AGENDA NO.3

PLANNING COMMISSION *STAFF REPORT*

DATE: March 24, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-12-04), DEVELOPMENT PLAN (D-30-04) AND VARIANCES (V-20-04 AND V-10-05) FOR THE DEVELOMENT OF 158 ATTACHED CONDOMINIUM UNITS ON A 35.8-ACRE SITE LOCATED SOUTHEAST OF STATE ROUTE 76 AND STAGE COACH ROAD, AT THE WESTERN TERMINUS OF SAN RAMON DRIVE – OCEANPOINTE – APPLICANT: HALLMARK COMMUNITIES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion;

(1) Certify the Environmental Impact Report (EIR) and associated findings and mitigation monitoring and reporting program and adopt Planning Commission Resolution No. 2008-P19, and;

(2) Approve Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-20-04 and V-10-05) by Adopting Planning Commission Resolution No. 2008-P18 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review and Background: The proposed 35.8-acre project site is located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive (APN 160-020-50). The property has General Plan land use and zoning designations of Medium Density B Residential (MDB-R/RM-B) and Open Space (OS). The property is vacant and is located in the Oceana neighborhood. The following residential zoning districts are adjacent to the site: RM-A to the south (Oceana senior community), RM-B (River Oaks Apartments and Rancho Hermosa community) and a PD (proposed Rancho Vista senior homes) to the east, and RM-A to the west (Mission Vista Condominiums).

On June 4, 2003, the City Council adopted a General Plan Amendment (GPA-5-01) and Zone Amendment (ZA-5-01) that was initiated by the applicant/developer on the subject property. The GPA and ZA were proposed to reconfigure land use and zoning designation boundary lines so that future residential development would be more suited to the natural terrain and sensitive biological habitat on-site. As a result, 50 percent of the site was designated as open space and 50 percent zoned for residential use. The site was rezoned from RM-A and RM-B, to RM-B clustered in three areas. The remainder of the site continued to be designated as open space. The City Council approved an increase in residential density (from RM-A to RM-B) since adopting the GPA/ZA would decrease the amount of residential development permitted overall on the site. The current project conforms to the General Plan and Zoning changes, however, Village 3 was dropped from the proposal due to environmental constraints.

A restricted covenant was also approved as part of the GPA/ZA to restrict the use of the property. After numerous meetings with surrounding communities of Oceana and Mission Vista, the applicant agreed to the following seven stipulations to address their concerns. The stipulations are as follows:

1. Designate Village 1 (adjacent to Stage Coach Road) for the exclusive purpose of an unrestricted, for-sale project.

2. Village 1 shall not exceed 80 dwelling units.

3. Village 1 shall be a gated community with restricted access to its residents and guests.

4. Village 2 (north and east of Village 1) shall be a gated community with restricted access to its residents and guests. The two gates off of San Ramon and Stage Coach Road to access Village 2 shall be closed at all times. The gates shall be opened only with electronic devices by its residents and through intercom for guests at San Ramon Road.

5. The majority of units in Village 2 shall not be built as low-income rental housing.

6. Stage Coach Road will be fully improved (only half side of the street is currently improved) and only 50 percent of its curb to be cut for driveways, leaving the other 50 percent for street parking.

7. Village 3 (eliminated under the current proposed project) shall be accessed only through San Ramon Road

Project Description: The proposed project includes two residential villages with a total of 158 condominiums. Village 1 is proposed with 62 units (Buildings 9 - 21) located adjacent to Stage Coach Road. The small portion of Village 1 with 18 units will be used as a model home complex. Village 2 is proposed to include 96 units (Buildings 1-8) located just south of SR-76.

The project density is 8.7 dwelling units per acre, which is below the RM-B base density of 10 dwelling units per acre. The total site project area is approximately 35 acres, however, the density calculation is based on 18.26 acres of developable land. Approximately 20 acres of the site containing sensitive habitat and steep slopes will be protected by a conservation easement. Undevelopable areas of the riparian habitat located in the RM-B zoning districts are not allowed to be factored into the density calculation per Section 1.25 of the Land Use Element of the General Plan. Slopes that are greater than 40 percent with a minimum difference in elevation of 25 feet are also undevelopable. All undevelopable slopes are located in the Open Space zoned area; none are located within the RM-B zoning district.

For comparison purposes, the table below shows the proposed number of units in the Oceanpointe project versus the density that was approved as part of the GPA and ZA as well as prior to the approval of these amendments. The project has been modified a number of times as shown on the table below:

Comparison of Development Potential

Villages	**Oceanpointe Project (modified site design in response to DEIR public input)**	Oceanpointe Project **(site design analyzed in DEIR)**	**Approved GPA/ZA**	***Pre-GPA/ZA***
1	**62**	78	79-90*	----
2	**96**	96	79-118	----
3	**0**	24	24-36	----
Total:	**158**	198	182-244	223-342

* or maximum 80 units

Site access will be provided from Stage Coach Road and San Ramon Drive. Enhanced paving will be provided at all four of the project entrances and both villages will have gated entries. A portion of Village 1 located on Stage Coach Road will not be gated. Stage Coach Road will be widened and improved with an additional eight (8) feet of right-of-way. There will be ultimately 10 feet of roadway and 10 feet of parkway along the project frontage. The parkway will be designed with a non-contiguous sidewalk and curb that will match the existing parkway on the other side of Stage Coach. All streets within the project will be private. Village 1 is designed with mostly 28-foot wide streets throughout, as well as 24-foot wide streets. Roadway access within and into Village 2 (Streets A and B) will be up to 40-foot wide private drive with a parkway on one or both sides of the street. Private alleys or "motor courts" will be 24 feet wide to access the rowhouses (10,12, 14-plex buildings). A 16-foot wide grasscrete access road for fire and utility trucks is proposed adjacent to Building 4 in Village 2.

An engineering waiver has been requested to deviate from a private street design standard. The centerline radii for proposed private streets in the project are less than the 200 feet required per the City's Engineers Design and Processing Manual.

Both villages will be gated with vehicular and pedestrian access gates located at three of the four project entrances. Perimeter fencing around Villages 1 and 2 will include 5-foot or 6-foot high ornamental iron fencing. There will be a 6-foot high "predation" fence between the biological preserve and Villages 1 and 2. The predation fence will be constructed of ornamental iron, but with vertical bars tightly spaced to avoid pets from entering the biological preserve area. Where a predation fence is not required, either a 6-foot high ornamental iron fence will be constructed along the perimeter of the villages or a 5-foot high ornamental iron fence if located in the front yard along Stage Coach Road.

There will be a 6-foot high masonry fire barrier located south of the Building 8 complex in Village 2. The Fire Department permitted this wall type to allow less than a 100 feet of fuel modification from this building since there is riparian wetland habitat adjacent to this area. A 6-foot high masonry wall is also located adjacent to the fire barrier wall and along Street A. The wildlife agencies required this wall type to avoid having lights and noise from cars traveling on Street A potentially disturbing wildlife in the riparian habitat. The pool areas and detention basin will be enclosed with 5-foot high ornamental iron fencing, and the private patios for the townhomes (4-plex buildings) will be enclosed with a 3.5-foot high block wall with stucco finish.

Retaining walls are located where necessary in the project. A Variance is being requested for retaining walls that exceed the 6-foot permitted height requirement. Retaining walls higher than four (4) feet will be planted and irrigated, with the exception of the 7-foot high retaining wall proposed along Stage Coach Road, near Vista Bella. Due to engineering issues such as soil conditions and potential movement and cracking of sidewalk/curb/gutter, a solid block wall without plantings is required here. However, the wall will not be visible from Stage Coach Road. A hand rail will be constructed for pedestrian safety at this location.

Architecture: There are two residential product types being proposed: Townhomes or 4-plex (four units per building); and attached "Rowhouses" arranged as 10-plex buildings (10 units in a two-building complex), 12-plex (12 units in a two-building complex), and 14-plex (14 units in a two-building complex). Both product types are three stories high. The 4-plex is 35 feet high and the rowhouses are a maximum building height of 36 feet.

Oceanpointe is designed with Spanish Eclectic architecture. The architecture is designed with varied rooflines, pop-outs, and windows. Projections such as gables in the roof planes break-up the roof area. In addition, the architecture incorporates differing color schemes and textures to further reduce the scale of the buildings. Building materials include decorative clay tile, concrete roof tiles, stucco, wood, stone veneer, and wrought iron.

Parking: Two parking spaces will be provided for each unit. Depending on the plan type, there are attached one-car and two-car garages proposed. For Unit 1 floor plans in the townhomes or attached rowhouses, one parking space will be located in an attached garage and the second space will be uncovered and designated/reserved only for that unit. Guest spaces are provided in each village. The total amount of parking provided exceeds the amount required per the City's parking regulation, including almost double the amount of guest spaces required. Each reserved uncovered resident space and guest space will be no more than 150 feet from a unit. Guest spaces will also be provided in proximity to major recreational amenities within each village. The table below provides a breakdown of required and proposed parking on site:

	Village	
Parking	**1**	**2**
# Units:	62	96
Required		
Garage Spaces	62	96
Uncovered Residential Spaces	62	96
Uncovered Guest Spaces	13	20
Total	**137**	**212**
Provided		
Garage Spaces	96	176
Uncovered Residential Spaces	28	16
Uncovered Guest Spaces	24	34
Total	**148**	**226**

Landscaping and Open Space: To accommodate development on-site, existing trees will be removed such as Eucalyptus, Brazilian Peppers, and Willow Acacia. Landscaping is proposed throughout both villages. Each gated entrance will be enhanced with an entry monument sign and landscaping such as trees and shrubs. All major streets (i.e., Stage Coach Road, Street A, and Street B) associated with the project will be lined with trees such as the Southern Live Oak, California Laurel, or Southern Magnolia.

Per Section 1050 of the Zoning Ordinance, the 158-unit Oceanpointe project is required to provide a minimum of 47,400 square feet of usable open space. The project exceeds this requirement with a total of 69,102 square feet of usable open space: 55,874 square feet of common usable open space and 13,228 square feet of private usable open space.

At least half of the required 300 square feet of usable open space per unit (150 square feet) must be provided in common usable open space. A minimum of 23,700 square feet of common usable open space is required for this project size. The proposed project is providing 55,874 square feet of common usable open space. Common open space is located throughout both villages as passive or active recreation areas. These recreation areas include amenities such as swimming pools and spa areas, sunning decks, cabana pool houses with restrooms, shaded seating areas, playgrounds with tot lots, grass lawns, lookout/viewing areas, sand horseshoe pit, and passive parks with picnic tables and

benches. Pedestrian pathways are incorporated into the conceptual landscape design to link recreation areas with the units.

Hillside Regulations: In addition to RM-B base district development regulations, hillside development provisions per Section 3039 of the Zoning Ordinance also apply to this project. Various setback, height and development restrictions, including a 30-foot building height limit would apply to certain portions of the site. All buildings proposed in this project comply with RM-B regulations. However, a hillside regulation variance is required for certain buildings that are adjacent to slopes that would require flat roofs and a 30-foot height limit. Portions of the following buildings are designed within these slopes:

- Village 1 – Buildings 9,16, 20
- Village 2 – Buildings 1, 5, 6

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

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

KEY PLANNING ISSUES

General Plan Conformance: The proposed project is consistent with the Residential Medium Density (B) with a density of 8.7 dwelling units per buildable acre, which is below the base density of 10 dwelling units per acre. This designation and density is compatible with surrounding multi-family family land uses. Adjoining development includes medium density residential uses and open space to the south, east, and west of the subject property in the Oceana, River Oaks Apartments, and Rancho Hermosa communities. State Route 76 is located directly north of the project site. The proposed medium density project would provide a good transition between the communities to the west and east with approximately 20 acres of protected open space in the south-central portion of the site as a buffer between the two areas.

The applicant proposes a density of 8.7 dwelling units per developable acre. Approximately 18 acres of the 36 acre site were qualified as developable and were used in calculating the density for the project site. The remainder of the site contains steep slopes and sensitive biological habitat that were not counted in the density calculation. Open space and medium density housing have been allowable on this site since the General Plan and Zoning Ordinance update in the late 1980s. The density and multi-family use of the proposed project is also consistent with surrounding development. The Mission Vista Development to the west contains 54 condominiums at a density of 6.5 dwelling units per acre. The Oceana Development to the south contains 932 one, two and three-unit buildings at a density of 10 dwelling units per acre. To the east, the River Oaks Apartments contain 280 units at a density of 7.1 dwelling

units per acre. The proposed project will be a benefit to this established medium density neighborhood.

Zoning Compliance: This project is proposed to be in the Residential Medium Density - B District (RM-B). The proposal complies with the requirements of this district. However, two variances are requested: (1) for exceeding the building height by six feet in areas subject to the hillside regulations for six out of the 22 units in the development and (2) for construction of four retaining walls that exceed the required 6-foot height limit. These variances are analyzed below.

For hillside projects, both base zoning district (RM-B) and hillside development regulations apply to this project. The hillside regulations only apply to development proposed on qualifying 20 percent slopes and will govern where there is a conflict. In the RM-B zoning district, the maximum permitted building height is 36 feet. For hillside projects, the maximum building height permitted is 30 feet from finished grade. This hillside requirement technically applies to Buildings 9, 16, and 20 in Village 1 and Buildings 1, 5, and 6 in Village 2. Minimal portions of Buildings 1and 9 will be located on qualifying 20 percent slope areas. As shown in the visual simulations in the environmental impact report (EIR), these buildings will blend in with other multi-story buildings within the proposed project. Redesigning these buildings with a flat roof to comply with the 30-foot height limit, would not improve the overall appearance of the hillsides and would compromise the overall design of these structures.

A Variance is also being requested to exceed the maximum wall height requirement of six feet for four retaining walls. Three of the retaining walls will be visible only from within the Oceanpointe project area. The top of the retaining wall proposed off Stage Coach Road will be either at the same elevation here as Stage Coach Road or lower than the street elevation of Vista Bella. As a result, someone standing at the west-end or bottom of Vista Bella would need to look downward to see this 7-foot high retaining wall. This wall would not be visible from Stage Coach Road. Exceeding the wall height requirement is necessary for certain portions of the project to maintain a 100-foot fuel modification area from each structure, protect biological habitat, and limit the development impact to the biological preserve area.

Environmental Impact Report: Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design. The following are key environmental issues analyzed in the project EIR:

Traffic and Circulation: The proposed project will contribute to cumulative impacts under buildout conditions at the intersection of Rancho del Oro/San Ramon Drive and El Camino Real/Vista Rey. To mitigate these impacts the project is required to install a new traffic signal on Rancho del Oro Drive at San Ramon Drive as well as a new signal at El Camino Real and Vista Rey.

Noise: The majority of the exterior areas of the proposed homes are subjected to long-term vehicular noise levels greater than 60 decibels (dB) from traffic on SR-76

Buildings exposed to an exterior noise level of 60 dB could result in exceedence of the allowable interior noise level of 45 dB. To mitigate this potential impact the applicant is required to conduct an interior noise analysis prior to the issuance of building permits to ensure that the interior noise level does not exceed 45 dB. This can be achieved through the use of certain building materials, insulation and building design techniques.

Biological Resources: The proposed project will result in direct impacts to seven sensitive habitat areas on-site, including southern riparian forest (0.14 acre), mule fat scrub (0.14 acre), disturbed wetland (0.06 acre), Diegan coastal sage scrub (1.36 acres), disturbed coastal sage scrub (0.27), Coyote brush scrub (0.22 acre), and non-native grassland (4.23 acres). Sensitive species that occupy these habitats include the least Bell's vireo, yellow warbler, yellow-breasted chat, and coastal California gnatcatcher. A number of mitigation measures have been required to reduce biological resource impacts to below a level of significance. Mitigation of upland habitats (coastal sage scrub, coyote brush scrub, etc.) will be accomplished through on-site habitat protection (conservation easement) and management within the approximately 20-acre open space area in the center of the project site. The mitigation program includes on-site revegetation/creation of 2.81 acres of coastal sage scrub and 0.39 acre of wetland creation. A number of mitigation measures also address potential impacts from construction grading and other indirect impacts to sensitive habitats.

Paleontology: Implementation of the proposed project may result in significant paleontological resource (fossils) Impacts in association with grading/excavation of the highly sensitive Tertiary Santiago Formation on-site. A paleontological monitor will be required on-site during the initial site grading operations.

ENVIRONMENTAL DETERMINATION

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures discussed above, no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design. An Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

The Planning Division advertised that a draft EIR would be posted for 45 days with the Office of the San Diego County Clerk from February 21 to April 6, 2006. A number of comments were received during public review of the environmental document and responses to the comments are included in the Final EIR. The Planning Commission will need to certify the EIR and findings stating that the EIR was prepared in accordance with CEQA.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, 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/organizations requesting notification, and to the applicant.

SUMMARY

In summary, staff finds that the Tentative Map and Development Plan are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is below the base density of 10 dwelling units per acre and is compatible with surrounding medium density uses. The Variances for exceeding the allowable wall height and building height limit under the hillside regulations are warranted given the steep topography of the site and large areas of sensitive biological resources that are to be protected. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

-- Move to certify the EIR, and associated findings and mitigation monitoring and reporting program and adopt Planning Commission Resolution No. 2008-P19,

-- Move to approve Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-12-04 and V-10-05)) and adopt Planning Commission Resolution No. 2008-P18 as attached.

