

DATE: June 8, 2009 (Item continued from the May 18, 2009 Planning Commission meeting)

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF THE CITY PLANNER'S DECISION TO APPROVE AN ADMINISTRATIVE DEVELOPMENT PLAN (ADP-4-08) FOR THE CONSTRUCTION OF A 13,574-SQUARE FOOT GROCERY MARKET WITH AN ATTACHED 3,000-SQUARE FOOT RETAIL SUITE ON A 1.878-ACRE PARCEL LOCATED AT THE NORTHWEST CORNER OF VINE STREET AND OCEANSIDE BOULEVARD – VINE STREET COMMERCIAL – APPLICANT: MARGARET HYATT**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 32, Categorical Exemption "In-Fill Development"; and, adopt Planning Commission Resolution No. 2009-P29 denying the appeal and affirming the City Planner's action to approve Administrative Development Plan (ADP-4-08) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On September 11, 1985 the subject project site was previously graded under grading permit 876 by the City of Oceanside. The project site was previously a part of a larger 8.41-acre parcel and was later developed into a 1.878-acre under lot line adjustment PLA-07-08.

The Vine Street Commercial Administrative Development Plan (ADP-4-08) was approved by the City Planner on April 17, 2009 for the construction of a 13,574-square foot grocery market with an attached 3,000-square foot retail suite.

During the required 10-day public appeal period the project was appealed on April 27, 2009. The appellant obtained more than the required 25 signatures from 50 adjacent property owners within the required 1,500-foot radius from the site. A letter of appeal describing the reasons for denial was submitted to the Oceanside Planning Division.

Site Review: The subject site is in the Commercial Recreation Zone District (CR) and the land use designation in the General Plan is General Commercial (GC). Surrounding zoning includes Commercial Recreation (CR) to the north and east, Residential Single-Family (RS) to the west and Medium-Density Residential (RM-A) to the south. Surrounding land uses include single-family residences, a service station, apartments, mobile homes, and Interstate 5.

Project Description: The application is comprised of the following component:

Administrative Development Plan (ADP-4-08) represents a request for the following:

- (a) To permit the construction of a 13,574-square foot grocery market with an attached 3,000-square foot retail suite.

The commercial development would be situated on a flat, pre-graded 1.878-acre pad located at the northwest corner of Vine Street and Oceanside Boulevard. The proposed driveway would be designed with a right-in and right-out ingress and egress off of Oceanside Boulevard. The project also includes an access point off Vine Street. The project includes 72 parking stalls, and one on-site loading space at the rear of the building. Approximately 16 percent of the site would be landscaped with drought tolerant species consisting of shrubs, vines, Ivey Geranium ground cover, Crape Myrtle and Queen Palm trees.

The proposed building's architecture would consist of a contemporary design similar to many of the adjoining commercial centers east of I-5 on Oceanside Boulevard. The building would consist of brick and concrete tilt up walls with forest green and tan stucco wall coverings.

In order to screen rooftop equipment from adjacent properties or by those traveling along the public rights-of-ways near the development site, the applicant is proposing to install screening devices and paint the existing roof top equipment to match the colors of the roof. A project condition has been included to require that the building design adhere to the rooftop and mechanical equipment screening regulations.

The project is subject to the following Ordinances, City policies, and the State of California Government Code:

1. General Plan
2. Zoning Ordinance
3. State of California Government Code 65850

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

The Oceanside General Plan Land Use designation for the subject property is General Commercial. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 2.23 General Commercial:

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

Policy A: General Commercial shall provide retail shops, restaurants and services which meet the "immediate" commercial needs of the community. High intensity, drive-up/drive-through and convenience businesses shall be developed in commercial centers or clustered together in coordinated site or development plans to avoid the proliferation of driveway cuts and to accommodate their high traffic generation characteristics.

The proposed commercial development would provide additional retail opportunities for residents and visitors within this part of Oceanside. The proposed project would provide infrastructure improvements such as sidewalks and ADA access to the site and surrounding area. Much needed landscaping and street improvements would be provided to beautify the property as well as the neighborhood.

2. Zoning Compliance

This project is located within the Commercial Recreation District, and as designed complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED OZO Article 11 (CR District)	PROPOSED
LOT SIZE	10,000 sq. ft.	78,408 sq. ft.
LOT COVERAGE	50% (max)	25.1%
SETBACKS		
Front	15-feet	118 - feet
Corner Side	10-feet	27 - feet

Rear	-	0 - feet
PARKING	Total required for retail sales: <u>68 spaces</u>	Total provided: <u>72 spaces</u>
LANDSCAPING	15 %	16%
BUILDING HEIGHT	50-feet (max)	32.4-feet (max) 1-story

The proposed project meets or exceeds the minimum required development standards established for the Commercial Recreation (CR) District within Article 11 of the OZO.

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	General Commercial GC	Commercial Recreation CR	Undeveloped
North of Subject Property	General Commercial GC	Commercial Recreation CR	Undeveloped
East of Subject Property:	General Commercial GC	General Commercial (CG)	Service Station
South of Subject Property:	Medium Density – A Residential (MDA-R)	Medium Density Residential (RM-A)	Cavalier Mobile Home
West of Subject Property:	Single Family Detached Residential (SFD-R)	Single Family Residential (RS)	Vacant lot & Single family homes

The proposed commercial retail development is compatible with the adjacent commercial retail use to the east and the anticipated commercial uses for the vacant commercial lot located to the north. Staff has concluded that the design of the commercial development and the type of improvements proposed will not result in any public safety or health issues due to the proximity of the site to residential uses located at a higher elevation to the west.

DISCUSSION

Issue: The project has not sufficiently considered the needs of the neighborhood and the appellant believes this is a misuse of the Administrative Development Approval process.

Recommendation: When reviewing the Administrative Development application, Staff received several comments and concerns from the public addressing traffic, the proposed landscaping, project compatibility, and the fact that the project should have

been processed as a public hearing item at the Planning Commission. The City Planner can forward projects that are processed administratively directly to the Planning Commission for a hearing if the project is found to conflict with any standards of the base district or if public services to the project are inadequate. In this case, the project meets all requirements of the Commercial Recreational District and can be serviced by existing utilities.

Other concerns raised during review of the project mentioned traffic impacts. A traffic study was submitted and completed as a part of the project application. The traffic study confirmed that the additional 956 trips per day would not impact the existing level of service. A sight distance assessment was performed as a part of the study and it revealed that both stopping and corner sight distance requirements would be met based on a measuring percentile of the average speeds traveled on Oceanside Boulevard and Vine Street. The traffic study concluded that the project will not significantly impact any of the study roadway segments or study intersections under existing and cumulative projections with the project.

The landscaping concerns raised by the public included the need for large trees. The landscape plan was revised and provided additional shade trees throughout the site and along the frontages of Oceanside Boulevard and Vine Street, and additional five-gallon shrubs were added throughout the site.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 32 Categorical Exemptions, Section 15332 In-Fill Development Projects, of the California Environmental Quality Act. The project meets the requirements for In-Fill Development, because the project is consistent with general plan and zoning designations, the project occurs within city limits on a site no more than five acres, the project site does not contain habitat for endangered or rare species, and the site can be adequately served by all required utilities and public services. In addition, the project site was previously graded in the 1980's for future development of the site.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, a Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. Copies of this agenda item have been mailed to the applicant and their representatives, as well as interested parties.

SUMMARY

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

- Adopt Planning Commission Resolution No. 2009-P29 denying the appeal and approving Administrative Development Plan (ADP-4-08) with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY:

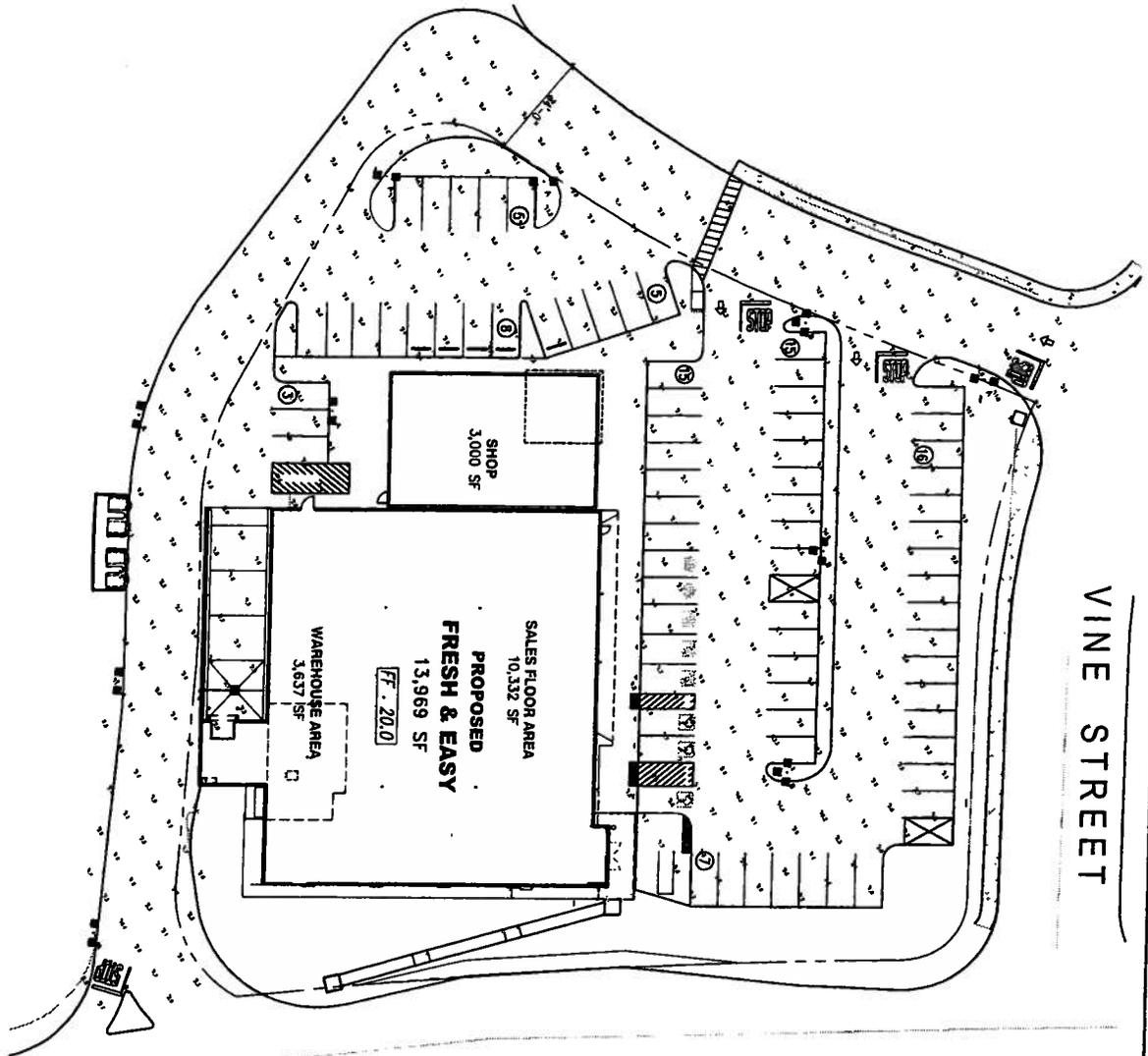

Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site Plan and Elevation
2. Planning Commission Resolution No. 2009-P29
3. Original Administrative Development Plan Approval dated April 27, 2009
4. Appeal letter with signatures

STATISTICS	
Overall Area	10,332 SF
Shop Area	3,000 SF
Warehouse Area	3,637 SF
Proposed Area	13,969 SF



VINE STREET

OCEANSIDE BLVD.

Code	Item	Quantity	Unit	Description
1	1	1	SF	PROPOSED FRESH & EASY
2	1	1	SF	WAREHOUSE AREA
3	1	1	SF	SHOP AREA



P1

cubellis
 architects interior designers engineers
 121 S. J.P.S.
 121 S. J.P.S.
 OCEANSIDE, CA 92054
 www.cubellis.com

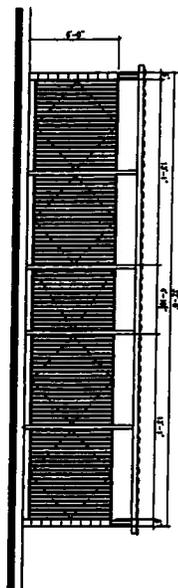
SHEET TITLE:
PHOTOMETRIC PLAN

PROJECT TITLE:
**VINE STREET COMMERCIAL
 OCEANSIDE BLVD & VINE STREET
 OCEANSIDE, CA**

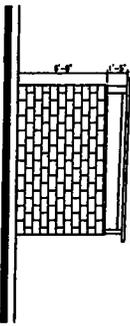
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08/28/08				AS NOTED		

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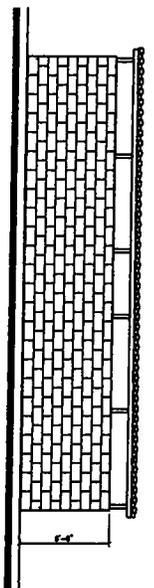
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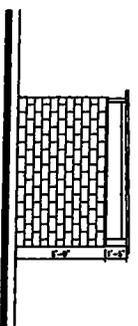
6 FRONT ELEVATION
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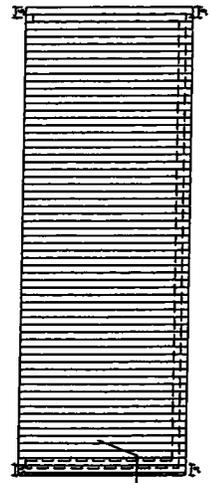
4 SIDE ELEVATION
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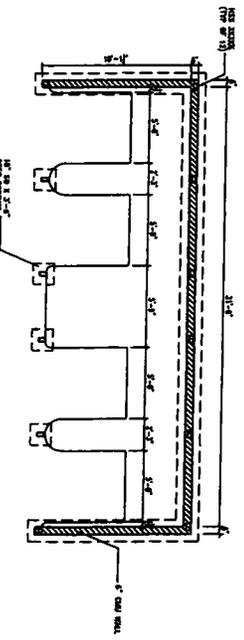
7 BACK ELEVATION
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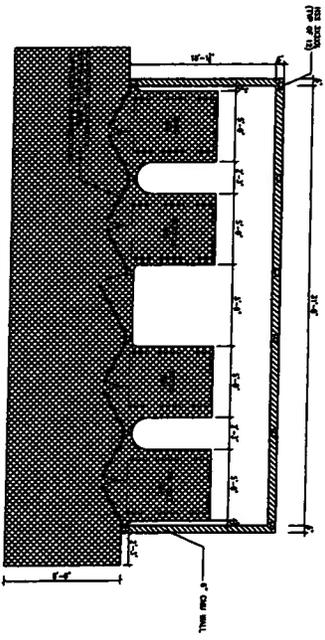
5 SIDE ELEVATION
SCALE: 1/8" = 1'-0"



