final design shall  
20 be based upon a hydrologic/hydraulic study to be approved by the City Engineer during  
21 final engineering. All drainage picked up in an underground system shall remain  
22 underground until it is discharged into an approved channel, or as otherwise approved  
23 by the City Engineer. All public storm drains shall be shown on City standard plan and  
24 profile sheets. All storm drain easements shall be dedicated where required. The  
25 applicant shall be responsible for obtaining any off-site easements for storm drainage  
26 facilities.

27 61. Storm drain facilities shall be designed and located such that the inside travel lanes on  
28 streets with Collector or above design criteria shall be passable during conditions of a  
29 100-year frequency storm.

- 1 62. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
2 disposed of in accordance with all state and federal requirements, prior to stormwater  
3 discharge either off-site or into the City drainage system.
- 4 63. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high  
5 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose  
6 height exceeds 20 feet or where the slope exceeds four feet and is adjacent to an arterial  
7 street or state highway.
- 8 64. The landowner shall comply with the provisions of National Pollution Discharge  
9 Elimination System (NPDES) General Permit for Storm Water Discharges Associated  
10 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The  
11 General Permit continues in force and effect until a new General Permit is issued or the  
12 SWRCB rescinds this General Permit. Only those Landowners authorized to discharge  
13 under the expiring General Permit are covered by the continued General Permit.  
14 Construction activity subject to the General Permit includes clearing, grading, and  
15 disturbances to the ground such as stockpiling, or excavation that results in soil  
16 disturbances of at least one acre of total land area. The Landowner shall obtain  
17 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining  
18 a Waste Discharge Identification Number (WDID#) from the State Water Resources  
19 Control Board (SWRCB). In addition, coverage under the General Permit shall not  
20 occur until an adequate SWPPP is developed for the project as outlined in Section A of  
21 the General Permit. The site specific SWPPP and associated NOI shall be maintained  
22 on the project site at all times. The SWPPP shall be provided, upon request, to the  
23 United States Environmental Protection Agency (USEPA), SWRCB, Regional Water  
24 Quality Control Board (RWQCB), City of Oceanside, and other applicable governing  
25 regulatory agencies. The SWPPP is considered a report that shall be available to the  
26 public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of  
27 the General Permit and the site specific SWPPP shall be continuously implemented and  
28 enforced until the Landowner obtains a Notice of Termination (NOT) for the SWRCB.  
29 The Landowner is required to retain records of all monitoring information, copies of all  
reports required by this General Permit, and records of all data used to complete the

1 NOI for all construction activities to be covered by the General Permit for a period of at  
2 least three years from the date generated. This period may be extended by request of the  
3 SWRCB and/or RWQCB.

4 65. Upon acceptance of any fee waiver or reduction by the developer/owner, the entire  
5 project will be subject to prevailing wage requirements as specified by Labor Code  
6 section 1720(b) (4). The developer/owner shall agree to execute a form acknowledging  
7 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

8 66. Following approval of the SWMP by the City Engineer and prior to issuance of grading  
9 permits, the Project Proponent shall submit and obtain approval of an Operation &  
10 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M  
11 Plan shall include an approved and executed Maintenance Mechanism pursuant to  
12 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).  
13 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section  
14 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated  
15 responsible party to manage the storm water BMP(s), employee training program and  
16 duties, operating schedule, maintenance frequency, routine service schedule, specific  
17 maintenance activities, copies of resource agency permits, cost estimate for  
18 implementation of the O&M Plan, a security to provide maintenance in the event of  
19 noncompliance to the O&M Plan, and any other necessary elements. The Project  
20 Proponent shall provide the City with access to site for the purpose of BMP inspection  
21 and maintenance by entering into an Access Rights Agreement with the City. The  
22 Project Proponent shall complete and maintain O&M forms to document all operation,  
23 inspection, and maintenance activities. The Project Proponent shall retain records for a  
24 minimum of five years. The records shall be made available to the City upon request.

