



DATE: June 23, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TIME EXTENSION FOR A DEVELOPMENT PLAN REVISION (D-12-01REV05) AND CONDITIONAL USE PERMIT (C-29-05) TO ALLOW THE DEVELOPMENT OF A 2,692-SQUARE FOOT DRIVE-THRU RESTAURANT ON A 0.96-ACRE LOT LOCATED WITHIN THE CANYON PLAZA COMMERCIAL CENTER AT THE NORTHWEST CORNER OF MISSION AVENUE AND CANYON DRIVE – JACK IN THE BOX TIME EXTENSION – APPLICANT: DOUGLAS DEVELOPMENT**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 3 (C), Categorical Exemption “New Construction.”; and
- (2) Approve Time Extension for Development Plan Revision (D-12-01REV05) and Conditional Use Permit (C-29-05) by adopting Planning Commission Resolution No. 2008-P40 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On December 17, 2001, the Planning Commission approved a Parcel Map, Development Plan, Two Conditional Use Permits and a Variance for the Development for a 3,457-square foot drive-thru restaurant, a 7,140-square foot general retail building, and a 3,712-square foot mini-mart with eight gas pumps on a 3.03-acre lot known as the Canyon Plaza Commercial Center. On June 12, 2006 an application to revise the Development Plan and Conditional Use Permit was approved by the Planning Commission to permit a 2,692-square foot drive-thru Jack in the Box restaurant. The existing Jack in the Box at 1702 Mission Avenue would either be closed or the drive-thru portion removed as a condition of approval (Condition #55) for the proposed project.

Site Review: The project site is currently vacant and has been previously graded to create a relatively flat pad. The site is zoned PD-3 (Sterling Specific Plan) and the land use designation is Sterling (S-3-84). The underlying neighborhood area is east side Capistrano and the surrounding land uses include: similar commercial uses located west and south, a public school bus facility to the east, and a senior housing development directly to the north of the subject site.

The site is relatively flat and currently exists with a temporary property line fence and is situated within the western portion of the Canyon Plaza Commercial Center.

Project Description: The applicant has requested a time extension for the approved revision to an existing Development Plan and Conditional Use Permit described as follows:

Development Plan (D-12-01REV05TE08) represents a request for the following:

The applicant is requesting a time extension for the previously approved development plan to construct a 2,692-square foot commercial restaurant with an associated drive-thru. No changes to the previously approved plans and conditions are proposed with this entitlement for a time extension.

Conditional Use Permit (C-29-05TE08) represents a request for the following:

Allowing the associated drive-thru portion of the restaurant to be permitted with the commercial restaurant and this time extension.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Sterling Planned Commercial Development (S-3-84). The proposed project meets the existing land use designation, and is consistent with the current zoning designation and the surrounding properties as follows:

2. The Sterling Property Specific Plan (S-3-84)

Section III Overall Plan Objectives and Policies

Policy 1: Locate commercial development to maximize frontage on and access from major streets and to minimize traffic-related impacts on residential development.

The approved commercial restaurant with an associated drive-thru would not only improve the economic vitality of the area, but the relocation of the existing Jack in the Box at 1702 Mission Avenue to proposed location would provide fewer traffic impacts than the existing site due to its distance from any type of intersection. Staff has conditioned the resolution of approval to require the removal of the existing drive-thru facility at the Jack in the Box at 1702 Mission Avenue prior to issuance of certificate of occupancy for the subject development within the Canyon Plaza Commercial Center. This removal of the existing drive-thru facility is necessary due to the Mission Avenue Corridor Strategy Plan that limits the number of drive-thru's at this location to alleviate the traffic flow on Mission Avenue.

3. Zoning Compliance

This project is located in the Sterling Planned Development (PD-3) Zone. No changes in Development and the Zoning Ordinance have occurred since the original approval, therefore the original entitlements and development standards are maintained through this development of the Jack in the Box.

The following table summarizes proposed and applicable development standards for the Sterling Planned Commercial Development (PD-3) Districts and the project site:

	MINIMUM REQUIRED Sterling Specific Plan Commercial (PD-3)	PROPOSED Sterling Specific Plan Commercial (PD-3)
LOT SIZE	10,000 sq feet	Existing .96 ac
LOT COVERAGE	50%	6.4%
SETBACKS		
Front	10-feet	73'-8 3/8"-feet
Side	0-feet	23-feet
Rear	20-feet	20-feet
PARKING	27 (Parking Spaces)	32 (Parking Spaces)
BUILDING HEIGHT	50- feet	22'-2"-feet, 1 story

The proposed drive-thru restaurant meets most applicable requirements of the Sterling Commercial Planned Development and the project as proposed is compatible with existing and potential Commercial type uses in the neighborhood.

DISCUSSION

Issue: Will the proposed time extension for this Development Plan meet the current regulations?: The proposed time extension for the development of the restaurant would be consistent with, and compatible with, the Sterling Specific Plan and the surrounding commercial developments in the surrounding area.

Recommendation: Staff finds that the overall design of the project is consistent with the existing property and with the surrounding properties. This project has not changed from the time of its approval and the time extension is necessary for the implementation of the development of the restaurant. The project would be consistent with all development regulations as specified in the specific plan and will meet the Mission Avenue corridor plan. No conditions are required for this time extension and the June 12, 2006 Planning Commission resolution (2006-P34) will be similar to this resolution for approval of a time extension.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 3 15303 (C), Categorical Exemption "New Construction"

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of June 23, 2008, no communication supporting or opposing the request has been received.

SUMMARY

The proposed project is in compliance with the goals objectives and polices set forth by the approved Development Plan (D-12-01) and the Sterling Specific Plan (PD-3). The time extension would allow the developer to continue the development of a 2,692-square foot restaurant with an associated drive-thru. The Commission's action should be:

- Move to confirm the environmental exemption for new construction and Time Extension for the Development Plan Revision (D-12-01REV05TE08) and Conditional Use Permit (C-29-05TE08) and adopt Planning Commission Resolution No. 2008-P40 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY: SN for
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site and Floor Plans
2. Planning Commission Resolution No. 2008-P40
3. Planning Commission Resolution No.2006-P34
4. Planning Commission Staff Report dated June, 12 2006
5. Sterling Specific Plan

1. Use, Area & Location
 2. Outline of Project
 3. Purpose of Project
 4. General Description
 5. Site Location
 6. Project Area
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ARKING REQUIREMENTS

MINIMUM REQUIREMENTS FOR NEW PARKING ARE AS FOLLOWS:
 EVERY 1000'.

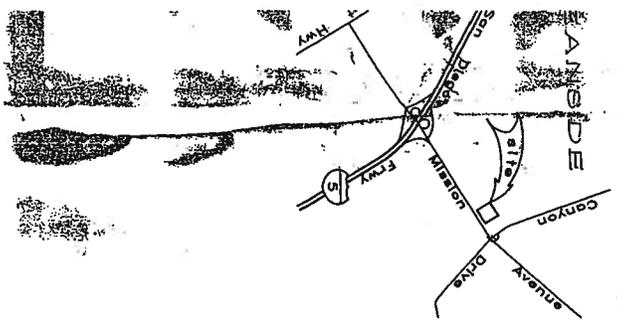
LEGAL DESCRIPTION

1. 1/2 of Section 10, T. 12 N., R. 12 E., S. 10 W., of the County of San Diego, California, more particularly described as follows: ...

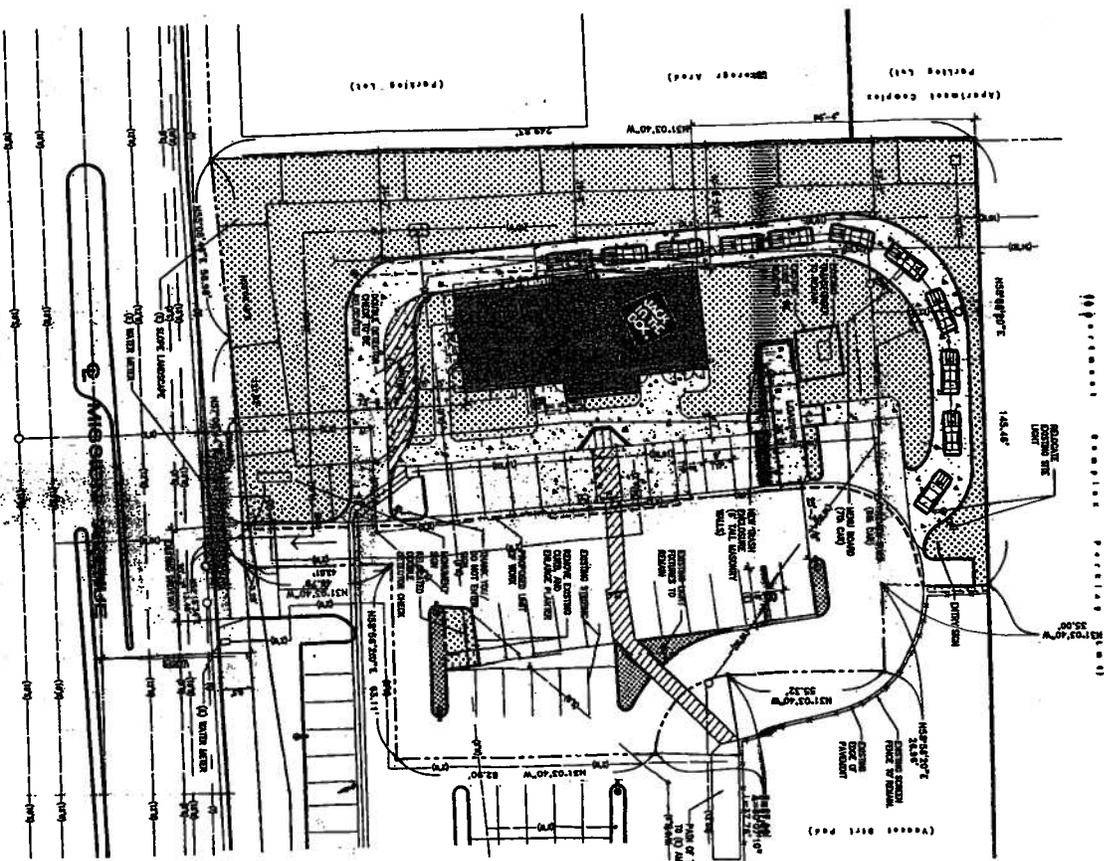
SUBMITTED BY

Lynch, Warren & Associates, Inc.
 9555 Rhyolite Court, Suite 200
 San Diego, CA 92123-1529
 Telephone: (619) 573-8822 Fax: (619) 573-8828
 FIRM: STATE CONTRACTOR

VICINITY MAP



- INDICATED EXISTING LANDSCAPE AREA
- INDICATED EXISTING INFRASTRUCTURE & UTILITIES



SITE PLAN
 SCALE: 1" = 20'

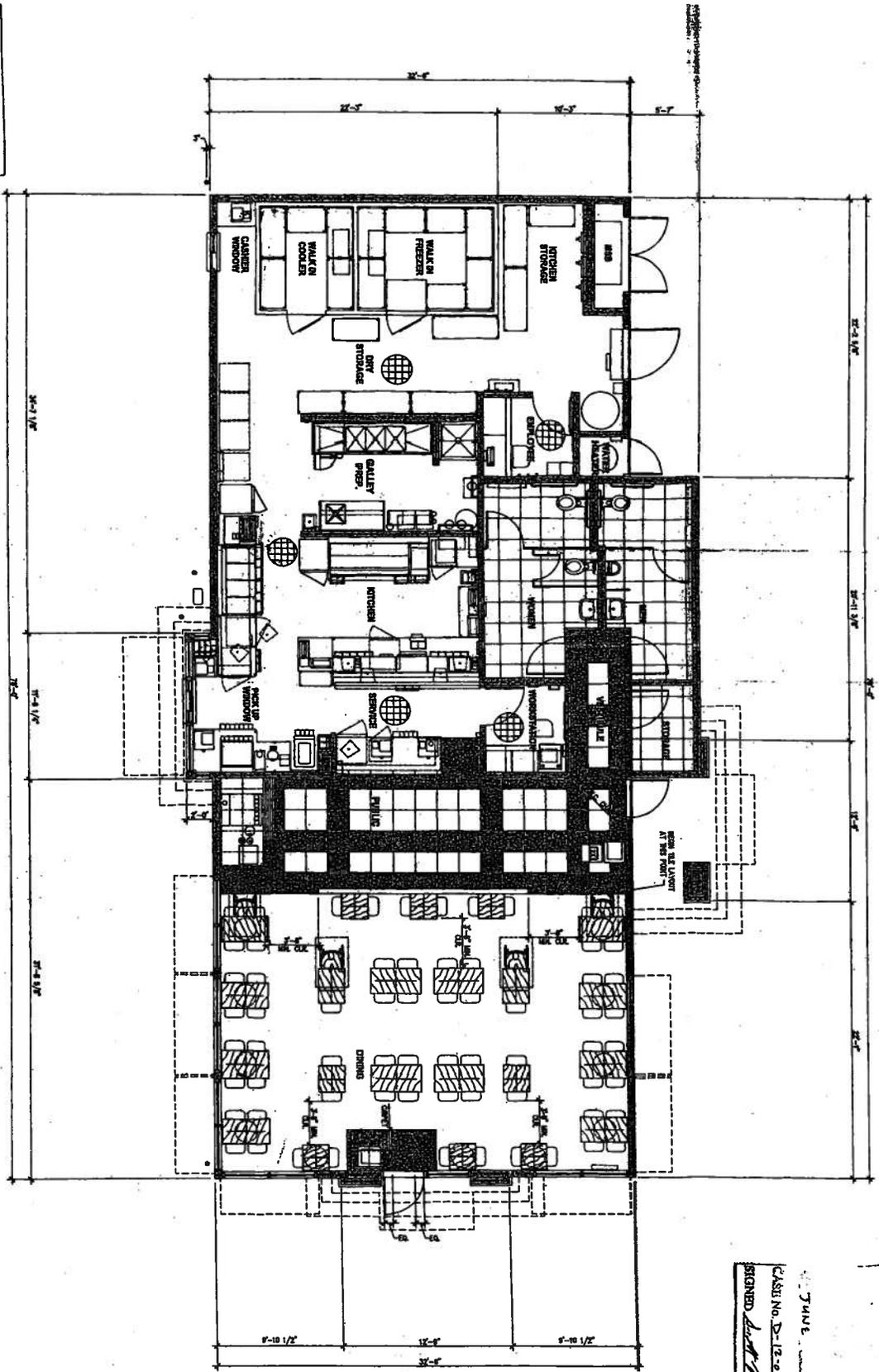
PLANNING COMMISSION
 CASE No. D-17-01-BL-08, C-72-06
 This is a public hearing of the Planning Commission.
 Signed: [Signature]
 Date: 12/12/06

RECEIVED
 MAR 28 2007

<p>SD1.0</p> <p>SITE PLAN</p>	<p>955 Rhyolite Court, Suite 200 San Diego, CA 92123-1529 Telephone: (619) 573-8822 Fax: (619) 573-8828</p> <p>LWA LYNCH, WARREN & ASSOCIATES, INC. ARCHITECTS, ENGINEERS & PLANNERS</p>	<p>MISSION AND CANYON OCEANSIDE, CA</p>	<p>DATE: 03/23/05 RELEASE: 04/18, 2005 P.A. DATE: 04/29/05 PERMIT: 04/29/05 NO. 04/29/05 CONSTRUCTION: 04/29/05</p>	<p>100 Information NO. TRF: 05/27/05 40 & 3000 ADDRESS: MISSION AND CANYON OCEANSIDE, CA DRAWN BY: AMS20 SCALE: AS SHOWN</p>
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CASE No. D-12-018-05
 SIGNED *Jack Bate*

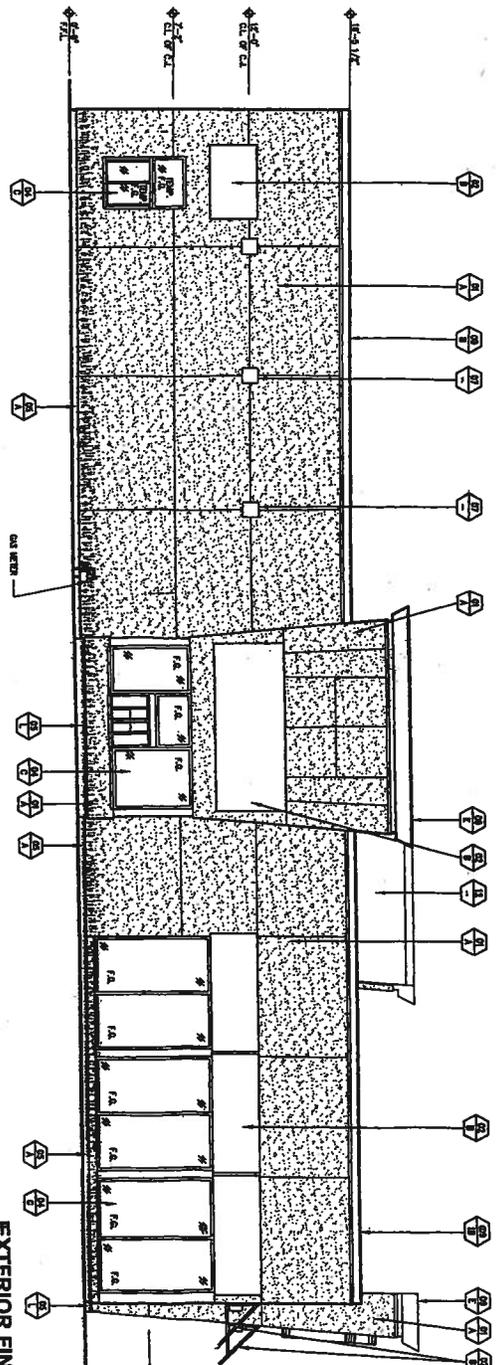
OVERALL FLOOR PLAN



CASE No. D-12-018-05
 SIGNED *Jack Bate*

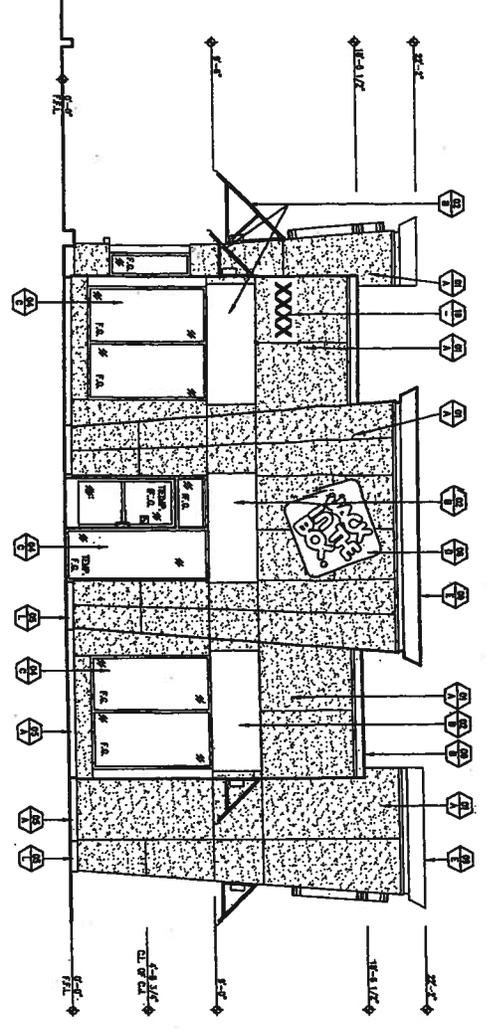
RESTROOMS 68 SEATS
 TOTAL SEAT CAPACITY 68 SEATS

<p> LWA ARCHITECTURAL ENGINEERS ARCHITECTS & PLANNERS LYONS, WARREN & ASSOCIATES, INC. 405 Brighton Court, Suite 200 San Diego, CA 92122-5600 Telephone (619) 575-0222 Fax (619) 575-0222 </p>	<p> MISSION AND CANYON OCEANSIDE, CA </p>	<p> DATE 05/24/05 </p>	<p> RELEASED 06/01/05 </p>	<p> DATE 06/01/05 </p>
<p> SCALE 1/8" = 1'-0" </p>	<p> OWNER MISSION AND CANYON OCEANSIDE, CA </p>	<p> DATE 05/24/05 </p>	<p> DATE 06/01/05 </p>	<p> DATE 06/01/05 </p>
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WEST ELEVATION

SCALE: 1/4" = 1'-0"



NORTH ELEVATION

SCALE: 1/4" = 1'-0"

EXTERIOR FINISH SCHEDULE

USE CHECKED BOX ONLY

- 01 EXTERIOR GEMENT PLASTER - SAND FLAT FINISH - COLOR COAT: WHITE
- 02 PRIMERED ALUMINUM ANNEAL (BY SIGN CONTRACTOR)
- 03 2" x 3" S.S. FLASHING AT GROUND RECEIPT TOP IN
- 04 ALUMINUM STOREROOM SYSTEM
- 1' CLEAR INSULATED GLASS
- 1' CLEAR INSULATED GLASS W/ SQUARE 80 COATING
- 1/4" CLEAR GLASS
- ANTI-GRAFFITI FILM
- 05 EXTERIOR GEMENT PLASTER FINISH COAT OVER CONCRETE CURB
- 06 WITH FINISHED BUILDING SPACER (NOT A PART OF THIS PERM)
- 07 GEOMETRIC LIGHTING FIXTURE
- 08 REINFORCED METAL PARAKEET CORNER (A.F.C.I.)
- 09 1" HIGH BUILDING ADDRESS LETTERS (AS REQUIRED PER LOCAL JURISDICTION)
- 10 METAL FLASHING
- 11 BIL-LAP ROOFING SYSTEM
- 12 YELLOW METAL DOORS AND FINISHES, MISCELLANEOUS TRIM
- 13 1" x 1/2" H WALL LAMEN-SEE SPECS. SHEET 971.2, DIVISION 10
- 14 COZ FILL BOX METAL COVER
- 15 PRE-FABRICATED COOLER/FREEZER BOX
- 16 C.C. TO PROVIDE TEX-COAT 600 TEXTURE COATING, FINE FINISH, NOT USED
- 17 ROOF LAMEN WITH SECURITY COVER
- 18

COLORE

- A BEYOND WOOD 098 WOODGLASS SOFT GLASS FORTIFIED ACRYLIC HOUSE PAINT
- B CLASSIC COLOR 967 "FT WHITE"
- C BEYOND WOOD - 48 RED CUSTOM COLOR, #209-20 "BELLANT RED" W/ 1584A
- D NO OAK BRONZE ANOZED
- E WHITE TEXT ON RED BACKGROUND
- F COLOR FINISH TO MATCH ADJACENT SURFACE
- G COLOR TO MATCH BEYOND WOOD CLASSIC COLOR 967 "COLD WHITE"
- H BEYOND WOOD 098 WOODGLASS SOFT GLASS FORTIFIED ACRYLIC HOUSE PAINT
- I BEYOND WOOD 098 WOODGLASS SOFT GLASS FORTIFIED ACRYLIC HOUSE PAINT
- J COLOR FINISH TO MATCH ADJACENT SURFACE
- K BEYOND WOOD 098 WOODGLASS SOFT GLASS FORTIFIED ACRYLIC HOUSE PAINT
- L NATURAL CONCRETE, GRAY
- M STAINLESS STEEL

DATE: 12/20/05
 DRAWN BY: J. J. JENSEN
 CHECKED BY: J. J. JENSEN
 PROJECT: 1200 ALPINE URBAN SUBSTITUE
 SHEET: 1200 ALPINE URBAN SUBSTITUE
 SIGNED: J. J. Jensen

<p>1200 ALPINE URBAN SUBSTITUE 1200 ALPINE URBAN SUBSTITUE 1200 ALPINE URBAN SUBSTITUE</p>	<p>DATE: 12/20/05</p>	<p>PROJECT: 1200 ALPINE URBAN SUBSTITUE</p>	<p>1200 ALPINE URBAN SUBSTITUE</p>
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LWA
 ARCHITECTURAL DESIGNERS
 LYONS, WARREN & ASSOCIATES, INC.
 955 Sepulveda Blvd, Suite 200 San Diego, CA 92108-6999
 Telephone: (619) 573-6999 Fax: (619) 573-6999

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 OCEANSIDE, CA

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PLANNING COMMISSION
RESOLUTION NO. 2008-P40

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

APPLICATION NO: D-12-01REV05TE08, C-29-05TE08
APPLICANT: Douglas Development
LOCATION: Northwest corner of Mission Avenue and Canyon Drive

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 under the provisions of Articles 11, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to allow a time extension for an approved Development Plan Revision and Conditional Use Permit to construct a 2,692-square foot drive-thru restaurant;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day of June, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be categorically exempt per Article 19, Class 3 "New Construction" from environmental review;

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

WHEREAS, 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:

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<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. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Non-residential is \$35,160 for a 2" meter
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2" meter.

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

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside

1 City Code and the City expressly reserves the right to amend the fees and fee calculations
2 consistent with applicable law;

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

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

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

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

13 FINDINGS:

14 For the Time Extension of the Development Plan D-12-01REV05TE08:

- 15 1. The site plan and physical design of the project as proposed is consistent with the
16 purposes of the Zoning Ordinance. The project meets or exceeds the requirements of
17 Articles 11, 41, and 43 of the Oceanside Zoning Ordinance.
- 18 2. The time extension to the revision of the development plan as proposed conforms to the
19 Sterling Specific Plan and the General Plan of the City. The proposal satisfies the Land
20 Use Element Objectives 2.2 Commercial Development. The time extension proposal
21 shall allow an additional two years to complete the development of the drive thru
22 restaurant and allow a development that would promote economic activity to the area as
23 specified in the objectives and policies of the commercial development section of the
24 land use element.
- 25 3. The area covered by the proposed time extension to the development plan can be
26 adequately, reasonably and conveniently served by existing and planned public services,
27 utilities, and public facilities.

28 For the Time Extension of the Conditional Use Permit C-29-05:

- 29 1. The location of the drive-thru restaurant, within the PD-3 Sterling Specific Plan
commercial zone meets the objectives of the Zoning Ordinance, as well as the purposes
of the district in which the site is located. The removal of the existing drive-thru at

1 1702 Mission Avenue is required as part of this project and with the approval of the
2 new restaurant and drive-thru located in the Canyon Plaza Commercial Center. As
3 conditioned, the project proposed to meet the intent and objectives established by the
4 City of Oceanside Zoning Ordinance and General Plan.

5 2. The proposed use will not be detrimental to properties or improvements in the vicinity
6 or to the general welfare of the City.

7 3. The drive-thru restaurant is conditioned and is required to comply with all provisions of
8 the Zoning Ordinance. The proposed use is subject to specific operational conditions
9 that will cause the use to operate compatibly with the surrounding land uses.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve the time extension to the Development Plan Revision (D-12-01REV05) and Conditional
12 Use Permit (C-29-05), subject to the following conditions:

13 **Building:**

14 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
15 Building Division plan check. (Currently the 2007 California Building Code, and 2004
16 California Electrical Code)

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

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

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

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

27 6. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
28 plans.
29

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

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

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

17 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
18 will be required at time of plans submittal to the Building Division for plan check.

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

22 **Fire Prevention:**

23 10. A fire hydrant will need to be provided for the proposed building and shed at the Fire
24 Chief's Discretion.

25 11. The fire hydrants shall be installed and tested prior to placing any combustible materials
26 on the job site at the Fire Chief's Discretion.

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

29

- 1 13. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
2 and Processing Manual Standard Drawing No. M-13.
- 3 14. All weather access roads shall be installed and made serviceable prior to and maintained
4 during time of construction. Sec. 902. Uniform Fire Code.
- 5 15. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for
6 commercial and industrial occupancies shall be placed on the structure in such a position
7 as to be plainly visible and legible from the street or roadway fronting the property.
8 Numbers shall contrast with their background.
- 9 16. Commercial require 6-inch address numbers; Industrial buildings require 12-inch
10 address numbers.
- 11 17. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
12 approval prior to the issuance of building permits.
- 13 18. Buildings shall meet Oceanside Fire Department's current codes at the time of building
14 permit application.
- 15 19. Trees and large shrubs must be 10 feet off of structures measured at maturity of the tree
16 from the dripline of the tree to the farthest projection of the structure.

17 **Engineering:**

- 18 20. In addition to conditions listed herein, all of the conditions listed in Planning
19 Commission Resolution No. 99-P40 for Development Plan No. D-8-99 shall remain in
20 effect for the subject property. If there is a conflict between the provisions of Resolution
21 No. 99-P40 and this Resolution, the terms of this Resolution shall govern.
- 22 21. For the demolition of any existing structures or surface improvements, grading plans
23 shall be submitted and erosion control plans be approved by the City Engineer prior to
24 the issuance of a demolition permit. No demolition shall be permitted without an
25 approved erosion control plan.
- 26 22. Prior to issuance of a building permit all improvement requirements shall be covered by
27 a development agreement and secured with sufficient improvement securities or bonds
28 guaranteeing performance and payment for labor and materials, setting of monuments,
29 and warranty against defective materials and workmanship.