3 ROOF PLAN
SCALE: 1/8" = 1'-0"



2 FOUNDATION PLAN
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1 FLOOR PLAN
SCALE: 1/8" = 1'-0"



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cubellis
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1111 S. LA BARRERA
LOS ANGELES, CA 90008
www.cubellis.com

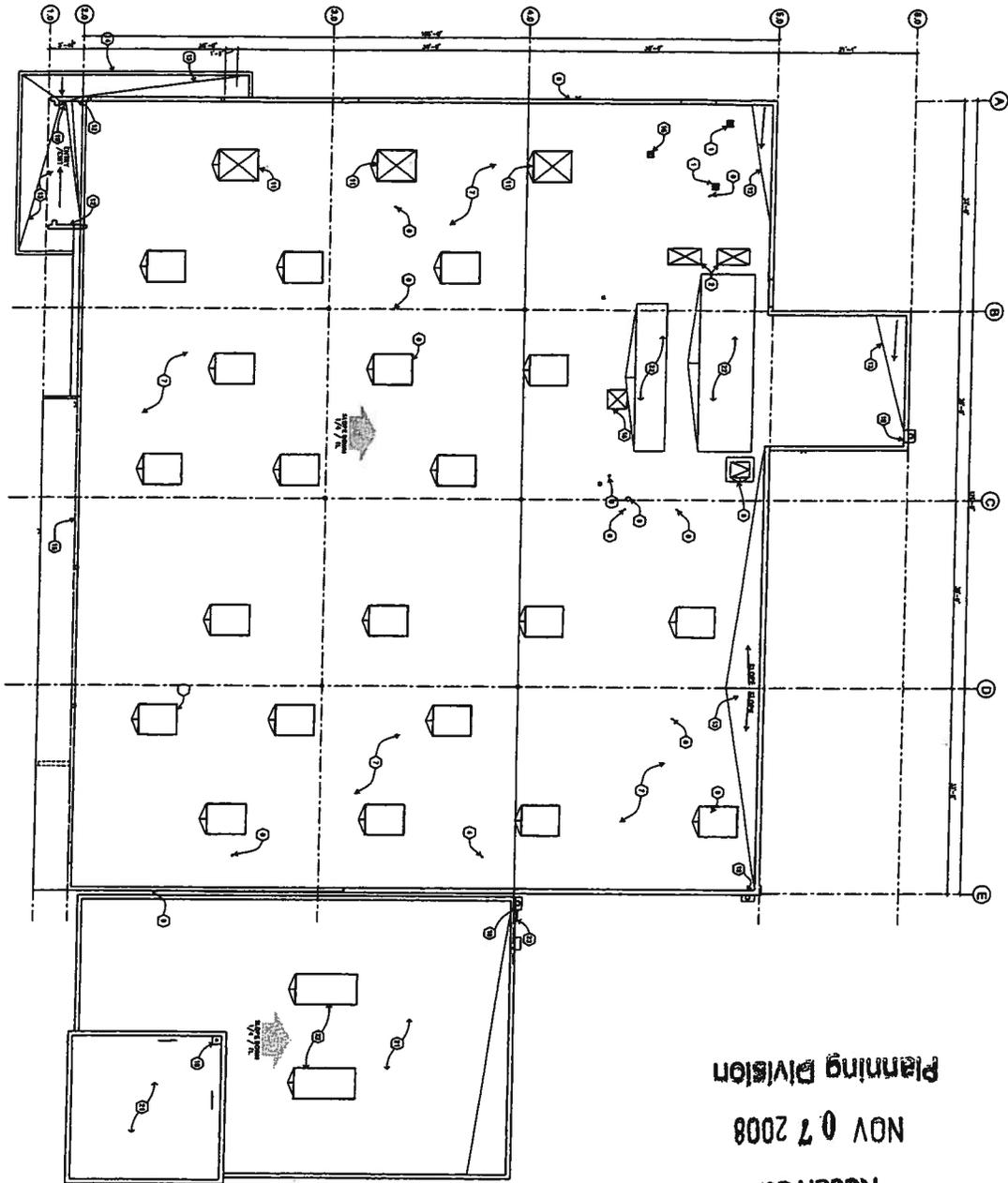
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PROJECT TITLE:
**VINE STREET COMMERCIAL
OCEANSIDE BLVD & VINE STREET
OCEANSIDE, CA**

NO.	REV.	DESCRIPTION	DATE	BY	CHECKED

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ROOF PLAN
SCALE 1/8" = 1'-0"

Received
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Planning Division

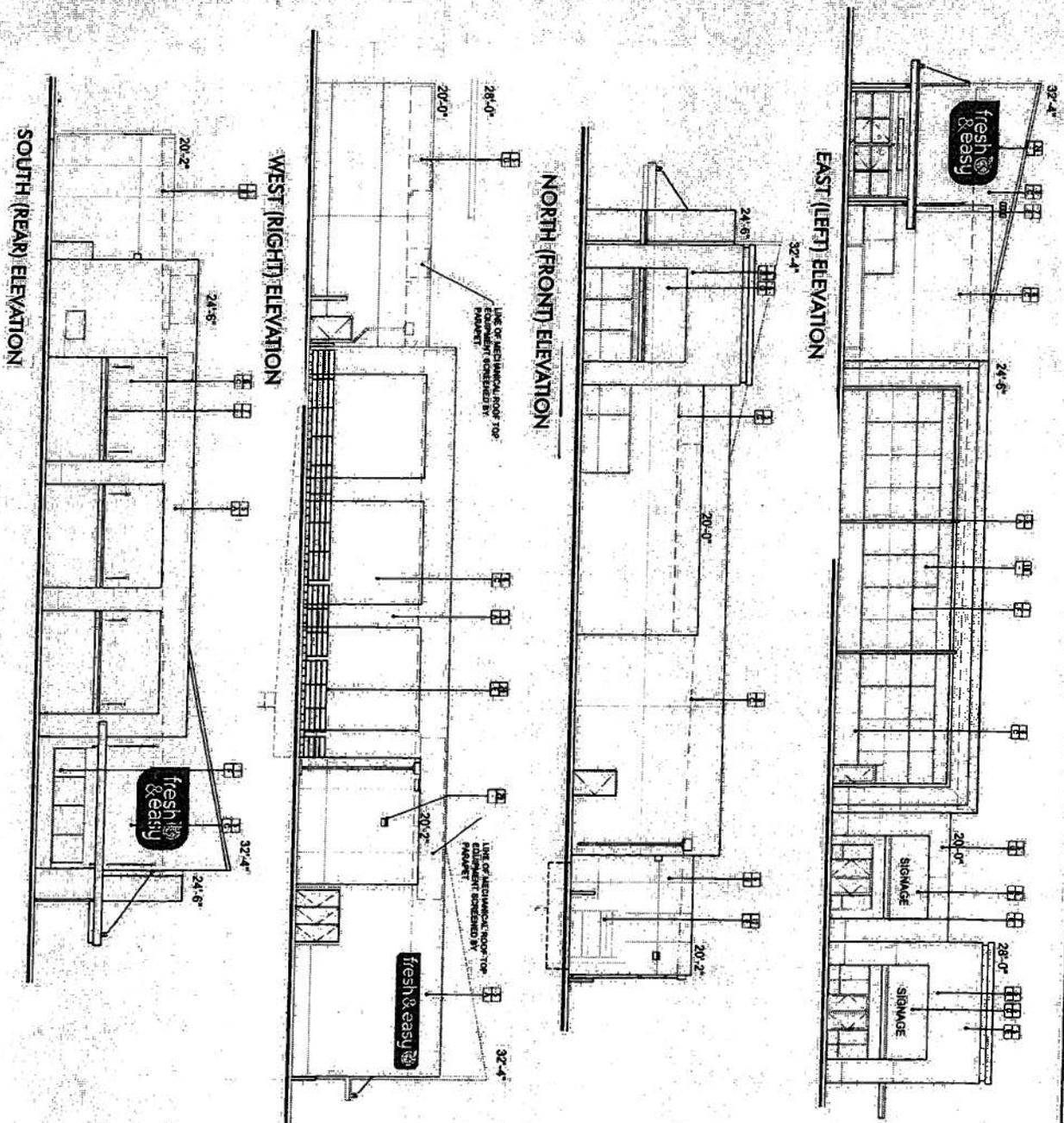
GENERAL NOTES:
1. ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND INCHES.
2. REFER TO ALL OTHER SHEETS FOR COMPLETE INFORMATION.

KEYED NOTES:

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FINISH MATERIAL:

- 1. Aluminum siding (horizontal ribbed)
- 2. Aluminum siding (vertical ribbed)
- 3. Paint
- 4. Aluminum storefront door
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COLOR FINISH:

- 1. White
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- 5. Red
- 6. Green
- 7. Yellow
- 8. Purple
- 9. Orange
- 10. Pink
- 11. Brown
- 12. Silver
- 13. Gold
- 14. Bronze
- 15. Copper
- 16. Nickel
- 17. Chrome
- 18. Stainless Steel
- 19. Aluminum
- 20. Galvanized Steel
- 21. Cast Iron
- 22. Steel
- 23. Concrete
- 24. Brick
- 25. Stone
- 26. Marble
- 27. Granite
- 28. Slate
- 29. Terrazzo
- 30. Ceramic Tile
- 31. Glass
- 32. Acrylic
- 33. PVC
- 34. Polycarbonate
- 35. Fiberglass
- 36. Rubber
- 37. Leather
- 38. Fabric
- 39. Paper
- 40. Cardstock
- 41. Inkjet Paper
- 42. Laser Paper
- 43. Photo Paper
- 44. Heavy Paper
- 45. Book Paper
- 46. Cover Paper
- 47. Endpaper
- 48. Flyleaf
- 49. Index Paper
- 50. Label Paper
- 51. Sticker Paper
- 52. Transparency
- 53. Vellum
- 54. Canvas
- 55. Linen
- 56. Cotton
- 57. Flax
- 58. Hemp
- 59. Jute
- 60. Sisal
- 61. Raffia
- 62. Straw
- 63. Bamboo
- 64. Reeds
- 65. Seagrass
- 66. Palm
- 67. Coconut
- 68. Pine
- 69. Cedar
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	SHEET TITLE:		PROJECT TITLE:	
	EXTERIOR ELEVATIONS		VINE STREET COMMERCIAL OCEANSIDE BLVD & VINE STREET OCEANSIDE, CA	
	DESIGNED BY:	APPROVED BY:	SCALE:	PROJECT NO. / DATE
			AS NOTED	

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PLANNING COMMISSION
RESOLUTION NO. 2009-P29

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING AN APPEAL AND AFFIRMING THE CITY PLANNER'S ACTION APPROVING AN ADMINISTRATIVE DEVELOPMENT PLAN FOR CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: ADP-4-08
APPLICANT: Margaret Hyatt
LOCATION: North west corner of Oceanside boulevard and Vine Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting an Administrative Conditional Use Permit and Administrative Coastal Permit under the provisions of Articles 11 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to permit the construction of a 13,574-square foot grocery market with an attached 3,000-square foot retail suite located at the north west corner of Oceanside Boulevard and Vine Street;

on certain real property described in the project description.

WHEREAS, on April 17, 2009 the City Planner approved an Administrative Development Plan (ADP-4-08) to permit the construction of a 13,574-square foot grocery market with an attached 3,000-square foot retail suite located at the north west corner of Oceanside Boulevard and Vine Street.

WHEREAS, on April 27, 2009 the Administrative Development Plan were appealed based on the project not sufficiently considering the needs of the neighborhood and the misuse of the Administrative approval process. The appellant obtained more than the required 25 signatures from the notified adjacent property owners within the required 1,500-foot radius from the site and a letter of appeal describing reasons for denial was submitted to the Oceanside Planning Division with this appeal.

1 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day
2 of June, 2009 conduct a duly advertised public hearing as prescribed by law to consider said
3 application.

4 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
5 Guidelines thereto; this project is categorically exempt from CEQA per Article 19, Section
6 15332 In-Fill Development;

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

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
14 Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
15 Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non- residential uses
16 School Facilities 17 Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside
18 Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
19 Thoroughfare Fee 20 (For commercial and 21 industrial please note the 22 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$36,775 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 \$50,501 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2" meter.

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

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

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

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

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

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

1 FINDINGS:

2 For the Administrative Development Plan (ADP-4-08):

- 3 1. The site plan and physical design of the project as proposed is consistent with the
4 purposes of the Zoning Ordinance. As such, the project site is consistent with the General
5 Plan policies for this General Commercial land use, and provides the anticipated
6 commercial uses that are intended to provide goods and services to the surrounding
7 neighborhood.
- 8 2. The Development Plan is consistent with the City of Oceanside's General Plan because
9 the proposed commercial use is consistent with the General Commercial land use
10 designation for this property. The proposal to develop a commercial grocery building
11 with an attached retail suite and associated parking is consistent with the overall intent
12 for General Commercial land use designations.
- 13 3. The project site can be adequately served by existing public facilities, services and
14 utilities because of the close proximity to public streets and existing facilities within the
15 project site area.
- 16 4. The project, as proposed, is compatible with the existing and potential development on
17 adjoining properties and in the surrounding neighborhood because suitable buffer areas
18 existing between commercial properties and residential. In addition, the property is
19 located within a commercial and residential urbanized area, which will ensure
20 compatibility with similar type uses in the area.

21 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
22 approve Administrative Development Plan (ADP-4-08) subject to the following conditions:

23 Building:

- 24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
25 Building Division plan check. (As of January 1, 2008 the 2007 California Building
26 Code, and 2007 California Electrical Code)
- 27 2. The granting of approval under this action shall in no way relieve the applicant/project
28 from compliance with all State and Local building codes.
- 29

- 1 3. Site development, parking, access into buildings, and building interiors shall comply
2 with the State's Disabled Accessibility Regulations. (2007 California Building Code
3 (CBC), Chapter 11B)
- 4 4. The building plans for this project are required by State law to be prepared by a licensed
5 architect or engineer and must be in compliance with this requirement prior to submittal
6 for building plan review.
- 7 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
8 property shall be underground (City Code Sec. 6.30).
- 9 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
10 Ordinance). Where color rendition is important, high-pressure sodium, metal halide, or
11 other such lights may be utilized and shall be shown on building and electrical plans.
- 12 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
13 plans.
- 14 8. The developer shall monitor, supervise, and control all building construction and
15 supporting activities so as to prevent these activities from causing a public nuisance,
16 including, but not limited to, strict adherence to the following:
- 17 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
18 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
19 that is not inherently noise-producing. Examples of work not permitted on
20 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
21 producing nature. No work shall be permitted on Sundays and Federal Holidays
22 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
23 Christmas Day) except as allowed for emergency work under the provisions of the
24 Oceanside City Code Chapter 38 (Noise Ordinance).
- 25 b) The construction site shall be kept reasonably free of construction debris as
26 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
27 approved solid waste containers shall be considered compliance with this
28 requirement. Small amounts of construction debris may be stored on-site in a neat,
29 safe manner for short periods of time pending disposal.