25 67. The developer/owner shall enter into a City-Standard Stormwater Facilities  
26 Maintenance Agreement with the City obliging the project proponent to maintain, repair  
27 and replace the Storm Water Best Management Practices (BMPs) identified in the  
28 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The  
29 Agreement shall be approved by the City Attorney prior to issuance of any precise  
grading permit and shall be recorded at the County Recorder's Office prior to issuance

1 of any building permit. Security in the form of cash (or certificate of deposit payable to  
2 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to  
3 issuance of a precise grading permit. The amount of the security shall be equal to 10  
4 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of  
5 \$25,000. The applicant's Civil Engineer shall prepare the O&M cost estimate.

6 68. At a minimum, maintenance agreements shall require the staff training, inspection and  
7 maintenance of all BMPs on an annual basis. The developer/owner shall complete and  
8 maintain O&M forms to document all maintenance activities. Parties responsible for  
9 the O&M plan shall retain records at the subject property for at least five years. These  
10 documents shall be made available to the City for inspection upon request at any time.

11 69. The Agreement shall include a copy of executed on-site and off-site access easements  
12 necessary for the operation and maintenance of BMPs that shall be binding on the land  
13 throughout the life of the project to the benefit of the party responsible for the O&M of  
14 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the  
15 O&M Plan approved by the City Engineer.

16 70. The BMPs described in the project's approved SWMP shall not be altered in any way,  
17 unless reviewed and approved to the satisfaction of the City Engineer. The  
18 determination of whatever action is required for changes to a project's approved SWMP  
19 shall be made by the City Engineer.

20 71. The developer/owner shall provide a copy of the title/cover page of an approved SWMP  
21 with the first engineering submittal package. If the project triggers the City's  
22 stormwater requirements but no approved stormwater document (SWMP) exists, the  
23 appropriate document shall be submitted for review and approval by the Public Works  
24 Department. The SWMP shall be prepared by the applicant's Civil Engineer. All storm  
25 water documents shall comply with the latest edition of submission requirements.

26 72. The approval of the project shall not mean that closure, vacation, or abandonment of any  
27 public street, right-of-way, easement, or facility is granted or guaranteed to the  
28 developer/owner. The developer/owner is responsible for applying for all closures,  
29 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
approved or rejected by the City of Oceanside under separate process (es) per codes,

1 ordinances, and policies in effect at the time of the application. The City of Oceanside  
2 retains its full legislative discretion to consider any application to vacate a public street  
3 or right-of-way.

4 73. In the event that the conceptual plan does not match the conditions of approval, the  
5 resolution of approval shall govern.

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

- 14 a) Final landscape plans shall accurately show placement of all plant material such  
15 as but not limited to trees, shrubs, and groundcovers.
- 16 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement  
17 and place planting locations accordingly to meet City of Oceanside  
18 requirements.
- 19 c) All required landscape areas shall be maintained by owner. The landscape areas  
20 shall be maintained per City of Oceanside requirements.
- 21 d) Proposed landscape species shall be native or naturalized to fit the site and meet  
22 climate changes indicative to their planting location. The selection of plant  
23 material shall also be based on cultural, aesthetic, and maintenance  
24 considerations. In addition proposed landscape species shall be low water users  
25 as well as meet all Fire Department requirements.
- 26 e) All planting areas shall be prepared with appropriate soil amendments,  
27 fertilizers, and appropriate supplements based upon a soils report from an  
28 agricultural suitability soil sample taken from the site.
- 29 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil  
from the sun, evapotranspiration and run-off. All the flower and shrub beds

1 shall be mulched to a three-inch depth to help conserve water, lower the soil  
2 temperature and reduce weed growth.

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

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

11 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall  
12 obtain Planning Division approval for these items in the conditions or  
13 application stage prior to first submittal of working drawings.

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

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

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

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

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

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

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

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

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

14 **Planning:**

15 77. This revision to Development Plan (D-10-80 REV07) approves only the construction of  
16 a 5,110-square foot commercial building and 27 additional off-street parking spaces as  
17 shown on the plans and exhibits presented to the Planning Commission for review and  
18 approval. Elevations, floor plans, building materials and colors, shall be substantially  
19 the same as those approved by the Planning Commission and shall be shown on the  
20 plans submitted for building permits. No deviation from these approved plans and  
21 exhibits shall occur without the City Planner and or Planning Commission's approval.  
22 Substantial deviations shall require a revision to the Development Plan or a new  
Development Plan.

