



DATE: June 22, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-9-08) TO SUBDIVIDE AN 8.884-ACRE PARCEL INTO TWO LOTS MEASURING 4.784 AND 4.05 ACRES LOCATED AT 1501 KELLY STREET. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE-B) AND IS SITUATED WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD. – NORTH COAST UNITED METHODIST CHURCH PARCEL MAP – APPLICANT: NORTH COAST UNITED METHODIST CHURCH**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Categorical Exemption for Minor Land Divisions pursuant to Section 15315 of the California Environmental Quality Act.
- (2) Approve Tentative Parcel Map (P-9-08) by adopting Planning Commission Resolution 2009-P32 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The original North Coast United Methodist Church development plan was adopted by a 6-to-0 vote on May 18, 1998 by Planning Commission Resolution No. 98-P22. This resolution approved Development Plan (D-12-97) for the Church design, Conditional Use Permit (C-21-97) for the religious facility use classification in a residential zone, and Variance (V-8-97) for the height of two architectural towers.

In January 2000, the Church went back to Planning Commission to obtain approval of 1) a revision to the original phasing plan and 2) an amendment to the original Conditional Use Permit to allow the use of the architectural towers as co-user telecommunications facilities. The revision to the Development Plan (D-12-97REV99) and Conditional Use Permit (C-21-97REV99) was approved by Planning Commission Resolution No. 00-P01 by a vote of 7-to-0 on January 24, 2000.

In April 2003, the Church took another revision of the site plan to Planning Commission (D-12-97REV02 and C-21-97REV02). This revision to the plan involved repositioning the Church buildings closer to the northwest corner of the property, closer to Kelly Street. This revision was approved by Planning Commission Resolution No. 2003-P18 by a 5-to-0 vote on April 21, 2003. The Planning Commission decision was appealed by area residents. However, on June 4, 2003, City Council upheld Planning Commission's decision and approved the revisions per Resolution No. O3-R372-1 on a 4-to-1 vote.

Site Review: The 8.884-acre project site is located at 1501 Kelly Street. Surrounding land uses include residential properties to the north, a commercial shopping center to the east, the 78 interchange to Interstate 5 to the south, and Interstate 5 to the west.

Project Description: The project application is comprised of one component: a Tentative Parcel Map.

Tentative Parcel Map P-9-08 represents a request for the following:

- (a) To subdivide an 8.884-acre site into two lots measuring 4.784 and 4.05 acres pursuant to Article VI of the Subdivision Ordinance of the City of Oceanside.

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

1. General Plan
2. Subdivision Ordinance
3. Zoning Ordinance
5. California Environmental Quality Act

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is Estate B Residential (EB-R). The proposed subdivision is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element II. Community Development

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

Objective 2.02 Residential Subdivision: To assure residential subdivisions of land shall be of sufficient size, dimensions, and topography to promote overall community enhancement, and the aesthetic and efficient functioning of the particular residential unit.

North Coast United Methodist Church will remain on Lot 1 (4.784 acres) in its current state. Any future phased development of the Church site will be required to conform to the new lot space provided, or further revisions to the original development plan may be necessary.

Lot 2 will retain its zoning designation of RE-B, which allows for minimum lot sizes of 10,000 square feet. The proposed 4.05-acre site exceeds this requirement. Adequate access to the site is currently available and future residential development is a possibility based on the size and flat topography of the lot. The project has been conditioned to ensure that future development complies with Articles 10 and 43 of the Zoning Ordinance.

2. Subdivision Ordinance Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance, *Article VI Subdivision of Four or Fewer Parcels*. Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.

3. Zoning Ordinance Compliance

The project site is located in the Residential Estate – B (RE-B) District and complies with the requirements of that zone. The following table summarizes the proposed and applicable development standards for the project site:

| | Required | Proposed |
|------------------|-----------------|---|
| Minimum Lot Size | 10,000 SF | 4.784 acres – Lot 1 4.05 acres – Lot 2 |

North Coast United Methodist Church will remain on Lot 1 in its current state. Any future phased development of the Church site will be required to conform to the new lot space provided, or further revisions to the original development plan may be necessary.

At 4.05 acres, Lot 2 can accommodate for further subdivisions and future residential development. The RE-B District allows for a density range of 1 to 3.5 dwelling units per acre. The 4.05-acre site has the potential to be further subdivided into 4 to 14 lots, assuming proposed development can comply with the requirements of any and all applicable Zoning requirements. The project has been conditioned to ensure that future development complies with Articles 10 and 43 of the Zoning Ordinance.

DISCUSSION

Issue: Project Compatibility with the Existing Developed and Undeveloped Areas: The proposed lot split would be consistent with and compatible to the existing residential properties in the surrounding area by providing land for future residential development. Access to the site is currently available and future residential development is a possibility based on the size and topography of proposed Lot 2.

Recommendation: Staff finds that the project is consistent with the existing developed and undeveloped areas, and no known opposition to the project has been noted. Staff supports the project as submitted by the applicant, subject to conditions of approval contained within the draft resolution.

ENVIRONMENTAL DETERMINATION

The proposed project is found to be categorically exempt from environmental review per Article 19 Section 15315 Minor Land Divisions of the California Environmental Quality Act. This section applies to minor land divisions, such as the proposed two-lot parcel split.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and/or organizations requesting notification, applicant and other interested parties. As of June 15, 2009, no communication supporting or opposing the request has been received.

SUMMARY

The proposed Tentative Parcel Map P-9-08, as conditioned, is consistent with the land use policies of the General Plan, the requirements of the Subdivision Ordinance and the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable standards. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map P-9-08 by adopting Planning Commission Resolution No. 2009-P06 as attached.

PREPARED BY:

SUBMITTED BY:



Scott Nightingale
Planner II



Jerry Hittelman
City Planner

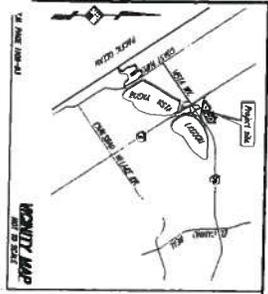
REVIEWED BY: 

Richard Greenbauer, Senior Planner

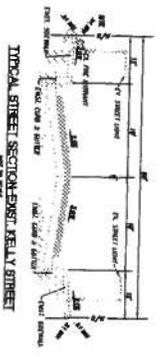
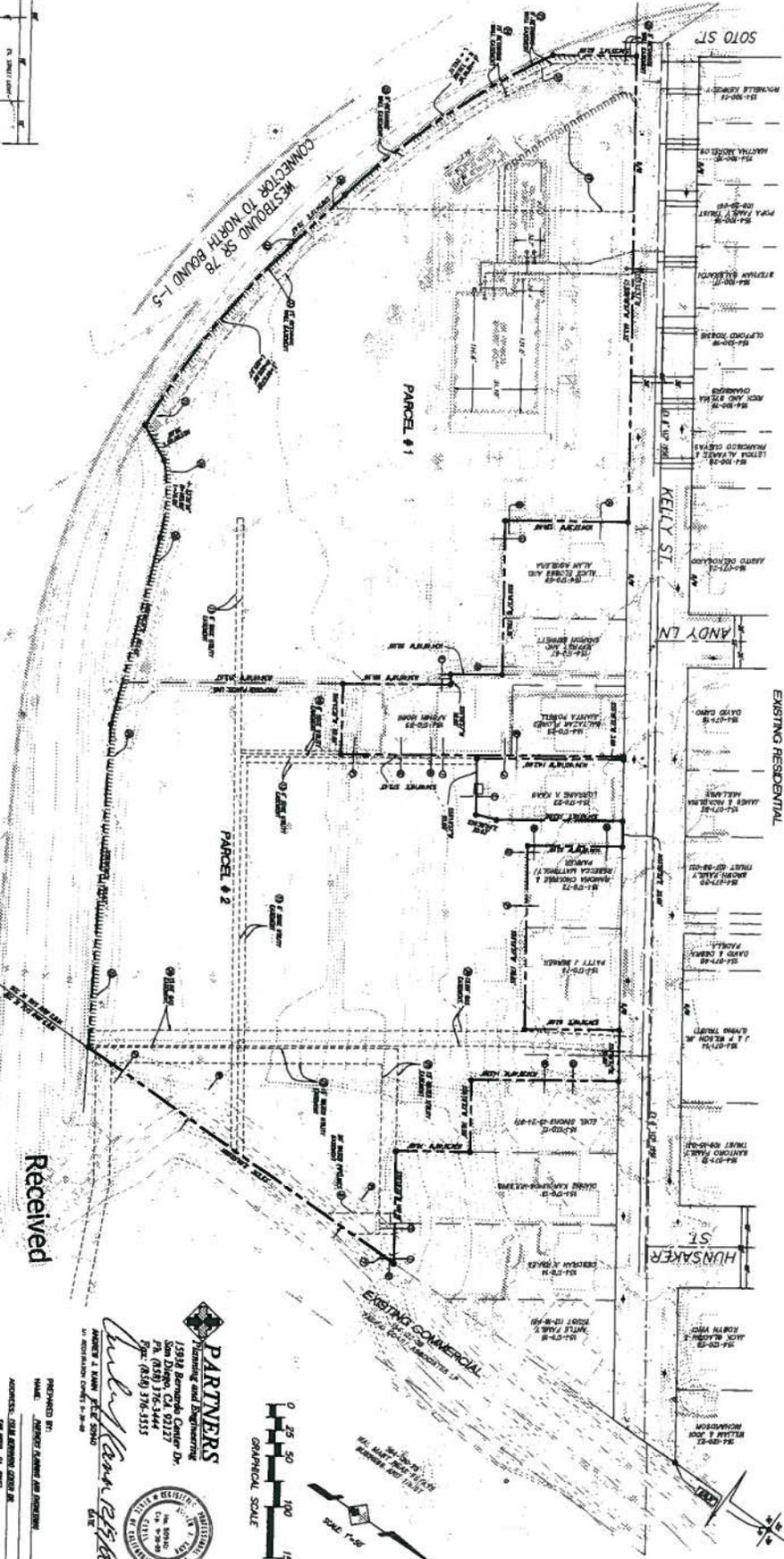
JH/SS/fil

Attachments:

1. Tentative Parcel Map
2. Planning Commission Resolution No. 2009-P32
3. City Council Resolution No. 03-R372-1
4. Planning Commission Resolution No. 2003-P18
5. Planning Commission Resolution No. 00-P01
6. Planning Commission Resolution No. 98-P22



TENTATIVE PARCEL MAP



TENTATIVE PARCEL MAP-NORTH COAST UNITED METHODIST CHURCH

Received
 DEC 1 0 2008
 Planning Division

PARTNERS
 Planning and Designing
 13888 Bermuda Center Dr.
 Suite 100
 Irvine, CA 92618
 Phone: (949) 376-5155
 Fax: (949) 376-5155
 Amber L. Kinn
 Project Manager



| | |
|------------------|---|
| PROPOSED BY: | AMBER L. KINN |
| DATE: | 12/1/08 |
| PROJECT NAME: | NORTH COAST UNITED METHODIST CHURCH |
| PROJECT ADDRESS: | 13888 BERMUDA CENTER DR. SUITE 100 IRVINE, CA 92618 |
| PROJECT PHONE: | (949) 376-5155 |
| PROJECT FAX: | (949) 376-5155 |
| PROJECT SHEET: | 2 OF 2 |
| PROJECT TITLE: | TENTATIVE PARCEL MAP |

1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P32

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE PARCEL MAP ON CERTAIN REAL PROPERTY
6 IN THE CITY OF OCEANSIDE

6 APPLICATION NO: P-9-08
7 APPLICANT: North Coast United Methodist Church
8 LOCATION: 1501 Kelly Street

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Tentative Parcel Map under the provisions of Articles
13 10 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 to subdivide an 8.884-acre parcel into two lots measuring 4.784 and 4.05 acres;
15 on certain real property described in the project description.

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day
17 of June, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
18 application.

19 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
20 Guidelines thereto; this project has been found to be categorically exempt from environmental
21 review per Article 19 Section 15315 Minor Land Divisions;

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

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

| <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|-------------------------|--|--|
| Parkland Dedication/Fee | Ordinance No. 91-10 Resolution No. 05-R0628-1 | \$3,503 per unit |
| Drainage Fee | Ordinance No. 85-23 Resolution No. 05-R0628-1 | \$2,843-\$15,964 per acre (depending on area) |

| 1 | <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|----|--|---|--|
| 2 | | | |
| 3 | Public Facility Fee | Ordinance No. 91-09 Resolution No. 05-R0628-1 | \$0.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$0.42 per square foot for non-residential and \$2.63 per square foot for residential |
| 8 | | | |
| 9 | Traffic Signal Fee | Ordinance No. 87-19 | \$15.71 per vehicle trip |
| 10 | | | |
| 11 | Thoroughfare Fee | Ordinance No. 83-01 | \$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| 12 | | | |
| 13 | | | |
| 14 | 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. Residential is typically \$4,597 per unit; Non-residential is \$36,775 for a 2" meter |
| 15 | | | |
| 16 | | | |
| 17 | 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. Residential is typically \$6,313 per unit; Non-residential is \$50,501 for a 2" meter |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | Inclusionary housing in lieu fees – Residential only | Chapter 14-C of the City Code | \$1,000 per development project + \$100 per unit plus \$10,275 per unit |
| 26 | | | |

27 WHEREAS, the current fees referenced above are merely fee amount estimates of the
28 impact fees that would be required if due and payable under currently applicable ordinances and
29

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

17 FINDINGS:

18 For the Tentative Parcel Map:

- 19 1. The proposed map is consistent with the General Plan of the City and the Subdivision
20 Ordinance. The two created lots exceed the requirements of the RE-B (Residential
21 Estate – B) zoning designation.
- 22 2. The 8.884-acre site is physically appropriate for the proposed two-lot subdivision.
23 Parcel 1 will be 4.784 acres and Parcel 2 will be 4.05 acres. Both lots are relatively flat
24 and have suitable street frontage for future and existing access.
- 25 3. The proposed two-lot subdivision complies with all applicable ordinances, regulations
26 and guidelines of the City. The two created lots exceed the 10,000-square foot
27 minimum lot size requirements of the underlying RE-B zoning district.
- 28 4. The two lot subdivision as proposed exceeds the 10,000-square foot minimum lot size
29 requirements of the underlying RE-B zoning district. The existing religious facility
development on Parcel 1 continues to meet the setback and lot coverage requirements of

1 the RE-B zone. Any future development of Parcel 2 shall be required to meet the land
2 use and development regulations of Articles 10 and 43 of the Zoning Ordinance.

3 5. The design of the two-lot subdivision will not cause substantial environmental damage
4 or substantially and avoidably injure fish or wildlife or their habitat and has been
5 categorically exempted from review per Article 19 Section 15315 Minor Land Divisions
6 of the California Environmental Quality Act.

7 6. The design of the two-lot subdivision will not conflict with easements, acquired by the
8 public at large, for access through or the use of property within the proposed
9 subdivision.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Tentative Parcel Map (P-9-08) subject to the following conditions:

12 **Engineering:**

13 1. The approval of the parcel map shall not mean that closure, vacation, or abandonment of
14 any public street, right-of-way, easement, or facility is granted or guaranteed to North
15 Coast United Methodist Church (owner). North Coast United Methodist Church
16 (owner) is responsible for applying for all closures, vacations, and abandonments as
17 necessary. The application(s) shall be reviewed and approved or rejected by the City of
18 Oceanside under separate process(es) per codes, ordinances, and policies in effect at the
19 time of the application. The City of Oceanside retains its full legislative discretion to
20 consider any application to vacate a public street or right-of-way.

21 2. Prior to the recordation of the parcel map, North Coast United Methodist Church
22 (owner) shall provide the City of Oceanside with a certification from each public utility
23 and each public entity owning easements within the proposed project stating that: (a)
24 they have received from North Coast United Methodist Church (owner) a copy of the
25 proposed map; (b) they object or do not object to the filing of the map without their
26 signature; (c) in case of a street dedication affected by their existing easement, they will
27 sign a "subordination certificate" or "joint-use certificate" on the map when required by
28 the governing body. In addition, North Coast United Methodist Church (owner) shall
29 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.