- 1 9. Separate/unique addresses will/may be required to facilitate utility releases. Verification
2 that the addresses have been properly assigned by the City's Planning Division must
3 accompany the Building Permit application.
- 4 10. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
5 will be required at time of plans submittal to the Building Division for plan check.
- 6 11. Tenant Improvements or other construction after the shell building is completed requires
7 permits (including all required Inspections and approvals, and Issuance of Certificate of
8 Occupancy) from the Building Division.

9 **Engineering:**

- 10 12. Design and construction of all improvements shall be in accordance with standard plans,
11 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 12 13. Prior to issuance of a building permit all improvement requirements shall be covered by
13 a development agreement and secured with sufficient improvement securities or bonds
14 guaranteeing performance and payment for labor and materials, setting of monuments,
15 and warranty against defective materials and workmanship.
- 16 14. The owner/developer shall provide public street dedication if required to serve the
17 property.
- 18 15. Where proposed off-site improvements, including but not limited to slopes, public utility
19 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his
20 own expense, obtain all necessary easements or other interests in real property and shall
21 dedicate the same to the City of Oceanside as required. The owner/developer shall
22 provide documentary proof satisfactory to the City of Oceanside that such easements or
23 other interest in real property have been obtained prior to the issuance of any grading,
24 building or improvement permit for the development. Additionally, the City of
25 Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole
26 expense a title policy insuring the necessary title for the easement or other interest in real
27 property to have vested with the City of Oceanside or the owner/developer, as
28 applicable.
29

- 1 16. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
2 neighborhood meeting with all of the area residents located within 300 feet of the project
3 site, to inform them of the grading and construction schedule, and to answer questions.
- 4 17. The owner/developer shall monitor, supervise and control all construction and
5 construction-supportive activities, so as to prevent these activities from causing a public
6 nuisance, including but not limited to, insuring strict adherence to the following:
- 7 a) Dirt, debris, and other construction material shall not be deposited on any public
8 street or within the City's stormwater conveyance system.
- 9 b) All grading and related site preparation and construction activities shall be
10 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
11 engineering related construction activities shall be conducted on Saturdays,
12 Sundays or legal holidays unless written permission is granted by the City Engineer
13 with specific limitations to the working hours and types of permitted operations.
14 All on-site construction staging areas shall be as far as possible (minimum 100
15 feet) from any existing residential development. Because construction noise may
16 still be intrusive in the evening or on holidays, the City of Oceanside Noise
17 Ordinance also prohibits "any disturbing excessive or offensive noise which
18 causes discomfort or annoyance to reasonable persons of normal sensitivity."
- 19 c) The construction site shall accommodate the parking of all motor vehicles used by
20 persons working at or providing deliveries to the site. An alternate parking site can
21 be considered by the City Engineer in the event that the lot size is too small and
22 cannot accommodate parking of all motor vehicles.
- 23 d) The owner/developer shall complete a haul route permit application (if required
24 for import/export of dirt) and submit to the City of Oceanside Engineering
25 Division 48 hours in advance of beginning of work. Hauling operations (if
26 required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 27 18. It is the responsibility of the owner/developer to evaluate and determine that all soil
28 imported as part of this development is free of hazardous and/or contaminated material
29 as defined by the City and the County of San Diego Department of Environmental

1 Health. Exported or imported soils shall be properly screened, tested, and documented
2 regarding hazardous contamination.

3 19. A traffic control plan shall be prepared according to the City traffic control guidelines
4 and approved to the satisfaction of the City Engineer prior to the start of work within the
5 public right-of-way. Traffic control during construction of streets that have been opened
6 to public traffic shall be in accordance with construction signing, marking, and other
7 protection as required by the Manual on Uniform Traffic Control Devices (MUTCD) or
8 Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall
9 be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

10 20. Approval of this development project is conditioned upon payment of all applicable impact
11 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
12 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
13 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
14 issuance of any building permits, in accordance with City Ordinances and policies.

15 21. Vine Street along the property frontage shall be constructed with curbs, gutters, and
16 sidewalk in accordance with the City of Oceanside Engineers Design Standards. The
17 owner/developer shall construct or replace that portion of curb and gutter and sidewalk
18 that needs to be replaced, if it is damaged or if non-existent along the length of the
19 property frontage.

20 22. Any new curb, gutter, and sidewalk installed by the owner/developer along the property
21 frontage on Oceanside Boulevard shall be constructed in accordance with the City of
22 Oceanside Engineers Design Standards. The owner/developer shall not be required to
23 repair or replace existing curb, gutter, or sidewalk along Oceanside Boulevard, except as
24 set forth in condition number 29 below.

25 23. Vine Street and Oceanside Boulevard shall provide parkway between the face of curb
26 and the right-of-way line. Sidewalk improvements shall comply with ADA
27 requirements. Publicly maintained pedestrian ramps (if required) must be fully located
28 within public right-of-way.

29 24. The proposed project driveway located on Oceanside Boulevard shall be restricted to
right turns in/out only. Appropriate signing and channelization median shall be designed

1 and installed on the project driveway to the satisfaction of the City Traffic Engineer.
2 These improvements shall be completed prior to certificate of occupancy.

3 25. The proposed project driveway located on Vine Street shall provide full access to and
4 from the project site. The driveway shall be constructed to the satisfaction of the City
5 Traffic Engineer and prior to the issuance of certificate of occupancy.

6 26. Stopping sight distance shall be established at all proposed project driveways per the
7 approved traffic report dated August 5th, 2008 to the satisfaction of the City Traffic
8 Engineer.

9 27. Red curb shall be installed/painted along the project driveway at the location of the
10 proposed trash enclosures near Oceanside Boulevard to ensure that the drive aisle
11 remains unobstructed from parked vehicles. The red curb shall be installed to the
12 satisfaction of the City Traffic Engineer prior to the issuance of certificate of occupancy.

13 28. The width of all on-site driveways shall be a minimum 28 feet with no parking on either
14 side, except three areas along the westerly driveway to the project site access from
15 Oceanside Boulevard. The driveway width for three areas shall be a minimum of 24 feet
16 wide with no parking on either side. (1st. driveway 85 feet north of right-of-way line from
17 Oceanside Boulevard, length of 86 feet. 2nd. driveway 230 feet north of right-of-way line
18 from Oceanside Boulevard, length of 20 feet. 3rd. driveway 290 feet north of right-of-way
19 line from Oceanside Boulevard , length of 32 feet). The developer shall paint the curbs red
20 and post “no parking signs”.

21 29. Paving Conditions – Fresh and Easy – Oceanside Boulevard and Vine Street

22 Exhibit E-1 identifies limits of pavement restoration effort on Oceanside Boulevard and
23 Vine Street.

24 Oceanside Boulevard

25 Severely damaged asphalt or distressed pavement will be removed and replaced to the
26 satisfaction of the City Engineer. The first travel lane and bus turnout area adjacent to
27 the project frontage on Oceanside Boulevard shall be slurry sealed with type II
28 rubberized slurry. Damages caused to curb, gutter, sidewalk and/or bus turnout during
29 construction will be repaired or replaced to the satisfaction of the City Engineer.

1 Vine Street

2 The westerly half of Vine Street from Oceanside Boulevard to the northerly extent of
3 improvements along property frontage will be ground down 2” and re-paved with 2” of
4 Asphaltic Concrete. Severely damaged asphalt or distressed pavement within this half
5 width of Vine Street and along the project frontage (as shown on exhibit E-1) will be
6 removed and replaced to the satisfaction of the City Engineer. Curb, gutter, and
7 sidewalks will be replaced or newly constructed on Vine Street, from the northerly
8 boundary of project frontage to Oceanside Boulevard, to the satisfaction of the City
9 Engineer.

10 Cross-gutter at Vine Street and Oceanside Boulevard

11 Owner/Developer agrees to remove and replace and bring to current City standard the
12 existing ADA ramp and attached spandrel located at the southeast corner of the subject
13 property at the intersection of Vine Street and Oceanside Boulevard. Owner/Developer
14 will work with ARB Inc. and the City to coordinate efforts between all parties in
15 repairing (or making a monetary contribution towards the repair of) the cross-gutter
16 existing at that same intersection and crossing in an easterly direction stopping at the
17 recently installed ADA ramp at the gas station.

18 30. Pavement sections for all on-site driveways and parking areas shall be based upon
19 approved soil tests and traffic indices. The pavement design is to be prepared by the
20 owner’s/developer’s soil engineer and must be approved by the City Engineer, prior to
21 paving.

22 31. Any damage to pavement, concrete curb, gutter, or sidewalk caused during construction of
23 this project, shall be repaired or replaced as directed by the City Engineer.

24 32. The owner/developer shall comply with all the current provisions of the City's cable
25 television codes, ordinances and franchise agreements to the satisfaction of the City
26 Engineer.

27 33. The owner/developer shall obtain any necessary permits and clearances (if required) from
28 all public agencies having jurisdiction over the project due to its type, size, or location,
29 including but not limited to the U. S. Army Corps of Engineers, California Department of
30 Fish & Game, U. S. Fish and Wildlife Service San Diego Regional Water Quality Control

1 Board (including NPDES), and/or San Diego County Health Department prior to the
2 issuance of grading permits. The project has been deemed categorically exempt from some
3 of the above permits.

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

10 35. Prior to any grading of any part of the project and prior to approval, a grading plan, a
11 comprehensive soils and geologic investigation shall be submitted to the City of Oceanside
12 Engineering Division. All necessary measures shall be taken and implemented to assure
13 slope stability, erosion control, and soil integrity. No grading shall occur until a detailed
14 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning
15 Ordinance, is approved by the City Engineer.

16 36. This project shall provide year-round erosion control including measures for the site
17 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
18 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
19 the owner/developer with cash or letter of credit securities and approved by the City
20 Engineer.

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

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

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

7 39. The drainage design on the project is conceptual only. The final design shall be based upon
8 a hydrologic/hydraulic study to be approved by the City Engineer during final engineering.
9 All drainage picked up in an underground system shall remain underground until it is
10 discharged into an approved channel, or as otherwise approved by the City Engineer. All
11 public storm drains shall be shown on City standard plan and profile sheets. All storm
12 drain easements shall be dedicated where required. The owner/developer shall be
13 responsible for obtaining any off-site easements for storm drainage facilities.

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

17 41. The Landowner shall comply with the provisions of National Pollution Discharge
18 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
19 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
20 General Permit continues in force and effect until a new General Permit is issued or the
21 SWRCB rescinds this General Permit. Only those Landowners authorized to discharge
22 under the expiring General Permit are covered by the continued General Permit.
23 Construction activity subject to the General Permit includes clearing, grading, and
24 disturbances to the ground such as stockpiling, or excavation that results in soil
25 disturbances of at least one acre of total land area. The Landowner shall obtain coverage
26 under the General Permit by submitting a Notice of Intent (NOI) and obtaining a Waste
27 Discharge Identification Number (WDID#) from the State Water Resources Control
28 Board (SWRCB). In addition, coverage under the General Permit shall not occur until
29 an adequate SWPPP is developed for the project as outlined in Section A of the General
30 Permit. The site specific SWPPP and associated NOI shall be maintained on the project

1 site at all times. The SWPPP shall be provided, upon request, to the United States
2 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control
3 Board (RWQCB), City of Oceanside, and other applicable governing regulatory
4 agencies. The SWPPP is considered a report that shall be available to the public by the
5 RWQCB under section 308(b) of the Clean Water Act. The provisions of the General
6 Permit and the site specific SWPPP shall be continuously implemented and enforced
7 until the Landowner obtains a Notice of Termination (NOT) for the SWRCB. The
8 Landowner is required to retain records of all monitoring information, copies of all
9 reports required by this General Permit, and records of all data used to complete the NOI
10 for all construction activities to be covered by the General Permit for a period of at least
11 three years from the date generated. This period may be extended by request of the
12 SWRCB and/or RWQCB.

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

17 43. Following approval of the SWMP by the City Engineer and prior to issuance of grading
18 permits, the owner/developer shall submit and obtain approval of an Operation &
19 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
20 Plan shall include an approved and executed Maintenance Mechanism pursuant to
21 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The
22 O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of
23 the ISUSMP. At a minimum the O&M Plan shall include the designated responsible
24 party to manage the stormwater BMP(s), employee training program and duties,
25 operating schedule, maintenance frequency, routine service schedule, specific
26 maintenance activities, copies of resource agency permits, cost estimate for
27 implementation of the O&M Plan, a security to provide maintenance in the event of
28 noncompliance to the O&M Plan, and any other necessary elements. The
29 owner/developer shall provide the City with access to site for the purpose of BMP
inspection and maintenance by entering into an Access Rights Agreement with the City.

1 The owner/developer shall complete and maintain O&M forms to document all
2 operation, inspection, and maintenance activities. The owner/developer shall retain
3 records for a minimum of five years. The records shall be made available to the City
4 upon request.

5 44. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
6 Agreement with the City obliging the owner/developer to maintain, repair and replace
7 the Storm Water Best Management Practices (BMPs) identified in the project's
8 approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be
9 approved by the City Attorney prior to issuance of any precise grading permit and shall
10 be recorded at the County Recorder's Office prior to issuance of any building permit.
11 Security in the form of cash (or certificate of deposit payable to the City) or an
12 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a
13 precise grading permit. The amount of the security shall be equal to 10 years of
14 maintenance costs, as identified by the O&M Plan, based on engineer's cost estimate,
15 but not to exceed a total of \$25,000. The owner's/developer's Civil Engineer shall
prepare the O&M cost estimate.

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

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

25 47. The BMPs described in the project's approved SWMP shall not be altered in any way,
26 unless reviewed and approved to the satisfaction of the City Engineer. The determination
27 of whatever action is required for changes to a project's approved SWMP shall be made
28 by the City Engineer.