23 a) This Development Plan shall lapse in two years after the effective date of  
24 approval, unless implemented as required by Section 4308.B of the Zoning  
25 Ordinance.

26 b) A time extension may be granted in accordance with Section 4308.C of the  
27 Zoning Ordinance.

28 c) Changes to the approved plans are subject to Section 4308.D of the Zoning  
29 Ordinance.

1 d) The Development Plan is subject to the regulations set forth in Articles 10, 11,  
2 22, 28, 30, 31, and 33 of the Zoning Ordinance.

3 78. This Variance (V-8-07), from wall height regulations (Section 3040.C.2) approves only  
4 two retaining walls, one with a maximum height of 20.5 feet and the other with a  
5 maximum height of 22 feet, as shown on the plans and exhibits presented to the  
6 Planning Commission for review and approval. No deviation from these approved  
7 plans and exhibits shall occur with out City Planner, City Engineer, and or Planning  
8 Commission approval. Substantial deviations shall require a revision to the Variance or  
9 a new Variance. The construction and design of the wall is subject to Section 3040(d)  
10 of the Zoning Ordinance; the retaining walls shall be planted in accordance with the  
11 requirements of the Zoning Ordinance.

12 a) This Variance shall lapse two years after the effective date of approval, unless  
13 implemented as required by Section 4108.A of the Zoning Ordinance.

14 b) A time extension may be granted in accordance with Section 4108.B of the  
15 Zoning Ordinance.

16 c) Changes to the approved plans are subject to Section 4109 of the Zoning  
17 Ordinance.

18 d) The validity of the variance shall not be affected by changes in ownership.

19 e) A variance that is exercised in violation of a condition of approval or a provision  
20 of the Zoning Ordinance may be revoked, as provided in Section 4706.

21 79. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
22 harmless the City of Oceanside, its agents, officers or employees from any claim, action  
23 or proceeding against the City, its agents, officers, or employees to attack, set aside,  
24 void or annul an approval of the City, concerning the revision to Development Plan (D-  
25 10-80 REV07) and Variance (V-8-07). The City will promptly notify the applicant of  
26 any such claim, action or proceeding against the City and will cooperate fully in the  
27 defense. If the City fails to promptly notify the applicant of any such claim action or  
28 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter,  
29 be responsible to defend, indemnify or hold harmless the City.

1 80. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of  
2 the City Code and shall include additional space for storage and collection of recyclable  
3 materials per City standards. Recycling is required by City Ordinance. The enclosure  
4 (or enclosures) must be built in a flat, accessible location as determined by the City  
5 Engineer. Trash enclosures and driveways and service access areas shall be shown on  
6 both the improvement and landscape plans submitted to the City Engineer. The  
7 specifications shall be reviewed and approved by the City Engineer. The City's waste  
8 disposal contractor is required to access private property to service the trash enclosures,  
9 a service agreement must be signed by the property owner and shall remain in effect for  
10 the life of the project. All trash enclosures shall be designed to provide user access  
11 without the use and opening of the service doors for the bins. This design shall be  
12 shown on the landscape plans and shall be approved by the City Planner.

13 81. Outdoor storage or display of merchandise of materials shall meet the requirements of  
14 the Zoning Ordinance.

15 82. A covenant or other recordable document approved by the City Attorney shall be prepared  
16 by the applicant and recorded prior to the issuance of building permits. The covenant shall  
17 provide that the property is subject to this resolution, and shall generally list the conditions  
18 of approval.

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

25 84. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
26 written copy of the applications, staff report and resolutions for the project to the new  
27 owner and or operator. This notification's provision shall run with the life of the project  
28 and shall be recorded as a covenant on the property.  
29

1 85. Failure to meet any conditions of approval for this development and/or any applicable  
2 conditions of approval for the entire North County Place development (D-10-80) and as  
3 revised thereon shall constitute a violation of the Development Plan Revision.

