



DATE: August 11, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TIME EXTENSION OF A PREVIOUSLY APPROVED TENTATIVE MAP (T-7-04TE08), DEVELOPMENT PLAN (D-13-01TE08) AND REGULAR COASTAL PERMIT (RC-8-01TE08) FOR A 15-UNIT RESIDENTIAL CONDOMINIUM COMPLEX ON A 2.24-ACRE SITE LOCATED ON NEVADA STREET, SOUTH OF OCEANSIDE BOULEVARD – BELLA TERRA – APPLICANT: FORUM CAPITAL MANAGEMENT**

RECOMMENDATION

Staff recommends that the Planning Commission approve the Time Extension for a Tentative Map (T-7-04TE08), Development Plan (D-13-01TE08) and Regular Coastal Permit (RC-8-01TE08) and adopt Planning Commission Resolution No. 2008-P48 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: On May 22, 2006, the Planning Commission adopted Resolution No. 2006-P32 by a vote of 6-1 approving a Tentative Parcel Map, Development Plan and a Regular Coastal Permit to develop a 15-unit residential condominium project on a 2.24-acre site located at the terminus of Nevada Street in the Townsite Neighborhood.

Site Review: The subject site is an undeveloped 2.24-acre parcel located at the end of the cul-de-sac of the most southern portion of Nevada Street. The General Plan and zoning designation for the site is Urban High Density Residential (UHD-R) and (RH-U) and respectively, which permits development at a density of 29 to 43 dwelling units per acre.

Project Description: The applicant has requested a time extension to an approved Tentative Parcel Map, Development Plan and Regular Coastal Permit described as follows:

Tentative Map (T-7-04 TE08): represents the following:

The applicant proposes to permit a time extension for an additional two years to develop a 15-unit residential condominium project within five buildings on a 2.24-acre site.

Development Plan (D-13-01 TE08): represents a request for the following:

A time extension for the previously approved development plan to construct two residential buildings with a total of 15 condominium units within. Limited changes to the previously approved plans have been approved under a Substantial Conformity (SC-29-07), which permits three new retaining walls, a newer sewer system design change, pad elevation changes, minor unit sitting changes, and revised common usable open space areas.

Regular Coastal Permit (RC-8-01 TE08): represents a request for the following:

A Time Extension to the previously approved Regular Coastal Permit is required due to the project site's location within the coastal zone.

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

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

ANALYSIS

1. Subdivision Ordinance compliance

The tentative parcel map was previously found to be in compliance with the Subdivision Ordinance. No project changes are proposed as part of this application.

2. City Council Policy compliance

It is the City Council Policy (No. 300-05) that the maximum period for which a tentative subdivision map may be extended at any one time shall not exceed two years and that no extension of any tentative subdivision map shall be approved unless the Planning Commission finds that: (a) The tentative subdivision map as originally approved is consistent with, and complies with, the General Plan, Comprehensive Zoning Ordinance, subdivision ordinances, grading ordinance, and all other development ordinances, regulations, policies, and fee requirements in effect at the time that the Planning Commission considers the extension application; and (b) The tentative subdivision map, as originally approved, will not substantially threaten the public health, safety, or welfare of others residing or working in the vicinity; or (c) Although the

Planning Commission cannot make the findings as required in (a) and (b) above, the applicant is willing to enter into a binding commitment to modify the original approval of the tentative subdivision map so that the Planning Commission could make the above findings as to the map as modified.

DISCUSSION

Issue: Will the proposed time extension for this Tentative Parcel Map, Development Plan, and Regular Coastal Permit meet the current regulations?: The proposed time extension for the development of the two residential buildings and condominium map would be consistent with the Oceanside Zoning Map, Subdivision Ordinance and the surrounding residential developments in the surrounding area, due to the fact that the Time Extension proposal would not implement any changes to the previously approved plans or add additional entitlements.

Recommendation: Staff finds that the overall design of the project is consistent with the existing property, and with the surrounding properties. This project has not changed from the time of its approval, and the time extension is necessary for the implementation of the development of the residential buildings and condominium map. The project would be consistent with all development regulations as specified in the Oceanside Zoning Ordinance and Subdivision Ordinance. No conditions are required for this time extension and the May 22, 2006 Planning Commission Resolution No. 2006-P32 will be similar to this resolution for approval of a time extension.

ENVIRONMENTAL DETERMINATION

The proposed project was previously reviewed pursuant to the California Environmental Quality Act (CEQA) and was determined that the project is exempt from any CEQA requirements, based on the previous approval. No additional environmental review is necessary at this time.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of August 11, 2008, no communication supporting or opposing the request has been received.

SUMMARY

The proposed project is in compliance with the goals objectives and polices set forth by the approved Tentative Map (T-7-04TE08), Development Plan (D-13-01TE08) and Regular Coastal Permit (RC-8-01TE08). The time extension would allow the developer to finalize the residential condominium map and move forward to develop the two residential condominiums. The Commission's action should be:

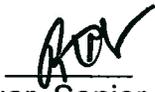
- Move to approve a Time Extension for the Tentative Map (T-7-04TE08), Development Plan Revision (D-13-01TE08) and Regular Coast Permit (RC-8-01TE08) by adopting Planning Commission Resolution No. 2008-P48 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

REVIEWED BY: 
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

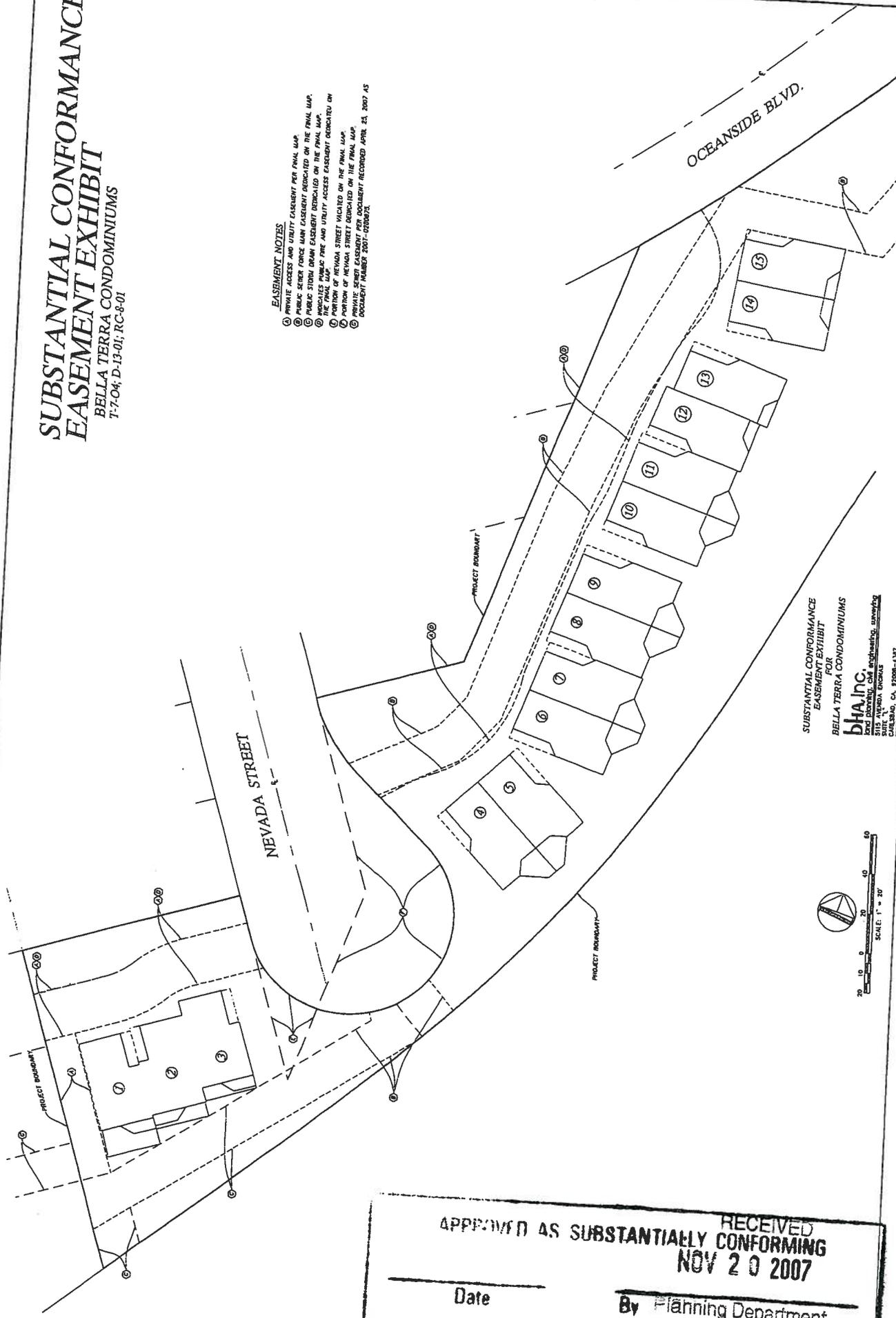
1. Site and Floor Plans
2. Planning Commission Resolution No. 2008-P48
3. Planning Commission Resolution No. 2006-P32
4. Planning Commission Staff Repot dated May 22, 2006

SUBSTANTIAL CONFORMANCE EASEMENT EXHIBIT

BELLA TERRA CONDOMINIUMS
T-7-04; D-13-01; RC-8-01

EASEMENT NOTES

- ① PRIVATE ACCESS AND UTILITY EASEMENT PER FINAL MAP
- ② PUBLIC SEWER FORCE MAIN EASEMENT DEPICTED ON THE FINAL MAP
- ③ PUBLIC STORM DRAIN EASEMENT DEPICTED ON THE FINAL MAP
- ④ INDICATES PUBLIC FIRE AND UTILITY ACCESS EASEMENT DEPICTED ON THE FINAL MAP
- ⑤ PORTION OF NEVADA STREET WICKED ON THE FINAL MAP
- ⑥ PRIVATE SEWER EASEMENT DEPICTED ON THE FINAL MAP
- ⑦ PRIVATE SEWER EASEMENT DEPICTED ON THE FINAL MAP
- ⑧ DOCUMENT NUMBER 2007-0206072



SUBSTANTIAL CONFORMANCE
EASEMENT EXHIBIT
FOR
BELLA TERRA CONDOMINIUMS
bha, inc.
215 AVENUE ECHOLS
SUNNYVALE, CA 95088-4337
(925) 931-8700

RECEIVED
APPROVED AS SUBSTANTIALLY CONFORMING
NOV 20 2007

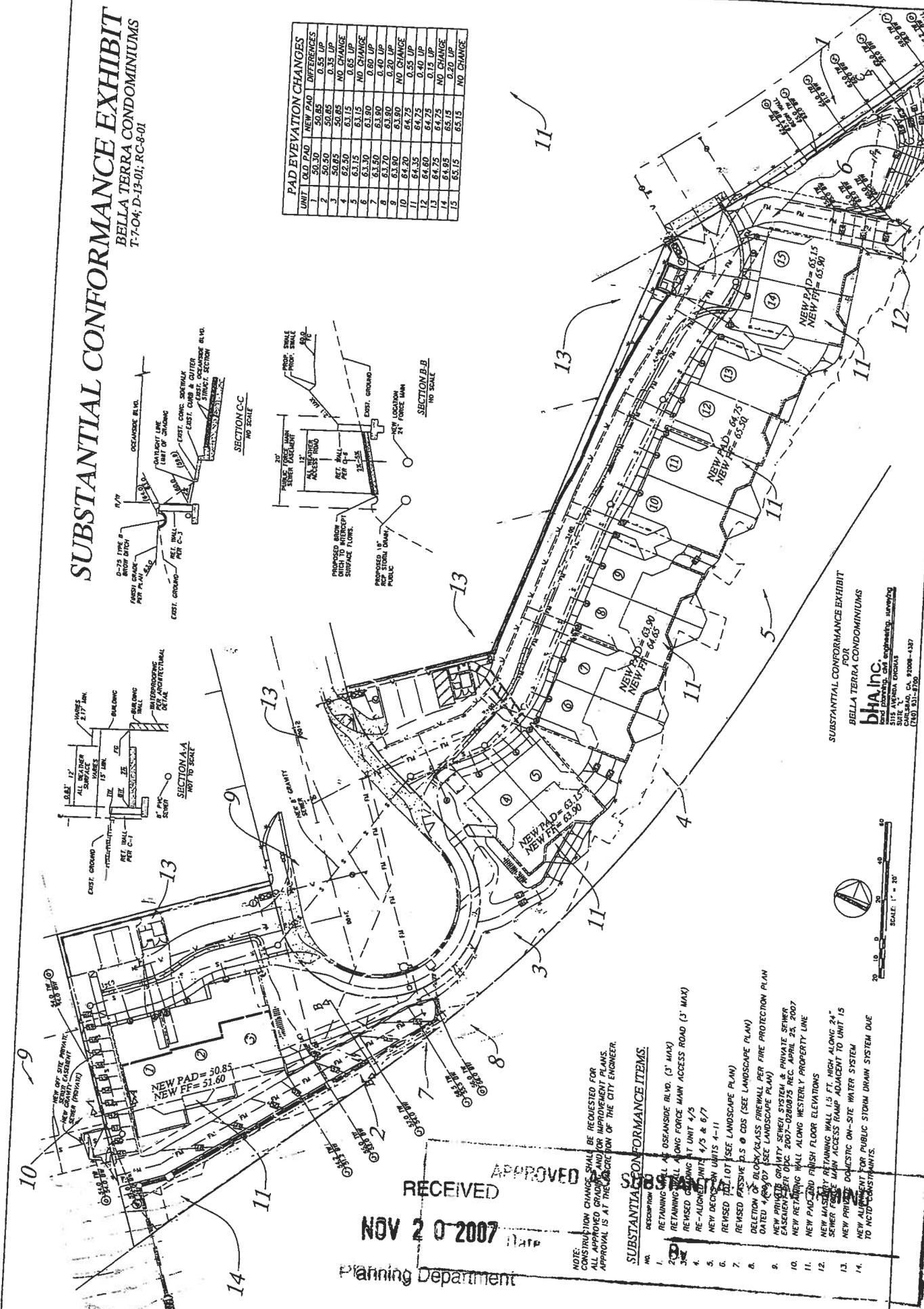
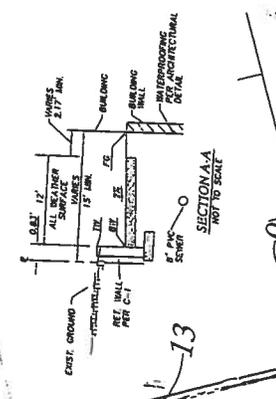
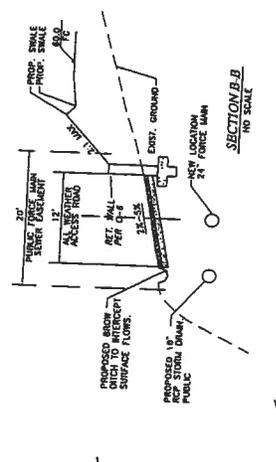
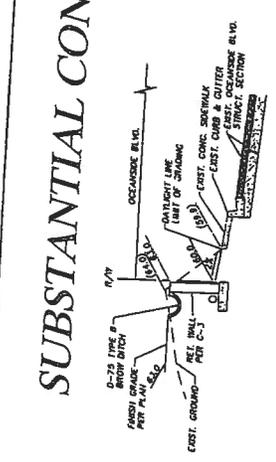
Date _____ By _____ Planning Department