1 23. A construction-phasing plan for the construction of public and private improvements
2 shall be reviewed and approved by the City Engineer prior to the issuance of any grading
3 or improvement permits. Prior to the issuance of any building permits all off-site or
4 frontage improvements including landscaping and any required street improvements
5 shall be under construction to the satisfaction of the City Engineer. All improvements
6 shall be completed prior to issuance of any certificates of occupancy.

7 24. Where off-site improvements, including but not limited to slopes, public utility facilities,
8 and drainage facilities, are to be constructed, the developer shall, at his own expense,
9 obtain all necessary easements or other interests in real property and shall dedicate the
10 same to the City of Oceanside as required. The developer shall provide documentary proof
11 satisfactory to the City of Oceanside that such easements or other interest in real property
12 have been obtained prior to issuance of any grading, building or improvement permit for
13 the development. Additionally, the City of Oceanside, may at its sole discretion, require
14 that the developer obtain at his sole expense a title policy insuring the necessary title for the
15 easement or other interest in real property to have vested with the City of Oceanside or the
16 owner of the subject property, as applicable.

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

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

- 25 a) Dirt, debris and other construction material shall not be deposited on any public
26 street or within the City's stormwater conveyance system.
- 27 b) All grading and related site preparation and construction activities shall be
28 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
29 engineering related construction activities shall be conducted on Saturdays,
Sundays or legal holidays unless written permission is granted by the City Engineer

1 with specific limitations to the working hours and types of permitted operations.
2 All on-site construction staging areas shall be as far as possible (minimum 100
3 feet) from any existing residential development. Because construction noise may
4 still be intrusive in the evening or on holidays, the City of Oceanside Noise
5 Ordinance also prohibits “any disturbing excessive or offensive noise which
6 causes discomfort or annoyance to reasonable persons of normal sensitivity.”

- 7 c) The construction site shall accommodate the parking of all motor vehicles used by
8 persons working at or providing deliveries to the site.
- 9 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
10 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
11 to 3:30 p.m. unless approved otherwise.

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

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

29 29. Sight distance requirements at the development’s access point shall conform to the corner
sight distance criteria as provided by SDRSD DS-20A and or DS-20B for each direction
of traffic.

- 1 30. Pavement sections for all streets, driveways and parking areas within the project and along
2 the project's frontage shall be based upon approved soil tests and traffic indices. The
3 pavement design is to be prepared by the developer's soil engineer and must be approved
4 by the City Engineer, prior to paving.
- 5 31. The approval of the development shall not mean that proposed grading or improvements
6 on adjacent properties (including any City properties/right-of-way or easements) is
7 granted or guaranteed to the developer. The developer is responsible for obtaining
8 permission to grade or to construct on adjacent properties. Should such permission be
9 denied, the resulting changes to the Development Plan shall be subject to a Substantial
10 Conformity review. Changes not meeting substantial conformity requirements shall be
11 submitted for appropriate public hearing.
- 12 32. This project shall provide year-round erosion control including measures for the site
13 required for all phases of grading. Prior to the issuance of grading permit, an erosion
14 control plan, designed for all proposed stages of construction, shall be reviewed, secured
15 by the developer with cash securities and approved by the City Engineer.
- 16 33. Landscaping plans, including plans for the construction of walls, fences or other structures
17 at or near intersections or project entrances, must conform to intersection sight distance
18 requirements.
- 19 34. The drainage design on the development plan is conceptual only. The final design shall be
20 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
21 engineering. All drainage picked up in an underground system shall remain underground
22 until it is discharged into an approved channel, or as otherwise approved by the City
23 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
24 All storm drain easements shall be dedicated where required. The developer shall be
25 responsible for obtaining any off-site easements for storm drainage facilities.
- 26 35. The development shall comply with all applicable regulations established by the United
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
28 Discharge Elimination System (NPDES) permit requirements for urban runoff and
29 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
regulations or requirements. Further, the developer may be required to file a Notice of
Intent with the State Water Resources Control Board to obtain coverage under the

1 NPDES. General Permit for Storm Water Discharges Associated with Construction
2 Activity and may be required to implement a Storm Water Pollution Prevention Plan
3 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
4 both construction and post construction pollution prevention and pollution control
5 measures and identify funding mechanisms for post construction control measures. The
6 developer shall comply with all the provisions of the Clean Water Program during and
7 after all phases of the development process, including but not limited to: mass grading,
8 rough grading, construction of street and landscaping improvements, and construction of
9 building structures. The developer shall design the Project's storm drains and other
10 drainage facilities to include Best Management Practices to minimize non-point source
11 pollution, satisfactory to the City Engineer.

12 36. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
13 be subject to prevailing wage requirements as specified by Labor Code section
14 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
15 wage requirements prior to the granting of any fee reductions or waivers.

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

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

1 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise
2 grading permit. The amount of the security shall be equal to 10 years of maintenance
3 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
4 applicant's Civil Engineer shall prepare the O&M cost estimate.

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

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

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

21 42. The developer shall provide a copy of the title/cover page of the approved SWMP with
22 the first engineering submittal package. All Stormwater documents shall be in
23 compliance with the latest edition of submission requirements.

24 43. During final engineering design the Engineer of Record shall evaluate potential impact
25 to flood hazard areas. Prior to issuance of a grading permit, if applicable, the developer
26 shall provide evidence to the City of Oceanside that a Conditional Letter of Map
27 Revision (CLOMR) has been applied for from Federal Emergency Management Agency
28 (FEMA) for the proposed revisions to the flood hazard areas. At the conclusion of the
29 grading activities the developer shall submit an as-built grading plan to FEMA in order
to process and receive a Letter of Map Revision (LOMR). Prior to release of the grading

1 bonds developer shall provide evidence of having received a Letter of Map Revision
2 (LOMR) from FEMA.

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

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

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

- 24 a) Trees, shrubs and ground covers adjacent to the open space areas shall be native.
- 25 b) Access gates, as required, shall be shown on the landscape plans with details.
- 26 c) Landscape plans shall be in compliance with SWMP requirements and shall be
27 shown on the landscape plans.
- 28 d) Landscape plans shall be in compliance with all City regulations, ordinances,
29 biological and geological reports.

1 **Planning:**

- 2 47. This Time Extension for the Development Plan revision and Conditional Use Permit shall
3 expire on June 23, 2010, unless implemented as required by the Zoning Ordinance or
4 unless the Planning Commission grants an additional time extension.
- 5 48. This Time Extension for the Development Plan revision and Conditional Use Permit
6 approves only a 2,692-square foot drive-thru restaurant as shown on the plans and exhibits
7 presented to the Planning Commission for review and approval. No deviation from these
8 approved plans and exhibits shall occur without Planning Division approval. Substantial
9 deviations shall require a revision to the Development Plan and Conditional Use Permit or
10 a new Development Plan and Conditional Use Permit.
- 11 49. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
12 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
13 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
14 annul an approval of the City, concerning revision to Development Plan (D-12-01) and
15 Conditional Use Permit (C-29-05). The City will promptly notify the applicant of any
16 such claim, action or proceeding against the city and will cooperate fully in the defense.
17 If the City fails to promptly notify the applicant of any such claim action or proceeding
18 or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
19 responsible to defend, indemnify or hold harmless the City.
- 20 50. All mechanical rooftop and ground equipment shall be screened from public view as
21 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
22 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
23 the roof. This information shall be shown on the building plans.
- 24 51. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
25 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
26 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
27 building permits. Landscaping shall not be installed until bonds have been posted, fees
28 paid, and plans signed for final approval. The following special landscaping requirements
29 shall be met:

- 1 a) Median and parkway tree plantings along collector and arterial roads shall be a
2 minimum of two-inch diameter trees so as to ensure a mature landscape theme is
3 achieved in a reasonable amount of time.
- 4 b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on
5 center, each side of street, as a solitary planting. Approved root barriers shall be
6 incorporated.
- 7 c) No trees are allowed in utility easements and shall be spot located by landscape
8 architect and City Landscape Inspector at pre construction meeting.

9 52. All landscaping, fences, walls, etc. on the site shall be permanently maintained. The
10 maintenance program shall include normal care and irrigation of the landscaping; repair
11 and replacement of plant materials; irrigation systems as necessary; and general cleanup of
12 the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to
13 maintain landscaping shall result in the City taking all appropriate enforcement actions by
14 all acceptable means including but not limited to citations and/or actual work with costs
15 charged to or recorded against the owner. This condition shall be recorded with the
16 covenant required by this resolution.

17 53. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall
18 also include additional space for storage and collection of recyclable materials per City
19 standards. Recycling is required by City Ordinance. The enclosures must be built in a
20 flat, accessible location as determined by the City Engineer. The enclosures shall meet
21 City standards including being constructed of concrete block, reinforced with rebar and
22 filled with cement. A concrete slab must be poured with a berm on the inside of the
23 enclosure to prevent the bins from striking the block walls. The slab must extend out of
24 the enclosure for the bins to roll out onto. Steel posts must be set in front of the enclosure
25 with solid metal gates. All driveways and service access areas must be designed to sustain
26 the weight of a 50,000-pound service vehicle. Trash enclosures and driveways and
27 service access areas shall be shown on both the landscape plans submitted to the City
28 Engineer. The specifications shall be reviewed and approved by the City Engineer. The
29 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

1 access without the use and opening of the service doors for the bins. Trash enclosures
2 shall have design features such as materials and trim similar to that of the rest of the
3 project. This design shall be shown on the landscape plans and shall be approved by the
4 City Planner.

5 54. The developer will install an HME SPP2 speaker post with an automatic volume
6 control (AVC) sentry system with an adjustable outbound volume control based on the
7 outdoor ambient noise levels. The developer will install signage at the entrance to the
8 drive-thru and at the rear of the parking lot that will aware customers of a quiet zone,
9 asking customers to turn down their radio/stereos.

10 55. Prior to the issuance of a certificate of occupancy, the applicant and/or owner shall
11 process and obtain a demolition plan for the existing drive-thru located at 1702 Mission
12 Avenue. Service at the drive-thru for the 1702 Mission Avenue restaurant shall stop
13 and the drive-thru shall be entirely demolished and/or removed no later than 30-days
14 following issuance of the certificate of occupancy for the new restaurant and drive-thru
15 located in the Canyon Plaza Commercial Center.

16 56. The restaurant facility will limit all on-site deliveries to the hours of 7:00 a.m. to 10:00
17 p.m. to eliminate any possible loading and unloading noise and impacts for adjacent
18 neighbors.

19 57. The proposed drive-thru will operate in a conventional manner with an outdoor menu
20 board and order callbox adjacent to the drive-through aisle, and a pickup window.

21 58. A covenant or other recordable document approved by the City Attorney shall be prepared
22 by the developer and recorded prior to the issuance of building permits. The covenant
23 shall provide that the property is subject to this resolution, and shall generally list the
24 conditions of approval.

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

- 1 60. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
2 written copy of the applications, staff report and resolutions for the project to the new
3 owner and or operator. This notification's provision shall run with the life of the project
4 and shall be recorded as a covenant on the property.
- 5 61. Failure to meet any conditions of approval for this development shall constitute a
6 violation of the Development Plan and Conditional Use Permit.
- 7 62. Unless expressly waived, all current zoning standards and City ordinances and policies in
8 effect at the time building permits are issued are required to be met by this project. The
9 approval of this project constitutes the applicant's agreement with all statements in the
10 Description and Justification, Management Plan and other materials and information
11 submitted with this application, unless specifically waived by an adopted condition of
12 approval.
- 13 63. This Conditional Use Permit shall be called for review by the Planning Commission if
14 complaints are filed and verified as valid by the Code Enforcement Office concerning the
15 violation of any of the approved conditions or assumptions made by the application.
- 16 64. The hours-of-operation are based on seven (7) days per week 24 hours per day, but shall
17 be reviewed and may be limited by the Planning Commission when valid issues or
18 complaints pertaining to the hours-of-operation arise.

19 **Water Utilities:**

- 20 65. All public water and/or sewer facilities not located within the public right-of-way shall be
21 provided with easements sized according to the City's Engineers Manual. Easements
22 shall be constructed for all weather access.
- 23 66. No trees, structures or building overhang shall be located within any water or wastewater
24 utility easement.
- 25 67. The property owner will maintain private water and wastewater utilities located on private
26 property.
- 27 68. A separate irrigation meter and approved backflow prevention device is required.
- 28 69. Water services and sewer laterals constructed in existing right-of-way locations are to be
29 constructed by approved and licensed contractors at developer's expense.
70. 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

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

3 71. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating
4 to restaurants, shall be installed in each building sewer in an appropriate location and
5 shall be maintained by the property owner. The location shall be called out on the
6 approved Building Plans.

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

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

14 74. All Water and Wastewater construction shall conform to the most recent edition of the
15 City's Engineers Manual, or as approved by the Water Utilities Director.

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1 75. The proposed monument sign and tress should not be within the onsite water or
2 wastewater easements. The drive-thru canopy must be design to be easily removed and
3 will be removed for maintenance to the easements.

4 PASSED AND ADOPTED Resolution No. 2008-P40 on June 23, 2008 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10
11 _____
12 Dennis Martinek, Chairman
Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2008-P40.

18 Dated: June 23, 2008

PLANNING COMMISSION
RESOLUTION NO. 2006-P34

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

APPLICATION NO: D-12-01Rev05, C-29-05
APPLICANT: Lyons Warren and Associates
LOCATION: Northwest of the intersection of Mission Avenue and Canyon Drive

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 Conditional Use Permit under the provisions of Articles 11, 30 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

for a drive-thru restaurant;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of May, 2006 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is not subject to CEQA per the General Rule, Section 15061 (B)(3)

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:

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1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$2,660-\$14,937 depending on location
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$667 per thousand sq. ft.
6			
7	School Facilities Mitigation Fee	Ordinance No. 91-34	\$0.34 per square foot for Oceanside. \$0.36 per square foot for Vista.
8			
9	Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
10			
11	Thoroughfare Fee	Ordinance No. 83-01	\$239 per vehicle trip
12			
13	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. 5/8" = \$3,746 1" = \$6,257 2" = \$19,967
14			
15	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Fee based on capacity or water meter size. 5/8" = \$4,587 1" = \$7,660 2" = \$24,444
16			
17			
18	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Fee based on meter size. 5/8" = \$4,154 1" = \$6,646 2" = \$21,599
19			
20			

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

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

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

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

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

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

11 FINDINGS:

12 For the Revision to the Development Plan:

- 13 1. The site plan and physical design of the project is consistent with the Planned
14 Development (PD-3), Sterling Specific Plan (S-3-84), and the Canyon Plaza Commercial
15 Center (D-12-01).
- 16 2. The Development Plan conforms to the General Plan of the City.
- 17 3. The project site can be adequately served by existing public facilities, services and
18 utilities.
- 19 4. The project, as proposed, is compatible with the existing and potential development on
20 adjoining commercial properties or in the surrounding neighborhood.
- 21 5. The site plan and physical design of the project is consistent with the policies contained
22 within Section 1.24 of the Land Use Element of the General Plan.

23 For the Conditional Use Permit:

- 24 1. The location of the drive-thru restaurant, within the PD-3 Sterling Specific Plan
25 commercial zone meets the objectives of the Zoning Ordinance, as well as the purposes
26 of the district in which the site is located. The removal of the existing drive-thru at 1702
27 Mission Avenue is required as part of this project and with the approval of the new
28 restaurant and drive-thru located in the Canyon Plaza Commercial Center. As
conditioned, the project proposed to meet the intent and objectives established by the
City of Oceanside Zoning Ordinance and General Plan.

1 2. The proposed use will not be detrimental to properties or improvements in the vicinity or
2 to the general welfare of the City.

3 3. The drive-thru restaurant is conditioned and is required to comply with all provisions of
4 the Zoning Ordinance. The proposed use is subject to specific operational conditions
5 that will cause the use to operate compatibly with the surrounding land uses.

6 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
7 approve Revision to Development Plan (D-12-01) and Conditional Use Permit (C-29-05) subject
8 to the following conditions:

8 **Building:**

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

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

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

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

17 5. The building plans for this project are required by State law to be prepared by a licensed
18 architect or engineer and must be in compliance with this requirement prior to submittal
19 for building plan review.

20 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
21 and shall be shielded appropriately. Where color rendition is important high-pressure
22 sodium, metal halide or other such lights may be utilized and shall be shown on final
23 building and electrical plans.

24 7. A separate/unique addresses will/may be required to facilitate utility releases. Verification
25 that the addresses have been properly assigned by the City's Planning Division must
26 accompany the Building Permit Application.

27 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
28 will be required at time of plans submittal to the Building Division for plan check.

1 9. A private sewer system design must be submitted to the Building Division and approved
2 prior to the construction of the sewer system.

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

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

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

19 **Engineering:**

20 11. Design and construction of all improvements shall be in accordance with standard plans,
21 specifications of the City of Oceanside and subject to approval by the Public Works
22 Director.

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

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

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

6 b) All grading and related site preparation and construction activities shall be limited
7 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
8 related construction activities shall be conducted on Saturdays, Sundays or legal
9 holidays unless written permission is granted by the Public Works Director with
10 specific limitations to the working hours and types of permitted operations. All on-
11 site construction staging areas shall be as far as possible (minimum 100 feet) from
12 any existing residential development. Because construction noise may still be
13 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
14 also prohibits "any disturbing excessive or offensive noise which causes
15 discomfort or annoyance to reasonable persons of normal sensitivity."

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

18 d) If hauling of dirt or debris is required during project construction, a haul route
19 shall be obtained at least 7 days prior to the start of hauling operations and must
20 be approved by the Public Works Director. Hauling operations shall be 8:00 a.m.
21 to 3:30 p.m. unless approved otherwise.

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

15. Approval of this development project is conditioned upon payment of all applicable impact
fees and connection fees in the manner provided in chapter 32B of the Oceanside City

1 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
2 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
3 prior to recordation of the map or the issuance of any building permits, in accordance with
4 City Ordinances and policies. The developer shall also be required to join into, contribute,
5 or participate in any improvement, lighting, or other special district affecting or affected by
6 this project. Approval of the tentative map (project) shall constitute the developer's
7 approval of such payments, and his agreement to pay for any other similar assessments or
8 charges in effect when any increment is submitted for final map or building permit
9 approval, and to join, contribute, and/or participate in such districts.

10 16. Sight distance requirements at the project driveway or street shall conform to the corner
11 sight distance criteria as provided by the California Department of Transportation Highway
12 Design Manual.

13 17. Pavement sections for all streets, driveways and parking areas shall be based upon approved
14 soil tests and traffic indices. The pavement design is to be prepared by the developer's soil
15 engineer and must be approved by the Public Works Director, prior to paving.

16 18. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
17 construction of the project, shall be repaired or replaced as directed by the Public Works
18 Director.

19 19. Grading and drainage facilities shall be designed and installed to adequately accommodate
20 the local storm water runoff and shall be in accordance with the City's Engineers Manual
21 and as directed by the Public Works Director.

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

27 21. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
28 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 Public Works Director.

4 22. 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 by
7 the applicant with cash securities and approved by the Public Works Director.

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

13 24. Landscaping plans, including plans for the construction of walls, fences or other structures
14 at or near intersections, must conform to intersection sight distance requirements.
15 Landscape and irrigation plans must be submitted to the Public Works Director prior to the
16 issuance of a grading permit and approved by the Public Works Director prior to the
17 issuance of occupancy permits. All plans must be approved by the Public Works Director
18 and a pre-construction meeting held, prior to the start of any improvements.

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

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

1 27. The development shall comply with all applicable regulations established by the United
2 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
3 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
4 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
5 regulations or requirements. Further, the applicant may be required to file a Notice of
6 Intent with the State Water Resources Control Board to obtain coverage under the
7 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
8 Activity and may be required to implement a Storm Water Pollution Prevention Plan
9 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
10 both construction and post construction pollution prevention and pollution control
11 measures and identify funding mechanisms for post construction control measures. The
12 developer shall comply with all the provisions of the Clean Water Program during and
13 after all phases of the development process, including but not limited to: mass grading,
14 rough grading, construction of street and landscaping improvements, and construction of
15 dwelling units. The applicant shall design the Project's storm drains and other drainage
16 facilities to include Best Management Practices to minimize non-point source pollution,
satisfactory to the Public Works Director.

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

21 29. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the
22 Engineering Division with the first submittal of engineering plans. The O&M Plan shall
23 be prepared by the applicant's Civil Engineer. It shall be directly based on the project's
24 Storm Water Mitigation Plan (SWMP) previously approved by the project's approving
25 authority Planning Commission. The O&M Plan shall be approved by the Public Works
26 Director prior to approval of any plans by the Transportation/Engineering Division. At a
27 minimum the O&M Plan shall include the designated responsible parties to manage the
28 stormwater BMP(s), employee's training program and duties, operating schedule,
maintenance frequency, routine service schedule, specific maintenance activities, copies

1 of resource agency permits, cost estimate for implementation of the O&M Plan and any
2 other necessary elements.

3 30. The developer shall enter into a City-Standard Storm water Facilities Maintenance
4 Agreement with the City obliging the project proponent to maintain, repair and replace
5 the storm water Best Management Practices (BMPs) identified in the project's approved
6 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The
7 agreement shall be approved by the City Attorney prior to issuance of any precise grading
8 permit and shall be recorded at the County Recorder's Office prior to issuance of any
9 building permit. Security in the form of cash (or certificate of deposit payable to the City)
10 or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a
11 precise grading permit. The amount of the security shall be equal to 10 years of
12 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
13 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the Public
14 Works Director prior to approval of any engineering plans for the project.

15 31. At a minimum, maintenance agreements shall require the staff training, inspection and
16 maintenance of all BMPs on an annual basis. The project proponent shall complete and
17 maintain O&M forms to document all maintenance activities. Parties responsible for the
18 O&M plan shall retain records at the subject property for at least 5 years. These
19 documents shall be made available to the City for inspection upon request at any time.

20 32. The agreement shall include a copy of executed on-site and off-site access easements
21 necessary for the operation and maintenance of BMPs that shall be binding on the land
22 throughout the life of the project to the benefit of the party responsible for the O&M of
23 BMPs, until such time that the storm water BMP requiring access is replaced, satisfactory
24 to the Public Works Director. The agreement shall also include a copy of the O&M Plan
25 approved by the Public Works Director.

26 33. The project shall provide BMP in accordance with the Storm Water Mitigation Plan
27 (SWMP).
28

1 34. A public waterline and City storm drain are located in existing easements across the
2 westerly and southerly sides of the site. The existing waterline and existing storm drain
3 shall be protected in place and maintained operational at all times.

4 35. Prior to design of the building foundation the existing City storm drain on the westerly
5 side shall be located in the field by the project surveyor, and the building foundation shall
6 be designed not to be affected by the existing storm drain.

7 **Planning:**

8 36. This Development Plan revision and Conditional Use Permit shall expire on June 12,
9 2008, unless implemented as required by the Zoning Ordinance or unless the Planning
10 Commission grants a time extension.

11 37. This Development Plan revision and Conditional Use Permit approves only a 2,692-square
12 foot drive-thru restaurant as shown on the plans and exhibits presented to the Planning
13 Commission for review and approval. No deviation from these approved plans and
14 exhibits shall occur without Planning Division approval. Substantial deviations shall
15 require a revision to the Development Plan and Conditional Use Permit or a new
16 Development Plan and Conditional Use Permit.

17 38. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
18 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
19 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
20 annul an approval of the City, concerning revision to Development Plan (D-12-01) and
21 Conditional Use Permit (C-29-05). The City will promptly notify the applicant of any
22 such claim, action or proceeding against the city and will cooperate fully in the defense.
23 If the City fails to promptly notify the applicant of any such claim action or proceeding
24 or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
25 responsible to defend, indemnify or hold harmless the City.

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

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

- 7 a) Median and parkway tree plantings along collector and arterial roads shall be a
8 minimum of two-inch diameter trees so as to ensure a mature landscape theme is
9 achieved in a reasonable amount of time.
- 10 b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
11 each side of street, as a solitary planting. Approved root barriers shall be
12 incorporated.
- 13 c) No trees are allowed in utility easements and shall be spot located by landscape
14 architect and City Landscape Inspector at pre construction meeting.

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

23 42. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall
24 also include additional space for storage and collection of recyclable materials per City
25 standards. Recycling is required by City Ordinance. The enclosures must be built in a flat,
26 accessible location as determined by the City Engineer. The enclosures shall meet City
27 standards including being constructed of concrete block, reinforced with rebar and filled
28 with cement. A concrete slab must be poured with a berm on the inside of the enclosure to
prevent the bins from striking the block walls. The slab must extend out of the enclosure
for the bins to roll out onto. Steel posts must be set in front of the enclosure with solid

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

11 43. The developer will install an HME SPP2 speaker post with an automatic volume control
12 (AVC) sentry system with an adjustable outbound volume control based on the outdoor
13 ambient noise levels. The developer will install signage at the entrance to the drive-thru
14 and at the rear of the parking lot that will aware customers of a quiet zone, asking
15 customers to turn down their radio/stereos.

16 44. Prior to the issuance of a certificate of occupancy, the applicant and/or owner shall
17 process and obtain a demolition plan for the existing drive-thru located at 1702 Mission
18 Avenue. Service at the drive-thru for the 1702 Mission Avenue restaurant shall stop and
19 the drive-thru shall be entirely demolished and/or removed no later than 30-days
20 following issuance of the certificate of occupancy for the new restaurant and drive-thru
21 located in the Canyon Plaza Commercial Center.

22 45. The restaurant facility will limit all on-site deliveries to the hours of 7:00 a.m. to 10:00
23 p.m. to eliminate any possible loading and unloading noise and impacts for adjacent
24 neighbors.

25 46. The proposed drive-thru will operate in a conventional manner with an outdoor menu
26 board and order callbox adjacent to the drive-through aisle, and a pickup window.

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

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

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

11 50. Failure to meet any conditions of approval for this development shall constitute a violation
12 of the Development Plan and Conditional Use Permit.

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

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

22 53. The hours-of-operation are based on seven (7) days per week 24 hours per day, but shall be
23 reviewed and may be limited by the Planning Commission when valid issues or complaints
24 pertaining to the hours-of-operation arise.

25 **Water Utilities:**

26 54. All public water and/or sewer facilities not located within the public right-of-way shall be
27 provided with easements sized according to the City's Engineers Manual. Easements shall
28 be constructed for all weather access.

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

- 1 56. The property owner will maintain private water and wastewater utilities located on private
2 property.
- 3 57. A separate irrigation meter and approved backflow prevention device is required.
- 4 58. Water services and sewer laterals constructed in existing right-of-way locations are to be
5 constructed by approved and licensed contractors at developer's expense.
- 6 59. The developer will be responsible for developing all water and sewer utilities necessary to
7 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
8 the developer and shall be done by an approved licensed contractor at the developer's
9 expense.
- 10 60. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating
11 to restaurants, shall be installed in each building sewer in an appropriate location and
12 shall be maintained by the property owner. The location shall be called out on the
13 approved Building Plans.
- 14 61. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are
15 to be paid to the City and collected by the Water Utilities Department at the time of
16 Building Permit issuance.
- 17 62. All lots with a finish pad elevation located below the elevation of the next upstream
18 manhole cover of the public sewer shall be protected from backflow of sewage by
19 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
20 Code (U.P.C.).
- 21 63. All Water and Wastewater construction shall conform to the most recent edition of the
22 City's Engineers Manual, or as approved by the Water Utilities Director.

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1 64. The proposed monument sign and tress should not be within the onsite water or
2 wastewater easements. The drive-thru canopy must be design to be easily removed and
3 will be removed for maintenance to the easements.

4 PASSED AND ADOPTED Resolution No. 2006-P34 on June 12, 2006 by the following

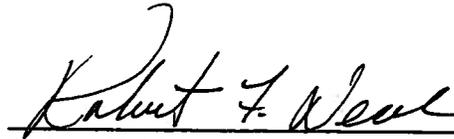
5 vote, to wit:

6 AYES: Neal, Parker, Horton, Blom, Martinek and Balma

7 NAYS: Beach

8 ABSENT: None

9 ABSTAIN: None

10 

11 Robert F. Neal, Chairman
12 Oceanside Planning Commission

13 ATTEST:

14 
15 Jerry Hittleman, Secretary

16
17 I, Jerry Hittleman, Secretary of the Oceanside Planning Commission, hereby certify that this is a
18 true and correct copy of Resolution No. 2006-P34

19 Dated: June 12, 2006
20
21
22
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26
27
28

RECEIVED
JUL 08 2005
Planning Department

LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 19027, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 2002, AS INSTRUMENT NO. 2002-0662013 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PROTION OF MISSION AVENUE AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION RECORDED SEPTEMBER 3, 2002 AS INSTRUMENT NO. 2002-0748434 OF OFFICIAL RECORDS.



CITY OF OCEANSIDE
PLANNING DEPARTMENT

ORIGINAL

NOTICE OF EXEMPTION

FILED
Gregory J. Smith, Recorder/County Clerk

TO: X RECORDER/COUNTY CLERK
COUNTY OF SAN DIEGO
P.O. BOX 1750
SAN DIEGO, CA 92112-4147

APR 27 2006

PROJECT TITLE AND FILE NUMBER:
Canyon Plaza Revision (Jack-in-the-Box) (D-12-01 REV-05, C-29-05)

BY: [Signature]
DEPUTY

PROJECT LOCATION - SPECIFIC:
North West Corner of the intersection
of Canyon Dr. and Mission Ave.