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

10 87. The North County Place Management Plan shall be revised to include the proposed  
11 5,110-square foot building and 27 additional parking spaces or a new Management Plan  
12 for North County Place shall be prepared. The revised or new Management Plan is  
13 subject to the review and approval of the City Planner and the Police Chief prior to the  
14 occupancy of the project, and shall be recorded as CC&R's against the property. The  
15 Management Plan shall cover the following:

- 16 a) Security - The Management Plan, at a minimum, shall address on-site  
17 management, hours-of-operation and measures for providing appropriate  
18 security for the project site.
- 19 b) Maintenance - The Management Plan shall cover, but not be limited to anti-  
20 graffiti and site and exterior building, landscaping, parking lots, sidewalks,  
21 walkways and overall site maintenance measures and shall ensure that a high  
22 standard of maintenance at this site exists at all times. The maintenance portion  
23 of the management plan shall include a commitment for the sweeping and  
24 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient  
25 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or  
26 other pollutants shall be collected on-site and properly disposed of and shall not  
27 be discharged off the property or into the City's storm drain system.
- 28 c) Any graffiti within the center shall be removed by the center management or its  
29 designated representative within 24 hours of occurrence. Any new paint used to  
cover graffiti shall match the existing color scheme.

1 d) Loading and deliveries of merchandise shall be limited and shall comply with  
2 the North County Place conditions of approval and/or Management Plan for  
3 loading and unloading.

4 88. A lighting plan shall be submitted and approved by the City Planner prior to issuance of  
5 building permits. The plan shall demonstrate compliance with the provisions of the City  
6 of Oceanside Light Pollution Ordinance.

7 89. Prior to issuance of a sign permit, the Comprehensive Sign Program (CSP) shall be  
8 revised to incorporate this new building with the existing sign program. The revision to  
9 the CSP shall be submitted to the City Planner for review and approval.

10 90. All mechanical rooftop and ground equipment shall be screened from public view as  
11 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
12 mechanical equipment, screen and vents shall be painted with non-reflective paint to  
13 match the roof. This information shall be shown on the building plans.

14 91. Failure to meet any conditions of approval for this development shall constitute a  
15 violation of the Variance and Development Plan.

16 **Water:**

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

21 93. The property owner will maintain private water and wastewater utilities located on  
22 private property.

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

26 95. The following conditions shall be met prior to the approval of engineering design plans.

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



1 96. The following conditions of approval shall be met prior to building permit issuance.

2 a) If a restaurant or food service tenant occupies the property: a Grease Interceptor,  
3 described by the Uniform Plumbing Code, relating to restaurants, shall be  
4 installed in each building sewer in an appropriate location and shall be  
5 maintained by the property owner. The location shall be called out on the  
6 approved Building Plans.

7 b) Water and Wastewater Buy-in fees and the San Diego County Water Authority  
8 Fees are to be paid to the City and collected by the Water Utilities Department at  
9 the time of Building Permit issuance.

10 PASSED AND ADOPTED Resolution No. 2009-P10 on February 9, 2009 by the  
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