SUBSTANTIAL CONFORMANCE EXHIBIT

BELLA TERRA CONDOMINIUMS

T-7-04; D-13-01; RC-8-01

UNIT	OLD PAD	NEW PAD	DIFFERENCES
1	50.30	50.85	0.55 UP
2	50.50	50.85	0.35 UP
3	50.85	50.85	NO CHANGE
4	62.30	63.15	0.85 UP
5	62.15	63.15	NO CHANGE
6	63.30	63.90	0.60 UP
7	63.90	63.90	NO CHANGE
8	63.90	63.90	NO CHANGE
9	63.90	63.90	NO CHANGE
10	64.70	64.70	NO CHANGE
11	64.35	64.72	0.37 UP
12	64.60	64.72	0.12 UP
13	64.75	64.75	NO CHANGE
14	64.95	63.15	1.80 UP
15	65.15	65.15	NO CHANGE



NOTE: CONSTRUCTION CHANGES SHALL BE REQUESTED FOR ALL APPROVED GRADING AND/OR IMPROVEMENT PLANS. APPROVAL IS AT THE DISCRETION OF THE CITY ENGINEER.

SUBSTANTIAL CONFORMANCE ITEMS

1. RETAINING WALL ALONG OCEANSIDE BLVD. (3' MAX)
2. RETAINING WALL ALONG FORCE MAIN ACCESS ROAD (3' MAX)
3. RE-ALIGNED UNIT 4/2 & 6/7
4. RE-ALIGNED UNITS 4/2 & 6/7
5. NEW DECKING UNITS 4-11
6. REVISED TILT LOT (SEE LANDSCAPE PLAN)
7. REVISED PASSIVE P.S. @ CDS (SEE LANDSCAPE PLAN)
8. DELETION OF BLOCK/CLASS FIREWALL PER FIRE PROTECTION PLAN
9. NEW PRIVATE GRANTY SEWER SYSTEM & PRIVATE SEWER SUBSTATION PER DDC 2007-0280875 REC. APRIL 23, 2007
10. NEW RETAINING WALL ALONG WESTERLY PROPERTY LINE
11. NEW FINISH FLOOR ELEVATIONS
12. NEW MASSIVE RETAINING WALL 1.5 FT. HIGH ALONG 24" SEWER FORCE MAIN ACCESS RAMP ADJACENT TO UNIT 15
13. NEW PRIVATE DOMESTIC ON-SITE WATER SYSTEM
14. NEW ALLOWANCE FOR PUBLIC STORM DRAIN SYSTEM DUE TO NCID CONFORMANCE.

RECEIVED
NOV 20 2007
Date
Planning Department

SUBSTANTIAL CONFORMANCE EXHIBIT
FOR
BELLA TERRA CONDOMINIUMS
bha, inc.
land use/planning, civil engineering, surveying
SUITE 100, TERRA TOWER
CARLSBAD, CA 92008-4387
(619) 331-1700

1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P48

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A TIME
5 EXTENSION FOR A TENTATIVE MAP, DEVELOPMENT
6 PLAN AND REGULAR COASTAL PERMIT ON CERTAIN
REAL PROPERTY IN THE CITY OF OCEANSIDE

7 APPLICATION NO: T-7-04TE08, D-13-01TE08, RC-8-01TE08
8 APPLICANT: Forum Capital Management
9 LOCATION: 4096 Calle Platino

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a time extension to a Tentative Map, Development
14 Plan and Regular Coastal Permit under the provisions of Articles 10 & 43 of the Zoning
Ordinance of the City of Oceanside to permit the following:

15 a time extension for an existing Tentative Map, Development Plan and Regular Coastal
16 Permit to allow the development of a 15-unit residential condominiums;
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day
19 of August, 2008, conduct a duly advertised public hearing as prescribed by law to consider said
20 application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, the project is
22 exempt from environmental review.

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

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

27 //

28 //

29 //

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,395 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,035 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	\$4,326 per unit.

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

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

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

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

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

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

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

13 FINDINGS:

14 For the Time Extension of the Tentative Map (T-7-04TE08):

- 15 1. The proposed 15-residential condominium units that are consistent with the Oceanside
16 Zoning Ordinance and the General Plan. The subdivision map is consistent with the
17 Subdivision Ordinance and the Planning Commission's May 22, 2006 previously
18 approved map. The project does not interfere with the efficient and proper provision of
19 City services. Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Map
20 has been prepared in a manner acceptable to the Engineering Division. The Time
21 Extension to Tentative Map (T-7-04) proposes the same subdivision as the previously
22 approved Tentative Map approved on May 22, 2006 and no changes have occurred.
- 23 2. The subdivision map is consistent with the General Plan of the City, including Section
24 2.3 Residential Development. The site is physically suitable for the proposed
25 development, which are 15 residential condominiums units on 2.24 acres. The 15-
26 residential condominium units shall provide housing opportunities to the citizens and
27 would help physically revitalize the surrounding area.
- 28 3. The developer has diligently worked to complete obligations within the original two-year
29 period. The developer is near completion of the map and has been working diligently
with the Engineering Division on finalizing the map.

- 1 4. That the design of the subdivision or the proposed improvements will not cause
2 substantial and environment damage with the proposed mitigation or substantially and
3 avoidably injure fish or wildlife or their habitat.

4 For the Time Extension of the Development Plan (D-13-01TE08):

- 5 1. The site plan and physical design of the project as proposed is consistent with the
6 purposes of the Zoning Ordinance. The project meets or exceeds the requirements of the
7 Oceanside Zoning Ordinance Development Regulations, Articles 10, and 43. No
8 physical changes or City policies have been implemented since the previous approval
9 that would affect the project.
- 10 2. The time extension to the development plan as proposed conforms to the Residential
11 High Density Zoning Designation and the General Plan of the City. The proposal
12 satisfies the Land Use Element Objectives 2.3 Residential Development. The time
13 extension proposal shall allow an additional two years to complete the development of
14 the residential buildings and allow for a development that would provide additional high
15 quality housing to the City as specified in the objectives and policies of the residential
16 development section of the land use element.
- 17 3. The area covered by the proposed time extension to the development plan can be
18 adequately, reasonably and conveniently served by existing and planned public services,
19 utilities, and public facilities.

20 For the Time Extension for Regular Coastal Permit (RC-8-01TE08):

- 21 1. The proposed project is consistent with the policies of the Local Coastal Program as
22 implemented through the Zoning Ordinance. Specifically, the physical aspects of the
23 project are consistent with the properties neighboring the project site. In addition, the
24 project will not substantially alter or impact existing public views of the coastal zone
25 area.
- 26 2. The proposed project will not obstruct any existing or planned public beach access;
27 including any beach areas fronting the existing property, therefore, the project is in
28 conformance with the policies of Chapter 3 of the Coastal Act.
29

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
2 approve the Time Extension for Tentative Map (T-4-04), Development Plan (D-13-01) and
3 Regular Coastal Permit (RC-8-01) subject to the following conditions:

- 4 1. Development entitlements and conditions of approval for Development Plan D-13-01, as
5 identified in Planning Commission Resolution No. 2006-P32, shall remain in effect.
6 Pursuant to the State Map Act, improvements shall be required at the time of subdivision.
7 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
8 these improvement conditions as well as to those of Planning Commission Resolution
9 No. 2006-P32 and a certificate setting forth the recordation shall be placed on the map.
- 10 2. This Tentative Map, Development Plan and Regular Coastal Permit shall expire August 11,
11 2010, unless implemented as required by the Subdivision and Zoning Ordinance.
- 12 3. That all of the conditions of Resolution No. 2006-P32 adopted on May 22, 2006 continue
13 to apply, except that Condition No. 98 which is amended to change the expiration date to
14 August 11, 2010.

15 PASSED AND ADOPTED Resolution No. 2008-P48 on August 11, 2008 by the
16 following vote, to wit:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 _____
22 Claudia Troisi, Chairperson
23 Oceanside Planning Commission

24 ATTEST:

25 _____
26 Jerry Hittleman, Secretary

27 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
28 this is a true and correct copy of Resolution No. 2008-P48.

29 Dated: August 11, 2008

RECEIVED

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Planning Department

1 PLANNING COMMISSION
2 RESOLUTION NO. 2006-P32

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE MAP, DEVELOPMENT PLAN AND REGULAR
6 COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE
7 CITY OF OCEANSIDE

7 APPLICATION NO: T-7-04, D-13-01 and RC-8-01
8 APPLICANT: Forum Capital Management
9 LOCATION: Nevada Street terminus, south of Oceanside Boulevard

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Tentative Map (T-7-04), Development Plan (D-13-01)
13 and Regular Coastal Permit (RC-8-01) under the provisions of Articles 10 & 43 of the Zoning
14 Ordinance of the City of Oceanside to permit the following:

15 15-unit residential condominiums;
16 on certain real property described in the project description.

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

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the
22 mitigation measures are met there will not be an adverse impact upon the environment.

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

28 WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and
29 Reporting Program (MMRP) have been determined to be accurate and adequate documents,
which reflect the independent judgment and analysis of the Planning Commission. On the basis

1 of the entire record before it, the Planning Commission finds that there is no substantial
2 evidence that the project, with implementation of the mitigation measures proposed, will have a
3 significant impact on the environment.

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

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,278 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$14,937 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$1,939 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Based on meter size Typical \$3,746

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
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 Typical \$4,587
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

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

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

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

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

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

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

1 FINDINGS:

2 For the Tentative Map:

- 3 1. The proposed subdivision creates parcels that are consistent and exceed the requirements
4 of the RH-U zoning designation. The subdivision map is consistent with the General
5 Plan of the City.
- 6 2. The proposed building pads on the site will conform to the topography of the site,
7 therefore, making it suitable for residential development. The 2.24-acre site is physically
8 suitable to allow for the development of a 15-unit residential condominium complex.
- 9 3. The subdivision complies with all other applicable ordinances, regulations and
10 guidelines of the City.
- 11 4. The design of the subdivision or proposed improvements will not conflict with
12 easements, acquired by the public at large, for access through the use of property within
13 the subdivision.
- 14 5. The design of the subdivision or the proposed improvements will not cause substantial
15 environment damage with the proposed mitigation or substantially and avoidably injure
16 fish or wildlife or their habitat.

17 For the Development Plan:

- 18 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
19 and the underlying Urban High Density Residential (RH-U).
- 20 2. The Development Plan conforms to the General Plan of the City.
- 21 3. The project site can be adequately served by existing public facilities, services and
22 utilities.
- 23 4. The project is compatible with the existing and potential development on adjoining
24 properties and the surrounding neighborhood.
- 25 5. The site plan and parameters for the architecture and physical design of the project is
26 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use
27 Element of the General Plan.
- 28
- 29

1 For the Regular Coastal Permit:

- 2 1. The proposed multi-family residential units are consistent with the land use policies of
3 the Local Coastal Program. Specifically, the physical aspects of the project are
4 consistent with the properties neighboring the project site.
- 5 2. The multi-family residential units will not obstruct any existing, planned, or required
6 public beach access, therefore, the project is in conformance with the policies of
7 Chapter 3 of the Coastal Act.