PROJECT LOCATION - GENERAL:
CITY OF OCEANSIDE

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
A Conditional Use Permit for drive thru restaurant facility within an existing commercial center.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
Lyons Warren and Associates
9455 Ridge haven Ct. #200
San Diego, CA. 92123
(858) 573-8999

Exempt Status per the Guidelines to Implement the California Environmental Quality Act (CEQA)
(Public Resources Code Section 21000 et. al.):

NOT SUBJECT TO CEQA PER THE GENERAL RULE, SECTION 15061(B) (3)

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

XX CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301

REASONS WHY PROJECT IS EXEMPT:

The proposed drive thru establishment is located within an existing Commercial Center and the proposed use will not nor changes or create impacts to the surrounding land uses.

Contact Person: Scott Nightingale, Assistant Planner

[Signature] April 19, 2006
SIGNATURE DATE
For: Jerry Hittleman, Acting City Planner

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 435-3538

FILED IN THE OFFICE OF THE COUNTY CLERK

San Diego County on APR 27 2006

Posted APR 27 2006 Removed _____

Returned to agency on _____

Deputy [Signature]



DATE: June 12, 2006 (Continued from May 22, 2006 Planning Commission Meeting)

To: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A REVISION TO A DEVELOPMENT PLAN (D-12-01) AND A NEW CONDITIONAL USE PERMIT (C-29-05) TO CONSTRUCT A 2,692-SQUARE FOOT DRIVE-THRU RESTAURANT ON A 0.96-ACRE LOT LOCATED WITHIN THE CANYON PLAZA COMMERCIAL CENTER AT THE NORTHWEST CORNER OF MISSION AVENUE AND CANYON DRIVE – JACK-IN-THE-BOX @ CANYON PLAZA –APPLICANT: LYONS WARREN AND ASSOCIATES**

RECOMMENDATION

Staff recommends that the Planning Commission approve the revision to Development Plan (D-12-01) and a new Conditional Use Permit (C-29-05) and adopt Planning Commission Resolution No. 2006-P34 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: On December 17, 2001, the Planning Commission approved the development of a 3,457-square foot drive-thru restaurant, a 7,140-square foot general retail building and a 3,712-square foot mini-mart with eight gas pumps and a 5,502-square foot overhead canopy on a 3.03-acre lot known as the Canyon Plaza Commercial Center.

The zoning designation for the site is PD-3 (Sterling Specific Plan) and the General Plan Land Use Category designation is (S-3-84) Sterling.

The decision also included an amendment to the Sterling Specific Plan in order to change the land use designation to allow multi-family residential senior housing on the remaining vacant parcel. The original Sterling Specific Plan allowed for commercial development, however the approved revision to the Sterling Specific Plan allowed for three acres to remain commercially zoned with the remaining 5.37 acres to be designated for a future senior housing project.

The original approval included a Tentative Parcel Map (P-5-01), Development Plan (D-12-01), Conditional Use Permits (C-25-02, C-26-01) and Variance (V-17-01), as well as the amendment to the Sterling Specific Plan (S-3-84).

As part of the December 17, 2001 approval, the Planning Commission acknowledged that a drive-thru McDonald's restaurant consisting of 3,457 square feet would occupy the site. Subsequently, the permit for the construction of the drive-thru McDonald's expired and the restaurant was not built. The revision to the existing Development Plan and the proposal for a new Conditional Use Permit request a project that is consistent with the previous approved Development Plan. The only difference in the proposed plan is that the restaurant facility will now be a Jack-in-the-Box instead of a McDonald's and the building will be substantially smaller in size than the previously approved McDonald's facility.

Site Review: The .96-acre lot is an existing commercial pad located northwest of the intersection of Mission Avenue and Canyon Drive. The site is currently vacant and is secured with fencing. The pad site is flat with less than one foot of grade differential between the high and low points of the site.

Direct access to the site exists from one existing driveway located on Mission Avenue and from the adjacent driveways through out the commercial center. The existing driveways are limited to right-turn in and right-turn out only. A center roadway median with landscaping exists within Canyon Drive and Mission Avenue limiting vehicular flow onto the right-of-way.

Surrounding the site are similar commercial uses located west and south, a public school bus storage facility, and a senior housing development, which has been constructed directly north of the subject property.

Project Description: The project requires a revision to an existing Development Plan and a new Conditional Use Permit to process site design and to construct the new drive-thru restaurant facility. The discretionary request is described as follows:

Revision to Development Plan: The applicant is requesting to construct a drive-thru restaurant for a Jack-in-the-Box tenant within the existing Canyon Plaza Commercial Center as per the Sterling Specific Plan.

The proposed project includes construction of a 2,692-square foot drive-thru restaurant and associated site improvements on the existing pad. The 2,692-square foot Jack-in-the-Box will be substantially smaller in size than the previously approved 3,457-square foot McDonald's. The architectural theme for the project is intended to project Jack-in-the-Box's corporate image in a site-specific manner and the retro design to be consistent with the existing AM/PM commercial building located on the adjacent pad within the center. Exterior materials consist of a sand float cement plaster finish, a pre-

finished aluminum awning, and clear insulated glass. The proposed exterior palette colors consist of an off-white anti-graffiti paint and a brilliant red color shade on the upper trim and on the window awnings.

The existing commercial center contains 103 parking spaces. Of the 103 parking spaces, 27 of the spaces will be required for the proposed use at a ratio of one parking space per 100-square foot of gross area. The project will provide 32 parking spaces on-site and two of those spaces will be ADA accessible.

	MINIMUM REQUIRED Sterling Specific Plan Commercial (PD-3)	PROPOSED Sterling Specific Plan Commercial (PD-3)
LOT SIZE	10,000 sq feet	Existing .96 ac
LOT COVERAGE	50%	6.4%
SETBACKS		
Front	10-feet	73'-8 3/8"-feet
Side	0-feet	23-feet
Rear	20-feet	20-feet
PARKING	27 (Parking Spaces)	32 (Parking Spaces)
BUILDING HEIGHT	50-feet	22'-2"-feet, 1 story

The project includes new landscape improvements comprising 39 percent (16,562 square feet) of the site, which exceeds the minimum zoning criteria of 15 percent. The plant palette includes Glossy Abelia, Cajeput and Queen Palm trees with Indian Hawthorne shrubs and Lilly of the Nile groundcover.

The project will have sign identification on the east and south elevations and will be consistent to the approved Comprehensive Sign Plan (CSP-3-02).

Conditional Use Permit: A Conditional Use Permit (C-29-05) is required for the drive-thru restaurant. The store and drive-thru service hours will be available 24 hours per day, seven days per week. The proposed drive-thru will operate in a conventional manner with an outdoor menu board and order callbox adjacent to the drive-thru aisle, and a pick-up window. The length of the drive-thru aisle from the menu order callbox will allow for the staging of five (5) vehicles, and meets the minimum zoning requirement for the City of Oceanside.

An acoustical analysis has been conducted for the proposed development and the impacts of the use. The developer will install an HME SPP2 speaker post with an automatic volume control (AVC) sentry system with an adjustable outbound volume control based on the outdoor ambient noise levels. The developer will install signage at the entrance to the drive-thru and at the rear of the parking lot that will aware customers of a quiet zone, asking customers to turn down their radio/stereos.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. The proposed drive-thru restaurant will be compatible with the surrounding commercial center.
2. The site does provide adequate facilities and utilities, either existing or available, to support to the proposed new development.
3. The necessary findings have been made to support the proposed CUP for a drive-thru operation and the operation will be conducted in a manner that will not be detrimental to the surrounding land uses.

DISCUSSION

According to staff's assessments, the existing commercial pad can be developed as a drive-thru restaurant without any significant incompatibilities to the surrounding commercial center uses and neighborhood. The specific design and layout of the proposed drive-thru restaurant will mirror the previous approved McDonald's, which was approved with the previous development plan for the entire commercial center. In addition, there are existing and available utility connections and facilities (including street access points and parking areas) to support the proposed development.

Staff has conditioned the resolution of approval to require the removal of the existing drive-thru facility at Jack-in-the-Box located at 1702 Mission Avenue prior to issuance of certificate of occupancy for the new development currently under consideration. The removal is required because the Mission Avenue Corridor Strategy Plan limits the number of drive-thru's at this location to alleviate the flow of traffic.

In summary, staff believes that the proposed drive-thru restaurant is an appropriate use for the site and that the associated site improvements will benefit and balance the Canyon Plaza Commercial center.

ENVIRONMENTAL DETERMINATION

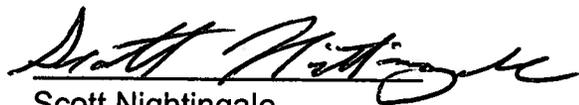
The proposed project is exempt from the provisions of the California Environmental Quality Act (CEQA).

SUMMARY

Staff believes that the proposed drive-thru restaurant is an appropriate use for the center and the proposed building and site improvements represent an upgrade and compliments the center. Staff recommends that the Planning Commission approve the project. The Planning Commission's action should be:

- Move to approve revision to Development Plan (D-12-01) and new Conditional Use Permit (C-29-05) and adopt Planning Commission Resolution No. 2006-P34 as attached.

PREPARED BY:



Scott Nightingale
Planner I

SUBMITTED BY:



Jerry Hittleman
Acting City Planner

REVIEWED BY:

Roman Anissi, Senior Planner 

JH/SN/fil

Attachments:

1. Site Plan/Floor and Elevations
2. Planning Commission Resolution No. 2006-P34

CITY OF OCEANSIDE

THE STERLING PROPERTY

Specific Plan

This document includes proposed revisions as part of the Sterling Specific Plan Amendment, S-3-84, as of November, 2001. The revised text is underlined on pages 15, 16a, 16b, 28, 31, 37, 36, 38, 39 and 46. Please see the Description and Justification for details and descriptions.

Prepared by

GRUEN ASSOCIATES
MANITOU ENGINEERING

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I. INTRODUCTION

BACKGROUND

For a number of years the City of Oceanside and the United States Marine Corps (USMC) have been working on a plan to redevelop the Sterling Homes property which is currently owned by the Marine Corps and occupied by 647 housing units for Marine Corps personnel and their families. These units have been determined to be substandard. The Marine Corps' objective is to exchange the 56.65-acre Sterling Homes property, which is located along Mission Avenue just east of Interstate 5, plus \$13 million, for the construction of 500 to 650 residential units on the Camp Pendleton USMC Base. The City's objective is to ensure that subsequent residential and commercial development on the Sterling Homes property is consistent with City standards and community objectives.

Authorization has been granted, through special Congressional action, to permit this exchange to occur. Under this program a private developer must be selected by the Federal Government by the Fall of 1985. The developer will receive ownership of half the Sterling Homes site upon completion of the first 300 units on the USMC Base and ownership of the remaining half upon completion of all units on the USMC Base.

The developer is not expected to begin developing the Sterling Homes property until full ownership is acquired. The earliest anticipated date of completion of the USMC Base housing is 1988. Thus, redevelopment of the Sterling Homes site is expected to begin in 1989 or soon thereafter and to be phased over a several year period. If current housing market trends continue, full build-out of the site may occur five or six years after construction begins.

PURPOSE OF THE SPECIFIC PLAN

The primary function of the Specific Plan is to define the basic development parameters for the Sterling Homes site: the land use mix and density, the primary circulation pattern, the overall open space concept and open space requirements, and the location and capacity of utilities to be provided by the developer. Secondly, it will define the character and form of development on the site through a series of design guidelines.

The primary reasons for preparing a Specific Plan that performs these two functions are to: 1) assure a high quality of development on the site, consistent with City and community objectives; and 2) permit prospective developers to determine the value of the land based on its development potential and required improvements.

The Specific Plan serves as a supplement to existing City regulations. Specific Plan regulations supersede other regulations where there is a conflict; where a topic is not addressed by the Specific Plan, other City regulations apply. The Specific Plan consists of standards and guidelines. The development standards in Chapter IV, which are, for the most part, performance

standards rather than precise, quantitative requirements, must be followed by all development in the Specific Plan area. The design guidelines in Chapter V clarify the intent of the standards and serve as the criteria for evaluating compliance of proposed development with the Specific Plan.

The Specific Plan, once it is approved, constitutes several steps in the development approval process. It establishes zoning for the site and defines precisely the amount of development permitted. It establishes the City's standards for that development including open space provisions and major improvements to be constructed by the developer. The Environmental Impact Report (EIR), prepared in conjunction with the Specific Plan, fulfills the environmental impact assessment requirements for any proposed development on the site as long as that development is consistent with the Specific Plan.

The developer will still be required to complete the remaining steps in the development approval process including public hearings, but will do so with a clear understanding of what is permitted and required on the site. The developer will submit a Master Development Plan, in conformance with the requirements of Section 2508 of the Zoning Ordinance, and, if the site is subdivided, a Tentative Map. The Master Development Plan will be evaluated by the City Planner against the standards and guidelines in the Specific Plan and must be approved by the Planning Commission. The review period for this phase of the approval process is expected to take 6 to 8 weeks. Since the Specific Plan establishes the criteria for evaluating a proposed Master Development Plan, the review process can occur more expeditiously than under normal circumstances.

State law authorizes local governments with certified General Plans to prepare and adopt Specific Plans (Government Code 65450 et seq.). A Specific Plan can serve as a bridge between the General Plan and individual development proposals. It may be written either by the local government or by a developer subject to approval by the local government; in either case, it contains both planning policies and regulations for implementing those policies. The state law is flexible regarding the precise contents of a Specific Plan; thus, it can be tailored to meet the specific needs of a particular area.

A Specific Plan can clarify the intent of local government regarding development in a particular area. If it establishes development standards and clear criteria for evaluating proposed development projects, it can reduce the time and effort of both local government and the developer during the development review process. At a minimum a Specific Plan must include "all detailed regulations, conditions, programs and proposed legislation which shall be necessary for the systematic implementation of each element of the general plan" (Government Code Section 65451). It must also show existing and proposed land uses by parcel. In addition, it must include "regulations, conditions, programs and proposed legislation" regarding:

- o The location of and standards for land uses, buildings, and facilities;
- o The location of and standards for streets, roads and other transportation facilities;
- o Standards for population density and building intensity and provisions for supporting services;

- Standards for the conservation, development, and use of natural resources;
- Provisions for implementing the open-space element;
- Other appropriate measures.

THE RELATIONSHIP OF THE SPECIFIC PLAN TO THE GENERAL PLAN

The Specific Plan provides a detailed program for implementing the policies of the General Plan. Key General Plan policies that are applicable to the Sterling Homes site and are addressed by the Specific Plan include the following.

Land Use Element

- Actively pursue the objectives and programs of the General Plan Housing Element to plan for adequate housing, assuring the health, safety and well-being of the citizens of Oceanside.
- Integrate future growth with the existing urban and natural environment to preserve and enhance the pattern of distinct, identifiable communities within the City.
- Provide adequate public facilities and services for all, including governmental agencies, libraries, parks, transportation and utilities through carefully developed City programs and systems in conjunction with the appropriate regional agencies and investor-owned utilities.
- In the East Side planning area, encourage the development of the necessary urban infrastructure to allow replacement of deteriorating housing with residential development at densities permitted by present medium density (R-3) zoning.

Circulation Element

- Provide a balanced system of major thoroughfares, collector and local streets having adequate standards and design specifications to serve the growing vehicular demands within and through the community.
- Plan for adequate bus service to satisfy the needs of the community--especially the young, the elderly and the handicapped.
- Encourage the use of bicycles as an alternate mode of transportation--as part of new development and/or street improvements, require construction of Class II facilities (bike lanes) on all streets designated as secondary collector bike routes, including Canyon Drive.
- Provide for pedestrian circulation throughout the City--and, in particular, provide access for the handicapped and elderly population to assure them safety and mobility.

Education and Recreation Facilities Element

- o Provide adequate education and recreation facilities concurrent with community needs.

Noise Element

- o Avoid noise levels which could endanger the public health--intercept noise by barriers or dissipated by space where the source cannot be controlled.
- o Limit noise in residential areas to a maximum of L_{dn} 65 dBA exterior.

THE ROLE OF THE STERLING PROPERTY STEERING COMMITTEE

The City Council appointed a Steering Committee composed of representatives of the following groups: City Council, Planning Commission, the Eastside neighborhood, the Oceanside Economic Development Council, the Oceanside School District, the Transportation and Traffic Safety Advisory Commission, the United States Marine Corps, and the community at large. The Steering Committee has provided input to the Specific Plan consultants concerning community concerns and objectives, and has evaluated alternatives proposed by the consultant.

GRAPHIC ILLUSTRATIONS IN THE SPECIFIC PLAN

The Specific Plan contains conceptual diagrams, maps, cross sections, and an illustrative site plan to enhance and clarify the text and to depict the type of development that is intended to occur in the Sterling Homes Specific Plan area. Except as otherwise noted in the text, the conceptual diagrams, maps, and cross sections are part of the development standards and design guidelines they illustrate. The illustrative plan, on the other hand, is intended to convey the image and quality of development intended for the Specific Plan area.

The topography shown on the Specific Plan area maps is not up-to-date. The canyon in the northeast corner of the site was filled to approximately 170 feet after site topography was mapped. Similarly, the relationship of the site boundaries to the topography is not exact. A topography and boundary survey should be prepared prior to release of the site to a developer.

II. EXISTING CONDITIONS

REGIONAL CONTEXT

The location of the Sterling property within the North San Diego County area is shown in Figure II-1. It is located 30 miles north of the City of San Diego in Northern San Diego County. The closest urbanized area north of Oceanside is San Clemente which lies approximately 16 miles away and is separated from Oceanside by Camp Pendleton. Eighteen miles to the east lies the City of Escondido, accessible to Oceanside by State Route 78 which intersects Interstate 5 at Oceanside's southern city limits.

The site is approximately one mile east of the Interstate 5 Freeway, with access at the Mission Avenue interchange. The segment of Mission Avenue between Interstate 5 and the Sterling Homes property is a major arterial in the Oceanside circulation system.

ADJACENT LAND USES

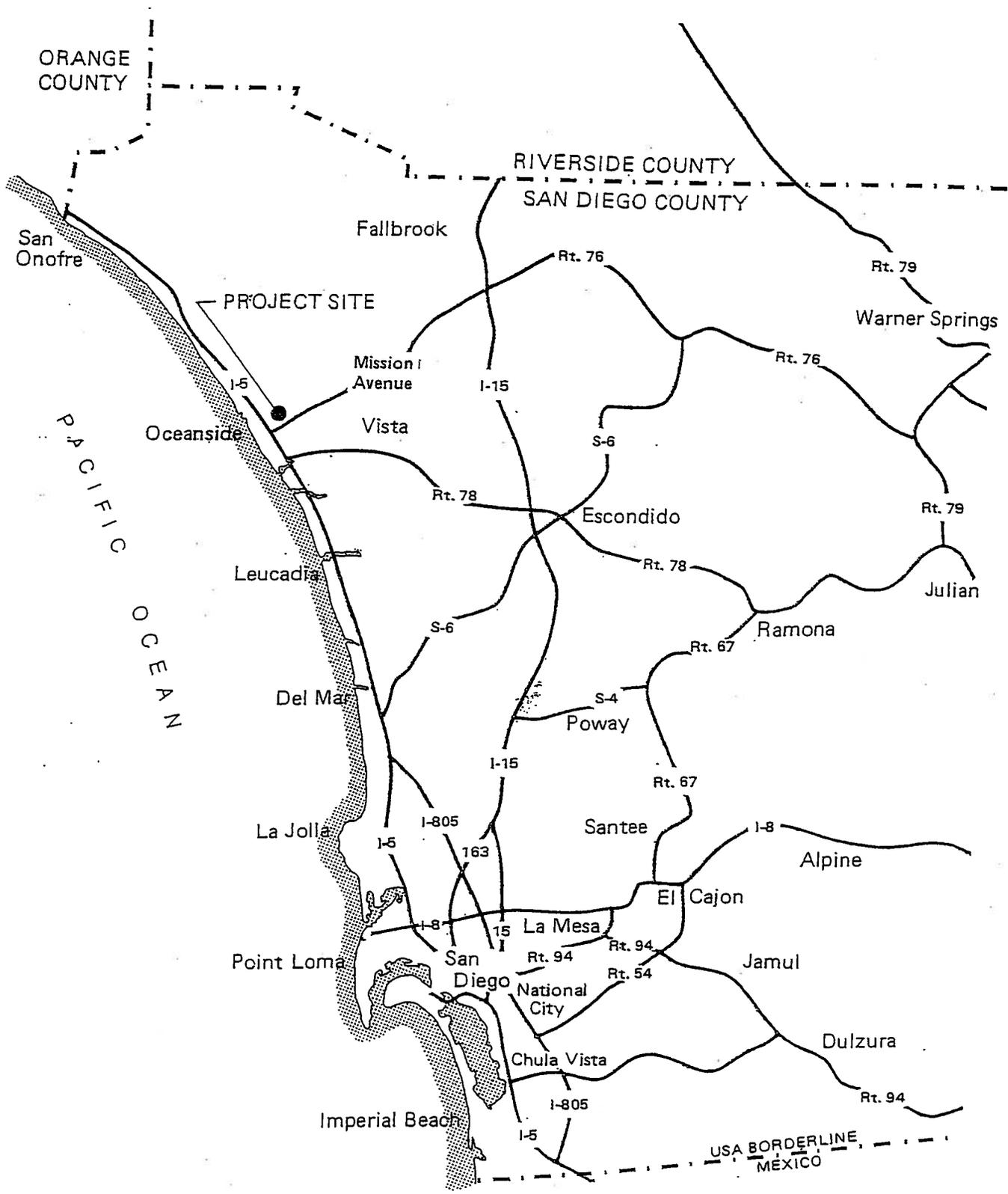
Figure II-2 shows the property in relation to the surrounding area. It is bounded on the south by Mission Avenue along which commercial development is located, on the east by the Mission Avenue landfill which is located on Oceanside School District property, and on the north and west by residential neighborhoods which consist largely of single-family houses.

PLANNING CONTEXT

The Sterling Homes site is located in the East Side Planning Area, part of the 2.3-square-mile area originally incorporated as the City of Oceanside in 1888. The General Plan Land Use Element's policy regarding the East Side Planning Area is to encourage the development of the necessary urban infrastructure to allow replacement of deteriorating housing with higher density ... units as permitted by present R-3 zoning. A 1983 City Council Resolution placed the Sterling Homes site in an area identified as high priority for water and sewer facility replacement.

Figure II-3 depicts General Plan land use designations for the site and its environs. The Sterling Homes site is designated for "high density residential use." The residential areas north of the site and east of the site north of Laurel Street are designated for single-family residential use by the General Plan and by the Zoning Ordinance. The area west of the site and south of Laurel Street is designated for high density residential use (15+ units per gross acre) by the General Plan. (This density is referred to as "medium density" development in the Zoning Ordinance.) A small parcel of land adjacent to the southwest corner of the property and fronting on Mission Avenue is designated for general commercial use like most of the frontage along Mission Avenue.

The Circulation Element of the General Plan calls for the extension of Canyon Drive from its current terminus at Mission Avenue north along the eastern



**STERLING PROPERTY
SPECIFIC PLAN**

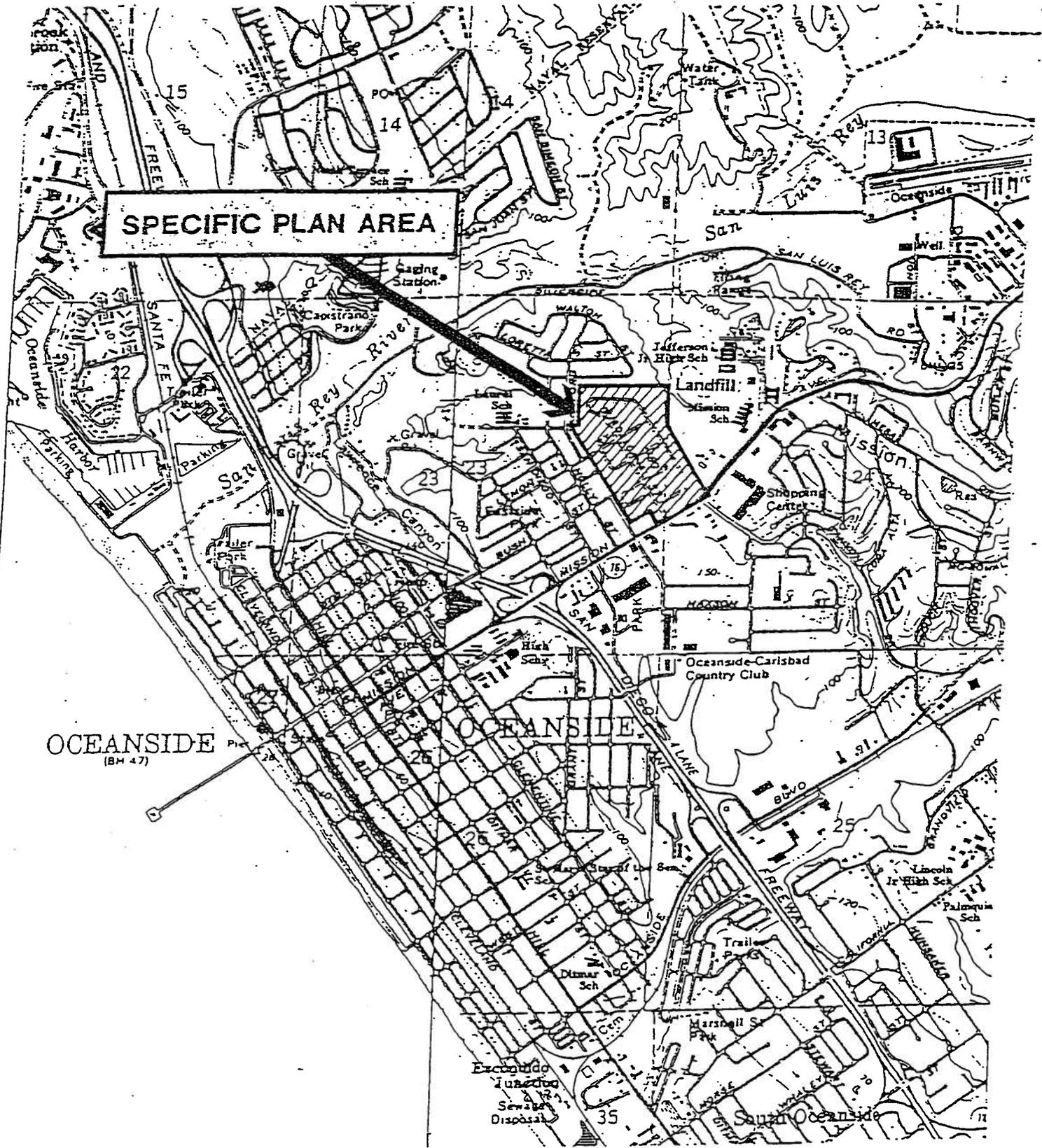
CITY OF OCEANSIDE

Figure II-1
Regional Location

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SCALE IN MILES NORTH

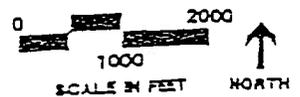


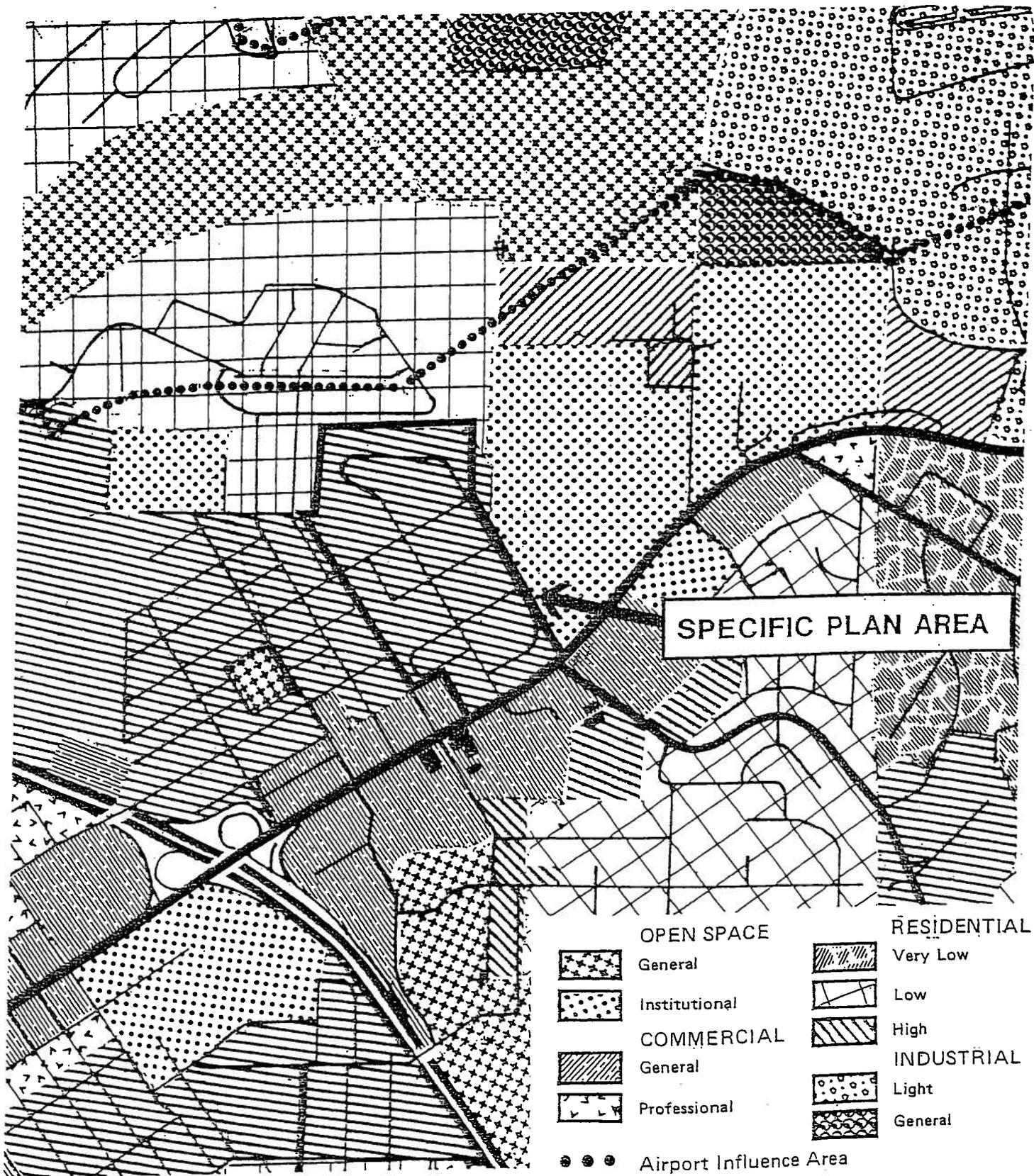
**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure II-2
Project Vicinity

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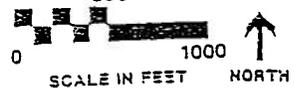


**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure II-3
General Plan
Land Use Designations

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boundary of the Sterling Property and down the adjacent canyon to intersect with the Route 76 expressway bypass which is scheduled to begin construction in 1989. The Canyon Drive extension was placed on the Major Street Plan in 1968, prior to the use of the canyon as a landfill. This landfill, which has not been in operation since 1980 and which is expected to receive final approval for closure in early 1985, as well as the steep canyon terrain, will raise the cost of construction of Canyon Drive above typical construction costs for secondary arterials. The extension is not on the current Capital Improvements Program and no priority has been established for its construction.