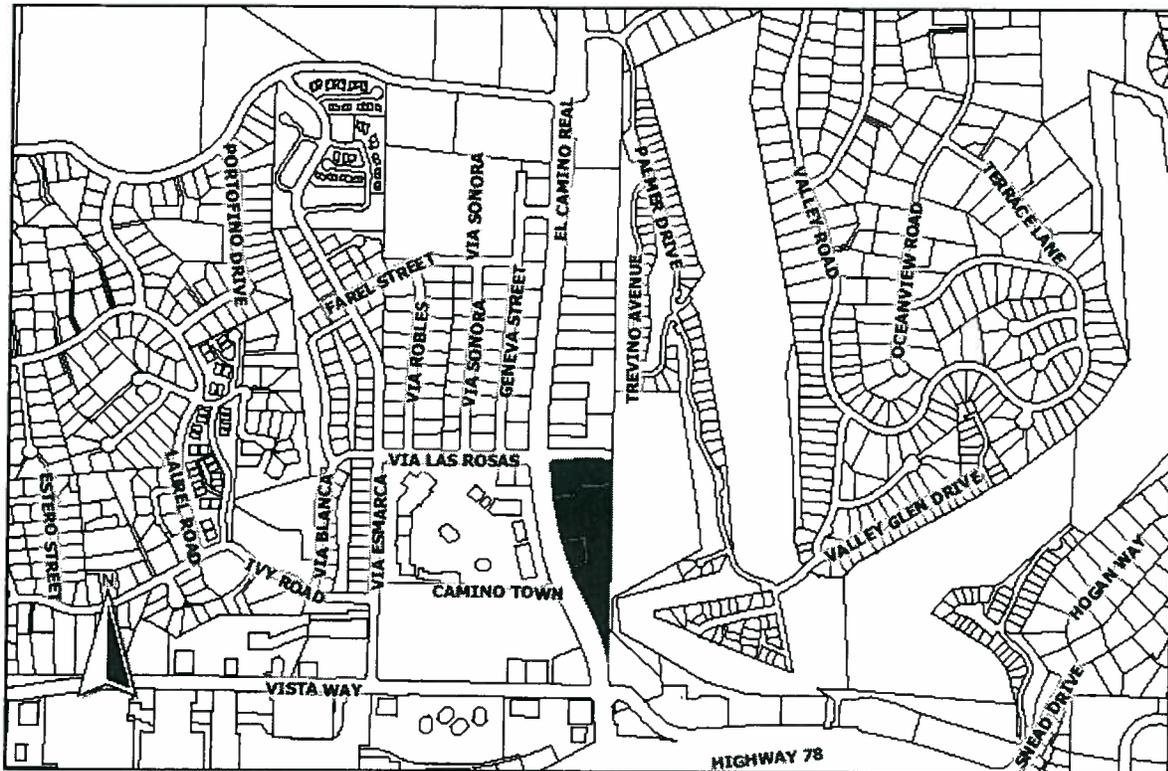
16  
17 \_\_\_\_\_  
18 Claudia Troisi, Chairperson  
19 Oceanside Planning Commission

20 ATTEST:

21 \_\_\_\_\_  
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
24 this is a true and correct copy of Resolution No. 2009-P10.

25  
26 Dated: February 9, 2009  
27  
28  
29



**File Number:** D-10-80 REV07 and V-8-07

**Applicant:** Oceanside-Nierman, LP

**Description:** A Revision to DEVELOPMENT PLAN (D-10-80) and VARIANCE (V-8-07) for the construction of a 5,110-square foot commercial building and construction of two retaining walls with a maximum height of 20.5 feet and 22 feet respectively on a 0.5-acre portion of a 3.69-acre site commonly known as North County Place and located within the 2200 block of South El Camino Real. – **NORTH COUNTY PLACE REVISION**

**Environmental Determination:**

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Division  
300 N. Coast Highway  
Oceanside, CA 92054  
(760) 435-3520

# Application For Planning Commission Hearing

Planning Department (760) 435-3520  
 Oceanside Civic Center  
 300 North Coast Highway  
 Oceanside, California 92054-2885

## STAFF USE ONLY

ACCEPTED BY  
 10/08/07 SN.

Please Print Or Type All Information

RECEIVED  
 OCT 01 2007  
 Planning Department

### PART I - APPLICANT INFORMATION

HEARING  
 GPA  
 MASTER/SP.PLAN  
 ZONE CH.  
 TENT. MAP  
 PAR. MAP  
 X DEV. PL D-10-80 REV 07  
 C.U.P.  
 X VARIANCE V-8-07  
 COASTAL  
 O.H.P.A.C.

1. APPLICANT  
 Oceanside-Nierman, L.P.

2. STATUS  
 Owner

3. ADDRESS  
 3900 Fifth Avenue, Ste. 350  
 San Diego, CA 92103 92103

4. PHONE / FAX  
 619-294-7000  
 619-294-7022 (fax)

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)  
 The Lightfoot Planning Group - Joy Chung

6. ADDRESS  
 5750 Fleet Street, Suite 250  
 Carlsbad, CA 92008

7. PHONE  
 (760) 692-1924 phone  
 (760) 692-1935 fax

### PART II - PROPERTY DESCRIPTION

8. LOCATION  
 East side of El Camino Real within the existing North County Place shopping center.

9. SIZE  
 a portion of 3.96 acres

10. GENERAL PLAN  
 CC

11. ZONING  
 CC

12. LAND USE  
 Commercial

13. ASSESSOR'S PARCEL NUMBER  
 165-012-18

### PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION  
 Revision to Development Plan D-10-80 for the addition of a commercial pad and building on the southern corner of the existing shopping center. Included in the project is a new 5,110 square foot retail building and associated parking lot. No changes are proposed for the remaining center.