8 For the Hillside Development Plan:

- 9 1. The project, as designed, is consistent with Hillside Development Regulations and
10 conforms to the City of Oceanside General Plan.
- 11 2. The project is consistent with the zoning and development regulations for the Urban
12 High Density Residential (RH-U) zone and with all other applicable ordinances
13 regulations and guidelines of the City of Oceanside.
- 14 3. The project site can be adequately served by existing public facilities, services and
15 utilities.
- 16 4. No grading will be performed within the bluff area thereby preserving the natural slope
17 of the site.

18 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
19 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein,
20 and approves Tentative Map (T-7-04), Development Plan (D-13-01) and Regular Coastal Permit
(RC-8-01) subject to the following conditions:

21 Building:

- 22 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
23 Building Division plan check.
- 24 2. The granting of approval under this action shall in no way relieve the applicant/project
25 from compliance with all State and local building codes.
- 26 3. Site development, common use areas, access and adaptability of apartments and
27 condominiums shall comply with the State's Disabled Accessibility Regulations.
- 28 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
29 property shall be underground (City Code Sec. 6.30).

- 1 5. The building plans for this project are required by State law to be prepared by a licensed
2 architect or engineer and must be in compliance with this requirement prior to submittal
3 for building plan review.
- 4 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
5 and shall be shielded appropriately. Where color rendition is important high-pressure
6 sodium, metal halide or other such lights may be utilized and shall be shown on final
7 building and electrical plans.
- 8 7. A Building (Demolition) Permit shall be required for the demolition of any existing
9 structures. Plans for the Demolition Permit shall clearly show that all utilities (electric,
10 gas, water and sewer) are properly terminated/capped in accordance with the requirements
11 of the utility service provider. All/any underground septic or water storage tanks must be
12 removed or filled in accordance with the Uniform Plumbing Code and/or the City's
13 Grading Ordinance.
- 14 8. A complete Soils Report, Structural Calculations and Energy Calculations/documentation
15 shall be required at the time of plan submittal to the Community Development
16 Department/Building Division for plan check. The Soils Report shall show that the
17 hillside conditions are suitable to support the buildings, retaining walls and any other
18 structures of the project.
- 19 9. A private sewer system design must be submitted to the Community Development
20 Department/Building Division and approved prior to the construction of the sewer system.
21 If a gravity flow system is used, an engineered mechanical system shall be submitted for
22 review and approval.
- 23 10. The developer shall monitor, supervise and control all building construction and supportive
24 activities so as to prevent these activities from causing a public nuisance, including, but not
25 limited to, strict adherence to the following:
- 26 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
27 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
28 work that is not inherently noise-producing. Examples of work not permitted on
29 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

1 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
2 Christmas Day) except as allowed for emergency work under the provisions of the
3 Oceanside City Code Chapter 38 (Noise Ordinance).

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

9 11. Separate unique addresses may be required to facilitate utility releases. Verification that the
10 addresses have been properly assigned by the City's Community Development
11 Department/Planning Division must accompany the building permit application.

12 12. As part of the plan check submittal, it will be the Architect's responsibility to provide
13 documentation to determine that the lower level(s) qualify as basements and that the
14 buildings are not three-story structures.

15 Engineering:

16 13. If the project involves demolition of an existing structure or surface improvements, the
17 grading plans shall be approved by the Director of Public Works/City Engineer prior to the
18 issuance of a demolition permit. No demolition shall be permitted without an approved
19 erosion control plan.

20 14. Except for the proposed driveway and as shown on the approved tentative Map, Vehicular
21 Access Rights to Oceanside Boulevard shall be relinquished to the City from the remaining
22 abutting frontage.

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

25 16. Design and construction of all improvements shall be in accordance with standard plans,
26 specifications of the City of Oceanside and subject to approval by the Director of Public
27 Works/City Engineer.

28 17. Prior to issuance of a building permit all improvement requirements shall be covered by a
29 development agreement and secured with sufficient improvement securities or bonds

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

3 18. Legal access to Nevada Street shall be provided via dedicated easement for Fire and Public
4 Utilities and be shown on the Final Map, together with a Private Utility and Access
5 easement granted prior to the filing of the Final Map.

6 19. The developer shall provide public street dedication for Nevada Street as required to
7 complete the cul-de-sac.

8 20. The approval of the Tentative Map shall not mean that closure, vacation, or abandonment
9 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
10 subdivider. The subdivider is responsible for applying for all closures, vacations, and
11 abandonments as necessary. The application(s) shall be reviewed and approved or rejected
12 by the City under separate process(es) per codes, ordinances, and policies in effect at the
13 time of the application.

14 21. Prior to approval of the Final Map, all improvements required by the Director of Public
15 Works/City Engineer, shall be covered by a Subdivision Agreement and secured with
16 sufficient improvement securities or bonds guaranteeing performance and payment for
17 labor and materials, setting of monuments, and warranty against defective materials and
18 workmanship.

19 22. Prior to approval of the Final Map, a Construction Phasing Plan for the construction of
20 public and private improvements including landscaping, streets and arterials shall be
21 approved by the Director of Public Works/City Engineer. All improvements shall be under
22 construction prior to the issuance of any building permits. All improvements shall be
23 completed to the satisfaction of the Director of Public Works/City Engineer and prior to
24 issuance of any certificates of occupancy.

25 a) The tract shall be recorded and developed as one. The Director of Public
26 Works/City Engineer shall require the dedication and construction of necessary
27 utilities, streets and other improvements outside the area of any particular Final
28 Map, if such is needed for circulation, parking, access or for the welfare or safety of
29 future occupants of the development.

1 b) All public and private improvements including landscaping and off-site streets or
2 arterials that are found to be required to serve the model complex shall be
3 completed prior to the issuance of any Certificates of Occupancy.

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

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

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

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

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

27 b) All grading and related site preparation and construction activities shall be
28 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
29 engineering related construction activities shall be conducted on Saturdays,
 Sundays or legal holidays unless written permission is granted by the Director of

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

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

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

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

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

- 1 29. Streets shall be improved with PCC curbs and gutters.
- 2 30. Streets shall provide a minimum of 10 feet parkway between the face of curb and the right-
3 of-way line. Sidewalk improvements shall comply with ADA requirements.
- 4 31. Sight distance requirements at the project driveway or street shall conform to the corner
5 sight distance criteria as provided by the California Department of Transportation Highway
6 Design Manual.
- 7 32. Streetlights shall be maintained and installed on all public streets per City Standards. The
8 system shall provide uniform lighting, and be secured prior to occupancy. The developer
9 shall pay all applicable fees, energy charges, and/or assessments associated with City-
10 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
11 annexation to, any appropriate street lighting district.
- 12 33. Prior to approval of the grading plans, the subdivider shall contract with a geotechnical
13 engineering firm to perform a field investigation of the existing pavement on all streets
14 adjacent to the project boundary. The limits of the study shall be half-street plus twelve
15 feet along the project's frontage. The field investigation shall include a minimum of one
16 pavement boring per every fifty linear feet of street frontage. Should the existing AC
17 thickness be determined to be less than three inches or without underlying Class II base
18 material, the developer shall remove and reconstruct the pavement section as determined
19 by the pavement analysis submittal process detailed in Item No. 31 below.
- 20 34. Upon review of the pavement investigation, the Director of Public Works/City Engineer
21 shall determine whether the developer shall: 1) Repair all failed pavement sections, header
22 cut and grind per the direction of the Transportation/Development Inspector, and construct
23 a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study
24 that determines if the existing pavement meets current City standards/traffic indices.
25 Should the study conclude that the pavement does not meet current requirements,
26 rehabilitation/mitigation recommendations shall be provided in a pavement analysis report,
27 and the developer shall reconstruct the pavement per these recommendations, subject to
28 approval by the Director of Public Works/City Engineer.
- 29 35. Abutting street(s) shall be improved as required by the Director of Public Works/City
Engineer.

- 1 36. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
2 approved R-Value soil tests and traffic indices. The pavement design is to be prepared by
3 the subdivider's Soils Engineer and must be approved by the Director of Public Works/City
4 Engineer prior to paving.
- 5 37. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
6 construction of the project, shall be repaired or replaced as directed by the Director of
7 Public Works/City Engineer.
- 8 38. All existing overhead utility lines within the subdivision and/or within any full width street
9 or right-of-way abutting the subdivision, and all new extension services for the
10 development of the project, including but not limited to, electrical, cable and telephone,
11 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
12 and as required by the Director of Public Works/City Engineer and current City policy.
- 13 39. The developer shall comply with all the provisions of the City's cable television ordinances
14 including those relating to notification as required by the Director of Public Works/City
15 Engineer.
- 16 40. The subdivider shall install two-inch PVC conduit, together with 1/4-inch pull-rope and
17 pull-boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or
18 above, streets.
- 19 41. Grading and drainage facilities shall be designed and installed to adequately accommodate
20 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
21 and as directed by the Director of Public Works/City Engineer.
- 22 42. The applicant shall obtain any necessary permits and clearances from all public agencies
23 having jurisdiction over the project due to its type, size, or location, including but not
24 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
25 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
26 (including NPDES), San Diego County Health Department, prior to the issuance of grading
27 permits.
- 28 43. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
29 investigation shall be conducted of the soils, slopes, and formations in the project. All
necessary measures shall be taken and implemented to assure slope stability, erosion

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

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

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

15 46. Landscaping plans, including plans for the construction of walls, fences or other structures
16 at or near intersections, must conform to intersection sight distance requirements.
17 Landscape and irrigation plans for disturbed areas must be submitted to the Director of
18 Public Works/City Engineer prior to the issuance of any grading permits. Frontage and
19 median landscaping shall be installed prior to the issuance of any certificates of occupancy.
20 Any project fences, sound or privacy walls and monument entry walls/signs shall be shown
21 on, bonded for and built from the landscape plans. These features shall also be shown on
22 the precise grading plans for purposes of location only. Plantable, segmental walls shall be
23 designed, reviewed and constructed by the grading plans and landscaped/irrigated through
24 project landscape plans. All plans shall be approved by the Director of Public Works/City
25 Engineer and a pre-construction meeting held, prior to the start of any improvements.

26 47. Open space areas and down-sloped areas visible from a collector-level or above roadway
27 and not readily maintained by the property owner, shall be maintained by a homeowners'
28 association that will insure installation and maintenance of landscaping in perpetuity.
29 These areas shall be indicated on the Final Map and reserved for an association.
Future buyers shall be made aware of any estimated monthly costs. The disclosure,

1 together with the CC&R's, shall be submitted to the Director of Public Works/City
2 Engineer for review prior to the recordation of Final Map. In the event the homeowner's
3 association dissolves, responsibility for irrigation and maintenance of the slopes (open
4 space areas) adjacent to each property shall become that of the individual property owner.

5 48. The drainage design on the Tentative Map is conceptual only. The final design shall be
6 based upon a hydrologic/hydraulic study to be approved by the Director of Public
7 Works/City Engineer during Engineering plan check. All drainage picked up in an
8 underground system shall remain underground until it is discharged into an approved
9 channel, or as otherwise approved by the Director of Public Works/City Engineer.

10 49. The post-development drainage flows shall be equal to or less than the pre-development
11 drainage flows and shall be included in the Hydrologic & Hydraulic (H&H) Study
12 calculations. On-site retention and/or detention facilities shall be located within the
13 development and be designed accordingly with on-going maintenance responsibilities
14 borne by the Homeowners Association (HOA) via HOA/CC&Rs.

15 50. All public storm drains shall be shown on City standard plan and profile sheets. All storm
16 drain easements shall be dedicated where required. The applicant shall be responsible for
17 obtaining the off-site easements for storm drainage facilities as shown on the approved
18 Tentative Map.

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

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

25 53. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
26 barrier, approved by the Director of Public Works/City Engineer, shall be provided at the
27 top of all slopes whose height exceeds 20 feet or where the slope exceeds four feet and is
28 adjacent to an arterial street or state highway.

29 54. The development shall comply with all applicable regulations established by the United
States Environmental Protection Agency (USEPA) as set forth in the National Pollutant

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

16 55. The subdivider shall prepare and submit a Stormwater Facilities Maintenance Operations
17 & Maintenance (O&M) document to the Director of Public Works/City Engineer for
18 review and approval prior to the issuance of the Precise Grading Plan. The O&M shall be
19 prepared by the applicant's Civil Engineer. It shall be directly based on the project's Storm
20 Water Mitigation Plan (SWMP) previously approved by the project's approving authority
21 Planning Commission. At a minimum the O&M document shall include the designated
22 responsible parties to manage the stormwater BMP(s), employee's training program and
23 duties, operating schedule, maintenance frequency, routine service schedule, specific
24 maintenance activities, copies of resource agency permits, cost estimate for
25 implementation of the O&M and any other necessary elements.