- 1 48. The owner/developer shall provide a copy of the title/cover page of an approved Storm
2 Water Management Plan (SWMP) with the first engineering submittal package. If the
3 project triggers the City's Stormwater requirements but no approved Stormwater
4 document (SWMP) exists, the appropriate document shall be submitted for review and
5 approval by the City Engineer. The SWMP shall be prepared by the
6 owner's/developer's Civil Engineer. All Stormwater documents shall be in compliance
7 with the latest edition of submission requirements.
- 8 49. Prior to issuance of a grading permit, the owner/developer shall provide evidence to the
9 City of Oceanside that a Letter of Map Revision (LOMR-F) has been applied for from
10 Federal Emergency Management Agency (FEMA) for the proposed revisions to the
11 flood hazard areas. Prior to release of the grading bonds owner/developer provide
12 evidence of having received a Letter of Map Revision (LOMR-F) from FEMA.
- 13 50. In the event that the conceptual plan does not match the conditions of approval, the
14 resolution of approval shall govern.
- 15 51. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
16 and Specifications for Landscape Development (latest revision), Water Conservation
17 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
18 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
19 prior to the issuance of building permits. Landscaping shall not be installed until bonds
20 have been posted, fees paid, and plans signed for final approval. The following
21 landscaping requirements shall be required prior to plan approval and certificate of
22 occupancy:
- 23 a) Final landscape plans shall accurately show placement of all plant material such
24 as but not limited to trees, shrubs, and groundcovers.
 - 25 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement,
26 and place planting locations accordingly to meet City of Oceanside requirements.
 - 27 c) All required landscape areas shall be maintained by owner. The landscape areas
28 shall be maintained per City of Oceanside requirements.
 - 29 d) Proposed landscape species shall be native or naturalized to fit the site and meet
climate changes indicative to their planting location. The selection of plant

1 material shall also be based on cultural, aesthetic, and maintenance
2 considerations. In addition proposed landscape species shall be low water users
3 as well as meet all Fire Department requirements.

- 4 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
5 and appropriate supplements based upon a soils report from an agricultural
6 suitability soil sample taken from the site.
- 7 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
8 from the sun, evapotranspiration and run-off. All the flower and shrub beds
9 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
10 and reduce weed growth.
- 11 g) The shrubs shall be allowed to grow in their natural forms. All landscape
12 improvements shall follow the City of Oceanside Guidelines.
- 13 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
14 surface is located within six feet of a trees trunk on-site (private) and within 10
15 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five
16 feet in each direction from the centerline of the trunk, for a total distance of 10
17 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
18 the tree's root ball is unacceptable.
- 19 i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
20 obtain Planning Division approval in the conditions or application stage prior to
21 1st submittal of working drawings.
- 22 j) For the planting and placement of trees and their distances from hardscape and
23 other utilities/structures the landscape plans shall follow the City of Oceanside's
24 (current) Tree Planting Distances and Spacing Standards to the satisfaction of the
25 City Engineer.
- 26 k) An automatic irrigation system shall be installed to provide coverage for all
27 planting areas shown on the plan. Low precipitation equipment shall provide
28 sufficient water for plant growth with a minimum water loss due to water run-
29 off.

- 1 l) Irrigation systems shall use high quality, automatic control valves, controllers,
2 and other necessary irrigation equipment. All components shall be of non-
3 corrosive material. All drip systems shall be adequately filtered and regulated
4 per the manufacturer's recommended design parameters.
- 5 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
6 Water Conservation Ordinance.
- 7 n) The landscape plans shall match all plans affiliated with the project.
- 8 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
9 required, shall match the grading and improvement plans, comply with SWMP
10 Best Management Practices and meet the satisfaction of the City Engineer.
- 11 p) Any existing landscaping on other properties adjacent to this site (if damaged),
12 shall be protected in place and supplemented or replaced to meet the satisfaction
13 of the City Engineer.

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

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

25 **Fire:**

26 54. Submit a copy of as built plans on a CD for all projects on the job site. Submit a copy of
27 as-built plans on a CD for all projects on the job site. A site plan indicating the fire
28 access and hydrant locations must also be submitted on CD Rom.

29 55. A minimum fire flow of 2,500 gallons per minute shall be provided.

56. The size of fire hydrant outlets shall be 2 ½" x 2 ½" x 4".

- 1 57. The fire hydrants shall be installed and tested prior to placing any combustible materials
2 on the job site.
- 3 58. Provide on-site hydrants and mains capable of supplying the required fire flow.
- 4 59. The developer shall supply the Fire Department with updated map and hydrant locations
5 in a digital format compatible with the Fire Department's mapping program upon
6 approval of final improvements plans.
- 7 60. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
8 and Processing Manual Standard Drawing No. M-13.
- 9 61. A "Knox" key storage box shall be provided for all new construction.
- 10 62. Fire extinguishers are required and shall be included on the plans submitted for plan
11 check.
- 12 63. An approved fire sprinkler system must be installed throughout the building. The
13 system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler
14 system requires 24-hour supervision.
- 15 64. The Fire Department connection shall be located on the address side of the building –
16 unless otherwise determined by the Fire Department. The hydrant shall be located on
17 the same side of the street as the Fire Department connection.
- 18 65. In accordance with the Oceanside Fire Code Section 505, approved addresses for
19 commercial, industrial, and residential occupancies shall be placed on the structure in
20 such a position as to be plainly visible and legible from the street or roadway fronting
21 the property. Numbers shall be contrasting with their background and meet the current
22 City of Oceanside size and design standard.
- 23 66. Single-family dwellings require four-inch address numbers. Commercial buildings and
24 multi-family dwellings require six-inch address numbers. Industrial buildings require
25 12-inch address numbers. Minimum specifications are set forth in Oceanside Fire Code
26 Section 505.1, and the Fire Marshal may establish other requirements as deemed
27 necessary.
- 28 67. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
29 approval prior to the issuance of building permits.

- 1 68. All fire sprinkler systems shall be electronically monitored unless approved by the Fire
2 Chief (exception: one & two family dwellings).
3 69. Provide a horn strobe device on the exterior of the building to be activated by fire
4 sprinkler water flow.
5 70. Buildings shall meet the Fire Department's current codes at the time of building permit
6 application.
7 71. Vegetation Requirements: Landscape may not intrude on fire access requirements.

8 **Planning:**

- 9 72. This Administrative Conditional Use Permit and Administrative Coastal Permit is
10 granted for the following use only: an attached 3,000-square foot retail suite on a vacant
11 1.878-acre lot, shown on the plans and exhibits for approval. No deviation from these
12 approved plans and exhibits shall occur without the City Planner approval. Substantial
13 deviations shall require a revision to the Administrative Development Plan or a new
14 Administrative Development Plan.
15 73. Administrative Development Plan (ADP-4-08) shall expire on April 27, 2011, unless the
16 Planning Commission grants a time extension.
17 74. 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,
19 or proceeding against the City, its agents, officers, or employees to attack, set aside,
20 void, or annul an approval of the City, concerning Administrative Development Plan
21 ADP-5-08. The City will promptly notify the applicant of any such claim, action, or
22 proceeding against the City and will cooperate fully in the defense. If the City fails to
23 promptly notify the applicant of any such claim action or proceeding or fails to
24 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
25 defend, indemnify, or hold harmless the City.
26 75. 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. The roof jacks, mechanical
28 equipment, screen and vents shall be painted with non-reflective paint to match the roof.
29 This information shall be shown on the building plans.

- 1 76. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
2 also include additional space for storage and collection of recyclable materials per City
3 standards and shown on the Landscape Plans. The enclosures must be built in a flat,
4 accessible location as determined by the City Engineer and/or Public Works Director. The
5 enclosure (or enclosures) shall meet City standards including being constructed of concrete
6 block, reinforced with Rebar and filled with cement. A concrete slab must be poured with
7 a berm on the inside of the enclosure to prevent the bin(s) from striking the block walls.
8 The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel posts must be
9 set in front of the enclosure with solid metal gates. All driveways and service access areas
10 must be designed to sustain the weight of a 50,000-pound service vehicle. Driveways
11 and service access areas shall be shown on both the improvement and landscape plans
12 submitted to the City Engineer. The specifications shall be reviewed and approved by
13 the City Engineer. The City's waste disposal contractor is required to access private
14 property to service the subject development. A service agreement must be signed by the
15 property owner and shall remain in effect for the life of the project.
- 16 77. If any aspect of the project fencing and walls is not covered by an approved
17 Development Plan, the construction of fencing and walls shall conform to the
18 development standards of the City Zoning Ordinance. In no case, shall the construction
19 of fences and walls (including combinations thereof) exceed the limitations of the
20 zoning code, unless expressly granted by a Variance or other development approval.
- 21 78. Any loading activities relating to the commercial buildings conducted between the hours
22 of 10:00 p.m. and 6:00 a.m. shall be conducted in a manner to prevent noise impacts to
23 the adjoining neighbors. In the event that complaints are filed due to noise from the
24 loading operations outside the restrictive hours the Administrative Development Plan
25 shall be subject to review by the City Planner.
- 26 79. Signage shall be placed in or near the loading areas to inform the drivers to be courteous
27 of the adjoining neighbors and to not use loud noise devices such as horns or radios.
- 28 80. In the event any subsurface archaeological resources are encountered during grading or
29 construction activities, such activities in the locality of the find shall be halted
immediately. An archaeologist, certified by the Society of Professional Archaeologists

1 (SOPA), shall be brought in to determine the significance of the archaeological
2 resources and implement appropriate mitigations prior to recommending earthwork.

3 81. The project shall avoid impacts to the existing coastal sage scrub. Direct impacts to
4 coastal sage scrub and of disturbed coastal sage scrub shall be mitigated through on-site
5 restoration.

6 82. If archaeological materials are encountered, their importance must be evaluated to assess
7 the significance of impacts. If significant cultural resources are encountered, mitigation
8 would be accomplished through documentation and excavation of features, cataloging
9 and analysis of cultural material collected, and preparation of a report detailing the
10 methods and results of the monitoring/data recovery program.

11 83. Any cultural material recovered shall be cultivated at an appropriate facility, except as
12 stipulated differently in the pre-excavation agreement.

13 84. Placement of equipment and personnel within environmentally sensitive habitat areas
14 stream channels or on sand and gravel bars, banks, and adjacent upland habitats used by
15 target species of concern shall be avoided. Activities that can not be conducted without
16 placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding
17 season of the target species of concern.

18 85. Artificial lighting adjacent to the slope west of the site area shall be eliminated except
19 where essential for roadway, facility use and safety and security purposes. Where use of
20 artificial lighting is necessary it shall be limited to low-pressure sodium sources. Use of
21 low voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light
22 sources shall be shielded so that lighting is focused downward to restrict any light
23 spillover onto sensitive habitat.

24 86. Any habitat destroyed that is not in the identified project footprint shall be disclosed
25 immediately to the City of Oceanside, FWS and CDFG and shall be compensated at a
26 minimum ratio of 5:1.

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

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

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

12 90. Failure to meet any conditions of approval for this development shall constitute a
13 violation of the Administrative Development Plan.

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

20 **Water Utilities:**

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

25 93. The property owner shall maintain private water and wastewater utilities located on private
26 property.

27 94. Water services and sewer laterals constructed in existing right-of-way locations are to be
28 constructed by approved and licensed contractors at developer's expense.
29

- 1 95. All Water and Wastewater construction shall conform to the most recent edition of the
2 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
3 the Water Utilities Director.
- 4 96. The on-site sewer for this development shall be private.
- 5 97. The public portion of the water main shall be located within the main drive-isle off of Vine
6 Street and terminate with a DCDA at the Western most planting island on the main drive-
7 isle. This public water main shall be provided with a 20-foot public water main easement.
8 All water meters shall be off of the public water main. The remainder of the on-site water
9 shall be private with the exception of the previously mentioned public water main.
- 10 98. All public water and/or sewer facilities not located within the public right-of-way shall be
11 provided with easements sized according to the Water, Sewer, and Reclaimed Water
12 Design and Construction Manual. Easements shall be constructed for all weather access.
- 13 99. No trees, structures, or building overhang shall be located within any water or wastewater
14 utility easement.
- 15 100. All lots with a finish pad elevation located below the elevation of the next upstream
16 manhole cover of the public sewer shall be protected from backflow of sewage by installing
17 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
18 (U.P.C.).
- 19 101. A separate irrigation meter and approved backflow prevention device is required and shall
20 be displayed on the plans.
- 21 102. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
22 Construction Manual, shall be installed in each building sewer lateral and the location shall
23 be called out on the approved Improvement Plans.
- 24 103. If a restaurant or food service tenant occupies the 2,700-square foot retail shop adjacent to
25 the proposed Fresh 'N' Easy; then a Grease, Oil, and Sand Interceptor shall be installed in
26 each building sewer in an appropriate location and shall be maintained by the property
27 owner, in accordance with City of Oceanside Ordinance 07-0R0021-1. The location shall
28 be called out on the approved building plans.

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

PASSED AND ADOPTED Resolution No. 2009-P29 on June 8, 2009 by the following vote, to wit:

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P29.

Dated: June 8, 2009



RECORD OF ADMINISTRATIVE APPROVAL

City of Oceanside, California

1. **APPLICANT:** Margaret Grosse Hyatt
2. **APPLICANT ADDRESS:** 5850 Avenida Encinas, Ste. A., Carlsbad, CA. 92008
3. **REP./PHONE NUMBER:** (760) 497-4021
4. **PROJECT MANAGER:** Scott Nightingale, Planner II
5. **APPLICATION LOG NO. & NAME:** Administrative Development Plan (ADP-4-08) Vine Street Commercial Retail Center
6. **LOCATION/ADDRESS:** North West corner of Vine Street and Oceanside Boulevard, Townsite Neighborhood
7. **DESCRIPTION:**

The project site is zone Commercial Recreation (CR), and has a land use designation of General Commercial (GC). The lot is relatively flat and exists at a finished pad elevation of 20 feet above mean sea level.

This Administrative Development Plan request is for the construction of a 13,574 square foot grocery market with an attached 3,000 square foot retail suite. The commercial development would be situated on a flat, pre-graded 1.878 acre pad located at the northwest corner of Vine Street and Oceanside Boulevard. The proposed driveway would be designed with right-in and right-out ingress and egress off of Oceanside Boulevard. The construction of the commercial building would incorporate seventy-two (72) parking stalls, and one on site loading space at the rear of the commercial building. Approximately 16 percent of the site would be landscaped with drought tolerant species consisting of a landscape palette of low lined shrubs, vines, Ivey Geranium ground cover, Crape Myrtle and Queen Palm trees, and other drought tolerant species through out the site.

FINDINGS

For Administrative Development Plan (ADP-4-08):

The proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

- The proposed development would establish additional commercial uses that would enhance the neighborhood; as well as provide commercial activity to this under utilized area of Oceanside. The proposed commercial development would provide the retail uses that would not only promote

sustainability for the neighborhood, but would provide a neighborhood market that would greatly improve the existing area, provide infrastructure improvements such as sidewalks and ADA ramp upgrades, while maintaining the compatibility with the surrounding neighborhood. Much needed landscaping and street improvements would be provided to beautify the property as well as the neighborhood.

The proposed development plan would comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed development in the district in which it would be located.

- The project, as conditioned, complies with the provisions of the Zoning Ordinance, in terms of height, bulk, scale, location, and proposed uses.