EXISTING COMMUNITY SERVICES

The project area is located within the Oceanside Unified School District. Children in the Sterling Homes project attend Laurel and Mission Elementary Schools, Jefferson Junior High School, and Oceanside High School. All of those schools are currently at or near capacity.

The Master Plan for the Downtown Water Distribution System and Sewerage anticipates development of the Sterling Homes site at a density of 15 to 30 units per acre. The Master Plan concludes that the La Salina Sewage Treatment Plant, which serves the Sterling Property, is adequate to meet sewage flow projections for the year 2000. However, in order to accommodate sewage flows resulting from full build-out of the area served by the Treatment Plant, it will be necessary to either expand the La Salina Plant's capacity or to divert excess sewage flows to the New San Luis Rey Sewage Treatment Plant.

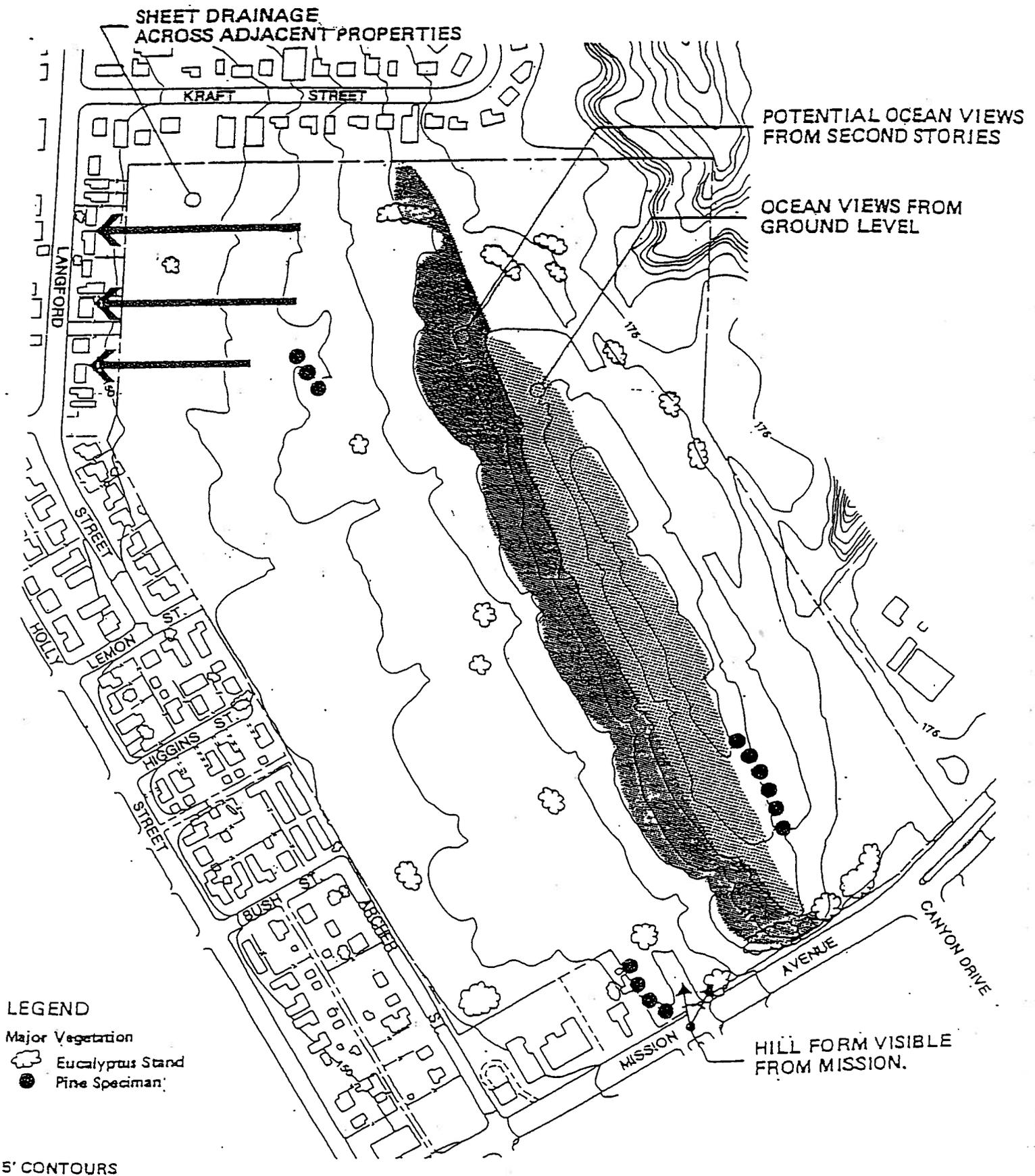
With respect to the water supply, the Master Plan concludes that the combined storage capacity of the Buddy Todd and Fire Mountain Reservoirs is more than adequate to serve the needs of the Master Plan study area, which includes the Sterling Homes site, but is not adequate to meet the demand resulting from full build-out of the service area of these reservoirs. The Master Plan recommends investigation of the feasibility to expand the total future reservoir capacity to meet the anticipated demand at build-out.

Thus, development of the site at General Plan densities has been incorporated into the planning process for provision of water and sewer service.

PHYSICAL SITE CONDITIONS

Figure II-4 depicts major topography and vegetation on the site. The site slopes downward from east to west at an average grade of 1.5 percent. In addition, a major topographic element on the site is a terraced hill with a west-facing slope which provides ocean views from ground elevation. In addition to providing ocean views on site, the hill makes the site a more dominant visual element from the surrounding area, particularly from Mission Avenue. The average slope of the hill is 7.0 percent.

Small stands of Eucalyptus globulus (Blue Gum) and scattered specimens of Pinus halepensis (Aleppo Pine) are located throughout the site.



LEGEND

- Major Vegetation
-  Eucalyptus Stand
 -  Pine Speciman

5' CONTOURS

**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure II-4
Physical Site
Conditions

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Storm water drainage generally occurs by the concentration of surface runoff into natural drainage channels or into streets which, in turn, carry the water to subsurface storm drains located outside the Specific Plan area. Most of the Specific Plan area drains west via the street system. However, the east edge of the site drains north down the canyon, and the northwest corner drains across adjacent properties on the east side of Langford Street which results in occasional flooding of the yards located there.

Existing water and sewer pipes located in the streets within the Sterling Homes site were installed in the early 1940s and have been maintained by the military. The water system consists of either steel or cast iron pipes, similar to those currently being replaced in the downtown area. The sewer lines are probably vitrified clay. The Oceanside Water Utilities Director has recommended that both facilities be replaced.

MARKET CONDITIONS

A market analysis of the residential and commercial development potential of the Specific Plan area was prepared by Keyser Marston Associates. That analysis identified the types and densities of development that could be supported on the site. The market analysis indicated that from 3 to 10 acres of commercial development could be supported and that the remainder of the site should be developed residentially with townhouses and garden apartments or condominiums, both for sale and for rent. The market analysis also identified a strong market for elderly housing.

III. OVERALL PLAN OBJECTIVES AND POLICIES

The planning policies, community concerns, and responses to site and market conditions described above have been synthesized into a series of overall objectives and policies for the Specific Plan area. These objectives and policies clarify the City's intent concerning development of the Specific Plan area and, as such, provide a clear and consistent foundation for the development standards and design guidelines of the Specific Plan. The overall plan objectives and policies, as well as development standards, are organized into the following subject areas: Transportation and Circulation, Land Use, Open Space and Recreation, Utilities, Community Design, and Specific Plan Implementation.

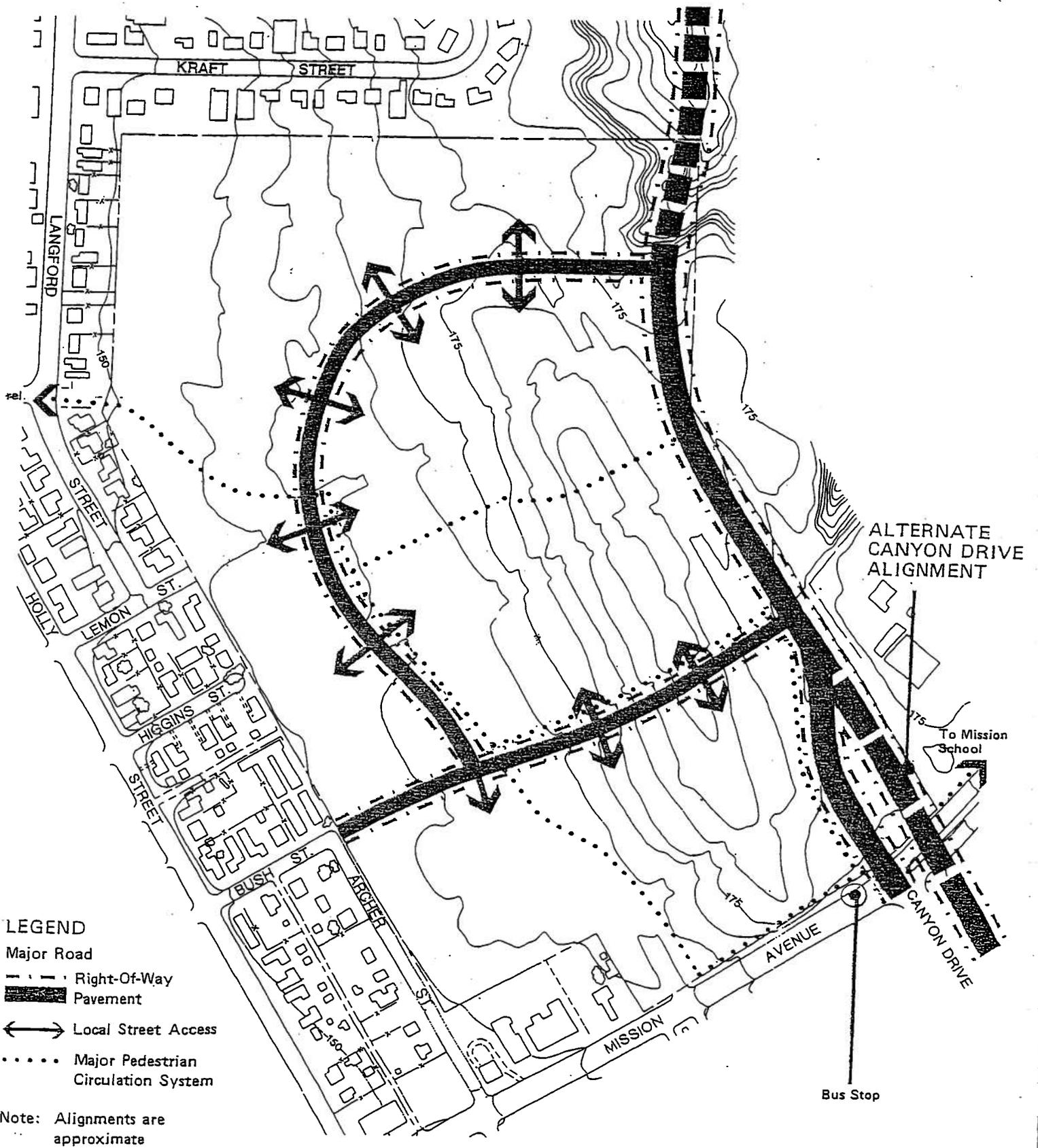
TRANSPORTATION AND CIRCULATION

Figure III-1 summarizes major transportation and circulation policies established by the Specific Plan. These policies do not locate roadways and pedestrian routes precisely, but, together with the development standards in Chapter IV, establish the performance requirements for these systems. The following objectives were used to formulate the major transportation and circulation policies; they address vehicular and pedestrian circulation systems within the Sterling Property area and their relationship to the citywide circulation system.

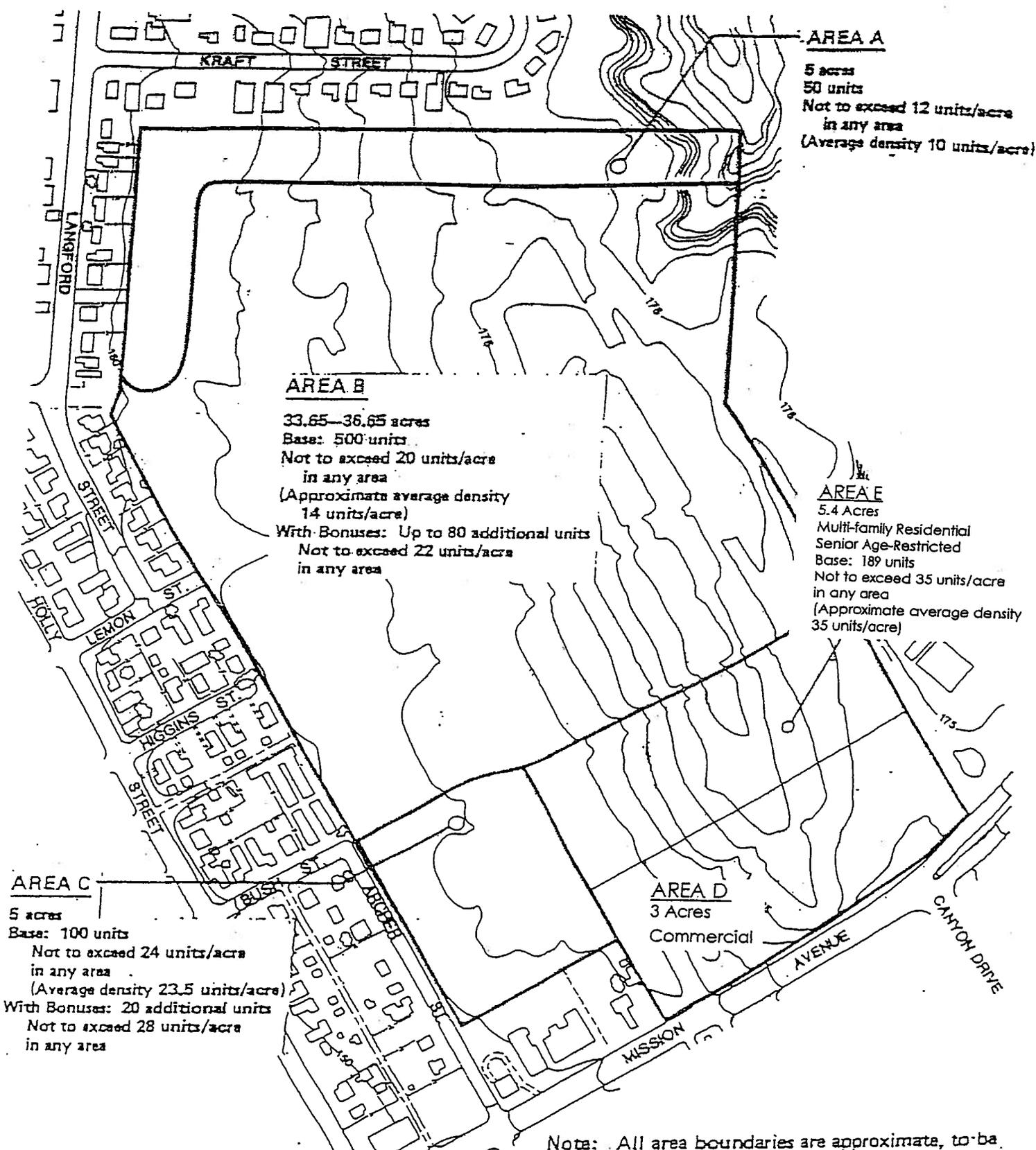
- Establish an alignment for Canyon Drive which:
 - is consistent with the General Plan Circulation Element;
 - minimizes fragmentation of the Specific Plan area and minimizes impacts on development in the Specific Plan area;
 - minimizes disruption of the established East Side neighborhood; and
 - provides for adequate traffic safety.
- Provide an east-west connection to the adjacent neighborhood, downtown and the beach, consistent with the General Plan Circulation Element.
- Provide a clear and efficient internal circulation system for both vehicles and pedestrians.
- Facilitate transit use by providing pedestrian routes and residential density patterns that maximize access to existing public transit on Mission Avenue and to a future internal transit route.

LAND USE

Figure III-2 provides key land use policies of the Specific Plan. These land use policies were formulated based on the market analysis, current General



<p>STERLING PROPERTY SPECIFIC PLAN</p> <p>CITY OF OCEANSIDE</p>	<p>Figure III-1 Circulation Policy Diagram</p>	<p>GRUEN ASSOCIATES ARCHITECTURE · PLANNING · ENGINEERING</p> <p>0 50 100 200 300</p> <p>SCALE IN FEET</p> <p>↑ NORTH</p>
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Note: All area boundaries are approximate, to be precisely defined by the site developer.

<p>STERLING PROPERTY SPECIFIC PLAN CITY OF OCEANSIDE</p>	<p>Figure III-2 Land Use Policy Diagram</p>	<p>GRUEN ASSOCIATES <small>ARCHITECTURE • PLANNING • ENGINEERING</small></p>  <p>SCALE IN FEET NORTH</p>
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Plan policies, an analysis of the relationship of potential land uses to each other and to land uses in the surrounding area, and the following objectives:

- Provide flexibility with respect to the type and location of residential uses and the amount of commercial development so that the developer can respond to changing market conditions.
- Provide a mix of housing types to provide housing opportunities to a wide range of Oceanside residents.
- If elderly housing is included in the Specific Plan area, locate it near commercial development.
- Locate lower density housing types near adjacent areas zoned for single-family development.
- Locate commercial development to maximize frontage on and access from major streets and to minimize traffic-related impacts on residential development.

The Specific Plan permits approximately 3 gross acres for commercial development in the approximate location shown in Figure III-2 and 53.65 gross acres for residential development. A baseline total of 839 residential units will be permitted, and a density bonus program will permit up to 100 additional units to exchange for the provision of additional open space, recreational amenities, landscaping and other design elements that will enhance the overall quality of the development.

While the baseline number of units in the residential area will be constant, densities within the Specific Plan area should vary to accommodate a variety of housing types and to respond to particular design objectives. Lower densities (an average of 10 units per gross acre, not to exceed 12 units per gross acre in any area) will be required adjacent to areas zoned for single-family residential development (R-1), while higher densities (an average of 20 units per gross acre not to exceed 24 units per gross acre in any area), will be permitted on the southern part of the site within easy walking distance of commercial development and public transit. On other parts of the site, an average of 13.6 to 14.9 units per gross acre, not to exceed 20 units per gross acre in any area, will be permitted. Densities will be slightly higher if the density bonus program is used by the developer.

AREA E

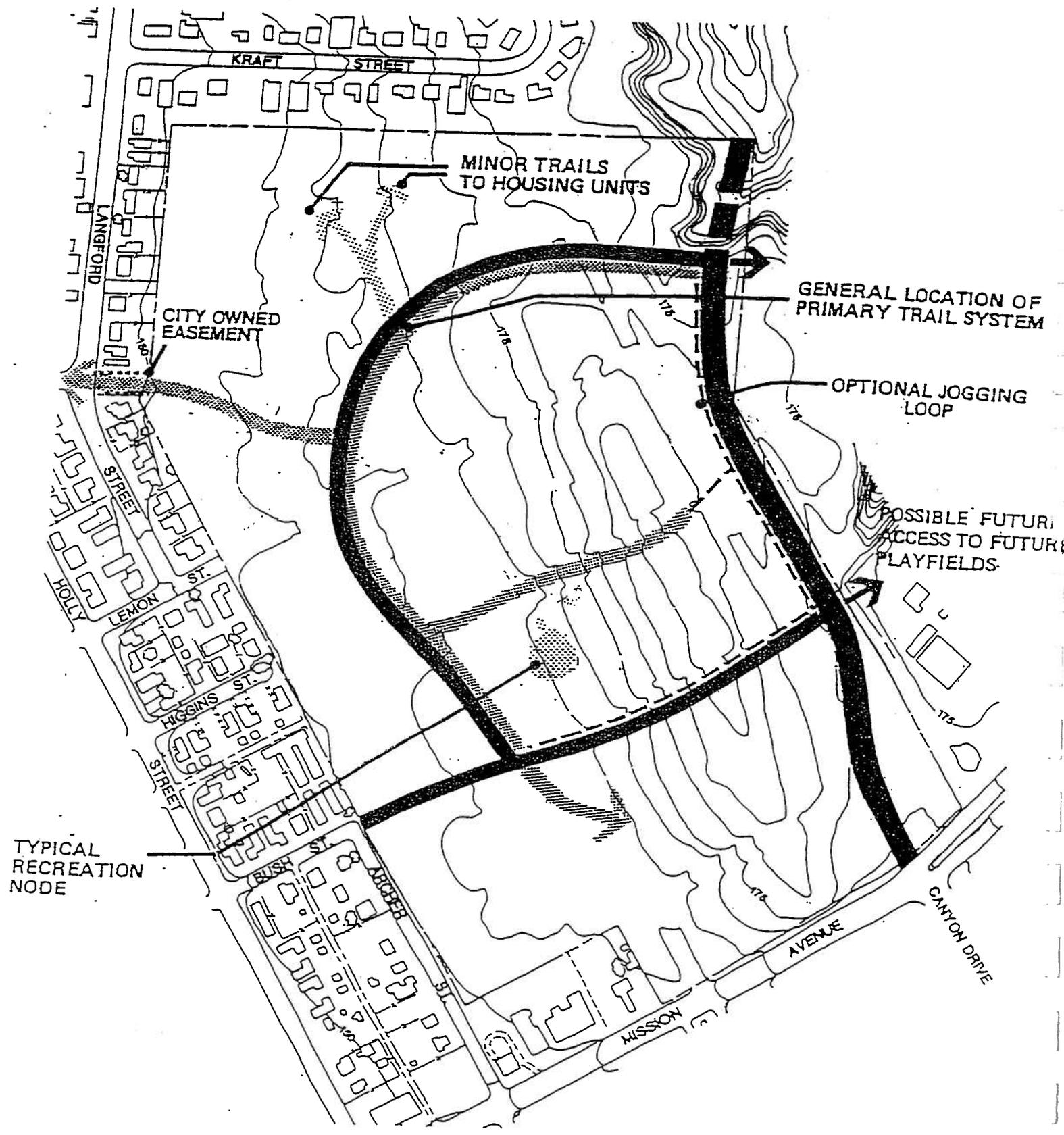
Area E is designated for Senior Citizen, multi-family residential development. The maximum density is being established at 35 units/acre, based on pre-meeting the requirements for a 25% density bonus as outlined in Section 3032 of the Oceanside Zoning Ordinance (25% increase over the otherwise maximum allowable residential density of 28 units/acre in the balance of the Specific Plan). The development criteria for Area E include the following special regulations:

- All units within Area E must meet the criteria of being age-restricted for Senior Citizen Housing (Qualifying Residents as defined in Section 51.3 of the Civil Code and any subsequent amendments or revisions).
- A mix of 1 and 2 bedroom units is encouraged.
- Social and recreational programs/amenities shall be provided, suitable for the senior citizen residents. Suggested amenities include a central recreation facility, with multi-purpose room, central laundry, reading room, and recreation facilities such as a pool and spa.
- Supplemental transportation services are encouraged, and must be provided if reduced parking ratios are utilized.
- The developer/property owner must sign a binding agreement with the City which sets forth the conditions and guidelines to be met in the implementation of the senior citizen housing requirements.
- The developer/property owner must provide to the Housing Department a yearly accounting of the total units occupied, the total units vacant, the total units occupied by Qualifying Residents.
- The property owner or Homeowner's Association shall provide on site management of the property.

OPEN SPACE AND RECREATION

The recommended Specific Plan policies summarized in Figure III-3 attempt to maximize flexibility in the design of the open space system, while at the same time assuring that the recreational needs of residents are met. Incentives to exceed the minimum required open space system will be incorporated into the density bonus program.

- Provide open space and recreational facilities that are adequate to serve the recreational needs typically met by neighborhood parks and that are responsive to the needs of all resident user groups.

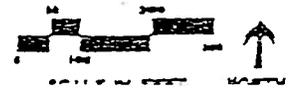


**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure III-3
Open Space
Policy Diagram

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- Establish an interconnected open space system that provides internal pedestrian circulation, connects residential development to commercial development in the Specific Plan area, and helps to spatially define and organize residential development.

At a minimum, the open space and recreational policies of the Specific Plan require the provision of 300 square feet of usable open space for every unit, aggregated into usable areas and connected to a primary trail system. Every resident of the Specific Plan area will have access to at least one open space area in close proximity to his or her residence. The primary trail system will be at least 15 feet wide and its location should be consistent with the open space concept shown in Figure III-3.

The open space system could be held in common ownership by a single homeowners-property owners' association or, more likely, each individual development within the Specific Plan area would have its own open space area with a connection to the areawide trail system. In the latter case, the trail system could be built and maintained by the adjacent property owners or homeowners' associations or through an agreement among all owners.

UTILITIES AND DRAINAGE

The Specific Plan requires that the developer provide all utilities within the Specific Plan area which are needed to serve development in the Specific Plan area and that the City provide off-site utilities. The developer will be reimbursed for oversized facilities required by the City according to the City's standard provisions. The site must be regraded to eliminate surface runoff onto adjacent developed residential properties.

COMMUNITY DESIGN

The overall goals of the Specific Plan with respect to community design are to ensure that development on the Sterling site does not adversely affect adjacent properties and that development throughout the Specific Plan area is harmonious and of a consistently high quality. The following objectives address these overall goals. In conjunction with each objective, several alternative means of achieving it are described. Generally the Specific Plan permits the developer to achieve community design objectives by any means that are appropriate to a particular development proposal and are consistent with the intent of the design guidelines. In some circumstances, however, it will be necessary for the Specific Plan to precisely establish standards for achieving community design objectives in order to avoid adverse impacts on the adjacent community.

The Specific Plan identifies the following overall objectives concerning community design:

- Establish an identity for the Specific Plan area which can ultimately be extended into the adjacent community by providing:
 - A landscape structure along the primary street system and throughout the open space system.

- A special entrance treatment on Canyon Drive.
- Ensure that development in the Specific Plan area is compatible with adjacent development through appropriate edge and interior treatments.

The Specific Plan needs to be relatively precise in its implementation of this objective to ensure that development in the Specific Plan area does not adversely impact adjacent properties. For example, landscaped setbacks and visual barriers will be required along the perimeter of the Specific Plan area to minimize the impact of higher density development on existing single-family development. The landfill will be screened from development in the Specific Plan area by a landscaped setback and visual barrier.

If lighted tennis courts are provided in the Specific Plan area, they should be located and designed to screen adjacent residential development from nighttime noise and light.

- Provide ocean views and generally attractive views from residential units and common open spaces.

Ocean views from residential units can be provided in a variety of ways including height differentials and staggering of units to provide view corridors. Ocean views from streets will be provided through street tree standards, and views from common open space will be provided through the provision of an east-west trail with landscaping restricted to preserve views.

Attractive views from hillside units can be maintained in a variety of ways such as avoiding flat composition roofs on residential buildings and screening rooftop accessories on commercial buildings.