26 56. The subdivider shall enter into a City-Standard Stormwater Facilities Maintenance
27 Agreement with the City prior to the recordation of the Final Map. The Stormwater
28 Agreement with the O&M document as an attached exhibit obliges the project proponent
29 to maintain, repair and replace the project's proposed BMPs identified in the project's
approved SWMP and O&M into perpetuity.

- 1 57. The Stormwater Agreement shall be approved by the City Attorney prior to issuance of the
2 Precise Grading Plan and Permit and shall be recorded at the County Recorder's Office
3 prior to the recordation of the Final Map. Security in the form of cash (or certificate of
4 deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall also be
5 required. The amount of the security shall be equal to 10 years of maintenance costs, as
6 identified by the O&M Plan and no greater than \$25,000. The O&M cost estimate shall be
7 approved by the Director of Public Works/City Engineer prior to the approval of the
8 Stormwater Agreement by the City Attorney's Office (CAO).
- 9 58. At a minimum, the Stormwater O&M Agreement shall require the staff training, inspection
10 and maintenance of all BMPs on an annual basis. The project proponent shall complete
11 and maintain O&M forms to document all maintenance activities. Parties responsible for
12 the O&M plan shall retain records at the subject property for at least five years. These
13 documents shall be made available to the City for inspection upon request at any time.
- 14 59. The Stormwater O&M Agreement shall include a copy of executed on-site and off-site
15 access easements necessary for the operation and maintenance of any BMPs that shall be
16 binding on the land throughout the life of the project to the benefit of the party responsible
17 for the O&M of BMPs, until such time that the stormwater BMP requiring access is
18 replaced, satisfactory to the Director of Public Works/City Engineer.
- 19 60. The BMPs described in the project's approved SWMP shall not be altered in any way,
20 shape or form without formal approval by the Planning Division's determination if a
21 Substantial Conformance can be issued. A revision to the project's O&M may need to be
22 approved by the approving authority, the Planning Commission at a public hearing.
- 23 61. Upon acceptance of any fee waiver or reduction by the subdivider for the entire project will
24 be subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4).
25 The subdivider PropONENT/Applicant shall agree to execute a form acknowledging the
26 prevailing wage requirements prior to the granting of any fee reductions or waivers.
- 27 62. Five-foot sidewalk (not including six inches top of curb) shall be installed on Nevada
28 Street's easterly side for the full length of the project. The sidewalk shall be ADA
29 compliant and be contiguous to the curb.

1 63. The intersection of Oceanside Boulevard at Nevada Street shall provide full access to the
2 project site. The intersection shall be re-striped to include eastbound and westbound left
3 turn pockets on Oceanside Boulevard at Nevada Street. Reflective, raised pavement
4 markers shall be installed to delineate the street centerline and left turn pockets. All re-
5 striping of the intersection shall be completed to the satisfaction of the Public Works
6 Director/ City Engineer.

7 64. The existing cul-de-sac at the southern terminus of Nevada Street shall be improved to an
8 offset cul-de-sac with 40-foot radius, curb, gutter and sidewalk. All improvements of the
9 cul-de-sac shall be improved to the satisfaction of the Public Works Director/ City
10 Engineer.

11 65. ADA complaint pedestrian access shall be provided at all project driveways.

12 66. Sight distance requirements at all driveway and street intersections shall conform to the
13 intersection corner sight distance criteria as provided by the California Department of
14 Transportation Highway Design Manual.

15 67. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
16 must be approved by the Public Works Director/ City Engineer. Hauling operations shall
17 be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

18 68. The applicant shall pay all applicable traffic signal and thoroughfare fees.

19 Fire:

20 69. Submit a copy of as-built plans on a CD for all projects on the job site.

21 70. Submit the approved Technical Report with the building plans to the Community
22 Development Department/Building Division for plan review.

23 71. Future development on the site will require compliance with all applicable Fire
24 Department Codes and Standards.

25 72. A minimum fire flow of 2,000 gallons per minute shall be provided.

26 73. The size of fire hydrant outlets shall be 2 ½" X 4".

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

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

- 1 76. Provide on-site hydrants and mains capable of supplying the required fire flow.
- 2 77. Detailed plans of underground fire service mains shall be submitted to the Oceanside
3 Fire Department for approval prior to installation.
- 4 78. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
5 and Processing Manual Standard Drawing No. M-13.
- 6 79. All weather access roads shall be installed and made serviceable prior to and during time
7 of construction. Sec. 902. Uniform Fire Code.
- 8 80. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
9 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 10 81. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
11 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
12 Guidelines for Emergency Access.
- 13 82. A "Knox" key storage box shall be provided for all new construction. For buildings,
14 other than high-rise, a minimum of three complete sets of keys shall be provided. Keys
15 shall be provided for all exterior entry doors, fire protection equipment control rooms,
16 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
17 rise buildings, six complete sets are required.
- 18 83. Three site plans are required for gate/barrier plan review and approval. Locations of
19 requested gates and barriers must be clearly shown on scaled site plans. Information
20 such as the location, type, dimension, gate swing direction, operator and emergency
21 release during a power failure must also be provided.
- 22 a) The current approved type of locking/unlocking device is the "Knox" key
23 switch or "Knox" padlock, or strobe, or "Knox" weather resistant lock box.
24 Authorization/order forms may be obtained at the Oceanside Fire Department or
25 by accessing the Knox web site at www.Knoxbox.com.
- 26 b) Openings for egress and ingress of vehicles shall not be less than 13 feet
27 minimum clear width. The vertical clearance shall not be less than 14 feet
28 including landscaping and / or trees.
- 29 c) A 27-foot minimum unobstructed setback is required from a gate to the first right
turn to allow apparatus clearance.

- 1 84. The design and installation of all electrically operated gates shall be in accordance with
2 the following criteria:
- 3 a) The gate control shall be operable by an approved emergency override key switch
4 that is an integral part of the mechanism. In the event of a power failure, the gate
5 shall automatically be transferred to a fail-safe mode allowing the gate to be
6 pushed open without the use of special knowledge or equipment.
 - 7 b) Location of the Knox key switch. The key switch shall be mounted on the
8 driver's side and accessible without leaving the vehicle.
 - 9 c) Upon activation of the key switch, the gates (egress and ingress) shall open and
10 remain open until returned to normal operation by means of the key switch.
 - 11 d) The key switch shall be labeled with a permanent red sign with not less than 1/2-
12 inch contrasting letters reading "FIRE DEPT" or with a "Knox" decal.
- 13 85. Manually Operated Gates and Barriers:
- 14 a) Gates and barriers across required fire apparatus access routes shall include a
15 "Knox" Pad Lock.
 - 16 b) Permanent signage (constructed of 18 gauge steel or equivalent) shall be
17 attached. Letters shall be red on white background and a minimum of three
18 inches high with a 1/2-inch width. Sign shall read: "FIRE LAND-NO PARKING"
19 on both faces.
- 20 86. In accordance with the California Fire Code Sec. 901.4.4, approved address for
21 commercial, industrial, and residential occupancies shall be placed on the structure in
22 such a position as to be plainly visible and legible from the street or roadway fronting the
23 property. Numbers shall be contrasting with their background.
- 24 87. An address directory board shall be installed on-site that is visible from the main
25 entrance.
- 26 88. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
27 approval prior to the issuance of building permits.
- 28 89. Buildings shall meet Oceanside Fire Department's current codes at the time of building
29 permit application.

- 1 90. All structural mitigation notes and details resulting from the wildland urban interface
2 report and Fire Department conditions shall be included on the architectural plans when
3 submitted to the Building Division for building permit.
- 4 91. Trees must be 10 feet off of structures measured at maturity, from the dripline of the tree
5 to the farthest projection of the structure.
- 6 92. Site inspection may reveal conditions which have changed since plan check. When such
7 discrepancies arise, field inspection shall take precedence.
- 8 93. Zone one shall contain no habitable structures, structures that are directly attached to
9 habitable structures, or other combustible construction that provides a means for
10 transmitting fire to the habitable structures. Structures such as fences, walls and non-
11 habitable gazebos shall be of non-combustible construction.
- 12 94. Fuel modification zones shall be located within common lettered lots owned and
13 maintained by associations representing common ownership; i.e. homeowners'
14 associations. The integrity and longevity of the fuel modification zones shall be
15 maintained with sufficient tract/project conditions and CC&Rs to specifically identify
16 the restrictions within the fuel modification areas. Likewise, when fuel modification
17 zones are located on private property, deed restrictions are required to specifically
18 identify the restrictions on any portion of the property subject to fuel modification.
- 19 95. Submit three sets of plans prepared by a licensed landscape architect or other design
20 professional with equivalent credentials, for review.
- 21 96. The following shall be included on the conceptual fuel modification plan:
- 22 a) Delineation of each zone (setback, irrigated, and thinning) with a general
23 description of each zone's dimensions and character; i.e., 0-40' Zone 1, with
24 existing vegetation removed, irrigated, and planted with drought-tolerant and
25 fire-resistant plant material.
- 26 b) Identify removal of undesirable plant species in accordance with the Oceanside
27 Fire Prone Plant Species List (refer to fuel modification packet).
- 28 c) Identify the design of the proposed development, showing all property lines,
29 contour lines, and the proposed location of all structures nearest to the fuel
modification area, if available.

1 d) Location of emergency and maintenance access easements every 500 feet of the
2 fuel modification area. Access easements shall have a minimum 10 feet width;
3 alternatively 5 feet wide easements provided every 250 feet is acceptable. Gates
4 shall be a minimum of 36 inches wide. The easements shall be maintained free
5 of vegetation or any structures.

6 e) Identify all proposed off-site fuel modification areas and appropriate legal
7 agreements with adjacent property owners.

8 f) Existing and new plants will be in accordance with the Oceanside Fire
9 Department's approved plant palette.

10 97. Precise fuel modification plans shall include all information required on conceptual fuel
11 modification plans and the following additional information:

12 a) Location and detail of permanent zone markers.

13 b) Plant palette to be installed in accordance to acceptable guidelines.

14 c) Irrigation plans and specifications.

15 d) Building footprints or statements that clearly indicates the limits of proposed
16 development.

17 e) All applicable maintenance requirements and assignments of responsibility.

18 f) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel
19 modifications.

20 **Planning:**

21 98. This Tentative Map, Development Plan and Regular Coastal Permit shall expire on May
22 22, 2008, unless the Planning Commission grants a time extension.

23 99. This Tentative Map, Development Plan and Regular Coastal Permit approves only a 15-
24 unit residential condominium as shown on the plans and exhibits presented to the Planning
25 Commission for review and approval. No deviation from these approved plans and
26 exhibits shall occur without Community Department/Planning Division approval.
27 Substantial deviations shall require a revision to the Tentative Map, Development Plan and
28 Regular Coastal Permit or a new Tentative Map, Development Plan and Conditional Use
29 Permit.

- 1 100. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
2 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
3 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
4 annul an approval of the City, concerning Tentative Map (T-7-04), Development Plan (D-
5 13-01) and Regular Coastal Permit (RC-8-01). The City will promptly notify the
6 applicant of any such claim, action or proceeding against the City and will cooperate
7 fully in the defense. If the City fails to promptly notify the applicant of any such claim
8 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,
9 thereafter, be responsible to defend, indemnify or hold harmless the City.
- 10 101. All mechanical rooftop and ground equipment shall be screened from public view as
11 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
12 mechanical equipment, screen and vents shall be painted with non-reflective paint to match
13 the roof. This information shall be shown on the building plans.
- 14 102. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
15 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
16 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
17 building permits. Landscaping shall not be installed until bonds have been posted, fees
18 paid, and plans signed for final approval. The following special landscaping requirements
19 shall be met:
- 20 a) Parkway tree plantings along collector and arterial roads shall be a minimum of
21 two-inch diameter trees so as to ensure a mature landscape theme is achieved in a
22 reasonable amount of time.
 - 23 b) The developer shall be responsible for irrigating and landscaping all embankments
24 within the project, and all slopes along major streets.
 - 25 c) Street/parkway trees (minimum 15-gallon) shall be planted at a minimum of one
26 tree per unit or lot and two trees per corner lot. Approved root barriers shall be
27 incorporated.
 - 28 d) Local street trees in parkways shall be planted at a minimum of 30 feet on center,
29 each side of street, as a solitary planting. Approved root barriers shall be
incorporated.

1 e) To mitigate the loss of landmark and/or mature existing trees on-site the
2 determination of replacement shall be based on tree number, type, and caliper
3 (caliper measured 2 ½ feet from the base of the tree at existing grade). The total
4 number of tree caliper lost shall be equal to the total number of caliper replaced.
5 Replacement trees shall be a minimum of 15-gallon container stock. A field survey
6 shall be performed under the supervision of the City Landscaping Section to
7 evaluate the existing tree population and the replacement requirements. The
8 existing trees to remain or proposed for removal shall be identified on the
9 Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing
10 tree type, location, and caliper shall be shown on the above plans. Replacement
11 trees shall be identified and shown on the Landscape Plan and shall be subject to
12 review and approval by the City Engineer and City Planner.