1 3. North Coast United Methodist Church shall pay the total in lieu payment of \$151,426,
2 per the attached "Exhibit E-1", as required to complete the balance of the overhead
3 utilities to be undergrounded per the Resolution No. 2003-P18, Condition 24. The
4 amount of \$50,000 shall be paid prior to the recordation of the parcel map; the
5 remainder balance of \$101,426 shall be paid at the close of escrow. A covenant note
6 shall be placed on the title sheet of the parcel map obligating the payment of \$101,426
7 for the undergrounding of utilities in-lieu payment that will be binding on the present or
8 future owner (s), or successors thereafter.

9 4. A covenant note shall be placed on the title sheet of the parcel map requiring a
10 geotechnical/soils investigation to determine condition of the undocumented fill that is
11 present on the proposed parcels one and two. No grading permit shall be issued unless
12 the geotechnical report is prepared by the present or future owner(s), or successor(s)
13 thereafter.

14 5. Prior to approval of the parcel map or any increment, Kelly Street improvement shall be
15 covered by a deferred improvement agreement approved by the City Engineer.
16 Improvement shall include a full width, minimum of 1.5 inch asphaltic concrete overlay
17 on Kelly Street between Soto Street and Andy Lane as shown on the attached "Exhibit
18 E-2". A covenant note shall be placed on the title sheet of the parcel map regarding the
19 deferred improvement agreement. Prior to any new development on parcel 1, North
20 Coast United Methodist Church (owner) shall submit "As-Built" plans for the previous
21 grading, improvement and landscaping as required per the Resolution No. 2003-P18.

Planning:

22 6. This Tentative Parcel Map shall expire on June 22, 2012 unless implemented as required
23 by the Zoning Ordinance or unless the Planning Commission grants a time extension.

24 7. This Tentative Parcel Map approves only a two-lot subdivision as shown on the plans and
25 exhibits presented to the Planning Commission for review and approval. No deviation
26 from these approved plans and exhibits shall occur without City Planner or Planning
27 Commission approval. Substantial deviations shall require a revision to the Tentative
28 Parcel Map or a new Tentative Parcel Map.

29 8. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
harmless the City of Oceanside, its agents, officers or employees from any claim, action or

1 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
2 annul an approval of the City, concerning Tentative Parcel Map (P-9-08). The City will
3 promptly notify the applicant of any such claim, action or proceeding against the City
4 and will cooperate fully in the defense. If the City fails to promptly notify the applicant
5 of any such claim action or proceeding or fails to cooperate fully in the defense, the
6 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
7 City.

8 9. Any future development on either newly created parcel shall be subject to the requirements
9 of Article 10 Residential Districts and Article 43 Development Plan Review of the Zoning
10 Ordinance.

11 10. All future development shall dispose of, or recycle, solid waste in a manner provided in
12 City Code Section 13.3.

13 11. A covenant or other recordable document approved by the City Attorney shall be prepared
14 by the subdivider and recorded prior to the approval of the Final Parcel Map. The covenant
15 shall provide that the property is subject to this resolution, and shall generally list the
16 conditions of approval. A certificate setting forth the recordation of the covenant shall be
17 placed on the final map.

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

22 13. Unless expressly waived, all current zoning standards and City ordinances and policies in
23 effect at the time the Final Parcel Map is approved shall be met by this project. The
24 approval of this project constitutes the applicant's agreement with all statements in the
25 Description and Justification and other materials and information submitted with this
26 application, unless specifically waived by an adopted condition of approval.

27 14. Failure to meet any conditions of approval for this subdivision shall constitute a violation of
28 the Tentative Parcel Map.

29 **Water Utilities:**

15. 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

1 the developer and shall be done by an approved licensed contractor at the developer's
2 expense.

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

6 PASSED AND ADOPTED Resolution No. 2009-P32 on June 22, 2009 by the following
7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12 _____
13 Claudia Troisi, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2009-P32.

20 Dated: _____ June 22, 2009
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29

1 WHEREAS, based on such evidence and testimony, this Council finds that the decision
2 of the Planning Commission with all of the conditions attached to the Resolution, adequately
3 and properly addresses concerns about potential adverse impacts, geologic stability and
4 ancillary issues detailed in the letter of appeal;

5 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
6 follows:

7 1. The appeal to Planning Commission Resolution No. 2000-P18 is hereby denied
8 and revision to Development Plan (D-12-97) and Conditional Use Permit (C-21-97) are hereby
9 approved.

10 2. Pursuant to CCP Section 1094.6(f), notice is hereby given that the time within
11 which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set
12 forth in Oceanside City Code Section 1.10.

13 3. The southeast tower located adjacent to Pacific Coast Plaza and State Route 78
14 shall be reviewed by City staff to determine its appropriate design and overall height. The
15 southwest tower located adjacent to Interstate 5 shall also be reviewed for aesthetic
16 improvements. Staff's report and recommendation shall be scheduled for review and
17 consideration by the City Council within 30 days of the final action for this revision.

18 PASSED AND ADOPTED by the City Council of the City of Oceanside, California this
19 4th day of June, 2003 by the following vote:

20 AYES: JOHNSON, CHAVEZ, FELLER, WOOD

21 NAYS: SANCHEZ

22 ABSENT: NONE

23 ABSTAIN: NONE

24
25
26
27 ATTEST:

28 Charles W. Hughes, Sr.
City Clerk

Leighton J. [Signature]
Mayor of the City of Oceanside

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

[Signature]
City Attorney

1 PLANNING COMMISSION
2 RESOLUTION NO. 2003- P18

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 REVISION TO DEVELOPMENT PLAN AND CONDITIONAL
6 USE PERMIT ON CERTAIN REAL PROPERTY IN THE CITY
OF OCEANSIDE

7 APPLICATION NO: D-12-97, C-21-97 Revision
8 APPLICANT: North Coast United Methodist Church
9 LOCATION: Southeasterly of the intersection of Kelly Street and Soto Street

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Revision to Development Plan and Conditional Use
14 Permit under the provisions of Articles 41 and 43 of the Zoning Ordinance of the City of
Oceanside to permit the following:

15 Revision to the Development Plan and Conditional Use for a previously approved church
16 facility and its operations;
17 on certain real property identified in the project and property description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 7th day
19 of April, 2003 conduct a duly advertised public hearing as prescribed by law to consider said
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; a Negative Declaration was previously prepared for the project;

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

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

| <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|--------------------|--|--|
| 27 Drainage Fee | 28 Ordinance No. 85-23 29 Resolution No. 89-231 | Depends on area (range is \$1,705-\$9,575 per acre) |

| 1 | <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|----|------------------------------|---------------------------------|--|
| 2 | | | |
| 3 | Public Facility Fee | Ordinance No. 91-09 | \$0.441 per square foot or |
| 4 | | Resolution No. R91-39 | \$441 per thousand square |
| 5 | School Facilities Mitigation | Ordinance No. 91-34 | feet for non-residential uses |
| 6 | Fee | | \$0.31 per square foot non- |
| 7 | Traffic Signal Fee | Ordinance No. 87-19 | residential |
| 8 | | | |
| 9 | Thoroughfare and Bridge Fee | Ordinance No. 83-01 | \$177 per vehicle trip per each |
| 10 | (75% discount for commercial | | phase of development (based |
| 11 | and industrial projects) | | on SANDAG trip generation |
| 12 | | | table |
| 13 | Water System Buy-in Fees | Oceanside City Code | Fee based on meter size |
| 14 | | §37.56.1 | Typical 2" meter \$16,512 |
| 15 | | Resolution No. 87-96 | |
| 16 | | Ordinance No. 02-OR-332-1 | |
| 17 | Wastewater System Buy-in | Oceanside City Code § | Based on meter size |
| 18 | fees | 29.11.1 | Typical 2" meter \$20,214 |
| 19 | | Resolution No. 87-97 | |
| 20 | | Ordinance No. 02-OR-333-1 | |
| 21 | San Diego County Water | SDCWA Ordinance No. | Non-residential is \$10,421 |
| 22 | Authority Capacity Fees | 2000-3 | for a 2" meter. |

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

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

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

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

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

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

9 FINDINGS:

10 For the Development Plan Revision:

- 11 1. The project as proposed is consistent with the development standards and use restrictions
12 of the Zoning Ordinance.
- 13 2. The project as proposed conforms to the General Plan of the City.
- 14 3. The proposed project can be adequately and reasonably served by existing and planned
15 public services, utilities and public facilities.

16 For the Conditional Use Permit Revision:

- 17 1. Article 10 and 30 of the Zoning Ordinance makes provisions for religious assembly and
18 communication uses within residential zoning districts. These provisions are predicated
19 upon a compatible integration of these uses within existing or future residentially
20 developed areas. The revised project is adequately conditioned and required to provide
21 for such an adequate level of compatible integration and, therefore, will not be detrimental
22 to the neighboring residential area.
- 23 2. The proposed project is consistent with the General Plan and will not be a detrimental to
24 surrounding land uses, and persons the neighborhood area.
- 25 3. The project as proposed complies with the requirements of the Zoning Ordinance. In
26 addition, specific conditions have been applied to the project for the proposed location to
27 ensure compatibility with surrounding land uses.

28 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
29 approve of revision to Development Plan (D-12-97) and Conditional Use Permit (C-21-97) subject
to the following conditions:

1 Building:

- 2 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
3 Building Department plan check.
- 4 2. The granting of approval under this action shall in no way relieve the applicant/project.
- 5 3. Site development, parking, access into buildings and building interiors shall comply with
6 C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings - D.S.A.). The
7 project's structurally detached theme tower site areas shall be subject to this requirement if
8 they are designed or used for any purpose or activity requiring accessibility by non-
9 exclusive individuals.
- 10 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
11 property shall be underground (City Code Sec. 6.30).
- 12 5. Application for Building Permit will not be accepted for this project until plans indicate
13 that they have been prepared by a licensed design professional (Architect or Engineer).
14 The design professional's name, address, and phone number; State license number and
15 expiration date shall be printed in the title block of the plans.
- 16 6. All outdoor lighting shall conform to Oceanside City Code, Chapter 39 – Light Pollution.
- 17 7. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
18 and shall be shielded appropriately. Where color rendition is important high-pressure
19 sodium, metal halide or other such lights may be utilized and shall be shown on final
20 building and electrical plans. In addition, all lighting showcasing building architecture
21 shall be shown on the above noted plans.
- 22 8. A letter of clearance from the school district in which the property is located shall be
23 provided at the time building permits are issued.

23 Engineering:

- 24 9. Design and construction of all improvements shall be in accordance with standard plans,
25 specifications of the City and subject to approval by the City Engineer.
- 26 10. Vehicular access from the project site to Kelly Street shall only be at the locations shown
27 on the Development Plan approved by the Planning Commission.
- 28 11. All right-of-way alignments, street dedications, exact geometrics and widths shall be
29 dedicated and improved as required by the City Engineer.
12. The developer shall provide public street dedication as required to serve the property.

- 1 13. A development Phasing Plan for the construction of public and private improvements
2 (including frontage landscaping and right-of-way improvements for streets and roadways)
3 shall be approved by the City Engineer prior to the City Engineer's approval of the first
4 precise grading plan or precise site development plan for the project. The incremental
5 construction of improvements under the approved Phasing Plan shall be completed to the
6 satisfaction of the City Engineer prior to the issuance of any building permits associated
7 with each phase of implementing and incremental construction.
- 8 14. Prior to the issuance of the first building permit, a covenant, reviewed and approved by the
9 City Attorney, shall be recorded against the development property. The covenant shall
10 reference and attest to the project's public and private (off-site frontages and on-site
11 property) improvement obligations under an approved Phasing Plan as a condition of the
12 development entitlement.
- 13 15. Each phase of incremental construction of the approved Phasing Plan shall be covered by a
14 precise grading plan/precise site development plan approved by the City Engineer. The
15 precise plans shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,
16 gutters, striping, signage, footprints of all structures, walls, drainage devices and utility
17 services.
- 18 16. Prior to issuance of a grading permit, the developer shall host a community meeting with
19 all of the area residents potentially affected by construction activities to inform them of the
20 schedule and answer questions.
- 21 17. Landscape and irrigation plans for disturbed areas associated with each phase of
22 incremental construction must be submitted to the City Engineer prior to the issuance of a
23 preliminary grading permit and approved by the City Engineer prior to the issuance of
24 building permits for any construction phases after Phase 1. The installation of site
25 landscaping within and along the frontages of Kelly Street, Hwy. 78 and Interstate 5 may
26 be completed incrementally and in accordance with the approved Development Phasing
27 Plan. The installation of frontage landscaping shall be completed prior to the issuance of
28 any building permits for any phase of incremental construction beginning with any
29 construction increment constituting Phase 2 development under the approved Development
Phasing Plan.

1 Project fences, sound or privacy walls and monument entry walls/signs shall be designed,
2 reviewed and constructed by the landscape plans and shown for location only on grading
3 plans. Plantable, segmental walls shall be designed, reviewed and constructed by the
4 grading plans and landscaped/irrigated through project landscape plans. All plans must be
5 approved by the City Engineer and a pre-construction meeting held, prior to the
6 construction of any improvements.

7 18. Prior to the issuance of a building permit for any phase of incremental construction, all
8 phased and incremental improvements required under the approved Phasing Plan shall be
9 covered by a Development Improvement Agreement(s). Each a Development
10 Improvement Agreement shall be secured with sufficient improvement securities or bonds
11 guaranteeing performance and payment for labor and materials, setting of monuments, and
12 warranty against defective materials and workmanship.

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

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

18 b) All grading and related site preparation and construction activities shall be
19 limited to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday
20 from 7 a.m. to 6 p.m. for work that is not inherently noise-producing unless
21 otherwise extended by the City and all work should utilize the latest technology
22 for quiet equipment. All on-site construction staging areas shall be as far as
23 possible (minimum 100 feet) from any existing residential development.
24 Because construction noise may still be intrusive in the evening or on holidays,
25 the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive,
26 or offensive noise which causes discomfort or annoyance to reasonable persons
27 of normal sensitivity."

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

20. Violation of any condition, restriction or prohibition set forth in this resolution shall
subject the development plan to further review by the Planning Commission. This review

1 may include revocation of the Development Plan approval, imposition of additional
2 conditions, and any other remedial action authorized by law.

3 21. In accordance with City Ordinances and policies, all traffic signal contributions, highway
4 thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and
5 deposits shall be paid prior to the issuance of any building permits for any incremental and
6 phased construction. The fees and charges due for any construction increment shall be
7 based upon the amount of calculable development for any particular phase(s). Approval of
8 the project shall constitute the developer's approval of such payments, and his agreement to
9 pay for any other similar assessments or charges in effect when any increment is submitted
10 for building permit approval, and to join, contribute, and/or participate in such districts.

11 22. The south side of Kelly Street shall be improved from its intersection with Soto Street to
12 Andy Lane with concrete curbs and gutters, streetlights, and pavement, providing a
13 landscaped parkway width of at least 10 feet, except where turnouts are provided and
14 unless altered by the City Engineer.

15 23. Streetlights shall be installed on along Kelly Street and adjacent to the property frontage
16 there. The streetlights may be installed incrementally in accordance with the approved
17 Development Phasing Plan. The lighting system shall be designed and secured with
18 sufficient improvement securities or bonds guaranteeing installation, performance, and
19 workmanship prior to the issuance of any building permits for any aspect of incremental
20 construction constituting Phase 2 development under the approved Phasing Plan. The
21 developer shall pay all applicable fees, energy charges, and/or assessments associated with
22 City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or
23 the annexation to, any existing or future street lighting district.

24 24. All existing overhead utility lines within the development and/or within any full width
25 street or right-of-way abutting the new development, and all new extension services for
26 the development of the project, including but not limited to, electrical, cable and
27 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.

28 25. Curb return radii shall be 20 feet at the all driveway intersections.

29 26. The exact alignment, width and design of all driveways and intersections at the public
right-of-way, roadway transitions and turnouts, parking lot and driveway striping, and all

1 other traffic control devices and measures shall be approved by the City Engineer at the
2 time of final design.