- Ensure that the overall development is visually attractive from nearby streets and residences.

An overall attractive development will be achieved through the edge treatment described above, by sensitive grading and landscaping of the existing hillside, and through design guidelines for the commercial center, adjacent parking and Mission Avenue frontage.

- Preserve pines and eucalyptus trees where feasible and appropriate.

The integration of existing mature trees with future development can enhance the quality of that development by giving it a more established appearance. The eucalyptus trees on site will have to be evaluated by the City to see if they represent a safety hazard; those that are not likely to cause debris damage during periods of high wind should be

IV. DEVELOPMENT STANDARDS

The following standards are intended to implement the overall plan policies and objectives identified in Chapter III. They are regulatory in nature and will govern all development within the Specific Plan area.

The development standards should be used in combination with the design guidelines set forth in Chapter V. Those guidelines are intended to convey the physical character of the overall development and specifically to demonstrate how the development standards should be implemented. The design guidelines will be used as the criteria for evaluating the compatibility of proposed development with Specific Plan and General Plan objectives during the development review process.

GENERAL DEVELOPMENT STANDARDS

- Whenever the regulations in this Specific Plan differ from the regulations of the City of Oceanside Zoning Ordinance and other City regulations, the regulations contained herein supersede those of the Zoning Ordinance and other City regulations. Where an issue is not addressed by the regulations in this Specific Plan, the Zoning Ordinance and other City regulations shall prevail.
- All building construction within the Specific Plan area shall comply with applicable building codes.
- Dedication and improvement of all rights-of-way shall meet with the approval of the City Engineer.
- One temporary real estate office, not a part of a model home complex, may be located on any new subdivision, provided that such office shall be removed at the end of a two-year period following issuance of the first building permit for any home in the subdivision in which the office is located. The location of the temporary office shall be approved by the Planning Department and the Building Department and shall not create a traffic or safety hazard.

TRANSPORTATION AND CIRCULATION STANDARDS

General Provision

- It shall be the right of the developer to establish the precise alignments of all roads, consistent with the intent expressed in Figure III-1 and subject to approval by the City Engineer.

Mission Avenue

- Street trees and landscaping shall be provided along the Specific Plan area frontage on Mission Avenue as required by the City to achieve the streetscape character intended by the City for this major arterial.

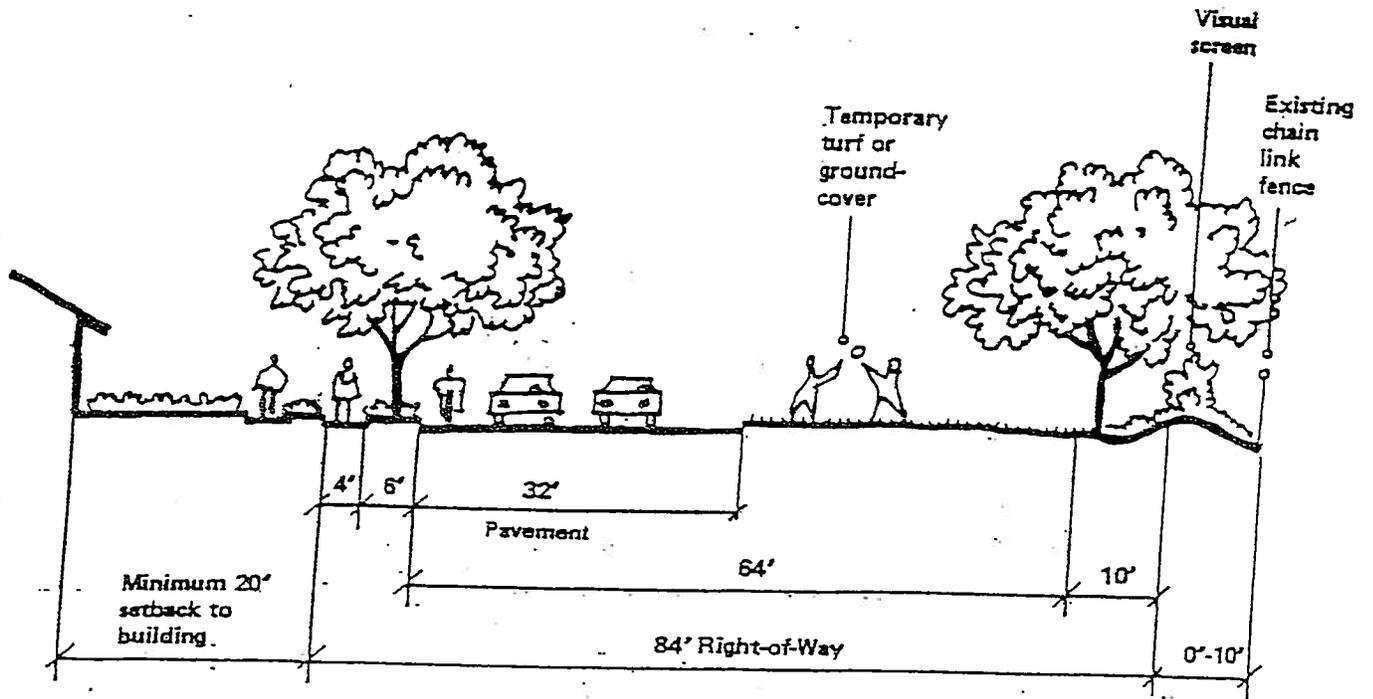
Canyon Drive

- An 84-foot secondary arterial right-of-way in the general location shown in Figure III-1 shall be dedicated to the City. The precise alignment may

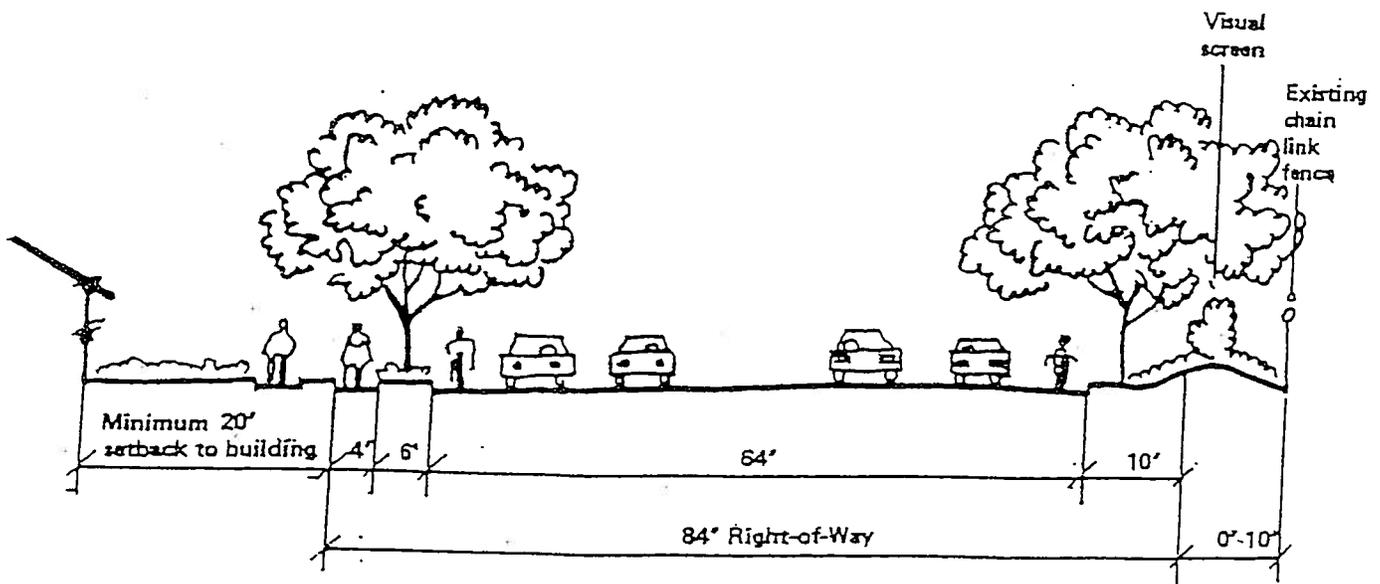
vary somewhat, particularly at the intersection with Mission Avenue and where the alignment leaves the Specific Plan area along the eastern boundary of the site; and is subject to approval by the City Engineer.

Figure III-1 shows two alignment alternatives for Canyon Drive. The "alternative alignment," which is being studied by the City Engineer, would intersect Mission Avenue adjacent to the eastern boundary of the Specific Plan area. This alignment would upgrade the existing intersection to secondary arterial standards and would permit construction of the alignment north of Mission Avenue to secondary arterial standards but would require realignment of Canyon Drive south of Mission Avenue, outside of the Specific Plan area. If the City is not able to construct improvements on Canyon Drive south of Mission Avenue by the time the site is developed, the developer shall be permitted to construct the alignment shown in Figure III-1 which ties into the existing Canyon Drive intersection and does not require improvements outside the Specific Plan area.

- The developer shall construct a 42-foot half section consisting of a 32-foot section of paving plus curb, gutter, planting strip and sidewalk on the west side of Canyon Drive and a temporary curb and gutter on the east side according to City Engineering standards to the northernmost collector located within and serving the Specific Plan area. Construction may be phased with development of the site. However, this half-section of Canyon Drive shall be constructed at least through its intersection with the extension of Bush Street as part of the initial phase of development. The full section between Mission Avenue and Bush Street shall be completed by the developer if the commercial site is developed prior to the construction of the remaining half section by the City.
- The remaining unconstructed half-section of the Canyon Drive right-of-way shall be graded and landscaped to prevent erosion and sediment transfer onto the constructed half-section.
- If construction of Canyon Drive is phased, the undeveloped portion shall be graded and landscaped to prevent erosion and sediment transfer onto the constructed portion of Canyon Drive. In addition, a temporary curb and gutter to City standards shall be installed at the terminus of the Canyon Drive segment constructed by the developer.
- A southbound bicycle lane 5 feet wide and consistent with Circulation Element bicycle lane standards shall be provided by the developer within the 32-foot pavement section on the west side of the half section and both sides of the full section of Canyon Drive. A northbound bicycle lane shall be provided by the City on the west side of the ultimate cross section.
- The initial and ultimate cross sections of Canyon Drive shall be constructed as illustrated in the cross sections in Figures IV-1 through IV-3 and according to City Engineering standards. Figure IV-2 indicates an optional landscaped median for Canyon Drive. If Canyon Drive is constructed as indicated by this figure, additional bonus units would be permitted by the density bonus program.



A. BEFORE CANYON DRIVE EXTENSION



B. AFTER CANYON DRIVE EXTENSION

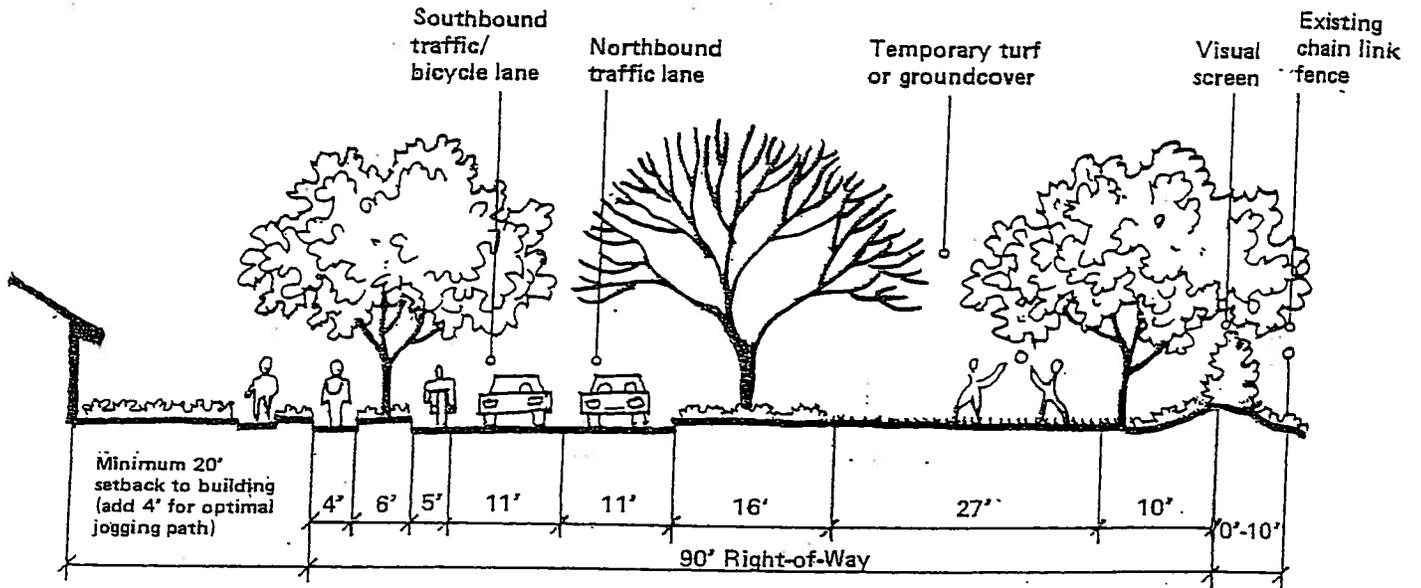
STERLING PROPERTY
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CITY OF OCEANSIDE

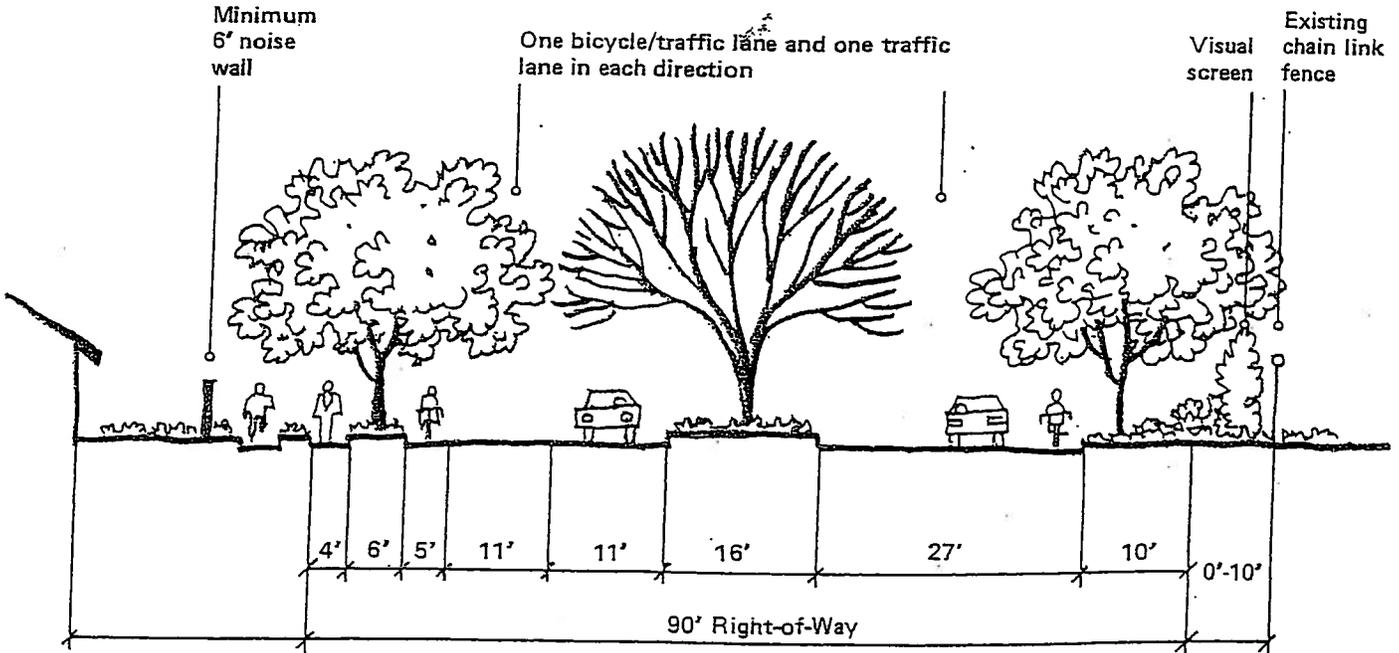
Figure IV-1
Canyon Drive North of
Bush Street (Looking North)

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A. BEFORE CANYON DRIVE EXTENSION



B. AFTER CANYON DRIVE EXTENSION

STERLING PROPERTY
SPECIFIC PLAN

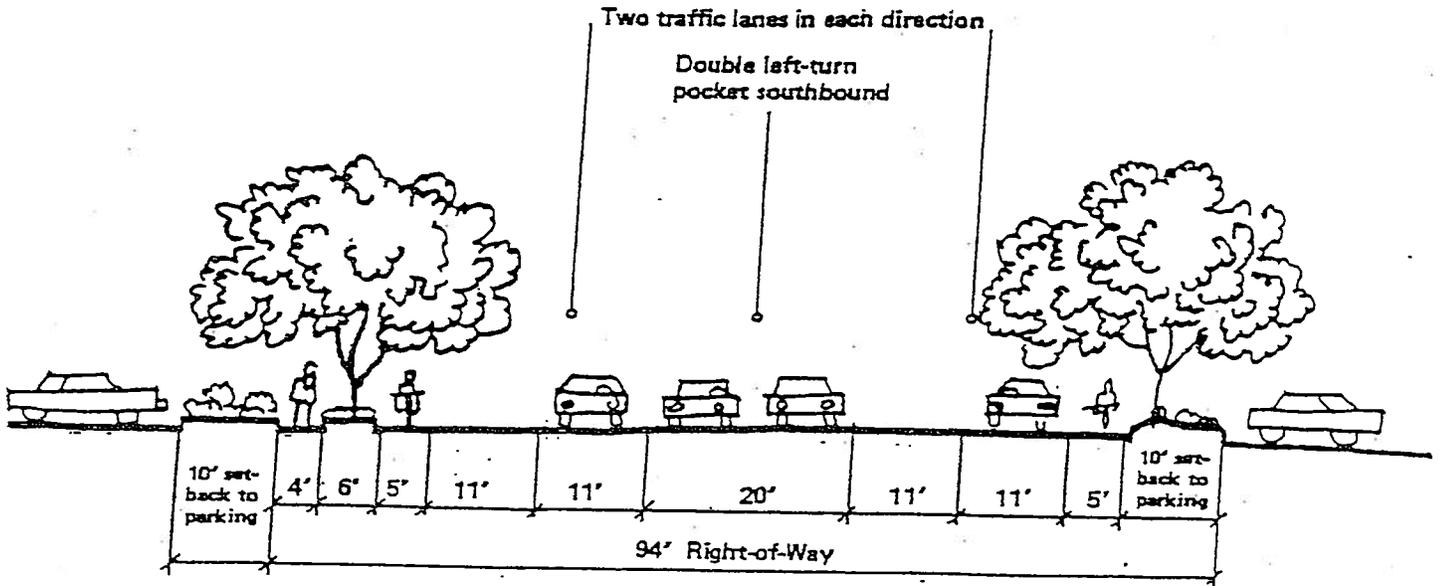
CITY OF OCEANSIDE

Figure IV-2

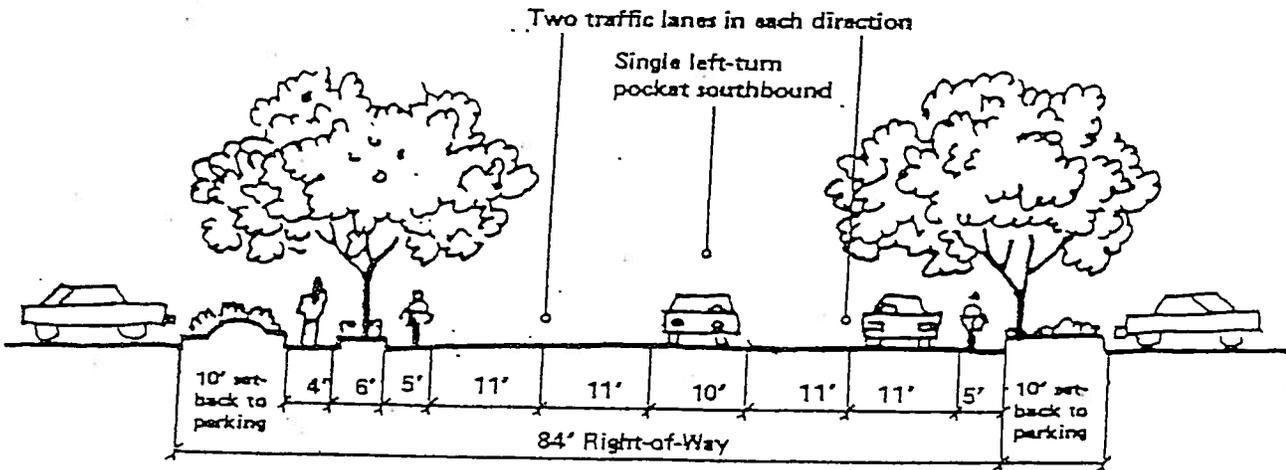
Canyon Drive North of
Bush Street With Optional
Landscaped Median (Looking North)

GRUEN ASSOCIATES
ARCHITECTURE - PLANNING - ENGINEERING





A. IF THE SHOPPING CENTER IS BUILT BEFORE CANYON DRIVE IS EXTENDED TO ROUTE 76



B. IF THE SHOPPING CENTER IS BUILT AFTER CANYON DRIVE IS EXTENDED TO ROUTE 76

STERLING PROPERTY
 SPECIFIC PLAN
 CITY OF OCEANSIDE

Figure IV-3

Intersection of Canyon Drive
 and Mission Avenue (Looking North)

GRUEN ASSOCIATES
 ARCHITECTURE - PLANNING - ENGINEERING



- Canyon Drive shall be designed to meet street design standards for secondary arterials in the City of Oceanside Engineer's Manual except for the following standards:
 - Design speed of 40 miles per hour unless the alternate alignment is constructed.
 - Minimum 500-foot centerline radius unless the alternate alignment is constructed.
 - In general, the minimum spacing between full-access intersections is 600 feet. However, one temporary full-access intersection providing access to both the main commercial site west of Canyon Drive and the small commercial site east of Canyon Drive may be provided at least 300 feet north of Mission Avenue if the commercial sites are developed before Canyon Drive is extended. After Canyon Drive is extended, this temporary full-access intersection must be converted to a right-turn-only access. If Canyon Drive is extended before the shipping center is build, right-turn-only access to the two commercial sites may be provided at least 300 feet north of Mission Avenue.
- The Canyon Drive right-of-way shall be landscaped by the developer according to City of Oceanside Guidelines and Specifications for Landscape Development and the following standards. Guidelines for implementing these standards are contained in Chapter V.
 - Broadleaf evergreen trees which will achieve a mature height of 40 feet and spread of 35 feet shall be planted no more than of 30 feet on center in both the planting strip on the west side and in the ultimate planting strip on the east side of Canyon Drive.
 - Low maintenance, drought tolerant groundcover shall be planted in the planting strip on the west side of Canyon Drive. The groundcover shall be planted at a density which will result in a continuous cover within one year of installation.
 - The unconstructed half section of right-of-way adjacent to and east of the 32-foot pavement section constructed by the developer shall be temporarily landscaped with turf and/or low-maintenance, drought tolerant groundcover.
 - An irrigation system or systems shall be installed by the developer to irrigate all areas landscaped by the developer.
 - All landscaped areas within the right-of-way shall be maintained by the City.
- A special entrance treatment shall be provided on Canyon Drive at its intersection with Mission Avenue, consistent with guidelines in Chapter V.
- Concurrent with the development of either Area D or E, a traffic signal shall be installed by the developer at the intersection of Canyon and Bush. The developer shall be entitled to any fee credits or reimbursements as may be permitted by City Ordinances.

Collector Streets

- A 60-foot collector street right-of-way extending existing Bush Street east to intersect with Canyon Drive in the approximate location shown in Figure III-1 shall be dedicated to the City of Oceanside.

- The entire length and cross section of the above collector street shall be constructed by the developer as part of the initial construction phase if construction is phased.
- At least one additional 60-foot collector street right-of-way, intersecting Canyon Drive at least 600 feet north of the intersection described above and intersecting Bush Street, to provide circulation within the Specific Plan area as shown in Figure III-1, shall be dedicated to the City. However, if the entire area north of Bush Street is developed by one developer a private internal roadway system may be substituted for the 60-foot collector as long as access is provided to both Canyon Drive and Bush Street and if approved by the City Engineer.
- Bush Street and the internal collector shall be constructed by the developer and shall be consistent with the cross section in Figures IV-4 and IV-5 and with City Engineering Standards.
- Collector streets shall meet street design standards in the City of Oceanside Engineer's Manual except for the following:
 - Internal collector streets shall have a minimum 300-foot centerline radius.
 - Minimum spacing of full-access intersections is 300 feet except one full access intersection is permitted 200 feet west of Canyon Drive at Bush Street to serve commercial development. However, right-turn-only access may be provided where necessary, subject to approval by the City Engineer.
- All collector street rights-of-way shall be landscaped by the developer, consistent with the City of Oceanside Guidelines and Specifications for Landscape Development and the following standards. Guidelines for implementing these standards are contained in Chapter V.
 - On Bush Street and east-west oriented segments of other collector streets, deciduous trees which will achieve a minimum mature height of 40 feet and a maximum spread of 25 feet shall be planted no more than 30 feet on center in planting strips on both sides of the street. The columnar form of these trees is intended to provide views of the ocean.
 - On north-south oriented segments of internal collector streets, deciduous trees of the same variety used on east-west oriented collector segments or a variety which will achieve a minimum mature height of 40 feet and a minimum spread of 30 feet shall be planted no more than 30 feet on center in the planting strips on both sides of the street. The form of these trees is intended to be compatible with that of the east-west collectors except that a view corridor need not be preserved.
 - A single variety of street trees shall be used on each street to provide an overall continuity in the streetscape.
 - Planting strips shall be landscaped with low maintenance, drought tolerant groundcover at a density which will result in complete coverage within one year.

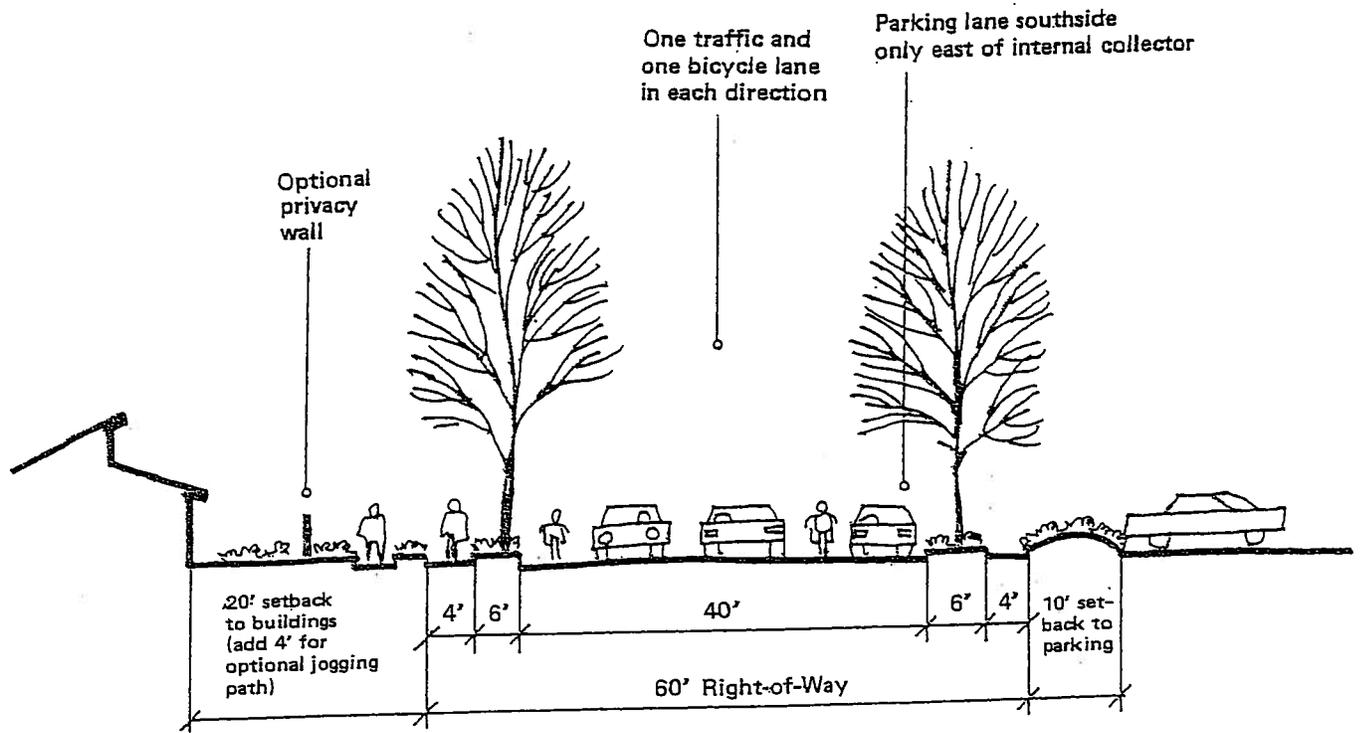


Figure IV-4
Bush Street (Looking East)

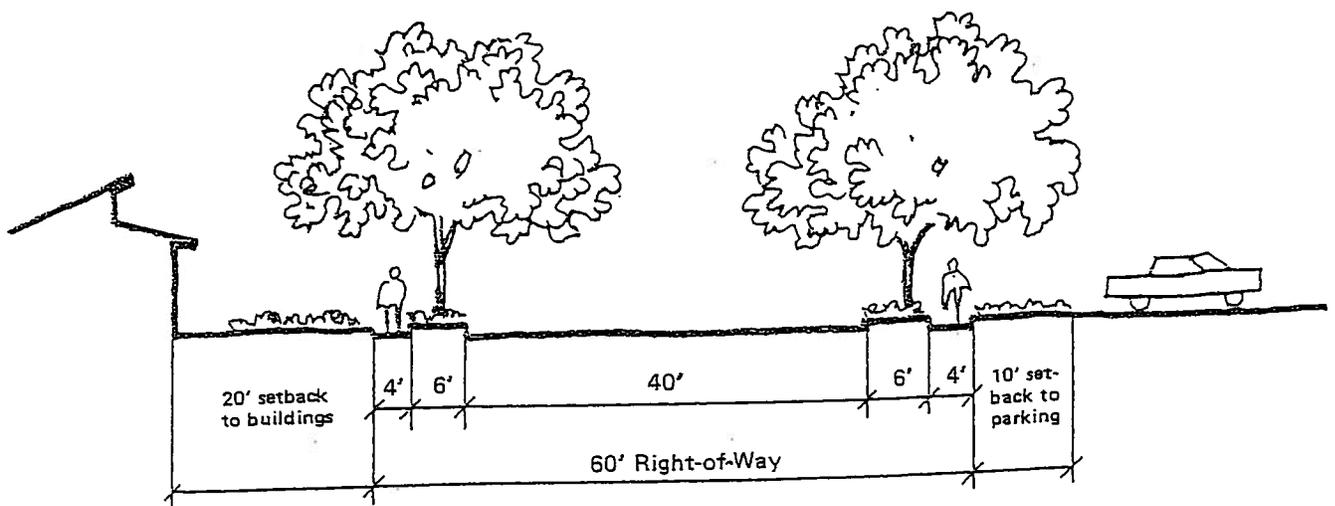


Figure IV-5
Internal Collector

- An irrigation system or systems shall be installed by the developer to provide 100 percent coverage of landscaping installed in the rights-of-way by the developer.
- Landscaping in dedicated rights-of-way shall be maintained by the City.