The proposed location of the development and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan, will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use, and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

- The location of the project and the conditions under which it operates is consistent with General Plan and its implementation under the City zoning regulations. The applicant is committed to creating an attractive commercial market that would be compatible with the surrounding properties in terms of uses and providing a commercial development to accommodate the needs of the surrounding residential neighborhoods. The commercial development would meet all development regulations in terms of height, setbacks, landscape percentages, bulk, scale, and parking. The approved project with conditions will not have any detrimental effects to the surrounding areas, as analyzed in the project's traffic studies, soil report, and biological reports.

ADMINISTRATIVE DETERMINATION: Article 43 "Development Plan Review", Section 4302 of the Oceanside Zoning Ordinance grants the City Planner express authority to administratively approve certain types of Development Projects. Staff has determined that the proposed project qualifies for administrative approval under Section 1320. Furthermore, staff has reviewed the project for consistency with applicable provisions of the General Plan, Oceanside Zoning Ordinance, and the California Environmental Quality Act (CEQA). The project is categorical exempt from the provisions of CEQA, based on the project's classification per CEQA guidelines 15332 Class 32 "In-Fill Development Projects, because it is consistent with the general plan designation of the site and occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. Based on that review, the City Planner finds and determines that the proposed project is consistent with the General Plan, Oceanside Zoning Ordinance, and Record of Administrative Approval dated April 27, 2009, subject to the following condition(s):

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check. (As of January 1, 2008 the 2007 California Building Code, and 2007 California Electrical Code)
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
3. Site development, parking, access into buildings, and building interiors shall comply with the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC), Chapter 11B)
4. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must be in compliance with this requirement prior to submittal for building plan review.
5. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution Ordinance). Where color rendition is important, high-pressure sodium, metal halide, or other such lights may be utilized and shall be shown on building and electrical plans.
7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.
8. The developer shall monitor, supervise, and control all building construction and supporting activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
 - a. Building construction work hours shall be limited to between 7 a.m. and 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
 - b. The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this

requirement. Small Amounts of construction debris may be stored on site in a neat, safe manner for short periods of time pending disposal.

9. Separate/unique addresses will/may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.
10. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.
11. Tenant Improvements or other construction after the shell building is completed requires permits (including all required Inspections and approvals, and Issuance of Certificate of Occupancy) from the Building Division.

Engineering:

12. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.
13. Prior to issuance of a building permit all improvement requirements shall be covered by a development agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.
14. The owner/developer shall provide public street dedication if required to serve the property.
15. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City of Oceanside as required. The owner/developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the issuance of any grading, building or improvement permit for the development. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/developer, as applicable.
16. Prior to the issuance of a grading permit, the owner/developer shall notify and host a neighborhood meeting with all of the area residents located within 300 feet of the project site, to inform them of the grading and construction schedule, and to answer questions.

17. The owner/developer shall monitor, supervise and control all construction and construction-supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
 - a. Dirt, debris, and other construction material shall not be deposited on any public street or within the City's storm water conveyance system.
 - b. All grading and related site preparation and construction activities shall be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."
 - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. An alternate parking site can be considered by the City Engineer in the event that the lot size is too small and cannot accommodate parking of all motor vehicles.
 - d. The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Engineering Division forty eight hours (48) in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.
18. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.
19. A traffic control plan shall be prepared according to the City traffic control guidelines and approved to the satisfaction of the City Engineer prior to the start of work within the public right-of-way. Traffic control during construction of streets that have been opened to public traffic shall be in accordance with construction signing, marking, and other protection as required by the Manual on Uniform Traffic Control Devices (MUTCD) or Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

20. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies.
21. Vine Street along the property frontage shall be constructed with curbs, gutters, and sidewalk in accordance with the City of Oceanside Engineers Design Standards. The owner/developer shall construct or replace that portion of curb and gutter and sidewalk that needs to be replaced, if it is damaged or if non-existent along the length of the property frontage.
22. Any new curb, gutter, and sidewalk installed by the owner/developer along the property frontage on Oceanside Boulevard shall be constructed in accordance with the City of Oceanside Engineers Design Standards. The owner/developer shall not be required to repair or replace existing curb, gutter, or sidewalk along Oceanside Boulevard, except as set forth in condition number 29 below.
23. Vine Street and Oceanside Boulevard shall provide parkway between the face of curb and the right-of-way line. Sidewalk improvements shall comply with ADA requirements. Publicly maintained pedestrian ramps (if required) must be fully located within public right-of-way.
24. The proposed project driveway located on Oceanside Boulevard shall be restricted to right turns in/out only. Appropriate signing and channelization median shall be designed and installed on the project driveway to the satisfaction of the City Traffic Engineer. These improvements shall be completed prior to certificate of occupancy.
25. The proposed project driveway located on Vine Street shall provide full access to and from the project site. The driveway shall be constructed to the satisfaction of the City Traffic Engineer and prior to the issuance of certificate of occupancy.
26. Stopping sight distance shall be established at all proposed project driveways per the approved traffic report dated August 5th, 2008 to the satisfaction of the City Traffic Engineer.
27. Red curb shall be installed/painted along the project driveway at the location of the proposed trash enclosures near Oceanside Boulevard to ensure that the drive aisle remains unobstructed from parked vehicles. The red curb shall be installed to the satisfaction of the City Traffic Engineer prior to the issuance of certificate of occupancy.
28. The width of all on-site driveways shall be a minimum 28 feet with no parking on either side, except three areas along the westerly driveway to the project site

access from Oceanside Boulevard. The driveway width for three areas shall be a minimum of 24 feet wide with no parking on either side. (1st. driveway 85 feet north of right-of-way line from Oceanside Boulevard, length of 86 feet. 2nd. driveway 230 feet north of right-of-way line from Oceanside Boulevard, length of 20 feet. 3rd. driveway 290 feet north of right-of-way line from Oceanside Boulevard , length of 32 feet). The developer shall paint the curbs red and post "no parking signs".

29. Paving Conditions – Fresh and Easy – Oceanside Boulevard and Vine Street

Exhibit E-1 identifies limits of pavement restoration effort on Oceanside Boulevard and Vine Street.

Oceanside Boulevard

Severely damaged asphalt or distressed pavement will be removed and replaced to the satisfaction of the City Engineer. The first travel lane and bus turnout area adjacent to the project frontage on Oceanside Boulevard shall be slurry sealed with type II rubberized slurry. Damages caused to curb, gutter, sidewalk and/or bus turnout during construction will be repaired or replaced to the satisfaction of the City Engineer.

Vine Street

The westerly half of Vine Street from Oceanside Boulevard to the northerly extent of improvements along property frontage will be ground down 2" and re-paved with 2" of Asphaltic Concrete. Severely damaged asphalt or distressed pavement within this half width of Vine Street and along the project frontage (as shown on exhibit E-1) will be removed and replaced to the satisfaction of the City Engineer. Curb, gutter, and sidewalks will be replaced or newly constructed on Vine Street, from the northerly boundary of project frontage to Oceanside Boulevard, to the satisfaction of the City Engineer.

Cross-gutter at Vine Street and Oceanside Boulevard

Owner/Developer agrees to remove and replace and bring to current City standard the existing ADA ramp and attached spandrel located at the southeast corner of the subject property at the intersection of Vine Street and Oceanside Boulevard. Owner/Developer will work with ARB Inc. and the City to coordinate efforts between all parties in repairing (or making a monetary contribution towards the repair of) the cross-gutter existing at that same intersection and crossing in an easterly direction stopping at the recently installed ADA ramp at the gas station.

30. Pavement sections for all on-site driveways and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by

the owner's/developer's soil engineer and must be approved by the City Engineer, prior to paving.

31. Any damage to pavement, concrete curb, gutter, or sidewalk caused during construction of this project, shall be repaired or replaced as directed by the City Engineer.
32. The owner/developer shall comply with all the current provisions of the City's cable television codes, ordinances and franchise agreements to the satisfaction of the City Engineer.
33. The owner/developer shall obtain any necessary permits and clearances (if required) from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service San Diego Regional Water Quality Control Board (including NPDES), and/or San Diego County Health Department prior to the issuance of grading permits. The project has been deemed categorically exempt from some of the above permits.
34. The approval of the project shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the project shall be subject to going back to the public hearing or subject to a substantial conformity review.
35. Prior to any grading of any part of the project and prior to approval, a grading plan, a comprehensive soils and geologic investigation shall be submitted to the City of Oceanside Engineering Division. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.
36. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed for all proposed stages of construction, shall be reviewed, secured by the owner/developer with cash or letter of credit securities and approved by the City Engineer.
37. A precise grading and private improvement plan shall be prepared, reviewed, secured, and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of all structures, walls, drainage devices, and utility services. Parking lot striping and on-site traffic calming devices (if any) shall be shown on all precise grading and private improvement plans.

38. Landscaping plans, including plans for the construction of walls, fences, or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of occupancy permits. Frontage and landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound, or privacy walls and monument entry walls/signs shall be shown on, bonded for, and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.
39. The drainage design on the project is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.
40. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in accordance with all state and federal requirements, prior to stormwater discharge either off-site or into the City drainage system.
41. The Landowner shall comply with the provisions of National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Landowners authorized to discharge under the expiring General Permit are covered by the continued General Permit. Construction activity subject to the General Permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least one acre of total land area. The Landowner shall obtain coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a Waste Discharge Identification Number (WDID#) from the State Water Resources Control Board (SWRCB). In addition, coverage under the General Permit shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of the General Permit. The site specific SWPPP and associated NOI shall be maintained on the project site at all times. The SWPPP shall be provided, upon request, to the United States Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b)

of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall be continuously implemented and enforced until the Landowner obtains a Notice of Termination (NOT) for the SWRCB. The Landowner is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI for all construction activities to be covered by the General Permit for a period of at least three years from the date generated. This period may be extended by request of the SWRCB and/or RWQCB.

42. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project will be subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage requirements prior to the granting of any fee reductions or waivers.
43. Following approval of the SWMP by the City Engineer and prior to issuance of grading permits, the owner/developer shall submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated responsible party to manage the storm water BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, a security to provide maintenance in the event of noncompliance to the O&M Plan, and any other necessary elements. The owner/developer shall provide the City with access to site for the purpose of BMP inspection and maintenance by entering into an Access Rights Agreement with the City. The owner/developer shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The owner/developer shall retain records for a minimum of 5 years. The records shall be made available to the City upon request.
44. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the owner/developer to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the County Recorder's Office prior to issuance of any building permit. Security in the form of cash (or certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, based on engineer's cost estimate, but not

- to exceed a total of \$25,000. The owner's/developer's Civil Engineer shall prepare the O&M cost estimate.
45. At a minimum, maintenance agreements shall require the staff training, inspection, and maintenance of all BMPs on an annual basis. The owner/developer shall complete and maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.
 46. The Agreement shall include a copy of executed onsite and offsite access easement/access rights necessary for the operation and maintenance of BMPs that shall be binding on the land throughout the life of the project to the benefit of the party responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.
 47. The BMPs described in the project's approved SWMP shall not be altered in any way, unless reviewed and approved to the satisfaction of the City Engineer. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Engineer.
 48. The owner/developer shall provide a copy of the title/cover page of an approved Storm Water Management Plan (SWMP) with the first engineering submittal package. If the project triggers the City's Stormwater requirements but no approved Stormwater document (SWMP) exists, the appropriate document shall be submitted for review and approval by the City Engineer. The SWMP shall be prepared by the owner's/developer's Civil Engineer. All Stormwater documents shall be in compliance with the latest edition of submission requirements.
 49. Prior to issuance of a grading permit, the owner/developer shall provide evidence to the City of Oceanside that a Letter of Map Revision (LOMR-F) has been applied for from Federal Emergency Management Agency (FEMA) for the proposed revisions to the flood hazard areas. Prior to release of the grading bonds owner/developer provide evidence of having received a Letter of Map Revision (LOMR-F) from FEMA.
 50. In the event that the conceptual plan does not match the conditions of approval, the resolution of approval shall govern.
 51. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and

plans signed for final approval. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

- a. Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.
- b. Landscape Architect shall be aware of all utility, sewer, storm drain easement, and place planting locations accordingly to meet City of Oceanside requirements.
- c. All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.
- d. Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.
- e. All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- f. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- g. The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- h. Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.
- i. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval in the conditions or application stage prior to 1st submittal of working drawings.
- j. For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow

the City of Oceanside's (current) Tree Planting Distances and Spacing Standards to the satisfaction of the City Engineer.

- k. An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.
 - l. Irrigation systems shall use high quality, automatic control valves, controllers, and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.
 - m. All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.
 - n. The landscape plans shall match all plans affiliated with the project.
 - o. Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.
 - p. Any existing landscaping on other properties adjacent to this site (if damaged), shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.
52. All landscaping, fences, walls, etc. on the site and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.
53. In the event that the conceptual landscape plan (CLP) does not match the conditions of approval, the resolution of approval shall govern.

Fire:

54. Submit a copy of as built plans on a CD for all projects on the job site. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan indicating the fire access and hydrant locations must also be submitted on CD Rom.
55. A minimum fire flow of 2,500 gallons per minute shall be provided.
56. The size of fire hydrant outlets shall be 2 ½" x 2 ½" x 4".
57. The fire hydrants shall be installed and tested prior to placing any combustible materials on the job site.
58. Provide on-site hydrants and mains capable of supplying the required fire flow.
59. The developer shall supply the Fire Department with updated map and hydrant locations in a digital format compatible with the Fire Department's mapping program upon approval of final improvements plans.
60. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design and Processing Manual Standard Drawing No. M-13.
61. A "Knox" key storage box shall be provided for all new construction.
62. Fire extinguishers are required and shall be included on the plans submitted for plan check.
63. An approved fire sprinkler system must be installed throughout the building. The system shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler system requires 24 hour supervision.
64. The Fire Department connection shall be located on the address side of the building – unless otherwise determined by the Fire Department. The hydrant shall be located on the same side of the street as the Fire Department connection.
65. In accordance with the Oceanside Fire Code Section 505, approved addresses for commercial, industrial, and residential occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall be contrasting with their background and meet the current City of Oceanside size and design standard.
66. Single family dwellings require 4 inch address numbers. Commercial buildings and multi-family dwellings require 6 inch address numbers. Industrial buildings require 12-inch address numbers. Minimum specifications are set forth in

Oceanside Fire Code Section 505.1, and the Fire Marshal may establish other requirements as deemed necessary.

67. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits.
68. All fire sprinkler systems shall be electronically monitored unless approved by the Fire Chief (exception: one & two family dwellings).
69. Provide a horn strobe device on the exterior of the building to be activated by fire sprinkler water flow.
70. Buildings shall meet the Fire Departments current codes at the time of building permit application.
71. Vegetation Requirements: Landscape may not intrude on fire access requirements

Planning:

72. Administrative Development Plan (ADP-4-08) shall expire on April 27, 2011, unless the Planning Commission grants a time extension.
73. This Administrative Development Plan approves only the construction of a 13,969 square foot grocery market, with an attached 3,000 square foot retail suite on a vacant 1.878 acre lot, shown on the plans and exhibits for approval. No deviation from these approved plans and exhibits shall occur without the City Planner approval. Substantial deviations shall require a revision to the Administrative Development Plan or a new Administrative Development Plan.
74. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action, or proceeding against the City, its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, concerning Administrative Development Plan ADP-5-08. The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City.
75. All mechanical rooftop and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides. The roof jacks, 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.

76. **Trash enclosures must be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards and shown on the Landscape Plans. The enclosures must be built in a flat, accessible location as determined by the City Engineer and/or Public Works Director. The enclosure (or enclosures) shall meet City standards including being constructed of concrete block, reinforced with Rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel posts must be set in front of the enclosure with solid metal gates. All driveways and service access areas must be designed to sustain the weight of a 50,000 pound service vehicle. Driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access private property to service the subject development. A service agreement must be signed by the property owner and shall remain in effect for the life of the project.**
77. **If any aspect of the project fencing and walls is not covered by an approved Development Plan, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a Variance or other development approval.**
78. **Any loading activities relating to the commercial buildings conducted between the hours of 10:00 p.m. and 6:00 a.m. shall be conducted in a manner to prevent noise impacts to the adjoining neighbors. In the event that complaints are filed due to noise from the loading operations outside the restrictive hours the Administrative Development Plan shall be subject to review by the City Planner.**
79. **Signage shall be placed in or near the loading areas to inform the drivers to be courteous of the adjoining neighbors and to not use loud noise devices such as horns or radios.**
80. **In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately. An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought in to determine the significance of the archaeological resources and implement appropriate mitigations prior to recommending earthwork.**
81. **The project shall avoid impacts to the existing coastal sage scrub. Direct impacts to coastal sage scrub and of disturbed coastal sage scrub shall be mitigated through on-site restoration.**

82. If archaeological materials are encountered, their importance must be evaluated to assess the significance of impacts. If significant cultural resources are encountered, mitigation would be accomplished through documentation and excavation of features, cataloging and analysis of cultural material collected, and preparation of a report detailing the methods and results of the monitoring/data recovery program.
83. Any cultural material recovered shall be cultivated at an appropriate facility, except as stipulated differently in the pre-excavation agreement.
84. Placement of equipment and personnel within environmentally sensitive habitat areas stream channels or on sand and gravel bars, banks, and adjacent upland habitats used by target species of concern shall be avoided. Activities that can not be conducted without placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding season of the target species of concern.
85. Artificial lighting adjacent to the slope west of the site area shall be eliminated except where essential for roadway, facility use and safety and security purposes. Where use of artificial lighting is necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so that lighting is focused downward to restrict any light spillover onto sensitive habitat.
86. Any habitat destroyed that is not in the identified project footprint shall be disclosed immediately to the City of Oceanside, FWS and CDFG and shall be compensated at a minimum ratio of 5:1.
87. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.
88. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the City Planner or their designee. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.
89. Prior to the transfer of ownership and/or operation of the site, the owner shall provide a written copy of the applications, staff report, and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.
90. Failure to meet any conditions of approval for this development shall constitute a violation of the Administrative Development Plan.

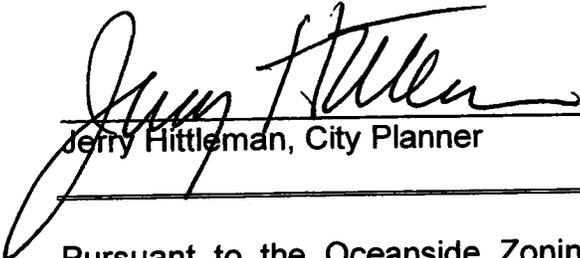
91. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at the time building permits are issued are required to be met by this project. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification,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

Water Utilities:

92. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
93. The property owner shall maintain private water and wastewater utilities located on private property.
94. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by approved and licensed contractors at developer's expense.
95. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.
96. The on-site sewer for this development shall be private.
97. The public portion of the water main shall be located within the main drive-isle off of Vine Street and terminate with a DCDA at the Western most planting island on the main drive-isle. This public water main shall be provided with a 20 foot public water main easement. All water meters shall be off of the public water main. The remainder of the on-site water shall be private with the exception of the previously mentioned public water main.
98. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
99. No trees, structures, or building overhang shall be located within any water or wastewater utility easement.
100. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

101. A separate irrigation meter and approved backflow prevention device is required and shall be displayed on the plans.
102. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved Improvement Plans.
103. If a restaurant or food service tenant occupies the 2,700 SF retail shop adjacent to the proposed Fresh 'N' Easy; then a Grease, Oil, and Sand Interceptor shall be installed in each building sewer in an appropriate location and shall be maintained by the property owner, in accordance with City of Oceanside Ordinance 07-0R0021-1. The location shall be called out on the approved building plans.
104. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City and collected by the Water Utilities Department at the time of building permit issuance.

APPROVED AND ADOPTED this 27th day of April, 2009:



Jerry Hittleman, City Planner

Pursuant to the Oceanside Zoning Ordinance Article 43 Section 4302(G), the City Council has delegated administrative approval authority to the City Planner for certain types of Development Plan proposals. Any aggrieved person may file an appeal of the City Planner's administrative approval. Pursuant to Article 46 Section 4603 "Time Limits for Appeals and Calls for Review," and 4604, "Initiation of Appeals and Calls for Review" of City Planner's Decisions, any appeal of the City Planner's decision must be filed in writing with the Planning Division within ten (10) days of the "APPROVED AND ADOPTED" date. The appeal period for this administrative approval shall end on May 7, 2009 at 5:00 p.m. The filing of an appeal stays the administrative approval until Planning Commission determination on the appeal.

Attachments:

1. Notice of Administrative Action
2. Site Maps/Floor Plans
3. Notice of Exemption

cc: Record of Administrative Approval file (Administrative Secretary)
Project file; ADP-4-08, Vine Street Commercial

Date: April 17, 2009

NOTICE OF ADMINISTRATIVE ACTION
ON AN ADMINISTRATIVE CONDITIONAL USE PERMIT

This is a notice to you as an interested party that the City of Oceanside Planning Division has completed a review of an application for an Administrative Development Plan (ADP-4-08) for:

Vince Street Commercial Retail Center.

The application is described as follows:

For the construction of a 13,574 square foot grocery market with an attached 3,000 square foot retail suite.

The property site is located at the northwest corner of Vine Street and Oceanside Boulevard. The property is zoned CG (General Commercial District) and is situated within the Townsite Neighborhood.

Pursuant to the provisions of the applicable zoning regulations, a public hearing is not required for permit action on this project. As such, the application has been reviewed and processed administratively by the Planning Division.

In accordance with the provisions of the California Environmental Quality Act (CEQA), the project is determined to be exempt. The project plan material and the other documentation are available at the Planning Division, 300 North Coast Highway, during regular business hours - 7:30 a.m. to 5:00 p.m., Monday through Thursday and 7:30 a.m. until 4:00 p.m. on alternate Fridays.

You are listed on the latest available County tax assessor's roll as the owner of property within 1,500 feet of the exterior boundary of the project site. You are being notified of this pending administrative action as required by local ordinance.

Based upon the project's conformance with the applicable zoning regulations and a determination of land use compatibility, the Planning Division has determined an approval of the Administrative Development Plan (ADP-4-08). The project approval includes certain development conditions and use limitations pursuant to the City's applicable zoning regulations. The effective date of the Planning Division's approval is April 27, 2009.

If you have any questions regarding this application or the administrative decision, please contact Scott Nightingale, Planner II, at (760) 435-3527/snightingale@ci.oceanside.ca.us. The Planning Division's administrative decision may be appealed to the Planning Commission. A written appeal and filing fee must be filed with the Planning Division, 300 North Coast Highway, Oceanside, CA 92054, on May 7, 2009 (10 days after date of decision), during regular weekday office hours of 7:30 a.m. to 5:00 p.m. (Monday -Thursday), and 7:30 a.m. to 4:00 p.m. (alternate Fridays). Please contact the Planning Division for further details on filing a formal appeal.

ACCEPTANCE OF ADMINISTRATIVE APPEAL

Development Services Department/Planning Division

Appeal of: Administrative Development Plan (ADP-4-08)

Date of Final Action: 27Apr09 Date Filed: 27Apr09

Form of Appeal: \$844.00 Appeal Fee _____ Petition

Person Submitting Appeal: Joan Bockman _____

Company/Developer Representative, Company name:

Margaret Grosse Hyatt, 5850 Avenida Encinas, Suite A., Carlsbad, CA. 92008

Name of Person who Prepared the Appeal:

Joan Bockman, (Submitted Appeal)

Name of Spokesperson for the Appeal: Joan Bockman

Address: 1017 Alberta Avenue, Oceanside, CA. 92054

Phone number: 760-433-9401

E-mail and/or fax: JoanBockman@sbcglobal.net

Appeals must be filed within 10 days of the date of final action. **Section 4604:** To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

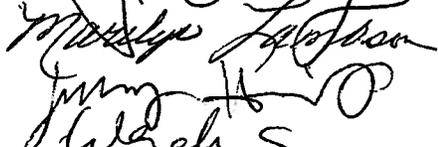
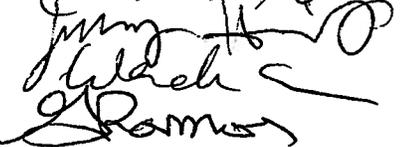
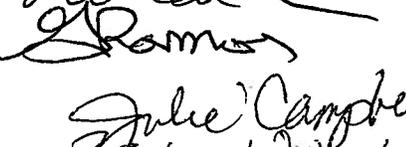
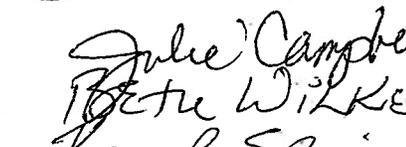
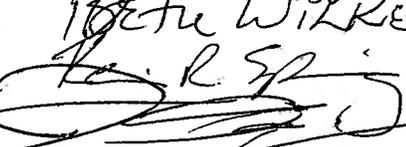
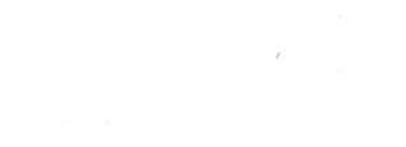
I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.

Signature: Joan Bockman Date: 4/27/09

Vine Street Commercial Retail Center (ADP-4-08) Appeal 4/26/09

We, the undersigned, request the appeal of ADP-4-08 (Approval of Vine St. Commercial Retail Center) because the project was not sufficiently considered the needs of the neighborhood and we believe this is a mis-use of the Administrative Approval Process.

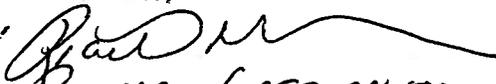
Name Address Signature

- | | | |
|--------------------------|--------------------|---------------------------------------------------------------------------------------|
| 1. Clum | 1031 Shota St |  |
| 2. Rogers | 1002 Sheya St |  |
| 3. Marilyn Lambson | 1122 West St |  |
| 4. Jeremy Heit | 1112 West St. |  |
| 5. Wendee Erickson | 1008 Alberta Ave |  |
| 6. GENE RAMOS | 1021 ALBERTA AVE |  |
| 7. Julie Campbell | 1203 Leonard Ave |  |
| 8. Bob Wilkes | 1102 LEONARD AVE |  |
| 9. Kevin R. Spring | 1016 S. NEVADA ST. |  |
| 10. CHRIS YOUNGREN | 1040 S. NEVADA ST. |  |

Received

APR 27 2009

Planning Division

Accepted:  27 APR 09
 RICHARD GREENBAUER 1 of 3

Vine Street Commercial Retail
Center (ADP-4-08) Appeal

Received

APR 27 2009

Division

4/21/09

We, the undersigned, request the appeal of the ADP-4-08 because the project has not sufficiently considered the needs of the neighborhood and we believe this is a mis-use of the Administrative Approval Process.

Name	Address	Signature
1. CAROLYN BOONE	539 ROCKLEDGE ST, OCEANSIDE 92054	Carolyn Boone
2. PAT ERNST	616 Garfield ST "	Pat Ernst
3. James Murdick	805 Wisconsin Ave	James Murdick
4. Paula Kaplan	414 S. Nevada St. B	Paula Kaplan
5. LANE STEWART	425 S. TREMONT ST "	Lane Stewart
6. JOSH EMMERICK	509 ROCKLEDGE ST "	Josh Emmerick
7. Angela Rabreau	509 Rockledge St "	Angela Rabreau
8. Lisa Hamilton	323 S. DITMAR ST "	Lisa Hamilton
9. Denise Rudey	623 S. FREEMAN ST.	Denise Rudey
10. Harry Attinson	623 S. FREEMAN ST	Harry Attinson
11. DAN MCDONOUGH	324 S. HORNE ST.	Dan McDonough
12. Joan Beckman	1017 Alhambra Ave Oside	Joan Beckman
13. Leanna M. Landers	718 S. Pacific St. O'side	Leanna M Landers
14. Mark Landers	718 S. Pacific St	Mark Landers
15. Joan Brown	511 Rockledge ST	Joan Brown
16. CHUCK LOWERY	812 ALBERTA AV	Chuck Lowery
17. JIM HICKSON	629 S. Nevada St.	Jim Hickson
18. Sherree Attinson	1203 West St, "	Sherree Attinson
19. Robin Avina	1010 Shafer st. O'side	Robin Avina
20. MERICA SHORE	1024 Shafer St, Oceanside CA	Merica Shore