Rev - 12/20/07, 5/12/08  
 8/4/08, 10/16/08

15. PROPOSED GENERAL PLAN  
 No Change

16. PROPOSED ZONING  
 No Change

17. PROPOSED LAND USE  
 No Change

18. NO. UNITS  
 1

19. DENSITY  
 N/A

20. BUILDING SIZE  
 5,110 sq. ft.

21. PARKING SPACES  
 358

22. % LANDSCAPE  
 28%

23. % LOT COVERAGE  
 29%

### PART IV - ATTACHMENTS

ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
X	24. DESCRIPTION/JUSTIFICATION ✓	X	25. LEGAL DESCRIPTION ✓	X	30. FLOOR PLANS & ELEVATIONS ✓
X	26. 300-FT. RADIUS MAP	X	27. PROPERTY OWNERS' LIST	N/A	31. CONSTRUCTION SCHEDULE
X	28. ENVIRONMENTAL ASSESSMENT ✓	X	29. PLOT PLANS ✓	N/A	32. OTHER

### PART V - SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.

33. APPLICANT OR REPRESENTATIVE (Print):  
 James S. Nierman

34. DATE  
 9-12-07

35. APPLICANT (Print):  
 James S. Nierman

36. DATE  
 9-12-07

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

37. OWNER (Print):  
 James S. Nierman

38. DATE  
 9-12-07

39. OWNER (Print):  
 James S. Nierman

40. DATE  
 9-12-07

RECEIVED  
 OCT - 1 2007  
 Planning Department

15

TURINIA

# **North County Place Pad Addition Development Plan Revision & Variance**

## **DESCRIPTION AND JUSTIFICATION**

revised October 2008

### **INTRODUCTION**

This application is for a Revised Development Plan for the addition of a commercial pad within the existing North County Place commercial center approved on October 20, 1980 with Resolution Number 80-P98. The project site is located on the southern corner of North County Place which is located on the east side of El Camino Real, north of Vista Way. The proposed project is for the construction of a 5,110 square foot commercial building, located on Parcel 2 of the shopping center (APN 165-012-18). The proposed project will occupy approximately 0.97-acres of the 3.96-acre parcel.

The property has a general plan land use and zoning designation of Community Commercial (CC). The Community Commercial zoning designation allows a variety of potential uses consistent with the surrounding uses. North County Place is located within the Mira Costa neighborhood and is bordered on the north, west, and south by existing commercial uses. The project site is bordered by El Camino County Club to the east.

### **DEVELOPMENT PLAN**

The original Development Plan (D-10-80) for North County Place included the development of a 65,000 square foot complex of mixed commercial lots. Since the original approval, the shopping center has been through several revisions which included relocating the access driveway to its current location and revising the development plan for Building C.

The commercial center has been successful since opening in the early 1980s with a variety of businesses. The existing development has 68,475 square feet of building space, distributed over 5.97 acres, with 36% of the site in landscaped area. There are currently 331 parking stalls, with reciprocal use across all parcels of the commercial center.

The proposed project consists of the addition of a new commercial pad and building, located at the south corner of the existing North County Place development, on Parcel 2. The new commercial building is proposed to be 5,110 square feet. The existing entry drive into the center will remain with the right turn into the existing parking area. The parking area is proposed to be expanded to contain the existing spaces as well as the parking stalls for the additional building square footage. With the addition of the new commercial building, the shopping center will maintain a high percentage of landscaping with 28% of the shopping center as irrigated landscape areas, well above the required 15%.

Utilities will be connected from existing service lines. A sewer lateral will connect to existing sewer lines located in El Camino Real. Existing water lines that service North County Place will be extended into the new development area, with an additional fire hydrant located within the new parking area.

**Parking**

The North County Place commercial center holds a variety of commercial, office, and educational uses. The last action on the commercial center was a Conditional Use Permit, which was approved in December 2004 for an adult education school use in Building A (Resolution number 2004-P60). A Shared Parking Reduction Study was approved along with the approval for the use. This parking reduction was for 5% of the total required spaces for all uses. The parking study found that among the variety of uses within the commercial center, the peak hours for parking demand was split approximately in half among all tenants of the commercial center. With half of the tenants requiring parking between 8 AM and 6 PM, and the remaining tenants requiring parking past 6 PM, the parking was found to be adequate to serve the entire commercial center.