Local Streets

- Local streets may be either maintained as private roads or dedicated to the City subject to approval by the City Engineer.
- Private roads shall be maintained by a Homeowner's Association, property owner, and/or developer.

Pedestrian, Bicycle and Transit Circulation

- A bus stop location approved by the North County Transit District NCTD shall be provided on Mission Avenue west of the intersection with Canyon Drive for construction by NCTD.
- Internal pedestrian circulation from bus stops and commercial development on Mission Avenue to residential development in the Specific Plan area shall be provided, consistent with guidelines in Chapter V and the policies in Figure III-1.
- A pedestrian access route from any elderly housing to commercial development within the Specific Plan area as well as to the bus stop on Mission Avenue shall be provided.
- Concurrent with development of either Area D or E, the public sidewalk shall be constructed along the east side of Canyon from Mission Ave. to Bush St. The existing School District accessway shall also be paved from the intersection of Bush and Canyon to Mission Elementary School.
- Bicycle parking shall be provided at the commercial center and at recreational centers in the Specific Plan area.

LAND USE STANDARDS

General Provisions

- It shall be the right of the developer to establish the precise boundaries of land-use areas, consistent with the intent of Figure III-2.
- Approximately 3 acres of the Specific Plan area, located as shown in Figure III-2 to maximize frontage on Mission Avenue, Canyon Drive and Bush Street, may be devoted to commercial uses.
- The developer shall establish the exact boundaries of the commercial development area in the initial Master Development Plan to permit the extension of Bush Street as part of the initial phase of development and to ensure that elderly housing, if developed, can be located in close proximity to the commercial development.

All of the land area remaining after designation of the commercial development shall be devoted to residential use. A baseline total of 839 units

shall be permitted. An additional 100 units may be permitted through the density bonus program described below. Densities shall be distributed on the site as shown in Figure III-2.

- If other density bonus programs, such as the City's affordable housing bonus program are used, no more than 100 additional units may be earned from all programs combined.
- If a portion of the residential development is designated specifically for elderly residents with a minimum age requirement of 55, at least 150 such units shall be constructed and the minimum age requirement shall be recorded as a covenant on that area.
- Elderly housing shall be located within one-quarter mile (walking distance) of Mission Avenue.
- The initial Master Development Plan shall establish the size and location of an elderly housing component to ensure that it will be located in close proximity to the commercial development.
- From 40 to 60 percent of the total units shall be constructed as for sale units subject to the requirements of City Ordinance 79-44 (Section 32.42 of the Subdivision Ordinance) except as otherwise specified in this plan and subject to the provision of a Tentative Map.
- The Specific Plan recommends a mix of housing types to achieve the overall density permitted by the General Plan, such as townhouses with adjacent parking, townhouses with clustered parking and garden apartments up to a maximum intensity of three-stories over parking, or similar housing types.

Residential Development Standards

- The following uses are permitted, consistent with the General Plan and Zoning Ordinance:
 - Multifamily dwellings including, but not limited to, apartment projects, condominium projects and cooperative apartment projects.
 - Single-family attached dwellings.
 - Single-family detached dwellings.
 - Community and recreational facilities as specified in the subsequent discussion of open space and recreation.
 - Accessory uses as specified below.
- The following accessory uses shall be permitted in all residential areas:
 - Garages, carports and uncovered parking areas.
 - Fences, walls and trellises.

- Swimming pools and other recreational amenities.
- Solar collectors and related structures, in conformance with the City's solar guidelines.
- Accessory buildings, structures and uses where related and incidental to a permitted use.

- Parking shall be required as follows:

Condominiums (regardless of the the number of bedrooms) except age-restricted for-sale units

2 spaces per unit: 1 garage or carport space having a minimum inside dimension of 10'x20' and 1 open space having a minimum dimension of 9'x20'.

Rental and age-restricted for-sale units

Single/Studio

1 garage or carport space per unit.

1 Bedroom

1½ spaces per unit: 1 garage or carport space and ½ open.

2 Bedroom

2 spaces per unit: 1 garage or carport and 1 open.

- A carport is defined by the Zoning Ordinance as a parking structure with three sides including a roof, constructed of wood, masonry and/or stucco under area limitations specified in the Uniform Building Code. Each parking space is required to contain an enclosed storage cabinet having a minimum size of 160 cubic feet with no dimension of such cabinet less than 4 feet. Subject to approval by the City Planner carports, in the Specific Plan area may have fewer than three sides, with a roof as the minimum, if the following standards are met:

- Headlights are prevented from shining outside of the carport area by a low wall or other means.
- Storage of the size indicated above is provided in equally close proximity to the unit served; for example, adjacent to the unit's private outdoor space.
- The proposed carport design is visually attractive.

- Open parking areas shall be landscaped according to the guidelines in Chapter V.
- All other provisions in Article 27 of the Zoning Ordinance shall apply to parking provided in the Specific Plan area.
- The following site development standards shall apply:

- Building setbacks as indicated in Table IV-1 and illustrated in the landscaping guidelines in Chapter V.
- Garage, carport, and accessory building setbacks as indicated in Table IV-1.
- Setbacks for open parking as indicated in Table IV-1.
- Building coverage (including accessory buildings) 60 percent.
- Maximum building height: 3 stories over parking or 45 feet.
- Minimum building separation:
 - 10 feet for buildings 35 feet or less in height;
 - 15 feet for buildings greater than 35 feet in height.
- o Roof structures for the housing of elevators, stairways, ventilating fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, flag poles, and chimneys may be erected above the permitted height limits provided they do not obstruct views to the west from adjacent buildings. However, no roof structures above the height limit shall be allowed for the purpose of providing additional floor space.
- o All mechanical equipment located on the ground or on roof tops shall be screened on all sides including the top by a permanent structure of approved weatherproof material to be approved by the Building official so that it is completely restricted from all view.
- o All outdoor trash, garbage, and refuse storage shall be screened on all sides from public view. Such storage areas shall be so located as to be easily accessible for trash pick-up. Centralized trash areas shall not be located further than 150 feet from any dwelling unit which they serve.
- o The sound level in residential areas shall not exceed L_{dn} 65 dBA exterior and L_{dn} 45 dBA interior.
 - Landscaped berms, walls, or equivalent means of reducing exterior sound levels and interior ground floor sound levels in residential areas along Canyon Drive and Bush Street shall be used to achieve these standards.
 - When structures of two or more stories are proposed along Canyon Drive or Bush Street, an acoustical analysis shall be prepared prior to issuance of a Building Permit. Any noise attenuation measures recommended by the analysis and deemed appropriate by the City shall be incorporated into the building plans.
- o Fences, walls and hedges shall be permitted as follows:
 - Four-foot walls fences and hedges are permitted on the property line adjacent to public streets.

Table IV-1
SETBACKS FOR RESIDENTIAL DEVELOPMENT

From Property Line Adjacent to:	Building			Garage/ Carport and Accessory Building	Open Parking Area ⁴
	1 Story	2 Stories	3 Stories		
Canyon Drive, Bush Street, Archer Street, and Other Collectors	20'	20'	20'	15'	10'
Local Public Street	20'	20'	20'	15'	10'
Private Street/ Alley ¹	0' 15' bldg. separation	0' 25' bldg. separation	0' 35' bldg. separation	0' 15' bldg. separation	0'
Common Open Space ^{1,2,3}	0' 15' bldg. separation	0' 25' bldg. separation	0' 35' bldg. separation	0' 15' bldg. separation	0'
Property Zoned R-1	15'	25'	35'	15'	5'

Notes:

1. Setbacks may be required to accommodate easements.
2. Openings from structures onto open space permitted subject to Uniform Building Code.
3. Includes greenways, recreation areas and other public or private open space.
4. If a parking area is less than 20 feet from the property line, the landscaped setback must include a berm or wall at least 30 inches high but not more than 42 inches high as a visual screen and safety barrier.

- Along Canyon Drive and collector streets solid walls shall be limited where possible through the use of berming, landscaping and building setbacks. Where continuous walls are necessary for noise attenuation, privacy, or other reasons, the height shall be limited to 6 feet with a 5-foot, landscaped setback from the property line. Within 15 feet of the edge of the right-of-way of an intersecting major arterial, secondary arterial or collector road, adequate sight distances shall be provided.
 - A solid block, stone, brick, stucco or concrete wall at least six feet in height shall be provided and maintained where residential development in the Specific Plan area abuts commercial uses either in or outside the Specific Plan area.
 - A visual barrier six feet or less in height and consistent with the guidelines in Chapter V shall be provided and maintained along the western and northern boundaries of the Specific Plan area to mitigate the visual impact of development in the Specific Plan area on adjacent existing residential development.
 - A visual barrier consistent with the guidelines in Chapter V shall be provided and maintained along the eastern boundary of the Specific Plan area to screen the landfill from development in the Specific Plan area.
 - Where a visual barrier is located as a vertical extension of a retaining wall built to retain either cut or fill, the retaining wall shall be considered as contributing to the permissible height of the barrier, wall or fence.
 - These restrictions on wall height shall not apply to fences required by State Law to surround and enclose utility installations. However, any such fences shall be consistent with the design guidelines in Chapter V.
 - These restrictions shall not apply to fences for tennis courts and similar uses; their heights are subject to review and approval by the City Planner.
- o Landscape plans consistent with the Landscaping Guidelines in Chapter V and the City's *Guidelines and Specifications for Landscape Development* shall be processed with each development application.

Commercial Development Standards

- o Uses permitted in the Neighborhood Commercial (CN) Zone shall be permitted in the area designated for commercial use since the purpose of this commercial area is to provide convenient daily shopping facilities and services to nearby residents and, in particular, to the residents of the Specific Plan area. The primary intent of these standards is to ensure that the commercial development is compatible with residential development in the Specific Plan Area.

- The following site development standards shall apply to commercial development:
 - Building site area: approximately 3 acres west of Canyon Drive and north of Mission Avenue.
 - Setbacks as indicated in Table IV-2.

Table IV-2
SETBACKS FOR COMMERCIAL DEVELOPMENT

<u>Property Line Adjacent to:</u>	<u>Building Setback</u>	<u>Parking Setback*</u>	<u>Wall Setback</u>
Mission Avenue	10' (landscaped)	10' (landscaped)	5' (landscaped)
Canyon Drive	20' (minimum 10' landscaped)	10' (landscaped)	5' (landscaped)
Existing Commercial Development Outside Specific Plan Area		0'	0'
Residential Development	1-story 20' 2-stories 25' 3-stories 35'	5' (landscaped)	0'

* If a parking area is less than 20 feet from the property line, the landscaped setback must include a berm or wall at least 30 inches high but not more than 42 inches high as a visual screen and safety barrier.

Note: See Landscaping Guidelines Chapter V for illustration of edge treatments.

- Maximum building height: 3 stories or 35 feet.
- Building separation as permitted by the Uniform Building Code.
- Roof structures for the housing of elevators, stairways, ventilating fans, air conditioning or similar equipment required to operate and maintain the building, fire or parapet walls, skylights, flag poles, and chimneys may be erected above the permitted height limits provided they do not obstruct views to the west from adjacent buildings. However, no roof structures above the height limit shall be allowed for the purpose of providing additional floor space.
- All mechanical equipment located on the ground or on roof tops shall be screened on all sides including the top by a permanent structure of approved weatherproof material to be approved by the Building Official so that it is completely restricted from all view.
- All outdoor trash, garage, and refuse storage shall be screened on all sides from public view. Trash containers located throughout the project shall receive daily maintenance.
- Graffiti removal shall occur as required by City Ordinance within 48 hours.
- Parking shall be provided as required by Article 27 of the Zoning Ordinance, specifically, one space for each 200 square feet of gross floor area for retail uses and one space for each 300 square feet of gross floor area for office uses.
- A landscape plan consistent with the landscape guidelines in Chapter V and the City's Guidelines and Specifications for Landscape Development shall be processed with the development application.
- The design of the commercial buildings shall be compatible with the adjacent residential development. Design elements which will be evaluated to determine compatibility include:
 - building scale, articulation of individual shops and offices, roof slope and other elements of building form;
 - materials and color;
 - orientation of buildings and, particularly of shop entrances to common public spaces;
 - provision of a pedestrian route from the commercial center to the open space system and to the elderly housing development;
 - provision of a special pedestrian entrance to the commercial center from the residential portion of the Specific Plan area.

OPEN SPACE AND RECREATION STANDARDS

- 300 square feet of land area for each dwelling unit shall be provided as recreational or "active" open space. This active open space area may be divided into subareas provided that 50 percent of it is aggregated into areas of at least 4,000 square feet.

- Areas designated for open space uses in the Development Plan shall be restricted to such uses through covenants or deed restriction which shall run with the land.
- The open space system shall adhere to the basic concept depicted in Figure III-3.
- The open space areas shall be landscaped using low maintenance plant materials.
- The initial Master Development plan shall show the entire open space network.
- The common open space shall be maintained by one or more associations or non-profit corporations of property owners within the project area or by retention of ownership, control and maintenance of all common open space by the developer.
- The open space element of the Development Plan shall be evaluated against the guidelines set forth in Chapter V.

DENSITY BONUS PROGRAM

In order to encourage superior development and open space amenities in the Specific Plan area beyond those required by development standards, a density bonus program is provided. Additional dwelling units in excess of the baseline 839 units shall be permitted in exchange for the following open space and landscape amenities up to a total of 100 additional units.

<u>Amenity</u>	<u>Bonus Units</u>
Recreational Center:	
One-acre recreational center available to at least 40 percent of all residents and including at least 2 tennis courts, a 42' x 75' pool, and a recreation building.	5 plus bonus units for recreational elements as provided below.
Two-acre center for all residents (one additional acre of open space in exceed of the minimum requirement) with at least 4 tennis courts, a 42' x 75' pool, recreation building, picnic facilities and turf play area.	10 plus bonus units for recreational elements as provided below.
Recreational Elements:	
Children's play area, minimum 50' x 50' with at least 6 major elements including but not limited to: sand box, slide, swings, see-saw, monkey bar, multilevel platform.	3
Tennis courts:	
Up to 4 courts, for each set of 2	5
After 4 courts, for each set of 2	10

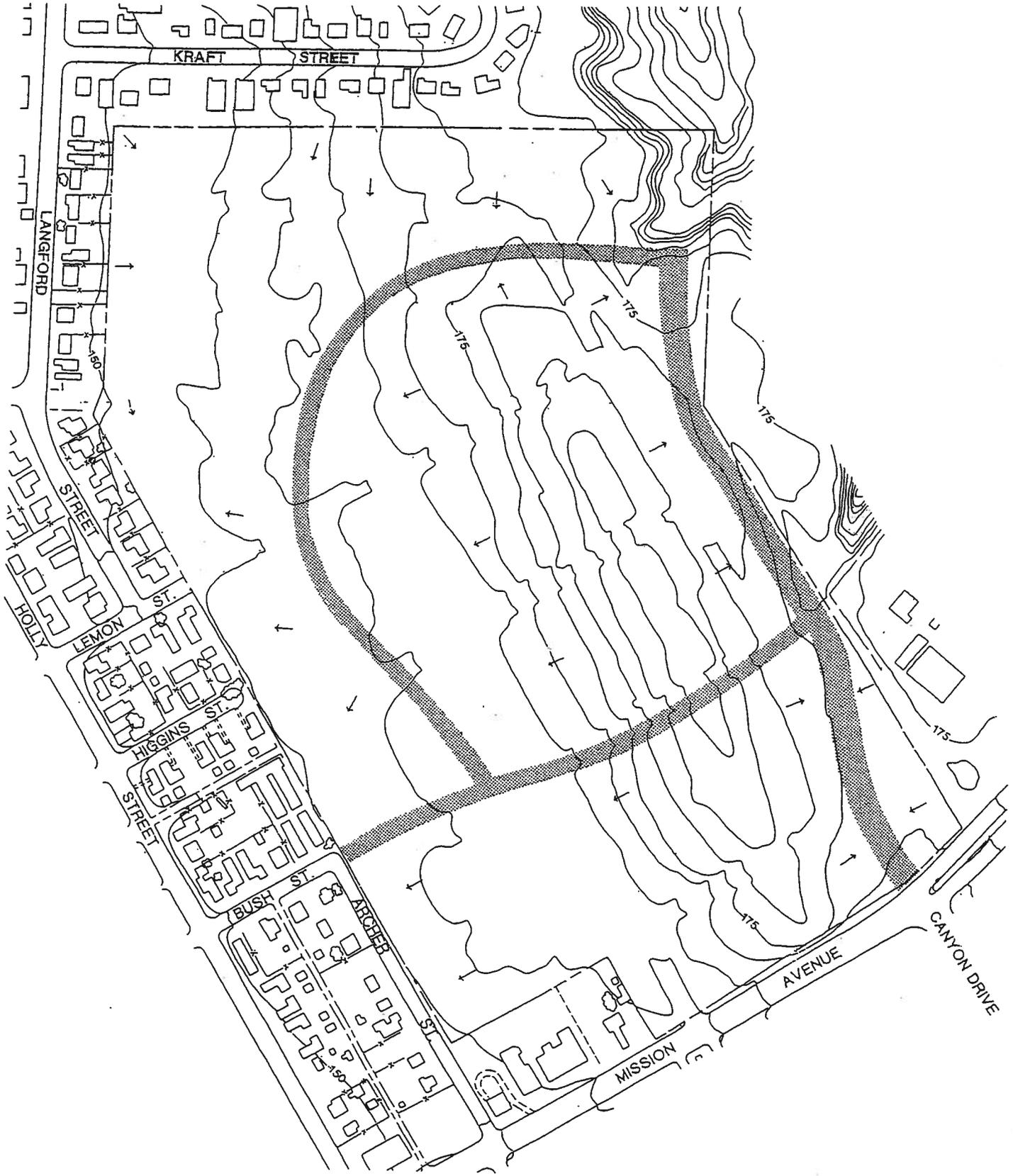
<u>Amenity</u>	<u>Bonus Units</u>
Paved basketball or volleyball court	4
Sand volleyball court	2
Softball field:	
Seeded	4
Soded	8
75'x42' pool available to at least 40 percent of residents	20
Recreation building (800 square foot minimum)	10
Picnic facilities including at least 4 tables and barbeque pits	2
Par course (fitness trail):	
10 stations	2
16 stations	3
Decomposed granite or other soft surface jogging loop, 4' wide, along the internal collector, Bush Street, and Canyon Drive	10
Landscaping:	
Construction of planted median on Canyon Drive with:	
15 gallon can trees	12
24" box trees	14
24" boxes instead of 15 gallon cans on:	
Canyon Drive (parkways)	5
Bush Street (parkways)	3
Internal Collector (parkways)	7
Additional row of trees on west side of Canyon Drive:	
15-gallon can trees	2
24" box trees	4
Additional row of trees on east side of internal collector or collectors:	
15-gallon can trees	3
24" box trees	6

GRADING AND DRAINAGE

- Grading and drainage shall conform to the grading and drainage policy diagram in Figure IV-6, the following text, and regulations in Ordinance No. 81-20. The intent of the plan with respect to drainage is to ensure that surface and subsurface drainage patterns in the Specific Plan area are compatible with the existing and planned citywide storm drainage system. With respect to grading, the purpose of the plan is to ensure the following:
 - a topographic form that will be visually attractive when viewed from adjacent neighborhoods and from Mission Avenue;
 - preservation and enhancement of the existing topographic form of the site to provide ocean views from residential units and common open space areas;
 - minimal disruption of the topographic form of the site by roadways.
 - pedestrian access from the residential portion of the site, particularly from any elderly housing to the commercial center and Mission Avenue.
- Grading shall not accelerate natural channelization, sheet erosion, gully-ing or other forms of erosion within or outside the boundaries of the Specific Plan area.
- Surface water shall not flow across the Specific Plan area boundaries onto adjacent developed residential properties.

UTILITIES

- All utilities shall be underground in accordance with Article 25, Section 2513 (c) of the Zoning Ordinance.
- The developer shall be responsible for installation of all utilities the boundaries of the Specific Plan area which are required to serve the Specific Plan area. If the City requires additional capacity to serve future demand not generated by development in the Specific Plan area, the City shall reimburse the developer proportionally for capacity in excess of that required by development in the Specific Plan area.
- Utility mains in the public rights-of-way shall be sized as shown in Figures IV-7 through IV-9 to serve development permitted by the Specific Plan. Utility size and location in Figures IV-7 through IV-9 assume that development is relatively evenly distributed throughout the site. If the level of development is reduced and/or development is concentrated on portions of the site, utility sizing may be modified.

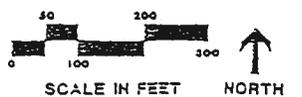


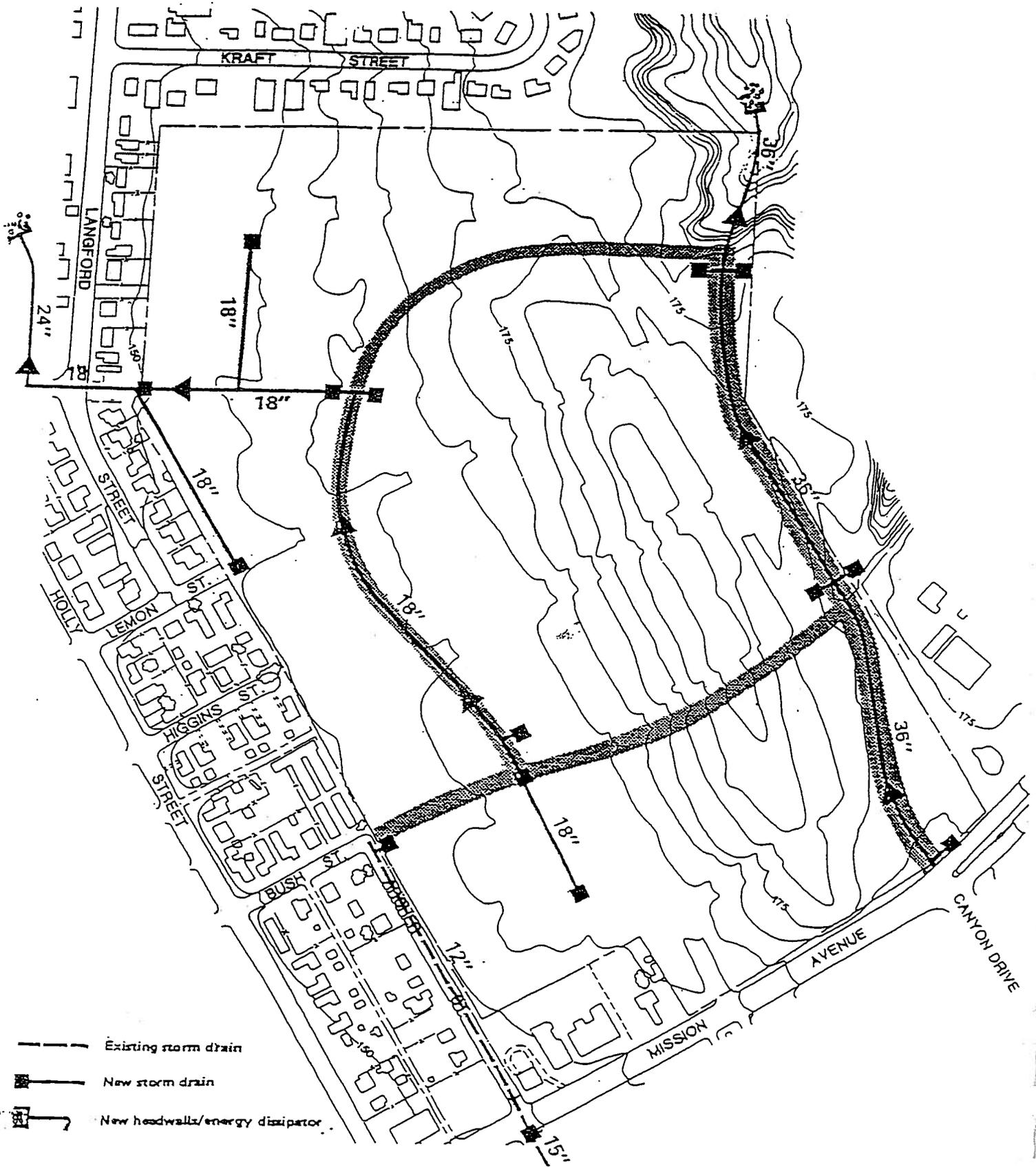
**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure IV-6
Grading and Drainage
Policy Diagram

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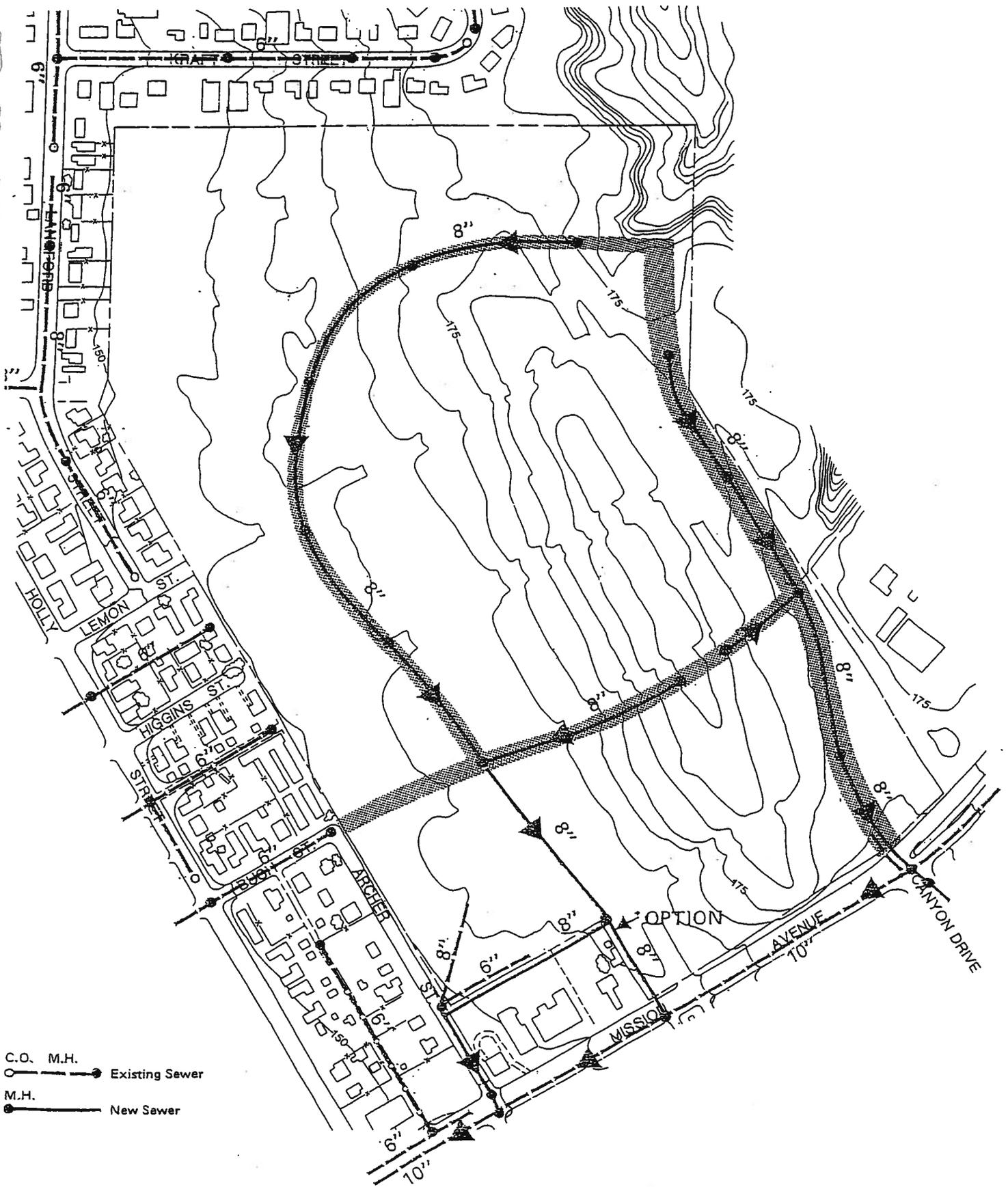
**STERLING PROPERTY
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CITY OF OCEANSIDE