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

22 104. Model Landscape plans and Front Yard Landscape plans, designed in compliance with
23 Water Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and
24 shall be approved and signed by the Engineering Division and the Community
25 Development Department/Planning Division prior to the issuance of occupancy permits.
26 No bonding shall be required. Precise Grading Plans for model homes shall be prepared by
27 a Civil Engineer and shall be approved by the City Engineer prior to the issuance of
28 building permits. Prior to the issuance of occupancy permits, the City's Landscape
29 Technician/Inspector shall review each unit requested for occupancy to ensure that the
installation of planting and irrigation has occurred in conformance with the approved

1 schematic drawings. The irrigation system will also be tested to ensure adequate operation
2 and coverage.

3 105. The project shall be designed to dispose of or recycle solid waste in a manner provided
4 in City Ordinance 13.3.

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

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

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

- 1 109. Prior to the issuance of building permits, compliance with the applicable provisions of the
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
3 and approved by the Community Development Department/Planning Division. These
4 requirements, including the obligation to remove or cover with matching paint all graffiti
5 within 24 hours, shall be noted on the Landscape Plan and shall be recorded in the form of
6 a covenant affecting the subject property.
- 7 110. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
8 written copy of the applications, staff report and resolutions for the project to the new
9 owner and or operator. This notification's provision shall run with the life of the project
10 and shall be recorded as a covenant on the property.
- 11 111. Failure to meet any conditions of approval for this development shall constitute a violation
12 of the Tentative Map, Development Plan and Regular Coastal Permit.
- 13 112. Unless expressly waived, all current zoning standards and City ordinances and policies in
14 effect at the time building permits are issued are required to be met by this project. The
15 approval of this project constitutes the applicant's agreement with all statements in the
16 Description and Justification, and other materials and information submitted with this
17 application, unless specifically waived by an adopted condition of approval.
- 18 113. The developer's construction of all fencing and walls associated with the project shall be in
19 conformance with the approved Development Plan. Any substantial change in any aspect
20 of fencing or wall design from the approved Development Plan shall require a revision to
21 the Development Plan or a new Development Plan.
- 22 114. If any aspect of the project fencing and walls is not covered by an approved Development
23 Plan, the construction of fencing and walls shall conform to the development standards of
24 the City Zoning Ordinance. In no case, shall the construction of fences and walls
25 (including combinations thereof) exceed the limitations of the zoning code, unless
26 expressly granted by a Variance or other development approval.
- 27 115. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's)
28 shall provide for the maintenance of all common open space, medians and commonly
29 owned fences and walls and adjacent parkways. The maintenance shall include normal
care and irrigation of landscaping, repair and replacement of plant material and irrigation

1 systems as necessary; and general cleanup of the landscaped and open area, parking lots
2 and walkways. The C.C. & R's shall be subject to the review and approval of the City
3 Attorney prior to the approval of the final map. The C.C. & R's are required to be recorded
4 prior to or concurrently with the final map. Any amendments to the C.C. & R's in which
5 the association relinquishes responsibility for the maintenance of any common open space
6 shall not be permitted without the specific approval of the City of Oceanside. Such a
7 clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for
8 the following:

- 9 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 10 b) Provisions regulating individual patio covers, room additions and other
11 appurtenances.
- 12 c) Maintenance of median landscaping by the Association.
- 13 d) Provisions for the maintenance of all common open space and open space
14 easements on private lots, including provisions establishing mechanisms to ensure
15 adequate and continued monetary funding for such maintenance by the
16 homeowners' association.
- 17 e) Provisions that restrict any private use of open space easement areas. Restrictions
18 shall include, but are not limited to, removing retaining walls, installing structures
19 such as trellises, decks, retaining walls and other hardscape and any individual
20 landscape improvements.
- 21 f) Provisions prohibiting the homeowners association from relinquishing its
22 obligation to maintain the common open space and open space easement areas
23 without prior consent of the City of Oceanside.
- 24 g) An acknowledgement that the City of Oceanside does not have a view preservation
25 ordinance and that views may be subject to change with maturing off-site landscape
26 and the potential for future off-site building.

26 116. Any project entrance signs shall meet the requirements of the Sign Ordinance and be
27 approved by the City Planner.

1 117. The following unit type and floor plan mix, as approved by the Planning Commission,
2 shall be indicated on plans submitted to the Community Development Department/
3 Building Division and Planning Division for building permit:

	Sq.Ft.	# Bedrms.	# Baths	# Stories	# Units	%
4						
5	Unit A 1,887	3	2.5	2	6	40
6	Unit B 1,834	3	2.5	2	6	40
7	Unit C 2,056	3	2.5	2	3	20

8 118. Side and rear elevations and window treatments shall be trimmed to substantially match
9 the front elevations. A set of building plans shall be reviewed and approved by the
10 Community Development Department/Planning Division prior to the issuance of building
11 permits.

12 119. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
13 the same as those approved by the Planning Commission. These shall be shown on plans
14 submitted to the Community Development Department/Planning Division and Building
15 Division.

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

18 121. This project shall comply with all provisions of the City's Affirmative Fair Housing
19 Marketing Agreement Policy as required in the project's Affirmative Fair Housing
20 Marketing Agreement. Such agreement shall be submitted to and approved by the
21 Housing and Neighborhood Services Director prior to the issuance of a building permit
22 for the project.

23 122. Three to five feet of topsoil shall be removed and recompact to create a more secure
24 building platform for site improvements.

25 123. All ground floor windows and doors will have special treatments to reduce high noise
26 levels created as a result of the property's close proximity to the railroad tracks.

27 124. Prior to issuance of grading permits, the following mitigation measures shall be
28 implemented to reduce resource impacts to below a level of significance:

- 29 a) A 3:1 ratio is required for impacts to maritime succulent scrub and coastal sage
scrub within the coastal zone. The required mitigation ratio for non-native

1 grassland is 0.5:1. The actual total mitigation requirement for the project shall be
2 1.68 acres.

3 b) The applicant shall provide proof that either equivalent habitat has been
4 purchased, protected and managed in perpetuity or that credits have been
5 acquired from a mitigation bank. The City and Resource Agencies must approve
6 the mitigation strategy chosen by the applicant prior to issuance of the project's
7 grading permit.

8 **Water Utilities:**

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

13 126. No trees or structures or building overhang shall be located within any water or wastewater
14 utility easement.

15 127. The property owner shall maintain private water and wastewater utilities located on private
16 property.

17 128. A separate irrigation meter is required and approved backflow prevention device is
18 required.

19 129. Adequately sized meters shall be depicted on the Tentative Map for the proposed 8-inch
20 water lines.

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

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

27 132. The developer shall be responsible for developing all water and sewer facilities necessary
28 to develop the property. Any relocation of water and/or sewer lines is the responsibility of
29 the developer and shall be done by an approved licensed contractor at the developer's
expense.

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

5 134. The water and wastewater buy-in fees and the San Diego County Water Authority Fees are
6 to be paid to the City and collected by the Water Utilities Department at the time of
7 building permit issuance.

8 135. All water and wastewater construction shall conform to the most recent edition of the
9 Water, Sewer and Reclaimed Water Design and Construction Manual, or as approved by
10 the Water Utilities Director.

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

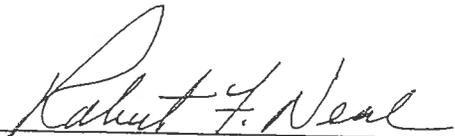
5 PASSED AND ADOPTED Resolution No. 2006-P32 on May 22, 2006 by the
6 following vote, to wit:

7 AYES: Neal, Parker, Horton, Blom and Beach

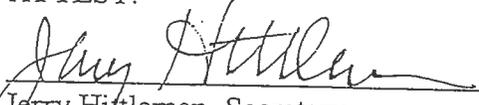
8 NAYS: Martinek

9 ABSENT: Balma

10 ABSTAIN: None

11
12 
13 _____
14 Robert F. Neal, Chairman
15 Oceanside Planning Commission

16 ATTEST:

17 
18 _____
19 Jerry Hittleman, Secretary

20 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
21 this is a true and correct copy of Resolution No. 2006-P32.

22 Dated: May 22, 2006
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DATE: May 22, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-7-04), DEVELOPMENT PLAN (D-13-01) AND REGULAR COASTAL PERMIT (RC-8-01) FOR A 15-UNIT RESIDENTIAL CONDOMINIUM COMPLEX ON A 2.24-ACRE SITE LOCATED ON NEVADA STREET, SOUTH OF OCEANSIDE BOULEVARD – BELLA TERRA - APPLICANT: FORUM CAPITAL MANAGEMENT**

RECOMMENDATION

Staff recommends that the Planning Commission approve Tentative Map (T-7-04), Development Plan (D-13-01) and Regular Coastal Permit (RC-8-01) and the Mitigated Negative Declaration and adopt Planning Commission Resolution No. 2006-P32 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: The applicant, Forum Capital Management, proposes to develop a 15-unit residential condominium project on a 2.24-acre site located at the terminus of Nevada Street in the Townsite Neighborhood.

Site Review: The project site consists of three vacant lots that support a mix of non-native and native vegetation. The subject property is surrounded on the north and west by existing residential development, on the east by vacant property and on the south by steep slopes leading to the NCTD east-west rail line. The site is an irregularly shaped parcel, characterized by a relatively narrow and flat bluff top area and a steep slope area along its southeasterly boundary. Grades on-site range from approximately 65 feet above mean sea level (MSL) at the northwestern portion of the site to 32 MSL at the southwestern portion of the site adjacent to the railroad tracks.

The General Plan and zoning designation for the site is Urban High Density Residential (UHD-R) and (RH-U) and respectively, which permits development at a density of 29 to 43 dwelling units per acre. The proposed density, at 8.5 dwelling units per acre, is below the RH-U base density of 29 dwelling unit per acre.

Under the provisions of the Local Coastal Plan the project site is designated as High-Density Residential (R-3). This designation is intended to allow for a minimum of 15 units per acre with the upper limits set by the Zoning Ordinance. The project is situated outside the Coastal Commission’s “appeal jurisdiction”.

The project is subject to compliance with the Hillside Development Regulations. The regulations apply to sites with slopes 20 percent or greater and a minimum grade differential of 25 feet. Slopes over 40 percent with a minimum 25-foot elevation differential, are considered undevelopable. The Hillside Regulations limit grading of hillside areas to a maximum of 7,500 cubic yards per graded acre. Ten percent of the subject site (.24 acres) is comprised of 20 to 40 percent slopes. Twenty-one percent of the site (.48 acres) is undevelopable due to sloping conditions in excess of 40 percent.

Approximately 1.74 acres of the subject site consists of non-native grasslands, however, 0.24 acres of habitat (disturbed coastal sage scrub) is located on the southwestern portion of the site. A Mitigated Negative Declaration has been prepared to address environmental issues associated with the site’s development including project impacts on existing biological habitat (see attached Negative Declaration). A mitigation measure and project condition requiring replacement of impacted habitat area at a 3:1 ratio (1.68 acres of actual mitigation area) is proposed.

Project Description: The project application consists of three components; a Tentative Map, Development Plan and Regular Coastal Permit. Each discretionary request is described as follows:

Tentative Map and Development Plan: The applicant proposes development of a 15-unit residential condominium project within five buildings on a 2.24-acre site. The buildings include two to four units in a townhome configuration. Three floor plans, ranging in size from 1,834 to 2,056 square feet are proposed. All residential units are 3 bedrooms with 2.5 baths and direct access to garages. The architectural design includes balconies, roof decks, and arbor features. The project’s colors and materials palette consists of terracotta colored “S” type concrete tile, burnt yellow stucco finish wall exteriors and grey and off-white color trim.

Specific product type information is as follows:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units	%
Unit A	1,887	3	2.5	6	40
Unit B	1,834	3	2.5	6	40
Unit C	2,056	3	2.5	3	20

Vehicular and pedestrian access to the property will be provided from Nevada Street. A 28-foot wide private driveway will serve the site’s interior. The project as designed, provides two parking spaces per unit and five on-site guest parking spaces.

The project's landscape palette is intended to complement existing planting themes in the immediate neighborhood. The project calls for the utilization of Palm, Olive and Cypress, Lily of the Nile, New Zealand Flax, Sea Lavender and turf and African Daisy groundcover. Several types of fences/walls will be utilized, depending on location, including wood fences, block wall, retaining wall, guard rail and combination view fence.

A minimum of 4,500 square feet of common useable open space is required for the project. The project as designed provides a total of 11,672 square feet of common and private useable open space. Proposed common open space facilities include picnic and barbeque areas at the northeast portion of the site and a smaller barbeque area at the terminus of the cul-de-sac. All recreational areas will be private, maintained by the Homeowner's Association and only available for the exclusive use of the future homeowners of the project and their guests.

Outlined below are the required development criteria based on the underlying Zoning and those proposed for the project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	10,000 sq.ft.	2.24-acres
SETBACKS		
Front	15-feet	33 -feet
Side	5-10-feet	16 -feet
Corner Side	10-feet	16-feet
Rear	15-feet	28-feet
Parking	34-parking spaces	35-parking spaces
BUILDING HEIGHT	27-feet (max) 2 Stories (max)	27-feet 2 Stories

Regular Coastal Permit: A Regular Coastal Permit is required due to the project site's location within the coastal zone.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed project consistent with the existing neighborhood in regards to density (RH-U) 29–43 dwelling units per acre)?
2. Is the proposed project consistent with the underlying land use designation and zoning development criteria?
3. Is the proposed project consistent with the Local Coastal Program?
4. Is the proposed project consistent with the Hillside Development Regulations?