The North County Place commercial center currently has 330 parking stalls with reciprocal use across all parcels. Currently, there is an existing parking lot with 19 spaces in the area proposed for development. This parking area will be renovated to accommodate all the required parking for the additional square footage being added by the proposed retail building, as well as the existing parking stalls. A total of 20 additional spaces is required for the addition of the new 5,110 square foot commercial building (1 space per 250 square feet). The renovated parking area will contain 46 spaces; not only creating and replacing the required parking, but increasing the amount of parking spaces. The parking area will continue to have shared use with the entire North County Place shopping center. One loading space will be provided within this parking area. The proposed drive aisle provides circulation through the entire parking area and is designed at 24-foot wide.

<b>PARKING SPACES</b>	<b>Required</b>	<b>Provided</b>
Current number of parking stalls	328*	330
Number of stalls to be replaced	-	-19
New parking stalls	20	46
<b>Total</b>	<b>348</b>	<b>357</b>

\*Per Parking Study completed for Glendale Career College Conditional Use Permit application, approved on December 6, 2004, Resolution number 2004-P60.

**Architecture**

The architecture for the new building is proposed to be similar to the other existing buildings on site. The proposed building is one-story, approximately 26-feet in height. The proposed building will be 5,110 square feet and feature large expanses of windows on all sides of the building. A neutral stucco color is proposed for the exterior; the roof materials will use red tile that matches the existing roofing tiles throughout the existing shopping center.

## REQUIRED FINDINGS - DEVELOPMENT PLAN

The City of Oceanside Zoning Ordinance stipulates that five specific findings must be made before a Development Plan can be adopted. The proposed project meets those conditions as follows:

1. That the site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance.

**The site plan and physical design on the project as proposed is consistent with the purposes of the Zoning Ordinance because the project is located within existing commercial uses, providing additional retail opportunities for the residents and visitors to the City of Oceanside. The project will also help to strengthen the City's economic base and bring additional employment opportunities to the area. The proposed architecture for the new building is similar to the styles found in the existing center and adjacent structures, and does not encroach into any residential areas.**

2. That the Development Plan as proposed conforms to the General Plan of the City.

**The Development Plan as proposed conforms to the General Plan of the City because the proposed project is located within an established commercial area, providing additional retail space for a variety of uses to the area.**

3. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

**The Development Plan is requesting the addition of an approximately 5,000 square foot retail building. The building does not create a burden on the utilities in the area. All utility connections have been factored into the design of the project.**

4. That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.

**The proposed project is located within an existing commercial center and is surrounded by commercial development on three sides, making the development compatible with the surrounding development. The proposed project is bordered on the fourth side by a golf course, and will be sufficiently buffered from the golf course by retaining walls and slope area. The proposed project does not encroach into any residential areas.**

5. That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillside, and Section 3039 of this ordinance.

**The City of Oceanside Zoning Ordinance Section 3039 discusses the design**

requirements for Hillside developments as primarily for residential developments. The zoning ordinance does state that the applicability to commercial or industrial uses is limited. Additionally, the slope areas on the project area are not natural slopes or contain any significant topographical features.

### VARIANCE - RETAINING WALL HEIGHT

Retaining walls have been utilized to help create more useable area in the southern corner of the project site. The topography at this location is challenging with steep manufactured slopes. Hillside development concerns are generally reserved for the construction of residential areas; the Oceanside Zoning Ordinance recognizes that lands designated for commercial use may require more landform alteration, and that the applicability to the hillside standards will be limited. A variance for wall height is being requested for the two walls along the eastern property boundary that are over 6 feet in height.

Two retaining walls are located on the eastern side of the property, with slope area ranging from 6 feet to 10 feet between the two walls. The lower wall reaches a maximum height of 20.5 feet, at its highest point, and tapers down to 0 feet at each end. The upper wall begins on the eastern property line, continues around the south side of the proposed building, and concludes along the west side of the building after splitting into two low walls. The upper wall reaches a maximum height of 22 feet along the east side, and becomes lower as the wall becomes visible from the public right-of-way. Both the upper and lower wall on the west side reach a maximum height of 3.5 feet, and taper down to 0 feet as the wall approaches the parking area.

The two larger walls are located behind the proposed building and are not visible from the public right-of-way. The two walls will be visible from the golf course, which sits at a lower elevation to the east of the shopping center. The walls will be planted and additional landscaping has been proposed to further screen the appearance of the walls from the golf course.

### **REQUIRED FINDINGS - VARIANCE**

1. *That because of special circumstances or conditions applicable to the development site - including size, shape, topography, location or surroundings - strict application of the requirements of this ordinance deprive such property in the vicinity and under identical zoning classification.*

**The existing manufactured slope in the project area made development on this portion of the site difficult without using walls in excess of 6 feet in height. The property is located within a core commercial area, located along El Camino Real, with other commercial developments directly adjacent or abutting the property. Without the use of the retaining walls, the property would not have the ability to expand the commercial potential on the property.**

2. *That granting the application will not be detrimental or injurious to property or*

*improvements in the vicinity of the development site, or to the public health, safety or general welfare.*

**Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development or the general welfare because the proposed project will enhance the property with maintained landscape, providing a more pleasant streetscape along El Camino Real. Also, the project will provide additional commercial opportunities for the City of Oceanside, and complete the commercial development along this stretch of El Camino Real.**

3. *That granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.*

**The proposed project is consistent with the purposed of the Oceanside Zoning Ordinance because the project is located within a commercial area, similar to many of the surrounding uses, the architectural style is consistent with the existing structures in the area, and will help to strengthen the City's economic base with additional retail opportunities. The proposed retaining walls have been designed as plantable walls consistent with the requirements per Section 3040 of the Zoning Ordinance.**

## **SUMMARY**

North County Place continues to strive to create a pleasant and convenient shopping experience for the residents and visitors to the City of Oceanside. This development plan revision will only affect the southern portion of parcel 2, south of the entry drive. The remaining existing shopping center will remain as is; no changes are proposed as part of this development plan. The proposed commercial building is consistent in scale and style with the existing shopping center. The proposed revision to the development plan does not interfere with the shopping centers operations; adding additional parking stalls and enhancing the landscaping will improve the shopping center's appeal. The proposed retaining walls will be planted and screened sufficiently from views.

## **EXHIBIT "A"**

All that certain real property situated in the County of San Diego, State of California, described as follows:

**Parcel A:**

Parcels 1, 2 and 3 of Parcel Map No. 17659, in the City of Oceanside, County of San Diego, State of California, said Parcel Map being filed in the Office of the County Recorder of San Diego County February 28, 1996.

**Parcel B:**

A non-exclusive easement for pedestrian and vehicular ingress, egress, and access, parking and maintenance over, upon, and across the "common area", pursuant and subject to the terms, provisions, and conditions contained in Reciprocal Easement and Maintenance Agreement recorded July 23, 1996, as File No. 1996-0369524 of Official Records.

Assessor's Parcel Number:       **165-012-17-00; 165-012-18-00;**  
  **165-012-19-00**



## NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 2/10/2009  
Removal:  
(180 days)

1. **APPLICANT:** Oceanside-Nierman, LP
2. **ADDRESS:** 3900 Fifth Avenue #350, San Diego, CA 92103
3. **PHONE NUMBER:** 619-294-7000
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht, Associate Planner
6. **PROJECT TITLE:** North County Place Revision D-10-80 REV07, V-8-07
7. **DESCRIPTION:** Consideration of a revision to development plan (D-10-80 REV07) and variance (V-8-07) for the construction of a 5,110 square-foot commercial building, to allow construction of two retaining walls with a maximum height of 20.5-feet and 22-feet respectively on a 0.5-acre portion of a 3.69-acre site located within the 2200 block of South El Camino Real.

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- The project is categorically exempt per Class 32 for "Infill Development Projects" pursuant to Section 15332 of the California Environmental Quality Act; or,
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,

---

Juliana von Hacht, Associate Planner

Date: February 10, 2009

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee (only required if filing for 30 day posting in lieu of 180 day posting)