ITEM NO. 17

STAFF REPORT

CITY OF OCEANSIDE

DATE: April 1, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A PLANNING COMMISSION DECISION TO ADOPT A MITIGATED NEGATIVE DECLARATION AND TO ALLOW THE DEVELOPMENT OF A RESIDENTIAL CARE FACILITY ON A 6.71-ACRE SITE LOCATED SOUTH OF HIGHWAY 76, WEST OF MELROSE DRIVE, AT THE TERMINUS OF THE DEPOT ROAD – CLUBLIFE SENIOR LIVING CENTER – APPLICANT: SPRING CREEK COMMERCIAL VENTURES, LLC**

SYNOPSIS

The item under consideration is a review of the Planning Commission's adoption of a Mitigated Negative Declaration and approval of a Tentative Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05) and Variance (V-7-05). The proposed project is a two-lot subdivision of the existing 6.71-acre site and the construction of six freestanding three- and four-story buildings totaling 277,442 square feet with a maximum height not to exceed 53 feet; the provision of general residential care services; and the construction of a planted retaining wall not to exceed 7.3 feet in height. The proposed project is located south of Highway 76, west of Melrose Drive, at the terminus of The Depot Road. The Planning Commission decision was called for review by Councilmember Sanchez.

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. It is staff's recommendation that the City Council affirm the Planning Commission's decision and adopt the resolution approving the project.

BACKGROUND

On January 26, 2009, the Planning Commission adopted on a 7-to-0 vote Resolutions 2009-P04 and 2009-P05 approving the Mitigated Negative Declaration for Clublife Senior Living Center and a Tentative Map, Development Plan, Conditional Use Permit, and Variance.

Following the Planning Commission hearing and prior to the end of the appeal period, a Call for Review was filed by Councilmember Sanchez requesting that additional information be presented to the City Council. This report identifies and addresses the

issues raised by the Call for Review. Attached to this report is the Call for Review Memorandum, which outlines the specific issues and concerns raised by Councilmember Sanchez. The earlier Planning Commission resolution and staff report are also attached to this report.

Previous actions: The proposed project site is located on an existing vacant 6.71-acre lot that was created and graded by Ord and Rodgers during their development of the Casitas at Spring Creek (T-4-03, D-14-03 and V-15-03), which was approved by Planning Commission Resolution No. 2005-P02. This approval included adopting a Mitigated Negative Declaration (MND) for the Casitas at Spring Creek.

Site Review: The 6.71-acre vacant site is bisected by Zoning District and General Plan Land Use Designation boundaries (which follow previous lot lines). The northwesterly 5.05-acre portion of the site has a land use designation of Neighborhood Commercial (NC) and is assigned a Neighborhood Commercial - Scenic Park Overlay - Equestrian Overlay (CN-SP-EQ) Districts zone. The remaining 1.66 acres, which adjoin The Depot Road, has a land use designation of Medium Density B Residential (MDB-R) and is assigned a Medium Density B - Scenic Park Overlay - Equestrian Overlay (RM-B-SP-EQ) Districts zone.

The finish grade elevations on the property range from 123 to 143 feet above Mean Sea Level (MSL). Overall relief across the site is approximate 20 feet. The developable area of the lot is 6.29 acres.

Project Description: The proposed project consists of a Tentative Map, Development Plan, Conditional Use Permit and Variance to allow the following:

Tentative Map: To subdivide the existing 6.71-acre parcel into two lots pursuant to Article IV of the Subdivision Ordinance; and (b) to create 180 commercial condominium units pursuant to Article IV of the Subdivision Ordinance.

Development Plan: To construct six buildings, or 277,442 square feet of floor area, pursuant to Articles 10, 11, 22, 28, 30, and 31 of the Zoning Ordinance.

Conditional Use Permit: To allow land use classification 440.S *General Residential Care* and offer 332 beds for 24-hour non-medical care to persons 55 years and older in need of services, supervision, protection, or assistance essential for sustaining the activities of daily living pursuant to Articles 4, 10, 11, 31, and 41 of the Zoning Ordinance.

Variance: Pursuant to Article 41 of the Zoning Ordinance, the applicant requests a variance to construct a 7.3-foot-tall retaining wall, which exceeds the maximum height allowed by Section 3040 of the Zoning Ordinance.

The Public and Semi-Public Land Use *General Residential Care* is locally defined by the quantity of residential care beds; this facility will provide 332 residential care beds distributed across 180 units. The residential care facility comprises six buildings, one of

which is a 30,301 square-foot, three-story community center building to be constructed on one of the two proposed lots. The community center includes dining, a variety of activity centers, and an outdoor pool between Buildings 1 and 4.

The second lot includes the remaining five buildings which are inclusive of 180 condominium units and 332 residential care beds (see Table 1). Individual units will be either one-bed room or two-bed units. The site design includes providing 208 underground off-street parking spaces and 22 uncovered off-street parking spaces adjacent to the proposed project's driveway.

Table 1: Schedule of unit types across Buildings 1 - 5

Building	Number of Unit Types					
	Type A	Type B	Type B alt	Type C	Type D	Total
1	8	12	-	3	-	23
2	6	9	9	-	9	33
3	3	19	11	-	7	40
4	4	20	26	-	4	54
5	7	8	15	-	-	30
6	-	-	-	-	-	-
Total Number of units	28	68	61	3	20	180
Floor Area per unit	839 SF	1,095 SF	1,064 SF	1,224 SF	1,445 SF	-
Patio Area per unit	118 SF	77 SF	79 SF	133 SF	177 SF	-
Bed Bath Ratio	1:1	2:2	2:2	2:2	2:2	-

The proposed building heights vary between 36 and 53.5 feet. In response to public concerns, the applicant reduced the mass and bulk of their original proposal. For example, the community center building (identified as Building 6 in Tables 1 and 2) and Building 2 are proposed to have a maximum of three stories. Buildings 1, 3, 4, and 5 have three- and four-story elements; typically, the center of the building rises to a fourth floor. This creates areas of each building with three stories and stepped elevations.

The project is subject to the following Ordinances and City policies:
1. General Plan Land Use Element
2. Subdivision Ordinance
3. Zoning Ordinance
4. California Environmental Quality Act (CEQA)

Environmental Issues: On January 26, 2009, the Planning Commission adopted a Mitigated Negative Declaration by approving Planning Commission Resolution No. 2009-P04. A Notice of Determination has subsequently been filed with the Clerk Recorder's Office of the County of San Diego.

ANALYSIS

Call for Review by Councilmember Sanchez

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, Subdivision Ordinance, and Subdivision Map Act.

Issues

1) The project is not consistent with the neighborhood.

The commercial site is immediately adjacent to residential land uses and the proposal establishes a physical buffer between the 53 residential condominiums to the west of the project site and the back of the Home Depot's building. For the residents of the Casitas at Spring Creek, their views of the Home Depot will be substantially reduced by this development. The Planning Commission and staff find that the location is suitable for the proposed residential care facility, because this Public and Semi-Public land use provides a transition from the commercial activity of The Home Depot and the adjacent residential land uses to the west and north of the project site.

2) The project is too massive in height, bulk and density.

Height
In response to community concerns and staff comments, the applicant substantially reduced the originally proposed buildings' mass and bulk. Buildings have three- and four-story elevations. Each building includes stairwell and elevator penthouses that are allowed to project above the district height limit by an additional 10 feet. These towers are necessary to the building's function and compliment the proposed roof-line design. The building heights comply with development regulations.

Bulk
The architecture is Southwestern Mission and building elevations are provided as attachments to this report. Architectural design features include arches, window shutters, awnings, tile, window boxes, tile roofing, exposed rafter tails, recessed windows and ornamental iron, and varied building heights, off-sets, and multiple roof line elements. The visual bulk of the design is reduced by these design features.

Density
Typical measurement of density is the number of residential units per acre. The proposed project is not classified as a residential land use. Rather, it is classified as a Public and Semi-Public land use. Parking rates and vehicle generation rates for *Residential Care* is analyzed by the quantity of beds and not reviewed based upon the number of units. The

residential care facility is in accord with the purposes of the CN-SP-EQ Districts and the RM-B-SP-EQ Districts in which the proposed project site is located. The aforementioned notwithstanding, if the City Council finds that the proposed height and bulk of the six buildings are excessive, then a redesigned project would likely result in fewer beds.

3) The project does not comply with the requirements of our Scenic Park and Equestrian overlays.

The proposal satisfies the requirements of the Scenic Park Overlay (SP) District. In compliance with Article 22 of the Zoning Ordinance, the design proposes finish materials like stucco and wood and the application of earth tone colors to the proposed structures. The proposed grading is limited (proposed cut 33,423 CY, proposed fill 7,743 CY, and export 25,680 CY) to the proposed subterranean parking areas. Due to its location within the Guajome Neighborhood, the proposed project cannot obstruct view sheds of Guajome Regional Park.

The proposed project satisfies the requirements of the Equestrian Overlay (EQ) District. Pursuant to Section 2808.C of the Zoning Ordinance, all commercial projects shall provide a public equestrian trail. The public equestrian trail is incorporated into the proposed design at The Depot Road cul-de-sac. This segment of the public trail was approved and constructed during the Rancho Rose Development's mass grading.

4) The project does not meet the Council's policy with respect to sustainability.

One of the recommendations of the *Economic Sustainability Study* is to create more jobs. Clublife will employ 45-55 persons at this site. Clublife will provide a service to Oceanside's aging population, where forty-nine percent of Oceanside's population is thirty-five years and older. Twenty-one percent of the City's residents are more than fifty-five years old.

Economic Development staff finds that the location is unlikely to attract high-end commercial development or generate commercial market appeal. Even though the site is adjacent to major arterials and secondary arterials, access to the site is limited to the cul-de-sac on The Depot Road. Economic Development staff advises that the site could attract lower-end retail and or office development. Given site constraints, another developer may propose commercial office buildings of comparable mass, bulk and height to Clublife. These commercial land uses may generate noise and traffic impacts that are not anticipated with the proposed project.

5) The impacts of this urban design have not been addressed and/or are not mitigated.

While views of the proposed development would be visible from Highway 76, other views of the site would be obscured by the surrounding developments. For example, the lot is situated behind (to the west of) and at a lower elevation than the existing big box retailer, The Home Depot.

A Mitigated Negative Declaration was prepared with mitigation measures pursuant to the provisions of the California Environment Quality Act (CEQA). The Initial Study found that proposed project could result in potentially significant impacts, all of which can be mitigated, to the following environmental resources: noise and transportation.

The Initial Study found that there would be no impacts to aesthetics, including scenic vistas, scenic resources, the existing visual character or quality of the site and its surroundings, and would not create a new source of substantial light or glare.

The Initial Study found that the originally proposed maximum height of Buildings 2 and 3 exceeded regulatory limits, required a Variance, and would have a less than significant impact on Land Use and Planning. After the public review period for the Mitigated Negative Declaration and prior to the Planning Commission's action, the applicant lowered the height of all the buildings to comply with development regulations and to satisfy community concerns. (The requirement for a Variance for building height was abated).

6) This residential/commercial hybrid project is not consistent with the neighborhood's zoning and land use.

The proposed project is consistent with all applicable use standards in the Zoning Ordinance. While the proposed project provides 180 private rooms with semi-independent living opportunities, *Residential Care* is neither a residential land use nor a commercial land use. The Zoning Ordinance allows this use with a Conditional Use Permit and without amendment to the Zoning Ordinance or the General Plan.

The residential care facility complies with the provisions of Zoning Ordinance, including Section 1120 L-34 and any specific condition required for the use in the CN-SP-EQ Districts and the RM-B-SP-EQ Districts. The subdivision satisfies the Community Development Goal and Objective 2.01, because the site's design is well suited to the proposed land use, the site's size is of sufficient area and dimension to encourage a better use of the existing, rough-graded land. As proposed, the project complies with land use regulations and development regulations for the construction of six buildings and the provision of 332 residential care beds for persons 55 and older.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on January 26, 2009. After hearing considerable public testimony from area residents, as well as the applicant, the Commission unanimously adopted the Mitigated Negative Declaration for the project and approved the project by a 7-0 vote. Commissioners approved the project with additional conditions, including a requirement to install private water-flow meters within

each of the condominium units so that occupants would be able to monitor their water consumption.

The Commissioners indicated that the project site is physically suitable for the proposed intensity of development. The Commissioners stated that the project did provide adequate evidence that all 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: landscaping, off-street parking, emergency vehicle access, building height, and floor area ratios.

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. It is staff's recommendation that the City Council support the Planning Commission's decision to adopt of a Mitigated Negative Declaration and approve the proposed project based on the findings contained in the attached City Council resolution.

PREPARED BY

Juliana von Hacht
Associate Planner

SUBMITTED BY

Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner

ATTACHMENTS:

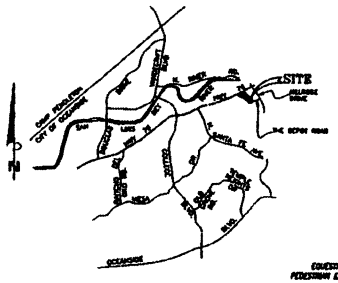
1. Area Map, Site Plan
2. City Council Resolution for Approval
3. Planning Commission Resolution No. 2009-P04
4. Planning Commission Resolution No. 2009-P05
5. Planning Commission Staff Report dated January 26, 2009
6. Notice of Intent to Adopt a Mitigated Negative Declaration
7. Call For Review

TENTATIVE TRACT MAP & DEVELOPMENT PLAN

FOR

CLUBLIFE SENIOR LIVING CENTER

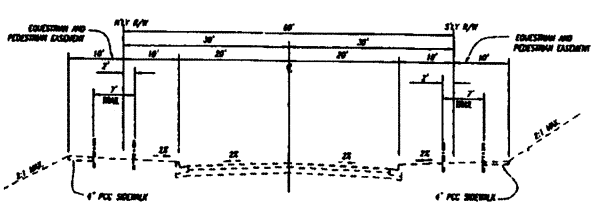
FOR CONDOMINIUM PURPOSES



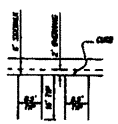
VICINITY MAP
NOT TO SCALE

LEGAL DESCRIPTION

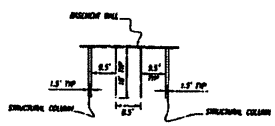
THOSE PORTIONS OF PARCELS A AND B OF PARCEL MAP NO. 12811, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON JULY 15, 1983 LYING WITHIN THE LAND DESCRIBED AS PARCEL 2 IN THAT CERTAIN CERTIFICATE OF COMPLIANCE NO. PLA-03-04 RECORDED ON FEBRUARY 16, 2005 AS DOCUMENT NO. 2005-0131238 OF OFFICIAL RECORDS OF SAN DIEGO COUNTY.



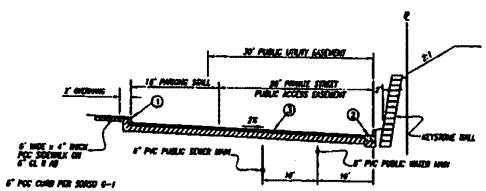
TYPICAL SECTION
THE DEPOT ROAD (EXISTING)
NOT TO SCALE



TYPICAL STREET PARKING DETAIL
1"=20'



TYPICAL UNDERGROUND PARKING DETAIL
1"=20'



① 6" PCC CURB PER SDRSD G-1
② TYPE G P.C.C. CURB & GUTTER PER SDRSD G-2
③ 3" AC PAVEMENT OVER 6" CLASS II BASE COURSE

TYPICAL SECTION
PRIVATE STREET

NOTE:
THE PROJECT WILL BE CONDITIONED TO HAVE A BIOLOGICAL MONITOR ON SITE DURING CONSTRUCTION ACTIVITIES ADJACENT TO JURISDICTIONAL AREAS TO ENSURE THAT NO UNANTICIPATED EFFECTS RESULT.

SHEET INDEX

SHEET NUMBER	SHEET TITLE
1	TITLE SHEET
2	SITE PLAN
3	TENTATIVE MAP & DEVELOPMENT PLAN - SITE
4	TENTATIVE MAP & DEVELOPMENT PLAN - BASEMENT LEVELS
5	SECTION A-A & SECTION B-B

SOURCE OF TOPOGRAPHY

THE TOPOGRAPHY SHOWN ON THIS PLAN WAS COMPILED BY AERIAL PHOTOGRAMMETRY IN AUGUST, 2001 BY MILANO AERIAL SURVEYS.
UPDATED NOVEMBER 20, 2006 AS-BUILT FIELD SURVEY BY BUCCOLA ENGINEERING, INC.

HYDROLOGY REPORT

PRELIMINARY HYDROLOGY REPORT FOR CLUBLIFE SENIOR LIVING CENTER TENTATIVE MAP, T-07-05 BY BUCCOLA ENGINEERING, INC. DATED: OCTOBER 12, 2007 AND HYDROLOGY REPORT FOR "THE CASCAS AT SPRING CREEK" UNDERTAKEN BY BUCCOLA ENGINEERING INC. DATED MAY 27, 2005

FLOOD INSURANCE RATE MAP

PANEL 6488F
MAP NUMBER 06073C
FEDERAL EMERGENCY MANAGEMENT AGENCY, DATED JUNE 19, 1997

SOILS REPORT

PRELIMINARY GEOTECHNICAL EVALUATION FOR CLUBLIFE SENIOR LIVING CENTER BY GEOSOILS INC. DATED OCTOBER 2, 2007

STORM WATER PLAN

STORM WATER MANAGEMENT PLAN
FOR CLUBLIFE SENIOR LIVING CENTER T-07-05
BY BUCCOLA ENGINEERING, INC.
MARCH 15, 2008 - REVISED MAY 16, 2008

NOTE:

SEWER SHALL BE PUBLIC WITH A 6" LATERAL TO EACH BUILDING.

WATER SHALL BE PUBLIC WITH A 1-1/2" OR 2" METER TO EACH BUILDING.

LETTER OF PERMISSION TO GRADE
DATED: 3-9-05
BY: JOHN HANSELL
FOR HOME DEPOT

ENVIRONMENTAL NOTES

1. BIOLOGICAL OPINION & INCIDENTAL TAKE PERMIT: 1-6-04-F-3825
2. 1602 PERMIT: 1600-2004-0179-R5
3. 404 PERMIT: IPAC-050
4. 404 PERMIT: MRP39-2004-01240-LAI
5. NO NEW ENVIRONMENTAL IMPACTS ARE PROPOSED

FIRE DEPARTMENT NOTES

1. BOTH CHO FIRE ACCESS ROADS IN EXCESS OF 150 FEET IN LENGTH SHALL COMPLY WITH OCEANSIDE FIRE DEPARTMENT GUIDELINES FOR EMERGENCY ACCESS ROADWAYS & FIRE LANE REQUIREMENTS, OR AS APPROVED BY THE CITY FIRE MARSHAL.
2. DWELLING UNITS ADJACENT TO THE OPEN SPACE SHALL BE EQUIPPED WITH DOUBLE-PANED WINDOWS WITH ALUMINUM FRAMES.
3. DWELLING UNITS ADJACENT TO OPEN SPACE SHALL BE CONSTRUCTED WITH BOXED EAVES.
4. REMOVE EXOTIC (NON-NATIVE) SPECIES FROM ADJACENT OPEN SPACE AND REVEGETATE PER LANDSCAPE PLAN.
5. A 30 FOOT MINIMUM SET BACK FROM OFF-SITE OPEN SPACE PRESERVE TO ALL RESIDENCES SHALL BE MAINTAINED.
6. NO BUILDING VENTS ARE ALLOWED TO FACE OPEN SPACE PRESERVE AREAS.

LEGEND

PROPOSED PUBLIC SEWER & MANHOLE
EXISTING SEWER
PROPOSED PUBLIC WATER MAIN
EXISTING WATER
PROPOSED FIRE HYDRANT
EXISTING FIRE HYDRANT
EXISTING STREET LIGHT
PROPOSED GRADE 2.0 %
PROPOSED SPOT ELEVATION 535.22
PROPOSED STORM DRAIN
EXISTING STORM DRAIN
PROPOSED CATCH BASIN
CMU RETAINING WALL
KEYSTONE RETAINING WALL
TOP OF SLOPE
TOE OF SLOPE
ELEVATION

CLUBLIFE SENIOR LIVING CENTER GENERAL NOTES TABLE COMMERCIAL DEVELOPMENT AREAS	
TOTAL - 6.71 ACRES (5.05 ACRES COMMERCIAL; 1.66 ACRES RESIDENTIAL)	
EXISTING ZONING - RM-B-SP-ED, CN-SP-ED	
PROPOSED ZONING - NO CHANGE	
EXISTING GENERAL PLAN - MDR-R AND NC	
PROPOSED GENERAL PLAN - NO CHANGE	
NON-USEABLE OPEN SPACE-0.42 ACRES	
NET DEVELOPABLE - 6.29 ACRES (5.05 ACRES COMMERCIAL; 1.24 ACRES RESIDENTIAL)	
NUMBER OF LOTS - 2	
PROPOSED USE - RESIDENTIAL CARE, GENERAL	
EMPLOYEE OUTDOOR EATING AREA (REQ'D 500 SF) - 500 SF PROPOSED	
NUMBER OF BEDS - 332	
NUMBER OF UNITS - 180	
MAXIMUM ALLOWED FLOOR AREA RATIO (F.A.R.) - 1.0 PROPOSED F.A.R. RATIO - 0.85	
(277,442 SF, TOTAL AREA OF BUILDINGS / 305,791 COMBINED LOT AREA)	
CONTOUR INTERVAL - 1 FOOT	
PARKING REQUIRED	
PARKING (1 PARKING SPACE PER 3 BEDS) = 332/3=111 SPACES	
PARKING PROVIDED	
SUBTERRANEAN PARKING SPACES - 208 SPACES	
SURFACE PARKING SPACES - 22 UNCOVERED SPACES	
TOTAL PARKING SPACES PROVIDED - 230 SPACES	
BUILDING COVERAGE - 78,659 SF (27.3%)	
PAVEMENT AREA - 43,380 SF (14.8%)	
MAXIMUM LOT COVERAGE - 50%	
PROPOSED LOT COVERAGE - 42%	
REQUIRED LANDSCAPING - 15%	
PROPOSED LANDSCAPING - 58%	
ASSESSOR'S PARCEL NUMBER (APN) 157-411-19	
EARTHWORK	
PROPOSED CUT	33,423 CY
PROPOSED FILL	7,743 CY
EXPORT	25,680 CY

OWNER'S REPRESENTATIVE:

THE LIGHTFOOT PLANNING GROUP
5730 FLEET STREET
SUITE 250
CARLSBAD, CALIFORNIA 92008
TEL. (760) 602-1924 / FAX (760) 602-1935

OWNER / DEVELOPER:

SPRING CREEK COMMERCIAL VENTURES, LLC
1135 CHAMBO DEL MAR
DEL MAR, CA 92014
TEL: (858) 794-2300

STEPHEN L. TAYLOR, Mgr. 11-17-08
DATE

PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc 760721-3000
3143 Vista Way, Suite 304, Oceanside, CA 92054

PHILIP R. BUCCOLA RCE 27134 11-11-08
DATE

T-07-05
V-07-05
C-28-05
D-12-05

ATTACHMENT 1

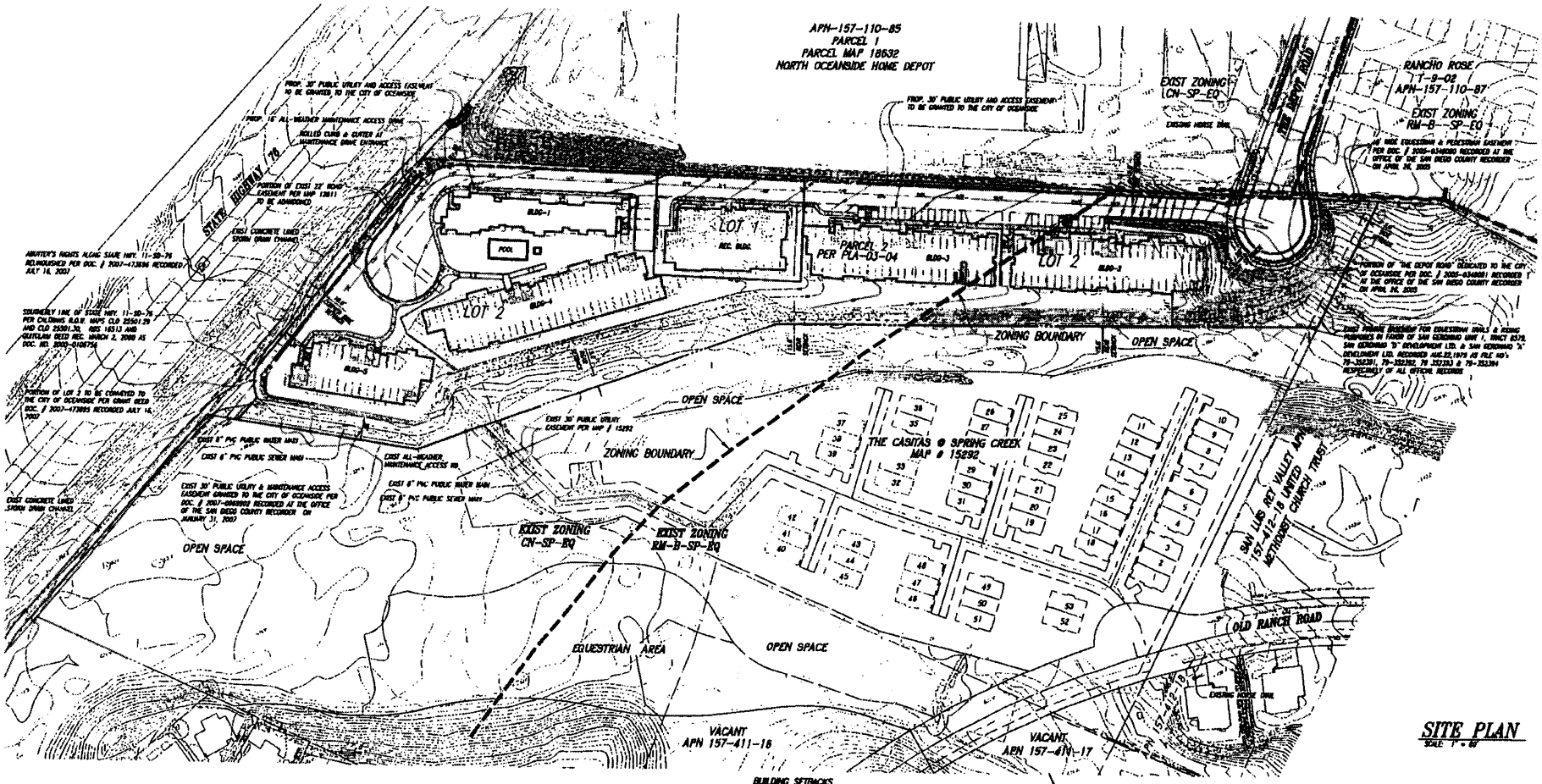
SHEET 1 OF 5 SHEETS

TENTATIVE TRACT MAP & DEVELOPMENT PLAN

FOR

CLUBLIFE SENIOR LIVING CENTER

FOR CONDOMINIUM PURPOSES



SITE PLAN
SCALE 1" = 60'

BUILDING SETBACKS

CN ZONE			RM-B ZONE	
REQUIRED	PROVIDED		REQUIRED	PROVIDED
15'	20'	FRONT	20'	24'
-	26'	SIDE	5', 10'	26'
10'	31'	CORNER SIDE	10'	40'
-	41'	REAR	15'	38'

* MOST RESTRICTIVE USED

SCALE 1" = 60'

PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc 760/721-2000

1143 Vista Way, Suite 301, Oceanside, CA 92054

PHILIP B. BUCCOLA RCE 27752 DATE

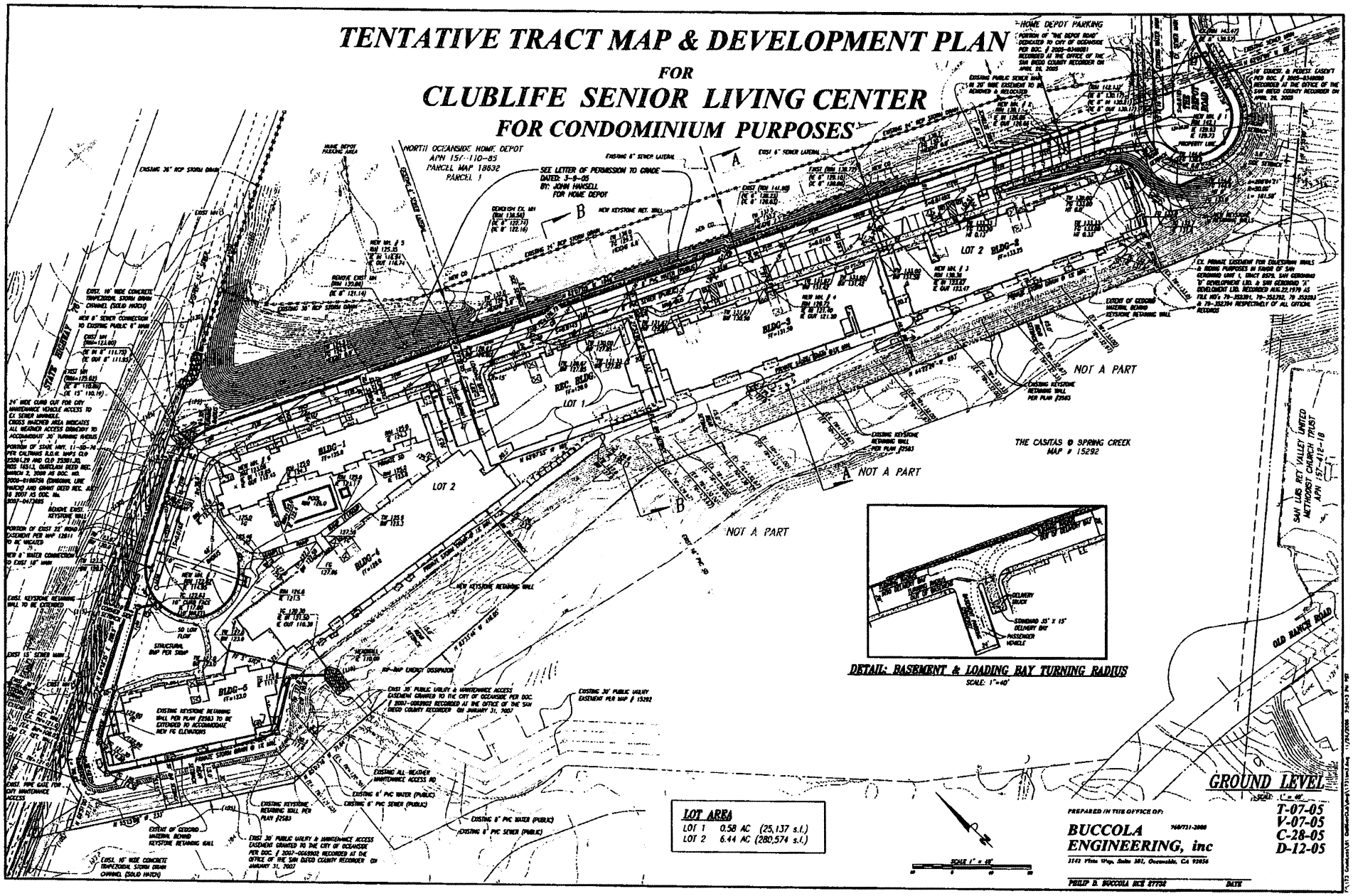
T-07-05
V-07-05
C-28-05
D-12-05

TENTATIVE TRACT MAP & DEVELOPMENT PLAN

FOR

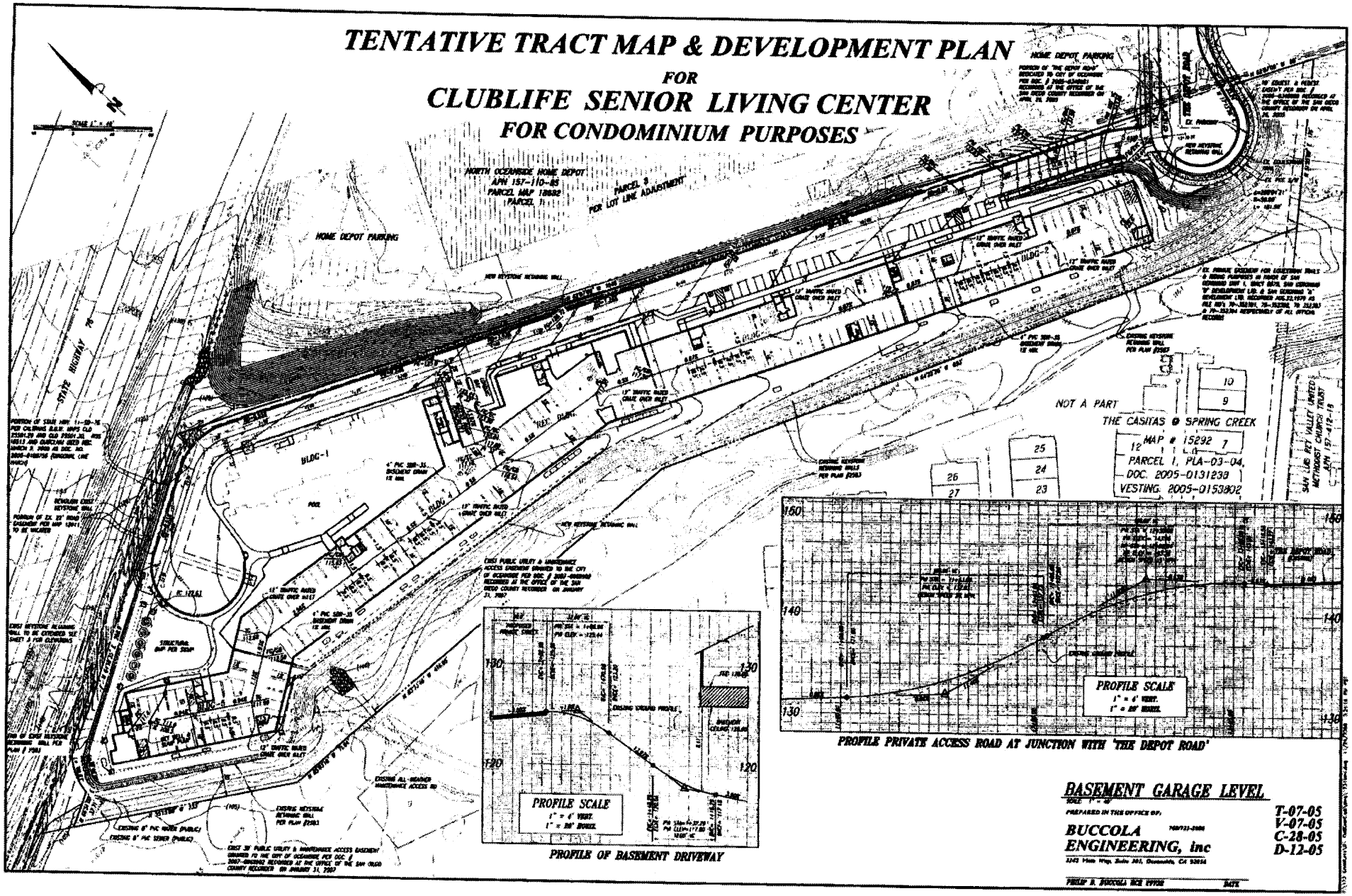
CLUBLIFE SENIOR LIVING CENTER

FOR CONDOMINIUM PURPOSES



SHEET 3 OF 5 SHEETS

TENTATIVE TRACT MAP & DEVELOPMENT PLAN
FOR
CLUBLIFE SENIOR LIVING CENTER
FOR CONDOMINIUM PURPOSES



BASEMENT GARAGE LEVEL

PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc

T-07-05
V-07-05
C-28-05
D-12-05

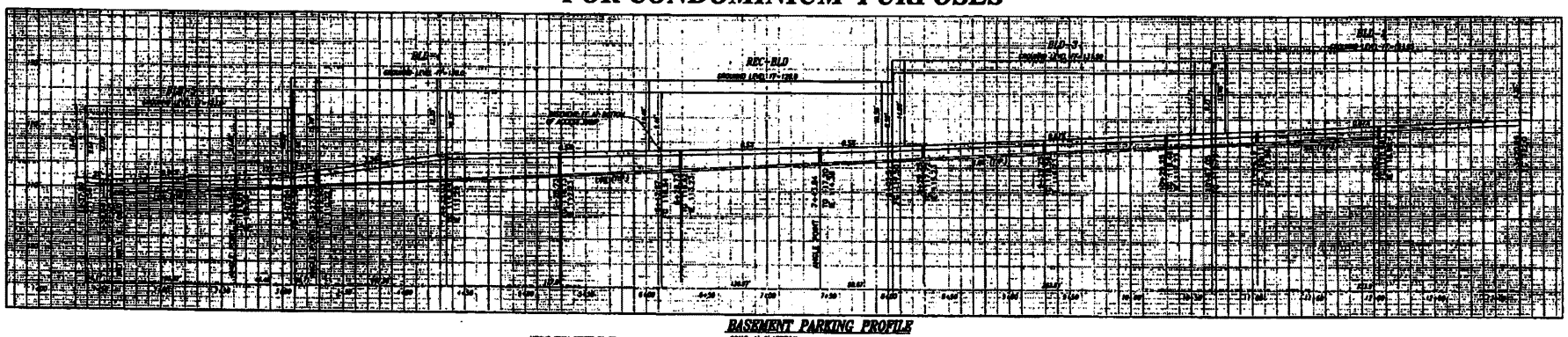
SHEET 4 OF 5 SHEETS

TENTATIVE TRACT MAP & DEVELOPMENT PLAN

FOR

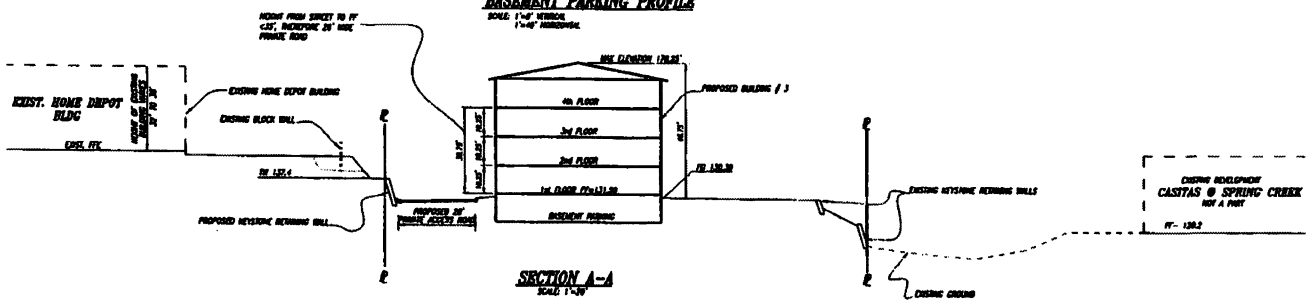
CLUBLIFE SENIOR LIVING CENTER

FOR CONDOMINIUM PURPOSES



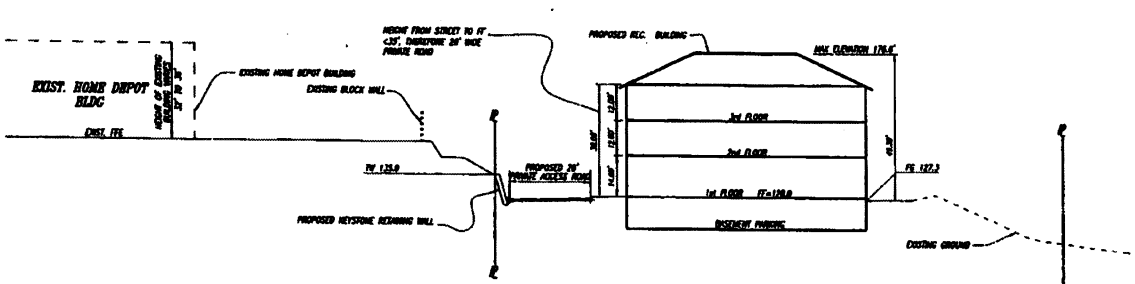
BASEMENT PARKING PROFILE

SCALE: 1"=6' VERTICAL, 1"=40' HORIZONTAL



SECTION A-A

SCALE: 1"=20'



SECTION B-B

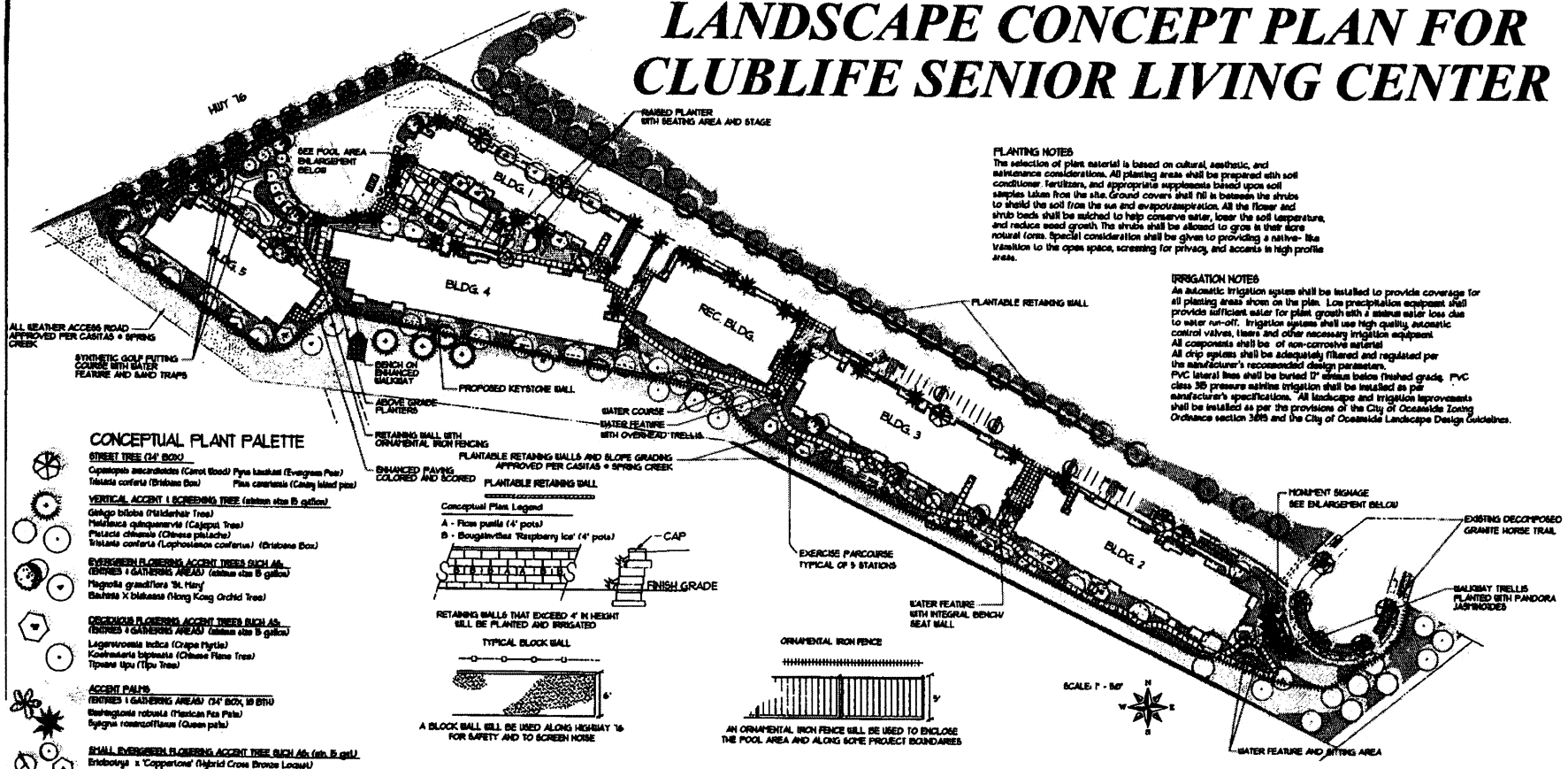
SCALE: 1"=20'

X-SECTIONS

T-07-05
V-07-05
C-28-05
D-12-05

PREPARED IN THE OFFICE OF:
BUCCOLA ENGINEERING, inc 760/711-3000
1142 Vista Way, Suite 101, Oceanside, CA 92054
PHILIP N. BUCCOLA RCE 27738
11-11-05 DATE

LANDSCAPE CONCEPT PLAN FOR CLUBLIFE SENIOR LIVING CENTER



PLANTING NOTES

The selection of plant material is based on cultural, aesthetic, and maintenance considerations. All planting areas shall be prepared with soil conditioner, fertilizers, and appropriate supplements based upon soil samples taken from the site. Ground covers shall fill in between the shrubs to shield the soil from the sun and evapotranspiration. All the flower and shrub beds shall be mulched to help conserve water, lower the soil temperature, and reduce weed growth. The shrubs shall be allowed to grow in their more natural form. Special consideration shall be given to providing a native- like transition to the open space, screening for privacy, and accents in high profile areas.

IRRIGATION NOTES

An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimal water loss due to water run-off. Irrigation systems shall use high quality, automatic control valves, timers and other necessary irrigation equipment.
All components shall be of non-corrosive material
All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.
PVC lateral lines shall be buried 12" minimum below finished grade. PVC class 315 pressure mainline irrigation shall be installed as per manufacturer's specifications. All landscape and irrigation improvements shall be installed as per the provisions of the City of Oceanside Zoning Ordinance section 3015 and the City of Oceanside Landscape Design Guidelines.

CONCEPTUAL PLANT PALETTE

STREET TREE (24" BOX)
Cupaniopsis anacardioides (Carrot Wood) Pyrus kawakami (Evergreen Pear)
Tristania conferta (Brisbane Box) Ficus consistensis (Canby island pine)

VERTICAL ACCENT & SCREENING TREE (minimum size 15 gallon)
Ginkgo biloba (Maidenhair Tree)
Melaleuca quinquenervia (Cajeput Tree)
Pistacia chinensis (Chinese pistache)
Tristania conferta (Lophostemon conferta) (Brisbane Box)

EVERGREEN FLOWERING ACCENT TREES SUCH AS: (ENTRIES & GATHERING AREAS) (minimum size 15 gallon)
Magnolia grandiflora 'St. Mary'
Bauhinia X blakeana (Hong Kong Orchid Tree)

DECIDUOUS FLOWERING ACCENT TREES SUCH AS: (ENTRIES & GATHERING AREAS) (minimum size 15 gallon)
Lagerstroemia indica (Crape Myrtle)
Koelreuteria bipinnata (Chinese Flame Tree)
Tipuana tipu (Tipu Tree)

ACCENT PALMS
(ENTRIES & GATHERING AREAS) (24" BOX, 18 BTH)
Washingtonia robusta (Mexican Fan Palm)
Syagrus romanzoffianum (Queen palm)

SMALL EVERGREEN FLOWERING ACCENT TREE SUCH AS: (min. 15 gal.)
Erythrina x 'Coppertone' (Hybrid Cross Bronze Loquat)
Rhaphiolepis 'Majestic Beauty' (Standard Form)

SHRUBS & GROUNDCOVER SUCH AS:
SHRUBS (1 gal. & 5 gal.)
Agapanthus africanus (Lily-of-the-Nile)
Asparagus d. 'Myers' (Myers Asparagus)
Anigozanthos flavidus (Kangaroo Paw)
Carissa bussei (Minor Plum)
Escallonia 'Frevedes' (Escallonia)
Lantana camara 'Confetti' (Lantana)
Liriope muscari (Lily Turf)
Liriope s. 'Silver Dragon' (Variegated Dwf. Lily Turf)
Kniphofia uvaria (Red Hot Poker)
Phormium 'Maupourouri' (Hybrid New Zealand Flax)
Phormium tenax 'Jack Spratt' (Dwarf New Zealand Flax)
Pittosporum crassifolium 'Nana' (Dwarf Cape Pittosporum)
Nandina d. 'Gulf Green' (Heavenly Bamboo)
Raphiolepis i. 'Clara' (Indian Hawthorne)
Phormium 'Amazing Red' Hybrid New Zealand Flax
Strelitzia reginae (Bird of Paradise)
Xylosma congestum (Shiny Xylosma)

GROUND COVERS (Flats & Liners)
Hedera h. 'Needlepoint' (English Ivy Hybrid)
Vinca major (Periwinkle)
Trachelospermum jasminoides (Star Jasmine)
Lantana sellowiana 'Spreading Sunshine' (Lantana)
Hypoporus parvifolius (Prostrate Hypoporus)

VINES (1 gal.) Planted at trash enclosures
Bougainvillea 'San Diego Red' (Bougainvillea)
Distictis buccinatoria (Blood-Red Trumpet Vine)

Conceptual Plant Legend
A - Ficus pumila (4" pots)
B - Bougainvillea 'Raspberry Ice' (4" pots)

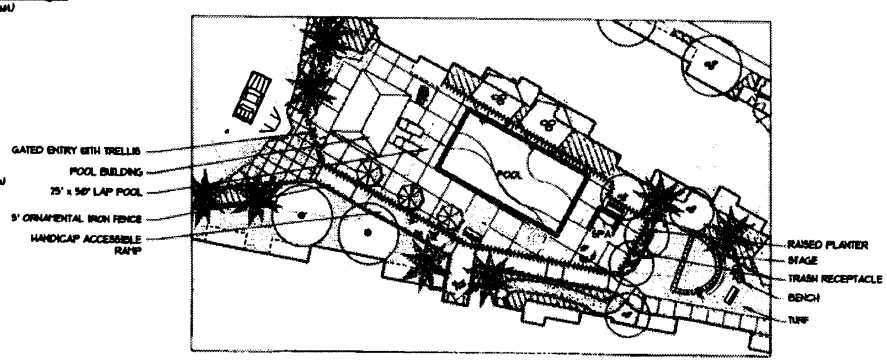
RETAINING WALLS THAT EXCEED 4' IN HEIGHT WILL BE PLANTED AND IRRIGATED

TYPICAL BLOCK WALL

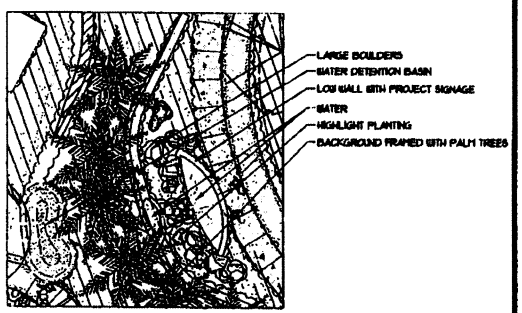
A BLOCK WALL WILL BE USED ALONG HIGHWAY 76 FOR SAFETY AND TO SCREEN NOISE

ORNAMENTAL IRON FENCE

AN ORNAMENTAL IRON FENCE WILL BE USED TO ENCLOSE THE POOL AREA AND ALONG SOME PROJECT BOUNDARIES



POOL AREA ENLARGEMENT SCALE: 1" = 20'



ENTRY MONUMENT & WATER FEATURE SCALE: 1" = 10'

THE LIGHTFOOT PLANNING GROUP
PLANNING
SITE DESIGN
LANDSCAPE ARCHITECTURE
5700 KIRBY DRIVE, SUITE 200
SUNSHINE, CA 92008
(760) 437-1071
FAX (760) 942-1035

SPRING CRK. COM., LLC.
CLUBLIFE SENIOR CTR.
OCEANSIDE, CALIFORNIA

Scale: 1"=50'
Date: 6/16/05
Drawn By: DG
Revisions: 8/17/06, 3/28/08, 3/31/08

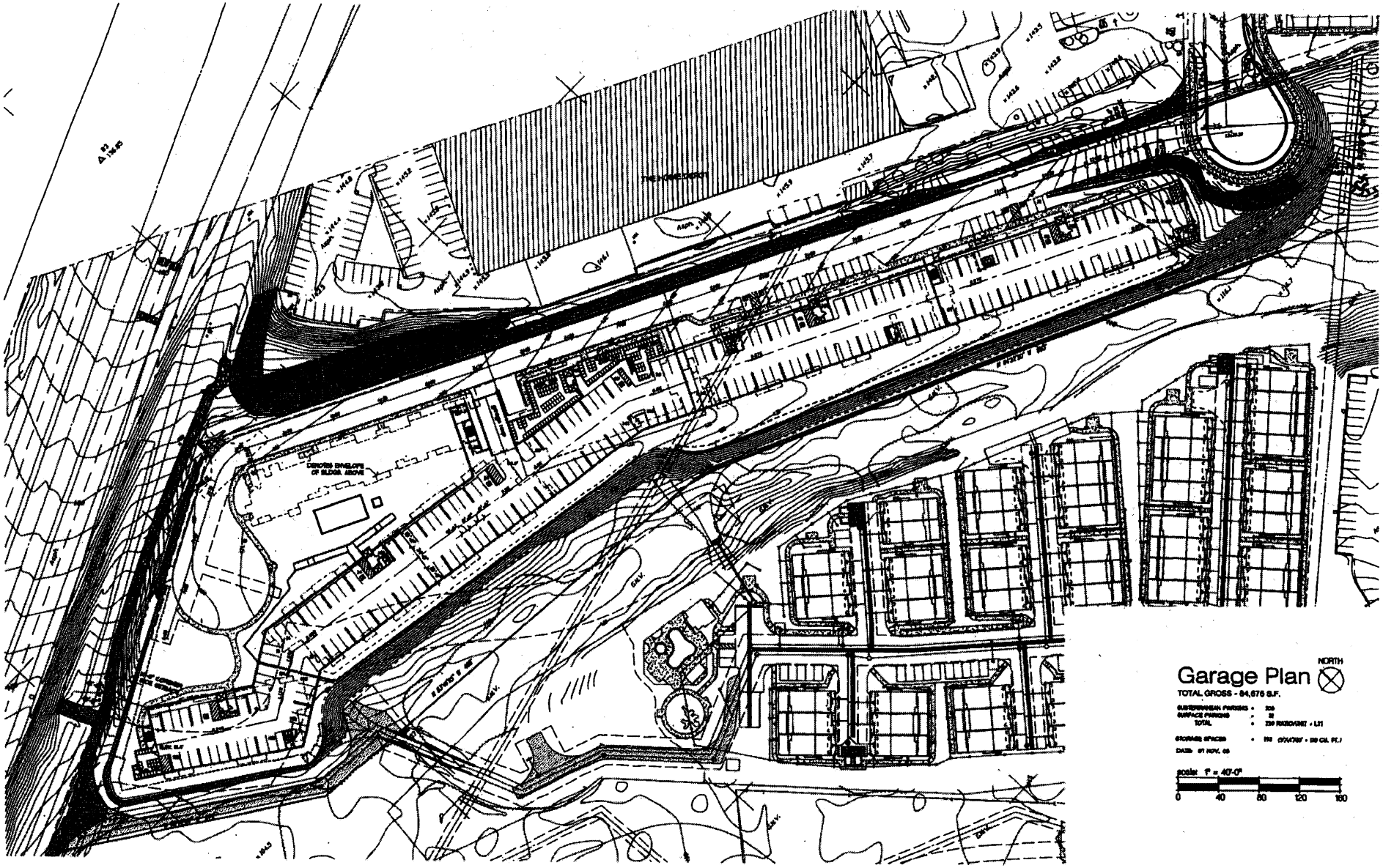
LANDSCAPE CONCEPT PLAN

Job # 855.012

1 of 1

855.012 CLUBLIFE SENIOR LIVING CENTER

RECEIVED
JUN - 6 2008
Planning Department



SENIOR LIVING

November 7, 2008

ClubLife Senior Living Center

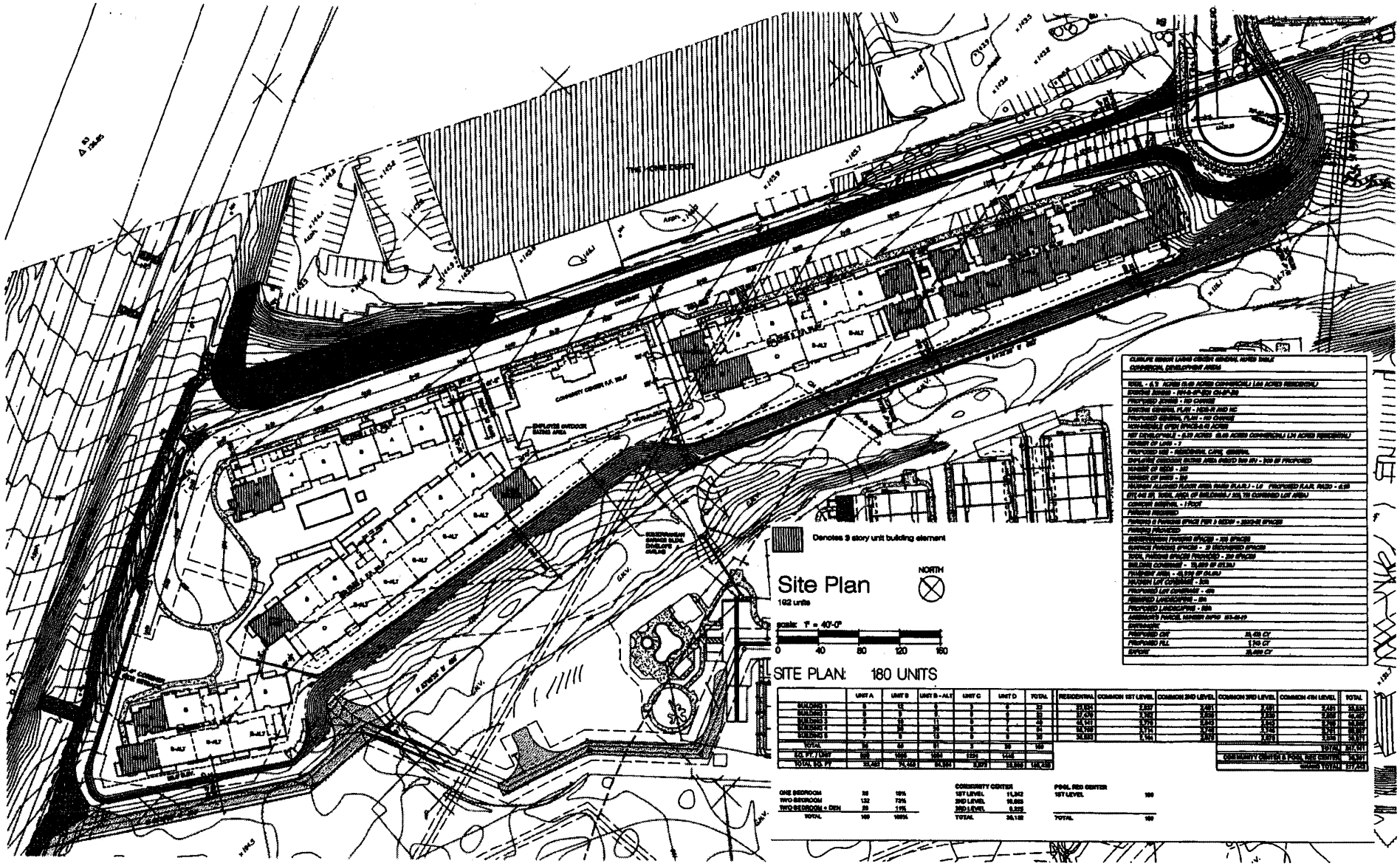
Oceanside, CALIFORNIA

LLFT

Withee Malcolm Architects, LLP

Project No. A6001.200

A0.01



SENIOR LIVING

November 7, 2008

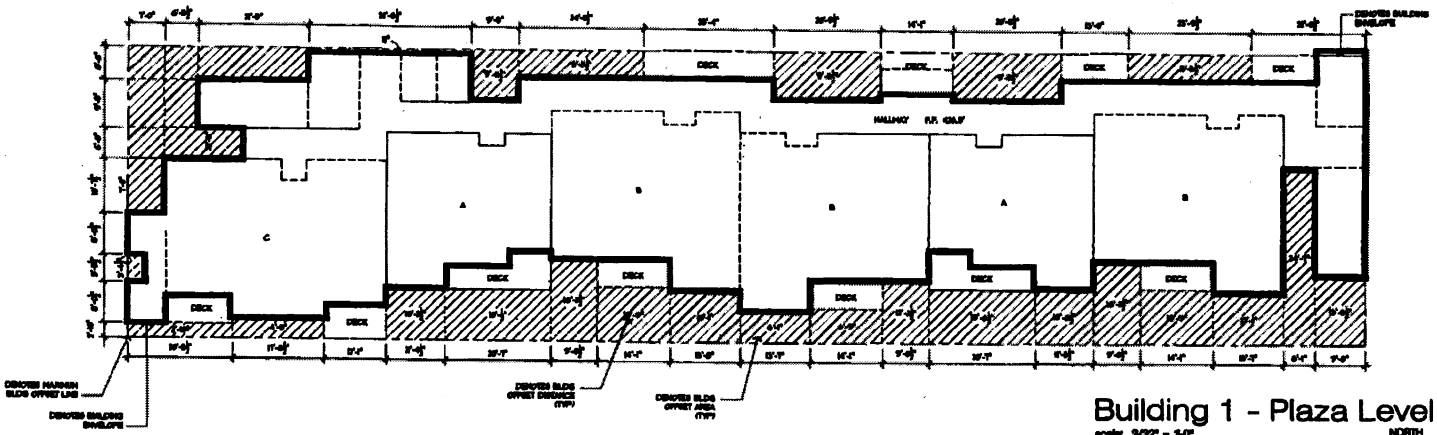
ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

Withee Malcolm Architects, LLP

Project No. A6001.200

A0.02



Building 1 - Plaza Level - Offset Exhibit

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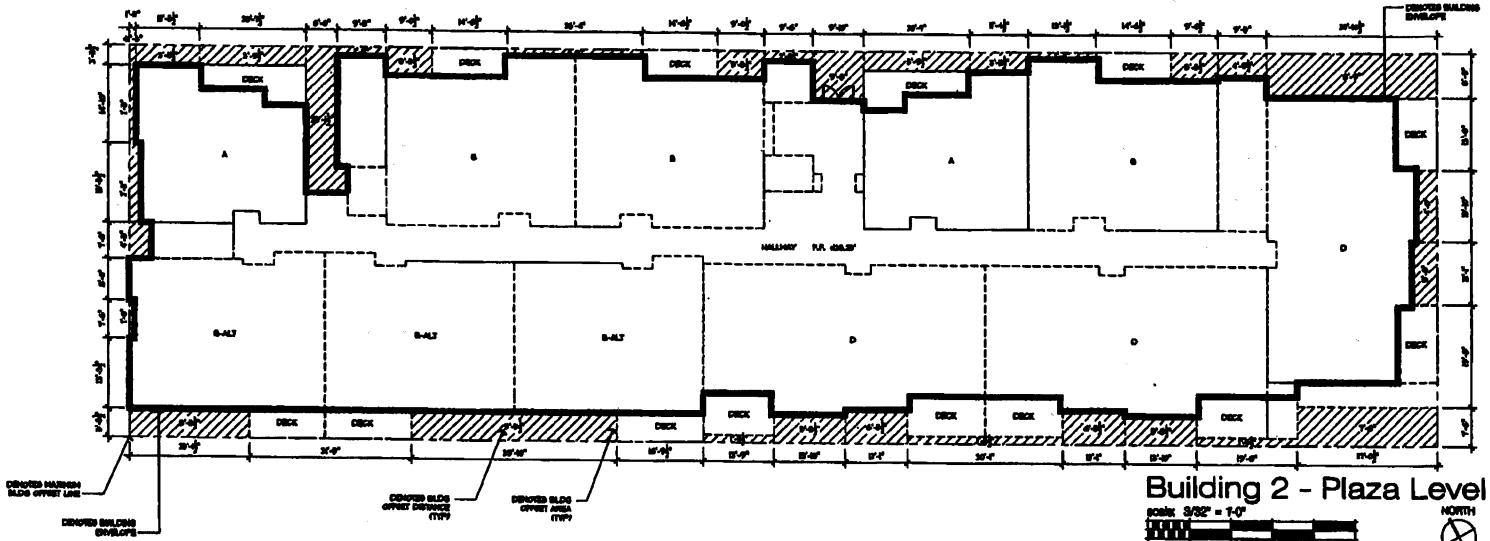
NORTH



Building 2 - Plaza Level - Offset Exhibit

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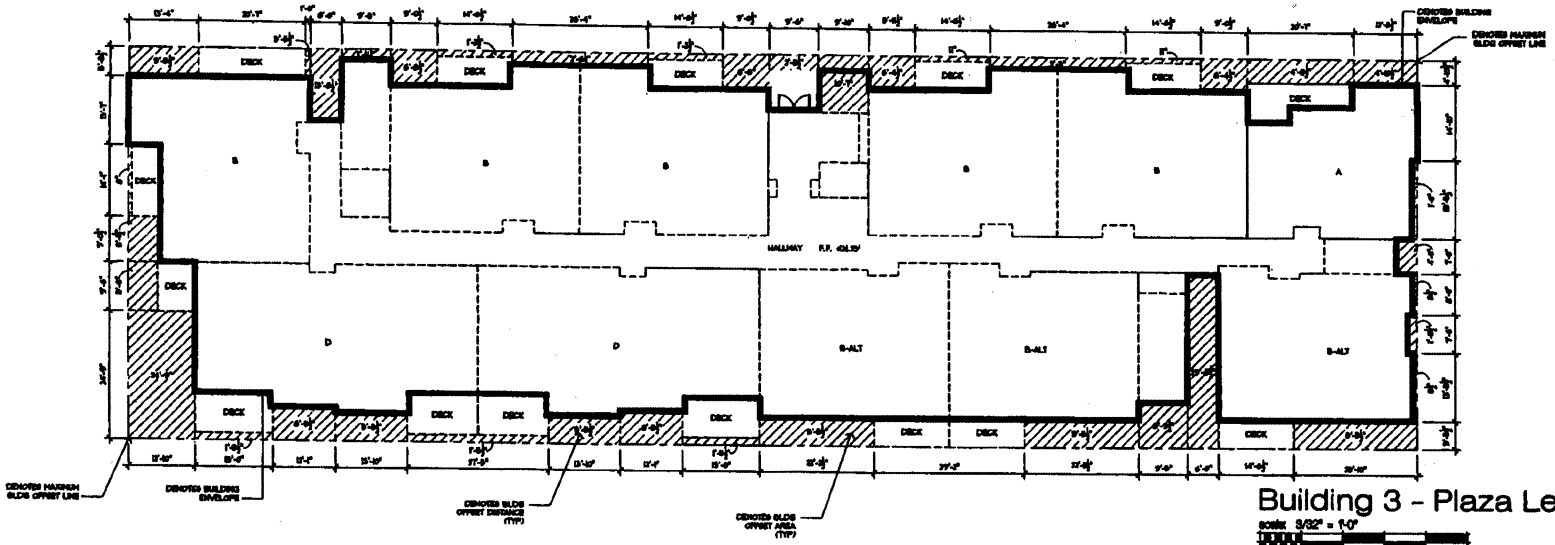
NORTH



Building 3 - Plaza Level - Offset Exhibit

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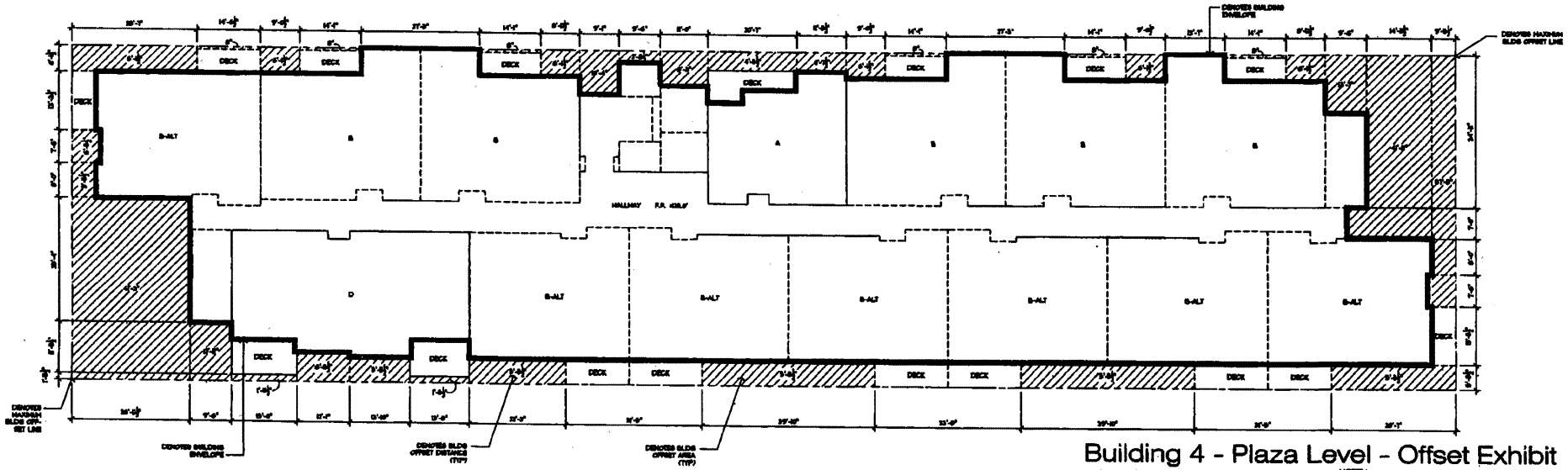

Building 4 - Plaza Level - Offset Exhibit

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

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NORTH

SENIOR LIVING

November 7, 2008

ClubLife Senior Living Center

Oceanside, CALIFORNIA

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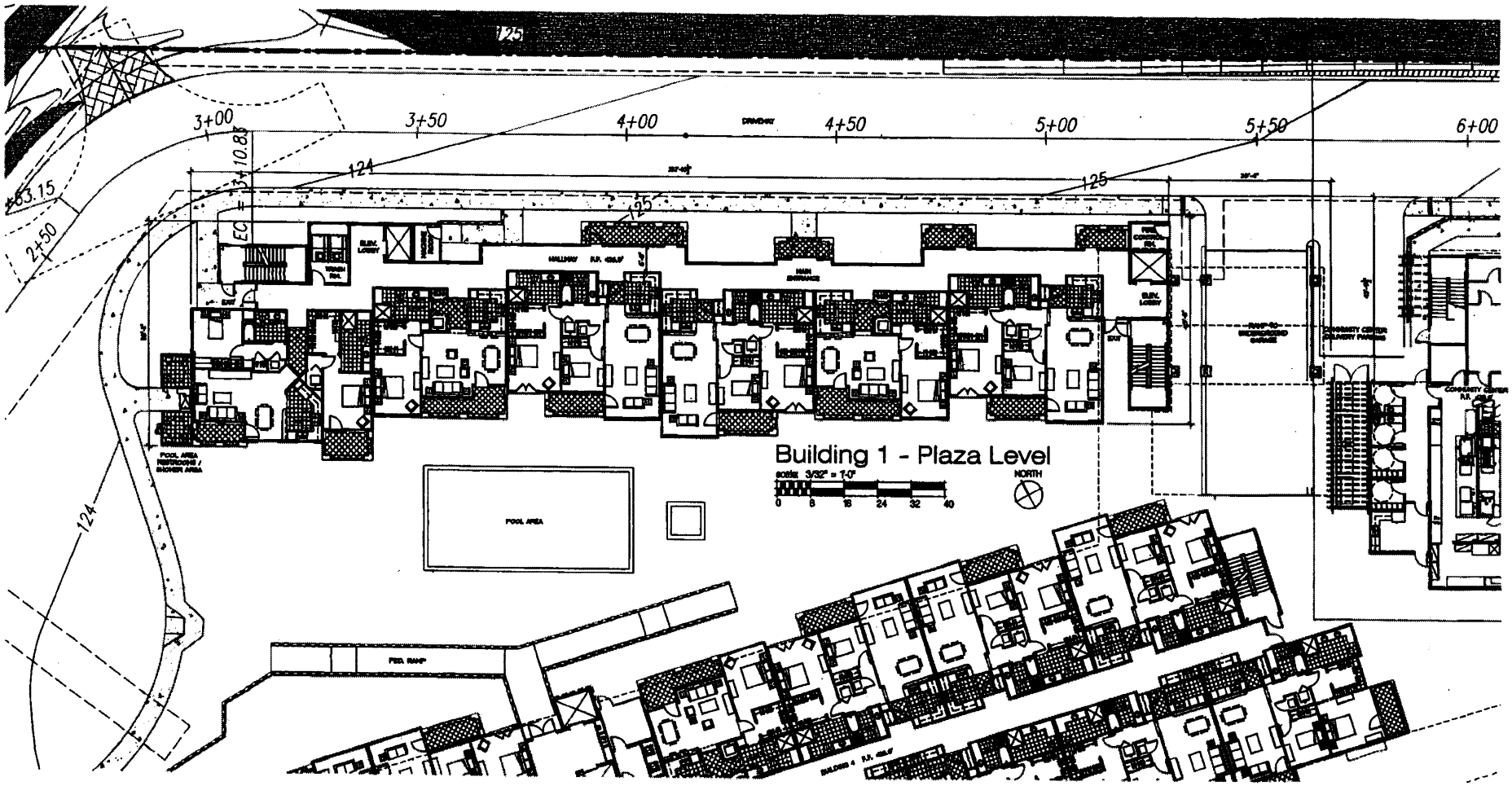
Project No. A6001.200

A0.02.2

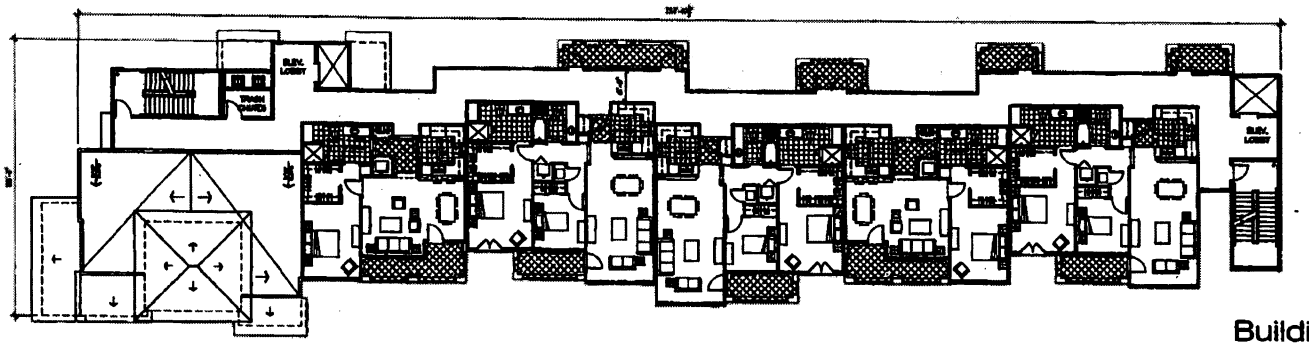


SENIOR LIVING
November 7, 2008

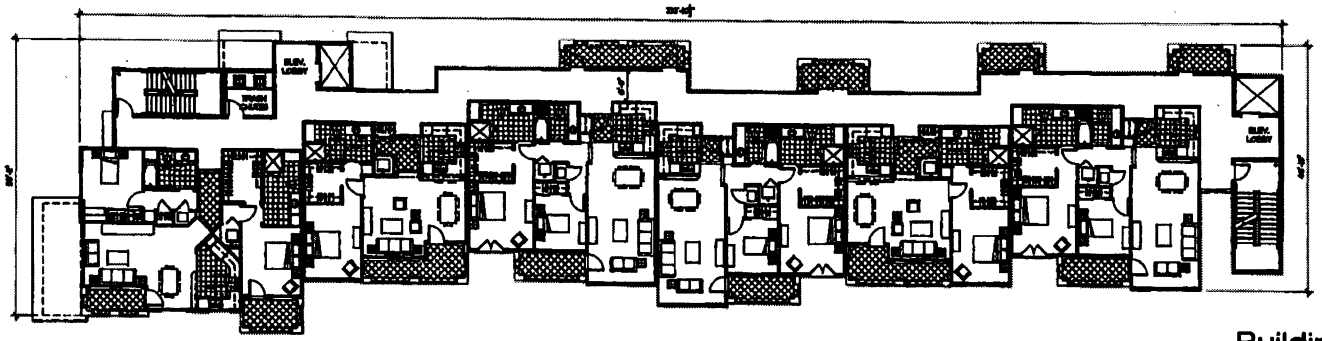
ClubLife Senior Living Center
Oceanside, CALIFORNIA

LLFT Withee Malcolm Architects, LLP
Project No. A6001.200

A1.01



Building 1 - Level 4



Building 1 - Level 2-3

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SENIOR LIVING

November 7, 2008

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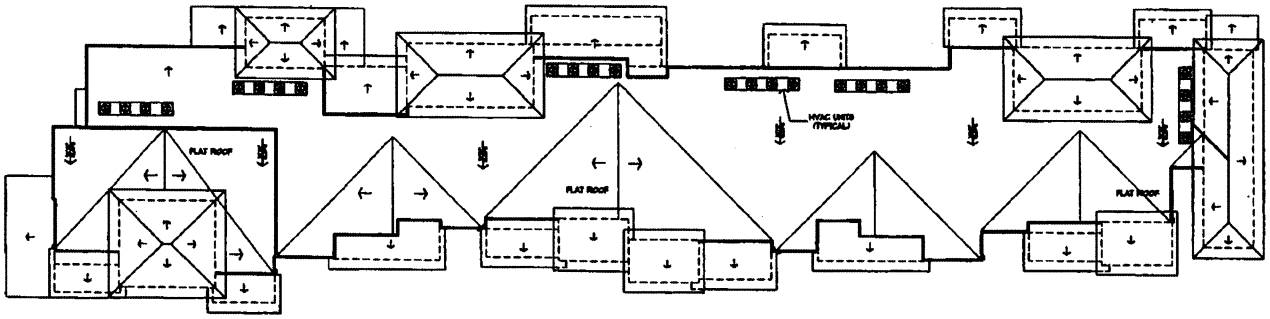
Oceanside, CALIFORNIA

LLFT Withee Malcolm Architects, LLP

Project No. A6001.200

A1.02



Building 1 - Roof Plan

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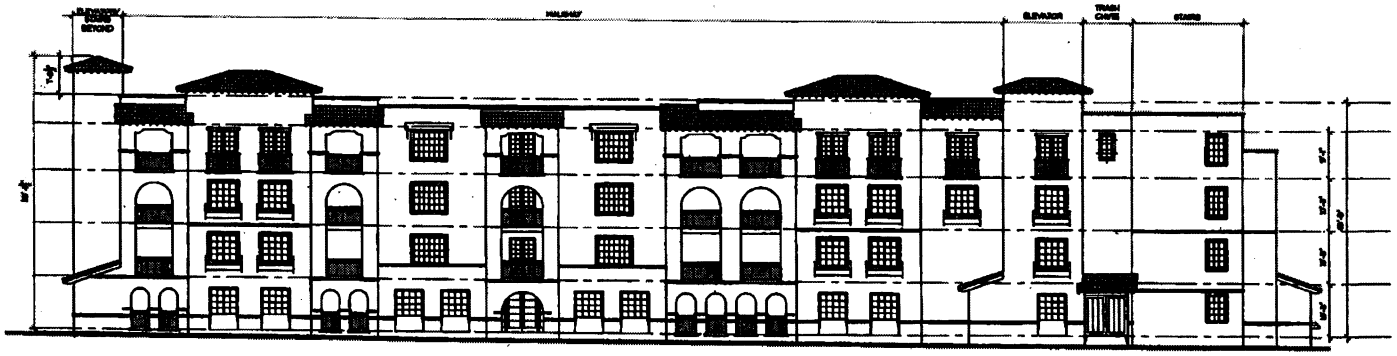
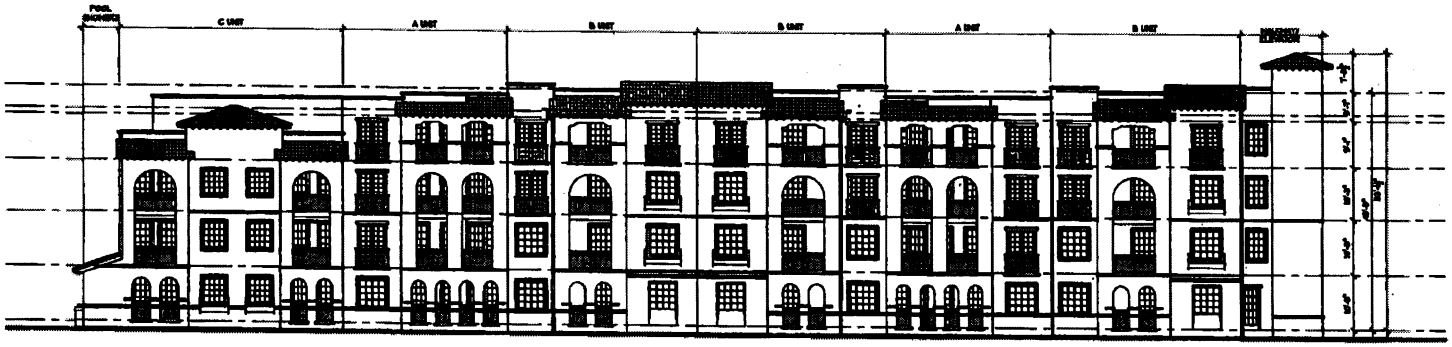


Building 1 - Elevation (North)



Building 1 - Elevation (South)

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SENIOR LIVING

November 7, 2008

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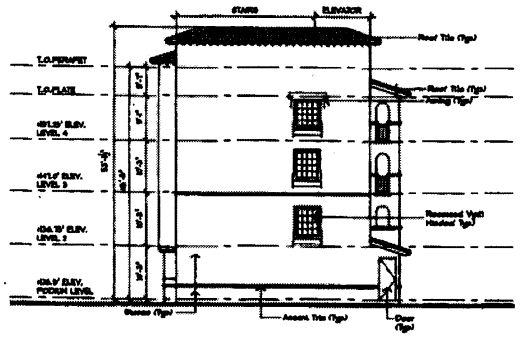
Oceanside, CALIFORNIA

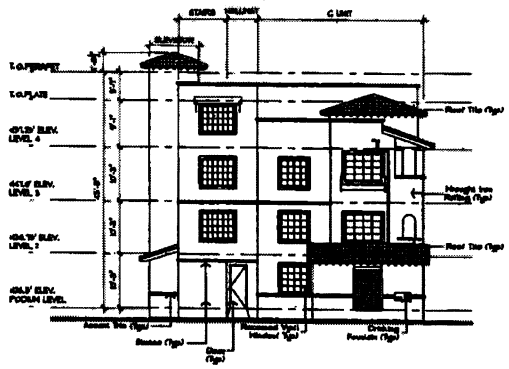
LLFTT Withee Malcolm Architects, LLP

Project No. A6001.200

A1.04



Building 1 - Elevation (East)



Building 1 - Elevation (West)

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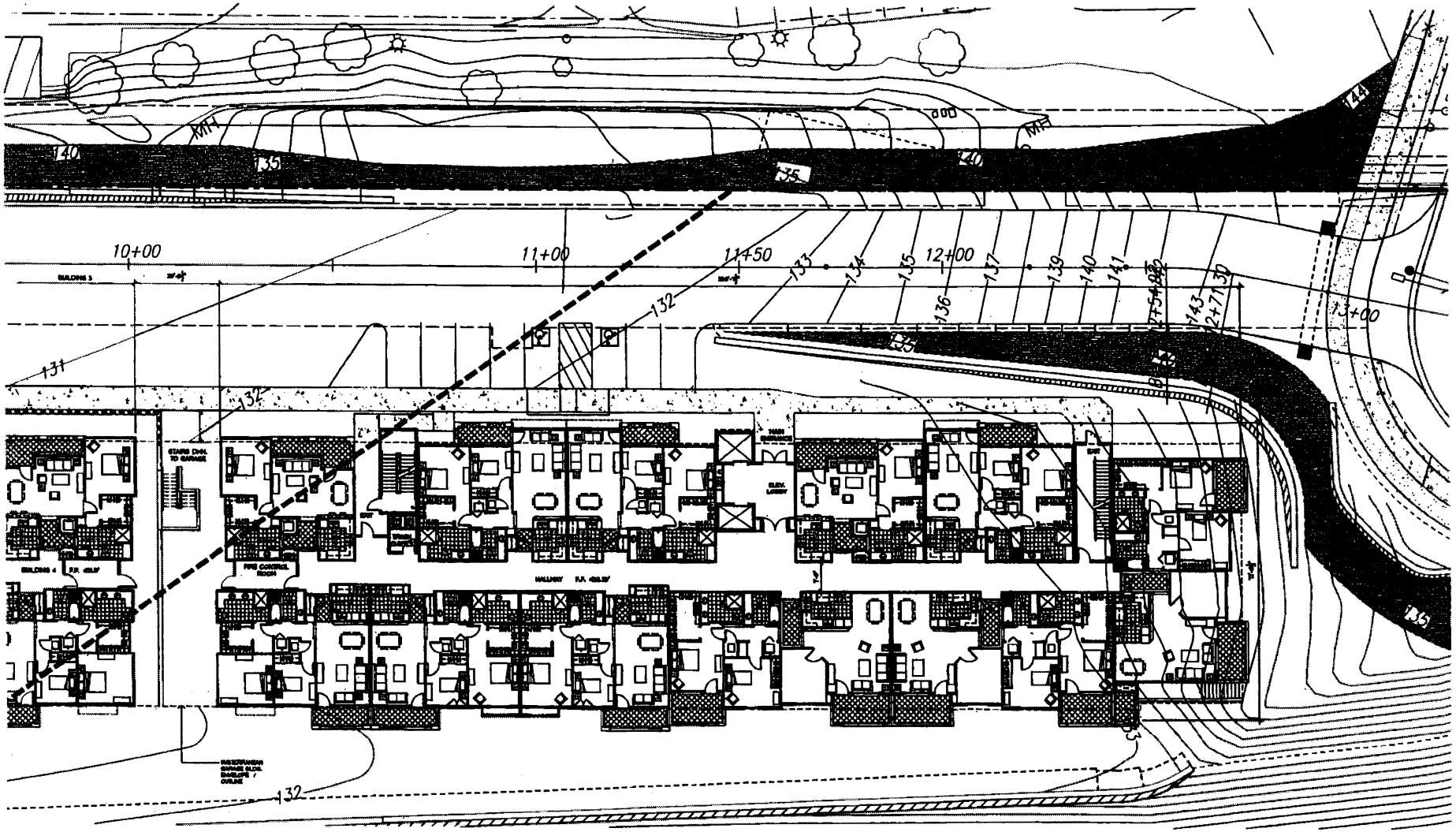

Building 2 - Plaza Level

scale 3/32" = 1'-0"

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NORTH

SENIOR LIVING

November 7, 2008

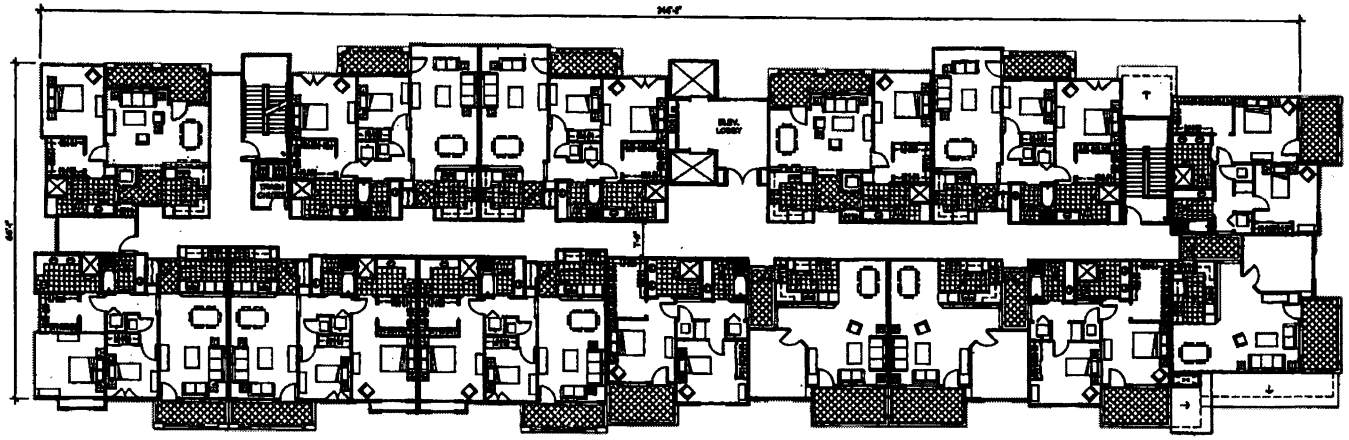
ClubLife Senior Living Center

Oceanside, CALIFORNIA

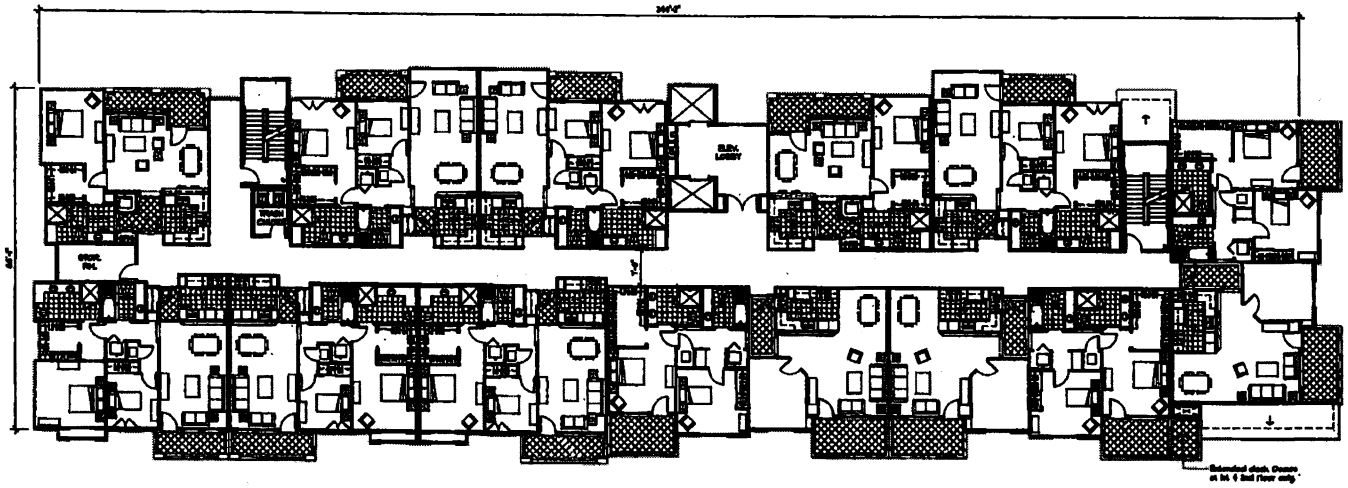
Withee Malcolm Architects, LLP

Project No. A6001.200

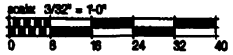
A2.01

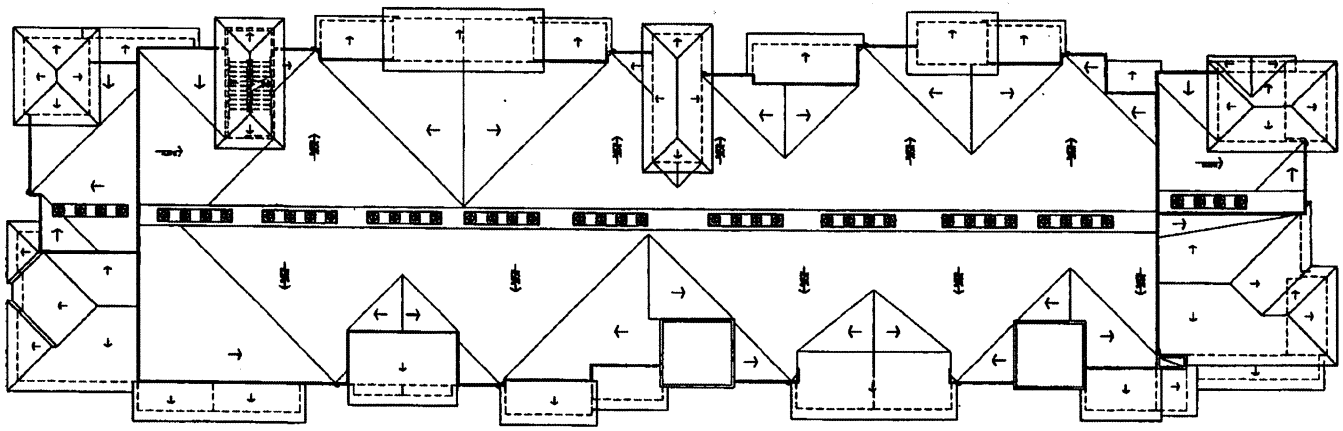


Building 2 - Level 3



Building 2 - Level 2





Building 2 - Roof Plan

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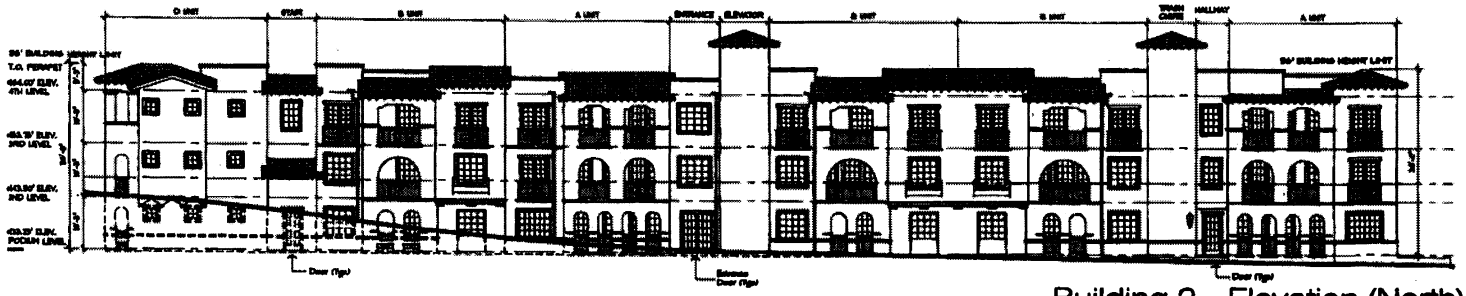
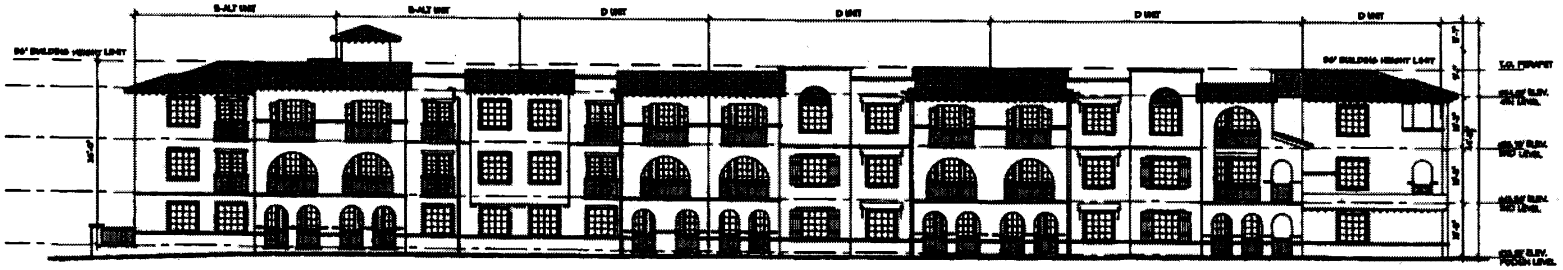


Building 2 - Elevation (North)



Building 2 - Elevation (South)

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

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SENIOR LIVING

November 7, 2008

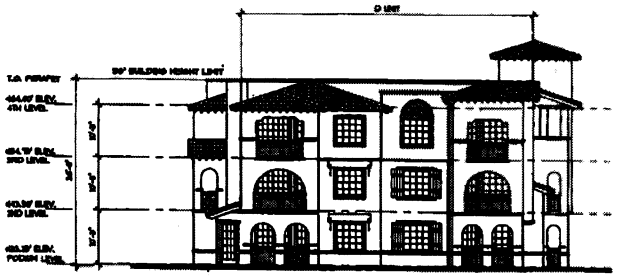
ClubLife Senior Living Center

Oceanside, CALIFORNIA

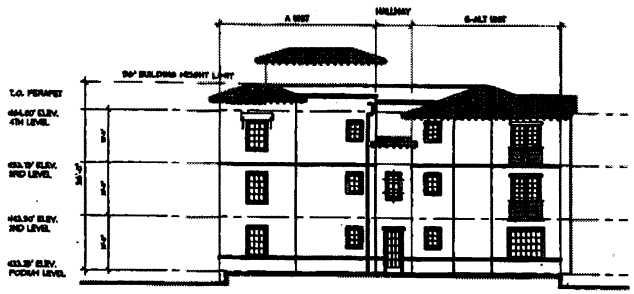
Withee Malcolm Architects, LLP

Project No. A6001.200

A2.04



Building 2 - Elevation (East)



Building 2 - Elevation (West)

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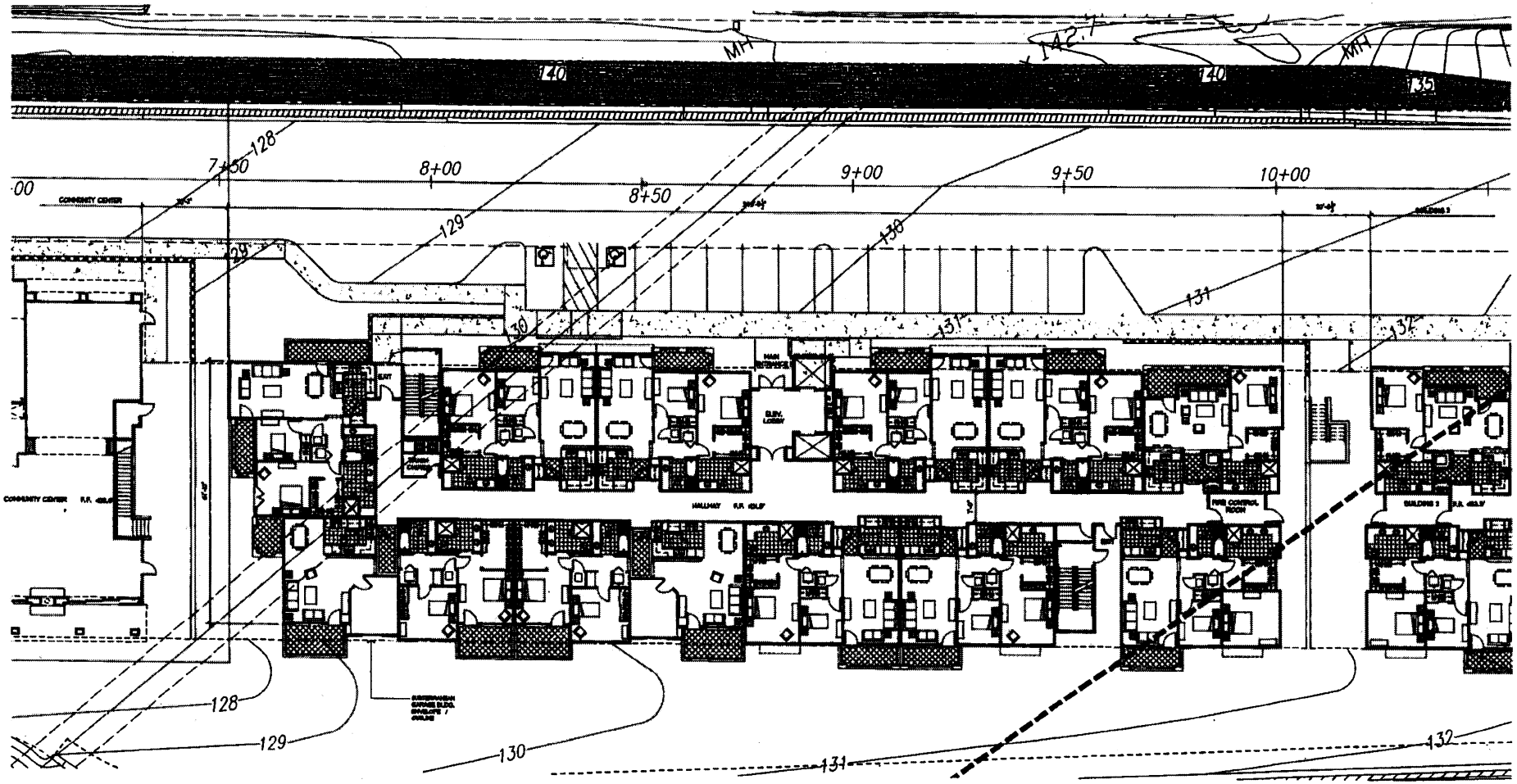


Building 3 - Plaza Level

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

0 8 16 24 32 40

NORTH

SENIOR LIVING

November 7, 2008

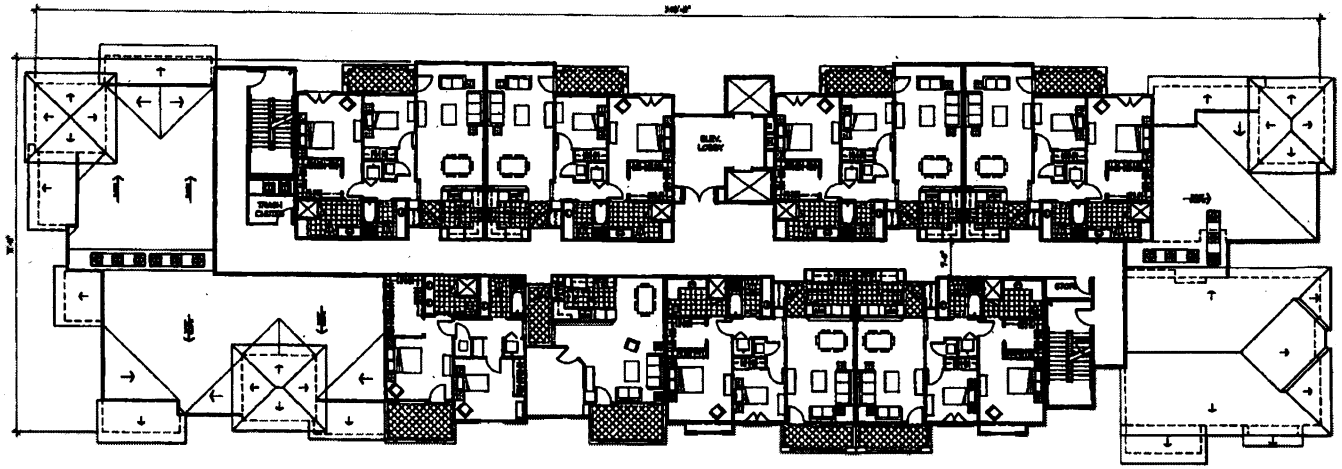
ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

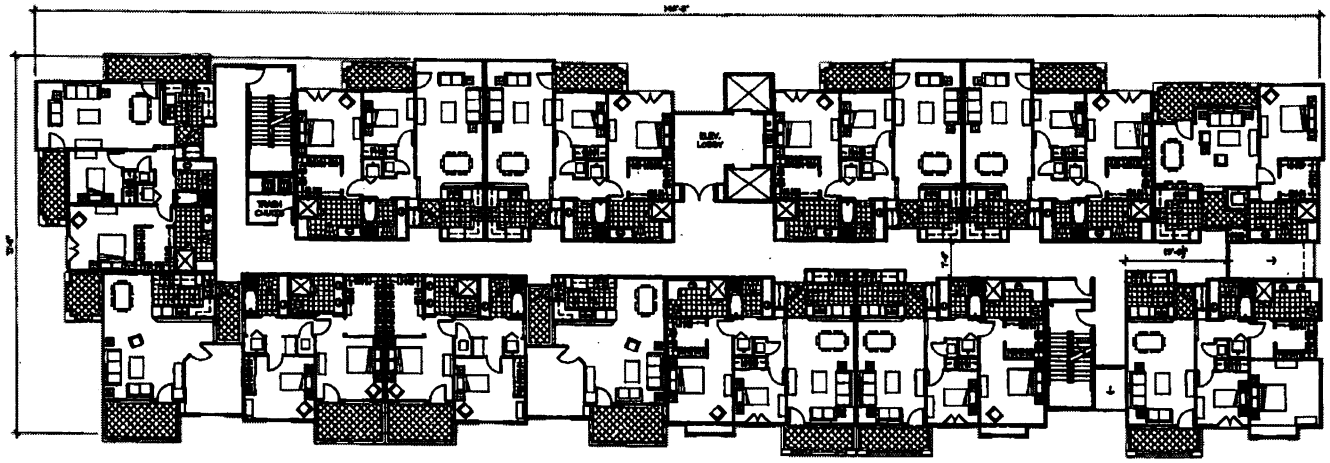
Withee Malcolm Architects, LLP

Project No. A6001.200

A3.01



Building 3 - Level 4



Building 3 - Levels 2-3

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

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SENIOR LIVING

November 7, 2008

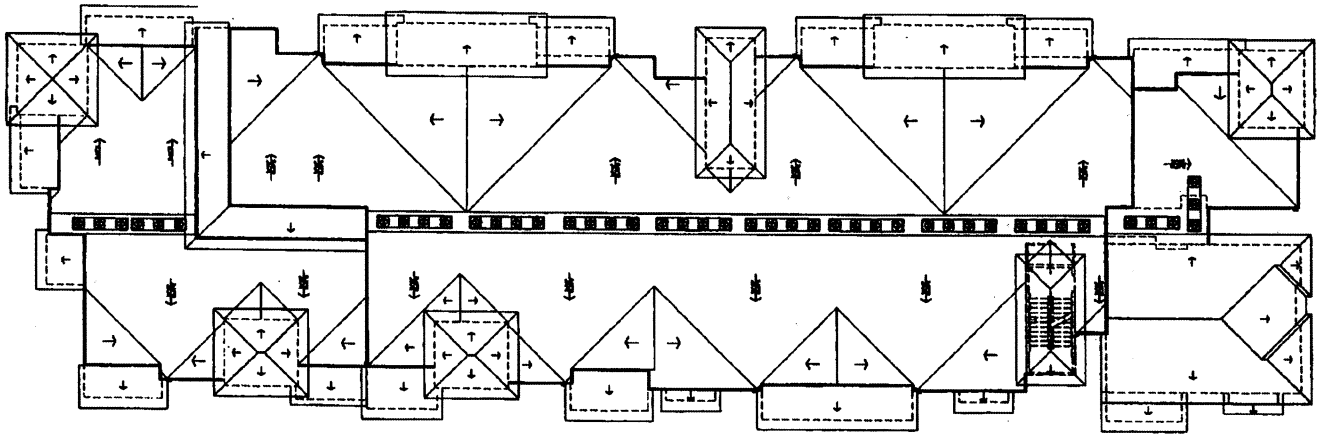
ClubLife Senior Living Center

Oceanside, CALIFORNIA

Withee Malcolm Architects, LLP

Project No. A6001.200

A3.02



Building 3 - Roof Plan

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

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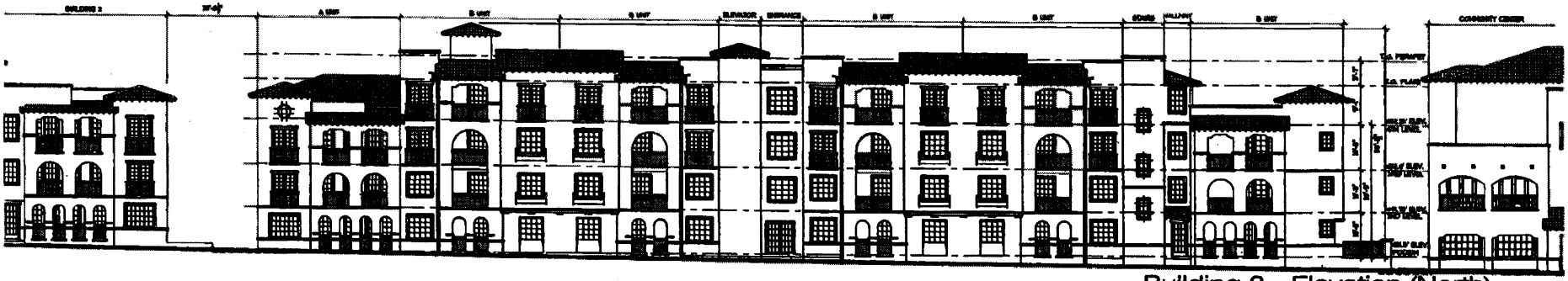
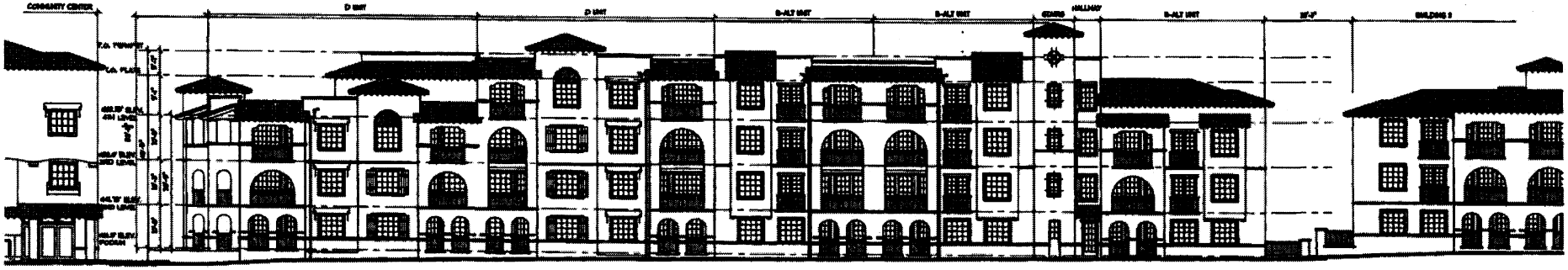


Building 3 - Elevation (North)



Building 3 - Elevation (South)

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

0 8 16 24 32 40

SENIOR LIVING

November 7, 2008

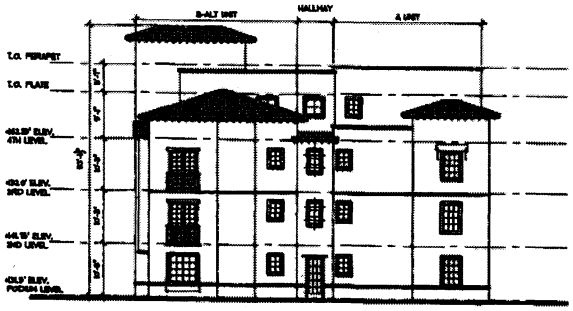
ClubLife Senior Living Center

Oceanside, CALIFORNIA

Withee Malcolm Architects, LLP

Project No. A6001.200

A3.04



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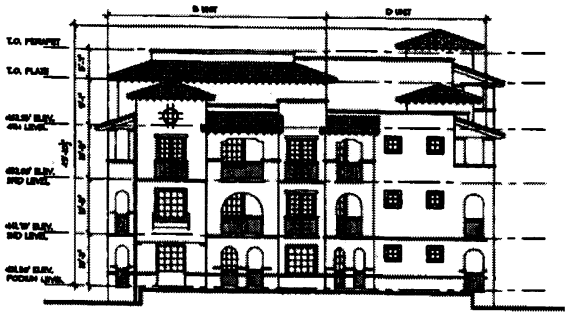

Building 3 - Elevation (West)

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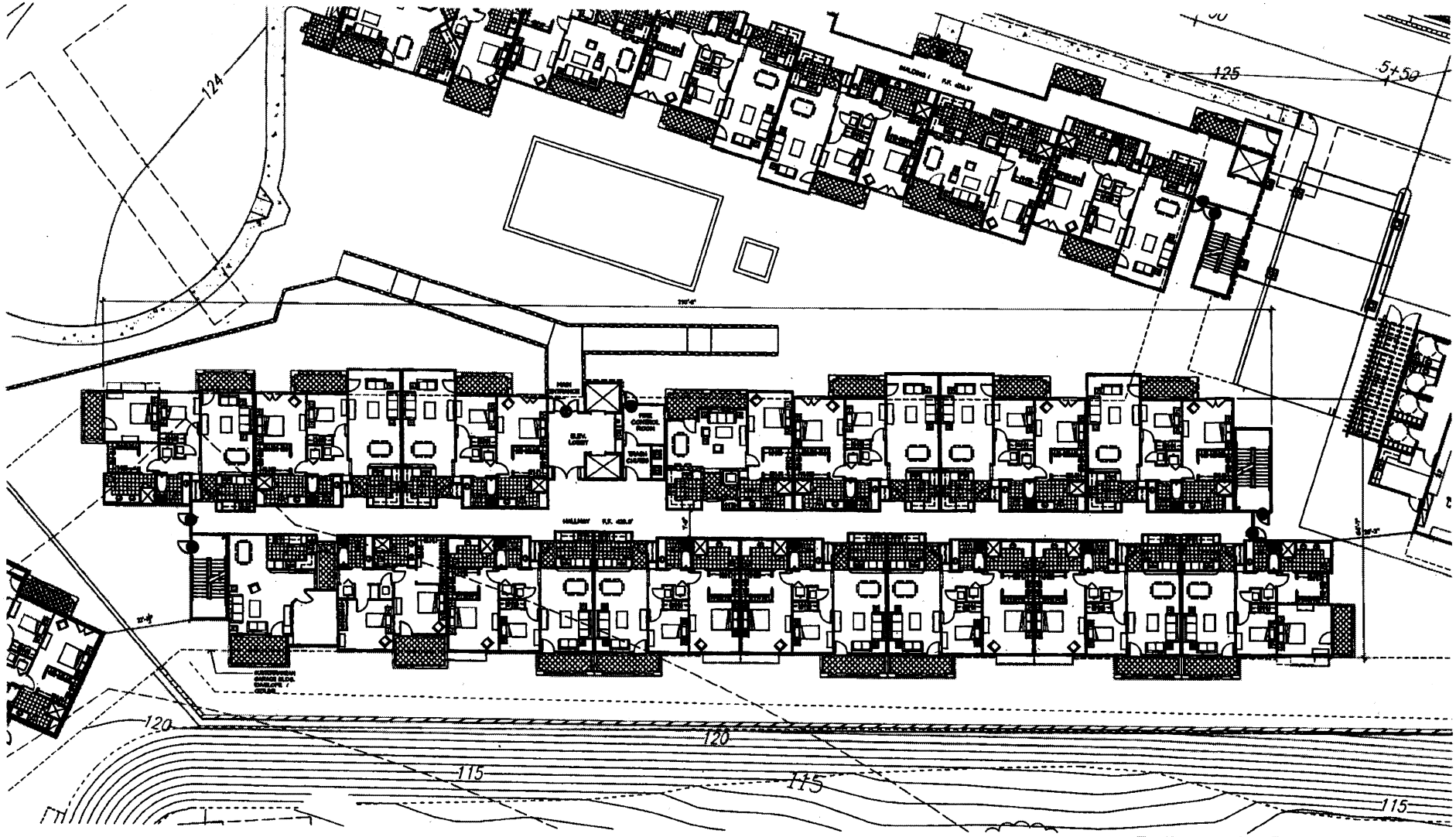

Building 4 - Plaza Level

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

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NORTH

SENIOR LIVING

November 7, 2008

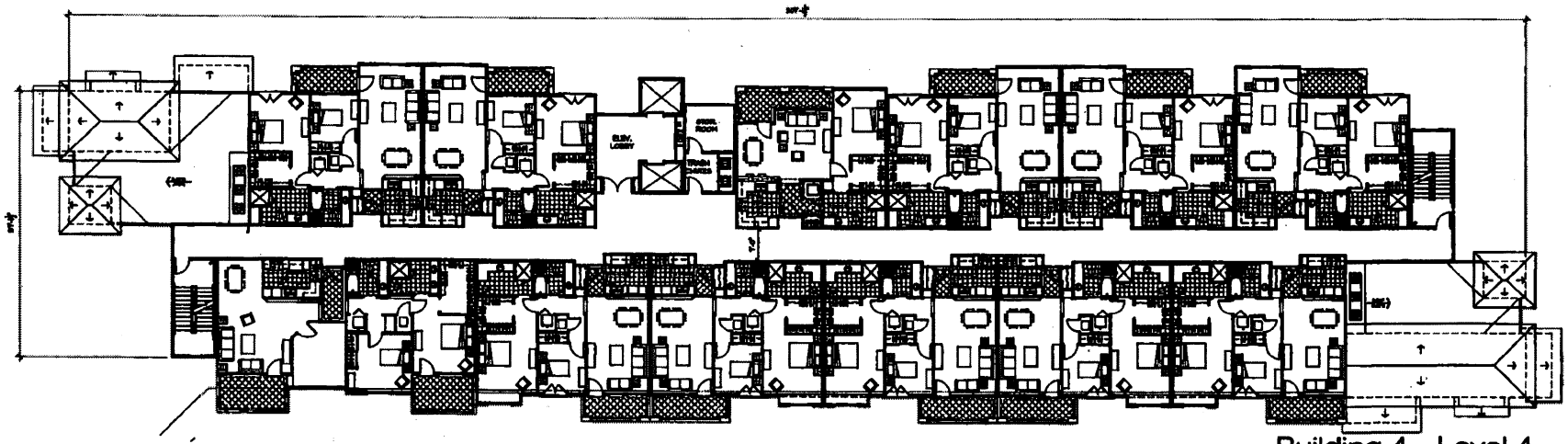
ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

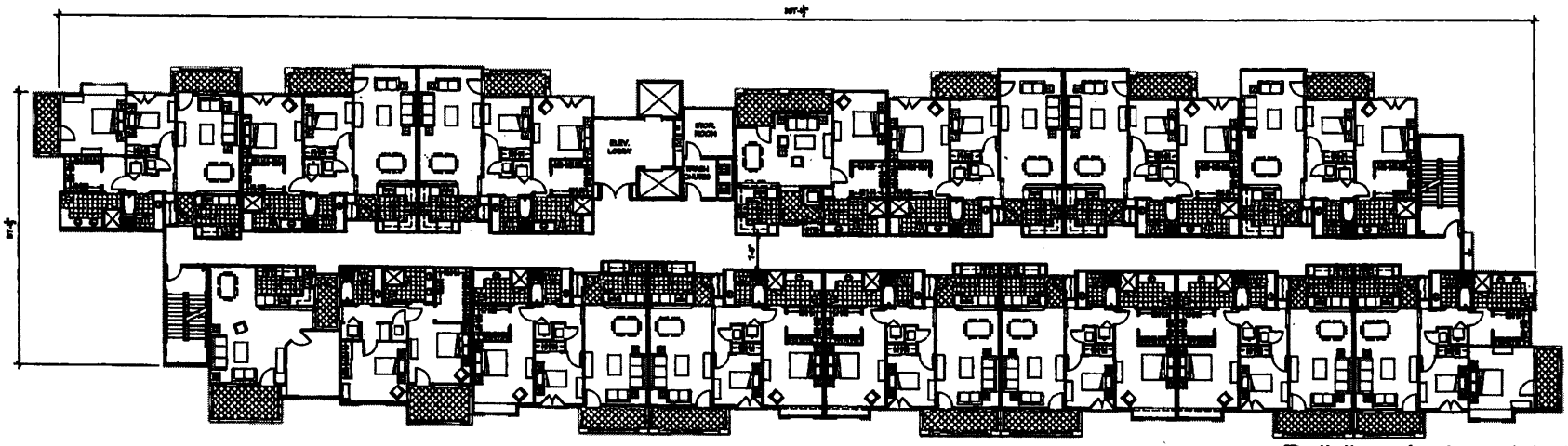
LLFTT Withee Malcolm Architects, LLP

Project No. A6001.200

A4.01



Building 4 - Level 4



Building 4 - Level 2-3

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

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SENIOR LIVING

November 7, 2008

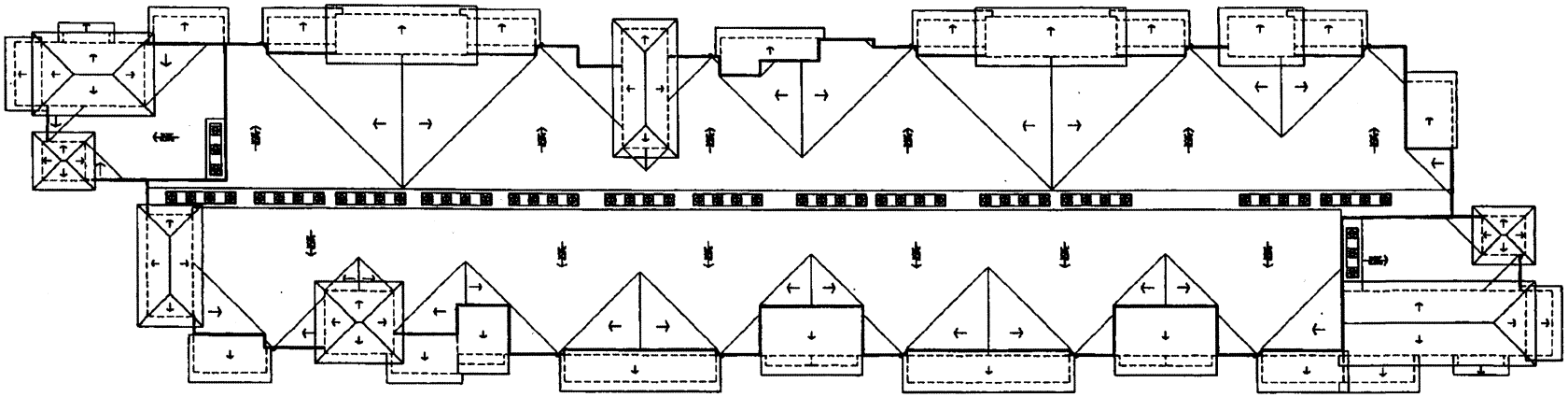
ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

Withee Malcolm Architects, LLP

Project No. A6001.200

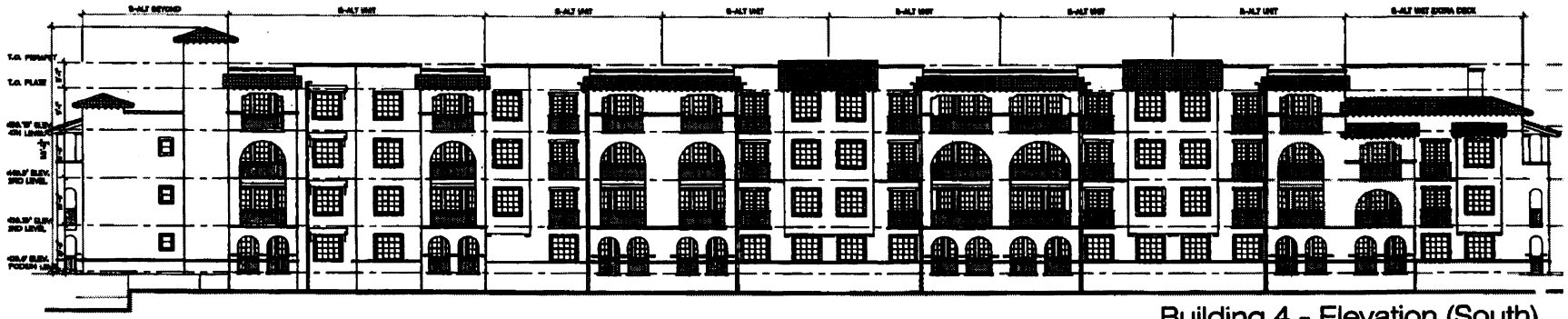
A4.02



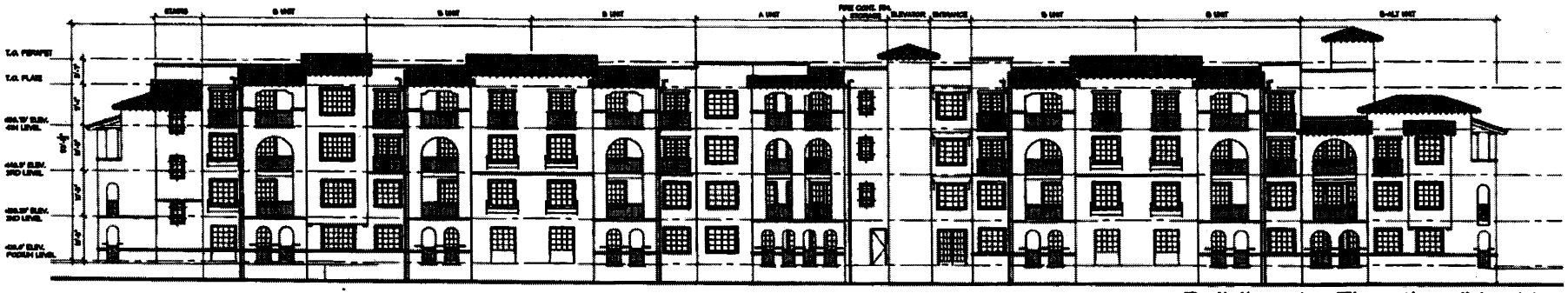
Building 4 - Roof Plan

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

0 8 16 24 32 40



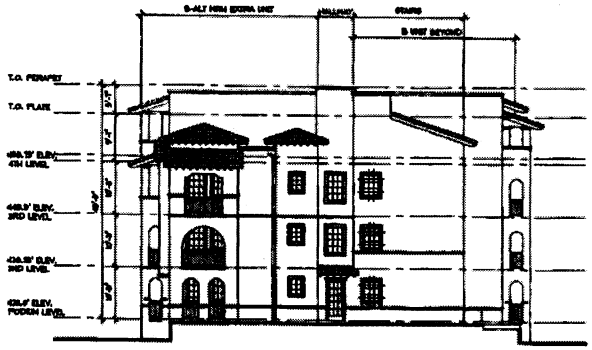
Building 4 - Elevation (South)



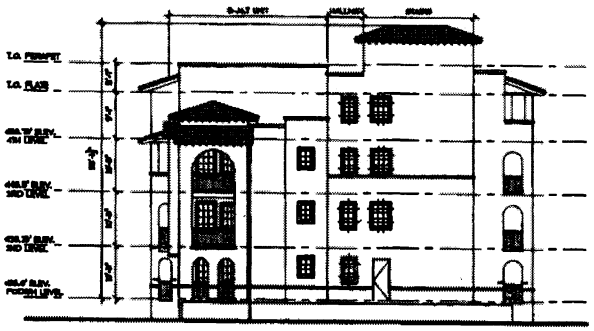
Building 4 - Elevation (North)

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

0 8 16 24 32 40



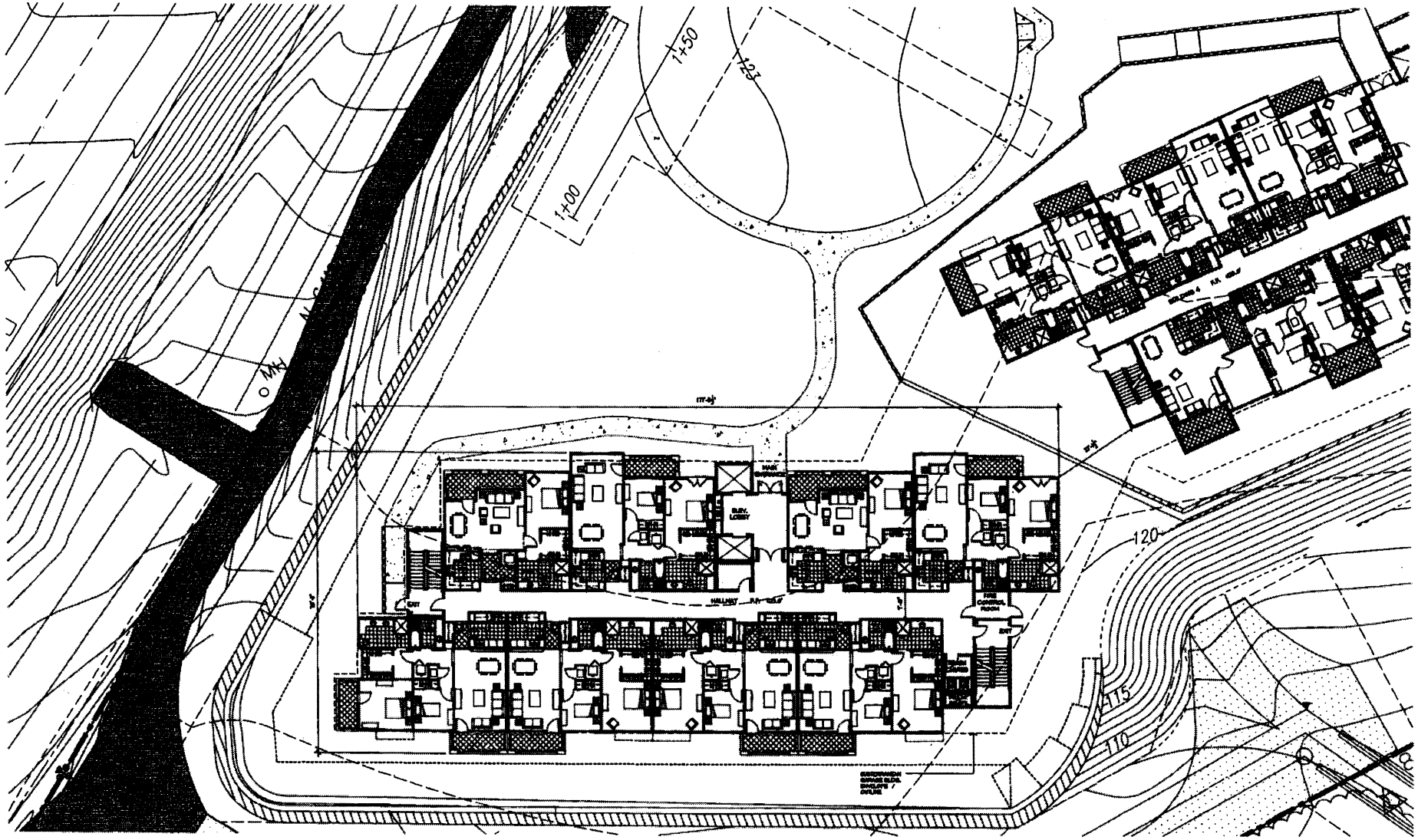
Building 4 - Elevation (East)



Building 4 - Elevation (West)

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

0 8 16 24 32 40



Building 5 - Plaza Level

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

0 8 16 24 32 40

NORTH

SENIOR LIVING

November 7, 2008

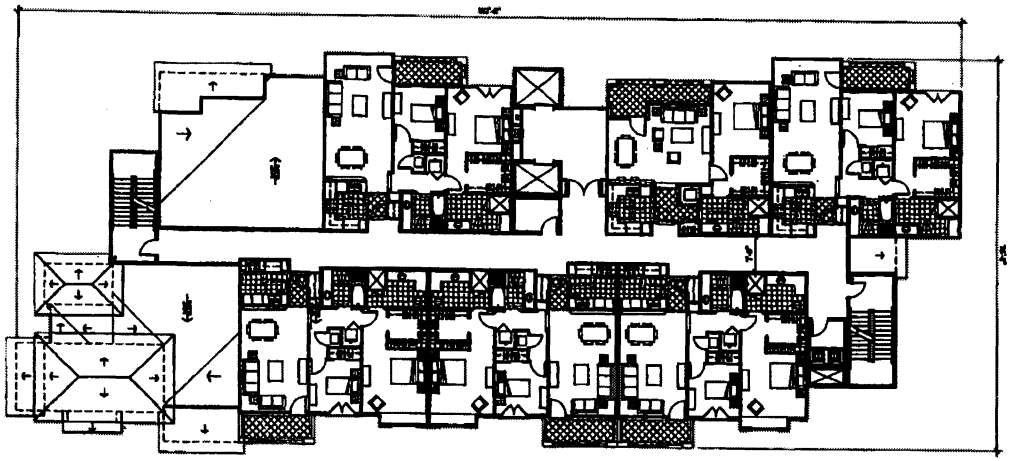
ClubLife Senior Living Center

Oceanside, CALIFORNIA

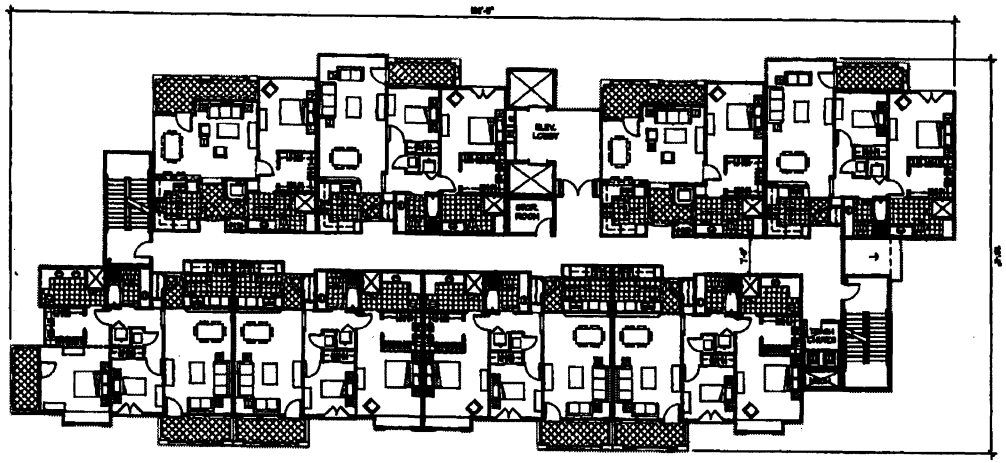
LLFT Withee Malcolm Architects, LLP

Project No. A6001.200

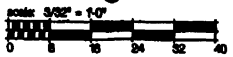
A5.01

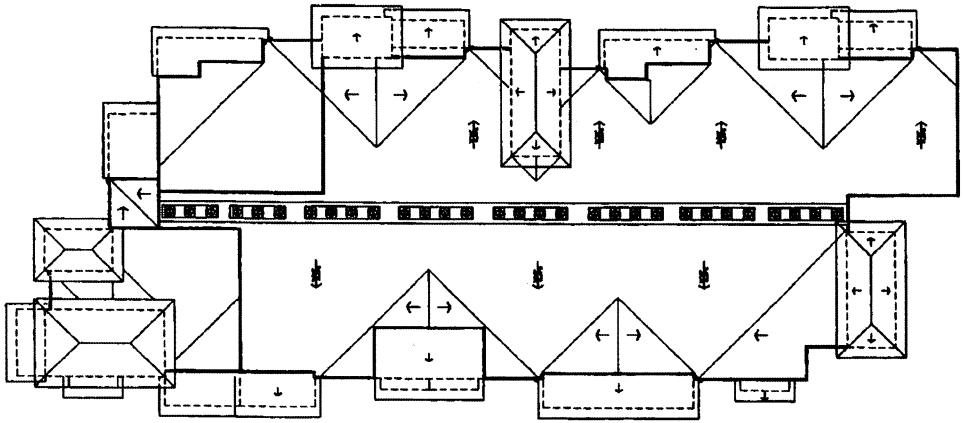


Building 5 - Level 4



Building 5 - Levels 2-3

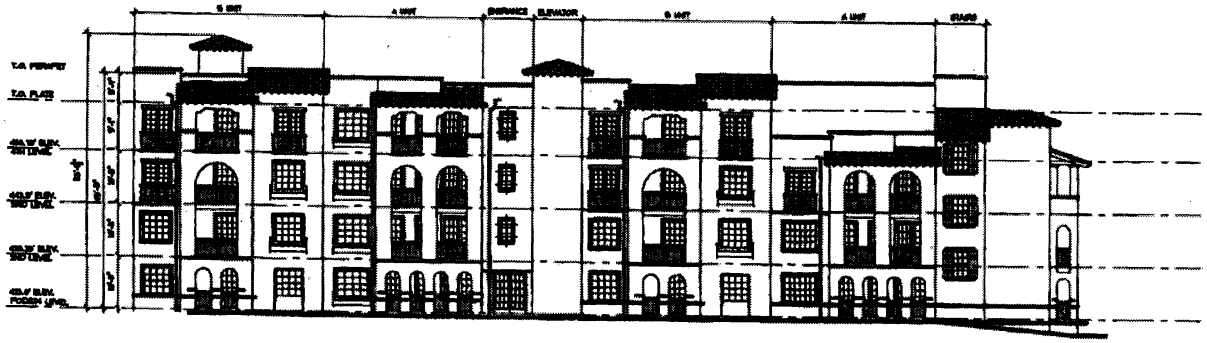




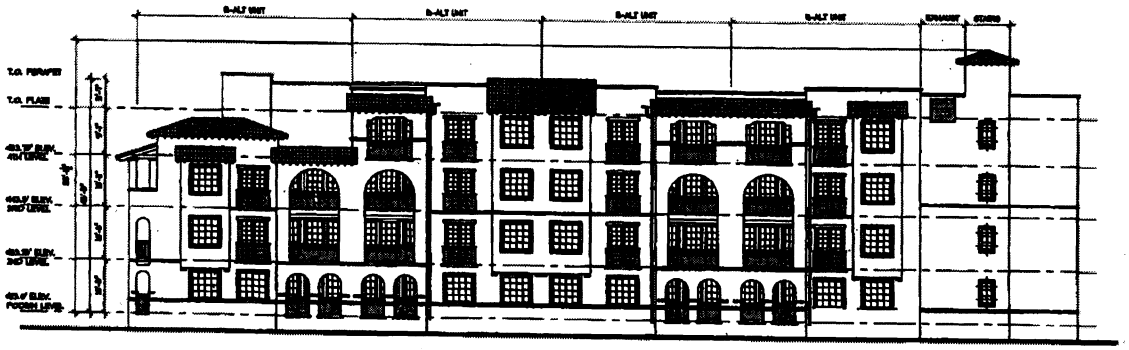
Building 5 - Roof Plan

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

0 8 16 24 32 40



Building 5 - Elevation (North)