DISCUSSION

Staff's analysis has focused on the following issues: compatibility of the project with existing development patterns of the area; and the project's consistency with the underlying zoning regulations and policies of the Local Coastal Program.

With regard to the project's compatibility with the surrounding neighborhood in terms of product type, density, scale and design staff inventoried recent multi-family condominium developments in the surrounding neighborhood as a basis of comparison. Listed below are the area's residential square footages:

Surrounding Multi-Family Residential Units			
	<u>Bielawski</u>	<u>Turner</u>	<u>Project</u>
<u>Unit Size:</u>	1,909	2,371	1,834
	1,990	2,644	1,887
	2,165	2,724	2,056
<u>Density:</u>	16.1	16.1	8.5

The project vicinity consists of multi-family residential buildings interspersed with some commercial uses along Oceanside Boulevard. Staff finds that the proposed product type (multi-family condominium) and density (8.5 dwelling units per acre) is consistent and compatible with the development pattern within the surrounding neighborhood.

In terms of project architecture, staff has determined that the proposed design will be compatible with the surrounding neighborhood. Currently, architectural styles throughout the neighborhood include Contemporary and Spanish/Mediterranean styles. The proposed stylized Mediterranean architecture is consistent and compatible with structures in the immediate area.

The project is subject to compliance with the underlying zoning regulations and policies of the Local Coastal Program. Local Coastal Program policies require that developments maintain the character of the existing neighborhood and public coastal views. As designed the project's massing, building siting and density will ensure that the existing character of the neighborhood is maintained. In addition the project's location, at the end of a cul-de-sac, will not impact public coastal views. The project will otherwise comply with applicable zoning regulations.

The project is subject to compliance with the provisions of the Hillside Development Regulations, which includes a maximum grading volume limit of 7,500 cubic yards of cut, or fill per graded acre. No grading is proposed into the site's sloped areas. A total of 2,100 cubic yards of cut for 1.7 graded acres is anticipated to implement the project. This equates to 1,228 cubic yards of cut per graded acre, therefore the project will comply with the maximum allowable grading volume of 7,500 cubic yards of cut or fill per graded acre.

Overall the proposed project provides a quality multi-family residential product that will complement the surrounding neighborhood and will be consistent with applicable Local Coastal Program and General Plan policies as well as with zoning regulations.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Negative Declaration during its hearing on the project.

SUMMARY

The proposed Tentative Map, Development Plan and Regular Coastal Permit is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all development standards and is compatible, in terms of residential product type and density, with the surrounding neighborhood. Therefore, staff recommends that the Planning Commission approve the subject development proposal. The Commission's action should be:

- Move to approve Tentative Map (T-7-04), Development Plan (D-12-01), and Regular Coastal Permit (RC-18-01) and adopt Planning Commission Resolution No. 2006-P32 as attached.

PREPARED BY:



Amy Volzke
Senior Planner

SUBMITTED BY:

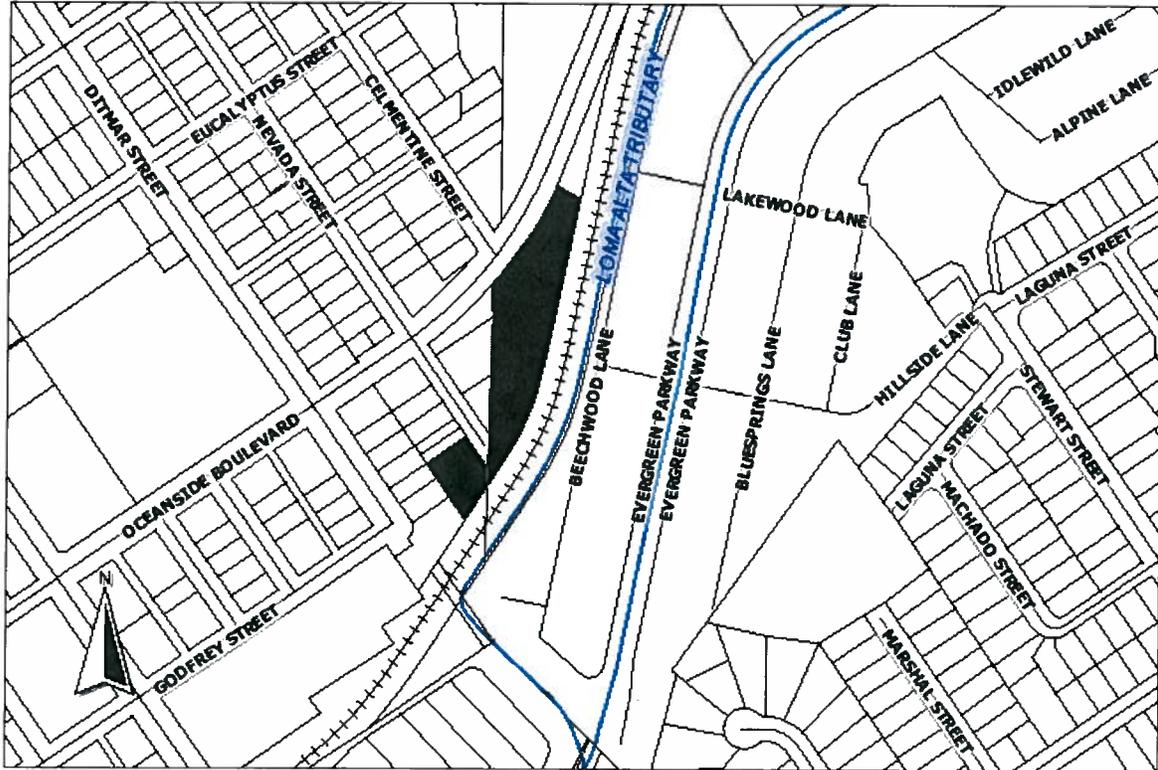


Jerry Hittleman
Acting City Planner

JH/AV/fil

Attachments:

1. Tentative Map, Site Plan, Floor Plans, Elevations & Landscape Plan
2. Planning Commission Resolution No. 2006-P32
3. Mitigated Negative Declaration



File Numbers: T-7-04TE08, D-13-01TE08, RC-8-01TE08

Applicant: Forum Capital Management

Description:

A Time Extension for a Tentative Map (T-7-04TE08), Development Plan (D-13-01TE08), and Regular Costal Permit (RC-8-01TE08) for a 15 unit residential condominium complex on a 2.24 acre site located on Nevada Street South of Oceanside Boulevard. The project site is zoned High Density Residential (RH-U) and is situated within the South Oceanside Neighborhood. – **BELLA TERRA** -

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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

APPLICATION FOR PLANNING COMMISSION HEARING
 PLANNING DEPARTMENT (760) 966-4770
 OCEANSIDE CIVIC CENTER
 300 NORTH COAST HIGHWAY, OCEANSIDE, CA 92054-2885

RECEIVED USE ONLY
 ACCEPTED J08
 4/9/08 BY S.H.

PLEASE PRINT OR TYPE ALL INFORMATION
 PART I - APPLICANT INFORMATION

Planning Department

1. APPLICANT Forum Capital Management		STATUS Developer		VAR.	
3. ADDRESS 1 Point Drive, Suite 330 Brea, CA 92821		4. PHONE 714-257-1700		C.U.P.	
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING) The Lightfoot Planning Group; ATTN: Chris Harrison				DEV.PL.	D-13-01 <i>RC002</i>
6. ADDRESS 5750 Fleet Street, Suite 250 Carlsbad, CA 92008		7. PHONE (760) 692-1924		SP.PL.	
				ZONE CH.	
				G.P.A.	
				PAR.MAP	
				TENT.MAP	T-7-04 <i>RC002</i>
				O.H.P.A.C.	
				COASTAL	RC-8-01 <i>RC002</i>

PART II - PROPERTY DESCRIPTION

8. LOCATION Southern terminus of Nevada Street.			9. SIZE 2.24 gross acres (1.76 net developable)		
10. GENERAL PLAN Urban High Density	11. ZONING RH-U	12. LAND USE Vacant	13. ASSESSOR'S PAR. NO. 152-320-11, 152-123-05, 06		

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION
REV - 5/28/08
A Time Extension of 2 years for the approved Tentative Tract Map, Development Plan & Regular Coastal Permit, for the construction of 15 townhomes and associated amenities.

15. PROPOSED GEN. PLAN No Change	16. PROPOSED ZONING No Change	17. PROPOSED LAND USE Multi-Family	18. # UNITS 15	19. DENSITY 8.5 du/ac
20. BUILDING SIZE 1,696 SF - 1,801 SF	21. PARKING SPACES 34 Required 35 Provided	22. % LANDSCAPING 70%	23. % LOT COVERAGE 14.50%	

PART IV - ATTACHMENTS

ALL APPLICATIONS			DEV. PLANS, CUP & TENT. MAPS*		
<input checked="" type="checkbox"/>	24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	30. FLOOR PLANS & ELEVATIONS
<input checked="" type="checkbox"/>	26. 300 FT. RADIUS MAP	<input checked="" type="checkbox"/>	27. PROPERTY OWNERS' LIST	<input checked="" type="checkbox"/>	31. CONSTRUCTION SCHEDULE
<input checked="" type="checkbox"/>	28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/>	29. PLOT PLANS	<input checked="" type="checkbox"/>	32. OTHER

PART V - SIGNATURES

THE APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION		SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL INFORMATION AS NECESSARY)			
33. APPLICANT OR REPRESENTATIVE <i>Robert Clark, Forum Capital Management</i>	34. DATE <i>4/8/2008</i>	37. OWNER <i>Galardi Group Realty</i>	38. DATE <i>4/08/08</i>		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE		39. OWNER	40. DATE		
35. APPLICANT <i>Robert Clark, Forum Capital Management</i>	36. DATE <i>4/8/2008</i>	41. OWNER	42. DATE		

TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

SCOTT

Application for Substantial Conformity

Date Accepted:	5/7/07
Accepted By:	S.S.
Fee Paid	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

RECEIVED

MAY - 7 2007

Applicant Information

Planning Department

Application Number

SC - 29 - 07

Owner Name: Forum Capital Management

Mailing Address: 1 Point Drive, Suite 330

Brea, CA 92821

Phone #: 714-257-1700

Representative Name: The Lightfoot Planning Group

Mailing Address: 5750 Fleet Street, Suite 250

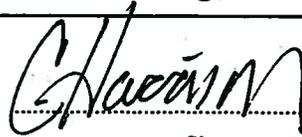
Carlsbad, CA 92008

Phone #: 760-692-1924

Signature of Owner / Authorized Agent

Chris Harrison

Print Full Name



Signature and Date

5/7/07

Project Description and Required Information

File Numbers: T-7-04; D-13-01; RC-8-01

Resolution of Approval: NO. 2006-P32

- Set of Approved Plans
- Proposed Modification Plan
- Resolution of Approval (All)
- Letter of Description and Justification
- 8 1/2" X 11" Reduction of Proposed Plan

Description of Request

This Substantial Conformity application is for the addition of three new retaining walls all 3-feet tall or less, a new sewer system design change, pad elevation changes, minor unit siting changes, revised common usable open space areas and a revised Fire Protection Plan for the elimination of a block fire wall. These changes were dictated during the final construction document preparation and combine to improve the overall project.

Action

+ Conditions:	
APPROVED AS SUBSTANTIALLY CONFORMING	
Date	By

Bella Terra Italian Villa Townhomes

T-7-04; D-13-01; RC-8-01

Request for Substantial Conformance:

**New Retaining Walls, Unit Siting Modifications, Revised Grading & Sewer Design,
Revised Recreation Areas & Revised Fire Protection Plan**

Rev. November 20, 2007

The Bella Terra Italian Villa Townhomes project was approved on May 22, 2006, through Planning Commission Resolution #2006-P32. This Substantial Conformity application is for the addition of three new retaining walls all 3-feet tall or less, a new sewer system design change, pad elevation changes, minor unit siting changes, revised common usable open space areas and a revised Fire Protection Plan for the elimination of a block fire wall. These changes were dictated during the final construction document preparation and combine to improve the overall project.

NEW RETAINING WALLS

There are four new retaining walls on the project site. The first wall is along the site's northeastern edge adjacent to Oceanside Boulevard, is a maximum 3-feet tall and is approximately 86-feet in length. This wall was added to accommodate a revised tot-lot configuration dictated by final grading requirements for the Water Utilities Department sewer force main access road. The second retaining wall is located south of the Nevada Street cul-de-sac bulb, is a maximum 3-feet tall and is approximately 83-feet in length. This wall was added to accommodate a revised passive use open space configuration dictated by final grading requirements for the Water Utilities Department sewer force main access road and the revised grading associated with the new sewer design. The third retaining wall is located along the site's southwestern property line, is a maximum 2-feet tall and is approximately 43-feet in length. This wall is needed to accommodate the new gravity flow sewer design and access road. A 10-foot section of this retaining wall extends off-site into the adjacent property in an easement through which the new sewer will extend. An easement in favor of the Bella Terra property has been granted and recorded by the adjacent property owner (Document NO. 2007-0280875, Recorded April 25, 2007) and a copy of the document accompanies this application. The fourth wall is located in the northeastern portion of the site along the south edge of the tot-lot area and adjacent to the utility access road. The wall is 1.5 feet high and approximately 30 feet in length. This wall was added in order to address grade issues related to the steepness of the utility road.