3 27. The developer shall contract with an engineering firm to perform R-value testing of the
4 existing pavement on the adjacent streets. The limits of the study shall be half street plus
5 12 feet on Kelly Street from Soto Street to Hunsaker Street. The Developer shall submit a
6 study that shall analyze whether the existing pavement meets current City standards/traffic
7 indices. If the study concludes that the pavement does not meet City standards/traffic
8 indices, rehabilitation/mitigation recommendations shall be included in the study and the
9 Developer shall reconstruct the street per the recommendations to the satisfaction of the
10 City Engineer.

11 28. Sight distance requirements at all driveway intersections to Kelly Street shall conform to
12 the intersection sight distance criteria as provided by the California Department of
13 Transportation Highway Design Manual. Landscaping plans, including plans for the
14 construction of walls, fences or other structures at or near driveway intersections with
15 Kelly Street, must conform to intersection sight distance requirements.

16 29. A traffic control plan shall be submitted to and approved by the City Engineer prior to the
17 start of work within any City streets rights-of-way. Traffic control during construction of
18 streets that have been opened to public traffic shall be in accordance with construction
19 signing, marking and other protection as required by the CalTrans Traffic Manual. Traffic
20 control during construction adjacent to or within all public streets must also meet CalTrans
21 standards.

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

24 31. The developer shall comply with all the provisions of the City's cable television ordinances
25 including those relating to notification as required by the City Engineer.

26 32. Grading and drainage facilities shall be designed to adequately accommodate the local
27 storm water runoff and shall be in accordance with the City's Engineers Manual and as
28 directed by the City Engineer.

29 33. Prior to any grading for any construction phase of the project, 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

1 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
2 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
3 the City Engineer.

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

8 35. Open space areas and downsloped areas on the property, and within the property frontages
9 along all streets and roadways, shall be maintained by the property owner. The property
10 owner's maintenance obligation shall cover the perpetual maintenance (including
11 irrigation) and re-installation of landscaping in accordance with the approved landscape
12 plans for the approved development. The maintenance obligation shall also cover regular
13 clean up of trash and debris within these areas. The perpetual maintenance obligations
14 shall be stipulated within a covenant document, in a form acceptable to the City Attorney,
15 recorded against the property, and shall remain in effect for the life of the development.

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

24 37. Development shall be in accordance with City Floodplain Management Regulations and
25 Stormwater Management and Discharge Regulations.

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

29 39. Unless an appropriate barrier is existing, or is otherwise approved as part of a final
landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be

1 provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4
2 feet and is adjacent to an arterial street or state highway.

3 40. The underlying parcels within the project boundaries shall be consolidated by a lot line
4 adjustment. The developer shall be required to research the 3-foot and 25-foot strip of
5 land adjacent to Kelly Street to determine how the property was created and properly
6 adjust deed(s), or otherwise consolidate any remnant portions of land with the adjacent
7 parcels. The timing for the completion of the lot line adjustments and any necessary
8 corrections to deeds or title shall be covered under the development Phasing Plan
9 approved by the City Engineer.

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

16 42. The development shall comply with all applicable regulations established by the United
17 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
18 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
19 storm water discharge and any regulations adopted by the City pursuant to the
20 N.P.D.E.S. regulations or requirements. Further, the applicant shall file a Notice of
21 Intent with the State Water Resources Control Board to obtain coverage under the
22 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
23 Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP)
24 concurrent with the commencement of grading activities. The SWPPP shall include
25 both construction and post construction pollution prevention and pollution control
26 measures and shall identify funding mechanisms for post construction control measures.
27 The developer shall comply with all the provisions of the Clean Water Program during
28 and after all phases of the development process, including but not limited to: mass
29 grading, rough grading, construction of street and landscaping improvements, and
construction of dwelling units. The applicant shall design the Project's storm drains and

1 other drainage facilities to include Best Management Practices to minimize non-point
2 source pollution, satisfactory to the City Engineer.

3 43. Upon acceptance of any fee waiver or reduction by the Developer, the entire project will
4 be subject to prevailing wage requirements as specified by Senate Bill 975 and 972. The
5 Developer shall agree to execute a form acknowledging the prevailing wage
6 requirements prior to the granting of any fee reductions or waivers.

7 44. The Developer shall submit an Operations & Maintenance (O&M) Plan and Manual to
8 the Engineering Division with the first submittal of engineering plans. The Plan and the
9 Manual shall be prepared by the applicant's Civil Engineer. It shall be directly based on
10 the project's Storm Water Mitigation Plan (SWMP) previously approved by the project's
11 approving authority (Planning Commission/City Council). It shall be approved by the
12 City Engineer prior to approval of any plans by the Engineering Division. At a
13 minimum the O&M Plan and Manual shall describe the designated responsible parties to
14 manage the storm water BMP(s), employee's training program and duties, operating
15 schedule, maintenance frequency, routine service schedule, specific maintenance
16 activities, copies of resource agency permits, and any other necessary activities.
17 Construction-phase requirements proposed in the Plan and Manual shall be incorporated
18 in and referenced by the project's Erosion Control Plans to the satisfaction of the City
19 Engineer prior to approval of any construction plans for the project.

20 45. The Developer shall enter into a City-Standard Stormwater Facilities Maintenance
21 Agreement with the City obliging the project proponent to maintain, repair and replace
22 the storm water Best Management Practices (BMPs) identified in the project's approved
23 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan and Manual into
24 perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of
25 any precise grading permit and shall be recorded at the County Recorder's Office prior to
26 issuance of any building permit. Security in the form of a cash or perpetual traditional
27 bond or an irrevocable letter of credit shall be required prior to issuance of a precise
28 grading permit. The amount of the security shall be equal to 10 years of maintenance
29 costs. The O&M cost estimate shall be prepared by the applicant's Civil Engineer. The
O&M cost estimate shall be approved by the City Engineer prior to approval of any
engineering plans for the project.

1 46. The City requires that a copy of the Operation & Maintenance (O&M) Plan and Manual
2 approved by the City Engineer be attached to the approved Maintenance Agreement
3 prior to its review by the City Attorney. At a minimum, maintenance agreements shall
4 require the inspection and servicing of all structural BMPs on an annual basis. The
5 project proponent shall complete and maintain O&M forms to document all maintenance
6 requirements. Parties responsible for the O&M plan shall retain records for at least 5
7 years. These documents shall be made available to the City for inspection upon request
8 at any time.

9 47. The Agreement shall include a copy of executed onsite and offsite access easements
10 necessary for the operation and maintenance of BMPs that shall be binding on the land
11 throughout the life of the project to the benefit of the party responsible for the O&M of
12 BMPs (5), until such time that the storm water BMP requiring access is replaced,
13 satisfactory to the City Engineer.

14 48. The type, model, or dimensions of the BMPs described in the project's approved Storm
15 Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without
16 formal approval by the project's final approving authority Planning Commission at a
17 public hearing, if such hearing was required for the approval of the project.

18 Fire:

19 49. A minimum fire flow of 2,000 gallons per minute shall be provided.

20 50. The size of Fire hydrant outlets shall be 2-1/2"x2-1/2"x4".

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

23 52. All-weather access roads shall be installed and made serviceable prior to and during time
24 of construction. Sec. 901.3 Uniform Fire Code.

25 53. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City
26 Vehicle Code Section 22500.1.

27 54. All security gates shall have a Knox-box override and as required have strobe activation
28 capability, unless otherwise approved by the Fire Marshall.

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

56. Fire extinguishers are required and shall be included on the plans submitted for plan check.

- 1 57. Fire lanes shall be shown on the site plan with a 28-foot minimum width.
- 2 58. Fire hydrants on the plot plan are conceptual only. The final number and location shall
- 3 be as approved by the Fire Marshall.
- 4 59. All open areas that are needed for biological resources shall be landscaped with approved
- 5 fire retardant/anti-erosion type plants with an approved permanent irrigation system and
- 6 maintenance program.
- 7 60. An exterior address(es) for the property shall be provided on the building in compliance
- 8 with Section 901 and Article 9 of the Fire Ordinance.
- 9 61. Blue hydrant identification markers shall be placed in the center of the street, adjacent to
- 10 the street hydrants.

11 Planning and Environmental:

- 12 62. The conditions of this Resolution shall supercede Planning Commission Resolution No.
- 13 00-P01 with the exception that the provisions granted to Variance (V-8-97) are unaffected
- 14 by this Resolution.
- 15 63. This Development Plan Revision approves only the following: a revision to Development
- 16 Plan (D-12-97) and Conditional Use Permit (C-21-97) for the development of a previously
- 17 approved church facility and its operation. The final Development Phasing Plan shall be
- 18 approved by the City Engineer and the Planning Director and shall incorporate the
- 19 conditions of this resolution. Any substantial modification in the design or layout of the
- 20 approved development shall require a revision to the Development Plan or a new
- 21 Development Plan. The final Development Phasing Plan shall be based upon the
- 22 following conceptual schedule; however, the following phases of development may be
- 23 combined and consolidated.

24 Phase IA/IB – Construction of one or both of the architectural theme towers and

25 communication facilities housed within the towers. The tower communication facilities

26 shall be constructed in accordance with requirements of the revised Conditional Use

27 Permit (C-21-98) contained within this resolution and in accordance with the approved

28 facilities site plans associated with the application. In addition, the tower/communication

29 facilities are limited to the structural heights authorized under Planning Commission

Resolution No. 98-P22 for Variance (V-8-97). As such, the westerly tower is limited to 67

feet in height and the easterly tower is limited to 55 feet in height.

1 Phase II - Development of the site's access and parking to support outdoor worship and
2 recreational uses of the property; however, the limited development of only site access and
3 parking facilities to support outdoor worship and recreational uses of the property shall not
4 constitute Phase II development by itself. In addition, the construction of the first phase
5 (westerly) parking lot and the secondary access point located at the eastern end of the
6 project site is required in order to proceed with the conjunctive or subsequent construction
7 of any occupant-loaded building or facility. Construction of the approximately 9,728
8 square-feet of the Social Hall is anticipated to be the first such building and facility
9 construction during this phase.

10 Phase III -- Construction of approximately 4,416 square feet of the Sunday school and pre-
11 school/daycare rooms and any required outdoor open space areas. In addition, the
12 remaining 2,852 square feet of the Social Hall will be completed.

13 Phase IV -- Construction of approximately 6,102 square feet of administrative offices and
14 the remaining 2,818 square feet of pre-school/daycare rooms and any additional required
15 outdoor open space areas.

16 Phase V - Construction of the 10,128 square foot sanctuary.

17 Phase VI -- Construction of all of the site's additional recreational facilities. In addition,
18 the second floor Sunday school and pre-school/daycare rooms (4,050 square feet) will be
19 constructed.

20 Phase VII -- Construction of the 20,000 square foot multi-purpose room. The easterly
21 parking lot is required to be constructed prior to the occupancy of the multi-purpose
22 facility.

23 64. The development of the Multi-Purpose Facility is subject to a future review and approval
24 of design and architecture by the Planning Commission.

25 65. Usage of the site under a Phase I level of site improvements is restricted to the church
26 theme towers/communication facilities. Church-related and non-Church related
27 congregational and assembly uses of the site under a Phase I level of site improvements are
28 not permitted.

29 66. This Development Plan shall expire on January 24, 2005 (5 years from the date of the
project approval) unless implemented with the development of any occupant-loaded
building constituting Phase II development under the approved and Development Phasing

1 Plan. At that time, this Development Plan approval shall be deemed to have lapsed in
2 accordance with the provisions of Oceanside Zoning Ordinance Section 4308 as amended.

3 67. This Conditional Use Permit Revision (C-21-97) is granted for the following use only: the
4 use of certain architectural theme towers as joint-use communication facilities in
5 accordance with the approved plan materials. Any change in the use or any change in the
6 structure will require a revision to the Conditional Use Permit or a new Conditional Use
7 Permit.

8 68. This Conditional Use Permit Revision shall expire on January 24, 2005 (5 years from the
9 date of the project approval), unless the associated project site development constituting
10 the Phase II increment, in accordance with the provisions of this Resolution, is otherwise
11 completed by that time. Should the Phase II improvements not be completed on or
12 before January 24, 2005 the approvals (Conditional Use Permit Development Plan and
13 Variance) shall be rendered null and void. Upon the expiration of the CUP at end of the
14 5-year term, the project theme towers shall be removed from the property immediately
15 thereafter, unless, the CUP is revised to effect an extension of time in accordance with
16 the provisions of the Zoning Ordinance. The application for CUP revision shall be
17 evaluated against the existing land use policies and any site area and neighborhood
18 changes.

19 69. In accordance with the provisions of Oceanside Zoning Ordinance Section 4108 as
20 amended, the Conditional Use Permit Revision for the operation of communication
21 facilities shall be deemed to have lapsed if the permitted uses are discontinued for six (6)
22 consecutive months during the first 5 years of entitlement. However, the tower
23 structures may remain until such time that the Development Plan Revision is deemed to
24 have lapsed in accordance with the provisions of this Resolution.

25 70. Upon one year of facility operation, and upon any change-out of facility equipment, the
26 permittee(s) shall provide to the Planning Director a statement of radio-frequency
27 radiation output and output compliance with the limitations of governing licensing
28 authorities.

29 71. The permittee(s) shall exercise a good-faith effort to incorporate the best available
equipment technology to effect a reduction in the visual presence of the approved
antenna and facility equipment. The change-out and retrofit of equipment shall be

1 conducted by the permittee(s) after such equipment becomes available and exhibits
2 common use at similar facilities. Upon the City's request and discretion, the permittee(s)
3 shall be required to provide an independently prepared technical analysis demonstrating
4 compliance with this condition. The permittee(s) inability to demonstrate the use of
5 current technologies may be grounds for the revocation of the CUP.

6 72. The permittee(s) shall exercise a good-faith effort to cooperate with other
7 communication providers and services in the operation of a co-user communication
8 facility, provided such shared usage does not impair the operation of the approved
9 facility. Upon the City's request and discretion, the permittee(s) shall provide an
10 independently prepared technical analysis to substantiate the existence of any practical
11 technical prohibitions against the operation of a co-use facility. The permittee(s)' non-
12 compliance with this requirement may be grounds for the revocation of the CUP.

13 73. The approved communication facility shall be subject to, and governed by, any and all
14 licensing authority by any governmental agency having jurisdiction. The City's local
15 approval of a communication facility shall not exempt the permittee(s) from any such
16 pre-emptive regulations.

17 74. The final design, aesthetic devices, and construction of the communication facilities
18 shall be in accordance with the plans representing the approved project. In addition, the
19 final construction plans shall demonstrate consistency with the plans and other exhibit
20 materials approved by the Planning Commission. These requirements shall be shown
21 and demonstrated on the plans submitted for building permits and shall be reviewed and
22 approved by the Planning Director prior to the issuance of building permits.

23 75. Each communication facility equipment shelters and cabinets shall be wholly screened
24 and contained within a fenced pad area. The screening materials shall be wood and shall
25 provide for an 8-foot high, and uniformly solid, screening appearance in accordance with
26 the approved plans. In addition, a security fencing "lid" shall be installed over each
27 equipment pad area to prevent fence-climbing accessibility into each of the enclosed
28 facilities. The final screening materials and security fencing design shall be reviewed
29 and approved by the Planning Director prior to the issuance of a building permit.

76. A sound attenuation wall shall be constructed in conjunction with, or in addition to, the
perimeter screen fencing for each tower/communication facility pad area. The sound

1 attenuation shall achieve a level of noise mitigation, whereby no equipment-related noise
2 is audible beyond the project site boundaries.

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

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

13 a) The Phase IA and IB landscaping for the towers/communication facilities shall
14 incorporate perimeter tree landscaping in accordance with the approved concept
15 site development plans. The trees shall be installed at a minimum size of 24-inch
16 box specimens. In addition, the perimeter landscaping shall include the installation
17 understory shrubbery. The understory shrubbery shall be selected for a mature
18 growth height to match the height of the facility enclosures. The final design and
19 landscape plans shall be approved by the Planning Director prior to the issuance of
20 building permits for the tower/communication facilities. The tree and shrubbery
21 materials shall be compatible with the landscape palette of the approved concept
22 Landscape Plan associated with the underlying development approval.

23 b) The developer shall be responsible for irrigating and landscaping all embankments
24 within the project, and all slopes along major streets and roadways.

