



**DATE:** November 19, 2007

**TO:** Chairman and Members of the Planning Commission

**FROM:** Development Services Department/Planning Division

**SUBJECT:** **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-20-06) AND DEVELOPMENT PLAN (D-29-06) TO SUBDIVIDE A 6.67-ACRE SITE INTO 4 PARCELS IN ORDER TO DEVELOP 4 BUILDINGS TOTALING 77,096 SQUARE FEET IN SIZE AND FURTHER SUBDIVIDED INTO 40 CONDOMINIUM UNITS LOCATED ON THE SOUTHEAST CORNER OF AVENIDA DEL ORO AND OLD GROVE ROAD. THE PROJECT SITE IS ZONED PD-1 RANCHO DEL ORO SPECIFIC PLAN (LIGHT INDUSTRIAL) AND IS SITUATED WITHIN THE RANCH/RANCHO DEL ORO NEIGHBORHOOD – PACIFIC COAST BUSINESS PARK “A” LOT 30 – APPLICANT: HEADLANDS REALTY CORPORATION**

**RECOMMENDATION**

Staff recommends that the Planning Commission adopt Planning Commission Resolution No. 2007-P55 approving Tentative Parcel Map (P-20-06) and Development Plan (D-29-06) as attached.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The site is located at the southeast corner of Old Grove Road and Avenida Del Oro, within the Pacific Coast Business Park Industrial Master Development Plan area. The original 124.31-acre Pacific Coast Business Park Industrial Master Development Plan area subdivision map was processed as part of Tentative Parcel Map (P-8-04) and Development Plan (D-17-04). The City approved the Pacific Coast Business Park project with resolution No. 2005-P45 and certified the Environmental Impact Report for the project with PC resolution No. 2005-P-46, allowing for phasing of individual lot development. Lot 30 is part of the approved Tentative Parcel Map P-8-04.

The original Tentative Parcel Map and Development Plan established the original pad area and determined the criteria for each future phase and/or lot proposed for development, which is regulated by the Pacific Coast Business Park Industrial Master

Development Plan and the Oceanside Zoning Ordinance for Light Industrial (LI). The Zoning Ordinance and/or the General Plan regulations would apply where the adopted Master Development Plan is silent. As designed, this project either meets or exceeds the established development regulations.

**Site Review:** The project involves development of a vacant 6.67-acre lot “Lot 30”, and is one of the original 30 lots created within the 124.31-acre Pacific Coast Business Park Industrial Master Development Plan area. The site is zoned PD-1 and is regulated by the PCBP Industrial Master Development Plan which establishes development and land use standards similar to the IL (Limited Industrial) zoning designation of the Oceanside Zoning Ordinance. The General Plan designation is S-1-84 (Rancho Del Oro Specific Plan) on the Land Use Map. Surrounding land uses include: an undeveloped multi-family residential parcel to the north, and undeveloped portions of the Pacific Coast Business Park Master Industrial Plan area to the south, east, and west.

Under the current proposal, all four proposed lots would be developed as one project and would provide for a combined total building floor area of 77,713 square feet, with 205 total parking spaces. Lot 30 was graded as part of the larger mass grading operation for the entire Pacific Coast Business Park Industrial Master Development Plan area and will require only remedial grading to balance the site. The development pad is relatively flat and proposes a conceptual finish grade to be a couple of feet below the finish grade of Old Grove Road, and elevated a few feet above Ave. Del Oro at the north portion of the property to approximately 22 feet above Ave. Del Oro at the south portion of the site. This is one of three Business Parks, Park “A” being developed over a total of six parcels originally envisioned as part of the areas overall master plan for industrial development.

**Project Description:** The project application is comprised of two components; Tentative Parcel Map (P-20-06), and Development Plan (D-29-06), as follows:

Tentative Parcel Map (P-20-06) represents a request for the following:

- (a) To subdivide a 6.67-acre parcel into four parcels and subdivide each proposed industrial building into a maximum of 40 individual industrial condominium units as follows:

<b>Parcel</b>	<b>Parcel Gross s.f.</b>	<b>Building No.</b>	<b>Building Gross s.f.</b>	<b>Unit Calculations</b>
Parcel 1	60,963 s.f.	A1	14,571 s.f.	8 Condo Units
Parcel 2	88,029 s.f.	A2	26,600 s.f.	13 Condo Units
Parcel 3	67,874 s.f.	A3	21,971 s.f.	11 Condo Units
Parcel 4	73,824 s.f.	A4	14,571 s.f.	8 Condo Units

Subdivision of the subject site would be conducted pursuant to Article VI of the Oceanside Subdivision Ordinance; and as required, each of the newly created lots would meet the minimum lot size of 20,000 square feet based on the underlying IL zone

requirements. Access to the proposed parcels would occur directly off of Rocky Point Dr., an internal public roadway segment contained within the larger Pacific Coast Business Park Industrial Master Development Plan area.

Development Plan (D-29-06) represents a request for the following:

- (a) To construct four single story industrial buildings with a combined square footage of 77,713 square feet and will be located on approximately 27 percent of the site. Architectural design is proposed to be contemporary in style, and would be constructed using tilt up concrete panels finished in earth tone colors and green storefront glazing along the front elevations of the industrial units. In order to enhance the fenestration and form of the buildings, projected metal canopies with soffit lighting, and vertical façade wall elements are proposed. Incorporation of these design elements would establish defined entry points and provide for a sense of individual industrial units rather than one single large unit. The added variations in building elements, along with the visual relief provided in the materials palette supports a superior product and highly integrated design being established for the industrial park. Overall design of the buildings establishes a maximum height of 25'-8" and orients each of the four buildings in a manner that establishes rear loading areas internal to the site and not in clear view from any public street or adjacent property.

The applicant's project includes four industrial style buildings divided into a maximum of 40 separate industrial condominium units, and are summarized below.

<i><b>Building No.</b></i>	<i><b>No. of Units</b></i>	<i><b>Floor Area (Sq. Ft.)</b></i>	<i><b>25%Office (Sq. Ft.)</b></i>
A1	8	14,571	3,661
A2	13	26,600	5,566
A3	11	21,971	4,981
A4	8	14,571	3,661

The applicant has identified that this proposal is being processed without any users identified for tenancy. Depending on market conditions, the property owner and/or applicant have indicated that each building will be sold/or leased to individual tenants. Any future building owner and/or tenant will be subject to the use restrictions of the IL zone and/or the use restrictions outlined in the resolution based on the on-site parking conditions.

Traffic impacts have been considered as part of the larger Pacific Coast Business Park Industrial Master Development Plan area traffic and parking allocation models. As designed, this project conforms with the average daily trips that have been assigned to lot 30 by the City's Transportation and Engineering Department. In order to ensure that more intense type uses do not expand beyond the limits of the sites available

transportation/traffic and parking infrastructure, a maximum allowable percentage of more intense office type uses has been added to the Tentative Parcel Map and will be part of the projects conditions of approval.

Building and lot coverage for each individual lot is lower than the maximum allowable 75 percent lot coverage. Each newly created lot and each building sited on each lot provides for a range of between 22 percent and 31 percent lot coverage for each of the four proposed lots.

The project proposes an excess of 62 parking spaces. The total 205 off-street parking spaces will be distributed based on the required off-street parking count for each lot and unit, but would not exceed the maximum allowable office square footage for Park A. This project will also provide a total of six loading spaces to meet the required loading space regulations established within Section 3103 of the OZO.

The higher elevation of lot 30 will limit visibility of rooftop equipment from adjacent properties or by those traveling along the public right-of-ways near the business park. Staff has also established a condition that will require the project to adhere to the rooftop and mechanical equipment screening regulations.

Site landscaping has been evaluated and determined to meet the required landscape criteria established within the Pacific Coast Business Park Industrial Master Development Plan. In particular, this project meets the landscape palette and exceeds the minimum required 15 percent landscape coverage requirement for each individual lot and when considered as a whole. In all, 27 percent of the total lot area will be devoted to an enhanced landscape palette. Special attention was given to assure the continuation of landscape themes between lots within the larger Pacific Coast Business Park Industrial Master Development Plan area. Integrated throughout Park "A" and the landscaped environment would be a total of five outdoor employee areas, each designed with benches, picnic tables, trash receptacles, and adequate landscaping necessary to buffer the areas from the internal circulation and parking areas.

Signage is not proposed as part of the project. All signage associated to individual development would meet the stringent criteria established within the Pacific Coast Business Park Industrial Master Development Plan and would need to be approved by the PCBP Review Board prior to submittal to the City.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Pacific Coast Business Park Industrial Master Development Plan
4. California Environmental Quality Act (CEQA)
5. The Subdivision Ordinance

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

The General Plan Land Use Map designation on the subject property is S-1-84 (Rancho Del Oro Specific Plan) on the Land Use Map. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

##### **A. Land Use Element**

###### **Goal 1.2: Site Design**

**Objective:** To provide high-quality site design, all proposed land development projects shall take advantage of natural or manmade environments to maximize energy conservation, natural air circulation, public safety, visual aesthetics, private and common open spaces, privacy, and land use compatibility.

**Policy: C.** New development or land uses shall provide coordinated site design wherever possible with existing or proposed adjacent land uses to provide complimentary site design, unified circulation access, and joint use of ancillary facilities.

The site is physically suitable for the type of uses proposed, in that the entire Pacific Coast Business Park Industrial Master Development Plan area was originally designed to accommodate small to medium light industrial type tenants, and the proposal to develop Lot 30 is consistent with the overall Master Plan envisioned for the area. Each building is currently designed for multiple tenant occupancy with tilt-up concrete shell construction.

In all, the project will make available industrial facilities that will be available to small size individual start up companies and/or ancillary services supporting larger companies. Each building provides between 14,571 square feet and 26,600 square feet of building floor area. Each new tenant will process tenant improvements for interior modifications at a future time.

The concrete tilt up structures have been designed and sited in a manner that provides for a business park type development consistent throughout the RDO community, and that establishes setbacks from public right-of-ways to the maximum extent feasible. In order to provide for a subdued transition from the natural environment, the applicant is proposing to finish the structure in muted brown earth tone colors and integration of ample landscaped buffer and slope areas.

## 2. Zoning Compliance

This project is located within the Pacific Coast Business Park Industrial Master Development Plan area and as designed, complies with the requirements of the Master Plan. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED Section 4 PCBP Industrial Master Development Plan	PROPOSED
LOT SIZE	20,000 sq ft	60,963 – 88,029 sq ft
LOT COVERAGE	75% (max)	22 –31 %
SETBACKS Front Corner Side Rear	15-feet (Old Grove & Ave. Del Oro) 10-feet (Other Streets)	80 - feet 60 - feet
PARKING	Total required: <u>106 spaces</u> <u>W/ 25 % Office – 143 spaces</u> a) 25% office @ 1:300 19,428 sq feet = <u>65 spaces</u> b) 75% Limited Industrial @ 1:750 58,285 sq feet = <u>78 spaces</u>	Total provided: <u>205 spaces</u>
BUILDING HEIGHT	80-feet (max)	26-feet (max) 1-story

The proposed project meets all applicable requirements of the Pacific Coast Business Park Industrial Master Development Plan as denoted above, and will exceed the required number of parking spaces required for the four proposed industrial buildings to be located south east of Old Grove Road and Ave. Del Oro. No variances or modifications to the Master Development Plan are required as part of the proposed project.

### 3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	S-1-84 (Rancho Del Oro Specific Plan)	PD-1 PCBP Master Development Plan	Light Industrial
North of Subject Property	S-1-84 (Rancho Del Oro Specific Plan)	PD-1 RDO	Undeveloped Multi-Family Residential
East of Subject Property:	S-1-84 (Rancho Del Oro Specific Plan)	PD-1 PCBP Master Development Plan	Undeveloped Light Industrial
South of Subject Property:	S-1-84 (Rancho Del Oro Specific Plan)	PD-1 PCBP Master Development Plan	Undeveloped Light Industrial
West of Subject Property:	S-1-84 (Rancho Del Oro Specific Plan)	PD-1 PCBP Master Development Plan	Undeveloped Light Industrial

The proposed Industrial Business Park Development has been determined to be acceptable with the surrounding undeveloped area and Master Plan vision for the area; as well as, with their respective General Plan and Zoning Ordinance designations. Staff has concluded that the design of PCBP Park "A" and the type of improvements proposed will not result in any serious public safety or health issues due to the proximity of the site and the types of uses immediately adjacent to the site.

#### **DISCUSSION**

*Issue: Project Compatibility with the Existing Developed and Undeveloped Areas:* The proposed business park development would be consistent with, and compatible to, the Light industrial type developments in the surrounding area and would provide for industrial uses which are important to the City's future economic base and diversity of job opportunities close to residential developments. Access is available to the site, and site design has incorporated adjacent environmental sensitivities as part of each lot and the larger project layout.

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

#### **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) was prepared and certified for the Pacific Coast Business Park Initial Tentative Parcel Map (P-8-04) and Development Plan (D-17-04) that created the Pacific Coast Business Park Master Development Plan. The proposed

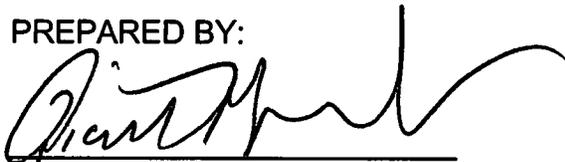
project to further subdivide Parcel 30 and construct four industrial buildings with 40 condominium units is consistent with the extent of the initial CEQA review; therefore, further environmental review is not required at this time.

**SUMMARY**

In summary, staff believes that the proposed Tentative Parcel Map and Development Plan are consistent with the requirements of the Pacific Coast Business Park Industrial Master Development Plan, Zoning Ordinance, and the land use policies outlined in the General Plan. The project meets or exceeds all development standards. The project is compatible in the area based on location and zoning attributes, and fits with the surrounding development pattern and architecture styles appropriate for projects within the Rancho Del Oro industrial area. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Tentative Parcel Map (P-20-06) and Development Plan (D-29-06) and adopt Planning Commission Resolution No. 2007-P55 as attached.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:



Jerry Hittleman  
City Planner

JH/RG/fil

**Attachments:**

1. Tentative Parcel Map, Development Plans, and Landscape Plans
2. Planning Commission Resolution No. 2007-P55
3. Planning Commission Resolution No. 2005-P45
4. Planning Commission Resolution No. 2005-P46



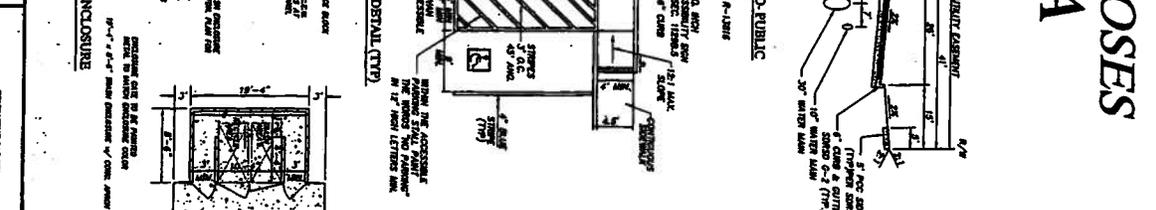
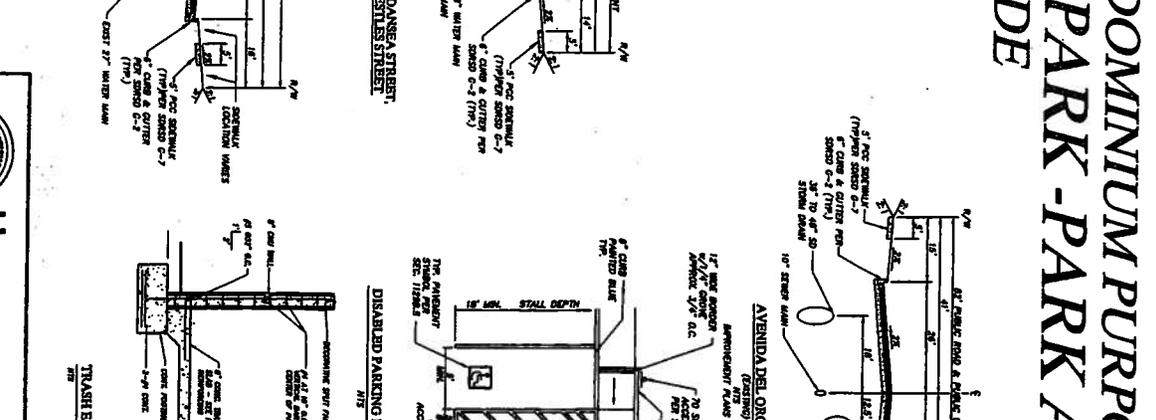
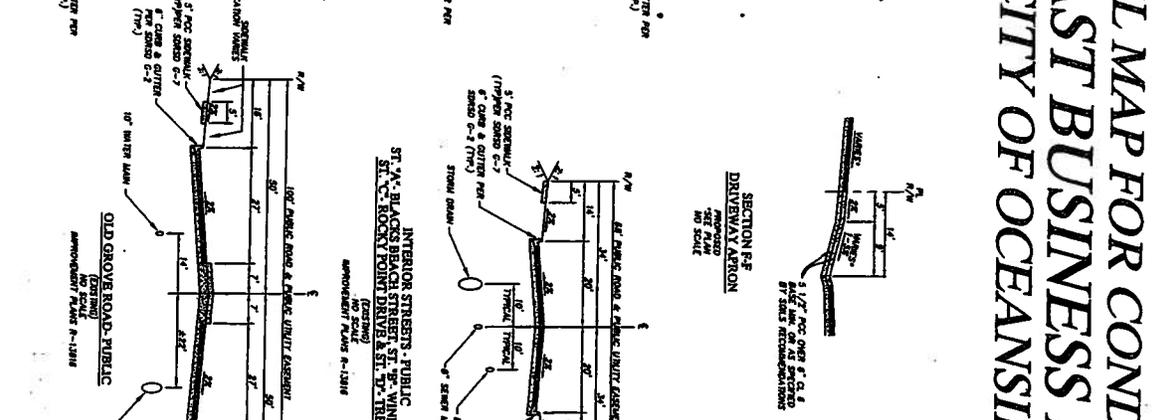
**FIRE DEPARTMENT/FIRE PREVENTION**

# TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES PACIFIC COAST BUSINESS PARK - PARK A CITY OF OCEANSIDE

1. ALL WATERS AND UTILITY LINES SHALL BE PROTECTED BY A 12" CONCRETIZED PIPE WITH A 6" CORE.
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4. THE FIRE DEPARTMENT SHALL BE NOTIFIED AND PROVIDED WITH ACCESS TO ALL AREAS OF THE PARCEL.
5. PROTECT ON-SITE (IMPROVED) AND LANE ACCESS TO ALL AREAS OF THE PARCEL.
6. ALL WATERS AND UTILITY LINES SHALL BE PROTECTED BY A 12" CONCRETIZED PIPE WITH A 6" CORE.
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**WATER UTILITY NOTES**

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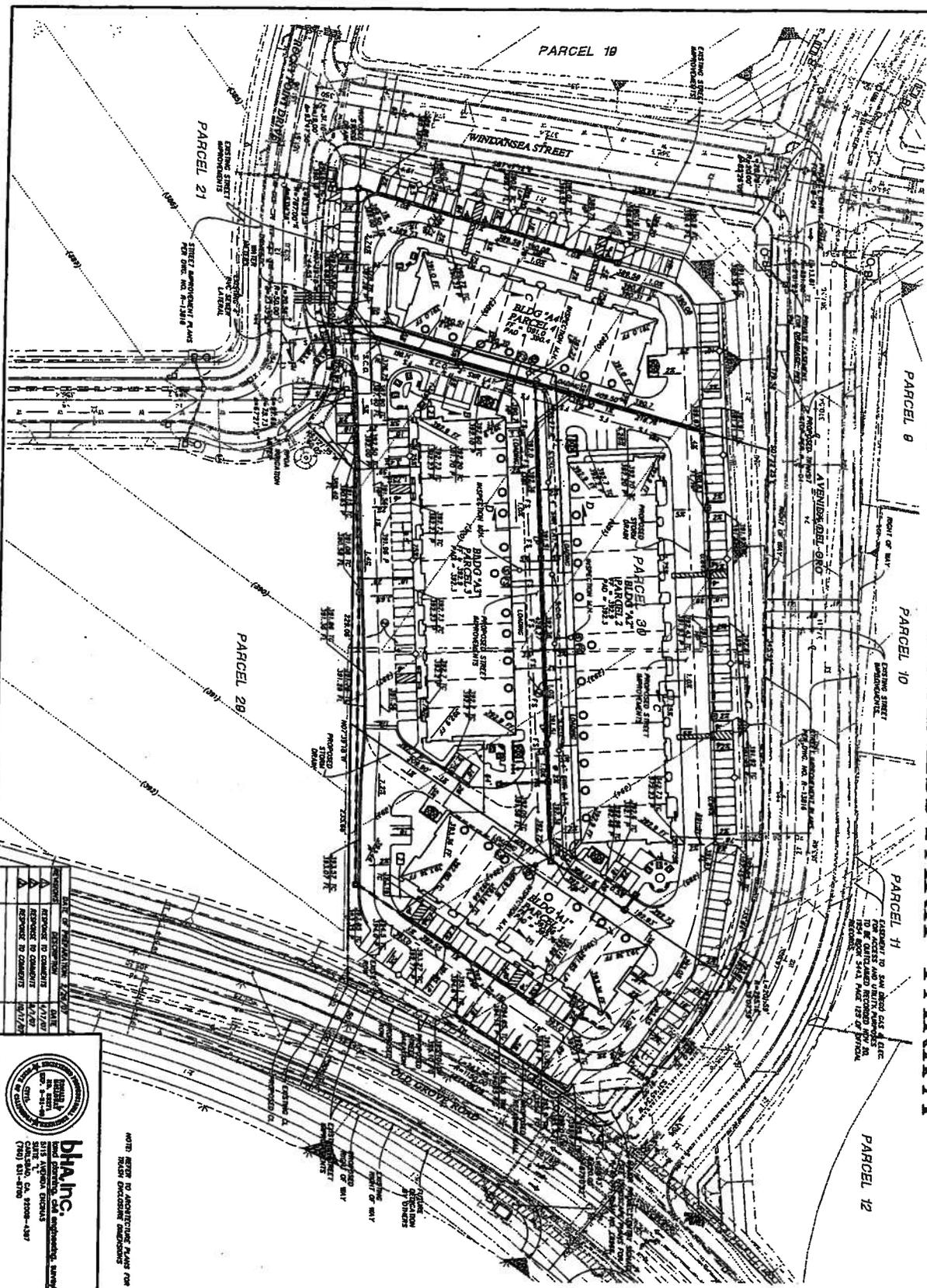


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**blanc**  
PACIFIC COAST BUSINESS PARK  
CITY OF OCEANSIDE, CALIFORNIA

SHEET 2 OF 4

# TENTATIVE PARCEL MAP FOR CONDOMINIUM PURPOSES PACIFIC COAST BUSINESS PARK - PARK A



REVISION	DATE	BY	DESCRIPTION
1	01/15/18	JL	ISSUE FOR PERMITTING
2	02/15/18	JL	REVISION TO COMPLY WITH CITY OF OAKLAND REQUIREMENTS
3	03/15/18	JL	REVISION TO COMPLY WITH CITY OF OAKLAND REQUIREMENTS
4	04/15/18	JL	REVISION TO COMPLY WITH CITY OF OAKLAND REQUIREMENTS

**bhainc.**  
 bhainc. Inc.  
 10000 AVENUE 6000, SUITE 100  
 OAKLAND, CA 94628-1387  
 (415) 551-9900

NOTED: REFER TO ARCHITECTURE PACKAGE FOR  
 WITH: REFER TO ARCHITECTURE PACKAGE FOR

**EASEMENT NOTES:**

- PRIVATE TRAIL FROM EASEMENT FOR SERVICE TO ADJACENT PARCELS.
- RESIDENTIAL PRIVATE ACCESS & UTILITY EASEMENTS WILL BE GRANTED TO EACH PARCEL.

**SITE TABULATION:**

PARCEL NO.	ACRES	ADJACENT
1	28.80	5.00
2	23.81	5.00
3	23.81	5.00
4	23.81	5.00
<b>TOTAL</b>	<b>103.23</b>	<b>20.00</b>

**BUILDING TABULATION:**

BUILDING NO.	BUILDING AREA, SQ. FT.
A1	14,571
A2	28,800
A3	28,871
A4	28,871
<b>TOTAL</b>	<b>101,113</b>

**PARKING TABULATION:**

PARKING REQUIRED 1/750 SF	108 SPACES
PARKING PROVIDED	112 SPACES
NET SPACES PROVIDED	4 SPACES
TOTAL PROVIDED	200 SPACES

**UNIT TABULATION:**

NO. OF UNITS	PERCENTAGE
1	75.50%
2	24.50%
<b>TOTAL</b>	<b>100.00%</b>

**LOT TABULATION:**

PARCEL NO.	ACRES	NET
1	28.80	28.80
2	23.81	23.81
3	23.81	23.81
4	23.81	23.81
<b>TOTAL</b>	<b>103.23</b>	<b>103.23</b>

**SITE PLAN NOTES:**

1. ALL UNIT LOTS TO BE LOCATED ON THE EAST SIDE OF THE PROJECT THROUGHOUT THE PROJECT.





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 Planning Department

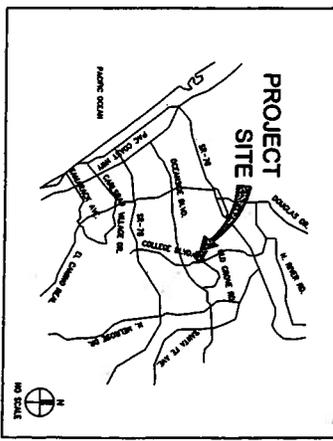


**BUSINESS PARK 'A'**

**SHEET INDEX**

- ARCHITECTURAL**
- A 1.0 GENERAL SITE PLAN
  - A 1.1 PLANNING SITE PLAN - PARK 'A'
  - A 1.2 BUILDING A1 & A4 FLOOR PLANS
  - A 1.3 BUILDING A3 FLOOR PLAN
  - A 1.4 BUILDING A2 FLOOR PLAN
  - A 1.5 BUILDING A5 FLOOR PLAN
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  - A 1.90 BUILDING A90 FLOOR PLAN
  - A 1.91 BUILDING A91 FLOOR PLAN
  - A 1.92 BUILDING A92 FLOOR PLAN
  - A 1.93 BUILDING A93 FLOOR PLAN
  - A 1.94 BUILDING A94 FLOOR PLAN
  - A 1.95 BUILDING A95 FLOOR PLAN
  - A 1.96 BUILDING A96 FLOOR PLAN
  - A 1.97 BUILDING A97 FLOOR PLAN
  - A 1.98 BUILDING A98 FLOOR PLAN
  - A 1.99 BUILDING A99 FLOOR PLAN
  - A 1.100 BUILDING A100 FLOOR PLAN

**VICINITY MAP**



**PACIFIC COAST BUSINESS PARK**  
 Oceanside, California

OVERALL SITE PLAN

REVISED - JUNE 7, 2007

AMBA  
 ENTERPRISES

DINO  
 ENTERPRISES





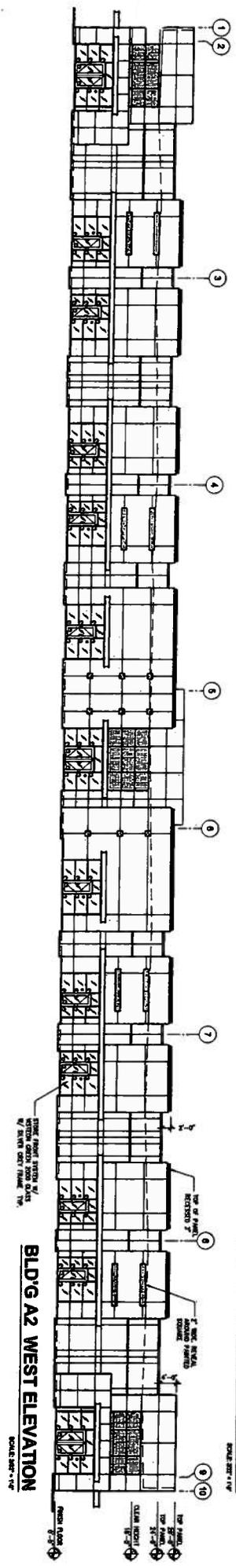
AVEB  
ENTERPRISES

Revised June 4, 2007

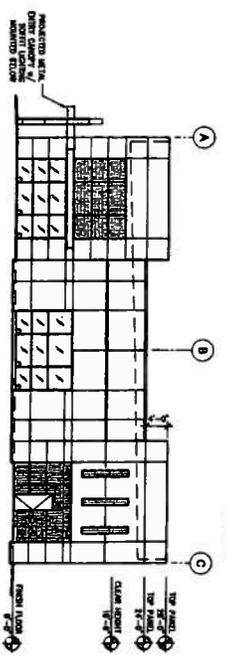
# PACIFIC COAST BUSINESS PARK

## Oceanside, California

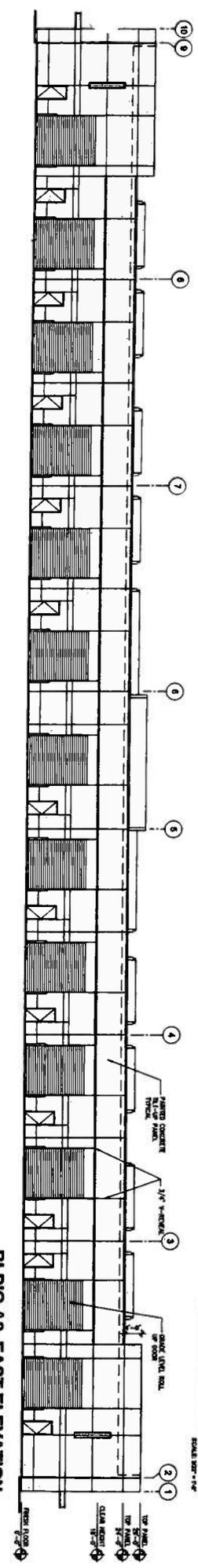
PLANS SHEET 02



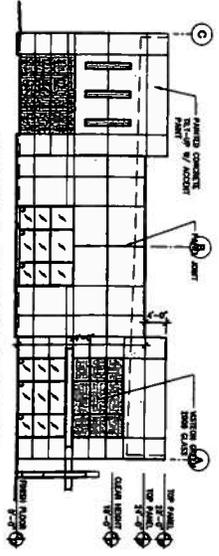
**BLDG A2 WEST ELEVATION**



**BLDG A2 SOUTH ELEVATION**

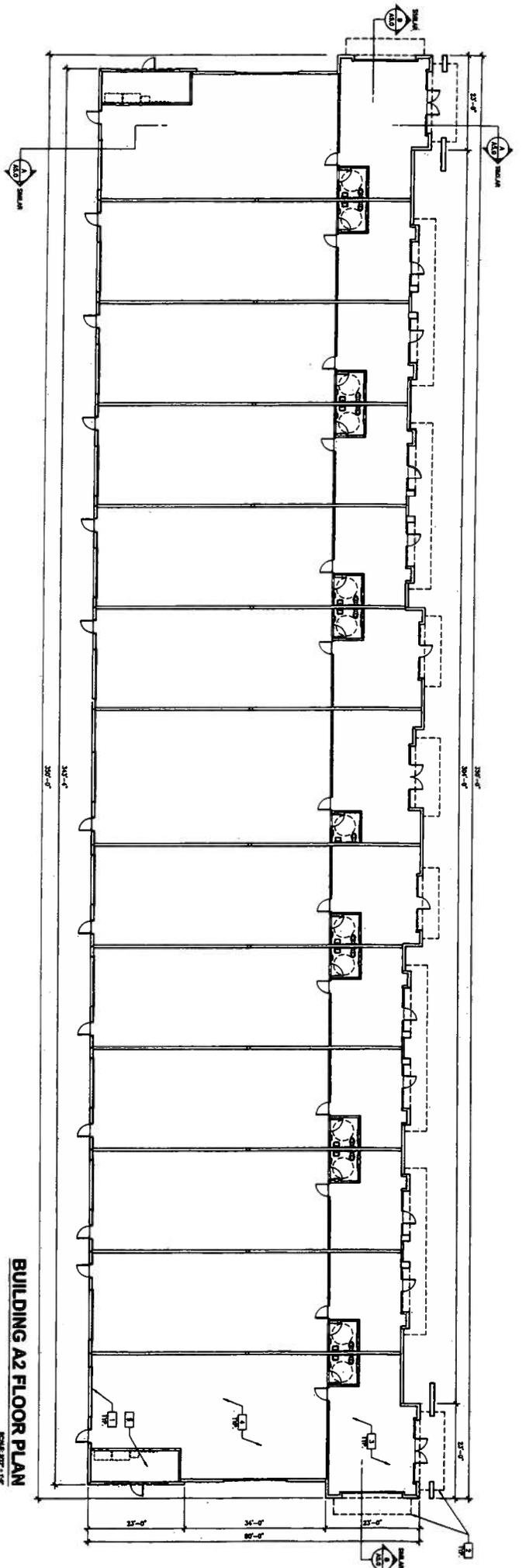


**BLDG A2 EAST ELEVATION**



**BLDG A2 NORTH ELEVATION**





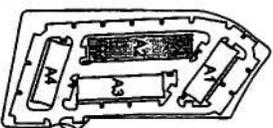
**BUILDING A2 FLOOR PLAN**

SCALE: 1/8" = 1'-0"

**FLOOR PLAN NOTES**

- 1. ALL ROOM TYPES
- 2. MATERIAL OF CONSTRUCTION
- 3. GENERAL NOTES LISTED UNDER "GENERAL NOTES"
- 4. ROOMS ARE IDENTIFIED BY ROOM NO.
- 5. ELECTRICAL ROOM

**KEY PLAN**



061-048-01



BUILDING A2 FLOOR PLAN

Oceanside, California



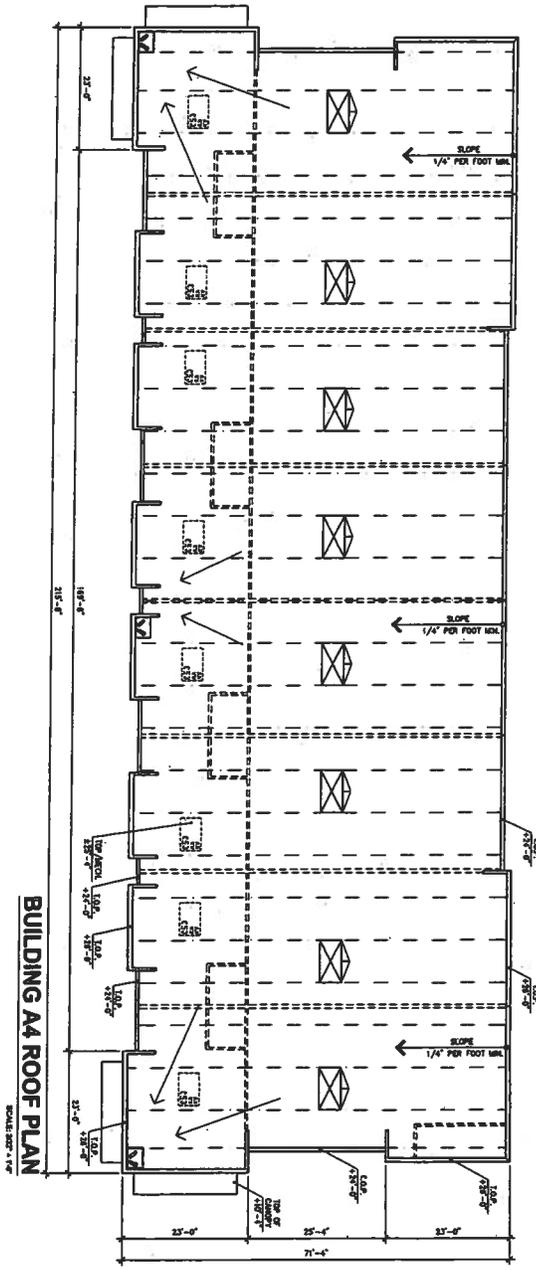


REVISED JUNE 4, 2007

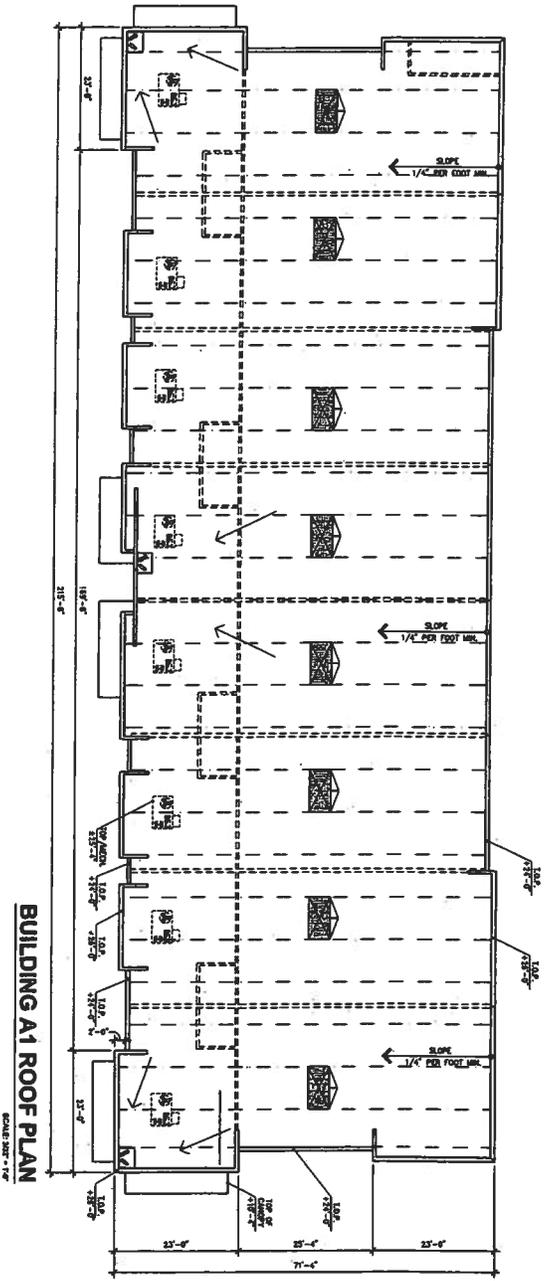
BUILDINGS A1 & A4 ROOF PLANS

# PACIFIC COAST BUSINESS PARK

Oceanside, California



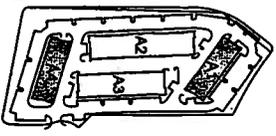
**BUILDING A4 ROOF PLAN**  
SCALE: 3/8" = 1'-0"



**BUILDING A1 ROOF PLAN**  
SCALE: 3/8" = 1'-0"

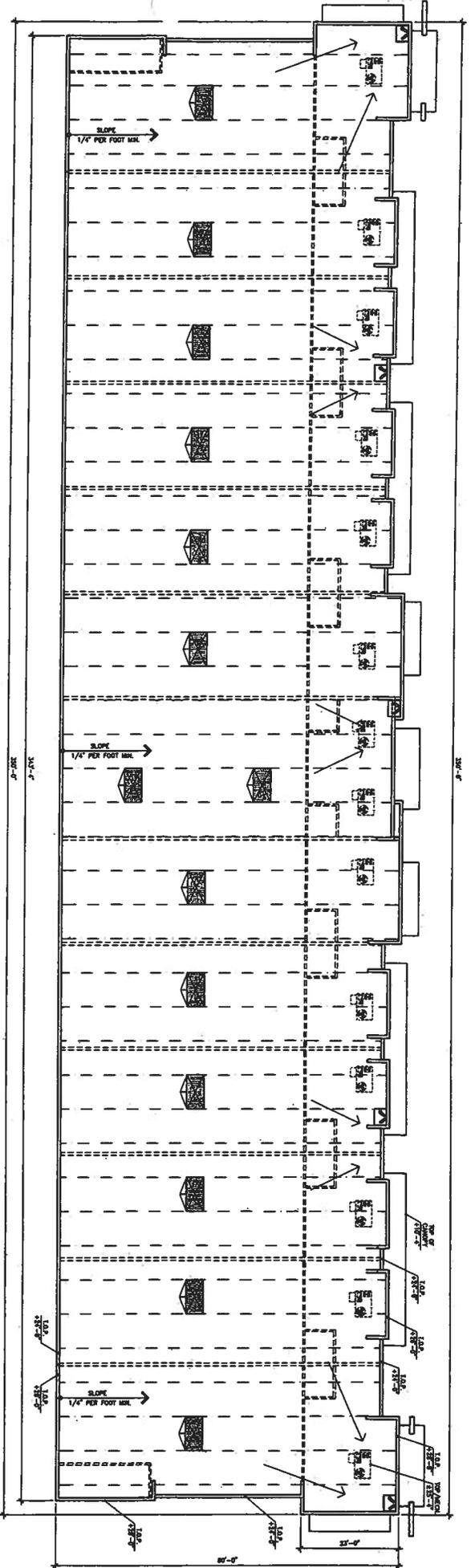
**ROOF NOTES**  
 1. ROOF TO BE AS SHOWN.  
 2. MINIMUM ROOF SLOPE SHALL BE 1/4" PER FOOT.  
 3. SEE NOTES ON EXHAUST.  
 4. SEE NOTES ON MECHANICAL.  
 5. SEE NOTES ON ELECTRICAL.  
 6. SEE NOTES ON PLUMBING.  
 7. SEE NOTES ON STRUCTURE.  
 8. SEE NOTES ON FINISHES.  
 9. SEE NOTES ON INTERIORS.  
 10. SEE NOTES ON EXTERIORS.  
 11. SEE NOTES ON LANDSCAPE.  
 12. SEE NOTES ON UTILITIES.  
 13. SEE NOTES ON SPECIALTIES.  
 14. SEE NOTES ON EQUIPMENT.  
 15. SEE NOTES ON FURNITURE.  
 16. SEE NOTES ON FIXTURES.  
 17. SEE NOTES ON ACCESSORIES.  
 18. SEE NOTES ON DETAILS.  
 19. SEE NOTES ON CONSTRUCTION.  
 20. SEE NOTES ON MAINTENANCE.

**KEY PLAN**



061-048-01



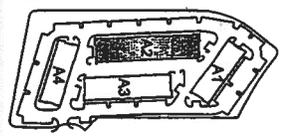


**BUILDING A2 ROOF PLAN**  
SCALE: 1/4" = 1'-0"

**ROOF NOTES**

SEE ALL ROOF STRUCTURES  
 AND ALL ROOF FINISHES AND DETAILS  
 ON SHEET A2.1. ALL ROOF FINISHES AND DETAILS  
 SHALL BE AS SHOWN ON SHEET A2.1. ALL ROOF  
 FINISHES SHALL BE AS SHOWN ON SHEET A2.1.  
 NOTE: ALL ROOF SLOPE: 1/4" PER FOOT MIN.

**KEY PLAN**



0610048-01

JAMES B. ENTERPRISES, INC.  
 1845 S. B. JENSEN BLVD., SUITE 4007  
 OCEANSIDE, CA 92054

**PACIFIC COAST BUSINESS CENTER**  
 Oceanside, CA



LAURENCE

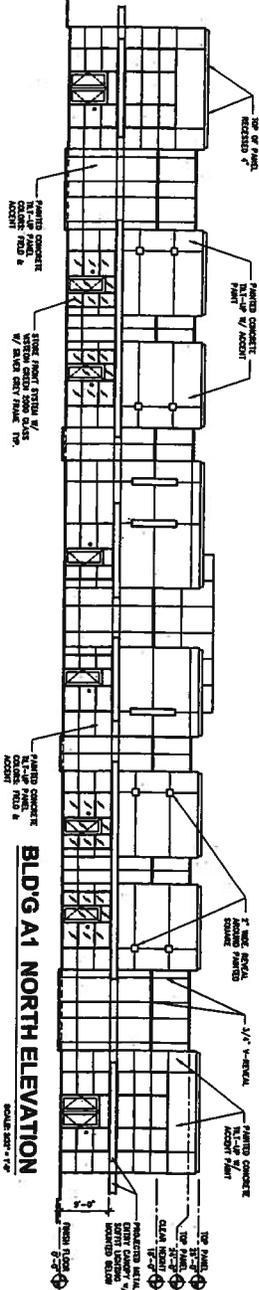
ENTERPRISES

REVISIONS

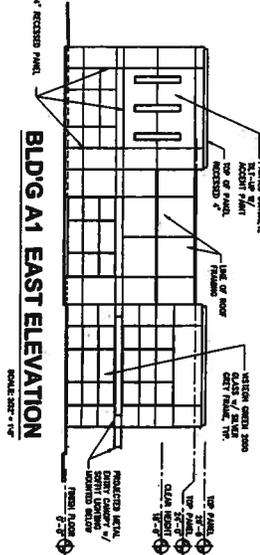
BUILDING ELEVATIONS

# PACIFIC COAST BUSINESS PARK

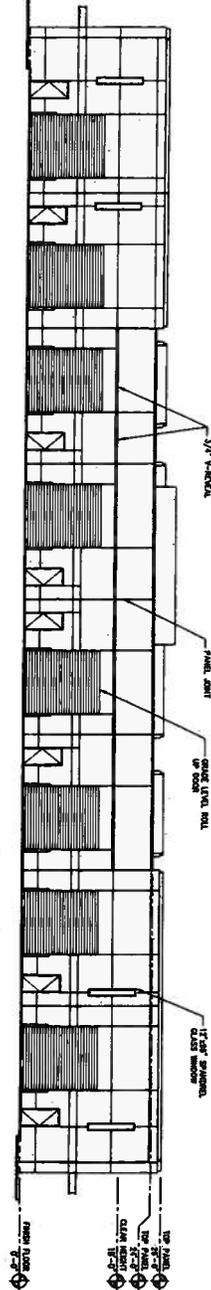
## Oceanside, California



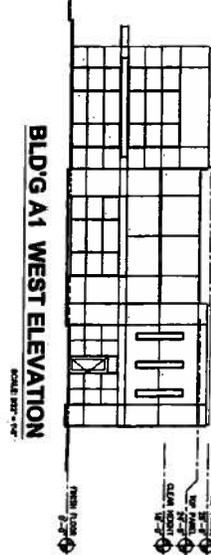
**BLDG A1 NORTH ELEVATION**  
SCALE: 3/8" = 1'-0"



**BLDG A1 EAST ELEVATION**  
SCALE: 3/8" = 1'-0"



**BLDG A1 SOUTH ELEVATION**  
SCALE: 3/8" = 1'-0"



**BLDG A1 WEST ELEVATION**  
SCALE: 3/8" = 1'-0"





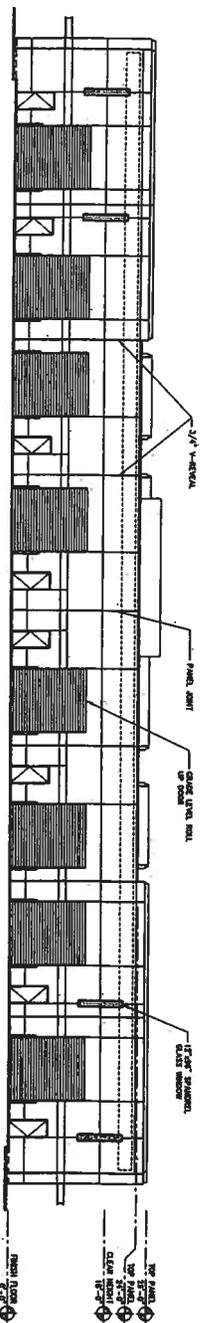
PACIFIC COAST BUSINESS ENTERPRISES

REGISTERED ARCHITECTS  
SINCE 1937

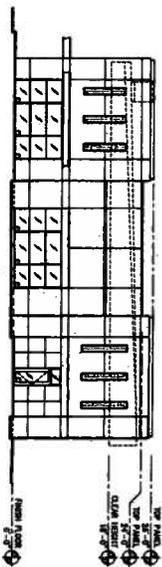
BUILDING ELEVATIONS

# PACIFIC COAST BUSINESS ENTERPRISES

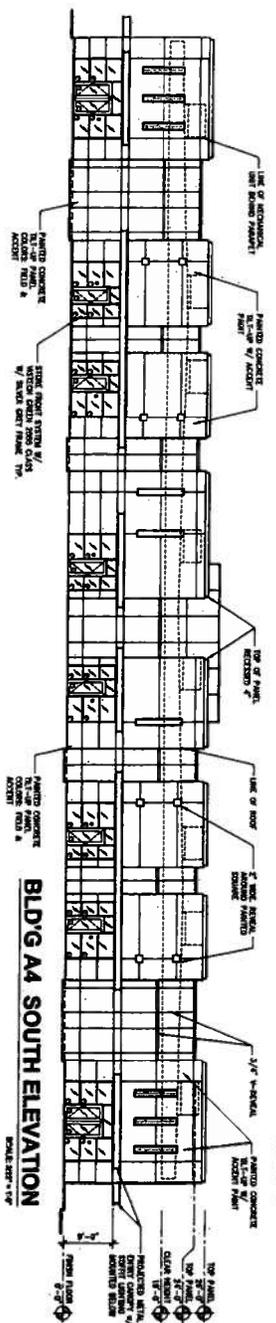
## Oceanside, California



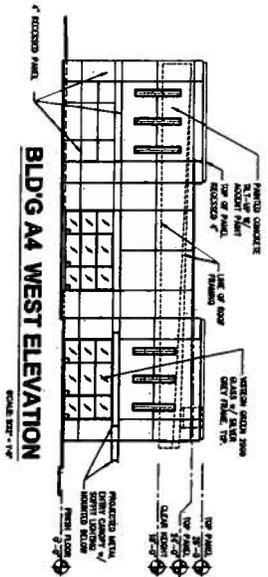
**BLD'G A4 NORTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**BLD'G A4 EAST ELEVATION**  
SCALE: 1/8" = 1'-0"



**BLD'G A4 SOUTH ELEVATION**  
SCALE: 1/8" = 1'-0"



**BLD'G A4 WEST ELEVATION**  
SCALE: 1/8" = 1'-0"



1 PLANNING COMMISSION  
2 RESOLUTION NO. 2007-P55

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

---

7 APPLICATION NO: P-20-06, D-29-06  
8 APPLICANT: Pacific Coast Business Park, LLC  
9 LOCATION: Southeast of the intersection of Old Grove Rd. and Ave. Del Oro

---

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 Tentative Parcel Map and Development Plan under  
14 the provisions of Articles 13 and 43 of the Zoning Ordinance of the City of Oceanside to permit  
15 the following:

16 the subdivision of a 6.67-acre parcel into four industrial lots with four multi-tenant  
17 industrial buildings further subdivided into a maximum of 40 commercial condominium  
18 units;  
19 on certain real property described in the project description.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 19th  
21 day of November, 2007 conduct a duly advertised public hearing as prescribed by law to consider  
22 said application.

23 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
24 Guidelines thereto; an Environmental Impact Report (EIR) was prepared for the Pacific Coast  
25 Business Park Initial Tentative Parcel Map and Development Plan that created the Pacific Coast  
26 Business Park Master Development Plan, and the proposed project to further subdivide Parcel 30  
27 and construct four industrial buildings with 40 condominium units is consistent with the extent of  
28 the initial CEQA review; therefore, further environmental review is not required at this time.

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

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

3 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that  
4 the project is subject to certain fees, dedications, reservations and other exactions as provided  
5 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. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$3,746 per unit; Non-residential is \$19,967 for a 2" meter.

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

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

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

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

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

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

19 FINDINGS:

20 For the Tentative Parcel Map:

- 21 1. The proposed subdivision creates parcels that exceed the requirements of the PCBP  
22 Master Development Plan zoning document, and that is consistent with the General  
23 Plan designation of PD-1 RDO Specific Plan for Industrial Land Uses.
- 24 2. The proposed building pads on Parcel 30 will conform to the topography of the site;  
25 therefore, making it suitable for industrial development. The 6.67-acre parcel is  
26 physically suitable to allow for the development of four industrial buildings on four  
27 industrial lots with a maximum of 40 condominium units.
- 28 3. The subdivision complies with all other applicable ordinances, regulations and  
29 guidelines of the City.

- 1 4. The design of the subdivision or proposed improvements will not conflict with  
2 easements, acquired by the public at large, for access through or the use of property  
3 within the subdivision.
- 4 5. That the design of the subdivision or the proposed improvements will not cause  
5 substantial environmental damage or substantially and avoidably injure fish or wildlife  
6 or their habitat.

7 For the Development Plan:

- 8 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
9 and the underlying PCBP Industrial Master Plan that regulates zoning for the subject  
10 parcel.
- 11 2. The Development Plan conforms to the General Plan of the City.
- 12 3. The project site can be adequately served by existing public facilities, services, and  
13 utilities.
- 14 4. The project, as proposed, is compatible with the existing and potential development on  
15 adjoining properties or in the surrounding neighborhood.
- 16 5. The site plan and parameters for the architecture and physical design of the project is  
17 consistent with the policies contained within Sections 1.2 of the Land Use Element of  
18 the General Plan.

19 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
20 approve Tentative Parcel Map (P-20-06) and Development Plan (D-29-06) subject to the  
21 following conditions:

22 Building:

- 23 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
24 Building Division plan check.
- 25 2. The granting of approval under this action shall in no way relieve the applicant/project  
26 from compliance with all State and local building codes.
- 27 3. Site development, parking, access into buildings and building interiors shall comply with  
28 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 29 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
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. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
9 plans.
- 10 8. Separate/unique addresses will/may be required to facilitate utility releases. Verification  
11 that the addresses have been properly assigned by the City's Planning Division must  
12 accompany the Building Permit application.
- 13 9. A complete Soils Report, Structural Calculations, & Energy  
14 Calculations/documentation will be required at time of plans submittal to the Building  
15 Division for plan check.
- 16 10. A private sewer system design must be submitted to the Building Division and  
17 approved prior to the construction of the sewer system. If a gravity flow system is not  
18 used, an engineered mechanical system must be submitted and approved by  
19 Engineering, Water, and Building Divisions.
- 20 11. Tenant Improvements or other construction to the existing building requires permits  
21 (including all required Inspections and approvals, and Issuance of Certificate of  
22 Occupancy) from the Building Division.
- 23 12. The developer shall monitor, supervise and control all building construction and  
24 supportive activities so as to prevent these activities from causing a public nuisance,  
25 including, but not 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  
(New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,

1 Christmas Day) except as allowed for emergency work under the provisions of the  
2 Oceanside City Code Chapter 38 (Noise Ordinance).

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

8 **Engineering:**

- 9 13. Vehicular access rights to adjacent public road shall be relinquished to the City from all  
10 abutting lots except at approved access locations shown on the tentative parcel map.
- 11 14. No on street parking shall be permitted along the west side of Rocky Point Dr. between  
12 Parcel 30's driveway and Windansea St. Final improvement plans shall identify all  
13 locations designated for placement of City approved "No Parking Anytime" signs.
- 14 15. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
15 dedicated and improved as required by the City Engineer.
- 16 16. Old Grove Road re-alignment shown on the tentative parcel map shall be completed and  
17 recorded prior to recordation of the parcel map.
- 18 17. Design and construction of all improvements shall be in accordance with standard  
19 plans, specifications of the City of Oceanside and subject to approval by the City  
20 Engineer.
- 21 18. Prior to issuance of a building permit all improvement requirements shall be covered by  
22 a development agreement and secured with sufficient improvement securities or bonds  
23 guaranteeing performance and payment for labor and materials, setting of monuments,  
24 and warranty against defective materials and workmanship.
- 25 19. Prior to issuance of a building permit a phasing plan for the construction of public and  
26 private improvements including landscaping, shall be approved by the City Engineer.
- 27 20. The developer shall provide public street dedication along Old Grove Road as required to  
28 serve the property as shown on the tentative map.
- 29 21. The approval of the tentative map shall not mean that closure, vacation, or  
abandonment of any public street, right-of-way, easement, or facility is granted or  
guaranteed to the developer. The developer is responsible for applying for all closures,

1 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
2 approved or rejected by the City of Oceanside under separate process (es) per codes,  
3 ordinances, and policies in effect at the time of the application.

4 22. Prior to approval of the parcel map or any increment, all improvement requirements,  
5 within such increment or outside of it if required by the City Engineer, shall be covered  
6 by a subdivision agreement and secured with sufficient improvement securities or bonds  
7 guaranteeing performance and payment for labor and materials, setting of monuments,  
8 and warranty against defective materials and workmanship.

9 23. Prior to approval of the first parcel map a phasing plan for the construction of public and  
10 private improvements including landscaping, streets and arterials shall be approved by the  
11 City Engineer. All improvements shall be under construction to the satisfaction of the  
12 City Engineer prior to the issuance of any building permits. All improvements shall be  
13 completed prior to issuance of any certificates of occupancy.

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

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

28 26. Prior to the issuance of a grading permit, the Developer shall notify and host a  
29 neighborhood meeting with all of the area residents located within 300 feet of the  
project site, and residents of property along any residential streets to be used as a "haul

1 route", to inform them of the grading and construction schedule, haul routes, and to  
2 answer questions.

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

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

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

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

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

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

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

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

10 30. All streets shall provide a minimum of 10 feet parkway between the face of curb and the  
11 right of way line. Sidewalk improvements shall comply with ADA requirements.

12 31. Sight distance requirements at the project driveway or street shall conform to the corner  
13 sight distance criteria as provided by SDRSD DS-20A and or DS-20B.

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

19 33. Pavement sections for all driveways and parking areas shall be based upon approved soil  
20 tests and traffic indices. The pavement design is to be prepared by the developer's soil  
21 engineer and must be approved by the City Engineer, prior to paving.

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

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

26 36. The developer shall install 2 inch PVC conduit, together with 1/4-inch pull- rope and pull-  
27 boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or above,  
28 streets.

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

- 1 38. The applicant shall obtain any necessary permits and clearances from all public agencies  
2 having jurisdiction over the project due to its type, size, or location, including but not  
3 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.  
4 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
5 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
6 permits.
- 7 39. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
8 investigation shall be conducted of the soils, slopes, and formations in the project. All  
9 necessary measures shall be taken and implemented to assure slope stability, erosion  
10 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
11 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
12 the City Engineer.
- 13 40. This project shall provide year-round erosion control including measures for the site  
14 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
15 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
16 by the applicant with cash securities and approved by the City Engineer.
- 17 41. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
18 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
19 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,  
20 footprints of all structures, walls, drainage devices and utility services. Parking lot striping  
21 and any on-site traffic calming devices shall be shown on all Precise Grading and Private  
22 Improvement Plans.
- 23 42. Landscaping plans, including plans for the construction of walls, fences or other structures  
24 at or near intersections, must conform to intersection sight distance requirements.  
25 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer  
26 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
27 prior to the issuance of occupancy permits. Frontage and median landscaping shall be  
28 installed prior to the issuance of any certificates of occupancy. Any project fences, sound  
29 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built  
from the landscape plans. These features shall also be shown on the precise grading plans  
for purposes of location only. Plantable, segmental walls shall be designed, reviewed and

1 constructed by the grading plans and landscaped/irrigated through project landscape plans.  
2 All plans must be approved by the City Engineer and a pre-construction meeting held,  
3 prior to the start of any improvements. Trash enclosures shall be constructed per the City  
4 Standards.

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

12 44. The drainage design on the tentative map is conceptual only. The final design shall be  
13 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final  
14 engineering. All drainage picked up in an underground system shall remain underground  
15 until it is discharged into an approved channel, or as otherwise approved by the City  
16 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.  
17 All storm drain easements shall be dedicated where required. The applicant shall be  
18 responsible for obtaining any off-site easements for storm drainage facilities.

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

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

26 47. The development shall comply with all applicable regulations established by the United  
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant  
28 Discharge Elimination System (NPDES) permit requirements for urban runoff and  
29 stormwater discharge and any regulations adopted by the City pursuant to the NPDES  
regulations or requirements. Further, the applicant shall file a Notice of Intent with the  
State Water Resources Control Board to obtain coverage under the NPDES General

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

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

16 49. If the project required the submission and approval of a Storm Water Mitigation Plan  
17 (SWMP), the developer shall prepare and submit an Operations & Maintenance (O&M)  
18 Plan to the City Engineer with the first submittal of engineering plans. The O&M Plan  
19 shall be prepared by the applicant's Civil Engineer. It shall be directly based on the  
20 project's SWMP previously approved by the project's approving authority (Planning  
21 Commission/City Council). At a minimum the O&M Plan shall include the designated  
22 responsible parties to manage the storm water 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 Plan and any other necessary elements.

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

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

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

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

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

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

55. The street vacation located within the right-of-way of Old Grove Road shall be recorded  
prior to issuance of grading permit or approval of final map, whichever comes first. The

1 approval of the Parcel Map and Development Plans are expressively contingent on the  
2 approval of the street vacation for the portion of the project located within the right-of-way  
3 of Old Grove Road. The City of Oceanside retains its complete discretion in acting on the  
4 proposed vacation. Should the vacation be denied, the Tentative Map and Development  
5 Plan shall no longer be effective.

6 56. The Final Parcel Map submitted for recordation shall include an Office Area Tabulation  
7 Chart and all applicable notes consistent with the approved Tentative Parcel Map that  
8 allocates a maximum of 25% of the total square footage of the industrial buildings for  
9 office purposes within Park "A", subject to review and approval by the City Planner or  
10 their designee.

11 57. Landscape plans meeting the criteria of the City of Oceanside Guidelines and  
12 Specifications for Landscape Developments 1985, addenda 1997, Xeriscape Principles;  
13 Article V, Chapter 37, Water Conservation Ordinance No. 91-15, shall comply with the  
14 Zoning Ordinance and shall be reviewed and approved by the City Engineer prior to the  
15 issuance of building permits. Landscaping shall not be installed until bonds have been  
16 posted, fees paid, and plans signed for final approval. The following special landscaping  
17 requirements shall be met:

- 18 a) Street trees shall be located 30'-0" on center per the current City of Oceanside  
19 Street Tree Memorandum.
- 20 b) Provide location of site furnishings including the required (10) bicycle racks, bus  
21 shelter specifications, employee areas, and signage on the landscape plans.  
22 Enhanced paving shall be sealed and shown on the landscape plans with details.
- 23 c) Landscape plans shall match all plans affiliated with the project; comply with  
24 SWMP requirements and sight distance requirements. Plant  
25 palette/sizing/locations and standards for landscape establishment, shall comply  
26 with the PCBP Industrial Master Development Plan.
- 27 d) Trash enclosures in compliance with City Guidelines and requirements, shall be  
28 shown on the landscape plans with details.

29 58. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and  
in any adjoining public parkways shall be permanently maintained by the owner, his

1 assigns or any successors in interest in the property. The maintenance program shall  
2 include normal care and irrigation of the landscaping; repair and replacement of plant  
3 materials; irrigation systems as necessary; and general cleanup of the landscaped and open  
4 areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall  
5 result in the City taking all appropriate enforcement actions by all acceptable means  
6 including but not limited to citations and/or actual work with costs charged to or recorded  
7 against the owner. This condition shall be recorded with the covenant required by this  
8 resolution.

9 **Fire:**

- 10 59. Plans submitted for building permit issuance shall include all proposed and existing fire  
11 hydrants within 400 feet of the project.
- 12 60. All fire hydrants shall be installed and tested prior to placing any combustible materials  
13 on the job site.
- 14 61. Provide on-site hydrants and mains capable of supplying the required fire flow.
- 15 62. Due to single ingress/egress and obstruction to hydrants located on the surface streets an  
16 additional three fire hydrants will be required to meet the water supply needs for this  
17 project.

18 **Planning:**

- 19 63. Final landscape plans submitted for review and approval shall include half (1/2) diamond  
20 designed planter areas within the parking lot for Park A, and shall be consistent with the  
21 design standards established within Section 3019 of the Oceanside Zoning Ordinance,  
22 subject to review and approval by the City Planner or their designee.
- 23 64. Tentative Parcel Map and Development Plan shall expire on November 19, 2009, unless  
24 the Planning Commission grants a time extension.
- 25 65. This Tentative Parcel Map and Development Plan approves only a 4-lot industrial  
26 subdivision with a maximum of 40 industrial condominium units within the four  
27 industrial buildings shown on the plans and exhibits presented to the Planning  
28 Commission for review and approval. No deviation from these approved plans and  
29 exhibits shall occur without Planning Department approval. Substantial deviations shall  
require a revision to the Development Plan or a new Development Plan.

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66. Pacific Coast Business Park (Park "A") shall be limited to a maximum office square footage not to exceed 25% of the total square footage approved for all four industrial buildings. Request to exceed the 25% maximum allowable office area will require additional environmental review prior to expansion into areas previously allotted for industrial type uses.
67. Prior to issuance of building permits for any tenant improvements within Park "A", an office area tabulation breakdown to ensure that the total office area for Park "A" does not exceed the maximum permitted area of 25% shall be provided on building plans and approved by the PCBP Review Board, subject to final review and approval by the City Planner or their designee.
68. Prior to the issuance of any building permits, all private improvement plans submitted for review and approval by the City Engineer shall include the required NCTD bus stop shelter designed with "Transit Shelter Security Lights" by Solar Outdoor Lighting, a trash receptacle.
69. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Parcel Map P-20-06 and Development Plan D-29-06. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.
70. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.
71. A covenant or other recordable document approved by the City Attorney shall be prepared by the subdivider and recorded prior to the approval of the final map. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

- 1 72. 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  
3 reviewed and approved by the Planning Division. These requirements, including the  
4 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be  
5 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the  
6 subject property.
- 7 73. 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 74. Failure to meet any conditions of approval for this development shall constitute a  
12 violation of the Parcel Map and Development Plan.
- 13 75. 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, Pacific Coast Business Park Master Industrial Plan and  
17 other materials and information submitted with this application, unless specifically  
18 waived by an adopted condition of approval.
- 19 76. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's)  
20 shall provide for the maintenance of all common open space, medians and commonly  
21 owned fences and walls and adjacent parkways. The maintenance shall include normal  
22 care and irrigation of landscaping, repair and replacement of plant material and irrigation  
23 systems as necessary; and general cleanup of the landscaped and open area and walkways.  
24 The C.C. & R's shall be subject to the review and approval of the City Attorney prior to  
25 the approval of the final map. The C.C. & R's are required to be recorded prior to or  
26 concurrently with the final map. Any amendments to the C.C. & R's in which the  
27 association relinquishes responsibility for the maintenance of any common open space  
28 shall not be permitted without the specific approval of the City of Oceanside. Such a  
29 clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for  
the following:

- 1 a) Provisions for the maintenance of all common open space and open space  
2 easements on private lots, including provisions establishing mechanisms to ensure  
3 adequate and continued monetary funding for such maintenance by the property  
4 association.
- 5 b) Provisions that restrict any private use of open space easement areas. Restrictions  
6 shall include, but are not limited to, removing retaining walls, installing structures  
7 such as trellises, decks, retaining walls and other hardscape and any individual  
8 landscape improvements.
- 9 c) Provisions prohibiting the property owners association from relinquishing its  
10 obligation to maintain the common open space and open space easement areas  
11 without prior consent of the City of Oceanside.
- 12 d) Provisions for restricting and ensuring that the limited industrial buildings do not  
13 transition into more intense type uses that require greater numbers of parking  
14 spaces and generate higher traffic volumes to the surrounding roadways beyond  
15 what was originally calculated within the EIR for the original Pacific Coast  
16 Business Park development applications (P-8-04/ D-17-04).

17 **Environmental:**

- 18 77. Prior to issuance of grading permits for previously ungraded areas or undisturbed soils,  
19 the applicant shall confirm to the City of Oceanside that qualified paleontologist has  
20 been retained to carry out an appropriate mitigation program. (A qualified  
21 paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or  
22 geology who is familiar with paleontological procedures and techniques). The  
23 paleontologist shall attend pre-grade meetings to consult with grading and excavation  
24 contractors.
- 25 78. A paleontological monitor shall be on-site during grading operations in previously un-  
26 graded areas to evaluate the presence of fossils within previously undisturbed sediments  
27 of highly sensitive geologic formations (i.e. Santiago Formation) and moderately  
28 sensitive formations (river terrace deposits) to inspect cuts for contained fossils (a  
29 paleontological monitor is defined as an individual who has experience in the collection  
and salvage of fossil materials). The paleontological monitor shall work under the  
direction of a qualified paleontologist.

1 79. When fossils are discovered the paleontologist (or paleontological monitor) shall  
2 recover them. In most cases, this fossil salvage can be completed in a short period to  
3 time. However, some fossil specimens (such as a complete whale skeleton) may  
4 require an extended salvage time. In these instances, paleontologist (or paleontological  
5 monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery  
6 of small fossil remains such as isolated mammal teeth, it may be necessary in certain  
7 instances to set up a screen-washing operation on the site.

8 80. Prepared fossils along with copies of all pertinent field notes, photographs and maps  
9 shall be deposited (with the applicant's permission) in a scientific institution with  
10 paleontological collections such as the San Diego Natural History Museum. A final  
11 summary report shall be completed and distributed to the City or other interested  
12 agencies which outlines the results of the mitigation program. This report shall include  
13 discussions of the methods used, stratigraphy exposed, fossils collected and  
14 significance of recovered fossils.

15 **Water Utilities:**

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

20 82. The property owner will maintain private water and wastewater utilities located on private  
21 property.

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

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

27 85. Depending on the designated Standard Industrial Code (SIC) classification, the subject  
28 facility shall submit a Notice of Intent (NOI) application for coverage under the State's  
29 General Industrial NPDES Permit for storm water. It is the applicants' responsibility to  
contact San Diego Regional Water Quality Control Board (SD-RWQCB) and verify the  
need for coverage under the above referenced permit.

- 1 86. All the proposed natural and/or structural Best Management Practices (BMPs) must be  
2 designed based on the pollutant types and pollutant loads generated from the facility.
- 3 87. Prior to approval of Final Engineered Design Plans, all public water and/or sewer  
4 facilities not located within the public right-of-way shall be provided with easements  
5 sized according to the Water, Sewer, and Reclaimed Water Design and Construction  
6 Manual. Easements shall be constructed for all weather access.
- 7 88. Final Engineered Design Plans shall not include the location of any trees, structures, or  
8 building overhangs within any water or wastewater utility easement.
- 9 89. Prior to approval of Final Engineered Design Plans, all lots with a finish pad elevation  
10 located below the elevation of the next upstream manhole cover of the public sewer shall  
11 be protected from backflow of sewage by installing and maintaining an approved type  
12 backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 13 90. Prior to approval of Final Engineered Design Plans, the developer shall construct a public  
14 reclamation water system that will serve each lot and or parcels that are located in the  
15 proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The  
16 proposed reclamation water system shall be located in the public right-of-way or in a  
17 public utility easement.
- 18 91. Prior to approval of Final Engineered Design Plans, a separate irrigation meter and  
19 approved backflow prevention device is required and shall be displayed on the plans.
- 20 92. Prior to approval of Final Engineered Design Plans, an Inspection Manhole, described by  
21 the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be  
22 installed in each building sewer lateral and the location shall be called out on the  
23 approved Improvement Plans.

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1 93. Prior to building permit issuance Water and Wastewater Buy-in fees and the San Diego  
2 County Water Authority Fees are to be paid to the City and collected by the Water  
3 Utilities Department.

4 PASSED AND ADOPTED Resolution No. 2007-P55 on November 19, 2007 by  
5 the following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9  
10 ABSTAIN:

11  
12 \_\_\_\_\_  
13 Dennis Martinek, Chairman  
14 Oceanside Planning Commission

15 ATTEST:

16 \_\_\_\_\_  
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
19 this is a true and correct copy of Resolution No. 2007-P55.  
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21 Dated: \_\_\_\_\_ November 19, 2007  
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**PLANNING COMMISSION  
RESOLUTION NO. 2005-P45**

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

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**APPLICATION NO:** P-8-04 and D-17-04  
**APPLICANT:** Pacific Coast Business Park, LLC  
**LOCATION:** Southwest of the intersection of College Boulevard and Old Grove Road

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

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

to subdivide a 127.39-acre site into 30-industrial lots;  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of August, 2005 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; an Environmental Impact Report (EIR) was prepared and circulated for this project. Traffic impacts on College Boulevard were found to be unmitigable, therefore, a Statement of Overriding Considerations are attached as Exhibit "A" and are hereby adopted with this resolution;

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

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

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

6 <u>Description</u>	7 <u>Authority for Imposition</u>	8 <u>Current Estimate Fee or Calculation Formula</u>
9 Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$8,024 per acre
10 Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$.441 per square foot
11 School Facilities Mitigation 12 Fee	Ordinance No. 91-34	\$.34 per square foot non- residential
13 Traffic Signal Fee	Ordinance No. 87-19	\$13.70 per vehicle trip
14 Thoroughfare Fee 15 (For commercial and 16 industrial please note the .75 17 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
18 Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Based on meter size Typical \$17,908
19 Wastewater System Buy-in 20 fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical \$21,923
21 San Diego County Water 22 Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Typical is \$10,421 for a 2" meter.

23 WHEREAS, the current fees referenced above are merely fee amount estimates of the  
24 impact fees that would be required if due and payable under currently applicable ordinances and  
25 resolutions, presume the accuracy of relevant project information provided by the applicant, and  
26 are not necessarily the fee amount that will be owing when such fee becomes due and payable;  
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1           WHEREAS, unless otherwise provided by this resolution, all impact fees shall be  
2 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside  
3 City Code and the City expressly reserves the right to amend the fees and fee calculations  
4 consistent with applicable law;

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

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

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

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

15 FINDINGS:

16 For the Tentative Parcel Map:

- 17 1. The proposed subdivision creates parcels and units that are consistent and exceed the  
18 requirements of the PD-1 zoning designation. The subdivision map is consistent with  
19 the General Plan of the City.
- 20 2. The proposed building pads on the site will conform to the topography of the site,  
21 therefore, making it suitable for industrial development. The 127.39-acre site is  
22 physically suitable to allow for the development of 30 industrial lots.
- 23 3. The subdivision complies with all other applicable ordinances, regulations and  
24 guidelines of the City.
- 25 4. The design of the subdivision or proposed improvements will not conflict with  
26 easements, acquired by the public at large, for access through the use of property within  
27 the subdivision.
- 28 5. That the design of the subdivision or the proposed improvements will not cause  
29 substantial environment damage with the proposed mitigation or substantially and  
avoidably injure fish or wildlife or their habitat.

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
3 and the underlying PD-1 zone.
- 4 2. The Development Plan conforms to the General Plan of the City.
- 5 3. The project site can be adequately served by existing public facilities, services and  
6 utilities.
- 7 4. The project, as proposed, is compatible with the existing and potential development on  
8 adjoining properties or in the surrounding neighborhood.
- 9 5. The site plan and parameters for the architecture and physical design of the project is  
10 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use  
11 Element of the General Plan.

12 For Approval of the Waiver for the Requirement to Underground Facilities:

- 13 1. The high voltage (above 34.5 KV) of the overhead 69 KV transmission lines makes the  
14 conversion of the existing overhead utilities impractical.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
16 certify the Environmental Impact Report (EIR) and adopt the mitigation measures provided  
17 therein, and approve Tentative Parcel Map (P-8-04) and Development Plan (D-17-04) subject to  
18 the following conditions:

19 Building:

- 20 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
21 Building Department plan check.
- 22 2. The granting of approval under this action shall in no way relieve the applicant/project  
23 from compliance with all State and local building codes.
- 24 3. Site development, parking, access into buildings and building interiors shall comply with  
25 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 26 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
27 property shall be underground (City Code Sec. 6.30).
- 28 5. The building plans for this project are required by State law to be prepared by a licensed  
29 architect or engineer and must be in compliance with this requirement prior to submittal  
for building plan review.

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

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

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

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

21 **Engineering:**

22 8. Vehicular access rights to College Boulevard, Old Grove Road and Avenida Del Oro  
23 shall be relinquished to the City from all abutting lots. Except for approved driveway  
24 openings, vehicular access rights to all other streets shall be relinquished from all  
25 abutting lots.

26 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
27 dedicated and improved as required by the City Engineer, or other designated City  
28 representative.

29 10. The design of the subdivision or the type of improvements shall not conflict with  
easements, acquired by the public at large, for access through the use of property within  
the proposed subdivision. All such public easements are protected by this project.

- 1 11. Design and construction of all improvements shall be in accordance with standard  
2 plans, specifications of the City of Oceanside and subject to approval by the City  
3 Engineer, or other designated City representative.
- 4 12. The approval of the tentative map shall not mean that closure, vacation, or  
5 abandonment of any public street, right-of-way, easement, or facility is granted or  
6 guaranteed to the subdivider. The subdivider is responsible for applying for all  
7 closures, vacations, and abandonments as necessary. The application(s) shall be  
8 reviewed and approved or rejected by the City under separate process(es) per codes,  
9 ordinances, and policies in effect at the time of the application.
- 10 13. Existing access to the post office property west of Avenida Del Oro (APN 161-512-10)  
11 shall be maintained during grading and construction of the project.
- 12 14. Prior to approval of the final map or any increment, all improvement requirements, within  
13 such increment or outside of it if required by the City Engineer, or other designated City  
14 representative, shall be covered by a subdivision agreement and secured with sufficient  
15 improvement securities or bonds guaranteeing performance and payment for labor and  
16 materials, setting of monuments, and warranty against defective materials and  
17 workmanship.
- 18 15. Prior to approval of the first final map, a phasing plan for the construction of public and  
19 private improvements including landscaping, the City Engineer shall approve streets and  
20 arterials, or other designated City representative. All improvements shall be under  
21 construction to the satisfaction of the City Engineer, or other designated City  
22 representative, prior to the issuance of building permits. All improvements shall be  
23 completed prior to issuance of any certificate of occupancy. Prior to the issuance of a  
24 building permit, the subdivider shall record the final map.
- 25 16. Prior to the issuance of any certificates of occupancy, the City Engineer, or other  
26 designated City representative, shall require the dedication and construction of necessary  
27 utilities, arterials and streets and other improvements outside the area of the particular  
28 final map, if such are needed for storm drainage, circulation, parking, access or for the  
29 welfare or safety of future occupants of the development and other impacted properties.  
The boundaries of any multiple development increment shall be subject to the approval of  
the City Engineer, or other designated City representative.

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

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

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

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

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

25 b) All grading and related site preparation and construction activities shall be  
26 limited to the hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering  
27 related construction activities shall be conducted on Saturdays, Sundays or legal  
28 holidays unless written permission is granted by the City Engineer with specific  
29 limitations to the working hours and types of permitted operations. All on-site  
construction staging areas shall be as far as possible (minimum 100 feet) from  
any existing residential development. Because construction noise may still be

1 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance  
2 also prohibits "any disturbing excessive, or offensive noise which causes  
3 discomfort or annoyance to reasonable persons of normal sensitivity."

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

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

15 22. This project's street pavement sections, traffic indices, alignments, and all geometrics  
16 shall meet public street standards.

17 23. Prior to the issuance of a grading permit, the developer shall contract with a  
18 geotechnical engineering firm to perform a field investigation, including R-value  
19 testing, of the existing pavement on all streets adjacent to the project boundary. The  
20 limits of the study shall be half-width plus twelve (12) feet along the subdivision's  
21 frontage. The field investigation shall include a minimum of one pavement boring  
22 every fifty (50) linear feet of street frontage. The Developer shall submit a study that  
23 shall analyze whether the existing pavement meets current City standards/traffic  
24 indices. If the study concludes that the pavement does not meet City standards/traffic  
25 indices, the rehabilitation/mitigation recommendations shall be included in the study  
26 and the Subdivider shall reconstruct the street per the recommendations to the  
27 satisfaction of the City Engineer, or other designated City representative.

28 24. Pavement sections for all streets, alleys, driveways and parking areas shall be based  
29 upon approved soil tests and traffic indices. The pavement design is to be prepared by  
the subdivider's soil engineer and must be approved by the City Engineer, or other  
designated City representative, prior to paving.

- 1 25. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
2 construction of the project, shall be repaired or replaced as directed by the City Engineer,  
3 or other designated City representative.
- 4 26. Grading and drainage facilities shall be designed and installed to adequately accommodate  
5 the local storm water runoff and shall be in accordance with the City's Engineers Manual  
6 and as directed by the City Engineer, or other designated City representative.
- 7 27. The applicant shall obtain any necessary permits and clearances from all public agencies  
8 having jurisdiction over the project due to its type, size, or location, including but not  
9 limited to the U. S. Army Corps of Engineers, California Department of Fish and Game,  
10 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
11 (including NPDES), San Diego County Health Department, prior to the issuance of  
12 grading permits.
- 13 28. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
14 investigation shall be conducted of the soils, slopes, and formations in the project. All  
15 necessary measures shall be taken and implemented to assure slope stability, erosion  
16 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
17 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved  
18 by the City Engineer, or other designated City representative.
- 19 29. This project shall provide year-round erosion control including measures for the site  
20 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
21 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
22 by the applicant with cash securities and approved by the City Engineer, or other  
23 designated City representative.
- 24 30. Landscaping plans, including plans for the construction of walls, fences or other structures  
25 at or near intersections, must conform to intersection sight distance requirements.  
26 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer,  
27 or other designated City representative, prior to the issuance of a preliminary grading  
28 permit and approved by the City Engineer, or other designated City representative, prior to  
29 the issuance of building permits. Frontage and median landscaping shall be installed  
prior to the issuance of any building permits. Project fences, sound or privacy walls and  
monument entry walls/signs shall be designed, reviewed and constructed by the landscape

1 plans and shown for location only on grading plans. Plantable, segmental walls shall be  
2 designed, reviewed and constructed by the grading plans and landscaped/irrigated through  
3 project landscape plans. The City Engineer must approve all plans, or other designated  
4 City representative, and a pre-construction meeting held, prior to the start of any  
5 improvements.

6 31. Open space areas and down-sloped areas visible from a collector-level or above  
7 roadway and not readily maintained by the property owner, shall be maintained by a  
8 homeowners' association that will insure installation and maintenance of landscaping in  
9 perpetuity. These areas shall be indicated on the final map and reserved for an  
10 association.

11 32. Future buyers shall be made aware of any estimated monthly costs. The disclosure,  
12 together with the CC&R's, shall be submitted to the City Engineer, or other designated  
13 City representative, for review prior to the recordation of final map. In the event the  
14 property's association dissolves, responsibility for irrigation and maintenance of the  
15 slopes (open space areas) adjacent to each property shall become that of the individual  
16 property owner.

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

25 34. Storm drains shall be designed and located such that the inside-travel lanes on streets with  
26 Collector or above design criteria shall be passable during conditions of a 100-year  
27 frequency storm.

28 35. The subdivider is responsible for the design and construction of major off-site drainage  
29 improvements downstream of the subdivision to the satisfaction of the City Engineer, or  
other designated City representative, as follows:

1 a) Prior to issuance of any building, grading, or improvement permits for the  
2 subdivision, the subdivider's civil engineer shall analyze downstream drainage  
3 facilities to identify the closest point of connection to an adequately sized existing  
4 drainage course or facility capable to carry cumulative runoff flows from the entire  
5 drainage basin in which the subdivision is located.

6 b) Prior to the issuance of any building, grading, or improvement permits, the  
7 subdivider's civil engineer shall complete the design of all drainage facilities for  
8 the collection and conveyance of said cumulative runoff flows.

9 c) Prior to the issuance of any building, grading, or improvement permits, the  
10 construction of said facilities shall be covered by a development agreement and  
11 secured with sufficient sureties guaranteeing performance and payment for labor  
12 and materials, and warranty against defective materials and workmanship.

13 d) Prior to the issuance of any building, grading, or improvement permits, the  
14 construction of said major offsite drainage facilities shall be completed to the  
15 satisfaction of the City Engineer, or other designated City representative.

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

19 37. The developer shall comply with all the provisions of the City's cable television  
20 ordinances including those relating to notification as required by the City Engineer, or  
21 other designated City representative.

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

26 39. All existing overhead utility lines with the exception of the 69KV lines, within the  
27 subdivision and within any full width street or right-of-way abutting a new subdivision,  
28 and all new extension services for the development of the project, including but not  
29 limited to, electrical, cable and telephone, shall be placed underground per Section 901.G.  
of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current  
City policy. The undergrounding of the existing 69KV overhead utilities is waived per

1 Section 901.G 3. a. of the Subdivision Ordinance (R91-166) due to the existing  
2 overhead electrical or transmission lines are in excess of 34.5 KV.

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

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

26 **Traffic:**

27 42. ADA complaint pedestrian access shall be provided at all project driveways and the  
28 intersections of Old Grove Road at Street "D", Old Grove Road at Avenida Del Oro,  
29 Avenida Del Oro at Street "B", Street "A" at Street "B", Street "B" at Street "C", and  
Street "C" at Street "D".

- 1 43. Sight distance requirements at all driveway and street intersections shall conform to the  
2 intersection corner sight distance criteria as provided by the California Department of  
3 Transportation Highway Design Manual.
- 4 44. The project applicant shall contribute a fair share of 13 percent toward the cost of re-  
5 striping the east leg of the intersection of Oceanside Boulevard at College Boulevard to  
6 include a total of three eleven-foot wide westbound through lanes with an exclusive  
7 eleven-foot wide right turn pocket. This improvement will include modification of the  
8 existing center median island with additional traffic signal equipment and signal loop  
9 detectors for the additional westbound through lane.
- 10 45. The project will be required to contribute 33 percent of \$2,228,438 to be applied toward  
11 future capacity enhancement measures on College Boulevard between Thunder Drive  
12 and Aztec Street.
- 13 46. Old Grove Road between College Boulevard and Mesa Drive shall be constructed  
14 within 100-feet of right of way with a 14-foot, landscaped center median and 16-foot  
15 parkways with 5-feet of sidewalk on both sides. The construction of Old Grove Road  
16 shall be completed to the satisfaction of the Transportation Manager.
- 17 47. Avenida Del Oro from the Avenida de la Plata to Old Grove Road shall be constructed  
18 within 82-feet of right of way with 15-foot parkways and 5-foot sidewalks on both  
19 sides. The construction of Avenida Del Oro shall be completed to the satisfaction of the  
20 Transportation Manager.
- 21 48. Avenida Del Oro from Oceanside Boulevard to Old Grove Road shall be re-striped with  
22 four travel lanes. The re-striping of Avenida Del Oro shall be completed to the  
23 satisfaction of the Transportation Manager.
- 24 49. All internal project streets shall be constructed within 68-feet of right-of-way with 14-  
25 foot parkways and 5-foot sidewalks on both sides. The construction of all internal  
26 project streets shall be completed to the satisfaction of the Transportation Manager.
- 27 50. The intersection of El Camino Real at Mesa Drive shall be improved by adding a  
28 westbound right turn pocket. This improvement shall include modification of the  
29 traffic signal to provide for exclusive left turn phasing in both eastbound and westbound  
directions on Mesa Drive. The intersection improvement shall be completed to the  
satisfaction of the Transportation Manager.

- 1 51. The intersection of Ocean Ranch Road at Old Grove Road shall be improved by adding  
2 a northbound to eastbound right turn overlapping signal phase. The intersection  
3 improvement shall be completed to the satisfaction of the Transportation Manager.
- 4 52. A new traffic signal shall be installed at the intersection of Avenida de la Plata at  
5 Corporate Center Drive. The new traffic signal shall be constructed to the satisfaction  
6 of the Transportation Manager.
- 7 53. The existing traffic signal on Rancho Del Oro at Oceanside Boulevard shall be  
8 improved with the addition of a southbound to westbound right turn overlapping phase  
9 and a westbound to northbound right turn overlapping phase. The traffic signal shall  
10 also be re-timed. All improvements to the traffic signal shall be completed to the  
11 satisfaction of the Transportation Manager.
- 12 54. The project shall contribute a fair-share of 69 percent toward the cost of adaptive signal  
13 system hardware at the following intersections:  
14 a) College Boulevard at Silverbluff Drive;  
15 b) College Boulevard at Frazee Road;  
16 c) College Boulevard at Chroma Drive;  
17 d) College Boulevard at Mesa Drive;  
18 e) College Boulevard at Avenida Empresa;  
19 f) College Boulevard at Old Grove Road;  
20 g) College Boulevard at Avenida de la Plata;  
21 h) College Boulevard at Marvin Street;  
22 i) College Boulevard at Roselle Street;  
23 j) College Boulevard at Barnard Drive; and  
24 k) College Boulevard at Vista Way.
- 25 55. A traffic control plan shall be prepared according to the City traffic control guidelines  
26 and be submitted to and approved by the Transportation Manager prior to the start of  
27 work within open City rights-of-way. Traffic control during construction of streets that  
28 have been opened to public traffic shall be in accordance with construction signing,  
29 marking and other protection as required by the Caltrans Traffic Manual and City  
Traffic Control Guidelines.

1 56. Traffic control during construction adjacent to or within all public streets must meet  
2 Caltrans standards and City Traffic Control Guidelines. Traffic control plans shall be in  
3 effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

4 57. A haul route shall be obtained at least 7 days prior to the start of hauling operations and  
5 must be approved by the Transportation Manager. Hauling operations shall be 8:00  
6 a.m. to 3:30 p.m. unless approved otherwise.

7 58. Streetlights shall be installed along all internal project streets and on Old Grove Road and  
8 Avenida Del Oro along the frontage of the project. The system shall be designed to  
9 provide uniform lighting, and be secured prior to the recordation of map or building  
10 permit issuance, if a map is not recorded. The subdivider shall pay all applicable fees,  
11 energy charges, and/or assessments associated with City-owned (LS-2 rate schedule)  
12 streetlights and shall also agree to the formulation of, or the annexation to, any appropriate  
13 street lighting district.

14 59. The applicant shall pay all applicable traffic signal and thoroughfare fees.

15 60. The project should pay CalTrans a fair-share of 52.4 percent of the total cost to install an  
16 eastbound to southbound right-turn overlapping phase on State Route 76 at Old Grove  
17 Road. This will include modification to the existing signal heads on State Route 76  
18 and shall be coordinated and approved by Caltrans District 11.

19 61. The project should pay CalTrans a fair share of 52.4 percent of the total cost to install  
20 an eastbound to southbound right-turn overlapping phase on SR 76 at Rancho Del Oro  
21 Drive. This will include modification to the existing signal heads on SR 76.  
22 Additionally, the existing westbound to southbound left turn pocket on SR 76 at  
23 Rancho Del Oro Drive should be lengthened to the satisfaction of CalTrans and the  
24 Traffic Engineer. These improvements shall be coordinated and approved by Caltrans  
25 District 11.

26 **Planning:**

27 62. Tentative Parcel Map and Development Plan shall expire on August 22, 2007, unless the  
28 Planning Commission grants a time extension.

29 63. This Tentative Parcel Map and Development Plan approves only a 30-lot industrial  
subdivision as shown on the plans and exhibits presented to the Planning Commission for

1 review and approval. No deviation from these approved plans and exhibits shall occur  
2 without Planning Department approval. Substantial deviations shall require a revision to  
3 the Development Plan or a new Development Plan.

4 64. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
5 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
6 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
7 annul an approval of the City, concerning Development Plan D-17-04 and Tentative  
8 Parcel Map P-8-04. The City will promptly notify the applicant of any such claim,  
9 action or proceeding against the city and will cooperate fully in the defense. If the City  
10 fails to promptly notify the applicant of any such claim action or proceeding or fails to  
11 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to  
12 defend, indemnify or hold harmless the City.

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

- 19 a) Parkway tree plantings along collector and arterial roads shall be a minimum of  
20 two-inch diameter trees so as to ensure a mature landscape theme is achieved in a  
21 reasonable amount of time.
- 22 b) The developer shall be responsible for irrigating and landscaping all embankments  
23 within the project, and all slopes along major streets.
- 24 c) Arterial street trees in parkways shall be planted at a minimum of 30 feet on  
25 center, each side of street, as a solitary planting. Approved root barriers shall be  
26 incorporated.
- 27 d) Local street trees in parkways shall be planted at a minimum of 30 feet on center,  
28 each side of street, as a solitary planting. Approved root barriers shall be  
29 incorporated.

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

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

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

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

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

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

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

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73. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's) shall provide for the maintenance of all common open space, medians and commonly 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 systems as necessary; and general cleanup of the landscaped and open area and walkways. The C.C. & R's shall be subject to the review and approval of the City Attorney prior to the approval of the final map. The C.C. & R's are required to be recorded prior to or concurrently with the final map. Any amendments to the C.C. & R's in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City of Oceanside. Such a clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for the following:

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- a) Provisions for the maintenance of all common open space and open space easements on private lots, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the property association.
  - b) Provisions that restrict any private use of open space easement areas. Restrictions shall include, but are not limited to, removing retaining walls, installing structures such as trellises, decks, retaining walls and other hardscape and any individual landscape improvements.
  - c) Provisions prohibiting the property owners association from relinquishing its obligation to maintain the common open space and open space easement areas without prior consent of the City of Oceanside.

1 74. All street names shall be approved by the Planning Department prior to the approval of  
2 the final map for each phase of development.

3 **Environmental:**

4 75. Prior to issuance of grading permits the applicant shall confirm to the City of Oceanside  
5 that qualified paleontologist has been retained to carry out an appropriate mitigation  
6 program. (A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in  
7 paleontology or geology who is familiar with paleontological procedures and  
8 techniques). The paleontologist shall attend pre-grade meetings to consult with grading  
9 and excavation contractors.

10 76. A paleontological monitor shall be on-site during grading operations in previously un-  
11 graded areas to evaluate the presence of fossils within previously undisturbed sediments  
12 of highly sensitive geologic formations (i.e. Santiago Formation) and moderately  
13 sensitive formations (river terrace deposits) to inspect cuts for contained fossils (a  
14 paleontological monitor is defined as an individual who has experience in the collection  
15 and salvage of fossil materials). The paleontological monitor shall work under the  
16 direction of a qualified paleontologist.

17 77. When fossils are discovered the paleontologist (or paleontological monitor) shall  
18 recover them. In most cases, this fossil salvage can be completed in a short period to  
19 time. However, some fossil specimens (such as a complete whale skeleton) may  
20 require an extended salvage time. In these instances, paleontologist (or paleontological  
21 monitor) shall be allowed to temporarily direct, divert, or halt grading to allow recovery  
22 of small fossil remains such as isolated mammal teeth, it may be necessary in certain  
23 instances to set up a screen-washing operation on the site.

24 78. Prepared fossils along with copies of all pertinent field notes, photographs and maps  
25 shall be deposited (with the applicant's permission) in a scientific institution with  
26 paleontological collections such as the San Diego Natural History Museum. A final  
27 summary report shall be completed and distributed to the City or other interested  
28 agencies which outlines the results of the mitigation program. This report shall include  
29 discussions of the methods used, stratigraphy exposed, fossils collected and  
significance of recovered fossils.

1 79. A six-foot high block sound wall shall be constructed to replace the existing ornamental  
2 fence located north of Lot No. 1 north of Old Grove Road adjacent to the open space  
3 area as depicted on the Tentative Parcel Map. The approximately 500-lineal feet sound  
4 wall shall be depicted on both the preliminary grading plans and the landscape plans.  
5 The sound wall shall be constructed concurrently during preliminary grading and  
6 completed prior to issuance of any building permits.

7 **Water Utilities:**

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

11 81. No trees or structures or building overhang shall be located within any water or  
12 wastewater utility easement.

13 82. The property owner shall maintain private water and wastewater utilities located on  
14 private property.

15 83. A separate irrigation meter is required and approved backflow prevention device is  
16 required.

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

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

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

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

- 1 88. An Inspection Manhole, described by the City's Engineers Manual, shall be installed in
- 2 each building sewer lateral and the location shall be called out on the approved
- 3 improvement plans.
- 4 89. The water and wastewater buy-in fees and the San Diego County Water Authority Fees
- 5 are to be paid to the City and collected by the Water Utilities Department at the time of
- 6 building permit issuance.
- 7 90. All water and wastewater construction shall conform to the most recent edition of the
- 8 City's Engineers Manual, or as approved by the Water Utilities Director.
- 9 91. A water and sewer study must be prepared by the developer at the developer's expense
- 10 and reviewed and approved by the Water Utilities Department. Off-site sewer
- 11 improvements will be required based on the City depth of flow criteria. Offsite water
- 12 improvements will be required based on the existing water system ability to meet the
- 13 site water demands.
- 14 92. A 27" line valve shall be installed on the existing 27" water line on Old Grove Road
- 15 between College Boulevard and where the water line currently traverses the property.
- 16 93. Available flow volume in the brine line will require a system capacity analysis based on
- 17 existing contractual flow agreements. All lots with proposed connections to the brine
- 18 line will require onsite load equalization tanks and telemetry per City standards.
- 19 94. If the existing sewer and water stub-outs located at Calle Niquel are not connected, they
- 20 shall be abandoned back to the main lines located in Avenida De La Plata.

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95. The proposed 24" waterline from North Santa Fe to Old Grove Road shall be constructed and accepted by the Water Utilities Department prior to certificate of occupancy.

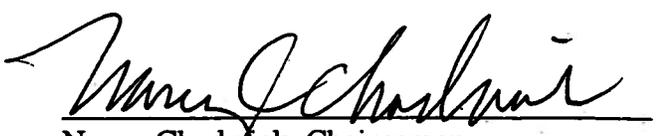
PASSED AND ADOPTED Resolution No. 2005-P45 on August 22, 2005 by the following vote, to wit:

AYES: Chadwick, Schaffer, Parker, Todd, Neal, Nack and Horton

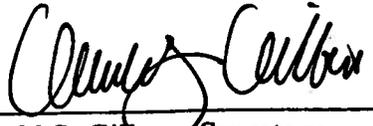
NAYS: None

ABSENT: None

ABSTAIN: None

  
Nancy Chadwick, Chairperson  
Oceanside Planning Commission

ATTEST:

  
Gerald S. Gilbert, Secretary

I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2005-P45.

Dated: August 22, 2005

## LEGAL DESCRIPTION

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

## PARCEL 1:

LOT A OF RANCHO DEL ORO-MASTER SUBDIVISION MAP EAST, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11409, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 27, 1985.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 4 WEST, AS SHOWN ON SAID MAP NO. 11409, BEING ALSO AN ANGLE IN THE WESTERLY BOUNDARY OF SAID LOT "A"; THENCE ALONG SAID WESTERLY BOUNDARY SOUTH  $00^{\circ}53'04''$  WEST 199.93 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH  $00^{\circ}53'04''$  WEST 850.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A"; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT "A" SOUTH  $89^{\circ}17'31''$  EAST 464.19 FEET (RECORD SOUTH  $89^{\circ}16'58''$  EAST 464.10 FEET); THENCE NORTH  $77^{\circ}38'45''$  EAST 231.30 FEET (RECORD NORTH  $77^{\circ}39'33''$  EAST 231.09 FEET) TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF AVENIDA DEL ORO AS SHOWN ON SAID MAP NO. 11409, SAID INTERSECTION BEING ALSO A POINT IN THE WESTERLY LINE OF THAT CERTAIN 70.00 FEET WIDE EASEMENT FOR PUBLIC HIGHWAY PER DOCUMENT NO. 82-071328, RECORDED MARCH 16, 1982, RECORDS OF SAID COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID EASEMENT NORTH  $34^{\circ}57'55''$  WEST, 32.58 FEET (RECORD NORTH  $34^{\circ}57'05''$  WEST) TO THE BEGINNING OF A TANGENT 935.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE, AND EASEMENT, THROUGH A CENTRAL ANGLE OF  $49^{\circ}33'34''$ ; AN ARC DISTANCE OF 808.75 FEET; THENCE LEAVING SAID WESTERLY EASEMENT LINE NORTH  $89^{\circ}06'56''$  WEST 519.77 FEET TO THE TRUE POINT OF BEGINNING.

## PARCEL 2:

LOT B OF RANCHO DEL ORO-MASTER SUBDIVISION MAP EAST, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11409, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 27, 1985.

## Exhibit "A"

### FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PACIFIC COAST BUSINESS PARK PROJECT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2004071011)

#### 1. INTRODUCTION

##### 1.1 Findings and Statement of Overriding Considerations

The California Environmental Quality Act, Public Resources Code Sections 21000-21178 ("CEQA") and the State CEQA Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., Tit. 14, Sections 15000-15387 ("CEQA Guidelines") are "intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (CEQA § 21002 (emphasis added).) CEQA's mandate and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are certified which identify one or more significant environmental effects that would occur if the project is implemented. (See CEQA § 21081(a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines §15091(a).)

Section 21061.1 of CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." Section 15364 of the CEQA Guidelines adds "legal" considerations to the definition of "feasible." The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.) "[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable

balancing of the relevant economic, social and technological factors.” (*Id.*; see also Sequoyah Hills Homeowners Ass'n v. City of Oakland (1993) 23 Cal.App.4<sup>th</sup> 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines §§ 15093, 15043(b); see also CEQA § 21081(b).)

The following Findings and Statement of Overriding Consideration are made relative to the conclusions of the Final Environmental Impact Report for the Pacific Coast Business Park (SCH 2004071011) (“Final EIR”).

## **1.2 Document Format**

These findings have been organized into the following sections:

- (1) This Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the Project, overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.
- (3) Section 3 provides a summary of public participation in the environmental review, an overview of the administrative record that has been developed for the Project, and general findings regarding the Mitigation, Monitoring and Reporting Program (“MMRP”), the Project and CEQA compliance.
- (4) Section 4 sets forth findings regarding those environmental impacts that were determined either not to be relevant to the Project or not to be significant.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR that the City of Oceanside (“City”) has determined can be reduced to a less-than-significant level through the imposition of mitigation measures included in the MMRP for the Project.
- (6) Section 6 sets forth findings regarding significant environmental impacts identified in the Final EIR that the City has determined will remain significant and unavoidable after mitigation.
- (7) Section 7 sets forth findings regarding alternatives to the Project that were determined not to be feasibly implemented by the City.
- (8) Section 8 consists of a Statement of Overriding Considerations, which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the Project outweigh the Project's potential unavoidable environmental effects.

## **2. PROJECT SUMMARY**

### **2.1 Pacific Coast Business Park Project Description**

The gross area within the industrial site boundaries is approximately 124 acres, with an adjacent 28-acre parcel to be partially used for dirt stockpile. This area is part of the industrially-designated area within the central portion of the City of Oceanside.

The project analyzed in the Final EIR is the development of an industrial business park including the establishment of the building pads, supporting infrastructure, and development guidelines for ultimate buildings through the Industrial Master Development Plan Text. Specific buildings and uses within the Pacific Coast Business Park will be required to comply with the regulations in the Industrial Master Development Plan. The Industrial Master Development Plan will provide for establishment of CC & Rs for the Pacific Coast Business Park; these CC & Rs will require a Board of Directors, with a Pacific Coast Business Park Design Review Board acting under that Board of Directors. All Site Development Plans within the Pacific Coast Business Park must be approved by this Review Board. Following this approval, any Site Development Plan must meet all City requirements and approvals; these would include, but are not limited to, Administrative Development Plan reviews, Conditional Use Permits, Variance requests, Building Permits, and subdivision ordinance and building code provisions.

Pacific Coast Business Park is being divided into 30 industrial parcels, with major streets and infrastructure provided by the Master Developer, to facilitate build out with a variety of business park and industrial uses. The site has been designed to accommodate a broad range of product types in the business market, from multi-tenant and small single-user buildings to larger manufacturing and warehouse uses. The site layout has been designed to allow flexibility in combining two or more adjacent parcels to accommodate build-to-suit, lot sales and leased spaces.

The entire site will be graded to develop the pads and roadways. The project proposes a volume of cutting of 1,569,500 cubic yards, with maximum cut slopes of 25 feet. The volume of fill is 1,444,900 cubic yards, with maximum fill slopes of 65 feet. As such, cut and fill do not balance, but leave an excess of 124,600 cubic yards. Approximately one-half acre of the off-site slopes to Ocean Ranch to the west will receive fill. The excess material will be placed as off-site fill onto an approximately nine-acre area at the eastern end of the 28-acre property north of Old Grove (the Corporate Office Park site). The off-site fill will be placed as a stockpile and will be planted with a ground cover and irrigated for erosion control. The balance of the 28-acre property is not part of this project.

College Boulevard is the eastern boundary of the site, and the extension of Old Grove Road will form the northern boundary of the proposed development area. Project access from the south will be from Oceanside Boulevard by way of Avenida de la Plata and Avenida del Oro; Avenida del Oro will be extended north through the property to connect to Old Grove Road. Project access from the north will be from Old Grove Road. Three lanes of Old Grove Road are planned to be constructed by the Ocean Ranch project, and are anticipated to be in place prior to the construction of Pacific Coast

Business Park. This project will complete the roadway, including the median curb, gutter, landscaping, parkway curb, sidewalk, and final utility installation.

## **2.2 Discretionary Actions**

Discretionary actions necessary for the development include an Industrial Master Development Plan and a Tentative Parcel Map.

## **2.3 Statement of Project Objectives**

The development is proposing an industrial business park with a development intensity consistent with surrounding industrial parks. It will be divided into large parcels, with streets and infrastructure to facilitate build out with a variety of business park and industrial uses. This project will implement the designated land uses of the City of Oceanside's General Plan, Rancho del Oro Specific Plan, and the Industrial Master Development Plan being processed as a part of this project.

The site has been designed to accommodate a broad range of product types in the business market, with the flexibility to combine adjacent lots to accommodate various sizes of buildings and types of users, while ensuring a high quality, cohesive and aesthetic development which takes into account the surrounding built environment.

# **3. PUBLIC PARTICIPATION AND RECORD OF PROCEEDINGS**

## **3.1 Public Input**

There have been opportunities for public review and comment, including but not limited to the public forums set forth below:

EIR Notice of Preparation, July 6 – August 8, 2004

Draft EIR Public Review, March 21 – May 5, 2005

Planning Commission Hearing, July 25, 2005

## **3.2 Record of Proceedings**

For purposes of CEQA and these Findings and Statement of Overriding Considerations, the Record of Proceedings for the Projects consists of the following documents and other evidence at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR;
- The Final EIR;
- All written comments and verbal public testimony presented during the public comment period on the Draft EIR or during a noticed public hearing for the Project at which such testimony was taken;
- The MMRP;
- All findings, ordinances, and resolutions adopted by the City in connection with the Project, and all documents incorporated by reference therein;

- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- The City's General Plan and Municipal Code;
- Any documents expressly cited in these findings in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Section 21167.6 (e) of CEQA.

The custodian of the documents comprising the record of proceedings is the City Clerk, whose office is located at 300 North Coast Highway, Oceanside, CA 92054. Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and at all relevant times have been available upon request at all times at the offices of the City.

The City has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Planning Commission or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into two categories. First, many of them reflect prior planning or legislative decisions of which the City was aware in approving the Project. Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project.

### **3.3 General Findings**

The City hereby finds as follows:

3.4.1 The foregoing statements are true and correct;

3.4.2 The City is the "Lead Agency" for the Project evaluated in the Final EIR and independently reviewed and analyzed the Draft EIR and Final EIR for the Project;

3.4.3 The Notice of Preparation of the Draft EIR was circulated for public review between July 6 and August 8, 2004. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;

3.4.4 The public review period for the Draft EIR was for 45 days between March 21 and May 5, 2005.

3.4.5 The Draft EIR and Final EIR were completed in compliance with CEQA;

3.4.6 The Final EIR was presented to the Planning Commission as the decision-making body for the City and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the Project;

3.4.7 The Final EIR reflects the City's independent judgment and analysis;

3.4.8 The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR;

3.4.9 The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period;

3.4.10 The Final EIR evaluated the following direct and cumulative impacts: Biological Resources, Paleontological Resources, Hydrology/Water Quality, and Transportation/Traffic Circulation. Additionally, the Final EIR considered Growth Inducing Impacts of the project, as well as a reasonable range of Project alternatives. All of the significant environmental impacts of the Project were identified in the Final EIR.

3.4.11 CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project that it has adopted or made a condition of project approval in order to ensure compliance with CEQA during project implementation. A MMRP has been prepared for the Project and has been adopted concurrently with these findings. The City will use the MMRP to track compliance with Project mitigation measures and to ensure that the mitigation measures are enforceable;

3.4.12 In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21080.5 and 21082.2;

3.4.13 The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR;

3.4.14 The City made no decisions related to approval of the Project prior to the certification of the Final EIR by the Planning Commission. The City also did not commit

to a definite course of action with respect to the Project prior to the certification of the Final EIR by the Planning Commission;

3.4.15 Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request during all regular business hours at the offices of the City Clerk and/or Planning Department.

3.4.16 Having reviewed the information contained in the Draft EIR, Final EIR, the record of proceedings, as well as the requirements of CEQA and the CEQA Guidelines regarding re-circulation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period, the City finds that there is no significant new information regarding adverse environmental impacts of the Project in the Final EIR and finds that re-circulation of the Draft EIR is not required; and

3.4.17 Having received, reviewed, and considered all information and documents in the Final EIR, as well as all other information in the record of proceedings on this matter, the following Findings and Statement of Overriding Considerations are hereby adopted by the City as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

#### **4. ENVIRONMENTAL ISSUES DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT**

Based on the City's assessment of the Project and responses to the Notice of Preparation for the Project, certain environmental issues were determined by the City to be either (i) inapplicable to the Project based upon the nature of the Project and/or the absence of any potential impact related to the issue or (ii) potentially impacted to a degree deemed to be less than significant. Accordingly, the City concluded that these issues did warrant further consideration in the Final EIR other than as set forth in Section V of the Final EIR. No substantial evidence has been presented to or identified by the City that would modify or otherwise alter the City's less-than-significant determination for each of the following environmental issues: (1) Cultural Resources, (2) Geotechnical Conditions, (3) Aesthetics, (4) Agriculture, (5) Air Quality, (6) Land Use and Planning, (7) Hazards and Hazardous Materials, (8) Mineral Resources, (9) Noise, (10) Population and Housing, (11) Public Services, and (12) Recreation.

#### **5. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH ARE DETERMINED NOT TO BE SIGNIFICANT OR WHICH CAN BE SUBSTANTIALLY LESSENEED OR AVOIDED THROUGH FEASIBLE MITIGATION MEASURES**

As discussed in more detail in the Final EIR, including the appendices to the Final EIR, the City has determined based on the threshold criteria for significance presented in the Final EIR that certain environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as conditions of Project approval will result in the avoidance or substantial reduction of those effects.

Environmental effects related to the Project in the following areas were found to be either insignificant or capable of being mitigated to a level of insignificance: Biological Resources, Paleontological Resources, Hydrology and Water Quality, and Transportation/Traffic. As explained in the Final EIR, after some investigation and inquiry, impacts to Biological Resources and Hydrology and Water Quality are not considered significant and do not require mitigation. No substantial evidence has been presented to or identified by the City which would modify or otherwise alter the City's less-than-significant determination for these environmental issues. As a result, CEQA does not require any further findings regarding these environmental impacts.

### **5.1 Paleontological Resources**

**Environmental Impacts:** The Project could cause the loss of fossil material considered to be of high scientific value.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the potential significant environmental effect identified in the Final EIR to below a level of significance.

#### **Facts in Support of Findings:**

(a) The Project is entirely underlain by the Eocene Santiago Formation, which is known to be fossil-bearing. In this area the Santiago Formation consists primarily of sandstone, clayey siltstone, and claystone. The sandstones and claystones of the Santiago Formation will likely be encountered in pad excavation or utility trenches.

(b) Fossils encountered during Project construction could be damaged or destroyed. Much of the fossil material in the Santiago Formation is considered to be of high scientific value, and its loss would be considered a significant impact.

#### **Mitigation Measures:**

The following mitigation measures, which are also set forth in the Final EIR, are feasible and are made binding through the MMRP. These mitigation measures will avoid damage to or loss of fossil material by creating a process to identify and preserve such material during grading operations. As a result, these measures mitigate the potential direct and cumulative impacts of the Project on paleontological resources to below a level of significance.

(a) Prior to issuance of grading permits, the applicant shall confirm to the City of Oceanside that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.

(b) A paleontological monitor shall be onsite during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor

is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist.

(c) When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site.

(d) Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

## **5.2 Traffic/Transportation**

**Environmental Impacts:** The Project will generate additional traffic on surrounding streets and highways, which are already congested and are forecast to become more congested even without the Project. This additional traffic has the potential to cause significant environmental impacts.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce certain potential significant environmental effects associated with traffic impacts and identified in the Final EIR to below a level of significance.

### **Facts in Support of Finding:**

(a) The Pacific Coast Business Park is projected to generate 16,800 trips on a daily basis. The am peak hour is projected at 2088 trips, and the pm peak hour is projected at 2096 trips.

(b) As discussed in greater detail in the Final EIR and the Traffic Impact Study included as Appendix D to the Final EIR, traffic levels with the Project were forecast under a variety of scenarios, including existing development plus the Project, near-term anticipated development plus the Project and Year 2020 anticipated development plus the Project.

(c) Forecasts suggest that the Project may cause significant traffic impacts at the following street segment:

- Westbound Oceanside Boulevard between College Boulevard and Arroyo Avenue in both am and pm peak hours

(d) Forecasts also suggest that the Project may cause significant traffic impacts at the following intersections:

- El Camino Real/Oceanside Boulevard, pm peak hour
- El Camino Real/Mesa Drive, pm peak hour
- Ocean Ranch Road/Old Grove Road, am peak hour
- Avenida de la Plata/Corporate Center Drive, both peak hours
- Rancho del Oro Drive/Oceanside Boulevard, pm peak hour

### **Mitigation Measures:**

The following mitigation measures, which are also set forth in the Final EIR, will avoid or substantially lessen the impacts on traffic resulting from the Project by facilitating the smooth flow of traffic and reducing traffic delays. As a result, these measures mitigate the potential direct and cumulative traffic impacts of the Project identified above to below a level of significance. Some of these measures are the sole responsibility of the Pacific Coast Business Park project, and some require the Project to contribute on a fair-share basis. These mitigation obligations are feasible and are made binding through the MMRP.

#### *Intersections.*

The impact at El Camino Real/Oceanside Boulevard will be mitigated to a level below significance by extending the eastbound and westbound left-turn lanes.

The impact to the intersection of El Camino Real/Mesa Drive will be mitigated to a level below significance by re-striping the westbound approach for dual left-turns and a shared through/right-turn lane.

The impact at Ocean Ranch Road/Old Grove Road will be mitigated to a level below significance by the addition of a northbound right-turn overlap to the signal.

Installation of a signal at Avenida de la Plata/Corporate Center Drive will mitigate impacts there to a level below significance.

The impact at Rancho del Oro Drive/Oceanside Boulevard will be mitigated to a level below significance by a southbound right-turn overlap, a westbound right-turn overlap, and signal re-timing.

#### *Street Segments.*

The impact on Oceanside Boulevard between College Boulevard and Arroyo Avenue will be mitigated by the re-striping of the westbound lanes in order to add another westbound travel lane between College Boulevard and Gateway Center Drive. This measure will reduce impacts to a level below significance.

### **Creative Measures:**

The City requires that “creative measures” be provided to ameliorate certain traffic impacts even if such impacts are less than significant under CEQA and the CEQA Guidelines. The City requires creative measures for the following street segments:

- SR 76 between El Camino Real and Old Grove Road.

Future plans for SR-76 include widening the roadway to six lanes. Creative measures as mitigation that would be reviewed and approved by CALTRANS include:

- Installation of eastbound right-turn overlaps at Old Grove Road and Rancho del Oro.
- Extension of the westbound left-turn lane at Rancho del Oro.

## **6. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION**

As discussed further in the Final EIR and the appendices to the Final EIR, the Project may cause certain traffic impacts on College Boulevard that cannot be mitigated to a level below significance through the implementation of feasible mitigation measures.

### **6.1 Traffic/Transportation**

**Environmental Impacts:** College Boulevard between SR 76 and SR 78 is impacted under all traffic scenarios, with or without the Project. Segments of College Boulevard are projected to incur significant impacts as a result of the Project. Although measures will be implemented to mitigate these impacts, these measures will not reduce traffic impacts to a level below significance. No feasible measures are available to reduce traffic impacts to a less-than-significant level.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures that would avoid or substantially lessen the Project's traffic impacts on certain segments of College Boulevard.

#### **Facts in Support of Findings:**

(a) Based on the various forecasts of traffic generated by the Project, the Pacific Coast Business Park may have a significant impact on traffic on the following segments of College Boulevard:

- Northbound College Boulevard between Chroma Drive and Mesa Drive, both peak hours
- Northbound College Boulevard between Avenida de la Plata and Oceanside Boulevard, pm peak hour
- Northbound College Boulevard between Town Center Drive and Frazee Road, pm peak hour
- Southbound college Boulevard between Oceanside Boulevard and Olive Drive, pm peak hour

(b) No feasible mitigation measures exist to avoid or substantially lessen the traffic impacts on these segments of College Boulevard. One potential mitigation measure that could increase the capacity of College Boulevard would be to construct additional through lanes along College Boulevard. This issue has been

examined in the College Boulevard No Improvement and Widening Alternatives Environmental Impact Report, and a Statement of Facts and Findings was issued in September of 2004. As the General Plan noted in 1995:

While strong attempts should be made to construct the full 6-lane facilities [on College Boulevard], existing development on most segments makes such upgrading unlikely. Accordingly, the 4- and 6-lane designations are made with the knowledge that peak-hour congestion will occur. College Boulevard will be a strong candidate for special capacity-enhancing treatment.

(City of Oceanside, Circulation Element, General Plan, 1995.) Given the intensive development along College Boulevard in this area, a widening project would cause a substantial adverse impact to property owners whose property would have to be acquired for the project. Such an undertaking would also entail enormous expense. As a result, widening College Boulevard would have unacceptable economic, legal and social impacts that make that mitigation measure infeasible.

**Mitigation Measures:** The following mitigation measures, which are discussed further in the Final EIR, will partially ameliorate the Project's traffic impacts on College Boulevard between SR 76 and SR 78. These measures will reduce impacts by facilitating the smooth flow of traffic and reducing traffic delays, but the segments of College Boulevard identified as having significant impacts will not see those impacts reduced to a level below significance. The Project is required to contribute on a fair-share basis for these mitigation measures. Some of these improvements are "creative measures" required by the City of Oceanside even though the Project will not cause significant traffic impacts at the intersections and/or street segments at the locations of these measures. These mitigation obligations are feasible and are made binding through the MMRP. The City establishes separate accounts for each specific improvement or mitigation under a Deferred Revenue program. The money paid to the City from the developer is placed in the account until the improvement can be made and/or until the full amount needed to do the improvement is reached, and the improvement is constructed.

The project will contribute its fair share towards adaptive traffic signals to be set at the following intersections:

- College Boulevard/Frazee Road
- College Boulevard/Chroma Drive
- College Boulevard/Silverbluff
- College Boulevard/Mesa Drive
- College Boulevard/Empressa
- College Boulevard/Old Grove Road
- College Boulevard/Avenida de la Plata
- College Boulevard/Marvin Street
- College Boulevard/Roselle Street
- College Boulevard/Barnard Street
- College Boulevard/Vista Way

Additionally, the project will contribute its fair share towards the improvements to College Boulevard between Aztec Street and Olive Drive identified in the Ocean Ranch Condition of Approval. These improvements include widening for additional lanes to meet Circulation Element requirements in this roadway segment.

## **7. FINDINGS REGARDING ALTERNATIVES**

Because the Project may cause significant environmental effects that will not be avoided or substantially lessened by mitigation measures, the City must consider the feasibility of any environmentally superior alternatives to the Project. An alternative may be feasible if it is capable of achieving the objectives of the project in a timely manner and taking into account economic, environmental, social, legal and technological and other factors.

**7.1 The No Project Alternative:** The No Project Alternative would not allow the proposed development, leaving the land in its present condition and no new impacts to traffic would occur.

**Finding:** The City finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the Final EIR.

**Facts in Support of Finding:** While the No Project Alternative essentially maintains the physical status quo onsite, compared to the Project, it would:

- Fail to realize the Project objective of developing an industrial business park with a development intensity consistent with surrounding industrial parks.
- Fail to provide the many jobs expected to be created by the development of 30 industrial parcels as contemplated by the Project.
- Fail to provide the City of Oceanside an important source of revenue.
- Potentially violate the property owner's rights to make reasonable beneficial use of the property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections and reasonable investment backed expectations of development and use consistent with the General Plan, designating the property to be developed for industrial uses.
- Re-direct the needed industrial development to be developed elsewhere, with likely impacts to that area.
- Be inconsistent with the General Plan.
- Transfer the responsibility and costs of the buildout of Old Grove Avenue to other entities.
- Eliminate the construction of Avenida del Oro across the property, a roadway assumed in the Circulation Element.
- Fail to eliminate low levels of service on College Boulevard – significant impacts are predicted even without the Project.

**7.2 The Reduced Density Alternative:** A reduced density alternative would limit the total square footage of building, by reducing the acreage available for development or building area on the lots, with the balance of the property remaining as undeveloped land.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make infeasible the Reduced Density Alternative identified in the EIR.

**Facts in Support of the Finding:** Compared to the Project, the Reduced Density Alternative would:

- Fail to realize the Project objective of developing an industrial business park with a development intensity consistent with surrounding industrial parks.
- Fail to provide as many jobs as are expected to be created by the development of 30 industrial parcels as contemplated by the Project.
- Reduce the important revenue that the Project would be expected to provide the City of Oceanside.
- Potentially violate the property owner's rights to make reasonable beneficial use of the property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections and reasonable investment backed expectations of development and use consistent with the General Plan.
- Re-direct needed industrial development to be developed elsewhere, with likely impacts to that area.
- Be inconsistent with the General Plan by preventing development with the intensity called for by the General Plan.
- Reduce the mitigation and related benefits associated with the Project and paid for by the Project developer, such as (i) construction of Avenida del Oro across the property, a roadway assumed in the Circulation Element, and (ii) buildout of Old Grove Road.
- Fail to eliminate low Levels of Service on College Boulevard – significant impacts are predicted even without the Project.

**7.2 The Alternative Location Alternative:** This alternative would place the Project at an alternative location. The CEQA Guidelines only require consideration of alternative locations that would avoid or substantially lessen any of the significant effects of a project. (CEQA Guidelines § 15126(f)(2)(A).)

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the EIR.

**Facts in Support of Finding:** The only significant effect from the Project that is not mitigated to a less-than-significant level is traffic on segments of College Boulevard. Traffic Levels of Service remain low with or without the Project at this

location. Because, no alternative location would “substantially lessen” traffic impacts on College Boulevard, this alternative is infeasible.

## **8. OVERRIDING CONSIDERATIONS**

If a project has substantial environmental impacts that cannot be avoided or substantially reduced by feasible mitigation measures or project alternatives, CEQA and the CEQA Guidelines permit a public agency to approve the project only if the agency makes findings that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the project’s unavoidable adverse environmental effects and thereby render those adverse effects acceptable. (CEQA § 21081(b); CEQA Guidelines § 15093.)

The City is approving the Pacific Coast Business Park even though the Project may have unavoidable significant impacts on traffic on certain segments of College Boulevard as described in the Final EIR. The City finds that the benefits of the Project outweigh the adverse environmental effects for each of the following reasons:

- A. The Project will lead to the creation of many high-quality jobs for the community. As documented in the economic analysis by ERA dated June 21, 2005, the project is estimated to include 3,540 direct employment jobs, plus an additional 164 induced and indirect jobs within the City of Oceanside.
- B. The Project will be a source of important tax revenue for the City. As documented in the economic analysis by ERA dated June 21, 2005, the City of Oceanside’s share of total property tax revenue is estimated at build out to be \$282,623 annually.
- C. The Project will be consistent with the General Plan and accordingly will contribute to planned and orderly growth and development in the City.
- D. The Project will utilize efficiently land that is currently vacant and underutilized for seasonal agricultural purposes, as compared with surrounding land uses.
- E. Although traffic impacts on certain segments of College Boulevard are significant under CEQA and the CEQA Guidelines, the segments will operate at low Levels of Service with or without the Project. The addition of Project-related traffic will not be so comparatively or marginally onerous as to justify disrupting otherwise valuable development.

Therefore, after considering the Final EIR and the public record of proceedings, and because the City finds that the benefits of the Project outweigh the significant adverse environmental effects, the City hereby adopts this Statement of Overriding Considerations.

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PLANNING COMMISSION  
RESOLUTION NO. 2005-P46

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE PACIFIC COAST BUSINESS PARK ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

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APPLICATION NO: P-8-04 and D-17-04  
APPLICANT: Pacific Coast Business Park, LLC  
LOCATION: Southwest of the intersection of College Boulevard and Old Grove Road

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

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

WHEREAS, the Planning Commission, after giving the required notice, did on the 22<sup>nd</sup> day of August, 2005, conduct a duly advertised public hearing on the content of the Final Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

For the Final Environmental Impact Report:

1. The Final Environmental Impact Report was completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. There are certain significant environmental effects detailed in the Environmental Impact Report which have been avoided or substantially lessened by the establishment of measures which are detailed in Exhibit "A" Environmental Findings and Statement of Overriding Considerations for the Pacific Coast Business Park.
3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting Programs for the business park (included in the Final EIR) and were presented to the Planning Commission, and the Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the shopping

1 center and revised reclamation plan. The Final Environmental Impact Report and  
2 Mitigation and Monitoring and Reporting Program for the business park have been  
3 determined to be accurate and adequate documents, which reflect the independent  
4 judgment of the City.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
6 CERTIFY the Final Environmental Impact Report for the Pacific Coast Business Park project  
7 Tentative Parcel Map (P-8-04) and Development Plan (D-17-04) subject to the following  
8 recommendations and conditions:

9 1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the  
10 Mitigation Monitoring and Reporting Program (MMRP) for the business park and finds  
11 and determines that said programs are designed to ensure compliance with the mitigation  
12 measures during project implementation.

13 2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on  
14 this decision is governed by the provisions of the California Environmental Quality Act.

15 PASSED AND ADOPTED Resolution No. 2005-P46 on August 22, 2005 by the  
16 following vote, to wit:

17 AYES: Chadwick, Schaffer, Parker, Todd, Neal, Nack and Horton

18 NAYS: None

19 ABSENT: None

20 ABSTAIN: None

21   
22 Nancy Chadwick, Chairperson  
23 Oceanside Planning Commission

24 ATTEST:

25 

26 Gerald S. Gilbert, Secretary

27 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that  
28 this is a true and correct copy of Resolution No. 2005-P46.

29 Dated: August 22, 2005

## LEGAL DESCRIPTION

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

## PARCEL 1:

LOT A OF RANCHO DEL ORO-MASTER SUBDIVISION MAP EAST, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11409, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 27, 1985.

EXCEPTING THEREFROM THAT PORTION DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SECTION 22, TOWNSHIP 11 SOUTH, RANGE 4 WEST, AS SHOWN ON SAID MAP NO. 11409, BEING ALSO AN ANGLE IN THE WESTERLY BOUNDARY OF SAID LOT "A"; THENCE ALONG SAID WESTERLY BOUNDARY SOUTH  $00^{\circ}53'04''$  WEST 199.93 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID BOUNDARY SOUTH  $00^{\circ}53'04''$  WEST 850.00 FEET TO THE SOUTHWESTERLY CORNER OF SAID LOT "A"; THENCE ALONG THE SOUTHERLY BOUNDARY OF SAID LOT "A" SOUTH  $89^{\circ}17'31''$  EAST 464.19 FEET (RECORD SOUTH  $89^{\circ}16'58''$  EAST 464.10 FEET); THENCE NORTH  $77^{\circ}38'45''$  EAST 231.30 FEET (RECORD NORTH  $77^{\circ}39'33''$  EAST 231.09 FEET) TO AN INTERSECTION WITH THE WESTERLY RIGHT OF WAY OF AVENIDA DEL ORO AS SHOWN ON SAID MAP NO. 11409, SAID INTERSECTION BEING ALSO A POINT IN THE WESTERLY LINE OF THAT CERTAIN 70.00 FEET WIDE EASEMENT FOR PUBLIC HIGHWAY PER DOCUMENT NO. 82-071328, RECORDED MARCH 16, 1982, RECORDS OF SAID COUNTY; THENCE ALONG THE WESTERLY LINE OF SAID EASEMENT NORTH  $34^{\circ}57'55''$  WEST, 32.58 FEET (RECORD NORTH  $34^{\circ}57'05''$  WEST) TO THE BEGINNING OF A TANGENT 935.00 FOOT RADIUS CURVE CONCAVE EASTERLY; THENCE NORTHERLY ALONG SAID CURVE, AND EASEMENT, THROUGH A CENTRAL ANGLE OF  $49^{\circ}33'34''$ ; AN ARC DISTANCE OF 808.75 FEET; THENCE LEAVING SAID WESTERLY EASEMENT LINE NORTH  $89^{\circ}06'56''$  WEST 519.77 FEET TO THE TRUE POINT OF BEGINNING.

## PARCEL 2:

LOT B OF RANCHO DEL ORO-MASTER SUBDIVISION MAP EAST, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 11409, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 27, 1985.

## Exhibit "A"

# FINDINGS AND STATEMENT OF OVERRIDING CONSIDERATIONS FOR THE PACIFIC COAST BUSINESS PARK PROJECT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2004071011)

## 1. INTRODUCTION

### 1.1 Findings and Statement of Overriding Considerations

The California Environmental Quality Act, Public Resources Code Sections 21000-21178 ("CEQA") and the State CEQA Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs., Tit. 14, Sections 15000-15387 ("CEQA Guidelines") are "intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." (CEQA § 21002 (emphasis added).) CEQA's mandate and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are certified which identify one or more significant environmental effects that would occur if the project is implemented. (See CEQA § 21081(a).) For each significant environmental effect identified in an EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions:

- (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the final EIR.
- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

(CEQA Guidelines §15091(a).)

Section 21061.1 of CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." Section 15364 of the CEQA Guidelines adds "legal" considerations to the definition of "feasible." The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego (1982) 133 Cal.App.3d 401, 417.) "[F]easibility' under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable

balancing of the relevant economic, social and technological factors.” (Id.; see also Sequoyah Hills Homeowners Ass'n v. City of Oakland (1993) 23 Cal.App.4<sup>th</sup> 704, 715.)

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmentally superior alternatives, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's “benefits” rendered “acceptable” its “unavoidable adverse environmental effects.” (CEQA Guidelines §§ 15093, 15043(b); see also CEQA § 21081(b).)

The following Findings and Statement of Overriding Consideration are made relative to the conclusions of the Final Environmental Impact Report for the Pacific Coast Business Park (SCH 2004071011) (“Final EIR”).

## **1.2 Document Format**

These findings have been organized into the following sections:

- (1) This Section 1 provides an introduction to these Findings.
- (2) Section 2 provides a summary of the Project, overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.
- (3) Section 3 provides a summary of public participation in the environmental review, an overview of the administrative record that has been developed for the Project, and general findings regarding the Mitigation, Monitoring and Reporting Program (“MMRP”), the Project and CEQA compliance.
- (4) Section 4 sets forth findings regarding those environmental impacts that were determined either not to be relevant to the Project or not to be significant.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR that the City of Oceanside (“City”) has determined can be reduced to a less-than-significant level through the imposition of mitigation measures included in the MMRP for the Project.
- (6) Section 6 sets forth findings regarding significant environmental impacts identified in the Final EIR that the City has determined will remain significant and unavoidable after mitigation.
- (7) Section 7 sets forth findings regarding alternatives to the Project that were determined not to be feasibly implemented by the City.
- (8) Section 8 consists of a Statement of Overriding Considerations, which sets forth the City's reasons for finding that specific economic, legal, social, technological, and other considerations associated with the Project outweigh the Project's potential unavoidable environmental effects.

## **2. PROJECT SUMMARY**

### **2.1 Pacific Coast Business Park Project Description**

The gross area within the industrial site boundaries is approximately 124 acres, with an adjacent 28-acre parcel to be partially used for dirt stockpile. This area is part of the industrially-designated area within the central portion of the City of Oceanside.

The project analyzed in the Final EIR is the development of an industrial business park including the establishment of the building pads, supporting infrastructure, and development guidelines for ultimate buildings through the Industrial Master Development Plan Text. Specific buildings and uses within the Pacific Coast Business Park will be required to comply with the regulations in the Industrial Master Development Plan. The Industrial Master Development Plan will provide for establishment of CC & Rs for the Pacific Coast Business Park; these CC & Rs will require a Board of Directors, with a Pacific Coast Business Park Design Review Board acting under that Board of Directors. All Site Development Plans within the Pacific Coast Business Park must be approved by this Review Board. Following this approval, any Site Development Plan must meet all City requirements and approvals; these would include, but are not limited to, Administrative Development Plan reviews, Conditional Use Permits, Variance requests, Building Permits, and subdivision ordinance and building code provisions.

Pacific Coast Business Park is being divided into 30 industrial parcels, with major streets and infrastructure provided by the Master Developer, to facilitate build out with a variety of business park and industrial uses. The site has been designed to accommodate a broad range of product types in the business market, from multi-tenant and small single-user buildings to larger manufacturing and warehouse uses. The site layout has been designed to allow flexibility in combining two or more adjacent parcels to accommodate build-to-suit, lot sales and leased spaces.

The entire site will be graded to develop the pads and roadways. The project proposes a volume of cutting of 1,569,500 cubic yards, with maximum cut slopes of 25 feet. The volume of fill is 1,444,900 cubic yards, with maximum fill slopes of 65 feet. As such, cut and fill do not balance, but leave an excess of 124,600 cubic yards. Approximately one-half acre of the off-site slopes to Ocean Ranch to the west will receive fill. The excess material will be placed as off-site fill onto an approximately nine-acre area at the eastern end of the 28-acre property north of Old Grove (the Corporate Office Park site). The off-site fill will be placed as a stockpile and will be planted with a ground cover and irrigated for erosion control. The balance of the 28-acre property is not part of this project.

College Boulevard is the eastern boundary of the site, and the extension of Old Grove Road will form the northern boundary of the proposed development area. Project access from the south will be from Oceanside Boulevard by way of Avenida de la Plata and Avenida del Oro; Avenida del Oro will be extended north through the property to connect to Old Grove Road. Project access from the north will be from Old Grove Road. Three lanes of Old Grove Road are planned to be constructed by the Ocean Ranch project, and are anticipated to be in place prior to the construction of Pacific Coast

**Business Park.** This project will complete the roadway, including the median curb, gutter, landscaping, parkway curb, sidewalk, and final utility installation.

## **2.2 Discretionary Actions**

Discretionary actions necessary for the development include an Industrial Master Development Plan and a Tentative Parcel Map.

## **2.3 Statement of Project Objectives**

The development is proposing an industrial business park with a development intensity consistent with surrounding industrial parks. It will be divided into large parcels, with streets and infrastructure to facilitate build out with a variety of business park and industrial uses. This project will implement the designated land uses of the City of Oceanside's General Plan, Rancho del Oro Specific Plan, and the Industrial Master Development Plan being processed as a part of this project.

The site has been designed to accommodate a broad range of product types in the business market, with the flexibility to combine adjacent lots to accommodate various sizes of buildings and types of users, while ensuring a high quality, cohesive and aesthetic development which takes into account the surrounding built environment.

# **3. PUBLIC PARTICIPATION AND RECORD OF PROCEEDINGS**

## **3.1 Public Input**

There have been opportunities for public review and comment, including but not limited to the public forums set forth below:

EIR Notice of Preparation, July 6 – August 8, 2004

Draft EIR Public Review, March 21 – May 5, 2005

Planning Commission Hearing, July 25, 2005

## **3.2 Record of Proceedings**

For purposes of CEQA and these Findings and Statement of Overriding Considerations, the Record of Proceedings for the Projects consists of the following documents and other evidence at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Draft EIR;
- The Final EIR;
- All written comments and verbal public testimony presented during the public comment period on the Draft EIR or during a noticed public hearing for the Project at which such testimony was taken;
- The MMRP;
- All findings, ordinances, and resolutions adopted by the City in connection with the Project, and all documents incorporated by reference therein;

- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- The City's General Plan and Municipal Code;
- Any documents expressly cited in these findings in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Section 21167.6 (e) of CEQA.

The custodian of the documents comprising the record of proceedings is the City Clerk, whose office is located at 300 North Coast Highway, Oceanside, CA 92054. Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and at all relevant times have been available upon request at all times at the offices of the City.

The City has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the Planning Commission or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into two categories. First, many of them reflect prior planning or legislative decisions of which the City was aware in approving the Project. Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the Planning Commission. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project.

### **3.3 General Findings**

The City hereby finds as follows:

3.4.1 The foregoing statements are true and correct;

3.4.2 The City is the "Lead Agency" for the Project evaluated in the Final EIR and independently reviewed and analyzed the Draft EIR and Final EIR for the Project;

3.4.3 The Notice of Preparation of the Draft EIR was circulated for public review between July 6 and August 8, 2004. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;

3.4.4 The public review period for the Draft EIR was for 45 days between March 21 and May 5, 2005.

3.4.5 The Draft EIR and Final EIR were completed in compliance with CEQA;

3.4.6 The Final EIR was presented to the Planning Commission as the decision-making body for the City and the Planning Commission reviewed and considered the information contained in the Final EIR prior to approving the Project;

3.4.7 The Final EIR reflects the City's independent judgment and analysis;

3.4.8 The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding environmental impacts. The City has based its actions on full appraisal of all viewpoints, including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR;

3.4.9 The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period;

3.4.10 The Final EIR evaluated the following direct and cumulative impacts: Biological Resources, Paleontological Resources, Hydrology/Water Quality, and Transportation/Traffic Circulation. Additionally, the Final EIR considered Growth Inducing Impacts of the project, as well as a reasonable range of Project alternatives. All of the significant environmental impacts of the Project were identified in the Final EIR.

3.4.11 CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project that it has adopted or made a condition of project approval in order to ensure compliance with CEQA during project implementation. A MMRP has been prepared for the Project and has been adopted concurrently with these findings. The City will use the MMRP to track compliance with Project mitigation measures and to ensure that the mitigation measures are enforceable;

3.4.12 In determining whether the Project may have a significant impact on the environment, and in adopting these Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21080.5 and 21082.2;

3.4.13 The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR;

3.4.14 The City made no decisions related to approval of the Project prior to the certification of the Final EIR by the Planning Commission. The City also did not commit

to a definite course of action with respect to the Project prior to the certification of the Final EIR by the Planning Commission;

3.4.15 Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request during all regular business hours at the offices of the City Clerk and/or Planning Department.

3.4.16 Having reviewed the information contained in the Draft EIR, Final EIR, the record of proceedings, as well as the requirements of CEQA and the CEQA Guidelines regarding re-circulation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period, the City finds that there is no significant new information regarding adverse environmental impacts of the Project in the Final EIR and finds that re-circulation of the Draft EIR is not required; and

3.4.17 Having received, reviewed, and considered all information and documents in the Final EIR, as well as all other information in the record of proceedings on this matter, the following Findings and Statement of Overriding Considerations are hereby adopted by the City as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

#### **4. ENVIRONMENTAL ISSUES DETERMINED NOT TO BE POTENTIALLY AFFECTED BY THE PROJECT**

Based on the City's assessment of the Project and responses to the Notice of Preparation for the Project, certain environmental issues were determined by the City to be either (i) inapplicable to the Project based upon the nature of the Project and/or the absence of any potential impact related to the issue or (ii) potentially impacted to a degree deemed to be less than significant. Accordingly, the City concluded that these issues did warrant further consideration in the Final EIR other than as set forth in Section V of the Final EIR. No substantial evidence has been presented to or identified by the City that would modify or otherwise alter the City's less-than-significant determination for each of the following environmental issues: (1) Cultural Resources, (2) Geotechnical Conditions, (3) Aesthetics, (4) Agriculture, (5) Air Quality, (6) Land Use and Planning, (7) Hazards and Hazardous Materials, (8) Mineral Resources, (9) Noise, (10) Population and Housing, (11) Public Services, and (12) Recreation.

#### **5. FINDINGS REGARDING POTENTIALLY SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH ARE DETERMINED NOT TO BE SIGNIFICANT OR WHICH CAN BE SUBSTANTIALLY LESSENERED OR AVOIDED THROUGH FEASIBLE MITIGATION MEASURES**

As discussed in more detail in the Final EIR, including the appendices to the Final EIR, the City has determined based on the threshold criteria for significance presented in the Final EIR that certain environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as conditions of Project approval will result in the avoidance or substantial reduction of those effects.

Environmental effects related to the Project in the following areas were found to be either insignificant or capable of being mitigated to a level of insignificance: Biological Resources, Paleontological Resources, Hydrology and Water Quality, and Transportation/Traffic. As explained in the Final EIR, after some investigation and inquiry, impacts to Biological Resources and Hydrology and Water Quality are not considered significant and do not require mitigation. No substantial evidence has been presented to or identified by the City which would modify or otherwise alter the City's less-than-significant determination for these environmental issues. As a result, CEQA does not require any further findings regarding these environmental impacts.

### **5.1 Paleontological Resources**

**Environmental Impacts:** The Project could cause the loss of fossil material considered to be of high scientific value.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the potential significant environmental effect identified in the Final EIR to below a level of significance.

#### **Facts in Support of Findings:**

(a) The Project is entirely underlain by the Eocene Santiago Formation, which is known to be fossil-bearing. In this area the Santiago Formation consists primarily of sandstone, clayey siltstone, and claystone. The sandstones and claystones of the Santiago Formation will likely be encountered in pad excavation or utility trenches.

(b) Fossils encountered during Project construction could be damaged or destroyed. Much of the fossil material in the Santiago Formation is considered to be of high scientific value, and its loss would be considered a significant impact.

#### **Mitigation Measures:**

The following mitigation measures, which are also set forth in the Final EIR, are feasible and are made binding through the MMRP. These mitigation measures will avoid damage to or loss of fossil material by creating a process to identify and preserve such material during grading operations. As a result, these measures mitigate the potential direct and cumulative impacts of the Project on paleontological resources to below a level of significance.

(a) Prior to issuance of grading permits, the applicant shall confirm to the City of Oceanside that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with a M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.

(b) A paleontological monitor shall be onsite during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor

is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist.

(c) When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site.

(d) Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collections such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

## **5.2 Traffic/Transportation**

**Environmental Impacts:** The Project will generate additional traffic on surrounding streets and highways, which are already congested and are forecast to become more congested even without the Project. This additional traffic has the potential to cause significant environmental impacts.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce certain potential significant environmental effects associated with traffic impacts and identified in the Final EIR to below a level of significance.

### **Facts in Support of Finding:**

(a) The Pacific Coast Business Park is projected to generate 16,800 trips on a daily basis. The am peak hour is projected at 2088 trips, and the pm peak hour is projected at 2096 trips.

(b) As discussed in greater detail in the Final EIR and the Traffic Impact Study included as Appendix D to the Final EIR, traffic levels with the Project were forecast under a variety of scenarios, including existing development plus the Project, near-term anticipated development plus the Project and Year 2020 anticipated development plus the Project.

(c) Forecasts suggest that the Project may cause significant traffic impacts at the following street segment:

- Westbound Oceanside Boulevard between College Boulevard and Arroyo Avenue in both am and pm peak hours

(d) Forecasts also suggest that the Project may cause significant traffic impacts at the following intersections:

- El Camino Real/Oceanside Boulevard, pm peak hour
- El Camino Real/Mesa Drive, pm peak hour
- Ocean Ranch Road/Old Grove Road, am peak hour
- Avenida de la Plata/Corporate Center Drive, both peak hours
- Rancho del Oro Drive/Oceanside Boulevard, pm peak hour

### **Mitigation Measures:**

The following mitigation measures, which are also set forth in the Final EIR, will avoid or substantially lessen the impacts on traffic resulting from the Project by facilitating the smooth flow of traffic and reducing traffic delays. As a result, these measures mitigate the potential direct and cumulative traffic impacts of the Project identified above to below a level of significance. Some of these measures are the sole responsibility of the Pacific Coast Business Park project, and some require the Project to contribute on a fair-share basis. These mitigation obligations are feasible and are made binding through the MMRP.

#### *Intersections.*

The impact at El Camino Real/Oceanside Boulevard will be mitigated to a level below significance by extending the eastbound and westbound left-turn lanes.

The impact to the intersection of El Camino Real/Mesa Drive will be mitigated to a level below significance by re-striping the westbound approach for dual left-turns and a shared through/right-turn lane.

The impact at Ocean Ranch Road/Old Grove Road will be mitigated to a level below significance by the addition of a northbound right-turn overlap to the signal.

Installation of a signal at Avenida de la Plata/Corporate Center Drive will mitigate impacts there to a level below significance.

The impact at Rancho del Oro Drive/Oceanside Boulevard will be mitigated to a level below significance by a southbound right-turn overlap, a westbound right-turn overlap, and signal re-timing.

#### *Street Segments.*

The impact on Oceanside Boulevard between College Boulevard and Arroyo Avenue will be mitigated by the re-striping of the westbound lanes in order to add another westbound travel lane between College Boulevard and Gateway Center Drive. This measure will reduce impacts to a level below significance.

### **Creative Measures:**

The City requires that “creative measures” be provided to ameliorate certain traffic impacts even if such impacts are less than significant under CEQA and the CEQA Guidelines. The City requires creative measures for the following street segments:

- SR 76 between El Camino Real and Old Grove Road.

Future plans for SR-76 include widening the roadway to six lanes. Creative measures as mitigation that would be reviewed and approved by CALTRANS include:

- Installation of eastbound right-turn overlaps at Old Grove Road and Rancho del Oro.
- Extension of the westbound left-turn lane at Rancho del Oro.

## **6. FINDINGS REGARDING SIGNIFICANT ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION**

As discussed further in the Final EIR and the appendices to the Final EIR, the Project may cause certain traffic impacts on College Boulevard that cannot be mitigated to a level below significance through the implementation of feasible mitigation measures.

### **6.1 Traffic/Transportation**

**Environmental Impacts:** College Boulevard between SR 76 and SR 78 is impacted under all traffic scenarios, with or without the Project. Segments of College Boulevard are projected to incur significant impacts as a result of the Project. Although measures will be implemented to mitigate these impacts, these measures will not reduce traffic impacts to a level below significance. No feasible measures are available to reduce traffic impacts to a less-than-significant level.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible mitigation measures that would avoid or substantially lessen the Project's traffic impacts on certain segments of College Boulevard.

#### **Facts in Support of Findings:**

(a) Based on the various forecasts of traffic generated by the Project, the Pacific Coast Business Park may have a significant impact on traffic on the following segments of College Boulevard:

- Northbound College Boulevard between Chroma Drive and Mesa Drive, both peak hours
- Northbound College Boulevard between Avenida de la Plata and Oceanside Boulevard, pm peak hour
- Northbound College Boulevard between Town Center Drive and Frazee Road, pm peak hour
- Southbound college Boulevard between Oceanside Boulevard and Olive Drive, pm peak hour

(b) No feasible mitigation measures exist to avoid or substantially lessen the traffic impacts on these segments of College Boulevard. One potential mitigation measure that could increase the capacity of College Boulevard would be to construct additional through lanes along College Boulevard. This issue has been

examined in the College Boulevard No Improvement and Widening Alternatives Environmental Impact Report, and a Statement of Facts and Findings was issued in September of 2004. As the General Plan noted in 1995:

While strong attempts should be made to construct the full 6-lane facilities [on College Boulevard], existing development on most segments makes such upgrading unlikely. Accordingly, the 4- and 6-lane designations are made with the knowledge that peak-hour congestion will occur. College Boulevard will be a strong candidate for special capacity-enhancing treatment.

(City of Oceanside, Circulation Element, General Plan, 1995.) Given the intensive development along College Boulevard in this area, a widening project would cause a substantial adverse impact to property owners whose property would have to be acquired for the project. Such an undertaking would also entail enormous expense. As a result, widening College Boulevard would have unacceptable economic, legal and social impacts that make that mitigation measure infeasible.

**Mitigation Measures:** The following mitigation measures, which are discussed further in the Final EIR, will partially ameliorate the Project's traffic impacts on College Boulevard between SR 76 and SR 78. These measures will reduce impacts by facilitating the smooth flow of traffic and reducing traffic delays, but the segments of College Boulevard identified as having significant impacts will not see those impacts reduced to a level below significance. The Project is required to contribute on a fair-share basis for these mitigation measures. Some of these improvements are "creative measures" required by the City of Oceanside even though the Project will not cause significant traffic impacts at the intersections and/or street segments at the locations of these measures. These mitigation obligations are feasible and are made binding through the MMRP. The City establishes separate accounts for each specific improvement or mitigation under a Deferred Revenue program. The money paid to the City from the developer is placed in the account until the improvement can be made and/or until the full amount needed to do the improvement is reached, and the improvement is constructed.

The project will contribute its fair share towards adaptive traffic signals to be set at the following intersections:

- College Boulevard/Frazer Road
- College Boulevard/Chroma Drive
- College Boulevard/Silverbluff
- College Boulevard/Mesa Drive
- College Boulevard/Empressa
- College Boulevard/Old Grove Road
- College Boulevard/Avenida de la Plata
- College Boulevard/Marvin Street
- College Boulevard/Roselle Street
- College Boulevard/Barnard Street
- College Boulevard/Vista Way

Additionally, the project will contribute its fair share towards the improvements to College Boulevard between Aztec Street and Olive Drive identified in the Ocean Ranch Condition of Approval. These improvements include widening for additional lanes to meet Circulation Element requirements in this roadway segment.

## 7. FINDINGS REGARDING ALTERNATIVES

Because the Project may cause significant environmental effects that will not be avoided or substantially lessened by mitigation measures, the City must consider the feasibility of any environmentally superior alternatives to the Project. An alternative may be feasible if it is capable of achieving the objectives of the project in a timely manner and taking into account economic, environmental, social, legal and technological and other factors.

**7.1 The No Project Alternative:** The No Project Alternative would not allow the proposed development, leaving the land in its present condition and no new impacts to traffic would occur.

**Finding:** The City finds that specific economic, environmental, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the Final EIR.

**Facts in Support of Finding:** While the No Project Alternative essentially maintains the physical status quo onsite, compared to the Project, it would:

- Fail to realize the Project objective of developing an industrial business park with a development intensity consistent with surrounding industrial parks.
- Fail to provide the many jobs expected to be created by the development of 30 industrial parcels as contemplated by the Project.
- Fail to provide the City of Oceanside an important source of revenue.
- Potentially violate the property owner's rights to make reasonable beneficial use of the property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections and reasonable investment backed expectations of development and use consistent with the General Plan, designating the property to be developed for industrial uses.
- Re-direct the needed industrial development to be developed elsewhere, with likely impacts to that area.
- Be inconsistent with the General Plan.
- Transfer the responsibility and costs of the buildout of Old Grove Avenue to other entities.
- Eliminate the construction of Avenida del Oro across the property, a roadway assumed in the Circulation Element.
- Fail to eliminate low levels of service on College Boulevard – significant impacts are predicted even without the Project.

**7.2 The Reduced Density Alternative:** A reduced density alternative would limit the total square footage of building, by reducing the acreage available for development or building area on the lots, with the balance of the property remaining as undeveloped land.

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make infeasible the Reduced Density Alternative identified in the EIR.

**Facts in Support of the Finding:** Compared to the Project, the Reduced Density Alternative would:

- Fail to realize the Project objective of developing an industrial business park with a development intensity consistent with surrounding industrial parks.
- Fail to provide as many jobs as are expected to be created by the development of 30 industrial parcels as contemplated by the Project.
- Reduce the important revenue that the Project would be expected to provide the City of Oceanside.
- Potentially violate the property owner's rights to make reasonable beneficial use of the property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections and reasonable investment backed expectations of development and use consistent with the General Plan.
- Re-direct needed industrial development to be developed elsewhere, with likely impacts to that area.
- Be inconsistent with the General Plan by preventing development with the intensity called for by the General Plan.
- Reduce the mitigation and related benefits associated with the Project and paid for by the Project developer, such as (i) construction of Avenida del Oro across the property, a roadway assumed in the Circulation Element, and (ii) buildout of Old Grove Road.
- Fail to eliminate low Levels of Service on College Boulevard – significant impacts are predicted even without the Project.

**7.2 The Alternative Location Alternative:** This alternative would place the Project at an alternative location. The CEQA Guidelines only require consideration of alternative locations that would avoid or substantially lessen any of the significant effects of a project. (CEQA Guidelines § 15126(f)(2)(A).)

**Finding:** The City finds that specific economic, legal, social, technological, or other considerations make infeasible the No Project Alternative identified in the EIR.

**Facts in Support of Finding:** The only significant effect from the Project that is not mitigated to a less-than-significant level is traffic on segments of College Boulevard. Traffic Levels of Service remain low with or without the Project at this

location. Because, no alternative location would “substantially lessen” traffic impacts on College Boulevard, this alternative is infeasible.

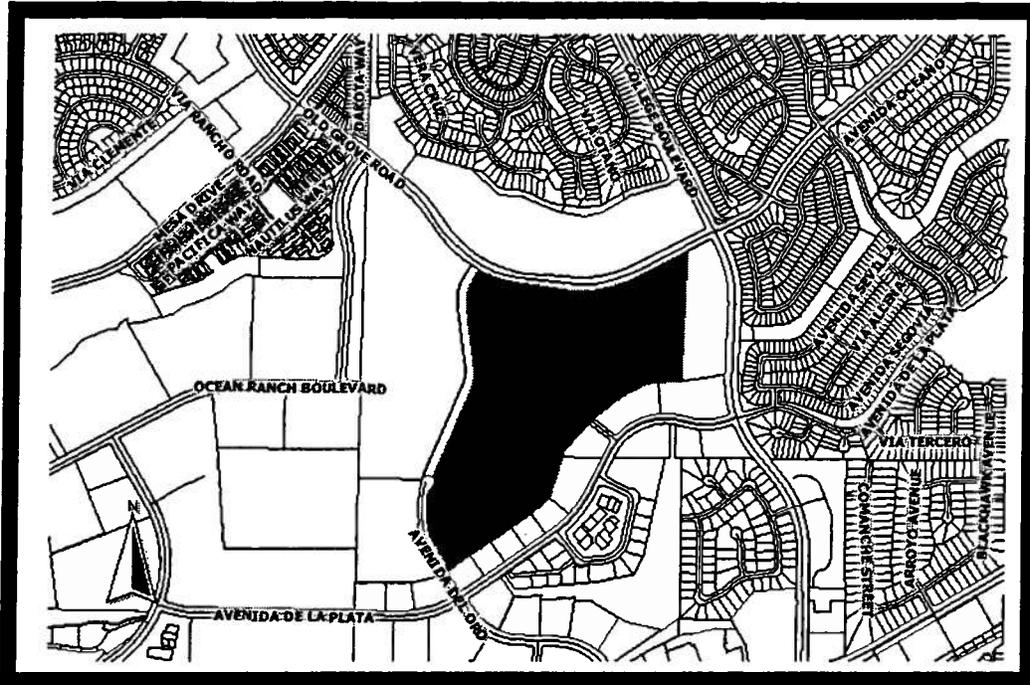
## **8. OVERRIDING CONSIDERATIONS**

If a project has substantial environmental impacts that cannot be avoided or substantially reduced by feasible mitigation measures or project alternatives, CEQA and the CEQA Guidelines permit a public agency to approve the project only if the agency makes findings that specific overriding economic, legal, social, technological, or other benefits of the project outweigh the project’s unavoidable adverse environmental effects and thereby render those adverse effects acceptable. (CEQA § 21081(b); CEQA Guidelines § 15093.)

The City is approving the Pacific Coast Business Park even though the Project may have unavoidable significant impacts on traffic on certain segments of College Boulevard as described in the Final EIR. The City finds that the benefits of the Project outweigh the adverse environmental effects for each of the following reasons:

- A. The Project will lead to the creation of many high-quality jobs for the community. As documented in the economic analysis by ERA dated June 21, 2005, the project is estimated to include 3,540 direct employment jobs, plus an additional 164 induced and indirect jobs within the City of Oceanside.
- B. The Project will be a source of important tax revenue for the City. As documented in the economic analysis by ERA dated June 21, 2005, the City of Oceanside’s share of total property tax revenue is estimated at build out to be \$282,623 annually.
- C. The Project will be consistent with the General Plan and accordingly will contribute to planned and orderly growth and development in the City.
- D. The Project will utilize efficiently land that is currently vacant and underutilized for seasonal agricultural purposes, as compared with surrounding land uses.
- E. Although traffic impacts on certain segments of College Boulevard are significant under CEQA and the CEQA Guidelines, the segments will operate at low Levels of Service with or without the Project. The addition of Project-related traffic will not be so comparatively or marginally onerous as to justify disrupting otherwise valuable development.

Therefore, after considering the Final EIR and the public record of proceedings, and because the City finds that the benefits of the Project outweigh the significant adverse environmental effects, the City hereby adopts this Statement of Overriding Considerations.



**File Number:** P-20-06, D-29-06 – PCBP – Park A

**Applicant:** Headlands Realty Corporation

**Description:**

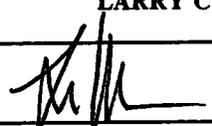
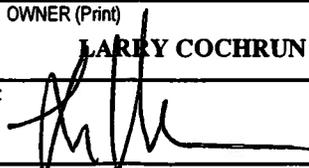
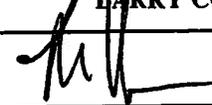
TENTATIVE PARCEL MAP (P-20-06) and DEVELOPMENT PLAN (D-29-06) to subdivide a 6.67-acre site into 4 parcels in order to develop 4 buildings totaling 77,096 square feet in size and further subdivided into 40 condominium units located on the southeast corner of Avenida Del Oro and Old Grove Road. The project site is zoned PD-1 Rancho Del Oro Specific Plan (Light Industrial) and is situated within the Ranch/Rancho Del Oro Neighborhood – **PACIFIC COAST BUSINESS PARK LOT 30 – Applicant: Headlands Realty Corporation**

**Environmental Determination:**

An Environmental Impact Report (EIR) was prepared and certified for the Pacific Coast Business Park Initial Tentative Parcel Map (P-8-04) and Development Plan (D-17-04) that created the Pacific Coast Business Park Master Development Plan. The proposed project to further subdivide Parcel 30 and construct four industrial buildings with 40 condominium units is consistent with the extent of the initial CEQA review; therefore, further environmental review is not required at this time.

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

PACH - BUSINESS PARK "A"

<b>Application For Planning Commission Hearing</b>				<b>STAFF USE ONLY</b>		
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				RECEIVED	ACCEPTED 11/9/06	BY SN.
Please Print Or Type All Information				NOV 09 2006		
<b>PART I - APPLICANT INFORMATION</b>				HEARING		
1. APPLICANT Headlands Realty Corporation		2. STATUS Owner		GPA		
3. ADDRESS 17777 Center Court Drive N, Suite 100 Cerritos, CA 90703		4. PHONE / FAX (562) 345-9216 phone fax		MASTER/SP.PLAN		
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) The Lightfoot Planning Group attn: Ann Gunter/Joy Chung		6. ADDRESS 5750 Fleet Street, Suite 250 Carlsbad, CA 92008		ZONE CH.		
7. PHONE (760) 692-1924 phone (760) 692-1935 fax		8. LOCATION Pacific Coast Business Park, east of Avenida del Oro and south of Old Grove Road, Lots 30 of PCBP Parcel Map		TENT. MAP		
9. SIZE 6.67 ACRES		10. GENERAL PLAN PD-1 RDO Specific Plan Industrial		X PAR. MAP <b>D-20-06</b>		
11. ZONING Industrial (PCBP Master Plan)		12. LAND USE Industrial		X DEV. PL <b>D-29-06</b>		
13. ASSESSOR'S PARCEL NUMBER portion of 161-512-09		14. GENERAL PROJECT DESCRIPTION Development Plan and Tentative Parcel Map for 4 multi-tenant industrial buildings on 4 parcels (one per building) with provision for up to 40 industrial condominiums. (Park A)		C.U.P.		
<b>PART II - PROPERTY DESCRIPTION</b>						
<b>PART III - PROJECT DESCRIPTION</b>						
15. PROPOSED GENERAL PLAN: No Change 16. PROPOSED ZONING: No Change 17. PROPOSED LAND USE: Industrial 18. NO. UNITS: N/A 19. DENSITY: N/A 20. BUILDING SIZE: 14,382-26,338 SQ. FT. 21. PARKING SPACES: 204 22. % LANDSCAPE: 29.5% 23. % LOT COVERAGE: 26.5%						
<b>PART IV - ATTACHMENTS</b>						
<b>ALL APPLICATIONS</b>				<b>DEV. PLANS, C.U.P.s &amp; TENT. MAPS</b>		
X 24. DESCRIPTION/JUSTIFICATION ✓		X 25. LEGAL DESCRIPTION ✓		X 30. FLOOR PLANS & ELEVATIONS		
X 26. 300-FT. RADIUS MAP		X 27. PROPERTY OWNERS' LIST		N/A 31. CONSTRUCTION SCHEDULE		
X 28. ENVIRONMENTAL ASSESSMENT ✓		X 29. PLOT PLANS		X 32. OTHER, 8 1/2 x 11, Mat.		
<b>PART V - SIGNATURES</b>						
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).			
33. APPLICANT OR REPRESENTATIVE (Print): LARRY COCHRUN		34. DATE 10/30/06		37. OWNER (Print) LARRY COCHRUN		
Sign: 		38. DATE 10/30/06		38. DATE 10/30/06		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Sign: 			
35. APPLICANT (Print): LARRY COCHRUN		36. DATE 10/30/06		39. OWNER (Print):		
Sign: 		40. DATE		RECEIVED		
				NOV - 9 2006		

Planning Department

**Pacific Coast Business Park  
Park A**  
Development Plan and Tentative Parcel Map

RECEIVED  
SEP - 5 2007  
Planning Department

**Description & Justification**  
September 2007 revised

This application consists of a Tentative Parcel Map and Development Plan for four multi-tenant industrial buildings with 40 commercial condominium units. Each building will be located on a separate lot, further subdividing the 6.67-acre Parcel 30 of the approved Pacific Coast Business Park. The property is located south of Old Grove Road and east of Avenida del Oro. The General Plan land use designation is PD-1, RDO Specific Plan and zoning regulations are Light Industrial per the PCBP Master Development Plan. The proposed light industrial use is permitted for the site under the current zoning and land use designations.

The property is surrounded by existing and planned Light Industrial land uses to the west, south and east, and a currently vacant multi-family residential parcel to the north across Old Grove Road.

The pads and infrastructure for the Pacific Coast Business Park are currently under construction, and the project site is being graded with slope landscaping in accordance with the approved plans. Finished grade will be at and slightly below the grade of Old Grove Road, and above the grade of Avenida del Oro and Rocky Point Drive.

#### **PARCEL MAP**

The Tentative Parcel Map includes subdividing Parcel 30 of the approved Pacific Coast Business Park Master Plan into four parcels to accommodate each of the four proposed buildings. In addition, a maximum of 40 commercial condominium units is proposed. There will be minimal earthwork to prepare the site for building construction, following completion of the pad creation included in the mass grading of Pacific Coast Business Park. A total of 9,767 cubic yards of balanced cut and fill.

The storm drain system on site will include catch basins throughout the overall lot and one Stormwater Media Filter to treat and decrease the volume of runoff. The entire site will drain towards the southeast corner of the lot, where a stormwater media filter will treat the runoff before releasing the water into the storm drain system located within Rocky Point Drive.

#### **DEVELOPMENT PLAN**

The proposed project is a 77,713 square foot business center. There are four one-story multi-tenant industrial buildings with the potential of up to 40 condominium suites. Buildings A1 and A4 will be 14,571 square feet each, Building A2 will be 26,600 square feet and Building A3 will be 21,971 square feet. The four buildings will be located on 27% of the site.

### Architecture

The proposed design is a contemporary architectural style appropriate to a multi-tenant business park building, utilizing materials and form to define the structures. Earth-tone colors used on the tilt-up concrete panels with green storefront glazing at the entries comprise the majority of the building. The color palette will be used to enhance the landscape plantings and blend with site surroundings including picnic areas, walks and trash enclosures. Projected metal canopies with soffit lighting give each entry a defined area as well as a vertical facade wall to delineate each condominium unit. The buildings have a varied parapet height with a maximum height of 25'8". The rear provides roll-up doors at grade, as well as standard access doors providing flexible space for a variety of industrial uses.

### Landscape Concept Plan

The proposed landscaping will complement the site layout and architectural design. Landscaping is located along the site perimeters, and throughout the parking lot, with accent plantings adjacent to the proposed buildings. As designed, 24.3% of the site will be landscaped, which exceeds the required minimum of 15% landscaping on site.

The slopes surrounding the site are being established with the mass grading of the entire business park. The slopes will be planted with a variety of trees, small shrubs, and groundcovers, providing expanded setbacks and visual separation from the streets. Trees have been placed throughout the parking lot areas. Shrubs and groundcovers have been included adjacent to all of the building fronts, complementing the architecture and softening the lines and mass of the buildings.

There are five outdoor employee areas provided throughout the project site with benches, picnic tables and trash receptacles. All of these areas have been landscaped with large canopy trees and include landscaping to buffer each area from the parking areas and streets.

### Circulation

There is a 30-foot-wide driveway off Rocky Point Drive to access the proposed development. Access is looped on site with a 28'-wide drive aisle for fire access.

### Parking

The project exceeds minimum parking requirements. A total of 1 parking space per 750 square feet is required for typical industrial uses. As proposed, the project provides a total of 204 parking spaces, with 12 spaces designated for disabled parking. The applicant's experience with similar buildings is that there is a higher demand for office spaces within this building type than the typical 10% assumed in the parking rate, and therefore the project is designed with sufficient parking to allow 25% of the total building area in office space. All loading areas are screened from view with the buildings placed on the site so that the front facades face the surrounding public right-of-ways or other parcels.

## **JUSTIFICATION**

The proposed project will provide an attractive and useful multi-tenant business center to the community. It will not only comply, but exceed required development regulations and therefore not request deviations from the City's established standards. Project benefits include:

1. Providing parking in excess of the amount required for the types and amount of proposed uses.
2. A building design with a 26-foot high building, when a maximum of 80 foot building height is permitted.
3. 24.3% of landscaping when only 15% is required
4. A lower lot coverage of 27%, when 75% is the permitted maximum lot coverage.
5. Minimum building setbacks of 80 feet from Avenida de la Plata and Old Grove Road when 15 feet is required.
6. Minimum building setbacks of 60 feet from internal streets when 10 feet is required.

**ATTACHMENT A  
Required Findings**

**DEVELOPMENT PLAN**

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

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- 1. That the site plan and physical design on the project as proposed is consistent with the purposes of the Zoning Ordinance.**

Park A at PCBP will be located on a parcel designated for Light Industrial uses. Located within the Pacific Coast Business Park, the proposed project will provide additional business services to the City of Oceanside in an appropriate setting. The project will also strengthen the City's economic base and create employment opportunities for residents in surrounding neighborhoods. The proposed project does not have a negative impact on surrounding neighborhoods, and therefore the proposed uses are in compliance with the Zoning Ordinance and appropriate for a site of this nature.

- 2. That the Development Plan as proposed conforms to the General Plan of the City.**

The proposed project meets all goals and objectives of the RDO Specific Plan and industrial land use category. The proposed multi-tenant business center complies with the Industrial design policies, and with all applicable sections of each Element of the General Plan

- 3. That the area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.**

A multi-tenant business center use is proposed on the site in compliance with the City's designated zoning and land use for this property. Public utilities have been included as part of the master development plan and will be installed accordingly. A licensed civil engineer, landscape architect and other technical professionals have generated City-approved analyses and reports to ensure this development will be adequately served by the appropriate type, size and amount of utilities.

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

Located within the Pacific Coast Business Park, the site is zoned for industrial and business uses and fits within the existing framework of the surrounding neighborhood.

5. **That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.**

The subject site does not contain undevelopable land or qualifying slopes, and is therefore not subject to provisions of the Land Use Element or the Development Guidelines for Hillsides in Section 3039 of the Zoning Ordinance.

**PACIFIC COAST BUSINESS PARK  
PARK A**

**Legal Description  
August 2007**

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Parcel 30 of Parcel Map no. 20306, in the City of Oceanside, County of San Diego, State of California, according to map thereof filed in the office of the County Recorder of San Diego County July 24, 2007 as File No. 2007-0494309, Official Records.

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