The proposed changes are consistent with the Guidelines for Determining Findings of Substantial Conformance; item #8. The new retaining walls do not reduce natural areas (they occur in areas that were always going to be impacted by grading) and the walls are not greater than 4 feet in height.

APPROVED AS SUBSTANTIALLY CONFORMING	
<i>Jon Hach</i>	<i>12/20/2007</i>
Bella Terra Italian Villa Townhomes	Page 1 of 4
Description and Justification	

RECEIVED

NOV 20 2007

Rev. November 20, 2007

Planning Department

PAD ELEVATION CHANGES

The grading changes required to accommodate the new sewer system and grades for the utility access road resulted in pad grade changes for the units. The elevation changes affect 10 of the 15 units. None of the pad elevation changes is greater than 0.65 feet. A table of the proposed changes is below.

Pad Elevation Changes

Unit	Old Pad	New Pad	Change
1	50.30	50.85	+0.55
2	50.50	50.85	+0.35
3	50.85	50.85	No Change
4	62.5	63.15	+0.65
5	63.15	63.90	No Change
6	63.30	63.90	+0.60
7	63.50	63.90	+0.40
8	63.70	63.90	+0.20
9	63.90	64.75	No Change
10	64.20	64.75	+0.55
11	64.35	64.75	+0.40
12	64.60	64.75	+0.15
13	64.75	64.75	No Change
14	64.95	65.15	+0.20
15	65.15	65.15	No Change

SEWER DESIGN CHANGE

The project sewer design has been modified to a gravity flow system. Originally, the project proposed to take the sewer up Nevada Street and into Oceanside Boulevard through the use of 2 sewer pump stations. Since project approval, however, the applicant has secured a private easement for sewer purposes from an adjacent property owner that will allow for a gravity flow system to extend westerly and tie into the public system in Ditmar Street. A copy of the easement document, Document NO. 2007-0280875, Recorded April 25, 2007, accompanies this application.

The proposed changes are consistent with the Guidelines for Determining Findings of Substantial Conformance; item #8. The required grading changes for the new sewer system design do not reduce natural areas (the sewer line runs through the proposed private driveway) and do not create retaining walls greater than 4 feet in height.

The proposed changes are consistent with the Guidelines for Determining Findings of Substantial Conformance; item #9. The proposed pad elevations do not raise or lower the grade by more than 3 feet and will have no essential impact on surrounding property owners. In fact, the maximum proposed change is an increase of only 0.65 feet for one unit.

MINOR UNIT SITING CHANGES

The proposed unit changes include the realignment of units 4/5 and units 6/7 and the addition of larger decks for units 4-11. As a result of these changes, there is no increase or decrease to the square footage of the units and the private open space area has increased. Originally, the units of 4/5 and 6/7 were "off-set" at the garages along the private driveway approximately 1.5 feet. The units have been re-aligned to be "even" along the private driveway in association with the new pad elevations and sewer design. The units of 4-11 have been enhanced with a larger private patio off of the ground floor that will cantilever over the slope below. As a result, the private usable open space for these units increases from approximately 55 square feet (old ground floor patio) to 165 square feet (+110). New elevations that show the revised building alignment and new decks accompany this application.

The proposed changes are consistent with the Guidelines for Determining Findings of Substantial Conformance; item #6. The new unit alignments do not reduce private or common open space areas. Also, they do not reduce the privacy of the units or reduce the quality of outdoor private or common open space areas and will have no impact on surrounding property owners. The proposed new decks actually increase and enhance the private usable open space for the associated units.

REVISED COMMON USABLE OPEN SPACE AREAS

With all of the grading changes required for the new sewer design, the utility access roads, and the pad grades, the project's two common usable open space areas had to be slightly reconfigured. The first area is the tot-lot adjacent to the northern property boundary along Oceanside Boulevard. The configuration change in this area is very minor and it accommodates the grading for the utility access road. The amenities within the area are unchanged and include a circular pedestrian path around the lot perimeter, a central play structure and associated "resilient surfacing", a picnic table, bench and turf area. The second common usable open space area is the passive area located just south of the Nevada Street cul-de-sac. Again, the configuration change in this area is very minor and it accommodates the grading for the utility access road. The amenities within the area are unchanged and include 2 picnic tables, a trash receptacle, a view bench and two par stations.

The proposed changes are consistent with the Guidelines for Determining Findings of Substantial Conformance; item #1 and item #8. The required changes are to the configuration of the open space areas only, and all the amenities originally approved with the project remain. The required grading changes associated with the areas do not reduce natural areas (the recreation areas are largely in the same location as was approved) and do not create retaining walls greater than 4 feet in height.

REVISED FIRE PROTECTION PLAN

The revised site plan was forwarded to the project Wildland/Urban Interface Fire Consultant for consistency review and that consultant wanted to modify the original report. The original Fire Protection Plan for the project recommended that a 6-foot tall fire wall be constructed along the site's southerly edge. The new Fire Protection Plan recommends that a Fire Scout X3 Wildfire Detector and emergency irrigation system be used along the southerly edge of the site adjacent to units 1-11 where the traditional fuel mod zones are not 100-feet in width (as opposed to the block fire wall called for in the original plan). The proposed system will provide an adequate water supply to easily suppress a fire that could start in the very small and occluded area between the site and the railroad tracks below (this area is 41-feet at it's widest and would "burn out" quickly based on the fuel lode modeling). This change will also result in a project with less off-site visible impacts due to the deletion of the wall. A copy of the Fire Scout X3 Wildfire Detector specification sheet is included in the revised Fire Protection Plan dated April 20, 2007 by Firewise 2000, Inc which accompanies this application.

The proposed change is consistent with the Guidelines for Determining Findings of Substantial Conformance; item #1. The change recommended by the Fire Consultant is to the "method" of controlling a wild fire only, and results in equal or greater fire safety to the project.

All of the proposed changes are minor in nature and meet the requirements for a Finding of Substantial Conformance, and result in a project equal to, or superior to, the one originally approved. Your support of the proposed changes is greatly appreciated.

BELLA TERRA ITALIAN VILLA TOWNHOMES

Tentative Tract Map, Site Development Plan
& Regular Coastal Permit

RECEIVED

APR - 9 2008

Description and Justification

Rev. February 2, 2005

Planning Department

This application includes a Tentative Tract map, Site Development Plan and Regular Coastal Permit for a 15-unit townhome project. The project site consists of 2.24 gross acres and 1.76 net developable acres. The site is located at the southern terminus of Nevada Street in the Townsite Neighborhood and is also within the Coastal Zone. The site is generally surrounded on the north and west by existing residential development, on the east by vacant property and on the south by steep slopes leading to the NCTD east-west rail line.

The current General Plan Land Use Element designation for the site is Residential-Urban High Density which has a density range of 29-43 dwelling units per acre (du/ac). The current zoning for the property is Urban High Density Residential (RH-U). No changes to these designations are proposed.

The project site has an unusual shape and is characterized by a relatively narrow and flat bluff top area to the northwest and a steep slope area all along the sites southeastern boundary. At the base of this slope area is a single east-west rail line that is planned to be expanded to two tracks as part of the NCTD "Sprinter" system. The shape, the narrow pad area and the proximity of the rail line are unique constraints to the development of the site. In addition, there is an existing sewer force main that runs through the middle of the pad area and limited gravity flow sewer serving the site that further constrains development. All of these factors were accounted for in the proposed project.

TENTATIVE TRACT MAP & SITE DEVELOPMENT PLAN

The residential site development plan for the Bella Terra Italian Villa Townhomes is for a 15-unit multi-family home-ownership project with common open space areas. The proposed density for the project is 8.5 du/ac (based on the net developable area of 1.76 acres) which is significantly below the base density of 29 du/ac for the RH-U zone. The product type is Multiple Unit Structures (MUS) as defined by the City Zoning Ordinance. The proposed project meets all development standard criteria and requires no Variances.

The main access to the site is from the southern terminus of Nevada Street. Two private access drives will serve the buildings. One drive extends northeasterly from Nevada Street and the other extends to the southwest. Building 1 is served by the westerly driveway and Building 2 is served by the easterly driveway. No new streets are proposed with this application. The existing cul-de-sac bulb at the end of Nevada Street will be replaced by a current City standard off-set cul-de-sac bulb. The buildings have been sited as close to the southerly slope line as possible to maximize the buffer between the proposed units and the existing units to the north while maintaining safety as it relates to the slope condition. NCTD has been consulted in relation to the units proximity to the track(s) and NCTD has expressed their support for the project.

There are two proposed residential buildings with 3 unit types. Building 1 is located on the westerly side of Nevada Street and Building 2 is located on the easterly side of Nevada Street. Each building is a standard 26'6" 2-story building with a private roof-top deck accessed via a

stairway penthouse for each unit (the stairway penthouse is 31 feet high). Building 1 also has a basement floor that meets the definition of basement for purposes of determining building height per the Uniform Building Code (Section 220-S & 203-B; the lineal dimension of the basement walls are more than half of the lineal dimension of the perimeter walls; the basement wall is 127'-6" and half of the perimeter wall is 111'-3"). Building 1 contains 3 dwelling units and building 2 contains 12 dwelling units. The unit clusters within Building 2 are connected with either a roof element or trellis structure.

There is an existing public sewer force main that runs through the property that will have to be partially relocated as a part of this project. The relocation of the line will allow it to extend unobstructed through the eastern drive aisle of the proposed building pad. Approximately 570 feet of the force main will be relocated as part of the project.

Currently, there is no sewer service to the site. In order to provide sewer to the site, two private pump stations with force main lines will be required in conjunction with the replacement of approximately 488 lineal feet of existing gravity flow sewer. The pump stations (one serving each side of the development) will pump sewage approximately 95 feet up Nevada Street where it will tie into the replaced sewer line. Because the existing grade of the existing sewer line will not work from a gravity flow perspective, the line will be replaced at a greater depth to meet current City standards and allow for the project to tie into the public line. This replacement extends north through Nevada Street to Oceanside Boulevard (197 lineal feet) and then west in Oceanside Boulevard (291 lineal feet) until it ties into the existing sewer line. The project will pay for and construct all the new lines needed to serve the project. As a side benefit, the new depth of the sewer line will allow a better gravity flow through the line that will benefit the existing residences whose sewer laterals tie into this main.

In addition, the project will also stripe dedicated left turn pockets for both the east and west bound traffic lanes on Oceanside Boulevard at Nevada Street. Currently, these turning movements are difficult during peak hour periods and often result in traffic "backing up" behind cars trying to make these turns. The dedicated turn pockets will improve this existing situation. This re-striping of Oceanside Boulevard can be accommodated within the existing right-of-way.

Architectural Design

The architectural theme for the project is a coastal "Italian Village". This theme includes the extensive use of arched door entryways, columns, trellises, ornamental iron balcony rails, decorative light fixtures, tile vents and concrete tile roofs. A color scheme of yellows and off-whites has been chosen to complete the theme.

There are two building types which will house 3 different residential unit types. All units will have 3 bedrooms and 2.5 baths with inside laundry facilities and attached 2 car garages with direct access into the units. All of the garages will have roll-up type garage doors. The proposed units will range in size from 1,834 square feet to 2,056 square feet.

Unit A will have a total of 1,887 square feet of living space with a rooftop deck of 335 square feet. The living room, dining room, kitchen, breakfast nook and a half-bathroom will be on the ground floor. A private patio area is accessible from the breakfast nook. The second floor will have 3 bedrooms, 2 full bathrooms, the laundry room and a linen closet. There will also be a private deck off of the master bedroom. In addition, bedroom 2 and bedroom 3 are arranged in a "jack and jill" configuration. The 355 square-foot roof top deck is accessed via a stairway penthouse.

The stairway penthouse extends to 31 feet high which is 4 feet higher than the 27 foot height limit for the project. This extension, which covers 128 total square feet of area, is permissible however, through Section 3018 of the Zoning Ordinance (3018 Exceptions to Height Limits). This Section allows for a stairway penthouse to exceed the height limit provided that its total area does not exceed 10% of the ground area covered by structure it serves. In this case, the stairway penthouse covers 128 square feet of area and the footprint of the building covers 1,313 square feet which equates to only 9.7% of coverage. There is no living area in the stairway penthouse and the deck itself is below the height limit.

Unit B will have a total of 1,834 square feet of living space with a rooftop deck of 345 square feet. The living room, dining room, kitchen, breakfast nook and a half-bathroom will be on the ground floor. A private patio area is accessible from the breakfast nook. The second floor will have 3 bedrooms, 2 full bathrooms, the laundry room and a linen closet. There will also be a private deck off of the master bedroom. In addition, bedroom 2 and bedroom 3 are arranged in a "jack and jill" configuration. The 345 square-foot roof top deck is accessed via a stairway penthouse.

