

# STAFF REPORT



ITEM NO. 15  
CITY OF OCEANSIDE

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DATE: March 21, 2007

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) AND CONDITIONAL USE PERMITS (C-1-06, C-2-06) TO CREATE TWO RESIDENTIAL LOTS AND 15 COMMERCIAL CONDOMINIUM UNITS; TO ALLOW PANHANDLE ACCESS; AND TO ALLOW OFF-STREET PARKING LOCATED AT 2420 VISTA WAY – OCEANVIEW PLAZA – APPLICANT: OCEANVIEW PLAZA INVESTORS, LLC. APPELLANT: ROY HONIG**

## **SYNOPSIS**

The item under consideration is a review of the Planning Commission's decision approving a Tentative Parcel Map (P-1-06), Development Plan (D-1-06), and two Conditional Use Permits (C-1-06, C-2-06). The project applicant proposes (1) a Tentative Parcel Map to create two residential parcels and 15 commercial condominium units within an existing 25,000-square-foot commercial office building; (2) a Conditional Use Permit for panhandle access to Parcel 2; (3) a Conditional Use Permit to allow off-street parking within a Residential District; and (4) a Development Plan to construct a parking structure to serve the existing commercial building, known as Oceanview Plaza, which is located at 2420 Vista Way. Mayor Jim Wood called this application for review on January 16, 2007, and Valeda Honig, on behalf of Ray Honig *et al*, submitted an appeal of the Planning Commission's action to the City Clerk on January 17, 2006. Staff is recommending that following the review, the City Council support the Planning Commission's decision and approve the project based on the findings contained in the attached City Council resolution.

## **BACKGROUND**

On January 8, 2007, the Planning Commission approved on a 5-to-0 vote Resolution 2007-P01 for a Tentative Parcel Map, Development Plan, and two Conditional Use Permits. Following the Planning Commission hearing and prior to the end of the appeal period, a call for review was filed by the Mayor's Office requesting that additional information be presented to the City Council. Mr. Honig and his neighbors filed an

appeal of the Planning Commission decision to approve the project. This report identifies and addresses the issues raised by the call for review and by Mr. Honig's appeal. Attached to this report is the Call for Review Memorandum and the appeal document, which outlines the specific issues and concerns for each request. Previous Planning Commission and City Council resolutions are also attached to this report.

**Previous actions:** During 1985, the combined actions of the City Council and Planning Commission established an Office Professional Zoning District and approved the construction of Oceanview Plaza.

- On November 4, 1985, the Planning Commission approved Resolution 85-P108 by a 6-to-0 (1 absent) vote and recommended a General Plan Amendment to an Office Professional designation on 1.2 acres; a Zone Change to OP (Office Professional) District; a Development Plan for a two-story office complex containing 25,000 square feet; and a Tentative Parcel Map to create 4 lots on a 1.88-acre parcel.
- On December 4, 1985, the City Council adopted Resolutions 85-258 and 85-259 by a 5-to-0 vote; on December 18, 1985, the City Council adopted and ordered published an Ordinance changing zoning to Office Professional on 1.2-acres.

During 2000, an application to change the zoning district on an undeveloped residential lot situated westward of 2420 Vista Way was denied by City Council. A change in zoning to a commercial district was the key for the possible construction of a parking area on the undeveloped lot adjacent to Oceanview Plaza.

- On May 8, 2000, the Planning Commission approved Resolution 2000-P33 by a 4-to-0 (2 absent) vote recommending approval of a General Plan Amendment and Zone Amendment to change the land use and associated zoning district to Commercial Professional District on property located west of 2420 Vista Way. Subsequently that evening, the Planning Commission approved Resolution 2000-P34 by a 4-to-0 (2 absent) vote, which was a revision to a development plan for an addition of approximately 28,000 square feet for a parking lot in a Commercial Professional Zoning District.
- On June 21, 2000, the City Council adopted Resolution 00-R375-1 by a 5-to-0 vote denying an amendment to the land use designation on property located west of 2420 Vista Way. This action effectively ended the applicant's pursuit of a 28,000-square-foot addition for a parking lot on the land west of 2420 Vista Way.

On March 8, 2004, the Planning Commission approved on a 6-to-0 vote Resolution 2004-P08 that denied without prejudice a 2-lot subdivision and construction of 33-space parking lot on 0.5-acres serving 2420 Vista Way. The applicant did not pursue this application further.

**Site Review:** The undeveloped westerly 0.96-acre lot is situated within a Single-Family Residential Zoning District and located within the 2300 block of Ivy Road. The adjacent

lot, an existing 1.1-acre lot to the east, is situated within a Commercial Professional District and addressed as 2420 Vista Way. The General Plan Land Use designations are Single-Family Residential and Professional Commercial respectively. The subject site straddles land between Vista Way and Ivy Road.

The existing vacant lot, situated within the 2300 block of Ivy Road, slopes from an 85-foot elevation along Ivy Road to 56 feet in elevation at its southern boundary near Vista Way. The proposed pad elevation on Parcel 1 is 84 feet and on Parcel 2 the pad elevation is 73 feet.

Oceanview Plaza is an existing 25,000-square-foot office building on a 1.1-acre site located at 2420 Vista Way. The proposed parking structure is designed to have an elevation of 63 feet and is proposed on land directly west of Oceanview Plaza.

**Project Description:** The project consists of a Tentative Parcel Map (P-1-06), Development Plan (D-1-06), and two Conditional Use Permits (C-1-06 and C-2-06) to allow the following:

Tentative Parcel Map: Pursuant to Subdivision Ordinance requirements, a Tentative Parcel Map (P-1-06) must be processed and approved in order to (1) subdivide the existing 1.1-acre site with an existing 25,000-square-foot office building into 15 commercial condominiums and (2) subdivide the 0.96-acre vacant lot in the 2300 block of Ivy Road into two residential parcels and (3) combine the remaining 0.4-acres of residential land with the adjacent 1.1-acre commercial lot.

The two proposed residential parcels exceed the Single-Family Residential District minimum lot area of 6,000 square feet and lot width of 65 feet. Parcel 1 is proposed with a minimum lot area of 10,180 square feet; Parcel 2 is proposed with a minimum lot area of 10,096 square feet with panhandle access to the lot from Ivy Road. The minimum proposed lot width is approximately 107 feet. To create Parcel 3, the applicant proposes combining the remaining 0.4-acres of residential land with the existing 1.1-acre lot located at 2420 Vista Way, which is situated within a Commercial Professional District.

There are specific conditions designed to address the future residential development on Parcels 1 and 2. Parcels 1 and 2 require an approved Administrative Development Plan prior to the construction of single-family homes. The two residential parcels will have vehicle access from Ivy Road. Parcel 2's panhandle access to the street is typical for the Fire Mountain Neighborhood.

The existing office building will be subdivided into a maximum of 15-commercial condominium units.

Conditional Use Permits and Development Plan: The project requires two conditional use permits and a Development Plan, as follows:

Panhandle access is proposed for Parcel 2 as part of the subdivision design. Pursuant to Zoning Ordinance Section 1050, Property Development Regulations, panhandle access is allowed with approval of a use permit in single-unit developments. A Conditional Use Permit (C-1-06) has been submitted for consideration in compliance with the aforementioned Zoning Ordinance regulation.

Off-street parking is proposed on the residentially zoned land of Parcel 3. Pursuant to Zoning Ordinance Section 3014.2, a Conditional Use Permit is required to establish a parking use on residentially zoned land and a Development Plan is required to construct a parking structure. A Conditional Use Permit (C-2-06) and Development Plan (D-1-06) have been submitted for consideration in compliance with the aforementioned Zoning Ordinance regulations.

The proposal is to provide 125 parking spaces on-site. The required parking ratio for offices is 1:200. Seventy-four (74) off-street parking spaces are currently provided on-site as required by Planning Commission Resolution 85-P108. The applicant proposes to add 51 additional spaces to the site. Most of these additional spaces will be located within the proposed parking structure which will be constructed on the 0.4-acre residential land that is to be combined with the existing 1.1-acre commercial lot.

The area proposed for off-street parking is designed to buffer the visual impact of the parking structure and to exceed the requirements of the Zoning Ordinance. The western and northern sides of the parking structure will be behind a 6-foot-tall decorative wall. The Conceptual Landscape Plan proposes planting 7 trees along the property's western boundary, three of which will be 24-inch-box size *Liquidambar styraciflua*. The structure's second level parking area is situated 10 feet lower than the pad elevation of Parcel 2. The slope between Parcel 2 and the parking structure will be planted with shrubs, ground cover, and six 15-gallon trees, including *Rhus lancea* and *Jacaranda mimosifolia*. A 6-foot-tall decorative wall is also proposed along the southern boundary of Parcel 2. The land between Vista Way and the off-street parking area will be extensively landscaped. Trees shall be planted adjacent to Vista Way's right-of-way and on land contiguous with the parking areas.

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

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

**Environmental Issues:** The project is exempt under the provisions of the California Environmental Quality Act, Article 19, Section 15315 and 15332 because the project involves a minor subdivision and infill development of a parking lot and future single-family residences.

## ANALYSIS

### Call for Review by Mayor Jim Wood

Listed below are the issues raised by the call for review, along with staff's response to each issue. Staff reviewed the issues and believes that each of the concerns raised were addressed during the many meetings held between staff, the applicant, and interested community members. As designed and conditioned, the project proposes a high-quality subdivision design that is consistent with the Land Use Element of the General Plan, Zoning Ordinance, and Subdivision Ordinance and Subdivision Map Act. The off-street parking structure's design has limited visual impact on nearby residences and provides much-needed off-street parking to the adjacent commercial land uses.

#### Issues

##### 1) *Impacts to the surrounding residential neighborhood:*

The surrounding residential neighborhood consists of single-family detached homes. Properties situated along the northern side of Ivy Road are typically within the Estate B Residential Land Use Designation. Along the southern side of Ivy Road, properties have a Land Use Designation that is Single-Family Detached Residential. The lots located on the southern side of Ivy Road have a required minimum site area of 0.13-acres, but the existing lots are typically much larger.

There are natural slope changes and proposed site enhancements that will buffer the appearance of the proposed parking structure. For example, the elevation of the parking structure is 63 feet, which is 10 feet lower in elevation than Parcel 2. The applicant proposes a variety of trees, shrubs, and ground cover to enhance the appearance of the site and the Planning Commission has required that the applicant plant 24-inch-box trees (rather than a proposed 15-gallon size) adjacent to a 6-foot-tall decorative wall. This wall is proposed to reduce the appearance of the parking structure.

The following describes the juxtaposition of neighboring homes to the 6-foot-tall decorative wall proposed along the western and northern edges of the parking structure.

- The home located at **2371 Ivy Road** has an approximate pad elevation of 81 feet and there is an approximate 150-foot-distance between this home and the parking structure's westerly decorative wall. This 0.96-acre lot is contiguous with the western boundary of the subject site and a single-family detached home has been constructed in close proximity to Ivy Road.
- The home located at **2307 Ivy Road** (situated on a 0.57-acre site) is approximately 150 feet from the parking structure's westerly decorative wall.
- The home located at **2305 Ivy Road** (situated on an approximate 0.57-acre site) is parallel to the parking structure's westerly decorative wall. This home is situated a minimum of 230 feet to the west of the decorative wall and the garage is situated along the eastern side of the home. There is vegetation between this home and the proposed parking structure.

The decorative walls and intervening landscaping provide the surrounding properties with a visual buffer to the off-street parking area. The off-street parking area will not be highly visible from the surrounding residential properties because of the distances, the elevation differential, and the landscaping that encompasses the site.

2) *Approval of the Conditional Use Permit:*

Pursuant to Zoning Ordinance Section 3014.2, the applicant may apply for a Conditional Use Permit to allow parking in a project subject to different zoning classifications. The Planning Commission (or City Council) may approve a Conditional Use Permit authorizing such parking if it finds the following:

- a. The site on which the parking is to be located is contiguous to the site on which the principal use is located and is not separated by any public right-of-way, including but not limited to an alley.
  - The site is contiguous with the lot located at 2420 Vista Way.
- b. All property is under the same ownership.
  - The site is under the same ownership and will be combined into one lot (Parcel 3).
- c. The parking area will be buffered from any adjacent residential uses or districts by the use of a 6-foot-high decorative wall and sufficient landscaping including trees for screening.
  - As described previously (see Analysis Issues 1), the parking area site design incorporates walls and vegetation to buffer the impacts of vehicle parking to the adjacent residential lots.
- d. Lighting of the parking area will be properly shielded to prevent glare on any adjacent property.
  - Project-specific conditions shall require the development to prevent glare on any adjacent property.
- e. The allowance for parking on the site will not be detrimental to the public health, safety and general welfare of persons residing or working in or adjacent to the neighborhood of such use.
  - The proposed parking facility is consistent with all applicable provisions contained within the Zoning Ordinance. Conditions have been placed to ensure compliance with applicable building and safety codes, including but not limited to parking facility lighting.
- f. In residential districts, the area of the site used for parking for a use not permitted within a residential district is not more than 0.5 acres.
  - The site used for parking is less than 0.5 acres.
- g. In all non-residential districts, the site used for parking for a use not permitted within the district is not more than 20 percent of the principal site.
  - Criterion G does not apply as the 0.4-acre site is within a residential district. The area used for parking is less than 20 percent of the area proposed as Parcel 3.

The proposal meets findings a) through g) above and qualifies for the Conditional Use Permit.

3) *Future development of the residential lots:*

Based upon allowed densities within the Single-Family Residential Zoning District, the 0.96-acre site could be subdivided into upwards of 5 residential lots; however, the applicant has proposed to create two residential lots on the existing 0.96-acre lot located in the 2300 block of Ivy Road.

The conditions of approval to create these two residential lots require future development to meet specific criteria, which exceed the requirements of the underlying zoning designation. Developers will be required to apply for an Administrative Development Plan (ADP), which is typical for subdivisions in the Fire Mountain Neighborhood.

Please note that the existing 0.96-acre lot located at 2371 Ivy Road, which is westerly of the project site, could also apply to subdivide. Within the RS District, the densities range from 3.6-dwelling-units to 5.9-dwelling-units per gross acre. Therefore, future development may include the addition of two to four more residential lots in the 2300 block of Ivy Road.

Mr. Roy Honig *et al's* appeal of the Planning Commission Approval

Listed below are the issues raised by the appellants to oppose the Planning Commission's approval of the project, along with staff responses. Staff has reviewed the issues and believes that all of the concerns have been addressed by the Planning Commission's action. A copy of the appeal is attached and what follows is a discussion of the major issues raised.

1. Issue

*A parking lot is not allowed by the Zoning Ordinance on residentially zoned land.*

These concerns are addressed by Section 3014 *Projects Divided by District Boundaries* of the Zoning Ordinance. This section states that under certain circumstances and with an approved Conditional Use Permit parking areas are allowed on residentially zoned lands. The applicant has met all of the requirements set forth by the Zoning Ordinance (described earlier in the Staff Report under Call for Review Issue "2 Approval of the Conditional Use Permit"). The previously described design provides sufficient buffers to the westerly residential developments while adding much-needed parking area to the existing commercial office building.

2. Issue

*The proposed project is a renewal of commercial intrusion into preexisting residences. No buffer exists on the west side of this parking lot.*

Previous owners of Oceanview Plaza have on two other occasions applied to the Planning Commission for approval of additional off-street parking area. This application is the third proposal to create additional parking opportunities for Oceanview Plaza employees and visitors.

The proposed buffer includes at least 18 trees, a variety of shrubs, and a 6-foot decorative wall. These attributes are provided on all property boundaries contiguous with the parking structure. The top of the decorative wall will be 6 feet above the upper parking level and shield the adjacent lots from automobile headlight glare.

3. Issue

*Residents fear the noise and transient traffic. The lot will be lighted and open 24 hours a day. Work crews will come in during off-hours to clean and maintain the landscape as well as the parking structure.*

These concerns are addressed within the Zoning Ordinance and Municipal Codes and will be minimized by the proposed design and natural slope of the surrounding area. For example, the lighting of the parking area will be properly oriented and shielded to prevent glare on any adjacent property; and the Municipal Code sets limits on acceptable noise levels. This project does not propose to be in conflict with these regulations. A change to the proposed maintenance schedule has not been proposed by the applicant; neighbors may expect circumstances to be typical of commercial property maintenance activities. In summation, the intervening landscape, the naturally downward-sloping land, the site design, and proposed landscaping reduces impacts on adjacent residences and should sufficiently address their concerns.

4. Issue

*The two proposed residential lots will be sold at a future date and the buyer may or may not build on the lots. The project is incomplete, because development is not proposed for the two residential lots.*

Within the Fire Mountain Neighborhood lots are frequently subdivided with codicils for future residential development. Under these circumstances it is typical to approve subdivisions with conditions addressing the future residential developments requirements (e.g. minimum house size, required yards, exterior materials, landscaping, and maximum heights and lot coverage allowances). This norm has been followed and staff has written specific conditions for residential development on lots 1 and 2 (see conditions 76, 77, 78, 79, and others). These conditions shall ensure the best possible development on the two proposed residential lots. Please note that the two residential lots exceed the minimum lot size required and have been conditioned to create residential developments similar in scope to the existing characteristics of the surrounding area.

5. Issue

*Numerous quality-of-life issues that have persisted for years with the past and present owners -- many complaints on landscaping and unsightly equipment -- have been ignored.*

The applicant has made a commitment to extensively plant and landscape the area. The Conceptual Landscape Plan proposes planting 54 new trees across the project site. Shrubs and ground covers are proposed throughout. As previously described, trees will be planted along all property boundaries and the land between Vista Way and the off-street parking area will be extensively landscaped. Trees shall be planted adjacent to Vista Way's right-of-way and on land contiguous with the parking areas. The applicant has also redesigned the existing parking area to better incorporate solid waste disposal, a bike rack, and an employee outdoor eating area. The overall site design is much improved.

6. Issue

*When and where will the commercial encroachment end? Can commercial buildings be constructed on top of the parking structure? Are future site expansions possible?*

The site configuration and Zoning regulations significantly limit the possibility of expanding the existing office building. The Zoning Ordinance does not allow for commercial developments on residential land; therefore, an office building could not be constructed above the proposed parking structure. An addition to the existing office building would require that the site provide additional off-street parking spaces; but the existing land cannot accommodate an expansion beyond what is currently proposed. The maximum area allowed for off-street parking on residentially zoned land is 0.5 acres; with the approval of this proposal, it will not be possible for the applicant to increase their off-street parking allotment.

**FISCAL IMPACT**

Not applicable.

**COMMISSION OR COMMITTEE REPORT**

The Planning Commission reviewed the project on January 8, 2007. After hearing considerable public testimony from area residents, as well as the applicant, the Commission unanimously approved the project by a 5-0 (1 absent) vote. Commissioners indicated that the project site is physically suitable for the proposed density and intensity of development. The Commissioners stated that the project did provide adequate evidence that all of the development regulations were being met and found the project to

be consistent with adopted regulations. Overall, the commission found the project to meet the standards for development, including, but not limited to: panhandle access; compatibility with the neighborhood; and development standards established by the Zoning Ordinance, General Plan, and Subdivision Ordinance.

**CITY ATTORNEY’S ANALYSIS**

The City Attorney’s Office has reviewed the proposed resolution and approved it as to form.

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

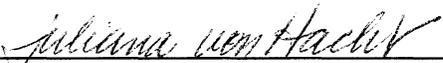
The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission’s decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

**RECOMMENDATION**

Staff has reviewed the issues raised under the call for review and believes that all of the concerns have been thoroughly addressed through the findings and conditions of approval as part of Resolution 2007-P01 and the attached City Council resolution should the project be approved. It is staff’s recommendation that the City Council support the Planning Commission’s decision and approve the project based on the findings contained in the attached City Council resolution.

PREPARED BY

  
Juliana von Hacht  
Associate Planner

SUBMITTED BY

  
Peter A. Weiss  
Interim City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager  
Mike Blessing, Deputy City Manager  
Jerry Hittleman, Acting City Planner



**ATTACHMENTS:**

1. Area Map, Site Plan
2. City Council Resolution for Approval
3. Planning Commission Resolution No. 2007-P01
4. Planning Commission Staff Report Dated January 8, 2007
5. Call For Review/Appeal











1           1.       The Council supports the Planning Commission action of January 8, 2007 and the  
2 applications for Tentative Parcel Map (P-1-06), Development Plan (D-1-06), Conditional Use  
3 Permits (C-1-06, C-2-06) and Resolution No. 2007-P01 are hereby approved.

4           2.       The decision of the Planning Commission is affirmed. The project is consistent with the  
5 Land Use Element of the General Plan and the City's Zoning Ordinance, because it meets the density  
6 and development criteria set forth by these documents. The project site is physically suitable for the  
7 proposed density and intensity of development. The project meets development standards, such as  
8 panhandle access, lot size, requirements for off-street parking, and landscaping. The neighborhood  
9 character includes custom developments, panhandle egress across lots, and generally 10,000 square-foot  
10 lot sizes; the proposed residential subdivision design continues these neighborhood characteristics. The  
11 off-street parking is suitably buffered by landscaping and a decorative wall; the parking structure site  
12 design meets the criteria set forth by the Zoning Ordinance.

13           3.       Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which  
14 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in  
15 Oceanside City Code Section 1.10.

16           PASSED and ADOPTED by the City Council of the City of Oceanside, California this 21st day of  
17 March, 2007 by the following vote:

18           AYES:

19           NAYS:

20           ABSENT:

21           ABSTAIN:

22  
23 \_\_\_\_\_  
24 Mayor of the City of Oceanside

25 ATTEST:

26 APPROVED AS TO FORM:  
27 OFFICE OF THE CITY ATTORNEY

28 \_\_\_\_\_  
City Clerk

\_\_\_\_\_  
City Attorney

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2007-P01

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

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7 APPLICATION: P-1-06, D-1-06, C-1-06 and C-2-06  
8 APPLICANT: Oceanview Plaza Investors, LLC  
9 LOCATION: 2420 Vista Way

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Tentative Parcel Map, Development Plan, and  
14 Conditional Use Permits under the provisions of Articles 10, 11, 30, 41 and 43 of the Zoning  
Ordinance of the City of Oceanside to permit the following:

15 subdivide an existing 2.16-acre site to establish three parcels and 15 commercial  
16 condominium units; permit off-street parking land-use within a residential district and  
17 construction of a parking structure on Parcel 3; permit panhandle access to Parcel 2; and  
18 associated site improvements;

19 on certain real property described in the project description.

20 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th  
21 day of January 2007, conduct a duly advertised public hearing as prescribed by law to consider  
said application.

22 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
23 Guidelines thereto; this project has been found to be categorically exempt from environmental  
24 review per Article 19, Sections 15315 and 15332, because the project involves a minor  
25 subdivision of land and infill development of a parking structure and future single-family  
26 residences.

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

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

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

5 <u>Description</u>	6 <u>Authority for Imposition</u>	7 <u>Current Estimate Fee or</u> 8 <u>Calculation Formula</u>
9 Drainage Fee	10 Ordinance No. 85-23 11 Resolution No. 06-R0334-1	12 Depends on area (range is 13 \$2,843-\$15,964 per acre)
14 Public Facility Fee	15 Ordinance No. 91-09 16 Resolution No. 06-R0334-1	17 \$.713 per square foot or \$713 18 per thousand square feet for 19 non-residential uses
20 School Facilities Mitigation 21 Fee	22 Ordinance No. 91-34	23 \$.42 per square foot non- 24 residential for Oceanside, 25 Vista and Fallbrook
26 Traffic Signal Fee	27 Ordinance No. 87-19 28 Resolution No. 06-R0334-1	29 \$15.71 per vehicle trip
30 Thoroughfare Fee 31 (For commercial and 32 industrial please note the .75 33 per cent discount)	34 Ordinance No. 83-01 35 Resolution No. 06-R0334-1	36 \$255 per vehicle trip (based 37 on SANDAG trip generation 38 table available from staff and 39 from SANDAG)
40 Water System Buy-in Fees	41 Oceanside City Code 42 §37.56.1 43 Resolution No. 87-96 44 Ordinance No. 05-OR 0611-1	45 Fee based on water meter 46 size. Non-residential is 47 \$19,967 for a 2" meter.
48 Wastewater System Buy-in 49 fees	50 Oceanside City Code § 51 29.11.1 52 Resolution No. 87-97 53 Ordinance No. 05-OR 0610-1	54 Based on capacity or water 55 meter size. Non-residential is 56 \$24,444 for a 2" meter.
57 San Diego County Water 58 Authority Capacity Fees	59 SDCWA Ordinance No. 60 2005-03	61 Based on meter size. Non- 62 residential is \$21,599 for a 2" 63 meter.

64 WHEREAS, the current fees referenced above are merely fee amount estimates of the  
65 impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the  
2 applicant/permittee, and are not necessarily the fee amount that will be owing when such fee  
3 becomes due and payable;

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

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

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

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

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

18 FINDINGS:

19 For the Tentative Parcel Map:

- 20 1. The proposed subdivision creates parcels that are consistent and meet or exceed the  
21 requirements for development within the RS (Single-Family Residential) and CP  
22 (Commercial Professional) zoning districts. The subdivision map is consistent with the  
23 General Plan of the City.
- 24 2. The 2.16-acre site is physically suitable for the subdivision of the existing property into  
25 three parcels and establishment of 15 condominium units within the existing building.
- 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  
29 easements, acquired by the public at large, for access through the use of property within  
the subdivision.

1 5. That 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  
3 their habitat.

4 For the Development Plan:

- 5 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
6 and the underlying RS (Single-Family Residential) and CP (Commercial Professional)  
7 Zones.  
8 2. The Development Plan conforms to the General Plan of the City.  
9 3. The project site can be adequately served by existing public facilities, services and  
10 utilities.  
11 4. The project, as proposed, is compatible with the existing and potential development on  
12 adjoining properties or in the surrounding neighborhood.  
13 5. The site plan and parameters for the architecture and physical design of the project is  
14 consistent with the policies contained within the Land Use Element of the General Plan.

15 For the Conditional Use Permits:

- 16 1. The proposed use of a panhandle access and the proposed location of the lot is in accord  
17 with the objectives of the Zoning Ordinance and the purposes of the districts in which it  
18 is located.  
19 2. The use of panhandle access, and the proposed conditions under which they would be  
20 established or maintained will be consistent with the General Plan; will not be  
21 detrimental to the public health, safety or welfare of persons residing or working in or  
22 adjacent to the neighborhood of such use; and will not be detrimental to properties or  
improvements in the vicinity or to the general welfare of the City.

23 Permitting parking in a project subject to differing zoning classifications (off-street parking  
24 within a Residential District and construction of a parking structure to serve a Professional  
25 Commercial site):

- 26 1. The site on which the parking is to be located is contiguous to the site on which the  
27 medical office building is located. The site is not separated by any public right-of-way  
28 and the applicant proposes that the two sites be combined into one lot.  
29 2. All property is under the same ownership.

- 1 3. The proposed parking facility, as conditioned, will not cause any detriment to the  
2 surrounding area or land uses in near proximity to the site. The parking area will be  
3 buffered from adjacent residential uses by landscaping and a natural slope where the  
4 residential land use is at least 10 feet above the off-street parking area.
- 5 4. The proposed parking facility is consistent with all applicable provisions contained within  
6 the Zoning Ordinance. Conditions have been placed to insure compliance with applicable  
7 building and safety codes, including but not limited to parking facility lighting. The  
8 lighting of the parking area will be properly shielded so as to prevent glare on any  
9 adjacent property.
- 10 5. The site having a residential designation is less than 0.5 acres.
- 11 6. The proposed off-street parking facility will provide a necessary function for continued  
12 use of the site. The use is consistent with the land use policies of the General Plan and  
13 the underlying zones.

14 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
15 approve the environmental exemption and approve Tentative Parcel Map (P-1-06) Development  
16 Plan (D-1-06) and Conditional Use Permits (C-1-06, C-2-06) based on the following conditions  
17 of approval:

18 **Building:**

- 19 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
20 Building Division plan check. (Currently the 2001 California Building Code, and 2004  
21 California Electrical Code)
- 22 2. The granting of approval under this action shall in no way relieve the applicant from  
23 compliance with all State and Local building codes.
- 24 3. Site development, parking, access into buildings and building interiors shall comply with  
25 the State's Disabled Accessibility Regulations. (2001 California Building Code (CBC),  
26 Chapter 11B)
- 27 4. The building plans for this project are required by State law to be prepared by a licensed  
28 architect or engineer and shall be in compliance with this requirement prior to submittal  
29 for building plan review.

- 1 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
2 property shall be underground (City Code Sec. 6.30).
- 3 6. All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution  
4 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or  
5 other such lights shall be utilized and shall be shown on building and electrical plans.
- 6 7. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the  
7 plans.
- 8 8. The developer shall monitor, supervise and control all building construction and  
9 supporting activities so as to prevent these activities from causing a public nuisance,  
10 including, but not limited to, strict adherence to the following:
- 11 a) Building construction work hours shall be limited to between 7:00 am and 6:00  
12 pm Monday through Friday, and on Saturday from 7:00 am to 6:00 pm for work  
13 that is not inherently noise-producing. Examples of work not permitted on  
14 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
15 producing nature. No work shall be permitted on Sundays and Federal Holidays  
16 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
17 Christmas Day) except as allowed for emergency work under the provisions of  
18 the Oceanside City Code Chapter 38 (Noise Ordinance).
- 19 b) The construction site shall be kept reasonably free of construction debris as  
20 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
21 approved solid waste containers shall be considered compliance with this  
22 requirement. Small amounts of construction debris shall be stored on-site in a  
23 neat, safe manner for short periods of time pending disposal.
- 24 9. Separate, unique addresses may be required to facilitate utility releases. Verification that  
25 the addresses have been properly assigned by the City's Planning Division must  
26 accompany the Building Permit application.
- 27 10. A complete Soils Report, Structural Calculations, & Energy Calculations shall be  
28 required at time of plans submittal to the Building Division for plan check. The Soils  
29 Report & Structural Calculations must show that the hillside soils conditions are suitable

1 to support the buildings. Retaining walls that are a part of this design shall be designed  
2 per the Soils report for the whole project.

3 11. Documentation of properly recorded easements (for access and utilities) shall be required  
4 for plan check review of building projects on panhandle lots.

5 12. Tenant Improvements, or other construction to the existing building, requires permits  
6 (including all required inspections and approvals, and Issuance of Certificate of  
7 Occupancy) from the Building Division.

8 13. On Parcel 3, a trash enclosure (or trash enclosures) shall be provided as required by  
9 Chapter 13 of the City Code and shall also include additional space for storage and  
10 collection of recyclable materials per City standards. The enclosure(s) shall be built in a  
11 flat, accessible location as determined by the City Engineer and or Public Works  
12 Director. The enclosure(s) shall meet City standards including being constructed of  
13 concrete block, reinforced with rebar and filled with cement. A concrete slab must be  
14 poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the  
15 block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto.  
16 Steel posts must be set in front of the enclosure with solid metal gates. All driveways  
17 and service access areas must be designed to sustain the weight of a 50,000-pound  
18 service vehicle. Trash enclosures and driveways and service access areas shall be shown  
19 on both the improvement and landscape plans submitted to the City Engineer. The  
20 specifications shall be reviewed and approved by the City Engineer and/or Public Works  
21 Director. The City's waste disposal contractor is required to access private property to  
22 service the trash enclosures, a service agreement shall be signed by the property owner  
23 and shall remain in effect for the life of the project. All trash enclosures shall be  
24 designed to provide user access without the use and opening of the service doors for the  
25 bins. Trash enclosures shall have design features such as materials and trim similar to  
26 that of the rest of the project. This design shall be shown on the landscape plans and  
shall be approved by the Community Development Department/Planning Division.

27 **Engineering:**

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

- 1 15. Design and construction of all improvements shall be in accordance with standard plans,  
2 specifications of the City of Oceanside and subject to approval by the City  
3 Engineer/Public Works Director.
- 4 16. Prior to issuance of a building permit all improvement requirements shall be covered by  
5 a development agreement and secured with sufficient improvement securities or bonds  
6 guaranteeing performance and payment for labor and materials, setting of monuments,  
7 and warranty against defective materials and workmanship.
- 8 17. The developer shall provide public street dedication as required to serve the property.
- 9 18. The approval of the Tentative Parcel Map shall not mean that closure, vacation, or  
10 abandonment of any public street, right-of-way, easement, or facility is granted or  
11 guaranteed to the subdivider. The subdivider is responsible for applying for all closures,  
12 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
13 approved or rejected by the City of Oceanside under separate process(es) per codes,  
14 ordinances, and policies in effect at the time of the application.
- 15 19. Prior to approval of the Parcel Map or any increment, all improvement requirements,  
16 within such increment or outside of it if required by the City Engineer/Public Works  
17 Director, shall be covered by a subdivision agreement and secured with sufficient  
18 improvement securities or bonds guaranteeing performance and payment for labor and  
19 materials, setting of monuments, and warranty against defective materials and  
20 workmanship.
- 21 20. Prior to approval of the Parcel Map a phasing plan for the construction of public and  
22 private improvements including landscaping, streets and arterials shall be approved by  
23 the City Engineer/Public Works Director. All improvements shall be under construction  
24 to the satisfaction of the City Engineer/Public Works Director prior to the issuance of  
25 any building permits. All improvements shall be completed prior to issuance of any  
26 certificates of occupancy.
- 27 21. Where proposed off-site improvements, including but not limited to slopes, public utility  
28 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own  
29 expense, obtain all necessary easements or other interests in real property and shall  
dedicate the same to the City of Oceanside as required. The applicant shall provide

1 documentary proof satisfactory to the City of Oceanside that such easements or other  
2 interest in real property have been obtained prior to the approval of the Parcel Map.  
3 Additionally, the City of Oceanside, may at its sole discretion, require that the applicant  
4 obtain at his sole expense a title policy insuring the necessary title for the easement or  
5 other interest in real property to have vested with the City of Oceanside or the applicant,  
6 as applicable.

7 22. Pursuant to the State Map Act, improvements shall be required at the time of  
8 development. A covenant, reviewed and approved by the City Attorney, shall be  
9 recorded attesting to these improvement conditions and a certificate setting forth the  
10 recordation shall be placed on the Parcel Map.

11 23. Prior to the issuance of a grading permit for any of the parcels, the developer shall notify  
12 and host a neighborhood meeting with all of the area residents located within 300 feet of  
13 the project site, and residents of property along any residential streets to be used as a  
14 "haul route", to inform them of the grading and construction schedule, haul routes, and  
15 to answer questions.

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

- 19 a) Dirt, debris and other construction material shall not be deposited on any public  
20 street or within the City's stormwater conveyance system.
- 21 b) All grading and related site preparation and construction activities shall be  
22 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
23 engineering related construction activities shall be conducted on Saturdays,  
24 Sundays or legal holidays unless written permission is granted by the City  
25 Engineer/Public Works Director with specific limitations to the working hours  
26 and types of permitted operations. All on-site construction staging areas shall be  
27 as far as possible (minimum 100 feet) from any existing residential development.  
28 Because construction noise may still be intrusive in the evening or on holidays,  
29 the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive

1 or offensive noise which causes discomfort or annoyance to reasonable persons  
2 of normal sensitivity.”

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

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

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

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

26 27. Ivy Road along the project frontage shall be improved with curbs and gutters.

27 28. Ivy Road along the project frontage shall provide a minimum of 10 feet of parkway  
28 between the face-of-curb and the right-of-way line. Sidewalk improvements shall  
29 comply with ADA requirements.

- 1 29. Sight distance requirements at the project driveway or street shall conform to the corner  
2 sight distance criteria as provided by the California Department of Transportation  
3 Highway Design Manual.
- 4 30. Streetlights shall be maintained and installed on all public streets per City Standards.  
5 The system shall provide uniform lighting, and be secured prior to occupancy. The  
6 developer shall pay all applicable fees, energy charges, and assessments associated with  
7 City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of,  
8 or the annexation to, any appropriate street lighting district.
- 9 31. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
10 engineering firm to perform a field investigation of the existing pavement on Ivy Road  
11 and Vista Way adjacent to the project boundary. The limits of the study shall be half-  
12 street plus twelve (12) feet along the project's frontage. The field investigation shall  
13 include a minimum of one pavement boring per every fifty (50) linear feet of street  
14 frontage. Should the existing AC thickness be determined to be less than three (3)  
15 inches or without underlying Class II base material, the developer shall remove and  
16 reconstruct the pavement section as determined by the pavement analysis submittal  
17 process detailed in Item No. 2 below.
- 18 32. Upon review of the pavement investigation, the City Engineer/Public Works Director  
19 shall determine whether the developer shall: 1) Repair all failed pavement sections,  
20 header cut and grind per the direction of the City Engineer/Public Works Director, and  
21 construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and  
22 submit a study that determines if the existing pavement meets current City  
23 standards/traffic indices. Should the study conclude that the pavement does not meet  
24 current requirements, rehabilitation/mitigation recommendations shall be provided in a  
25 pavement analysis report, and the developer shall reconstruct the pavement per these  
26 recommendations, subject to approval by the City Engineer/Public Works Director.
- 27 33. Pavement sections for all streets, driveways and parking areas shall be based upon  
28 approved soil tests and traffic indices. The pavement design is to be prepared by the  
29 subdivider's soil engineer and must be approved by the City Engineer/Public Works  
Director, prior to paving.

- 1 34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
2 construction of the project, shall be repaired or replaced as directed by the City  
3 Engineer/Public Works Director.
- 4 35. All existing overhead utility lines within the Subdivision/within any full width street or  
5 right-of-way abutting a new Subdivision, and all new extension services for the  
6 development of the project, including but not limited to, electrical, cable and telephone,  
7 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)  
8 and as required by the City Engineer/Public Works Director and current City policy.
- 9 36. The developer shall comply with all the provisions of the City's cable television  
10 ordinances including those relating to notification as required by the City  
11 Engineer/Public Works Director.
- 12 37. Grading and drainage facilities shall be designed and installed to adequately  
13 accommodate the local stormwater runoff and shall be in accordance with the City's  
14 Engineers Manual and as directed by the City Engineer/Public Works Director.
- 15 38. Prior to any grading of any part of the tract or project, a comprehensive soils and  
16 geologic investigation shall be conducted of the soils, slopes, and formations in the  
17 project. All necessary measures shall be taken and implemented to assure slope stability,  
18 erosion control, and soil integrity. No grading shall occur until a detailed grading plan,  
19 to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is  
20 approved by the City Engineer/Public Works Director.
- 21 39. This project shall provide year-round erosion control including measures for the site  
22 required for the phasing of grading. Prior to the issuance of a grading permit, an erosion  
23 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
24 by the applicant with cash securities and approved by the City Engineer/Public Works  
25 Director.
- 26 40. A precise grading and private improvement plan for each parcel shall be prepared,  
27 reviewed, secured and approved prior to the issuance of any building permits. The plan  
28 shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters,  
29 medians, striping, signage, footprints of all structures, walls, drainage devices and utility

1 services. Any parking lot striping and any on-site traffic calming devices, if applicable  
2 shall also be shown on all Precise Grading and Private Improvement Plans.

3 41. Landscaping plans, including plans for the construction of walls, fences or other  
4 structures at or near the intersections, must conform to intersection sight distance  
5 requirements. Landscape and irrigation plans for disturbed areas must be submitted to  
6 the City Engineer/Public Works Director prior to the issuance of a preliminary grading  
7 permit and approved by the City Engineer/Public Works Director prior to the issuance of  
8 occupancy. Frontage and median landscaping shall be installed prior to the issuance of  
9 any certificates of occupancy. Any project fences, sound or privacy walls and monument  
10 entry walls/signs shall be shown on, bonded for and built from the landscape plans.  
11 These features shall also be shown on the precise grading plans for purposes of location  
12 only. Plantable, segmental walls shall be designed, reviewed and shown on the grading  
13 plans and landscape plans. The planted walls shall be irrigated, as shown on the  
14 landscape plans.

15 42. For parcel 3, open-space areas and down-sloped areas visible from a collector-level or  
16 above roadway and not readily maintained by the property owner, shall be maintained by  
17 a owners' association that will insure installation and maintenance of landscaping in  
18 perpetuity. These areas shall be indicated on the final parcel map and reserved for an  
19 association. Future buyers shall be made aware of any estimated monthly costs. The  
20 disclosure, together with the CC&R's, shall be submitted to the City Engineer/Public  
21 Works Director for review prior to the recordation of final parcel map.

22 43. The drainage design on the Tentative Parcel Map is conceptual only. The final design  
23 shall be based upon a hydrologic/hydraulic study to be approved by the City  
24 Engineer/Public Works Director during final engineering. All drainage picked up in an  
25 underground system shall remain underground until it is discharged into an approved  
26 channel, or as otherwise approved by the City Engineer/Public Works Director. The  
27 applicant shall be responsible for obtaining any off-site easements for storm drainage  
28 facilities.  
29

- 1 44. Storm drain facilities shall be designed and located such that the inside travel lanes on  
2 streets with Collector or above design criteria shall be passable during conditions of a  
3 100-year frequency storm.
- 4 45. Sediment, silt, grease, trash, debris, and pollutants shall be collected on-site and  
5 disposed of in accordance with all state and federal requirements, prior to stormwater  
6 discharge either off-site or into the City drainage system.
- 7 46. For Parcel 3, unless an appropriate barrier is approved on a landscape plan, a minimum  
8 42-inch high barrier, approved by the City Engineer/Public Works Director, shall be  
9 provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds  
10 four feet and is adjacent to an arterial street or state highway.
- 11 47. Development on Parcel 3 shall comply with all applicable regulations established by the  
12 United States Environmental Protection Agency (USEPA) as set forth in the National  
13 Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff  
14 and stormwater discharge and any regulations adopted by the City pursuant to the  
15 NPDES regulations or requirements. Further, the applicant may be required to file a  
16 Notice of Intent with the State Water Resources Control Board to obtain coverage under  
17 the NPDES. General Permit for Storm Water Discharges Associated with Construction  
18 Activity and may be required to implement a Storm Water Pollution Prevention Plan  
19 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include  
20 both construction and post construction pollution prevention and pollution control  
21 measures and identify funding mechanisms for post construction control measures. The  
22 developer shall comply with all the provisions of the Clean Water Program during and  
23 after all phases of the development process, including but not limited to: mass grading,  
24 rough grading, construction of street and landscaping improvements, and construction of  
25 dwelling units. The applicant shall design the Project's storm drains and other drainage  
26 facilities to include Best Management Practices to minimize non-point source pollution,  
27 satisfactory to the City Engineer/Public Works Director.
- 28 48. Upon acceptance of any fee waiver or reduction by the subdivider, the entire project will  
29 be subject to prevailing wage requirements as specified by Labor Code section 1720(b)

1 (4). The subdivider shall agree to execute a form acknowledging the prevailing wage  
2 requirements prior to the granting of any fee reductions or waivers.

3 49. For Parcel 3, the subdivider shall prepare and submit an Operations & Maintenance  
4 (O&M) Plan as set forth in the approved Storm Water Mitigation Plan (SWMP) to the  
5 City Engineer/Public Works Director with the first submittal of the Precise Grading  
6 Plans. The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be  
7 directly based on the project's Storm Water Mitigation Plan (SWMP) previously  
8 approved by the Planning Commission. At a minimum the O&M Plan shall include the  
9 designated responsible parties to manage the stormwater BMPs, employee's training  
10 program and duties, operating schedule, maintenance frequency, routine service  
11 schedule, specific maintenance activities, copies of resource agency permits, cost  
12 estimate for implementation of the O&M Plan and any other necessary elements.

13 50. For Parcel 3, the subdivider shall enter into a City-Standard Stormwater Facilities  
14 Maintenance Agreement (SWFMA) with the City obliging the project proponent to  
15 maintain, repair and replace the stormwater BMPs identified in the project's approved  
16 SWMP and as detailed in the O&M Plan that shall be a part of the SWFMA into  
17 perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of  
18 any precise grading permit and shall be recorded at the County Recorder's Office prior to  
19 issuance of any building permit. Security in the form of cash (or certificate of deposit  
20 payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required  
21 prior to issuance of a precise grading permit. The amount of the security shall be equal  
22 to 10 years of maintenance costs, as identified by the O&M Plan. The applicant's Civil  
23 Engineer shall prepare the O&M cost estimate. The O&M cost estimate shall be  
24 approved by the City Engineer/Public Works Director prior to approval of any  
25 engineering plans for the project.

26 51. At a minimum, the O&M Maintenance Agreement shall require the staff training,  
27 inspection and maintenance of all BMPs on an annual basis. The project proponent shall  
28 complete and maintain O&M forms to document all maintenance activities. Parties  
29 responsible for the O&M plan shall retain records at the subject property for at least 5

1 years. These documents shall be made available to the City for inspection upon request  
2 at any time.

3 52. The O&M Maintenance Agreement shall include a copy of executed on-site and off-site  
4 access easements necessary for the operation and maintenance of BMPs that shall be  
5 binding on the land throughout the life of the project to the benefit of the party  
6 responsible for the O&M of BMPs, until such time that the stormwater BMP requiring  
7 access is replaced, satisfactory to the City Engineer/Public Works Director. The  
8 Agreement shall also include a copy of the O&M Plan approved by the City  
9 Engineer/Public Works Director.

10 53. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)  
11 shall not be altered in any way, shape or form without formal approval by either an  
12 Administrative Substantial Conformance issued by the Community Development  
13 Department/Planning Division or Planning Commission. The determination of whatever  
14 action is required for changes to a project's approved SWMP shall be made by the  
15 Community Development Department/Planning Division.

16 54. All single-family dwelling projects shall dispose of or recycle solid waste in a manner  
17 provided in City Code Section 13.3.

18 **Engineering Landscape:**

19 55. The landscape plans must comply with and match the site, grading plan, conceptual  
20 landscape plan, and approved SWMP requirements.

21 56. Removal of any existing tree shall be replaced on-site per Section 401.I of the  
22 Subdivision Ordinance and memorandum of accepted caliper replacement schedules.

23 57. Trees planted on the western boundary of Parcel 3 shall be 24-inch box size.

24 **Fire Prevention:**

25 58. Submit a copy of as-built plans on a CD for all developments on the site before final  
26 occupancy.

27 59. Future development of the site will require compliance with all applicable Fire  
28 Department Standards.  
29

1 **Planning:**

- 2 60. This Tentative Parcel Map (P-1-06), Development Plan (D-1-06) and Conditional Use  
3 Permits (C-1-06, C-2-06) shall expire on January 8, 2009, unless implemented as per the  
4 Zoning Ordinance or unless the Planning Commission grants a time extension.
- 5 61. This Tentative Parcel Map (P-1-06) approves the subdivision of an existing 2.16-acre  
6 site in order to establish three parcels and 15 commercial condominium units; the  
7 Conditional Use Permits (C-1-06 and C-2-06) allow on Parcel 3 off-street parking land-  
8 use within a Residential District and permit panhandle access to Parcel 2; and the  
9 Development Plan (D-1-06) permits associated site improvements, as shown on the  
10 plans and exhibits presented to the Planning Commission for review and approval, and  
11 as modified by said conditions of approval. No deviation from these approved plans and  
12 exhibits shall occur without the approval of the City Planner and/or the Planning  
13 Commission. Substantial deviations shall require a revision to the Tentative Parcel Map,  
14 Development Plan and Conditional Use Permits.
- 15 62. Uses generating additional parking shall not be allowed unless a revision to this permit is  
16 obtained and a separate use permit is granted by the Planning Commission  
17 demonstrating that adequate off-street parking is provided on-site.
- 18 63. All lighting showcasing building architecture shall be shown on the building plans and  
19 prior to building permit approval.
- 20 64. Outdoor storage or display of merchandise of materials shall meet the requirements of  
21 the Zoning Ordinance.
- 22 65. All site lighting shall adhere to the adopted City of Oceanside Light Pollution Ordinance.
- 23 66. Elevation materials, colors, roofing materials and floor plans shall be substantially the  
24 same as those approved by the Planning Commission. These shall be shown on plans  
25 submitted to the Building Division and Planning Division.
- 26 67. The applicant/permittee shall provide a copy of this permit identifying the use limitations  
27 on Parcel 3 based on the 125 off-street parking spaces provided on-site, as well as a copy  
28 of the County of San Diego Recorder's Office recorded O&M plan to any prospective  
29 tenants/property owners.

- 1 68. Prior to the issuance of the first building permit, the applicant/permittee shall illustrate  
2 compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-  
3 19, Section 20.25 of the City Code) which shall be noted on the building permit plan set  
4 for reference. These requirements, which include the obligation to remove all graffiti  
5 within 24 hours.
- 6 69. Unless expressly prohibited by the City of Oceanside Fire Division, all retaining walls  
7 over four feet in height shall be landscaped and irrigated, at all times.
- 8 70. Within two years of the issuance of the first construction/building permits, planting on  
9 the retaining walls shall be required to cover 50 percent of the exposed retaining wall  
10 surface that is in excess of four feet in height.
- 11 71. All walls and landscaping will be maintained in a disease free and graffiti-free manner,  
12 at all times.
- 13 72. Prior to issuance of any building permits, the applicant/permittee shall show evidence on  
14 a building plan set that all mechanical rooftop equipment are screened from public  
15 views. All mechanical rooftop and ground equipment shall be screened from public  
16 view as required by the Zoning Ordinance. This information shall be shown on the  
17 building permit plan set.
- 18 73. On Parcel 3, outdoor eating areas shall not be removed or converted, and all outdoor  
19 eating area furnishings shall be kept in good condition and shall be operable, at all times.
- 20 74. On Parcel 3, outdoor eating areas shall be kept clean in a neat, debris-free, and graffiti-  
21 free manner, at all times.
- 22 75. Failure to meet any conditions of approval for this development shall constitute a  
23 violation of Tentative Parcel Map (P-1-06), Development Plan (D-1-06), and  
24 Conditional Use Permits (C-1-06, C-2-06).
- 25 76. To ensure that new development complies with all applicable requirements of the  
26 Zoning Ordinance, development plans shall be approved for development projects as  
27 provided in Article 43. The City Planner shall administratively approve, conditionally  
28 approve, or disapprove development plans for residential projects. Administrative  
29 Development Plans shall be processed and approved by the City Planner for lots 1 and 2  
of the Tentative Parcel Map prior to the issuance of grading permits for each lot.

1 Development on each lot shall provide superior architectural, landscaping design and  
2 materials compatible with those found within the Fire Mountain Neighborhood. Front  
3 yard landscaping shall be provided by the developer of each lot and shall be shown on  
4 each Administrative Development Plan.

5 77. Development on each of the new lots created by this parcel map shall meet the following  
6 development standards: minimum unit size, 2,500 square feet; front yard 20 feet; interior  
7 side yard 7.5 feet; corner side yard 10 feet; rear yard 15 feet; maximum height 36 feet;  
8 lot coverage, maximum 45 percent; roofing, fire resistant roof tile; minimum  
9 combination of one 2-car garage and one 1-car garage.

10 78. Building floor plans, elevations, architectural style, color and materials palette employed  
11 on the design of structures on each lot shall differ from but compliment development on  
12 adjoining parcels.

13 79. Development on Parcel 1 and Parcel 2 created by this parcel map shall meet the  
14 following design guidelines:

- 15 a) Use of retaining walls shall be minimized. Where use of retaining walls cannot  
16 be avoided, such walls shall be screened to the maximum extend possible and use  
17 of plantable walls shall be employed as part of the design solution.
- 18 b) Structures shall complement the surrounding natural and built environment in  
19 pattern, function, scale, character and materials.
- 20 c) Variable setbacks shall be provided along street frontages and between adjoining  
21 properties in order to establish different patterns of open space, thereby achieving  
22 an aesthetically pleasing street scene and minimizing privacy loss between  
23 dwellings.
- 24 d) Garages shall be designed to be subordinate to the main dwelling. Garages with  
25 side entries, split, recessed garages or motor courts are required.
- 26 e) Garage doors shall incorporate multi-panel designs, windows or architectural  
27 detailing to reduce their impact and scale.
- 28 f) Garage frontages shall be setback a minimum of 5 feet from the dwelling's first  
29 story façade. Garages may be recessed less or project in front of the dwelling

1 only if they occupy no more than 50 percent of the building frontage and  
2 incorporate at least one of the following mitigating design features:

- 3 i. A porch not less than 12 feet wide and 8 feet deep in front of the living  
4 area; or
- 5 ii. A trellis/arbor extending not less than 2 feet beyond the front of the  
6 garage; or
- 7 iii. A balcony above the garage with a trellis or roof along the garage  
8 frontage.

9 g) A minimum 15 feet wide landscaped planting area shall be provided between  
10 adjacent driveways to minimize adverse visual impacts from expansive driveway  
11 surfaces.

12 h) Walls and fences visible from public right-of-ways shall be architecturally  
13 enhanced and complimented by adjoining, tiered landscaping.

14 i) Driveway entries on private property shall incorporate decorative paving.

15 j) The type and location of site and building lighting shall preclude direct glare onto  
16 adjoining properties and streets.

17 k) Dwelling structures shall be designed to complement, yet be distinguishable from  
18 adjacent structures. Buildings shall relate in terms of mass but utilize different  
19 form and detail compositions to create a unique design statement. The same  
20 building elevations shall not be repeated within the subject parcel map  
subdivision area.

22 l) One story architectural elements and massing shall be incorporated into two-story  
23 building designs to the greatest extent possible. Where two-story building  
24 massing occurs, one or more of the following features should be used to soften  
the visual impact of a two-story wall surface:

- 25 i. Variety of hip and gable roofs;
  - 26 ii. Arbors, trellises and shade structures;
  - 27 iii. Balconies;
  - 28 iv. Cantilevered building elements.
- 29

- 1 m) Roof designs shall be compatible in terms of type slope, size, materials and  
2 colors to surrounding residential structures. Flat roofs are discouraged, unless  
3 appropriate to the selected architectural style.
- 4 n) All building elevations shall be architecturally enhanced. The selected  
5 architectural design shall be consistently employed on all building elevations.
- 6 o) Unarticulated building wall planes and monolithic forms are prohibited. Use of  
7 horizontal and vertical massing offsets is required.
- 8 p) Selection and application of building materials and colors shall take into  
9 consideration and relate to surrounding development. Use of colors that reduce  
10 and eliminate reflectivity and blend structures into the terrain is recommended.
- 11 q) Materials shall stylistically compliment architectural details. Frequent changes in  
12 materials shall be avoided. Changes in colors and materials shall occur at  
13 interior corners and shall coincide with vertical and horizontal wall plane  
14 changes.
- 15 r) Landscaping shall frame, soften and embellish the quality of the residential  
16 environment, buffer residences from noise and enhance privacy. Tiered planting  
17 shall be used to enhance the character of the project. Preservation of existing  
18 vegetation, to the maximum extent possible, and effective integration within the  
19 overall landscaping plan shall be required.

20 80. Unless expressly waived, all zoning standards, and City ordinances and policies in effect  
21 at the time building permits are issued are required to be met by this project. The  
22 approval of this project constitutes the applicant's agreement with all statements in the  
23 Description and Justification, Operations and Maintenance (O&M) plan and other  
24 materials and information submitted with this application, unless specifically waived by  
25 an adopted condition of approval.

26 81. Elevations, siding materials, colors, roofing materials and floor plans shall be  
27 substantially the same as those approved by the Planning Commission. These shall be  
28 shown on plans submitted to the Building Division and Planning Division.

29 82. Prior to the approval of a building permit the areas for 1) refuse, and 2) recycling  
collection shall be illustrated in plan view as dedicated areas for each refuse and

1 recycling, and per City of Oceanside, Municipal Code, Chapter 13. An area calculation  
2 shall be provided on building plans in order to illustrate compliance with all applicable  
3 refuse and recycling elements of the Zoning Ordinance/adopted City policy.

4 **Water Utilities:**

5 83. All public water and sewer facilities not located within the public right-of-way shall be  
6 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
7 Design and Construction Manual. Easements shall be constructed for all weather access

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

10 85. The property owner will maintain private water and wastewater utilities located on private  
11 property.

12 86. A separate irrigation meter and approved backflow prevention device is required.

13 87. Water services and sewer laterals constructed in existing right-of-way locations are to be  
14 constructed by approved and licensed contractors at the developer's expense.

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

18 89. All lots with a finish pad elevation located below the elevation of the next upstream  
19 manhole cover of the public sewer shall be protected from backflow of sewage by  
20 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
Code (UPC).

21 90. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are  
22 to be paid to the City and collected by the Water Utilities Department at the time of  
23 Building Permit issuance.

24 91. All Water and Wastewater construction shall conform to the most recent edition of the  
25 Water, Sewer, and Reclaimed Water Design and Construction Manual.

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

1 93. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating  
2 to garages and wash racks shall be installed in each building sewer in an appropriate  
3 location and shall be maintained by the property owner. The location shall be called out  
4 on the approved Improvement Plans.

5 94. Subterranean parking spaces shall be drained to the City's Storm Drain System and shall  
6 comply with the California Regional Water Quality Control Board Order No. 2001-01.

7 PASSED AND ADOPTED Resolution No. 2007-P01 on January 8, 2007 by the  
8 following vote, to wit:

9 AYES: Parker, Horton, Blom, Balma and McLeod

10 NAYS: None

11 ABSENT: Martinek

12 ABSTAIN: None

13  
14   
15 \_\_\_\_\_  
16 Dennis Martinek, Chairman  
Oceanside Planning Commission

17 ATTEST:

18  
19   
20 \_\_\_\_\_  
Jerry Hittleman, Secretary

21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
22 this is a true and correct copy of Resolution No. 2007-P01.

23  
24  
25 Dated: January 8, 2007



DATE: January 8, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) AND CONDITIONAL USE PERMITS (C-1-06, C-2-06) TO CREATE THREE RESIDENTIAL LOTS, TO CREATE 15 COMMERCIAL CONDOMINIUM UNITS ON AN EXISTING LOT AND TO ALLOW OFF-STREET PARKING AT 2420 VISTA WAY. – OCEANVIEW PLAZA – APPLICANT: OCEANVIEW PLAZA INVESTORS, LLC.**

**RECOMMENDATION**

Staff recommends that the Planning Commission approve Tentative Parcel Map (P-1-06), Development Plan (D-1-06), and Conditional Use Permits (C-1-06, C-2-06) and adopt Planning Commission Resolution No. 2007-P01 as attached.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site review:** The project site consists of two lots on the boundary of two zoning districts. The lot at 2420 Vista Way is situated within the Commercial Professional District, while the adjoining westward lot is located within the Single-Family Residential District (RS).

The lot at 2420 Vista Way encompasses a 1.1-acre area and is improved with a 26,440-square foot medical office (13-office suite) building. The site includes a 74-parking stall area, which has proven insufficient to accommodate the current off-street parking demand. The westward 0.96-acre lot is currently undeveloped and is accessed from Ivy Road. The area of proposed improvements slopes gently to the south, approximately 10:1 (horizontal to vertical), with elevations ranging from approximately 86 feet (msl) at the northerly portion of the property along Ivy Road to approximately 48 feet (msl) at the southeastern portion of the

property along Vista Way. The site is not subject to the hillside development provisions of Section 3039 of the Zoning Ordinance. The undeveloped portion of the site is presently covered with a sparse-to-moderate growth of seasonal weeds and grasses. A large *Ficus nitida*, Indian laurel fig exists at the northwest corner of the site (see Tree Survey exhibit). Staff has conditioned that all the existing trees be surveyed for size and that mitigation for tree loss be provided within the bounds of the project area.

**Project description:** This project can be divided into three components: a) Subdividing an existing medical office building into 15 commercial condominiums; b) Permitting and constructing off-street parking on a residentially zoned site; and c) Subdividing an 0.96-acre lot into two lots for future residential development.

*a) Commercial condominiums* - The applicant is requesting to subdivide the existing building at 2420 Vista Way (Parcel 3) into 15 commercial condominiums. The proposed units will vary in size between 500 square feet and 5,000 square feet. Interior changes to the existing building are not proposed at this time. The property owner intends to sell individual offices and record a condominium map reflecting the market demand for the suites. The existing building interior layout has been provided as an exhibit to this report.

*b) Permitting off-street parking within a Residential District and construction of a parking structure to serve a Professional Commercial site* – Pursuant to Section 3014.2, the applicant is requesting a Conditional Use Permit to establish a parking use and construct a parking structure on residentially zoned land (Sheets 1 and 2 of the Tentative Parcel Map identify the district boundaries on Parcel 3 and the location of the parking structure). A total of 199 parking spaces will be provided on-site. One hundred and twenty five (125) spaces will be provided on land designated as Single-Family Residential (RS); 74 spaces will be provided on land designated as Commercial Professional (CP). The proposed off-street parking arrangement on the residentially zoned land includes 104 off-street parking spaces at-grade and 21 off-street parking spaces accessed via a ramp to an above-grade structure.

*c) Subdivision of an existing residential lot* – The applicant is requesting to subdivide the existing 0.96-acre westerly lot into three areas. The Tentative Parcel Map depicts one 0.23 and one 0.18-acre residentially zoned lot (Parcels 1 and 2 respectively). The remaining 0.34 acres of the larger residential lot are proposed to be combined with the existing 1.1-acre Commercial Professional lot located at 2420 Vista Way (Parcel 3).

Staff has prepared conditions addressing the massing and development of residential units on the proposed lots. The *Description and justification* identifies, in detail, the development restrictions proposed by the applicant. Panhandle access is required for egress to the interior lot and a conditional use permit is requested per Section 1050(Y).

A comparison of the development standards for the residential lots follows:

	REQUIRED STANDARD	PROPOSED
BASE DENSITY	3.6 du/ac	2.08 du/ac
MINIMUM SITE AREA	10,000 SF	Parcel 1: 10,180 SF Parcel 2: 10,096 SF
MINIMUM LOT WIDTH	65-feet	Parcel 1: 107.49-feet Parcel 2: 122.14-feet
SETBACKS Front Interior Side Corner Side Rear	20 feet 7.5 feet 10 feet 15 feet	20 feet 7.5 feet 10 feet 15 feet
OFF-STREET PARKING	2-car garage (20-ft wide x 19-ft deep)	3-car garage (20-ft wide x 19-ft deep; and 9-ft wide x 19-ft deep)
MAXIMUM BUILDING HEIGHT	36-feet	36-feet
MAXIMUM LOT COVERAGE	45%	45%
MINIMUM SIZE OF HOME	-	2,500

*Conceptual landscape plan:* The applicant proposes to grade pads on the residential lots and landscape the entire project area. The proposed landscaping includes shrubs and ground covers on the residential lots (*Cercis occidentalis*, *Cistus x purpureus*, *Echium candicans*, *Grevillea* "Roby Gordon", *Lantana montevidensis*, and *Myoporum pacificum*). The proposed trees on the residential lots include *Rhus lancea*, *Liquidambar styraciflua*, and *Jacaranda mimosifolia*. The required yards shall be top-dressed per Section 3019 *Landscaping, irrigation and hydroseeding*. Regular landscape maintenance, including weed abatement, of the undeveloped lots shall be required by condition.

The applicant proposes to augment the existing landscaping on Parcel 3 and to plant the off-street parking areas. Along Vista Way, the applicant proposes planting ground cover, shrubs, and *Tristania conferta* trees. Ground cover, shrubs, and trees are proposed within the off-street parking area. The proposal includes *Calodendrum capense*, *Liquidambar styraciflua*, and *Rhus lancea*. Adjacent to the rear of the existing commercial building, the applicant proposes to plant *Rhus lancea* trees.

Per Section 401.I of the Subdivision Ordinance, staff requires a survey of the existing trees prior to issuance of a grading permit. Loss of existing trees shall be replaced on-site according to a standard mitigation schedule prepared by the Engineering staff.

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

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

## **ANALYSIS**

### **KEY PLANNING ISSUES**

1. Is the proposed Tentative Parcel Map consistent with the Land Use Element of the General Plan and the City's Subdivision Ordinance?
2. Are the proposed project development criteria consistent with the criteria of the Single-Family Residential District and the surrounding neighborhood?
3. Is the proposed off-street parking land use consistent with the requirements of the City's Zoning Ordinance?

### **DISCUSSION**

Proposed Subdivision – The commercial condominium subdivision is consistent with General Plan Section 2.01 and complies with all other applicable ordinances, regulations, and guidelines of the City of Oceanside. The proposed condominium unit size (500 to 5,000 square feet) will allow for the efficient potential reuse of the property. With the advent of additional off-street parking, the site has improved its suitability for medical office land use. The proposed site improvements will enhance access to the property (pedestrian ramps, vehicle egress).

Staff's review of the residential parcel map focused on the project's consistency with the surrounding area, the Zoning Ordinance regulations, and the guidelines of the General Plan. The subject site is contiguous with single-family homes constructed in 1930, but the surrounding area has several distinctive homes that

were built between 1980 and 2000. Staff finds that the proposed two new custom homes, as conditioned, would be compatible with the existing eclectic nature of development on Ivy Road, and generally in the Fire Mountain Neighborhood.

Proposed conditional use permit to allow panhandle access - Staff finds that the proposed panhandle access to Parcel 2 is consistent with the surrounding area, due to the fact that there are several lots in the vicinity with similar egress access to Ivy Road.

Proposed conditional use permit for off-street parking use on residentially zoned land - The parking structure is proposed on land contiguous to the medical office building property; the site is not separated by any public right-of-way; and the medical office and parking area properties are under the same ownership. The parking area will be buffered from adjacent residential uses or districts by sufficient landscaping, including trees for screening and a wall that shall not exceed six feet in height. The lighting of the parking area will be properly shielded to prevent glare on any adjacent property. Therefore permitting the establishment of parking use on a residential zoned area will not be detrimental to the public health, safety and general welfare because the parking area is properly designed, addition of 125 off-street parking spaces will properly service the land use on-site and the parking area will utilize less than 0.5 acres of residentially zoned land.

## **ENVIRONMENTAL DETERMINATION**

The project is exempt under the provisions of the California Environmental Quality Act, Article 19, Section 15315 & 15332 because the project involves a minor subdivision and infill development of a parking lot and future single-family residences.

## **SUMMARY**

The proposed project is consistent with applicable Zoning Ordinance development criteria, Subdivision Ordinance regulations and General Plan land use policies; therefore, staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (P-1-06), Development Plan (D-1-06), and Conditional Use Permits (C-1-06, C-2-06) and adopt Planning Commission Resolution No. 2007-P01 as attached.

PREPARED BY:

  
\_\_\_\_\_  
Juliana von Hacht  
Associate Planner

SUBMITTED BY:

  
\_\_\_\_\_  
Jerry Hittleman  
City Planner

REVIEWED BY:

  
\_\_\_\_\_  
Amy Volzke, Principal Planner

JH/JH/fil

Attachments:

1. Site Plan, Floor Plans & Elevations, Tree Survey
2. Planning Commission Resolution No. 2007-P01
3. Planning Commission Resolution No. 2004-P08
4. Planning Commission Resolution No. 2000-P34

-----Original Message-----

**From:** Valerie Carpenter **On Behalf Of** Jim Wood  
**Sent:** Tuesday, January 16, 2007 4:18 PM  
**To:** Barbara Riegel Wayne  
**Cc:** Barry Martin; Peter Weiss; Michelle Skaggs-Lawrence; Mike Blessing; Jerry Hittleman; Patricia Allison  
**Subject:** Call for Review....

Barbara,

**Please Call for Review:**

TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) AND CONDITIONAL USE PERMITS (C-1-06, C-2-06) TO CREATE THREE RESIDENTIAL LOTS, TO CREATE 15 COMMERCIAL CONDOMINIUM UNITS ON AN EXISTING LOT AND TO ALLOW OFF-STREET PARKING AT 2420 VISTA WAY. - OCEANVIEW PLAZA - APPLICANT: OCEANVIEW PLAZA INVESTORS, LLC, approved by the Planning Commission on January 8, 2007.

**Reasons for Call for Review:**

- impacts surrounding residential neighborhood
- approval of the Conditional Use Permit
- future development of residential lots

**It is requested that this item be brought before Council during March, 2007.**

JIM WOOD

Thank you,

Valerie Carpenter  
Aide to Mayor Jim Wood  
City of Oceanside  
300 North Coast Hwy.  
Oceanside, CA 92054  
Telephone: 760.435.3060  
Fax: 760.435.6013  
Email: vcarpenter@ci.oceanside.ca.us

2007 JAN 17 P 2:16

RECEIVED  
CITY CLERK DEPARTMENT  
CITY OF OCEANSIDE

Received by: Holly  
Via: Valeda Honig  
Copy to: Jerry Hittleman ✓  
Mike Blessing, City Clerk

# ACCEPTANCE OF APPEAL

(OFFICE USE ONLY)

RECEIVED

JAN 17 2007

Planning Department

Appeal of: Oceanview PLAZA

Date of Final Action: <sup>20 07-PO1</sup> 1/8/07 Date Filed: 1/17/07

Form of Appeal: \$656 Appeal Fee \_\_\_\_\_ Petition

Person Submitting Appeal: Valeda Honig

Company/Developer Representative, Company Name: \_\_\_\_\_

Name of Person who Prepared the Appeal: Roy Honig

Name of Spokesperson for the Appeal: Roy Honig

Address: 2307 Ivy Rd.

Phone Number: 760-757-0011

E-mail and/or Fax: MHonig@Cox.Net

On vacation  
from  
March 4 - March 8

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

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

Signature: Valeda Honig Date: 1-17-07

City Clerk  
City of Oceanside

2007 JAN 17 P 1:51

CITIZEN PETITION – To appeal the Planning Commission approval of  
TENTATIVE PARCEL MAP ( P-1-06 ) , DEVELOPMENT PLAN (D-1-  
06 ) and CONDITIONAL USE PERMITS (C-1-06 , C-2-06) ( aka  
Oceanview Plaza)

RECEIVED  
CITY CLERK DEPARTMENT  
CITY OF OCEANSIDE

On January 8 , 2007 the Planning Commission approved the above mentioned plans and conditional use permits.

The conditional use permits are for a parking lot on land that is zoned RESIDENTIAL – single family dwelling..... an office-professional parking lot is clearly not within zoning restrictions.

This proposal is a renewal of commercial intrusion into preexisting residences. No buffer exists on the west side of this parking lot.

Residents fear the noise and transient traffic. The lot will be lighted and open 24 hours a day. Work crews will come in during off hours to clean and maintain the landscape as well as the parking structure.

This project is incomplete, in that no homes will be built to buffer the residents on Ivy Road. The lots will be sold at a future date and that buyer may or may not build.

Numerous quality-of- life issues that have persisted for years with past and present owners – many complaints on landscaping and unsightly equipment have been ignored. Will future concerns fall on deaf ears?

When and where will the commercial encroachment end? Will the next owner come back in a year with another plan that puts a commercial building on top of existing homes?????

Roy Honig  
760-757-0011

## Citizen Petition

to appeal the Planning Commission approval of  
TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-  
1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06  
(aka Oceanview Plaza)

On January 8, 2007 the Oceanside Planning Commission approved the following:

TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06) to create three residential lots, to create 15 commercial condominium units on an existing lot and to allow off-street parking located at 2420 Vista Way. The project site is zoned RS (Residential Single-Family) and CP (Professional Commercial) and is situated within the Fire Mountain Neighborhood. - OCEANVIEW PLAZA

We the undersigned respectfully request a public hearing for the appeal of TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06 (aka Oceanview Plaza).

Printed Name	Signature	Address
<u>Valerie Carpenter</u>	<u>VC Carpenter</u>	<u>2297 Ivy Road</u>
<u>Evelyn Carpenter</u>	<u>Evelyn Carpenter</u>	<u>2297 Ivy Road</u>
<u>Mary Honig</u>	<u>Mary B. Honig</u>	<u>2307 Ivy Road</u>
<u>Valeda Honig</u>	<u>Valeda Honig</u>	<u>2307 Ivy Road</u>
<u>Candelora Honig</u>	<u>Candelora Honig</u>	<u>2307 Ivy Road</u>
<u>Cynthia J. Moon</u>	<u>Cynthia J. Moon</u>	<u>2528 Woodlands Way</u>
<u>Tom Thomson</u>	<u>Tom Thomson</u>	<u>2301 IVY RD</u>
<u>Antonio Dupont</u>	<u>Antonio Dupont</u>	<u>2301 IVY RD</u>
<u>Kenna Humphreys</u>	<u>Kenna Humphreys</u>	<u>2291 Ivy Rd.</u>
<u>STELLA STAMP</u>	<u>Stella Stamp</u>	<u>2275 Ivy Rd</u>

## Citizen Petition

to appeal the Planning Commission approval of  
**TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06)** and **CONDITIONAL USE PERMITS (C-1-06, C-2-06)**  
**(aka Oceanview Plaza)**

On January 8, 2007 the Oceanside Planning Commission approved the following:

TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06) to create three residential lots, to create 15 commercial condominium units on an existing lot and to allow off-street parking located at 2420 Vista Way. The project site is zoned RS (Residential Single-Family) and CP (Professional Commercial) and is situated within the Fire Mountain Neighborhood. - **OCEANVIEW PLAZA**

**We the undersigned respectfully request a public hearing for the appeal of TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06 (aka Oceanview Plaza).**

Printed Name	Signature	Address
<u>Diane K Adams</u>	<u>Diane K Adams</u>	<u>2396 Ivy Rd</u>
<u>Joy Lars</u>	<u>Joy R Lars</u>	<u>2409 Papyrus Ct</u>
<u>Marla Fuller-Elliott</u>	<u>Marla A. Elliott</u>	<u>2432 Papyrus Ct</u>
<u>Daniel Topp</u>	<u>Daniel Topp</u>	<u>2436 Papyrus Ct</u>
<u>Jeff W. W.</u>	<u>JEFF JOSBURY</u>	<u>2388 IVY ROAD</u>
<u>Roy Honig</u>	<u>Roy D. Honig</u>	<u>2301 Ivy Rd</u>
<u>Holly Adams</u>	<u>Holly Adams</u>	<u>2027 Estero St</u>
<u>Greg Tnall</u>	<u>Greg Tnall</u>	<u>2027 Estero St</u>
<u>MIKE GRANGER</u>	<u>Mike Granger</u>	<u>2026 ESTERO ST.</u>
<u>Offo Sivert</u>	<u>Offo Sivert</u>	<u>2376 Ivy Road</u> <small>directly across from the property</small>

Citizen Petition

to appeal the Planning Commission approval of  
TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06  
(aka Oceanview Plaza)

On January 8, 2007 the Oceanside Planning Commission approved the following:

TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06) to create three residential lots, to create 15 commercial condominium units on an existing lot and to allow off-street parking located at 2420 Vista Way. The project site is zoned RS (Residential Single-Family) and CP (Professional Commercial) and is situated within the Fire Mountain Neighborhood. - OCEANVIEW PLAZA

We the undersigned respectfully request a public hearing for the appeal of TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE PERMITS (C-1-06, C-2-06 (aka Oceanview Plaza).

Printed Name	Signature	Address
<u>Stacy Zarate</u>	<u>Stacy Zarate</u>	<u>2395 Ivy Rd</u>
<u>Demetri Zarate</u>	<u>[Signature]</u>	<u>2395 Ivy Rd</u>
<u>Peggy Vosberg</u>	<u>Peggy Vosberg</u>	<u>2388 Ivy Rd</u>
<u>Brenda Cirave</u>	<u>Brenda Cirave</u>	<u>2023 Estero St.</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Oceanside, CA  
" 92054  
Oceanside  
92054



Citizen Petition

to appeal the Planning Commission approval of  
TENTATIVE PARCEL MAP (P-1-06), DEVELOPMENT PLAN (D-  
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06), DEVELOPMENT PLAN (D-1-06) and CONDITIONAL USE  
PERMITS (C-1-06, C-2-06 (aka Oceanview Plaza).

Printed Name	Signature	Address
<u>Deanna Stone</u>	<u>[Signature]</u>	<u>2358 Nicklaus Dr Oceanside</u>
<u>Tom Stone</u>	<u>[Signature]</u>	<u>2358 NICKLAUS DR OCEANSIDE</u>
<u>CLIFF HALL</u>	<u>[Signature]</u>	<u>2362 NICKLAUS DR Oceanside</u>
<u>MYRNA A. HALL</u>	<u>[Signature]</u>	<u>460 S. VIA VISTA, ANAHEIM 92808</u>
<u>Edward M. Simp</u>	<u>[Signature]</u>	<u>OWNER, 2395 TVY Rd Oceanside 92054</u>
<u>_____</u>	<u>_____</u>	<u>_____</u>