Received

APR 27 2009

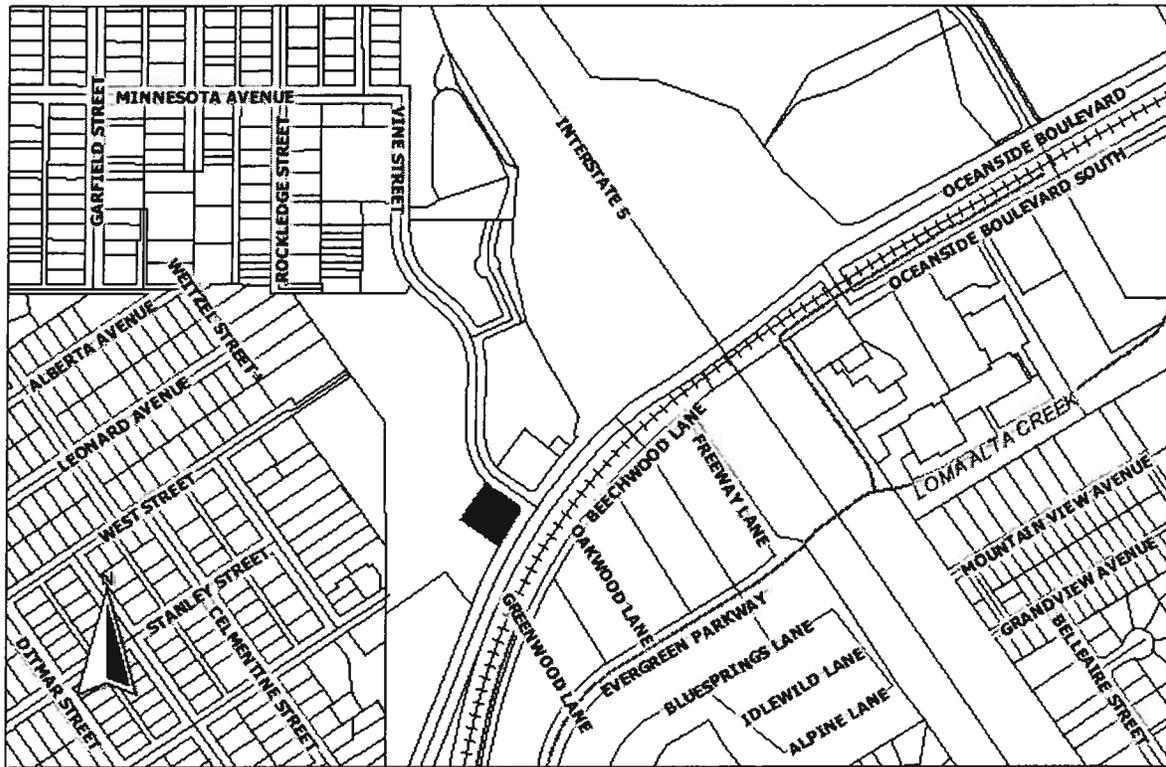
Planning Division

Vine Street Commercial Retail Center (ADP-4-08) Appeal

4/23/09

We, the undersigned, request the appeal of ADP-4-08 (Approval of Vine St. Comm Retail Center), because the project has not sufficiently considered the needs of the neighborhood and we believe this is a mis-use of the Administrative Approval Process.

Name	Address	Signature
1. Bonnie F. Moore	1034 Shafter St O'side CA	Bonnie Moore
2. Harold G. Moore	1034 Shafter St O'side, CA	Harold Moore
3. Sue Campbell	1112 Eucalyptus St.	Sue Campbell
4. Jill Meyerhofer	1030 Shafter St O'side	Jill Meyerhofer
5. KEVIN BOCKMAN	1017 Alberta Ave O'side	Kevin Bockman
6. ED HILL	1138 S. BITMAR	Ed Hill
7. Bonnie Bove	1010 S. CLEMENTINE ST	Bonnie Bove
8. Muri DeMirjian	2145 Freeman St	Muri DeMirjian
9. Heidi Franczyk	810 Leonard	Heidi Franczyk
10. Jim Franczyk	810 Leonard Ave	Jim Franczyk
11. TIM TJOITV	1015 LEONARD AVE	Tim Tjoitv
12. DAVID MCNAUL	1103 ALBERTA AVE	David McNaul
13. ROBERTA MCNAUL	1103 ALBERTA AVE	Roberta McNaul
14. Theresa Riley	1502 Wisconsin Ave	Theresa Riley
15. Gary Williamson	1201 LEONARD AVE	Gary Williamson
16. CRAIG GUINUP	1114 LEONARD AVE	Craig Guinup
17. CYNTHIA SALAZAR	1114 LEONARD AVE	Cynthia Salazar
18. Kathleen O'Brien	1018 Leonard Ave	Kathleen O'Brien
19. KENTON BEST	1005 Leonard Ave	Kenton Best
20. Beverly Goetschalckx	1021 S. Clementine	Beverly Goetschalckx



File Number: ADP-4-08

Applicant: Margaret Hyatt

Description:

An appeal of the City Planner's approval of an ADMINISTRATIVE DEVELOPMENT PLAN (ADP-4-08) to construct a 13,574-square foot grocery market with an attached 3,000-square foot retail suite on a 1.878-acre parcel located at the northwest corner of Vine Street and Oceanside Boulevard. The project site is zoned CR (Commercial Recreational) and is situated within the Townsite Neighborhood – **VINE STREET COMMERCIAL**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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



Application for Public Hearing

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

Received
AUG 29 2008
Planning Division

STAFF USE ONLY

ACCEPTED 8/29/08 BY SN.

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT MARGARET GROSSE HYATT	2. STATUS OWNER AND DEVELOPER
3. ADDRESS 60 Foursquare PROPERTIES 5850 AVENIDA ENCINAS, STE A CARLSBAD CA 92008	4. PHONE/FAX/E-mail T. 760-497-4021 F. 435-604-0588 mgh@hyattlaw.com
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) MARGARET GROSSE HYATT	
6. ADDRESS 1776 PARK AVE #4-275 PARK CITY, UT 84060	7. PHONE/FAX/E-mail see above

HEARING	
GPA	
MASTER/SP.PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	ADP-4-08
C.U.P.	
VARIANCE	
COASTAL	
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION N.W. CORNER OF VINE STREET AND OCEANSIDE BOULEVARD	9. SIZE 81,822 ± SQ/FT
10. GENERAL PLAN GENERAL COMMERCIAL	11. ZONING COMMERCIAL RECREATION
12. LAND USE PREVIOUSLY GRADED. RAW LAND	13. ASSESSOR'S PARCEL NUMBER 152-320-36 152-320-16

PART III - PROJECT DESCRIPTION

REV-11/6/08, 1/30/09

14. GENERAL PROJECT DESCRIPTION **SMALL COMMERCIAL RETAIL DEVELOPMENT (less than 2 acres) that will consist of a small grocery store (13,969 sq/ft) and a retail shop space of approximately 3000 sq/ft.**

15. PROPOSED GENERAL PLAN NO CHANGE	16. PROPOSED ZONING NO CHANGE	17. PROPOSED LAND USE NO CHANGE	18. NO. UNITS N/A	19. DENSITY N/A
20. BUILDING SIZE 13,969 SQ/FT 3,000 SQ/FT	21. PARKING SPACES 74	22. % LANDSCAPE 16%	23. % LOT COVERAGE or FAR FAR = 0.28 to 1	

PART IV - ATTACHMENTS

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

PART V - SIGNATURES

33. APPLICANT OR REPRESENTATIVE (Print): MARGARET GROSSE HYATT	34. DATE 8/28/08	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: <i>Margaret G. Hyatt</i>	35. OWNER (Print) DARK HOLLOW PROPERTIES MARGARET HYATT, GENERAL PARTNER	36. DATE 8/28/08	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: <i>Margaret G. Hyatt</i>	

**DESCRIPTION AND JUSTIFICATIONS
VINE: COMMERCIAL**

**ADMINISTRATIVE DEVELOPMENT PLAN
ADP-4-08**

REVISED January 22, 2009

(Paragraphs 9, 10 and 11 added since last revision/submitting)

**Received
JAN 20 2009
Planning Division**

PROJECT DESCRIPTION and JUSTIFICATIONS

1. Name, Dimension, Use:

A. Name, Dimension: The proposed project is titled Vine: Commercial. The applicant proposes the development of a small commercial retail shopping center that will be developed on 81,822 square feet (1.878 acres) of raw land located at the NW corner of the intersection of Vine Street and Oceanside Boulevard in Oceanside, California (west of I-5). The applicant proposes constructing two buildings: 13,969 square foot block (CMU) building and a 3,000 square foot wood framed building, along with two access driveways and adequate on-site parking to accommodate the uses. The proposed users of the building include a neighborhood grocery store known as Fresh and Easy Neighborhood Grocery Store, and one or two small retail shops that will be placed in the smaller retail building that will complement the grocery store. The required parking for the project was calculated as follows:

Fresh and Easy Building: total sq/ft: 13,969 sq/ft divided into two areas: a sales floor area of 10,332 s.f. with a parking ratio of 1/200 sq/ft or 52 parking stalls, and a warehouse area of 3,637 s.f. with a parking ratio of 1/2000 sq/ft or 2 parking stalls.

Shop: total sq/ft: 3,000 sq/ft. with a parking ratio of 1/200 sq/ft. or 15 parking spaces.

Total Parking Required: 69

Total Parking Provided: 72

B. Details of Use: Fresh and Easy Neighborhood Grocery Store:

Fresh & Easy is a neighborhood market with the objective of providing a simple shopping experience for local customers that value high-quality foods at low prices. The project will benefit both the neighborhood and the City of Oceanside by providing a healthy and quick option for purchasing fresh groceries. Products are prepared fresh with no artificial colors or flavors, and are delivered daily to accommodate busy lifestyles. Fresh & Easy is also considerate of its neighbors by keeping the stores, parking lots and backyards clean and tidy. In addition, Fresh & Easy does not schedule night deliveries to stores with homes nearby and has a low-noise policy during truck unloading periods.

The current design of the Fresh & Easy is not only consistent with its prototypical elevations that identify its branding to customers, the architectural style and outer elements are also consistent with those of other surrounding buildings. The location of the project with its proximity to the highway, Oceanside Blvd., a commercial artery of Oceanside, and neighboring residential, makes it ideal for local residents to conveniently shop at Fresh & Easy while using their normal routes. This will be Fresh and Easy's first ground-up grocery store in a newly constructed shopping center in San Diego County.

C. Details of Use: Retail Shops 3,000 sq/ft (One or Two Uses: One Building)

For the convenience of the neighborhood and Fresh and Easy customers, there will be one or two businesses in the retail shops building. One potential use includes a food establishment with inside and perhaps outside seating. Other potential uses that would complement the grocery use and neighborhood surroundings would be service oriented uses, such as drop off laundry cleaning business, a barber or beauty salon, and a postal and shipping business. The design of the building will be compatible with the architectural treatments of the Fresh and Easy building.

2. Consistent with Zoning Ordinance and Conforms to General Plan:

Existing:

Zoning Ordinance: Commercial Recreation
General Plan: General Commercial

Property NOT within the Coastal Zone and is NOT within the Airport Influence Area

Proposed: No change to either Zoning or General Plan is proposed

A. Zoning: Commercial Recreation: The project is consistent with the Zoning Ordinance designation of Commercial Recreation including the general purposes of the commercial district and the specific purposes because the proposed uses will help strengthen the City's economic base, provide employment opportunities close to home for residents of the City and surrounding communities, is harmonious with uses in the surrounding area, is harmonious in appearance with the character of the area, is a vast improvement aesthetically over the weeds that now cover the vacant lot, and will ensure that parking and loading facilities will be accommodated on-site. Further the use conforms with the additional purposes of the Commercial Recreation District which requires the city to provide for recreation-oriented commercial activities conveniently located near recreational and scenic areas with easy access to freeways. The site is located approximately 1000 feet from on-ramps and off-ramps to Interstate 5, the proposed use of a grocery store where residents/visitors/tourists can access groceries prior to heading towards the beach or other fun destinations. The site is conveniently located on Oceanside Boulevard, which is a major access route to the beaches and harbor. The project will service a bus stop on Oceanside Boulevard which will take recreationists

that have had the opportunity to get their picnic items at the grocery store to then hop on a bus to get to the Sprinter or Coaster lines to reach their final destination such as a Padre game or the beach.

B. General Plan/Land Use: General Commercial: The project conforms to the General Plan designation of General Commercial. Pursuant to the Land Use Element General Commercial uses shall provide retail shops, restaurants and services which meet the “immediate” commercial needs of the community. High intensity, convenience business such as a grocery store and service oriented uses proposed for the shop space satisfies this need. Per the General Commercial guidelines, the site is located on streets designated as major arterials which would include Oceanside Boulevard.

3. **Compatible with Existing and Potential Development on Adjoining Properties and Neighborhood:**

The vacant land adjacent and to the north of the project site is currently vacant (approximately 6 acres). That property is currently zoned commercial recreation. Should that parcel be developed commercial recreation or through a zone and general plan amendment be changed to residential, either zonings/use would include complementary uses with the planned grocery store and small shop retail. Other existing uses to the east (zoned Special Commercial Highway Oriented) include a gas station which complements the users of the small center to get gas in the same vicinity as where they shop for groceries. A mobile home park is located across Oceanside Boulevard to the south. Residents of this facility will appreciate the close proximity to the grocery store and service oriented shops. Single Family and attached family housing exists within close proximity to the site on Vine Street and to the west up the hill off Oceanside Blvd. Residents existing off I-5 and heading towards the west now have an opportunity to do their grocery shopping on the west side of the freeway easing traffic loads to the heavily trafficked commercial uses on the east of the freeway.

4. **Site Plan and Physical Design Consistent with Policies set forth in Sections 1.24 and 1.25 of Land Use Element, Guidelines for Hillside, and Section 3039 of the Zoning Ordinance:**

A. Land Use Element: 1.24 Topographic Resources: Objective: The site plan and physical design of the project preserves and enhances the unique beauty and character of the City’s natural topographic features and the surrounding hillside because the grading planned will be minor and will occur on a previously graded pad that is currently very flat with minor grade increments (existing for the purpose of sheet flow of rainwater). Further, the single story structure is only 30 feet in height, less than the maximum permitted for the zone (50 feet), permitting visibility of the surrounding hillsides. Because the site will be located on a previously graded pad that has only a slight change of grade now and the planned grading will also modify existing grades only slightly, the project will not contribute to slope instability, flooding or erosion hazards to life and property. The steep southwesterly slopes on the project property are being preserved and will be untouched along with the natural habitat. We are not proposing

development on any slope that is 40% or greater and we are not requesting density or floor area ratio credit on any land containing slopes 40% or greater. The land upon which the development will be constructed currently does not contain any hillside with slopes over ten percent (10%) exceeding six (6) feet in height. The slopes are previously manufactured and only exist along the public right of way on Vine Street and Oceanside Boulevard. No alterations are proposed to these banks except that they will be landscaped to prevent erosion.

B. Land Use Element: 1.25 Undevelopable Lands: The objective of Land Use Element 1.25 is to enhance the community welfare and increase public safety through preservation of significant natural resources or the provision of adequate building setbacks from natural hazards. There are no rivers, intermittent or perennial streams or lakes on the site and no known natural hazards.

C. Hillside Ordinance Section 3039: We are in conformance with the hillside ordinance because we are not proposing development on any slope that is 40% or greater and we are not requesting density or floor area ratio credit on any land containing slopes 40% or greater. The land upon which the development will be constructed currently does not contain any hillside with slopes over ten percent (10%) exceeding six (6) feet in height. The slopes are previously manufactured and only exist along the public right of way on Vine Street and Oceanside Boulevard. No alterations are proposed to these slopes except that they will be landscaped to prevent erosion.