The stairway penthouse extends to 31 feet high which is 4 feet higher than the 27 foot height limit for the project. This extension, which covers 128 total square feet of area, is permissible however, through Section 3018 of the Zoning Ordinance (3018 Exceptions to Height Limits). This Section allows for a stairway penthouse to exceed the height limit provided that its total area does not exceed 10% of the ground area covered by structure it serves. In this case, the stairway penthouse covers 128 square feet of area and the footprint of the building covers 1,287 square feet which equates to the allowable 10% of coverage. There is no living area in the stairway penthouse and the deck itself is below the height limit.

Unit C is the largest of the units with a total of 2,056 square feet of living space with a rooftop deck of 495 square feet. This unit has 2 floors of living area over a basement. The living room, dining room, kitchen, breakfast nook and a half-bathroom will be on the ground floor. A private patio area is accessible from the breakfast nook. The second floor will have a large master bedroom, the laundry room and a direct access to the roof top deck. The basement of these units will include 2 bedrooms and 1 full bathroom. An at grade patio will be accessible via a common hallway between the two bedrooms. The basement floor for each unit meets the definition of basement for purposes of determining building height per the Uniform Building Code (Section 220-S & 203-B; the lineal dimension of the basement walls are more than half of the lineal dimension of the perimeter walls; the basement wall is 127'-6" and half of the perimeter wall is 111'-3").

A breakdown of the units is as follows:

UNIT	SQUARE FOOTAGE	BD/BTH	PLAN MIX	
			# of UNITS	% of TOTAL
Unit A	1,887 SF	3/2.5	6 du	40%
Unit B	1,834 SF	3/2.5	6 du	40%
Unit C	2,056 SF	3/2.5	3 du	20%
TOTAL			15 du	100%

Parking

The required parking for the project, as established through the Zoning Ordinance (Section 3103), is 34 total spaces. The Ordinance requires that 2 spaces be provided for each unit, with a minimum of one covered space (30 total spaces). Guest spaces are required at 1 space + 20% of the total number of units which equates to 4 guest spaces (1 +3 = 4). The total number of parking spaces required, therefore, is 34 spaces.

The project parking as proposed exceeds this minimum. There will be 2 covered garage spaces per unit for a total of 30 spaces 5 open guest spaces. The total proposed parking is 35 spaces.

A breakdown of the parking count is as follows:

OFF-STREET PARKING	2 Per Unit	GUEST	TOTAL
Required	30 (1 covered)	4	34
Proposed	30 (2 covered)	5	35

Landscape Concept Plan

The Landscape Concept Plan provides the detail for the general common open space areas on-site. Based on Zoning Ordinance requirements, the minimum total usable open space to be provided is 4,500 square feet (based on 300 square feet per unit). Of this total usable open space, a minimum of 2,250 square feet is required to be provided in common open space areas. Due to the limited number of units proposed (less than 25 units), no community recreation facility is required.

Total open space provided on site is 51,747 square feet, of which 45,555 square feet is common (including slope area). Of the common open space areas, 5,480 square feet is usable which exceeds the minimum requirement. The common amenity package includes a tot-lot, par stations, multiple bar-be-que and picnic areas and associated benches. There is also 6,192 square feet of private open space areas provided through private use patios and decks for each unit. Each patio and deck area will accommodate potted plants and other amenities at the discretion of the homeowner. The project as proposed provides over twice as much usable open space than the minimum requirement. A breakdown of the usable open space for the project appears in the table below:

Usable Open Space

TYPE	COMMON (150 SF/DU)*	PRIVATE (150 SF/DU)**	TOTAL REQUIRED
REQUIRED	2,250	2,250	4,500
PROPOSED	5,480	6,192	11,672

* Minimum required to count towards total usable requirement

* Maximum allowed to count towards total usable requirement

The overall landscaping theme for the site is tropical. This theme was chosen to enhance the feeling of the site as a "coastal village community". The plant palette includes species that compliment this tropical theme, however, it also meets fire department requirements for fire safety purposes. A complete plant palette for the site is included in the "Conceptual Plant List" on the Landscape Concept Plan, which is consistent with the approved fire department plant palette list.

The landscape material used at the southerly development area was chosen for both safety and function. The planter area between the units and the ornamental iron view fence will be "defensively" planted with thorny type plant materials. This will discourage people from approaching the guard rail and ultimately, the slopes. In addition to these plant materials, the 6-foot ornamental iron safety fence will be placed on the top of the slopes to further increase safety in these areas.

The planting materials used for the site are in compliance with the provisions established in Section 3019 of the Zoning Ordinance and the Fire Department standards for safety. The selection of plant material is based on cultural, aesthetic, and maintenance considerations. All planting areas will be prepared with soil conditioners, fertilizers, and appropriate supplements based on soil samples. Fencing details are illustrated on the LCP and they include block wall, tubular steel and wood (wood is only used adjacent to developed urban areas in accordance with Fire Department requirements).

REGULAR COASTAL PERMIT

The project site is located in the Coastal Zone of the City and is outside of the Appeal Jurisdiction area as delineated in the Local Coastal Program (LCP). The project was designed to meet the goals and policies set forth in the LCP. There will be no impacts to the City's coastal resources as a result of this project.

The project is in conformance with the City's LCP, and the overall goals and policies of the California Coastal Act as it will not obstruct public views or access to the beach, or result in the loss of any viable beach habitat. The project will provide a high quality multi-family home-ownership opportunity within the coastal zone with convenient access to local transportation, employment, shopping and the beach. It will replace vacant lots with a needed residential use that is compatible with the surrounding residential neighborhood.

JUSTIFICATION

Highlights

- The residential use proposed for the site is consistent with the surrounding developments in density, intensity, and design and the townhome units will add much needed high quality multi-family home ownership units to the City's coastal housing stock.
- The project is desirable because it will result in a multi-family product type on a major transportation corridor.
- The proposed project represents a cooperative planning effort between the applicant, NCTD, the surrounding neighborhood and the City.
- The usable open space on-site far exceeds the minimum City requirement.
- The proposed project will replace vacant, undesirable lots with a high quality infill project that is consistent with the goals and policies of the City's General Plan, Zoning Ordinance and Local Coastal Program.

REQUIRED FINDINGS

Development Plan

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

1. The site plan and physical design of the proposed project is consistent with the purposes of the Zoning Ordinance because it meets the intent of the development regulations and design standards over the entire site.
2. The Development Plan as proposed conforms to the City's General Plan because the proposed residential product type and density are consistent with the Land Use Element requirements established for the site. The residential development proposes a density under the established Base Density for the site.
3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities because said provisions have been successfully incorporated into the proposed design.
4. The proposed development is compatible with the existing residential uses surrounding the site, because the site is proposed to be developed under the existing land use designation and regulations established by the City for the site.
5. The site plan and physical design of the proposed project is consistent with Section 1.24 and 1.25 of the General Plan Land Use Element because it was designed to be sensitive to the habitat constraints associated with the slope to the south of the site.

Regular Coastal Permit

The City of Oceanside Local Coastal Program Coastal Permit Handbook stipulates that two specific findings must be made before a Regular Coastal Permit can be granted. This proposal meets those conditions as follows:

1. The project conforms to the Local Coastal Plan and policies as it proposes residential development in an area that is designated for residential uses, it will not result in the obstruction of significant public views of the coast, it will not obstruct access to the coast or any coastal resource, it will not result in the damming or diking of any coastal watersheds and it will not result in the loss of any coastal resources.

2. This project conforms to the public access and recreation policies of Chapter 3 of the California Coastal Act for projects within the appealable area because it will not result in the obstruction of significant public views of the coast, it will not obstruct access to the coast or any coastal resources, it will not result in the damming or diking of any coastal watersheds and it will not result in the loss of any coastal resources.

Your favorable consideration is appreciated.

EXHIBIT "ONE"

PARCEL 1: (APN: 152-121-06)

ALL THAT PORTION OF LOT 7 IN BLOCK 5 OF PUTERBAUGH'S ADDITION TO THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 418, LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL WITH AND 63.00 FEET 4, 1887, LYING SOUTHEASTERLY OF A LINE DRAWN PARALLEL WITH AND 63.00 FEET SOUTHEASTERLY AT RIGHT ANGLES FROM THE NORTHWESTERLY LINE OF SAID LOT 7.

PARCEL 2: (APN: 152-123-05)

LOT 6, BLOCK 6 OF PUTERBAUGH'S ADDITION TO THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 418, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, OCTOBER 4, 1887.

PARCEL 3: (APN: 152-320-11)

ALL THAT PORTION OF TRACT 101 OF SOUTH OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, 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 A POINT OF INTERSECTION OF NORTHWESTERLY LINE OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY, FORMERLY CALIFORNIA SOUTHERN RAILROAD, ESCONDIDO BRANCH, WITH THE WEST LINE OF SECTION 25, TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO BASE AND MERIDIAN BEING A POINT WHICH IS NORTH 299.64 FEET FROM THE SOUTHWEST CORNER OF SAID SECTION 25; THENCE NORTH ALONG SAID SECTION LINE AND ALONG THE EAST LINE OF PUTERBAUGH'S ADDITION TO THE TOWN OF OCEANSIDE AS SHOWN ON MAP THEREOF NO. 418, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, A DISTANCE OF 1349.04 FEET TO THE MOST NORTHERLY CORNER OF SAID PUTERBAUGH'S ADDITION TO THE TOWN OF OCEANSIDE, BEING ALSO A PORTION ON THE SOUTHERLY LINE OF EUCALYPTUS STREET, AS SHOWN ON SAID MAP OF PUTERBAUGH'S ADDITION; THENCE NORTH 53° 15' EAST ALONG THE EASTERLY EXTENSION OF THE SOUTHERLY LINE OF EUCALYPTUS STREET, A DISTANCE OF 247.50 FEET TO A POINT MARKED "H"; THE BASE OF HILLS; THENCE SOUTH 43° 30' EAST A DISTANCE OF 210.54 FEET TO A POINT IN THE WESTERLY LINE OF THE RIGHT OF WAY OF SAID ATCHISON, TOPEKA AND SANTA FE RAILROAD; THENCE SOUTHERLY AND SOUTHWESTERLY ALONG THE WEST LINE OF SAID ATCHISON, TOPEKA AND SANTA FE RAILWAY, 1197.24 FEET MORE OR LESS, TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHWESTERLY AND WESTERLY OF THE SOUTHEASTERLY AND EASTERLY BOUNDARY OF PARCEL OF LAND 80.00 FEET WIDE AS DESCRIBED IN "PARCEL 3" OF A JUDGMENT IN CONDEMNATION RECORDED JUNE 1, 1966 AS FILE/PAGE NO. 90661 OF OFFICIAL RECORDS, THE CENTER LINE OF SAID 80.00 FOOT WIDE PARCEL BEING DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE CENTER LINE OF DITMAR STREET DISTANT 2.5 FEET SOUTH 35° 19' 15" EAST FROM THE CENTER LINE OF SHORT STREET AS SHOWN ON MAP NO. 418 OF PUTERBAUGH'S ADDITION TO THE TOWN OF OCEANSIDE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON THE 4TH DAY OF OCTOBER 1887; THENCE NORTH 55° 00' 34" EAST PARALLEL WITH THE SAID CENTER OF SHORT STREET A DISTANCE OF 367.95 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 937.46 FEET AND A

CENTRAL ANGLE OF $34^{\circ}30'$ FOR AN ARC LENGTH OF 564.48 FEET TO A POINT HEREINAFTER KNOWN AND DESIGNATED AS POINT "A"; THENCE NORTH $20^{\circ}30'34''$ EAST A DISTANCE OF 617.50 FEET MORE OR LESS, TO THE NORTHEASTERLY BOUNDARY OF LAND DESCRIBED IN DEED TO JOHN S. MIDDLEKAUF, ET UX, RECORDED MAY 7, 1946 ENTERED IN BOOK 2108, PAGE 462 AS FILE/PAGE NO. 48882 OF OFFICIAL RECORDS AND DESIGNATED AS "SOUTH $43^{\circ}30'$ EAST 210.54 FEET" THEREIN, SAID 80.00 FOOT STRIP BEING IN SAID WEST LINE OF SECTION 25 AND ENDING IN THE EASTERLY BOUNDARY OF SAID MIDDLEKAUF'S LAND.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHERLY OF THE SOUTHERLY BOUNDARY OF PARCEL OF LAND AS DESCRIBED IN "PARCEL 4" OF A JUDGMENT IN CONDEMNATION RECORDED JUN 1, 1966 AS FILE/PAGE NO. 90661 OF OFFICIAL RECORDS, SAID SOUTHERLY BOUNDARY BEING DESCRIBED AS FOLLOWS:

COMMENCING AT SAID POINT "A" HEREINABOVE DESCRIBED; THENCE ALONG A RADIAL LINE SOUTH $69^{\circ}29'26''$ EAST 40.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID RADIAL SOUTH $69^{\circ}29'26''$ EAST TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY LINE OF SAID ESCONDIDO BRANCH OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY.