

STAFF REPORT



ITEM NO. 12

CITY OF OCEANSIDE

DATE: February 14, 2007

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A TIME EXTENSION AND A REVISION TO TENTATIVE MAP (T-200-04), DEVELOPMENT PLAN (D-203-04), CONDITIONAL USE PERMITS (C-202-04 & C-203-04) AND VARIATION (V-205-04) FOR A MIXED-USE DEVELOPMENT CONSISTING OF 65 RESIDENTIAL CONDOMINIUM UNITS, 52 LIVE-WORK UNITS AND 26,280 SQUARE FEET OF RETAIL/OFFICE SPACE LOCATED SOUTH OF MISSION AVENUE, WEST OF HORNE STREET, NORTH OF SEAGAZE DRIVE AND EAST OF CLEMENTINE STREET – THE BELVEDERE – APPLICANT: PACIFIC CREST INVESTMENTS, LLC**

SYNOPSIS

The item under consideration is a Time Extension and a Revision to a Tentative Map, Development Plan, Conditional Use Permits and Variation for a mixed-use development plan consisting of 65 residential units, 52 live-work units and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horne Street, north of Seagaze Drive and east of Clementine Street. Staff is recommending that the Commission adopt the attached resolution approving the project.

BACKGROUND

On February 23, 2005, the Community Development Commission approved a mixed-use development consisting of 65 residential condominium units, 52 live-work units and 26,280 square feet of commercial use at the subject site. The City Council also approved a zone text change to allow heights of buildings to 90 feet with a Conditional Use Permit and to allow food and beverage sales with a Conditional Use Permit. On March 16, 2005, the City Council approved the second reading of the zone text change.

Land Use and Zoning: The subject site is located within Subdistrict 2 of the "D" Downtown District. Subdistrict 2 is primarily intended for providing sites for a financial center, supported by professional offices.

Project Description: The proposed project consists of 65 condominium units, 52 live/work units as well as 26,280 square feet of retail/office space on a 63,990 square foot lot.

The applicant is requesting to eliminate and/or modify three (3) conditions (Conditions No.'s 50, 82 and 84) of Community Development Commission (CDC) Resolution No. 05-

R0139-3 (see attachment).

Condition No. 50 of former Resolution No. 05-R0139-3 states the following:

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

The applicant is proposing that the former Condition No. 50 would be modified as follows:

All streets shall provide a minimum of 10 feet parkway between the face of curb and the right-of-way line **with the exception of Horne Street which will provide 8 feet of parkway**. Sidewalk improvements shall comply with ADA requirements.

Condition No. 82 states the following:

The project shall dedicate 8 feet of right-of-way along the project frontage on Horne Street.

The applicant is proposing that the former Condition No. 82 be eliminated due to the fact that all street improvements can be made within the existing right-of-way, therefore, additional street dedication is not required.

Condition No. 84 states the following:

The existing traffic signal on Mission Avenue at Horne Street shall be upgraded to eliminate the north/south split phasing in order to accommodate eight-phase signal operations. This shall include widening of Horne Street south of Mission Avenue to 50 feet of pavement, the re-striping of Horne Street on both approaches, and an upgrade to the traffic signal equipment. These improvements shall be completed to the satisfaction of the Transportation Manager.

The applicant is proposing that the former Condition No. 84 be modified as follows:

That portion of Horne Street located south of Mission Avenue shall be widened to 50 feet of pavement, the re-striping of Horne Street on both approaches, and an upgrade to the traffic signal equipment. These improvements shall be completed to the satisfaction of the Transportation Manager.

The applicant is also requesting revisions to the site plan/tentative map to the previously approved Tentative Map. The reason for the changes was that during the final mapping process, the project boundary lengths were reduced both in north/south and east/west direction for consistency with the approved conditions. This has resulted in the overall subject site to be reduced by approximately 10 square feet which reduced the number of condominium units by one from 66 to 65 units; however, the live-work units have been increased by one from 51 to 52 units. The exterior elevations and architectural features are identical to those as approved by the Community Development Commission, however,

the overall lengths of the building has been revised. This reduction in building square footage has reduced the residential condominium unit's square footage by an average of 38 square feet. In addition, the commercial live/work square footages have also been reduced by an average of 21 square feet. The parking has been reduced by one parking space from 356 to 355 parking spaces; however, the project is only required to provide 330 parking spaces.

Environmental Determination: A Certificate of Exemption has been prepared for the project. Under the provisions of the California Environmental Quality Act, the Community Development Commission will consider the exemption during its hearing on the project.

ANALYSIS

Under state law and local regulations there are 3 major issues that must be considered in deciding whether or not to grant a time extension:

1. The project has been conditioned for payment of all applicable impact fees, and therefore, will be paying its fair-share toward needed public services.
2. There have been no changes in City policy, nor have there been neither any substantial changes affecting the surrounding area since the original approval, and therefore, this time extension will not adversely affect the City's General Plan nor any existing applicable City policy.
3. The applicant has made a diligent good faith effort to record the final map within the time period originally approved.

There have been no changes in City policy, however, on May 3, 2006; the City Council approved an increase in the City's Development Impact Fees. The attached resolution reflects the current fee rate. The applicant is close to recordation of the Map and is currently processing the final documents.

Staff believes the requests for modifications to the noted conditions are warranted in that 8 feet of parkway is adequate for Horne Street, there is no need for additional street dedication on Horne Street because all of the needed street improvements can be made with the existing right of way and the traffic signal located on Mission and Horne Streets does not warrant modification. The proposed changes to the site plan and elevations are minor and do not affect the overall quality of design and/or operations of the building.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) reviewed the project at its January 10, 2007, meeting and recommended approval.

FISCAL IMPACT

The proposed tax increment generated from this project is \$700,000 per year.

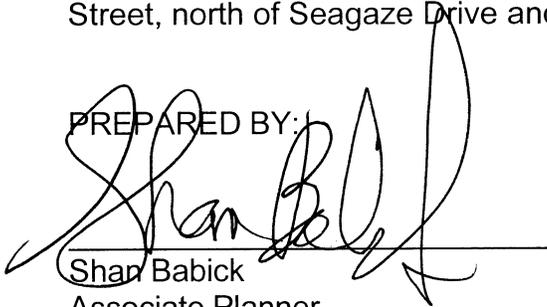
CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project.

RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving a Time Extension and a revision to Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) for the construction of a mixed-use development consisting of 65 residential condominiums, 52 live/work units and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horne Street, north of Seagaze Drive and east of Clementine Street.

PREPARED BY:


Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Interim Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Mike Blessing, Deputy City Manager
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

- 1. Resolution
- 2. Site Plan / Floor Plans / Elevations
- 3. Staff Report dated February 23, 2005
- 4. CDC Resolution No. 05-R0139-3

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A RESOLUTION NO. 07-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TIME EXTENSION AND REVISION TO A TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMITS AND VARIATION FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT CONSISTING OF 65 RESIDENTIAL CONDOMINIUM UNITS, 52 LIVE-WORK UNITS AND 26,280 SQUARE FEET OF RETAIL/OFFICE SPACE LOCATED SOUTH OF MISSION AVENUE, WEST OF HORNE STREET, NORTH OF SEAGAZE DRIVE AND EAST OF CLEMENTINE STREET – APPLICANT: PACIFIC CREST INVESTMENTS, LLC

WHEREAS, on February 23, 2005, the Community Development Commission held a duly noticed public hearing, and adopted Resolution No. 05-R0139-3 approving Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) for the construction of a mixed-use development consisting of 66 residential condominium units, 51 live/work units and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horne Street, North of Seagaze Drive and east of Clementine Street;

WHEREAS, on February 14, 2007, the Community Development Commission held its duly noticed public hearing, considered an application for a time extension and a revision to Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) for the construction of a mixed-use development consisting of 65 residential condominium units, 52 live/work units and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horne Street, North of Seagaze Drive and east of Clementine Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on January 10, 2007, review and recommend approval of a time extension and revision to Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) for the construction of a mixed-use development consisting of 65 residential condominium units, 52 live/work units and 26,280 square feet of retail/office space located south of Mission Avenue, west of Horne Street, North of Seagaze Drive and east of Clementine Street;

1 WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City
2 of Oceanside for this application pursuant to the California Environmental Quality Act 1970 and
3 the State Guidelines implementing the Act. The project is considered an infill development and
4 will not have a detrimental effect on the environment;

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

7 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY
8 GIVEN that the Project is subject to certain fees, dedications, reservations and other exactions
9 as provided below:

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$2,843 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$2,072 per unit
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96	Fee based on water meter size. Residential is typically \$3,746 per unit;

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4		Ordinance No. 05-OR 0611-1	
5	Wastewater System Buy-in	Oceanside City Code §	Based on meter size.
6	fees	29.11.1	Residential is typically
7		Resolution No. 87-97	\$4,587 per unit;
8		Ordinance No. 05-OR 0610-1	
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10	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
11	Authority Capacity Fees	2005-03	Residential is typically
12			\$4,154 per unit
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WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amounts that will be owing when such fees become due and payable;

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

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

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WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction described in this resolution begins on the effective date of this resolution and any such protest must be in a manner that complies with Section 66020; and

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WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes

1 effective upon its adoption.

2 NOW, THEREFORE, the Community Development Commission of the City of
3 Oceanside does resolve as follows that studies and investigations made by the Community
4 Development Commission reveal the following facts:

5 **FINDINGS:**

6 **For the Time Extension of the Tentative Map, Development Plan, Variation & Conditional**
7 **Use Permits:**

- 8 1. The project has been conditioned for payment of all applicable impact fees, and therefore
9 will be paying its fair share toward needed public services.
- 10 2. There have been no changes in City policy, nor have there been any significant changes
11 affecting the surrounding area since the original approval, and therefore this time extension will
12 not adversely affect the City's General Plan nor any existing applicable City policy.
- 13 3. The applicant has made a diligent good faith effort to record the final map within the time
14 period originally approved.

15 **For the Revision to the Tentative Map:**

- 16 1. The proposed subdivision creates parcels that are consistent with and exceed the
17 requirements of the Subdistrict 2 zoning designation by providing a lot that exceeds the minimum
18 lot size dimension as established by the development standards within Article 12. The subdivision
19 map is consistent with the General Plan of the City in that it meets the minimum development
20 standards established by Article 12 which is consistent with the Redevelopment Plan, Subdivision
21 Ordinance and Zoning Ordinance.
- 22 2. The proposed building on the site will conform to the topography of the site,
23 therefore making it suitable for residential development. The subject site is physically suitable to
24 allow for the development of 65 residential condominium units, 52 live-work units and 26,280
25 square feet of retail/office space.
- 26 3. The subdivision complies with all other applicable ordinances, regulations and
27 guidelines of the City.
- 28 4. The design of the subdivision or proposed improvements will not conflict with
easements, acquired by the public at large, for access through or use of property within the
subdivision.

1 5. The design of the subdivision or the proposed improvements will not cause
2 substantial environment damage or substantially and avoidably injure fish or wildlife or their
3 habitat because the proposed project is an infill site that does not contain any habitat, river, blue
4 stream, wildlife, cultural resources, riparian habitat, sensitive landform, geologic, sensitive fauna
5 and marine life.

6 **For the Revision to the Development Plan and Conditional Use Permit for a Mixed-Use**
7 **Development:**

8 1. The total number of dwelling units in the Mixed-Use Development Plan (MUDP)
9 does not exceed the maximum density permitted under the General Plan land use designation.
10 The MUDP project as proposed is consistent with the purposes of the City’s Zoning Ordinance
11 and the “D” Downtown District. The maximum dwelling units per acre as established by the
12 Redevelopment Plan, General Plan and Article 12 is 43 dwelling units per acre. The proposed
13 project density is 43 dwelling units per acre which is consistent with the referenced documents.

14 2. The development achieved under the MUDP will contribute to an enhanced and
15 superior urban environment in comparison to a development that might otherwise be realized
16 apart from the proposed MUDP. A MUDP combines several different land uses under one site
17 that provides a diversity of services that would not be realized by a single commercial and/or
18 residential use. In addition to the services provided by an MUDP, there is also the physical
19 commitment which provides a diversity of architectural design in order to house the different
20 land uses on one site. This can be accomplished in a variety of ways including common areas,
21 separation of uses, urban furniture, use of differing materials, fenestration, colors, parking,
22 ingress and egress to the subject site, architectural elements, signage and landscaping.
23 MUDP is an urban tool that brings a variety of economics, cultural and ethnic diversity, and
24 services on one site; MUDP have been utilized by every large city in the United States for
25 hundreds of years.

26 3. The MUDP is consistent with the adopted land use policies such as the
27 Redevelopment Plan, Article 12, General Plan and Subdivision Ordinance and the development
28 standard regulations for the Redevelopment Project Area. In 1990, the City Council revised
Article 12 of the Downtown “D” District to establish more flexibility within a MUDP. The

1 Goal of the MUDP was to provide more economic diversity and vitality to the Downtown
2 Redevelopment Project Area. The proposed project, with its mix of commercial and residential
3 uses, brings that economic diversity and vitality as established by the land uses and
4 development standards Redevelopment Plan, Article 12, General Plan and Subdivision
5 Ordinance.

6 4. The MUDP will be adequately served by the necessary utilities and facilities.
7 The project connection to the existing utilities and facilities will not exceed the capacity of the
8 existing systems.

9 5. A traffic report was prepared in May 2004, which indicated that the proposed
10 additional traffic expected to be generated by the MUDP alone will not exceed the capacity of
11 the affected streets; however, the increase in traffic will result in traffic mitigation of the
12 affected streets. The traffic mitigation has been incorporated as engineering conditions of this
13 resolution.

14 6. A shadow analysis report was prepared in October 2004, which indicated that the
15 proposed project will not affect significant "shading" upon the adjacent properties in
16 comparison to the development shading that would otherwise be realized from a development
17 not containing a mixed-use component. The report made findings indicating that the proposed
18 project will cast a variable sun shadow depending on the time of the year. During the summer
19 months, the shadows cast by the proposed project affect the bank buildings to the west in the
20 morning. The residential uses to the south of the project will be slightly affected in the
21 afternoons. During the winter months, the shadows cast by the proposed project will affect
22 commercial buildings to the north and a public high school to the east. The report concluded
23 that no dominating shadows will be cast over the neighborhood residential uses.

24 **For the Revision of the Conditional Use Permit to Exceed the Building Height:**

25 1. The proposed location of the use is in accord with the objectives of the Zoning
26 Ordinance and the purposes of the district in which the site is located. Mixed-Use Development
27 with a base district height of 65-feet is permitted within the Redevelopment Subdistrict 2 area and
28 heights up to 90-feet is permitted with a Conditional Use Permit.

2. The proposed location of the conditional use and the proposed conditions
under which it would be operated or maintained will be consistent with the General Plan,

1 Redevelopment Plan, and Article 12 because in 1990, the City Council revised Article 12 of the
2 Downtown “D” District to establish more flexibility within a MUDP in order to provide more
3 economic diversity and vitality to the Downtown Redevelopment Project Area; will not be
4 detrimental to the public health, safety, or welfare of persons residing or working in or adjacent
5 to the neighborhood of such use because the proposed project will provide economic diversity,
6 increase property values, provide valuable neighborhood services, secure the area and provide
7 jobs; and will not be detrimental to properties or improvements in the vicinity or to the general
8 welfare of the City in that the proposed project will provide jobs, offsite and onsite
9 improvements, infrastructure improvements, more security and increased property values. The
10 increased height from 65 to 90 feet is a difference of 25 feet to accommodate additional
11 dwelling space and overall architecture design concept, which would not be detrimental to
12 properties or improvements in the vicinity in that the proposed project increase property values,
13 provides infrastructure improvements, site improvements, more security, jobs, increased
14 diversity of building design, neighborhood services, and increased aesthetics by increasing the
15 landscaping of the subject site.

16 3. The proposed conditional use will comply with the provisions of the Zoning
17 Ordinance, including any specific conditional use in the district in which it would be located.
18 The Conditional Use Permit for an additional 25 feet in height beyond the 65 feet normally
19 allowed in Subdistrict 2, does not require additional specific conditions beyond those applicable
20 to the mixed-use development project.

21 **For Revision to the Variation for Setback Reductions:**

22 1. The application of certain regulations and development standards for street
23 corner side yard setbacks on Mission Avenue from 50 feet centerline to 40 feet and on Seagaze
24 Drive from 10 feet to 0 feet would result in unnecessary hardships against the proposed mixed-
25 use development project and would impact the project’s ability to provide the same level of
26 urban design qualities. Article 12 of the Downtown “D” District states that the MUDP is
27 intended to provide flexibility in land use regulations and site development standards under
28 control of the Community Development Commission where flexibility will enhance the
potential for superior urban design. The applicant is requesting a reduction of the corner side
yard setbacks in order to provide a quality design. The proposed corner side yard setback

1 reduction meets the site development standards as set forth within Section (KK) of Article 12
2 of the Downtown “D” District.

3 2. The urban and high density nature of the project design is consistent with the
4 Redevelopment zoning and land use goals affecting the project site. The reduction of corner
5 side yard setbacks is allowed under Article 12 of the Downtown “D” District which states that
6 the MUDP is intended to provide flexibility in land use regulations and site development
7 standards under control of the Community Development Commission where flexibility will
8 enhance the potential for superior urban design. The applicant is requesting a reduction of the
9 corner side yard setbacks in order to provide a quality design.

10 3. Permitting the Variation will not be materially detrimental to the public welfare
11 or injurious to other properties or improvements within the Subdistrict 2 zone. The proposed
12 project, with its mix of commercial and residential uses, brings economic diversity and vitality
13 to the project area. Specifically, the proposed project will not be detrimental to the public
14 health, safety or welfare of persons residing or working in or adjacent to the neighborhood of
15 such use because the proposed project will provide economic diversity, increase property
16 values, provide valuable neighborhood services, secure the area and provide jobs; and will not
17 be detrimental to properties or improvements in the vicinity or to the general welfare of the City
18 in that the proposed project will provide jobs, offsite and onsite improvements, infrastructure
19 improvements, more security and increased property values.

20 4. Permitting the Variation will not be contrary to the objectives and goals of the
21 Redevelopment Plan, Article 12 and General Plan. The proposed corner side yards setback
22 reduction meets the site development standards as stipulated within Section (KK) of Article 12
23 of the Downtown “D” District. In addition, the proposed project will not be detrimental to the
24 public health, safety, welfare of persons residing or working in or adjacent to the neighborhood
25 of such use because the proposed project will provide economic diversity, increase property
26 values, provide valuable neighborhood services, secure the area and provide jobs; and will not
27 be detrimental to properties or improvements in the vicinity or to the general welfare of the City
28 in that the proposed project will provide jobs, offsite and onsite improvements, infrastructure
improvements, more security and increased property values.

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2 That revision and time extension to Tentative Map (T-200-04), Development Plan (D-
3 203-04), Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) is hereby
4 approved subject to the following conditions:

5 **CONDITIONS OF APPROVAL:**

6 **Engineering:**

- 7 1. Condition No. 50 of Community Development Commission Resolution No. 05-
8 R0139-3 as attached in Exhibit "B" shall be modified as follows:
9 All streets shall provide a minimum of 10 feet of parkway between the face of
10 curb and the right-of-way line with the exception of Horne Street which will
11 provide 8 feet of parkway. Sidewalk improvements shall comply with ADA
12 requirements.
13 2. Elimination of Condition No. 82 of Community Development Commission
14 Resolution No. 05-R0139-3.
15 3. Condition No. 84 of Community Development Commission Resolution No. 05-
16 R0139-3 as attached in Exhibit "B" shall be modified as follows:
17 That portion of Horne Street located south of Mission Avenue shall be widened
18 to 50 feet of pavement, the re-striping of Horne Street on both approaches, and to
19 provide phasing and signal indications for the efficient operation of the
20 intersection. These improvements shall be completed to the satisfaction of the
21 Public Works Director.

22 **Planning:**

- 23 4. That, except as above, all of the conditions of Resolution No. 05-R0139-3
24 adopted on February 23, 2005 continue to apply. Condition No. 94 is amended to
25 change the expiration date to February 23, 2009.
26 5. This revision to Tentative Map (T-200-04), Development Plan (D-203-04),
27 Conditional Use Permits (C-202-04 & C-203-04) and Variation (V-205-04) shall
28 expire on February 23, 2009, unless implemented as required by the Zoning
Ordinance.
6. The applicant, permittee or any successor-in-interest shall defend, indemnify and

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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 revision to Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permit (C-202-04 & C-203-04) and Variation (V-205-04). 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.

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

8. 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, and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

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

	Sq.Ft.	# Bedrms	# Baths	# Units	%
Plan 1	1,247	2	2	17	27
Plan 2	1,236	2	2	30	46
Plan 3	1,429	2	2.5	6	9
Plan 4	1,517	2	2.5	6	9
Plan 5	2,215	3	3.5	6	9

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___ day of _____ 2007 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

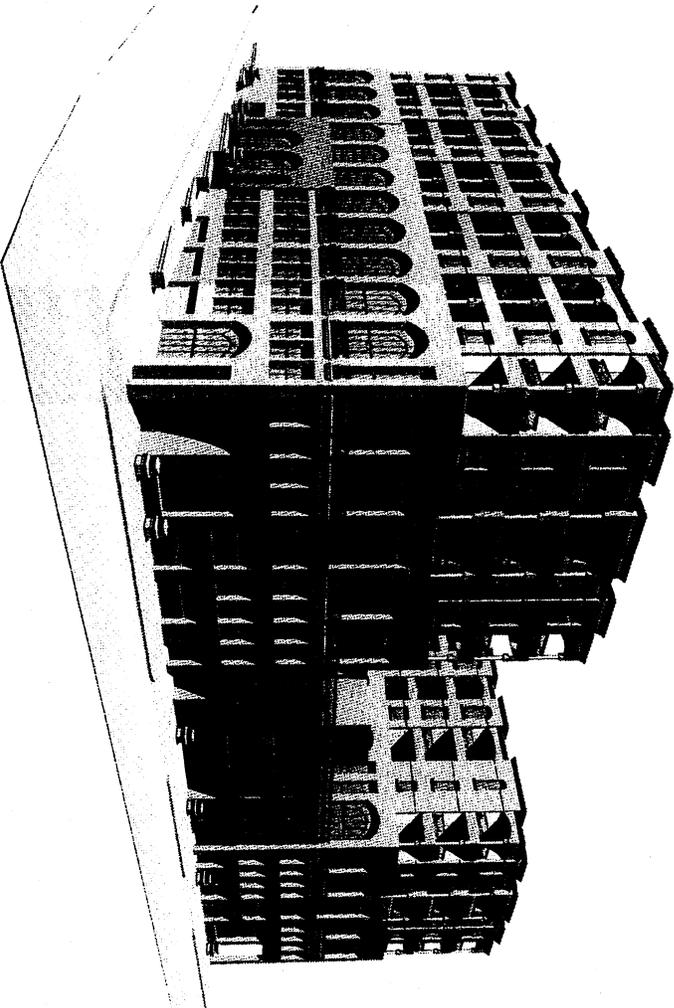
Chairman

ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by *Robert J. Hamilton, Esq.*
General Counsel



THE BELVEDERE

901 MISSION AVENUE

OCEANSIDE, CALIFORNIA

A MIXED USE PROJECT

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SOILS,
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 SAN DIEGO, CALIFORNIA 92121-7314
 PHONE: (619) 558-6500
 FAX: (619) 558-6500

TRAFFIC,
 LUSOTTI GREENSPAN ENGINEERS
 8667 T. LANDERS DRIVE
 SAN DIEGO, CALIFORNIA 92128
 PHONE: (619) 558-6500
 FAX: (619) 558-6500

PROJECT DATA:

SITE ACREAGE:	1.914 ACRES
LAND USE DESIGNATION:	REDEVELOPMENT
EXISTING GEN. PLAN DESIGNATION:	EXISTING ZONING:
EXISTING LAND USE:	D. DISTRICT, SUBDISTRICT 2
PROPOSED LAND USE:	ANCIENT LAND AND RESIDENTIAL
MIXED USE-COMMERCIAL AND RESIDENTIAL	
BUILDING COVERAGE:	81.3% / 371,402 SF.
LANDSCAPE AREA:	1.81%
APPROX. BUILDING GROSS SQUARE FOOTAGES:	
MINUS DOUBLE HEIGHT SPACES, VOIDS, AND STAIR	
ELEVATOR AND PARKING RAMP SHIFTS:	
CLERESTORY PARKING:	58,075 SF.
CLERESTORY LEVEL:	53,207 SF.
CLERESTORY STREET:	45,718 SF.
CLERESTORY LEVEL:	39,718 SF.
THIRD FLOOR/INCLUDES FOOTPRINT SOFT:	56,139 SF.
FOURTH FLOOR:	59,078 SF.
FIFTH FLOOR:	40,718 SF.
SIXTH FLOOR:	40,718 SF.
TOTAL:	410,763 SF.
APPROX. USE SQUARE FOOTAGES:	
PARKING:	195,141 SF.
WORK LOFTS:	80,718 SF.
STAIRS:	20,078 SF.
CEILING:	12,202 SF.
RESIDENTIAL:	
PARKING:	
PROPOSED:	395 STALLS
APPROX. OPEN SPACE SQUARE FOOTAGE:	14,749 SF.
FOOTPRINT (LEVEL 2 COMMON AREA):	6,340 SF.
COTTON FLOOR DECKS:	43 DU/VAC.
PROPOSED DENSITY:	
APPROX. CURB FOOTAGE OF (SEE BASEMENT PLAN FOR LOCATION):	24,492 CU. FT.
AVERAGE DAILY AUTOMOBILE TRIPS:	1,190 A.D.T.

DESCRIPTION OF WORK:

THE BELVEDERE IS A MIXED-USE, MIXED-USE PROJECT WITH RETAIL, SPACE ON THE FIRST LEVEL. THE PROJECT WILL CONSIST OF WORKING LOFTS ON THE BLOCK BOUND BY CLERESTORY, MISSION, SEAGAZE AND HOME IN THE "D" DOWNTOWN DISTRICT OF THE REDEVELOPMENT AREA.

PLANNING CONSULTANT:

BETTY GRAY
 3576 SEA RIDGE ROAD
 OCEANSIDE, CALIFORNIA 92054
 PHONE: (619) 553-9790

STRUCTURAL:

MARTIN J. ASSOCIATES
 JOHN MARTIN
 702 F. FULLER STREET
 P.O. BOX 648
 OCEANSIDE, CALIFORNIA 92054
 PHONE: (714) 453-3084
 FAX: (714) 453-3084

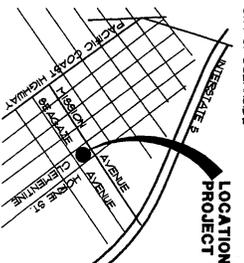
TRAFFIC:

LUSOTTI GREENSPAN ENGINEERS
 8667 T. LANDERS DRIVE
 SAN DIEGO, CALIFORNIA 92128
 PHONE: (619) 558-6500
 FAX: (619) 558-6500

SHEET SCHEDULE:

A-1	COVER SHEET
A-2	DEVELOPMENT SITE PLAN
A-3	LANDSCAPE CONCEPT PLAN
A-4	INTERPRETATION PARKING (LEVEL -2)
A-5	MISSION RETAIL LEVEL (LEVEL 0)
A-6	HORSE STREET (LEVEL 1)
A-7	UPPER FLOOR PLAN (LEVEL 2)
A-8	LOWER FLOOR PLAN (LEVEL 3)
A-9	FOURTH FLOOR PLAN (LEVEL 4)
A-10	FIFTH FLOOR PLAN (LEVEL 5)
A-11	SIXTH FLOOR PLAN (LEVEL 6)
A-12	ROOF PLAN
A-13	NORTH EXTERIOR ELEVATION
A-14	SOUTH EXTERIOR ELEVATION
A-15	WEST EXTERIOR ELEVATION
A-16	EAST EXTERIOR ELEVATION
A-17	BUILDING SECTION A
A-18	BUILDING SECTION B
A-19	BUILDING SECTION C
A-20	BUILDING SECTION D

LOCATION MAP:



A.P.N.

141-196-456,723

PROJECT ADDRESS:

901 MISSION AVENUE
 OCEANSIDE, CA 92054

APPLICATIONS REQUIRED:

ZONING: 2A-7005-04
 DEVELOPMENT PLAN: 1-7005-04
 CONDITIONAL USE PERMITS: C-1007-04, C-1005-04
 VARIATION: V-1005-04

OWNER:

PACIFIC CREDIT INVESTMENTS, LLC
 6460 TIBURON BLVD
 TIBURON, CALIFORNIA 94025
 PHONE: (415) 765-5100
 FAX: (415) 765-5000

ARCHITECT:

BECHARD / ASSOCIATES
 ALAN WILSON
 P.O. BOX 648
 OCEANSIDE, CALIFORNIA 92045
 PHONE: (619) 453-3100
 FAX: (619) 453-3100

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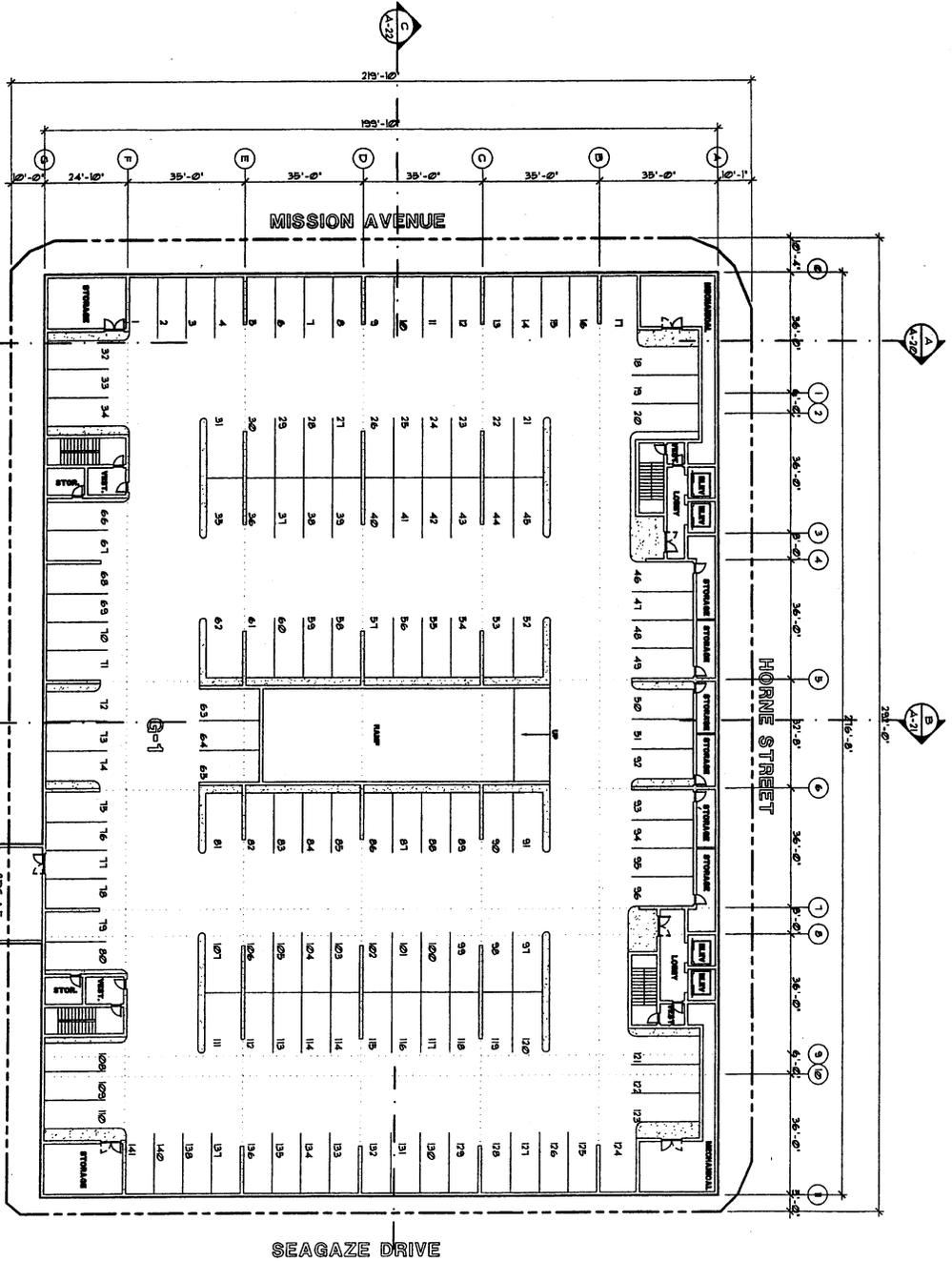
A-1

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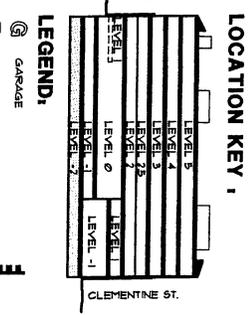


SUBTERRANEAN PARKING - LEVEL -2

141 PARKING STALLS
2390 SQFT STORAGE
230 SQFT CORRIDORS
50,644 SQFT PARKING



SHAGAZE DRIVE



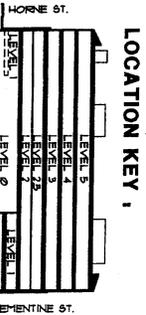
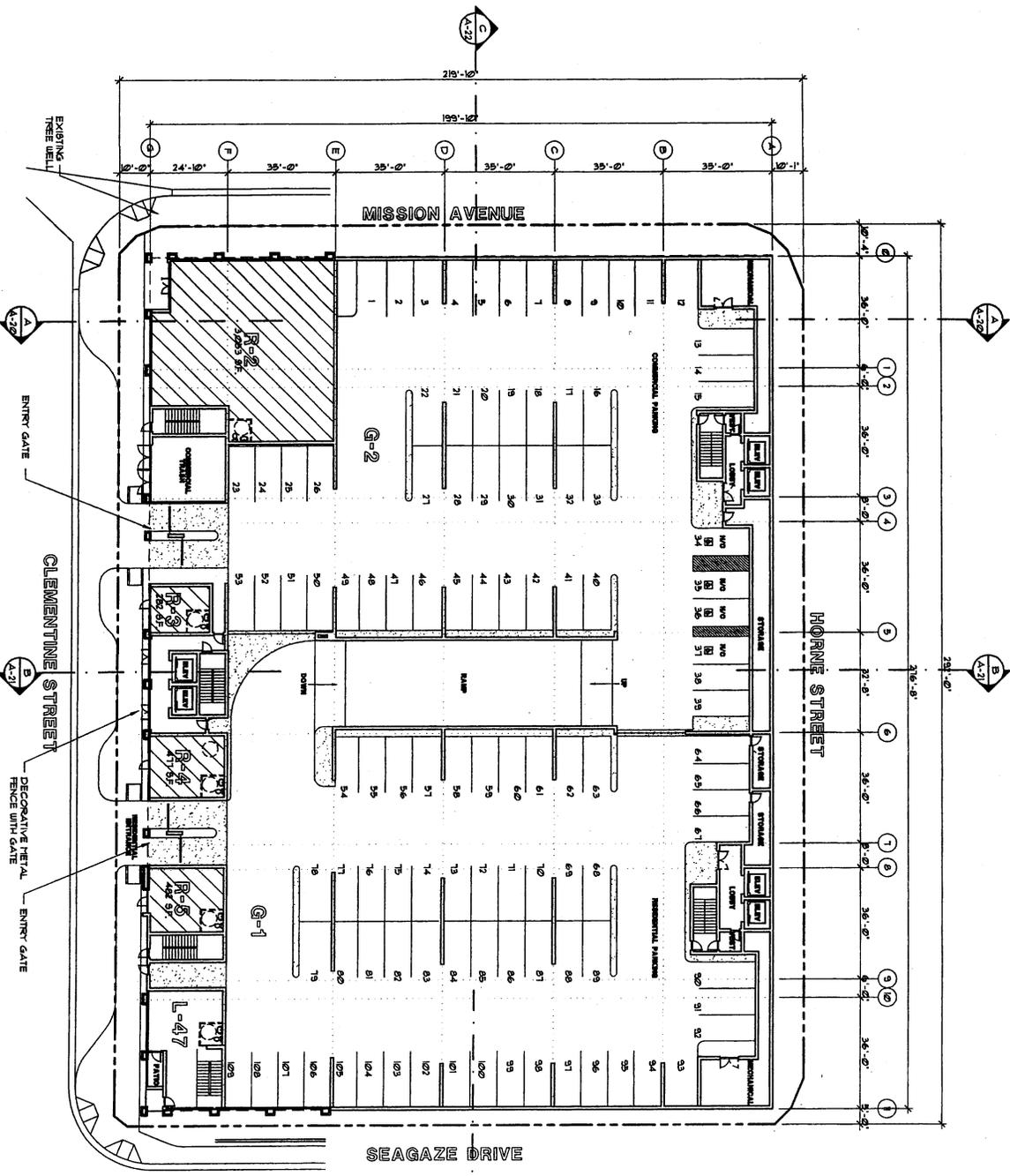
- LEGEND:**
- ⊙ GARAGE
 - R RETAIL
 - L WORKLIVE LOFT
 - ⊖ COMMERCIAL

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CLEMENTINE STREET - LEVEL -1

SCALE: 1/8" = 1'-0"
 103 PARKING STALLS (INCLUDES 4 HANDICAP STALLS)
 4293 SQFT. RETAIL
 1534 SQFT. STORAGE
 4617 SQFT. PARKING
 851 SQFT. DECEPTIVE



- LEGEND:**
- GARAGE
 - RETAIL
 - WORKPLACE LOFT
 - COMMERCIAL

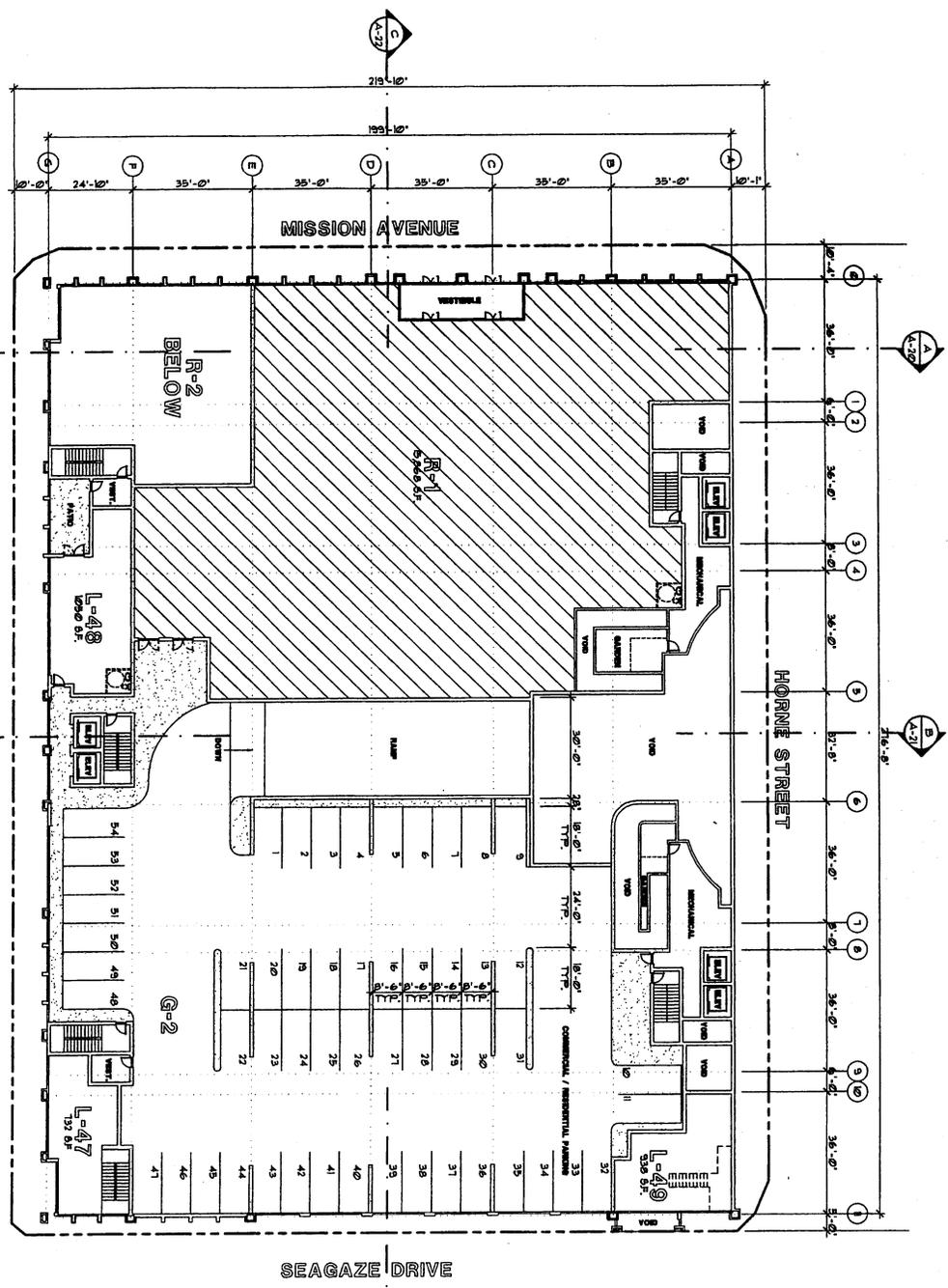
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 5 OF 21
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THE BELVEDERE - 901 MISSION

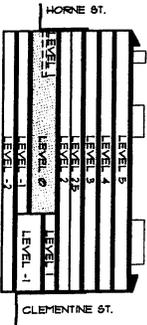


MISSION RETAIL - LEVEL 0

SCALE: 1/8" = 1'-0"
 54 PARKING STALLS
 24542 SOFT. PARKING
 16473 SOFT. RETAIL
 3271 SOFT. WORKLOVE LOFT

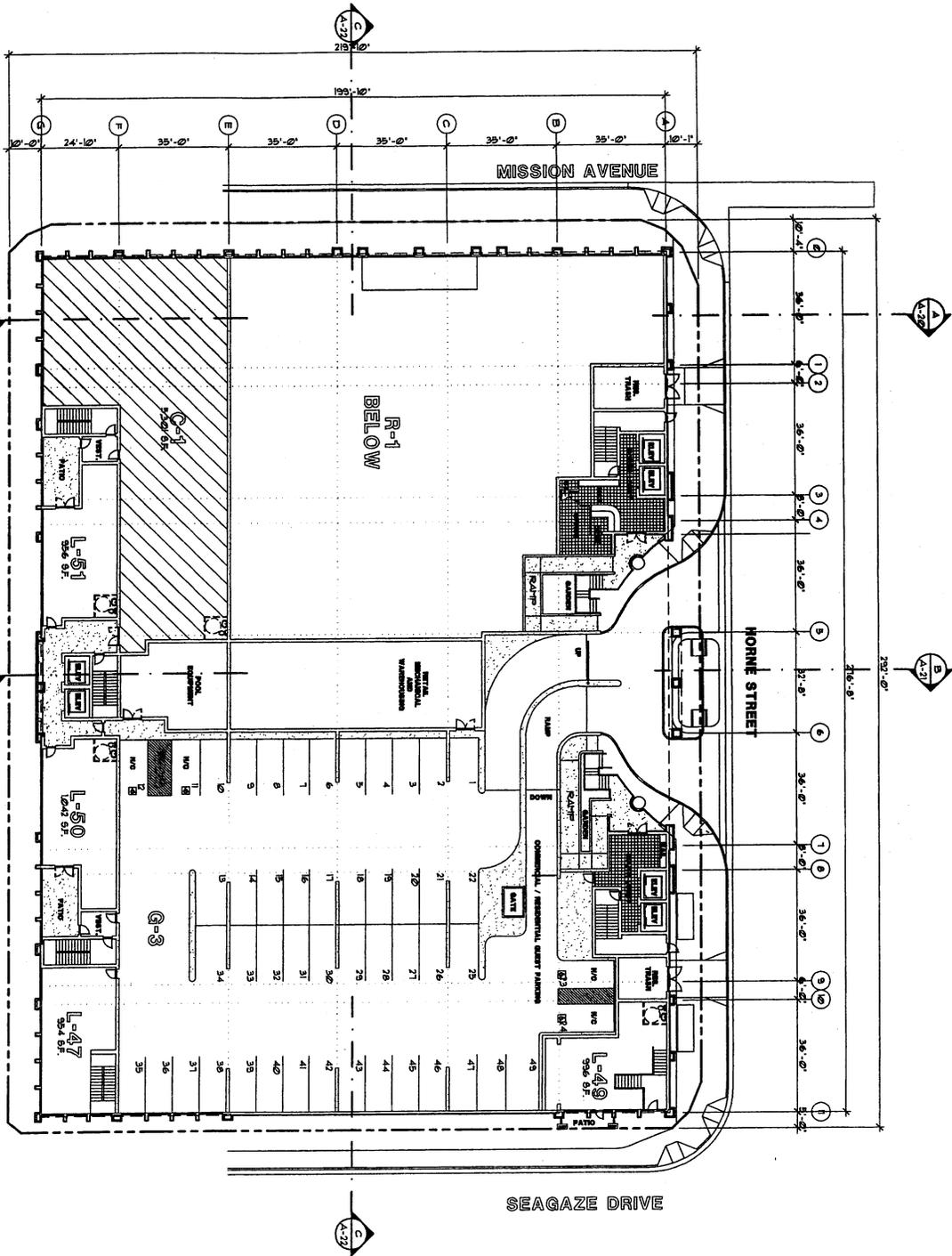


- LEGEND:**
- G GARAGE
 - R RETAIL
 - L WORKLOVE LOFT
 - C COMMERCIAL



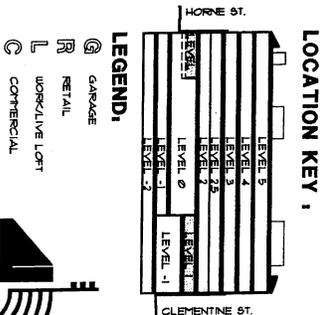
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 06-1543C



HORNE STREET - LEVEL 1

SCALE: 1/8" = 1'-0"
 48 PARKING STALLS (INCLUDES 4 HANDICAP STALLS)
 1828 SQFT PARKING
 1528 SQFT WORKSPACE
 3246 SQFT WORKSPACE
 3246 SQFT WORKSPACE



THE BELVEDERE - 901 MISSION

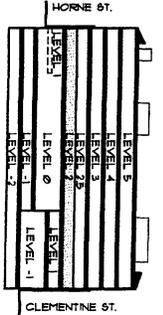
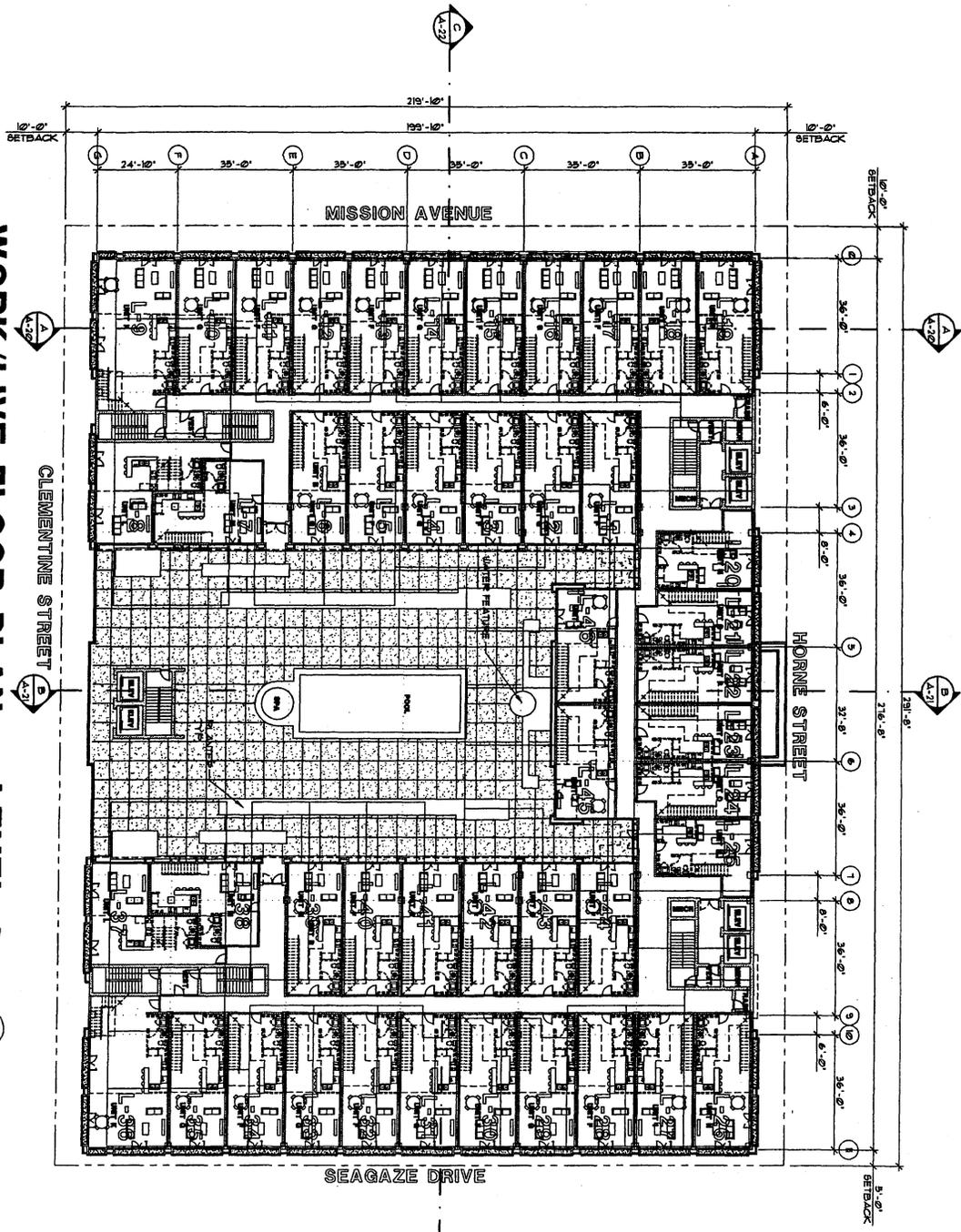
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 06-543C

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WORK/LIVE FLOOR PLAN - LEVEL 2

- SCALE: 1/8" = 1'-0"
- (44) TYPE #
 - (44) TYPE G
 - (2) TYPE H
 - (2) TYPE I
 - (2) TYPE J
 - (2) TYPE K
 - (2) TYPE L
 - (2) TYPE M
 - (2) TYPE N
 - (2) TYPE O
 - (2) TYPE P
- COMMON AREA (ROOMS ONLY)
- 1291 SOFT.
 - 1292 SOFT.
 - 1293 SOFT.
 - 1294 SOFT.
 - 1295 SOFT.
 - 1296 SOFT.
 - 1297 SOFT.
 - 1298 SOFT.
 - 1299 SOFT.
 - 1300 SOFT.
 - 1301 SOFT.
 - 1302 SOFT.
 - 1303 SOFT.
 - 1304 SOFT.
 - 1305 SOFT.
 - 1306 SOFT.
 - 1307 SOFT.
 - 1308 SOFT.
 - 1309 SOFT.
 - 1310 SOFT.



LOCATION KEY

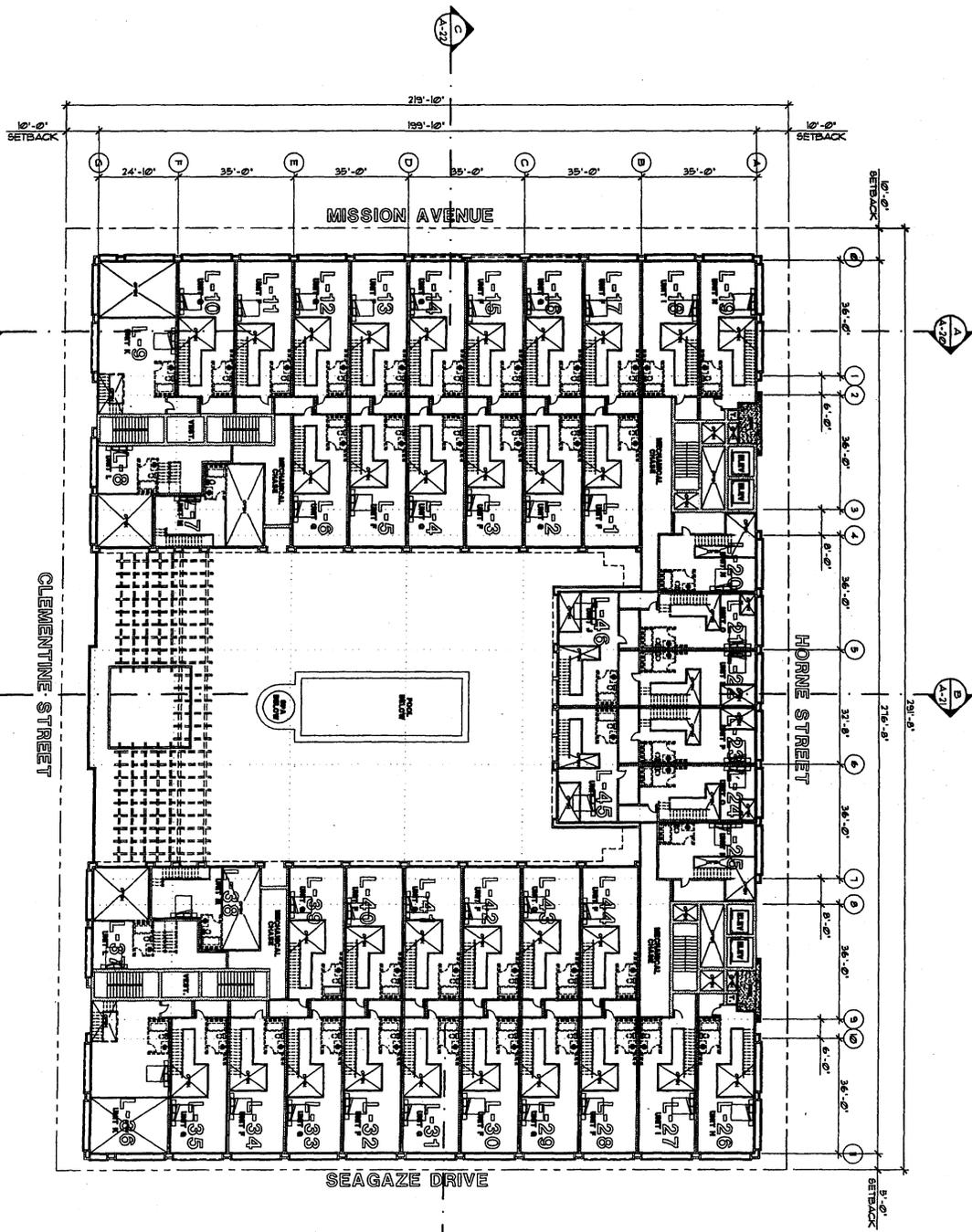
REDEVELOPMENT
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A-7

DATE: 06-21-06
DRAWN BY: 06-545C

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117071

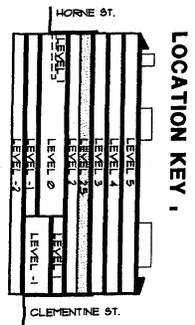


LOFT PLAN - LEVEL 2.5

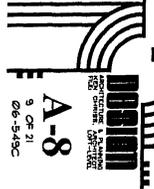
SCALE: 1/8" = 1'-0"



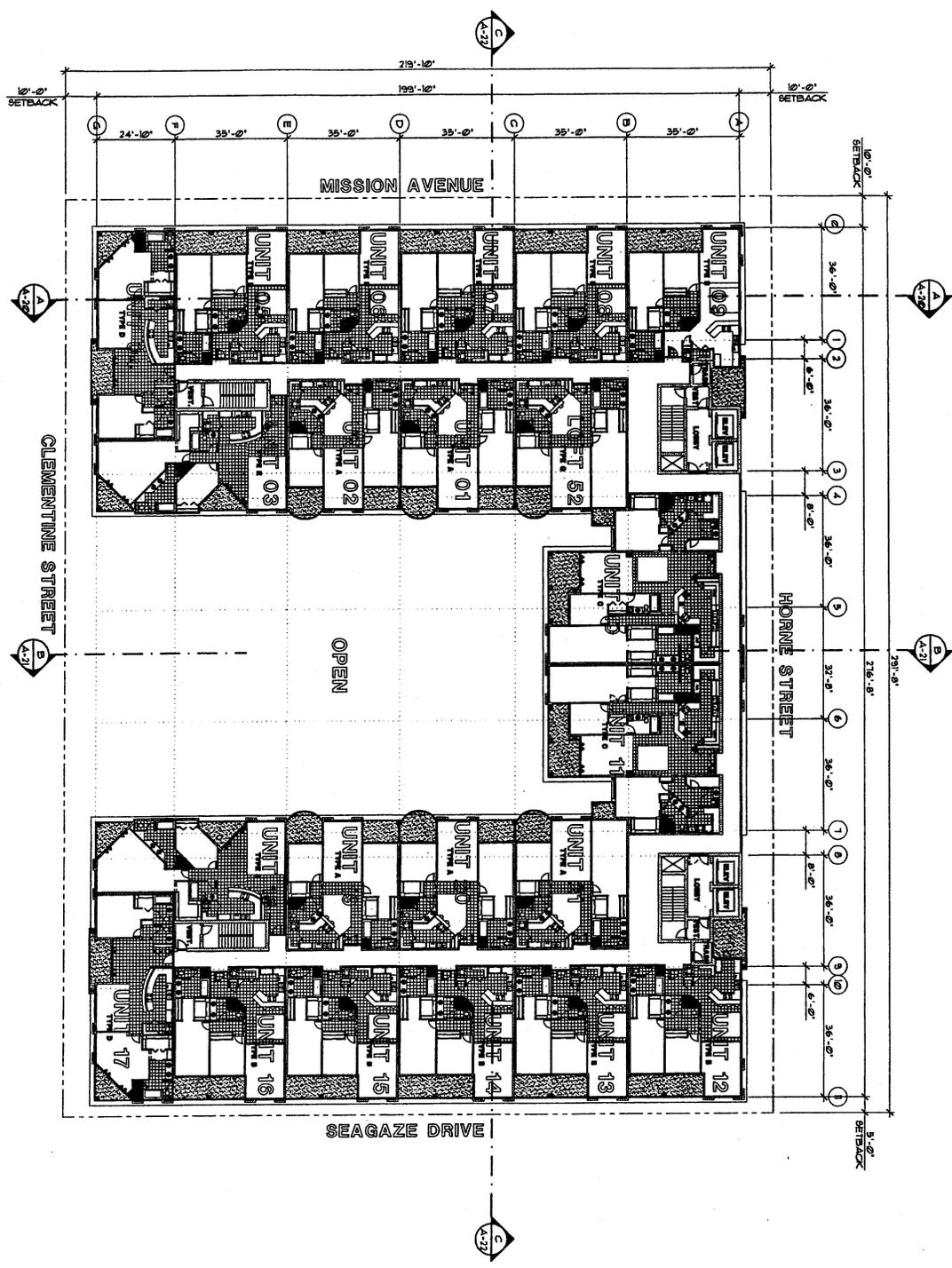
WORK/LIVE LOFTS (SECOND LEVEL OF THE 48 UNITS ON THE THIRD FLOOR!)



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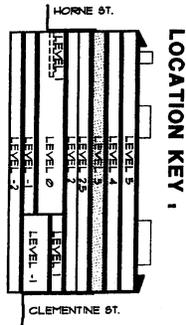


FOURTH FLOOR PLAN - LEVEL 3

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

CONDOMINIUMS (21 UNITS)

- (A) TYPE A 1241 SQFT.
- (B) TYPE B 1241 SQFT.
- (C) TYPE C 1241 SQFT.
- (D) TYPE D 1429 SQFT.
- (E) TYPE E 1501 SQFT.
- (F) TYPE F 1501 SQFT.



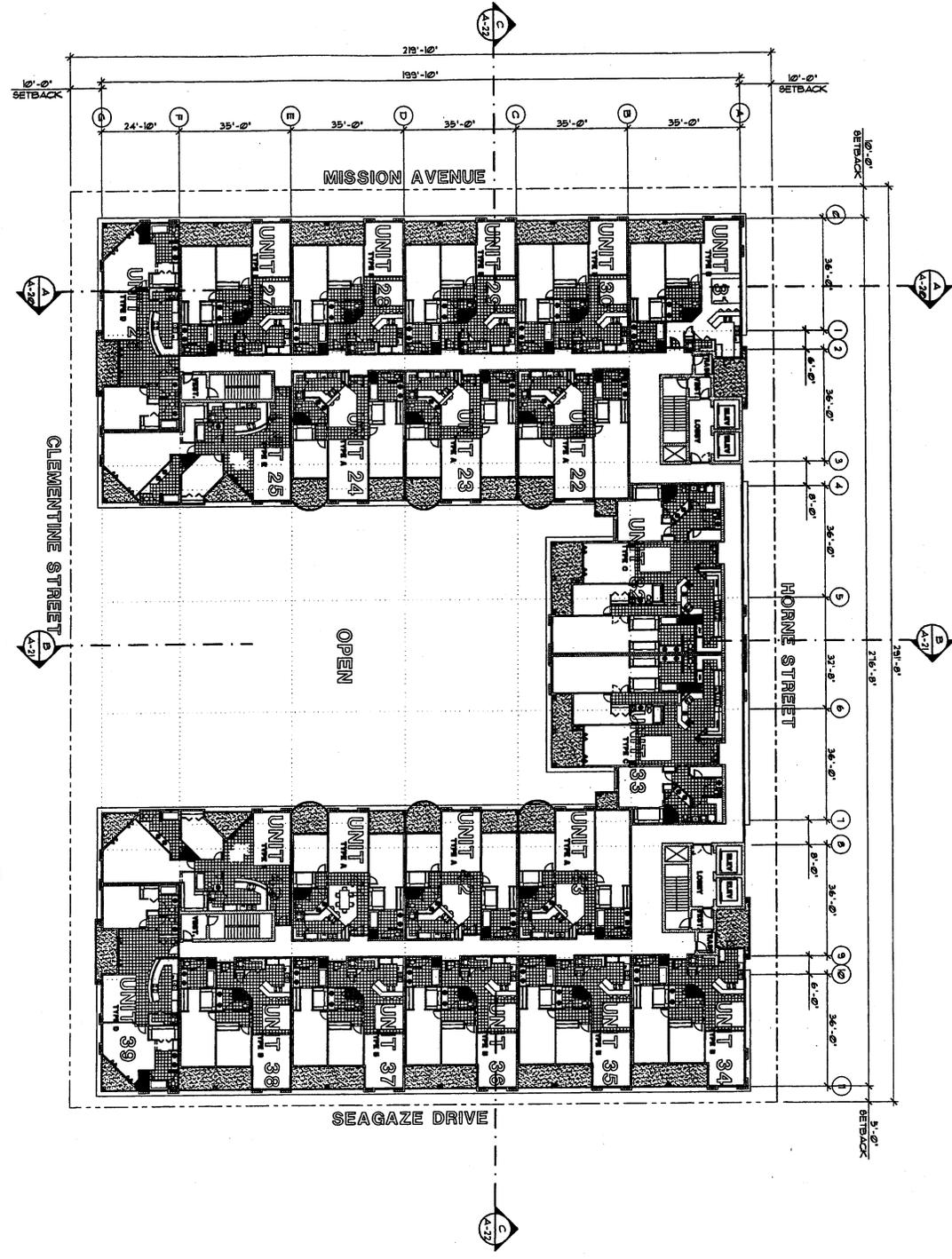
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06-5430C

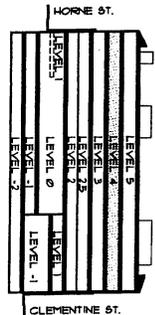
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FIFTH FLOOR PLAN - LEVEL 4
CONDOMINIUMS (22 UNITS)

- SCALE: 1/16" = 1'-0"
- (A) TYPE A
 - (B) TYPE B
 - (C) TYPE C
 - (D) TYPE D
 - (E) TYPE E

- 1247 SQFT.
- 1248 SQFT.
- 2218 SQFT.
- 1478 SQFT.
- 1571 SQFT.



LOCATION KEY :

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Mission
 ARCHITECTURE & PLANNING
 1100 G ST. N.W.
 WASHINGTON, D.C. 20004

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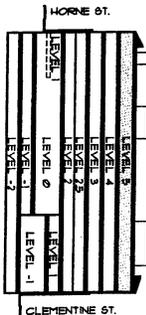
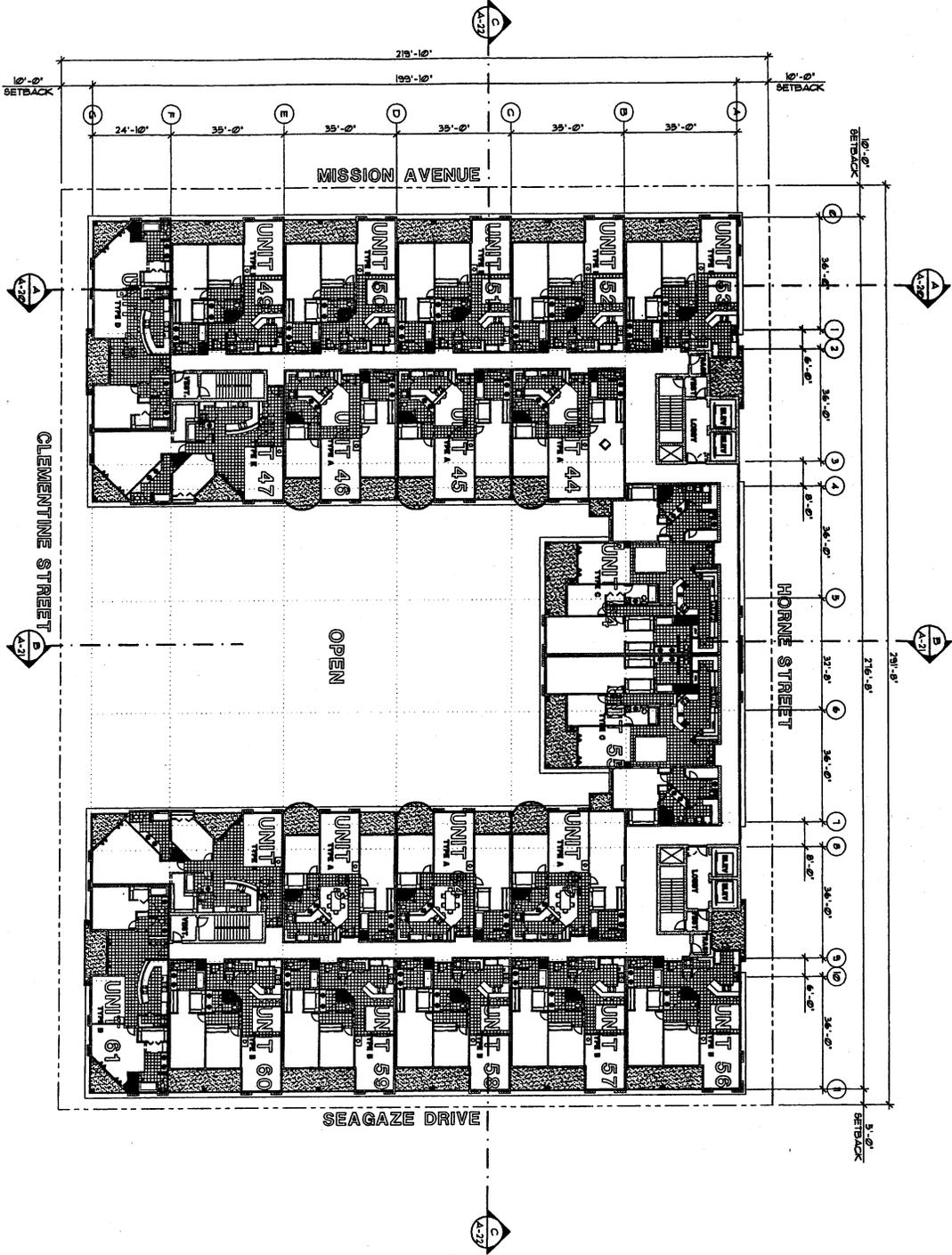
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 172006
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SIXTH FLOOR PLAN - LEVEL 5

CONDOMINIUMS (22 UNITS)

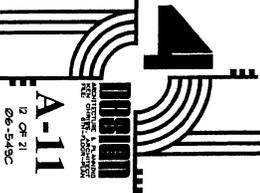
SCALE: 1/8" = 1'-0"

- (6) TYPE A
- (10) TYPE B
- (2) TYPE C
- (2) TYPE D
- (2) TYPE E
- (1) TYPE A
- (1) TYPE B
- (1) TYPE C
- (1) TYPE D
- (1) TYPE E



LOCATION KEY

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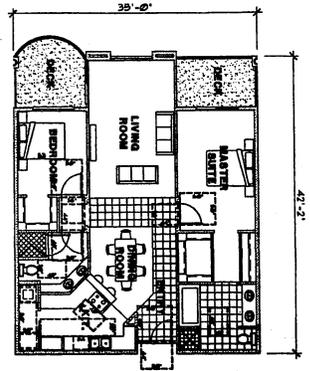


THE BELVEDERE - 901 MISSION

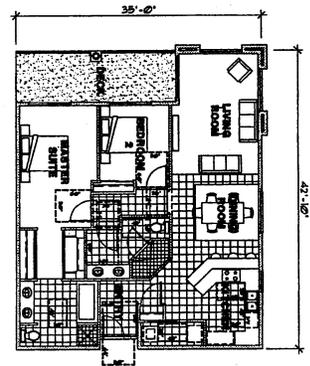
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TYPICAL CONDOMINIUM UNIT FLOOR PLANS

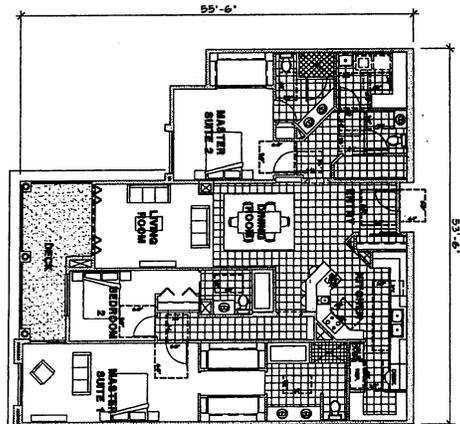
SCALE: 1/8" = 1'-0"



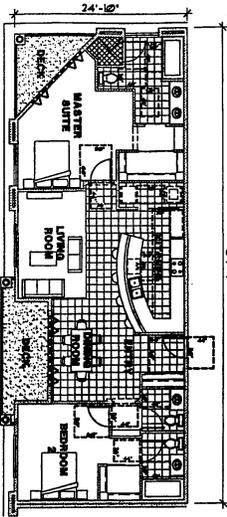
TYPE A
1241 SQ. FT.
180 SQ. FT.
DECK



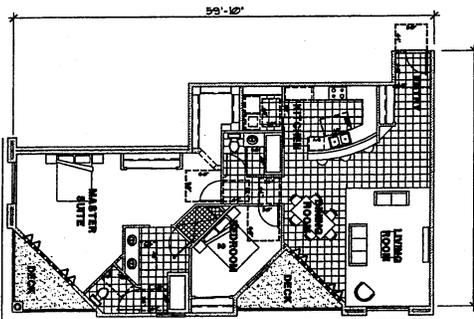
TYPE B
1236 SQ. FT.
188 SQ. FT.
DECK



TYPE C
2215 SQ. FT.
188 SQ. FT.
DECK



TYPE D
1423 SQ. FT.
111 SQ. FT.
DECK



TYPE E
1511 SQ. FT.
141 SQ. FT.
DECK

UNIT TYPE TOTAL

UNIT TYPE	FOURTH FLOOR	FIFTH FLOOR	SIXTH FLOOR	TOTAL
UNIT A	5	4	1	10
UNIT B	10	9	9	28
UNIT C	10	9	9	28
UNIT D	10	9	9	28
UNIT E	10	9	9	28
TOTAL	45	40	40	125

136/4
1220/6
117/21

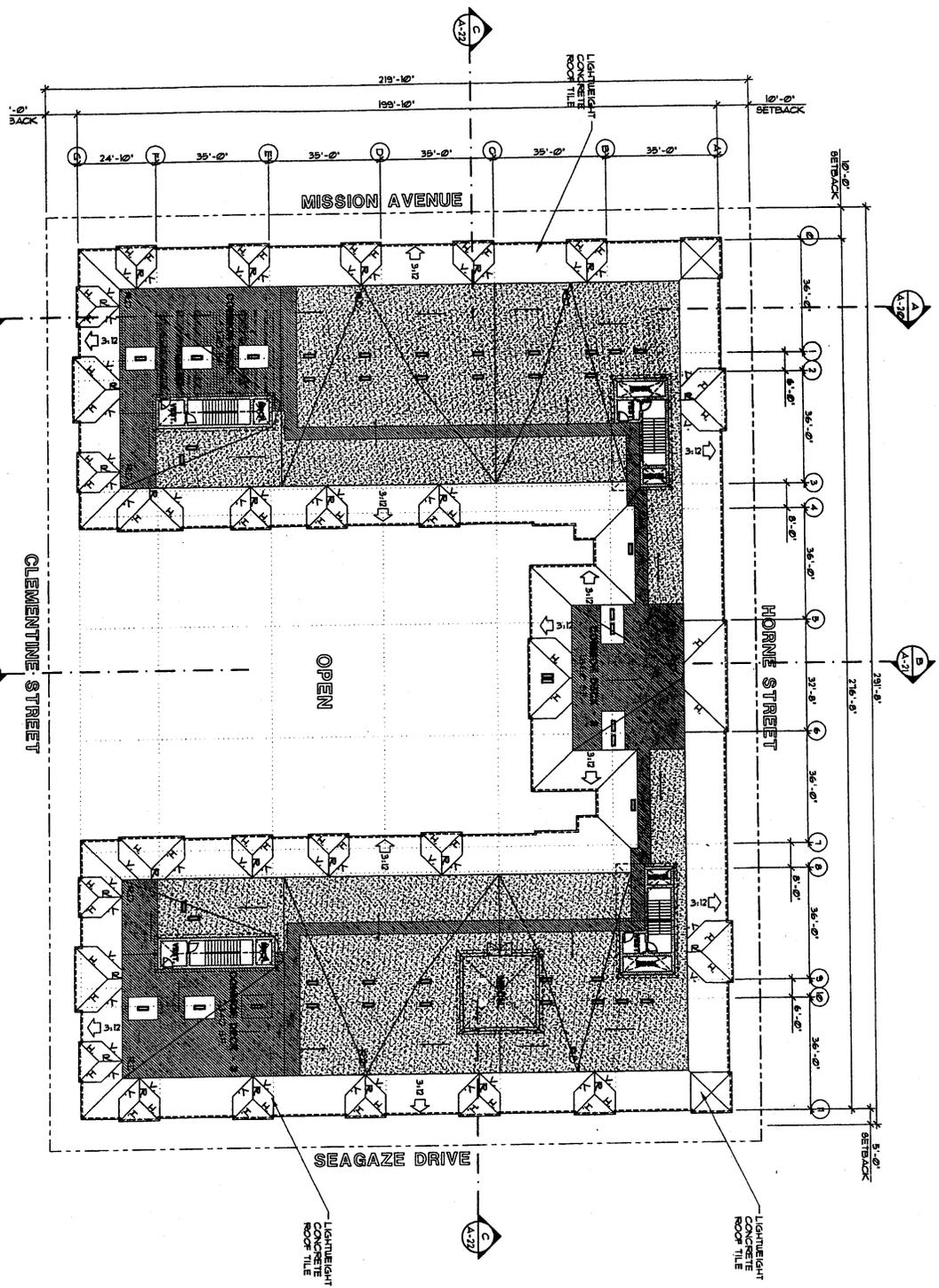
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ROOF PLAN

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



LEGEND.

- SLOPE (ROOF DRAINAGE)
- ▨ ROOF DECKING
- ▩ BUILT-UP ROOFING
- ▧ 4" DIA. ROOF DRAIN
- ▦ RIDGE
- ▥ VALLEY
- ▤ HIP

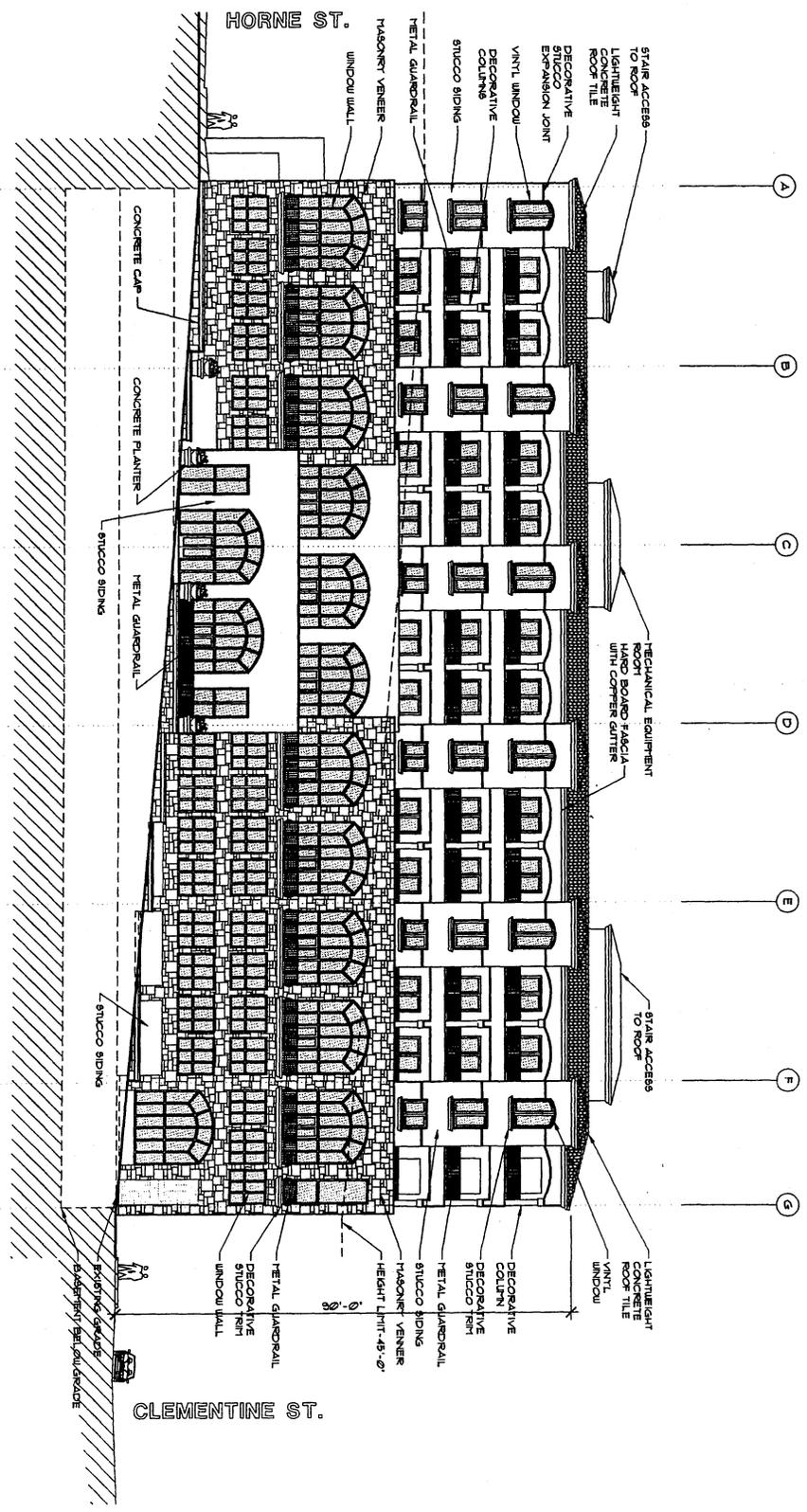
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NORTH ELEVATION (MISSION AVENUE)
 SCALE 1/32" = 1'-0"

FIVE FLOORS OVER TWO LEVELS OF BASEMENT

THE BELVEDERE - 901 MISSION

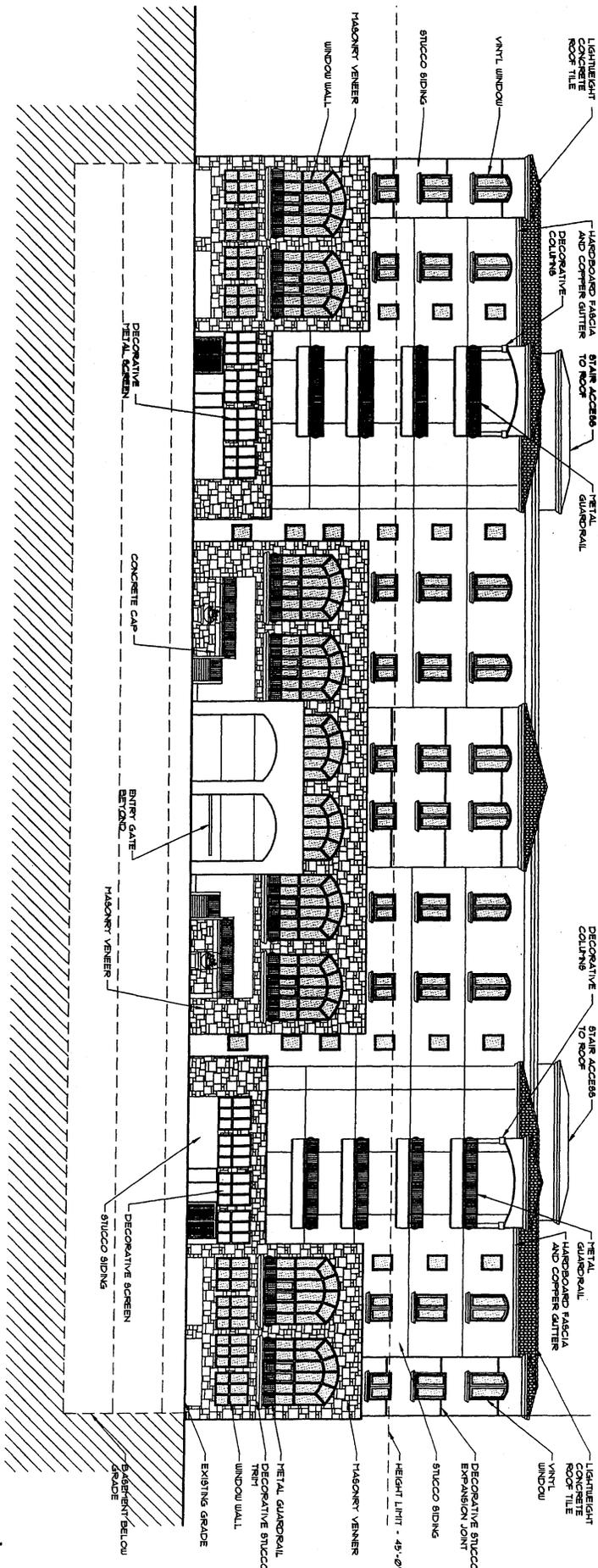
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MORRISON
 ARCHITECTURE & INTERIORS

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EAST ELEVATION (HORNE STREET)
 SCALE: 3/32" = 1'-0"
FIVE FLOORS OVER TWO LEVELS OF BASEMENT



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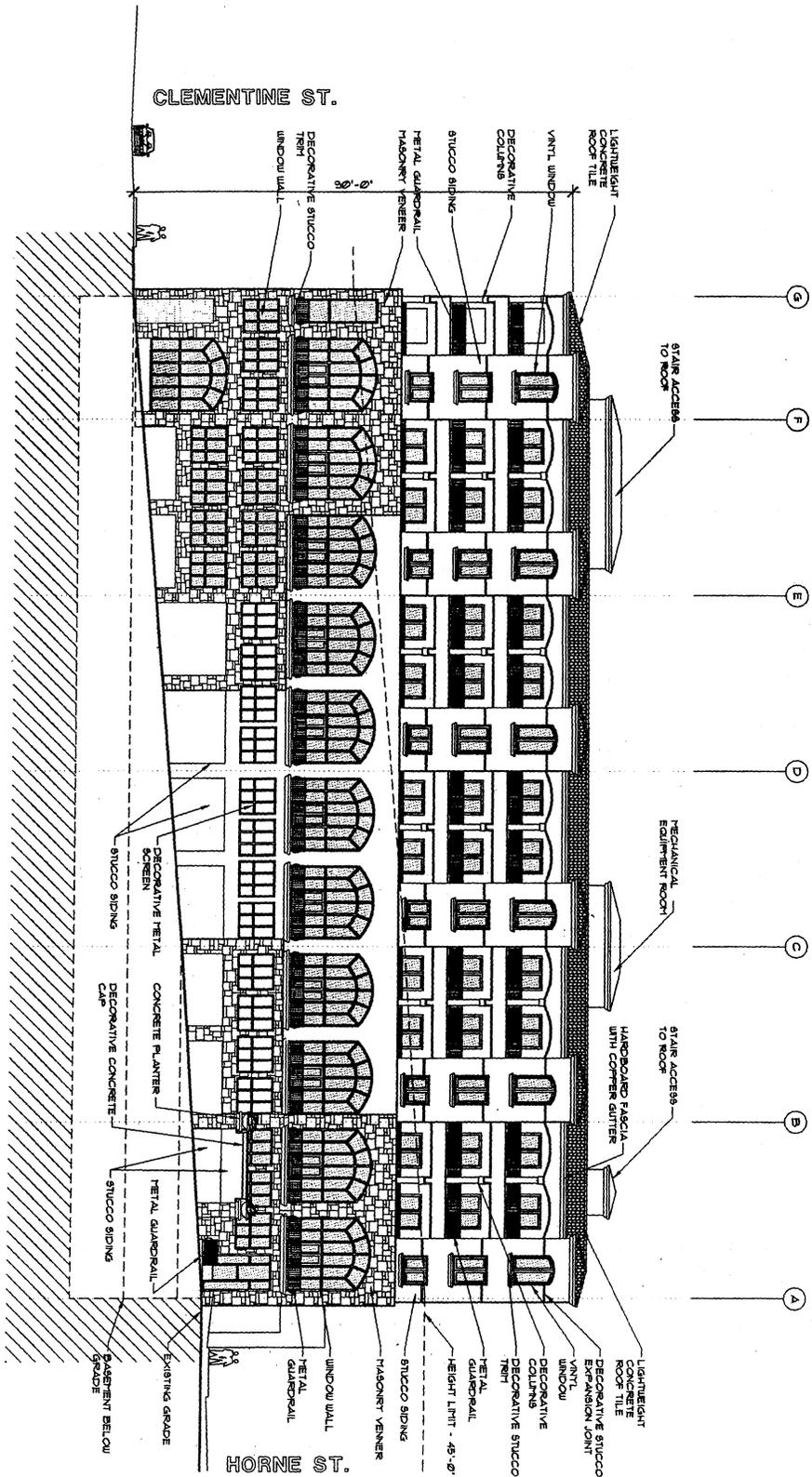
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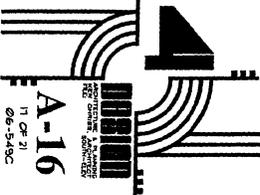
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 16 OF 21
 06-549C

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 1/1/07

SOUTH ELEVATION (SEAGAZE DRIVE)
 SCALE: 1/32" = 1'-0"
FIVE FLOORS OVER TWO LEVELS OF BASEMENT



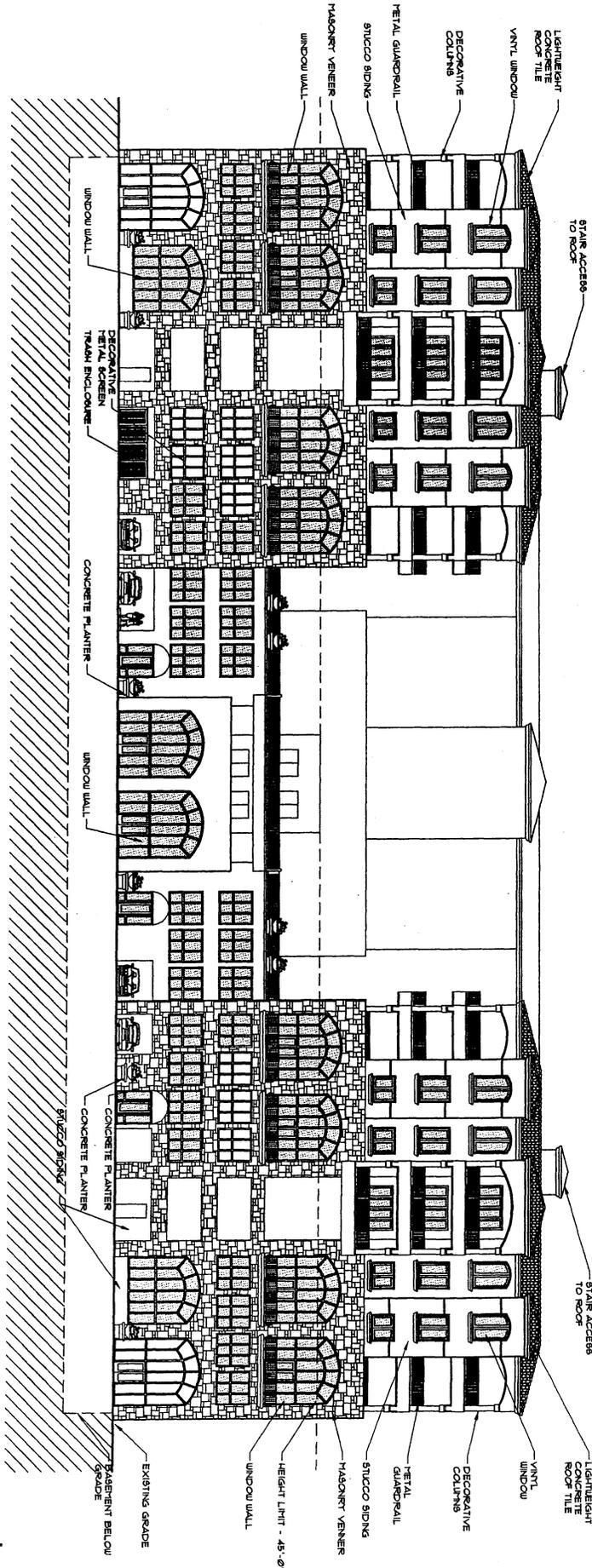
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 06-548C

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WEST ELEVATION (CLEMENTINE STREET)

SCALE: 1/32" = 1'-0"

FIVE FLOORS OVER TWO LEVELS OF BASEMENT

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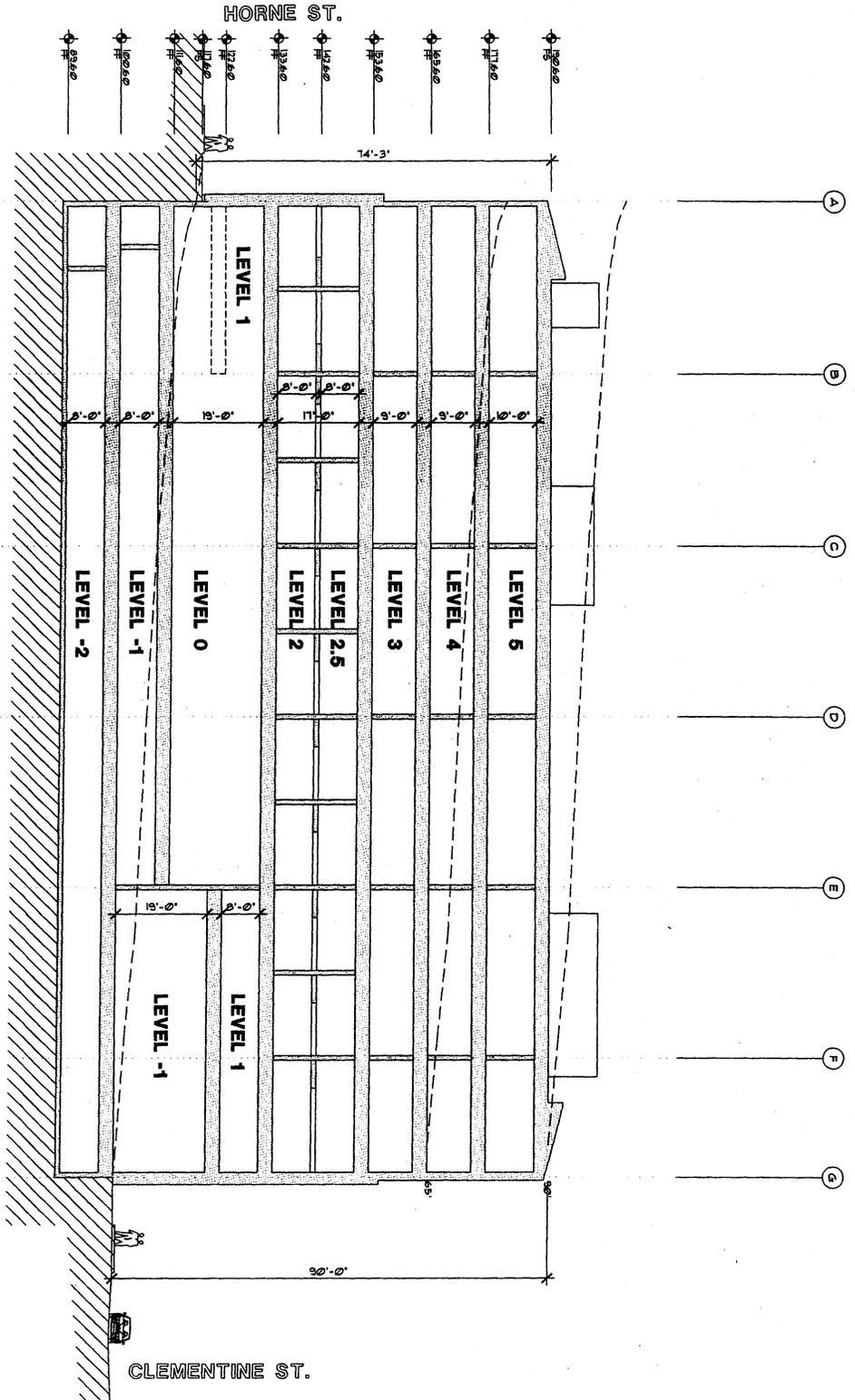
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A-17
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06-13-07

BUILDING SECTION - A
 SCALE: 3/32" = 1'-0"
 FIVE FLOORS OVER TWO LEVELS OF BASEMENT



CONSTRUCTION OUTLINE.

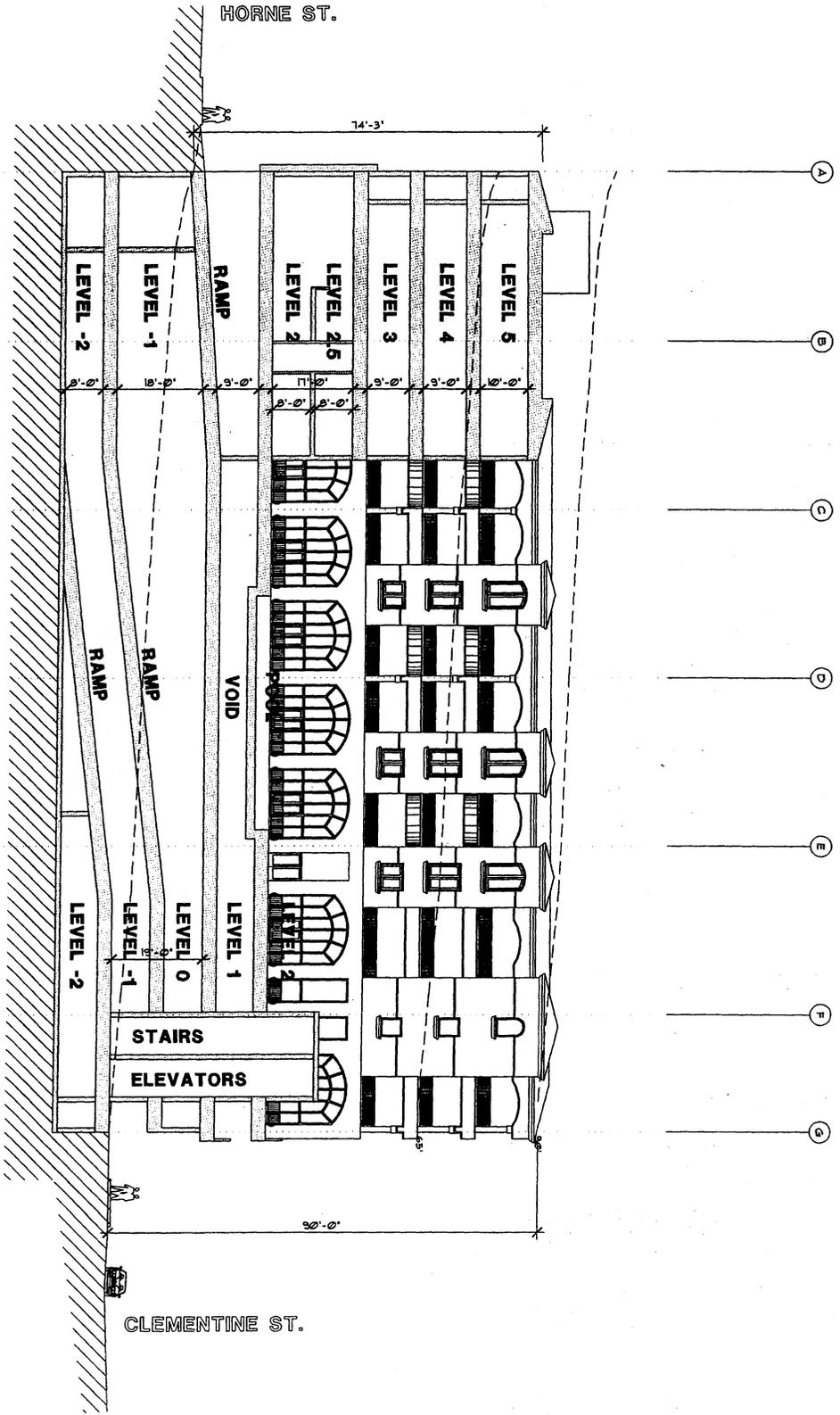
CONSTRUCTION: CONSTRUCTION TO BE TYPE I REINFORCED CONCRETE WITH FIRE SPRINKLERS. BASEMENT FLOOR: THE FLOOR SHALL HAVE A CONCRETE SLAB THAT IS Poured IN PLACE. OTHER FLOORS: THESE FLOORS SHALL BE A STEEL DECK WITH CAST-IN-PLACE CONCRETE. EXTERIOR WALLS: THE EXTERIOR WALLS SHALL BE REINFORCED CONCRETE WITH 10# BARS OVER EXPANDED METAL LATH. EXTERIOR FINISH: BUILDING PAPER AT THE EXTERIOR SIDE AND ROUGH FINISH GYPSUM BOARD AT THE INTERIOR SIDE. INTERIOR WALLS: INTERIOR WALLS SHALL HAVE A FINISH OF GYPSUM BOARD OR OTHER NON-BEARING BOARD COVERING AND A SPRAY ON SANDER FINISH. INTERIOR WALLS SHALL HAVE WATER PROOF GYPSUM BOARD. ROOF: ROOFING TO BE CLASS A BUILT-UP ROOFING. FLOOR DECKS AND BALCONIES: DECKS AND BALCONIES SHALL CONSIST OF WEATHERPROOF DECK SURFACE BY EXCEL COATING (E.C.O.) 4500 ON AN APPROVED ISOLATION. CEILING: THE CEILING SHALL BE GYPSUM BOARD ATTACHED TO STEEL FRAMING WITH A SPRAY ON SANDER FINISH. INTERIOR WALLS SHALL HAVE WATER PROOF GYPSUM BOARD. VENTILATION: ALL 2X6 REINFORCED EXTERIOR WALLS TO RECEIVE FIBERGLASS BATT INSULATION. DOORS: EXTERIOR COMMERCIAL ENTRANCE DOORS TO BE ALUMINUM WINDOW WALL SYSTEM WITH 60 LIP BRASS BUTTS EXTERIOR OTHER EXTERIOR DOORS TO BE SOLID CORE METAL BE A PAINTED PANEL. HORIZONTALS: ALL WINDOWS TO BE DUAL GLAZED ALUMINUM WINDOW WALL SYSTEM WITH FINISH TO BE LOW E TYPE. PAINTING: ALL EXTERIOR SURFACES NOT FINISHED SHALL BE PAINTED WITH EXTERIOR PAINT TO RECEIVE ONE COAT PAINT ENAMEL TO BE GAN-FINED. ALL PLUMBING SHALL BE PER THE UNIFORM PLUMBING CODE. MECHANICAL: INSTALL A CENTRAL FORCED AIR HEATING AND COOLING SYSTEM. HEAT TO BE SUPPLIED BY GAS FIRED BOILER. ELECTRICAL: ALL ELECTRICAL WORK TO BE PER THE NATIONAL ELECTRICAL CODE. PRELIMINARY SYSTEM TELEPHONE AND COMPUTER WIRE INTERNET SYSTEM.

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REDEVELOPMENT
 SUBMITTAL FOR
 EXT. APPLICATION

A-18
 19 OF 21
 00-545C

BUILDING SECTION - B
 SCALE: 1/8" = 1'-0"
 FIVE FLOORS OVER TWO LEVELS OF BASEMENT



REDEVELOPMENT
 SUBMITTAL FOR
 EXT. APPLICATION

1520
 1520
 1520

A-19
 2007.21
 06-549C

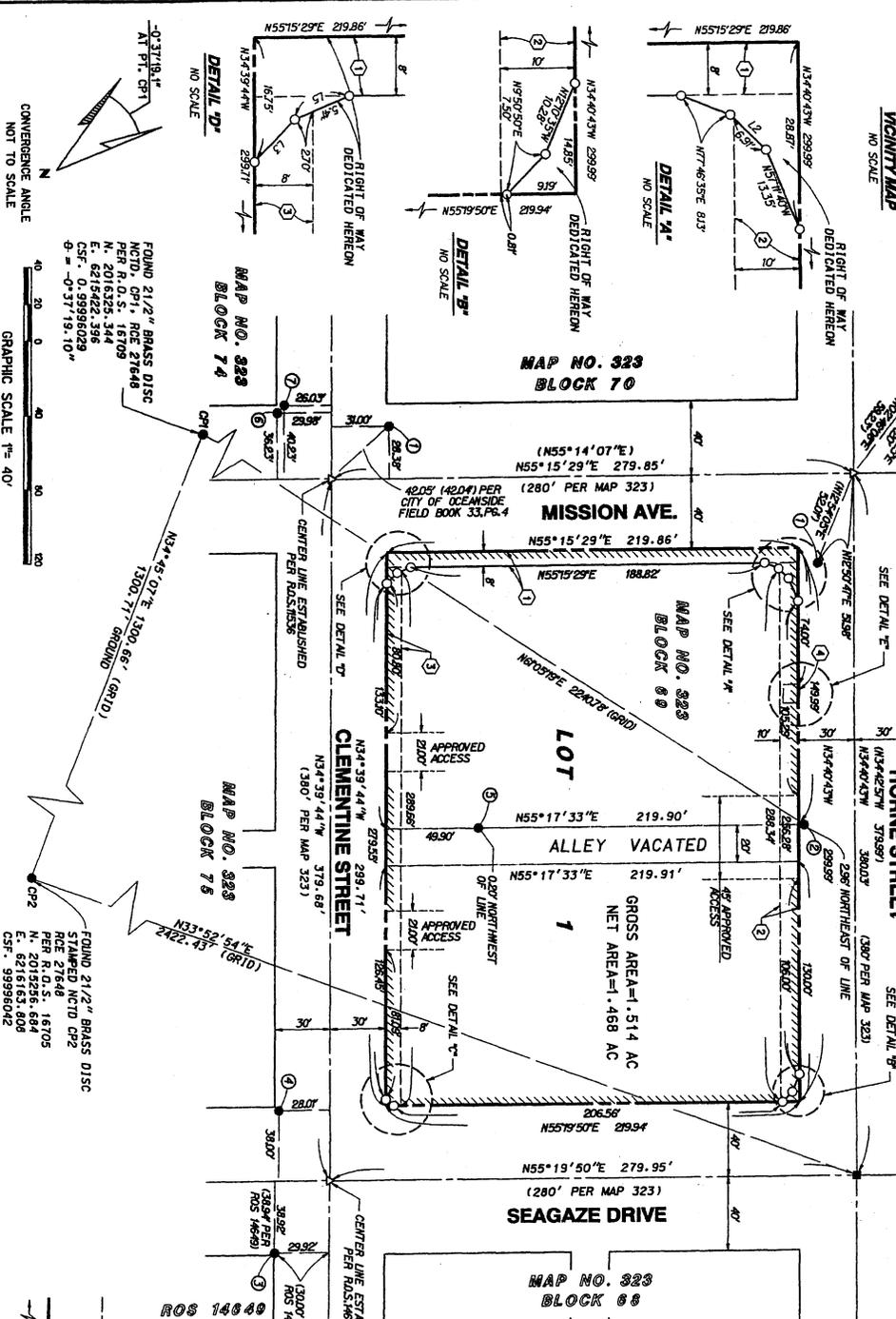
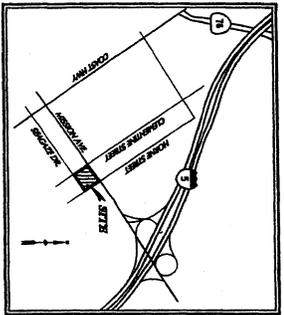
THE BELVEDERE MIXED-USE PROJECT

IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO
STATE OF CALIFORNIA

MAP NO.

SHEET 3 OF 3 SHEETS

T-200-04, D-203-04



- LEGEND**
- FOUND PROPERTY MONUMENT AS NOTED
 - FOUND 3" BRASS DISK IN WELL MONUMENT, NAD 83, 7989 (DOWN 0.61) PER CERTIFICATE OF CORRECTION IN PROCESS WITH THE CITY OF OCEANSIDE PER MAP NO. 19939
 - INDICATES WILL SET 2" X 2" IRON PIPE WITH DISK MARKED 15 6877
 - △ INDICATES WILL SET A STREET SURVEY MONUMENT MARKED 15 6877 PER STANDARD ENG. MAP 49
 - () INDICATES RECORD DATA PER ROS 163536
 - () UNLESS NOTED OTHERWISE
 - 1 INDICATES LOT NUMBER
 - INDICATES SUBDIVISION BOUNDARY
 - INDICATES ABUTTERS RIGHTS OF ACCESS
 - REMOVED HEREON

NOTES

1. UNLESS OTHERWISE SHOWN ON THIS MAP.
2. TOTAL NUMBER OF LOTS WITHIN THIS SUBDIVISION IS 1
3. TOTAL AREA WITHIN THE SUBDIVISION BOUNDARY IS 134 ACRES.
4. ALL DISTANCES AND OR STREET WIDTHS SHOWN WITHOUT DETAILS REPRESENT THEIR DISTANCE TO ZERO HINDEREDS.
5. FOR ALLEY VACATION REFER TO CITY OF OCEANSIDE RESOLUTION NO. 05-00355-1

- FOUND MONUMENTS**
- 1 FOUND LEAD & TACK (MOLDS) PER ROS 16356
 - 2 FOUND LEAD & TACK (MOLDS) 1900 AND ROE HTOS
 - 3 FOUND LEAD & TACK (MOLDS) 1903S PER ROS 14689
 - 4 FOUND LEAD & TACK (MOLDS) 2801 PER ROS 14689
 - 5 FOUND 1 1/2" I.P.W./7/16 UTILITY (DOWN 0.71) (NO RECORD)
 - 6 FOUND LEAD & TACK (NO RECORD)
 - 7 FOUND LEAD & TACK (MOLDS) 7004 (NO RECORD)

- EASEMENTS**
- 1 PORTION OF MISSION AVENUE DEDICATED HEREON
 - 2 PUBLIC ACCESS AND GENERAL UTILITIES
 - 3 EASEMENT DEDICATED HEREON
 - 4 PEDESTRIAN ACCESS EASEMENT DEDICATED HEREON
 - 5 STAGE EASEMENT FOR UNDERGROUND FACILITIES PER IHS 1, 16-205943, RECORDED MAP 23, 1918

COURSE TABLE

NO.	DIRECTION	LENGTH
1	N 85° 31' 34" W	5.41
2	N 79° 45' 37" W	7.66
3	N 34° 39' 44" W	5.47
4	N 32° 46' 40" E	8.11

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RICK
ENGINEERING COMPANY
5500 BRIDGE ROAD
SAN DIEGO, CA 92110
619.231.0207
619.231.1416

PROJECT NUMBER: T-200-04
L.C. NO.: U-15254
L.C. NO.: 378-1655

STAFF REPORT



ITEM NO. 19
CITY OF OCEANSIDE

DATE: February 23, 2005

TO: Chairman and Members of the Community Development Commission

FROM: Planning Department

SUBJECT: **INTRODUCTION OF AN ORDINANCE FOR ZONE AMENDMENT (ZA-200-04) APPROVING A ZONING TEXT AMENDMENT TO THE DOWNTOWN "D" DISTRICT REGULATIONS AND ADOPTION OF A RESOLUTION APPROVING A TENTATIVE MAP (T-200-04), DEVELOPMENT PLAN (D-203-04), CONDITIONAL USE PERMITS (C-202-04, C-203-04) AND VARIATION (V-205-04) FOR A MIXED-USE DEVELOPMENT CONSISTING OF 66 RESIDENTIAL UNITS, 51 LIVE-WORK UNITS AND 26,280 SQUARE FEET OF COMMERCIAL/RETAIL/ OFFICE USE FLOOR AREA LOCATED SOUTH OF MISSION AVENUE, WEST OF HORNE STREET, NORTH OF SEAGAZE DRIVE AND EAST OF CLEMENTINE STREET – THE BELVEDERE – APPLICANT: PACIFIC CREST INVESTMENTS, LLC**

SYNOPSIS

The item under consideration is a Zoning Text Amendment to the "D" Downtown District to allow three changes to regulation and purposes of Subdistrict 2. The first is to allow residential uses, the second is to allow food and beverage sales with a Conditional Use Permit and the third is to allow heights of buildings to be a maximum of 90 feet with a Conditional Use Permit.

Accompanying this amendment are a Tentative Map, Development Plan, Conditional Use Permits and Variation for a mixed-use development on a 1.5-acre site located south of Mission Avenue, west of Horne Street, north of Seagaze Drive and east of Clementine Street. Staff is recommending that the Community Development Commission introduce the ordinance and adopt the attached resolution approving the project.

BACKGROUND

Site Review: The project site is 1.5 acres in size and encompasses a full City block. The property slopes towards the west with a current elevation at Horne Street of approximately 116 feet and at Clementine Street, approximately 100 feet. The existing alley bisects the property and will be conditioned to be vacated as part of the approval process. The site is largely vacant with two older single-family homes and a multi-family building currently on the site.

Surrounding land uses consist of an institutional use (Oceanside High School) and a shopping center to the east, commercial businesses and professional offices to the north, professional uses to the west, and single-unit and multiple-unit residences to the south.

Land Use and Zoning: Subdistrict 2 of the "D" Downtown District consists of 8 City blocks bounded by Horne Street to the east, Seagaze Drive to the south, Pier View to the north and Freeman Street to the west. The Zoning Text Amendment proposal would affect all property contained within Subdistrict 2.

The project site is located within Subdistrict 2 of the "D" Downtown District. The current definition of Subdistrict 2 is to "provide sites for a financial center, supported by professional offices."

"Mixed-use" projects are also permitted within the subdistrict with a Mixed-Use Development Plan (MUDP) and a Conditional Use Permit (CUP). The purpose of the MUDP is to provide flexibility in the application of development standards "...where flexibility will enhance the potential for superior urban design." Accordingly, an approved MUDP will establish the development criteria for the approved mixed-use project. However, an approved MUDP may not exceed the zoning height limitations and any parking reduction may not exceed 10 percent of the zoning criteria.

Project Description: The applicant is proposing a two-component project. The first component involves a Zoning Ordinance Text Amendment to the "D" Downtown District, Subdistrict 2, to allow residential uses as part of a "Mixed-Use" project with a Conditional Use Permit. At the present time, Subdistrict 2, with a focus on a potential financial center and supporting office uses, does not allow residential uses. Subdistrict 2 also has a height limitation for buildings of 65 feet for mixed-use development. The Zoning Ordinance Text Amendment request is consideration of adding the potential of attaining 90 feet with a Conditional Use Permit. Finally, the Zoning Ordinance Text Amendment would allow food and beverage that encompasses a grocery store-type use, with a Conditional Use Permit.

The second component is the mixed-use project outlined as follows: a Tentative Map and Development Plan for the 1.5-acre parcel is planned for a 6-story "mixed-use" project.

"Mixed-Use"/Conditional Use Permit Component: The "mixed-use" project is designed with condominium units over live/work units and ground floor retail/commercial space. There are a total of 66 condominium units, 51 live/work units proposed, as well as 26,280 square feet of retail/commercial space. Of the 26,280 square feet, the primary retail space will be along Mission Avenue consisting of 16,472 square feet. Approximately 9,808 square feet of retail/ commercial space will be provided along Clementine Street. Parking for these uses will be provided within the subterranean garage.

The main entrance is located approximately mid-block along Horne Street. The entry points along Horne Street will provide automobile access to the commercial loft and residential uses and two floors of commercial parking. There is also a pedestrian access and a porte-corchere architectural feature. There will be separate south and north lobby areas with

elevators.

The northerly side of the building with the primary retail space is intended to present an upscale, metropolitan façade along Mission Avenue as it slopes down to the adjacent, central commercial business district. The main retail commercial entry is located mid-block and will provide access for the 16,472 square feet of space with a 19-foot-high ceiling. This space can be utilized by one or more tenants and will eventually become a commercial condominium. One of the potential users could be a food and beverage (or grocery-type use), which is one of the aspects of the Zoning Ordinance Text Amendment request.

Above this retail space and the Horne Lobby is a full floor of approximately 46 commercial work/live loft units. Separate lobby and elevator access will be provided from Horne Street. These units will have an interior ceiling height of 17 feet with approximately 700 square feet on their main floors, and a second level loft of approximately 350 additional square feet. Each will have a distinctive 17-foot-tall arched window at the street designed to be reminiscent of the California Missions. Each will have two assigned parking spaces. The units will be offered for sale to art and craft-oriented users and appropriate small business users who in varying cases may choose to exclusively do permitted commercial work on site or work and reside on the premises.

Adjacent to these work/live loft units will be a large open-air podium floor. There will be a pool in its center, and support facilities in and around it. Additionally, there will be landscaping, restroom facilities, a beautiful trellis system, and secondary elevator access to Clementine Street, the lower parking facilities, and all of downtown and the beach.

Above the commercial work/live condominiums will be three floors of residential condominium units accessed via private lobbies and elevators. They range in size from 1270 to 2295 square feet and offer a range from two bedrooms and two and a half baths to three bedrooms and three and a half baths. Each unit will include a balcony and two parking spaces.

Since the site slopes downhill from Horne to Clementine, the proposed building becomes approximately 90 feet tall in places when measured from its lower elevation at Clementine Street.

The retail commercial spaces are provided to complement the frontage along Clementine and potentially neighborhood-oriented business uses. Seagaze Street will have two small loft units at the building corners providing additional street activity.

There will be several entry points for commercial and residential parking along Clementine Street, as well as trash facilities and loading zones. There will be one full floor of underground parking, and because of the sloping nature of the site, the floor directly above is also considered underground. There will be a partial, mezzanine-type floor above the Clementine Street facilities, which will have building management and other offices, storage, and utility spaces.

As viewed from Clementine and Mission, the building has a pronounced “step-back” above the third floor at the middle of the building. This large opening is intended to greatly reduce the mass on this tallest side of the building, while providing a large open space to serve the occupants of the upper portions of the building. When looking down from the sky, one would be able to see that the upper portion of the project is designed in the shape of a large “U” with the open end facing Clementine Street, downtown and the ocean.

The architecture consists of a mix of modern design elements, split-level floor plans and a variety of ceiling heights to create a pleasing, pedestrian-friendly new building. The exterior of the building presents an interesting and attractive mix of soft-colored stucco/stone finishes, varied window and balcony shapes and sizes, and columns, railings, arches, recesses and decks, etc. The building has been designed with an eye toward attractive articulation on all exterior surfaces.

The overall project density is 43 dwelling units per acre for the condominium component. The condominium portion of the project occupies the top 3 of the 6-story building. Outlined below is the residential unit breakdown:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan A	1,270	2	2	18
Plan B	1,281	2	2	30
Plan C	2,295	3	3.5	6
Plan D	1,436	2	2.5	6
Plan E	1,553	2	2	6
Total				66

Conditional Use Permit for commercial work/live loft units: The Belvedere proposes 51 commercial work/live loft units dispersed on the first, second and third floors to enhance the diversity of units and occupants as well as add to the street life in the area. The sizes range from 1,194 square feet to 2,692 square feet. Two of the units will have actual street frontage to enhance the urban design of the project. Each of the work/live loft units may have a cooking facility and bathroom, as well as combined work/live space.

There will be a building directory in each of the building’s lobbies indicating the type of business and the tenant of each of the work/live loft units.

The Zoning Ordinance already recognizes the appropriateness of work/live lofts in Oceanside with a section in the Zoning Ordinance (3035 describing these uses). Although the section was originally written for the conversion of existing commercial buildings, this project will take it a step further within a new building under the provisions of the Mixed-Use Development Plan process described above.

The existing regulations were written for “artists, artisans, including individuals practicing one of the fine arts or performing arts, or skilled in applied arts or crafts.” The definition states that these areas “include cooking space and sanitary facilities and working space for artists, artisans and similarly situated individuals, or custom industry business as defined in Zoning Ordinance Section 460. (Section 460 defines Industry, Custom as “Establishments primarily engaged in on-site production of goods by hand manufacturing involving the use of hand tools and small-scale equipment. This use may include affiliated office and support facilities and limited showroom and a retail sales area when clearly secondary and associated with the primary business.”)

The loft units will be used to generate economic activity. The applicants are requesting the opportunity to expand the use of the word “artisan” to allow 21st century “workmanlike” and “skilled” occupations such as engineers, consultants, computer specialists, or interior designers in addition to the more traditional hand manufacturing uses. Consideration should even be given to allowing a percentage of businesses that are more paperwork oriented such as law, real estate, or financially related businesses as originally intended in Subdistrict 2 of the Redevelopment Area.

The applicants propose to use the Management Plan in conjunction with the Business License Review process to ensure the integrity of the Work/Live loft unit activities by:

- Requiring a business license for each unit to be issued and then annually updated.
- Developing a process for an annual evaluation and review with the Oceanside Business License Office of the type of business to be allowed in the building as economic and technological changes occur.
- Keeping an ongoing list available for the City’s review of businesses in the building.

The owners of The Belvedere will record with the covenants of the project various guidelines and restrictions for the work/live loft spaces including several sections of the Zoning Ordinance Section 3035 that will apply to this type of project such as:

- Having a limited number of employees in these businesses.
- Not allowing classroom instruction, welding or any open flame work. (The rules however may allow one or two students, apprentices, secretaries, associates or consultants to be present in the business.)
- Not allowing wholesale sales of stock in trade except for occasional sales of paintings, sculptures, graphic illustrations, photographs, architectural drawings and models, and similar creations.

The work/live loft units will have minimal interior improvements to allow the greatest possible flexibility to the tenants. These unimproved interiors will have high ceilings in portions of the units and second-story spaces constructed with the project as part of the integrity of the structure. There will be stub-outs for electricity and plumbing; however, the potential purchasers of the units will be allowed to choose sizes and otherwise configure the working and living space to be best designed for each unique business and living situation.

Conditional Use Permit/Building Height Component: The overall height of the building varies and has been designed as a stepped structure due to the slight grade in the site. The building height varies from 74.3 feet at Horne Street to 90 feet at Clementine Street with rooftop stair and mechanical equipment architectural elements extending to 8 feet.

Listed below is a comparison chart summarizing the required development criteria with the proposed project:

	Minimum Requirement/ Maximum Limitation	Proposed
SETBACKS		
Front Horne St.	5 feet	6
Cornerside Mission Ave	50 feet centerline	40 feet centerline
Cornerside Seagaze	10 feet	0
Rear Clementine St.	5 feet	6 feet
LANDSCAPING		
Nonresidential	15%	21%
Residential	25%	25%
Useable Open Space – Residential		
Total area per unit	200 s.f. per unit	13,200 s.f. (total)
Private area per unit	48 s.f. per unit	147-195 s.f.
On-site Parking		
Nonresidential	88	105
Residential	140	149
Live/Work	102	102
Total	330	356
Nonresidential Loading Space		
	1	3
Floor Area Ratio		
	4 (max)	4
BUILDING HEIGHT		
Permissible Height	65 feet w/mixed use development (max)	90 feet
Encroachment	10 feet (max)	8 feet

Variation: As a result of the “mixed-use” concept a Variation is being requested from the required setback development regulations. This Variation is for the front, corner sideyard and rearyard setback requirements.

ANALYSIS

Staff's review of the project centered on its consistency with the underlying development requirements, the appropriateness of the Zoning Text Amendment components and Variation requests, and the project's compatibility with surrounding land uses.

Zoning Text Amendments: As mentioned, the project is situated within Subdistrict 2 of the "D" Downtown District, which is intended to provide sites for a financial center, supported by professional offices. However, over the years, the nature of financial centers and professional offices have evolved and decentralized so that the traditional models of stand-alone uses are becoming increasingly rare. Banks, for example, are frequently part of a retail grocery store. Offices, too, can be found in many retail centers. A recent trend of bringing residential uses back to traditional central business districts in a more glamorous version of "living over the shop" has occurred. A segment of the population is opting to either live and work in a single space or live above commercial spaces to be closer to transportation, to enjoy cultural amenities and in Oceanside's case, to enjoy the natural beauty of the superb beach environment.

The subject site is an excellent location for a "mixed-use" project due to its adjacency to Interstate 5, the Oceanside Transit Centers, and a variety of cultural and natural land uses. The residential component inclusive of the separate condominiums, as well as the live/work units will further the redevelopment goals of increasing the residential population within the downtown and self-employment opportunities. The retail component of the project will contribute to the economic vitality of the downtown area. Therefore, the Zoning Text Amendment to allow residential uses as part of a Mixed-Use Development is a logical addition to Subdistrict 2 and appropriate to this proposed project.

Food and Beverage Sales. The proposed allowance of Food and Beverage Sales as part of the Zoning Text Amendment does not include a current proposal for the project at this time, but does allow the potential in the future. Food and Beverage Sales are defined as "retail sales of food and beverages for off-site preparation and consumption. Typical uses include groceries, liquor stores, or delicatessens and convenience markets. In evaluating the appropriateness of adding Food and Beverage Sales as a potential use in Subdistrict 2 with a Conditional Use Permit, staff feels that the Conditional Use Permit process would allow sufficient analysis to warrant its inclusion as a permitted land use regulation.

Conditional Use Permit/Building Height Component. The issue of allowing building heights up to 90 feet for a Mixed-Use Development project for Subdistrict 2 was a major focus on the analysis of the Zoning Text Amendment request and for the proposed project that would use the tool, if approved.

The basic height limitation for Subdistrict 2 for nonresidential development is 45 feet. Subsection N (e) of the Zoning Ordinance allows a 65-foot maximum height limit for mixed-use development. In considering the impact to the overall downtown skyline, the potential to add an additional 25 feet to a development proposal with the Conditional Use Permit tool allows analysis of additional height in relation to a specific site, staff believes that the addition to the height to 90 feet with the additional 8 feet for stairs and mechanical equipment is supportable.

Although the building would be higher than immediately surrounding structures, other tall structures (some as high as 4-5 stories) such as the Oceanside High School Science and Technology Building, North County Transit's headquarters, the El Dorado Church of God

apartments, the approved Fairfield Inn timeshare project, and the renovation of 550 Seagaze into work/live lofts do exist in the surrounding area. The proposed height of the structure would fit with the overall urban scheme for the downtown area.

Variation: Oceanside's Zoning Ordinance states that the Mixed Use Development Plan can be used to provide flexibility in land use regulations and site development standards under control of the Community Development Commission "where flexibility will enhance the potential for superior urban design in comparison with development under the regulations as they exist if no development plan were approved." These requested variations for encroachment allow the superior urban design presented by The Belvedere. Similar requests have been granted for other projects in the downtown area using a Mixed Use Development Plan.

One of the challenges in creating an urban-scaled building in a neighborhood with a traditional grid pattern is creating a neighborhood and pedestrian-oriented feel to the building by providing a variety of welcoming and diverse features at a people-scale to the community. Various setback variations for the encroachment of architectural features into the setback, some planters that are more than 48 inches tall, and the construction of a unique porte-corchere are proposed to create this interest at the street level for this project. Staff believes the Variation is warranted for setbacks.

Environmental Issues: 4Design Architecture and Planning (2004) prepared an ambient airflow and wind analysis for the proposed project. The prevailing coastal winds for Southern California and the City of Oceanside are called westerlies and flow west to east from the Pacific Ocean. Wind patterns vary depending on time of day and year. However, the dominant wind pattern for the City is a cool offshore southwestern flow that ranges from 2 to 10 miles per hour.

A review of on- and off-shore wind pattern vectors was performed for the project site over an approximate 72-hour period. The wind pattern within the project site is from the southwest across the site with a reversal during Santa Ana conditions. The report concluded that the proposed building will not block the wind from residential uses to the south, but it reduces the wind speed as the westerlies curve around the corners of the project towards the residential uses. During days when the Santa Ana winds come into effect, the building's height will act to block and prevent some hot air from reaching ground level. In essence, the proposed project will have a minimal effect on wind patterns in the surrounding area.

The applicant prepared a Daylight Shadows and Light Analysis (October 2004) to address any potential shadow impacts to adjacent properties. The proposed structure has a height of 74'-3" on the Horne or east elevation and a height of 90'-0" on the Clementine or west elevation. The study concluded that the proposed structure would cast a variable sun shadow depending on the time of the year. During the summer months, the shadows would affect the bank buildings to the west in the mornings and some residential uses to the south in the afternoon. The residential uses affected would be those directly on Seagaze Drive just west of Horne Street for a short period in the late afternoon. During the winter months, the proposed structure would only create shadows on the commercial

buildings to the north and public high school to the east. In conclusion, shadow impacts would not be severe and would only affect some surrounding buildings during certain times of the day and year. No significant aesthetic impacts have been identified for the proposed project.

The project site is predominantly vacant but contains some older buildings along Seagaze Drive. Archaeos (2003) prepared Primary Records detailing the history and potential historical significance of the structures.

The William M. and Lucille E. Culberson Apartments are located at 906 Seagaze Drive. According to building records, the three apartment buildings associated with this portion of the site were constructed in 1947. The buildings are not directly associated with any known significant historic event or events. Historic persons are not associated with this property and the design of the buildings is not distinctive and does not represent the work of a master architect. Therefore, these buildings are not considered a significant resource and demolition of these structures would not be a significant impact.

The Melville Goetz Residence is also located on the property at 902 Seagaze Drive. The residence is a rectangular, approximately 2,000 square foot 1-1/2 story wood frame house. The house is potentially eligible for listing in the local register, but is not eligible for the California or National Registers of Historic Places. The property is not associated with a significant historic event or events or directly associated with local historically important persons. The record concluded while the structure is not eligible for listing, it is recommended that measurements and drawings of this resource per the Historic American Buildings Survey standard and photo documentation will be required prior to demolition of the house and other buildings on-site.

According to data contained in the geotechnical report, the potentially fossil bearing Terrace Deposits underlie portions of proposed project. Therefore, mass grading of the site in these fossiliferous materials could result in potentially significant adverse impacts to paleontological resources. Mitigation measures have been conditioned to reduce potential paleontological resource impacts to below a level of significance.

The traffic report included analysis of the existing, existing + cumulative projects (other proposed projects in the area), existing + project + cumulative project, Year 2020, and Year 2020 + project scenarios. The proposed project is calculated to generate 1,730 average daily trips (ADT) with 78 inbound and 63 outbound trips during the AM peak hour, and 81 inbound and 75 outbound trips during the PM peak hour.

The analysis showed that with the addition of cumulative project traffic, all intersections are calculated to operate at an acceptable LOS D or better with the exception of one movement at the Mission Avenue/Clementine Street intersection, where the minor street left/through movements are calculated to operate at LOS F during the PM Peak hour. All other movements at that intersection are calculated to continue to operate at LOS A. All roadway segments were calculated to operate at LOS C or better. The installation of a traffic signal at Mission Avenue and Clementine Street will mitigate the intersection impact to an acceptable

level of service. The analysis also concluded that the project is required to contribute a fair share to the future Traffic Impact Fee for the signalization of the Mission Avenue/Cleveland Street intersection.

In addition, it is recommended that the project upgrade the Mission Avenue/Horne Street intersection to eliminate the north/south split phasing and implement a full eight-second phase signal. This will require the project to widen the south leg of Horne Street to 50-feet of pavement curb-to-curb.

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

COMMISSION OR COMMITTEE REPORT

The Redevelopment Design Review Committee (RDRC) conducted reviews of the project at its June 25, 2004, and July 9, 2004, meetings and recommends approval of the project.

The Redevelopment Advisory Committee (RAC) will review the staff report at its February 23, 2005, meeting. The Committee's recommendations will be presented to the Commission at its public hearing on the same day.

FISCAL IMPACT

The proposed project will add approximately \$700,000 of annual property tax increment to the Redevelopment project area.

CITY ATTORNEY'S ANALYSIS

The Community Development Commission is required to hold a public hearing on the proposed amendment to Article 12 of the City's Zoning Ordinance. Consideration of the amendment should be based on the evidence presented at the public hearing. The proposed ordinance amendment has been reviewed by the City Attorney and approved as to form.

Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. The resolution has been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the Community Development Commission introduce and subsequently adopt the ordinance as attached, and adopt the attached resolution approving the project.

PREPARED BY:



Rita Baker
Senior Planner

SUBMITTED BY:



Steven R. Jepsen
Executive Director

RB/vnm

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager
Gerald S. Gilbert, Planning Director

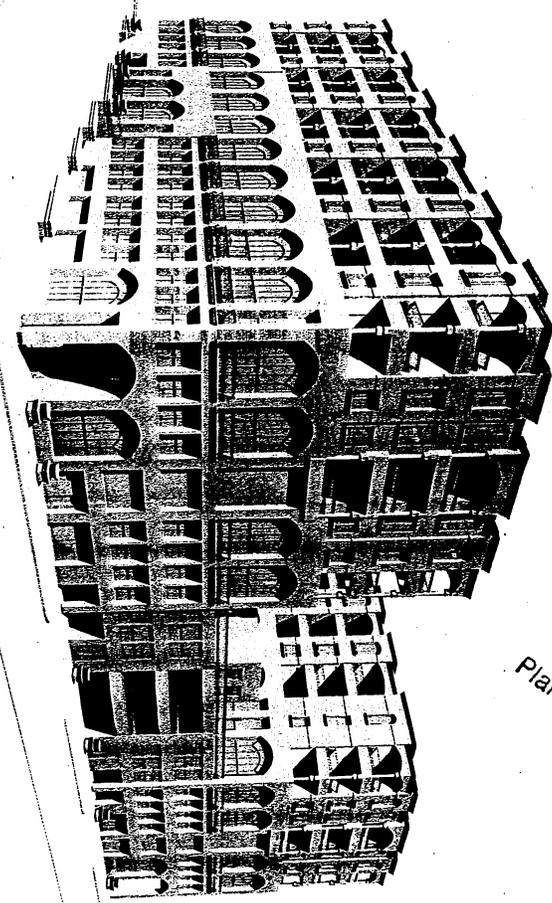


Mike Blessing

EXHIBITS/ATTACHMENTS

1. Exhibit A – “D” District Text Amendment
2. Ordinance approving “D” District Text Amendments
3. Resolution
4. Mitigated Negative Declaration
5. Project Plans and Exhibits

RECEIVED
MAY 12 2004
Planning Department



THE BELVEDERE

901 MISSION AVENUE

OCEANSIDE, CALIFORNIA

A MIXED USE PROJECT

ELECTRICAL,
MECHANICAL & ASSOCIATES
ALAN WILSON
16670 TREVENIA STREET, SUITE 208
SAN DIEGO, CALIFORNIA 92131
PHONE: (619) 578-8844
FAX: (619) 578-8845

PLUMBING,
MECHANICAL & ASSOCIATES
ALAN WILSON
16670 TREVENIA STREET, SUITE 208
SAN DIEGO, CALIFORNIA 92131
PHONE: (619) 578-8844
FAX: (619) 578-8845

MECHANICAL,
MECHANICAL & ASSOCIATES
16670 TREVENIA STREET, SUITE 208
SAN DIEGO, CALIFORNIA 92131
PHONE: (619) 578-8844
FAX: (619) 578-8845

CIVIL ENGINEER,
MARTIN LUTHER KING
AND ASSOCIATES
3940 CANTANO BLVD, SUITE 101
SAN DIEGO, CALIFORNIA 92121
PHONE: (619) 591-9411
FAX: (619) 591-9411

SOILS,
GEOCON INCORPORATED
6500 FLANDERS DRIVE
SAN DIEGO, CALIFORNIA 92121-3114
PHONE: (619) 594-6195
FAX: (619) 594-6195

PROJECT DATA:

SITE ACRES:	1.55 ACRES
LAND USE DESIGNATION:	REDEVELOPMENT
EXISTING GEN. PLAN DESIGNATION:	REDEVELOPMENT
EXISTING ZONING:	'D' DISTRICT SUBDISTRICT 2
EXISTING LAND USE:	VACANT LAND AND RESIDENTIAL
PROPOSED LAND USE:	MIXED USE-COMMERCIAL AND RESIDENTIAL
BUILDING COVERAGE:	183% / 535,462 SF
LANDSCAPE AREA:	12,938
BUILDING GROSS SQUARE FOOTAGE:	1,829,735 SF
RESTROOM/PARKING:	31,400 SF
MISSION RETAIL LEVEL:	31,348 SF
HORNE STREET LEVEL:	33,242 SF
THIRD FLOOR:	3,712 SF
FOURTH FLOOR:	4,071 SF
FIFTH FLOOR:	4,071 SF
SIXTH FLOOR:	4,071 SF
SEVENTH FLOOR:	4,071 SF
USE SQUARE FOOTAGE:	1,829,735 SF
WORKING FLOORS:	2,667 SF
RETAIL:	1,829,735 SF
COMMERCIAL:	1,235 SF
RESIDENTIAL:	1,235 SF

DESCRIPTION OF WORK:

THE BELVEDERE IS A MIXED-USE THIRD FLOOR COMMERCIAL AND RESIDENTIAL PROJECT WITH RETAIL SPACE ON THE STREET LEVEL. THE PROJECT WILL CONSIST OF 331 STALLS (331 STALLS) WORK-LIVE LOfts ON THE BLOCK BOUNDED BY CLERMONT, MISSION, SEAGATE AND HORNE IN THE DISTRICT OF THE BELVEDERE.

PLANNING CONSULTANT:

BETTY GRAY
3939 SEA RIDGE ROAD
SAN DIEGO, CALIFORNIA 92134
PHONE: (619) 433-0780
FAX: (619) 433-0684

STRUCTURAL:

MARTIN & ASSOCIATES
JOHN MARTIN
105 ANDERSON STREET
SAN ANTONIO, CALIFORNIA 78205
PHONE: (214) 483-6450
FAX: (214) 483-3684

ARCHITECTURAL CONSULTANT:

BPA ARCHITECTURE PLANNING INTERIORS
4435 EASTGATE HALL
SAN DIEGO, CALIFORNIA 92121
PHONE: (619) 453-1200

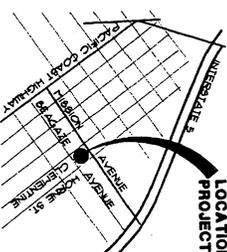
TRAFFIC:

LINCOLN LAM & GREENSPAN ENGINEERS
DOUG ALDOTT
5605 DEL MAR AVENUE, SUITE 310
SAN DIEGO, CALIFORNIA 92121
PHONE: (619) 758-7000
FAX: (619) 758-7041

SHEET SCHEDULE:

- A-1 COVER SHEET
- A-2 DEVELOPMENT SITE PLAN
- C-1 TENTATIVE SITE PLAN
- C-2 GRADING PLAN
- C-3 UTILITY PLAN
- C-4 UTILITY PLAN - STORM WATER PLAN
- C-5 AERIAL MAP OF EXISTING TOPOGRAPHY
- C-6 AERIAL MAP OF EXISTING TOPOGRAPHY
- L-1 LANDSCAPE CONCEPT PLAN (-2)
- L-2 LANDSCAPE CONCEPT PLAN (-1)
- L-3 SHEDDING STREET LEVEL (-1)
- A-3 MISSION RETAIL LEVEL (LEVEL 0)
- A-4 HORNE STREET LEVEL (1)
- A-5 LEFT FLOOR PLAN (LEVEL 1)
- A-6 FOURTH FLOOR PLAN (LEVEL 3)
- A-7 TYPICAL CONDOTTINUT UNIT PLAN
- A-8 ROOF PLAN
- A-9 EAST EXTERIOR ELEVATION
- A-10 SOUTH EXTERIOR ELEVATION
- A-11 WEST EXTERIOR ELEVATION
- A-12 BUILDING SECTION B
- A-13 BUILDING SECTION C

LOCATION MAP:



APN:

14790-45A, 109
PROJECT ADDRESS:
361 MISSION AVENUE
OCEANSIDE, CA 92054

APPLICATIONS REQUIRED:

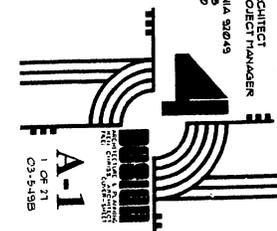
DEVELOPMENT PLAN
CONDITIONAL USE PERMIT
VARIATION

OWNER:

PACIFIC CREDIT INVESTMENTS, LLC.
14790-45A, 109
MISSION AVENUE
OCEANSIDE, CALIFORNIA 92054
PHONE: (619) 758-5100
FAX: (619) 758-5000

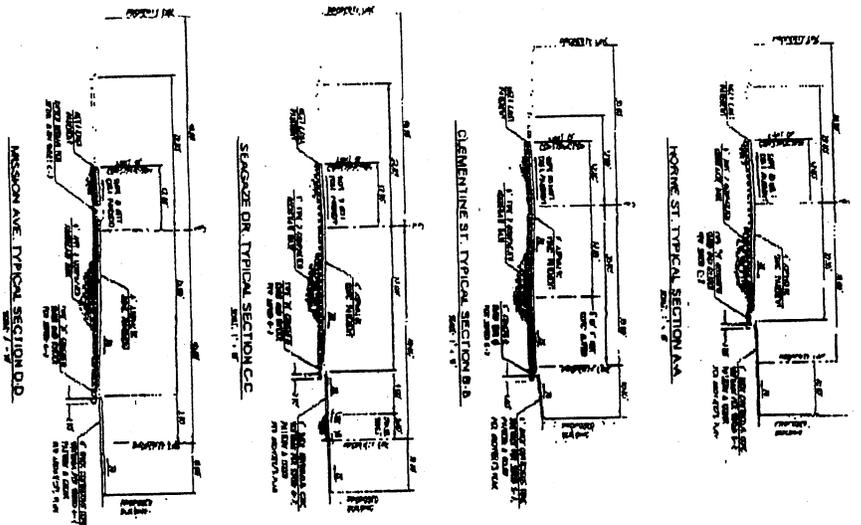
ARCHITECT:

KENNETH L. CHIRBA, ARCHITECT
THROUGH BUNQUANT PROJECT MANAGER
OCEANSIDE, CALIFORNIA 92045
PHONE: (760) 433-1155
FAX: (760) 433-2880

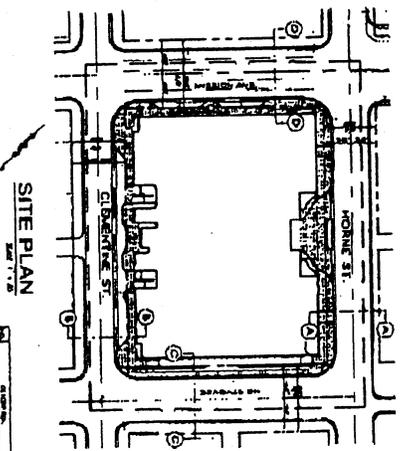
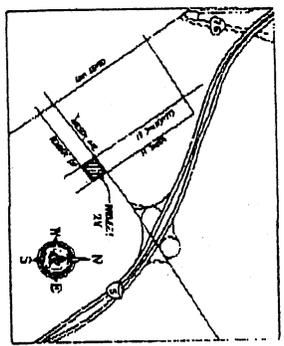


BASIS OF BEARING TITLE REPORT
 Prepared and issued by the City of San Francisco
 on the basis of the bearing and distance of the
 lines of the proposed project as shown on the
 plan and as shown on the map of the project
 filed in the office of the City Engineer
 on the 15th day of March, 1911.

NOTE TO CITY ON FLOODPLAIN
 The proposed project is located on the floodplain
 of the San Francisco Bay. The project is
 designed to be built on a raised embankment
 of 10 feet above the high water mark of the
 bay. The project is designed to be built on
 a raised embankment of 10 feet above the
 high water mark of the bay. The project is
 designed to be built on a raised embankment
 of 10 feet above the high water mark of the
 bay.



TENTATIVE MAP
DEVELOPMENT PLAN & CONDITIONAL USE PERMIT
 FOR
THE BELVEDERE MIXED USE PROJECT
 521 MISSION AVENUE
 OCEANVIEW CALIFORNIA



THE CITY OF SAN FRANCISCO, COUNTY OF SAN FRANCISCO, CALIFORNIA, HAS REVIEWED THE TENTATIVE MAP AND DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE BELVEDERE MIXED USE PROJECT, AND HAS DETERMINED THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCE.

LEGEND

DESCRIPTION	SYMBOL/ABBREVIATION
PROPOSED BUILDING	(Symbol)
EXISTING BUILDING	(Symbol)
PROPOSED DRIVEWAY	(Symbol)
EXISTING DRIVEWAY	(Symbol)
PROPOSED PARKING	(Symbol)
EXISTING PARKING	(Symbol)
PROPOSED SIDEWALK	(Symbol)
EXISTING SIDEWALK	(Symbol)
PROPOSED CURB	(Symbol)
EXISTING CURB	(Symbol)
PROPOSED STREET	(Symbol)
EXISTING STREET	(Symbol)
PROPOSED ALLEY	(Symbol)
EXISTING ALLEY	(Symbol)
PROPOSED FENCE	(Symbol)
EXISTING FENCE	(Symbol)
PROPOSED UTILITY	(Symbol)
EXISTING UTILITY	(Symbol)
PROPOSED EASEMENT	(Symbol)
EXISTING EASEMENT	(Symbol)
PROPOSED ENCROACHMENT	(Symbol)
EXISTING ENCROACHMENT	(Symbol)
PROPOSED SETBACK	(Symbol)
EXISTING SETBACK	(Symbol)
PROPOSED CORNER	(Symbol)
EXISTING CORNER	(Symbol)
PROPOSED CURVE	(Symbol)
EXISTING CURVE	(Symbol)
PROPOSED INTERSECTION	(Symbol)
EXISTING INTERSECTION	(Symbol)
PROPOSED TRAIL	(Symbol)
EXISTING TRAIL	(Symbol)
PROPOSED RAILROAD	(Symbol)
EXISTING RAILROAD	(Symbol)
PROPOSED CANAL	(Symbol)
EXISTING CANAL	(Symbol)
PROPOSED DITCH	(Symbol)
EXISTING DITCH	(Symbol)
PROPOSED TOWER	(Symbol)
EXISTING TOWER	(Symbol)
PROPOSED MONUMENT	(Symbol)
EXISTING MONUMENT	(Symbol)
PROPOSED BOUNDARY	(Symbol)
EXISTING BOUNDARY	(Symbol)
PROPOSED ADJACENT PROPERTY	(Symbol)
EXISTING ADJACENT PROPERTY	(Symbol)
PROPOSED PUBLIC PROPERTY	(Symbol)
EXISTING PUBLIC PROPERTY	(Symbol)
PROPOSED PRIVATE PROPERTY	(Symbol)
EXISTING PRIVATE PROPERTY	(Symbol)
PROPOSED UNDEVELOPED LAND	(Symbol)
EXISTING UNDEVELOPED LAND	(Symbol)
PROPOSED WATER	(Symbol)
EXISTING WATER	(Symbol)
PROPOSED WETLAND	(Symbol)
EXISTING WETLAND	(Symbol)
PROPOSED OPEN SPACE	(Symbol)
EXISTING OPEN SPACE	(Symbol)
PROPOSED ROAD	(Symbol)
EXISTING ROAD	(Symbol)
PROPOSED HIGHWAY	(Symbol)
EXISTING HIGHWAY	(Symbol)
PROPOSED AIRWAY	(Symbol)
EXISTING AIRWAY	(Symbol)
PROPOSED AIRPORT	(Symbol)
EXISTING AIRPORT	(Symbol)
PROPOSED AIRFIELD	(Symbol)
EXISTING AIRFIELD	(Symbol)
PROPOSED AIRWAY	(Symbol)
EXISTING AIRWAY	(Symbol)
PROPOSED AIRPORT	(Symbol)
EXISTING AIRPORT	(Symbol)
PROPOSED AIRFIELD	(Symbol)
EXISTING AIRFIELD	(Symbol)

GENERAL NOTES

1. THE CITY ENGINEER HAS REVIEWED THE TENTATIVE MAP AND DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE BELVEDERE MIXED USE PROJECT, AND HAS DETERMINED THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCE.

2. THE CITY ENGINEER HAS REVIEWED THE TENTATIVE MAP AND DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE BELVEDERE MIXED USE PROJECT, AND HAS DETERMINED THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCE.

3. THE CITY ENGINEER HAS REVIEWED THE TENTATIVE MAP AND DEVELOPMENT PLAN AND CONDITIONAL USE PERMIT FOR THE BELVEDERE MIXED USE PROJECT, AND HAS DETERMINED THAT THE SAME COMPLY WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE ZONING ORDINANCE.

OWNERS CERTIFICATE

I, the undersigned, being the owner of the property described in the foregoing map and plan, do hereby certify that the same are true and correct, and that the same comply with the requirements of the Subdivision Map Act and the Zoning Ordinance.

Signature: _____
 Name: _____
 Address: _____

SURVEYORS CERTIFICATE

I, the undersigned, being a duly licensed surveyor, do hereby certify that the foregoing map and plan were prepared by me or under my direct supervision, and that the same are true and correct, and that the same comply with the requirements of the Subdivision Map Act and the Zoning Ordinance.

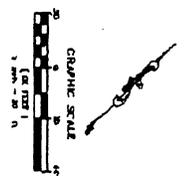
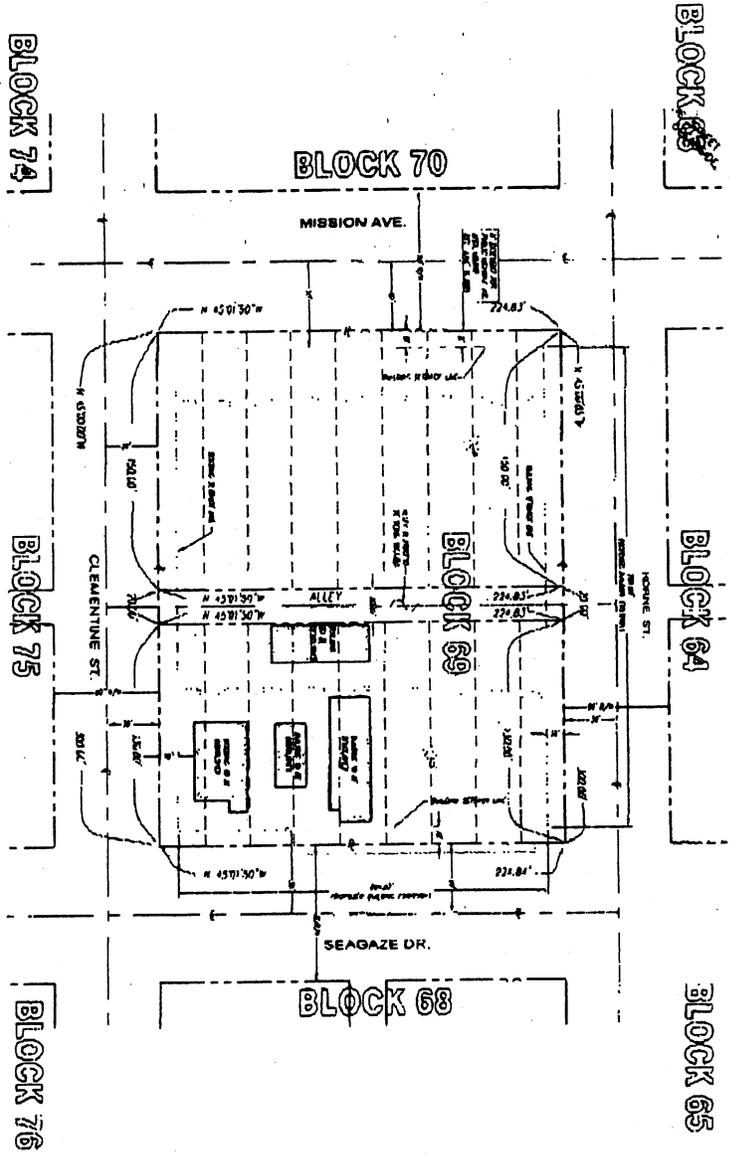
Signature: _____
 Name: _____
 Address: _____

MARTIN & ZIEMNIAK
 CIVIL ENGINEERS
 1000 MARKET STREET
 SAN FRANCISCO, CALIFORNIA
 PHONE 442-1100

NO. 101
 DATE: 11/15/2007
 SHEET: 1 OF 1
 PROJECT: BELVEDERE MIXED USE PROJECT
 TITLE: SHEET 1

TENTATIVE MAP
 DEVELOPMENT PLAN & CONDITIONAL USE PERMIT
 FOR
 THE BELVEDERE MIXED USE PROJECT

871 MISSION AVENUE
 OCEANSIDE, CALIFORNIA



NO.	DESCRIPTION	DATE	BY

MARTIN & ZIEMNIAK
 CIVIL ENGINEERS
 1000 W. GARDEN ST.
 OCEANSIDE, CALIF. 92054
 PHONE (619) 431-4400
 FAX (619) 431-4401

C-2

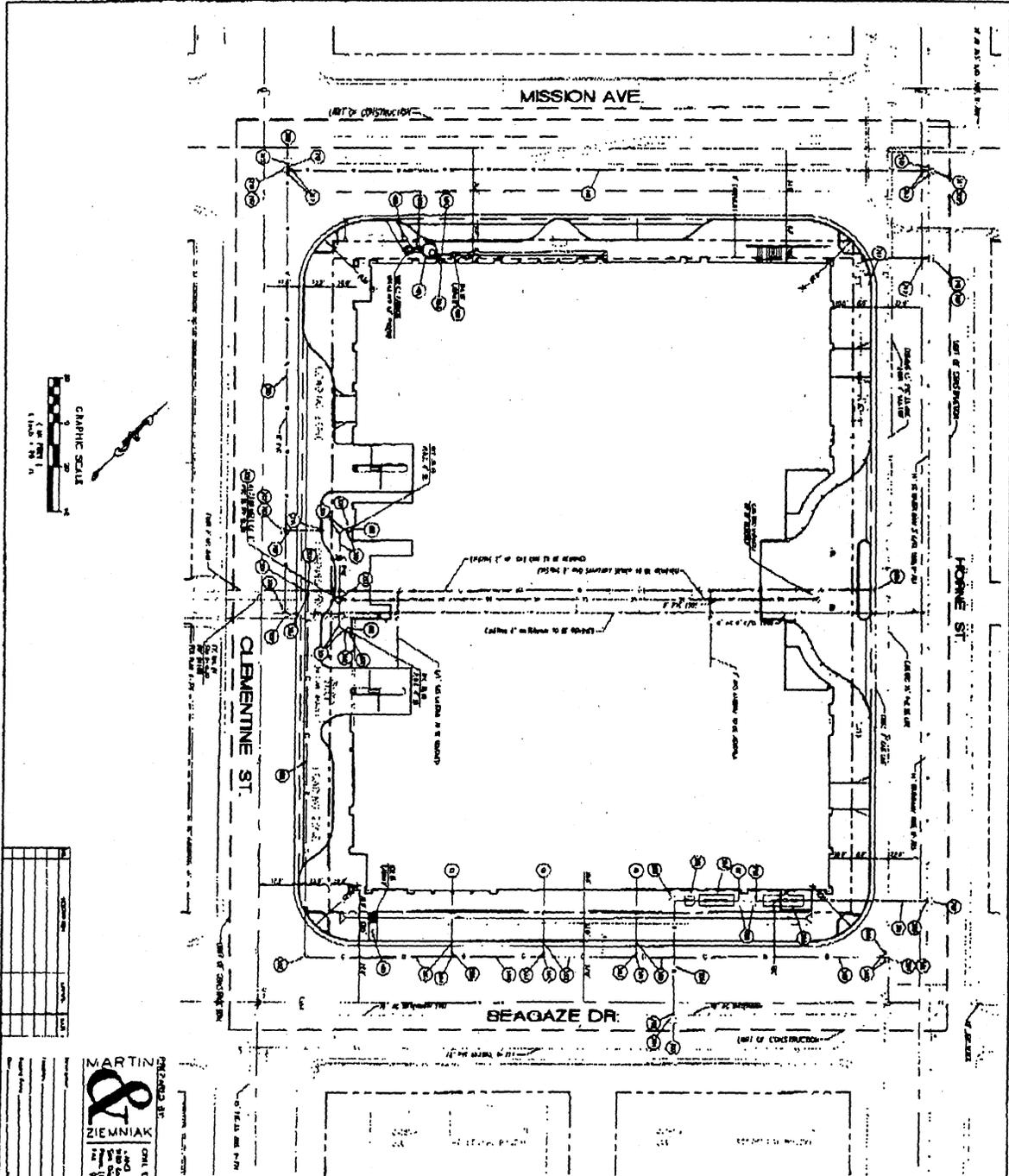
DATE OF RECORDATION: _____

PROJECT: BELVEDERE MIXED USE PROJECT TENTATIVE MAP

APPLICANT: _____

DATE: _____

SCALE: _____



NO.	DESCRIPTION	DATE
1	PRELIMINARY	05/11/2004
2	REVISED	05/11/2004
3	REVISED	05/11/2004
4	REVISED	05/11/2004
5	REVISED	05/11/2004
6	REVISED	05/11/2004
7	REVISED	05/11/2004
8	REVISED	05/11/2004
9	REVISED	05/11/2004
10	REVISED	05/11/2004

MARTIN & NIEMNIAK
 CIVIL ENGINEERS
 1400 S. STATE ST.
 ANN ARBOR, MI 48106
 TEL: 734.763.1234
 FAX: 734.763.1235
 WWW: WWW.MANNI.COM

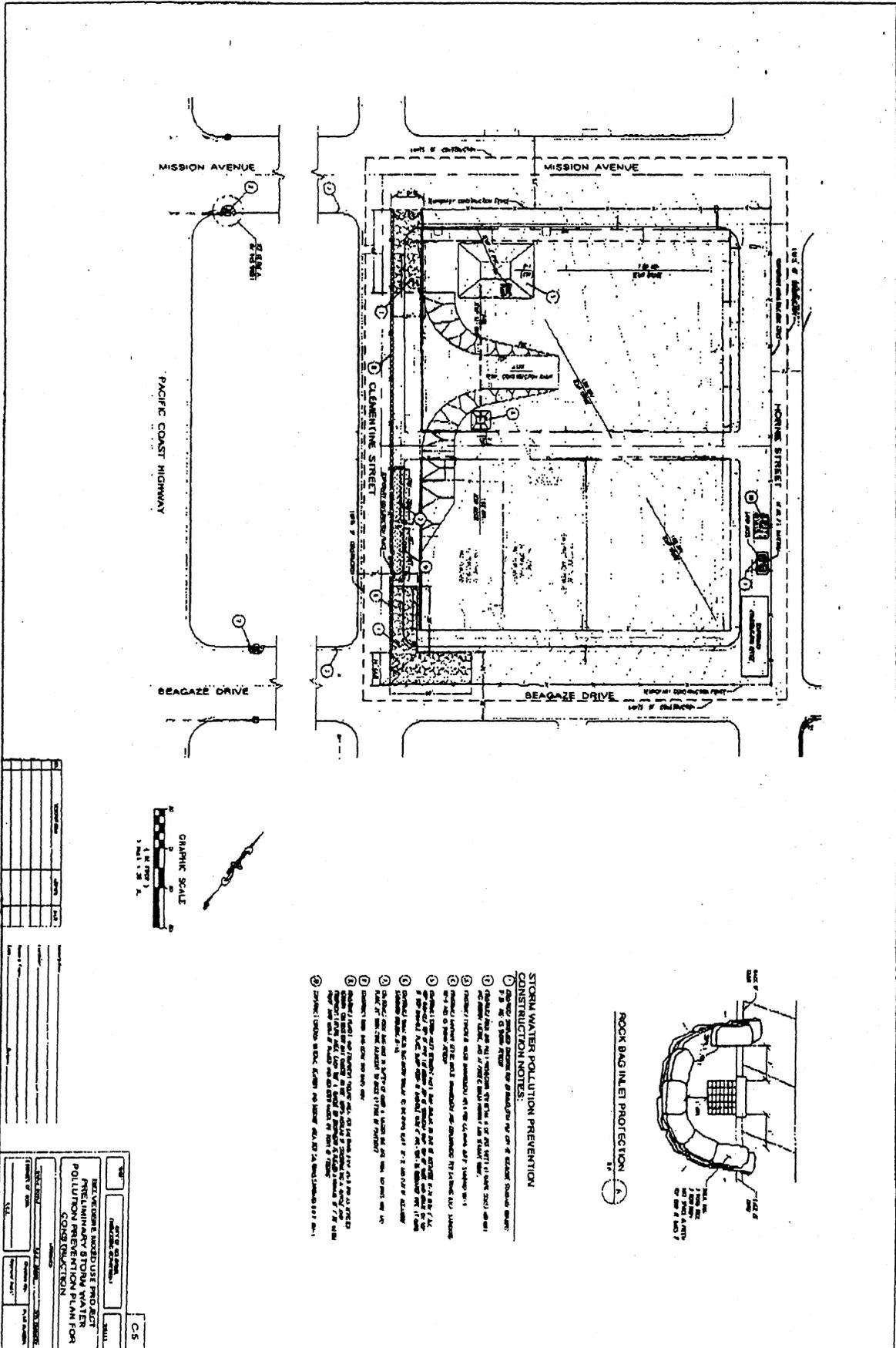
- WATER LINE CONSTRUCTION NOTES**
1. WATER MAINS SHALL BE 12" DIA. DUCTILE IRON PIPE WITH 12" DIA. WROUGHT IRON FITTINGS.
 2. WATER MAINS SHALL BE INSTALLED AT A DEPTH OF 4'-0" BELOW FINISHED GRADE.
 3. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 4. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 5. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 6. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 7. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 8. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 9. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 10. WATER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
- SEWER LINE CONSTRUCTION NOTES**
1. SEWER MAINS SHALL BE 12" DIA. VITRIFIED CLAY PIPE WITH 12" DIA. WROUGHT IRON FITTINGS.
 2. SEWER MAINS SHALL BE INSTALLED AT A DEPTH OF 4'-0" BELOW FINISHED GRADE.
 3. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 4. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 5. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 6. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 7. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 8. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 9. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 10. SEWER MAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
- STORM DRAIN CONSTRUCTION NOTES**
1. STORM DRAINS SHALL BE 18" DIA. CONCRETE PIPE WITH 18" DIA. WROUGHT IRON FITTINGS.
 2. STORM DRAINS SHALL BE INSTALLED AT A DEPTH OF 4'-0" BELOW FINISHED GRADE.
 3. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 4. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 5. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 6. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 7. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 8. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 9. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
 10. STORM DRAINS SHALL BE INSTALLED IN A TRENCH 24" WIDE AND 12" DEEP.
- QUALITY CONTROL CONSTRUCTION NOTES**
1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.
 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.
 4. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.
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 9. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.
 10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF ANN ARBOR SPECIFICATIONS.

REVISIONS

NO.	DESCRIPTION	DATE
1	PRELIMINARY	05/11/2004
2	REVISED	05/11/2004
3	REVISED	05/11/2004
4	REVISED	05/11/2004
5	REVISED	05/11/2004
6	REVISED	05/11/2004
7	REVISED	05/11/2004
8	REVISED	05/11/2004
9	REVISED	05/11/2004
10	REVISED	05/11/2004

PROJECT INFORMATION

PROJECT: SEWERAGE LAYOUT AND PROJECT UTILITY PLAN
 CLIENT: [REDACTED]
 DATE: 05/11/2004
 DRAWN BY: [REDACTED]
 CHECKED BY: [REDACTED]
 SCALE: AS SHOWN



ROCK BAG INLET PROTECTION

STORM WATER POLLUTION PREVENTION CONSTRUCTION NOTES:

1. All storm water runoff shall be collected and conveyed to the storm water management system.
2. All storm water runoff shall be collected and conveyed to the storm water management system.
3. All storm water runoff shall be collected and conveyed to the storm water management system.
4. All storm water runoff shall be collected and conveyed to the storm water management system.
5. All storm water runoff shall be collected and conveyed to the storm water management system.
6. All storm water runoff shall be collected and conveyed to the storm water management system.
7. All storm water runoff shall be collected and conveyed to the storm water management system.
8. All storm water runoff shall be collected and conveyed to the storm water management system.
9. All storm water runoff shall be collected and conveyed to the storm water management system.
10. All storm water runoff shall be collected and conveyed to the storm water management system.

NO.	DESCRIPTION	QTY	UNIT

DATE: _____

SCALE: _____

PROJECT: _____

CLIENT: _____

DESIGNER: _____

CHECKED: _____

DATE: _____

PROJECT: _____

CLIENT: _____

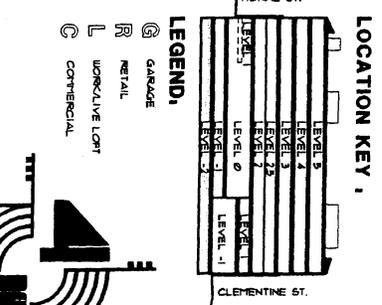
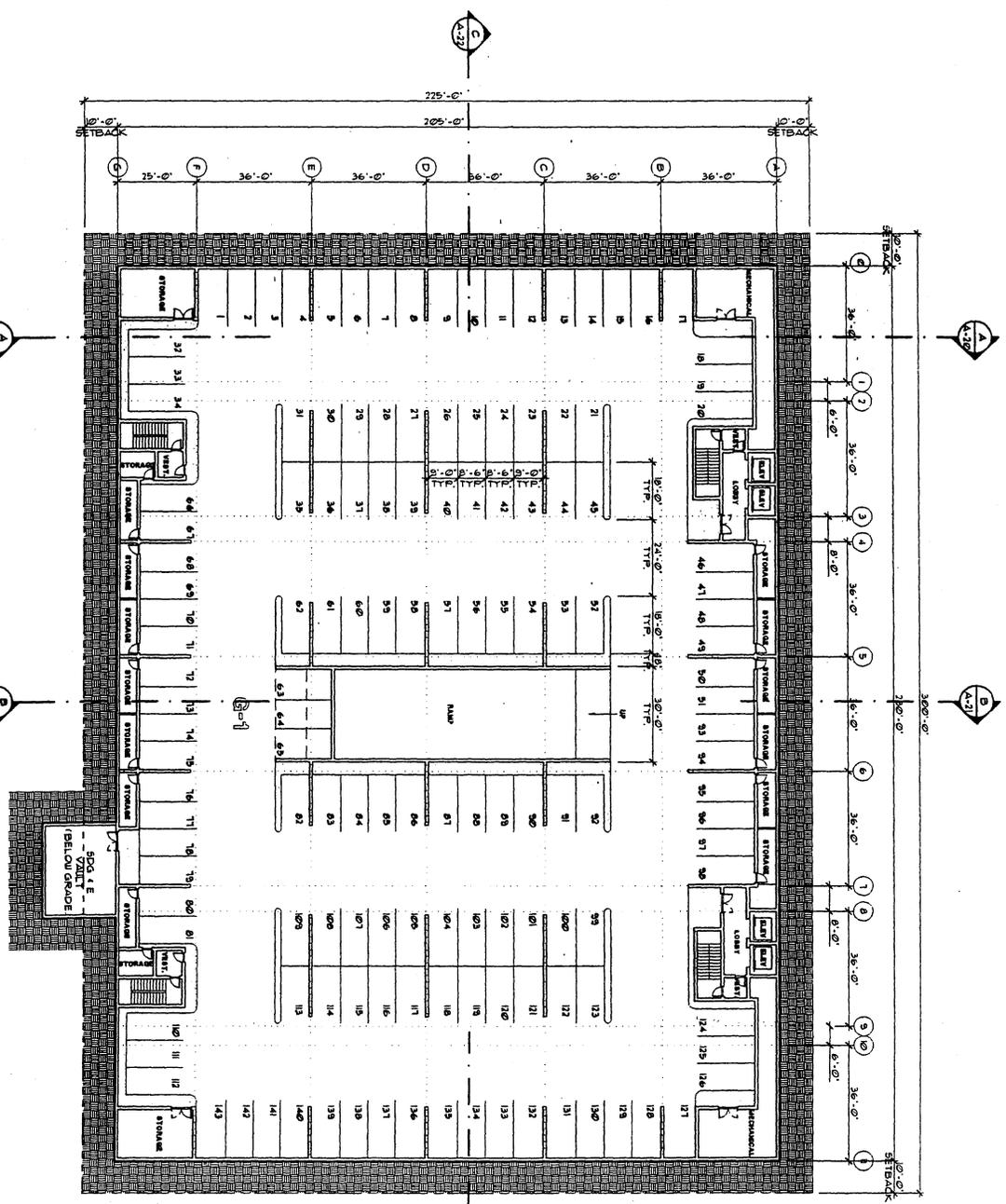
DESIGNER: _____

CHECKED: _____

DATE: _____

C-5

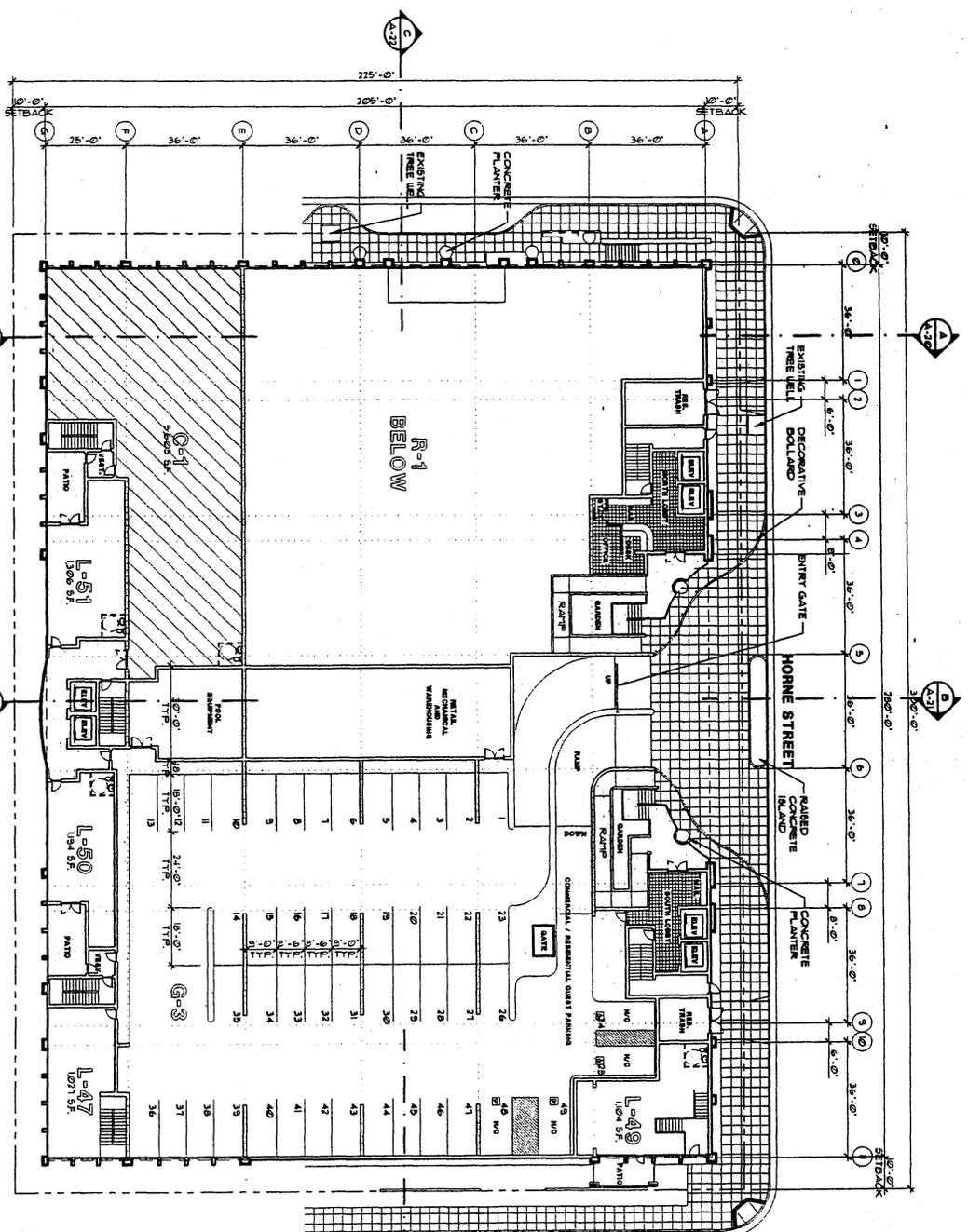
SUBTERRANEAN PARKING - LEVEL -2
 SCALE: 1/8" = 1'-0"
 143 PARKING STALLS
 1280 SQ.FT. STORAGE
 210 SQ.FT. COTTAGE/CENOS
 507464 SQ.FT. PARKING



THE BELVEDERE - 901 MISSION

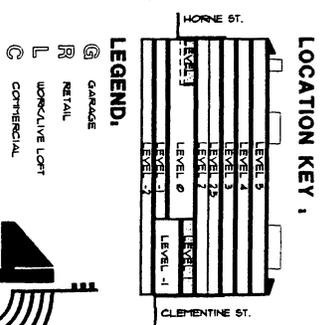


310/04



HORNE STREET - LEVEL 1

SCALE: 1/8" = 1'-0"
 49 PARKING SPACES (INCLUDES 4 HANDICAP SPACES)
 1000 SQFT. PARKING
 5600 SQFT. COMMERCIAL LEASE SPACE
 4831 SQFT. WORKLIVE LOFT

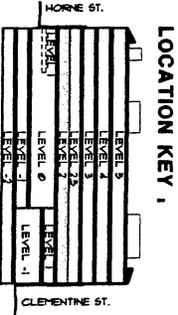
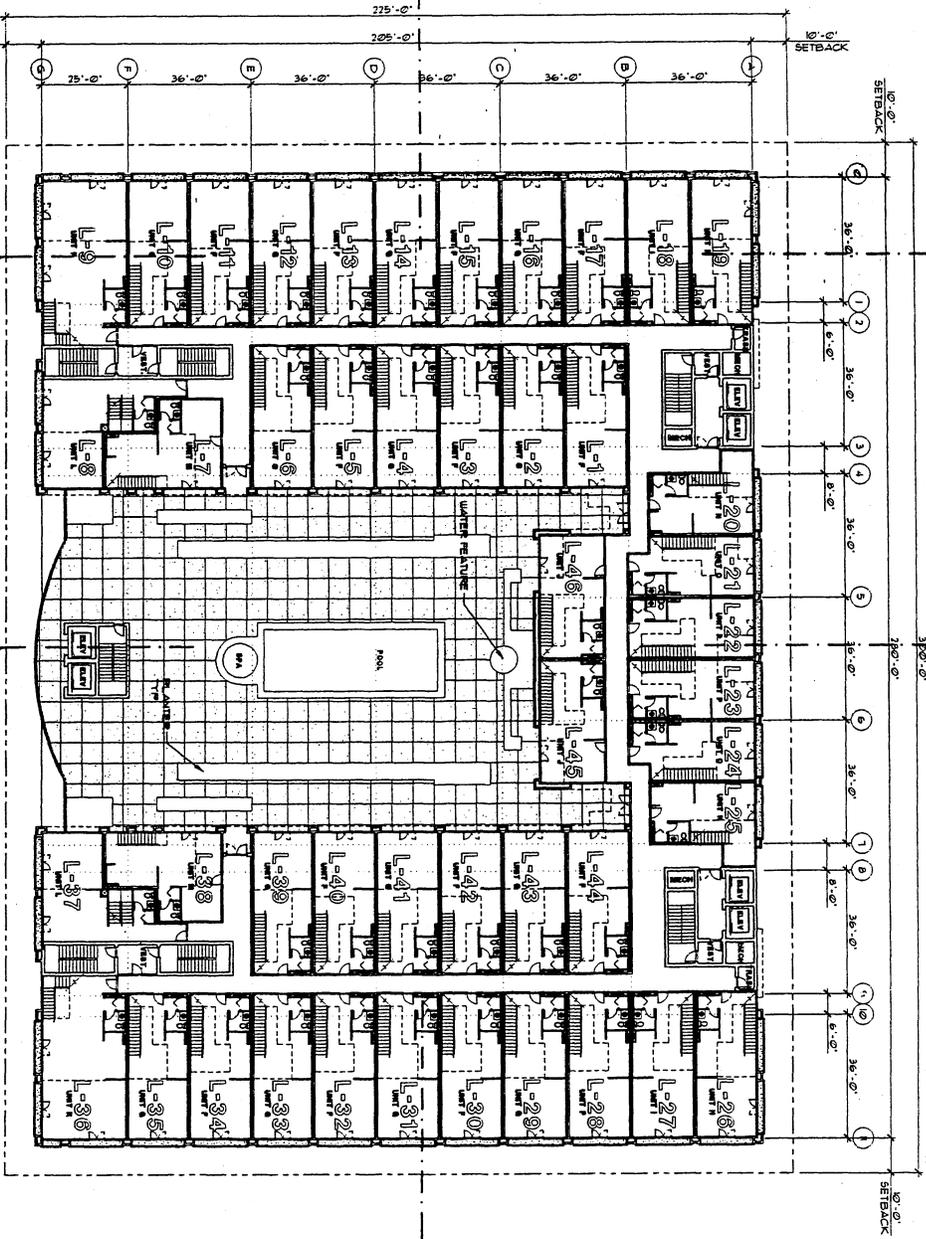


THE BELVEDERE - 901 MISSION

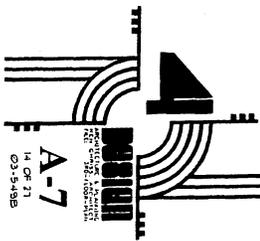
A-6
 13 OF 31
 03-5-15B

WORK/LIVE FLOOR PLAN - LEVEL 2

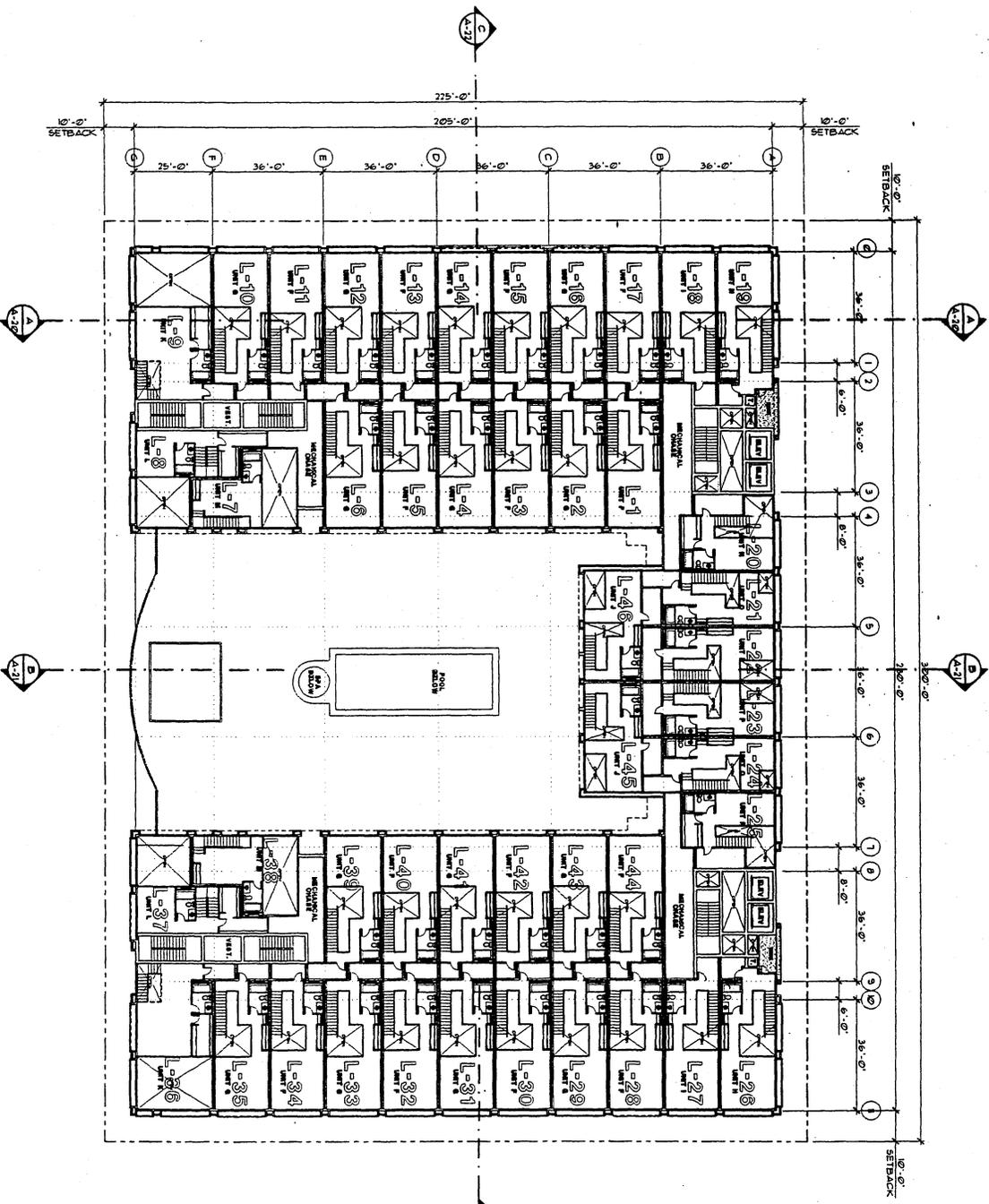
- SECTION AREA (FOOTPRINT ONLY)
- (1) TYPE A
 - (2) TYPE B
 - (3) TYPE C
 - (4) TYPE D
 - (5) TYPE E
 - (6) TYPE F
 - (7) TYPE G
 - (8) TYPE H
 - (9) TYPE I
 - (10) TYPE J
 - (11) TYPE K
 - (12) TYPE L
 - (13) TYPE M
 - (14) TYPE N
 - (15) TYPE O
 - (16) TYPE P



THE BELVEDERE - 901 MISSION



5/10/04



LOFT PLAN - LEVEL 2.5

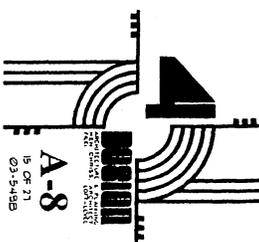
SCALE: 1/8" = 1'-0"

WORK/LIVE LOFTS (SECOND LEVEL OF THE 46 UNITS ON THE THIRD FLOOR)



LOCATION KEY

THE BELVEDERE - 901 MISSION



A-8
15 DEC 21
031545B

51004

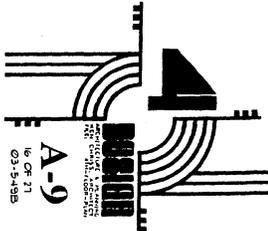
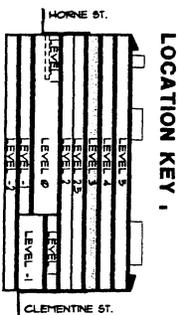
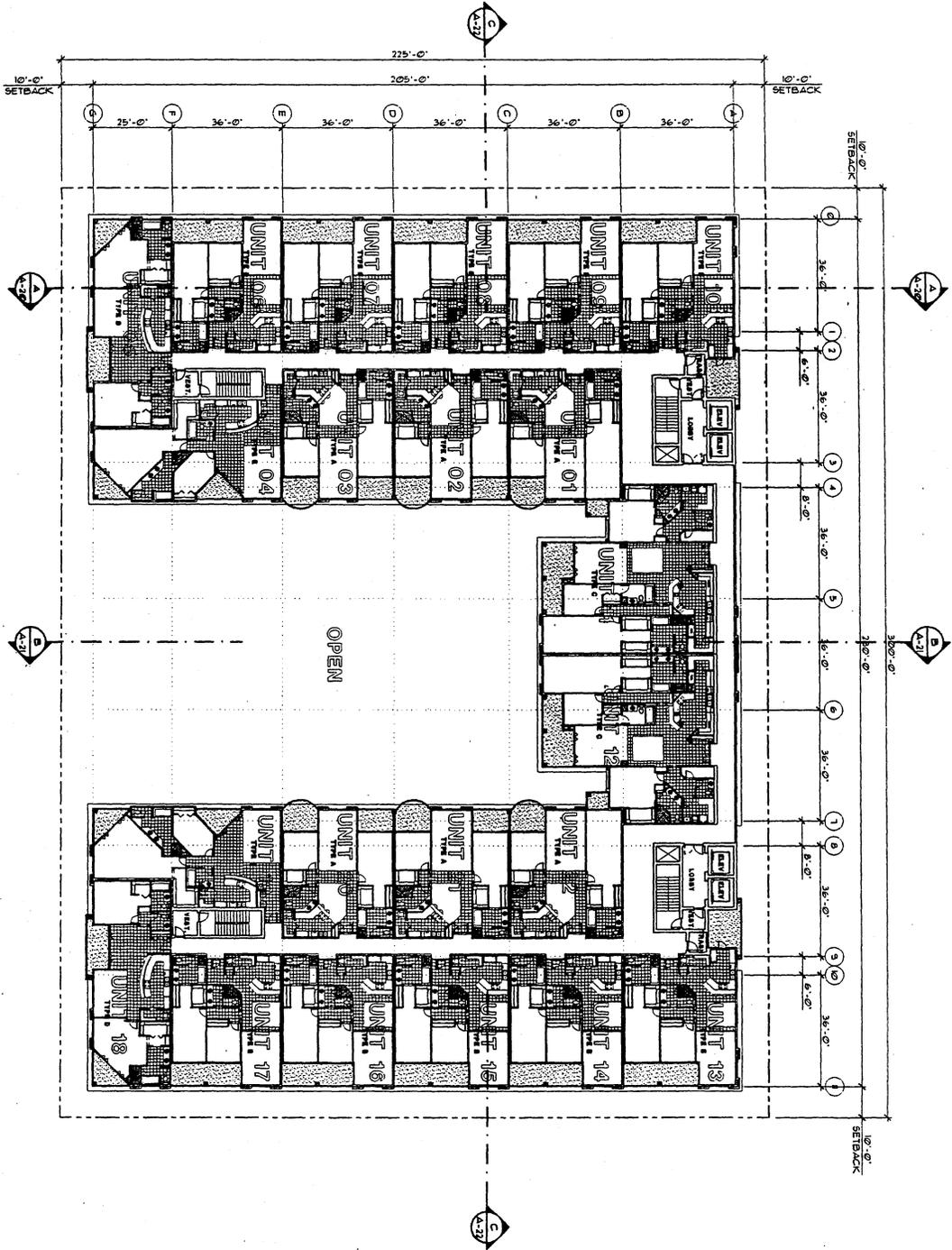
FOURTH FLOOR PLAN - LEVEL 3

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

CONDOMINIUMS (22 UNITS)

(01) TYPE A
 (02) TYPE B
 (03) TYPE C
 (04) TYPE D
 (05) TYPE E

1706 SCOTT
 1716 SCOTT
 1726 SCOTT
 1736 SCOTT
 1746 SCOTT



THE BELVEDERE - 901 MISSION

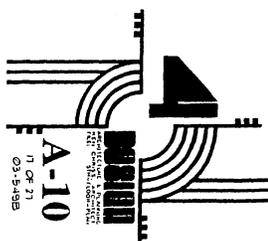
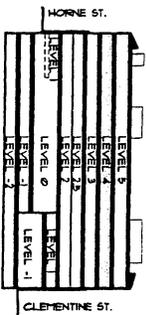
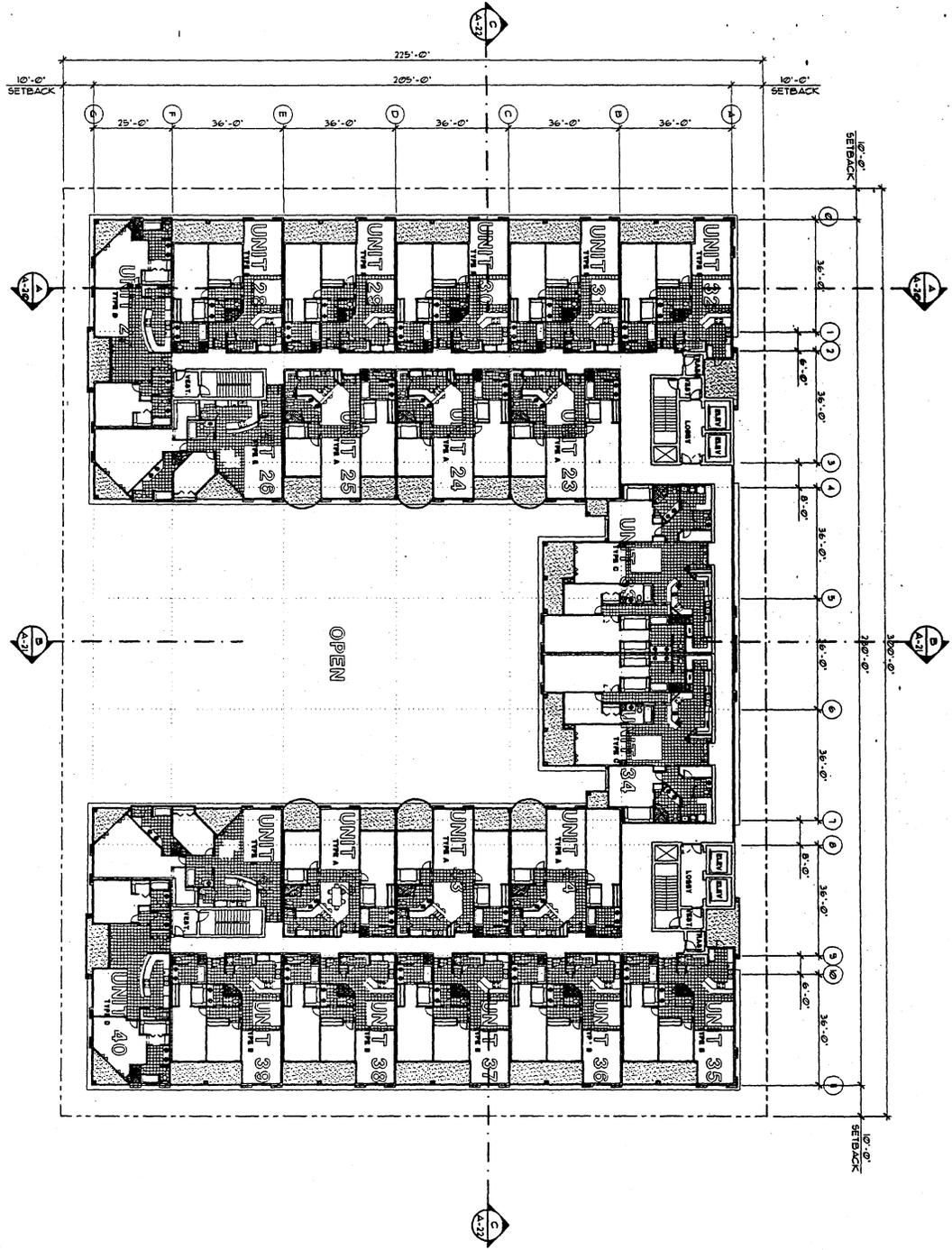
A-9
 16 OF 21
 07-1-15B

510004

FIFTH FLOOR PLAN - LEVEL 4
CONDOMINIUMS (22 UNITS)

SCALE: 1/8" = 1'-0"
 (A) TYPE A
 (B) TYPE B
 (C) TYPE C
 (D) TYPE D
 (E) TYPE E

1280 SQ. FT.
 1280 SQ. FT.
 1280 SQ. FT.
 1280 SQ. FT.
 1280 SQ. FT.



THE BELVEDERE - 901 MISSION

310014

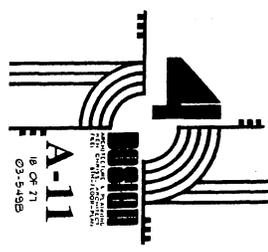
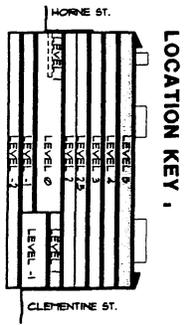
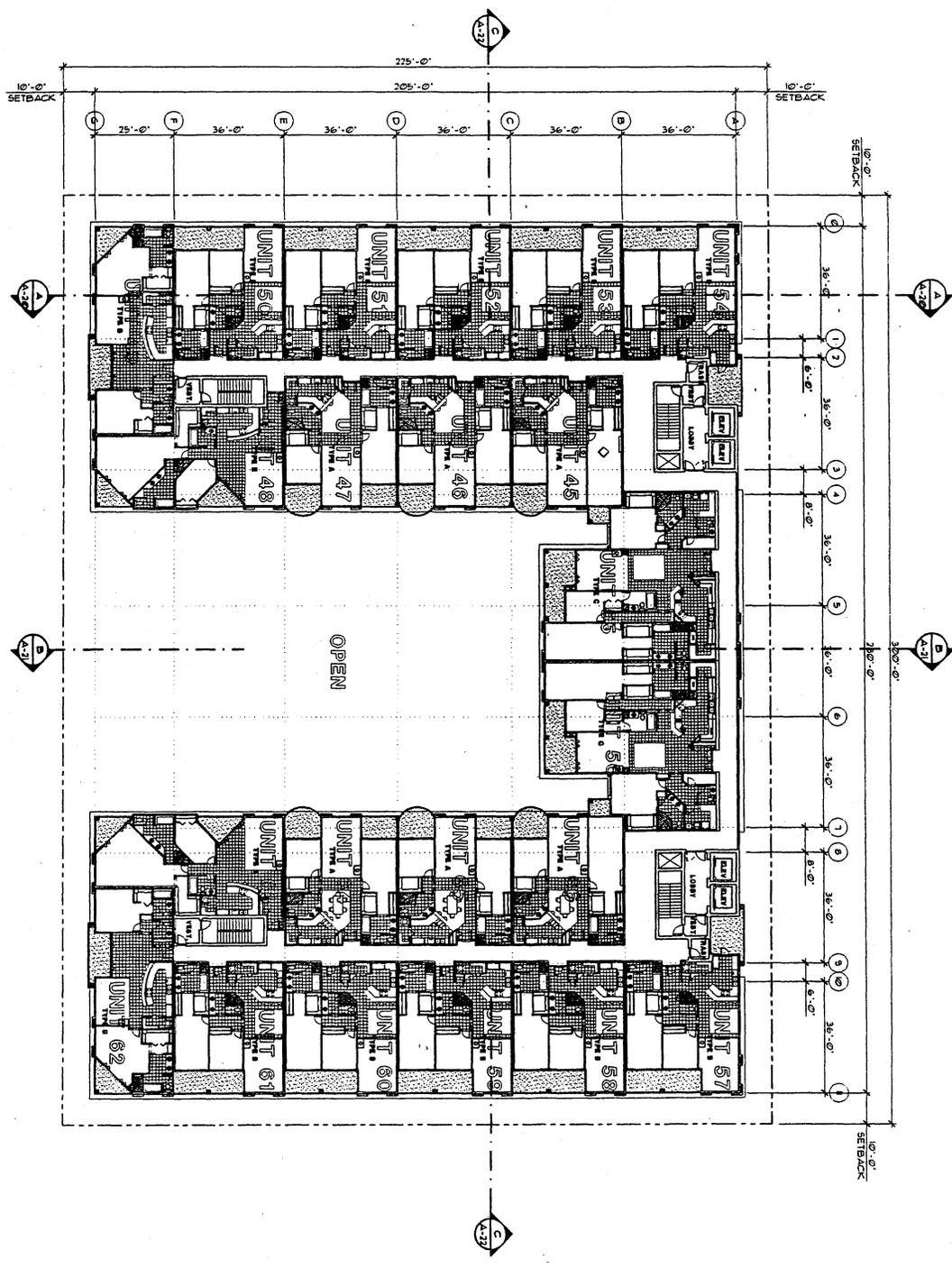
SIXTH FLOOR PLAN - LEVEL 5

CONDOMINIUMS (22 UNITS)

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

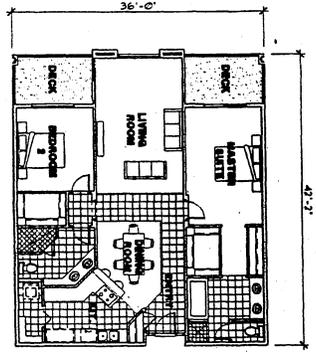
(6) TYPE A
 (6) TYPE B
 (2) TYPE C
 (2) TYPE D
 (2) TYPE E

1276 SQ.FT.
 1281 SQ.FT.
 1348 SQ.FT.
 1353 SQ.FT.

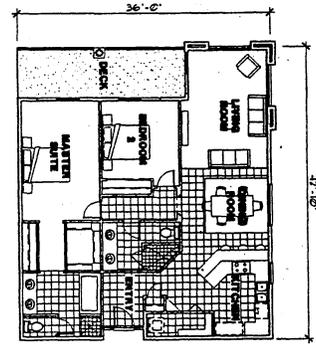


THE BELVEDERE - 901 MISSION

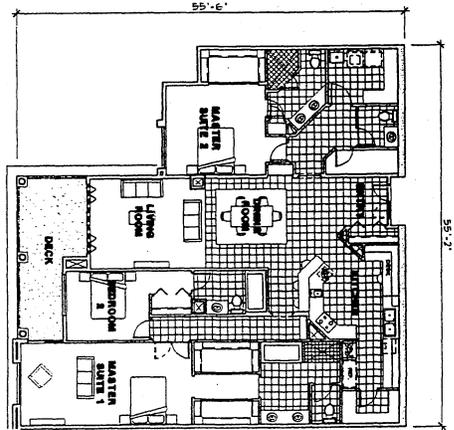
51004



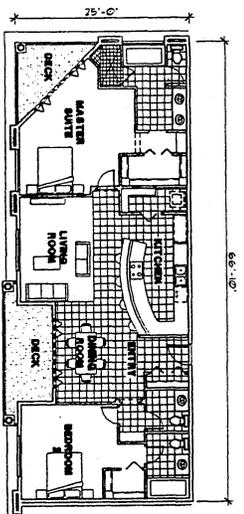
TYPE A 1270 SQ. FT.
DECK 144 SQ. FT.



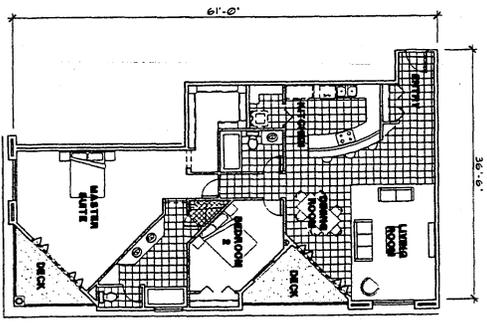
TYPE B 1201 SQ. FT.
DECK 174 SQ. FT.



TYPE C 2255 SQ. FT.
DECK 185 SQ. FT.



TYPE D 1436 SQ. FT.
DECK 164 SQ. FT.



TYPE E 1533 SQ. FT.
DECK 141 SQ. FT.

UNIT TYPE TOTAL.

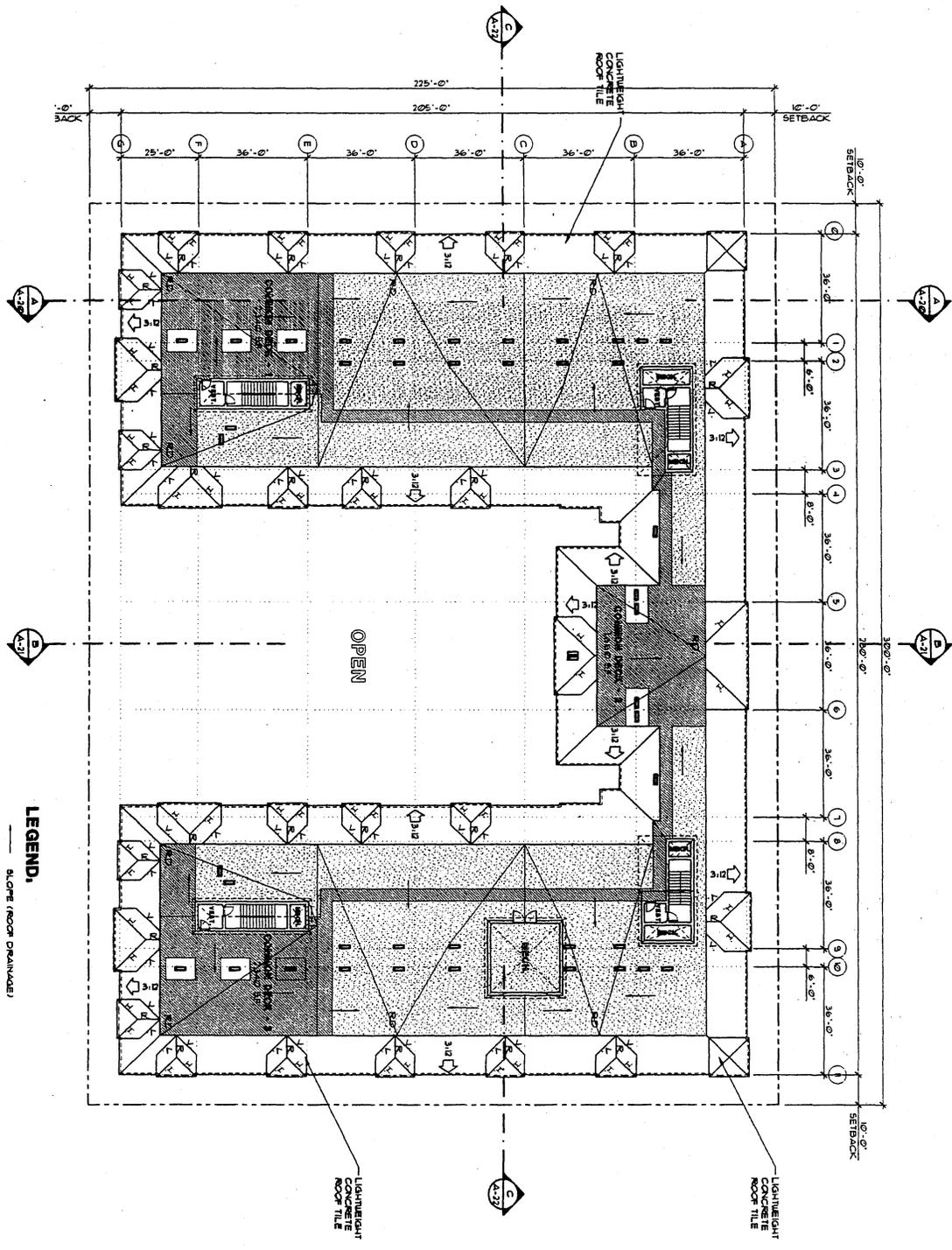
UNIT A,	FOURTH FLOOR	4
	FIFTH FLOOR	6
	SIXTH FLOOR	6
	TOTAL	16
UNIT B,	FOURTH FLOOR	10
	FIFTH FLOOR	10
	SIXTH FLOOR	10
	TOTAL	30
UNIT C,	FOURTH FLOOR	1
	FIFTH FLOOR	1
	SIXTH FLOOR	1
	TOTAL	3
UNIT D,	FOURTH FLOOR	1
	FIFTH FLOOR	1
	SIXTH FLOOR	1
	TOTAL	3
UNIT E,	FOURTH FLOOR	2
	FIFTH FLOOR	2
	SIXTH FLOOR	2
	TOTAL	6

TYPICAL CONDOMINIUM UNIT FLOOR PLANS

SCALE 1/8" = 1'-0"

ROOF PLAN

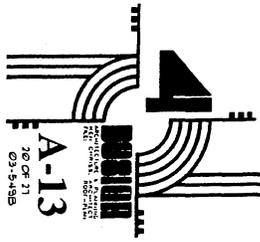
SCALE 1/8" = 1'-0"



LEGEND,

- SLOPE (ROOF DRAINAGE)
- ▨ ROOF DECKING
- ▩ BALL-UP ROOFING
- ▧ 4" DIA ROOF DRAIN
- ROOF RAKE
- ▬ ROOF MALET
- ▭ 4" DIA ROOF DRAIN
- ▮ ROOF MALET

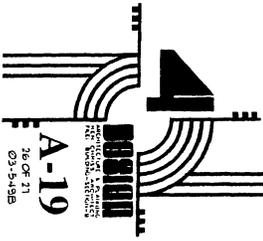
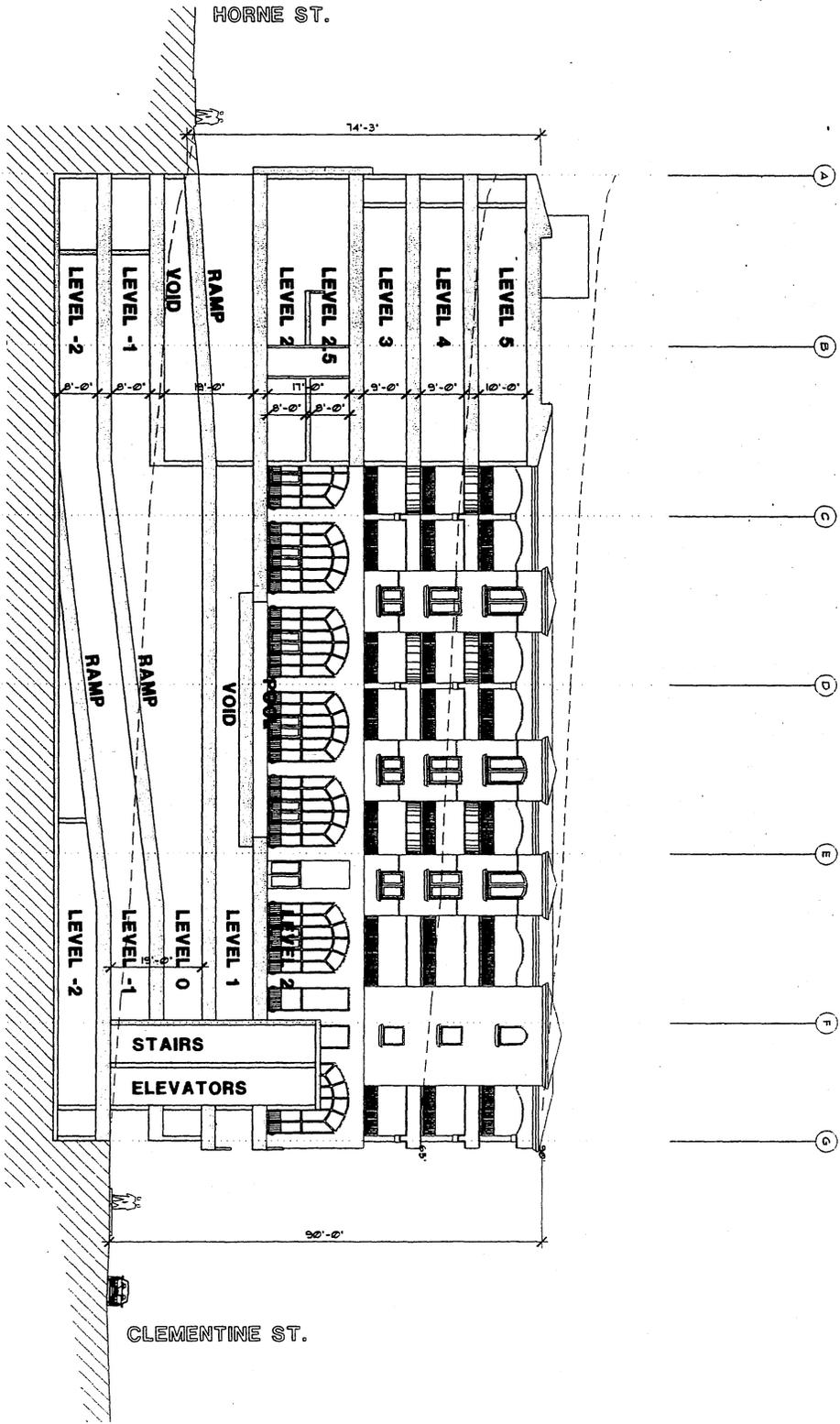
THE BELVEDERE - 901 MISSION

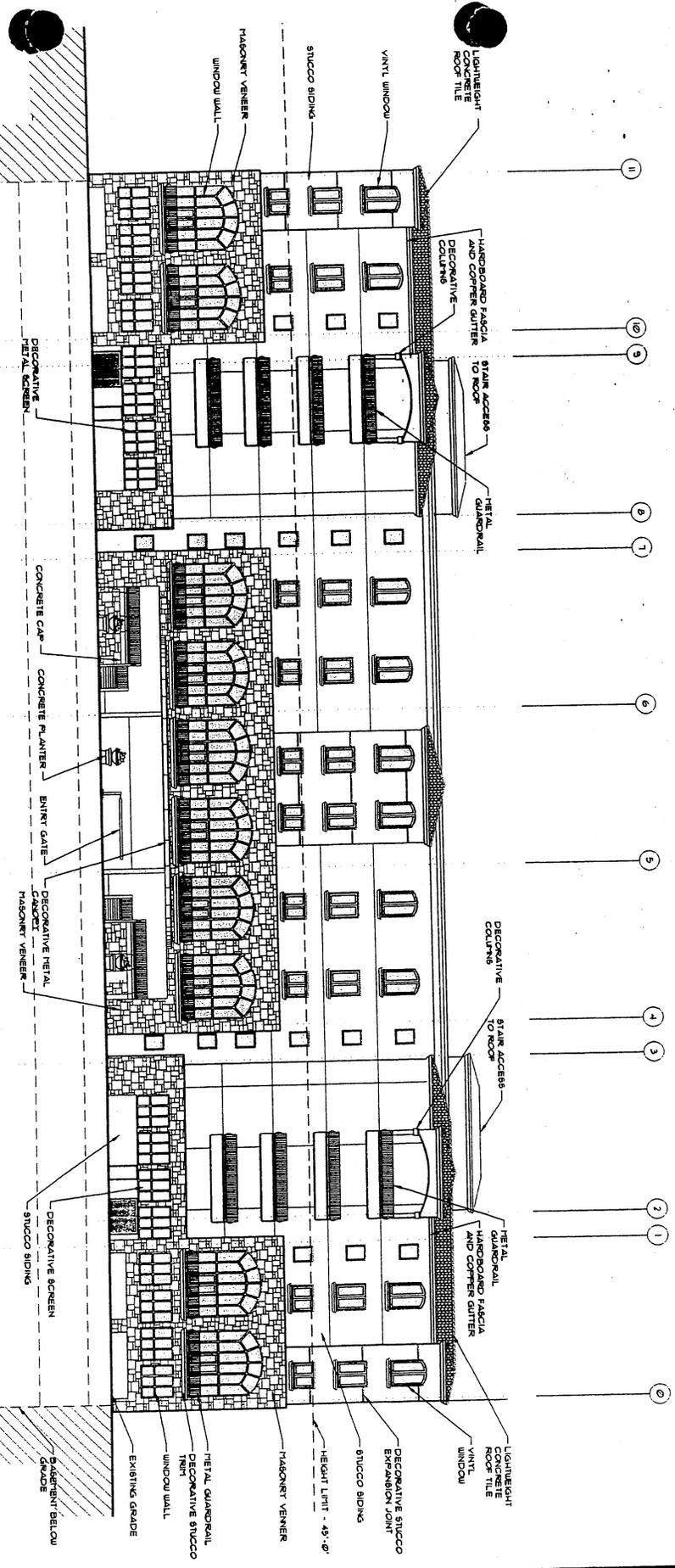


A-13
26 OF 31
03-5-1953

310004

BUILDING SECTION - B
 SCALE: 1/8" = 1'-0"
 FIVE FLOORS OVER TWO LEVELS OF BASEMENT





EAST ELEVATION

SCALE: 1/32" = 1'-0"

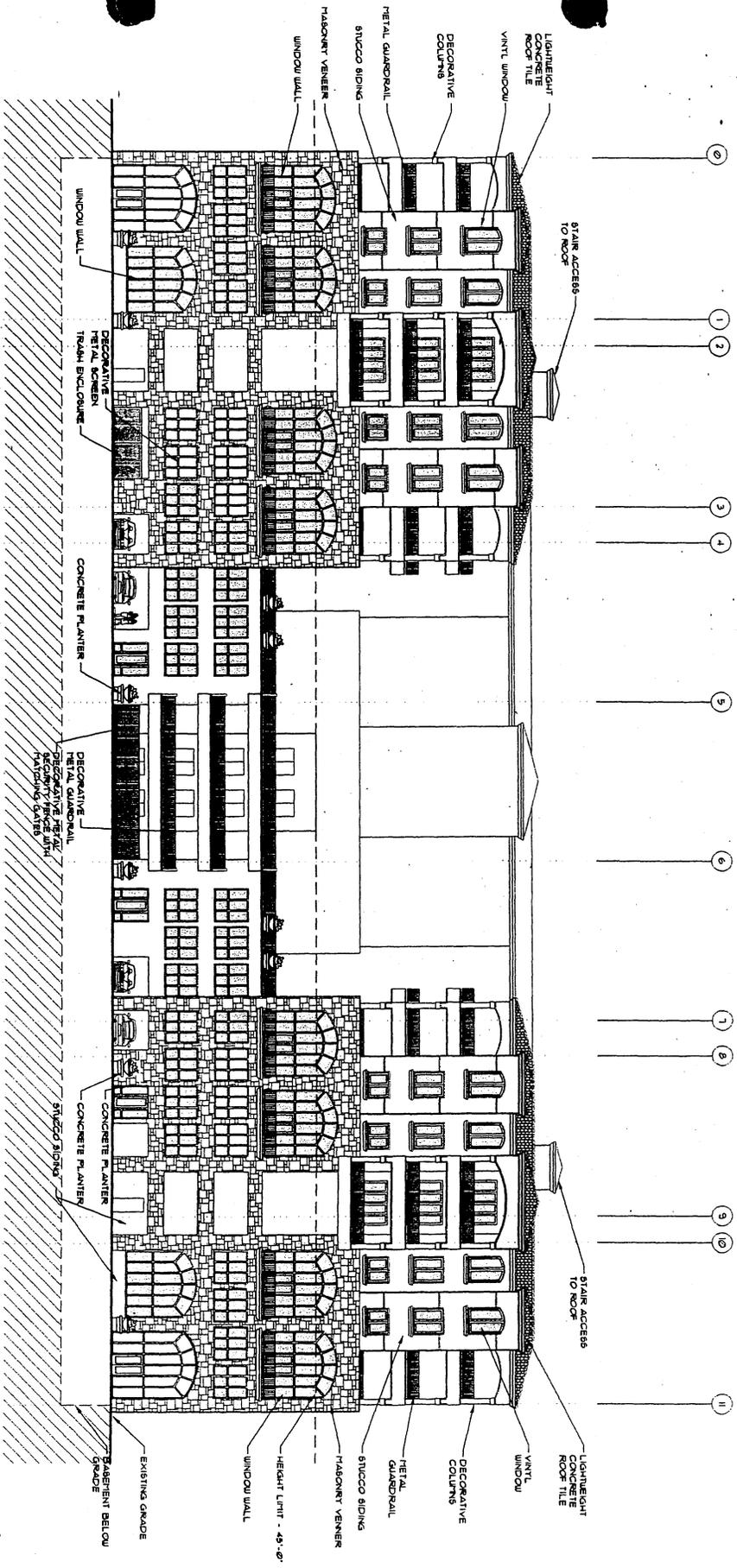
FIVE FLOORS OVER TWO LEVELS OF BASEMENT

THE BELVEDERE - 901 MISSION

PERKINS+WILL
ARCHITECTS

A-15
27 OF 31
03-5-1985

31004



WEST ELEVATION

FIVE FLOORS OVER TWO LEVELS OF BASEMENT

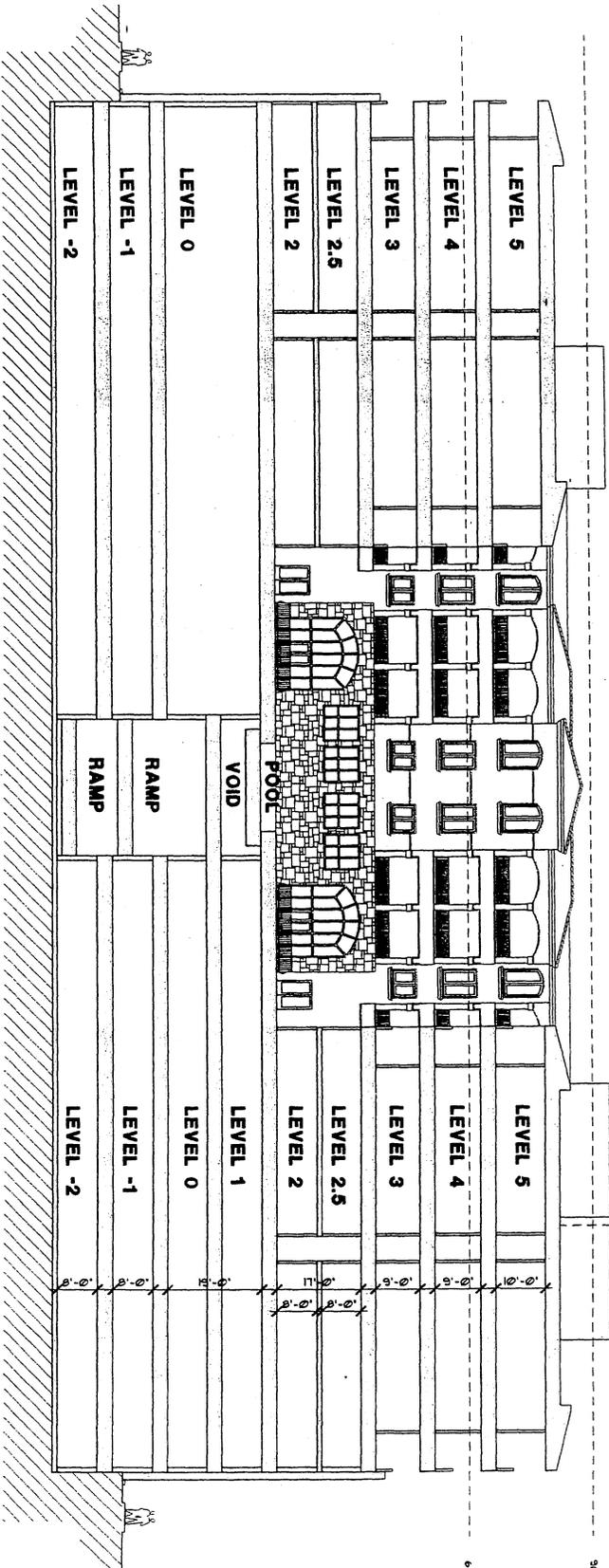
SCALE: 1/32" = 1'-0"

THE BELVEDERE - 901 MISSION

PERKINS
 ARCHITECTS
 2401 CALIFORNIA AVENUE
 BERKELEY, CALIF. 94704
 TEL. 841-2000
 FAX. 841-2000

A-17
 24 OF 21
 03-5-1985

5/10/84



BUILDING SECTION - C

FIVE FLOORS OVER TWO LEVELS OF BASEMENT

SCALE: 3/32" = 1'-0"

A-20
71 OF 71
03-3-15B

OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. 05-R0139-3

A RESOLUTION OF THE OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION APPROVING A TENTATIVE MAP (T-200-04), DEVELOPMENT PLAN (D-203-04), CONDITIONAL USE PERMITS (C-202-04, C-203-04) AND VARIATION (V-205-04) FOR A MIXED-USE DEVELOPMENT LOCATED WEST OF HORNE STREET, BETWEEN MISSION AVENUE AND SEAGAZE DRIVE AND EAST OF CLEMENTINE STREET – PACIFIC CREST INVESTMENTS, LLC, APPLICANT

WHEREAS, the Community Development Commission, at its duly noticed public hearing held on February 23, 2005, considered an application for a Tentative Map, Development Plan, Conditional Use Permits and Variation for a mixed-use development consisting of 26,280 square feet of retail/commercial floor area, 51 commercial work/live lofts and 66 condominiums at a site located west of Horne Street, between Mission Avenue and Seagaze Drive and east of Clementine Street; and

WHEREAS, the applicant is Pacific Crest Investments, LLC; and

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

WHEREAS, pursuant to Government Code 66020(d)(1), NOTICE IS HEREBY GIVEN that the project is subject to certain fees, dedications, reservations and other exactions as provided below:

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. R91-38	\$2,200 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Zone 5 \$1,705 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$.441 per square foot or \$441 per thousand square feet for non-residential uses and \$1,301 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.34 per square foot non-residential
Traffic Signal Fee	Ordinance No. 87-19	\$7.80 per vehicle trip

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Thoroughfare Fee	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
4			
5			
6	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Fee based on water meter size
7			
8			
9	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on capacity or water meter size
10			
11			
12	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Residential is typically \$2,461 per unit; Non-residential is \$12,797 for a 2" meter.
13			
14			
15			

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

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

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

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

1 WHEREAS, the Community Development Commission, after giving the required notice, did on
2 the 23rd day of February 2005, conduct a duly advertised public hearing as prescribed by law to consider
3 said application; and

4 WHEREAS, studies and investigations made by the Community Development Commission reveal
5 the following facts:

6 **FINDINGS:**

7 **For the Tentative Map:**

- 8 1. The proposed subdivision: 26,280 square feet of retail/commercial floor area, 51 commercial
9 work/live lofts and 66 condominiums, is consistent with the General Plan of the City and the
10 effective zoning regulations.
- 11 2. The subject site is physically suitable for the density and type of the proposed development.
- 12 3. The design of the subdivision and the proposed improvements will not cause significant
13 environmental impact or damages.
- 14 4. The design of the subdivision and the project improvements will not conflict with any public
15 easements for access through or upon the property within the proposed subdivision.
- 16 5. The subdivision complies with all other applicable ordinances, regulations and guidelines of the
17 City of Oceanside, including but not limited to the Local Coastal Plan and the Local Floodplain
Ordinance.

18 **For the Development Plan and the Conditional Use Permit for a Mixed-Use Development:**

- 19 1. The total number of dwelling units in the Mixed-Use Development Plan (MUDP) does not
20 exceed the maximum density permitted under the General Plan land use regulations.
- 21 2. The development achieved under the MUDP will contribute to an enhanced and superior urban
22 environment in comparison to a development that might otherwise be realized apart from the
proposed MUDP.
- 23 3. The MUDP is consistent with the adopted land use policies and regulations for the
24 Redevelopment land use area.
- 25 4. The MUDP will be adequately served by the necessary utilities and facilities. The project
26 connection to the existing utilities and facilities will not exceed the capacity of the existing
27 systems.
- 28 5. The traffic expected to be generated by the MUDP alone, will not exceed the capacity of the
affected streets.

1 6. The development of the MUDP will not effect a significant "shading" upon the adjacent
2 properties in comparison to the development shading that would otherwise be realized from a
3 development not containing a mixed-use component.

4 **For the Conditional Use Permit Building Height:**

- 5 1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance
6 and the purposes of the district in which the site is located. Mixed Use Developments with a
7 base district height of 65-feet are permitted in the Redevelopment Subdistrict 2, and heights up
8 to 90-feet are permitted with a Conditional Use Permit.
- 9 2. That the proposed location of the conditional use and the proposed conditions under which it
10 would be operated or maintained will be consistent with the General Plan; will not be
11 detrimental to the public health, safety, welfare of persons residing or working in or adjacent to
12 the neighborhood of such use; and will not be detrimental to properties or improvements in the
13 vicinity or to the general welfare of the City. The increased height from 65-feet to 90-feet is a
14 difference of 25-feet to accommodate additional dwelling space and overall architectural design
15 concept, which would not be detrimental to properties or improvements in the vicinity.
- 16 3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance,
17 including any specific condition required for the proposed conditional use in the district in
18 which it would be located. The Conditional Use Permit for an additional 25-feet in height
19 beyond the 65-feet normally allowed in Subdistrict 2, does not require additional specific
20 conditions beyond those applicable to the mixed-use development project.

21 **For the Variation for Reduction in Street Side Setbacks:**

- 22 1. The application of the effective street side setbacks on Mission Avenue from 50 feet of
23 centerline to 40 feet and on Seagaze Drive from 10 feet to 0 feet would result in unnecessary
24 hardships against the proposed mixed-use development project and would impact the project's
25 ability to provide the same level of urban design qualities. Such impacts and effects upon the
26 proposed project would be inconsistent with the land use goals for the Redevelopment land use
27 area.
- 28 2. The urban and high-density nature of the project design is consistent with the Redevelopment
zoning and land use goals affecting the project site. Reduced setbacks are an accepted and
special design feature of this type of development.

1 3. Granting the Variation, in this case, will not result in any detrimental impact to the public
2 welfare, private property, or improvements in the area.

3 4. Granting the Variation in this case would not be contrary to the objectives of the Redevelopment
4 land use goals as it would facilitate the development of a high-quality urban project.

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

8 NOW, THEREFORE, the Community Development Commission of the City of Oceanside does
9 resolve that Tentative Map (T-200-04), Development Plan (D-203-04), Conditional Use Permit (C-202-
0 04, C-203-04) and Variation (V-205-04) are hereby approved subject to the following conditions:

0 Building:

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

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

5 3. Site development, parking, access into buildings and building interiors shall comply with the
5 State's Disabled Accessibility Regulations (2001 CBC Chapter 11A).

7 4. Site development, common use areas, access and adaptability of apartments and condominiums
3 shall comply with the State's Disabled Accessibility Regulations (2001 CBC Chapter 11A).

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

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

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

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

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

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

13 9. Separate/unique addresses will/may be required to facilitate utility releases. Verification that the
14 addresses have been properly assigned by the City's Planning Department must accompany the
15 Building Permit application.

16 10. Building (demolition) Permits will be required for the demolition of the existing structures.
17 Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water & sewer)
18 are properly terminated/capped in accordance with the requirements of the utility service
19 provider. All/any underground septic or water storage tanks must be removed or filled in
20 accordance with the Uniform Plumbing Code and/or the City's Grading Ordinance.

21 Fire Prevention:

22 11. A minimum fire flow of 3000 gallons per minute shall be provided.

23 12. The size of fire hydrant outlets shall be 2 1/2" X 2 1/2" X4".

24 13. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site
25 plan.

26 14. The fire hydrants shall be installed and tested prior to placing any combustible materials on the
27 job site.

28 15. Provide on-site hydrant(s) and mains capable of supplying the required fire flow.

16. Standpipes shall be provided as required per U.B.C. Table 9A.

17. Buildings four or more stories in height shall be provided with not less than one standpipe
during construction. The standpipe shall be installed before the progress of construction is more

1 than 35 feet above grade. Two and one-half-inch valve hose connections shall be provided at
2 approved accessible locations adjacent to useable stairs.

3 18. All weather access roads shall be installed and made serviceable prior to and during time of
4 construction. Sec. 902. Uniform Fire Code.

5 19. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of the first
6 floor of the building. The route of the fire apparatus access road shall be approved by the fire
7 department. The 150 feet is measured by means of an unobstructed route around the exterior of
8 the building.

9 20. A "Knox" key storage box shall be provided for all new construction. For buildings, other than
10 high-rise, a minimum of 3 complete sets of keys shall be provided. Keys shall be provided for
11 all exterior entry doors, fire protection equipment control rooms, mechanical and electrical
12 rooms, elevator controls and equipment spaces, etc. For high-rise buildings, 6 complete sets are
13 required.

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

15 22. An approved fire sprinkler system must be installed throughout the building. The system shall
16 be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler system requires 24-hour
17 supervision.

18 23. The Fire Department connection shall not be affixed to the building. The Fire Department
19 connection must be located at least 40 feet away from the building, within 40 feet of a fire
20 hydrant and on the address side of the building, unless otherwise determined by the fire
21 department. The hydrant shall be located on the same side of the street as the Fire Department
22 connection.

23 24. Provide a fire alarm system as required per U.F.C. Article 10 and N.F.P.A. 72, 1999 Edition.

24 25. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for Commercial,
25 Industrial, and Residential Occupancies shall be placed on the structure in such a position as to
26 be plainly visible and legible from the street or roadway fronting the property. Numbers shall
27 contrast with their background.

28 26. High-rise buildings require 24-inch address numbers.

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

- 1 28. Buildings shall meet Oceanside Fire Department current adopted codes at the time of building
2 permit application.
- 3 29. Fuel modification plans are required for all projects and/or structures receiving tentative map
4 approval or building permits.
- 5 30. Submit three (3) sets of plans prepared by a licensed landscape architect or other design
6 professional with equivalent credentials, for review.
- 7 31. This building must meet all high-rise requirements, which are identified in the Fire Department
8 High-rise Standards. These guidelines are available from the Fire Department.
- 9 32. The Fire department connection must be located on the entrance side of the building, 40 feet
10 from the structure and within 40 feet of a hydrant.
- 11 33. A fire hydrant shall be installed on the corner of Mission and Clementine Streets.
- 12 Engineering:
- 13 34. If the project involves demolition of an existing structure or surface improvements, the grading
14 plans shall be approved by the City Engineer prior to the issuance of a demolition permit. No
15 demolition shall be permitted without an approved erosion control plan.
- 16 35. Vehicular access rights to Mission Avenue, Seagaze Avenue, Horne Street and Clementine
17 Street shall be relinquished to the City with the exception of the proposed project driveway
18 locations.
- 19 36. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated
20 and improved as required by the City Engineer.
- 21 37. Design and construction of all improvements shall be in accordance with standard plans and
22 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 23 38. Prior to issuance of a building permit all improvement requirements shall be covered by a
24 development agreement and secured with sufficient improvement securities or bonds
25 guaranteeing performance and payment for labor and materials, setting of monuments, and
26 warranty against defective materials and workmanship.
- 27 39. Prior to the issuance of a grading permit, the Developer shall notify and host a neighborhood
28 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 route", to inform them of the grading
and construction schedule, haul routes, and to answer questions.

- 1 40. Prior to issuance of a building permit a phasing plan for the construction of public and private
2 improvements including landscaping, shall be approved by the City Engineer.
- 3 41. The developer shall provide public street dedication as required to serve the property.
- 4 42. The approval of the tentative map shall not mean that closure, vacation, or abandonment of any
5 public street, right of way, easement, or facility is granted or guaranteed to the subdivider. The
6 subdivider is responsible for applying for all closures, vacations, and abandonments as
7 necessary. The application(s) shall be reviewed and approved or rejected by the City under
8 separate process(es) per codes, ordinances, and policies in effect at the time of the application.
- 9 43. Prior to approval of the final/parcel map or any increment, all improvement requirements,
10 within such increment or outside of it if required by the City Engineer, shall be covered by a
11 subdivision agreement and secured with sufficient improvement securities or bonds
12 guaranteeing performance and payment for labor and materials, setting of monuments, and
13 warranty against defective materials and workmanship.
- 14 44. Prior to approval of the first final map (or engineering drawing for a site development plan) a
15 phasing plan for the construction of public and private improvements including landscaping,
16 streets and arterials shall be approved by the City Engineer. All improvements shall be
17 substantially complete (per current City Policy) prior to the issuance of any building permits.
18 All frontage improvements shall be completed prior to issuance of any certificates of occupancy.
- 19 45. Where proposed off-site improvements, including but not limited to slopes, public utility
20 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own expense,
21 obtain all necessary easements or other interests in real property and shall dedicate the same to
22 the City as required. The applicant shall provide documentary proof satisfactory to the City that
23 such easements or other interest in real property have been obtained prior to the approval of the
24 final map. The City may at its sole discretion, require that the applicant obtain at his sole
25 expense a title policy insuring the necessary title for the easement or other interest in real
26 property to have vested with the City of Oceanside or the applicant, as applicable.
- 27 46. Pursuant to the State Map Act, improvements shall be required at the time of development. A
28 covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these
improvement conditions and a certificate setting forth the recordation shall be placed on the
map.

- 1 47. The developer shall monitor, supervise and control all construction and construction-supportive
2 activities, so as to prevent these activities from causing a public nuisance, including but not
3 limited to, insuring strict adherence to the following:
- 4 a) Dirt, debris and other construction material shall not be deposited on any public street or
5 within the City's storm water conveyance system.
 - 6 b) All grading and related site preparation and construction activities shall be limited to the
7 hours of 7 a.m. to 6 pm., Monday through Friday. No engineering related construction
8 activities shall be conducted on Saturdays, Sundays or legal holidays unless written
9 permission is granted by the City Engineer with specific limitations to the working hours
10 and types of permitted operations. All on-site construction staging areas shall be as far as
11 possible (minimum 100 feet) from any existing residential development. Because
12 construction noise may still be intrusive in the evening or on holidays, the City of
13 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive noise
14 which causes discomfort or annoyance to reasonable persons of normal sensitivity."
 - 15 c) The construction site shall accommodate the parking of all motor vehicles used by
16 persons working at or providing deliveries to the site.
- 17 48. All drainage fees, traffic signal contributions, highway thoroughfare fees, park fees,
18 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
19 recordation of the map or the issuance of any building permits, in accordance with City
20 Ordinances and policies. The subdivider shall also be required to join into, contribute, or
21 participate in any improvement, lighting, or other special district affecting or affected by this
22 project. Approval of the tentative map (project) shall constitute the developer's approval of such
23 payments, and his agreement to pay for any other similar assessments or charges in effect when
24 any increment is submitted for final map or building permit approval, and to join, contribute,
25 and/or participate in such districts.
- 26 49. All streets shall be improved with curbs and gutters.
- 27 50. All streets shall provide a minimum of 10 feet parkway between the face of curb and the right-
28 of-way line. Sidewalk improvements shall comply with ADA requirements.
51. Prior to approval of the grading plans, the developer shall contract with a geotechnical
engineering firm to perform a field investigation of the existing pavement on all streets adjacent
to the project boundary. The limits of the study shall be half-street plus twelve (12) feet along

1 the subdivision's frontage. The field investigation shall include a minimum of one pavement
2 boring per every fifty (50) linear feet of street frontage. Should the existing AC thickness be
3 determined to be less than three (3) inches or without underlying Class II base material, the
4 Subdivider shall remove and reconstruct the pavement section as determined by the pavement
5 analysis submittal process detailed in Item No. 2 below.

6 52. Upon review of the pavement investigation, the City Engineer shall determine whether the
7 Subdivider shall: 1) Repair all failed pavement sections, header cut and grind per the direction
8 of the Public Works Inspector, and construct a two (2) inch thick rubberized AC overlay; or 2)
9 Perform R-value testing and submit a study that determines if the existing pavement meets
10 current City standards/traffic indices. Should the study conclude that the pavement does not
11 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a
12 pavement analysis report, and the Subdivider shall reconstruct the pavement per these
13 recommendations, subject to approval by the City Engineer.

14 53. Any street shall be improved as required the City Engineer.

15 54. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
16 approved soil tests and traffic indices. The pavement design is to be prepared by the
17 subdivider's soil engineer and must be approved by the City Engineer, prior to paving.

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

20 56. All existing overhead utility lines within the subdivision and/or within any full width street or
21 right-of-way abutting a new subdivision, and all new extension services for the development of
22 the project, including but not limited to, electrical, cable and telephone, shall be placed
23 underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the
24 City Engineer and current City policy.

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

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

30 59. The applicant shall obtain any necessary permits and clearances from all public agencies having
31 jurisdiction over the project due to its type, size, or location, including but not limited to the U.

1 S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife
2 Service and/or San Diego Regional Water Quality Control Board (including NPDES), San
3 Diego County Health Department, prior to the issuance of grading permits.

4 60. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
5 investigation shall be conducted of the soils, slopes, and formations in the project. All
6 necessary measures shall be taken and implemented to assure slope stability, erosion control,
7 and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in
8 accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City
9 Engineer.

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

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

25 63. Open space areas and down-sloped areas visible from a collector-level or above roadway and
26 not readily maintained by the property owner, shall be maintained by a homeowners' association
27 that will insure installation and maintenance of landscaping in perpetuity. These areas shall be
28 indicated on the final map and reserved for an association. Future buyers shall be made aware
of any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted
to the City Engineer for review prior to the recordation of final map. In the event the
homeowner's association dissolves, responsibility for irrigation and maintenance of the slopes

1 (open space areas) adjacent to each property shall become that of the individual property owner
2 collectively.

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

10 65. Storm drain facilities shall be designed and located such that the inside travel lanes on streets
11 with Collector or above design criteria shall be passable during conditions of a 100-year
12 frequency storm.

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

16 67. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier,
17 approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds
18 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial street or state highway.

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

1 construction of dwelling units. The applicant shall design the Project's storm drains and other
2 drainage facilities to include Best Management Practices to minimize non-point source
3 pollution, satisfactory to the City Engineer.

4 69. Upon acceptance of any fee waiver or reduction by the Subdivider, the entire project will be
5 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4). The
6 Subdivider shall agree to execute a form acknowledging the prevailing wage requirements prior
7 to the granting of any fee reductions or waivers.

8 70. The Subdivider shall prepare and submit an Operations & Maintenance (O&M) Plan to the
9 Engineering Division with the first submittal of engineering plans. The O&M Plan shall be
10 prepared by the applicant's Civil Engineer. It shall be directly based on the project's Storm
11 Water Mitigation Plan (SWMP) previously approved by the project's approving authority
12 Community Development Commission. The O&M Plan shall be approved by the City
13 Engineer prior to approval of any plans by the Engineering Division. At a minimum the O&M
14 Plan shall include the designated responsible parties to manage the storm water BMP(s),
15 employee's training program and duties, operating schedule, maintenance frequency, routine
16 service schedule, specific maintenance activities, copies of resource agency permits, cost
17 estimate for implementation of the O&M Plan and any other necessary elements.

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

72. At a minimum, maintenance agreements shall require the staff training, inspection and
maintenance of all BMPs on an annual basis. The project proponent shall complete and maintain

O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.

73. The Agreement shall include a copy of executed onsite and offsite access easements necessary for the operation and maintenance of BMPs that shall be binding on the land throughout the life of the project to the benefit of the party responsible for the O&M of BMPs, until such time that the storm water BMP requiring access is replaced, satisfactory to the City Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.

74. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without formal approval by the project's final approving authority Community Development Commission at a public hearing, if such hearing was required for the approval of the project.

75. The Developer shall enter into an Encroachment Removal Agreement with the City for all non-standard, decorative concrete and landscaping within the public right-of-way. The private CC&Rs for this development shall include a provision stating that all of the decorative sidewalk and landscaping within the public right-of-way adjacent to the development shall be maintained into perpetuity (and replaced, if necessary) by the future homeowners' association.

76. Prior to the issuance of grading permits, the developer shall design two landscape intersection bulb-outs to the satisfaction of the Transportation Manager. The improvements shall be generally located at Horne Street and Michigan Avenue. The improvement shall be constructed by the developer and accepted by the Transportation Manager prior to the first occupancy of the building.

Transportation:

77. The project shall provide 357 on-site parking spaces in accordance with the City of Oceanside parking standards.

78. Five-foot sidewalk (not including 6" top of curb) shall be installed along all sides of the project boundaries. The sidewalk shall be Americans with Disability Act compliant and be contiguous to the curb.

79. Americans with Disability Act compliant pedestrian access shall be provided at all project driveways and the intersections of Mission Avenue at Horne Street, Mission Avenue at Clementine Street, Seagaze Drive at Horne Street, and Seagaze Drive at Clementine Street.

- 1 80. 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. This will require removal of some existing curbside
4 parking on the east side of Clementine Street adjacent to the project driveway.
- 5 81. The project shall contribute a fair share of 3.6 percent toward the cost of a future traffic signal
6 on Mission Avenue at Cleveland Street.
- 7 82. The project shall dedicate 8 feet of right-of-way along the project frontage on Horne Street.
- 8 83. The project shall install a landscaped median island along Mission Avenue between Clementine
9 Street and Horne Street to the satisfaction of the City Engineer.
- 10 84. The existing traffic signal on Mission Avenue at Horne Street shall be upgraded to eliminate the
11 north/south split phasing in order to accommodate eight-phase signal operations. This shall
12 include widening of Horne Street south of Mission Avenue to 50-feet of pavement, the re-
13 striping of Horne Street on both approaches, and an upgrade to the traffic signal equipment.
14 These improvements shall be completed to the satisfaction of the Transportation Manager.
- 15 85. The project shall install a traffic signal on the intersection of Mission Avenue at Clementine
16 Street to the satisfaction of the Transportation Manager.
- 17 86. A traffic control plan shall be prepared according to the City traffic control guidelines and be
18 submitted to and approved by the Transportation Manager prior to the start of work within open
19 City rights-of-way. Traffic control during construction of streets that have been opened to
20 public traffic shall be in accordance with construction signing, marking and other protection as
21 required by the Caltrans Traffic Manual and City Traffic Control Guidelines.
- 22 87. Traffic control during construction adjacent to or within all public streets must meet Caltrans
23 standards and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00
24 a.m. to 3:30 p.m. unless approved otherwise.
- 25 88. A haul route shall be obtained at least 7 days prior to the start of hauling operations and must be
26 approved by the Transportation Manager. Hauling operations shall be 8:00 a.m. to 3:30 p.m.
27 unless approved otherwise.
- 28 89. Streetlights shall be provided along the frontage of the project. The system shall be designed to
provide uniform lighting, and be secured prior to the recordation of map or building permit
issuance, if a map is not recorded. The subdivider shall pay all applicable fees, energy charges,

1 and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
2 agree to the formulation of, or the annexation to, any appropriate street lighting district.

3 90. The applicant shall pay all applicable traffic signal and thoroughfare fees.

4 Planning:

5 91. This Tentative Map, Development Plan, Conditional Use Permits and Variation shall not
6 become effective until the effective date of the Zoning Ordinance Amendment for ZA-200-04 is
7 effective. The effective date of the Zoning Ordinance Amendment shall be used for determining
8 expiration dates for the attached Tentative Map, Development Plan, Conditional Use Permits
and Variation.

9 92. This Tentative Map, Development Plan and Conditional Use Permits approves only the
10 following: a mixed-use development consisting of 26,280 square feet of retail/commercial floor
11 area, 51 commercial work/live lofts and 66 condominiums. Any substantial modification in the
12 design or layout shall require a revision to the Tentative Map, Development Plan and
13 Conditional Use Permits.

14 93. This Variation approves only the following: reduction in front, sides and rear setbacks in
15 accordance with the plans approved by the Community Development Commission.

16 94. This Tentative Map, Development Plan, Conditional Use Permits and Variation shall expire on
17 February 23, 2007, unless implemented as required by the Zoning Ordinance, or unless a time
18 extension is granted by the Community Development Commission.

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

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

- 25 a) Local street trees in parkways shall be planted at a minimum 15-gallon container size or 10
26 – 12-foot Brown Trunk Height (BTH), and spaced in accordance with the City's adopted
27 Landscape Design Guidelines manual. Approved root barriers shall be incorporated.
- 28 b) All decorative pavements and hardscape materials, shown on the plans approved by the
Community Development Commission, shall be included on the final landscape plans.

1 c) The final landscape plans shall be plan checked against the conceptual landscape plans
2 approved by the Community Development Commission for numbers and sizes of units,
3 areas, and overall qualitative features.

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

22 98. All multi-family unit dwelling projects shall dispose of or recycle solid waste in a manner
23 provided in City Code Section 13.3.

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

27 100. Failure to meet any conditions of approval for this development shall constitute a violation of the
28 Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit.

101. 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

1 Justification, Management Plan and other materials and information submitted with this
2 application, unless specifically waived by an adopted condition of approval.

3 102. The owner of the property shall be responsible for trash abatement on the site, and shall keep the
4 site free of litter, trash and other nuisances.

5 103. All retaining and other freestanding walls, fences, and enclosures shall be architecturally designed
6 in a manner similar to and consistent with the primary structures (stucco block, split-face block or
7 slump stone, whichever is appropriate as determined by the Planning Director) or unless otherwise
8 shown on the conceptual landscape plan. These items shall be approved by the Planning
9 Department prior to the issuance of building permits.

10 104. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the
11 same as those approved by the Community Development Commission. These shall be shown on
12 plans submitted to the Building Department and Planning Department.

13 105. A covenant or other recordable document approved by the City Attorney shall be prepared by the
14 applicant (developer, subdivider) and recorded prior to the approval of the final map (or prior to
15 issuance of building permits where no final map is required). The covenant shall provide that the
16 property is subject to this Resolution, and shall generally list the conditions of approval.

17 106. The developer is prohibited from entering into any agreement with a cable television franchisee of
18 the City which gives such franchisee exclusive rights to install, operate, and/or maintain its cable
19 television system in the development.

20 107. The subterranean garage shall include a restricted vehicular access design so as to reserve the
21 garage spaces for the residential occupancy of the site. The final design for garage access
22 restriction shall be reviewed and approved by the Planning Director and the City Engineer prior to
23 final building inspection or the first occupancy of building, whichever occurs first.

24 108. Purchase, lease, and rental agreements for the condominium and penthouse units shall include
25 garage area parking. Such agreements shall not allow the owner/tenant to forfeit the use of the
26 garage.

27 109. The following unit type and floor plan mix, as approved by the Community Development
28 Commission, shall be indicated on plans submitted to the Building Department and Planning
Department for building permit:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan A	1,270	2	2	18
Plan B	1,281	2	2	30
Plan C	2,295	3	3.5	6
Plan D	1,436	2	2.5	6
Plan E	1,553	2	2	6
			Total	66

110. An association of homeowners (HOA) 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, parking lots 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:

- a) The subterranean garage parking shall be exclusive to the residential occupancy of the site and shall not be shared or used by any other occupancy.
- b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.
- c) Provisions regulating the use of private balcony decks and rooftop terrace areas.
- d) Maintenance of all common areas, and onsite and frontage landscaping.

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

- 1 112. An architectural lighting plan shall be prepared and submitted for review and approval prior to
2 the issuance of building permits. This plan is subject to the review and approval by the
3 Planning Director.
- 4 113. The final construction drawings for the condominium and commercial floor area building shall
5 demonstrate the incorporation of Best Management Practices (BMP) for the buffering, separation,
6 or attenuation of certain nonresidential and commercial activities interface with the residential
7 occupancy. The project BMP shall be documented to the satisfaction of the Building Director and
8 the Planning Director and approved by each Director prior to the issuance of the first residential
9 occupancy.
- 10 114. Prior to issuance of building permits, detailed engineering calculations shall be submitted
11 indicating that the building construction would be able to attenuate interior noise to less than 45
12 dB for all units. A detailed noise study shall be prepared and approved by the City prior to
13 issuance of building permits.
- 14 115. Prior to the issuance of a demolition permit for the Melville Goetz Residence, the following
15 mitigation measure shall be implemented.
- 16 116. The Historic American Building Survey Level 1 standard is appropriate for recording the
17 architectural detail of the building. The Level 1 documentation shall include the following:
18 a) Measured drawings depicting existing or historic conditions.
19 b) Photographs with large format negatives of exterior and interior views, and large format
20 negatives of select existing drawings or historic views, where available.
21 c) Documentation of historic architectural elements discovered during removal of the
22 structure.
- 23 117. The Historic American Building Survey Level 1 drawings, documentation, photographs, and any
24 historical information collected shall be recorded with the South Coastal Information Center and
25 a copy of the final report shall be submitted to the Oceanside Historical Society and City of
26 Oceanside Planning Department.
- 27 118. Photographs for the Melville Goetz Residence and the other buildings on-site shall be prepared
28 in accordance with the Oceanside Historic Preservation Advisory Commission Policy 1,
Standards for Photo Documentation. The photo-documentation shall be reviewed and approved
by the Planning Director prior to issuance of a demolition permit.
119. The following measures are required to offset potential impacts to paleontological resources:

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- 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 an appropriate 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 highly sensitive geologic formations (i.e., Santiago Formation) and moderately sensitive formations (river terrace deposits) 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. However, 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.
120. Prior to issuance of demolition permits for the existing structures on the site, comprehensive asbestos and lead-based paint surveys are required to identify and abate, if necessary, any asbestos containing materials or lead based paint at the property. If such materials are identified, they should be handled in accordance with all applicable regulations.

1 Water Utilities:

- 2 121. All public water and/or sewer facilities not located within the public right-of-way shall be provided
3 with easements sized according to the City's Engineers Manual. Easements shall be constructed
4 for all weather access.
- 5 122. No trees, structures or building overhang shall be located within any water or wastewater utility
6 easement.
- 7 123. The property owner will maintain private water and wastewater utilities located on private
8 property.
- 9 124. A separate irrigation meter and approved backflow prevention device is required.
- 10 125. The developer shall construct a public reclamation water system that will serve each lot and or
11 parcels that are located in the proposed project in accordance with the City of Oceanside
12 Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-
13 of-way or in a public utility easement.
- 14 126. A water and sewer study must be prepared by the developer at the developer's expense, and
15 reviewed and approved by the Water Utilities Department. Off-site sewer improvements for the
16 project may potentially be required for downstream sewer segments that do not meet City of
17 Oceanside depth of flow criteria.
- 18 127. Water services and sewer laterals constructed in existing right-of-way locations are to be
19 constructed by approved and licensed contractors at developer's expense.
- 20 128. The developer will be responsible for developing all water and sewer utilities necessary to develop
21 the property. Any relocation of water and/or sewer utilities is the responsibility of the developer
22 and shall be done by an approved licensed contractor at the developer's expense.
- 23 129. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover
24 of the public sewer shall be protected from backflow of sewage by installing and maintaining an
25 approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 26 130. Subterranean parking spaces shall be drained to the City's Storm Drain System and shall comply
27 with the California Regional Water Quality Control Board Order No. 2001-01.
- 28 131. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be
paid to the City and collected by the Water Utilities Department at the time of Building Permit
issuance.

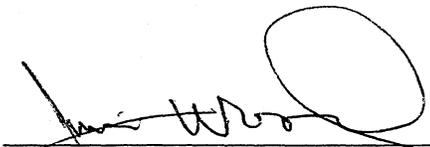
1 132. All Water and Wastewater construction shall conform to the most recent edition of the City's
2 Engineers Manual, or as approved by the Water Utilities Director.

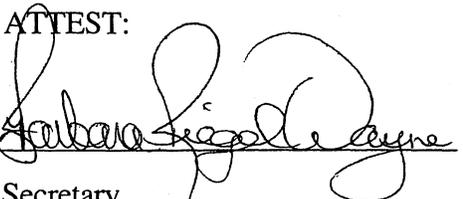
3 133. All new development of single-family and multi-family residential units shall include hot water
4 pipe insulation and installation of a hot water re-circulation device or design to provide hot
5 water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-
6 OR126-1.

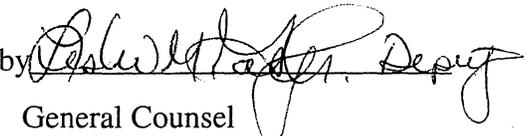
7 134. The water line on Seagaze Drive shall be potholed between Horne Street and the alley between
8 Horne Street and Clementine Street. Water Utilities operations personnel believe this is a 6"
9 water line. The water line shall be upsized to 10" if it is found to be a 6" line.

10 PASSED AND ADOPTED by the Oceanside Community Development Commission of the City
of Oceanside this 16th day of March 2005 by the following vote:

- 11 AYES: Wood, Chavez, Feller, Sanchez
12 NAYS: None
13 ABSENT: None
14 ABSTAIN: None

15
16
17 
18 Chairman

19 ATTEST:
20 
21 Secretary

22
23 APPROVED AS TO FORM:
24 OFFICE OF THE CITY ATTORNEY
25
26 by  Deputy
27 General Counsel
28

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
BELEVEDERE

PROJECT LOCATION - SPECIFIC:
Mission & Horne streets

PROJECT LOCATION - GENERAL:
Mission & Horne Street
City of Oceanside

TENTATIVE MAP (T-200-04)
CONDITIONAL USE PERMITS (C-202-04 & C-203-04)
DEVELOPMENT PLAN (D-203-04)
VARIATION (V-205-04)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

A time extension and revision to TENTATIVE MAP (T-200-04), CONDITIONAL USE PERMITS (C-202-04 & C-203-04), VARIATION (V-205-04) AND DEVELOPMENT PLAN (D-203-04) for the development of a mixed-use project consisting of 66 residential condominium units, 51 live-work units and 26,280 square feet of retail office space situated on an entire city block located at the south side of the intersection of Mission and Horne streets.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:

4 Design
707 Mission Avenue
Oceanside, CA 92054
(760) 433-1785

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project is a time extension and revision to the development plan that has not significantly change since the Community Development Commission approval of the Negative Declaration.

Contact Person: Shan Babick, Associate Planner

SIGNATURE

December 20, 2006

DATE