PREPARED AND SUBMITTED BY:

Jerry Hittleman
City Planner

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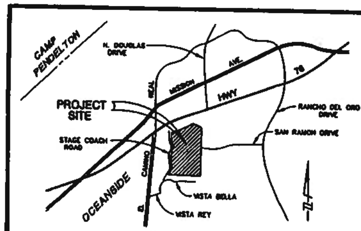
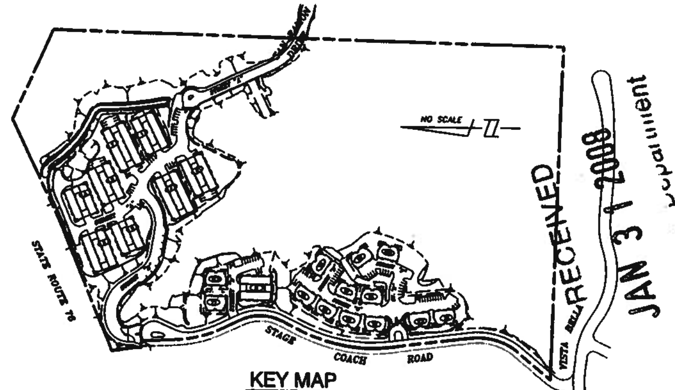
Attachments:
1. Site Plan/Floor Plans Landscaping Plans and Elevations
2. Planning Commission Resolution No. 2008-P18
3. Planning Commission Resolution No. 2008-P19, certifying the EIR

T-12-04, D-30-04, V-21-04, V-10-05

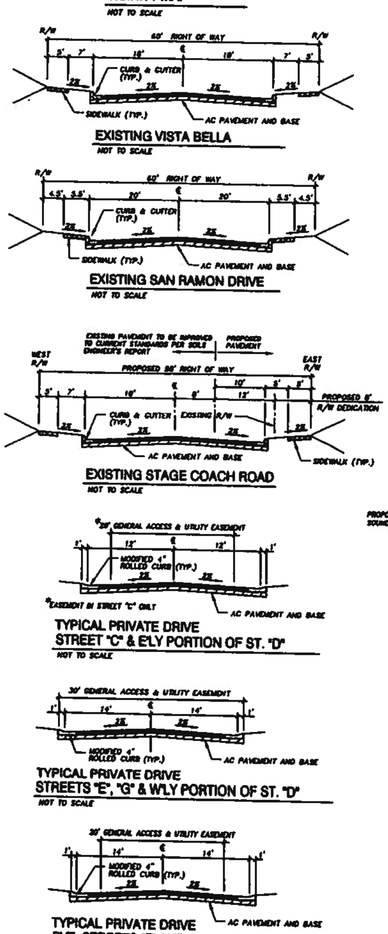
TENTATIVE MAP / SITE DEVELOPMENT PLAN
OCEANPOINTE
CITY OF OCEANSIDE, CALIFORNIA



VICINITY MAP
NOT TO SCALE



KEY MAP



EXISTING VISTA BELLA
NOT TO SCALE

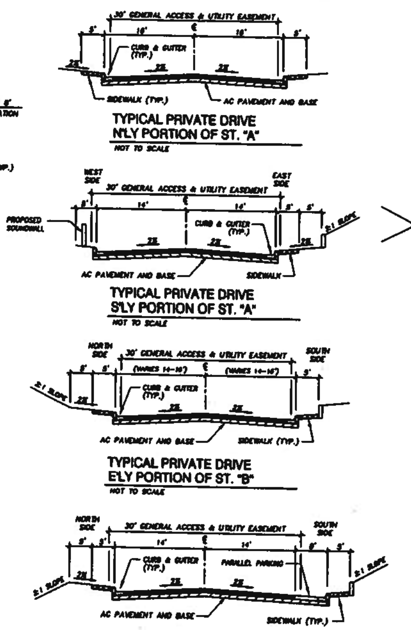
EXISTING SAN RAMON DRIVE
NOT TO SCALE

EXISTING STAGE COACH ROAD
NOT TO SCALE

TYPICAL PRIVATE DRIVE
STREET "C" & E'LY PORTION OF ST. "D"
NOT TO SCALE

TYPICAL PRIVATE DRIVE
STREETS "E", "G" & W'LY PORTION OF ST. "D"
NOT TO SCALE

TYPICAL PRIVATE DRIVE
PVT. STREETS "F" AND "H"
NOT TO SCALE

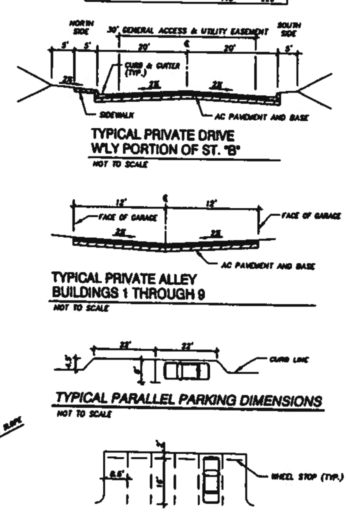


TYPICAL PRIVATE DRIVE
N'LY PORTION OF ST. "A"
NOT TO SCALE

TYPICAL PRIVATE DRIVE
S'LY PORTION OF ST. "A"
NOT TO SCALE

TYPICAL PRIVATE DRIVE
E'LY PORTION OF ST. "B"
NOT TO SCALE

TYPICAL PRIVATE DRIVE
MID PORTION OF ST. "B"
NOT TO SCALE



TYPICAL PRIVATE DRIVE
W'LY PORTION OF ST. "B"
NOT TO SCALE

TYPICAL PRIVATE ALLEY
BUILDINGS 1 THROUGH 9
NOT TO SCALE

TYPICAL PARALLEL PARKING DIMENSIONS
NOT TO SCALE

TYPICAL PARKING DIMENSIONS
NOT TO SCALE

PARKING REQUIREMENTS

VILLAGE	1	2
REQUIRED		
GARAGE SPACES	62	96
UNCOVERED RESIDENTIAL SPACES	62	96
UNCOVERED GUEST SPACES	13	20
TOTAL	137	212
PROVIDED		
GARAGE SPACES	96	176
UNCOVERED RESIDENTIAL SPACES	26	16
UNCOVERED GUEST SPACES	24	34
TOTAL	146	226

LEGEND

PROJECT BOUNDARY
LIMITS OF PROPOSED GRADING
PROPOSED EASEMENT LINE
PROPOSED SEWER MAIN WITH MANHOLE INVERT ELEVATION (8" PVC)
EXISTING SEWER MAIN WITH MANHOLE
PROPOSED WATER MAIN WITH FIRE HYDRANT (8" UNLESS OTHERWISE NOTED)
EXISTING WATER MAIN WITH FIRE HYDRANT
PROPOSED CENTERLINE STREET ELEVATION — 518.2
EXISTING SPOT ELEVATIONS — (255.5)
PROPOSED SPOT ELEVATION — 237.7
PROPOSED RETAINING WALL
PROPOSED CRIB WALL (SPECIFIC DESIGN TO BE DETERMINED BY STRUCTURAL ENGINEER)
EXISTING CONTOURS
PROPOSED CONTOURS
PROPOSED VARIABLE SLOPE (2:1 MAX)
PROPOSED BROW DITCH
EXISTING SWALE
PROPOSED % OF GRADE — 2%
PROPOSED STREET LIGHT
EXISTING STREET LIGHT
EXISTING STORM DRAIN SYSTEM
PROPOSED STORM DRAIN SYSTEM
A. INLET OR CATCH BASIN
B. HEADWALL
C. CLEANOUT
PROPOSED RIPRAP (ENERGY DISSIPATER) — RIP RAP
PROPOSED BUILDING UNIT NUMBER WITH PAD ELEVATION — 21 P281.1
EXISTING PROPERTY DATA — LOT 270
PROPOSED 6' MASONRY SOUND/ FIRE WALL
PROPOSED P.C.C. CROSSGUTTER

ABBREVIATIONS

ELEV	ELEVATION	S	SEWER
FL	FLOW LINE	SD	STORM DRAIN
FS	FINISH SURFACE	SF	GROSS SQ. FT.
GB	GRADE BREAK	TW	TOP OF WALL
IE	INVERT ELEVATION	TE	TRASH ENCLOSURE
MH	MANHOLE	VC	VERTICAL CURVE
NSF	NET SQ. FT.	W	WATER
NTS	NOT TO SCALE	PL	PROPERTY LINE
P	PAD ELEVATION	R/W	RIGHT OF WAY
PI	POINT OF INTERSECTION (V.C.)	RW	RECLAIMED WATER
RCP	REINFORCED CONCRETE PIPE		

GEOTECHNICAL REPORT

GEOTECHNICAL INVESTIGATION, OCEANPOINTE, OCEANSIDE, CA; BY GEOCON, INC., DATED JUNE 30, 2003

GEOTECHNICAL UPDATE LETTER, OCEANPOINTE, OCEANSIDE, CA; BY GEOCON, INC., DATED SEPTEMBER 24, 2004

ADDENDUM TO GEOTECHNICAL INVESTIGATION, OCEANPOINTE, OCEANSIDE, CA; BY GEOCON, INC., DATED JANUARY 17, 2005

ADDENDUM TO GEOTECHNICAL INVESTIGATION, OCEANPOINTE, OCEANSIDE, CA; BY GEOCON, INC., DATED NOVEMBER 2, 2006

DRAINAGE STUDY AND STORM WATER MANAGEMENT PLAN

TENTATIVE MAP DRAINAGE STUDY FOR OCEANPOINTE, PREPARED BY HUNSAKER & ASSOCIATES, APRIL 2, 2007

TENTATIVE MAP STORM WATER MANAGEMENT PLAN FOR OCEANPOINTE, PREPARED BY HUNSAKER & ASSOCIATES, APRIL 2, 2007

TOPOGRAPHY

TOPOGRAPHIC SURVEY PREPARED BY M&G CIVIL ENGINEERING AND LAND SURVEYING, OCTOBER 2, 2003

ADDITIONAL ORTHOPHOTOGRAPHIC TOPOGRAPHY PROVIDED BY THE CITY OF OCEANSIDE, MARCH 26, 2007: MAP 115

PUBLIC UTILITIES AND DISTRICT

SEWER	CITY OF OCEANSIDE
WATER	CITY OF OCEANSIDE
STORM DRAIN	CITY OF OCEANSIDE
ELECTRICAL AND GAS	SAN DIEGO GAS & ELECTRIC
FIRE	CITY OF OCEANSIDE
POLICE	CITY OF OCEANSIDE
SCHOOLS	OCEANSIDE UNIFIED SCHOOL DISTRICT
TELEPHONE	SBC
CABLE	COX CABLE

GENERAL NOTES

1. GROSS AREA: 35.83 ACRES
2. NET PROJECT AREA: 34.84 ACRES (GROSS AREA LESS STAGE COACH ROAD)
3. GRADED AREA: 14.74 ACRES
4. BIOLOGICAL PRESERVE AREA: 20.10 ACRES
5. OPEN SPACE ZONING DISTRICT: 17.27 ACRES
6. RM-B ZONING DISTRICT: 18.58 ACRES
7. GENERAL PLAN LAND USE
   EXISTING: MEDIUM DENSITY-B RESIDENTIAL (MDB-R) AND OPEN SPACE (OS)
   PROPOSED: NO CHANGE
8. ZONING
   EXISTING: MEDIUM DENSITY RESIDENTIAL B (RM-B) AND OPEN SPACE (OS)
   PROPOSED: NO CHANGE
9. EXISTING LAND USE: VACANT
10. TOTAL NUMBER OF LOTS: 5 (1 RESIDENTIAL LOT, 4 BIOLOGICAL PRESERVE LOTS
11. TOTAL NUMBER OF UNITS: 158 CONDOMINIUM UNITS
12. DENSITY: 8.7 DWELLING UNITS PER ACRE
13. BUILDING AREA
    GROSS FLOOR AREA: 197,654 SQ. FT.
14. OUTDOOR LIVING AREA
    TOTAL USABLE OPEN SPACE
    REQUIRED: 47,400 SQ. FT. (300 SQ. FT. x 158 UNITS)
    PROVIDED: 69,102 SQ. FT.
    COMMON USABLE OPEN SPACE
    REQUIRED: 23,700 SQ. FT. (150 SQ. FT. x 158 UNITS)
    PROVIDED: 55,874 SQ. FT.
    PRIVATE USABLE OPEN SPACE
    PROVIDED: 13,228 SQ. FT.
15. PERCENT OF PROJECT IN PAVEMENT (INCLUDING STREETS): 9.8%
16. MANUFACTURED SLOPE RATIOS SHALL BE VARIABLE (2:1 MAXIMUM).
17. RAW GRADING QUANTITIES
    CUT: 81,000 C.Y.
    FILL: 70,000 C.Y.
    REMEDIAL GRADING: 198,300 C.Y.
18. THIS PROJECT IS A MULTIPLE UNIT SUBDIVISION. MULTIPLE FINAL MAPS MAY BE FILED IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 4 OF SECTION 66456.1 OF THE SUBDIVISION MAP ACT.
19. THIS PROJECT IS LOCATED IN AN AREA DETERMINED TO BE OUTSIDE THE 500-YR FLOOD PLAIN, ZONE:X, FEMA PANEL NO. 06073C0752, JUNE 19, 1997.
20. VILLAGE 1 CONTAINS BUILDINGS 9-21 AND VILLAGE 2 CONTAINS BUILDINGS 1-8
21. STREET DESIGN CRITERIA TABLE - SEE SHEET 6

ASSESSOR'S PARCEL NUMBER

ASSESSOR'S PARCEL NO.: 160-020-50

EASEMENT NOTES

SEE SHEETS 4 AND 5

LEGAL DESCRIPTION

SEE SHEET 4

CONDOMINIUM NOTE

THIS IS A MAP OF A CONDOMINIUM PROJECT AS DEFINED IN SECTION 1350 ET. SEQ. OF THE CIVIL CODE OF THE STATE OF CALIFORNIA CONTAINING 158 CONDOMINIUM AIR SPACE UNITS AND IS FILED PURSUANT TO THE SUBDIVISION MAP ACT.

OWNER

VISTA BELLA PARTNERS, LLC
740 LOMAS SANTA FE DR.
SUITE 204
SOLANA BEACH, CA 92075
(858) 481-3310

REPRESENTATIVE

THE LIGHTFOOT PLANNING GROUP
5750 FLEET STREET
SUITE 250
CARLSBAD, CA 92008
(760) 692-1924

MICHAEL J. HALL ____ DATE

RAYMOND L. MARTIN R.C.E. 48670 1/17/08 DATE
MY REGISTRATION EXPIRES ON 6/30/08

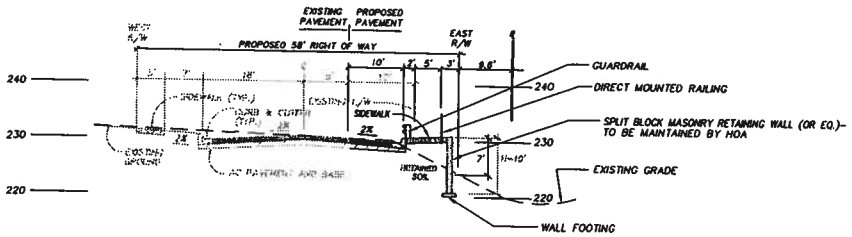
PREPARED BY:
HUNSAKER & ASSOCIATES SAN DIEGO, INC.

NO.	REVISIONS	DATE	BY
1	SUBMITTAL	10-29-04	LPG
2	RESUBMITTAL	3-7-05	LPG
3	RESUBMITTAL	8-25-05	LPG
4	RESUBMITTAL	11-18-05	LPG
5	RESUBMITTAL	1-12-07	LPG
6	RESUBMITTAL	5-14-07	LPG
7	RESUBMITTAL	9-10-07	LPG
8	RESUBMITTAL	2- -08	LPG

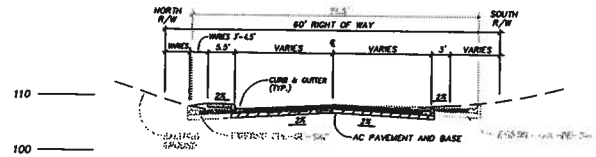
TENTATIVE MAP /
SITE DEVELOPMENT PLAN
OCEANPOINTE
CITY OF OCEANSIDE, CALIFORNIA

SHEET 1 OF 8

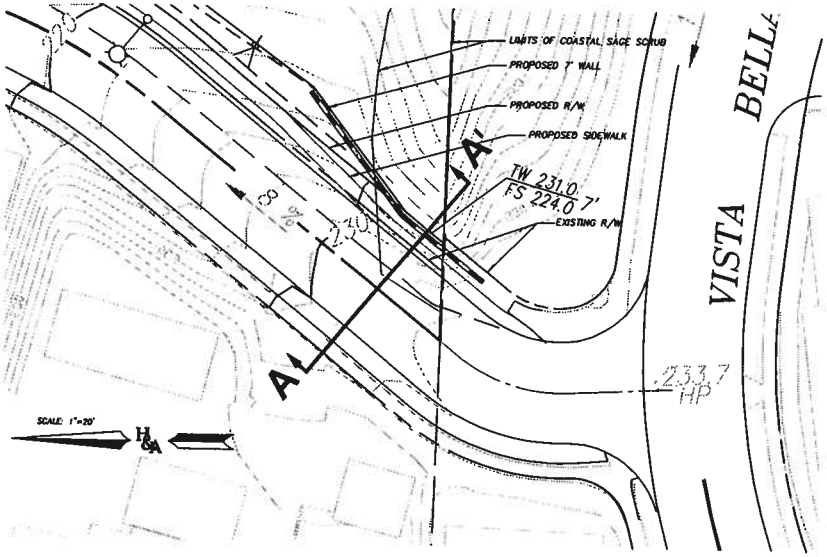
W.O. No. 2387-3



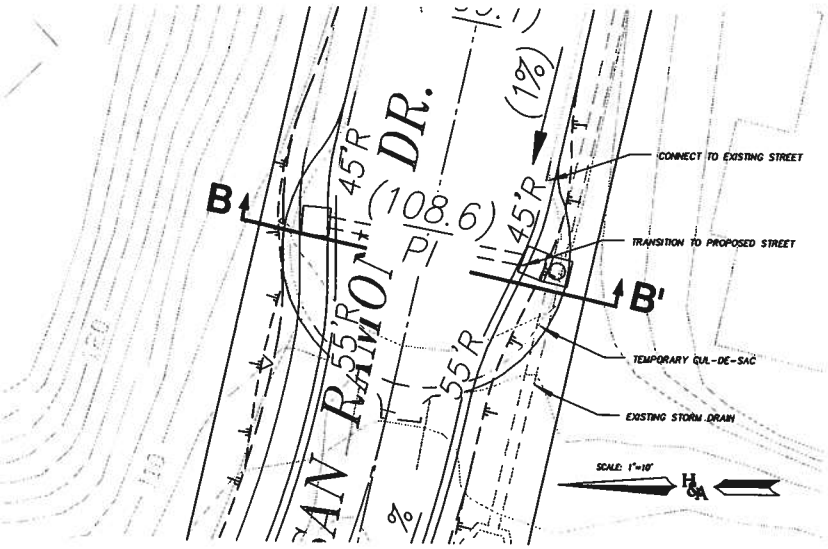
Section A-A'
WALL AT STAGE COACH ROAD
SCALE: 1"= 10'



Section B-B'
TRANSITION TO SAN RAMON DRIVE
SCALE: 1"= 10'



Section A-A'



Section B-B'

SITE CROSS SECTIONS

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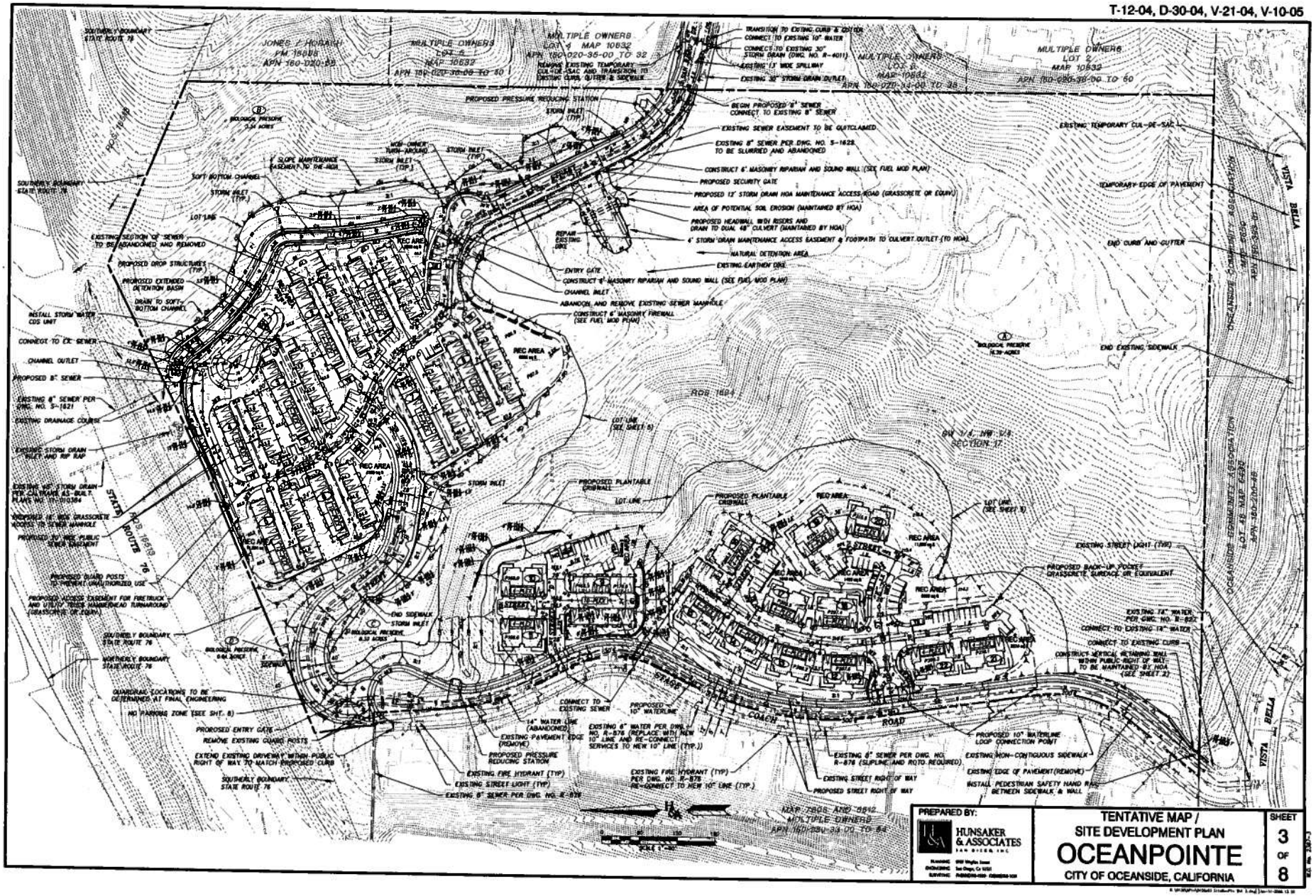
SURVEYING

TENTATIVE MAP /
SITE DEVELOPMENT PLAN
OCEANPOINTE
CITY OF OCEANSIDE, CALIFORNIA

SHEET 2 OF 8



PREPARED BY:

HUNSAKER & ASSOCIATES SAN DIEGO, INC.

TENTATIVE MAP / SITE DEVELOPMENT PLAN

OCEANPOINTE

CITY OF OCEANSIDE, CALIFORNIA

SHEET 3 OF 8

LEGAL DESCRIPTION

PARCEL 1

THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCELS:

(A) THE NORTH 16 RODS OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER.

(B) THAT PORTION OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER CONVEYED BY DEED FROM ALBERNIE A. FREEMAN, ET UX, TO A.J. FREEMAN, DATED AUGUST 16, 1910 AND RECORDED JUNE 14, 1915 IN BOOK 706, PAGE 363 OF DEEDS, AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SECTION 17, AND RUNNING THENCE SOUTH ALONG THE WEST LINE OF SAID SECTION, 680 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH ALONG SAID WEST LINE, 994.08 FEET TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE EAST ALONG THE SOUTH LINE THEREOF, 332.40 FEET TO A POINT IN THE WEST LINE OF A CERTAIN COUNTY ROAD, AS SAID ROAD WAS LOCATED ON AUGUST 8, 1910; THENCE ALONG THE WESTERLY LINE OF SAID ROAD, 801.50 FEET IN A NORTHWESTERLY DIRECTION; THENCE NORTH 36°30'00" WEST ALONG SAID ROAD, 44.30 FEET; THENCE WEST TO THE TRUE POINT OF BEGINNING.

(C) THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA BY DEED RECORDED MARCH 7, 1952 IN BOOK 4384, PAGE 3 OF OFFICIAL RECORDS.

(D) THAT PORTION LYING WITHIN THAT CERTAIN PARCEL OF LAND GRANTED TO JOHN C. MARCE, IN THAT CERTAIN DEED, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, MAY 10, 1973 AS FILE NO. 73-125588 OF OFFICIAL RECORDS.

(E) THAT PORTION LYING WITHIN THAT CERTAIN PARCEL OF LAND GRANTED TO JOHN C. MARCE, IN THAT CERTAIN DEED, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID SAN DIEGO COUNTY, SEPTEMBER 3, 1986 AS FILE NO. 86-394882 OF OFFICIAL RECORDS.

(F) THAT PORTION DESCRIBED IN PARCEL 1 OF FINAL ORDER OF CONDEMNATION FILED FEBRUARY 9, 1999 AS FILE NO. 1999-0064374 OF OFFICIAL RECORDS.

PARCEL 2

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST QUARTER CORNER OF SAID SECTION 17; THENCE SOUTH 00°19'00" WEST ALONG THE WEST LINE OF SAID SECTION 17 1334.56 FEET, MORE OR LESS, TO THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89°21'47" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 348.50 FEET TO A POINT IN THE CENTER LINE OF THE COUNTY ROAD, COMMONLY KNOWN AS THE OLD COUNTY STAGE ROAD FROM SAN DIEGO TO LOS ANGELES , SAID LAST MENTIONED POINT BEING THE TRUE POINT OF BEGINNING OF THE PARCEL OF LAND HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING, CONTINUING SOUTH 00°21'47" EAST ALONG SAID NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, 994.67 FEET TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 00°31'04" WEST ALONG THE EAST LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 1,308.53 FEET TO THE SOUTHEAST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE SOUTH 89°34'17" WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER 1076.83 FEET, MORE OR LESS, TO A POINT IN THE CENTER LINE OF SAID COUNTY ROAD; THENCE NORTH ALONG CENTER LINE; NORTH 32°13'30" EAST 241.83 FEET; THENCE NORTH 04°54'49" WEST 496.96 FEET; THENCE NORTH 39°31'00" EAST 293.53 FEET; THENCE NORTH 24°47'03" WEST 189.93 FEET; THENCE NORTH 05°17'00" WEST 192.46 FEET, MORE OR LESS, TO THE TRUE POINT OF BEGINNING.

AREA: 35.631 ACRES

TITLE REPORT EXCEPTIONS

THE FOLLOWING IS A LIST OF EXCEPTIONS FOR A PRELIMINARY REPORT ISSUED BY CHICAGO TITLE COMPANY PER ORDER NUMBER 2030-0401305-1116 DATED JUNE 26, 2003 TOGETHER WITH A SUPPLEMENTAL REPORT DATED MARCH 19, 2007.

1. REFERS TO PROPERTY TAXES.
2. REFERS TO PROPERTY TAXES.
3. REFERS TO THE LIEN OF SUPPLEMENTAL TAXES, IF ANY.
4. THE RIGHTS OF THE PUBLIC TO USE AS A RIGHT-OF-WAY ANY PORTION OF THE NORTH DESCRIBED LAND LYING WITHIN STAGE COACH ROAD.
5. (3) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: SAN DIEGO GAS & ELECTRIC COMPANY, PURPOSE: PUBLIC UTILITIES, INGRESS AND EGRESS RECORDED: NOVEMBER 18, 1950 IN BOOK 4858, PAGE 49, OFFICIAL RECORDS. AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
6. (6) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: CITY OF OCEANSIDE, PURPOSE: SIDEWALK AND SCHOOL LINE, RECORDED: SEPTEMBER 5, 1962 AS FILE NO. 62-173358, OFFICIAL RECORDS. AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
7. (7) AN EASEMENT FOR THE PURPOSE SHOWN BELOW AND RIGHTS INCIDENTAL THERETO AS SET FORTH IN A DOCUMENT GRANTED TO: CITY OF OCEANSIDE, PURPOSES: ACCESS, WATER AND SEWER, RECORDED: FEBRUARY 6, 1986 AS FILE NO. 1986-0064874, OF OFFICIAL RECORDS. AFFECTS: THE ROUTE THEREOF AFFECTS A PORTION OF SAID LAND AND IS MORE FULLY DESCRIBED IN SAID DOCUMENT.
8. THE FACT THAT THE OWNERSHIP OF SAID LAND DOES NOT INCLUDE RIGHTS OF ACCESS TO OR FROM THE STREET OR HIGHWAY ABUTTING SAID LAND, SUCH RIGHTS HAVING BEEN SEVERED FROM SAID LAND BY THE DOCUMENT RECORDED: FEBRUARY 5, 1999 AS FILE NO. 1999-0064874, OF OFFICIAL RECORDS. AFFECTS: STATE HIGHWAY ROADWAY.
9. REFERS TO RIGHTS, INTERESTS OR CLAIMS WHICH MAY EXIST OR ARISE BY REASON OF BOTH A WIRE FENCE AND A DIRT ROAD LOCATED ON A PORTION OF SAID LAND.
10. REFERS TO A DEED OF TRUST, DATED JANUARY 30, 2004, RECORDED JANUARY 22, 2004 AS FILE NO. 2004-0041438.
11. REFERS TO RIGHTS OF PARTIES IN POSSESSION OF SAID LAND.
12. MATTERS WHICH MAY BE DISCLOSED BY AN INSPECTION OR SURVEY OF SAID LAND OR BY RIGHT OF THE PARTIES IN POSSESSION THEREOF.

BASIS OF BEARINGS

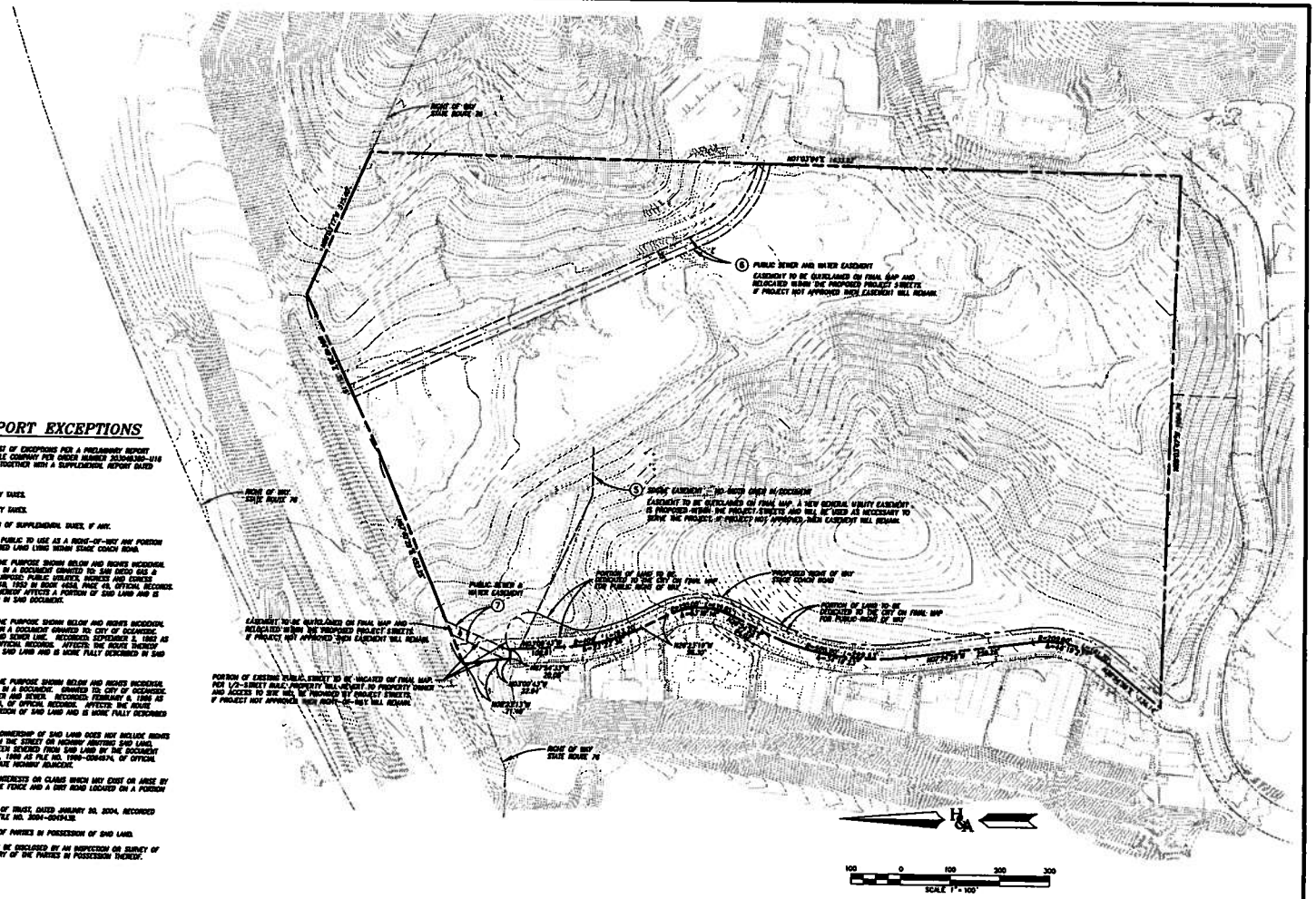
THE BASIS OF BEARINGS FOR THIS SURVEY IS A PORTION OF THE SOUTHERLY RIGHT-OF-WAY OF STATE ROUTE 76 (11-SD-76) AS SHOWN IN SHEET 7 OF RECORD OF SURVEY NO. 16313.
L.n. N 64°48'26" E

LEGEND

(3) INDICATES EASEMENT PER TITLE REPORT

ASSESSOR'S PARCEL NUMBER

160-030-60



ENCUMBERING EASEMENT AND BOUNDARY MAP WITH TOPO 200' OUTSIDE PROJECT BOUNDARY

(SEE SHEET 1 FOR TOPO SOURCE)

PREPARED BY:

HUNSAKER & ASSOCIATES SAN DIEGO, INC

PLANNING
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TENTATIVE MAP / SITE DEVELOPMENT PLAN

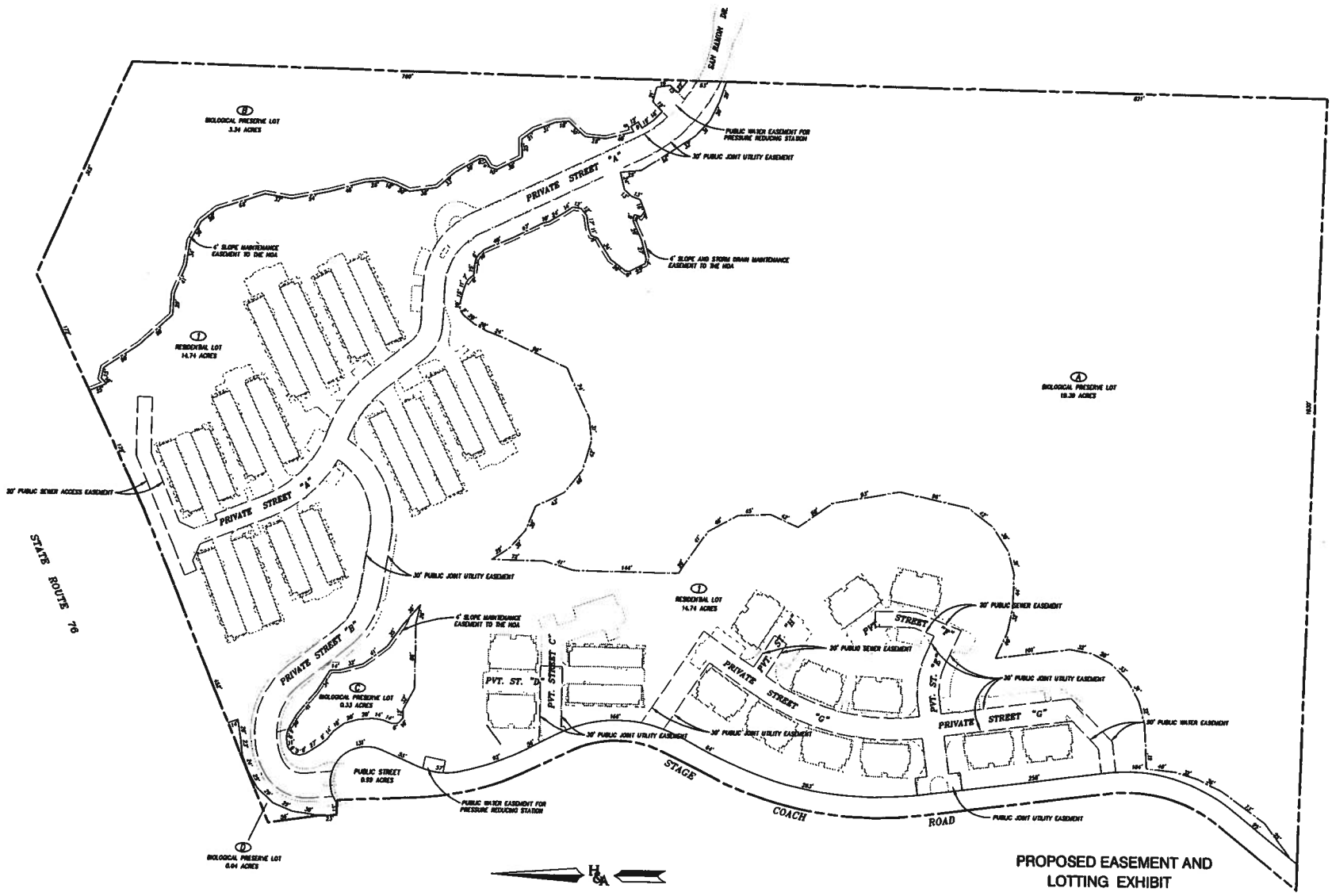
OCEANPOINTE

CITY OF OCEANSIDE, CALIFORNIA

SHEET 4 OF 8

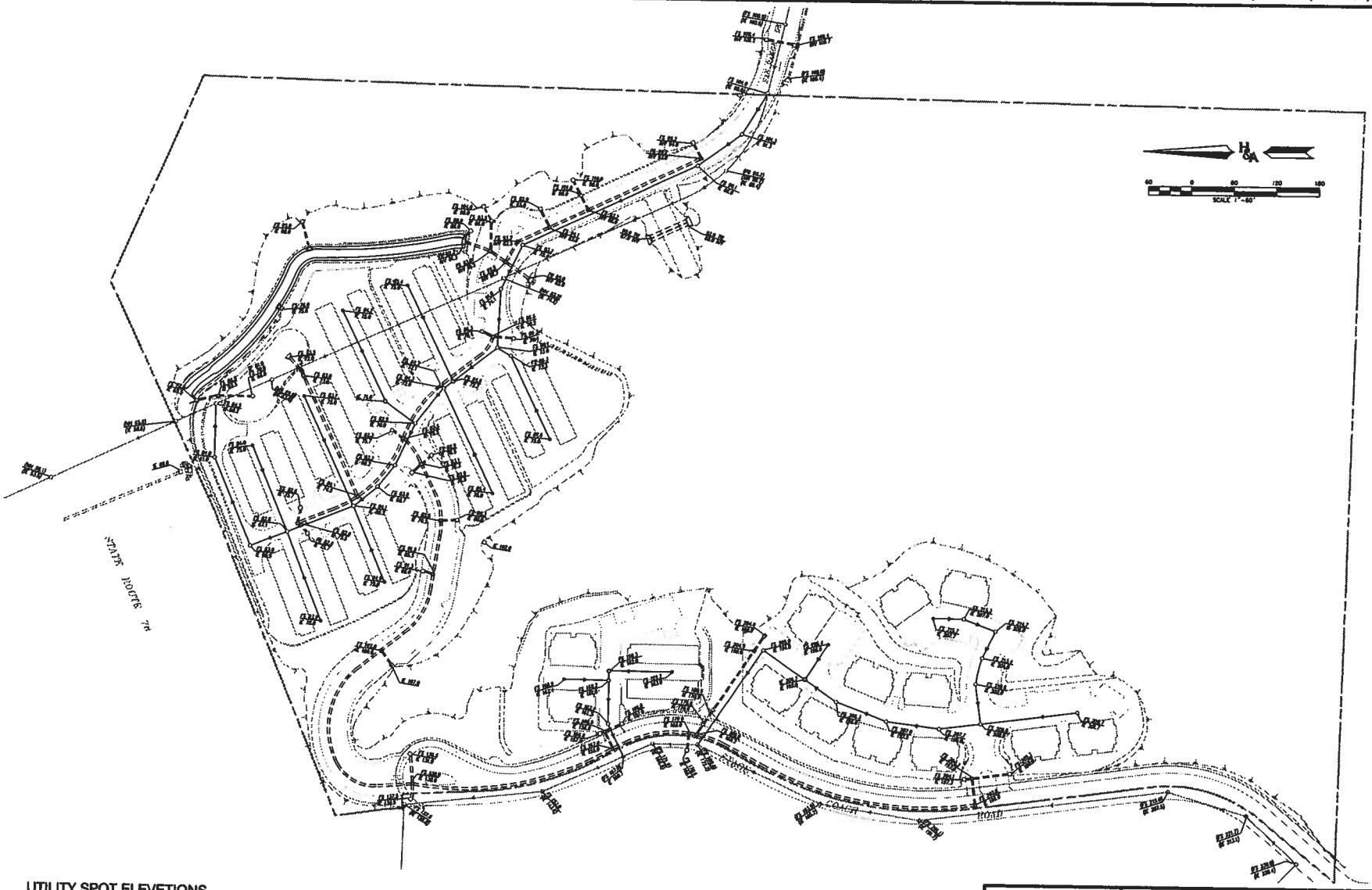
H.G. No. 2307-1

T-12-04, D-30-04, V-21-04, V-10-05



PROPOSED EASEMENT AND LOTTING EXHIBIT

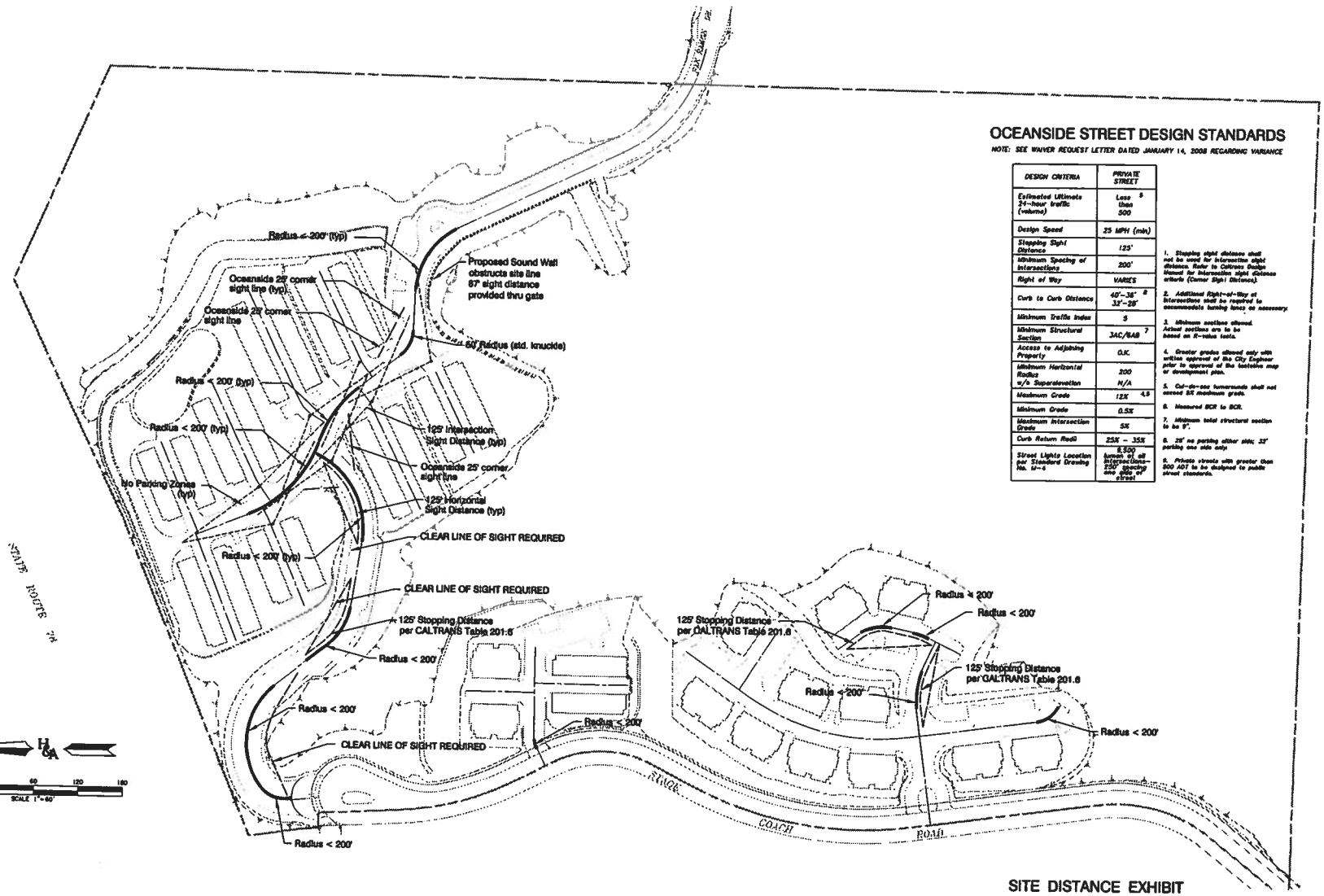
PREPARED BY:	TENTATIVE MAP / SITE DEVELOPMENT PLAN	SHEET
HUNSAKER & ASSOCIATES SAN DIEGO, INC	OCEANPOINTE	5 OF 8
	CITY OF OCEANSIDE, CALIFORNIA	



UTILITY SPOT ELEVETIONS

Note: Elevations are subject to change upon final engineering.

PREPARED BY:	TENTATIVE MAP / SITE DEVELOPMENT PLAN	SHEET
HUNSAKER & ASSOCIATES SAN DIEGO, INC	OCEANPOINTE CITY OF OCEANSIDE, CALIFORNIA	6 OF 8



OCEANSIDE STREET DESIGN STANDARDS

NOTE: SEE WAIVER REQUEST LETTER DATED JANUARY 14, 2008 REGARDING VARIANCE

DESIGN CRITERIA	PRIVATE STREET
Estimated Ultimate 24-hour traffic (volume)	Less than 500 [5]
Design Speed	25 MPH (min)
Stopping Sight Distance	125'
Minimum Spacing of Intersections	200'
Right of Way	VARIES
Curb to Curb Distance	40'–36' [6] 32'–28'
Minimum Traffic Index	5
Minimum Structural Section	3AC/8AB [7]
Access to Adjoining Property	O.K.
Minimum Horizontal Radius w/o Superelevation	200 N/A
Maximum Grade	12% [4,5]
Minimum Grade	0.5%
Maximum Intersection Grade	5%
Curb Return Radii	25% – 35%
Street Lights Location per Standard Drawing No. U-4	6,500 lumen at all intersections– 250' spacing one side of street

1. Stopping sight distance shall not be used for intersection sight distance. Refer to Caltrans Design Manual for Intersection sight distance criteria (Corner Sight Distance).
2. Additional Right-of-Way at intersections shall be required to accommodate turning lanes as necessary.
3. Minimum sections allowed. Actual sections are to be based on R-value tests.
4. Greater grades allowed only with written approval of the City Engineer prior to approval of the tentative map or development plan.
5. Cul-de-sac turnarounds shall not exceed 5% maximum grade.
6. Measured BCR to BCR.
7. Minimum total structural section to be 9".
8. 25' no parking either side; 32' parking one side only.
9. Private streets with greater than 500 ADT to be designed to public street standards.

SITE DISTANCE EXHIBIT

PREPARED BY:

HUNSAKER & ASSOCIATES SAN DIEGO, INC

PLANNING ENGINEERING SURVEYING

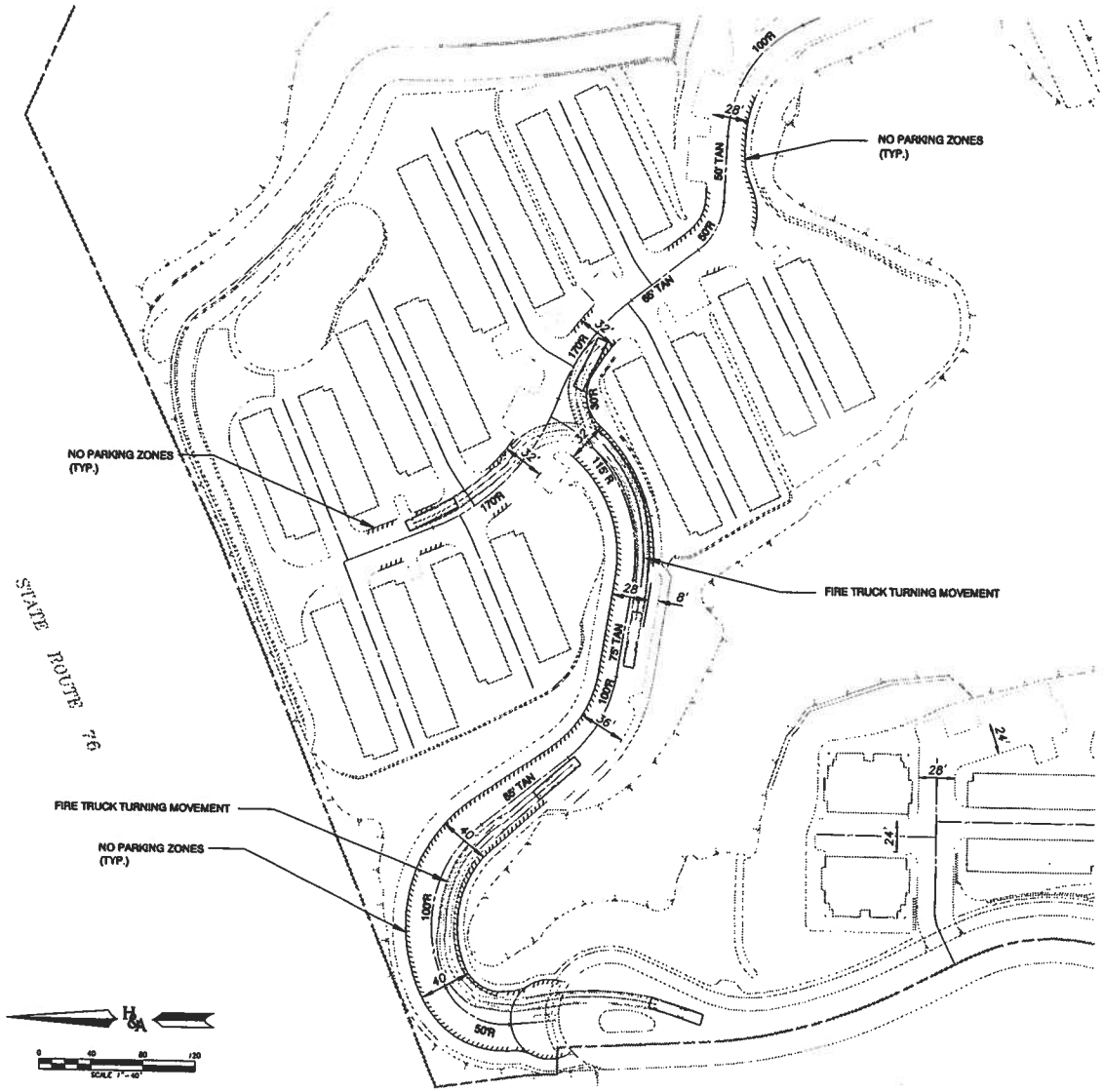
TENTATIVE MAP / SITE DEVELOPMENT PLAN

OCEANPOINTE

CITY OF OCEANSIDE, CALIFORNIA

SHEET 7 OF 8

W.O. No. 3387-3



Note:
GUARDRAIL LOCATIONS TO BE DETERMINED AT FINAL ENGINEERING

FIRE TRUCK TURNING EXHIBIT
WITH NO PARKING ZONES

PREPARED BY:
HUNSAKER & ASSOCIATES
SAN DIEGO, INC.
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SURVEYING

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SITE DEVELOPMENT PLAN
OCEANPOINTE
CITY OF OCEANSIDE, CALIFORNIA

SHEET 8 OF 8

H.G. No. 2387-2

PLANNING COMMISSION
RESOLUTION NO. 2008-P18

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE MAP AND DEVELOPMENT PLAN ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: T-12-04, D-30-04, V-20-04 and V-10-05
APPLICANT: Hallmark Communities.
LOCATION: Southeast of SR-76 and Stage Coach Road

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 a Tentative Map and Development Plan under the provisions of the Subdivision Ordinance and Article 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a 158-unit residential condominium subdivision, a variance to exceed retaining wall heights, and a variance to deviate from the 30-foot building height hillside development regulation;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day of March, 2008 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 an environmental impact report (EIR) has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

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:

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
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
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside ($.42 for Vista and Fallbrook)
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
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.
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.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is $22,495 for a 2" meter.

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

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

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

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

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

WHEREAS, the EIR together with any comments received, and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the conditions of approval for the project, were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the project.

WHEREAS, the EIR and Mitigation and Monitoring and Reporting Program (MMRP) have been determined to be accurate and adequate documents, which reflect the independent judgment and analysis of the Planning Commission. On the basis of the entire record before it, the Planning Commission finds that there is no substantial evidence that the project, with implementation of the mitigation measures proposed, will have a significant impact on the environment.

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

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

FINDINGS:

For the Tentative Subdivision Map (T-12-04):

1. The proposed map is consistent with the General Plan and applicable provisions of the Subdivision Ordinance of the City of Oceanside in terms of density – 8.7 dwelling units per acre, which is below the base density of 10 dwelling units per acre.
2. The site is physically suitable for the proposed type of development in that the proposed improvements will be mostly out of steep slope areas and areas of biological sensitivity.
3. The site is physically suitable for the proposed density of development due to the fact that the density is calculated based upon only buildable portions of the site (approximately 18 acres) and remains below the base density of 10 dwelling units per acre.
4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The proposed design incorporates retaining walls and overall design features to minimize and avoid impacts to sensitive species.
5. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision. No easements will be impaired due to project implementation.
6. The tentative map complies with all other ordinances, regulations and guidelines of the City of Oceanside. The project will contribute to the long range enhancement of the community by incorporating adequate on-site improvements, street design, drainage, and sanitary facilities, and easements. Required project off-site improvements and payment of fees are identified herein.

For the Development Plan (D-30-04):

1. The site plan and physical design of the project is consistent with the purposes of the Zoning Ordinance in that the project has been designed to meet or exceed the Zoning Ordinance standards. The Development Plan as proposed conforms to the City's General Plan because the proposed site design, residential product types, architecture, and density meet the intent, policies, and objectives set forth in the Land Use Element.
2. The Development Plan as conditioned conforms to the General Plan of the City.

3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities. Public Facilities and infrastructure necessary to serve the project are currently in place, or will be constructed as part of the project.

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

Variance (V-20-04): Building Height Hillside Development Regulation

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 of privileges enjoyed by other property in the vicinity and under identical zoning classification. A Variance is necessary for building height due to the following combination of site-specific circumstances such as the size of the property, multi-family product type, two different zoning districts on-site, type and location of biological habitat, required 100-foot fuel modification zones, and hillside topography. In addition, it is challenging to apply all of the hillside development regulations to a multi-family residential product such as a condominium complex without sacrificing the intent of such regulations.

2. That granting the variance 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. The granting of this variance will not be detrimental or injurious to property or improvements in the vicinity. The variance request is necessary due to residential land use type and site conditions, and allows for residential use of the property as established in the City's General Plan. Given the location of each village on site, deviating from the building height requirement will not negatively impact the surrounding community. The granting of the variance will allow the safe development of the site ensuring that the public health, safety, and welfare will be maximized.

3. That granting the variance is consistent with the purposes of the Zoning 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. Granting the variance would accommodate a multi-family residential development that meets the purposes of a

medium density residential zoning district while addressing the site conditions associated with the property. The variance is a direct result of special circumstances associated only with the project site and residential unit type, and will not grant the applicant a special privilege that other property owners were not afforded.

Variance (V-10-05): Wall Height

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 of privileges enjoyed by other property in the vicinity and under identical zoning classification. The topography, biological habitat, and required 100-foot fuel modification zone warrant the installation of retaining walls higher than six feet. The Oceanpointe project was designed to limit residential development beyond RM-B zoning boundaries. Furthermore, portions of the walls for which the variance is being requested have been designed and placed strategically to minimize their visual impacts from outside the project.

2. That granting the variance 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. The granting of this variance will not be detrimental or injurious to property or improvements in the vicinity. The variance request results from site conditions and allows for residential use of the property as established in the City's General Plan. Exceeding wall height is necessary in certain areas on site to maintain a 100-foot fuel modification zone between proposed structures and biological open space. Providing fuel modification zones will ensure that the public safety is accounted for by protecting surrounding residents from any potential fire hazards in the future. Granting this variance will allow the safe development of the site and ensuring that the public health, safety, and welfare will be maximized.

3. That granting the variance is consistent with the purposes of the Zoning 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. Granting the variance would accommodate a residential development that meets the purposes of a medium density residential zoning district while addressing the site conditions associated with the

property. The variance is a direct result of special circumstances associated only with the project site and will not grant the applicant a special privilege that other property owners were not afforded.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Map (T-12-04), Development Plan (D-30-04), Variances (V-20-04 and V-10-05) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
3. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations. (2001 California Building Code, Chapter 11B).
4. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
5. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
6. All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately. Where color rendition is important high-pressure sodium, metal halide or other such lights may be utilized and shall be shown on final building and electrical plans.
7. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
8. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.

Retaining walls that will be installed as a part of the design shall be designed per the Soils report for the whole project.

10. Retaining walls that will be installed as a part of this design must be designed per the Soils report for the whole project.

11. Setbacks and Type of Construction must comply with the 2007 California Building Code. Exterior openings less than five feet from the property line must be protected per table 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour rated per Table 602 of the CBC.

12. Fire sprinklers are required for all R-2 occupancies. [CBC 903.2.7]

Engineering:

13. For the demolition of any existing structures or surface improvements, grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

14. With the exception of the access points approved by the City Engineer vehicular access rights to Stage Coach Road and San Ramon Drive shall be relinquished by the property owner.

15. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated and improved as required by the City Engineer.

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

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

18. The developer shall provide public street dedication as required to serve the property.

19. Prior to approval of the final map or any increment, all improvement requirements, within such increment or outside of it if required by the City Engineer, shall be covered by a subdivision agreement and secured with sufficient improvement securities or bonds

guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

20. The tract shall be recorded as one. The tract may be developed in phases. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer prior to the recordation of the final map. Prior to the issuance of any building permits all off-site improvements including landscaping, landscaped medians, frontage improvements shall be under construction to the satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the City Engineer shall require the dedication and construction of necessary utilities, arterials and streets and other improvements outside the area of any particular final map, if such is needed for circulation, parking, access or for the welfare or safety of future occupants of the development. The boundaries of any multiple final map increment shall be subject to the approval of the City Engineer.

21. Provide the City of Oceanside with a certification from each public utility and each public entity owning easements within the proposed project stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the project.

22. Prior to the issuance of any grading, improvement or building permits for a model complex, a construction-phasing plan for the entire project shall be reviewed and approved by the City Planner, City Engineer, and Building Official. All improvements shall be under construction to the satisfaction of the City Engineer prior to the issuance of any building permits. All public and private improvements including landscaping and offsite streets or arterials that are found to be required to serve the model complex shall be completed prior to the issuance of any certificates of occupancy.

23. Where off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City of Oceanside as required. The developer/subdivider shall provide documentary proof satisfactory to the City Engineer that such easements or other interest in real property have been obtained prior to the approval of the final map or issuance of appropriate grading, building or improvement permit for the development. Additionally, the City Engineer, may at his sole discretion, require that the developer/applicant obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the applicant, as applicable.

24. Pursuant to the State Map Act, improvements shall be required at the time of development. A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these improvement conditions and a certificate setting forth the recordation shall be placed on the map.

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

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

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

b) All grading and related site preparation and construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100

feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."

c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site.

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

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

28. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation of the map or the issuance of any building permits, in accordance with City Ordinances and policies. The subdivider/developer shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project. Approval of the tentative map and development plan shall constitute the subdivider's/developer's approval of such payments, and his agreement to pay for any other similar assessments or charges in effect when any increment is submitted for final map or building permit approval, and to join, contribute, and/or participate in such districts.

29. Public streets within the subdivision and at the subdivision's frontage shall be improved with portland cement concrete curbs, gutters, and sidewalks.

30. Private streets within the subdivision shall be improved with portland cement concrete curbs and gutters or rolled curbs.

31. All private streets and infrastructures in the subdivision shall be maintained by a Home Owners' Association in perpetuity.

32. All streets shall provide a minimum of 10 feet parkway between the face of curb and the right of way line along public street frontages. Sidewalk improvements shall comply with ADA requirements. A minimum four (4) feet wide continuous strip of the parkway shall be kept unpaved. All improvements, structures, including retaining wall(s), and the landscaping of the unpaved portion of the parkway shall be maintained by the owner of the subject property or by a Home Owners' Association in perpetuity.

33. Sight distance and clear space easement requirements at intersections and vehicular access points shall conform to the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B for each direction of traffic.

34. Streetlights shall be maintained and installed on all public streets within the project and along the project's frontage per City Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the annexation to, any appropriate street lighting district.

35. This project's interior streets shall remain private and shall be maintained by an association. The pavement sections, traffic indices, alignments, and all geometrics shall meet public street standards, unless alignment or geometric deviations are otherwise approved by satisfying sight distance and fire truck turning movement requirements identified on the Tentative Map.

36. Pavement sections for all streets, alleys, driveways and parking areas within the project and along the project's frontage shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's/subdivider's soil engineer and must be approved by the City Engineer, prior to paving.

37. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets

adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet along the project's frontage on Stage Coach Boulevard and full width between the subdivision boundary and the transition to the existing curb and gutter on San Ramon Drive. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer. The field investigation shall include a minimum of one pavement boring per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be less than three (3) inches or without underlying Class II base material, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in the following condition.

38. Upon review of the pavement investigation, the City Engineer shall determine whether the developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the developer shall reconstruct the pavement per these recommendations, subject to approval by the City Engineer.

39. All street improvements shall be completed to the satisfaction of the City Engineer.

40. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.

41. All overhead utility lines within the subdivision/development and/or within any full width street or right-of-way abutting the subdivision/development, and all new extension services for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy. The developer shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.

42. Grading and drainage facilities shall be designed and installed to adequately accommodate the local stormwater runoff and shall be in accordance with the City's Engineers Manual and as directed by the City Engineer.

43. The developer/subdivider shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

44. The approval of the tentative map/development shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the subdivider/developer. The developer is responsible for obtaining permission to grade or to construct on adjacent properties. Should such permission be denied, the resulting changes to the Tentative Map/Development Plan shall be subject to a Substantial Conformity review. Changes not meeting substantial conformity requirements shall be submitted for appropriate public hearing action.

45. Prior to any grading of any part of the subdivision/development, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

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

47. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion

control plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant with cash securities and approved by the City Engineer.

48. Precise grading and private improvement plans shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures, walls, drainage devices and utility services. Parking lot striping and any on-site traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.

49. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections or project entrances, must conform to intersection sight distance requirements.

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

51. Open space areas and down-sloped areas visible from a collector-level or above roadway and not readily maintained by the property owner, shall be maintained by a homeowners' association that will insure installation and maintenance of landscaping in perpetuity. These areas shall be indicated on the final map and reserved for an association. Future buyers shall be made aware of any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of final map.

52. The drainage design on the development plan/tentative map is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City

Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

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

54. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in accordance with all state and federal requirements, prior to stormwater discharge either off-site or into the City drainage system.

55. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial street or state highway.

56. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the NPDES. regulations or requirements. Further, the applicant may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the NPDES. General Permit for Storm Water Discharges Associated with Construction Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. SWPPPs include both construction and post construction pollution prevention and pollution control measures and identify funding mechanisms for post construction control measures. The developer shall comply with all the provisions of the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of

dwelling units. The applicant shall design the Project's storm drains and other drainage facilities to include Best Management Practices to minimize non-point source pollution, satisfactory to the City Engineer.

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

58. The developer/subdivider shall prepare and submit an Operations & Maintenance (O&M) Plan to the City Engineer with the first submittal of engineering plans. The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based on the project's SWMP previously approved by the project's approving authority (Planning Commission). At a minimum the O&M Plan shall include the designated responsible parties to manage the storm water BMP(s), employee's training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan and any other necessary elements.

59. The developer/subdivider shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the developer/subdivider to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the project's approved SWMP, as detailed in the O&M Plan into perpetuity. The 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 of any building permit. Security in the form of cash (or certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of $25,000. The developer's Civil Engineer shall prepare the O&M cost estimate.

60. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The project proponent shall complete and

maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.

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

62. The BMPs described in the project's approved SWMP shall not be altered in any way, shape or form without formal approval by either an Administrative Substantial Conformance issued by the City Planner or the project's final approving authority (Planning Commission) at a public hearing. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Planner.

63. The developer/subdivider shall provide a copy of the title/cover page of the approved SWMP with the first engineering submittal package. The appropriate document shall be submitted for review and approval by the City Engineer. All Stormwater documents shall be in compliance with the latest edition of submission requirements.

64. The approval of the tentative map/development shall not mean that closure, vacation, or abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to the developer/subdivider. The developer/subdivider is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) shall be reviewed and approved or rejected by the City Engineer under separate process(es) per codes, ordinances, and policies in effect at the time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right-of-way.

65. The project shall install a new traffic signal on El Camino Real at Vista Rey. Additionally, signal interconnect conduit and cable shall be installed to the intersection of El Camino Real and Vista Oceana. This new traffic signal and interconnect shall be

installed and operationally optimized to the satisfaction of the City Engineer. Signal shall be installed prior to occupancy of the 1st unit, not including the models.

66. The project shall red-curb for a minimum of 10 feet on each side of each existing driveway along the west side of Stage Coach Road and on each side of each existing driveway located on Vista Bella between Vista Rey and Stage Coach Road to the satisfaction of the City Engineer. This improvement shall be done prior to occupancy of the 1st unit, not including the models.

67. The project shall coordinate with the City, school district and adjacent property owners to determine the feasibility of establishing parking controls, during school bus pick up and drop off times, at the existing school bus stop on Vista Rey between El Camino Real and Vista Bella. If it is determined to be warranted and agreed upon by the City, school district, and adjacent property owners, then the developer shall coordinate with the City Engineer to process any proposed parking controls through the appropriate City commission (Transportation Commission). Project approvals and permits shall not be unreasonably withheld during the processing of this condition.

68. The project shall red-curb for a minimum of 10 feet along existing intersection curb returns to enhance sight line visibility at the intersections of Vista Bella at Stage Coach Road, Vista Bella at Vista Rey, and at Vista Bella at Vista Oceana to the satisfaction of the City Engineer. This improvement shall be done prior to occupancy of the 1st unit, not including the models.

69. The project shall install speed limit "25 MPH" signs (in each direction) along Vista Bella between Vista Rey and Stage Coach Road and on Stage Coach Road between Vista Bella and the project entrance. This improvement shall be done prior to occupancy of the 1st unit, not including the models.

70. The project shall install a new traffic signal on Rancho Del Oro Drive at San Ramon Drive with signal interconnect conduit and cable to be installed to the intersection of Rancho Del Oro Drive at Via Rancho Road. The project shall be reimbursed by the City of Oceanside less the project applicant's fair share cost of 12 percent for a total of 88 percent of the cost of the new traffic signal from the City's signal fee program. If the Rancho Vista residential project begins construction first, then they shall be required to

install the new traffic signal and be reimbursed by the City of Oceanside, less their fair share. Whichever project does not install the new traffic signal shall pay the City of Oceanside their fair share. This improvement shall be done prior to occupancy of the 1st unit, not including the models.

71. The City Engineer will monitor the need of a temporary all-way stop at the intersection of Rancho Del Oro Drive at San Ramon Drive during construction of the project. If a temporary all-way stop is warranted, the developer shall install the signing and striping for the temporary all-way stop per the direction of the City Engineer.

72. All landscaping, fences, walls, etc. on the site, in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

73. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City Engineer criteria and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall be approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:

a) Street trees shall be located 30'-0" on center and shall be maintained by the owner of the property in perpetuity to meet the satisfaction of the City Engineer. Street trees shall comply with the current Street Tree Memorandum and meet the satisfaction of the City Engineer.

b) Provide details for the trash enclosure, walls, plantable walls, fencing and access gates on-site.

Trash enclosures shall be softened with landscaping. Plantable walls shall be planted and irrigated per the current City of Oceanside guidelines and requirements.

c) The Landscape Architect shall field verify location of easements, all utilities, stormdrain and sight distance locations: landscaping shall be planted in accordance with all City of Oceanside requirements. Landscaping shall be relocated, not omitted, to meet the satisfaction of the City Engineer.

d) Landscape plans shall match the conceptual plan, civil plan, comply with biological requirements and SWMP Best Management Practices. SWMP requirements shall be shown on the landscape plan, match the civil and Storm Water management plan.

e) These conditions of approval are in addition to the conceptual landscape plan and shall supersede any conflicts.

f) The entry median shall be hardscaped/landscaped to meet the satisfaction of the City Engineer.

g) Landscape plans shall comply with Environmental, Biological, and Mitigation reports. Security for Environmental and Biological Mitigation to be determined by approved landscape plans based on the environmental report will be required prior to building permits.

Fire:

74. A minimum fire flow of 2500 gallons per minute shall be provided.

75. Fire Department requirements must be placed on plans in note section.

76. Fire flow shall be determined at the time of building permit application.

77. The size of fire hydrant outlets shall be 2 ½ "X 21/2" X 4".

78. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site plan.

79. The fire hydrants shall be installed and tested prior to placing any combustible materials on the job site.

80. Provide on-site hydrants and mains capable of supplying the required fire flow.

81. Detailed plans of underground fire service mains shall be submitted to the Oceanside Fire Department for approval prior to installation.

82. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design and Processing Manual Standard Drawing No. M-13.

83. Provide Standpipes as required per C.B.C. Table 9A.

84. All weather access roads shall be installed and made serviceable prior to and maintained during time of construction.

85. A fire apparatus access road shall be provided within 150 feet of all exterior walls of the first floor of the building. The route of the fire apparatus access road shall be approved by the Fire Department. The 150 feet shall be measured by means of an unobstructed route around the exterior of the building.

86. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

87. The Fire Department access roadway shall be provided with adequate turning radius for Fire Department apparatus a 50-foot outside and 30-foot inside radius.

88. Provide a secondary fire apparatus access road that is built and maintained in accordance with C.F.C. 902.2.1. The access shall be a minimum of 28 feet in width. An "alternative method" shared easement meeting the 28' dimensions to include the rolled curb has been agreed upon.

89. Fire Department emergency access shall not exceed 15 percent grade.

90. Cul-de-sacs shall be shown on the site plan with a 40 foot radius minimum.

91. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard Guidelines for Emergency Access.

92. All security gates shall have a knox-box override and as required have strobe activation capability.

93. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building permit application.

94. In accordance with the California Fire Code Sec. 901.4.4, approved address for commercial, industrial, and residential occupancies shall be placed on the structure in

such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall be contrasting with their background.

95. Multi-building complexes require address directory boards that are visible from the main entrance.

96. Single-family dwellings require 4-inch address numbers.

97. Commercial buildings and multi-family dwellings require 6 inch address numbers.

98. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.

99. Buildings shall meet Oceanside Fire Department's current codes at the time of building permit application.

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

Planning:

101. This Tentative Subdivision Map (T-12-04), Development Plan (D-30-04) and Variances (V-21-04 and V-10-5) approvals shall lapse two years after the effective date of approval.

a) Unless a grading permit has been issued and grading has been substantially completed and or a building permit has bee issued, and construction diligently pursued; or an occupancy permit has been issued; or

b) Unless a time extension is granted by the Planning Commission.

c) The Development Plan (D-35-05) shall be effective for an additional 24 months from the date of recordation of the Final Map.

102. This Development Plan (D-30-04) approve only 158 attached residential condominiums as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without City Planner approval. Substantial deviations shall require a revision to the D-30-04 or a new Development Plan.

103. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded prior to the approval of the Final Map. The

covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

105. Failure to meet any conditions of approval for this development shall constitute a violation of the Tentative Subdivision Map and Development Plan.

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

107. The street names shall be approved by the City Planner prior to the approval of the Final Map.

108. The developer is prohibited from entering into any agreement with a cable television franchisee of the City, which gives such franchisee exclusive rights to install, operate, and or maintain its cable television system in the development.

109. This project is subject to the provisions of Chapter 14C of the City Code regarding Inclusionary Housing.

110. This project shall comply with all provisions of the City's Affirmative Fair Housing Marketing Agreement policy. Such agreement shall be submitted to and approved by the Housing and Neighborhood Services Director prior to the recordation of a Final Map or the issuance of a building permit for the project, whichever comes first.

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111. The proposed residential unit mix and size shall be as follows:

Townhomes: 4-Plex

Unit	Unit Size	Bedrooms/Baths	Garage
1	1,286 s.f.	3 BR/3 BA	1-car
2	1,695 s.f.	3BR/2.5 BA	2-car

Rowhouses: 10-Plex, 12-Plex, & 14-Plex

Unit	Unit Size	Bedrooms/Baths	Garage
1	910 s.f.	2 BR/2.5 BA	1-car
2	1,081 s.f.	2 BR/2.5 BA	2-car
3	1,314 s.f.	2 BR with optional 3rd BR/3 BA	2-car

112. The property owner, permittee or any successor-in-interest shall defend, indemnify and old harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Subdivision Map (T-12-04), Development Plan (D-30-04) and Variances (V-21-04 and V-10-05). The City will promptly notify the property owner of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

113. All lighting including lighting showcasing building architecture and security lighting shall be shown on the building plans and shall be shielded.