Building 5 - Elevation (South)

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

0 8 16 24 32 40

SENIOR LIVING

November 7, 2008

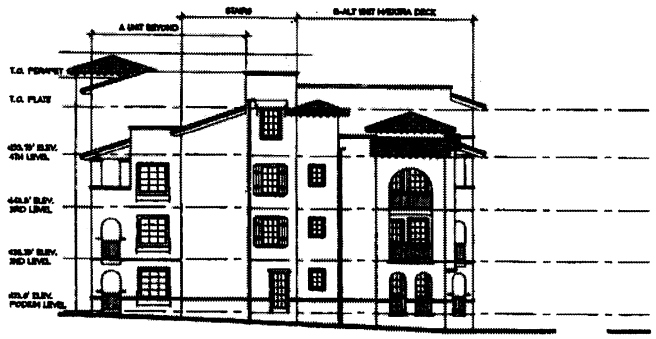
ClubLife Senior Living Center

Oceanside, CALIFORNIA

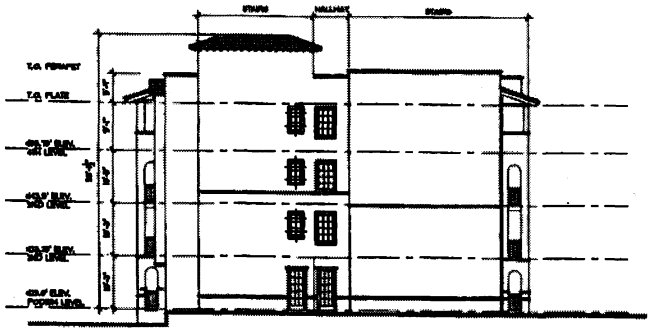
LEFT Withee Malcolm Architects, LLP

Project No. A6001.200

A5.04



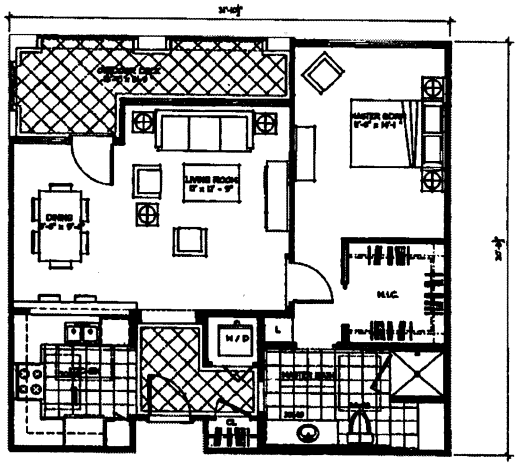
Building 5 - Elevation (West)



Building 5 - Elevation (East)

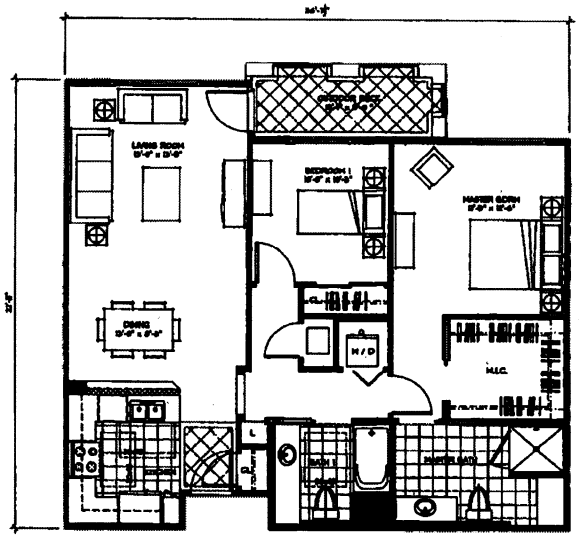
scale: 3/32" = 1'-0"

0 8 16 24 32 40



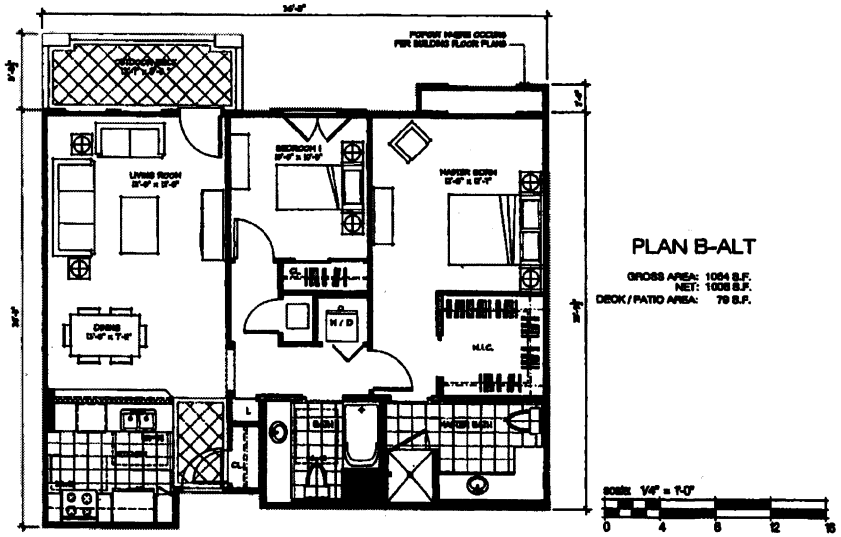
PLAN A

GROSS AREA: 839 S.F.
NET: 794 S.F.
DECK / PATIO AREA: 118 S.F.



PLAN B

GROSS AREA: 1095 S.F.
NET: 1037 S.F.
DECK / PATIO AREA: 77 S.F.



PLAN B-ALT

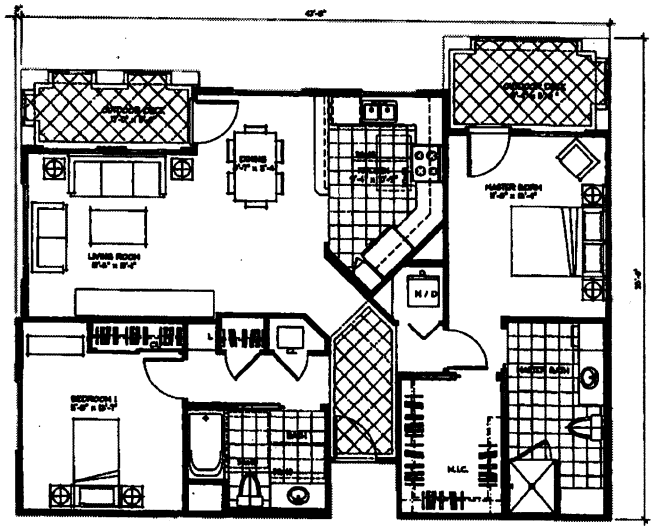
GROSS AREA: 1084 S.F.
NET: 1008 S.F.
DECK / PATIO AREA: 76 S.F.

SENIOR LIVING
November 7, 2008

ClubLife™ Senior Living Center
Oceanside, CALIFORNIA

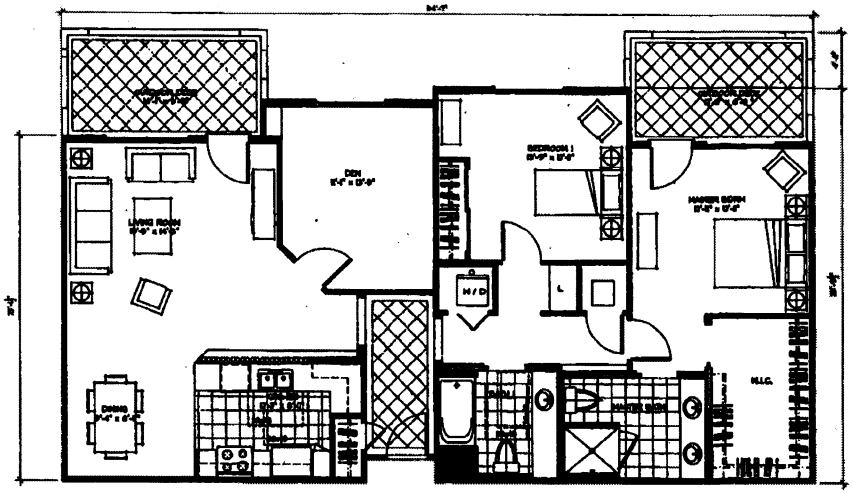
Withee Malcolm Architects, LLP
Project No. A6001.200

A6.01



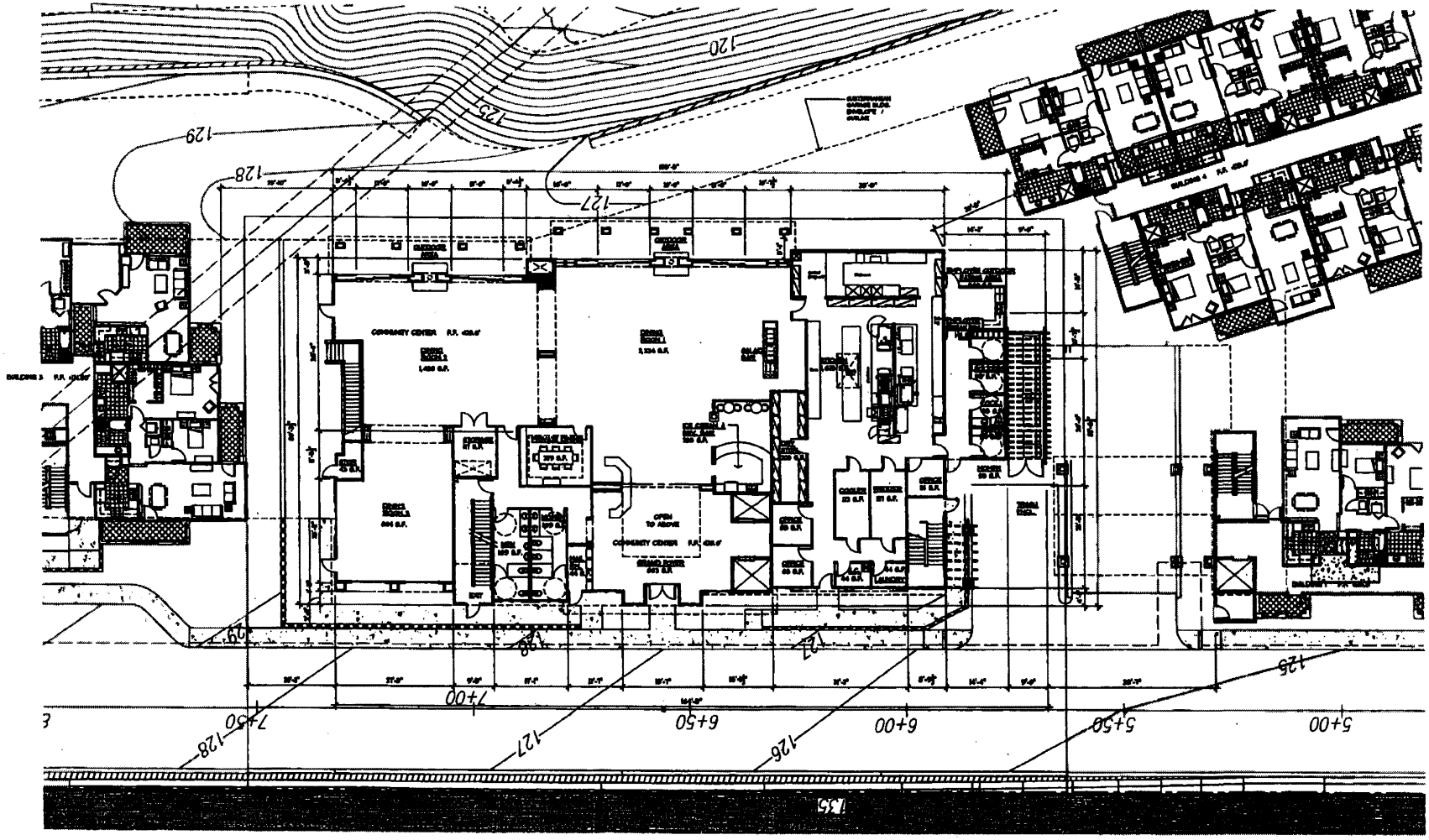
PLAN C

GROSS AREA: 1234 S.F.
NET: 1156 S.F.
DECK / PATIO AREA: 133 S.F.



PLAN D

GROSS AREA: 1449 S.F.
NET: 1277 S.F.
DECK / PATIO AREA: 177 S.F.



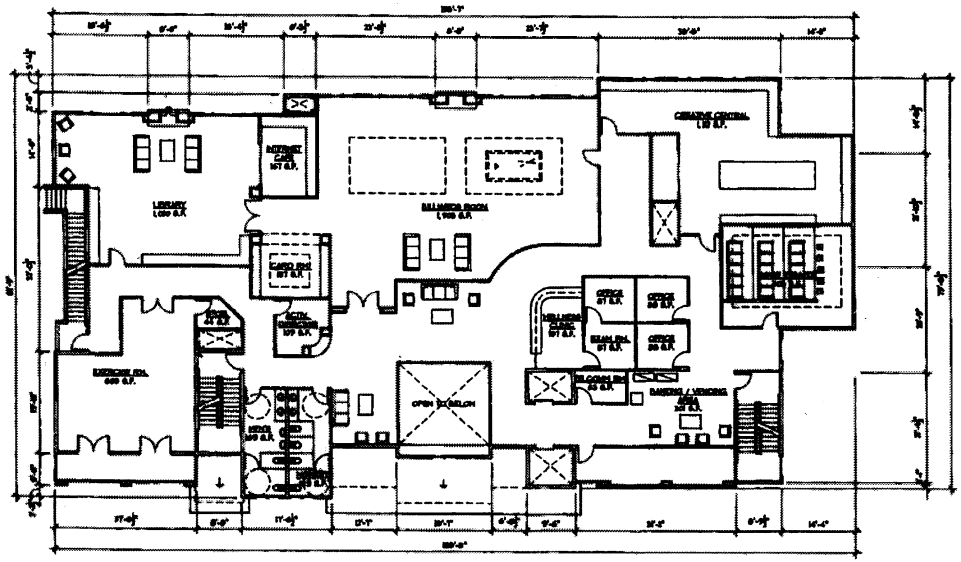
Community Center - Plaza Level

TOTAL GROSS - 11,242 S.F.

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

0 8 16 24 32 40

NORTH



Community Center - 2nd Level

TOTAL GROSS - 10,685 S.F.

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

0 8 16 24 32 40

SENIOR LIVING

November 7, 2008

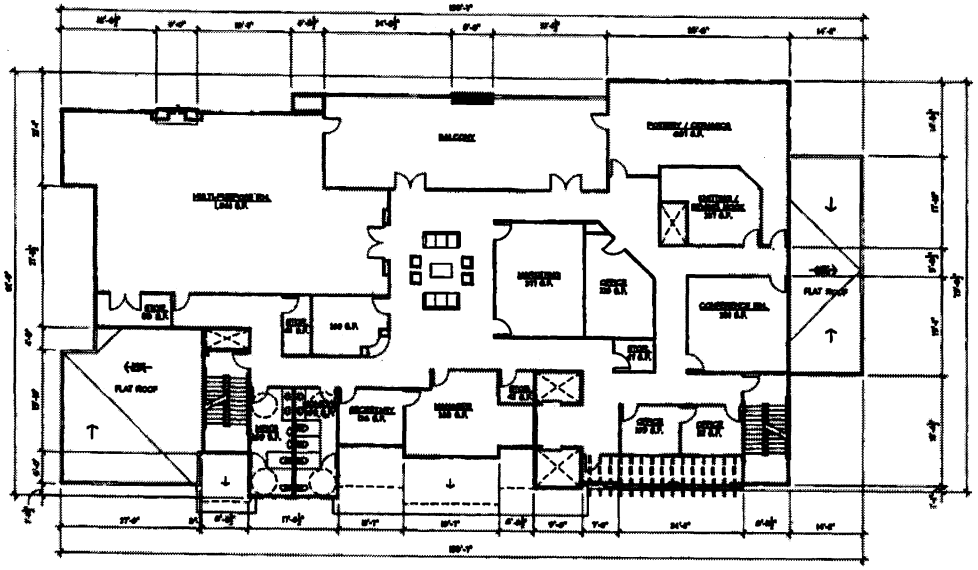
ClubLife Senior Living Center

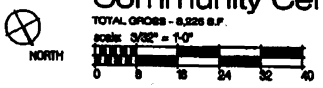
Oceanside, CALIFORNIA

Withee Malcolm Architects, LLP

Project No. A6001.200

A7.02

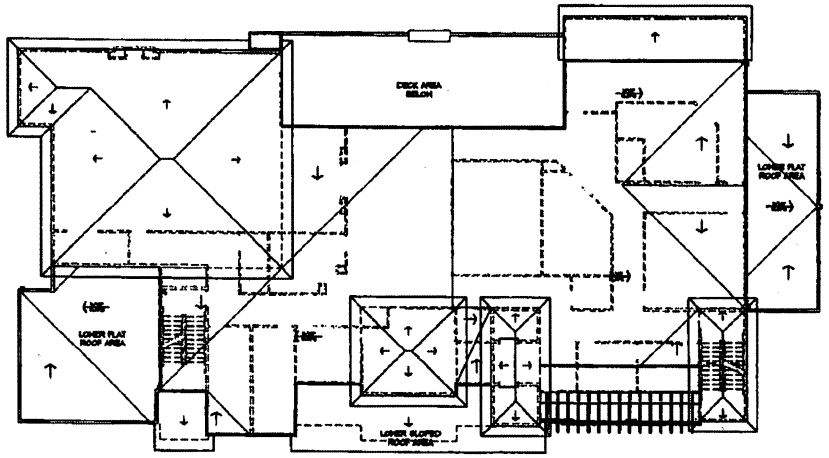




Community Center - 3rd Level

TOTAL GROSS - 8,226 S.F.

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



Community Center - Roof Plan

NORTH

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

0 8 16 24 32 40

SENIOR LIVING

November 7, 2008

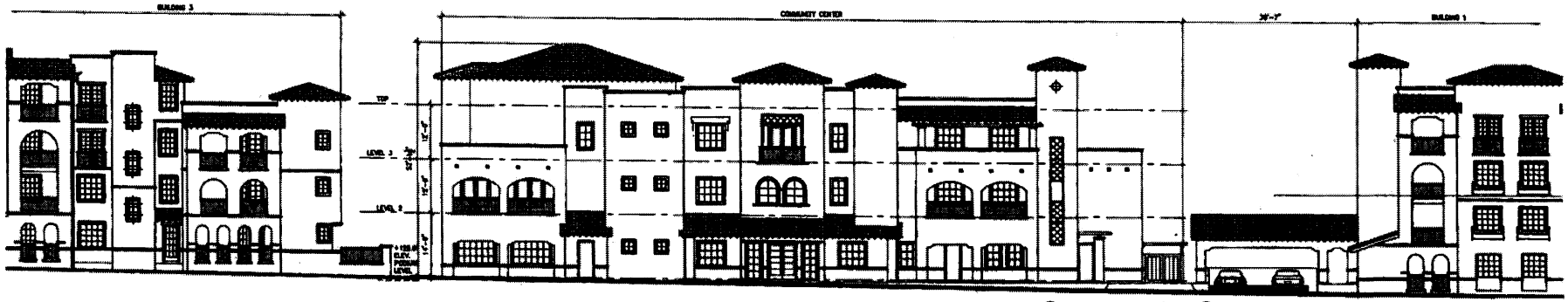
ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

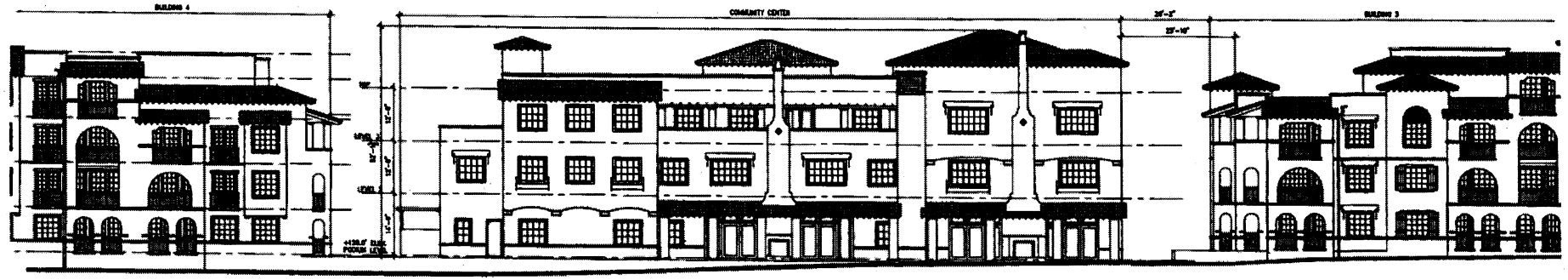
Withee Malcolm Architects, LLP

Project No. A6001.200

A7.04



Community Center - Elevation (North)



Community Center - Elevation (South)

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

0 8 16 24 32 40

SENIOR LIVING

November 7, 2008

ClubLife™ Senior Living Center

Oceanside, CALIFORNIA

LLFT :e Malcolm Architects, LLP

Project No. A6001.200

A7.05

ATTACHMENT 2

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE SUPPORTING PLANNING COMMISSION RESOLUTION NO. 2009-P04 ADOPTING A MITIGATED NEGATIVE DECLARATION AND RESOLUTION NO. 2009-P05 APPROVING TENTATIVE MAP (T-7-05), DEVELOPMENT PLAN (D-12-05), CONDITIONAL USE PERMIT (C-28-05) AND VARIANCE (V-7-05) TO SUBDIVIDE AN EXISTING 6.71-ACRE LOT INTO TWO LOTS, CREATE 180 CONDOMINIUM UNITS, CONSTRUCT SIX BUILDINGS, ALLOW GENERAL RESIDENTIAL CARE, AND ALLOW A VARIANCE FROM RETAINING WALL HEIGHT LIMITATIONS OF SECTION 3040 OF THE ZONING ORDINANCE ON VACANT LOCATED AT THE WESTERN TERMINUS OF THE DEPOT ROAD

(Spring Creek Commercial Ventures, LLC - Applicant)

WHEREAS, an application was filed for a Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), and Variance (V-7-05) to subdivide an existing 6.71-acre lot into two lots, create 180 condominium units, construct six buildings totaling 277,422 square feet, provide 332 general residential care beds, and allow the construction of a 7.3 foot tall retaining wall that exceeds the retaining wall height limitations of Section 3040 of the Zoning Ordinance;

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

WHEREAS, on January 26, 2009 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2009-P04 and the Mitigated Negative Declaration for Clublife Senior Living Center on a 7 to 0 vote;

WHEREAS, on January 26, 2009 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2009-P05, approving said Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), and Variance (V-7-05) on a 7 to 0 vote;

WHEREAS, on February 5, 2009, a Call for Review was initiated by Councilmember Sanchez of the Planning Commission decisions with the City Clerk of the City of Oceanside;

WHEREAS, on April 1, 2009, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of the Planning Commission approvals on the above identified Mitigated Negative Declaration Tentative Subdivision Map, Development Plan, Conditional Use Permit, and Variance;

WHEREAS, based on such evidence and testimony, this Council finds that the decisions of the Planning Commission did adequately and properly address concerns raised;

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The Council supports the Planning Commission actions of January 26, 2009.

2. The decisions of the Planning Commission are affirmed. The Mitigated Negative Declaration is an accurate and adequate document and all impacts are mitigated and the project is consistent with the Land Use Element of the General Plan and the City's Zoning Ordinance, because it meets the density and development criteria set forth by these documents. The project site is physically suitable for the proposed density and intensity of development. The project meets development standards, such as panhandle access, lot size, requirements for off-street parking, and landscaping. The neighborhood character includes custom developments, panhandle egress across lots, and generally 10,000 square-foot lot sizes; the proposed residential subdivision design continues these neighborhood characteristics. The off-street parking is suitably buffered by landscaping and a decorative wall; the parking structure site design meets the criteria set forth by the Zoning Ordinance.

3. The Mitigated Negative Declaration and applications for Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), Variance (V-7-05) and Planning Commission Resolution No. 2009-P05 are hereby approved, subject to all of the conditions imposed by Planning Commission Resolution No. 2009-P05.

4. The findings of fact adopted by the Planning Commission in Resolutions 2009-P04 and 2009-P05 are hereby affirmed and adopted.

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

PASSED and ADOPTED by the City Council of the City of Oceanside, California this 1st day of April, 2009 by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Attorney

ATTACHMENT 3

PLANNING COMMISSION
RESOLUTION NO. 2009-P04

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA ADOPTING A MITIGATED NEGATIVE DECLARATION ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: T-7-05, D-12-05, C-28-05 and V-2-05
APPLICANT: Spring Creek Commercial Ventures, LLC
LOCATION: The southern terminus of The Depot Road

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

WHEREAS, a Notice of Intent to Adopt a Mitigated Negative Declaration was prepared and circulated for public and agency review and property notification was given in accordance with the California Environmental Quality Act; and

WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day of January, 2009, conduct a duly advertised public hearing on the content of the Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program; and

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

FINDINGS:

For the Mitigated Negative Declaration:

1. The Mitigated Negative Declaration and Initial Study were completed in compliance with the provisions of the California Environmental Quality Act (CEQA).
2. Pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto, a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment.
3. The new mitigation measures are equivalent or more effective in mitigation or avoiding potential significant effects than the proposed draft mitigation measures and would not cause any potentially significant effect on the environment.
4. The Mitigated Negative Declaration and Mitigation and Monitoring and Reporting Program (M.M.R.P.) have been determined to be accurate and adequate documents,

which reflect the independent judgment and analysis of the Planning Commission. On the basis of the entire record before it, the Planning Commission finds that there is no substantial evidence that the project, with implementation of the mitigation measures proposed, will have a significant impact on the environment.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby adopt the Mitigated Negative Declaration and adopt the mitigation measures provided therein subject to the following conditions:

Mitigation Monitoring and Reporting Program:

1. Prior to the issuance of building permits, the developer shall submit the California Code of Regulations Title 24 Noise Study to the City Building Official for review and approval.
2. Prior tot he issuance of occupancy permits, the developer shall demonstrate to the City Building Official and City Planner that the interior noise levels in habitable rooms do not exceed 45 dB(A) and that the project complies with all necessary structural enhancements identified within the Title 24 Noise Study.

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3. Prior to the issuance of building permits, the developer shall provide fair-share contributions to the City dedicated toward the installation of an eight-phase traffic signal at the intersection of Melrose Drive and Old Ranch Road.

PASSED AND ADOPTED Resolution No. 2009-P04 on January 26, 2009 by the following vote, to wit:

AYES:	Troisi, Balma, Neal, Martinek, Parker, Bertheaud and Rosales
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P04.

Dated: January 26, 2009

ATTACHMENT 4

PLANNING COMMISSION
RESOLUTION NO. 2009-P05

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: T-7-05, D-12-05, C-28-05, and V-2-05
APPLICANT: Spring Creek Commercial Ventures, LLC
LOCATION: The southern terminus of The Depot Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting Tentative Subdivision Map, Development Plan, Conditional Use Permit and Variance under the provisions of Articles 10, 11, 22, 28, 30, 31, 41 and 43 of the Zoning Ordinance and Article IV of the Subdivision Ordinance of the City of Oceanside to permit the following:

subdivision of an existing 6.71-acre lot into two lots, creating 180 residential condominiums, construction of six buildings totaling 277,422 square feet, providing 332 general residential care beds, and allowing the construction of a retaining wall that exceeds the height requirements of Section 3040 of the Zoning Ordinance

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 26th day of January, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$.713 per square foot or $713 per thousand square feet for non-residential uses and $2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	$.42 per square foot non-residential for Oceanside ($.42 for Vista and Fallbrook) $2.63 per square foot residential ($2.63 for Vista; $2.63 for Fallbrook)
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically $4,395 per unit; Non-residential is $35,160 for a 2" meter.

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically $6,035 per unit; Non-residential is $48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically $4,326 per unit; Non-residential is $22,495 for a 2" meter.

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

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

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

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

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

WHEREAS, the Mitigated Negative Declaration together with any comments received, and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the conditions of approval for the project, were presented to the Planning Commission, and the

Planning Commission reviewed and considered the information contained in these documents prior to making a decision on the project.

WHEREAS, the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program (MMRP) have been determined to be accurate and adequate documents, which reflect the independent judgment and analysis of the Planning Commission. On the basis of the entire record before it, the Planning Commission finds that there is no substantial evidence that the project, with implementation of the mitigation measures proposed, will have a significant impact on the environment.

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

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

FINDINGS:

For the Tentative Subdivision Map T-7-05:

1. The proposed two-lot subdivision and the proposed 180 unit condominium subdivision are consistent with the General Plan, including Community Development Goal and Objective 2.01 regarding Commercial Subdivisions. The site is suited to the proposed residential care facility, including the proposed two-lot subdivision and 180 condominium units, because the proposed use encourages a better use of the existing, rough graded land that has limited access from The Home Depot Road and limited visibility from major arterials or secondary arterial streets.
2. The site is suited to the proposed semi-public land use, the proposed division of land, and the construction of 277,442 square feet structure for a 332-bed residential care facility. The technical reports (geotechnical, hydrology, storm water management) have demonstrated that the proposed design is suitable for the existing 6.71-acre site.
3. The proposed density of development meets or exceeds development regulations, including height, yard requirements, floor area ratio, landscaping, off-street parking, and lot coverage. The proposed six buildings meet or exceed all development regulations. The proposal includes providing more than twice the required parking spaces.

4. The design of the subdivision will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat. The potential project impacts, which are transportation and noise related, would be mitigated to a less than significant impact and shall be monitored as a condition of approval, pursuant to CEQA regulations.

5. The design of the subdivision and the construction of six buildings and an outdoor pool will not conflict with easements for access through or the use of property within the proposed subdivision.

6. The proposed two-lot subdivision and the proposed 180 unit condominium subdivision complies with all applicable ordinances, regulations, and guidelines of the City of Oceanside, including but not limited to the Subdivision Ordinance, the Zoning Ordinance, and Municipal Codes.

For the Development Plan D-12-05:

1. The 6.71-acre site, the proposed six-building development, and the physical design of the project is consistent with the purposes of the Zoning Ordinance, including the purposes for Residential Districts, Commercial Districts, Scenic Park Overlay Districts, and Equestrian Overlay Districts. The proposal complies with requirements for equestrian trails, the allowed types of exterior building facades and colors, and height limitations for structures and rooftop appurtenances.

2. The proposed 277,442-square foot residential care facility conforms to the General Plan of the City, including the Community Development goal and Objectives 2.01 and 2.2. The proposed residential care facility would provide residents with access to 24-hour non-medical care for persons 55 and older in need of personal services, supervision, protection, or assistance essential for sustaining the activities for daily living. This land use supports the continual long term enhancement of the community by fostering the availability of residential care services to Oceanside residents.

3. The 6.71-acre site can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities. The project's driveway has been designed to allow sufficient pavement width for both the staging of emergency vehicles and a passing lane. The proposed 48-foot radius turn around (project cul-de-

sac) is designed to accommodate the turning radius of the City's largest ladder fire truck.

4. The 277,442-square foot residential care facility with an outdoor pool is compatible with existing and potential development on adjoining properties and the surrounding Guajome Neighborhood. The site is an infill lot with the adjoining lots fully developed. The proposed roof elevations are similar in elevation to adjacent commercial buildings; and for the residents of the Casitas at Spring Creek, the proposed buildings will obstruct views of the back side of the Home Depot.

5. The site plan and physical design of the residential care facility is consistent with the policies 2.01 and 2.2 of the Land Use Element of the General Plan. The proposed general residential care facility would provide residents with access to 24- hour non-medical care for persons 55 and older in need of personal services, supervision, protection, or assistance essential for sustaining the activities of daily living. The location is sited within an established residential area and affords area residents the convenience of proximity. The proposed semi-public development promotes and preserves the balance of services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses.

For Conditional Use Permit C-28-05:

1. The proposed location of the residential care facility is in accord with the Residential District, Commercial District, Scenic Park Overly District, and the Equestrian District objectives of the Zoning Ordinance and the purposes of the CN-SP-EQ Districts and the RM-B-SP-EQ Districts in which the 6.71-acre site is located. The proposal complies with land use regulations and development regulations for the construction of six buildings and the provision of 332 residential care beds for persons 55 and older.

2. The proposed location of the 332-bed residential care facility and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan, including Objective 2.2; will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the city.

3. The proposed 332-bed residential care facility complies with the provisions of Zoning Ordinance, including 1120 L-34 and any specific condition required for the proposed conditional use in the CN-SP-EQ Districts and the RM-B-SP-EQ Districts in which it would be located. The proposed land use complies with the provisions of the Municipal Code regarding billiard tables and provisions of the Zoning Ordinance for regulated uses.

For the Variance V-7-05:

1. That the atypical shape of the 6.71-acre site and its usually narrow lot width causes strict application of the wall height requirements of Section 3040 of the Zoning Ordinance would deprive such property of privileges enjoyed by other property in the vicinity and under CN-SP-EQ Districts and RM-B-SP-EQ Districts Zoning classification.
2. Granting construction of a 7.3-foot high retaining wall will not be detrimental or injurious to the property or improvements in the vicinity of 6.71-acre site or to the public health, safety or general welfare.
3. Granting construction of 7.3-foot high retaining wall is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the CN-SP-EQ Districts and the RM-B-SP-EQ Districts Zoning classification.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05) and Variance (V-7-05) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check (As of January 1, 2008 the 2007 California Building Code, and 2007 California Electrical Code).
2. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
3. Site development, common use areas, access and adaptability of apartments and condominiums shall comply with the State's Disabled Accessibility Regulations (2007 California Building Code (CBC), Chapter 11A).

4. Site development, parking, access into buildings and building interiors shall comply with the State's Disabled Accessibility Regulations (2007 California Building Code (CBC), Chapter 11B).

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

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

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

8. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

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

   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

c) Construction plans submitted to the Building Division after January 1st 2008 must comply with the State adopted California Building codes.

10. Separate unique addresses shall be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division must accompany the Building Permit application.

11. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation will be required at time of plans submittal to the Building Division for plan check.

12. Retaining walls that will be installed as a part of this design must be designed per the Soils report for the whole project.

13. Setbacks and Type of Construction must comply with the 2007 California Building Code. Exterior openings must be protected per table 704.8 of the CBC. Exterior walls must be rated per Table 602 of the CBC.

14. Fire sprinklers are required for all R-2 occupancies [CBC 903.2.7].

15. Final plans for all buildings including all redlines, as-builts, and revisions must be submitted on a CD formatted with a TIF or JPEG image file.

16. Prior to plan check submittal for a Building Permit, submit a "plat" drawing showing the first floor elevations for each segment, the locations of the points where the floor level is six feet above grade, and the lowest elevation within five feet from the building for each segment.

17. Building levels below grade (on all sides) shall be provided with a mechanical drainage system that provides drainage to an approved location/receptor.

18. Tenant Improvements or other construction to the existing building requires permits (including all required Inspections and approvals, and Issuance of Certificate of Occupancy) from the Building Division.

Fire:

19. Fire flow shall be determined at the time of building permit application.

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

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

22. Provide on-site hydrants and mains capable of supplying the required fire flow of 3,000 gallons per minute.

23. Provide Standpipes as required per CBC Sec. 905.

24. Buildings four or more stories in height shall be provided with not less than one standpipe during construction. The standpipe shall be installed before the progress of construction is more than 35 feet above grade. Two and one-half-inch valve hose connections shall be provided at approved accessible locations adjacent to useable stairs.

25. A fire apparatus access road shall be provided within 150 feet of all exterior walls of the first floor of the building. The route of the fire apparatus access road shall be approved by the Fire Department. The 150 feet is measured by means of an unobstructed route around the exterior of the building.

26. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

27. Buildings or portions of buildings more than 35 feet in height, as defined by the California Building Code of the city of Oceanside, shall be provided with a street, driveway, or, as shown on the plans, a designated fire lane not less than 28 feet wide and having wider sections able to accommodate Fire Department aerial apparatus and designed in a matter so that ladder truck operations can be affected on at least one side of the building which has openings into its interior. Such street, alley, driveway, or designated fire lane shall be located not more than 15 feet from buildings at a point adjacent to the highest building or portion thereof.

28. The Fire Department access roadway shall be provided with adequate turning radius for Fire Department apparatus a 48-foot outside and 30-foot inside radius.

29. Fire Department emergency access shall not exceed 15 percent grade.

30. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard Guidelines for Emergency Access.

31. An approved fire sprinkler system must be installed throughout the building. The system shall be designed per NFPA 13, and UBC Standard 9-1. The sprinkler system requires 24-hour supervision.

32. The Fire Department connection shall be located on the address side of the building – unless otherwise determined by the Fire Department. The hydrant shall be located on the same side of the street as the Fire Department connection.

33. Provide a fire alarm system as required per CFC Article 10 and NFPA 72

34. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building permit application.

35. In accordance with the California Fire Code Sec. 505, approved address for commercial, industrial, and residential occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall be contrasting with their background.

36. Commercial buildings and multi-family dwellings require six-inch address numbers.

37. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits. A site plan indicating the fire access and hydrant locations must also be submitted on CD Rom.

38. Buildings shall meet Oceanside Fire Department's current codes at the time of building permit application.

39. 800mHz Radio Signal Interference/Bi-directional Amplifier Required (BDA)

40. All new commercial and R-1 buildings and existing buildings where a structural T.I. is being proposed must be tested for 800MHz radio transmission interference. The findings must be submitted to the Fire Marshal prior to final inspection by the fire department.

41. When tested, if 800MHz signal strength readings (RSSI) fall below 65 in any portion of the building, either above or below grade as measured by an 800MHz portable radio, purchase and installation of one or more

42. Bi-directional Amplifier radio coverage enhancer/s is required. The BDA coverage enhances must be maintained as a condition of occupancy and tested annually.

Engineering:

43. With the exception of the access point approved by the City Engineer, vehicular access rights to The Depot Road shall be relinquished by the property owner to the City.

44. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated and improved (constructed or replaced) as required by the City Engineer.

45. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

46. For the demolition of any existing structures or surface improvements, grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

47. Prior to issuance of a building permit, unless already fully covered by an appropriately binding subdivision agreement, all improvement requirements shall be covered by a development agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

48. Prior to issuance of a building permit a phasing plan for the construction of public and private improvements including landscaping, shall be approved by the City Engineer.

49. Legal access shall be provided to The Depot Road prior to the filing of the final map.

50. The developer shall provide public street dedication as required to serve the property.

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

52. The subdivision shall be recorded as one. The subdivision may be developed in phases. A phasing plan for the construction of public and private improvements, including landscaping, streets and arterials, shall be reviewed and approved by the City Engineer prior to the recordation of the final map. Prior to the issuance of any building permits, all improvements including but not limited to landscaping and frontage improvements

shall be under construction to the satisfaction of the City Engineer. All improvements shall be completed prior to issuance of any certificates of occupancy, together with the dedication and construction of necessary utilities, and streets and other improvements outside the area of any particular final map, if such is needed for circulation, parking, access, or for the welfare or safety of future occupants of the development. The boundaries of any multiple final map increment shall be subject to the approval of the City Engineer.

53. Where off-site public or private improvements, including but not limited to slopes, utility facilities, and drainage facilities, or on-site public facilities are to be constructed and/or maintained, the developer shall, at his own expense, obtain all necessary easements or other interests in real property and, in case of public facilities, shall dedicate the same to the City of Oceanside or to the appropriate utility company as required. The developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the approval of the final map or issuance of appropriate grading, building or improvement permit for the development to the satisfaction of the City Engineer. Additionally, the City of Oceanside, may at its sole discretion, require that the developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the developer, as applicable.

54. Pursuant to the State Map Act, improvements shall be required at the time of development. A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these improvement conditions and a certificate setting forth the recordation shall be placed on the map. (DCC&R)

55. Prior to the issuance of a grading permit, the developer shall notify and host a neighborhood meeting with all of the area residents located within 1,500 feet of the project site, and residents of property along any residential streets to be used as a "haul route", to inform them of the grading and construction schedule, haul routes, and to answer questions.

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

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

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

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

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

57. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

58. A traffic control plan shall be prepared according to the City traffic control guidelines and be submitted to and approved by the City Engineer prior to the start of work within open City rights-of-way. Traffic control during construction of streets that have been opened to public traffic shall be in accordance with construction signing, marking and

other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

60. The Depot Road, along the frontage of the subject property, shall be improved with portland cement concrete curb and gutter.

61. The subdivider shall provide a minimum of 10 feet parkway between the face of curb and the right-of-way line along the project's frontage on The Depot Road. All improvements, structures, including retaining wall(s), and the landscaping of the unpaved portion of the parkway shall be maintained by the owner of the subject property or by a Property Owners' Association in perpetuity.

62. Sidewalk improvements (construct/replace) shall comply with ADA requirements and all pedestrian ramps for public access must be fully located within public right-of-way.

63. Sight distance and clear space easement requirements at vehicular access points shall conform to the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B. The project's civil engineer shall submit an appropriate "Sight Distance Letter" to the City Engineer certifying compliance with this requirement.

64. Streetlights shall be maintained and installed on the public street along the project's frontage per City Standards. The system shall provide uniform lighting, and be secured

prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall agree to the formulation of, or the annexation to, any appropriate street lighting district.

65. This project's interior circulation shall remain private and shall be maintained by an association or an appropriate private road maintenance agreement binding on the owners of all proposed lots. Such agreement shall be submitted for review and approval by the City Attorney and the City Engineer and shall be recorded prior to or concurrent with the final map. The pavement sections, traffic indices, alignments, and all geometrics shall meet appropriate City street standards. Appropriate reciprocal access and parking shall be secured for all proposed lots and units.

66. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineer to perform a field investigation of the existing pavement on the street adjacent to the project boundary. The limits of the study shall include the cul-de-sac bulb along the subdivision's boundary. The field investigation shall be performed according to a specific boring plan prepared by a geotechnical engineer and approved by the City Engineer. In the absence of such approved boring plan, the field investigation shall include a minimum of one pavement boring per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be less than the current minimum standard for AC and Class II Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the City's Engineers Manual, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed below.

67. Upon review of the pavement investigation, the City Engineer shall determine whether the developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the developer

shall reconstruct the pavement per these recommendations, subject to approval by the City Engineer.

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

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

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

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

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

73. All storm drains shall be designed and constructed per current editions of the City's Engineers Design and Processing Manual, the San Diego County Hydrology and Drainage Design Manuals, and San Diego Area Regional Standard Drawings.

74. For any increase of stormwater flows from the development site to other properties, the developer shall secure appropriate easement(s) from and maintenance agreement(s) with the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon approval by City Engineer and the City Attorney, the appropriate documents shall be recorded prior to issuance of any permits for the development. Should the developer be unable to secure such easement(s) or agreement(s), the resulting changes to the Development Plan shall be subject to a Substantial Conformity review. Changes not

meeting substantial conformity requirements shall be submitted for appropriate public hearing action.

75. The developer/owner shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

76. The approval of the tentative map shall not mean that any grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the developer/owner. The developer/owner is responsible for obtaining written permission from the adjacent property owner(s) to grade or construct on their properties prior to issuance of any grading permit. Should the denial of such permission necessitate deviation(s) from the approved Tentative Map/Development Plan, the deviation(s) shall be subject to substantial conformity review and approval. If substantial conformity is not approved, the deviation(s) shall be subject to public hearing.

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

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

79. A precise grading and private improvement plan shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,

and signage, footprints of all structures, walls, drainage devices and utility services. Parking lot striping and any on-site traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.

80. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance of occupancy permits, and a pre-construction meeting held, prior to the start of any improvements.

81. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of occupancy permits. Frontage and median landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

83. The drainage design on the development plan/tentative map is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on

City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

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

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

86. The Landowner shall comply with the provisions of National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Landowners authorized to discharge under the expiring General Permit are covered by the continued General Permit. Construction activity subject to the General Permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least one acre of total land area. The Landowner shall obtain coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a Waste Discharge Identification Number (WDID#) from the State Water Resources Control Board (SWRCB). In addition, coverage under the General Permit shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of the General Permit. The site specific SWPPP and associated NOI shall be maintained on the project site at all times. The SWPPP shall be provided, upon request, to the United States Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall be continuously implemented and

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

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

88. Following approval of the SWMP by the City Engineer and prior to issuance of grading permits, the Project Proponent shall submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated responsible party to manage the stormwater BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, a security to provide maintenance in the event of noncompliance to the O&M Plan, and any other necessary elements. The Project Proponent shall provide the City with access to site for the purpose of BMP inspection and maintenance by entering into an Access Rights Agreement with the City. The Project Proponent shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The Project Proponent shall retain records for a minimum of five years. The records shall be made available to the City upon request.

89. The developer/owner shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the project proponent to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the

project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the County Recorder's Office prior to issuance of any building permit. Security in the form of cash (or certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of $25,000. The applicant's Civil Engineer shall prepare the O&M cost estimate.

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

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

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

93. The developer/owner shall provide a copy of the title/cover page of the approved SWMP with the first engineering submittal package. All Stormwater documents shall comply with the latest edition of submission requirements.

94. Right-of-way or easement vacations shall be recorded prior to issuance of grading permit or approval of final map, whichever comes first. Application(s) for right-of-way or easement vacations shall be reviewed and approved or rejected by the City of Oceanside under separate process (es) per codes, ordinances, and policies in effect at the

time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street, right-of-way, or easement.

95. The subdivider shall provide the City of Oceanside with a certification from each public utility and each public entity owning easements within the proposed project stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the project.

96. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

a) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

b) Landscape Architect shall be aware of all utility, sewer, storm drain easement and place planting locations accordingly to meet City of Oceanside requirements.

c) All required landscape areas shall be maintained by owner. The landscape areas shall be maintained per City of Oceanside requirements.

d) Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance

considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.

e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotransporation and run-off. All the flower and shrub beds shall be mulched to a three-inch depth to help conserve water, lower the soil temperature and reduce weed growth.

g) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

h) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within six feet of a trees trunk on-site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend five feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

i) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval for these items in the conditions or application stage prior to first submittal of working drawings.

j) For the planting and placement of trees and their distances from hardscape and other utilities/structures, the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.

k) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.

l) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-

corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.

m) All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.

n) The landscape plans shall match all plans affiliated with the project.

o) Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with SWMP Best Management Practices and meet the satisfaction of the City Engineer.

p) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.

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

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

Planning:

99. This Tentative Subdivision Map, T-7-05, approves only a two-lot subdivision and a 180-condominium subdivision as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without the City Planner, City Engineer, and/or Planning Commission's approval. Substantial deviations shall require a revision to the Tentative Subdivision Map or a new Tentative Subdivision Map.

a) In accordance with City Council Policy 300-05, the Tentative Subdivision Map shall expire 24 months after its approval, unless implemented as provided by the Subdivision Ordinance.

b) A time extension may be granted in accordance with Article IV of the Subdivision Ordinance.

c) Modifications to an approved Tentative Subdivision Map are subject to Section 410 of the Subdivision Ordinance.

100. This Development Plan, D-12-05, approves only the construction of six buildings totaling 277,442 square feet and inclusive of 180 units as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without the City Planner and/or Planning Commission's approval. Substantial deviations shall require a revision to the Development Plan or a new Development Plan.

a) This Development Plan shall lapse in two years unless implemented as provided in Section 4308.B of the Zoning Ordinance.

b) A time extension may be granted in accordance with Section 4308.C of the Zoning Ordinance.

c) Changes to the approved plans are subject to Section 4308.D of the Zoning Ordinance.

d) The Development Plan is subject to the regulations set forth in Articles 10, 11, 22, 28, 30, 31, and 33 of the Zoning Ordinance.

101. This Conditional Use Permit, C-28-05, approves only a 332-bed residential care facility offering 24-hour non-medical care to persons 55 years and older in need of services, supervision, protection, or assistance essential for sustaining the activities of daily living, as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without City Planner and or Planning Commission approval. Substantial deviations shall require a revision to the Conditional Use Permit or a new Conditional Use Permit.

a) This Conditional Use Permit shall lapse two years after the effective date of approval unless implemented as provided in Section 4108.A of the Zoning Ordinance.

b) A time extension may be granted in accordance with Section 4108.B of the Zoning Ordinance.

c) Changes to the approved plans are subject to Section 4109 of the Zoning Ordinance.

d) The validity of the use permit shall not be affected by changes in ownership.

e) A use permit that is exercised in violation of a condition of approval or a provision of the Zoning Ordinance may be revoked, as provided in Section 4706.

102. This Variance, V-7-05, from wall height regulations (Section 3040.C.2) approves only a maximum retaining wall height of 7.3 feet as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur with out City Planner, City Engineer, and/or Planning Commission approval. Substantial deviations shall require a revision to the Variance or a new Variance. The construction and design of the wall is subject to Section 3040(d) of the Zoning Ordinance; the retaining walls shall be planted in accordance with the requirements of the Zoning Ordinance.

a) This Variance shall lapse two years after the effective date of approval unless implemented as provided in Section 4108.A of the Zoning Ordinance.

b) A time extension may be granted in accordance with Section 4108.B of the Zoning Ordinance.

c) Changes to the approved plans are subject to Section 4109 of the Zoning Ordinance.

d) The validity of the variance shall not be affected by changes in ownership.

e) The variance shall lapse if the exercise of rights granted by the Planning Commission is discontinued for six consecutive months.

f) A variance that is exercised in violation of a condition of approval or a provision of the Zoning Ordinance may be revoked, as provided in Section 4706.

103. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Map T-7-05, Development Plan D-12-05, Conditional Use Permit C-28-05, and Variance V-7-05. The City will promptly notify the applicant of any such claim, action or proceeding against the city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

105. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of the City Code and shall include additional space for storage and collection of recyclable materials per City standards. Recycling is required by City Ordinance. The enclosure (or enclosures) must be built in a flat, accessible location as determined by the City Engineer. Trash enclosures and driveways and service access areas shall be shown on both the improvement and landscape plans submitted to the City Engineer. The specifications shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is required to access private property to service the trash enclosures, a service agreement must be signed by the property owner and shall remain in effect for the life of the project. All trash enclosures shall be designed to provide user access without the use and opening of the service doors for the bins. This design shall be shown on the landscape plans and shall be approved by the City Planner.

106. Prior to the approval of a business license for land use 440.S *General Residential Care*, the applicant (developer, subdivider) shall demonstrate that a covenant or other recordable document approved by the City Attorney has been be prepared and recorded.

The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

107. The project shall prepare a Management Plan. The Management Plan is subject to the review and approval of the City Planner and the Police Chief prior to the occupancy of the project, and shall be recorded as CC&R's against the property. The Management Plan shall cover the following:

a) Security - The Management Plan, at a minimum, shall address on-site management, hours-of-operation and measures for providing appropriate security for the project site.

b) Maintenance - The Management Plan shall cover, but not be limited to anti-graffiti and site and exterior building, landscaping, parking lots, sidewalks, walkways and overall site maintenance measures and shall ensure that a high standard of maintenance at this site exists at all times. The maintenance portion of the management plan shall include a commitment for the sweeping and cleaning of parking lots, sidewalks and other concrete surfaces at sufficient intervals to maintain a "like new" appearance. Wastewater, sediment, trash or other pollutants shall be collected on site and properly disposed of and shall not be discharged off the property or into the City's storm drain system.

c) Any graffiti within the center shall be removed by the center management or its designated representative within 24 hours of occurrence. Any new paint used to cover graffiti shall match the existing color scheme.

d) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.

e) An acknowledgement that the site is approved to provide General Residential Care to persons 55 years and older.

f) An agreement that playing billiards on-site will not be for fee and will consist of less than three billiard or pool tables.

g) The location where water conservation information shall be posted. The frequency of distributing water conservation information to the occupants of the

residential care facility. The frequency of instructing occupant on how to read private water flow meters installed in each condominium unit.

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

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

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

111. This Conditional Use Permit shall be called for review by the Planning Commission if complaints are filed and verified as valid by the Code Enforcement Office concerning the violation of any of the approved conditions or does not conform with the information contained in or representations made in the application, any supporting material submitted to the City or during any hearing on the application.

112. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Development Plan and Variance. Any substantial change in any aspect of fencing or wall design from the approved Development Plan and Variance shall require a revision to the Development Plan and Variance or a new Development Plan and Variance.

113. If any aspect of the project fencing and walls is not covered by an approved Development Plan or Variance, the construction of fencing and walls shall conform to

the development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the zoning code, unless expressly granted by Variance V-7-05 or other development approval.

114. All rear wood fences adjacent to public right-of-way and/or visible from the public right-of-way will be stained or otherwise finished with a waterproof material.

115. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's) shall provide for the maintenance of all common open space, medians and commonly owned fences and walls and adjacent parkways. The maintenance shall include normal care and irrigation of landscaping, repair and replacement of plant material and irrigation systems as necessary; and general cleanup of the landscaped and open area, parking lots and walkways. The C.C. & R's shall be subject to the review and approval of the City Attorney prior to the approval of the Final Map. The C.C. & R's are required to be recorded prior to or concurrently with the Final Map. Any amendments to the C.C. & R's in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City of Oceanside. Such a clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for the following:

a) Prohibition of parking or storage of recreational vehicles, trailers or boats.

b) Provisions for the maintenance of all common open space and open space easements on private lots, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the homeowners' association.

c) Provisions that restrict any private use of open space easement areas. Restrictions shall include, but are not limited to, removing retaining walls, installing structures such as trellises, decks, retaining walls and other hardscape and any individual landscape improvements.

d) Provisions prohibiting the homeowners association from relinquishing its obligation to maintain the common open space and open space easement areas without prior consent of the City of Oceanside.

e) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.

116. Project entrance signs shall meet the requirements of the Sign Ordinance and be approved by the City Planner.

117. A set of building plans shall be reviewed and approved by the City Planner prior to the issuance of building permits. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division and Planning Division.

118. Garages and off-street parking spaces shall be kept available and useable for the parking of employee and tenant's automobiles at all times.

119. Agreements shall be for the dwelling unit with the garage or parking space. The garage/parking space shall be used for the purpose of vehicular parking and the owner or tenant shall not lease or rent the area separately from the dwelling unit.

120. Each of the condominium units shall include installation of a private water flow meter that is easily read by the occupant of the condominium unit. Occupants shall be instructed on how to read the meter, how to monitor their water consumption, and how to conserve water.

Water:

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

122. The property owner will maintain private water and wastewater utilities located on private property.

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

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

125. The following conditions shall be met prior to the approval of engineering design plans:

a) To ensure easy access for the tie-in connection along Highway 76, the water main valves located along Highway 76 shall be moved out of the stormwater channel.

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

c) No trees, structures or building overhang shall be located within any water or wastewater utility easement.

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

e) The developer shall construct a public reclamation water system that will serve each lot and or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.

f) A water study must be prepared by the developer at the developer's expense and approved by the Water Utilities Department.

g) A separate irrigation meter and approved backflow prevention device is required and shall be displayed on the plans.

h) Subterranean parking structures shall be designed with a drainage system that conveys runoff to the City's Storm Drain System and shall comply with the California Regional Water Quality Control Board Order No. 2007-0001.

126. The following condition of approval shall be met prior to building permit issuance. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City and collected by the Water Utilities Department at the time of Building Permit issuance.

127. The following condition of approval shall be met prior to occupancy. All new development of single-family and multi-family residential units shall include hot water pipe insulation and installation of a hot water recirculation device or design to provide hot water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-OR126-1.

PASSED AND ADOPTED Resolution No. 2009-P05 on January 26, 2009 by the following vote, to wit:

AYES:	Troisi, Balma, Neal, Martinek, Parker, Bertheaud and Rosales
NAYS:	None
ABSENT:	None
ABSTAIN:	None

Claudia Troisi, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2009-P05.

Dated: January 26, 2009

ATTACHMENT 5

AGENDA NO. 3

PLANNING COMMISSION *STAFF REPORT*

DATE: January 26, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE SUBDIVISION MAP (T-7-05), DEVELOPMENT PLAN (D-12-05), CONDITIONAL USE PERMIT (C-28-05) AND VARIANCE (V-7-05) TO ALLOW A TWO-LOT SUBDIVISION, AND THE DEVELOPMENT OF SIX FREESTANDING THREE AND FOUR-STORY BUILDINGS TOTALING 277,442 SQUARE FEET, WITH A MAXIMUM HEIGHT NOT TO EXCEED 53 FEET. THE RESIDENTIAL CARE FACILITY WOULD CONSIST OF 180 CONDOMINIUM UNITS, WITH ON-SITE RECREATION AND CARE FACILITIES PROVIDED ON THE 6.71-ACRE SITE LOCATED SOUTH OF HIGHWAY 76, WEST OF MELROSE DRIVE, AT THE TERMINUS OF THE DEPOT ROAD. – CLUBLIFE SENIOR LIVING CENTER – APPLICANT: SPRING CREEK COMMERCIAL VENTURES, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Adopt the Mitigated Negative Declaration for Clublife Senior Living Center Project, in light of the whole record that the project will not have a significant effect on the environment by adopting Planning Commission Resolution No. 2009-P04.

(2) Approve Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), and Variance (V-7-05) by adopting Planning Commission Resolution No. 2009-P05 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project site is located on an existing vacant 6.71-acre lot that was created and graded by Ord and Rodgers during their development of *the Casitas at Spring Creek* T-4-03, D-14-03, and V-15-03, which was approved by Planning Commission Resolution No. 2005-P02. This approval included adopting a Mitigated Negative Declaration (MND) for the Casitas at Spring Creek.

On June 21, 2005, Spring Creek Commercial Ventures submitted an application proposing to construct a 204-unit, age-restricted, residential care facility on a 6.71-gross acre site. The scope of the original proposal included 398 residential care beds, constructing a community building, and a variance from the maximum wall height regulation. The project was revised in response to public comments. For example, the applicant withdrew a variance request to exceed residential building height regulations and to construct a four-story Building 2. While the application has been on file, the number of proposed building floors was reduced and architectural details have been greatly enhanced.

Site Review: General Plan and Zoning District Designations: The 6.71-acre vacant site is bisected by district boundaries (which follow lot lines that pre-date the recording of Map 15292 the Casitas at Spring Creek). The northwesterly 5.05-acre portion of the site has a land use designation of Neighborhood Commercial (NC) and is assigned a Neighborhood Commercial - Scenic Park Overlay - Equestrian Overlay (CN-SP-EQ) Districts zone. The remaining 1.66 acres, which adjoin The Depot Road, has a land use designation of Medium Density B Residential (MDB-R) and is assigned a Medium Density B - Scenic Park Overlay - Equestrian Overlay (RM-B-SP-EQ) Districts zone.

Topography: The site consists of one gentle sloping, irregular-shaped parcel located on the south side of Mission Avenue. Site drainage appears to be accommodated by sheet flow and directed to the west. The site was rough graded in 2006 as part of grading for the Casitas at Spring Creek. Construction of the Keystone retaining walls was also completed and inspected at that time. The finish grade elevations on the property range from 123 to 143 feet above Mean Sea Level (MSL). Overall relief across the site is approximate 20 feet. The developable area of the lot is 6.29 acres.

Surrounding land uses: The site is bounded by Mission Avenue to the north and existing multi-family development to the south and west. The adjacent land use designations include multi-family (MDA-R and MDB-R) and commercial (NC). Directly east of the project site is Home Depot, which has an approximate grade elevation of 145 MSL.

Project Description: The application is comprised of four components: a Tentative Subdivision Map, Development Plan, Conditional Use Permit, and a Variance.

Tentative Subdivision Map No. T-7-05 represents a request for the following:

A. To subdivide the existing 6.71-acre parcel into two lots pursuant to Article IV of the Subdivision Ordinance; and

B. To create 180 condominium units pursuant to Article IV of the Subdivision Ordinance.

Development Plan No. D-12-05 represents a request for the following: To construct six buildings, or 277,442 square feet of floor area, pursuant to Articles 10, 11, 30, and 31 of the Zoning Ordinance and as scheduled within Table 1.

Table 1. Proposed development

Building	Number of units	Floor Area	Number of parking spaces	Roof Elevation	Maximum building stories
1	23	33,534 SF	~ 29	~ 179.5 MSL	3 and 4
2	33	48,467 SF	~ 42	~ 173 MSL	3
3	40	56,502 SF	~ 51	~ 177 MSL	3 and 4
4	54	69,667 SF	~ 69	~ 173.5 MSL	3 and 4
5	30	38,971 SF	~ 38	~ 168.5 MSL	3 and 4
6	-	30,301 SF	-	~ 168.5 MSL	3
Total	180	277,442 SF	230 proposed		

nb: Building 6 is the community center building

Conditional Use Permit C-28-05 represents a request for the following: To allow land use classification 440.S *General Residential Care* and offer 332 beds for 24-hour non-medical care to persons 55 years and older in need of services, supervision, protection, or assistance essential for sustaining the activities of daily living pursuant to Articles 4, 10, 11, 31, and 41 of the Zoning Ordinance.

Variance V-7-05 represents a request for the following: Pursuant to Article 41 of the Zoning Ordinance, the applicant requests a variance to construct a retaining wall above the maximum wall height allowed by Section 3040.

The applicant proposes a two-lot subdivision and the construction of a 180-condominium unit residential care facility for persons 55 years and older. The residential care facility comprises six buildings, one of which is a 30,301 square-foot, three-story community center building to be constructed on one of the two proposed lots. The second proposed lot includes the remaining five buildings which are inclusive of the proposed 180 condominium units. The proposal offers ownership opportunities to future residents of the 332 bed residential care facility.

The proposed site design includes a single access point from The Depot Road, which is a cul-de-sac. The proposed project entrance driveway elevation would be approximately 143 MSL and would then slope down to 130-132 MSL. The remainder of the driveway, including the project cul-de-sac, is proposed with elevations between 123 and 130 MSL. The proposal includes providing 208 underground off-street parking spaces and 22 uncovered off-street parking spaces adjacent to the project's driveway. The project's driveway has been designed to allow sufficient pavement width for both the staging of emergency vehicles and a passing lane. The proposed 48-foot radius turn around (project cul-de-sac) was redesigned (lengthened) to accommodate the turning radius of the City's largest ladder fire truck.

The proposed buildings heights vary between 36 and 53.5 feet. In response to public concerns, the applicant revised their proposal. For example, the community center building (identified as Building 6 in Tables 1 and 2) and Building 2 are proposed to have a maximum of three stories. Buildings 1, 3, 4, and 5 have three and four-story elements; typically, the center of the building rises to a fourth floor. This creates areas of each building with three stories and stepped elevations. The approximate roofline elevation of the Home Depot to the northeast of the subject site is 177 to 182 MSL. The proposed development (with an approximate 178.25 MSL) would obscure views of the back of the Home Depot building for the majority of the Casitas at Spring Creek residents.

Five condominium unit floor plans are proposed (as scheduled in Table 2). The unit sizes range between 839 square feet and 1,445 square feet. The proposed floor plans are either one bedroom units (Type A), two bedroom units (Type B, Type B-Alt and Type C), or two bedroom units with a small den (Type D).

Table 2: Schedule of residential unit types across Buildings 1 - 5

Building	Number of Unit Types					
	Type A	Type B	Type B alt	Type C	Type D	Total
1	8	12	-	3	-	23
2	6	9	9	-	9	33
3	3	19	11	-	7	40
4	4	20	26	-	4	54
5	7	8	15	-	-	30
6	-	-	-	-	-	-
Total Number of units	28	68	61	3	20	180
Floor Area per unit	839 SF	1,095 SF	1,064 SF	1,224 SF	1,445 SF	-
Patio Area per unit	118 SF	77 SF	79 SF	133 SF	177 SF	-
Bed Bath Ratio	1:1	2:2	2:2	2:2	2:2	-

Every unit is proposed to have a living room, private balcony, stacked washer and dryer hook-ups, storage areas, and a small kitchen. The proposal includes 192 storage spaces for the residents' use. These storage areas are located throughout the underground parking garage and are 120 cubic feet.

The community center building includes dining and activity centers, such as an exercise room, library, billiard room, movie theater, pottery and ceramics, knitting and sewing area, a multipurpose room and a conference room. Three dinning rooms are proposed: respectively they are 804 square feet, 1,438 square feet, and 2,334 square feet. These rooms total 4,576 square feet of dining area on the ground floor of the community center building. An outdoor pool is proposed between Buildings 1 and 4.

The proposed architecture is Southwestern Mission. Arches, window shutters, awnings, tile, window boxes, "S" tile roofing, exposed rafter tails, recessed windows and ornamental iron features are proposed. The design includes varied building heights, off-sets, and multiple roof line elements. Each building includes stairwell and elevator penthouses that are allowed to project above the district height limit by additional 10 feet. These towers are necessary to the building's function and compliment the proposed roof-line design.

The project is subject to the following Ordinances and City policies:
1. General Plan Land Use Element
2. Subdivision Ordinance
3. Zoning Ordinance
4. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designations on the subject parcel are Neighborhood Commercial (NC) and Medium Density B Residential (MDB-R). The project is consistent with these designations and the goals and objectives of the City's General Plan, as follows:

Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.01 Commercial Subdivision: To assure commercial subdivisions of land shall promote long-term economic efficiency and provide benefits to the community.

Policies:

A. Commercial parcels shall be of sufficient size and dimensions to allow for the efficient potential reuse of the parcel.

B. Subdivision of commercial lands shall encourage wherever possible the unification of access and site design with adjacent and surrounding commercial land uses.

The proposed two-lot subdivision and the 180 unit condominiums would create 332 residential care beds and the associated opportunities this semipublic land use affords the community. The site is suited to the proposed residential care facility, because other commercial land uses (i.e. banking, retail, and food and beverage sales) may find the site's size and location limiting. The site is obscured by the surrounding built environs. Access to the site is from the terminus of The Depot Road. The lot is situated behind and at a lower elevation than the existing big box retailer, The Home Depot. The proposed subdivision satisfies the Community Development Goal and Objective 2.01, because the site's design is well suited to the proposed land use, the site's size is of sufficient area and dimension to encourage a better use of the existing, rough graded land.

Objective 2.2 Commercial Development: To promote and preserve a balance of successful markets and services in aesthetic, people-oriented associations that is compatible and organized to surrounding land uses.

Policies 2.22 Neighborhood Commercial:

A. Neighborhood Commercial shall provide commercial uses which meet the day to day commercial needs of the community. Commercial center development is implicit. Key tenants shall be limited to supermarkets, variety stores, drug stores, specialty stores, and similar businesses. Most retail shops, restaurants and services are permitted as minor tenants and "convenience" businesses may be allowed when well integrated into the center's design.

B. Since Neighborhood Commercial centers will meet the daily shopping needs of the community, they shall be located near residential areas along major arterials or secondary arterials, preferably at their intersections with collector streets. Consequently, there shall be limits on their intensity to be compatible with nearby residential areas. Areas shall generally be between ten (10) and thirty (30) acres.

The proposed *General Residential Care* land use (assigned a Public and Semipublic Use Classification) would provide residents with access to 24-hour non-medical care for persons 55 and older in need of personal services, supervision, protection, or assistance essential for sustaining the activities for daily living. The location is sited within an established residential area and affords area residents the convenience of proximity. Even though the site is adjacent to major arterials and secondary arterials, access to the site and visibility of the site from adjacent commercial lots is obscured by existing buildings and their access to arterial roadways. Therefore, the proposed semipublic development promotes and preserves the a balance of services in aesthetic, people-oriented associations that are compatible and organized to surrounding land uses and complies with Objective 2.2 Commercial Development of the General Plan.

2. Subdivision Ordinance Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article IV *Tentative subdivision maps - five or more parcels*). Pursuant to Section 401 of the Subdivision Ordinance, this proposed Tentative Subdivision Map has been prepared in a manner acceptable to the City Development Engineer.

3. Zoning Ordinance Compliance

The project is located in the Neighborhood Commercial - Scenic Park Overlay - Equestrian Overlay (CN-SP-EQ) Districts and the Medium Density B - Scenic Park Overlay - Equestrian Overlay (RM-B-SP-EQ) Districts. The site is bisected by district boundaries. The proposal complies with the requirements of the CN-SP-EQ and the RM-B-SP-EQ District development and land use regulations as described in Tables 3 and 4 (below).

Table 3: CN-SP-EQ Districts Development Regulations

Buildings 1 and 3-6	Required	Proposed
Minimum Lot Area	0.23 acre	5.05 acres within CN
Maximum Height	50 feet	50 feet
Allowable Exceptions to Height Limits	Additional 10-feet above district height limitation	53.1 feet or 3.1 feet above district limits
Maximum Lot Coverage	50 percent	42 percent
Maximum Base FAR	1.0	0.94
Minimum Site Landscaping	15 percent	58 percent
Fences and Walls	Subject to Section 3040	variance requested

The proposal exceeds vehicular access requirements and includes pavement widths of sufficient area to allow vehicles to pass staged emergency trucks and equipment. The roof-top would not be visible to the adjacent residents of Rancho Rose or the Casitas at Spring Creek subdivisions. All roof top equipment is screened by proposed building parapets. The requirements for Signs, Employee Eating Areas, Underground Utilities, and Refuse Storage Areas have been satisfied. CN District required minimum yards are not applicable to this lot. In summary, the proposal complies with development regulations of the CN-SP-EQ Districts (Table 3).

The proposal complies with the development regulations of the RM-B-SP-EQ Districts (Table 4). Building 2 is situated beyond the minimum front and side yard distances. The structure sits at the toe of the sloped driveway (approximately 133 MSL), meaning the building's footings will be well below the elevation of The Depot Road (approximately 143 MSL). The building is limited to three stories with a building height of 36 feet and elevator penthouses projecting additional eight feet above the roofline.

Table 4: RM-B-SP-EQ Districts Development Regulations

Building 2	Required	Proposed
Minimum Lot Area	0.11 acre	1.66 acres within RM-B
Minimum Lot Width	60 feet	76 feet
Front Yard	20 feet	approximately 50 feet from the cul-de-sac
Interior Side Yard	5 feet with an average 10 feet side yard	approximately 57 feet
Maximum Height	36 feet	36 feet
Allowable Exceptions to Height Limits	Additional 10-feet above district height limitation	44 feet or 8 additional feet above district limits
Maximum Lot Coverage	60 percent	42 percent

The proposal satisfies the requirements of the Scenic Park Overlay (SC) District. In compliance with Article 22, the design proposes finish materials like stucco and wood and the application of earth tone colors to the proposed structures. The proposed grading is limited (proposed cut 33,423 CY, proposed fill 7,743 CY, and export 25,680 CY) to the proposed subterranean parking areas. Due to its location within the Guajome Neighborhood, the project cannot obstruct view sheds of Guajome Regional Park.

The project satisfies the requirements of the Equestrian Overlay (EQ) District. Pursuant to Section 2808.C, all commercial projects shall provide a public equestrian trail. The public equestrian trail is incorporated into the proposed design at The Depot Road cul-de-sac. This section of the public trail was approved and constructed during the Casitas at Spring Creek's mass grading.

Pursuant to Sections 1040 and 1120 of the Zoning Ordinance, a Conditional Use Permit is required for the operation of land use classification 440.S *General Residential Care* in both RM-B and the CN Districts. Section 1120-L34 states that the land use is limited to senior, residential care assisted living units for persons age 55 and older with the approval of a Conditional Use Permit. The applicant has demonstrated experience in the management of residential care facilities and has proposed a variety of on-site amenities as out-lined in the Project Description. The proposal complies with the requirements for a Conditional Use Permit pursuant to Sections 1040, 1120, and Article 41.

Table 5: Off-street parking requirements

Land use	Required	Proposed
332 residential care beds	111 spaces	230 spaces

Pursuant to Section 3103 of the Zoning Ordinance, off-street parking requirements are determined by the proposed land use. *General Residential Care* requires one off-street parking space for every three beds (Table 5). The minimum number of off-street parking spaces required is 111 spaces where 332 beds are proposed and the parking ratio is 1 space : 3 beds. The applicant proposes 332 beds and 230 off-street parking spaces. The off-street parking design exceeds the requirements pursuant to Article 31.

Pursuant to Section 3603, a Conditional Use Permit is not required for the billiard room on the third floor of the Community Center building. Billiard Rooms are defined by Municipal Code Sec. 26.1: (a) Poolroom or billiard room means a place where billiards or pool is played for charge, consisting of two or more pool or billiard tables; provided, however, that this term shall not apply to any non-profit society, fraternal club, labor or other organization having adopted bylaws and duly elected directors and members having exclusive use of the playing facilities for which use no charge is made. It is not intended that billiards be played for charge at this site; therefore, the proposed activity does not require a Conditional Use Permit for the operation of a Regulated Use.

Pursuant to Section 4101, a Variance may be granted with respect to walls. The applicant is requesting a variance to construct a retaining wall with a height of 7.3 feet where six feet is the maximum height allowed. The wall location is approximate to the site's northeastern boundary and would be visible only to the residents of the proposed project. The wall would not be visible from SR-76 or other public viewpoints. The proposed retaining wall will accommodate the seven to eight-foot elevation differential between the Home Depot's lot and the project's proposed private access road. The project site is unusually narrow and has an atypical shape which may preclude other commercial development opportunities. Granting a variance from Section 3040's six-foot maximum wall height will not constitute a special privilege.

DISCUSSION

Issue: Are the proposed building elevations out of character with the surrounding improvements?

Recommendation: Staff recognizes that the applicant has modified the design and height of the proposed buildings and finds the proposed project compatible with the existing elevations in the surrounding area. The elevation of the project site is 20 feet lower than the elevation of The Depot Road. From The Depot Road, the visibility of the buildings' height will be reduced.

The proposed building elevations will obscure views of the back of the Home Depot building for residents of the Casitas at Spring Creek and public view sheds, like SR-76. The proposed design includes limiting sections of the buildings to three floors; this design aspect reduces the massing of Buildings 1, 3, 4 and 5. It also enhances the setting of the buildings and the proximity of their mass.

Issue: Is the accessibility and design of the underground parking area sufficient?

Recommendation: The project is amply designed to meet the off-street parking demands of the residents and employees; 111 spaces are required and 230 spaces are proposed. The residents of the proposed project will be afforded nearly twice the required parking spaces. Staff finds that the proposal includes 11 elevators and five stairwells with access between the proposed buildings and the parking garage.

ENVIRONMENTAL DETERMINATION

The proposed project could result in potentially significant impacts, all of which can be mitigated, to the following environmental resources: noise and transportation. A Mitigated Negative Declaration was prepared with mitigation measures pursuant to the provisions of the California Environment Quality Act (CEQA). The following technical report, traffic impact analysis report (July 13, 2007), was prepared for the project.

The Planning Division advertised a draft Mitigated Negative Declaration for 30 days commencing on July 14, 2008 and ending on August 13, 2008. Comments were received from the following: US Fish and Wildlife Service (A), Department of Fish and Game (B), Native American Heritage Commission (C), Governor's Office of Planning and Research (D), County of San Diego Department of Planning and Land Use (E), San Diego County Archaeological Society (F), San Luis Rey Band of Mission Indians (G), J.R. Gardner (H), Mr. Gregory Goetz (I), Mr. Jerry McLeod (J), and Ms. Margaret Malik (K).

The comments received and staff's responses to the comments are attached herein. Each correspondent received a response to their comments on the Mitigated Negative Declaration.

The Mitigated Negative Declaration and Initial Study are attached herein. Prior to any action on T-7-05, D-12-05, C-28-05, and V-7-05 Clublife Senior Living Center, it is necessary for the Planning Commission to review and adopt the Mitigated Negative Declaration as having been prepared in accordance with CEQA. Staff is recommending that the Mitigated Negative Declaration be adopted.

PUBLIC NOTIFICATION

Legal notice for the Intent to Adopt a Mitigated Negative Declaration was published in the North County Times on July 14, 2008, and notices were sent to property owners of record within a 1,500-foot radius of the subject property.

Legal notice for the Planning Commission Meeting was published in the North County Times on January 16, 2008. On the same date, notices were sent to residents of the Guajome Neighborhood Planning Area; property owners of record within a 1,500-foot radius of the subject property; individuals/organizations requesting notification; the applicant and interested parties. As of January 13, 2008, three members of the public have called staff to state their opposition to the project.

SUMMARY

The proposed Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05) and Variance (V-7-05) are consistent with the land use policies of the General Plan, the requirements of the Subdivision Ordinance and the Zoning Ordinance. The project meets all applicable development standards. The site design and land use is compatible with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached draft resolution. Staff recommends that the Planning Commission:

- Consider the Mitigated Negative Declaration for Clublife Senior Living Center, in light of the whole record that the project will not have a significant effect on the environment and has been prepared in accordance with CEQA, and adpot the Mitigated Negative Declaration by adopting Planning Commission Resolution No. 2009-P04; and move to approve Tentative Subdivision Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05), and Variance (V-7-05) and adopt Planning Commission Resolution 2009-P05.

PREPARED BY:

Juliana von Hacht
Associate Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/JH/fil

Attachments:
1. Site/Elevations/Conceptual Landscape Plans
2. Planning Commission Resolution No. 2009-P04
3. Planning Commission Resolution No. 2009-P05
4. Mitigated Negative Declaration (MND) and Initial Study
5. Comments on the MND and staff's response to comments

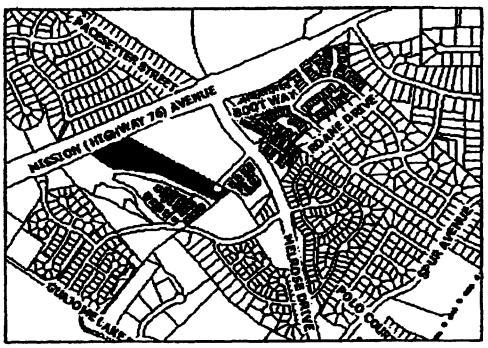
ATTACHMENT 6

NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION, City of Oceanside

Subject: T-7-05. D-12-05, C-28-05, V-7-05, V-2-07 Clublife Senior Living Center Project

NOTICE IS HEREBY GIVEN that the City of Oceanside has prepared and intends to adopt a Negative Declaration in connection with the subject project. The Negative Declaration identifies potential effects with respect to Noise and Transportation. The Negative Declaration also includes proposed mitigation measures that will ensure that the proposed project will not result in any significant, adverse effects on the environment. The City's decision to prepare a Negative Declaration should not be construed as a recommendation of either approval or denial of this project.

PROJECT DESCRIPTION: A Tentative Parcel Map (T-7-05), Development Plan (D-12-05), Conditional Use Permit (C-28-05) and Variances (V-7-05 and V-2-07) to allow a two lot subdivision and 192 residential condominiums; the construction of five buildings totaling 208,761 square-feet and allow land use 440.S *General Residential Care*; and to allow building and retaining wall heights that vary from district regulations on a 6.71 acre site located at the western terminus of The Depot Road (APN 157-411-19). The project site is zoned CN-SP-EQ Districts and RM-B-SP-EQ Districts, and is situated within the Guajome Neighborhood.



PUBLIC REVIEW PERIOD: the public review period is from **Monday, July 14, 2008 to Wednesday, August 13, 2008**.

PROJECT MANAGER: Juliana von Hacht, Associate Planner; phone: 760-435-3520; Fax number: (760) 754-2958; mailing address: Planning Division, 300 N. Coast Hwy., Oceanside, CA 92054.

NOTICE IS FURTHER GIVEN that the City invites members of the public to review and comment on this environmental documentation. Written comments may be mailed or faxed to the project manager. Copies of the Negative Declaration and supporting documents are available for public review and inspection at the Planning Division located in City Hall at, 300 N. Coast Hwy., Oceanside, CA 92054. The City's Planning Commission and City Council will conduct public hearings at future dates to be determined. You will receive a separate public notice for those hearings. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised during the public review period on the proposed Mitigated Negative Declaration (MND) or at the future public hearings.

Von Hacht for
By order of Jerry Hittleman, City Planner

FILED
Gregory J. Smith, Recorder/County Clerk
JUL 11 2008
BY _____ DEPUTY

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on JUL 11 2008
Posted JUL 11 2008 Removed SEP 08 2008
Returned to agency on SEP 08 2008
Deputy _____

ATTACHMENT 7

Juliana von Hacht

From: Barbara Riegel Wayne
Sent: Monday, March 16, 2009 4:35 PM
To: Juliana von Hacht
Subject: FW: Call for Review - Clublife

Per your phone request today

From: Esther Sanchez
Sent: Thursday, February 05, 2009 4:46 PM
To: Jerry Hittleman; Barbara Riegel Wayne
Cc: Peter Weiss; John Mullen
Subject: Call for Review

I would like to call the following item for review:

TENTATIVE PARCEL MAP (T-7-05), DEVELOPMENT PLAN (D-12-05), CONDITIONAL USE PERMIT (C-28-05), VARIANCES (V-7-05 and V-2-07) AND MITIGATED NEGATIVE DECLARATION allowing a two-lot subdivision and 192 residential condominiums; the construction of five buildings totaling 208,761 square feet and allow land use 440.S General Residential Care; and to allow building and retaining wall heights that vary from district regulations on a 6.71-acre site located at the western terminus of The Depot Road. The project site is zoned Neighborhood Commercial – Scenic Park Overlay – Equestrian Overlay Districts (CN-SP-EQ) and Medium Density B – Scenic Park Overlay – Equestrian Overlay Districts (RM-B-SP-EQ) and is situated within the Guajome Neighborhood. – **CLUBLIFE SENIOR LIVING CENTER – Applicant: Spring Creek Commercial Ventures, LLC**

The grounds are the following:

The project is not consistent with the neighborhood; the project is too massive in height, bulk and density; the project does not comply with the requirements of our scenic park and equestrian overlays; the project does not meet the council's policy with respect to sustainability; the impacts of this urban design have not been addressed and/or are not mitigated; this residential/commercial hybrid project is not consistent with the neighborhood's zoning and landuse.

Thank you.

Esther