5. In-place Infrastructure/access to existing utilities: Pursuant to a City approved grading plan, the site was mass graded in 1987. The grading operation was supervised by the City of Oceanside and soils engineers. Copies of the soils report prepared during the grading operation are attached to this application. Infrastructure already in place on the site includes curb and gutter on Vine Street and curb, gutter, sidewalk and a bus pull out/stop along Oceanside Boulevard. Additional infrastructure includes storm drain piping and various inlets along Vine Street and Oceanside Boulevard. The exact location of this infrastructure is plotted on the attached proposed site plan. The project will tie into an existing 8" water line and 8" sewer line presently located in Vine Street as well as the storm drain located on-site and in Oceanside Boulevard and Vine Street. Electricity, telephone and cable is also readily available to service the site from Vine Street and Oceanside Boulevard.

6. Traffic, Biology, Cultural, Paleontology Studies: The Applicant ordered the preparation of traffic, biology, cultural, and paleontology reports from various consultants with expertise in these fields to study the site and the potential impacts to the site from the proposed development. Projected project impacts to traffic and biology were determined to not require any mitigation. Furthermore, there was no evidence of cultural or paleontological artifacts or history that would generate the need for any supervision during grading operations. The heretofore referenced studies are included in the applicant's submittal package.

7. **Lot Line Adjustment Concurrent Submittal:** Presently the site sits on two separate legal parcels known as APN 152-320-36 and APN 152-320-16, of which both are owned by applicant. On July 29, 2008 the applicant submitted to the City of Oceanside a proposed lot line adjustment (PLA: 0708). Once approved, the legal lot that the project site will developed on, (excepting therefrom the two service driveways), will be 1.397 acres in size (shown as Parcel B on the lot line adjustment). The two proposed driveways entering the project will be located on a separate legal parcel (the second parcel created from the lot line adjustment and owned by Applicant and shown as Parcel A on PLA 0708). Through an easement that will be recorded immediately following the recordation of the Lot Line Adjustment, the commercial lot will have ingress and egress rights to the driveways as well as the right to place infrastructure and develop that portion of land in accordance with the site plan. It is anticipated at some date in the future that the remainder of future Parcel A to the north of the project will be developed and will share the use of the driveways. When and what will be developed on the remainder parcel is unknown at this time and is not part of this submittal. Based on communications with staff at the City we anticipated the lot line adjustment to be concluded on or before November 14, 2008.

8. **Shopping Center Management and Maintenance:**

Relative to the maintenance of the project commonly referred to as Fresh & Easy, the Owner/Landlord of this property will employ the services of Foursquare Properties, Inc. to perform its obligations under the terms of the Lease with Fresh & Easy to maintain the common area of the shopping center at a standard equal to or better than similar shopping centers within the general area. Obligations of the Owner/Landlord shall include but shall not be limited to landscape maintenance, sweeping, asphalt maintenance and maintenance of site lighting and signs other than those on the buildings.. Under the terms of the Lease, the Tenant is obligated to maintain its own building and to reimburse the Owner/Landlord for its proportionate share of the cost of maintaining the common area based on the ratio of the square footage of Fresh & Easy to the square footage of the shops that will be owned and maintained by the Owner/Landlord. Foursquare Properties, Inc. currently maintains approximately one million square feet of gross leaseable area in several states including two small centers here in San Diego/Riverside area.

9. **Summary of Previous Grading Operation and Installation of Storm Water Drainage System:**

Current Condition of the Property: A natural ravine or canyon exists above the subject property. Drainage water occasionally flows down this ravine and is captured at a headwall/inlet located on the property immediately northwest and adjacent to the subject property (on property owned by the same owner/developer as the subject Property). The drainage waters from ravine flow through a storm drain system (RCP) that traverses across the subject property's westerly border until it reaches Oceanside Blvd. at which time it continues underground under Oceanside Blvd. and eventually exits into the Loma Alta Creek.

1985-1986 City Approved Grading Operation: The subject property, along with adjacent land immediately to the NW of the subject property was graded between September, 1985 through September of 1986 pursuant to a City Approved Grading Plan #876 approved September of 1985 and modified in October of 1986. Submitted with the current development plan application for this project is a copy of Report of Geotechnical Investigation report dated December 14, 1983, and a copy of Report of Grading Observation and Field Density Testing dated September 8, 1987, and the City should have in its files the City approved Preliminary Grading and Storm Drain Plan #876 (Grading Plan) and related As-Builts (dated October 22, 1986 and incorporated into Grading Plan #876 Page 2 Approved Changes Block). Attached to this letter is a copy of sheets 1-4 of Grading Plan #876, that serves as confirmation that the installation of the storm water system capturing the drainage water was, (1) approved by the City pursuant to Preliminary Grading and Storm Drain Plans #876 for APN 152-320-15 and 152-320-16 and signed by City Engineer on or about 9/11/85, and (2) that the storm drain system was constructed in accordance with City approved Grading Plan #876. Further, as evidenced in the attached letter dated April 13, 1984 from the engineering department of the City of Oceanside, the Applicant in 1984 was actually directed by the City to construct the underground facilities and to do so sufficiently “upstream and downstream to allow [us] to transmit the water through [our] project”, and that such drains constructed on the project shall be part of the master plan facilities of the City and “can be used for credit and/or for reimbursement”.

USGS Maps, Aerial Photographs, and Geotechnical Report Refute Claim of Stream or Creek: Staff provided applicant with an email from a member of the public to staff wherein she wrote that a “creek” once existed on the site, that “it” was now “buried in a pipe” “without proper approvals”, and that it must be now “daylighted”. As evidenced and outlined above, proper approvals were indeed obtained from the City in regards to the installation of the drainage system. Further, there is significant evidence to refute any claim that a stream or creek ever existed on the site: (1) a full geotechnical review by a geotechnical firm in 1983 of the property makes no reference to any stream or creek on the property but frequently references drainage waters, and (2) ancillary historical documentation including USGS maps dated 1968, photorevised in 1975, and USGS Map dated 1997, show no indication of any river, lake, canal, intermittent stream, perennial stream, or disappearing stream (all categories on the USGS maps) on the subject property, (Copies of USGS Maps attached).

Opportunity to Appeal Expired: While the Applicant is convinced that the City did review the environmental effects the grading operation and drainage infrastructure installed had on subject property as part of the City’s review of Preliminary Grading and Storm Drain Plan #876, pursuant to California Code Section 21167, an action or proceeding alleging that a public agency is carrying out or has approved a project that may have a significant effect on the environment without having determined whether the project may have a significant effect on the environment shall be commenced within 180 days from the date of the public agency’s decision to carry out or approve the project.

The legal time frame in which an interested party of the public can dispute the City's approval of the grading and storm drain improvement plan #876 has long since expired.

10. Administrative Development Plan Planning Director Approval Appropriate for Subject Property: In a second email from a member of the public directed to certain city staff members and the City Council regarding this project, there was concern expressed that this application for a development plan should be presented to the planning commission and that the use of the Administrative Approval Process for this project was "absolutely inappropriate". This conclusion is simply incorrect. Pursuant to Section 4302 Paragraph G. of the City Zoning Ordinance, the Planning Director shall administratively approve, conditionally, approve, or disapprove development plans for all proposed projects in commercial districts on site of less than two (2) acres. While the Planning Director, in accordance with Section 4302 Paragraph H, may refer development plans to the Planning Commission for review if he finds that the project may conflict with the purposes and standards of the base district or with the purposes of this article, or if public services and facilities serving the project may be inadequate, the subject property and the proposed use does not conflict with the base district and public facilities serving the site are adequate as set forth in the Description and Justification paragraphs above.

11. Public Support: The Applicant has received four phone calls from noticed (radius) owners in the surrounding neighborhood, and while one expressed concerns about a left turn from Vine to Oceanside Blvd (which has been addressed in the traffic study), all four homeowners showed support of the project and genuine excitement for construction on this vacant property.

Thank you for the opportunity to submit this Development Plan application. We look forward to working with the City to developing what we believe is an exciting project for the community of Oceanside and its visitors.

Thank you.

Sincerely,



Margaret Grosse Hyatt
Project Applicant and Representative

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

PARCEL 1:

THAT PARCEL OF LAND IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, ACCORDING TO OFFICIAL PLAT AND A PORTION OF TRACT 101, SOUTH OCEANSIDE, ACCORDING TO MAP THEREOF NO. 622, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 7, 1890, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 25; THENCE ALONG THE WEST LINE OF SAID SECTION 25, SOUTH 0° 36' EAST TO THE MOST NORTHERLY CORNER OF PUTERBAUGH'S ADDITION TO THE TOWN OF OCEANSIDE, ACCORDING TO MAP THEREOF NO. 418, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 4, 1887, BEING ALSO A POINT ON THE SOUTHERLY LINE OF EUCALYPTUS STREET, AS THE SAME IS SHOWN ON SAID MAP NO. 418; THENCE NORTH 53° 15' EAST, 247.50 FEET TO A POST AT THE FOOT OF A HILL MARKED "H"; THENCE SOUTH 43° 30' EAST TO A POINT IN THE NORTHWESTERLY LINE OF THE 80.00 FOOT RIGHT OF WAY DESCRIBED IN DEED TO THE CITY OF OCEANSIDE UNDER PARCEL 1, RECORDED APRIL 6, 1955 IN BOOK 5595, PAGE 443 OF OFFICIAL RECORDS; THENCE NORTHEASTERLY ALONG SAID NORTHWESTERLY LINE, 300 FEET, MORE OR LESS, TO THE CENTER LINE OF VINE STREET, AS SAID STREET IS DESCRIBED IN DEED TO THE CITY OF OCEANSIDE, RECORDED JULY 7, 1966 AS INSTRUMENT NO. 110753 OF OFFICIAL RECORDS; THENCE ALONG SAID CENTER LINE, NORTH 56° 23' 03" WEST, 113.75 FEET, MORE OR LESS, TO A TANGENT 300 FOOT RADIUS CURVE, CONCAVE NORTHEASTERLY; THENCE NORTHWESTERLY ALONG SAID CURVE, 198.33 FEET; THENCE TANGENT TO SAID CURVE, NORTH 0° 26' 02" EAST, 216.19 FEET TO A TANGENT 250.00 FOOT RADIUS CURVE, CONCAVE WESTERLY; THENCE NORTHERLY ALONG SAID CURVE, 217.18 FEET; THENCE TANGENT TO SAID CURVE NORTH 49° 20' 28" WEST, 107.69 FEET TO A TANGENT 250.00 FOOT RADIUS CURVE, CONCAVE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE TO THE WESTERLY LINE OF SAID SECTION 25; THENCE SOUTHERLY ALONG SAID WESTERLY LINE, 246.94 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, BEING DESCRIBED AS FOLLOWS:

BEGINNING AT THE WEST QUARTER CORNER OF SAID SECTION 25, AS DESIGNATED AND DELINEATED ON RECORD OF SURVEY MAP NO. 9377 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1983 AS INSTRUMENT NO. 83-202988 OF OFFICIAL RECORDS; SAID WEST QUARTER CORNER, ALSO BEING A POINT IN THE WESTERLY BOUNDARY OF PARCEL 2 DESCRIBED IN DEEDS TO CHARLES B. WESELOH, JR., TRUSTEE, RECORDED DECEMBER 22, 1977 AS INSTRUMENT NOS. 77-528790 AND 77-528791, OF OFFICIAL RECORDS; THENCE ALONG THE WESTERLY LINE OF SAID SECTION 25, NORTH 00° 49' 43" WEST 209.65 FEET (RECORD 246.94 FEET PER DEEDS) TO THE BEGINNING OF A TANGENT 250.34 FOOT (RECORD 250.00 FOOT PER DEED) RADIUS CURVE, CONCAVE NORTHEASTERLY, SAID CURVE ALSO BEING THE CENTER LINE OF VINE STREET, AS SAID STREET IS DESIGNATED AND DELINEATED ON SAID RECORD OF SURVEY MAP NO. 9377; THENCE SOUTHERLY AND SOUTHEASTERLY ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 39° 56' 42", A DISTANCE OF 174.53 FEET TO A POINT OF INTERSECTION WITH A RADIAL LINE OF SAID CURVE HAVING A BEARING OF SOUTH 49° 13' 35" WEST TO SAID POINT; THENCE ALONG THE SOUTHWESTERLY PROLONGATION OF SAID RADIAL LINE, SOUTH 49° 13' 35" WEST 76.19 FEET TO THE POINT OF BEGINNING.

PARCEL 2:

THAT PORTION OF THE SOUTHEAST QUARTER OF SECTION 26, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING WITHIN THE FOLLOWING DESCRIBED LAND:

BEGINNING AT THE SOUTHEASTERLY CORNER OF LOT "K" OF H. BROOK'S ADDITION TO OCEANSIDE, ACCORDING TO MAP THEREOF NO. 272, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTHERLY ALONG THE EAST LINE OF SAID SECTION 26 TO THE NORTHEASTERLY LINE OF LOT 12 OF OCEANSIDE, COMMONLY CALLED MYER'S ADDITION NO. 1, ACCORDING TO MAP THEREOF NO. 340, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTHWESTERLY ALONG THE LOCATION AND PROLONGATION OF THE NORTHEASTERLY LINE OF LOTS 12 AND 11 OF SAID MAP NO. 340 TO THE SOUTHERLY LINE OF SAID LOT "K"; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE POINT OF BEGINNING.

APN: 152-320-16-00 and 152-320-36-00



NOTICE OF EXEMPTION

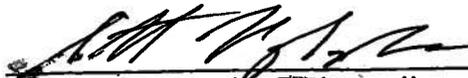
City of Oceanside, California

Post Date:
Removal:
(180 days)

1. **APPLICANT:** Margaret Grosse Hyatt
2. **ADDRESS:** 5850 Avenida Encinas, Suite A, Carlsbad, CA. 92008
3. **PHONE NUMBER:** (760) 497-4021
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Vine Street Commercial (ADP-4-08)
7. **DESCRIPTION:** This Administrative Development Plan request is for the construction of a 13,969 square foot grocery market with an attached 3,000 square foot retail suite. The commercial development would be situated on a flat, pre-graded 1.878 acre pad located at the northwest corner of Vine Street and Oceanside Boulevard.

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 City Staff finds that the proposed is categorical exempt from the provisions of CEQA, based on the project's classification per CEQA guidelines 15332 Class 32 "In-Fill Development Projects, because it is consistent with the general plan designation of the site and occurs within city limits on a site of no more than five acres substantially surrounded by urban uses. Therefore, the City Staff 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 32 "In-Fill Development Projects" (Section 15332) (a); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 4/2/09