114. Trash enclosures shall be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards. Recycling is required by City Ordinance. The enclosures shall be built in a flat, accessible location as determined by the City Engineer. The enclosures shall meet City

standards including being constructed of concrete block, reinforced with rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel posts must be set in front of the enclosure with solid metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000-pound service vehicle. Trash enclosures and driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access private property to service the trash enclosures, a service agreement must be signed by the property owner and shall remain in effect for the life of the project. All trash enclosures shall be designed to provide user access without the use and opening of the service doors for the bins. Trash enclosures shall have design features such as materials and trim similar to that of the rest of the project. This design shall be shown on the landscape plans and shall be approved by the City Planner.

115. A property owners association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's) shall provide for the maintenance of all common open space, parking lots, gates, trash enclosures and adjacent parkways. The maintenance shall include normal care and irrigation of landscaping, repair and replacement of plant material and irrigation systems as necessary; and general cleanup of the landscaped and open area, parking lots and walkways. The C.C. & R's shall be subject to the review and approval of the City Attorney prior to the approval of the Final Map. The C.C. & R's are required to be recorded prior to or concurrently with the Final Map. Any amendments to the C.C. & R's in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City Planner. Such a clause shall be a part of the C.C. & R's. The CC&R.s shall contain at a minimum the following:

a) Provisions stating that the property is subject to this resolution, and a list of the conditions of approval.

b) Provisions for the maintenance of all common open space, (Management Plan) including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the property owners' association.

c) Provisions that restrict any private use of common open space areas. Such restrictions shall include, but shall not be limited to, removing or installing retaining walls and any other hardscape or landscape improvements.

d) Provisions prohibiting the property owners' association from relinquishing its obligation to maintain the common open space areas without prior consent of the City of Oceanside.

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

117. Anti-skateboarding site design features shall be included in the project design.

118. Construction of all site perimeter enclosures (fences, walls, gates, etc.) shall be in conformance with the approved Development Plan. Any substantial change in any aspect from the approved Development Plan shall require a revision to the Development Plan or a new Development Plan.

119. All mitigation measures included in the Oceanpointe Final EIR (February 2008) and Mitigation, Monitoring and Reporting Program are hereby incorporated into this resolution and shall be enforced as conditions of approval for the project.

Water Utilities:

120. All water and sewer mains located in Village 1 (Units 9-21) shall be part of a private utility system and labeled as such on all Grading and Improvement Plans.

121. The water main located in Village 2 (Units 1-8) from San Ramon Drive along Street "A" to Street "B" up to Stage Coach Road will be a public water main. The water main North of the Street "A" and "B" intersection will be part of the private utility system. All mains shall be labeled appropriately on all Grading and Improvement Plans.

122. The sewer main located in Village 2 (Units 1-8) from San Ramon Drive along Street "A" to the reconnect location on the Northern portion of the site shall be public. All laterals from the main shall be part of the private utility system. All mains shall be labeled appropriately on all Grading and Improvement Plans.

123. All easements shall be revised and labeled appropriately on all of the Grading and Improvement Plans.

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

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

126. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.

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

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

128. A revised water and sewer study must be prepared by the developer at the developer's expense and approved by the Water Utilities Department.

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

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

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

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

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

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

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

The following conditions of approval shall be met prior to occupancy.

135. All new development of single-family and multi-family residential units shall include hot water pipe insulation and installation of a hot water recirculation device or design to provide hot water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-OR126-1.

PASSED AND ADOPTED Resolution No. 2008-P18 on March 24, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P18.

Dated: March 24, 2008

PLANNING COMMISSION
RESOLUTION NO. 2008-P19

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE OCEANPOINTE PROJECT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	T-12-04, D-30-04, V-20-04 and V-10-05
APPLICANT:	Hallmark Communities
LOCATION:	Southeast of State Route 76 and Stage Coach Road

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

WHEREAS, an Environmental Impact Report was prepared and circulated for public and agency review and proper notification was given in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day of March 2008, conduct a duly advertised public hearing on the content of the Final Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

For the Final Environmental Impact Report:

1. The Final Environmental Impact Report was completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. There are certain significant environmental effects detailed in the Environmental Impact Report which have been avoided or substantially lessened by the establishment of measures which are detailed in Exhibit "A" Environmental Findings for the Oceanpointe Project.
3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting Programs for the project (included in the Final EIR) and were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the 158-unit attached residential condominium project. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting Program for the residential project have been

determined to be accurate and adequate documents, which reflect the independent judgment of the City.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby CERTIFY the Final Environmental Impact Report for the Oceanpointe project Tentative Map (T-12-04), Development Plan (D-30-04), and Variances (V-20-04 and V-10-05) subject to the following recommendations and conditions:

1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the Mitigation Monitoring and Reporting Program (MMRP) for the project and finds and determines that said programs are designed to ensure compliance with the mitigation measures during project implementation.
2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on this decision is governed by the provisions of the California Environmental Quality Act.

PASSED AND ADOPTED Resolution No. 2008-P19 on March 24, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Dennis Martinek, Chairman
Oceanside Planning Commission

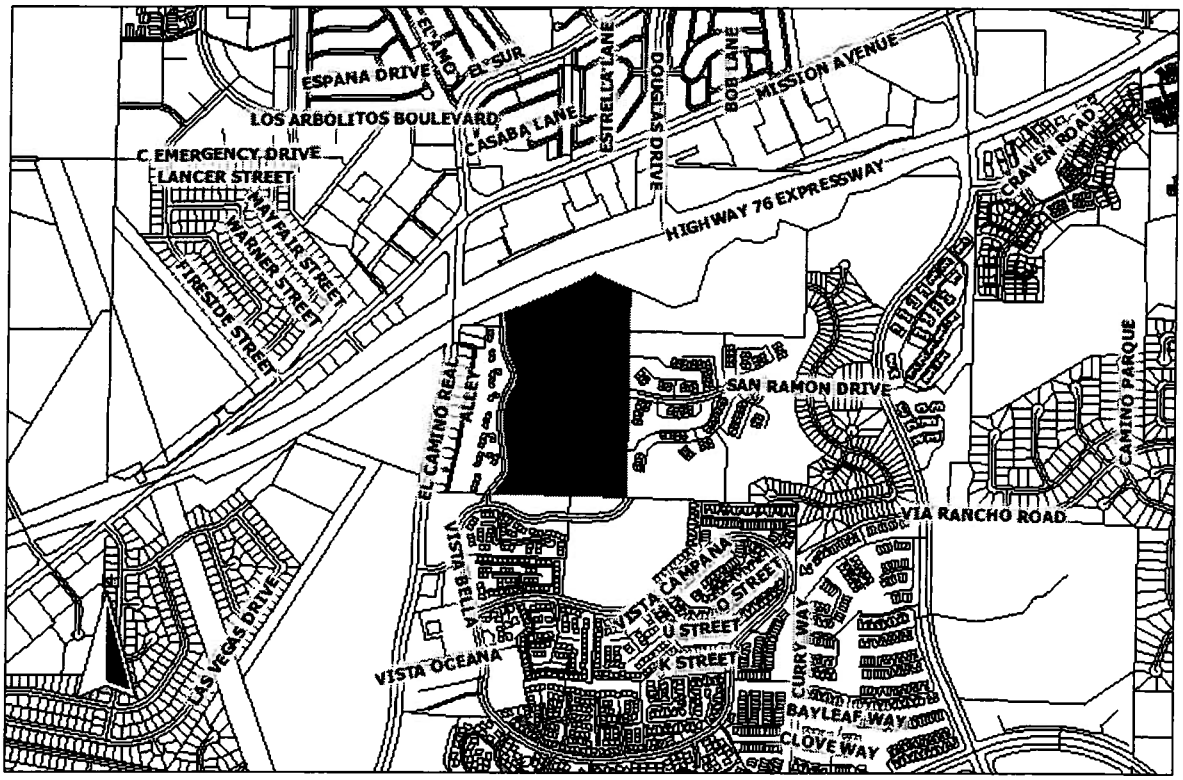
ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P19.

Dated: March 24, 2008



File Number: **T-12-04, D-30-04, V-21-04, V-10-05**

Applicant: **Hallmark Communities**

Description:

TENTATIVE MAP (T-12-04), DEVELOPMENT PLAN (D-30-04) and VARIANCES (V-21-04, V-10-05) to subdivide and build 158 attached condominiums on a 35.83-acre parcel located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive. The project site is zoned RM-B and is situated in the Oceana Neighborhood. – **OCEANPOINTE**

Environmental Determination:

An Environmental Impact Report has been prepared for the proposed project. The accuracy and adequacy of the Environmental Impact Report will be considered, and if appropriate, the document will be certified for compliance with 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) 966-4770
Oceanside Civic Center
300 North Coast Highway, Oceanside, CA 92054-2885

RECEIVED OCT 29 2004 Planning Department

STAFF USE ONLY			
ACCEPTED 10/29/04		BY LT	
HEARING			
	GPA		
	MASTER/SP.PLAN		
	ZONE CH.		
	TENT. MAP	T-12-04	
	PAR. MAP		
	DEV. PL	D-30-04	
	C.U.P.	C-42-04	
	VARIANCE V-21-04	V-20-04	
	COASTAL	V-10-05	
	O.H.P.A.C.		

Please Print Or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT **Hallmark Communities, Inc./Vista Bella Partners, LLC (contact: Dennis Glaser)**	2. STATUS **Property Owner**
3. ADDRESS **10675 Sorrento Valley Road, Suite 200-B San Diego, CA 92121**	4. PHONE / FAX **858 558 3310 858 558 3312**
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) **The Lightfoot Planning Group (contact: Sophia Kollias)**	
6. ADDRESS **5750 Fleet Street, Suite 250 Carlsbad, CA 92008**	7. PHONE / FAX **760 692 1924 760 692 1935**

PART II - PROPERTY DESCRIPTION ~~Rev 12/23/04~~ REV - 3/7/05, 5/25/05

8. LOCATION **southeast of SR-76 and Stage Coach Road, at eastern terminus of San Ramon Drive**			9. SIZE 8/4/05, 11/17/05 **35.83 gross acres/18.08 net developable acres**
10. GENERAL PLAN **Medium Density-B Residential & Open Space**	11. ZONING **Medium-Density B Residential & Open Space**	12. LAND USE **Multi-Family Residential & Open Space Preserve Area**	13. ASSESSOR'S PAR. NO. **160-020-50**

PART III - PROJECT DESCRIPTION REV - 1/30/07, 5/14/07, 9/12/07, 1/31/08

14. GENERAL PROJECT DESCRIPTION

Tentative Map & Development Plan to create a total of 198 condominium units within three "villages" on 18.08 net developable acres, Conditional Use Permit request to exceed RM-B base density by one dwelling unit per acre, and Variance request to exceed maximum height requirement for retaining walls.

15. PROPOSED GEN. PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. # UNITS	19. DENSITY
No Change	**No Change**	**No Change**	**198**	**11 du/acre**

20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPING	23. % LOT COVERAGE
348,516 total square feet (28 buildings)	**455 (340 garage spaces + 115 uncovered spaces)**	**37.6%**	**17.8%**

PART IV - ATTACHMENTS

ALL APPLICATIONS				DEV.PLANS,CUP & 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		31. CONSTRUCTION SCHEDULE
X	28. ENVIRONMENTAL ASSESSMENT	X	29. PLOT PLANS	X	32. OTHER

PART V - SIGNATURES

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

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).

33. APPLICANT OR REPRESENTATIVE (Print) Dennis Glaser Hallmark Communities, Inc./Vista Bella Partners, LLC	34. DATE 10/27/04	37. OWNER (Print) MICHAEL HALL Hallmark Communities, Inc./Vista Bella Partners, LLC	38. DATE 10/27/04
Dennis Glaser		39. OWNER	40. DATE
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			
35. APPLICANT Dennis Glaser Hallmark Communities, Inc./Vista Bella Partners, LLC	36. DATE 10/27/04		

* TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

Oceanpointe
Applicant: Hallmark Communities

Description and Justification:
Tentative Map, Development Plan, & 2 Variances
(T-12-04, D-30-04, V-21-04, V-10-05)
January 2008 (revised)

OVERVIEW

The subject property is 35.83 gross acres in size. A Tentative Map and Development Plan are proposed for 158 attached condominium units clustered into two separate villages. The remaining area of the site is open space/biological preserve area.

The proposed project is located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive (APN 160-020-50). The property has General Plan land use and zoning designations of Medium Density B Residential (MDB-R/RM-B) and Open Space (OS). The property is vacant and is located in the Oceana neighborhood. The following residential zoning districts are adjacent to the site: RM-A to the south (Oceana senior community), RM-B (River Oaks Apartments and Rancho Hermosa community) and a PD (proposed Rancho Vista senior homes) to the east, and RM-A to the west (Mission Vista Condominiums).

Two Variances are requested as part of this project application. One Variance is being requested to exceed the maximum allowable wall height for retaining walls. A second Variance is requested to deviate from the 30-foot building height hillside development regulation.

BACKGROUND

General Plan & Zone Amendments

On June 4, 2003, the City Council adopted Ordinance No. 03-OR377-1 for a General Plan Amendment (GPA-5-01) and Zone Amendment (ZA-5-01) that was initiated by the applicant/developer on the subject property.

Prior to the amendments, the residential zoning district boundaries were not sensitive to the natural terrain and biological habitat that exist on the property. Initially, the two residential zoning districts Medium Density A Residential (RM-A) and Medium Density B Residential (RM-B) were located over undevelopable, steep slopes and significant biological habitat such as coastal sage scrub and wetland/riparian habitat (see Exhibit A). This arrangement of land uses had only designated 30% of the site as open space and the majority of the site, or remaining 70%, for residential development.

The GPA and ZA were proposed to reconfigure land use and zoning designation boundary lines so that future residential development would be more suitable to the natural terrain and more sensitive to significant biological habitat on site. By modifying the residential zoning boundaries, development was concentrated on more developable portions of the site. As a result, 50% of the site was designated as open space and 50% zoned for residential use (see *Table 1*). As Exhibit A illustrates, the site was rezoned from RM-A and RM-B, to RM-B clustered in three areas. The remainder of the site continued to be designated as open space. The City Council approved an increase in residential density (from RM-A to RM-B) since adopting the GPA/ZA would decrease the amount of residential development permitted. The higher density zoning district would allow the applicant to be compensated for the reduced development potential on site (see *Table 3* on page 5) and would permit a zoning district that encourages clustered multiple-family housing. As will be apparent with the proposed site design, the project density ultimately is within the RM-A density range.

Table 1 Zoning before and after GPA and ZA

ZONING	PRIOR TO GPA/ZA		APPROVED GPA/ZA	
	acres	*%*	*acres*	*%*
RM-A	17.51	68	0	0
RM-B	8.11	32	18.12	100
Gross Area of Residential	25.62	70	18.12	50
Open Space	10.76	30	18.24	50
Gross Acres of Site	36.38*		36.36*	

* minor difference in total areas due to variation in data sources

A restricted covenant was also approved as part of the GPA/ZA to restrict the use of the property. After numerous meetings with surrounding communities, the applicant agreed to the following seven stipulations to address their concerns. At the request of these communities, some of these stipulations developed to avoid building apartments, higher density in Area 1 (adjacent to Stage Coach Road), through-traffic to and from Stage Coach and San Ramon roads, non-residents from using amenities in Oceanpointe, and avoid eliminating on-street parking on Stage Coach Road.

1. Designate Area 1 for the exclusive purpose of an unrestricted, for-sale project.
2. Area 1 shall not exceed 80 dwelling units, regardless of entitlement to a density bonus unless it is developed as age-restricted, senior citizen housing per Section 3032 of the City of Oceanside Zoning Ordinance.
3. Area 1 shall be a gated community with restricted access to its residents and guests.
4. Area 2 shall be a gated community with restricted access to its residents and guests. The two gates off of San Ramon and Stage Coach Road to access Area 2 shall be closed at all times. The gates shall be opened only with electronic devices by its residents and through intercom for guests at San Ramon Road.
5. The majority of units in Areas 2 and 3 shall not be built as low-income rental housing.
6. Area 3 shall be accessed only through San Ramon Road.
7. Stage Coach Road will be fully improved (only half side of the street is improved) and only 50% of its curb to be cut for driveways, leaving the other 50% for street parking.

Evolution of Site Design

Since the adoption of the GPA and ZA, Hallmark Communities purchased the land, with Michael Naim and Associates retaining an interest in the property. From the time of the adopted GPA and ZA, new information emerged about site conditions and City requirements that significantly changed the parameters for designing this project. The proposed Oceanpointe project is designed to comply with land use and zoning regulations, and to comply with the restrictive covenant above. The proposed Oceanpointe project evolved into what it is now due to the following:

- ***October 2003*** - At the time of the GPA and ZA, the property was measured at approximately 36.36 gross acres. To accurately define the project boundaries, this site was more precisely measured at 35.83 gross acres, derived from current ALTA (American Land Title Association) surveys that included a boundary analysis. The difference in the two areas is a little more than half of an acre and therefore, the property lines do not match up when overlaid on top of each other (see Exhibit B). This is why the RM-B and OS zoned areas no

longer measure 18.12 and 18.24 acres, respectively, as noted in *Table 1*. Each area had represented 50% of the total site area. With a 35.83-acre site according to the ALTA survey, the RM-B zoned area now measures 18.56 acres (52% of site) and the OS zoned area is 17.27acres (48% of site). This had presented a challenge in order to provide 50% of the site as open space.

- ***April 2004*** - Per the City's Fire Department, the residential portion of the property is considered to be in a *wildland urban interface* due to its proximity to the wildland/open space on site. Prior to the adoption of the GPA/ZA early in 2003, the Fire Department was flexible in requiring less than the standard 100 feet of fuel modification zones from development. Based on a conceptual site plan at that time, the re-configured residential zoning boundaries only included about 15 feet of fuel modification area. However, later that year with the occurrence of the "San Diego fires," providing a fuel modification zone less than 100 feet became generally non-negotiable. Consultation with the Fire Department during the early stages of site design indicated that a minimum of 100 feet of fuel modification must be provided from each proposed structure on site. This meant that an additional 85 feet must be provided in each residential area abutting the open space. This constrained the development footprint and ultimately, the development potential on site.