25 c) Local street trees in parkways shall be planted during each appropriate
26 development phase at a minimum of 30 feet on center as solitary plantings.
27 Approved root barriers shall be incorporated.

28 d) To mitigate the loss of landmark and/or mature existing trees on site the
29 determination of replacement shall be based on tree number, type, and caliper
(caliper measured 2 1/2 feet from the base of the tree at existing grade). The total
number of tree caliper lost shall be equal to the total number of caliper replaced.

1 Replacement trees shall be a minimum of 15-gallon container stock. A field survey
2 shall be performed under the supervision of the City Landscaping Section to
3 evaluate the existing tree population and the replacement requirements. The
4 existing trees to remain or proposed for removal shall be identified on the
5 Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing
6 tree type, location, and caliper shall be shown on the above plans. Replacement
7 trees shall be identified and shown on the Landscape Plan and shall be subject to
8 review and approval by the City Engineer and Planning Director.

9 e) Crimson Lake Bougainvillea, the official City Flower, shall be used on this site.
10 San Diego Red Bougainvillea is an acceptable alternate.

11 f) A six-foot high decorative masonry wall shall be constructed on the easterly
12 property line adjacent to the neighboring commercial center property during the
13 appropriate development phase affecting that portion of the site. The wall shall be
14 shown on the landscape plans and the precise site development or grading plans.

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

24 80. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of the
25 City Code and shall also include additional space for storage and collection of recyclable
26 materials per City standards. The enclosure (or enclosures) must be built in a flat,
27 accessible location as determined by the City Engineer. The enclosure (or enclosures) shall
28 meet City standards including being constructed of concrete block, reinforced with Rebar
29 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

1 enclosure with solid metal gates. All driveways and service access areas must be designed
2 to sustain the weight of a 50,000-pound service vehicle. Trash enclosures and driveways
3 and service access areas shall be shown on both the improvement and landscape plans
4 submitted to the City Engineer. The specifications shall be reviewed and approved by the
5 City Engineer. The City's waste disposal contractor is required to access private property
6 to service the trash enclosures, a service agreement must be signed by the property owner
7 and shall remain in effect for the life of the project. All trash enclosures shall be designed
8 to provide user access without the use and opening of the service doors for the bins. Trash
9 enclosures shall have design features such as materials and trim similar to that of the rest of
10 the project. This design shall be shown on the landscape plans and shall be approved by the
11 Planning Director.

12 81. A covenant or other recordable document approved by the City Attorney shall be prepared
13 by developer and recorded prior to issuance of building permits. The covenant shall
14 provide that the property is subject to this Resolution, and shall generally list the conditions
15 of approval.

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

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

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

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

1 submitted with this application, unless specifically waived by an adopted condition of
2 approval.

3 86. This Conditional Use Permit shall be called for review by the Planning Commission if
4 complaints are filed and verified as valid by the Code Enforcement Office concerning the
5 violation of any of the approved conditions or assumptions made by the application.

6 87. The hours-of-operation are not limited. However, the hours of operation shall be reviewed
7 and may be limited by the Planning Commission when valid issues or complaints
8 pertaining to the hours of operation arise.

9 88. Any project entrance signs shall meet the requirements of the Sign Ordinance and be
10 approved by the Planning Director.

11 89. All building elevations shall be trimmed to substantially match the approved plan
12 materials. A set of building plans shall be reviewed and approved by the Planning
13 Department prior to the issuance of building permits.

14 90. Prior to the issuance of grading permits, a detailed erosion control plan shall be approved
15 by the City Engineer in accordance with the City of Oceanside Grading Ordinance.

16 91. All outdoor lighting shall be properly shielded and directed so as to prevent glare on
17 surrounding properties.

18 92. Site improvements shall demonstrate compliance with the City of Oceanside Light
19 Pollution Ordinance. At minimum, the following standards shall be incorporated into the
20 lighting plans for the church:

21 a) All exterior lighting shall emit less than 4,050 lumens per fixture.

22 b) All lighting, including parking areas and security lighting shall be directed away
23 from residence to the north.

24 93. All mitigation measures identified in the final Mitigated Negative Declaration (dated May
25 14, 1998) for the approved and underlying project (D-12-97, C-21-97, V-8-97) shall be
26 implemented in compliance with that document.

27 94. All studies and analyses required as conditions of approval or mitigation measures shall be
28 completed before grading and/or building permits are issued for any phase(s) of
29 development.

95. Construction of the proposed project should comply with the California Administrative
Code. The buildings intended for primary occupancy by any persons must include a

1 minimum exterior-to-interior noise reduction resulting in interior noise levels, due to
2 exterior sources, of 45 dBA CNEL or less. This noise reduction could be achieved using
3 standard construction methods, including but not limited to mechanical ventilation, double-
4 paned windows and acoustically insulated doors where they face roadways.

5 96. To protect water quality in the area the following mitigation measures shall be
6 implemented:

- 7 a) Material and waste Best Management Practices (BMPs) during site grading and
8 construction shall be strictly enforced.
- 9 b) A water quality management plan shall be prepared that addresses potential water
10 pollutant issues for the proposed project site and related areas. The report shall be
11 prepared and approved prior to the issuance of grading permits.
- 12 c) Permanent structural Best Management Practices (BMPs), such as infiltration
13 trenches, fossil filters, and/or oil water separators shall be installed and maintained
14 at all storm drain inlets on the site.
- 15 d) Non-structural post-construction Best Management Practices (BMPs), such as a
16 public education program (providing signage at all drainage inlets prohibiting
17 dumping of any kind).

18 97. To ensure compliance with the City's Noise Ordinance and avoid potential noise impacts
19 to residences north of the project site, all outdoor activities shall be limited to the daylight
20 hours.

21 Water Utilities:

22 98. All connections to existing City water mains are to be made with new materials. New
23 materials include the replacement and/or upgrade of all existing fittings with new tees or
24 new crosses, as applicable, and the installation of a new valve on each branch.

25 99. The developer will be responsible for developing all water and sewer facilities necessary to
26 this property. Any relocation of water and/or sewer lines is the responsibility of the
27 developer.

28 100. The developer shall construct a public reclamation water system that will serve each parcel
29 that is located in the proposed project, in accordance with City of Oceanside Ordinance
No. 91-P15. The proposed reclamation water system shall be located in the public streets
or in a public utility easement.

1 101. All lots with a finish pad elevation located below the elevation of the next upstream
2 manhole cover of the public sewer shall be protected from backflow of sewage by
3 installing an approved type backwater valve, per Section 710 of the Uniform Plumbing
4 Code.

5 PASSED AND ADOPTED Resolution No. 2003-P18 on April 21, 2003 by the
6 following vote, to wit:

7 AYES: Barrante, Chadwick, Schaffer, Todd and Parker

8 NAYS: None

9 ABSENT: None

10 ABSTAIN: None

11
12
13 
14 George Barrante, Chairman
Oceanside Planning Commission

15 ATTEST:

16 
17

18 Gerald S. Gilbert, Secretary

19 I, Gerald S. Gilbert, Secretary of the Oceanside Planning Commission, hereby certify that this is
20 a true and correct copy of Resolution No. 2003-P18.

21 Dated: April 21, 2003
22
23
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29

NORTH COAST UNITED METHODIST CHURCH

LEGAL DESCRIPTION

PARCELS 2 & 3 OF PARCEL MAP NO. 4991 TOGETHER WITH PORTIONS OF TRACT 63 OF HOTALING LANDS, ACCORDING TO MAP THEREOF NO. 1717 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

This property includes Assessor Parcel Numbers:

154-170-37
154-170-36
154-170-58
154-170-60
154-170-65
154-170-66
154-170-67
154-170-70
154-170-71

RECEIVED
DEC 04 2002
Planning Department

LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO AND IS DESCRIBED AS FOLLOWS:

PARCEL 1:

ALL THAT PORTION OF TRACT 64 OF HOTALING LANDS, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 1717, FILED IN THE OFFICE OF COUNTY RECORDER OF SAN DIEGO COUNTY, APRIL 16, 1921, DESCRIBED AS FOLLOWS:

BEGINNING AT THE MOST WESTERLY CORNER OF SAID TRACT; THENCE ALONG THE NORTHWESTERLY LINE THEREOF BEING ALONG THE SOUTHEASTERLY LINE OF KELLY STREET, NORTH 55°18'25" EAST 42.97 FEET TO THE TRUE POINT OF BEGINNING; THENCE LEAVING SAID SOUTHEASTERLY LINE, FROM A TANGENT WHICH BEARS SOUTH 55°18'25" WEST, ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 10 FEET, THROUGH AN ANGLE OF 118°38'22", A DISTANCE OF 20.71 FEET TO A POINT OF COMPOUND CURVATURE; THENCE ALONG A CURVE TO THE LEFT, HAVING A RADIUS OF 970 FEET, THROUGH AN ANGLE OF 7°51'01", A DISTANCE OF 132.90 FEET TO THE SOUTHEASTERLY LINE OF THE LAND DESCRIBED IN DEED TO LEMUEL J. SMITH, ET AL, RECORDED MAY 11, 1964 AS INSTRUMENT NO. 84253, OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID SOUTHEASTERLY LINE NORTH 55°16'31" EAST 45.43 FEET TO THE NORTHEASTERLY LINE OF SAID LAND; THENCE ALONG SAID NORTHEASTERLY LINE NORTH 34°37'39" WEST 126.00 FEET MORE OR LESS TO SAID SOUTHEASTERLY LINE OF KELLY STREET; THENCE ALONG SAID LINE SOUTH 55°18'25" WEST 108.28 FEET TO THE TRUE POINT OF BEGINNING.

PARCEL 2:

THAT PART OF THAT PORTION OF TRACT 64 OF HOTALING LANDS, SHOWN ON MAP THEREOF NO. 1717, FILED IN THE OFFICE OF THE RECORDER OF SAN DIEGO COUNTY APRIL 16, 1921, AS SAID PORTION WAS CONVEYED TO THE STATE OF CALIFORNIA BY DEEDS RECORDED MARCH 1, 1968, NO. 35198; APRIL 3, 1968, NO. 56699; APRIL 1, 1968, NO. 53170; AND MAY 12, 1969, FILE NO. 82502, ALL OF OFFICIAL RECORDS OF SAN DIEGO COUNTY; SAID PART HEREBY CONVEYED LYING NORTHEASTERLY OF THE NORTHEASTERLY RIGHT OF WAY LINE OF THE STATE FREEWAY 11-SD-5-50.6 AND DESCRIBED AS FOLLOWS:

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PLANNING COMMISSION
RESOLUTION NO. 00- P01

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

APPLICATION NO: D-12-97 (REVISION), C-21-97 (REVISION)
APPLICANT: North Coast United Methodist Church
LOCATION: Southeasterly of the intersection of Kelly Street and Soto Street

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 Revision to a Development Plan and a Revision to a Conditional Use Permit under the provisions of Articles 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a revision to the development phasing plan for the development of a previously approved church facility and a revision to a conditional use permit for the joint-use of certain architectural theme towers as communication facilities;

on certain real property identified in the project and property description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day of January, 2000 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; the project is exempt from environmental review;

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

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

| 1 | <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or</u> |
|----|---|---|--|
| 2 | | | <u>Calculation Formula</u> |
| 3 | Drainage Fee | Ordinance No. 85-23 Resolution No. 89-231 | Depends on area (range is \$1,705-\$9,575 per acre) |
| 4 | | | |
| 5 | | | |
| 6 | Public Facility Fee | Ordinance No. 91-09 Resolution No. R91-39 | \$0.441 per square foot or \$441 per thousand square feet for non- residential uses |
| 7 | | | |
| 8 | | | |
| 9 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$0.31 per square foot non-residential |
| 10 | | | |
| 11 | Traffic Signal Fee | Ordinance No. 87-19 | \$7.80 per vehicle trip per each phase of development |
| 12 | | | |
| 13 | Thoroughfare and Bridge Fee (75% discount for commercial and industrial projects) | Ordinance No. 83-01 | \$177 per vehicle trip per each phase of development (based on SANDAG trip generation table) |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | Water Connection Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 99-21 | Fee based on water meter size |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | Sewer Connection Fees | Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 99-20 | Based on water meter size or capacity |
| 22 | | | |
| 23 | | | |
| 24 | San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 99-2 | Based on meter size. Non-residential is \$9729 for a 2" meter. |
| 25 | | | |

26
27 WHEREAS, the current fees referenced above are merely fee amount estimates
28 of the impact fees that would be required if due and payable under currently
29 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;

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

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

8 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS FURTHER GIVEN
9 that the 90-day period to protest the imposition of any fee, dedication, reservation, or
10 other exaction described in this resolution begins on the effective date of this
11 resolution and any such protest must be in a manner that complies with Section
12 66020;

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

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

18 FINDINGS:

19 For the Development Plan Revision:

- 20 1. The project as proposed is consistent with the development standards and
21 use restrictions of the Zoning Ordinance.
- 22 2. The project as proposed conforms to the General Plan of the City.
- 23 3. The proposed project can be adequately and reasonably served by existing
24 and planned public services, utilities and public facilities.

25 For the Conditional Use Permit Revision:

- 26 1. Article 10 and 30 of the Zoning Ordinance makes provisions for religious
27 assembly and communication uses within residential zoning districts. These
28 provisions are predicated upon a compatible integration of these uses within
29 existing or future residentially developed areas. The revised project is
adequately conditioned and required to provide for such an adequate level of
compatible integration and, therefore, will not be detrimental to the
neighboring residential area.

1 2. The proposed project is consistent with the General Plan and will not be a
2 ~~detrimental to surrounding land uses, and persons the neighborhood area.~~

3 3. The project as proposed complies with the requirements of the Zoning
4 Ordinance. In addition, specific conditions have been applied to the project
5 for the proposed location to ensure compatibility with surrounding land uses.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
7 hereby APPROVE of a revision to Development Plan (D-12-97) and revision to Conditional
8 Use Permit (C-21-97) subject to the following conditions:

8 Building:

9 1. Applicable Building Codes and Ordinances shall be based on the date of
10 submittal for Building Department plan check.

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

13 3. Site development, parking, access into buildings and building interiors shall
14 comply with C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential buildings
15 - D.S.A.). The project's structurally detached theme tower site areas shall be
16 subject to this requirement if they are designed or used for any purpose or
17 activity requiring accessibility by non-exclusive individuals.

18 4. All electrical, communication, CATV, etc. service lines, within the exterior lines
19 of the property shall be underground (City Code Sec. 6.30).

20 5. Application for Building Permit will not be accepted for this project until plans
21 indicate that they have been prepared by a licensed design professional
22 (Architect or Engineer). The design professional's name, address, phone
23 number; State license number and expiration date shall be printed in the title
24 block of the plans.

25 6. All outdoor lighting shall conform to Oceanside City Code, Chapter 39 – Light
26 Pollution.

27 7. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution
28 Ordinance) and shall be shielded appropriately. Where color rendition is
29 important high-pressure sodium, metal halide or other such lights may be
utilized and shall be shown on final building and electrical plans. In addition, all
lighting showcasing building architecture shall be shown on the above noted
plans.

1 8. A letter of clearance from the school district in which the property is located
2 shall be provided at the time building permits are issued.

3 Engineering:

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

7 10. Vehicular access from the project site to Kelly Street shall only be at the
8 locations shown on the Development Plan approved by the Planning
9 Commission.

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

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

14 13. A development Phasing Plan for the construction of public and private
15 improvements (including frontage landscaping and right-of-way improvements
16 for streets and roadways) shall be approved by the City Engineer prior to the
17 City Engineer's approval of the first precise grading plan or precise site
18 development plan for the project. The incremental construction of
19 improvements under the approved Phasing Plan shall be completed to the
20 satisfaction of the City Engineer prior to the issuance of any building permits
21 associated with each phase of implementing and incremental construction.

22 Prior to the issuance of the first building permit, a covenant, reviewed and
23 approved by the City Attorney, shall be recorded against the development
24 property. The covenant shall reference and attest to the project's public and
25 private (off-site frontages and on-site property) improvement obligations under
26 an approved Phasing Plan as a condition of the development entitlement.