Figure IV-7
Storm Drain System

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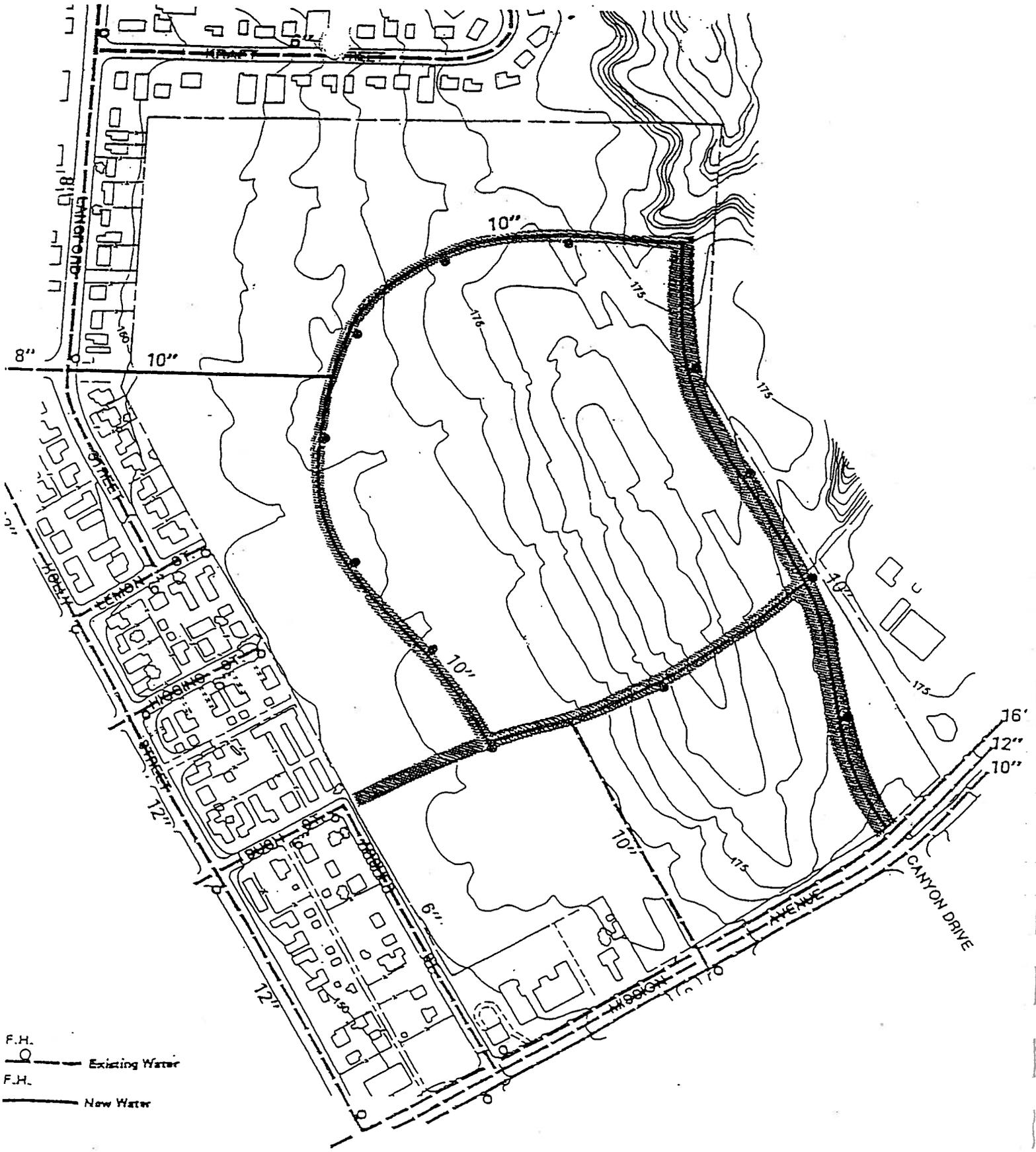
**STERLING PROPERTY
SPECIFIC PLAN**

CITY OF OCEANSIDE

Figure IV-8
Sanitary Sewer System

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**STERLING PROPERTY
SPECIFIC PLAN**
CITY OF OCEANSIDE

Figure IV-9
Water Distribution System

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SCALE IN FEET NORTH

MISSION AVENUE LANDFILL

- The City shall contract with a qualified consultant to investigate the potential methane gas hazard in the Specific Plan area and shall implement all measures identified by that consultant as necessary to mitigate the potential hazard prior to occupancy of structures in the Specific Plan area. Required measures may include the installation of membrane barriers beneath all structures located within 1,000 feet of the landfill. These barriers which are similar to vapor barriers will serve as back-up protection to the existing gas collection system.
- The City shall extend the existing gas collection system to include the landfill located in the Specific Plan area and shall extend the monitoring system to adequately monitor gas migration into the Specific Plan area.
- The City shall properly maintain and operate the gas collection and monitoring system as long as methane gas is generated by the landfill. The system will probably be required for 20 to 30 years.

IMPLEMENTATION OF THE SPECIFIC PLAN

- The City of Oceanside shall process a General Plan amendment changing the land use designation of the entire Specific Plan area to "Multi-Use" with the upper limit for residential density and the amount of commercial development as specified herein.
- A Master Development Plan in conformance with the standards contained in the Specific Plan, shall be submitted to the City for all or a portion of the Specific Plan area. The residential portion of the site shall be developed under Planned Development (PD) zone application. The commercial portion of the site shall be zoned CN. If a subdivision is proposed, a tentative map shall be submitted.
- If development in the Specific Plan area is phased, the collector street which extends existing Bush Street to Canyon Drive and Canyon Drive from Mission Avenue to that collector shall be constructed as part of the first phase of development.
- The developer shall demolish existing structures on the site or a portion of the site as soon as title to the site or portion of the site is acquired and structures have been vacated.
- The northeast portion of the site shall be regraded to prevent surface run-off across adjacent property at the same time the existing structures in that area are demolished.

V. DESIGN AND DEVELOPMENT GUIDELINES

LANDSCAPING

City Guidelines

The City's Guidelines and Specifications for Landscape Development include the following key requirements applicable in the Specific Plan area:

- A landscape plan, drawn at a minimum scale of 1 inch to 50 feet, must be prepared according to the requirements set forth in the City's Guidelines and Specifications for Landscape Development and submitted as part of a development application for any portion of the Specific Plan area. All plans shall be prepared under the direct supervision of a Registered Landscape Architect (State of California) with all drawings bearing his or her signature. The landscape plan shall: indicate the square footage of each planting area; tabulate the square footage of all landscaped areas and the percentage of the total site devoted to landscaping; identify the plant materials in each planting area; list the botanical and common names of all plants with the quantity and container size of each; and clearly represent the permanent irrigation system.
- All open areas with the exception of vehicular accessway and parking area, pedestrian walkways, and recreational facilities must be landscaped.
- Slopes graded at 4:1 or steeper and representing an elevation change of five feet or more must be revegetated with deep root, stabilizing ground-covers and shrubs from the approved list in the Guidelines and Specifications for Landscaping.

Landscaping in the Public Right of Way

- Street trees should be selected from the approved list in Table V-1 and shall be in 15-gallon or larger containers. This list is taken from the City's list of approved street trees.
- Trees should be planted not less than 25 feet from the beginning of curb returns at intersections and not less than 10 feet from street lights, fire hydrants and driveways.
- Shrubs planted in the median or parkway should be less than 2 feet in height, long-lived, relatively drought tolerant, and shall required minimal maintenance.

Entry Treatment

The name and logo of the development should be incorporated into a special entry treatment at the intersection of Canyon Drive and Mission Avenue. For example, signs or low walls could be placed in a landscaped setting on either side of Canyon Drive to define the "gateway" to the development. The identification elements should be illuminated indirectly at night.

Table V-1
APPROVED STREET TREES

	Evergreen/ Deciduous	Minimum Spacing
<u>Brachychiton acerifolium</u> (Flame Tree)	E	20'
<u>Brachychiton populneus</u> (Bottle Tree)	E	20'
* <u>Cinnamomum camphora</u> (Camphor Tree)	E	20'
<u>Eucalyptus citriodora</u> (Lemon-Scented Gum) in groups only	E	10'
* <u>Eucalyptus ficifolia</u> (Red Flowering Gum)	E	25'
<u>Eucalyptus nicholii</u> (Peppermint Gum)	E	25'
<u>Fraxinus udhei</u> "Tomlinson" (Tomlinson Ash)	E	25'
* <u>Ginkgo biloba</u> (Maidenhair Tree) - male only	D	25'
<u>Harpephyllum caffrum</u> (Kaffir Plum)	E	25'
* <u>Jacaranda acutifolia</u> (Jacaranda)	D	25'
<u>Koelreuteria bipinnata</u> (or <u>K. henryi</u>) (Chinese Flame Tree)	D	25'
<u>Koelreuteria paniculata</u> (Golden Rain Tree)	D	25'
* <u>Liquidambar styraciflua</u> (American Sweet Gum)	D	20'
* <u>Liriodendron tulipifera</u> (Tulip Tree)	D	20'
<u>Melaleuca linarifolia</u> (Flaxleaf Paperbark)	E	20'
<u>Melaleuca quinquenervia</u> (Cajeput Tree)	E	20'
* <u>Pinus halepensis</u> 'Butia' (Calabrian Pine)	E	20'
<u>Pistacia chinensis</u> (Chinese pistache)	D	25'
* <u>Platanus acerifolia</u> (London Plane Tree)		
<u>Podocarpus macrophyllus</u> (Yew Pine)	E	20'
- must be trained to tree form		
<u>Pyrus calleryana</u> 'Aristocrat' (Aristocrat Pear)		
<u>Quercus ilex</u> (Holly Oak)	E	25'
<u>Tipuana tipu</u> (Tipu Tree)	D	25'

For use as visual screen on east side of Canyon Drive only:

<u>Pinus canariensis</u> (Canary Island Pine)	E	15'
<u>Podocarpus gracilior</u> (Fern Pine)	E	15'
<u>Pittosporum rhombifolium</u> (Queenland Pittosporum)	E	15'

* Major street tree.

Visual Barriers

Visual barriers should effectively block views up to the height indicated in the applicable standards, should be constructed of durable materials and require minimal maintenance, and should be attractively designed.

Material. Visual screens may consist of solid walls, fences, dense vegetation, or a combination of these materials.

Walls may be constructed of concrete, stucco, concrete block, brick or other masonry, or stone. No more than two materials should be used together in one wall.

Fences may be constructed of redwood, cedar, or preservative-treated fir, pine or spruce.

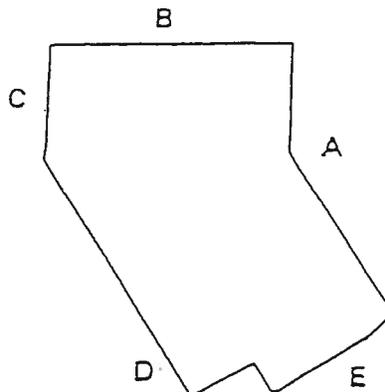
Walls are preferable to fences because, although they cost more to construct, they generally require less maintenance and have a longer life than wood fences.

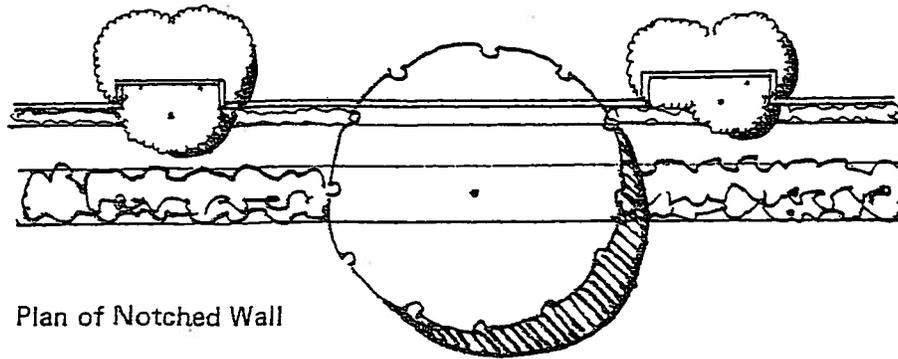
Design. To provide variety and visual interest, walls should include the following design elements (Figure V-1):

- Indentations
- Staggers
- Planters
- Varied heights.

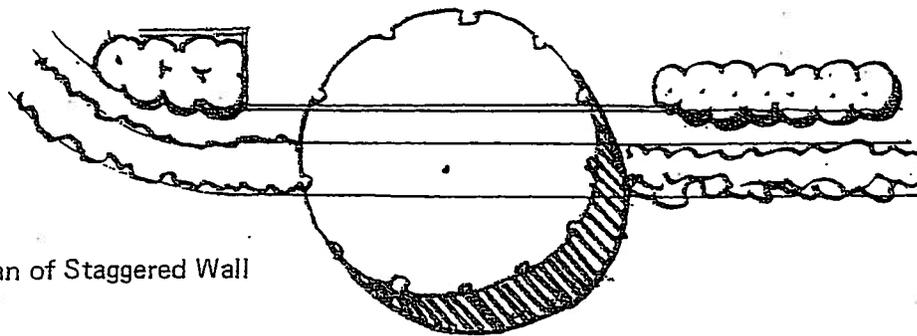
Edge Treatment

There is a variety of edge conditions that require particular edge treatments. The design treatments described below are keyed to the following diagram.

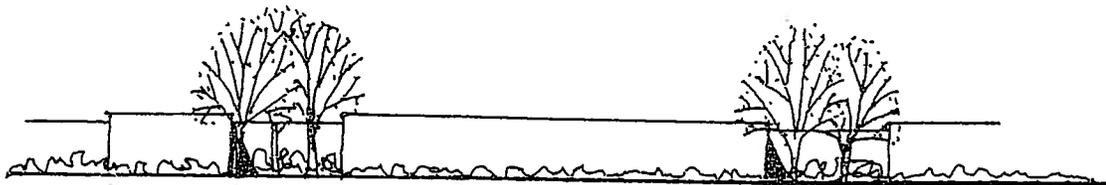




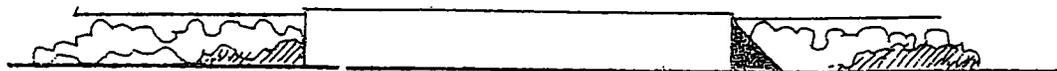
Plan of Notched Wall



Plan of Staggered Wall



Elevation of Notched Wall



Elevation of Staggered Wall



Elevation of Wall with Planters

Figure V-1
Possible Wall Treatments of Continuous Walls

A. East Edge. A minimum 10-foot wide landscaped area should be provided along the eastern property line (Figure IV-1). A visual barrier must be provided within that landscaped area to screen the landfill from view. The visual barrier may consist of dense vegetation or a solid stucco, concrete, concrete block, or other masonry wall. The wall and/or vegetation may be combined with a berm having a maximum slope of 2:1.

If a wall is used, it should be no more than 6 feet high. The canopy of evergreen street trees will provide additional screening above that height. In addition, the wall should be designed to provide future access to the adjacent landfill area at Bush Street and at the internal collector for use when the landfill is developed as a park or playfield (Figure III-3).

The 10-foot wide landscaped area may be located wholly within the required right-of-way. However, a landscaped area wider than 10 feet may be required if a berm is used. The additional width may be dedicated to the City as part of the Canyon Drive right-of-way.

B. Boundary Adjacent to Areas Zoned R-1. The typical setback from adjacent property is 15 feet. However, where the adjacent use is single family residential, greater setbacks should be provided to mitigate the impact of higher density development in the Specific Plan area on the adjacent single-family housing. The setback is increased to 25 feet for two stories and 35 feet for three stories. In addition, lower density housing, typical of townhouses rather than garden apartments, should be located immediately adjacent to areas zoned R-1 (Figure V-2).

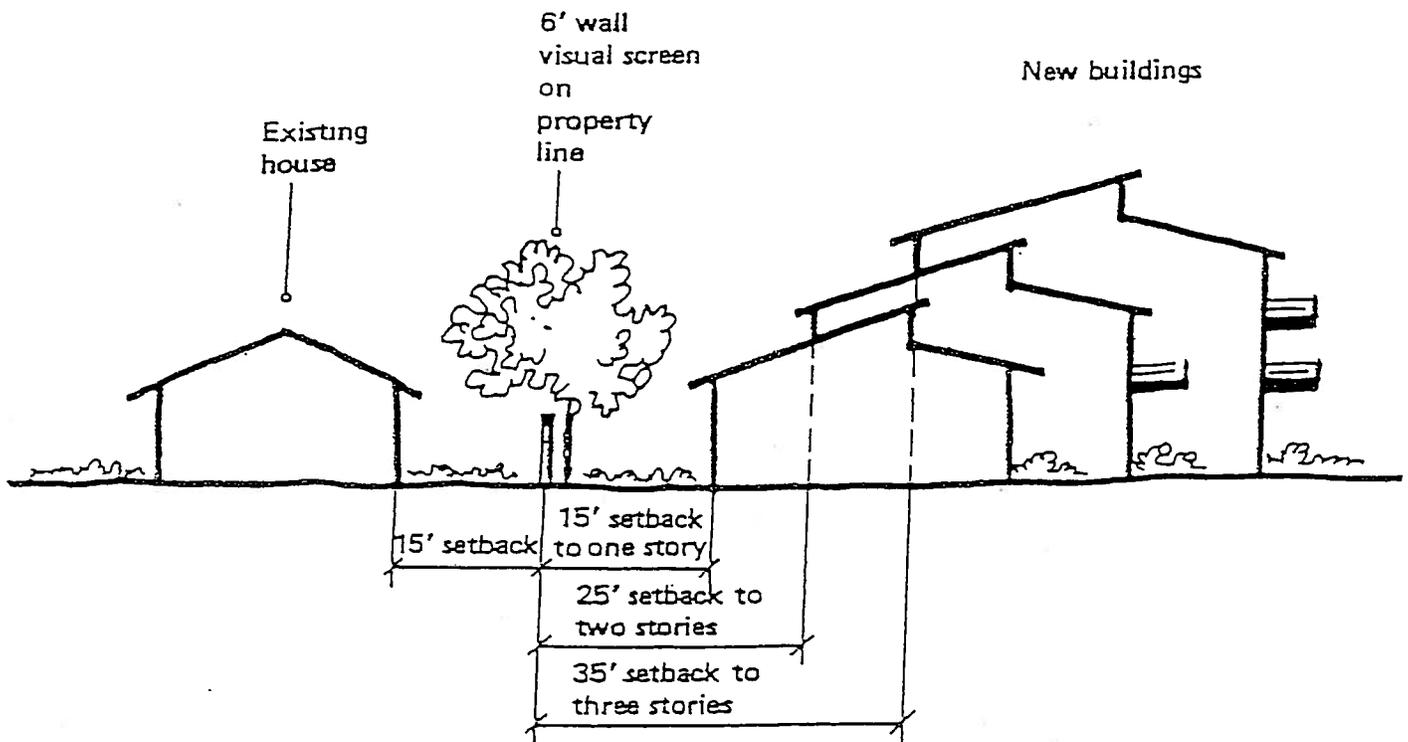


Figure V-2
Edge Condition Adjacent to Areas Zoned R-1

C. Edge Adjacent to Langford Street. Where surface runoff from the site currently drains across adjacent properties, the site must be regraded to eliminate that condition. Positive drainage away from the boundary of the Specific Plan area can be provided by a minimum 5 percent slope, or preferably, a berm in conjunction with the required visual barrier (Figure V-3). As indicated in the Storm Water System Plan, surface drainage would flow into the subsurface drainage system along the internal collector.

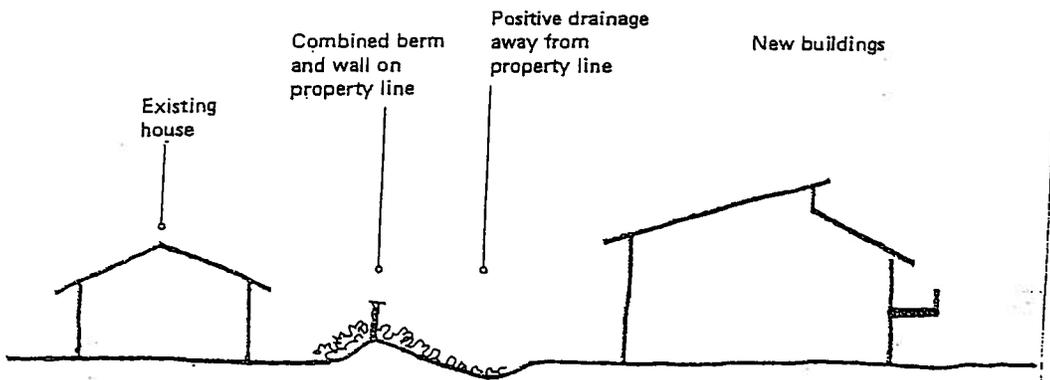


Figure V-3
Edge Condition Adjacent to Langford Street

D. Edge Fronting on Archer Street. The boundary of the Specific Plan area along Archer Street should include a visual screen consisting of a landscaped berm and/or wall (Figure V-4). Buildings should be setback 20 feet from the right-of-way of Archer Street, garages and carports 15 feet, and parking lots 10 feet. No access to Archer Street from the Specific Plan area need be provided.

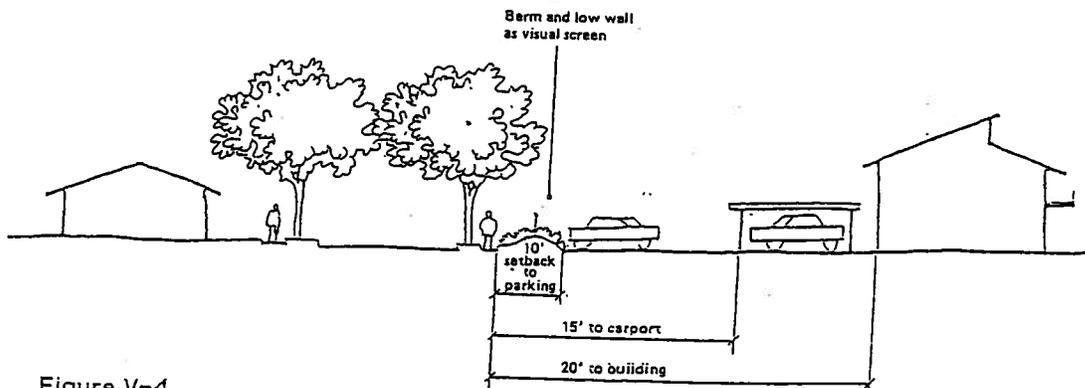


Figure V-4
Edge Condition Adjacent to Archer Street

E. Edge Along Mission Avenue. The commercial development along Mission Avenue will be the most visible edge of the Specific Plan area. It may also present the most difficult design problem due to the slope of Mission Avenue and the need for a relatively flat commercial development site. Because of these two conditions, an elevation change of 5 to 10 feet may be required along the southern portion of the Specific Plan area's frontage on Mission Avenue. An abrupt vertical wall adjacent to the sidewalk should be avoided by following these guidelines (Figure V-5):

- A maximum 2:1, landscaped slope would be the preferred means of providing the grade change.
- A 5-foot setback from the property line to a retaining wall should be provided unless the retaining wall provides seating.
- A retaining wall should be no higher than 6 feet. If a greater elevation change is required, an intermediate terrace should be provided between retaining walls so that the wall steps back from the sidewalk.
- At the base of a landscaped slope or as part of a stepped back retaining wall, an 18-inch seating wall may be provided directly adjacent to the sidewalk.

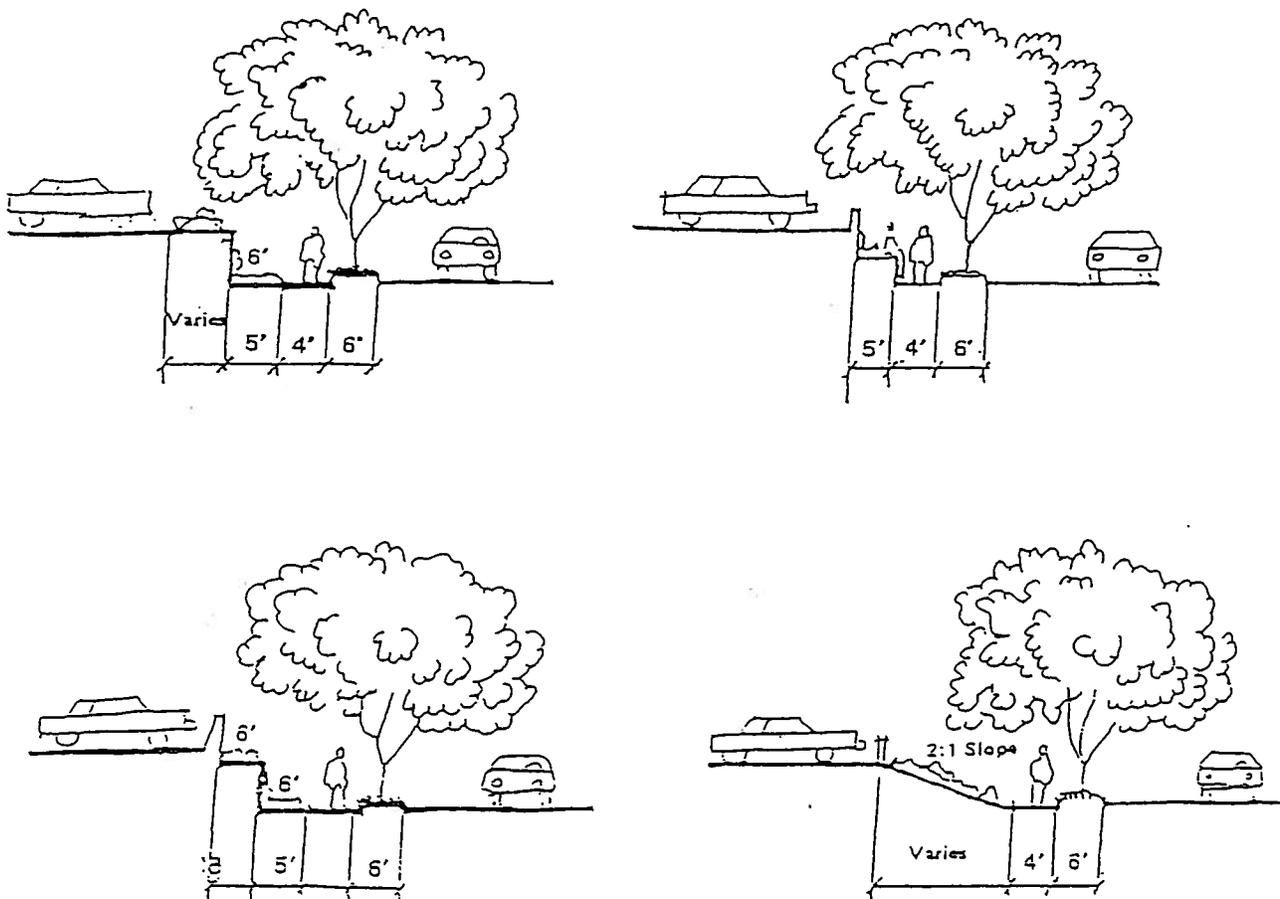


Figure V-5
Alternative Edge Treatments Adjacent to Mission Avenue

Parking Lot Landscaping

The intent of these guidelines is to minimize the adverse visual impact of large paved areas, to screen parked cars from adjacent residences and streets and to create continuity within the Specific Plan area through the common element of landscaping.