- ***January 2007*** - After the GPA/ZA was adopted, City Staff and wildlife agencies ("agencies") were also consulted during the early stages of site design in 2004. Meetings with both parties revealed that the site plan would now need to be considerably modified to preserve certain on-site biological habitats and provide an open space linkage to off-site open space areas. This modification further limited the development potential of each area zoned RM-B. The site was designed accordingly and the project's environmental impacts were then analyzed in a Draft Environmental Impact Report (DEIR). The DEIR was circulated for review and public comments in February 2006. After a 45-day review period of the DEIR, the site design was considerably redesigned to address input from the City, public, and agencies. Exhibit C illustrates the site design analyzed in the DEIR and the proposed site design that had been modified to address public input. Following are the major changes that were made to the Oceanpointe site plan:
    - Village 1 was scaled back by 16 units at the south-end of the village
    - Village 3 (24 units) was eliminated
    - A request for a Conditional Use Permit to exceed the base density at 10.8 dwelling units per acre was no longer necessary since the project was reduced by 40 units
    - 56% of the site is preserved as a biological preserve vs. 48%
    - 41% of the site is proposed as a residential project vs. 49%
    - 21% reduction in vehicular trip generation due to reduction in units
    - Manufactured slopes 30 feet high and 400 feet long are no longer proposed
    - A Variance is requested to only deviate from 1 vs. 4 hillside development regulations since the redesign does not include development on "significant natural topographical features" (20% slopes with minimum 50-foot difference in elevation) and a more than sufficient rear yard is provided (Building 1 complex is 260 feet from the rear property line) due to the removal of Village 3 from the project

- ***May 2007*** - In addition to the above list of improvements/modifications, the site design was further revised to respond to City Staff requests first received during the 7th cycle of processing the application. As a result, the following are additional modifications to the site plan:
    - A Variance is requested to deviate from the maximum permitted wall height for only 3 retaining walls. This Variance request had initially included 5 retaining walls that exceeded the permitted wall height. The 2 retaining walls that no longer require a

Variance were both reduced in height from 16 feet and 11 feet to 6 feet each. In addition, the length of one of these retaining walls was shortened by 60 feet.

- Building pad elevations were lowered as much as 2.5 feet for 7 buildings in Village 1. This change occurred as a result of lowering the elevation as much as 3.5 feet on Street G, in order to reduce the height for the retaining wall proposed south of Building 9.
- 16 additional guest parking spaces have been provided in Village 2. Previously, only 3 additional guest spaces were proposed over the minimum required in this village. This improvement now yields a total of 19 guest parking spaces being proposed in Village 2. In both villages, almost double the amount of guest parking is being provided. To accommodate extra guest parking, previously proposed spaces have been relocated, trash enclosures have been redesigned and relocated, and an up to 5.5-foot retaining wall is proposed along a portion of Street B to accommodate 12 parallel guest parking spaces. As a result, 24 guest spaces are proposed in Village 1 when only 13 are required and 39 guest spaces are proposed in Village 2 when only 20 are required.
- Grading quantities have been reduced by 2,000 cubic yards of cut and 23,000 cubic yards of fill.

- ***January 2008*** - Finally, in response to additional City Staff comments received during the 8th cycle of processing the application, the site plan was modified once again. Specifically, the following changes were made only in Village 2:
  - Portions of Streets A and B were widened from 28' up to 40' to address minimum roadway design standards. Also, street radii were increased, a knuckle was added, and a cul-de-sac was modified to improve sight line visibility.
  - A Variance is requested to deviate from the maximum permitted wall height for 4 retaining walls instead of 3. It was necessary to increase the height of the retaining wall west of Building 5 in Village 2 due to the widening of Street B from 28' to 40' west of Buildings 5 and 6.
  - 14 additional guest parking spaces are now provided in Village 2. Previously, 19 additional guest spaces were proposed over the minimum requirement in this village. Due to the widening of Streets A and B, it was necessary to eliminate 5 previously proposed guest spaces. The total number of guest spaces being provided in Village 2 is 34 and still exceeds the minimum requirement of 20 guest spaces.
  - Although minimal, the total area being graded on site increased from 14.67 to14.74 acres and subsequently, the total area of the biological preserve decreased from 20.17 to 20.10 acres. This change represents 0.07 of an acre. The shift in areas is due to the widening of Street B from 33' to 40' at the northwestern portion or bend of this proposed street in Village 2.

The final site design is illustrated in Exhibit D. RM-B zoning boundary lines and the grading limit line are overlaid on the site plan in this exhibit. This exhibit shows how the proposed site design complies with land use and zoning boundaries. All structures are proposed to be located within the RM-B zoned area of this property. The only areas associated with the residential development and located within the OS zoning district are grading for access into Village 2, two pressure-reducing stations, and drainage facilities. Exhibit D illustrates that 37% (6.80 acres or orange pattern in exhibit) of the 18.56-acre RM-B zoned area is not being graded/developed, and that this more than offsets the minimal grading (1.24 acres or green pattern in exhibit) occurring in the OS zoning district.

The biological preserve area will include the RM-B zoned area of "Area 3" (including its access to San Ramon Drive); and all Open Space zoned area without any grading, 100-foot fuel modification

area in Villages 1 and 2, and widening of Stage Coach Road (0.99 acre). The RM-B zoned area of "Area 3" will be preserved in perpetuity as biological open space; it will not be developed.

TENTATIVE MAP

A Tentative Map has been prepared to create separate airspace ownership for each unit. There will be two residential villages that include a total of 158 condominiums. The two villages are sited in a manner to minimize grading, to preserve existing topography and natural habitat to the maximum extent possible, and to be sensitive to residential communities surrounding the project site.

Village 1 is proposed with 62 units (Buildings 9-21) located adjacent to Stage Coach Road. The small portion of Village 1 with 18 units will be used as a model home complex when development begins for this project. Village 2 is proposed with 96 units (Buildings 1-8) located just south of SR-76. The total areas of each village include a 100-foot fuel modification zone from buildings adjacent to open space. Only the Building 8 complex in Village 2 has a fuel modification zone less than 100 feet due to adjacent riparian habitat.

The project density is 8.7 dwelling units per acre, which is well below the RM-B base density of 10 dwelling units per acre. The density calculation is based on 18.26 acres of developable land (see *Table 2*). Exhibit E shows the undevelopable area of the riparian habitat located in the RM-B zoning districts that must not be factored into the density calculation per Section 1.25 of the Land Use Element of the General Plan. Slopes that are greater than 40% with a minimum difference in elevation of 25 feet are also undevelopable. All undevelopable slopes are only located in the Open Space zoned area; none are located within the RM-B zoning district.

Table 2

DENSITY CALCULATION	
	acres
RM-B zoned area	*18.56*
Riparian located in RM-B	*0.30*
Gross Developable Acres	*18.26*

For comparison purposes, *Table 3* demonstrates the proposed number of units in the Oceanpointe project versus the density that was approved as part of the GPA and ZA as well as prior to the approval of these amendments. It is evident that this project will include less development within the developable portion of the property:

Table 3 ***Comparison of Development Potential***

Villages	Oceanpointe Project (modified site design in response to DEIR public input)	Oceanpointe Project (site design analyzed in DEIR)	Approved GPA/ZA	Pre-GPA/ZA
1	**62**	78	79-90*	----
2	**96**	96	79-118	----
3	**0**	24	24-36	----
Total:	**158**	198	182-244	223-342

* or maximum 80 units; see stipulation #2 of restrictive covenant, page 2

Access

Site access will be provided from Stage Coach Road and San Ramon Drive. Enhanced paving will mark all four of the project entrances. Both villages will be gated, as required by the restrictive covenant. The small portion of Village 1 to the north will not be gated. Stage Coach Road will be widened and improved with an additional 8 feet of right-of-way. There will be ultimately ten feet of roadway and ten feet of parkway along the project frontage. The parkway will be designed with a non-contiguous sidewalk and curb that will match the existing parkway on the other side of Stage Coach. All streets within the project will be private. Village 1 is designed with mostly 28-foot wide streets throughout, as well as 24-foot wide streets. Roadway access within and into Village 2 (Streets A and B) will be an up to 40-foot wide private drive with a parkway on one or both sides of the street. Private alleys or "motor courts" will be 24 feet wide to access the rowhouses (10,12, 14-plex buildings). A 16-foot wide grasscrete access road for fire and utility trucks is proposed adjacent to Building 4 in Village 2.

An engineering waiver is being requested to deviate from a private street design standard. The centerline radii for proposed private streets in the project are less than the 200 feet required per the City's Engineers Design and Processing Manual. As mitigating and traffic calming measures, streets will be widened, and speed humps and "no parking" zones will be proposed in designated areas.

Walls & Fencing

Exhibit F was created to illustrate all proposed retaining walls and fencing in one exhibit. Both villages will be gated with vehicular and pedestrian access gates located at three of the four project entrances. Perimeter fencing around Villages 1 and 2 will include 5-foot or 6-foot high ornamental iron fencing. There will be a 6-foot high "predation" fence between the biological preserve and Villages 1 and 2. This predation fence will be constructed of ornamental iron, but with vertical bars tightly spaced to avoid pets from entering the biological preserve area. Where a predation fence is not required, either a 6-foot high ornamental iron fence will be proposed along the perimeter of the villages or a 5-foot high ornamental iron fence if located in the front yard along Stage Coach Road.

There will be a 6-foot high masonry fire barrier wall that will be located south of the Building 8 complex in Village 2. The Fire Department permitted this wall type here to allow less than a 100 feet of fuel modification from this building since there is riparian wetland habitat adjacent to this area. A 6-foot high masonry wall is also located adjacent to the fire barrier wall and along Street A. The wildlife agencies required this wall type to avoid having lights and noise from cars traveling on Street A potentially disturbing wildlife in the riparian habitat. The agencies also required breaks in this wall to allow wildlife to cross Street A and access the biological preserve at the northeast corner of the property.

The pool areas and detention basin will be enclosed with 5-foot high ornamental iron fencing, and the private patios for the townhomes (4-plex buildings) will be enclosed with a 3.5-foot high block wall with stucco finish.

Retaining walls are located where necessary in the project. A Variance is being requested for retaining walls that exceed the 6-foot permitted height requirement. Retaining walls higher than 4 feet will be planted and irrigated, with the exception of the 7-foot high retaining wall proposed along Stage Coach Road, near Vista Bella. Due to engineering issues such as soil conditions and potential movement and cracking of sidewalk/curb/gutter, a solid block wall without plantings is required here. The Variance request includes a discussion regarding this exception.

Utilities
The Oceanpointe project will connect to existing public water and sewer utilities located in Stage Coach Road, Vista Bella, and San Ramon Drive. However, some improvements will be necessary to serve the proposed project. The 6-inch water line in Stage Coach will need to be upsized to a 10-inch water line. There is an existing 8-inch sewer line that runs from San Ramon and north towards SR 76. This line will be abandoned and instead, 8-inch sewer lines will be proposed throughout Village 2 to tie into the existing line in San Ramon. Finally, two pressure reducing stations will be constructed at the north-end of Stage Coach and another off Street A, near San Ramon Drive. Both facilities are necessary due to the 20 to 50-foot difference in elevation between Village 2 and water lines located at Stage Coach and San Ramon.

Runoff from over 100 acres of surrounding developments discharge onto the Oceanpointe property to the lowest point or northern end of the site where a 48-inch pipe conveys flows beneath SR-76. Off-site runoff will continue to be conveyed from San Ramon to an existing natural detention area located to the west of Street A. Here, off-site runoff will receive mitigation prior to being discharged and treated in a soft bottom channel proposed along the east-end of Village 2. An internal storm drain system will be constructed to treat project runoff. In Village 1, all development flows will be conveyed to the storm drain system in Stage Coach, through Village 2, through the motor court of Building 3, and into the extended detention basin here. In Village 2, all runoff will be directed through the internal storm drain system and eventually into the extended detention basin. Off-site runoff and development runoff will converge within the soft bottom channel before being discharged into the 48-inch storm drain adjacent to SR 76.

DEVELOPMENT PLAN

Architecture
Oceanpointe is designed with Multiple Unit Structure (MUS) condominium units as specified in the Oceanside Zoning Ordinance. MUS is permitted in the RM-B residential zoning district. There are two residential product types being proposed: Townhomes or 4-plex (four units per building); and attached "Rowhouses" arranged as 10-plex buildings (ten units in a two-building complex), 12-plex (twelve units in a two-building complex), and 14-plex (fourteen units in a two-building complex). Both product types are three stories high: the 4-plex is 35 feet high and the rowhouses are a maximum building height of 36 feet.

The 4-plex is located only in Village 1 and includes two floor plans, Units 1 and 2. The first and second stories are designed with 9' ceilings and the third story, 8' high ceilings. Living space is located on the second and third floors of Unit 1 and on all three floors of Unit 2 (see *Table 5*). For Unit 1, future homeowners have the option to combine the bedrooms into one master suite on the third floor. In this option, there would be a tech center with built-in desk instead of the third bathroom.

Table 4 ***Townhomes: 4-Plex***

Unit	Unit Size	Bedrooms/Baths	Garage
1	1,286 s.f.	3 BR/3 BA	1-car
2	1,695 s.f.	3BR/2.5 BA	2-car

Table 5 ***Townhomes: 4-Plex***

Floor	Unit 1	Unit 2
1	Garage	Living room with fireplace, dining room, kitchen with walk-in pantry, powder room
2	Living room with fireplace, dining room, kitchen with balcony, 2nd bedroom with walk-in closet, 2nd bathroom, linen area	2nd bedroom & 3rd bedroom; large 2nd bathroom; linen closet; utility room for washer, dryer, & wash basin
3	Master bedroom with bathroom & walk-in closet, 3rd bedroom, 3rd bathroom	Master bedroom with bathroom & walk-in closet, loft/study with built-in desk/tech center, linen area

The 10-plex, 12-plex, and 14-plex include three floor plans, Units 1, 2, and 3. Units 1 and 2 are interior units and Unit 3 is an end unit in the building complexes. These attached rowhouses are located primarily in Village 2, with one 10-plex located in Village 1. The first and second stories are designed with 9' high ceilings, and the third story with an 8' ceiling. An exception is Unit 3, which has 11' high ceilings in the living and dining rooms located on the second floor. Living area is located only on the second and third floors of all three plan types (see *Table 7*). These buildings are designed so that only the end units of the second floors are connected across the two-building complex. This design creates a bridge over the motor court and is apparent in the side elevations of the buildings. All three floor plans include a porch at the entry and a laundry area in the garage. Following is a summary of each unit:

Table 6 ***Rowhouses: 10-Plex, 12-Plex, & 14-Plex***

Unit	Unit Size	Bedrooms/Baths	Garage
1	910 s.f.	2 BR/2.5 BA	1-car
2	1,081 s.f.	2 BR/2.5 BA	2-car
3	1,314 s.f.	2 BR with optional 3rd BR/3 BA	2-car

Table 7 ***Rowhouses: 10-Plex, 12-Plex, & 14-Plex***

Floor	Unit 1	Unit 2	Unit 3
1	Garage	Garage	Garage
2	Living room with fireplace & balcony, dining room with balcony, kitchen, powder room	Living room with fireplace & balcony, dining room, kitchen with walk-in pantry, powder room, tech desk	Living room with fireplace; dining room; kitchen with balcony; optional 3rd bedroom with 3rd bathroom, walk-in closet, & balcony or media room with 3rd bathroom & balcony
3	Master bedroom with bathroom & walk-in closet, 2nd bedroom, 2nd bathroom, linen area	Master bedroom with bathroom, walk-in closet, & balcony; 2nd bedroom with 2nd bathroom; linen area	Master bedroom with bathroom & walk-in closet, 2nd bedroom with 2nd bathroom, linen area

Oceanpointe is designed with well-articulated Spanish Eclectic architecture that is unique to this project. Hallmark Communities has not used this design for any other residential development they have ever proposed or built. There are detailed architectural features on each elevation of the townhomes and rowhouses. The architecture is designed with varied rooflines, pop-outs, and windows. Projections such as gables in the roof planes break-up the roof area. The elevations are

detailed with numerous pop-outs such as balconies, railings, and columns; as well as recessed entryways, openings, and porches to reduce the bulk and mass of the buildings. In addition, the architect has used differing color schemes and textures on the elevations to further reduce the scale of the buildings. Building materials include decorative clay tile, concrete roof tiles, stucco, wood, stone veneer, and wrought iron - all to create an intriguing streetscape within each village. The discussion on page 10 under *Hillside Development Regulations* includes additional information about the architecture.

Building Orientation

All buildings are oriented within each village to be sensitive to the natural topography on site and surrounding communities to the maximum extent possible. In Village 1, the buildings are oriented to create view corridors from adjacent residential development. The condominium complexes in Village 1 are either facing the biological preserve or towards Stage Coach Road. This village was designed to ensure that garages are mostly seen within Oceanpointe and not from outside the development. Locating building facades versus garage faces along Stage Coach also creates a more appealing and personable streetscape. Exhibits G and H illustrate that all buildings within Village 1 will comply with Section 1050(N) of the Zoning Ordinance. This provision requires a minimum distance or "court" between certain living areas of residences.

Village 2 will be located on the lowest point of the site. This village sits either approximately 55 feet below Stage Coach Road, 150 feet below Vista Bella, or 25 feet below San Ramon Drive. This village lies low enough on site that creating view corridors was not necessary as in Village 1. However, like the townhomes in Village 1, these rowhouses were also designed so that the garages are not visible to the surrounding communities. The 10, 12, and 14-plex buildings comply with court requirements of Section 1050(N).

Parking

In compliance with off-street parking requirements, two parking spaces will be provided for each unit. Depending on the plan type, there are attached one-car and two-car garages proposed. For Unit 1 floor plans in the townhomes or attached rowhouses, one parking space will be located in an attached garage and the second space will be uncovered and designated/reserved only for that unit. Guest spaces are provided in each village. The total amount of parking provided for this project exceeds the amount required per the City's parking regulation, including almost double the amount of guest spaces required. Exhibit I illustrates that each reserved uncovered resident space and guest space will be no more than 150 feet from a unit. Guest spaces will also be provided in proximity to major recreational amenities within each village. *Table 8* provides a breakdown of required and proposed parking on site:

Table 8	**Village**	
	1	**2**
# Units:	62	96
Required		
Garage Spaces	62	96
Uncovered Residential Spaces	62	96
Uncovered Guest Spaces	13	20
Total	**137**	**212**
Provided		
Garage Spaces	96	176
Uncovered Residential Spaces	28	16
Uncovered Guest Spaces	24	34
Total	**148**	**226**

Landscaping & Usable Open Space

To accommodate development on site, existing trees will be removed such as Eucalyptus, Brazilian Peppers, and Willow Acacia. Exhibit J shows the location and type of existing trees and shrubbery; and the location, type, and quantity of trees to be removed and replaced with project development and landscaping.

Landscaping is proposed throughout both villages. Each gated entrance will be enhanced with an entry monument sign and landscaping such as trees and shrubs. All major streets (i.e., Stage Coach Road, Street A, and Street B) associated with the project will be lined with trees such as the Southern Live Oak, California Laurel, or Southern Magnolia.

Per Section 1050 of the Zoning Ordinance, the 158-unit Oceanpointe project is required to provide a minimum of 47,400 square feet of usable open space. The project exceeds this requirement with a total of 69,102 square feet of usable open space: 55,874 square feet of common usable open space and 13,228 square feet of private usable open space.

At least half of the required 300 square feet of usable open space per unit (150 square feet) must be provided in common usable open space. A minimum of 23,700 square feet of common usable open space is required for this project size. The proposed project is providing 55,874 square feet of common usable open space – over double the amount required per the Zoning Ordinance. Common open space is located throughout both villages as passive or active recreation areas. Recreation areas are evenly dispersed and easily accessible to all units in both villages. These recreation areas include amenities such as swimming pools and spa areas, sunning decks, cabana pool houses with restrooms, shaded seating areas, playgrounds with tot lots, grass lawns, lookout/viewing areas, sand horseshoe pit, and passive parks with picnic tables and benches. Pedestrian pathways are incorporated into the conceptual landscape design to link recreation areas with the units as much as possible. See Exhibit K for location and amount of common usable open space being provided for this project. Trash enclosures are also located throughout the project and will be in proximity to every unit.

There is a total of 13,228 square feet of private usable open space provided on patios and balconies in some units. For example, Unit 2 in each 4-plex of Village 1 is designed with an outdoor patio. These townhomes also have private balconies on the second floors. The rowhouses are designed with private porches and private balconies on both the second and third floors of some of the units.

Hillside Development Regulations

In addition to RM-B base district development regulations, hillside development provisions per Section 3039 of the Zoning Ordinance also apply to residential development where portions of property have a natural gradient greater than 20% with a minimum difference in elevation of 25 feet. Based on a slope analysis in Exhibit L, there are portions of the project that will be developed on such "qualifying slopes" greater than 20%. This exhibit illustrates that only portions of the following several buildings are designed within these slopes:

- Village 1 – Buildings 9,16, 20
- Village 2 – Buildings 1, 5, 6

Note that in Exhibit M, only a slight portion/corner of one side of the complex for Buildings 1 and 9 will be actually located within this 20% slope area. These two buildings are only mentioned here since Section 3039 technically applies or includes these buildings. The proposed location of the corners of Buildings 1 and 9 on such "qualifying slopes" will have a negligible project "impact" to surrounding uses and will not be analyzed in the Variance discussion on page12.

All buildings proposed in this project comply with RM-B regulations. However, complying with the 30-foot building height hillside regulation will limit the project architecture to flat roofs and square, box-like units. Applying this design to buildings located on the hillside qualifying slopes would produce architecture contrary to the intent of the hillside development regulations, inconsistent with the Spanish Eclectic architectural theme proposed throughout for the project (i.e., pitched roofs), and an overall unappealing and bulky building design for this landscape. One of the specific purposes of the hillside provisions per Section 3039A is "Provide a mechanism for flexible design of residential development projects in hillside areas so that development may be concentrated in those areas with the greatest environmental carrying capacity...". Considering the various constraints on site and the fact that the majority of the development is not proposed on qualifying 20% slope areas, this project is designed to meet the intent of the building height hillside provision. High quality, creative, and environmentally sensitive architecture and site design is being proposed for this hillside area.

Table 9

Hillside Development Regulations	**In Compliance?**	
	Yes	**No**
Lands not to be developed	X	
Lands considered to possess significant topographical features	X	
Minimum lot area	X	
Minimum site area	X	
Minimum front yard	X	
Minimum side yard	X	
Minimum rear yard	X	
Maximum building height		X
Grading limitations (J) & (Q)	X	
Special streets	X	
Building design	X	
Visible bulk (L) & (M)	X	
Driveways and off-street parking	X	

*(J), (Q), (L), & (M) refer to additional hillside development regulations as listed in Section 3039 of Zoning Ordinance.

In *Table 9*, the proposed architecture has been designed to comply with all but one of the hillside regulations without sacrificing the intent of such regulations. A Variance is being requested to deviate from the building height hillside requirement. The Variance request is discussed on page 12. The *visible bulk* requirement is addressed below to confirm that the project as designed complies with this requirement as well.

Visible Bulk – According to Section 3039 E of the Zoning Ordinance, visible bulk additional regulations (M)1 and (M)2 apply to the following buildings:

- Village 1: Buildings 9, 16, 20
- Village 2: Buildings 5, 6

The intent of both regulations is to reduce the apparent "visible" bulk of a building located on slopes greater than or equal to 20% with a minimum elevation differential of 25 feet. "Visible" is defined in the Zoning Ordinance as capable of being seen by a person standing within 300 feet of a proposed structure on a public street. Any portion of the building that will be shielded from view by landscaping in a five-year period is not considered "visible."
The buildings noted above apply because they are located on qualifying 20% slopes *and* potentially

"visible" since they will be located within 300 feet from Stage Coach Road. Based on the definition of "visible" and the landscaping proposed adjacent and near these buildings (see Exhibit M), there will not be any "visible" buildings as explained in the following paragraphs. Even though portions of buildings will not be "visible," the architecture has still been designed to reflect the intent of this hillside building design regulation.

Regulation (M)1 requires "visible" portions of building elevations to be broken-up with off-sets. The five buildings noted previously are within 300 feet of a public street, Stage Coach Road, and located on qualifying 20% slopes. The only building elevations that do not comply with this design requirement are the first and third floors of the 10/12/14-plex rowhouses and the first floor of the 4-plex townhomes. As illustrated in Exhibit M, the first floor/garage faces of the 4-plexes in Village 1 will not be visible from Stage Coach because these elevations will be facing inward and away from Stage Coach Road. The first floor or garage faces of Building 20 may be potentially visible from Stage Coach. In this instance, the six-foot high ornamental iron entrance gate and proposed trees (shaded in green in exhibit) will shield the view from Stage Coach towards this building.

The first and third floors of the 10-plex located in Village 1 will also not be visible from Stage Coach due to the proposed trees (shaded in green) that will be strategically placed surrounding this elevation. Note again that Building 9 is only required to apply to hillside regulations due to the negligible northeast corner of the building located on the qualifying 20% slope (shaded in yellow in exhibit). The first and third floors of the rear elevation that face the motor courts of the rowhouses will not be visible since they are facing inward. Likewise, the side elevations of Buildings 5 and 6 will be facing Stage Coach and therefore, the front or rear elevations will not be visible from this street.

Regulation (M)2 requires that roof planes shall not exceed 600 square feet in area. Among the five buildings noted above, the townhomes in Village 1 are not designed with roof planes over 600 square feet in area. Exhibit M shows which portions of Buildings 5, 6, and 9 are proposed on qualifying 20% slopes and which sections of the roofs are over 600 square feet in area. The Landscape Concept Plan has been designed to strategically locate medium to large canopy trees aside or near the above listed buildings to address this visible bulk development regulation. With the placement of trees directly adjacent to these buildings, and along Stage Coach and Street D; the roof areas over 600 square feet will be easily shielded from view from Stage Coach Road. Again, note that only portions of Buildings 5 and 6 are located on qualifying 20% slopes (shaded in yellow).

VARIANCES

Building Height Hillside Requirement

For hillside projects, both base zoning district (in this case, RM-B) and hillside development regulations apply to this project. The hillside regulations only apply to development proposed on qualifying 20% slopes and will govern where there is a conflict.

In the RM-B zoning district, the maximum permitted building height is 36 feet. For hillside projects, the maximum building height permitted is 30 feet from finished grade. This hillside requirement technically applies to Buildings 9, 16, and 20 in Village 1 and Buildings 1, 5, and 6 in Village 2. As illustrated in the slope analysis of Exhibit L, very minimal portions of Buildings 1and 9 will be located on qualifying 20% slope areas.

The proposed 4-plex townhomes are designed at a maximum building height of 35 feet and the 10/12/14-plex rowhouses at 36 feet high. It is possible to design a single-family home at this height. However, limiting a multi-family residential complex to this height does not create an appealing product when combined with other hillside design standards.
According to Section 5.2.6 of the Oceanside Draft Subarea Habitat Conservation Plan (HCP), the

City should consider an increase in the maximum allowable building height since the allowable development area is less than 50% of a site. The purpose of this provision is to offset adverse economic effects on landowners due to a decrease in allowable development areas. For this project, the wildlife agencies require that at least 2.68 acres (previously proposed "Village 3") be undeveloped due to significant biological habitat that would be impacted. In addition, 100-foot fuel modification zones cannot be considered part of biological open space. Both requirements reduced the development potential of this site. Even though the site is zoned so that 50% is preserved as permanent open space and 50% reserved for residential development, the Oceanpointe project is designed with 56% of the site as open space/biological preserve area and only 22% of the site for physical residential development of 22 buildings (widening Stage Coach Road and 100-foot fuel modification areas will constitute 21% of site).

As illustrated in Exhibit M, due to the minimal impact of locating Buildings 1 and 9 on a sliver of qualifying hillside slopes, these buildings will not be considered further in this discussion about complying with a 30' hillside buildings height limitation. Both buildings do comply with the RM-B maximum building height.

Buildings 5 and 6 in Village 2 will also have a minimal impact since these building pads will be more than 55 feet below Stage Coach Road. A person standing at the Stage Coach Road cul-de-sac would be looking 20 feet down at the proposed 36-foot high Buildings 5 and 6. It is apparent that given the varying topography in this area, both buildings will sit low enough that the maximum height of the buildings will not obstruct views.

Only Buildings 16 and 20 are considered to be significantly located on hillside qualifying slopes in Village 1. All other buildings here are required to comply with the permitted RM-B maximum building height of 36 feet. All buildings in Village 1 are proposed to be 35 feet high (except Building 9 which is proposed as a rowhouse, at 36 feet in height) – a foot less than what is allowable. Even if Buildings 16 and 20 were redesigned to comply with the hillside height requirement of 30 feet, the reduction in height would not produce a more favorable view and would in fact be unnoticeable from Stage Coach Road, since there would be two rows of 35-foot high buildings in front/west of Buildings 16 and 20. It should be noted that during the processing of this application, it was feasible to lower the building pad elevation by almost 2 feet for Building 16, further reducing any type of potential visual "impact" of this building.

Viewing these two proposed buildings from the condominium units above Vista Bella, the impact would also be negligible considering the knoll top is the most obtrusive land feature from this vantage point. The existing elevation of this knoll top is 236', which is adjacent to the proposed location of Building 20. The pad of this building and the hill in general, would be graded down approximately 20 feet and this more than compensates for the additional 5 feet of building height being requested. If Building 16 complied with a 30' hillside building height, the other buildings around it would be at a 35' RM-B building height, most of which are proposed with the same building pad elevation. It is apparent here that enforcing a 30-foot building height limitation for Buildings 16 and 20 in Village 1 is an unreasonable use of applying this hillside regulation; compliance will not produce a benefit or meet the intent of limiting building heights on qualifying slopes. Although this area of this property is zoned residential (RM-B), the applicant specifically designed this village with smaller buildings such as the 4-plex product type due to the topography here and to be sensitive to the quality of views from surrounding land uses.

Wall Height

A Variance is being requested to exceed the maximum wall height requirement of six feet for four retaining walls (see *Table 10*). Three retaining walls (#s 2, 3, & 4) will be visible from within the

Oceanpointe project area. The top of the retaining wall proposed off Stage Coach Road (#1) will be either at the same elevation here as Stage Coach Road or lower than the street elevation of Vista Bella. As a result, someone standing at the west-end or bottom of Vista Bella would need to look downward to see this 7-foot high retaining wall. This wall would not be visible from Stage Coach Road.

Table 10

#	Location	Visible from?*	Maximum Height
1	South end of Stage Coach Road	Looking downward from the west-end or bottom of Vista Bella; the top of the wall will be at the same elevation here as Stage Coach Road and lower than the street elevation of Vista Bella; the wall will not be visible from Stage Coach Road	7 feet
2	Northeast of Bldg. 10 - Village 1	Street B in Village 2	7 feet
3	West of Bldg. 5 – Village 2	Building 5 motor court	9 feet
4	North of Bldgs. 4 & 5 – Village 2	Not visible unless standing at the toe of CALTRANS slope, located between property and Highway 76	15 feet

* from which location the highest portion of the retaining wall could be visible from

Exceeding the wall height requirement is necessary for certain portions of the project to maintain a 100-foot fuel modification area from each structure, protect biological habitat, and limit the development impact to the biological preserve area. Specifically for Village 2 as a low-lying area of the site, the maximum 15-foot high retaining wall is necessary to raise this village for drainage purposes and prevent flooding since it serves as a discharge area for over 100 acres of surrounding properties (see page 7). Retaining walls higher than four feet will be planted and irrigated. Plantable retaining walls adjacent to the biological preserve will only be planted with low-fuel fleshy native plantings approved by the Fire Department. One retaining wall (#1 in *Table 10*) is proposed to deviate from this requirement due to engineering issues such as soil conditions and potential movement and cracking of sidewalk/curb/gutter. The Engineering Department has specifically requested that this retaining wall not be constructed as a keystone or geogrid wall, but as a vertical solid block wall and therefore, will not be planted.

NEIGHBORHOOD OUTREACH

The applicant, Hallmark Communities, and Naim and Associates have been working with surrounding communities from the onset of processing this project application since October 2004. The following communities have been repeatedly contacted regarding the progress of the project: Oceana Senior Community, Mission Vista Condominiums, Rancho Hermosa, and River Oaks Apartments. The project team has conducted numerous neighborhood meetings throughout the entitlement process. Project plans, project information packets and letters, and technical reports have been shared and distributed to surrounding residents. Overall, all homeowner groups have been receptive and positive towards the future development of Oceanpointe. Areas of concern presented by homeowners have been project density, traffic, and views. These issues have been addressed with the latest project design. As was outlined on page 3, a CUP to exceed the RM-B base density is no longer necessary due to the elimination of 40 units. As a result, anticipated project traffic will be less and the applicant has agreed to construct certain off-site improvements to further alleviate traffic in the immediate area. Finally, the applicant has been sensitive to preserving views from adjacent homes to the maximum extent possible by eliminating units to scale back the

development away from adjacent neighborhoods, and orienting proposed condominiums to allow view corridors towards the biological open space.

SUMMARY

The applicant remains committed to responsible development in the Oceana community. Oceanpointe is designed to be sensitive and responsive to its surrounding neighbors, to preserve additional open space, and to create a new community that will be suitable in its natural setting. The site layout and architectural style adds a distinctive and attractive product to this community. The proposed project fulfills the purpose and requirements for residential development as envisioned by the approved General Plan and Zone Amendments. The applicant has balanced many competing interests in this project. As a result, Hallmark Communities is only proposing 22 buildings or physical development on 22% of the property, along with 56% of the site will be preserved in perpetuity as biological open space. Your favorable consideration of this project is requested.

Findings

Variance: Building Height Hillside Development Regulation

The City of Oceanside stipulates that three specific findings must be made before a Variance can be approved. The proposed findings are as follows:

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 of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

   A Variance is necessary for building height due to the following combination of site-specific circumstances such as the size of the property, multi-family product type, two different zoning districts on site, type and location of biological habitat, required 100-foot fuel modification zones, and hillside topography. In addition, it is challenging to apply all of the hillside development regulations to a multi-family residential product such as a condominium complex without sacrificing the intent of such regulations.

2. *That granting the variance 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.*

   The granting of this Variance will not be detrimental or injurious to property or improvements in the vicinity. The Variance request is necessary due to residential land use type and site conditions, and allows for residential use of the property as established in the City's General Plan. Given the location of each village on site, deviating from the building height requirement will not negatively impact the surrounding community. The granting of the Variance will allow the safe development of the site ensuring that the public health, safety, and welfare will be maximized.

3. *That granting the variance is consistent with the purposes of the Zoning 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.*

Granting the Variance would accommodate a multi-family residential development that meets the purposes of a medium density residential zoning district while addressing the site conditions associated with the property. The Variance is a direct result of special circumstances associated only with the project site and residential unit type, and will not grant the applicant a special privilege that other property owners were not afforded.

Variance: Wall Height

The City of Oceanside stipulates that three specific findings must be made before a Variance can be approved. The proposed findings are as follows:

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 of privileges enjoyed by other property in the vicinity and under identical zoning classification.*

   The topography, biological habitat, and required 100-foot fuel modification zone warrant the installation of retaining walls higher than six feet. The Oceanpointe project was designed to limit residential development beyond RM-B zoning boundaries. Furthermore, portions of the walls for which the Variance is being requested have been designed and placed strategically to minimize their visual impacts from outside the project.

2. *That granting the variance 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.*

   The granting of this Variance will not be detrimental or injurious to property or improvements in the vicinity. The Variance request results from site conditions and allows for residential use of the property as established in the City's General Plan. Exceeding wall height is necessary in certain areas on site to maintain a 100-foot fuel modification zone between proposed structures and biological open space. Providing fuel modification zones will ensure that the public safety is accounted for by protecting surrounding residents from any potential fire hazards in the future. Granting this Variance will allow the safe development of the site and ensuring that the public health, safety, and welfare will be maximized.

3. *That granting the variance is consistent with the purposes of the Zoning 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.*

   Granting the Variance would accommodate a residential development that meets the purposes of a medium density residential zoning district while addressing the site conditions associated with the property. The Variance is a direct result of special circumstances associated only with the project site and will not grant the applicant a special privilege that other property owners were not afforded.

Development Plan

The City of Oceanside stipulates that three findings must be made before a Development Plan can be approved. The proposed findings are as follows:

1. *Conforms to the General Plan.*

The Development Plan as proposed conforms to the City's General Plan because the proposed site design, residential product types, architecture, and density meet the intent, policies, and objectives set forth in the Land Use Element.

2. *Complies with the land-use and development regulations of the base zoning district, the Hillside Development Provisions of this Section, and any other overlay districts applied to the property.*

   The site plan and physical design of the proposed project is consistent with the purposes of the Zoning Ordinance because it meets the intent of the development regulations and design standards over the entire site, and it provides amenities in excess of those required. As appropriate to this type of development, the site plan complies with the provisions of the base zoning district, and the intent and the majority of the Hillside Development Regulations. A Variance request for exceeding wall height and deviating from one hillside regulation is justified given the multi-family product type proposed and zoned for the property's hillside topography and sensitive biological habitat.

3. *Can be adequately, reasonably and conveniently served by public services, utilities and public facilities.*

   The area covered by the Development Plan will be adequately, reasonably, and conveniently served by existing and planned public services, utilities and public facilities because such utilities have been incorporated into the proposed design. Technical reports have been prepared and approved by the City, analyzing the various utilities to serve this project development.