27 14. Each phase of incremental construction of the approved Phasing Plan shall be
28 covered by a precise grading plan/precise site development plan approved by
29 the City Engineer. The precise plans shall reflect all pavement, flatwork,
landscaped areas, special surfaces, curbs, gutters, striping, signage, footprints
of all structures, walls, drainage devices and utility services.

15. Landscape and irrigation plans for disturbed areas associated with each phase
of incremental construction must be submitted to the City Engineer prior to the
issuance of a preliminary grading permit and approved by the City Engineer
prior to the issuance of building permits for any construction phases after
Phase 1. The installation of site landscaping within and along the frontages of

1 Kelly Street, Hwy. 78 and Interstate 5 may be completed incrementally and in
2 accordance with the approved Development Phasing Plan. The installation of
3 frontage landscaping shall be completed prior to the issuance of any building
4 permits for any phase of incremental construction beginning with any
5 construction increment constituting Phase 2 development under the approved
6 Development Phasing Plan.

7 Project fences, sound or privacy walls and monument entry walls/signs shall
8 be designed, reviewed and constructed by the landscape plans and shown for
9 location only on grading plans. Plantable, segmental walls shall be designed,
10 reviewed and constructed by the grading plans and landscaped/irrigated
11 through project landscape plans. All plans must be approved by the City
12 Engineer and a pre-construction meeting held, prior to the construction of any
13 improvements.

14 16. Prior to the issuance of a building permit for any phase of incremental
15 construction, all phased and incremental improvements required under the
16 approved Phasing Plan shall be covered by a Development Improvement
17 Agreement(s). Each a Development Improvement Agreement shall be secured
18 with sufficient improvement securities or bonds guaranteeing performance and
19 payment for labor and materials, setting of monuments, and warranty against
20 defective materials and workmanship.

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

25 a) Removal of dirt, debris and other construction material deposited on
26 any public street no later than the end of each working day.

27 b) All grading and construction activities shall be limited to the hours of
28 7 AM to 6 PM, Monday through Friday, unless otherwise extended
29 by the City, and should utilize the latest technology for quiet
equipment. 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.

- 1 18. Violation of any condition, restriction or prohibition set forth in this resolution
2 shall subject the development plan to further review by the Planning
3 Commission. This review may include revocation of the Development Plan
4 approval, imposition of additional conditions, and any other remedial action
5 authorized by law.
- 6 19. In accordance with City Ordinances and policies, all traffic signal contributions,
7 highway thoroughfare fees, park fees, reimbursements, and other applicable
8 charges, fees and deposits shall be paid prior to the issuance of any building
9 permits for any incremental and phased construction. The fees and charges
10 due for any construction increment shall be based upon the amount of
11 calculable development for any particular phase(s). Approval of the project
12 shall constitute the developer's approval of such payments, and his agreement
13 to pay for any other similar assessments or charges in effect when any
14 increment is submitted for building permit approval, and to join, contribute,
15 and/or participate in such districts.
- 16 20. The south side of Kelly Street shall be improved from its intersection with
17 Soto Street to Andy Lane with concrete curbs and gutters, street lights,
18 and pavement, providing a landscaped parkway width of at least 10 feet,
19 except where turnouts are provided and unless altered by the City
20 Engineer. No sidewalk is required in accordance with policies and practices
21 for development improvements within the Fire Mountain Neighborhood
22 area.
- 23 21. Streetlights shall be installed on along Kelly Street and adjacent to the property
24 frontage there. The streetlights may be installed incrementally in accordance
25 with the approved Development Phasing Plan. The lighting system shall be
26 designed and secured with sufficient improvement securities or bonds
27 guaranteeing installation, performance, and workmanship prior to the issuance
28 of any building permits for any aspect of incremental construction constituting
29 Phase 2 development under the approved Phasing Plan. The developer shall
pay all applicable fees, energy charges, and/or assessments associated with
City-owned (LS-2 rate schedule) street lights and shall also agree to the
formulation of, or the annexation to, any existing or future street lighting
district.
22. All existing overhead utility lines either transversing the project or immediately
adjacent thereto, and all new extension services for the development of the
project, including but not limited to, electrical, cable and telephone, shall be
constructed underground.
23. Curb return radii shall be 20 feet at the all driveway intersections.

- 1 24. The exact alignment, width and design of all driveways and intersections at
2 the public right-of-way, roadway transitions and turnouts, parking lot and
3 driveway striping, and all other traffic control devices and measures shall be
4 approved by the City Engineer at the time of final design.
- 5 25. Pavement sections for all driveways, parking areas, and private transitions and
6 intersections at Kelly Street shall be based upon approved soil tests and traffic
7 indices. The pavement design is to be prepared by the subdivider's soil
8 engineer and must be approved by the City Engineer, prior to paving.
- 9 26. Sight distance requirements at all driveway intersections to Kelly Street shall
10 conform to the intersection sight distance criteria as provided by the California
11 Department of Transportation Highway Design Manual. Landscaping plans,
12 including plans for the construction of walls, fences or other structures at or
13 near driveway intersections with Kelly Street, must conform to intersection
14 sight distance requirements.
- 15 27. A traffic control plan shall be submitted to and approved by the City Engineer
16 prior to the start of work within any City streets rights-of-way. Traffic control
17 during construction of streets that have been opened to public traffic shall be
18 in accordance with construction signing, marking and other protection as
19 required by the CalTrans Traffic Manual. Traffic control during construction
20 adjacent to or within all public streets must also meet CalTrans standards.
- 21 28. Any broken pavement, concrete curb, gutter or sidewalk or any damaged
22 during construction of the project, shall be repaired or replaced as directed by
23 the City Engineer.
- 24 29. The developer shall comply with all the provisions of the City's cable television
25 ordinances including those relating to notification as required by the City
26 Engineer.
- 27 30. Grading and drainage facilities shall be designed to adequately accommodate
28 the local storm water runoff and shall be in accordance with the City's
29 Engineers Manual and as directed by the City Engineer.
31. Prior to any grading for any construction phase of the project, 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.

1 32. This project shall provide year-round erosion control measures for the site as
2 required by the City Engineer for each phase of site grading. Prior to the
3 ~~issuance of a grading permit for any phased increment of construction, an~~
4 erosion control plan, designed for all proposed stages of construction, shall be
5 reviewed, secured by the applicant with cash securities and approved by the
6 City Engineer.

7 33. Open space areas and downsloped areas on the property, and within the
8 property frontages along all streets and roadways, shall be maintained by the
9 property owner. The property owner's maintenance obligation shall cover the
10 perpetual maintenance (including irrigation) and re-installation of landscaping in
11 accordance with the approved landscape plans for the approved development.
12 The maintenance obligation shall also cover regular clean up of trash and
13 debris within these areas. The perpetual maintenance obligations shall be
14 stipulated within a covenant document, in a form acceptable to the City
15 Attorney, recorded against the property, and shall remain in effect for the life
16 of the development.

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

26 35. Development shall be in accordance with City Floodplain Management
27 Regulations and Stormwater Management and Discharge Regulations.

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

30 37. Unless an appropriate barrier is existing, or is otherwise approved as part of a
final 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.

31 38. The underlying parcels within the project boundaries shall be consolidated
by a lot line adjustment. The developer shall be required to research the 3
foot and 25-foot strip of land adjacent to Kelly Street to determine how the
property was created and properly adjust deed(s), or otherwise consolidate

1 any remnant portions of land with the adjacent parcels. The timing for the
2 completion of the lot line adjustments and any necessary corrections to
3 deeds or title shall be covered under the development Phasing Plan
4 approved by the City Engineer.

4 Fire:

- 5 39. A minimum fire flow of 2000 gallons per minute shall be provided.
6
7 40. The size of Fire hydrant outlets shall be 2-1/2"x2-1/2"x4".
8
9 41. The fire hydrants shall be installed and tested prior to placing any combustible
10 materials on the job site.
11
12 42. All-weather access roads shall be installed and made serviceable prior to and
13 during time of construction. Sec. 901.3 Uniform Fire Code.
14
15 43. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE"
16 per City Vehicle Code Section 22500.1.
17
18 44. All security gates shall have a Knox-box override and as required have strobe
19 activation capability, unless otherwise approved by the Fire Marshall.
20
21 45. Plans shall be submitted to the Fire Prevention Bureau for plan check review
22 and approval prior to the issuance of building permits.
23
24 46. Fire extinguishers are required and shall be included on the plans submitted for
25 plan check.
26
27 47. Fire lanes shall be shown on the site plan with a 28-foot minimum width.
28
29 48. Fire hydrants on the plot plan are conceptual only. The final number and
location shall be as approved by the Fire Marshall.
49. All open areas that are needed for biological resources shall be landscaped
with approved fire retardant/anti-erosion type plants with an approved
permanent irrigation system and maintenance program.
50. An exterior address(es) for the property shall be provided on the building in
compliance with Section 901 and Article 9 of the Fire Ordinance.
51. Blue hydrant identification markers shall be placed in the center of the street,
adjacent to the street hydrants.

1 Planning and Environmental:

2
3 52. ~~The conditions of this Resolution shall supercede Planning Commission~~
4 Resolution No. 98-P22 with the exception that the provisions granted to
5 Variance No. V-8-97 are unaffected by this Resolution.

6
7 53. This Development Plan Revision approves only the following: A revision to the
8 phasing plan for the development of a previously approved church facility.
9 The final Development Phasing Plan shall be approved by the City Engineer and
10 the Planning Director and shall incorporate the conditions of this resolution.
11 Any substantial modification in the design or layout of the approved
12 development shall require a revision to the Development Plan or a new
13 Development Plan. The final Development Phasing Plan shall be based upon
14 the following conceptual schedule. The actual sequence of phased
15 development is not necessarily tied to the following conceptual sequence:

16 Phase IA/IB – Construction of one or both of the architectural theme towers
17 and communication facilities housed within the towers. The tower
18 communication facilities shall be constructed in accordance with requirements
19 of the revised Conditional Use Permit (C-21-98) contained within this resolution
20 and in accordance with the approved facilities site plans associated with the
21 application. In addition, the tower/communication facilities are limited to the
22 structural heights authorized under Planning Commission Resolution No. 98-
23 P22 for Variance No. V-8-97. As such, the westerly tower is limited to 67 feet
24 in height and the easterly tower is limited to 55 feet in height.

25 Phase II - Development of the site's access and parking to support outdoor
26 worship and recreational uses of the property; however, the limited
27 development of only site access and parking facilities to support outdoor
28 worship and recreational uses of the property shall not constitute Phase II
29 development by itself. In addition, the construction of the first phase
(westerly) parking lot and the secondary access point located at the eastern
end of the project site is required in order to proceed with the conjunctive or
subsequent construction of any occupant-loaded building or facility.
Construction of the approximately 9,728 square-feet of the Social Hall is
anticipated to be the first such building and facility construction during this
phase.

Phase III – Construction of approximately 4,416 square feet of the Sunday
school and pre-school/daycare rooms and any required outdoor open space
areas. In addition, the remaining 2,852 square feet of the Social Hall will be
completed.

1
2 Phase V - Construction of the 10,128 square foot sanctuary.

3 Phase VI - Construction of all of the site's additional recreational facilities. In
4 addition, the second floor Sunday school and pre-school/daycare rooms
5 (4,050 square feet) will be constructed.

6 Phase VII - Construction of the 20,000 square foot multi-purpose room. The
7 easterly parking lot is required to be constructed prior to the occupancy of the
8 multi-purpose facility.

9 54. The development of the Multi-Purpose Facility is subject to a future review
10 and approval of design and architecture by the Planning Commission.

11 55. Usage of the site under a Phase I level of site improvements is restricted to
12 the church theme towers/communication facilities. Church-related and non-
13 Church related congregational and assembly uses of the site under a Phase I
14 level of site improvements are not permitted.

15 56. This Development Plan shall expire on January 24, 2005 (5 years from the
16 date of this revised project approval) unless implemented with the
17 development of any occupant-loaded building constituting Phase II
18 development under the approved and Development Phasing Plan. At that
19 time, this Development Plan approval shall be deemed to have lapsed in
20 accordance with the provisions of Oceanside Zoning Ordinance Section 4308
21 as amended.

22 57. This Conditional Use Permit Revision (C-21-97) is granted for the following
23 use only: The use of certain architectural theme towers as joint-use
24 communication facilities in accordance with the approved plan materials. Any
25 change in the use or any change in the structure will require a revision to the
26 Conditional Use Permit or a new Conditional Use Permit.

27 58. This Conditional Use Permit Revision shall expire on January 24, 2005 (5
28 years from the date of this revised project approval); unless the associated
29 project site development constituting the Phase II increment, in accordance
with the provisions of this Resolution, is otherwise implemented by that time.
Upon the expiration of the CUP at end of the 5-year term, the project theme
towers shall be removed from the property immediately thereafter, unless,
the CUP is revised to effect an extension of time in accordance with the
provisions of the Zoning Ordinance. The application for CUP revision shall
be evaluated against the existing land use policies and any site area and
neighborhood changes.

1
2 ~~In accordance with the provisions of Oceanside Zoning Ordinance Section~~
3 4108 as amended, the Conditional Use Permit Revision for the operation of
4 communication facilities shall be deemed to have lapsed if the permitted uses
5 are discontinued for six (6) consecutive months during the first 5 years of
6 entitlement. However, the tower structures may remain until such time that
the Development Plan Revision is deemed to have lapsed in accordance with
the provisions of this Resolution.

7 59. Upon one year of facility operation, and upon any change-out of facility
8 equipment, the permittee(s) shall provide to the Planning Director a
9 statement of radio-frequency radiation output and output compliance with
the limitations of governing licensing authorities.

10 60. The permittee(s) shall exercise a good-faith effort to incorporate the best
11 available equipment technology to effect a reduction in the visual presence
12 of the approved antenna and facility equipment. The change-out and
13 retrofit of equipment shall be conducted by the permittee(s) after such
14 equipment becomes available and exhibits common use at similar facilities.
15 Upon the City's request and discretion, the permittee(s) shall be required to
16 provide an independently prepared technical analysis demonstrating
17 compliance with this condition. The permittee(s) inability to demonstrate
18 the use of current technologies may be grounds for the revocation of the
19 CUP.

20 61. The permittee(s) shall exercise a good-faith effort to cooperate with other
21 communication providers and services in the operation of a co-user
22 communication facility, provided such shared usage does not impair the
23 operation of the approved facility. Upon the City's request and discretion,
24 the permittee(s) shall provide an independently prepared technical analysis
25 to substantiate the existence of any practical technical prohibitions against
26 the operation of a co-use facility. The permittee(s)' non-compliance with
27 this requirement may be grounds for the revocation of the CUP.

28 62. The approved communication facility shall be subject to, and governed by,
29 any and all licensing authority by any governmental agency having
jurisdiction. The City's local approval of a communication facility shall not
exempt the permittee(s) from any such pre-emptive regulations.

63. The final design, aesthetic devices, and construction of the communication
facilities shall be in accordance with the plans representing the approved
project. In addition, the final construction plans shall demonstrate
consistency with the plans and other exhibit materials approved by the
Planning Commission. These requirements shall be shown and
demonstrated on the plans submitted for building permits and shall be

1
2 ~~64. Each communication facility equipment shelters and cabinets shall be wholly~~
3 screened and contained within a fenced pad area. The screening materials
4 shall be wood and shall provide for an 8-foot high, and uniformly solid,
5 screening appearance in accordance with the approved plans. In addition, a
6 security fencing "lid" shall be installed over each equipment pad area to
7 prevent fence-climbing accessibility into each of the enclosed facilities. The
8 final screening materials and security fencing design shall be reviewed and
9 approved by the Planning Director prior to the issuance of a building permit.

8 65. A sound attenuation wall shall be constructed in conjunction with, or in
9 addition to, the perimeter screen fencing for each tower/communication
10 facility pad area. The sound attenuation shall achieve a level of noise
11 mitigation, whereby no equipment-related noise is audible beyond the project
12 site boundaries.

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

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

20 a) The Phase IA and IB landscaping for the towers/communication
21 facilities shall incorporate perimeter tree landscaping in accordance with
22 the approved concept site development plans. The trees shall be
23 installed at a minimum size of 24-inch box specimens. In addition, the
24 perimeter landscaping shall include the installation understory
25 shrubbery. The understory shrubbery shall be selected for a mature
26 growth height to match the height of the facility enclosures. The final
27 design and landscape plans shall be approved by the Planning Director
28 prior to the issuance of building permits for the tower/communication
29 facilities. The tree and shrubbery materials shall be compatible with the
landscape palette of the approved concept Landscape Plan associated
with the underlying development approval.

b) The developer shall be responsible for irrigating and landscaping all
embankments within the project, and all slopes along major streets and
roadways.

1 b) The developer shall be responsible for irrigating and landscaping all
2 ~~embankments within the project, and all slopes along major streets and~~
3 ~~roadways.~~

4 c) Local street trees in parkways shall be planted during each appropriate
5 development phase at a minimum of 30 feet on center as solitary
6 plantings. Approved root barriers shall be incorporated.

7 d) To mitigate the loss of landmark and/or mature existing trees on site the
8 determination of replacement shall be based on tree number, type, and
9 caliper (caliper measured 2 1/2 feet from the base of the tree at existing
10 grade). The total number of tree caliper lost shall be equal to the total
11 number of caliper replaced. Replacement trees shall be a minimum of
12 15-gallon container stock. A field survey shall be performed under the
13 supervision of the City Landscaping Section to evaluate the existing tree
14 population and the replacement requirements. The existing trees to
15 remain or proposed for removal shall be identified on the Preliminary
16 Grading Plan, Precise Grading Plan and Landscape Plan. The existing
17 tree type, location, and caliper shall be shown on the above plans.
18 Replacement trees shall be identified and shown on the Landscape Plan
19 and shall be subject to review and approval by the City Engineer and
20 Planning Director.

21 e) Crimson Lake Bougainvillea, the official City Flower, shall be used on
22 this site. San Diego Red Bougainvillea is an acceptable alternate.

23 f) A six-foot high decorative masonry wall shall be constructed on the
24 easterly property line adjacent to the neighboring commercial center
25 property during the appropriate development phase affecting that
26 portion of the site. The wall shall be shown on the landscape plans and
27 the precise site development or grading plans.

28 68. All landscaping, fences, walls, etc. on the site, in the public right-of-way and in
29 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.

1 69. A trash enclosure (or trash enclosures) must be provided as required by
2 ~~Chapter 13 of the City Code and shall also include additional space for storage~~
3 and collection of recyclable materials per City standards. The enclosure (or
4 enclosures) must be built in a flat, accessible location as determined by the
5 City Engineer. The enclosure (or enclosures) shall meet City standards
6 including being constructed of concrete block, reinforced with Rebar and filled
7 with cement. A concrete slab must be poured with a berm on the inside of the
8 enclosure to prevent the bin(s) from striking the block walls. The slab must
9 extend out of the enclosure for the bin(s) to roll out onto. Steel posts must be
10 set in front of the enclosure with solid metal gates. All driveways and service
11 access areas must be designed to sustain the weight of a 50,000-pound
12 service vehicle. Trash enclosures and driveways and service access areas
13 shall be shown on both the improvement and landscape plans submitted to the
14 City Engineer. The specifications shall be reviewed and approved by the City
15 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 Planning Director.

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

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

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

28 73. Failure to meet any conditions of approval for this development shall constitute
29 a violation of the Conditional Use Permit and Development Plan.

- 1 74. Unless expressly waived, all current zoning standards and City ordinances and
2 policies in effect at the time building permits are issued are required to be met
3 by this project. The approval of this project constitutes the applicant's
4 agreement with all statements in the Description and Justification,
5 Management Plan and other materials and information submitted with this
6 application, unless specifically waived by an adopted condition of approval.
- 7 75. This Conditional Use Permit shall be called for review by the Planning
8 Commission if complaints are filed and verified as valid by the Code
9 Enforcement Office concerning the violation of any of the approved conditions
10 or assumptions made by the application.
- 11 76. The hours-of-operation are not limited. However, the hours of operation shall
12 be reviewed and may be limited by the Planning Commission when valid issues
13 or complaints pertaining to the hours of operation arise.
- 14 77. Any project entrance signs shall meet the requirements of the Sign Ordinance
15 and be approved by the Planning Director.
- 16 78. All building elevations shall be trimmed to substantially match the approved
17 plan materials. A set of building plans shall be reviewed and approved by the
18 Planning Department prior to the issuance of building permits.
- 19 79. Prior to the issuance of grading permits, a detailed erosion control plan shall be
20 approved by the City Engineer in accordance with the City of Oceanside
21 Grading Ordinance.
- 22 80. All outdoor lighting shall be properly shielded and directed so as to prevent
23 glare on surrounding properties.
- 24 81. Site improvements shall demonstrate compliance with the City of Oceanside
25 Light Pollution Ordinance. At minimum, the following standards shall be
26 incorporated into the lighting plans for the church:
- 27 - All exterior lighting shall emit less than 4,050 lumens per fixture.
 - 28 - All lighting, including parking areas and security lighting shall be directed
29 away from residence to the north.
- 30 82. All mitigation measures identified in the final Mitigated Negative Declaration
(dated May 14, 1998) for the approved and underlying project (D-12-97, C-21-
97, V-8-97) shall be implemented in compliance with that document.
- 31 83. All studies and analyses required as conditions of approval or mitigation
measures shall be completed before grading and/or building permits are issued
for any phase(s) of development.

1
2 84. Construction of the proposed project should comply with the California
3 Administrative Code. The buildings intended for primary occupancy by any
4 persons must include a minimum exterior-to-interior noise reduction resulting in
5 interior noise levels, due to exterior sources, of 45 dBA CNEL or less. This
6 noise reduction could be achieved using standard construction methods,
including but not limited to mechanical ventilation, double-paned windows and
acoustically insulated doors where they face roadways.

7 85. To protect water quality in the area the following mitigation measures shall
8 be implemented:

- 9 a) Material and waste Best Management Practices (BMPs) during site
10 grading and construction shall be strictly enforced.
- 11 b) A water quality management plan shall be prepared that addresses
12 potential water pollutant issues for the proposed project site and related
13 areas. The report shall be prepared and approved prior to the issuance
of grading permits.
- 14 c) Permanent structural Best Management Practices (BMPs), such as
15 infiltration trenches, fossil filters, and/or oil water separators shall be
16 installed and maintained at all storm drain inlets on the site.
- 17 d) Non-structural post-construction Best Management Practices (BMPs),
18 such as a public education program (providing signage at all drainage
inlets prohibiting dumping of any kind).

19 86. To ensure compliance with the City's Noise Ordinance and avoid potential
20 noise impacts to residences north of the project site, all outdoor activities shall
21 be limited to the daylight hours.

22 Water Utilities:

23 87. All connections to existing City water mains are to be made with new
24 materials. New materials include the replacement and/or upgrade of all
25 existing fittings with new tees or new crosses, as applicable, and the
installation of a new valve on each branch.

26 88. The developer will be responsible for developing all water and sewer facilities
27 necessary to this property. Any relocation of water and/or sewer lines is the
28 responsibility of the developer.

1 89. The developer shall construct a public reclamation water system that will serve
2 each parcel that is located in the proposed project, in accordance with City of
3 Oceanside Ordinance No. 91-P15. The proposed reclamation water system
4 shall be located in the public streets or in a public utility easement.

5 90. All lots with a finish pad elevation located below the elevation of the next
6 upstream manhole cover of the public sewer shall be protected from backflow
7 of sewage by installing an approved type backwater valve, per Section 710 of
8 the Uniform Plumbing Code.

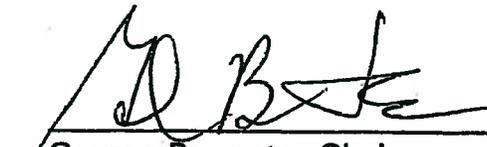
9 PASSED AND ADOPTED Resolution No. 00-P01 on January 24, 2000 by
10 the following vote, to wit:

11 AYES: Barrante, Miller, Schaffer, Bockman, Akin, Staehr and Hartley

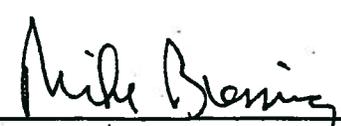
12 NAYS: None

13 ABSENT: None

14 ABSTAIN: None

15 
16 _____
17 George Barrante, Chairman
18 Oceanside Planning Commission

19 ATTEST:

20 
21 _____
22 Mike Blessing, Secretary

23 I, MIKE BLESSING, Secretary of the Oceanside Planning Commission, hereby
24 certify that this is a true and correct copy of Resolution No. 00-P01.

25 Dated: Jan 24, 2000
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PLANNING COMMISSION
RESOLUTION NO. 98- P22

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

APPLICATION NO: D-12-97, C-21-97, V-8-97
APPLICANT: North Coast United Methodist Church
LOCATION: South side of Kelly Street at the southern terminus of Soto Street, Andy Lane and Hunsaker Street.

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 Development Plan and Conditional Use Permit under the provisions of Articles 10, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a new church and pre-school/daycare;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 18th day of May, 1998 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; a Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant 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:

| <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|---|---|--|
| Drainage Fee | Ordinance No. 85-23 Resolution No. 89-231 | Area 2A-\$9,575 per acre |
| Public Facility Fee | Ordinance No. 91-09 Resolution No. R91-39 | Commercial Land Uses \$.441 per sq. ft |
| School Facilities Mitigation Fee | Ordinance No. 91-34 | Commercial Land Uses \$.30 sq. ft. |
| Traffic Signal Fee | Ordinance No. 87-19 Resolution No. R94-154 | \$4,317 |
| Thoroughfare and Bridge Fee | Ordinance No. 83-01 | \$24,490 |
| Water Connection Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 | Based on meter size |
| Sewer Connection Fees | Oceanside City Code § 29.11.1 Resolution No. 87-97 | \$2,428.99 |
| San Diego County Water Authority Water Capacity Fee | SDCWA Ordinance No. 97-1 | Based on meter size |

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;

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

7
8 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution
9 becomes effective 10 days from its adoption in the absence of the filing of an appeal
10 or call for review;

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

14 FINDINGS:

15 For the Development Plan:

- 16 1. The project as proposed is consistent with the development standards and
17 use restrictions of the Zoning Ordinance.
18 2. The project as proposed conforms to the General Plan of the City.
19 3. The proposed project can be adequately and reasonably served by existing
20 and planned public services, utilities and public facilities.

21 For the Conditional Use Permit:

- 22 1. Article 10 of the Zoning Ordinance makes provisions for religious assembly
23 uses within residential zoning districts. The provision is predicated upon a
24 compatible integration with the existing residential development requirements
25 to facilitate such an integration.
26 2. The proposed project is consistent with the General Plan and will not be a
27 detrimental to surrounding land uses, and persons the neighborhood area.
28 3. The project as proposed complies with the requirements of the Zoning
29 Ordinance. In addition, specific conditions have been applied to the project
for the proposed location to ensure compatibility with surrounding land uses.

For the Variance:

1. Due to the project site topography and landscape design special
circumstances do exist that warrant the increase in height of the northwest
and southeast towers.

1 2. Granting the Variance will not be detrimental to property or improvements
2 within the surrounding area or to the general welfare of the City.

3 3. Granting the Variance will not represent a grant of special privilege
4 inconsistent with similar types of structures existing in the same
neighborhood area and constructed within the same area.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
6 hereby APPROVE Development Plan (D-12-97), Conditional Use Permit (C-21-97)
and Variance (V-8-97) subject to the following conditions:

7 CONDITIONS:

8 Building:

9 1. Applicable Building Codes and Ordinances shall be based on the date of
10 submittal for Building Department plan check.

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

13 3. Site development, parking, access into buildings and building interiors shall
14 comply with C.C.R. Title 24, Part 2 (Disabled Access - Nonresidential
15 buildings - D.S.A.).

16 4. All electrical, communication, CATV, etc. service lines, within the exterior
17 lines of the property shall be underground (City Code Sec. 6.30).

18 5. Application for Building Permit will not be accepted for this project until plans
19 indicate that they have been prepared by a licensed design professional
20 (Architect or Engineer). The design professional's name, address, phone
21 number, State license number and expiration date shall be printed in the title
block of the plans.

22 6. All outdoor lighting shall conform to Oceanside City Code, Chapter 39 - Light
23 Pollution.

24 Environmental:

25 7. Prior to the issuance of grading permits, a detailed erosion control plan shall
26 be approved by the City Engineer in accordance with the City of Oceanside
27 Grading Ordinance.

28 8. All outdoor lighting shall be properly shielded and directed so as to prevent
29 glare on surrounding properties.

1 9. Site improvements shall demonstrate compliance with the City of Oceanside
2 Light Pollution Ordinance. At minimum, the following standards shall be
3 incorporated into the lighting plans for the church:

- 4 - All exterior lighting shall emit less than 4,050 lumens per fixture.
- 5 - All lighting, including parking areas and security lighting shall be
6 directed away from residence to the north.

7 10. All studies and analyses required as conditions of approval or mitigation
8 measures shall be completed before grading and/or building permits are
9 applied.

10 11. To protect water quality in the area the following mitigation measures shall
11 be implemented:

- 12 a) Material and waste Best Management Practices (BMPs) during site
13 grading and construction shall be strictly enforced.
- 14 b) A water quality management plan shall be prepared that addresses
15 potential water pollutant issues for the proposed project site and
16 related areas. The report shall be prepared and approved prior to the
17 issuance of grading permits.
- 18 c) Permanent structural Best Management Practices (BMPs), such as
19 infiltration trenches, fossil filters, and/or oil water separators shall be
20 installed and maintained at all storm drain inlets on the site.
- 21 d) Non-structural post-construction Best Management Practices (BMPs),
22 such as a public education program (providing signage at all drainage
23 inlets prohibiting dumping of any kind).

24 12. All grading and construction activities shall be limited to the hours of 7 AM to
25 6 PM, Monday through Friday unless otherwise extended by the City, and
26 should utilize the latest technology for quiet equipment. All on-site
27 construction staging areas shall be as far as possible (minimum of 100 feet)
28 from residential development.

29 13. To ensure compliance with the City's Noise Ordinance and avoid potential
noise impacts to residences north of the project site, all outdoor activities
shall be limited to the daylight hours.

1 14. The City of Oceanside's Noise Ordinance allows construction activities
2 between the hours of 7 AM to 6 PM, Monday through Friday. Because
3 construction noise may still be intrusive in the evening or on holidays, the
4 ordinance also prohibits "any disturbing, excessive, or offensive noise which
causes discomfort or annoyance to reasonable persons of normal sensitivity."

5 Engineering:

6 15. Construction of the proposed project should comply with the California
7 Administrative Code. The building must be for a minimum exterior-to-interior
8 noise reduction resulting in interior noise levels, due to exterior sources, of 45
9 dBA CNEL or less. This noise reduction could be achieved using standard
10 construction methods, mechanical ventilation and acoustically insulated doors
where they face roadways.

11 16. All right-of-way alignments and widths shall be dedicated and improved as
12 required by the City Engineer.

13 17. All improvement requirements, within or outside of the development shall be
14 covered by agreement and secured with sufficient improvement securities or
15 bonds guaranteeing performance and payment for labor and materials, setting
of monuments, and warranty against defective materials and workmanship.

16 18. The underlying parcels within the project boundaries shall be consolidated by
17 a Lot Line Adjustment. The developer shall be required to research the 3 foot
18 and 25-foot strip of land adjacent to Kelly Street to determine how the
19 property was created and properly adjust deed or otherwise consolidate the
remnants with the adjacent parcels.

20 19. Where proposed off-site improvements, including but not limited to slopes,
21 public utility facilities, and drainage facilities, are to be constructed, the
22 applicant shall, at his own expense, obtain all necessary easements or other
23 interests in real property and shall dedicate the same to the City as required.
24 The applicant shall provide documentary proof satisfactory to the City that
25 such easements or other interest in real property have been obtained prior to
26 the approval of the final map. Additionally, the City, may at its sole
discretion, require that the 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.

1 20. Precise Grading and Private Improvement Plans shall be required at the time of
2 development. A covenant, reviewed and approved by the City Attorney, shall
3 be recorded attesting to these improvement conditions and a certificate
4 setting forth the recordation shall be placed on the map.

5 21. The developer shall provide public street dedication as required to serve the
6 property.

7 22. Open space areas and downsloped be maintained by the property owner.

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

12 a) Removal of dirt, debris and other construction material deposited on
13 any public street no later than the end of each working day.

14 b) All building and construction operations, activities and deliveries shall
15 be restricted to Monday through Friday, from 7:00 A.M. to 6:00 P.M.,
16 unless otherwise extended by the City.

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

19 Violation of any condition, restriction or prohibition set forth in this resolution
20 shall subject the development plan to further review by the Planning
21 Commission. This review may include revocation of the development plan,
22 imposition of additional conditions and any other remedial action authorized by
23 law.

24 24. All traffic signal contributions, highway thoroughfare fees, park fees,
25 reimbursements, and other applicable charges, fees and deposits shall be paid
26 prior to the issuing of any building permits, in accordance with City
27 Ordinances and policies. The subdivider or developer shall also be required to
28 join into, contribute, or participate in any improvement, lighting, or other
29 special district affecting or affected by this project. Approval of the tentative
map (project) shall constitute the 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.

- 1 25. The developer shall pay traffic signal fees as required by the City's Traffic
2 Signal Fee Ordinance.
- 3 26. The developer shall pay thoroughfare fees as required by the City's
4 Thoroughfare Fee Ordinance.
- 5 27. The developer shall pay drainage fees as required by the City's Drainage Fee
6 Ordinance.
- 7 28. Design and construction of all improvements shall be in accordance with
8 standard plans, specifications of the City of Oceanside and subject to
9 approval by the City Engineer.
- 10 29. The south side of Kelly Street shall be improved from its intersection with
11 Soto Street to Andy Lane with concrete curbs and gutters, street lights, and
12 pavement, providing a landscaped parkway width of at least 10 feet, except
13 where turnouts are provided and unless altered by the City Engineer. No
sidewalk is required in accord with policies and practices within the Fire
Mountain Neighborhood area.
- 14 30. Curb return radii shall be 20 feet at all driveway intersections.
- 15 31. All street dedications, alignments, widths, and exact geometrics shall be as
16 approved by the City Engineer. No gates shall be installed within the project
17 roadway system.
- 18 32. The exact alignment, width and design of all median islands, turning lanes,
19 travel lanes, driveways, striping, and all other traffic control devices and
20 measures, including turnouts, bike lanes, and width/length transitions, shall be
approved by the City Engineer at the time of final design.
- 21 33. Pavement sections for all streets, alleys, driveways and parking areas shall be
22 based upon approved soil tests and traffic indices. The pavement design is
23 to be prepared by the subdivider's soil engineer and must be approved by the
City Engineer, prior to paving.
- 24 34. Sight distance requirements at all street intersections shall conform to the
25 intersection sight distance criteria as provided by the California Department of
26 Transportation Highway Design Manual.
- 27 35. Traffic control during the construction of streets which have been opened to
28 public travel shall be in accordance with construction signing, marking and
29 other protection as required by the CalTrans Traffic Manual. Traffic control

1 during construction adjacent to or within all public streets must also meet
2 CalTrans standards.

3 36. A traffic control plan shall be submitted to and approved by the City Engineer
4 prior to the start of work within open City rights-of-way.

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

8 38. The entire project shall be served with a complete water system adequate
9 enough for fire protection (including hydrants), domestic supply and
10 landscaping. The main lines shall be City-owned and appropriate easements
11 shall be provided. The sewer system to serve the tract shall be designed and
12 constructed to City standards. All other utilities to serve the project, including
13 electrical, telephone, and cable T.V., shall be constructed underground.

14 39. All connections to existing City water mains are to be made with new
15 materials. New materials include the replacement and/or upgrade of all
16 existing fittings with new tees or new crosses, as applicable, and the
17 installation of a new valve on each branch.

18 40. All existing overhead utility lines either transversing the project or immediately
19 adjacent thereto, and all new extension services for the development of the
20 project, including but not limited to, electrical, cable and telephone, shall be
21 constructed underground.

22 41. Street lights shall be installed on all streets in the project. The system shall
23 be designed and secured prior to the recordation of map or building permit
24 issuance, if a map is not recorded. The subdivider shall pay all applicable
25 fees, energy charges, and/or assessments associated with City-owned (LS-2
26 rate schedule) street lights and shall also agree to the formulation of, or the
27 annexation to, any appropriate street lighting district.

28 42. The developer shall comply with all the provisions of the City's cable
29 television ordinances including those relating to notification as required by the
City Engineer.

43. On-site grading design and construction shall be in accordance with the City's
current Grading Ordinance.

- 1 44. Grading and drainage facilities shall be designed to adequately accommodate
2 the local storm water runoff and shall be in accordance with the City's
3 Engineers Manual and as directed by the City Engineer.
- 4 45. The applicant shall implement adequate erosion control measures for the site
5 at the completion of each phase of grading. This shall include, at a minimum,
6 either jute matting, an organic soil binder with non-irrigable hydroseed mix or
7 final landscaping with irrigation on all disturbed areas, as directed by the City
8 Engineer.
- 9 46. This project shall provide year-round erosion control. Prior to the issuance of
10 grading permit, an erosion control plan, designed for all proposed stages of
11 construction, shall be reviewed, secured by the applicant with cash securities
12 and approved by the City Engineer.
- 13 47. A Precise Grading and Private Improvement Plan shall be prepared, reviewed,
14 secured and approved prior to the issuance of any building permits. The plan
15 shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs,
16 gutters, medians, striping, signage, footprints of all structures, walls,
17 drainage devices and utility services.
- 18 48. Parking lot striping shall be shown on all Precise Grading and Private
19 Improvement Plans.
- 20 49. Landscaping plans, including plans for the construction of walls, fences or
21 other structures at or near intersections, must conform to intersection sight
22 distance requirements. Landscape and irrigation plans for disturbed areas
23 must be submitted to the City Engineer prior to the issuance of a preliminary
24 grading permit and approved by the City Engineer prior to the issuance of
25 building permits. Project fences, sound or privacy walls and monument entry
26 walls/signs shall be designed, reviewed and constructed by the landscape
27 plans and shown for location only on grading plans. Plantable, segmental
28 walls shall be designed, reviewed and constructed by the grading plans and
29 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.
50. 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.
51. Development shall be in accordance with City Floodplain Management
Regulations.

- 1
2 52. Development shall be in accordance with City Stormwater Management and
3 Discharge Regulations.
- 4 53. All storm drain systems shall be designed and installed to the satisfaction of
5 the City Engineer. All public storm drains shall be shown on City standard
6 plan and profile sheets. All storm drain easements shall be dedicated where
7 required. The applicant shall be responsible for obtaining any off-site
8 easements for storm drainage facilities.
- 9 54. All drainage picked up in an underground system shall remain underground
10 until it is discharged into an approved channel, or as otherwise approved by
11 the City Engineer.
- 12 55. The drainage design on the project is conceptual only. The final design shall
13 be based upon a hydrologic/hydraulic study to be approved by the City
14 Engineer during final engineering plan review.
- 15 Fire:
- 16 56. Provide minimum fire flow of 2,000 gallons per minute.
- 17 57. Fire hydrants shall be 2½" X 2½" X 4".
- 18 58. The fire hydrants shall be installed and tested prior to placing any combustible
19 materials on the job site.
- 20 59. All-weather access roads shall be installed and made serviceable prior to and
21 during time of construction. Sec. 10.301.c & d Uniform Fire Code.
- 22 60. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE"
23 per City Vehicle Code Section 22500.1.
- 24 61. Plans shall be submitted to the Fire Prevention Bureau for plan check review
25 and approval prior to the issuance of building permits.
- 26 62. Fire extinguishers are required and shall be included on the plans submitted for
27 plan check.
- 28 63. All open areas shall be landscaped with approved fire retardant/anti-erosion
29 type plants with an approved permanent irrigation system and maintenance
program.

1 64. The project shall comply with requirements of T-24 Part 2 and State Fire
2 Marshal Regulations T-19.

3 Planning:

4 65. This Development Plan, Conditional Use Permit and Variance approves only
5 the following: the phased development of a 61,394 square-foot, multi-
6 structure church campus, pre-school/daycare facility, and 2 architectural
7 towers. Any substantial modification in the design or layout shall require a
8 revision to the Development Plan or a new Development Plan.

9 66. This Development Plan, Conditional Use Permit and Variance shall expire in 5
10 years on May 18, 2003 unless implemented as required by the Zoning
11 Ordinance or a time extension is granted by the Planning Commission.

12 67. A letter of clearance from the affected school district in which the property is
13 located shall be provided as required by City policy at the time building
14 permits are issued.

15 68. The two architectural towers are limited to an overall height of 67 feet for the
16 northwest tower and 55 feet for the southeast tower. All tower lighting shall
17 be approved by the Planning Director.

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

24 a) The developer shall be responsible for landscaping all embankments 3
25 feet and over in height. All embankments 5 feet in height and over
26 (and for all slopes along major streets) shall be landscaped and
27 irrigated.

28 b) Local street trees in parkways shall be planted at a minimum of 30 feet
29 on center, each side of street, as a solitary planting. Approved root
barriers shall be incorporated.

c) Wherever feasible, Crimson Lake Bougainvillea, the official City Flower,
shall be used on this site. If not available, the San Diego Red
Bougainvillea is an acceptable alternate.

1 d) The Phase 1 development shall minimally consist of landscaping within
2 the following areas: street frontages, parking area medians and drive
3 islands, interior parking area frontages, and all open and unpaved areas
4 adjacent to permanent buildings.

5 e) The subsequent phase building pad areas shall be seeded, automatically
6 irrigated, and continuously maintained in this manner until the area is
7 developed.

7 70. A trash enclosure (or trash enclosures) must be provided as required by
8 Chapter 13 of the City Code and shall also include additional space for
9 storage and collection of recyclable materials per City standards. The
10 enclosure (or enclosures) must be built in a flat, accessible location as
11 determined by the City Engineer. The enclosure (or enclosures) shall meet
12 City standards including being constructed of concrete block, reinforced with
13 Rebar and filled with cement. A concrete slab must be poured with a berm on
14 the inside of the enclosure to prevent the bin(s) from striking the block walls.
15 The slab must extend out of the enclosure for the bin(s) to roll out onto.
16 Steel posts must be set in front of the enclosure with solid metal gates. All
17 driveways and service access areas must be designed to sustain the weight of
18 a 50,000 pound service vehicle. Trash enclosures and driveways and service
19 access areas shall be shown on both the improvement and landscape plans
20 submitted to the City Engineer. The specifications shall be reviewed and
21 approved by the City Engineer. The City's waste disposal contractor is
22 required to access private property to service the trash enclosures, a service
23 agreement must be signed by the property owner and shall remain in effect
24 for the life of the project. All trash enclosures shall be designed to provide
25 user access without the use and opening of the service doors for the bins.
26 This design shall be shown on the landscape plans and shall be approved by
27 the Planning Director.

21 71. Trash enclosures shall have design features such as materials and trim similar
22 to that of the rest of the project.

23 72. Prior to the transfer of ownership and/or operation of the site the owner shall
24 provide a written copy of the applications, staff report and resolutions for the
25 project to the new owner and or operator. This notification's provision shall
26 run with the life of the project.

26 73. Failure to meet any conditions of approval for this development shall
27 constitute a violation of the Conditional Use Permit and Development Plan.
28
29

- 1 74. Unless expressly waived, all current zoning standards and City ordinances and
2 policies in effect at the time building permits are issued are required to be met
3 by this project. The approval of this project constitutes the applicant's
4 agreement with all statements in the Description and Justification,
5 Management Plan and other materials and information submitted with this
6 application, unless specifically waived by an adopted condition of approval.
- 7 75. This Conditional Use Permit shall be called for review by the Planning
8 Commission if complaints are filed and verified as valid by the Code
9 Enforcement Office concerning the violation of any of the approved conditions
10 or assumptions made by the application.
- 11 76. The applicant shall be responsible for trash abatement on the site, and shall
12 keep the site free of litter, trash and other nuisances.
- 13 77. A six-foot high decorative masonry wall shall be constructed on the eastern
14 property line adjacent to the shopping center. The wall shall be shown on the
15 landscape and improvement or grading plans.
- 16 78. All retaining and other freestanding walls, fences, and enclosures shall be
17 architecturally designed in a manner similar to and consistent with the primary
18 structures (stucco block, split-face block or slump stone). These items shall
19 be approved by the Planning Department prior to the issuance of building
20 permits.
- 21 79. Elevations, siding materials, colors, roofing materials and floor plans shall be
22 substantially the same as those approved by the Planning Commission. These
23 shall be shown on plans submitted to the Building Department and Planning
24 Department.
- 25 80. A covenant or other recordable document approved by the City Attorney shall
26 be prepared by the applicant (developer, subdivider) and recorded prior to the
27 approval of the final map (or prior to issuance of building permits where no
28 final map is required). The covenant shall provide that the property is subject
29 to this Resolution, and shall generally list the conditions of approval.
81. All landscaping, fences, walls, etc. on the site, in medians 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 and the

1 site in general may result in the setting of a public hearing to revoke the
2 approval. This condition shall be recorded with the covenant required by this
3 Resolution.

4 82. Any project entrance signs shall be approved by the Planning Director.

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

9 84. Prior to the issuance of building permits, compliance with the applicable
10 provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of
11 the City Code) shall be reviewed and approved by the Planning Department.
12 These requirements, including the obligation to remove all graffiti within 24
hours, shall be noted on the Landscape Plan.

13 85. The floor plans and elevations for the future Multi-Purpose Facility is subject
14 to the review and approval by the Planning Commission.

15 86. Phase I shall be constructed in conjunction with any other additional phase as
16 identified in the applicants description and justification.

17 Water Utilities:

18 87. Water facilities located on private property shall be private lines and shall be
19 maintained by the owner.

20 88. Sewer facilities located on private property shall be private lines and shall be
21 maintained by the owner.

22 89. The developer shall be responsible for developing all water and sewer facilities
23 necessary to this property. Any relocation of water or sewer lines are the
responsibility of the developer.

24 90. The developer shall construct a public reclamation water system that will
25 serve each parcel that is located in the proposed project, in accordance with
26 City of Oceanside Ordinance No. 91-P15. The proposed reclamation water
system shall be located in the public streets or in a public utility easement.

27
28 91. A separate water meter for irrigation purposes shall be installed.
29

1 92. All lots with a finish pad elevation located below the elevation of the next
2 upstream manhole cover of the public sewer shall be protected from backflow
3 of sewage by installing an approved type backwater valve, per Section 710 of
4 the Uniform Plumbing Code.

5 Community Services:

6 93. The City shall not, at the present or at any future time, assume the
7 responsibility for the maintenance of any medians, landscaping, slopes, open
8 space or common grounds for this project.

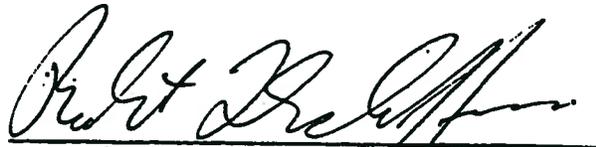
9 PASSED AND ADOPTED Resolution No. 98-P22 on May 18, 1998 by the
10 following vote, to wit:

11 AYES: Schaffer, Bockman, Barrante, Price, Miller and Akin

12 NAYS: None

13 ABSENT: Staehr

14 ABSTAIN: None

15 

16 Robert L. Schaffer, Chairman
17 Oceanside Planning Commission
18

19 ATTEST:

20 

21 Michael J. Blessing, Secretary
22

23 I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning Commission,
24 hereby certify that this is a true and correct copy of Resolution No. 98-P22.

25 Dated: May 18 1998
26
27
28
29



File Number: P-9-08

Applicant: North Coast United Methodist Church

Description:

TENTATIVE PARCEL MAP (P-9-08) to subdivide an 8.884-acre parcel into two lots measuring 4.784 and 4.05 acres at 1501 Kelly Street, also known as North Coast United Methodist Church. The project site is zoned RE-B (Residential Estate - B) and is situated within the Fire Mountain Neighborhood. – **NORTH COAST UNITED METHODIST CHURCH PARCEL MAP**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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



Application for Public Hearing

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

STAFF USE ONLY

ACCEPTED

BY

RECEIVED
AUG 01 2008
Planning Department

F.B.

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT
NORTH COAST UNITED MET DIST CHURCH
ATTN: JOHN KINBSVATER

2. STATUS

GPA

MASTER/SP.PLAN

ZONE CH.

3. ADDRESS
1501 KELLY ST. OCEANSIDE 92054

4. PHONE/FAX/E-mail
(760) 439-4099 (OFF)
(760) 439-4088 (FAX)

TENT. MAP

PAR. MAP P-9-08

5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) JOHN KINBSVATER

DEV. PL.

C.U.P.

6. ADDRESS
1501 KELLY ST. OCEANSIDE 92054

7. PHONE/FAX/E-mail
(760) 433-8097 (CELL)

VARIANCE

COASTAL

PART II - PROPERTY DESCRIPTION

8. LOCATION 1501 KELLY ST. OCEANSIDE, CA 92054
NORTH OF 78 HIGHWAY, EAST OF INTERSTATE 5, AND
ALONG SOUTHERLY CURB OF KELLY STREET.

9. SIZE
8.834 ac (TOTAL) < LOT 1 - 4.784 ac (developed)
LOT 2 4.050 ac (VACANT)

10. GENERAL PLAN

11. ZONING

12. LAND USE

13. ASSESSOR'S PARCEL NUMBER

EBR

RE-B

RESIDENTIAL (VACANT)

154-170-76

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION

PREPARATION OF PAPER MAP LOTSPLIT WITH NO ENTITLED DEVELOPMENT
ON NEWLY/PROPOSED LOT.

15. PROPOSED GENERAL PLAN

16. PROPOSED ZONING

17. PROPOSED LAND USE

18. NO. UNITS

19. DENSITY

EBR

RE-B

RE-B

N/A

N/A

20. BUILDING SIZE

21. PARKING SPACES

22. % LANDSCAPE

23. % LOT COVERAGE or FAR

N/A

N/A

N/A

N/A

PART IV - ATTACHMENTS

| | | | | | |
|-------------------------------------|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|---|
| <input checked="" type="checkbox"/> | 24. DESCRIPTION/JUSTIFICATION | <input checked="" type="checkbox"/> | 25. LEGAL DESCRIPTION | <input checked="" type="checkbox"/> | 26. TITLE REPORT |
| <input checked="" type="checkbox"/> | 27. NOTIFICATION MAP & LABELS | <input checked="" type="checkbox"/> | 28. ENVIRONMENTAL INFO FORM | | 29. PLOT PLANS |
| | 30. FLOOR PLANS AND ELEVATIONS | | 31. CERTIFICATION OF POSTING | | 32. OTHER (See attachment for required reports) |

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print):

JOHN H. KINBSVATER
PRESIDENT OF TRUSTEES

34. DATE

7/23/08

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).

Sign:

John H. Kinbsvater

35. OWNER (Print)

JOHN H. KINBSVATER

36. DATE

7/31/08

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Sign:

John H. Kinbsvater

Sally



PARTNERS
Planning and Engineering

July 7, 2008

Jerry Hittleman
Planning Department, City of Oceanside
300 North Coast Highway
Oceanside, Ca 92054

RECEIVED

AUG 01 2008

Planning Department

RECEIVED

AUG 01 2008

Planning Department

Re: Justification and Description Letter for Tentative Parcel Map - Lot Split

Project Name: North Coast United Methodist Church [D-12-97, C-21-97, Resolution 2003-P18]

Dear Mr. Hittleman or To Whom It May Concern,

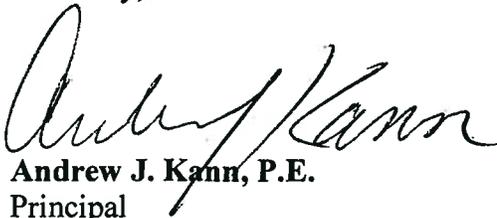
We would like to take this opportunity to provide a justification for the proposed lot split of Assessors Parcel No. 154-170-76. The North Coast United Methodist Church currently owns the above mentioned 8.834 acre property on which their facilities rest. They have an approved entitlement package for a portion of that property. The easterly portion however, is not included in any of their future development plans and they have no intention of developing beyond their current entitled scope. Thus, it is their wish that they be granted means of splitting their lot into two paper lots.

The excess barren land that lies on the easterly portion of their site has become a liability in the sense that it must be regularly maintained and from an insurance stand point it has become a liability due to the site traffic it see from youths riding motorcycles and bicycles to adults and animals crossing the land. The Church would like to be able to alleviate this liability by selling of a portion of their land to a viable buyer.

It is the Church's intention to sell this property in good faith to an individual who can benefit from the purchase of this property. Our team will prepare conceptual exhibits showing that the proposed lot is developable under the current zoning designation as set by the City of Oceanside Planning Department and the current engineering design guidelines.

If you have any questions, please call.

Sincerely,


Andrew J. Kann, P.E.
Principal

RECEIVED
AUG 01 2008
Planning Department

LEGAL DESCRIPTION

PARCELS 2 AND 3 OF PARCEL MAP NO. 4991, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON AUGUST 11, 1976, TOGETHER WITH PORTIONS OF TRACT NO. 64 OF HOTALING LANDS, ACCORDING TO MAP THEREOF NO. 1717, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON APRIL 16, 1921, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEASTERLY MOST CORNER OF PARCEL 3 OF SAID PARCEL MAP 4991, BEING ALSO A POINT ON THE WESTERLY LINE OF PARCEL MAP NO. 17735, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 31, 1996; THENCE ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 3 SOUTH 55° 19' 22" WEST 109.16 FEET (SOUTH 54° 48' 25" WEST 109.21 FEET PER P.M. 4991); THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 3 NORTH 34° 36' 48" WEST (NORTH 35° 07' 45" WEST PER P.M. 4991) 70.00 FEET; THENCE CONTINUING ALONG THE NORTHWESTERLY LINE OF SAID PARCEL 3 SOUTH 55° 19' 22" WEST (SOUTH 54° 48' 25" WEST PER P.M. 4991) 70.00 FEET; THENCE CONTINUING ALONG THE NORTHEASTERLY LINE OF SAID PARCEL 3 NORTH 34° 36' 48" WEST (NORTH 35° 07' 45" WEST PER P.M. 4991) 143.00 FEET TO THE SOUTHEASTERLY LINE OF KELLY STREET AS SHOWN ON SAID PARCEL MAP 4991 WEST; THENCE ALONG THE SOUTHEASTERLY LINE OF KELLY STREET SOUTH 55° 18' 57" WEST (SOUTH 54° 48' 00" WEST PER PARCEL MAP 4991) 50.00 FEET TO AN ANGLE POINT IN SAID PARCEL 3, BEING ALSO THE NORTHERLY MOST CORNER OF PARCEL 2 OF PARCEL MAP NO. 8271, FILED IN THE OFFICE OF THE COUNTY RECORDER ON JANUARY 11, 1979; THENCE ALONG THE COMMON LINE BETWEEN SAID PARCEL MAP 4991 AND SAID PARCEL MAP 8271 SOUTH 34° 36' 48" EAST (SOUTH 35° 07' 45" EAST PER PARCEL MAP 4991) 93.00 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID COMMON LINE SOUTH 55° 18' 57" WEST 178.85 FEET (SOUTH 54° 48' 00" WEST 179.14 FEET PER PARCEL MAP 4991 AND PARCEL MAP 8271) TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID COMMON LINE NORTH 34° 40' 18" WEST (NORTH 35° 11' 15" WEST PER PARCEL MAP 1991 AND PARCEL MAP 8271) 93.00 FEET TO THE AFOREMENTIONED SOUTHEASTERLY LINE OF KELLY STREET AS SHOWN ON SAID PARCEL MAP 4991; THENCE ALONG THE SOUTHEASTERLY LINE OF KELLY STREET SOUTH 55° 18' 57" WEST (SOUTH 54° 48' 00" EAST PER PARCEL MAP 8271 AND PARCEL MAP 4991) 25.00 FEET; THENCE DEPARTING FROM SAID SOUTHERLY LINE, CONTINUING ALONG THE SOUTHWESTERLY LINE OF PARCEL 2 OF SAID PARCEL MAP 4991 SOUTH 34° 40' 18" EAST (SOUTH 35° 11' 15" EAST PER PARCEL MAP 4991) 123.00 FEET TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID SOUTHWESTERLY LINE SOUTH 20° 38' 54" EAST 20.63 FEET (SOUTH 21° 05' 56" EAST 20.64 FEET PER PARCEL MAP 4991) TO AN ANGLE POINT; THENCE CONTINUING ALONG SAID NORTHWESTERLY LINE SOUTH 55° 18' 57" WEST (SOUTH 54° 48' 00" WEST PER PARCEL MAP 4991) 55.00 FEET TO THE WESTERLY MOST CORNER OF PARCEL 2 OF SAID PARCEL MAP 4991; THENCE DEPARTING FROM SAID PARCEL 2 NORTH 34° 40' 18" WEST (NORTH 35° 11' 15" WEST AS SHOWN ON PARCEL MAP 4991) 143.00 FEET, SAID LINE BEING DESIGNATED FOR PURPOSES OF THIS DESCRIPTION AS "LINE A", TO THE AFOREMENTIONED SOUTHEASTERLY LINE OF KELLY STREET; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 55° 18' 57" WEST 3.00 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 3 FEET SOUTHWESTERLY OF THE AFOREMENTIONED "LINE A"; THENCE DEPARTING FROM SAID SOUTHEASTERLY

LEGAL DESCRIPTION

(continued)

LINE ALONG SAID PARALLEL LINE SOUTH 34° 40' 18" EAST 272.43 FEET, SAID LINE BEING DESIGNATED FOR PURPOSES OF THIS DESCRIPTION AS "LINE B"; THENCE SOUTH 55° 42' 21" WEST 69.00 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 69 FEET SOUTHWESTERLY OF THE AFOREMENTIONED "LINE B"; THENCE ALONG SAID PARALLEL LINE NORTH 34° 40' 18" WEST 101.96 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 170.00 FEET SOUTHEASTERLY OF THE AFOREMENTIONED SOUTHEASTERLY LINE OF KELLY STREET; THENCE ALONG SAID PARALLEL LINE SOUTH 55° 18' 57" WEST 10.00 FEET TO AN INTERSECTION WITH A LINE WHICH IS PARALLEL WITH AND 79.00 FEET SOUTHWESTERLY OF THE AFOREMENTIONED "LINE B"; THENCE ALONG SAID PARALLEL LINE NORTH 34° 40' 18" WEST 50.00 FEET TO AN INTERSECTION WITH A LINE PARALLEL WITH AND 120.00 FEET SOUTHEASTERLY OF THE AFOREMENTIONED LINE OF KELLY STREET; THENCE ALONG SAID PARALLEL LINE SOUTH 55° 18' 57" WEST 150.36 FEET TO AN INTERSECTION WITH THE NORTHWESTERLY EXTENSION OF THE SOUTHWESTERLY LINE OF RECORD OF SURVEY MAP NO. 5306, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 10, 1959; THENCE ALONG SAID NORTHWESTERLY EXTENSION NORTH 34° 33' 32" WEST (NORTH 35° 04' 29" WEST PER R.O.S. 5306) 120.00 FEET TO THE AFOREMENTIONED SOUTHEASTERLY LINE OF KELLY STREET; THENCE ALONG SAID SOUTHEASTERLY LINE SOUTH 55° 18' 57" WEST 453.32 FEET, MORE OR LESS, TO THE WESTERLY MOST CORNER OF THE PROPERTY DESCRIBED IN THE DIRECTOR'S DEED FROM THE STATE OF CALIFORNIA TO SINGH RECORDED MARCH 22, 1974, AS FILE NO. 74-72422 OF OFFICIAL RECORDS; THENCE ALONG THE SOUTHWESTERLY LINE OF SAID PROPERTY SOUTH 34° 35' 14" EAST 82.01 FEET (82.23 FEET PER DEED), MORE OR LESS TO A POINT ON THE NORTHEASTERLY LINE OF THE INTERCHANGE OF STATE ROUTE NO. 78 AND INTERSTATE 5 AS SHOWN ON STATE OF CALIFORNIA RIGHT-OF-WAY MAP NO. L.O. -3788 AND L.O. 3788.1, SAID NORTHEASTERLY LINE HEREINAFTER REFERRED TO AS "STATE RIGHT-OF-WAY LINE", SAID LINE BEING ALSO A 739.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL OF SAID CURVE BEARS SOUTH 29° 52' 01" WEST TO SAID POINT; THENCE ALONG SAID CURVE, ALONG SAID NORTHEASTERLY LINE OF THE STATE RIGHT-OF-WAY, THROUGH A CENTRAL ANGLE OF 18° 46' 16" AN ARC LENGTH OF 242.11 FEET; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE TANGENT FROM SAID CURVE SOUTH 78° 54' 15" EAST (SOUTH 78° 56' 40" EAST PER L.O.-3788) 72.43 FEET TO THE BEGINNING OF A TANGENT 800.00 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY, A RADIAL OF SAID CURVE BEARS SOUTH 11° 05' 45" WEST TO SAID POINT; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 15° 53' 52" AN ARC LENGTH OF 221.97 FEET TO THE WESTERLY MOST CORNER OF THE PROPERTY DESCRIBED IN THE DEED FROM SINGH PROPERTY MANAGEMENT COMPANY TO THE STATE OF CALIFORNIA RECORDED MAY 16, 1997, AS FILE NO. 1997-0229128 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY, HEREINAFTER REFERRED TO AS STATE DEED; THENCE ALONG THE NORTHWESTERLY BOUNDARY OF SAID PARCEL ALONG THE FOLLOWING COURSES: NORTH 25° 59' 06" EAST 38.89 FEET (NORTH 26° 17' 12" EAST 38.80 FEET PER STATE DEED) TO A NON-TANGENT 185.00 FOOT RADIUS CURVE, CONCAVE SOUTHERLY, A RADIAL OF SAID CURVE BEARS NORTH 44° 51' 45" WEST TO SAID POINT; THENCE ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23° 32' 16" AN ARC LENGTH OF 76.00 FEET; THENCE TANGENT FROM SAID CURVE NORTH 68° 40' 30" EAST 187.45 FEET (NORTH 68° 36' 45" EAST PER DEED); THENCE NORTH 58° 10' 46" EAST 315.63 FEET (NORTH 58° 07' 00" EAST 315.51 FEET PER STATE DEED) TO AN INTERSECTION WITH THE WESTERLY LINE OF THE AFOREMENTIONED PARCEL MAP NO. 17735, BEING ALSO AN INTERSECTION WITH THE SOUTHERLY PROLONGATION OF THE EASTERLY MOST LINE OF THE AFOREMENTIONED

LEGAL DESCRIPTION
(continued)

PARCEL 3 OF PARCEL MAP NO. 4991; THENCE ALONG THE WESTERLY LINE OF PARCEL MAP 17735, NORTH 00° 25' 42" EAST 362.53 FEET TO THE POINT OF BEGINNING.

END OF LEGAL DESCRIPTION



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 01/27/2009
Removal: 07/27/2009
(180 days)

1. **APPLICANT:** North Coast United Methodist Church
2. **ADDRESS:** 1501 Kelly Street, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 439-4099
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Sally Schifman
6. **PROJECT TITLE:** North Coast United Methodist Church (P-9-08)
7. **DESCRIPTION:** A Tentative Parcel Map to subdivide an 8.884-acre parcel into two lots measuring 4.784 and 4.05 acres at 1501 Kelly Street, also known as North Coast United Methodist Church. The project site is zoned RE-B (Residential Estate - B) and is situated within the Fire Mountain Neighborhood.

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

- [x] The project is categorically exempt per Class 15, Minor Land Divisions (Section 15315); or,
- [] "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- [] The project is statutorily exempt, Section , <name> (Sections 15260-15277); or,
- [] The project does not constitute a "project" as defined by CEQA (Section 15378).



Sally Schifman, Planner II

Date: January 27, 2009

cc: [x] Project file [x] Counter file [x] Library
Posting: [] County Clerk \$50.00 Admin. Fee