- The City's landscape standards require that one tree be installed for every 10 single-row parking stalls or every 20 double-row parking stalls. Additional landscaping is encouraged to produce a more attractive effect. Up to one tree, having a minimum mature height and spread of 30 feet, for every three single-row parking stalls or every six double row parking stalls could be planted to produce a grove-like effect.
- Landscaping should be dispersed throughout the parking lot.
- Whenever possible, a continuous planting strip at least three feet wide should be located between double rows of parking stalls and should be landscaped with groundcover as well as trees.
- A minimum three-foot landscaped buffer should generally be provided around the perimeter of parking areas.
- Where a parking lot is visible from residential development outside of the Specific Plan area, for example, on Archer Street, it should be screened by a visual barrier at least 42 inches high and consistent with the design guidelines for visual barriers.
- All unused areas over 24 square feet in parking lot should be landscaped.

Landscaping of Commercial Development

At least 10 percent of the total net area (that is, excluding streets) of the commercial development site or sites should be landscaped. Approximately one-half of that landscaping should be dispersed throughout the parking lot as described above.

Maintenance of Landscaped Areas

As required by the City's landscape guidelines:

- All plant materials must be controlled to prevent: interference with the installation, maintenance and repair of public utilities; restriction of pedestrian or vehicular access; traffic hazards.
- All plant materials must be irrigated to promote vigorous growth, maintained in a relatively weed-free condition, and periodically pruned, trimmed, edged and fertilized in accordance with generally accepted horticultural practices.
- All plant materials which have been planted and which, due to accident, damage, disease, or other cause, fail to show healthy growth, must be

replaced. Replacement plants must conform to all standards that govern the original planting installation.

RESIDENTIAL SITE PLANNING AND BUILDING DESIGN

The form, mass and profile of buildings should be designed to blend with the existing west-facing slope of the site. The following techniques may be used to achieve this intent:

- Use split pads or stepped footings so that buildings step down or up the hillside;
- Minimize the verticality of buildings;
- Orient the predominant plane of the roof in the same direction as the slope.

Views of the ocean from residential units and open spaces on the hillside should be preserved by staggering buildings as they step down the slope, by providing views over the tops of buildings below, or by other means.

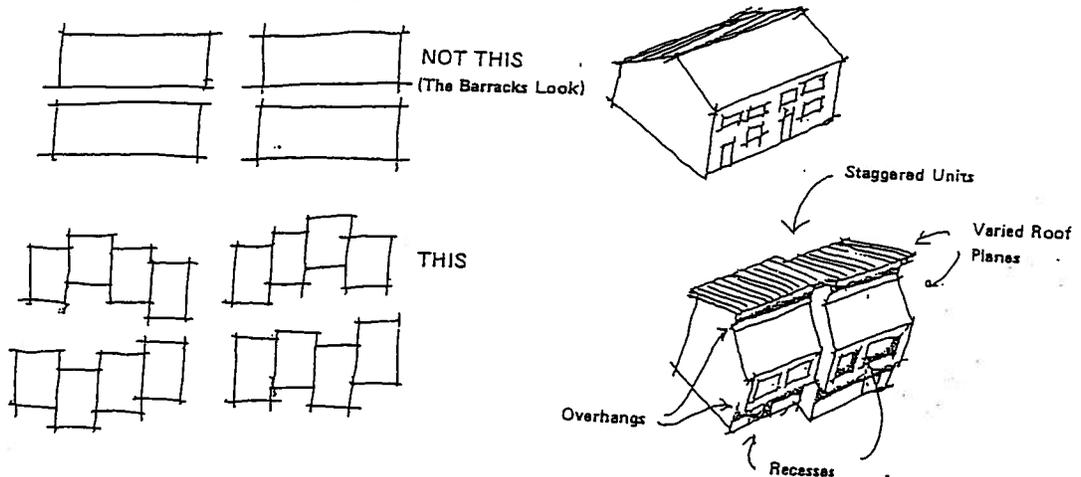
Since rooftops of both residential and commercial buildings will be visible from buildings on the hillside, rooftops should be visually attractive. The following techniques may be used to achieve this intent:

- On flat roofs, avoid built-up composition roofing; cover it with decorative gravel or decking.
- Avoid brightly colored tile or gravel on roofs; use earth tones.

The primary intent of the building design guidelines is to avoid boxy, uninteresting architectural forms and, at the same time, to establish a harmonious community form. Landscaping provides the principal unifying element throughout the community. The following guidelines are intended to reinforce that continuity.

- Avoid the "barracks look" by staggering buildings or portions of buildings to create usable outdoor spaces as well as visual interest.

- Avoid large, unbroken expanses of wall and roof area. This can be achieved by staggering units or groups of units within a single building and by varying roof angles and planes, for example, through the use of clerestory windows. In addition, visual relief can be provided through shadowlines created by offsets, overhangs and recesses.



- Avoid "false fronts" on buildings; use the same materials on all sides.
- Where the rear and side walls of buildings will be visible, they should provide the same visual interest as building fronts through the techniques described above.
- Fences or walls that are designed as extensions of a building's walls should be compatible with the building, for example through the use of the same material and color. Different materials, for example wood fences adjacent to a stucco building, can be used effectively together if the connection between the two elements is staggered.

COMMERCIAL SITE PLANNING AND BUILDING DESIGN

The following guidelines are intended to encourage a shopping center which is compatible with residential development in the Specific Plan area and an attractive "front door" to the neighborhood (Figure V-6).

- Retain the basic form of the ridge on the shopping center site. Design the stores to step down the slope.
- Landscape the site and parking lot according to the landscape guidelines in this chapter.

- Provide a strong pedestrian connection from residential development in the Specific Plan area to the shopping center. This can be achieved, for example, by extending special paving used in the shopping center through any parking area to the north and across Bush Street at a designated crosswalk and by reinforcing this pedestrian route with a double row of trees.
- Provide a community activity node where the pedestrian route enters the shopping center. This area which is the community's entrance to the shopping center should include one or two food service facilities, such as a deli, small restaurant or ice cream parlor, with outdoor tables and chairs.
- A pleasant pedestrian route through the shopping center to the bus stop on Mission Avenue should be provided. This route along the sidewalk in front of the stores. The distance pedestrians have to walk through the parking lot should be minimized.
- A continuous unifying pedestrian-scale treatment along the storefronts should be provided. For example, the sidewalk could be shaded by a trellis or by awnings or other design element and a buffer of shrubs and trees could be provided between the sidewalk and parking lot. Pedestrian-scale lighting, benches and other sidewalk furniture help provide a comfortable pedestrian environment.
- The form and materials used in the shopping center should be compatible with those in the residential portion of the Specific Plan area. For example, the roof slope used in the adjacent residential area could be used, as well, in the shopping center.
- Create visual interest along the storefronts. In addition to the pedestrian scale elements identified above, the form of the building and architectural details can create interest. Techniques include:
 - Staggering the facade of the building
 - Recessing doors and windows
 - Providing attractive and varied display windows
 - Extending shops outside through the use of the same paving material, e.g. quarry tile, inside and on the sidewalk in front of the entrance.
- Use signs to simultaneously reinforce overall continuity and diversity among shops. For example, use the same material and size for all signs, consistent with City standards, but vary the design and lettering style on each. Incorporate graphics, e.g. logos, into the signs.
- Screen all loading areas from view, especially for viewers outside the shopping center. Use landscaping as much as possible to provide this screening effect.
- Where the rear and sides of buildings are visible from adjacent streets or adjoining residential, they should receive equal design treatments as the front facades.

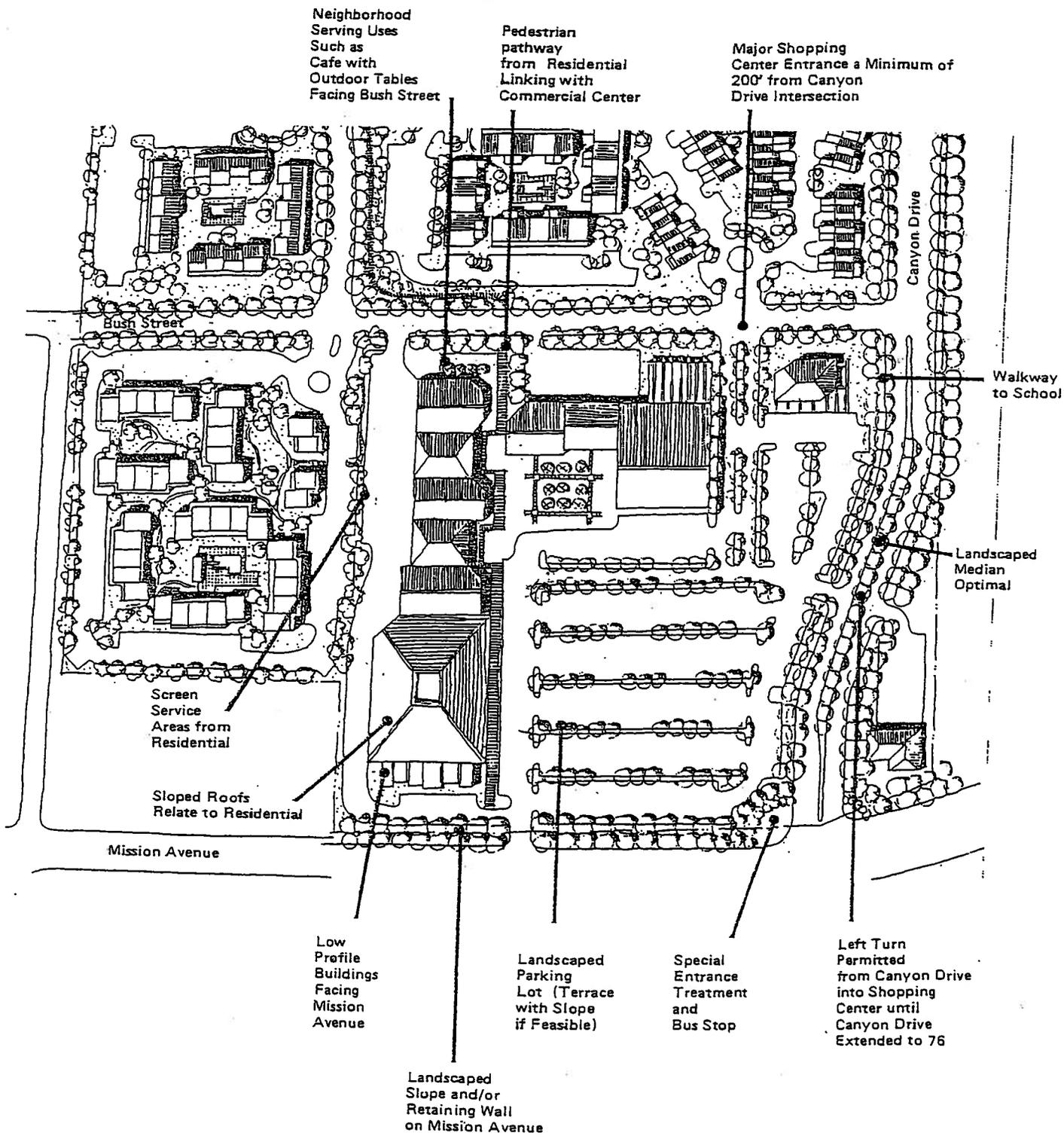


Figure V-6
 Guidelines for Commercial Development

APPENDIX A: DEFINITIONS

Accessory Building or Use. Accessory building or use means a building, part of a building or structure, or use which is subordinate and incidental to that of a main building, structure or use. If an accessory building is attached to the main building by at least a four-foot common wall, such accessory buildings shall be considered a part of the main building.

Apartment. Apartment means a room, or suite of two or more rooms in a multiple dwelling.

Apartment House. Apartment house means a building, or a portion of a building, designed for occupancy by three or more families living independently of each other and containing three or more dwelling units.

Building. Building means any structure having a roof, but excluding all forms of vehicles even though immobilized.

Building Height. Building height means the vertical distance measured from the average level of the highest and lowest points of that portion of the building site covered by the building to the average level of the highest and lowest point of the roof.

Carport. See definition in Chapter IV.

Dwelling. Dwelling means a building or portion thereof designed exclusively for residential purposes, including single-family, two-family, and multiple family dwellings, but not including hotels.

Dwelling Unit. Dwelling unit means one or more rooms in a dwelling designed for occupancy by one family for living purposes and having only one kitchen.

Family. Family means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons, excluding servants, living together as a single housekeeping unit in a dwelling unit.

Garage. Garage means an accessory building or an accessory portion of the main building, enclosed on all sides and designed or used primarily for the shelter or storage of motor vehicles by the occupants of the main building.

Kitchen. Kitchen means any room, or portion of a room, used or intended or designed to be used for cooking or the preparation of food.

Story. Story means that portion of a building included between the surface of any floor and the surface of the floor next above, or, if there is no floor above it, the ceiling next above it.

Street. Street means a public or recorded private thoroughfare which affords the primary means of access to abutting property.

Structure. Structure means anything constructed or erected which requires location on the ground or is attached to something having a location on the ground, but not including fences or walls six feet or less in height.

Use. Use means the purpose for which land or building is arranged, designed or intended, or for which land or building is or may be occupied or maintained.

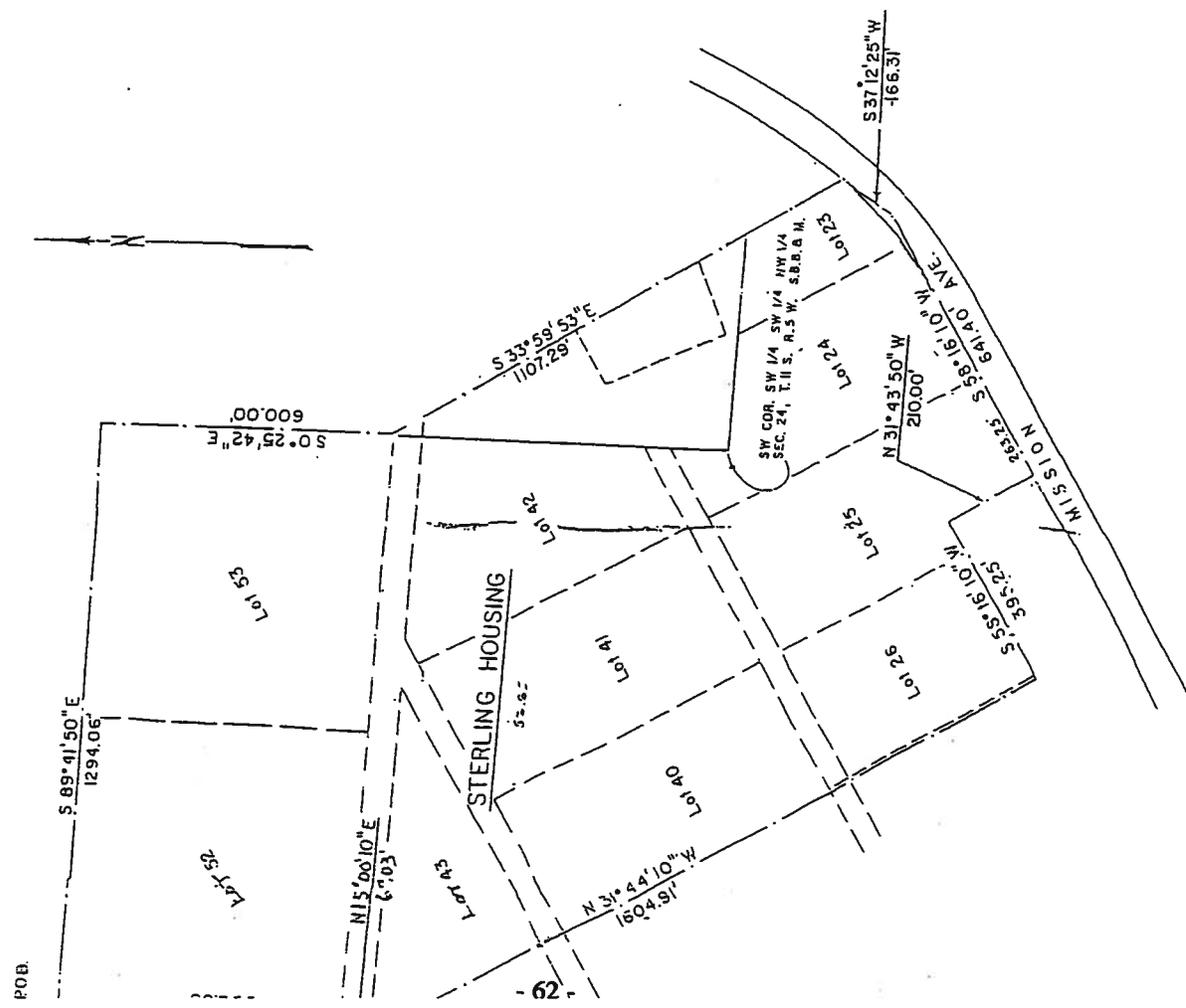
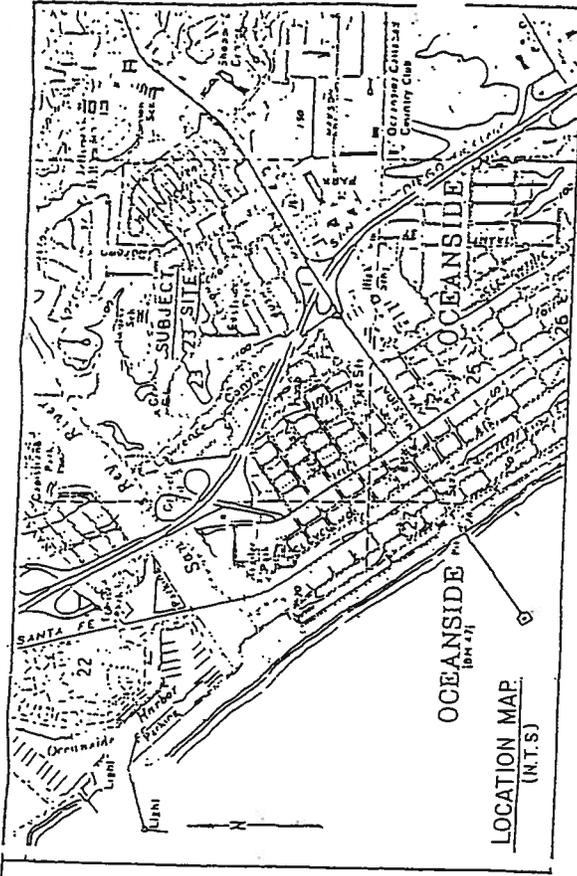
APPENDIX B

Marine Corps Base Camp Pendleton
San Diego (Sterling Homes) California
Proposed Disposal Area
(56.65 acres)

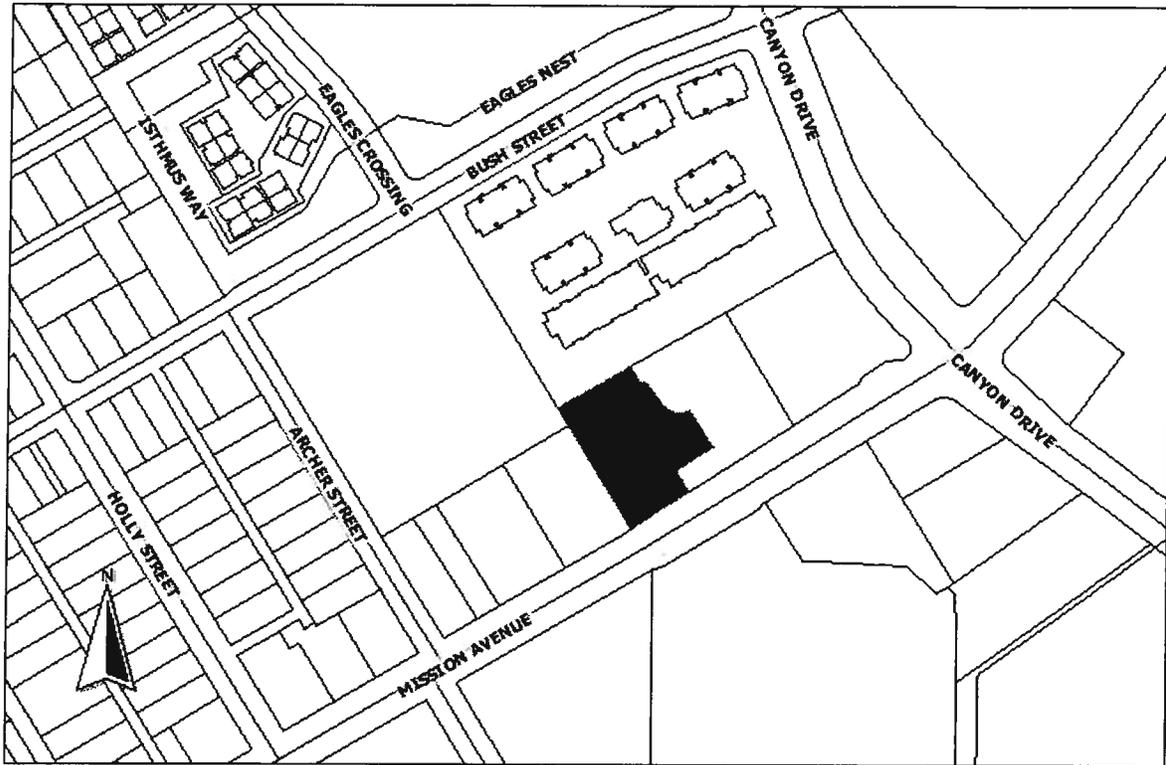
All those tracts or parcels of land lying and being in the City of Oceanside, County of San Diego, State of California, said parcel being a portion of that certain tract of land acquired by the United States of America in Civil Action No. 505-SD filed for record January 10, 1945 in the District Court of the United States in and for the Southern District of California, Southern Division being described as follows:

BEGINNING at the northwesterly corner of Lot 52; thence South 89°41'50" East along the northerly lines of Lots 52 and 53, a distance of 1,294.06 feet to the northeasterly corner of said Lot 53; being on the Section line between Sections 23 and 24, Township 11 South, Range 5 West, S.B.M.; thence South 00°25'42" East along the easterly line of Lots 53, 42, and 24, a distance of 600.00 feet; thence South 33°59'53" East, 1107.29 feet; to the northwesterly line of Mission Avenue; thence South 37°12'25" West, along the northwesterly line of Mission Avenue 166.31 feet to the southerly line of Lot 23; thence South 58° 16'10" West, along the Southerly line of Lot 23 and Lot 24, a distance of 378.15 feet to the southwestery corner of said Lot 24; thence continuing South 58°16'10" West, along the southerly line of Lot 25, a distance of 263.25 feet to the southwestery corner of a portion of said Lot 25 conveyed to Emily M. Arguello by deed dated February 14, 1931, and recorded in Book 1859, Page 424 of Deeds, being also the southeasterly corner of a portion of said Lot 25 conveyed to Joseph Tschinkel and wife by deed dated June 8, 1928, and recorded in Book 1499, Page 129 of Deeds; thence North 31°43'50" West, along the common line between said parcels, a distance of 210 feet; thence South 58° 16'10" West, on a line parallel with the northwesterly line of Mission Avenue, a distance of 395.25 feet to the southwestery line of Lot 26; thence North 31°44'10" West, along the southwestery line of Lots 26 and 40 and the northwesterly prolongation of said line, a distance of 1,604.91 feet to and intersection with the southerly line of Laurel Avenue, as said Avenue is shown on Map No 341; thence North 15°00'10" East, 62.03 feet to the southwestery corner of Lot 52; thence North 00°18'10" East, 599.03 feet along the westerly line of said Lot 52 to the point of beginning, containing 56.65 acres, more or less.

12-26-34



WEST DIV. DWG. No.	DEPT. OF THE NAVY NAVAL FACILITIES ENGINEERING COMMAND
A-102344	WESTERN DIVISION, SAN BRUNO, CALIF.
DESIGNED BY: H. YOUNG	MARINE CORPS BASE CAMP PENDLETON
DRAWN BY:	SAN DIEGO, (STERLING HOMES) CALIFORNIA
CHECKED BY: O.R.K.	



File Number: D-12-01REV05, C-29-05 TE08

Applicant: Douglas Development

Description:

TIME EXTENSION to DEVELOPMENT PLAN REVISION (D-12-01REV05) and CONDITIONAL USE PERMIT (C-29-05) to allow the development of a 2,692-square foot drive-thru restaurant on a 0.96-acre parcel located at the north west corner of Mission Avenue and Canyon Drive. The project site is zoned PD-3 (Planned Development) and is situated within the East Side Capistrano Neighborhood – **JACK IN THE BOX TIME EXTENSION**

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

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Planning Department



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

3/26/08

BY

SS

Please Print or Type All Information

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT DOUGLAS DEVELOPMENT	2. STATUS AGENT
3. ADDRESS 2058 N. MILLS AVE. SE 507 CLAREMONT, CA 91711	4. PHONE/FAX/E-mail 909.625.7601 909.625.0444
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) S.L. DOUGLAS, PH.D.	
6. ADDRESS SAME AS ABOVE	7. PHONE/FAX/E-mail SAME

GPA
MASTER/SP.PLAN
ZONE CH.
TENT. MAP
PAR. MAP
DEV. PL. D-12-DIREVOSTE08
C.U.P. C-29-OSTE08
VARIANCE
COASTAL
O.H.P.A.C.

PART II - PROPERTY DESCRIPTION

8. LOCATION NW MISSION AVE. & N. CANYON DR	9. SIZE
10. GENERAL PLAN CG	11. ZONING CN
12. LAND USE VACANT	13. ASSESSOR'S PARCEL NUMBER 145-180-29

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION CUP/DEV. PLAN AMENDMENT - EXTENSION OF TIME REV - 11/17/05, 1/5/06				
15. PROPOSED GENERAL PLAN CG	16. PROPOSED ZONING CN	17. PROPOSED LAND USE RESTAURANT	18. NO. UNITS N/A	19. DENSITY N/A
20. BUILDING SIZE 2692 S.F.	21. PARKING SPACES 33	22. % LANDSCAPE 39%	23. % LOT COVERAGE or FAR 6.4%	

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 type="checkbox"/> 28. ENVIRONMENTAL INFO FORM	<input checked="" type="checkbox"/> 29. PLOT PLANS
<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS	<input checked="" type="checkbox"/> 31. CERTIFICATION OF POSTING	32. OTHER (See attachment for required reports)

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): S.L. DOUGLAS, PH.D.	34. DATE 3/20/08	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:		

Sign:	35. OWNER (Print) SAM HARIZ	36. DATE 3-21-2008
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I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

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SCOTT

Project Description/Justification:

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This project proposes to utilize a previously approved drive-thru restaurant pad within the existing commercial center located at the Northwest corner of Mission Avenue and Canyon Drive for a new Jack in the Box drive-thru restaurant.

The proposed building Architecture has been implemented to compliment the retro design used on the existing AM/PM Building located on an adjacent pad within the center.

The location was previously approved for a new McDonald's drive-thru restaurant that was never constructed. Since, the Conditional Use Permit for this location has lapsed and this project proposes to have a new Conditional Use Permit approved for the location.

The proposed Jack in the Box project intends to use a nearly identical site layout as previously approved as well as provide a building with similar architecture so as to fit with in the previously planned Center theme.

The proposed Jack in the Box building will be slightly less than 2700 square feet and as such is about 400 square feet smaller than the previously approved McDonalds building. The project proposes to have 33 parking stalls within the parcel and will also have access to shared parking. The finished project is proposed to operate 24 hours per day, 7 days per week should the market demand be found to support such hours.

A large portion of the project parcel has already been constructed to match the original site layout approved. This project proposes to complete the site work which will include approximately half of the 33 parking stalls, the drive-thru lane, the building and the trash enclosure. The drive aisles and the remainder of the parking as well as a large portion of the landscaping was constructed with the Center.

As a result of this project, the existing Jack in the Box restaurant located at 1702 Mission Avenue will be vacated by Jack in the Box.

Since an existing Jack in the Box drive-thru restaurant nearby will be closed as a result of this project, the project serves the objectives and purpose of the overlay area and the conditional use permit process.

This project will be consistent with the General Plan and will not be detrimental to the public health, safety or welfare of persons residing or working in the adjacent neighborhood. Additionally, the project will not be detrimental to the properties or improvements in the vicinity or to the general welfare of the City. This project meets or exceeds all City standards for a project of this type and proposes no condition that is less stringent than the previously approved Conditional Use permit for this location.

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JUL 08 2005
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LEGAL DESCRIPTION

PARCEL 1 OF PARCEL MAP NO. 19027, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 6, 2002, AS INSTRUMENT NO. 2002-0662013 OF OFFICIAL RECORDS.

TOGETHER WITH THAT PROTION OF MISSION AVENUE AS VACATED AND CLOSED TO PUBLIC USE BY RESOLUTION RECORDED SEPTEMBER 3, 2002 AS INSTRUMENT NO. 2002-0748434 OF OFFICIAL RECORDS.

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Planning Department



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Douglas Development
2. **ADDRESS:** 2058 N. Mills Ave., Ste. 507
Claremont, CA. 91711
3. **PHONE NUMBER:** (909) 625-0444
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Jack-in-the-Box Time Extension
7. **DESCRIPTION:** A TIME EXTENSION FOR A DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT TO PERMIT A 2,692 SQUARE FOOT DRIVE THRU RESTURANT LOCATED NEAR THE NORTH WEST CORNER OF MISSION AVENUE AND CANYON DRIVE.

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. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "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 is categorically exempt, Class three, "New Construction" (Section 15303) (c); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: June 23, 2008

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee