

STAFF REPORT



ITEM NO. 15
CITY OF OCEANSIDE

DATE: May 14, 2008

TO: Chairman and Members of the Community Development Commission

FROM: Economic and Community Development Department

SUBJECT: **CONSIDERATION OF RESOLUTIONS CERTIFYING A FINAL ENVIRONMENTAL IMPACT REPORT (EIR) AND APPROVING TENTATIVE MAP (T-203-06), DEVELOPMENT PLAN (D-210-06), CONDITIONAL USE PERMIT (C-206-06) AND REGULAR COASTAL PERMIT (RC-212-06) FOR A MIXED-USE DEVELOPMENT CONSISTING OF 231 RESIDENTIAL CONDOMINIUM UNITS , 124-UNIT HOTEL AND 48,000 SQUARE FEET OF VISITOR-SERVING COMMERCIAL USES LOCATED ON FIVE CITY BLOCKS BOUNDED BY CIVIC CENTER DRIVE, SEAGAZE DRIVE, MYERS AND CLEVELAND STREETS – CITYMARK - APPLICANT: CITYMARK**

SYNOPSIS

The items under consideration are the certification of an EIR, a Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal Permit for a mixed-use development consisting of a 124-unit hotel, 231 residential condominium units and 48,000 square feet of visitor-serving commercial located on five blocks bounded by Civic Center Drive on the north, Seagaze Drive on the south, Myers Street on the west and Cleveland Street on the east and the Final Environmental Impact Report (EIR) for the CityMark development. Staff is recommending certification of the EIR and approval of the Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal Permit and adoption of the resolutions as attached.

BACKGROUND

The subject site consists of five contiguous blocks totaling 5.35 acres in size. Three of the blocks are located on the west side of the railroad tracks and front on Myers Street with the northern block vacant and southern block consisting of a surface parking lot. The remaining two blocks are located on the east side of the railroad tracks and consist of surface parking lots. The subject site slopes down from east to west with a 5-foot grade differential between the highest and lowest points. The project proposes to export 188,000 cubic yards of soil.

Public Outreach: There have been several public community meetings and workshops as part of the overall processing of this project. The following is a listing of all the public workshop and community meetings:

.	Workshop 1	March 23, 2006
.	Workshop 2	April 27, 2006
.	Workshop 3	June 12, 2006
.	Workshop 4	November 8, 2007 *
.	Workshop 5	January 10, 2008 *

* City- sponsored workshop.

For the public hearing, the City notified the Townsite Neighborhood in addition to the standard 1,500-foot property owner and tenant notification.

Land Use and Zoning: The subject site is located within Subdistrict 1 of the "D" Downtown District. Subdistrict 1 is primarily intended to provide a commercial/retail and office complex offering a wide variety of goods and services to both the community at large and to tourists and visitors. Residential uses are encouraged when and where appropriate.

"Mixed-use" projects are permitted within this Subdistrict with a Mixed-Use Development Plan (MUDP). The purpose of the MUDP is to provide flexibility in the application of development standards "where flexibility will enhance the potential for superior urban design." Accordingly, an approved MUDP will establish the development criteria for the approved mixed-use project. The maximum density within a MUDP project is 43 dwelling units per acre. The project proposes an average density of 43 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit, however, the project is located outside the "appealable area" which is defined as the first 300 feet east of The Strand (west side of Myers Street). Under the provisions of the Local Coastal Plan the project site is designated as General Commercial. The General Commercial category allows for a variety of retail, service and office uses.

Nine-Block Master Plan: Amendment number 1-91 of the City's LCP, certified by the Coastal Commission in October 1992, required the City to prepare a master plan for the three blocks situated in Subdistrict 12 and the six blocks to the east of Subdistrict 12 in Subdistrict 1. The purpose of the master plan requirements is to assure that development of the nine-block master plan area includes a minimum of 240 hotel rooms and 81,800 square feet of visitor-serving commercial spaces.

In accordance with this requirement, the City prepared the Nine-Block Pier Area Master Plan (Master Plan), which was adopted by the Community Development Commission on April 5, 2000, and accepted by the Coastal Commission staff as a future development

review document. The adopted Master Plan presents two alternatives to meet the requirements of Amendment 1-91. Alternative 1 would consist of a single development phase for the three blocks in Subdistrict 12 which would result in the entire requirement being fulfilled by development of Subdistrict 12. Alternative 2 would assign a prorated portion of the requirement to the three blocks of Subdistrict 12 and the remainder to the six blocks in Subdistrict 1.

Conditional Use Permit: A Conditional Use Permit is required for the operation of the hotel component of the proposed project.

Project Description: The project application consists of several components, which include a Tentative Map, Development Plan, Regular Coastal Permit and Conditional Use Permit. Each discretionary request is described as follows:

Tentative Map, Conditional Use Permit, Regular Coastal Permit and Development Plan: The “mixed use” project proposes 231 residential condominium units, 124-unit hotel and 48,000 square feet of ground-floor visitor-serving commercial uses over the 5-block site with the buildings ranging in height from 45-85 feet. The project also provides 904 parking spaces in underground parking garages. A table as well as a detailed description of each block is depicted below:

Block	Descript.	Com. Space	Units	Bldg. Ht.	Parking	Hotel Unit	O. Space
5	4-story	1,600 s.f.	36	45 ft.	67	N/A	30%
18	4-story	10,000	40	45 ft.	132	N/A	28%
19	7-story	14,000	84	85 ft.	251	N/A	24%
20	4-story	15,000	32	45 ft.	149	N/A	46%
21	7-story	9,000	39	80 ft.	305	124	23%

Block 5 is bounded by Civic Center Drive to the north, Pier View Way to the south, North Myers Street to the west and the railroad tracks to the east. Block 5 is approximately 1-acre in size consisting of 36 condominium units averaging 1,354 sq. ft in size and approximately 1,576 square feet of retail with 67 parking spaces. The proposed design is a beach cottage style which complements the cottages located on The Strand.

Block 18 is bounded by Pier View on the north, Mission Avenue on the south, North Myers Street to the west and the railroad tracks to the east. Block 18 is approximately 1.2-acre in size consisting of 40 residential condominium units averaging 1,648 sq. ft. in size and approximately 10,447 square feet of retail with 132 parking spaces. The proposed design is a Spanish Mediterranean as evident by smooth stucco exterior, arches, S-tiles and low hipped roof.

Block 19 is bounded by Mission Avenue on the north, Seagaze Drive on the south, Cleveland Street on the east and railroad tracks to the west. Block 19 is approximately 1.1-acre in size consisting of 84 residential condominium units averaging 1,512 sq. ft in size and approximately 14,199 square feet of retail with 251 parking spaces. The proposed design is a modern, urban style as evident by the geometric shapes, large,

expansive windows and flat roof.

Block 20 is bounded by Pier View Way to the north, Mission Avenue to the south, North Myers Street to the west and the railroad tracks to the east. Block 20 is approximately 1-acre in size consisting of 32 residential condominium units averaging 1,498 sq. ft in size and approximately 17,742 square feet of retail with 149 parking spaces. The proposed design is a modern, urban style as evident by the rectangular shape, grid style fenestration and flat roof.

Block 21 is bounded by Mission Avenue to the north, Seagaze Drive to the south, North Myers Street to the west and the railroad tracks to the east. Block 5 is approximately 1-acre in size consisting of 39 residential condominium units averaging 1,600 sq. ft in size, 124-unit hotel and approximately 13,182 square feet of retail with 305 parking spaces. The proposed design is a Contemporary urban style.

The proposed project will incorporate green/sustainable features as part of the building's overall design which include but are not limited to the following:

- . Green roofs
- . Heat island reductions
- . Proximity to mass transit
- . Flex cars
- . Storm water management
- . Utilization of energy efficient appliances
- . Low E Glazing
- . Low flow fixtures
- . Job site recycling and trash management

The project proposes to be consistent with the approved Redevelopment Landscape plan. The project proposes palm and evergreen trees and several open public plazas with accent landscaping. The project is required to provide 46,200 square feet of common and private useable open space. The project provides approximately 70,000 square feet of common and private useable open space. The overall project density is 43 dwelling units per acre for the condominium component.

Environmental Review: Due to the significance of the project and its location, the proposed development has been through an extensive environmental review process. A Final Environmental Impact Report (FEIR) has been prepared for the proposed development. The accuracy and adequacy of the FEIR will be considered and, if appropriate, the report will be certified for compliance with the California Environmental Quality Act (CEQA). Substantial public comments were received on the Draft EIR. Responses to those comments have been prepared and are included in the FEIR.

A number of issues were identified as being potentially significant, and are therefore addressed in the FEIR. These issues are as follows:

- | | |
|-------------------------------------|-----------------------------|
| A. Land Use | H. Noise |
| B. Traffic, Circulation and Parking | I. Air Quality |
| C. Cultural Resources | J. Hydrology/Water Quality |
| D. Climate Change | K. Palentological Resources |
| E. Public Services and Utilities | L. Aesthetics |
| F. Geology and Soils | M. Recreational Resources |
| G. Hazardous Materials | |

An in-depth discussion of all of the potential environmental impacts and mitigation measures is contained within the FEIR. Also included in the FEIR is an analysis of alternatives for the proposed development. The four alternatives evaluated are: (1) no project alternative, (2) reduced project alternative, (3) no hotel alternative and (4) environmentally superior alternative.

The FEIR analyzed the environmental effects of the proposed development as required by CEQA. The direct and indirect environmental effects, mitigation measures to reduce or eliminate the identified impacts and alternatives for the proposed development are included in the analysis. The FEIR also included an assessment of the potential individual and cumulative impacts from the proposed development project proposal and other proposed redevelopment activities in the area.

Outlined below is a summary of the significant but mitigable impacts, as well as the significant but unmitigable impacts.

Significant but Mitigable Impacts: The FEIR concluded that the project's direct and cumulative environmental impacts to public services, recreation, air quality, hydrology, geology/soils, hazardous materials, noise, water quality, and palentological resources are less than significant or can be substantially lessened or avoided if all of the mitigation measures are implemented. Listed below are each of the impacts and the required mitigation measures.

Aesthetics: The proposed project would not result in significant visual impacts or visual character of the area. The proposed project would be considered to be an improvement upon the existing visual character of the site, in that the three blocks located west of the tracks has a blighted visual appearance due to the unattractive surface parking lot and vacant land. The two blocks located east of the tracks consist of temporary parking lots which detract from the economic viability of the downtown project area.

Air Quality: The proposed project is consistent with the San Diego Air Pollution Control District (APCD) air quality management plans and the project would not conflict with or obstruct implementation of the applicable air quality plans. In addition, air pollution caused by construction of the proposed project is considered short term and is not considered significant.

Hydrology: Localized flooding currently occurs in the project area due to an inadequate storm drain. Required mitigation includes the City of Oceanside street and drainage facility improvements. In addition, the project has been conditioned that the construction as well as the business operation will be consistent with the requirements of the Stormwater Mitigation Plan and Best Management Practices.

Cultural Resources: The subject site does not contain any structures, however, there is a potential of subsurface archaeological and historic resources. Potential archaeological impacts would be mitigated through the implementation of a construction monitoring and recovery program conducted by a City-approved archeologist and Native American monitor.

Hazardous Materials: The potential exists for groundwater contamination emanating from the former Oceanside Electric & Gas Company and the Atchison Topeka & Santa Fe Railroad properties. Should groundwater contamination be discovered, the project would implement mitigation measures to remediate the site prior to development, pursuant to applicable local, state and federal regulations for the prevention and cleanup of known and unknown hazardous substance contamination.

Water Quality: An increase in impervious surface from site development will result in an increase in quantity of discharge. New storm water discharge facilities will be designed and installed to meet existing City standards and are also subject to the requirements of the California Regional Water Quality Control Board. New development projects in the San Diego region require that source control and nonpoint source devices be incorporated into project design and that Best Management Practices be employed to control potential effects on water quality and that storm water quality control devices be incorporated into project design to collect sediment and other pollutants.

Mitigation of water quality impacts includes the City of Oceanside street and drainage facility improvements, and Best Management Practices (BMPs) will be implemented during construction and operation of the facility. In addition, BMPs, including infiltration trenches, french drains, and vegetative controls, as appropriate, will be employed.

Noise: Significant noise impacts to the project site would result from train operations. Mitigation measures would be implemented to reduce potential impacts from construction noise and railroad noise to below a level of significance.

Paleontology: Construction and excavation for the proposed development could potentially destroy significant paleontological resources. To mitigate these impacts, a paleontological monitor shall be onsite during grading and excavation activities and shall have the ability to stop and redirect grading activities if resources are identified to facilitate their recovery.

Traffic, Circulation and Parking: The proposed project would contribute to significant cumulative impacts along several roadway segments under the near-term cumulative condition. Mitigation measures are discussed in Section 4.13.2 in the FEIR. The

proposed project will also result in a loss of 12 on-street public parking spaces. The proposed project would provide replacement parking at a 1:1 ratio off-site in a future City-owned public parking lot.

Significant Unmitigable Impacts: The proposed development's impacts related to climate change and traffic cannot be mitigated to below a level of significance, even if the mitigation measures are implemented. These issues are as follows:

Climate Change: The project would contribute to a significant and unavoidable climate change impact through the emission of greenhouse gases from project construction and operation.

Traffic: Several traffic mitigation measures would only partially reduce significant traffic impacts or would be infeasible. One such example is the road segment located on Mission Avenue between Horne Street and Interstate 5. To improve traffic circulation, the driveway located on the south side of Mission Avenue adjacent to Oceanside High School, requires improvement.

Overriding Considerations: As a result of these significant unmitigable climate and traffic impacts, a statement of overriding consideration needs to be adopted to approve the proposed development.

In reviewing these unmitigable impacts, staff believes that these impacts are unavoidable and that the development possesses social and economic benefits that warrant approval. These benefits include: enhanced redevelopment opportunities, increased visitor accommodations, increased visitor-serving commercial space, increase of residents living downtown, the creation of full-time jobs, as well as secondary jobs and short-term construction jobs, and increased spending in the City from visitors to the hotel. A more detailed discussion of the social and economic benefits of the development is contained in the overriding findings required to certify the FEIR and approve the related development applications.

With the certification of the FEIR for the proposed development, a Mitigation Monitoring and Reporting Program (MMRP) must also be adopted. The document is necessary to ensure that all of the mitigation measures required by the FEIR are carried out. Copies of the MMRP and the suggested overriding findings are attached to this report as part of the resolutions recommended for adoption.

ANALYSIS

Staff's analysis focused on the compatibility of the project with existing development patterns of the area and the project's consistency with the underlying Redevelopment Plan, Coastal Plan, Nine Block Master Plan and Zoning Ordinance.

As proposed, the CityMark development meets or exceeds the development requirements for minimum lot area, lot width, setbacks, landscaping and open space. The subject site is

located in the central core of the Redevelopment Project Area where historically there have been mixed-use buildings consisting of ground floor commercial with apartments located on the second floor. Several new projects have been proposed within the Redevelopment Project area with similar uses and mix of product type and two have recently been built (Oceanside Terraces and Ocean Village) located adjacent to the subject site and two blocks to the north, respectively.

The maximum height permitted by the Nine Block Master Plan allowed for a maximum of 140 feet; however, the proposed maximum height is 85 feet. This is consistent with the scale and is compatible with the recently completed Wyndham timeshares building (89 feet) and Oceanside Terraces (82 feet). The proposed design also steps the buildings back from the ground floor which reduces the bulk and scale of the structures. The design of the buildings is also compatible to the recently completed Oceanside Terraces and the proposed Belvedere project (77 feet).

Redevelopment Plan: Section 301 of the Redevelopment Plan states that the Agency proposes to eliminate and prevent the spread of blight and deterioration by redevelopment of land through private enterprises. The proposed project is consistent with the Redevelopment Plan in that it removes vacant, blighted underutilized property by providing new visitor-serving commercial and residential uses.

Mixed Use Development Plan (MUDP): The project conforms to the requirements of a MUDP as stipulated in Section 1230 KK of the Downtown District Regulations in that the project does not exceed 43 du. ac. and the project provides an overall superior design that would not be possible if the project were a single commercial or residential use. The residential component of the project requires additional open space which has resulted in the project providing 30% open space which would not be realized in a single use commercial development. The MUDP flexible development standards allow this project to increase the proposed public piazzas situated adjacent to the public pedestrian corridor located along Pier View Way. In addition, the residential component adds architectural features such as balconies and terraces which would not be typical components of single use commercial buildings. These architectural features also have the added effect of “breaking up” the buildings which provides a more comprehensive design and human scale to the building.

As proposed, the CityMark project meets the requirements for minimum lot area, lot width, landscaping, open space and setbacks. The buildings are set back an average of 18 feet along the east-west public view corridors (Mission Avenue, Pier View Way and Seagaze Drive). These setbacks do not include sidewalks in the public street rights-of-way which adds an additional 16 feet, therefore, the buildings are setback an average of 34 feet from the edge of the curb on Mission Avenue. The front yard setbacks along Myers and Cleveland Streets average 19 feet.

The project is required to provide 867 parking spaces and the project provides 904 parking spaces or 37 parking spaces above the minimum requirements. In addition, this project will eliminate 12 public parking spaces (located west of the railroad tracks) to be replaced

at a one-to-one ratio at the City owned proposed parking lot bounded by Tyson Street on the north, Oak Street on the South, South Myers Street on the west and the railroad tracks on the east. The existing public parking lots located along North Cleveland Street have already been replaced by the public parking structure (450 public parking spaces) located at Seagaze Drive and Cleveland Streets.

Conditional Use Permit: Staff believes that the recommended conditions will ensure operation and maintenance of the hotel use in a manner compatible with the existing and potential uses on adjoining properties and the surrounding area.

Local Coastal Program: The proposed development would meet the land use development guidelines for the Coastal Zone portion of the Redevelopment Project Area. All proposed uses are consistent with the LCP designation for the site of "General Commercial". The proposed project provides a moderately priced hotel as well as much-needed visitor-serving commercial uses in the Oceanside Pier and central core area of downtown.

The Local Coastal Program also requires that any new development provide adequate parking and keep curb cuts to a minimum. The proposed project provides all of the parking for the project and adds to the on-street parking. In addition, the parking spaces within the two public parking lots west of the tracks shall be replaced through a City initiated Capital Improvement Project west of the tracks between Tyson Street and the Wisconsin Street parking lot immediately west of the railroad tracks.

The development as proposed would not eliminate any existing public access. Vertical access at Pier View Way and Seagaze Drive, and lateral access along Myers Street would not be affected. Pedestrian access would be enhanced by the proposed public plaza located adjacent to Pier View Way and Myers Street which creates a very inviting pedestrian corridor along Pier View Way linking the beach and pier community to the core area of downtown.

Staff also evaluated the proposed project and its effect on public coastal views. The buildings are setback an average of 18 feet along the east-west public view corridors (Mission Avenue, Pier View Way and Seagaze Drive). These setbacks do not include sidewalks in the public street rights-of-way. Due to the increased setbacks the potential view blockage along the main corridors of Pier View Way, Mission Avenue and Seagaze Drive will be minimal from the surrounding neighborhood. In addition, the front yard setbacks along the west side of Myers Street are a minimum of 15 feet, significantly reducing any potential north/south public view blockage.

The Nine-Block Pier Area Master Plan: The Nine-Block Pier Area Master Plan, prepared to satisfy amendment number 1-91 of the City's LCP, requires development in the Nine-Block Master Plan area to provide a minimum of 240 hotel rooms and 81,800 square feet of visitor-serving commercial space. It allows proposed development to prorate the requirement on a per-block basis. Prorated, the requirement for this project is 124 hotel rooms and 48,000 square feet of visitor-serving commercial space. The development, as

proposed would provide 124 hotel rooms and 48,000 square feet of visitor-serving commercial in the restaurant and retail space.

Coastal Act Consistency: Chapter 3 of the California Coastal Act establishes the criteria for determining if the proposed development is in conformance with the California Coastal Act policies related to protection of coastal resources. The City's LCP also contains criteria for protection, enhancement and maintenance of access to coastal resources. The FEIR Land Use Section (Section 4.8.4) contains a detailed analysis of the proposed development's consistency with the California Coastal Act and City's LCP Land Use Plan and Downtown "D" District Ordinance.

In conclusion, staff believes that the project meets the intent of the Redevelopment Plan, Zoning Ordinance, Nine Block Master Plan and the underlying subdistrict goals, which encourage the development of mixed-use projects and brings much-needed new office-retail space as well as new residents to the downtown area. The design of the project is consistent in both the height and scale of development within the surrounding neighborhood. The proposed project is consistent with the quality of design of the newer developments located within the surrounding area such as Oceanside Terraces.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Design Review Committee (RDRC) reviewed the project at its February 1, 2008, meeting and approved the project unanimously.

The Redevelopment Advisory Committee (RAC) reviewed the project at its May 7, 2008, meeting and the result will be presented orally at the Commission meeting.

FISCAL IMPACT

The proposed project will add approximately \$2,000,000 of tax increment yearly to the project area upon build-out. In addition, the project will generate approximately \$543,000 in Transient Occupancy Tax and \$123,000 in Sales Tax.

CITY ATTORNEY'S ANALYSIS

Pursuant to Oceanside Zoning Ordinance Article 12, Section (KK), the Community Development Commission is authorized to hold a public hearing on the application for a Mixed Use Development Plan in accord with the provisions of Article 43. Additionally, pursuant to Oceanside Zoning Ordinance Article 4102 and 4305 the Commission is authorized to hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. Prior to approving the project, the Commission should certify the Final Environmental Impact Report and adopt the Mitigation Monitoring and Reporting Program. The resolutions have been reviewed and approved as to form by the City Attorney.

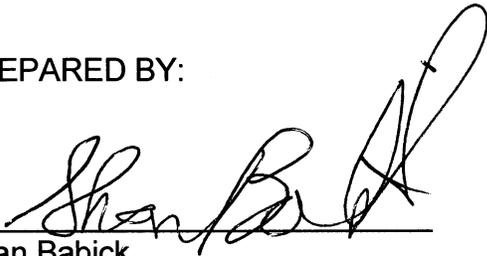
RECOMMENDATION

Staff believes that the CityMark project is consistent with the California Coastal Act, as well as the City’s Redevelopment Plan, Local Coastal Program, Nine Block Master Plan and Downtown “D” District Ordinance. Staff further believes that the development will provide social and economic benefits in the form of creation of full-time jobs, short-term and secondary service jobs; enhanced visitor-serving and redevelopment opportunities and increased City revenues through redevelopment property tax increment, transient occupancy taxes and sales taxes.

As such, staff recommends that the Community Development Commission approve the proposed project. Specifically, staff recommends the following actions:

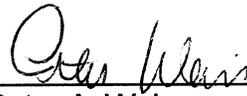
1. Adoption of a resolution certifying the Final Environmental Impact Report (FEIR) and adopting the Environmental Findings and Issuing the Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP); and
2. Adoption of a resolution approving Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06)

PREPARED BY:



Shan Babick
Associate Planner

SUBMITTED BY:



Peter A. Weiss
Executive Director

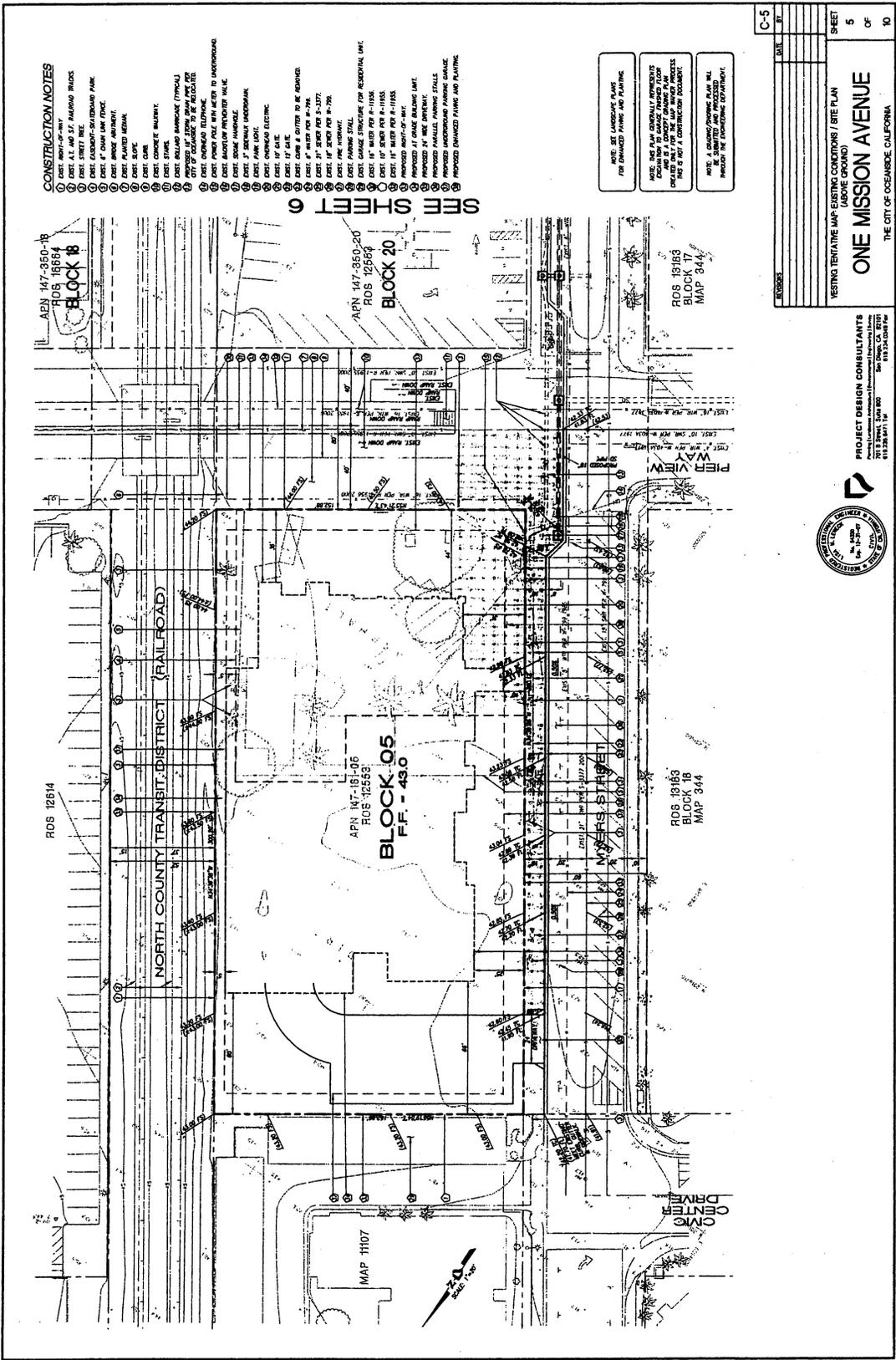
REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Jane McVey, Economic and Community Development Director
Kathy Baker, Redevelopment Manager



EXHIBITS/ATTACHMENTS

1. Site Plans/Floor Plans/ Elevations
2. Resolution certifying the Final Environmental Impact Report (FEIR) and the Environmental Findings and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program (MMRP)
3. Resolution approving Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06)
4. FEIR (previously distributed under separate cover)



- CONSTRUCTION NOTES**
1. EXIST. RIGHT-OF-WAY
 2. EXIST. SIDEWALK
 3. EXIST. DRIVE
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SEE SHEET 6

APN 147-350-18
RDS 1884
BLOCK 18

APN 147-350-20
RDS 12568
BLOCK 20

APN 147-181-06
RDS 12553
BLOCK 05
P.F. - 43.0

RDS 19183
BLOCK 17
MAP 344

RDS 12614

MAP 1107

PROJECT DESIGN CONSULTANTS
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THE CITY OF OCEANSIDE, CALIFORNIA

PRELIMINARY

ONE MISSION AVENUE

OCEANSIDE, CA

CITYMARK

APR 17 2006

J Z M K
P A R T N E R S
ARCHITECTURE PLANNING INTERIORS
8095

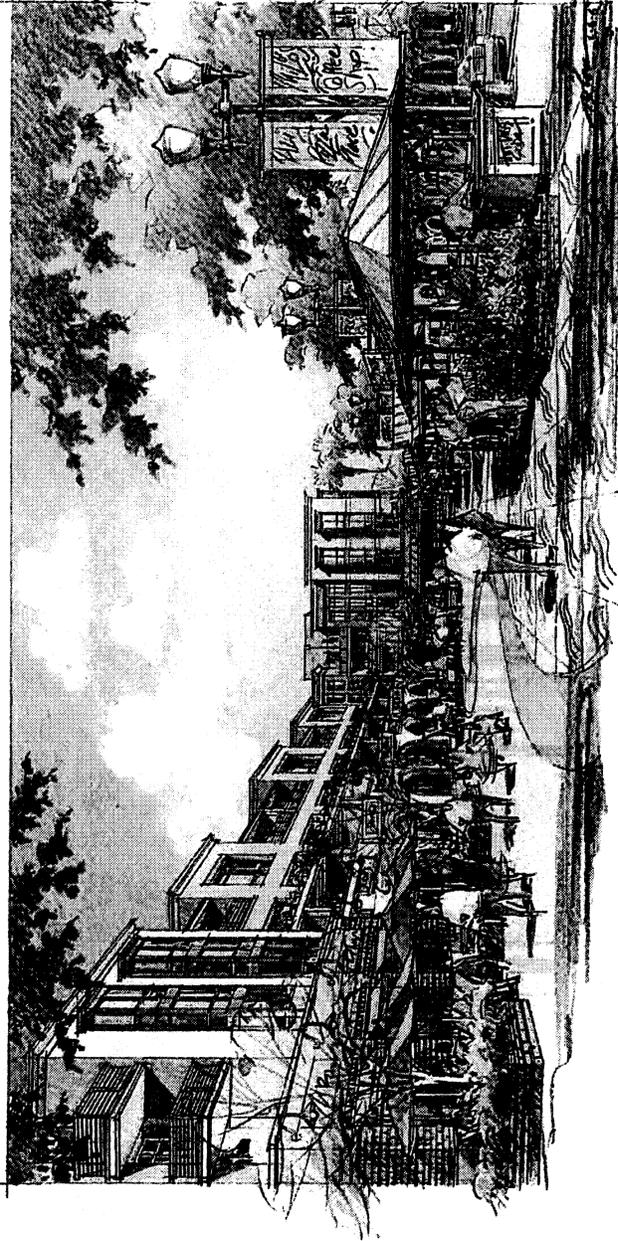
ONE MISSION AVENUE
Oceanside, CA

CITYMARK

APR 17 2006

CITYMARK OCEANSIDE

OCEANSIDE, CALIFORNIA



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PROJECT DATA SUMMARY

BLOCK NAME:	BLOCK SIZE (SF):	BLOCK SIZE (AC):	FAR:	MAX FAR:	DU:	DU / AC:
BLOCK 5:	45,885	.05	1.3	<4.0	36	34.2
BLOCK 18:	49,333	1.13	1.7	<4.0	40	35.3
BLOCK 19:	49,628	1.14	3.3	<4.0	84	73.7
BLOCK 20:	44,350	1.02	1.7	<4.0	32	31.4
BLOCK 21:	44,345	1.02	2.1	<4.0	39	36.3

TOTAL COMMERCIAL SQ. FT. = 57,146 S.F.
 TOTAL RESIDENTIAL SQ. FT. = 416,481 S.F.
 TOTAL PARKING SPACES = 866 SPACES
 TOTAL RESIDENTIAL UNITS = 231 UNITS
 TOTAL HOTEL UNITS = 124 UNITS

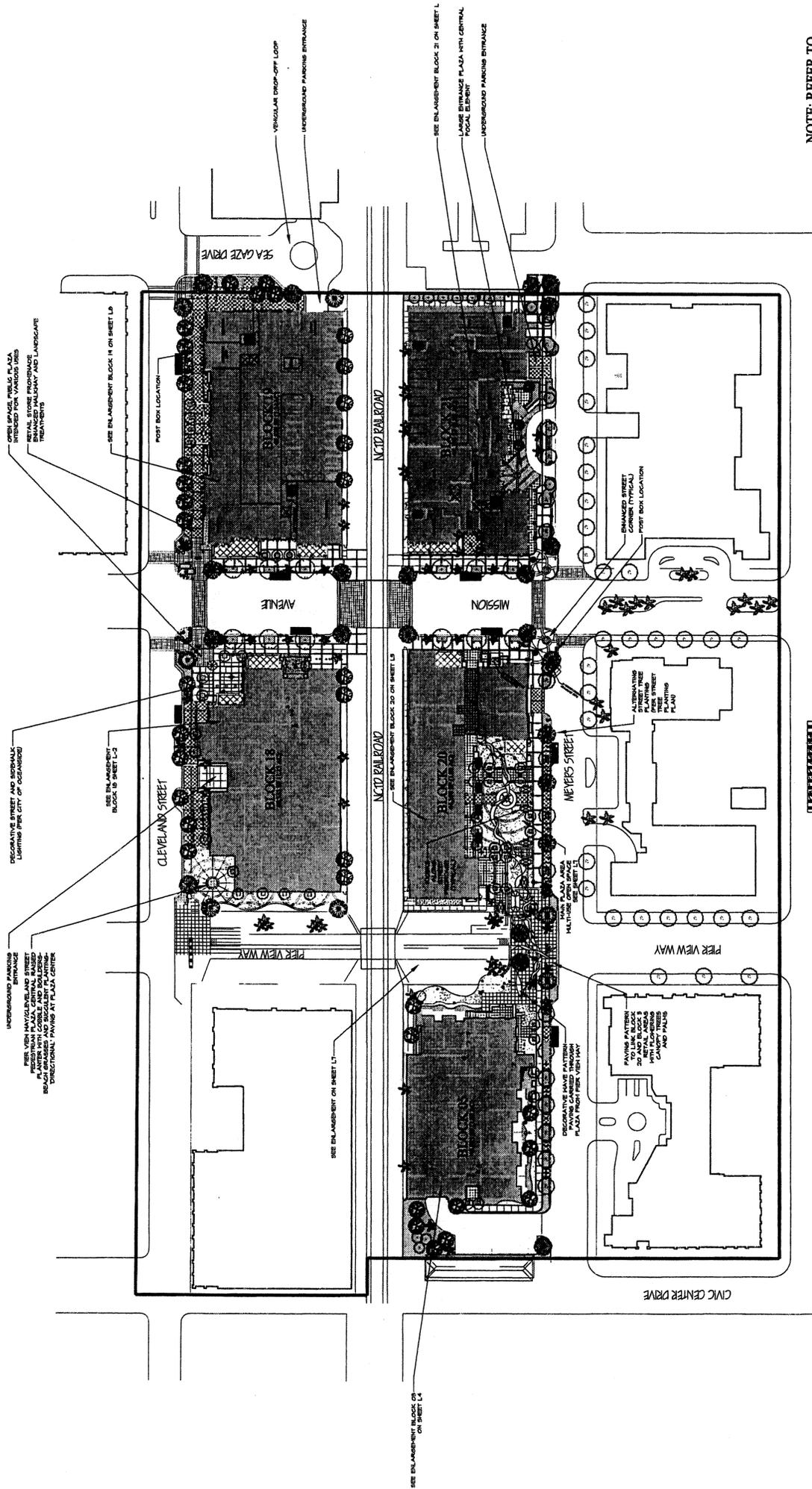


PROJECT DESIGN CONSULTANTS
 1000 BROADWAY, SUITE 2000
 OCEANSIDE, CA 92054



J Z M K
 PARTNERS
 ARCHITECTS
 1000 BROADWAY, SUITE 2000
 OCEANSIDE, CA 92054

CS



NOTE: REFER TO CIVIL FOR STREET IMPROVEMENTS



OVERALL LANDSCAPE CONCEPT SITE PLAN
SCALE: 1/4" = 1'-0"

NOTE: SEE PLANT LEGEND ON L9

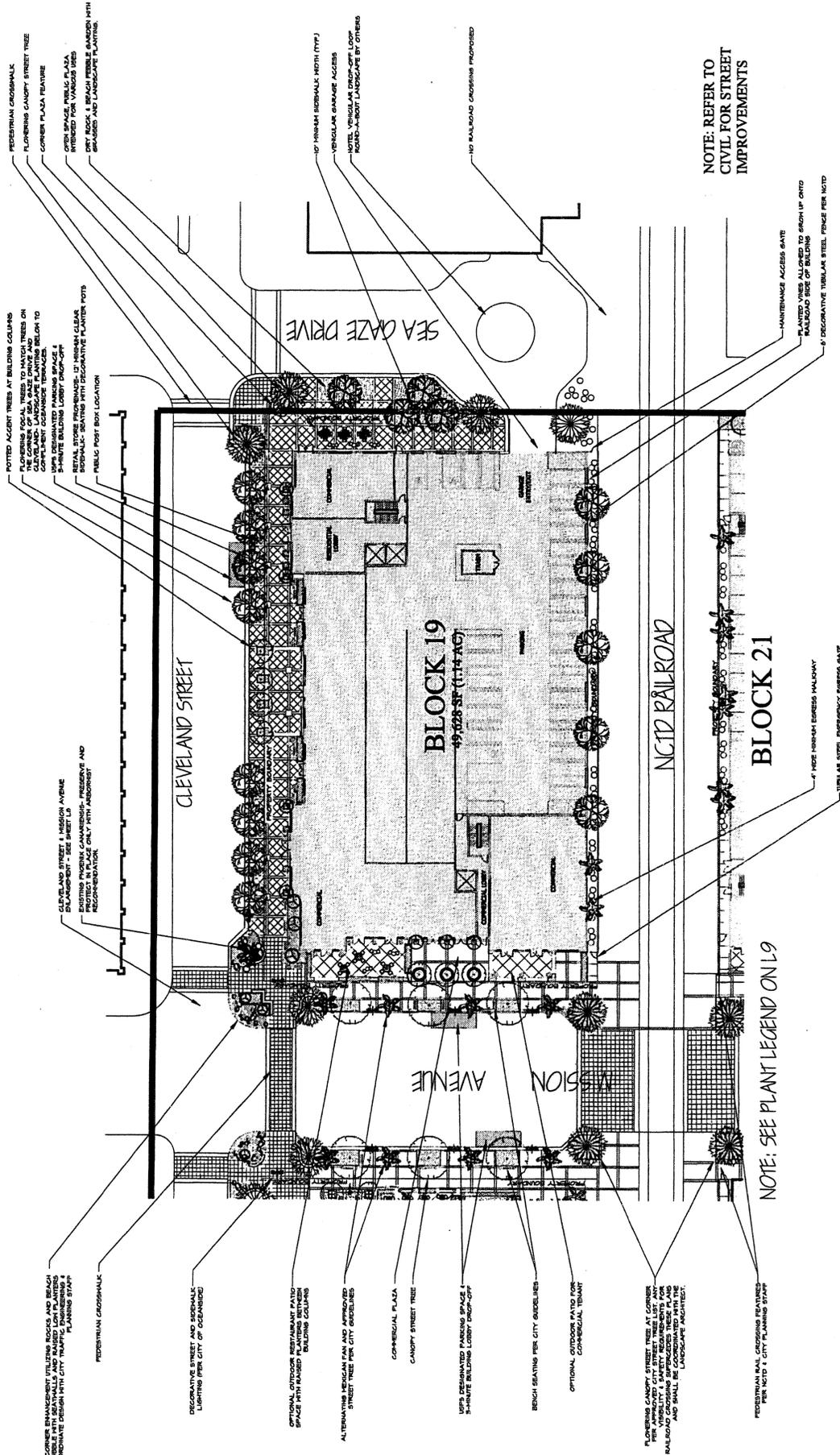


ONE MISSION AVENUE

Oceanside, CA



J Z M K
PARTNERS
ARCHITECTS INC. 1000 N. STATE ST. SUITE 200
OCEANSIDE, CA 92054
OFF: 761-434-0000
FAX: 761-434-0001
REVISED 09-13-07



NOTE: REFER TO CIVIL FOR STREET IMPROVEMENTS

NOTE: SEE PLANT LEGEND ON L9

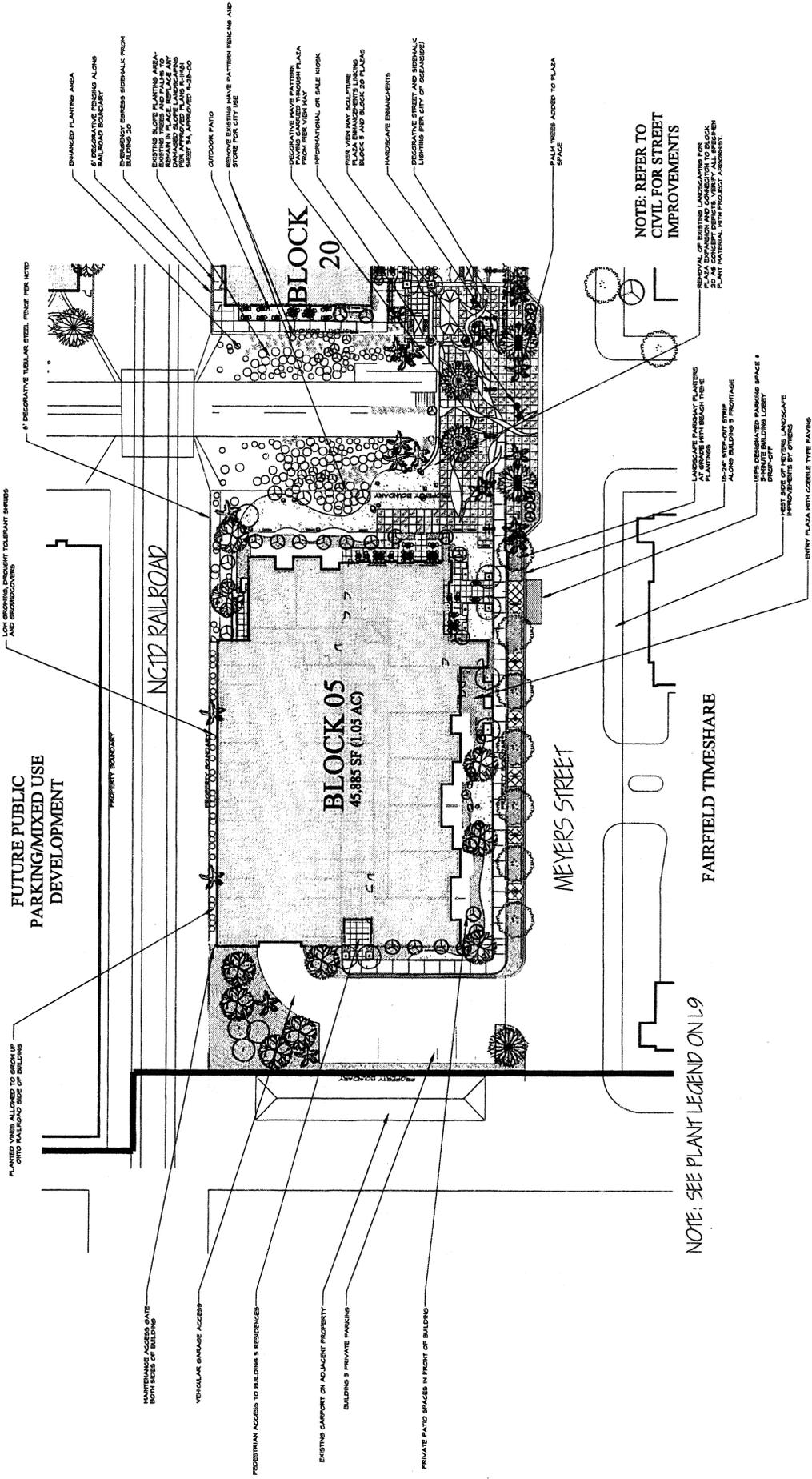
BLOCK 19 - LANDSCAPE CONCEPT PLAN
SCALE: 1" = 20'
20 10 0 10 20



ONE MISSION AVENUE
Oceanside, CA



J Z M K
PARTNERS
ARCHITECTURE PLANNING DESIGN
GMP 85-188-00
REVISED 08-23-09
REVISED 09-10-07



NOTE: REFER TO CIVIL FOR STREET IMPROVEMENTS

NOTE: SEE PLANT LEGEND ON L9

SCALE: 1" = 20'

0 20 40 60

BLOCK 05 - LANDSCAPE CONCEPT PLAN L4

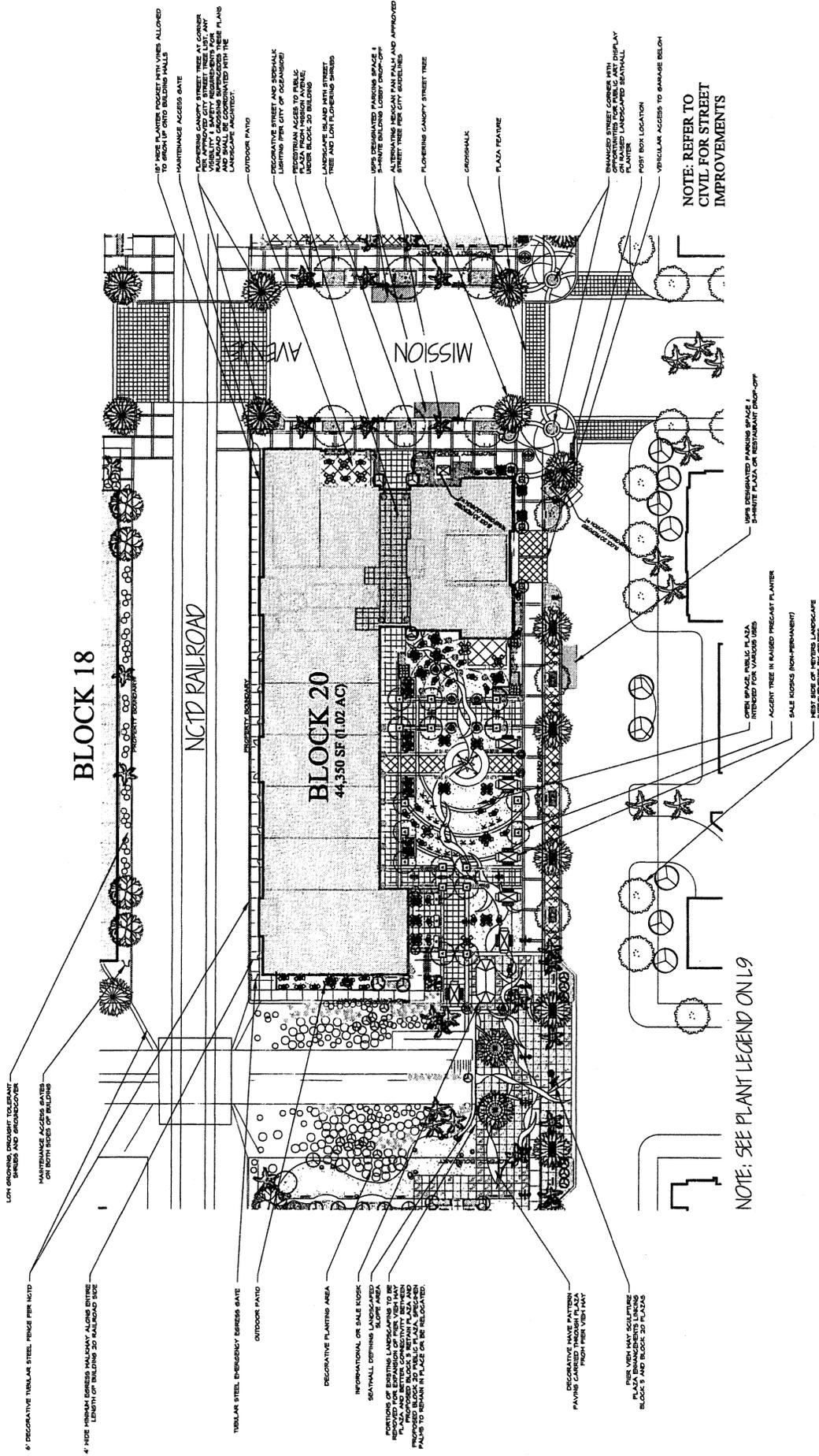


J Z M K PARTNERS

1141414141 1141414141 1141414141 1141414141 1141414141

REVISED 08-23-20
REVISED 08-23-20
REVISED 08-23-20
REVISED 08-23-20

ONE MISSION AVENUE
Oceanside, CA



BLOCK 18

NCTD RAILROAD

BLOCK 20
44,350 SF (1.02 AC)

MISSION AVENUE

- 6" DECORATIVE TUBULAR STEEL FENCE PER IACTO
- 4" HIDE HARBIN SCREEN WALKWAY, 4" HIDE SCREEN LENGTH OF BUILDING 20 RAILROAD SIDE
- LOW GROWING PROMINENT TREELIANT SHRUBS AND SPREADCOVER
- MAINTENANCE ACCESS GATES ON BOTH SIDES OF BUILDING
- 15" HIDE PLANTER POCKET WITH VINES ALLOWED TO GROW UP ONTO BUILDING WALLS
- MAINTENANCE ACCESS GATE
- 6" CHROMIUM CANOPY STREET TREE AT CORNER PER APPROVED CITY STREET TREE LIST ANY ALTERNATIVE STREET TREE SPECIFIED IN THESE PLANS LANDSCAPE ARCHITECT
- OUTDOOR PATIO
- DECORATIVE STREET AND SIDEWALK LIGHTING PER CITY OF OCEANSIDE
- PEDESTRIAN ACCESS TO PUBLIC PLAZA FROM MISSION AVENUE
- LANDSCAPE ISLAND WITH TREE TREE AND LOW FLOWERING SHRUBS
- UPPER DEMONSTRATED PARKING SPACE 1 SHARITE BUILDING LOBBY DROP-OFF ALTERNATING MEGACAN FAN PALM AND APPROVED STREET TREE PER CITY GUIDELINES
- FLOWERING CANOPY STREET TREE
- CROSSWALK
- PLAZA FEATURE
- ENHANCED STREET CORNER WITH MEGACAN FAN PALM AND APPROVED STREET TREE PER CITY GUIDELINES
- POST BOX LOCATION
- VEHICULAR ACCESS TO GARAGE BELOW

NOTE: REFER TO CIVIL FOR STREET IMPROVEMENTS

NOTE: SEE PLANT LEGEND ON L9

- UPPER DEMONSTRATED PARKING SPACE 1 SHARITE PLAZA OR RESTAURANT DROP-OFF
- UPPER DEMONSTRATED PARKING SPACE 1 SHARITE PLAZA OR RESTAURANT DROP-OFF
- OPEN SPACE PUBLIC PLAZA INTENDED FOR VARIOUS USES
- ACCENT TREE IN RAISED PRECAST PLANTER
- SALE KIOSKS (NON-PERMANENT)
- SEE SIDE OF SHEETS J LANDSCAPE IMPROVEMENTS BY OTHERS

BLOCK 20 - LANDSCAPE CONCEPT PLAN
SCALE: 1" = 20'
0 10 20 30 40 50 60
LS



ONE MISSION AVENUE
Oceanside, CA

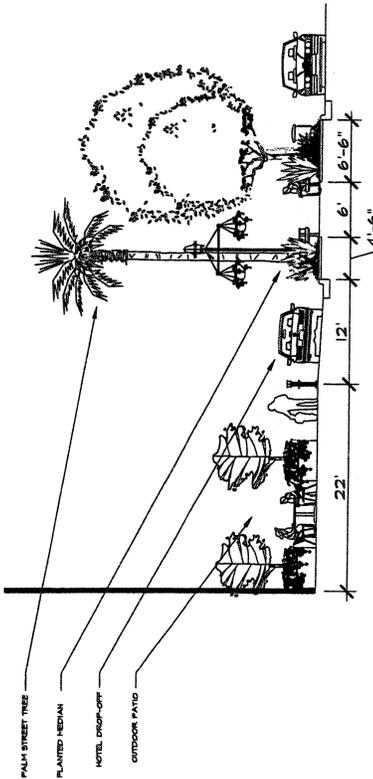


J Z M K PARTNERS
10000 S. MISSION AVENUE, SUITE 100
OCEANSIDE, CA 92058
TEL: 760-434-1114 FAX: 760-434-1114
WWW.JZMK.COM
REVISED 08-13-07
REVISED 09-10-07

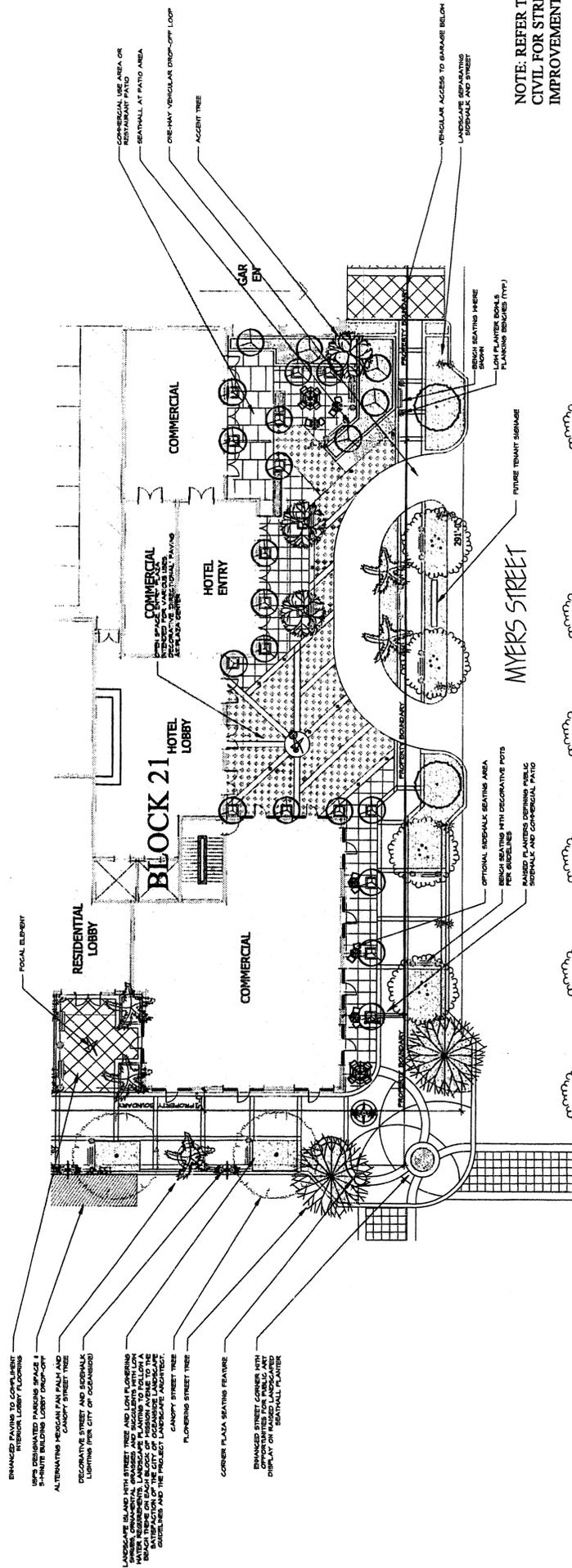
CONCEPTUAL STREET TREE LEGEND

Street Name	Symbol	Scientific Name	Gen. Alternatives	Special Use
MISSION AVENUE		<i>Spathodea campanulata</i>	<i>Cassia leptophylla</i>	PROJECT STREET CORNER AND MID-CORNER TO MAXIMIZE VISUAL IMPACT
PIER VIEW WAY		<i>Koeleria bipinnata</i>	<i>Passiflora ligularis</i>	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING
CLEVELAND STREET		<i>Moringhonia robusta</i>	N/A	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING
MYERS STREET		<i>Chionanthus rebusus</i>	<i>Cassia leptophylla</i>	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING
		<i>Spathodea campanulata</i>	<i>Pittosporum phyllioides</i>	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING
		<i>Spathodea campanulata</i>	<i>Cassia leptophylla</i>	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING
		<i>Pistacia chinensis</i>	N/A	MAXIMIZE VISUAL IMPACT AND PROVIDE VISUAL SCREENING

NOTE: FINAL STREET TREE SELECTION AT CONSTRUCTION LEVEL DOCUMENTS SHALL CONFORM TO THE APPROVED CITY OF OCEANSIDE REDEVELOPMENT PLAN STREET TREE PLAN AND LANDSCAPE GUIDELINES.



BLOCK 21 MYERS / HOTEL DROP-OFF
SECTION N.T.S.



NOTE: SEE PLANT LEGEND ON L9

NOTE: REFER TO CIVIL FOR STREET IMPROVEMENTS



BLOCK 21 - HOTEL DROP-OFF ENLARGEMENT PLAN
SCALE: 1"=10'

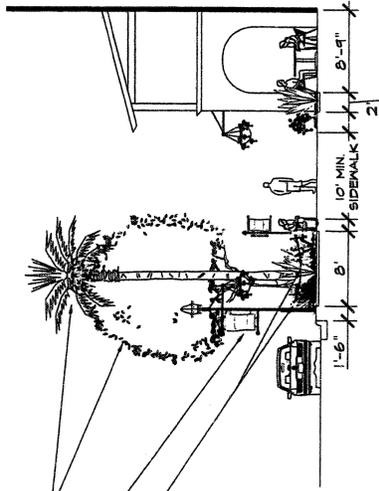


ONE MISSION AVENUE

Oceanside, CA



J Z M K PARTNERS
ARCHITECTS PLANNING DESIGN ENGINEERS
REVISED 06-23-07
02P 05-188-00
REVISED 06-23-07
REVISED 06-15-07

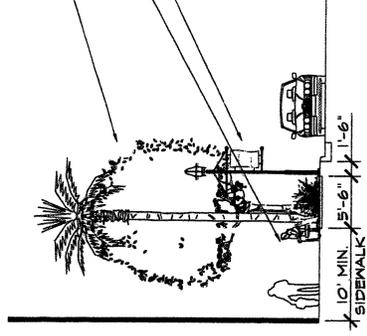


ALTERNATING MEXICAN PALM TREES AND CANOPY STREET TREE

DECORATIVE STREET AND SIDEWALK LIGHTING WITH CITY OF OCEANSIDE WITH BANDED ASH AND HANGING BASKET OR ALL LANDSCAPED PLANTERS

BLOCK 1B
MISSION AVE

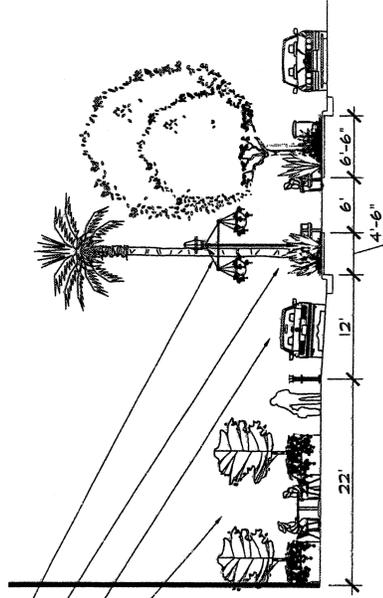
SECTION
N.T.S.



CANOPY STREET TREE
DECORATIVE STREET AND SIDEWALK LIGHTING WITH CITY OF OCEANSIDE WITH BANDED ASH AND HANGING BASKET

BLOCK 2D
MISSION AVE

SECTION
N.T.S.



DECORATIVE STREET AND SIDEWALK LIGHTING WITH CITY OF OCEANSIDE

PLANTED MEDIAN

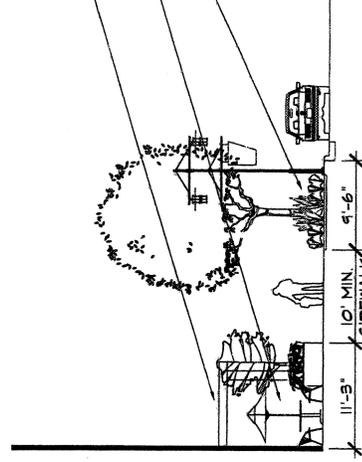
HOTEL DROP-OFF

OUTDOOR PATIO

LANDSCAPE ISLAND WITH STREET TREES AND LOW FLOWERING SHRUBS

BLOCK 2J
METERS / HOTEL DROP-OFF

SECTION
N.T.S.



SHADE OVERHANG FEATURE

OUTDOOR PATIO

LANDSCAPE ISLAND WITH STREET TREES AND LOW FLOWERING SHRUBS

BLOCK 1B
MISSION AVE

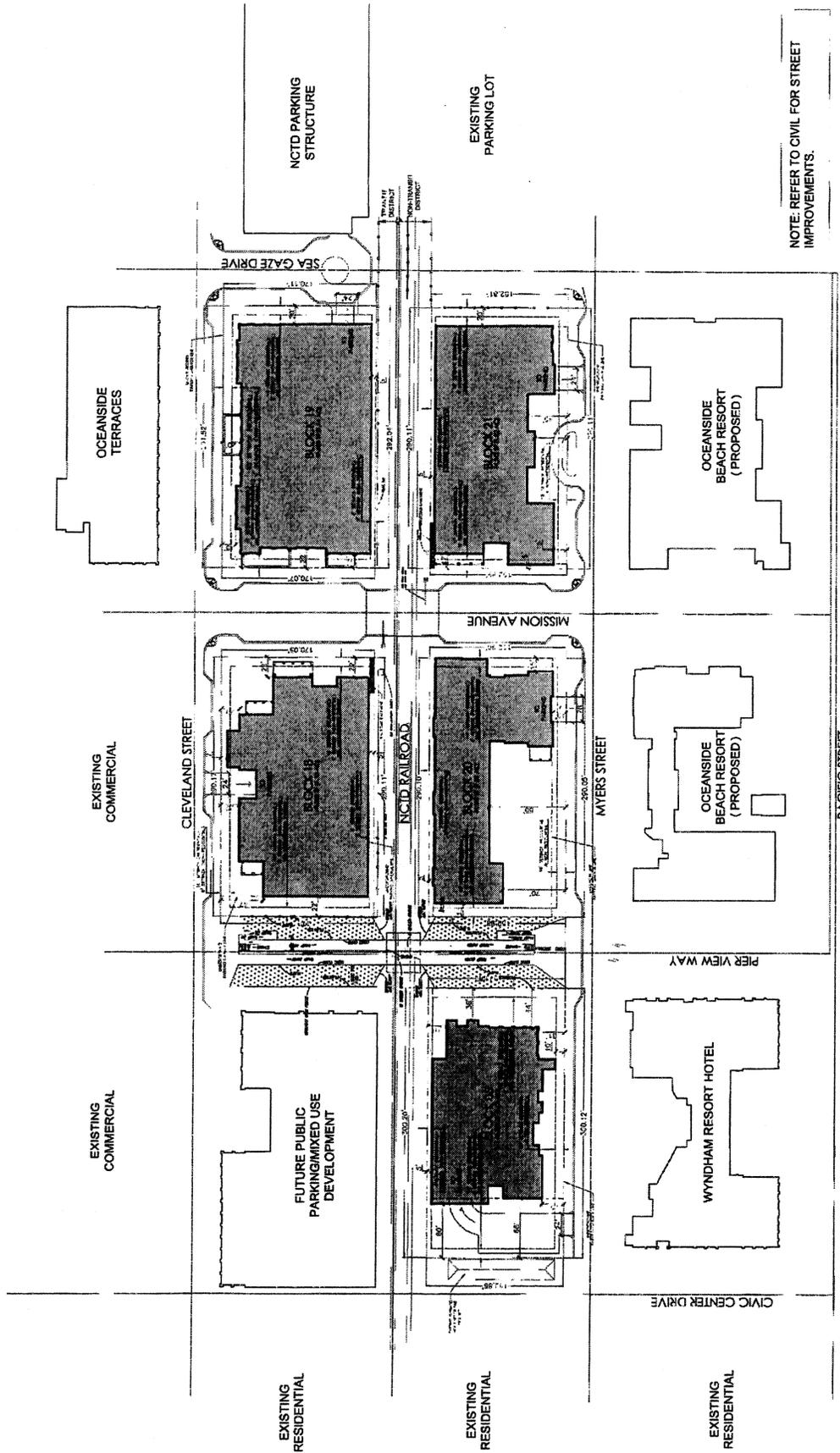
SECTION
N.T.S.

SECTIONS 110
N.T.S.



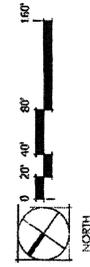
ONE MISSION AVENUE
Oceanside, CA

J Z M K
PARTNERS
ARCHITECTURE PLANNING INTERIOR DESIGN
0999
09/11/06-00
REVISED 09-18-07

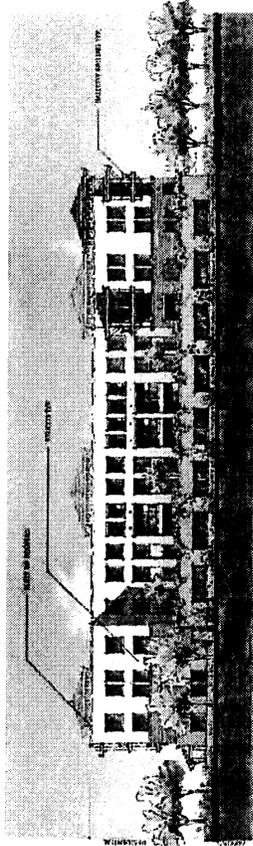


SITE PLAN

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

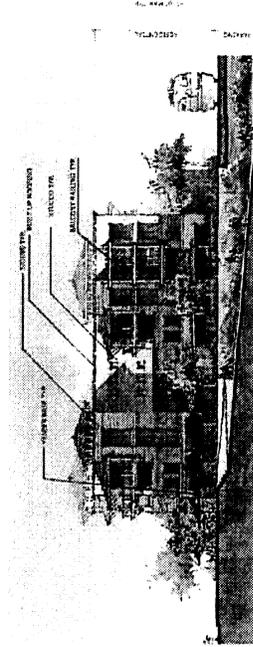


J Z M K
PARTNERS
 ARCHITECTS PLANNERS ENGINEERS
 93-38-3998
A-01



PIER VIEW WAY

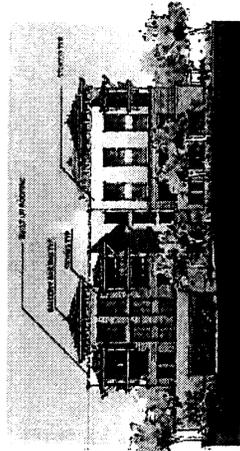
RAILROAD ELEVATION



MYERS STREET

PIER VIEW WAY ELEVATION

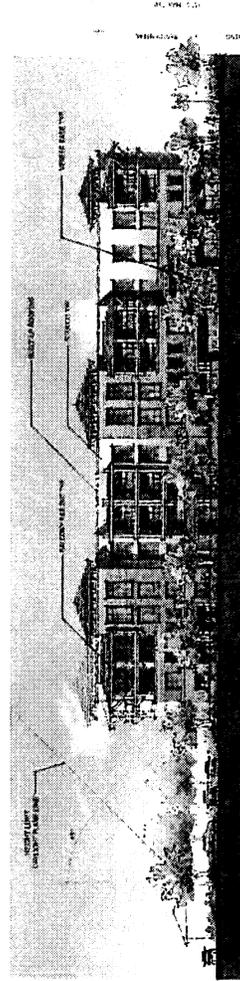
RAILROAD



RAILROAD

CIVIC CENTER DRIVE ELEVATION

PACIFIC ST



CIVIC CENTER DR.

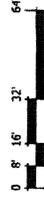
MYERS STREET ELEVATION

PIER VIEW WAY

BLOCK 5

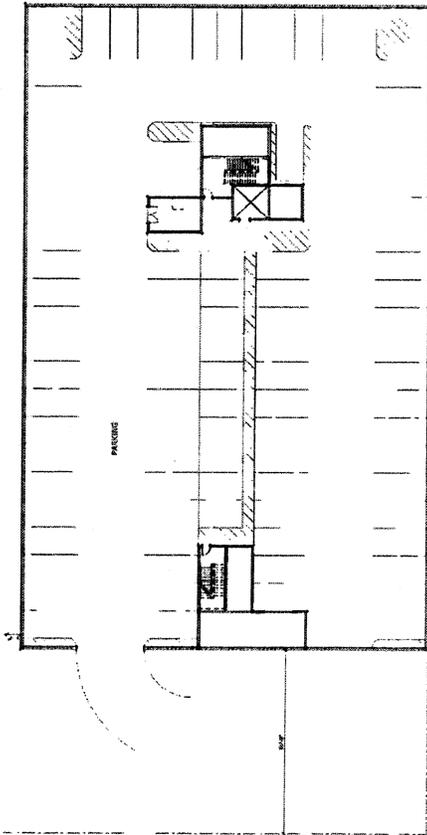


ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

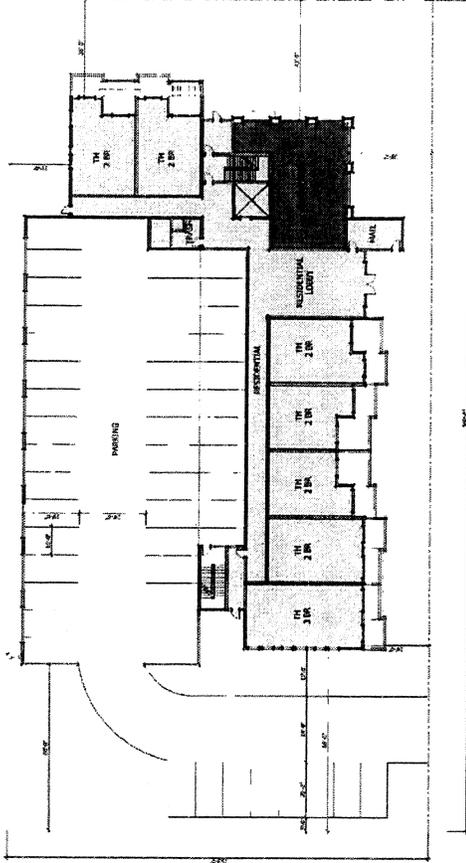


J Z M K
P A R T N E R S
ARCHITECT FIRM INC. OCEANSIDE, CALIFORNIA
1992-2008

A-02



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN

CITYMARK OCEANSIDE, LLC
01-FEB-08

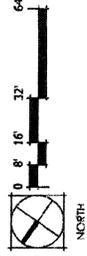
INDIVIDUAL BLOCK SUMMARY										
BLOCK NAME	GROSS BLOCK AREA (SF)	GROSS BUILDING AREA (SF)	MISC. RETAIL (SF)	TOTAL COMMERCIAL AREA (SF)	1 BR UNITS	2 BR UNITS	3 BR UNITS	TOTAL RESIDENTIAL UNITS	AVERAGE RESIDENTIAL UNIT AREA (SF)	TOTAL RESIDENTIAL UNIT AREA (SF)
BLOCK 5:	45,885	60,778	1,576	1,576	15	10	7	36	1,354	48,725

COLOR LEGEND:
 - RESIDENTIAL
 - COMMERCIAL
 - HOTEL



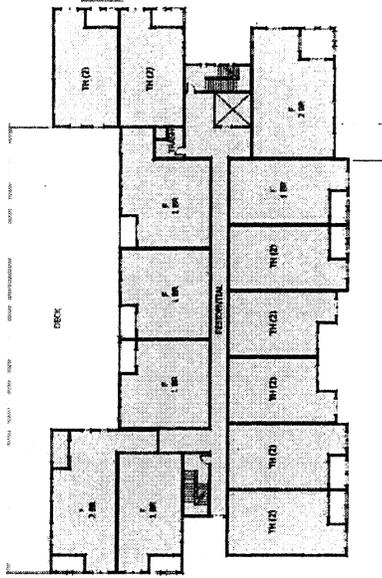
BLOCK 5

ONE MISSION AVENUE
 OCEANSIDE, CALIFORNIA

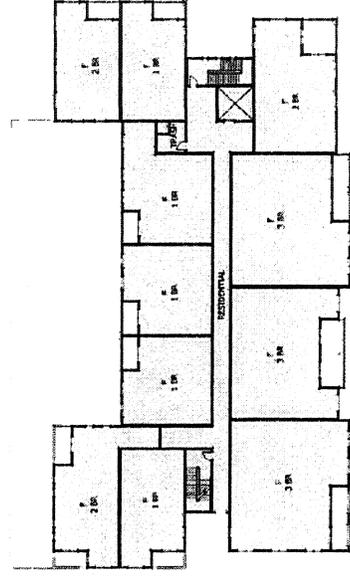


J Z M K
 PARTNERS
 ARCHITECTS
 1000 AVENUE OF THE STARS, SUITE 1000
 OCEANSIDE, CALIFORNIA 92054
 (760) 434-1000

A-03



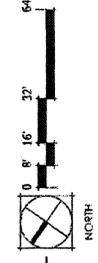
SECOND FLOOR PLAN



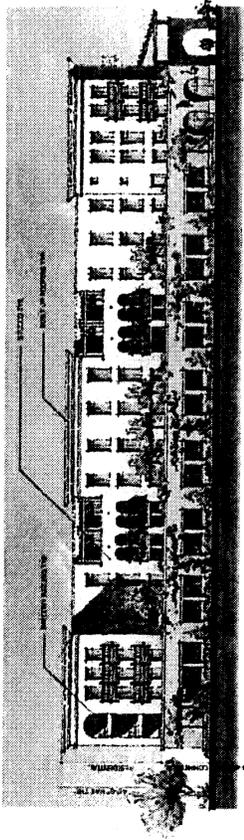
THIRD/ FOURTH FLOOR PLAN

BLOCK 5

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



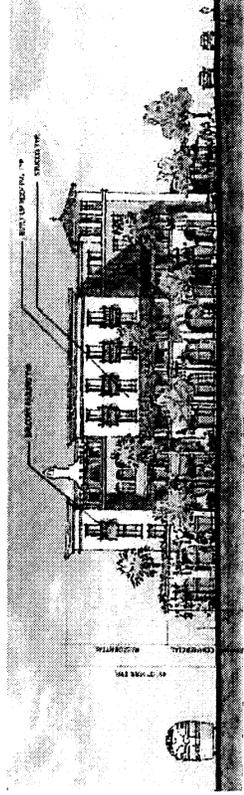
J Z M K
P A R T N E R S
ARCHITECTURE - INTERIORS - LANDSCAPE ARCHITECTURE
1325 10th St
A-04



PIER VIEW WAY

RAILROAD ELEVATION

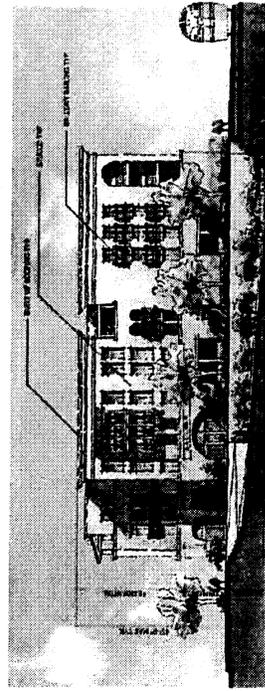
MISSION AVE.



RAILROAD

MISSION AVENUE ELEVATION

CLEVELAND ST.



CLEVELAND ST.

PIERVIEW WAY ELEVATION

MISSION AVE.



PIER VIEW WAY

CLEVELAND STREET ELEVATION

BLOCK 18



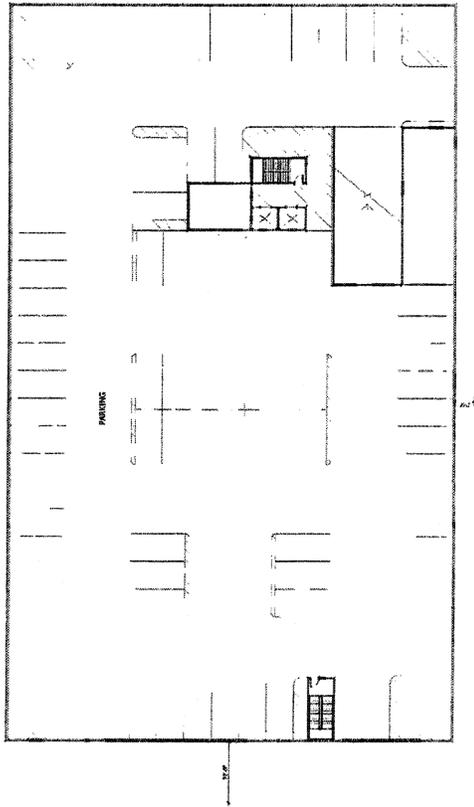
ONE MISSION AVENUE

OCEANSIDE, CALIFORNIA

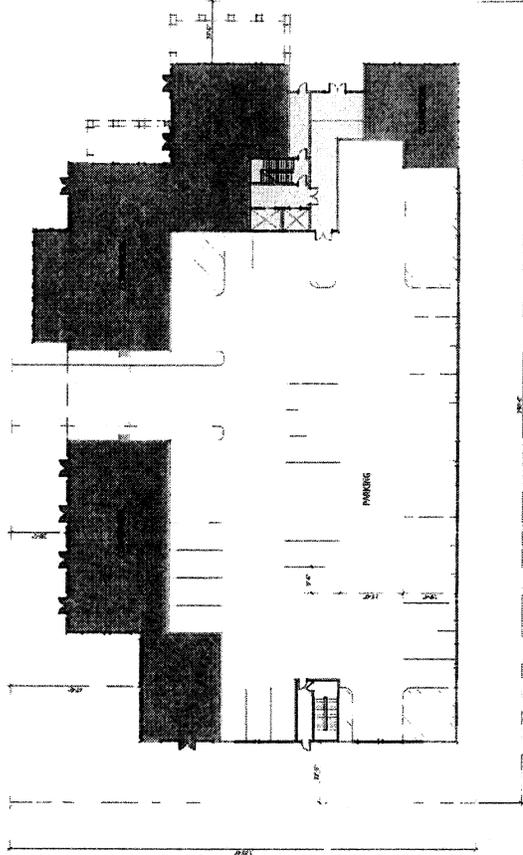


J Z M K
PARTNERS
ARCHITECTS
3000 AVENUE OF THE STARS
SUITE 1000
FARMINGDALE, NY 11737
516-751-7000

A-05



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN

CITYMARK OCEANSIDE, LLC
01-FEB-08

BLOCK NAME:	GROSS BLOCK AREA (SF)	GROSS BUILDING AREA (SF)	RESTAURANT/cafeteria area (SF)	MISC. RETAIL (SF)	INDIVIDUAL BLOCK SUMMARY				TOTAL RESIDENTIAL UNIT AREA (SF)	TOTAL RESIDENTIAL UNITS	
					COMMERCIAL AREA (SF)	1 BR. UNITS	2 BR. UNITS	3 BR. UNITS			AVERAGE UNIT AREA (SF)
BLOCK 18:	49,333	84,561	3,479	6,968	10,447	4	29	7	40	1,648	65,912

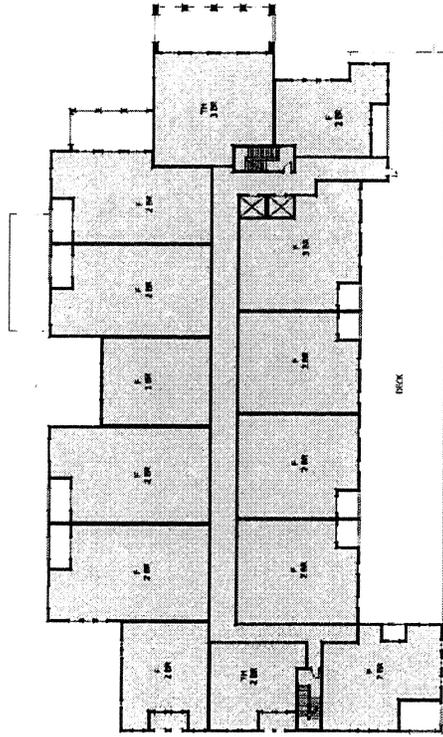
COLOR LEGEND
 ■ RESIDENTIAL
 ■ COMMERCIAL
 ■ HOTEL



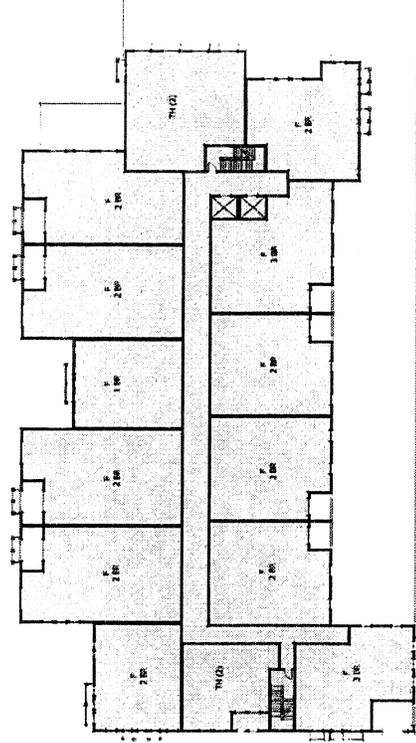
BLOCK 18
ONE MISSION AVENUE
 OCEANSIDE, CALIFORNIA



J Z M K
 PARTNERS
 ARCHITECTS PLANNERS ENGINEERS
 8022 7th St.
 A-06



SECOND FLOOR PLAN



THIRD FLOOR PLAN

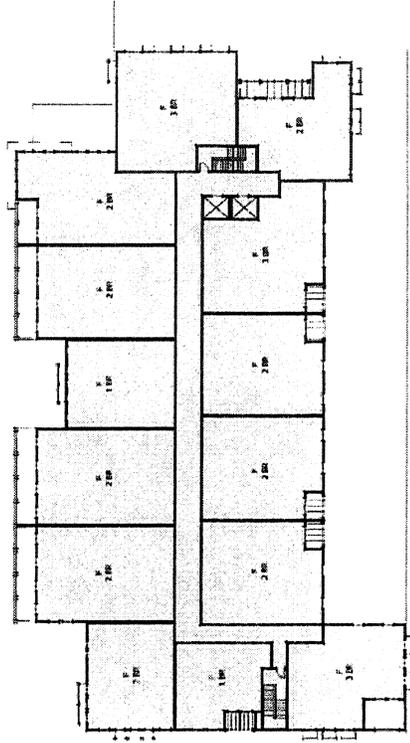
BLOCK 18



ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
PARTNERS
ARCHITECTS
16 313 06
A-07



FOURTH FLOOR PLAN

BLOCK 18

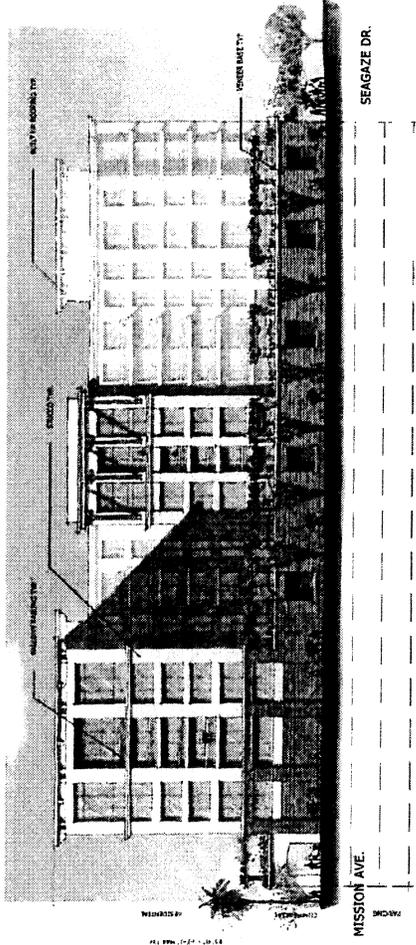
ONE MISSION AVENUE

OCEANSIDE, CALIFORNIA

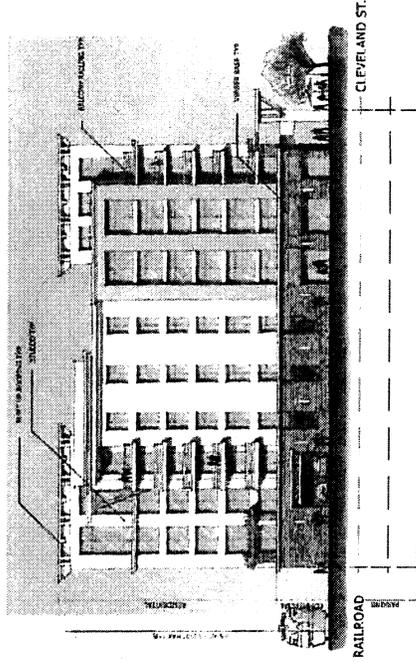
CITYMARK



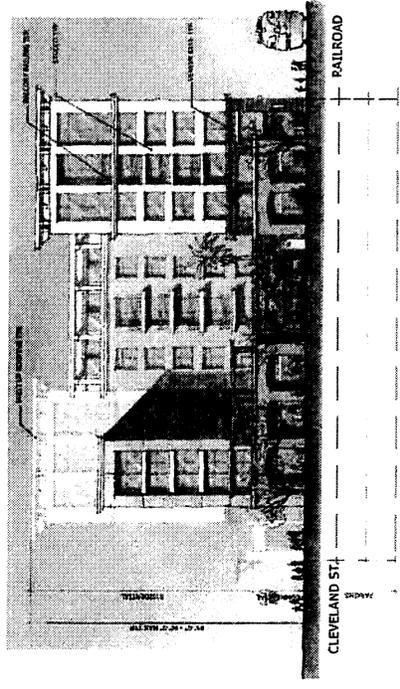
J Z M K
P A R T N E R S
 ARCHITECTS
 1201 10TH STREET
 OCEANSIDE, CA 92054
 TEL: 760.762.1000
A-08



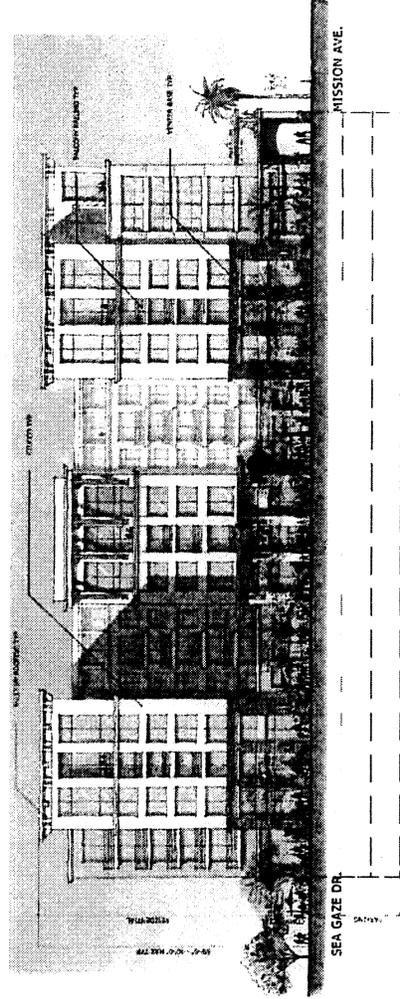
RAILROAD ELEVATION



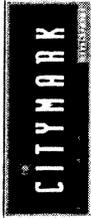
SEAGAZE AVENUE ELEVATION



MISSION AVENUE ELEVATION

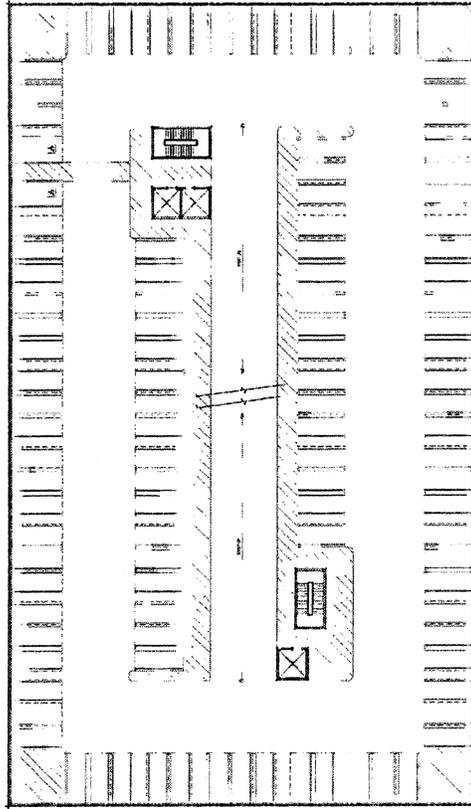


CLEVELAND ELEVATION

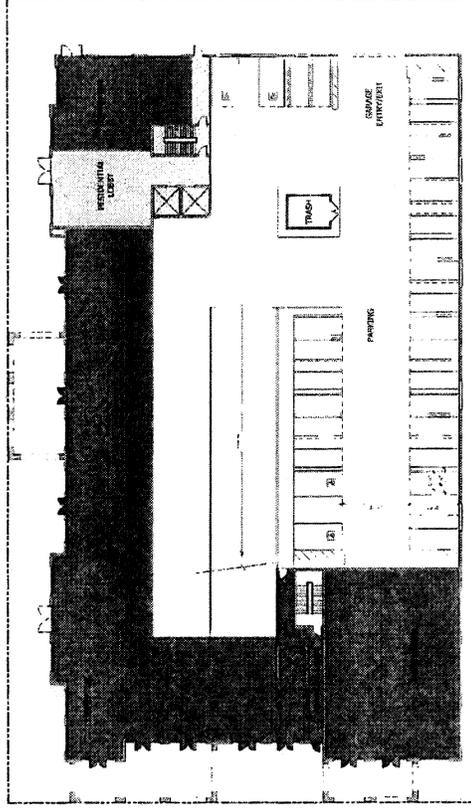


BLOCK 19
ELEVATIONS
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

J Z M K
PARTNERS
ARCHITECTS
1010 10TH STREET, SUITE 200
OCEANSIDE, CA 92054
TEL: 760.431.1000
WWW.JZMK.COM
A-09



BASEMENT LEVELS 1-3 FLOOR PLAN



FIRST FLOOR PLAN

CITYMARK OCEANSIDE, LLC
01-FEB-08

INDIVIDUAL BLOCK SUMMARY

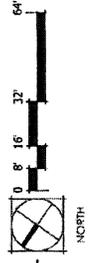
BLOCK NAME	GROSS BLOCK AREA (SF)	GROSS BUILDING AREA (SF)	RESTAURANT, FITNESS AND OTHER USES	MISC. RETAIL (SF)	TOTAL COMMERCIAL AREA (SF)	1 BR. UNITS	2 BR. UNITS	3 BR. UNITS	TOTAL RESIDENTIAL (UNITS)	AVERAGE UNIT AREA (SF)	TOTAL RESIDENTIAL UNIT AREA (SF)
BLOCK 19:	49,628	163,361	6,376	7,821	14,199	5	51	28	84	1,512	127,046

COLOR LEGEND
 RESIDENTIAL
 COMMERCIAL
 HOTEL

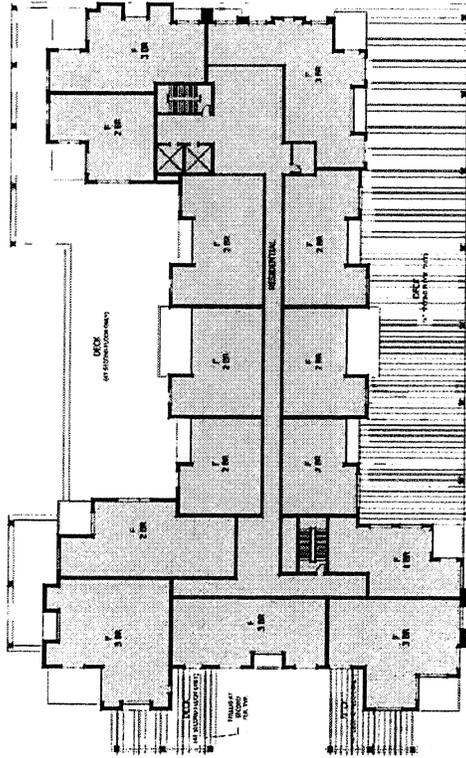


BLOCK 19

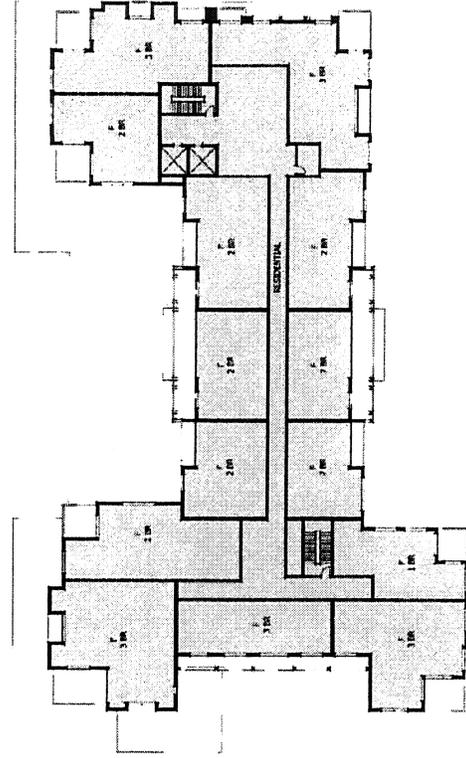
ONE MISSION AVENUE
 OCEANSIDE, CALIFORNIA



J Z M K
 PARTNERS
 ARCHITECTS • INTERIORS • LANDSCAPE ARCHITECTS
 1100 WEST 10TH STREET
 OCEANSIDE, CA 92054
 A-10



SECOND-SIXTH FLOOR PLAN



SEVENTH FLOOR PLAN

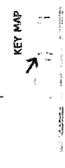
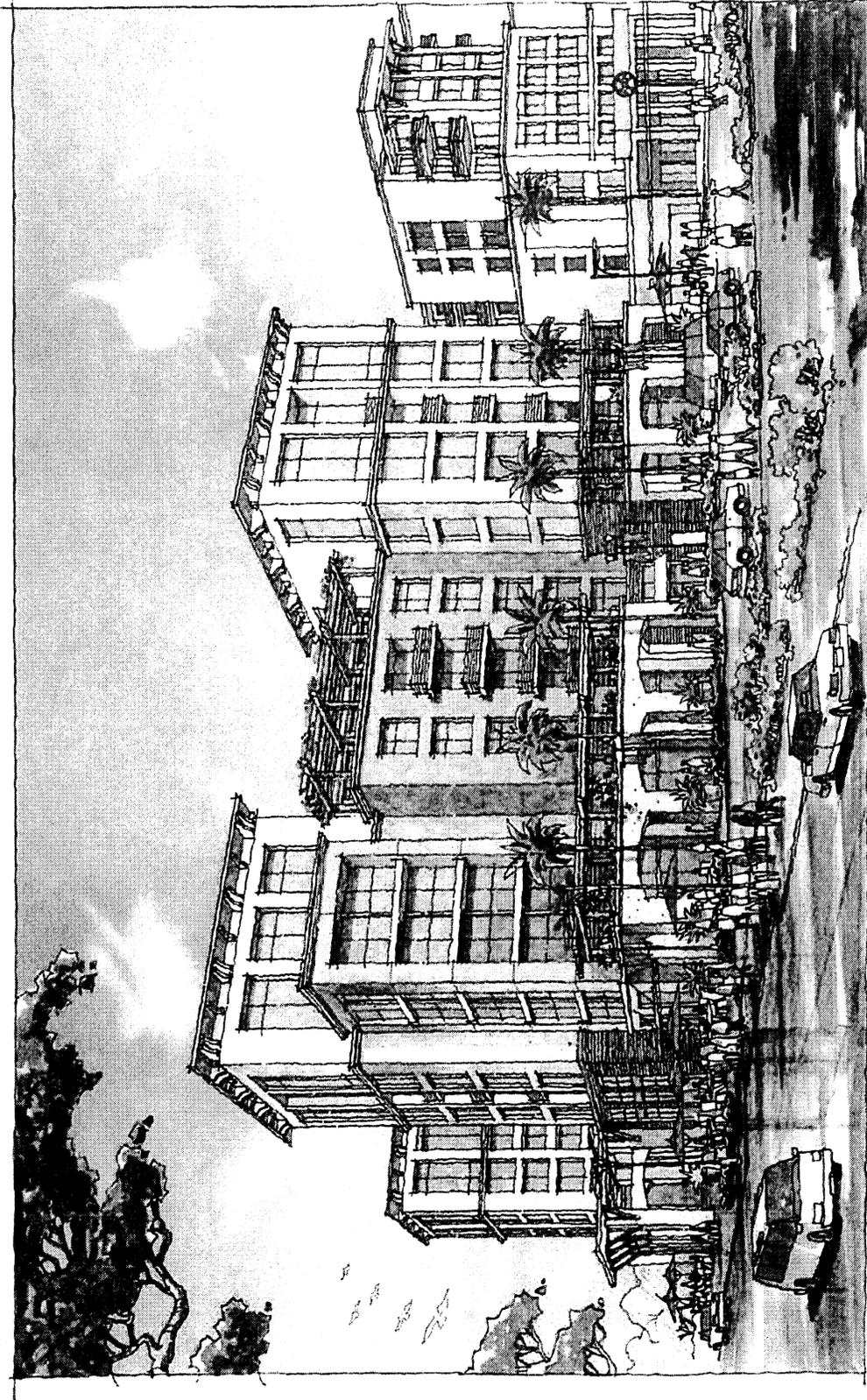
BLOCK 19

CITYMARK

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

J Z M K
P A R T N E R S
ARCHITECTS
1100 AVENUE
1100 AVENUE
1100 AVENUE
A-11

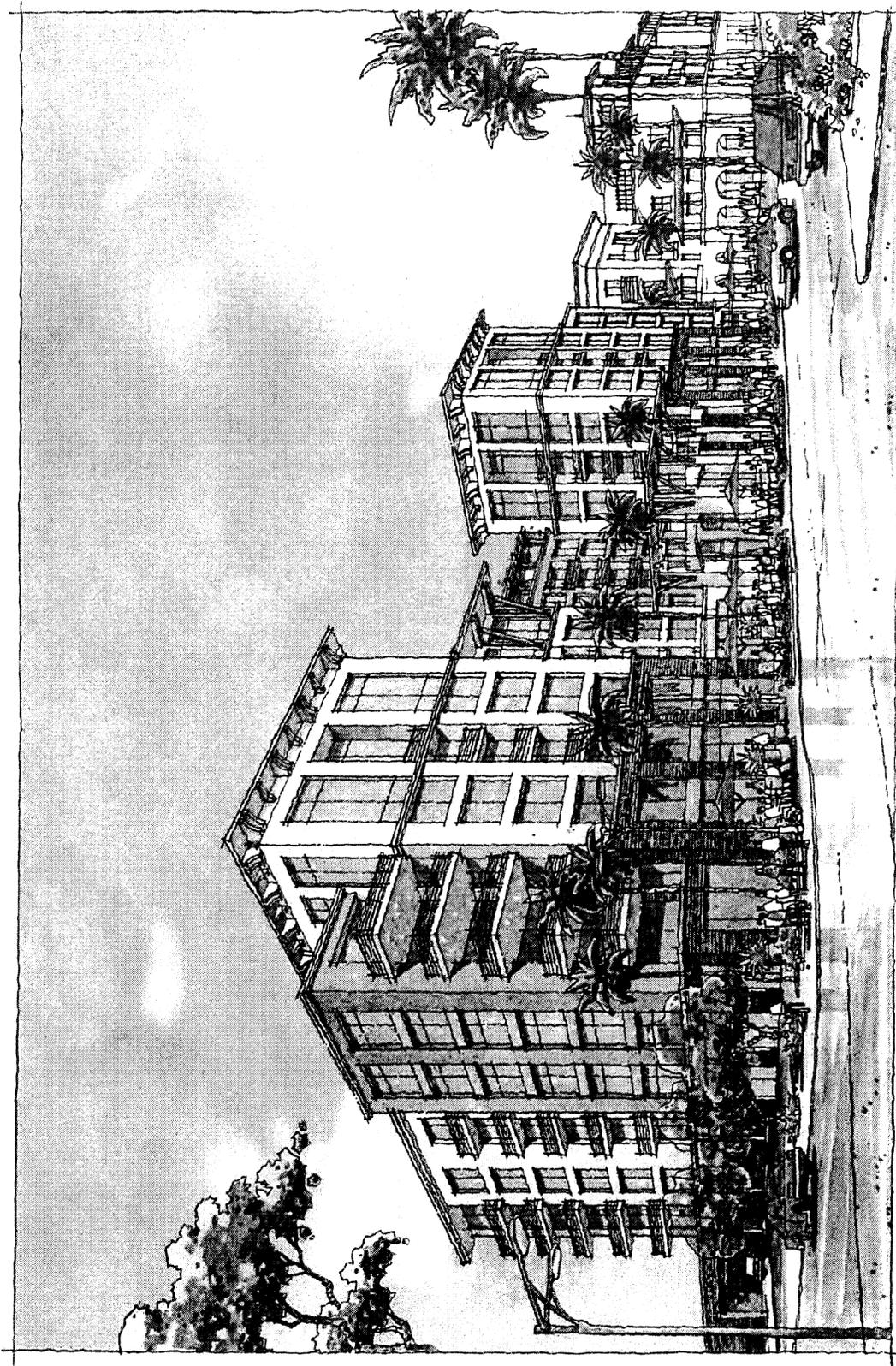




J Z M K
P A R T N E R S
ARCHITECTS
1000 AVENUE OF THE STARS
SUITE 1000
OCEANSIDE, CALIFORNIA 92054
949-439-9000

BLOCK 19
MISSION AVENUE & CLEVELAND STREET ELEVATION
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



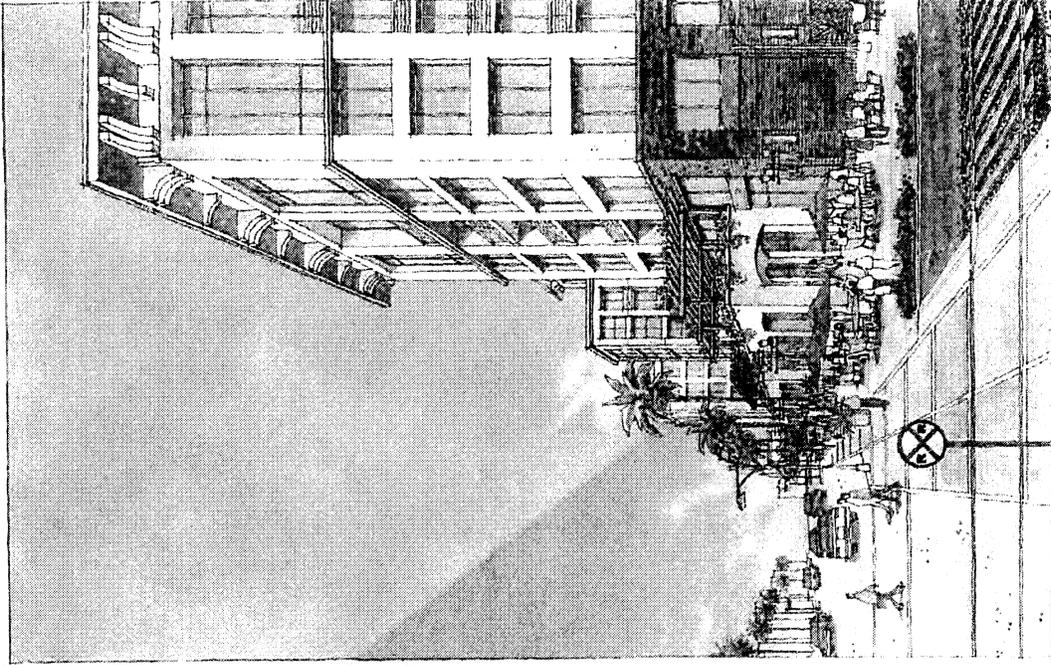


KEY MAP 2

BLOCK 19
CLEVELAND STREET & SEAGAZE DRIVE ELEVATION
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
P A R T N E R S
ARCHITECTS
1000 AVENUE OF THE STARS
SUITE 1000
OCEANSIDE, CA 92054
A-13

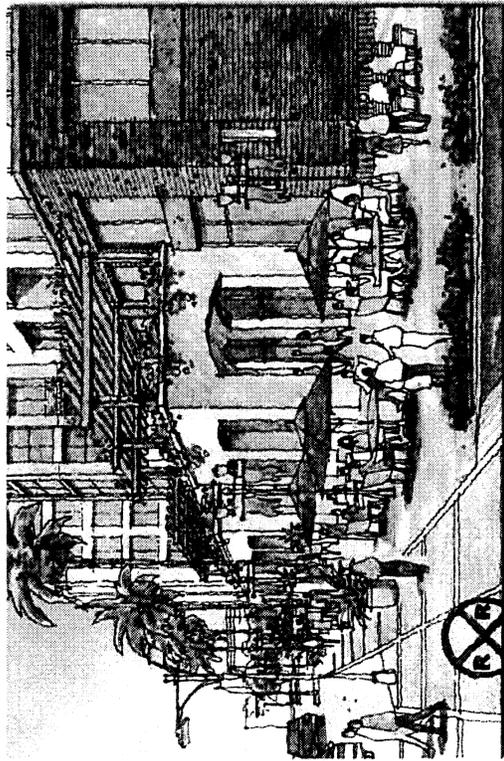


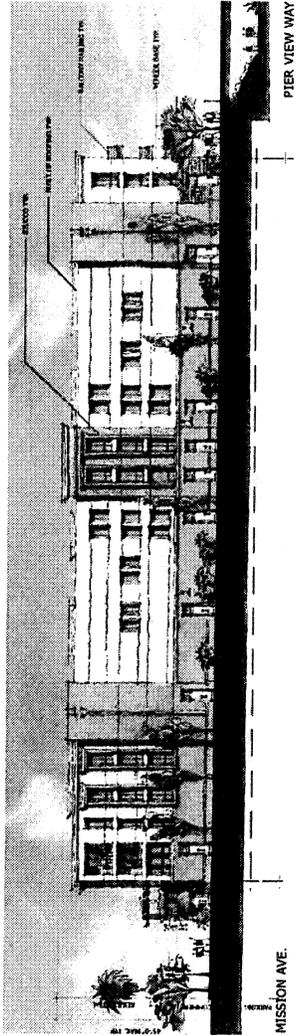
KEY MAP



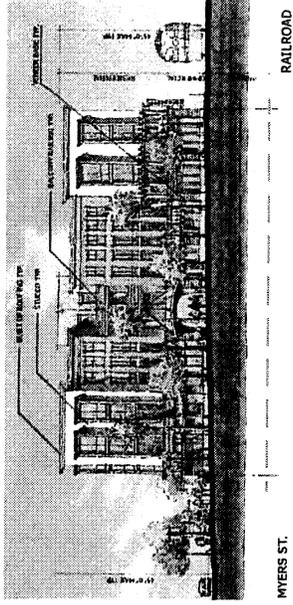
BLOCK 19
 MISSION AVENUE & NCTD RAILROAD ELEVATION
ONE MISSION AVENUE
 OCEANSIDE, CALIFORNIA

J Z M K
 PARTNERS
 ARCHITECTS
 633-2098 A-14

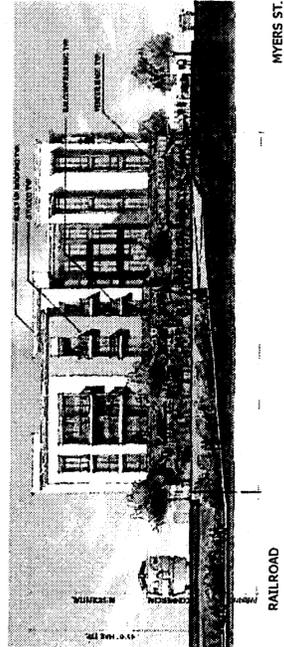




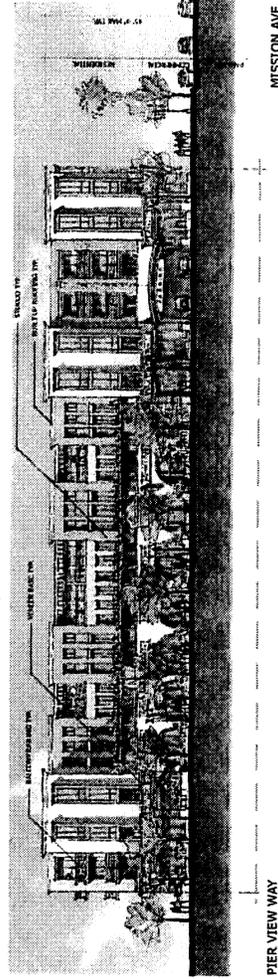
RAILROAD ELEVATION



MISSION AVENUE ELEVATION



PIERVIEW WAY ELEVATION



MYERS STREET ELEVATION

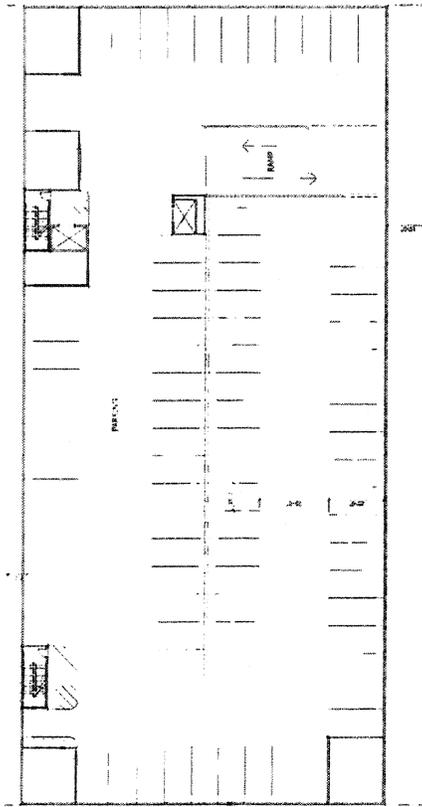
BLOCK 20



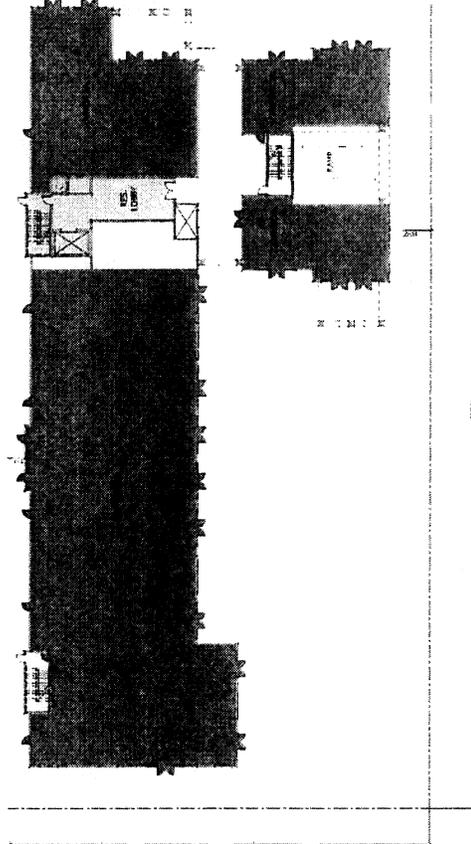
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
P A R T N E R S
ARCHITECTS
1000 AVENUE OF THE STARS
SUITE 1000
FARMINGTON, CT 06030
A-15



BASEMENT FLOOR PLAN



FIRST FLOOR PLAN

CITYMARK OCEANSIDE, LLC
01-FEB-07

INDIVIDUAL BLOCK SUMMARY

BLOCK NAME	GROSS BLOCK AREA (SF)	GROSS BUILDING AREA (SF)	RESTAURANT, BARS AND ENTERTAINMENT (SF)	MISC. RETAIL (SF)	TOTAL COMMERCIAL AREA (SF)	1 BR UNITS	2 BR UNITS	3 BR UNITS	TOTAL RESIDENTIAL (UNITS)	AVERAGE UNIT AREA (SF)	TOTAL RESIDENTIAL UNIT AREA (SF)
BLOCK 20:	44,350	75,190	8,109	9,533	17,742	4	38	10	32	1,498	47,920

COLOR LEGEND

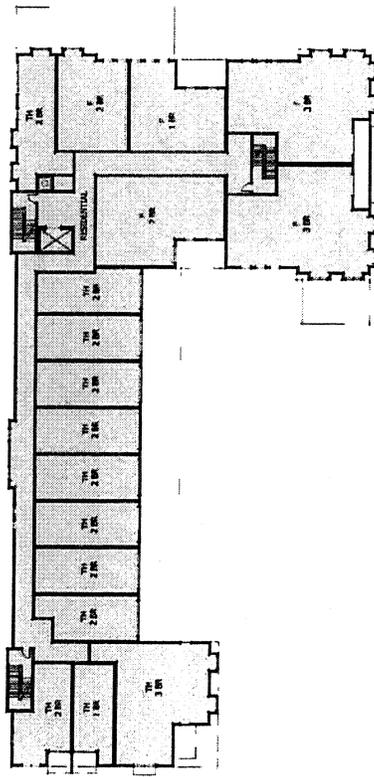
[Pattern]	RESIDENTIAL
[Pattern]	COMMERCIAL
[Pattern]	HOTEL



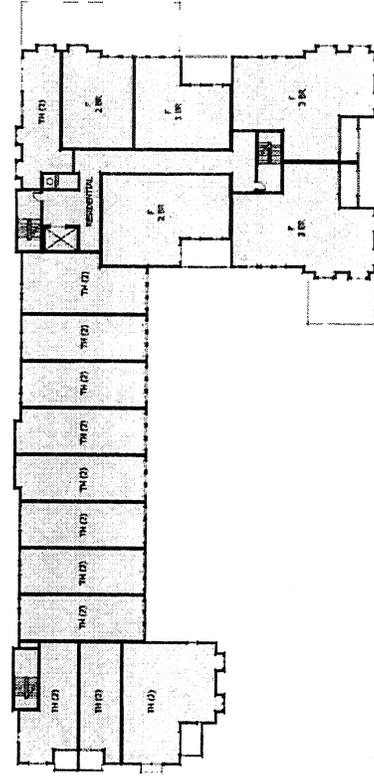
BLOCK 20
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
PARTNERS
11.2.1988
A-16



SECOND FLOOR PLAN

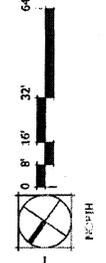


THIRD FLOOR PLAN

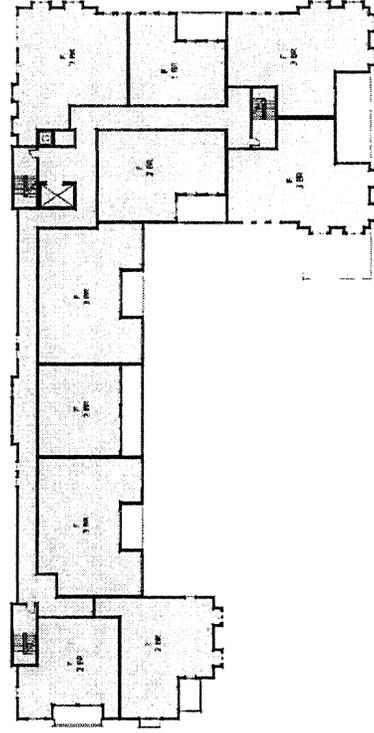


BLOCK 20

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
PARTNERS
ARCHITECTS PLANNERS ENGINEERS
1111 AVENUE OF THE STARS
SUITE 200
OCEANSIDE, CA 92054
A-17



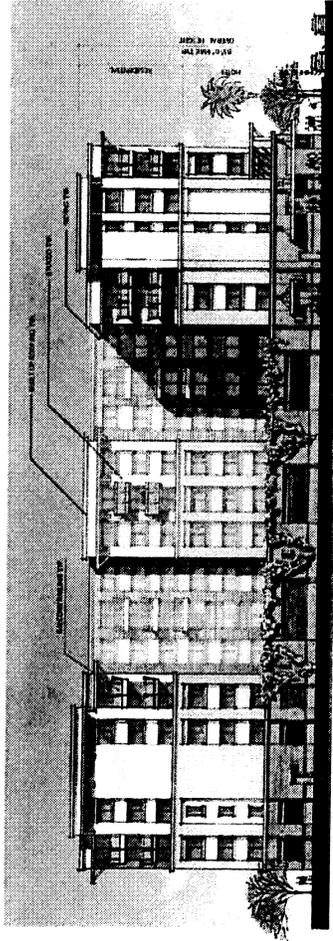
FOURTH FLOOR PLAN

BLOCK 20

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



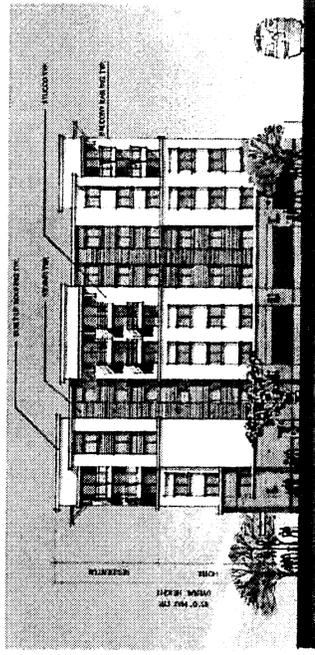
J Z M K
PARTNERS
ARCHITECTS
1025
737-788
A-18



SEA GAZE DR.

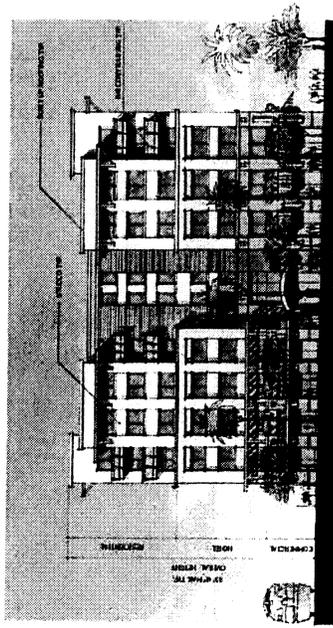
RAILROAD ELEVATION

MISSION AVE.



MYERS ST.

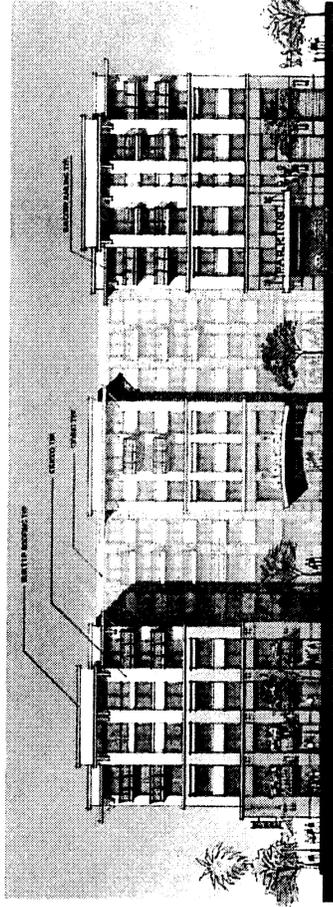
SEAGAZE ELEVATION



RAILROAD

MISSION AVENUE ELEVATION

MYERS ST.



MISSION AVE.

MYERS STREET ELEVATION

SEAGAZE

BLOCK 21

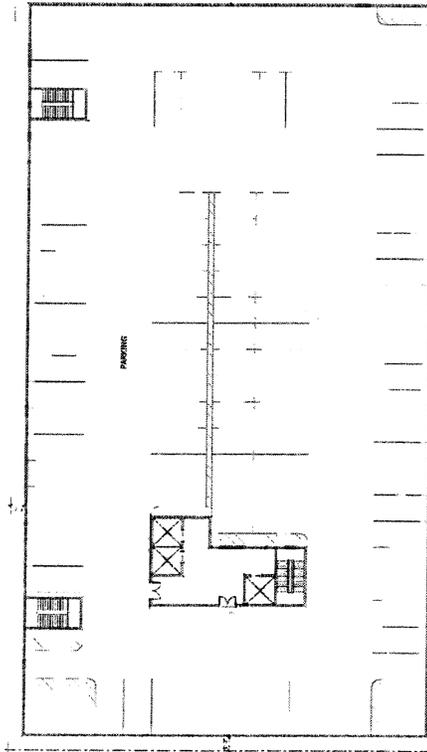


ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

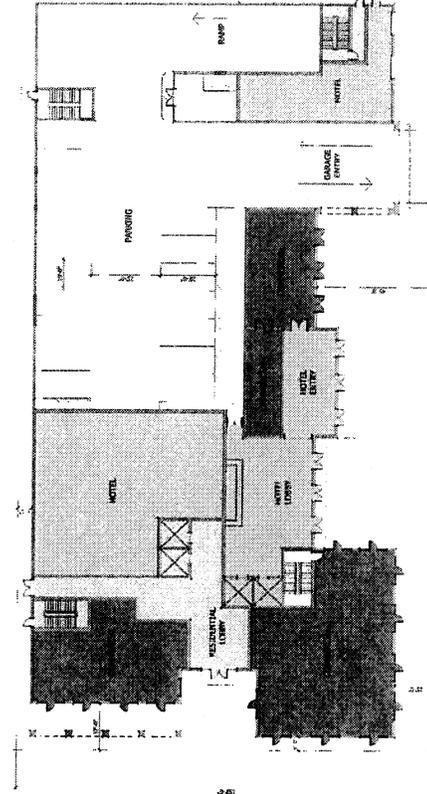


J Z M K
PARTNERS
ARCHITECTS
1000 WEST 10TH AVENUE, SUITE 100
DENVER, CO 80202
303.733.8888

A-19



BASEMENT LEVELS 1-3 FLOOR PLAN



FIRST FLOOR PLAN

CITYMARK OCEANSIDE, LLC
01-19-2018

BLOCK NAME	GROSS BLOCK AREA (SF)	GROSS BUILDING AREA (SF)	RESTAURANT (SF)	MISC. RETAIL (SF)	INDIVIDUAL BLOCK SUMMARY			TOTAL RESIDENTIAL UNIT AREA (SF)	HOTEL (UNITS)		
					TOTAL COMMERCIAL AREA (SF)	3 BR. UNITS	1 BR. UNITS				
BLOCK 21	44,345	173,559	3,171	10,011	13,182	27	12	39	1,600	62,414	124

COLOR LEGEND
 - RESIDENTIAL
 - COMMERCIAL
 - HOTEL

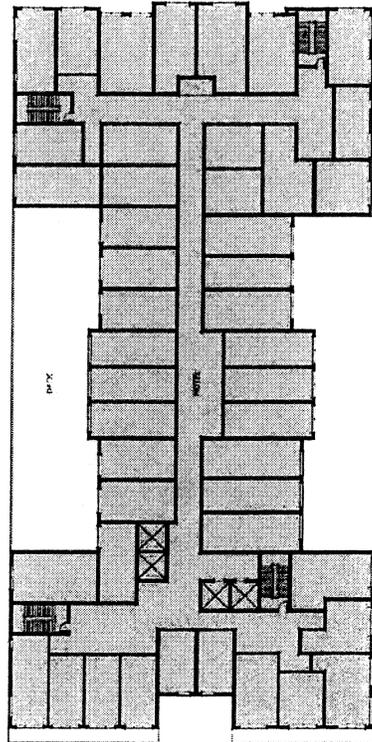


BLOCK 21

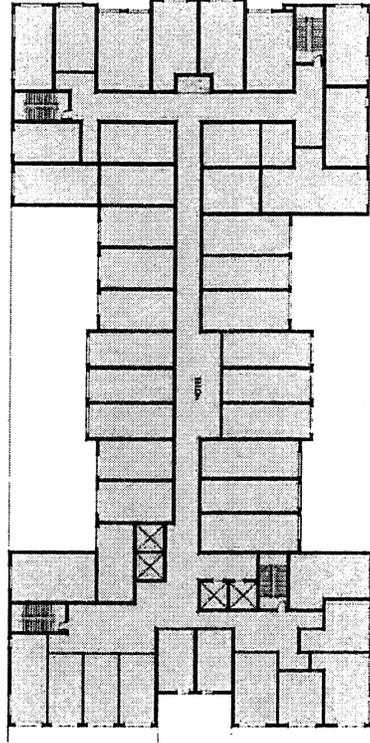
ONE MISSION AVENUE
 OCEANSIDE, CALIFORNIA



J Z M K
 PARTNERS
 ARCHITECTURE INTERIORS LANDSCAPE
 1770888
A-20



SECOND FLOOR PLAN



THIRD-FOURTH FLOOR PLAN

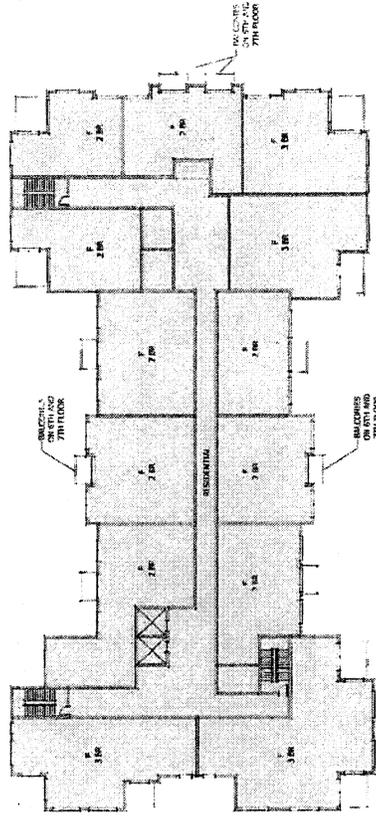


BLOCK 21

ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



J Z M K
P A R T N E R S
ARCHITECTS
1225
11/13/2008
A-21



FIFTH-SEVENTH FLOOR PLAN

- COLOR LEGEND
- RESIDENTIAL
 - COMMERCIAL
 - HOTEL

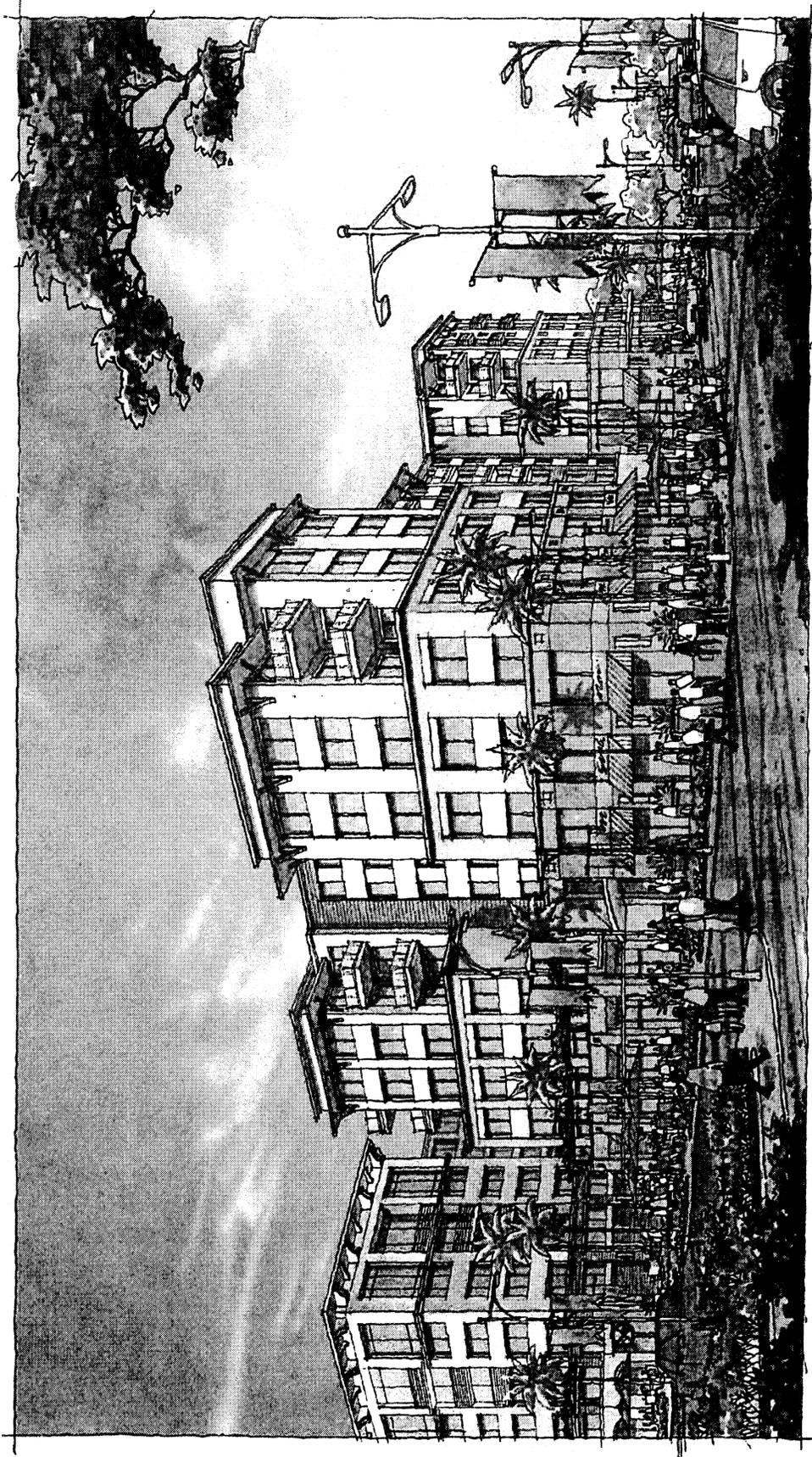
BLOCK 21

J Z M K
P A R T N E R S
ARCHITECTS PLANNERS ENGINEERS
10500
03-28-2008 A-22



ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA



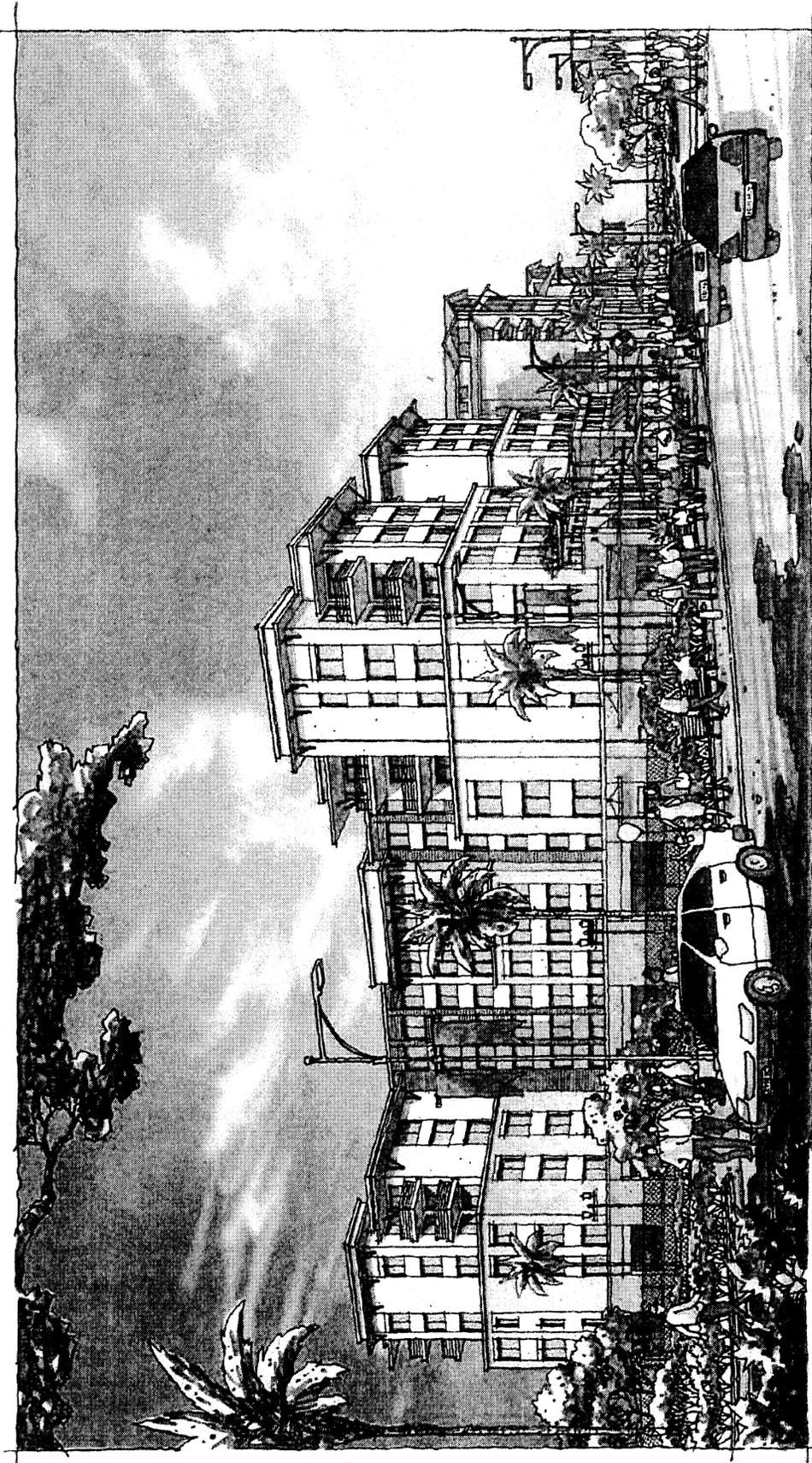


KEY MAP

J Z M K
P A R T N E R S
A-23

BLOCK 21
MISSION AVENUE & MYERS STREET ELEVATION
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA





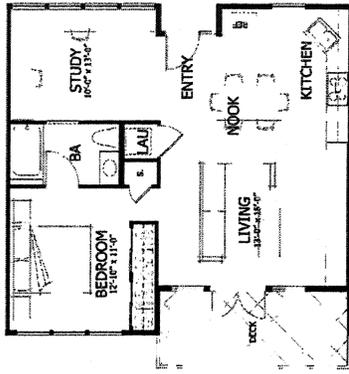
KEY MAP



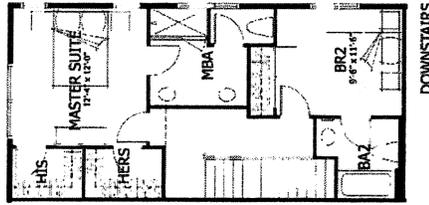
J Z M K
PARTNERS
ARCHITECTS
10000
A-24

BLOCK 21
MISSION AVENUE & NCTD RAILROAD ELEVATION
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

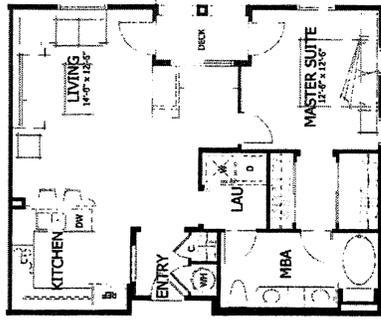
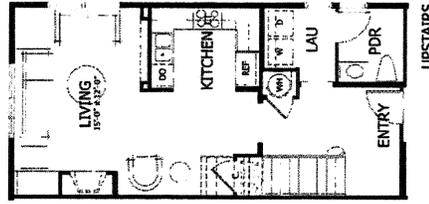




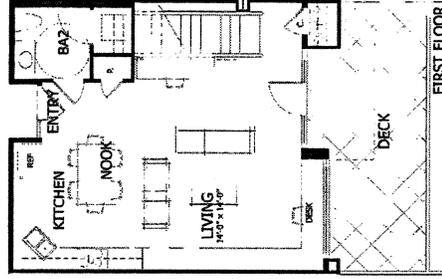
TYPICAL CORNER FLAT
1-2 BR
AVERAGE UNIT AREA: 1310 SF - 1450 SF



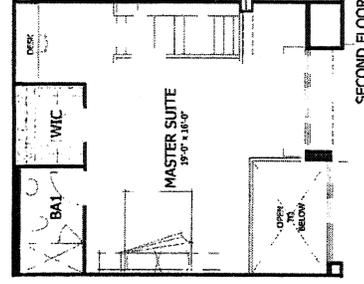
TYPICAL CORNER TOWNHOME
2-3 BR
AVERAGE UNIT AREA: 1450 SF - 1545 SF



TYPICAL FLAT
1-2 BR
AVERAGE UNIT AREA: 1310 SF - 1450 SF



TYPICAL TOWNHOME
1-3 BR
AVERAGE UNIT AREA: 1400 SF - 1545 SF



TYPICAL UNIT PLANS
ONE MISSION AVENUE
OCEANSIDE, CALIFORNIA

1 RESOLUTION NO. 08-

2 A RESOLUTION OF THE COMMUNITY DEVELOPMENT
3 COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA
4 CERTIFYING THE FINAL ENVIRONMENTAL IMPACT
5 REPORT FOR THE CITYMARK PROJECT AND ADOPTION
6 OF A MITIGATION, MONITORING AND REPORTING
7 PROGRAM, FINDINGS AND STATEMENT OF OVERRIDING
8 CONSIDERATION

9 (APPLICANT: CITYMARK)

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

13 WHEREAS, on May 14, 2008, the Community Development Commission held
14 its duly noticed public hearing, considered the content of the FEIR and Mitigation,
15 Monitoring and Reporting Program (MMRP);

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

18 **For the Final Environmental Impact Report:**

- 19 1. The FEIR and MMRP were completed in compliance with the provisions of
20 the California Environmental Quality Act (CEQA).
- 21 2. There are certain significant environmental impacts detailed in the City Mark
22 Project final EIR as identified in the Findings Regarding the Environmental
23 Impact Report for the Proposed Citymark Development Project (Exhibit "A").
24 Such environmentally significant impacts have been mitigated by changes or
25 alterations incorporated into the project which avoid or substantially lessen the
26 significant environmental effects. These measures are detailed in Exhibit A
27 attached hereto.
- 28 3. Pursuant to CEQA guidelines section 15091, in order to ensure the identified
impacts are mitigated to a level less than significant, a Mitigation Monitoring
and Reporting Program has been prepared, will be adopted and is attached as
Exhibit "C".

- 1 4. There are certain significant and unavoidable environmental impacts
2 associated with the project in the areas of climate change, land use, and traffic,
3 circulation and parking for which mitigation is infeasible. However, such
4 impacts are offset by the significant economic and social benefits of the
5 project, including enhanced redevelopment opportunities, increased visitor
6 accommodations, commercial opportunities, and the creation of jobs. Such
7 benefits outweigh the unavoidable adverse environmental effects and are
8 detailed in the Statement of Overriding Considerations, which is attached
9 hereto as Exhibit "B".
- 10 5. The documents which constitute the record of the proceedings upon which
11 this decision is based are located in the City of Oceanside Economic and
12 Community Development Department (or Planning Department) located at
13 300 North Coast Highway, Oceanside, California.
- 14 6. The final EIR, MMRP and the Statement of Overriding Considerations were
15 presented to the Community Development Commission, and the Commission
16 reviewed and considered the information contained in these documents prior
17 to making a decision on the project.
- 18 7. The final EIR, MMRP and Statement of Overriding Considerations have been
19 determined to be accurate and adequate documents which reflect the
20 independent judgment and analysis of the Community Development
21 Commission.

22 NOW, THEREFORE, the Community Development Commission of the City of
23 Oceanside does resolve as follows:

- 24 1. The FEIR for the CityMark project IS CERTIFIED, effective as of this day.
- 25 2. Pursuant to Public Resources Code Section 21081.6 the City Community
26 Development Commission adopts the MMRP attached as Exhibit "C" and finds and
27 determines that said program is designed to ensure compliance with the mitigation
28 measures during project implementation.

1 3. Pursuant to Public Resources Code Section 21081, the Community
2 Development Commission hereby adopts the Environmental Findings attached as Exhibit
3 “A” and Statement of Overriding Considerations for the CityMark Project FEIR attached
4 as Exhibit “B”.

5 4. NOTICE is hereby given that the time within which judicial review must be
6 sought on this decision is governed by Code of Civil Procedure Section 1094.6.

7 PASSED AND ADOPTED by the Oceanside Community Development
8 Commission of the City of Oceanside this ____ day of _____ 2008 by the
9 following vote:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14
15 _____
Chairman

16 ATTEST:

17 _____
18 Secretary

19 APPROVED AS TO FORM:
20 OFFICE OF THE CITY ATTORNEY

21 by 
22 General Counsel

23
24
25
26
27
28

EXHIBIT A

FINDINGS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED CITYMARK DEVELOPMENT PROJECT

(State Clearinghouse (SCH) No. 2007011047)

I. INTRODUCTION

Pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code §§ 21000-21178.1) and the State CEQA Guidelines (14 California Code Regs., §§ 15000-15387), the City of Oceanside is the lead agency for the CityMark Development Project (project). The City prepared an environmental impact report ("EIR") for the project (SCH No. 20070011047), which analyzed the potentially significant environmental impacts of the project.

The City hereby certifies and finds that the EIR for the project has been completed in compliance with CEQA and the State CEQA Guidelines. The City further makes the following Findings, pursuant to State CEQA Guidelines § 15091: the EIR concluded that the project will have significant, but mitigable, environmental impacts in the following areas: aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, paleontological resources, and traffic, circulation and parking. In addition, the project will have significant and unavoidable environmental impacts associated with climate change, land use, and traffic, circulation and parking.

II. PROJECT DESCRIPTION AND PURPOSE

The proposed project is a five-block, mixed-use development in the City of Oceanside. It includes Blocks 5, 18, 19, 20 and 21 of the City's downtown Nine-Block Pier Area Master Plan (approved in 2000). The 5.36-acre project site is located east of Myers Street, and bound by Civic Center Drive to the north, Seagaze Drive to the south, and Cleveland Street to the east. The NCTD railroad corridor bisects the project site, and is located east of Blocks 5, 20 and 21 and west of Blocks 18 and 19. The Pacific Ocean is located approximately two blocks west of the project site. The Oceanside Transit Center rail station is located immediately southeast of Block 19, at 195 S. Tremont Street.

The objectives of the proposed project are listed below.

1. Redevelop five blocks located within the City of Oceanside's Downtown Redevelopment Area with 231 residential units and 48,000 square feet (SF) of commercial land uses that includes on-site parking.
2. Design and implement a development that is consistent with the City's downtown Nine-Block Pier Area Master Plan and adopted Local Coastal Program.
3. Promote the long-term viability and transformation of the Redevelopment Project Area.
4. Enhance the aesthetics of the D Downtown District through a distinctive project design.
5. Protect view corridors and provide uses consistent with Oceanside's Local Coastal Program.
6. Provide pedestrian connectivity along Mission Avenue and the surrounding streets.
7. Maximize the use of alternative forms of transportation, specifically trains and buses, due to the project's close proximity to the Oceanside Transit Center and Interstate 5.

8. Provide 124 hotel units consistent with the Nine Block Pier Area Master Plan.
9. Maximize housing opportunities near mass transit while remaining consistent with Nine-Block Pier Area Master Plan.
10. Create job opportunities through the provision of commercial/retail uses in order to maximize economic benefits to the local community.

Block 5 is bound by Civic Center Drive to the north, Pier View Way to the south, N. Myers Street to the west, and the NCTD railroad corridor to the east. Block 5 is approximately 1.05-acres and would include 36 residential units and approximately 1,602 SF of commercial/retail space. The 36 residential units will be a mix of one, two, and three bedroom units averaging 1,327 SF. Parking for both the residential and commercial components (65 spaces) would be provided within an underground parking garage (8 of the spaces would be uncovered). The Beach Cottage architectural style, which is described as quaint with lap siding, will be applied to Block 5.

Block 18 is bound by Pier View Way to the north, Mission Avenue to the south, the NCTD rail line to the west, and Cleveland Street to the east. Block 18 is approximately 1.13-acres and would include 40 residential units and approximately 9,665 SF of commercial/retail space. The 40 residential units would be a mix of one, two, two + den, and three bedroom units averaging 1,457 SF. Parking for both the residential and commercial components (132 spaces total) would be provided within an at-grade and underground parking garage. Block 18 would utilize the Spanish Mission architectural style, which consists of plaster finish, simple detailing, and arches.

Block 19 is bound by Mission Avenue to the north, Seagaze Drive to the south, the NCTD railroad corridor to the west, and Cleveland Street to the east. This block is approximately 1.14-acres and would include 84 residential units and approximately 14,199 SF of commercial/retail space. The 84 residential units would be a mix of one, two, and three bedroom units averaging 1,512 SF. Parking for both the residential and commercial components (251 spaces) would be provided within an underground parking garage. A traditional architectural style would be applied to Block 19 consisting of an articulated roof line, and detailing for a clear base, middle, and top of the structure. The building has been separated into different masses which create a village feel from street level.

Block 20 is bound by Pier View Way to the north, Mission Avenue to the south, Myers Street to the west, and the NCTD rail line to the east. This block is approximately 1.02-acres and would include 32 residential units and approximately 15,057 SF of commercial/retail space. The 32 residential units would be a mix of one, two, and three bedroom units averaging 1,310 SF. Parking for both the residential and commercial components (130 spaces) would be provided within an underground parking garage. Block 20 architectural style would utilize the Traditional American Hybrid, which takes elements from traditional and contemporary architectural styles with simpler, eclectic designs.

Block 21 is bound by Mission Avenue to the north, Seagaze Drive to the south, Myers Street to the west and the NCTD rail line to the east. This block is 1.02-acres and would include 39 residential units, approximately 9,035 SF of commercial/retail space, and 124 hotel rooms. The 39 residential units will be a mix of two and three bedroom units averaging 1,475 SF. Block 21 would also provide 278 parking spaces for both the residential and commercial components within and underground parking garage. Block 21 also utilizes a Contemporary architectural style similar to that used for Block 19 described above.

Utilities Improvements

Utility improvements for the proposed project would consist of the installation of a joint dry utility trench and associated concrete pads, vaults, cabling, and electric equipment to accommodate the gas, electric, telephone, and cable TV requirements for the proposed development. Existing overhead utility lines would also be undergrounded.

Off-Site Improvements

Off-site improvements for the proposed project would consist of new curbs, gutters, and sidewalks on Mission Avenue, Cleveland Avenue, and Seagaze Drive. The Myers Street sidewalk will also be redone by the proposed project; however, the new curb, gutter and pavement will be completed by the City of Oceanside. Improvements adjacent to the project consist of street lights, trees, curb ramps, driveways, a vehicular looped drop-off driveway from Myers Street, and a traffic signal at the intersection of Mission Avenue and Myers Street. In addition, improvements will be made on each block to wet and dry utility connections.

Site Access

The project site is bordered by Myers Street, S. Cleveland Street, Seagaze Drive and Civic Center Drive. Myers Street, S. Cleveland Street and Seagaze Drive provide one lane in each direction. The posted speed limit on Myers Street and Seagaze Drive is 25 MPH. Civic Center Drive provides one lane each way to the north of the project site, and becomes a westbound one way street east of Pacific Street. Mission Avenue and the Pier View Way underpass cross through the project site, in an east/west direction and the NCTD railroad crosses through the project site in a north/south direction. Mission Avenue is a major arterial and provides two lanes in each direction. The posted speed limit on Mission Avenue is 35 MPH.

Garage access is provided at driveway entries. On Block 5, one driveway cut for the subterranean garage is proposed on the northern end of the block along Myers Street. On Block 18, one driveway cut for the subterranean garage is proposed mid-block along Cleveland Street. On Block 19, a vehicular drop off loop is proposed on Seagaze Drive that includes entry to the underground parking facility. On Block 20, one driveway cut for the subterranean garage is proposed on the south end of the block along Myers Street. On Block 21, two driveway cuts are proposed mid-block on Myers Street. One is a vehicular drop off loop for hotel lobby access and the second provides access to the subterranean garage.

Parking

On Site: Parking on the project site would be provided in at-grade and subterranean garages located under each block. A total of approximately 435,580 SF of parking area would be developed, providing up to approximately 856 total parking spaces on site. Block 5 has one level of subterranean parking and at-grade parking totaling 65 parking spaces. Block 18 would provide one subterranean parking level with 132 parking spaces. Block 19 would provide three subterranean parking levels with a total of 251 parking spaces. Block 20 would provide two subterranean parking levels with a total of 130 parking spaces, and Block 21 would provide three subterranean parking levels with a total of 278 parking spaces. At grade parking would be available on all blocks except for Block 20. See Section 4.13, Traffic, Circulation and Parking, for an additional discussion of project parking requirements.

Off Site: The City of Oceanside provides metered parking and pay parking lots to the public for beach and park use. In addition, a 450-space parking structure is provided for NCTD passengers at the intersection of Cleveland Street and Seagaze Drive. The project would result in a loss of 148 public parking spaces on or surrounding the project site. According to the Local Coastal Plan (LCP), street parking and the public parking lots west of the NCTD railroad tracks are considered public beach parking and must be replaced on a one-to-one basis for any parking spaces lost west of the railroad tracks. Consistency with the LCP policy would require the project to provide a one-to-one replacement of the

148 public parking spaces. The 148 parking spaces would be provided in a future City-owned and operated off-site public parking lot located between Tyson Street and Wisconsin Avenue.

Discretionary Actions

The CityMark Development project would require the following discretionary approvals from the City of Oceanside:

- Certification of the EIR and adoption of CEQA Findings, Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.
- Tentative Map to allow the subdivision of on-site properties and establish requirements for necessary infrastructure and off-site improvements.
- Mixed-Use Development Plan for a combined commercial and residential development “to provide flexibility in land use regulations and site development standards” in accordance with subsections (N) and (KK) of the D Downtown District Additional Development Regulations.
- Conditional Use Permit to increase residential densities from 33 dwelling units per acre (DUA), for developments with underground parking, to 43 DUA; and to increase building heights from 35 feet to 60 feet on residential Blocks 5, 18, and 20, from 45 feet to 140 feet for the hotel/retail Blocks 19 and 21.
- Coastal Development Permit for all proposed development actions to allow development within the Coastal Zone.
- Any other necessary approvals.

In addition, the following approvals would be required from Responsible or Trustee Agencies:

- National Pollutant Discharge Elimination System (NPDES) Construction Activities Storm Water General Permit by the State Water Resources Control Board (SWRCB).
- Any other necessary approvals.

III. FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the EIR in the following categories: aesthetics, air quality, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, noise, paleontological resources, and traffic, circulation and parking.

A. Aesthetics

Potential Impact: Would the project create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?

Finding: The proposed CityMark Development project would create a new source of light from the illumination of five new multi-story residential buildings on five City blocks at night. However, the project is not anticipated to result in a new source of glare because it would not use reflective building materials.

Facts in support of Finding: The proposed project would be required to meet the lighting regulations outlined in Chapter 39, Light Pollution Regulations, in the City of Oceanside City Code of Ordinances and the D Downtown District regulations regarding above-standard design requirements. To ensure that the new sources of light from the proposed project would not affect nighttime views, various light standards, refractors, automatic cutoff policies and horizontal lumens would be used to reduce light impacts associated with the proposed project to below a level of significance.

Mitigation Measure:

Aes-1 Prior to the issuance of a Certificate of Occupancy, the project applicant shall install refractors, automatic cutoffs, and horizontal lumens as part of the lighting plan for each building.

Level of Significance After Mitigation: Less than significant

B. Air Quality

Potential Impact: Would the project violate an air quality standard or contribute substantially to an existing or projected air quality violation including pollutant emissions for which the region is in federal or state nonattainment?

Finding: The proposed CityMark Development project, in combination with the proposed Oceanside Beach Resort project, would have the potential to result in the exceedance of screening level thresholds for criteria pollutants if both projects are constructed simultaneously.

Facts in Support of Finding: Development of the proposed CityMark Development project on its own would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Therefore, direct project impacts would be less than significant. However, if both the CityMark Development project and the proposed Oceanside Beach Resort project are constructed simultaneously, a potentially significant temporary cumulative air quality impact would occur.

Implementation of mitigation measure *Air-1* would reduce cumulative air quality impacts associated with the simultaneous construction of the CityMark Development project and the proposed Oceanside Beach Resort project to below a level of significance. Implementation of this measure would ensure that the combined emissions from both projects remain below the screening level thresholds identified by the San Diego Air Pollution Control District for criteria pollutants. To further reduce air emissions, air quality Best Management Practices (BMPs) and a Construction Management Plan would be implemented during construction and an Operations Management Plan would be implemented post-construction.

Mitigation Measure:

Air-1 If the CityMark Development project and the Oceanside Beach Resort project are constructed at the same time, an air emissions construction plan shall be prepared by a qualified air quality specialist and approved by the City Planning Department to ensure that the number of construction vehicles and equipment used simultaneously would not exceed the allowable significance threshold for any criteria pollutant, as established by the San Diego Air Pollution Control District. The air emissions construction plan shall identify the maximum number of construction vehicles and equipment and the hours per day that they would be allowed to operate at each site.

Level of Significance After Mitigation: Less than significant.

C. Cultural Resources

Potential Impact: Would the project cause a substantial adverse change in the significance of an archaeological resource; or cause a substantial adverse change in the significance of a historical resource?

Findings:

Prehistoric Archaeological Resources: There is some potential for remnants of prehistoric activities to be located within the development area. Prehistoric features and artifacts have been noted nearby, though not in large quantities. The project site's proximity to the ocean may have made it an attractive area for Native American activities. It is possible that there were temporary camp sites in the vicinity of the project site. Therefore, the potential exists for prehistoric archaeological resources to be present on the project site.

Historic Archaeological Resources: The proposed project would have the potential to impact significant Historic Archaeological Resources located on Blocks 5, 18, and 19. A discussion of the potential for historical archaeological resources on each of these blocks is provided below.

Block 5. Block 5 contained only a handful of structures between 1883 and 1950. The buildings with the most longevity on this block were the bottling plant and an associated dwelling, which lasted from the 1920s through the 1930s. Both the soda bottling plant and the dwelling have the potential to yield archaeological features which could provide further information beyond what is available from the archival sources. Construction of the proposed project would have the potential to significantly impact these resources during grading and excavation activities.

Block 18. The old railroad depot may have left some archaeological evidence, however, most of what could be left is either in the area now covered by 2nd Street or it was destroyed when the new depot was built in roughly the same location in 1946. However, the foundation remains of the Fire Bell Tower and Hose Cart House would be potentially significant due to the early historic context and unique character of this structure. Construction of the proposed project would have the potential to significantly impact these resources during grading and excavation activities.

Block 19. With the construction of the new depot in 1946, much of the evidence of earlier structures on Block 19 was destroyed. There are a few exceptions to this, one of which is the dwelling located on the southeastern portion of the block from the 1920s through the 1960s. Since the area appears to have remained relatively undisturbed since that time, there is a high likelihood that historical archaeological

evidence of this dwelling still exists in that area. Construction of the proposed project would have the potential to significantly impact these resources during grading and excavation activities.

A second area of sensitivity for Block 19 is in the northwestern portion of the block. This area is considered to be sensitive due to the presence of railroad buildings, including a water closet and ticket office, built in the project area at the turn of the century. Since it is uncertain whether these features were disturbed by subsequent construction of the 1946 depot, this area has been identified as having potential for containing significant archaeological features. Construction of the proposed project would have the potential to significantly impact these resources during grading and excavation activities.

Facts in Support of Findings: Site grading and excavation for the proposed project may disturb privies and trash pits associated with the historic uses of the site, resulting in a significant impact to archaeological resources. The following mitigation measures would reduce potential impacts to archaeological resources to below a level of significance:

Mitigation Measures:

Cul-1 Prior to the issuance of a grading permit, the applicant shall provide evidence of a full-time archaeological and Native American monitoring program during removal of all existing landscape and hardscape, including the initial stages of site grading or excavation within native soils per the following requirements:

- a. Prior to the issuance of a building and/or grading permit, the applicant shall provide a letter of verification to the Oceanside Planning Department stating that a qualified archaeologist and Native American monitor have been retained to implement the monitoring program. The requirement for archaeological monitoring shall be noted on the grading plans. All persons involved in the archaeological monitoring of this development shall be approved by the Planning Department prior to the first preconstruction meeting. The applicant shall notify the Planning Department of the start and end of construction.
- b. The qualified archaeologist and Native American monitor shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological monitoring program with the construction manager.
- c. The qualified archaeologist and Native American monitor shall be present on site at all times during grading of native soils.
- d. When requested by the archaeologist or Native American monitor, the contractor shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow evaluation of potentially significant archaeological and/or Native American resources. The archaeologist or Native American monitor shall immediately notify the Planning Department of such finding at the time of discovery. The significance of the discovered resource(s) shall be determined by the archaeologist or Native American monitor, in consultation with the Planning Department and the Native American community. The Planning Department must concur with the evaluation procedures before grading activities are allowed to resume. For potentially significant historical resources discovered during site development, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial. In

addition, the discovery of any human remains shall be handled in accordance with the requirements outlined in Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e).

- e. All historical materials collected shall be cleaned, cataloged, and curated with an institution meeting the standards of *Guidelines for the Curation of Archaeological Collections*, dated May 7, 1993, by the State Historical Resources Commission. The applicant may, with cooperation of the project archaeologist and curation institution, provide displays or exhibits at the project site. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to the South Coastal Information Center at San Diego State University and the San Diego Museum of Man with the final monitoring results report.
- f. Prior to the release of the grading bond, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the entire archaeological and Native American monitoring program (with appropriate graphics and photo documentation), and evidence of curation of the archaeological collections, shall be submitted to and approved by the Planning Department. For significant archaeological and Native American resources, a Research, Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant resources, if required, shall be submitted to and approved by the Planning Department prior to the release of the grading bond.

Cul-2 During project construction, the construction contractor shall implement proper security measures, such as locked fencing, patrols, and covering of exposed archaeological features, to the satisfaction of the City enforcement officer. Security measures shall be put into place during the initial construction phases of the project to protect the well-known historical areas from trespassers who are frequently known to loot sites prior to or during treatment by professional archaeologists and/or culturally affiliated Native Americans.

Level of Significance After Mitigation: Less than significant.

D. Geology and Soils

Potential Impact: Would the project expose people or structures to geologic hazards, including rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction and/or landslides?

Findings:

Although, implementation of the proposed project would not result in exposing people or property to geologic hazards including fault rupture, ground shaking, liquefaction, or landslides, the proposed project would have a potentially significant impact on geologic resources from grading and excavation of the project site for subterranean parking. Impacts would be potentially significant.

Facts in Support of Finding:

While the potential for geologic impacts exist, no significant geotechnical constraints, such as earthquake faults, strong seismic ground shaking, or seismic-related ground failure, were identified that would preclude development of the site, provided that standard engineering practices are incorporated into the proposed development. The grading permit and building permit process would ensure that standard engineering practices and Uniform Building Code (UBC) and California Building Code (CBC) requirements are incorporated into the project design. However, without additional site-specific geotechnical studies, a potentially significant impact would occur.

Mitigation Measure:

Geo-1 Prior to any grading or development of the five-block project site, a further geotechnical evaluation of proposed grading and development plans shall be conducted in accordance with the California Building Code and a report provided to the Oceanside City Engineering Department. The report shall include recommendations for design of the subterranean improvements and foundation supports for proposed buildings, as required by the California Building Code. Recommendations of the geotechnical consultant and structural engineer shall be incorporated into project plans and construction methods to the satisfaction of the Oceanside City Engineer.

Level of Significance After Mitigation: Less than significant.

E. Hazards and Hazardous Materials

Potential Impact: Would the project create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials?

Finding: Implementation of the proposed project would result in a potentially significant impact associated with hazardous materials due the possibility that a historical UST exists on the project site within the eastern portion of Block 5.

Facts in Support of Finding: A Sanborn fire insurance map identified an 800-gallon underground storage tank (UST) on or near Block 5 in the late 1800s. A geophysical survey of Block 5 was conducted to find evidence of the 800-gallon UST and three anomalies indicative of subsurface features were identified. Two anomalies in the east side of Block 5 have the potential to be the 800-gallon UST. Due to uncertainty of the presence of a UST, a potentially significant impact may occur from site grading and excavation activities on the eastern side of Block 5.

Mitigation Measure:

Haz-1 During grading activities on the eastern portion of Block 5, a qualified hazardous materials monitor shall be on site to monitor the areas around the two subsurface anomalies identified on the eastern portion of this block. If remains of a buried underground storage tank are discovered, grading shall be halted in that area, the proper agencies shall be notified, and soil sampling shall be conducted as required to ensure that contamination has not occurred. Remediation shall be conducted where contamination has occurred and proper disposal of the tank shall be completed pursuant to all applicable laws and regulations.

Level of Significance After Mitigation: Less than significant.

F. Hydrology and Water Quality

Potential Impact: Would the project alter the existing drainage or hydrology of the site or area in a manner which would result in flooding; exceed the capacity of the storm water drainage system; or result in substantial erosion or siltation on or off site?

Finding: Operation of the proposed project would have the potential to result in significant direct and cumulative hydrology impacts if the necessary storm drainage improvements are not in place prior to site operation to carry runoff from the project site.

Facts in Support of Finding: Localized flooding currently occurs in the area surrounding the project site. Recognizing this situation, the City has recently approved and intends to design and construct drainage improvements to remedy the flooding problem. If the necessary drainage improvements are constructed by the City prior to operation of the CityMark Development project, then hydrology impacts associated with flooding would be less than significant. However, if the drainage improvements are not in place prior to operation of the proposed project, then a significant direct and cumulative impact associated with localized flooding would occur.

Mitigation Measure:

Hyd-1 Prior to the issuance of a certificate of occupancy, the following measures shall be implemented to serve the project site, if they have not been implemented or assured by the City. If the City does not implement the following drainage improvements, the applicant shall be responsible for implementation of these improvements and may seek a fair share reimbursement from other proposed projects in the site vicinity.

- a. Replace existing storm drain in Pacific Street with larger pipes to adequately convey the design discharges identified in the Preliminary Drainage Report for the City of Oceanside Storm Drain Maintenance and Water Quality Improvements (PDC 2005).
- b. Construct a new storm drain lateral for Pier View Way and Myers Street.
- c. Recontour Myers Street through grading to direct runoff to new curb inlets connected to the new storm drain lateral.

Level of Significance After Mitigation: Less than significant.

G. Noise

Potential Impact: Would the project expose persons to or generate noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; or result in a substantial, temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?

Findings:

Construction Noise. Project construction would not result in significant noise impacts to off-site sensitive receptors. However, if the project is constructed in phases, residents occupying earlier phases of the project may be impacted by the construction noise from later phases of the project. This would result in a potentially significant impact to on-site sensitive receptors.

Exterior and Interior Noise. Train noise along the proposed residential building facades facing the railroad tracks would result in a significant noise impact because it would exceed the City's interior and exterior noise standards for residential uses. This represents a significant noise impact.

Operational Noise. The proposed project would have the potential to result in significant impacts associated with on-site operational noise from heating, ventilation and air conditioning (HVAC) equipment combined with other background noise.

Facts in Support of Finding:

Construction Noise. If site development were to be phased, any existing tenants of an already completed phase could be subject to construction noise from subsequent phases. If noise levels exceed 65 dB at outdoor usable areas, the project could result in a significant temporary construction noise impact to itself.

Exterior and Interior Noise. Based on the distance of the proposed buildings to the railroad track centerline, the noise levels at all five project buildings would exceed the 65 dB CNEL threshold for outdoor usable space. In addition, train noise would also cause the interior noise level at each building would also exceed the 45 dB CNEL threshold for interior usable space. Without implementation of noise mitigation, train-related noise would result in a significant impact at all five project buildings by exceeding the City's interior and exterior noise standards for residential uses.

Operational Noise. Potential on-site noise sources of concern include heating, ventilation, and air conditions (HVAC) equipment used for both residential and commercial applications. When combined with other background noise, project HVAC equipment could result in substantial permanent, temporary or periodic increases in ambient noise levels in the project vicinity above levels existing without the project. This could result in a potentially significant noise impact.

Mitigation Measure:

Noi-1 During project construction, the following conditions shall be implemented to the satisfaction of the City Engineer, in compliance with the City of Oceanside Noise Ordinance:

- a. Hours of construction shall be limited to 7 a.m. to 7 p.m. Monday through Friday, and on Saturday with approval by the City.
- b. Construction equipment shall be staged at least 500 feet from sensitive noise receptors, where feasible, and shall be shut down within five minutes when immediate use is not planned. This measure shall include idling trucks waiting to deliver or be loaded with materials.
- c. The areas designated for equipment maintenance, shall be located as far as practicable from existing residences and maintenance shall not be performed outside the prescribed construction hours.
- d. If temporary traffic control signs, warning signs, lighting or other similar pieces of equipment are located within 200 feet of a sensitive receptor, power shall be supplied by batteries or other means not utilizing internal combustion engines.
- e. Approved mufflers shall be used to meet the 85 dB noise limit.

- f. Discretionary scheduling of noisiest activities shall be implemented to minimize construction noise intrusion.

Noi-2 Prior to issuance of a certificate of occupancy, the following mitigation measure shall be implemented to the satisfaction of the City Engineer in order to create outdoor space that achieves 65 dB CNEL. The project applicant shall provide private noise-protected outdoor usable space in a shared common location within the proposed project site, such as the second floor decks on all blocks. The selected common area would require noise protection to ensure noise levels are below the 65 dB CNEL requirement. If second floor decks are utilized, they shall require the construction of a seven foot high parapet wall (six feet high for Block 5) along the perimeter facing the railroad tracks to achieve a noise level of 65 dB CNEL.

Noi-3 Residential and hotel units facing the railroad tracks shall require structural upgrades to achieve the required 45 dB CNEL noise criteria for habitable interior space, as required by the City's Noise Control Ordinance (1990) and the California Code of Regulations, Title 24, Part 6, Section T25-28. The maximum required attenuation shall be 31 dB for any façade within 30 feet of the tracks. Such attenuation shall be achieved with the use of dual-paned windows, and with supplemental ventilation to allow for window closure, or by other means that meet the attenuation criteria of 31 dB. Documentation of intra-unit sound and impact isolation shall be included in a final acoustical report required as part of plan check.

Noi-4 The following measure shall be made a condition of approval for all discretionary entitlements associated with the CityMark Development project:

- a. In order to minimize the perceived impact from single event noise from the train engine, horn, whistle, and bell, a statement of potential noise impacts from the railroad shall be included in purchase or rental contracts for each of the CityMark Development project residential units facing the railroad tracks for Blocks 5, 18, 19, 20 and 21. While the existence of the railroad should be obvious, and the statement would not reduce the noise, buyers and renters shall acknowledge their acceptance of the impact of regular railroad noise events that will occur.
- b. Potential operators of commercial activities on Blocks 5, 18, 19, 20, or 21 shall be advised of the requirement to comply with the City's noise ordinance. This shall be included in conditional use permits, if required by the City, and in owner-operator lease contracts.

Noi-5 A final acoustical report shall be required as part of plan check prior to issuance of any grading or building permits for the project. This final report shall demonstrate verification of compliance with the City's noise requirements, as well as documentation of intra-unit sound and impact isolation, as required by the City's Noise Control Ordinance (1990) and the California Code of Regulations, Title 24, Part 6, Section T25-28. Final noise mitigation design shall also be included in the final acoustical report, including mitigation to ensure that HVAC equipment does not exceed the City's Noise Ordinance requirements when combined with other background noise.

Level of Significance After Mitigation: Less than significant.

H. Paleontological Resources

Potential Impact: Would the proposed project directly or indirectly destroy a unique paleontological resource?

Finding: The proposed project would have a potentially significant impact on paleontological resources located within the on-site geologic formations.

Facts in Support of Finding: Conceptual grading for the CityMark Development project site would result in the excavation of approximately 188,000 cubic yards of material. This excavation is necessary for construction of the subterranean parking areas proposed on each block. Construction activity may destroy fossil resources contained in the Bay Point and San Onofre Breccia Formations. The San Onofre Breccia Formation has a moderate paleontological resource potential and the Bay Point Formation has a high paleontological resource potential. Therefore, excavation activities associated with the proposed project would have a potentially significant impact on paleontological resources located within the on-site geologic formations.

Mitigation Measure:

Pal-1 The applicant shall provide a full-time paleontological monitoring program during all soil excavation per the following requirements:

- a. Prior to issuance of a building and/or grading permit, the applicant shall provide a letter of verification to the City of Oceanside Planning Department stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plan. All persons involved in the paleontological monitoring of the project shall be approved by the Planning Department prior to the start of monitoring. The applicant shall notify the Planning Department of the start and end of construction.
- b. The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with the Planning Department, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.
- c. When requested by the paleontologist, the City Engineer shall direct that construction activities in the area of discovery be diverted, directed, or temporarily halted to allow recovery of fossil remains. The paleontologist shall immediately notify the Planning Department of such finding at the time of discovery. The Planning Department shall approve salvaging procedures to be performed before construction activities are allowed to resume.
- d. The paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.
- e. Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Planning Department and a copy provided to the San Diego Natural History Museum.

Level of Significance After Mitigation: Less than significant.

I. Traffic

Potential Impact: Would the project generate an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system; exceed, either individually or cumulatively, a level of service standard established for designated roadways; substantially increase hazards due to a design feature or incompatible uses; or result in inadequate emergency access?

Finding:

Operational Impacts

The proposed project would result in significant impacts to area roadway segment operations under existing, near-term, and long-term conditions. In addition, the project would result in significant impacts to area intersection operations under existing and long-term (2020) conditions. The specific impacted roadway segments and intersections are listed below.

Roadway Segments

- Mission Avenue: Horne Street to I-5 (LOS E)
- Coast Highway: Surf rider Way to Pier View Way (LOS F)
- Coast Highway: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Mission Avenue to Tyson Street (LOS F)
- Myers Street: Mission Avenue to Seagaze Drive (LOS F)

Intersections

- Mission Avenue/Clementine Drive (LOS E)
- Mission Avenue/Myers Street (LOS F during PM peak hour)
- Mission Avenue/Horne Street (LOS E during PM peak hour)

Vehicular and Pedestrian Access

The proposed project would result in a significant increase in hazards due to inadequate vehicular and pedestrian access.

Emergency Access

The proposed project would have the potential to result in temporary partial street closures or limited street access which would result in inadequate emergency access during construction of the proposed project.

Facts in Support of Finding:

Operational Impacts

Existing Condition Plus Project Analysis. The following five roadway segments would operate at LOS E or F and have an increase in the V/C ratio of 0.02 or greater:

- Mission Avenue: Horne Street to I-5 (LOS E)
- Coast Highway: Surf rider Way to Pier View Way (LOS E)
- Coast Highway: Pier View Way to Mission Avenue (LOS E)
- Pacific Street: Pier View Way to Mission Avenue (LOS E)
- Pacific Street: Mission Avenue to Tyson Avenue (LOS F)

All of these segments would result in a significant impact because they would operate an unacceptable LOS E or F and increase the V/C ratio by 0.02 seconds or more. The additional project-related traffic on these segments would result in a direct significant impact.

With the addition of project traffic, the Mission Avenue/Clementine Drive intersection would operate at LOS E during the PM peak hour. Project-related traffic would increase the delay at this intersection by 12.7 seconds which exceeds the two second threshold. Therefore, the addition of project-related traffic would result in a significant impact to the Mission Avenue/Clementine Drive intersection under the existing plus project condition.

Near-Term Cumulative Plus Project Analysis. The following roadway segments would operate at LOS F and have an increase in the V/C ratio of 0.02 or greater:

- Mission Avenue: Horne Street to I-5 (LOS F)
- Coast Highway: Surfrider Way to Pier View Way (LOS F)
- Coast Highway: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Mission Avenue to Tyson Street (LOS F)
- Myers Street: Mission Avenue to Seagaze Drive (LOS F)

All of these segments would result in a significant traffic impact because they would increase the V/C ratio by 0.02 seconds or more. The additional project-related traffic on these segments would result in a cumulatively considerable contribution to a significant cumulative impact.

Long-Term (2020) Cumulative Plus Project Analysis. The following roadway segments would operate at LOS F and have an increase in the V/C ratio of 0.02 or greater:

- Mission Avenue: Horne Street to I-5 (LOS F)
- Coast Highway: Surfrider Way to Pier View Way (LOS F)
- Coast Highway: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Pier View Way to Mission Avenue (LOS F)
- Pacific Street: Mission Avenue to Tyson Avenue (LOS F)
- Myers Street: Mission Avenue to Seagaze Drive (LOS F)

The six segments bulleted above would operate at LOS F and experience an increase in V/C ratio that meets or exceeds the 0.02 V/C ratio increase significance threshold. Therefore, the addition of project-related traffic on these six segments would result in significant cumulative impacts.

The following two intersections would operate an unacceptable LOS E or worse with the addition of project-related traffic:

- Mission Avenue/Myers Street (LOS F during PM peak hour)
- Mission Avenue/Horne Street (LOS E during PM peak hour).

Both of these intersections would experience an increase in delay of more than two seconds, which exceeds the significance threshold for intersection delay. Therefore, the proposed project would result in a cumulatively considerable contribution to a potentially significant cumulative impact at both of these intersections.

In the near-term and long-term (2020) cumulative analyses, the Mission Avenue/Cleveland Street intersection is assumed to be signalized as a condition of approval for other development projects. However, if the Mission Avenue/Cleveland Street intersection is not signalized prior to proposed project operation, the proposed project would result in a potentially significant impact to this intersection.

Mitigation measures *Tra-1* through *Tra-8* have been identified to reduce impacts associated with roadway segments and intersections from operational impacts. Implementation of some mitigation measures would reduce significant impacts to below a level of significance while other mitigation measures would only partially mitigate significant impacts and, as a result are, considered to be significant and unavoidable. Mitigation measures determined to be infeasible are included in Section IV, Findings Regarding Impacts That Cannot Be Feasibly Mitigated To Below A Level Of Significance; Therefore, Impacts Remain Significant and Unavoidable.

Vehicular and Pedestrian Access

The addition of project-related traffic would significantly impact vehicle access and the flow of traffic on Myers Street and in the vicinity of the project area. In addition, the proposed construction of new curbs on several of the surrounding streets including Myers Street, Pacific Street, Pier View Way, and Mission Avenue would impact vehicle access. Further, because the exact specifications for these curbs are unknown, some pedestrian access may be inhibited and pedestrian access may be further inhibited during train crossings. Therefore, a potentially significant impact would occur to vehicular and pedestrian access.

The following mitigation measures would reduce potentially significant impacts associated with hazards due to vehicular access on Myers Street (*Tra-10*) and pedestrian access (*Tra-11*) to below a level of significance.

Emergency Access

Construction of the proposed project would occur on five city blocks. It is anticipated that project construction would not require the closure of any of the surrounding roadways. However, project construction may require periodic temporary closure of one side of Mission Avenue, Cleveland Street and/or Myers Street. The impacts associated with temporary street closures would result in significant impacts to emergency access.

The proposed project would result in temporary street closures which may result in inadequate emergency access during construction of the proposed project. Mitigation measure *Tra-12* will reduce the potentially significant impact to emergency access during construction to a less than significant level.

Mitigation Measures:

Tra-1 **Mission Avenue from Horne Street to I-5.** Five options have been identified to mitigate or partially mitigate the project impact to Mission Avenue between Horne Street and I-5. However, mitigation measures *Tra-1(2)*, *Tra-1(3)*, and *Tra-1(5)* are considered to be infeasible by the City and are discussed in Section IV, Findings Regarding Impacts That Cannot Be Feasibly Mitigated to Below a Level of Significance; Therefore, Impacts Remain Significant and Unavoidable. Mitigation measure *Tra-1(1)* is the only mitigation option that would reduce impacts along this street segment to below a level of significance.

- 1. Improve the Mission Avenue/Horne Street intersection:** This improvement would add capacity to a key intersection along the impacted roadway segment in order to mitigate the segment impact by improving traffic flow. However, another project (Belvedere) is

already conditioned to make improvements at this intersection. This improvement would fully mitigate project impacts at this intersection to below a level of significance.

2. **Improve the Mission Avenue/High School driveway/I-5 southbound off-ramp intersection:** This improvement would involve the addition of lanes at this intersection, which would require the acquisition of right-of-way from the Oceanside School District. This option would also substantially increase traffic flow on Mission Avenue. This improvement would fully mitigate project impacts at this intersection to below a level of significance.
3. **Widen Mission Avenue between Horne Street and the I-5 southbound ramps:** This improvement would add a fifth lane on Mission Avenue and would necessitate removing the newly constructed raised median within Mission Avenue. This option would fully mitigate the traffic impact to below a level of significance.
4. **Improve the existing commercial driveway between Horne Street and the High School driveway:** This improvement would provide a dedicated westbound right turn lane on Mission Avenue at the commercial driveway or improve the curb radius at the driveway. This improvement would provide only a small increase in capacity on Mission Avenue and would not fully mitigate the impact to below a level of significance.
5. **I-5/Mission Avenue Interchange Reconfiguration:** Caltrans has plans to completely reconfigure the I-5/Mission Avenue interchange as part of their I-5 widening project. There is no timetable or funding identified. This improvement would fully mitigate project impacts below a level of significance.

Tra-2

Coast Highway from Surfrider Way to Mission Avenue. The City of Oceanside Transportation Section Public Works Department has determined that the physical widening of Coast Highway is infeasible; therefore, the following alternatives have been identified to mitigate impacts to this roadway segment. However, mitigation measure ***Tra-2*** is considered to be infeasible by the City and is discussed in Section IV, Findings Regarding Impacts That Cannot Be Feasibly Mitigated to Below a Level of Significance; Therefore, Impacts Remain Significant and Unavoidable.

Alternative 1: Remove curbside parking and provide dedicated northbound and southbound left-turn lanes along with the necessary traffic signal modifications (providing a protected left-turn phase) at the Coast Highway/Pier View Way intersection. Street parking lost due to mitigation shall be replaced. This improvement, along with the improvements conditioned to be implemented by the Oceanside Pier Resort (Wyndham) project at the Coast Highway/Surfrider Way intersection, would improve traffic flow and capacity along Coast Highway, and therefore would mitigate the segment significant impact to below a level of significance. A reimbursement agreement shall be established such that future developments that benefit from these improvements contribute their fairshare.

Alternative 2: In addition to the improvements indicated in Alternative 1 above, northbound and southbound left-turn lanes shall be prohibited along the following intersections on Coast Highway in order to improve traffic flow:

- Coast Highway/Sportfisher Drive intersection.
- Coast Highway/Civic Center Drive intersection.

A reimbursement agreement shall be established such that future developments that benefit from these improvements contribute a fair share.

Alternative 3: If the improvements identified in Alternatives 1 and 2 are not implemented, the segment impact is considered to be significant and unavoidable.

Tra-3 Pacific Street from Pier View Way to Tyson Street. The project applicant shall install a southbound left-turn lane at the Mission Avenue/Pacific Street intersection, which would directly increase the capacity of the segment by improving traffic flow and capacity along Pacific Street. However, this improvement would result in a loss of curbside beach parking on Pacific Street, which is not recommended by the City. It is noteworthy that the conversion of Myers Street to a two-way street (see mitigation measure **Tra-4**) would allow a shift in southbound traffic that now utilizes Pacific Street to instead use Myers Street. This decrease in traffic on Pacific Street would also improve Pacific Street operations, but not to below a significant level. Therefore, since the provision of a southbound left turn lane at Mission Avenue/Pacific Street intersection is not recommended, impacts to this segment are considered significant and unavoidable.

This mitigation measure is discussed in Section IV, Findings Regarding Impacts That Cannot Be Feasibly Mitigated to Below a Level of Significance; Therefore, Impacts Remain Significant and Unavoidable.

Tra-4 Myers Street from Mission Avenue to Seagaze Drive. Prior to issuance of a certificate of occupancy, the project applicant shall provide full width improvements on Myers Street (a 40-foot road is planned) along the project frontage and convert Myers Street between Pier View Way and Mission Avenue to a two-way street. Improvements would include installation of a traffic signal at the Mission Avenue/Myers Street intersection to provide better access to and from the site after Myers Street is converted to a two-way street. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the Myers Street improvements have already been constructed by another project, then the CityMark Development project shall contribute its fairshare towards the improvements.

Intersections

Tra-5 Mission Avenue/Clementine Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall install a traffic signal at the Mission Avenue/Clementine Street intersection. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the traffic signal has already been constructed by another project, then the CityMark Development project shall contribute its fairshare towards the traffic signal.

Tra-6 Mission Avenue/Myers Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall install a traffic signal at the Mission Avenue/Myers Street intersection. A reimbursement agreement shall be established such that the future developments that benefit from the improvement contribute their fairshare. However, if the traffic signal has already been constructed by other projects, then the CityMark Development project shall contribute its fairshare towards the improvement.

Tra-7 Mission Avenue/Horne Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall upgrade the signal at the Mission Avenue/Horne Street intersection by widening the south leg of Horne Street to 50-feet of pavement from curb-to-curb. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the intersection has already been improved by other projects, then the CityMark Development project shall contribute its fairshare towards the improvements.

Tra-8 Mission Avenue/Cleveland Street Intersection. If the Mission Avenue/Cleveland Street intersection is not signalized prior to project operation, the project applicant shall install a traffic signal. A reimbursement agreement shall be established such that the future developments that benefit from the signal contribute their fairshare. However, if the traffic signal has already been constructed by other projects, then the CityMark Development project shall contribute its fairshare towards the signalization of this intersection.

Tra-9 Construction Impacts to Coast Highway. The project applicant shall implement the following measures during project construction when heavy trucks are hauling exported materials off site in order to partially mitigate temporary significant impacts to Coast Highway:

1. Prohibit haul trucks and crew vehicles from accessing the construction site during both AM and PM peak hours (7:00-8:00 a.m. and 4:00-6:00 p.m.).
2. Coordinate construction activities with local agencies and property owners.
3. Prepare and implement a Traffic Control Plan for construction activities in accordance with the City's requirements (see also mitigation measure *Tra-12*).

No other improvements (such as intersection improvements) are recommended, since it is not considered practical given that the impact is temporary and would only occur during the construction period. Once construction is completed, the proposed project would not have a significant impact to this roadway segment. Therefore, the construction-related traffic congestion impacts at this segment in the short-term would be significant and not fully mitigated.

Increase Hazards

Tra-10 The project applicant shall construct the following improvements along Myers Street to improve access along this roadway. If the proposed project is the first project to be constructed, a reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare.

- Provide full-width improvements for a 40-foot road along the project frontage on Myers Street;
- Convert Myers Street between Pier View Way and Mission Avenue to a two-way street;
- Install a traffic signal at the Mission Avenue/Myers Street intersection to provide better access to and from the site after Myers Street is converted into a two-way street.

Tra-11 The project applicant shall construct ADA-compliant sidewalks on Myers Street, Seagaze Drive, Pacific Street, Pier View Way, and Mission Avenue fronting the project blocks. ADA compliant crosswalks and ramps should be provided at the intersections of Pacific Street/Pier

View Way, Myers Street/Pier View Way, Pacific Street/Mission Avenue, Mission Avenue/Myers Street, Pacific Street/Seagaze Drive, and Myers Street/Seagaze Drive.

Emergency Access

Tra-12 Prior to issuance of a Coastal Development Permit, the developer shall prepare a traffic control plan in accordance with the standards identified in Caltrans Manual on Uniform Traffic Control Devices (MUTCD) for review and approval by the City of Oceanside. The traffic control plan shall demonstrate how site access and circulation will be maintained through construction of the proposed project.

Level of Significance After Mitigation: Less than significant.

IV. FINDINGS REGARDING IMPACTS THAT CANNOT BE FEASIBLY MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE; THEREFORE, IMPACTS REMAIN SIGNIFICANT AND UNAVOIDABLE. (CALIFORNIA PUBLIC RESOURCES CODE §21081(a)(3))

CEQA requires the decision-making agency to balance, as applicable, the economic, legal, social, technological or other benefits of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological, or other considerations make the mitigation measures identified in the EIR infeasible, the findings shall describe specific reasons for rejecting the identified mitigation measures. The specific economic, legal, social, technological, or other benefits of a proposed project may outweigh the unavoidable adverse environmental effects. Thus, the adverse environmental effects from significant impacts that cannot be feasibly mitigated to below a level of significance may be considered “acceptable.” The EIR identifies issues associated with climate change, land use (parking), and traffic, circulation and parking as a having significant and unavoidable environmental impact.

A. Climate Change (cumulative)

Potential Impact: Would the project result in the exposure of people to significant risks associated with climate change?

Finding: Implementation of the proposed project is not expected to generate enough GHG emissions to individually influence global climate change; however, the project still has a cumulative impact of exposing people to risks associated with climate change, including public health, biology, sea level rise, hydrology and water quality, and water supply.

Facts in Support of Finding: Climate change is defined by the State of California as a global effect, not susceptible to full mitigation by any proposed project within the state. There is no *de minimis* threshold established for the reduction of GHG on a project level, and no comprehensive program, even on a statewide level, specifically targeting the emission of GHGs, or exposure to risks associated with global warming, in which the project could participate. In the absence of such yardsticks to measure effective participation in the effort to reduce climate change risks, the incremental contribution of the project to climate change is considered potentially significant and unavoidable.

Mitigation Measures: Because there is no threshold to measure the significance of the impact, no mitigation is recommended.

Level of Significance After Mitigation: Significant and unavoidable.

B. Land Use (Parking) (temporary direct and cumulative)

Potential Impact: Would the project result in a substantial conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?

Finding: The proposed project would have the potential to result in a conflict with the Local Coastal Program (LCP) policy regarding replacement of public beach parking.

Facts in Support of Finding: Development of the proposed project would displace approximately 148 public parking spaces west of the NCTD railroad tracks, which are considered to be public beach parking in the LCP. As required by the LCP, the loss of public on-street parking spaces located west of the NCTD railroad tracks must be replaced at a one-to-one ratio. The proposed project would replace the displaced public parking spaces in an off-site City-owned parking lot. However, because the timing of construction of this parking lot can not be guaranteed prior to the loss of the public parking spaces, the proposed project would have the potential to result in a conflict with the LCP policy regarding replacement of public beach parking. Therefore, a temporary significant and unavoidable land use impact would occur until the replacement beach parking lot is constructed by the City.

Mitigation Measure:

Lan-1 Prior to the issuance of the grading permit or removal of any on-site or on-street public parking spaces related to Blocks 20 and 21, the developer(s)/builder(s) of Blocks 20 and 21 shall pay a fair share contribution for the physical construction of approximately 148 public parking spaces to the City for construction of a new public parking lot located between Tyson Street and Wisconsin Avenue west of the NCTD railroad tracks. The City Redevelopment Agency hired Merit Civil Engineering to prepare a site plan for the new public parking lot in 2007. Approximately 148 parking spaces in the new parking lot shall be designated for project replacement parking to mitigate for removal of public parking spaces west of the NCTD railroad tracks at a one-to-one ratio. Replacement of on-site and on-street public parking shall only be required for Blocks 20 and 21 located west of the NCTD railroad tracks. If the City's new public parking lot is constructed prior to the loss of any public parking spaces, then the impact would be reduced to below a level of significance. However, if the City's new public parking lot is constructed after the loss of any public parking spaces, then a temporary significant and unavoidable impact would occur until construction of the new City parking lot is completed.

Level of Significance After Mitigation: Temporary significant and unavoidable impact until the City's replacement parking lot is constructed.

C. Traffic (direct and cumulative)

Potential Impact: Would the project cause an increase in traffic that is substantial in relation to the existing traffic load and capacity of the street system; or exceed, either individually or cumulatively, a level of service standard established for designated roadways?

Findings:

Operational Impacts

The proposed project would result in significant impacts to area roadway segment operations under near-term and long-term (2020) conditions.

Roadway Segments

- Mission Avenue from Horne Street to I-5
- Pacific Street from Pier View Way to Tyson Street
- Coast Highway: Surfrider Way to Pier View Way (LOS F)
- Coast Highway: Pier View Way to Mission Avenue (LOS F)

Construction Impacts

Based on the segment analyses, project construction truck traffic would have a temporary significant impact (approximately two months) on Coast Highway between Mission Avenue and Oceanside Street under both haul route scenarios (ie: Buccaneer Beach and the El Corazon stockpile location), and on Oceanside Boulevard between I-5 and Crouch Street under the stockpile location scenario only.

Facts in Support of Finding:

The following mitigation measures would not feasibly reduce significant impacts to below a level of significance:

- *Tra-1(2), (3), and (5)*
- *Tra-2 (Alternatives 1 and 2)*
- *Tra-3*

An explanation of the specific reasons why these mitigation measures were found to be infeasible is provided below.

Mitigation Measures:

Reasons for Determination of Infeasibility: Tra-1 (Mission Avenue from Horne Street to I-5)

Tra-1 (2) Improve the Mission Avenue/High School driveway/I-5 southbound off-ramp intersection: This improvement would involve the addition of lanes at this intersection, which would require the acquisition of right-of-way from the Oceanside School District. This option would also substantially increase traffic flow on the already congested Mission Avenue and negatively impact Oceanside High School. It is counterproductive to create a mitigation measure that creates additional traffic impacts. Therefore, this option is considered to be infeasible by the City.

Tra-1 (3) Widen Mission Avenue between Horne Street and the I-5 southbound ramps: This improvement would add a fifth lane on Mission Avenue and would necessitate removing the newly constructed raised median within Mission Avenue. This option would fully mitigate the traffic impact to below a level of significance. However, this mitigation measure would reduce public safety by requiring the removal of a raised median, which serves to protect motorists from collisions with oncoming vehicles in

opposing traffic lanes. In addition, the removal of the newly constructed median would be an inefficient use of City funds. Therefore, this mitigation measure is infeasible.

Tra-1(5) **I-5/Mission Avenue Interchange Reconfiguration:** Caltrans has plans to completely reconfigure the I-5/Mission Avenue interchange as part of their I-5 widening project. There is no timetable or funding identified. Caltrans is unable to identify when improvements to the I-5/Mission Avenue interchange will occur. The City and/or the applicant are unable to undertake the improvements to the interchange on their own in a timely manner. Because this mitigation measure is within the responsibility and jurisdiction of another public agency (Caltrans) and not the jurisdiction who is making the finding (Oceanside), it is not clear when the interchange improvements will occur, and it cannot be determined whether the improvements will be in place and will mitigate the project impacts to Mission Avenue prior to project operation. As identified in the letter that Caltrans sent to the City dated October 11, 2007 for the Oceanside Beach Resort EIR, Caltrans can not confirm when any work will take place north of SR-78, including improvements to the I-5/Mission Avenue Interchange. As a result, this impact is considered to be significant and unavoidable, and the City considers this mitigation measure to be infeasible.

Reasons for Determination of Infeasibility: Tra-2 (Coast Highway from Surfrider Way to Mission Avenue)

Tra-2 The City of Oceanside Transportation Section Public Works Department has determined that the physical widening of Coast Highway is infeasible because the existing condition of the roadway is constrained in terms of available right of way to allow for physical widening. In addition, the widening of Pacific Coast Highway would cause other problems including a loss of on-street parking that would result in physical and economic impacts to businesses along the roadway. Therefore, the widening of this roadway can not be performed successfully. The following alternatives have been identified to mitigate impacts to this roadway segment. The project applicant would be responsible for implementing one of the following alternative mitigations.

Alternative 1. Mitigation measure ***Tra-2 (Alternative 1)*** would require the removal of curbside beach parking along Pacific Coast Highway that would negatively impact local businesses dependent on customers who are accustomed to parking along Coast Highway. Customers may be tempted to go to other stores with more convenient parking if they are required to park farther away and walk. The loss of curbside parking along Coast Highway would not only impact current businesses but would also act as a barrier in attracting future businesses in the downtown area. Therefore, the City finds this mitigation measure to be infeasible.

Alternative 2. Mitigation measure ***Tra-2 (Alternative 2)*** requires the implementation of mitigation measure ***Tra-2 (Alternative 1)*** which the City has found to be an infeasible mitigation measure because it would result in a loss of curbside parking on Pacific Coast Highway, which would affect current and future businesses along this roadway. Therefore, the City also finds mitigation measure ***Tra-2 (Alternative 2)***, to be infeasible for the same reasons as stated above for mitigation measure ***Tra-2 (Alternative 1)***.

Alternative 3: This mitigation measure states that if the improvements identified in Alternatives 1 and 2 are not implemented, the segment impact is considered to be significant and unavoidable.

Reasons for Determination of Infeasibility: Tra-3 Pacific Street from Pier View Way to Tyson Street.

Tra-3 This mitigation measure requires the project applicant to install a southbound left-turn lane at the Mission Avenue/Pacific Street intersection, which would directly increase the capacity of the segment by improving traffic flow and capacity along Pacific Street. However, this improvement is not feasible due to the loss of curbside beach parking on Pacific Street. The conversion of Myers Street to a two-way street will allow a shift in southbound traffic that now utilizes Pacific Street to instead use Myers Street. This decrease in traffic on Pacific Street will also improve Pacific Street operations but not to a level below significance. Therefore this segment impact is considered to be significant and unavoidable. This mitigation measure would require the removal of a portion of the site's curbside beach parking that would negatively impact local businesses dependent on customers who are accustomed to store-front parking. Customers may be tempted to go to other stores with more convenient parking if they are required to park farther away and walk. The loss of curbside parking would not only impact current businesses but would also act as a barrier in attracting future businesses in the downtown area. Therefore, the City finds **Tra-3** to be an infeasible mitigation measure.

Level of Significance After Mitigation: Significant and unavoidable.

V. ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen the project's significant impacts, and that it evaluate the comparative merits of the alternatives. Based on the State CEQA Guidelines, three project alternatives to avoid or reduce significant project impacts were identified and are addressed in this EIR: the No Project Alternative, the Reduced Project Alternative, and the No Hotel Alternative.

In considering and rejecting certain alternatives, the project objectives must be weighed against the ability of the various alternatives to meet most of the objectives. The objectives identified for the proposed project are stated above in Section II.

A. Alternative 1: No Project

1. Description

CEQA requires the No Project Alternative to be addressed in an EIR. Under the No Project Alternative, it is assumed that no development would occur on the project site. The site would remain in its present state as either vacant lots or parking lots and the proposed project would not be implemented. Although the project site is designated as Redevelopment - Downtown District in the General Plan and as visitor-serving commercial in the Downtown Redevelopment Plan, the No Project Alternative assumes that the project site would remain in its current undeveloped condition.

2. Attainment of Project Objectives

The No Project Alternative would meet one of the ten proposed project's objectives, and partially meet one other objective. This alternative would meet Objective 6 to provide pedestrian connectivity along Mission Avenue through the existing sidewalks and cross walks that currently exist along the project frontages. The No Project Alternative would partially meet Objective 5 to protect view corridors and provide uses consistent with the Local Coastal Program (LCP) because it would protect view corridors by not developing the site, but it would not provide uses consistent with the Local Coastal Program. This alternative would not accomplish the remaining eight project objectives.

3. Impacts

Aesthetics: The No Project Alternative would not result in impacts associated with aesthetics because this alternative would not alter the existing character of the project or its surroundings. Because no development would occur under this alternative, the project site would remain in its current blighted condition containing surface parking lots. However, while, no new source of light or glare would be introduced under this alternative, the visual character of the area would not be enhanced like it would under the proposed project.

Air Quality: Significant but mitigable impacts to air quality would be avoided because the No Project Alternative would not involve the use of heavy construction equipment during site preparation, grading activities or result in increased traffic and operational air pollutant emissions.

Climate Change: This alternative would avoid the significant and unavoidable climate change impacts identified for the proposed project because no new construction would take place and no new sources of GHGs would be introduced.

Cultural Resources: The No Project Alternative would not result in significant impacts to cultural resources because no grading would occur that would impact buried prehistoric and historic archaeological resources.

Geology and Soils: The No Project Alternative would not result in impacts associated with unstable soils because it would not involve ground disturbance associated with construction activities.

Hazards and Hazardous Materials: Under the No Project Alternative, significant hazards and hazardous materials impacts would not occur because the site would not be disturbed. However, on-site contamination associated with the potential presence of a historical UST would remain a potentially hazardous condition.

Hydrology and Water Quality: The No Project Alternative may result in significant impacts to water quality because the project site does not currently employ any best management practices to reduce pollutants in site runoff. The project site is currently used for public parking, which likely contribute hydrocarbons and other pollutants to water quality degradation in downstream receiving waters.

Land Use: Compared to the proposed project, the No Project Alternative would result in greater impacts with regard to applicable land use plans and policies. The No Project Alternative is not consistent with the Oceanside Downtown Redevelopment Plan or the Nine Block Pier Area Master Plan. This alternative would avoid Local Coastal Plan (LCP) conflicts associated with the replacement of public parking, however, it would not provide land uses consistent with the LCP.

Noise: Under the No Project Alternative, construction and operational activities that generate noise would not occur because no development is proposed.

Paleontological Resources: The No Project Alternative would not impact paleontological resources because no grading activities would occur that could impact buried paleontological resources.

Public Services and Utilities: The No Project Alternative would not result in impacts to public services or utilities because it would not increase the demand for public services.

Recreational Resources: The No Project Alternative would not result in impacts to existing recreational facilities, similar to the proposed project.

Traffic and Circulation and Parking: Under the No Project Alternative, the project site would not be developed and would not generate additional traffic on local roadways, intersections, freeway segments, or at freeway ramp meters. In addition, parking demand would not change under this alternative.

4. Summary:

The No Project Alternative would result in fewer impacts to the following environmental topics: Aesthetics, Air Quality, Climate Change, Cultural Resources, Geology and Soils, Noise, Paleontological Resources, Public Services and Utilities, Recreational Resources, and Traffic, Circulation, and Parking. Conversely, the No Project Alternative would have greater or similar impacts in the following impacts: Hazardous Materials, Hydrology and Water Quality, and Land Use.

Of the ten objectives identified for the proposed project, this alternative would fully meet objective 6 and partially satisfy objective 5. The remaining eight objectives would not be met if the No Project Alternative is implemented. Even though the No Project Alternative would not result in the same significant and unavoidable impacts as the proposed project, the project site would remain in its current blighted state, and continue to have potentially significant impacts associated with hazardous materials (buried UST), water quality (flooding), and remain out of compliance with current land use plans and policies.

Additionally, upon completion, the proposed project is projected to generate a total of approximately \$8.2 million in development impact fees. It would also create nearly \$2 million in property tax revenue per year for the City by stabilization year 2011. The No Project Alternative would not result in revenues for the City from development impact fees or e tax increment revenues. The proposed project is projected to create approximately 287 part-time and full-time jobs from commercial/retail and hotel uses. No jobs would be created by the No Project Alternative. The construction of the proposed project would generate substantial revenue to the local economy and provide a significant number of construction-related jobs over the 24- to 36-month construction period for each project block. The No Project Alternative would not generate revenue to the local economy or create construction jobs from project construction. The proposed project would supply 124- hotel rooms which are estimated to generate approximately \$543,120 in transient occupancy tax (TOT) for the City of Oceanside by stabilization year 2011. The No Project Alternative would not generate any TOT revenue for the City. Therefore, the environmental advantages associated with this alternative do not outweigh the economic and social advantages of the proposed project.

B. Alternative 2: Reduced Project Alternative

1. Description

Under the Reduced Project Alternative, all of the proposed buildings would be four stories and 45 feet high. The CityMark Development project proposes to construct buildings with seven stories at a height of 85 -90 and 85 feet on Blocks 19 and 21, respectively. The proposed buildings on Block 5, 18, and 20 would be four stories at a height of 45 feet. The Reduced Project Alternative proposes to reduce the

height of the buildings proposed for Block 19 and 21 to a maximum of 45 feet. This alternative would result in fewer residential units. Specifically, Block 19 would have a 45 percent reduction in residential units (from 84 units to 47 units). Block 21 would not include any residential units and would only provide hotel units and commercial space. Overall, the Reduced Project Alternative would reduce the number of residential units from 231 to 182, or 20 percent. Most other project features would be the same as the proposed project.

2. Attainment of Project Objectives

The Reduced Project Alternative would accomplish eight of the ten proposed project's objectives. Under this alternative, objectives 2, 3, 4, 5, 6, 7, 8, and 10 would be achieved, while objectives 1 and 9 would not be achieved. The project site would be developed in accordance with the Redevelopment Plan and the Nine-Block Pier Area Master Plan. This alternative would meet the objectives to promote the long-term viability and transformation of the Redevelopment project area, enhance the aesthetics of the area, protect view corridors and provide uses consistent with Oceanside's LCP, provide pedestrian connectivity along Mission Avenue/surrounding streets, and maximize the use of alternative forms of transportation due to the project's close proximity to the OTC. Lastly, this alternative would create job opportunities through the provision of commercial/retail uses. However, the Reduced Project Alternative would not provide 231 residential units or maximize housing opportunities near mass transit.

3. Impacts

Aesthetics: Because the site's development density would be lower, the Reduced Project Alternative would result in fewer impacts to light and glare as compared to the proposed project.

Air Quality: The construction of the Reduced Project Alternative would use similar construction equipment and have a similar development footprint as the proposed project. Therefore, similar air emissions resulting from construction would occur. Operational air quality impacts would be reduced under the Reduced Project Alternative due to a reduction in traffic generation based on fewer residential units. Similar to the proposed project, this alternative would have the potential to result in a potentially significant cumulative impact due to simultaneous construction with the proposed Oceanside Beach Resort project. Therefore, this alternative would result in similar air quality impacts as compared to the proposed project.

Climate Change: Under the Reduced Project Alternative, GHGs would be reduced as compared to the proposed project because 20 percent fewer units would be constructed and fewer new sources of GHGs would be introduced. Similarly, emissions associated with project traffic would be reduced because traffic generation would be less than the proposed project due to the reduced number of residential units. However, because there is no established threshold for a cumulatively considerable effect from exposure to climate change risks, it is likely that impacts would remain significant and unavoidable under this alternative.

Cultural Resources: Because the Reduced Project Alternative would have a similar development footprint as the proposed project, impacts to potentially significant prehistoric and historic archaeological artifacts would be similar.

Geology and Soils: The types of proposed construction activities and the development footprint for both the proposed project and the Reduced Project Alternative would be similar. Therefore, potential impacts associated with geology and soils would be similar.

Hazardous Materials: The Reduced Project Alternative would result in similar potentially significant impacts associated with on-site contaminated soils as the proposed project because the development

footprint for both projects would be similar. Impacts related to contaminated sites would be mitigated to a less than significant level with measures similar to those identified for the proposed project.

Hydrology and Water Quality: Because the development footprint for the proposed project and the alternative are similar and the amount of impervious surface and subsequent run-off would be similar, the Reduced Project Alternative would result in similar potentially significant site drainage impacts. With regard to water quality, the alternative and the proposed project would develop similar land uses having the potential to generate similar types of pollutants. Similar to the proposed project, the Reduced Project Alternative would employ best management practices to prevent the degradation of water quality.

Land Use: Compared to the proposed project, the Reduced Project Alternative would result in similar less than significant impacts with regard to applicable land use plans and policies. The Reduced Project Alternative would be consistent with the General Plan redevelopment area designation and the visitor-serving commercial designation in the Oceanside Downtown Redevelopment Plan and Nine-Block Pier Area Master. This alternative would be required to replace the same number of displaced public parking spaces, however, it may be possible to replace these spaces on site rather than in an off-site City-owned lot. If parking is replaced on site, the alternative would not conflict with the City's LCP regarding parking. Therefore, this alternative would result in potentially fewer land use impacts than the proposed project.

Noise: Construction requirements and land uses proposed under the Reduced Project Alternative would be similar to those identified for the proposed project. Therefore, construction noise impacts to off-site receivers and sensitive receptors would be similar. Likewise, potentially significant impacts to the proposed development as a result of train noise and HVAC equipment noise would be similar. However, noise levels as a result of project-related traffic would be reduced due to the reduction in the number of trips generated by this alternative. Like the proposed project, any potentially significant noise impacts would be mitigated to below a level of significance.

Paleontological Resources: Because the development footprint of the Reduced Project Alternative would be the same as the proposed project, this alternative would result in similar potentially significant impacts to paleontological resources. Like the proposed project, impacts resulting from this alternative would be mitigated to below a level of significance.

Public Services and Utilities: The Reduced Project Alternative would result in fewer demands for police, fire and school services and water, wastewater, storm drainage, energy and solid waste services as the proposed project because the alternative proposes 20 percent fewer residential units. A reduction in demand for these services would be expected to be reduced by 20 percent as well. Therefore, this alternative would in similar less than significant impacts to public services and utilities as the proposed project.

Recreational Resources: Under the Reduced Project Alternative, fewer residential units would be constructed, however, the same amount of recreational amenities for visitors and tourists would be provided by the project. Therefore, this alternative would result in similar less than significant recreational impacts as the proposed project.

Traffic, Circulation, and Parking: Under the Reduced Project Alternative, the project site would be developed with similar land uses as the proposed project, but at a 20 percent reduced density. Under this alternative, the proposed mixed uses would generate approximately 20 percent less additional traffic on local roadways, which would result in fewer level of service impacts. For any significant impacts resulting from this alternative, mitigation measures would be identified and implemented, if feasible. Further, because this alternative would consist of 20 percent fewer units, the number of parking spaces

that would be required would also be reduced by 20 percent. Therefore, the impact to parking would be reduced as compared to the proposed project because the project could accommodate its entire parking requirement on site within the parking structure. Because the development footprint of the Reduced Project Alternative would be the same as the proposed project, this alternative would result in similar construction impacts as the proposed project. Therefore, the Reduced Project Alternative would result in fewer impacts to traffic, circulation and parking than the proposed project.

4. Summary

The Reduced Project Alternative would result in fewer impacts to the following environmental topics: Aesthetics, Air Quality, Climate Change, Land Use, and Traffic, Circulation, and Parking. Although Climate Change and Traffic, Circulation, and Parking impacts would be reduced, impacts are still likely to remain significant and unavoidable. The Reduced Project Alternative would have similar impacts to the following areas: Cultural Resources, Geology and Soils, Hazardous Materials, Hydrology and Water Quality, Noise, Public Services and Utilities, Recreational Resources, and Paleontological Resources.

The Reduced Project Alternative would accomplish eight of the ten proposed project's objectives. Under this alternative, objectives 2, 3, 4, 5, 6, 7, 8, and 10 would be achieved, while objectives 1 and 9 would not be achieved. The Reduced Project Alternative would not provide 231 residential units (objective 1) or maximize housing opportunities near mass transit (objective 9).

Additionally, by reducing the project to 182 residential units (a 20 percent overall reduction), City property tax revenue would be proportionately reduced. This alternative would eliminate the two 7-story buildings, which would result in the loss of approximately 40 percent of the upper floor residential premium units on Block 19 and approximately 60 percent of the upper floor residential premium units on Block 21. The overall result would be a substantial reduction in sales revenue for the project, which would affect its economic viability. Sales absorption would decrease because the project would construct five very similar buildings with fewer product types available to market which would also affect the project's economic viability. This alternative would have the same number of hotel rooms and commercial space square footage as the proposed project. Therefore, similar to the proposed project, this alternative is estimated to generate approximately \$543,120 from TOT revenues for the City of Oceanside. However, a 20 percent reduction of the project's residential unit count would negatively impact the viability of constructing the project and ultimately have a negative impact on the long-term sustainability of the project. Therefore, the environmental advantages associated with this alternative do not outweigh the economic and social advantages of the proposed project. In addition, this alternative would not meet two of the project objectives.

C. No Hotel Alternative

1. Description of Alternative

Under the No Hotel Alternative, the building proposed for Block 21 would be reduced to four stories and would not have any hotel units. The CityMark Development Project proposes to construct a seven story building with 124 hotel units and 39 residential units on Block 21. The No Hotel Alternative would construct a four-story building with 39 residential units on Block 21. Similar to the proposed project, four-story buildings would be constructed on Blocks 5, 18, and 20 and would include a total of 108 residential units. A seven-story building with 84 residential units would be constructed on Block 19 for a project total of 231 residential units.

2. Attainment of Project Objectives

The No Hotel Alternative would accomplish six of the ten proposed project's objectives. This alternative would meet objectives 1, 3, 4, 5, 6, and 7, but would not meet objectives 2, 8, 9, and 10. Under this alternative, the project site would be developed in accordance with the Downtown Redevelopment Plan; however, the No Hotel Alternative would not comply with the hotel unit requirements of the Nine-Block Pier Area Master Plan and would not be consistent with this plan. The No Hotel Alternative would not provide 124 hotel units within the City of Oceanside's Downtown Redevelopment Area. This alternative would comply with the objectives to promote the long-term viability and transformation of the Redevelopment Project Area, enhance the aesthetics of the area, protect view corridors and provide uses consistent with the City's LCP. In addition, this alternative would allow the project site to be developed and to provide pedestrian connectivity to Mission Avenue and the surrounding streets and maximize the use of alternative forms of transportation due to the close proximity to the OTC. However, the No Hotel Alternative would not maximize housing opportunities near mass transit or create economic opportunities to maximize economic benefits to the local community. Therefore, the No Hotel Alternative would accomplish six of the ten project objectives.

3. Impacts

Aesthetics: The No Hotel Alternative would result in slightly fewer potential aesthetics impacts because this alternative would reduce the height of one of the five buildings as compared to the proposed project. The reduced maximum building height from 90 to 45 feet on Block 21 would reduce the potential for obstruction of scenic views. Because the site's development density would be lower, the No Hotel Alternative would result in fewer impacts resulting from light and glare. Therefore, this alternative would result in fewer less than significant aesthetics impacts than the proposed project.

Air Quality: Similar to the proposed project, the No Hotel Alternative would result in less than significant direct air quality impacts. Both projects would require use of similar construction equipment and have similar development footprints. Therefore, similar air emissions resulting from construction would occur. Operational air quality impacts would be reduced under the No Hotel Alternative due to a slight reduction in the traffic generation related to the project. This alternative would have the potential to result in a potentially significant cumulative impact due to potential simultaneous construction with the proposed Oceanside Beach Resort project.

Climate Change: Under the No Hotel Alternative, GHGs would be reduced as compared to the proposed project because the hotel units would not be constructed and therefore fewer sources of GHGs would be introduced. Emissions associated with project traffic would be reduced as well because traffic generation would be reduced because there would be fewer units. Additionally, fewer people would be exposed to the risks of climate change because the number of visitors would be reduced. Therefore, this alternative would result in the emissions of fewer GHGs than the proposed project.

Cultural Resources: Because the No Hotel Alternative would have a similar development footprint as the proposed project, impacts to potentially significant prehistoric and historic archaeological artifacts would be similar. Therefore, this alternative would result in similar impacts to cultural resources as the proposed project.

Geology and Soils: Construction activities and the proposed development footprint for both the proposed project and the Historic Resources Alternative would be similar. Therefore, this alternative would result in similar impacts associated with geologic hazards, erosion, and unstable soils.

Hazardous Materials: The No Hotel Alternative would result in a similar potentially significant impact with regard to the potential to encounter a historic UST as the proposed project because the total

development footprint of the alternative and proposed project would be similar. Under the No Hotel Alternative, emergency access impacts would be less than significant, similar to the proposed project.

Hydrology and Water Quality: Because the development footprint of the proposed project and the alternative are similar and the amount of impervious surface and subsequent run-off would be similar, the No Hotel Alternative would result in similar potentially significant site drainage impacts. With regard to water quality, the alternative and the proposed project would develop similar land uses which would have the potential to generate pollutants. Similar to the proposed project, the No Hotel Alternative would employ best management practices to prevent the degradation of water quality.

Land Use: Compared to the proposed project, the No Hotel Alternative would result in greater impacts with regard to applicable land use plans and policies. The No Hotel Alternative would be consistent with the General Plan redevelopment area designation and the visitor-serving commercial designation in the Oceanside Downtown Redevelopment Plan. However, the No Hotel Alternative would not be consistent with the hotel requirements of the Nine-Block Pier Area Master. Similar to the proposed project, this alternative would have the potential to conflict with parking requirements identified in the City's LCP.

Noise: Construction requirements and land uses proposed under the No Hotel Alternative would be similar to those identified for the proposed project. Therefore, construction noise impacts to off-site receivers and sensitive receptors would be similar. Likewise, potentially significant impacts to the proposed development as a result of train noise would be similar. However, noise impacts as a result of project-related traffic would be slightly reduced due to a slight reduction in the number of trips generated by this alternative. Similar construction requirements would also result in similar groundborne vibration impacts under this alternative. Like the proposed project, any potentially significant noise impacts would be mitigated to below a level of significance. Overall, a slight decrease in project-related operational noise would occur.

Paleontological Resources: The development footprint of the No Hotel Alternative would be similar to the footprint of the proposed project; therefore, similar potentially significant impacts to paleontological resources would occur. Like the proposed project, impacts would be mitigated to below a level of significance.

Public Services and Utilities: The No Hotel Alternative would result in slightly fewer demands for police and fire services and water, wastewater storm drainage, energy and solid waste services as the proposed project because the alternative does not propose to construct 124 hotel units. The demand for school services would be similar. Therefore, this alternative would result in similar less than significant impacts to public services and utilities as the proposed project.

Recreational Resources: Under the No Hotel Alternative, fewer residential units would be constructed, however, the same amount of recreational amenities for visitors and tourists would be provided by the project.

Traffic, Circulation, and Parking: Under the No Hotel Alternative, the project site would be developed with similar land uses as the proposed project, but at a slightly reduced density. Under this alternative, the proposed hotel uses would not be constructed and the project would generate less additional traffic on local roadways, which would result in fewer level of service impacts. For any significant impacts resulting from this alternative, mitigation measures would be identified and implemented, if feasible. Similar to the proposed project, the No Hotel Alternative would supply all project required parking on site. However, replacement of public parking spaces would likely be replaced in an off-site City-owned lot, similar to the proposed project. Therefore, the No Hotel Alternative would result in fewer impacts to traffic, circulation and parking than the proposed project.

4. Summary

The No Hotel Alternative would result in fewer impacts to the following environmental topics: Aesthetics, Air Quality, Climate Change, Noise, and Traffic, Circulation, and Parking. The No Hotel Alternative would have similar impacts to the following impacts: Cultural Resources, Geology and Soils, Hazardous Materials, Hydrology and Water Quality, Recreational Resources, Paleontological Resources, and Public Services and Utilities. Lastly, this alternative would have a greater impact in Land Use.

This alternative would meet six objectives but will not satisfy four objectives. This alternative would meet objectives 1, 3, 4, 5, 6, and 7, but would not meet objectives 2, 8, 9, and 10. Specifically, this alternative would not be consistent with the City's downtown Nine Block Pier Area Master Plan, would not provide 124 hotel units, would not maximize housing opportunities, and would not create job opportunities to maximize economic benefits to the local community.

Additionally, by eliminating the hotel component on Block 21, the developer would lose approximately 60 percent of the residential premiums from sales of upper floor units on this block, which would result in reduced sales revenue as compared to the proposed project. The proposed project would build 124 hotel rooms which would provide approximately 90 part-time and full-time jobs. The No Hotel Alternative would not provide any hotel-related employment. Additionally, the local surrounding business owners of area shops and restaurants would not receive business from hotel guests, as they would be expected to under the proposed project. The proposed project would supply 124- hotel rooms which are estimated to generate approximately \$543,120 in TOT revenue by stabilization year 2011 for the City of Oceanside. The No Hotel Alternative would not generate any TOT revenue for the City. Removing the hotel would negatively impact the viability of constructing the project and ultimately the long-term sustainability of the project. Therefore, the environmental advantages associated with this alternative do not outweigh the economic advantages of the proposed project. In addition, this alternative would not meet four of the project objectives.

D. Environmentally Superior Alternative

An EIR is required to identify the environmentally superior alternative, the alternative having the potential for the fewest significant environmental impacts, from among the range of reasonable alternatives that are evaluated. The No Project Alternative would avoid all significant environmental impacts identified for the proposed project, because the CityMark Development project would not take place under this alternative. However, while the No Project Alternative would avoid the environmental resources impacts, it would not meet any of the project objectives.

CEQA Guidelines Section 15126.6(e)(2) requires that the EIR shall identify another alternative among the other alternatives as environmentally superior if the environmentally superior alternative is the "No Project" Alternative. In this case, the environmentally superior alternative would be the Reduced Project Alternative which would result in fewer impacts to aesthetics, air quality, climate change, land use, and traffic, circulation, and parking. This alternative would achieve eight of the ten objectives identified for the proposed project.

VI. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Growth-Inducing Impacts of the Project

As required by the CEQA Guidelines, an EIR must include a discussion of the ways in which the proposed project could directly or indirectly foster economic development or population growth, or the construction of additional housing and how that growth would, in turn, affect the surrounding environment (CEQA Guidelines Section 15126.2[d]). Growth can be induced in a number of ways, including the elimination of obstacles to growth, or through the stimulation of economic activity within the region. The discussion of removal of obstacles to growth relates directly to the removal of infrastructure limitations or regulatory constraints that could result in growth unforeseen at the time of project approval. According to CEQA Guidelines Section 15126.2(d), "it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment."

Population Growth

The proposed project would directly influence population in the City of Oceanside by providing 231 new residential units on the project site. The project's population would increase the City of Oceanside's population. This relatively small increase in housing would not have the potential to significantly impact the City of Oceanside because this growth was anticipated in the City's General Plan and the Redevelopment Plan. Further, the Nine-Block Pier Area Master Plan specifically allows residential uses in Subdistrict 1. Therefore, the project is considered to be planned growth. The physical environmental impacts associated with the proposed project's construction and operation as a residential, commercial/retail and hotel development are analyzed in Sections 4.1 through 4.13 of this EIR.

Economic Growth

The proposed project involves the development of private residential, commercial/retail, and hotel uses. The number of residents that would be added on the project site would incrementally increase activity in nearby retail establishments and may generate demand for such services as home cleaning and maintenance. In addition, the project would generate some new jobs and economic activity from the commercial/retail and hotel uses. Project residents are expected to use, in addition to these on-site commercial facilities, existing retail and commercial services already available in the area. Because the economic activity generated by the project is the expected result of planning for the ultimate development of the City of Oceanside through the City's General Plan and Redevelopment Plan, it would not result in a significant impact. By contributing to the economic life and welfare of the City, the project would contribute positively to economic activity in Oceanside and the region.

Removal of Obstacles

Growth inducement may result from the removal of obstacles to growth, usually in adjacent areas, through creating opportunities to extend infrastructure that could support development of areas where development is not planned or expected to occur. In the case the CityMark Development project, however, infrastructure elements such as sewer and water lines, roads, and drainage facilities are already provided in the project area. The project site is located in an urbanized developed area and would neither cross nor be extended to undeveloped off-site areas. The proposed project would not create or encourage growth through the provision of new and essential public services or access opportunities. Therefore, no adverse effect from the removal of obstacles to growth would occur.

B. Significant Irreversible Environmental Effects

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project. Specifically, Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also, irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified.

Development of the proposed project would result in the commitment of the project site to residential and commercial/retail uses. Restoration of the project site to pre-project conditions would not be feasible given the degree of disturbance, the urbanization of the area, and the level of capital investment that would result from implementation of the proposed project.

Resources that would be permanently and continually consumed by implementation of the proposed project include water, electricity, natural gas, and fossil fuels; however, the amount and rate of consumption of these resources would not result in significant environmental impacts or the unnecessary, inefficient, or wasteful use of resources. The proposed project would develop the project site with residential and commercial/retail uses compatible with the land use designation and zoning identified for the project site. Nonetheless, construction activities related to the proposed project, though previously analyzed, would result in the irretrievable commitment of nonrenewable energy resources, primarily in the form of fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment.

With respect to the operational activities of the proposed project, compliance with all applicable building codes, as well as EIR mitigation measures, would ensure that all natural resources are conserved to the maximum extent practicable. It is also possible that new technologies or systems would emerge, or would become more cost-effective or user-friendly, to further reduce the project reliance upon nonrenewable energy resources.

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with the proposed project. Development of the proposed project site with residential and commercial/retail uses consistent with the land use designation and zoning identified for the project site would not involve the routine use, transport, storage, or disposal of hazardous wastes. Therefore, the potential for the proposed project to cause significant irreversible environmental damage from an accident or upset of hazardous materials would be less than significant

VII. CERTIFICATION OF THE EIR

Pursuant to Public Resources Code § 21081 and State CEQA Guidelines § 15090, the City of Oceanside certifies that:

1. The EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines;

2. As the decision making body for the City, the EIR was presented to the City Council and the City Council reviewed it and considered the information in the EIR prior to approving the Project; and
3. The EIR reflects the City Council's independent judgment and analysis.

The City of Oceanside further finds that no comments or responses to comments made during or after the review period for the EIR, and received prior to the adoption of these Findings, or made during any other public hearing on the Project, rise to the level of significant new information requiring recirculation or additional environmental review pursuant to State CEQA Guidelines § 15088.5.

VIII. FINDINGS REGARDING MITIGATION MONITORING AND REPORTING PROGRAM

As required by Public Resources Code § 21081.6, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Program. The program is designed to ensure that, during the project, the City and all other responsible parties will comply with the mitigation measures adopted in these Findings. The City Council hereby finds that the Mitigation Monitoring and Reporting Program, which is incorporated herein by reference, meets the requirements of Public Resources Code § 21081.6.

IX. CUSTODIAN OF RECORDS

The location of the documents or other materials which constitute the record of proceedings upon which the City's decision is based is the City of Oceanside Planning Department, 300 North Coast Highway, Oceanside, CA 92054. The custodian for such records is the Senior City Planner at the same address.

X. STAFF DIRECTION

City staff is directed to file a Notice of Determination with the County Clerk's office in the County of San Diego within five working days of final project approval.

EXHIBIT B

STATEMENT OF OVERRIDING CONSIDERATIONS FOR CITYMARK DEVELOPMENT PROJECT CEQA (PRC § 21081(b)) CEQA GUIDELINES (CCR §15093)

The City of Oceanside (“City”) hereby adopts the following Statement of Overriding Considerations for the CityMark Development Project pursuant to Public Resources Code (PRC) § 21081 and State CEQA Guidelines § 15093. The Final Environmental Impact Report (the “FEIR”) for the project identifies significant environmental effects that would not be mitigated to below a level of significance and that would be allowed to occur as a result of the approval of the project. The City finds that, although potential project-related impacts have been avoided or substantially mitigated as described in the FEIR and the Findings adopted this day by the City pursuant to State CEQA Guidelines § 15091, the project will have significant, unavoidable environmental impacts in the following areas: climate change, land use, and traffic, circulation and parking.

The City, after balancing the specific economic, legal, social, technological or other benefits of the project, including considerations for the provision of employment opportunities for highly trained workers, determines and finds that the unavoidable adverse environmental effects may be considered “acceptable” due to the following specific considerations.

The proposed CityMark Development project would provide a total of approximately 435,580 square feet (SF) of new development including a combination of residential, hotel, commercial/retail, public open space, and parking uses on five blocks totaling 5.36 acres, including Block 5 (1.05 acres), Block 18 (1.13 acres), Block 19 (1.14 acres), Block 20 (1.02 acres), and Block 21 (1.02 acres). The total number of residential and hotel units combined for the five blocks would be 231 residential and 124 hotel units. At least 30 percent of the total development would be public open space and associated amenities. Parking would be provided in at-grade and subterranean parking garages located under each block.

Through implementation of the project and concomitant growth, the CityMark Development will enhance the following benefits to the areas surrounding the project site and the City of Oceanside as a whole:

1) Employment Benefits

- a) CityMark Development would create new employment opportunities in the City of Oceanside. The project proposes commercial/retail and hotel uses that would create a variety of employment opportunities.
- b) The total number of jobs anticipated to be created by the proposed project is 287 part-time and full-time jobs. The total number of persons anticipated to be employed by the hotel is 90 part-time and full-time employees. The total number of persons anticipated to be employed by commercial/retail uses is 197 part-time and full-time employees.

- c) Those that would benefit from employment at the CityMark Development would range from students at local high schools or colleges filling part-time positions to spouses of service men and women living in the area that may fill full-time positions. Additionally, persons that live in the residential portion of the project would also be prime candidates for part-time and full-time employment opportunities created by the development of the proposed hotel and commercial/retail uses.

2) Economic Benefits

- a) The CityMark Development project is anticipated to generate a total of approximately \$8.2 million for the City of Oceanside in development impact fees.
- b) The construction of the proposed CityMark Development would generate substantial revenue to the local economy and provide a significant number of construction-related jobs over a 24 to 36-month construction period for each project block.
- c) The nearby Oceanside Harbor and Marina and associated downtown businesses are expected to benefit from the increased residential and tourist activity (from the hotel) generated from the proposed project. The new residents and hotel guests are anticipated to increase revenues in Oceanside's coastal area.
- d) The annual revenue projected for the hotel portion of the CityMark Development project is approximately \$5,431,000 at stabilization year 2011. A Transit Occupancy Tax (TOT) of 10 percent would generate approximately \$543,000 per year starting in 2011 based on the projected annual revenue of \$5,431,000.

TOT Analysis

Assumptions:

Hotel Rooms	124
Occupancy	80%
Average Nightly Rate	\$150

Annual Revenue (Stabilized)	\$5,431,200
TOT Tax (10%)	\$543,120

- e) The CityMark development is projected to create nearly \$2 million in property tax revenue per year for the City by stabilization year 2011.

Property Tax Analysis

Assumptions:

Projected Gross Sales Revenue	\$195,000,000
Property Tax Rate	1.10%

Annual Revenue (Stabilized)	\$2,145,000
Current Property Tax Assessment	\$150,000
Additional Annual Revenue (Stabilized)	\$1,995,000

- f) Annual sales for the project are estimated at \$12,314,750 per year beginning in stabilization year 2011. Based on this number, annual sales tax revenues would have the potential to generate up to \$954,000 per year (based on 7.75 percent sales tax and assuming all revenue is taxable). The City would receive one percent, or approximately \$123,000, of the 7.75 percent sales tax revenue.

Sales Tax Analysis

Assumptions:

Commercial Square Footage	49,259
Revenue Generated per SF (1)	\$250
Annual Sales (Stabilized)	\$12,314,750
Annual Sales Tax (7.75%)	\$954,393

(1) This assumes that all revenue is taxable.

- g) Another nominal source of revenue for the City would be the business license tax. This would be approximately \$6,157, based on \$12,314,750 annual sales.

3) Redevelopment Benefits

As the third and largest project proposed to be constructed within the Nine Block Pier Area Master Plan, the CityMark Development would play an important role in helping the City achieve the goals outlined in the Redevelopment Plan. The CityMark Development project would complement, activate and enhance the existing visitor-serving, ocean-related uses in the vicinity of the Nine Block Pier Area Master Plan and the entire Redevelopment Area by renewing interest and activity in the area. In addition, the proposed project would be consistent with the environmental goals, objectives, and guidelines of the Nine Block Pier Area Master Plan, Redevelopment Plan and D Downtown District Ordinance, including the required mixed use development plan and CUP. Therefore, through compliance of these plans and ordinances, the CityMark Development would assist the City in reaching the goals of the City's Redevelopment Plan.

Redevelopment Plan Goals:

- To eliminate blight and to capitalize on the area's assets;
- To develop a plan and program to establish downtown Oceanside as a business and visitor center for commerce, recreation, tourist, entertainment, and residential uses for the existing community and visitors;
- To provide necessary public improvements to encourage the desired private developments;
- To provide housing opportunities that benefit the project area, for all economic segments of the community including development of projects outside the project area that benefit the project area;
- To reposition downtown to attract a beach-oriented destination resort hotel.

4) Aesthetic Benefits

One of the goals stated in the Oceanside Redevelopment Plan is to eliminate the blighted condition of the Nine-Block Pier Area Master Plan. The CityMark Development is ideal for this goal, and after the project is completed it would help to eliminate the current blighted condition associated with the area. Specifically, the project is designed in a variety of architectural styles including Beach Cottage, Spanish Mission, Contemporary, and Traditional American Hybrid. Each block would also typically include decorative street and sidewalk lighting, enhanced street corners, and kiosks along street frontage.

Block 5. Block 5 would be designed in the Beach Cottage architectural style, which is described as quaint with lap siding. Block 5 is interconnected to the main plaza area located on Block 20 through the use of an existing sculpture plaza enhancement located on Pier View Way. Other plaza features would include outdoor patio areas, seating, enhanced paving, accent trees, and decorative street and sidewalk lighting.

Block 18. Block 18 would utilize the Spanish Mission Architectural style, which consist of plaster finish, simple detailing, and arches. Block 18 includes a open space public plaza intended for various uses and an entrance statement with decorative directional paving at the plaza center.

Block 19. Block 19 architectural style would utilize a traditional architectural style consisting of an articulated roof line, and detailing for a clear base, middle, and top of the structure. The building has been separated into different masses which create a village feel from street level.

Block 20. Block 20 architectural style would utilize the Traditional American Hybrid, which takes elements from traditional and contemporary architectural styles with simpler, eclectic designs. The main plaza area, with multi-use open space, is located on Block 20, and interconnected with Block 5, as described above. The paving pattern to link Block 20 and Block 5 retail areas would include flowering canopy trees and palms. An alternating street tree planting pattern would line Myers Street in front of Block 19.

Block 21. Block 21 also utilizes a Contemporary architectural style consisting of larger glazed areas, minimalist design, and flat roofs. Block 21 includes a large enhanced entrance plaza.

5) Sand Compatibility and Opportunistic Use Program (SCOUP) Benefits

Regional management of California's available sand resources and accompanying solutions to coastal erosion are the major intent of the Sand Mitigation Program. The Sand Compatibility and Opportunistic Use Program (SCOUP) was crafted to streamline regulatory approval of small (less than 150,000 cubic yards) beach nourishment projects using opportunistic materials to limit beach erosion.

Conceptual grading for the CityMark Development project would require the excavation of approximately 188,000 cubic yards (cy) of material from the underground parking area. Preliminary review of the project-specific geotechnical study prepared by Levine-Fricke, Inc. (March 2001), and subsequent peer review by URS Corporation (August 2006), indicates that the excavated material is likely to meet the standards for beach nourishment, as identified in

the Final MND for SCOUP Pilot Project Site prepared by City of Oceanside (December 2005). This document identifies a pilot site at Buccaneer Beach in Oceanside to receive up to 150,000 cubic yards/year (cy/y) of sand for beach nourishment. Since the quality of the excavated materials appears to meet the standards identified in the SCOUP, the 188,000 cy of materials would be hauled to either Buccaneer Beach for replenishment or the El Corazon Stockpile Location. The sand would combat local beach erosion as well as serve as a feeder beach to replenish down-coast beaches. Therefore, since the excavated materials appear to meet the SCOUP standards for beach nourishment, Buccaneer Beach and beaches to the south would benefit from the proposed project.

6) Community Benefits

a) Public Space

The proposed project would provide at least 30 percent public space in both interior and exterior areas as required by the Nine Block Pier Area Master Plan. A total of approximately 70,000 SF of public space is proposed as part of the CityMark Development project. If the project site was not developed and remained in its current state, community benefits at the project site would remain minimal.

b) Commercial/Retail Uses

The proposed project would provide approximately 49,259 SF of commercial retail space, that would include both retail shops and restaurants.

The City of Oceanside finds that there is substantial evidence in the administrative record of benefits in employment, economic effects, redevelopment, aesthetics, SCOUP, and the community which would directly result from approval and implementation of the project. The City of Oceanside finds that the need for these benefits specifically overrides the impacts of the project on climate change, land use, and traffic, circulation and parking and thus the adverse effects of the project are considered acceptable.

Exhibit C

Mitigation Monitoring and Reporting Program

This Mitigation Monitoring and Reporting Program (MMRP) was formulated based on the findings of the Final Environmental Impact Report (Final EIR) for the proposed CityMark Development Project. The MMRP is in compliance with Section 15097 of the CEQA Guidelines, which requires that the Lead Agency “adopt a program for monitoring or reporting on the revisions which it has required in the project and the measures it has imposed to mitigate or avoid significant environmental effects.” The MMRP lists mitigation measures recommended in the Final EIR and identifies mitigation monitoring and reporting requirements. These requirements are provided only for mitigation measures that would reduce or avoid significant impacts of the proposed project.

The following MMRP table presents the mitigation measures identified for the proposed project. Each mitigation measure is identified by the first three letters of the topical section to which it pertains, followed by a hyphen and impact number, which indicate the order that the mitigation measure is listed in the topical section. For example, mitigation measure *Aes-1* is the first mitigation measure identified in the Aesthetics section of the EIR.

The first column of the MMRP table provides the mitigation measures identified in Sections 4.1 through 4.13 of the Final EIR. The column entitled “Party Responsible for Implementing Action” identifies the party responsible for carrying out the required actions. The columns entitled “Party Responsible for Monitoring” and “Timing” identify the party ultimately responsible for ensuring that the mitigation measure is implemented, and the approximate timeframe for the oversight agency to ensure implementation of the mitigation measure.

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CityMark Development Project Mitigation Monitoring and Reporting Program Summary

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
Aesthetics			
<p>Aes-1: Prior to the issuance of a Certificate of Occupancy, the project applicant shall install refractors, automatic cutoffs, and horizontal lumens as part of the lighting plan for each building.</p>	Project Applicant	<p>City Planner shall verify that project plans include the requirements identified in the mitigation measure.</p> <p>Engineering Inspector shall verify that they have been installed upon completion of construction.</p>	<p>Prior to the issuance of building permit</p> <p>After project construction</p>
Air Quality			
<p>Air-1: If the CityMark Development project and the Oceanside Beach Resort project are constructed at the same time, an air emissions construction plan shall be prepared by a qualified air quality specialist and approved by the City Planning Department to ensure that the number of construction vehicles and equipment used simultaneously would not exceed the allowable significance threshold for any criteria pollutant, as established by the San Diego Air Pollution Control District. The air emissions construction plan would identify the maximum number of construction vehicles and equipment and the hours per day that they would be allowed to operate at each site.</p>	Project Applicant	<p>City Planner shall review and approve air emissions construction plan</p> <p>Engineering Inspector shall verify that the air emissions construction plan is adhered to during construction</p>	<p>Prior to the issuance of any grading permit</p> <p>During project construction</p>
Cultural and Paleontological Resources			
<p>Cul-1: Prior to the issuance of a grading permit, the applicant shall provide evidence of a full-time archaeological and Native American monitoring program during removal of all existing landscape and hardscape, including the initial stages of site grading or excavation within native soils per the following requirements:</p> <ol style="list-style-type: none"> a. Prior to the issuance of a building and/or grading permit, the applicant shall provide a letter of verification to the Oceanside Planning Department stating that a qualified archaeologist and Native American monitor have been retained to implement the monitoring program. The requirement for archaeological monitoring shall be noted on the grading plans. All persons involved in the archaeological monitoring of this development shall be approved by the Planning Department prior to the first preconstruction meeting. The applicant shall notify the Planning Department of the start and end of construction. b. The qualified archaeologist and Native American monitor shall attend any preconstruction meetings to make comments and/or suggestions concerning the archaeological and Native American monitoring program with the construction manager. c. The qualified archaeologist and Native American monitor shall be present on site at all times during grading of native soils. 	Project Applicant/ Project Archaeologist/ Native American	<p>City Planner shall verify that the applicant has hired full-time archaeological & Native American monitors in accordance with the mitigation measure</p> <p>Engineering Inspector shall verify that the archaeological & Native American monitors are present during construction activities, as required by the mitigation measure.</p>	<p>Prior to the issuance of any grading permit</p> <p>During project construction</p>

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
<p>d. When requested by the archaeologist or Native American monitor, the contractor shall divert, direct or temporarily halt ground disturbing activities in the area of discovery to allow evaluation of potentially significant archaeological and/or Native American resources. The archaeologist or Native American monitor shall immediately notify the Planning Department of such a finding at the time of discovery. The significance of the discovered resource(s) shall be determined by the archaeologist or Native American monitor, in consultation with the Planning Department and the Native American community. The Planning Department must concur with the evaluation procedures before grading activities are allowed to resume. For potentially significant historical resources discovered during site development, a Research Design and Data Recovery Program shall be prepared and carried out to mitigate impacts before grading activities in the area of discovery are allowed to resume. Any human bones of Native American origin shall be turned over to the appropriate Native American group for reburial. In addition, the discovery of any human remains shall be handled in accordance with the requirements outlined in Public Resources Code Section 5097.98 and CEQA Guidelines Section 15064.5(e).</p>			
<p>e. All historical materials collected shall be cleaned, cataloged, and curated with an institution meeting the standards of <i>Guidelines for the Curation of Archaeological Collections</i>, dated May 7, 1993, by the State Historical Resources Commission. The applicant may, with cooperation of the project archaeologist and curation institution, provide displays or exhibits at the project site. All artifacts shall be analyzed to identify function and chronology as they relate to the history of the area. Faunal material shall be identified as to species, and specialty studies shall be completed as appropriate. Additionally, any sites and/or features encountered during the monitoring program shall be recorded on the applicable Department of Parks and Recreation forms (DPR 523A/B, et al.) and submitted to the South Coastal Information Center at San Diego State University and the San Diego Museum of Man with the final monitoring results report.</p>			
<p>f. Prior to the release of the grading bond, the applicant shall submit to the Planning Department a letter of acceptance for the archaeological collection from the appropriate institution. In addition, a monitoring results report and/or evaluation report, if appropriate, which describes the results, analysis, and conclusions of the entire archaeological and Native American monitoring program (with appropriate graphics and photo documentation), and evidence of curation of the archaeological collections, shall be submitted to and approved by the Planning Department. For significant archaeological or Native American resources, a Research, Design and Data Recovery Program shall be included as part of the evaluation report. A mitigation report for significant resources, if required, shall be submitted to and approved by the Planning Department prior to the release of the grading bond.</p>	Project Applicant	Code Enforcement Officer	During project construction
Cul-2			
Geology and Soils	Project Applicant	Code Enforcement Officer	During project construction
Geo-1	Project Applicant	Oceanside City Engineering Department	Prior to any grading or development
<p>Prior to any grading or development of the five-block project site, a further geotechnical evaluation of proposed grading and development plans shall be conducted in accordance with the California Building Code and a report provided to the Oceanside City Engineering Department. The report shall include recommendations for design of the subterranean improvements and foundation supports for proposed buildings, as required by the California Building Code. Recommendations of the geotechnical consultant and structural engineer shall be incorporated into project plans and construction methods to the satisfaction of the Oceanside City Engineer.</p>			

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
Hazards and Hazardous Materials			
<p>Haz-1 During grading activities on the eastern portion of Block 5, a qualified hazardous materials monitor shall be on site to monitor the areas around the two subsurface anomalies identified on the eastern portion of this block. If remain of a buried underground storage tank are discovered, grading shall be halted in that area, the proper agencies shall be notified, and soil sampling shall be conducted as required to ensure that contamination has not occurred. Remediation shall be conducted where contamination has occurred and proper disposal of the tank shall be completed pursuant to all applicable laws and regulations.</p>	<p>Project Applicant/ Hazardous Materials Monitor</p>	<p>County Department of Environmental Health</p>	<p>During grading activities</p>
Hydrology and Water Quality			
<p>Hyd-1 Prior to issuance of a certificate of occupancy, the following measures shall be implemented to serve the project site, if they have not been implemented by the City. If the City does not implement the following drainage improvements, the applicant shall be responsible for implementation of these improvements and may seek a fair share reimbursement from other proposed projects in the site vicinity.</p>			
<p>a. Replace existing storm drain in Pacific Street with larger pipes to adequately convey the design discharges identified in the Preliminary Drainage Report for the City of Oceanside Storm Drain Maintenance and Water Quality Improvements (PDC 2005).</p>	<p>City of Oceanside/ Project Applicant</p>	<p>City Engineer to verify that improvements have been implemented.</p>	<p>Prior to issuance of a certificate of occupancy</p>
<p>b. Construct a new storm drain lateral for Pier View Way and Myers Street.</p>			
<p>c. Recontour Myers Street through grading to direct runoff to new curb inlets connected to the new storm drain lateral.</p>			
Land Use			
<p>Land-1 Prior to the issuance of the grading permit or removal of any on-site or on-street public parking spaces related to Blocks 20 and 21, the developer(s)/builder(s) of Block 20 and 21 shall pay a fair share contribution for the physical construction of approximately 148 public parking spaces to the City for construction of a new public parking lot located between Tyson Street and Wisconsin Avenue west of the NCTD railroad tracks. The City Redevelopment Agency hired Merit Civil Engineering to prepare a site plan for the new parking lot in 2007. Approximately 148 parking spaces in the new parking lot shall be designated for project replacement parking to mitigate for removal of public parking spaces west of the NCTD railroad tracks at a one-to-one ratio. Replacement of on-site and on-street public parking shall only be required for Block 20 and 21 located west of the NCTD railroad tracks. If the City's new public parking lot is constructed prior to the loss of any public parking spaces, then the impact would be reduced to below a level of significance. However, if the City's new public parking lot is constructed after the loss of any public parking spaces, then a temporary significant and unavoidable impact would occur until construction of the new City parking lot is completed.</p>	<p>Project Applicant</p>	<p>Redevelopment Agency</p>	<p>Prior to the issuance of any grading permit or removal of any on-street public parking spaces</p>
Noise			
<p>Not-1 During project construction, the following conditions shall be implemented to the satisfaction of the City Engineer, in compliance with the City of Oceanside Noise Ordinance:</p>			
<p>a. Hours of construction shall be limited to 7 a.m. to 7 p.m. Monday through Friday, and on Saturday with approval by the City.</p>	<p>Project Applicant</p>	<p>City Engineer/Code Enforcement Officer</p>	<p>During project construction</p>
<p>b. Construction equipment shall be staged at least 500 feet from sensitive noise receptors, where feasible, and shall be shut down within five minutes when immediate use is not planned. This measure shall include idling trucks waiting to deliver or be loaded with materials.</p>			

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
<p>c. The areas designated for equipment maintenance, shall be located as far as practicable from existing residences and maintenance shall not be performed outside the prescribed construction hours.</p> <p>d. If temporary traffic control signs, warning signs, lighting or other similar pieces of equipment are located within 200 feet of a sensitive receptor, power shall be supplied by batteries or other means not utilizing internal combustion engines.</p> <p>e. Approved mufflers shall be used to meet the 85 dB noise limit.</p> <p>f. Discretionary scheduling of noisiest activities shall be implemented to minimize construction noise intrusion.</p>	Project Applicant	City Engineer	Prior to issuance of a certificate of occupancy
Not-2	<p>Prior to issuance of a certificate of occupancy, the following mitigation measure shall be implemented to the satisfaction of the City Engineer in order to create outdoor space that achieves 65 dB CNEL. The project applicant shall provide private noise-protected outdoor usable space in a shared common location within the proposed project site, such as the second floor decks on all blocks. The selected common area would require noise protection to ensure noise levels are below the 65 dB CNEL requirement. If second floor decks are utilized, they shall require the construction of a seven foot high parapet wall (six feet high for Block 5) along the perimeter facing the railroad tracks to achieve a noise level of 65 dB CNEL.</p>	Project Applicant	Prior to issuance of a certificate of occupancy
Not-3	<p>Residential and hotel units facing the railroad tracks shall require structural upgrades to achieve the required 45 dB CNEL noise criteria for habitable interior space, as required by the City's Noise Control Ordinance (1990) and the California Code of Regulations, Title 24, Part 6, Section T25-28. The maximum required attenuation shall be 31 dB for any facade within 30 feet of the tracks. Such attenuation shall be achieved with the use of dual-paned windows, and with supplemental ventilation to allow for window closure, or by other means that meet the attenuation criteria of 31 dB. Documentation of intra-unit sound and impact isolation shall be included in a final acoustical report required as part of plan check.</p>	Project Applicant	Prior to issuance of a certificate of occupancy
Not-4	<p>The following measure shall be made a condition of approval for all discretionary entitlements associated with the CityMark Development project:</p>	Project Applicant	
a.	<p>In order to minimize the perceived impact from single event noise from the train engine, horn, whistle, and bell, a statement of potential noise impacts from the railroad shall be included in purchase or rental contracts for each of the CityMark Development project residential units facing the railroad tracks for Blocks 5, 18, 19, 20 and 21. While the existence of the railroad should be obvious, and the statement would not reduce the noise, buyers and renters shall acknowledge their acceptance of the impact of regular railroad noise events that will occur.</p>		
b.	<p>Potential operators of commercial activities on Blocks 5, 18, 19, 20, or 21 shall be advised of the requirement to comply with the City's noise ordinance. This shall be included in conditional use permits, if required by the City, and in owner-operator lease contracts.</p>		
Not-5	<p>A final acoustical report shall be required as part of plan check prior to issuance of any grading or building permits for the project. This final report shall demonstrate verification of compliance with the City's noise requirements, as well as documentation of intra-unit sound and impact isolation, as required by the City's Noise Control Ordinance (1990) and the California Code of Regulations, Title 24, Part 6, Section T25-28. Final noise mitigation design shall also be included in the final acoustical report, including mitigation to ensure that HVAC equipment does not exceed the City's Noise Ordinance requirements when combined with other background noise.</p>	Project Applicant	Prior to issuance of any grading or building permits

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
Paleontological Resources			
Pal-1	The applicant shall provide a full-time paleontological monitoring program during all soil excavation per the following requirements:		
a.	Prior to issuance of a building and/or grading permit, the applicant shall provide a letter of verification to the City of Oceanside Planning Department stating that a qualified paleontologist and/or paleontological monitor have been retained to implement the monitoring program. The requirement for paleontological monitoring shall be noted on the grading plan. All persons involved in the paleontological monitoring of the project shall be approved by the Planning Department prior to the start of monitoring. The applicant shall notify the Planning Department of the start and end of construction.	Project Applicant/ Paleontologist or Paleontological Monitor	Prior to the issuance of any grading permit
b.	The paleontologist or paleontological monitor shall be on site full-time during the initial cutting of previously undisturbed areas. Monitoring may be increased or decreased at the discretion of the qualified paleontologist, in consultation with the Planning Department, and will depend on the rate of excavation, the materials excavated, and the abundance of fossils.	Engineering Inspector shall verify that the paleontological monitor is present during soil excavation, as required by the mitigation measure.	During project construction
c.	When requested by the paleontologist, the City Engineer shall direct that construction activities in the area of discovery be diverted, directed, or temporarily halted to allow recovery of fossil remains. The paleontologist shall immediately notify the Planning Department of such finding at the time of discovery. The Planning Department shall approve salvaging procedures to be performed before construction activities are allowed to resume.		
d.	The paleontologist shall be responsible for preparation of fossils to a point of identification and submittal of a letter of acceptance from a local qualified curation facility. Any discovered fossil sites shall be recorded by the paleontologist at the San Diego Natural History Museum.		
e.	Prior to the release of the grading bond, a monitoring results report, with appropriate graphics, summarizing the results, analysis and conclusions of the paleontological monitoring program shall be submitted to and approved by the Planning Department and a copy provided to the San Diego Natural History Museum.		
Traffic			
Tra-1	Mission Avenue from Horne Street to I-5. The following options have been identified to mitigate or partially mitigate the project impact to Mission Avenue between Horne Street and I-5.		
1.	Improve the Mission Avenue/Horne Street intersection: This improvement would add capacity to a key intersection along the impacted roadway segment in order to mitigate the segment impact by improving traffic flow. However, another project (Belvedere) is already conditioned to make improvements at this intersection. This improvement would fully mitigate project impacts at this intersection to below a level of significance.	City Planner/ Traffic Engineer to verify that one of the options has been selected and implemented.	Prior to issuance of a certificate of occupancy
2.	Improve the existing commercial driveway between Horne Street and the High School driveway: This improvement would provide a dedicated westbound right turn lane on Mission Avenue at the commercial driveway or improve the curb radius at the driveway. This improvement would provide only a small increase in capacity on Mission Avenue and would not fully mitigate the impact to below a level of significance.		
3.	No Improvements. If none of the above improvements identified above are implemented, the impact is considered to be significant and unavoidable.		

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
<p>Tra-4 Myers Street from Mission Avenue to Seagaze Drive. Prior to issuance of a certificate of occupancy, the project applicant shall provide full width improvements on Myers Street (a 40-foot road is planned) along the project frontage and convert Myers Street between Pier View Way and Mission Avenue to a two-way street. Improvements would include installation of a traffic signal at the Mission Avenue/Myers Street intersection to provide better access to and from the site after Myers Street is converted to a two-way street. A reimbursement agreement shall be established such that the future development that benefit from these improvements contribute their fairshare. However, if the Myers Street improvements have already been constructed by another project, then the CityMark Development project shall contribute its fairshare towards the improvements.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement or paid a fair share toward the improvement	Prior to issuance of a certificate of occupancy
<p>Tra-5 Mission Avenue/Clementine Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall install a traffic signal at the Mission Avenue/Clementine Street intersection. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the traffic signal has already been constructed by another project, then the CityMark Development project shall contribute its fairshare towards the traffic signal.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement or paid a fair share toward the improvement	Prior to issuance of a certificate of occupancy
<p>Tra-6 Mission Avenue/Myers Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall install a traffic signal at the Mission Avenue/Myers Street intersection. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the traffic signal and pedestrian gates have already been constructed by another project, then the CityMark Development project shall contribute its fairshare towards these improvements.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement or paid a fair share toward the improvement	Prior to issuance of a certificate of occupancy
<p>Tra-7 Mission Avenue/Horne Street Intersection. Prior to issuance of a certificate of occupancy, the project applicant shall upgrade the signal at the Mission Avenue/Horne Street intersection by widening the south leg of Horne Street to 50-feet of pavement from curb-to-curb. A reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare. However, if the intersection has already been improved by other projects, then the CityMark Development project shall contribute its fairshare towards the improvements.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement or paid a fair share toward the improvement	Prior to issuance of a certificate of occupancy
<p>Tra-8 Mission Avenue/Cleveland Street Intersection. If the Mission Avenue/Cleveland Street intersection is not signalized prior to project operation, the project applicant shall install a traffic signal. A reimbursement agreement shall be established such that the future developments that benefit from the signal contribute their fairshare. However, if the traffic signal has already been constructed by other projects, then the CityMark Development project shall contribute its fairshare towards the signalization of this intersection.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement or paid a fair share toward the improvement	Prior to issuance of a certificate of occupancy

Mitigation Monitoring and Reporting Program Summary (continued)

Mitigation Measures	Party Responsible for Implementing Action	Party Responsible for Monitoring	Timing
<p>Tra-9 Construction Impacts to Coast Highway. The project applicant shall implement the following measures during project construction when heavy trucks are hauling exported materials offsite in order to partially mitigate temporary significant impacts to Coast Highway:</p> <ol style="list-style-type: none"> 1. Prohibit haul trucks and crew vehicles from accessing the construction site during both AM and PM peak hours (7:00-8:00 a.m. and 4:00-6:00 p.m.). 2. Coordinate construction activities with local agencies and property owners. 3. Prepare and implement a Traffic Control Plan for construction activities in accordance with the City's requirements (see also mitigation measure <i>Tra-12</i>). <p>No other improvements (such as intersection improvements) are recommended, since it is not considered practical given that the impact is temporary and would only occur during the construction period. Once construction is completed, the proposed project would not have a significant impact to this roadway segment. Therefore, the construction-related traffic congestion impacts at this segment in the short-term would be significant and not fully mitigated.</p>	Project Applicant	City Planner/ Traffic Engineer to verify project plans Engineering Inspector/Code Enforcement Officer to verify that the measures are being implemented during construction	Prior to issuance of grading permit During construction
<p>Tra-10 The project applicant shall construct the following improvements along Myers Street to improve access along this roadway. If the proposed project is the first project to be constructed, a reimbursement agreement shall be established such that the future developments that benefit from these improvements contribute their fairshare.</p> <ul style="list-style-type: none"> • Provide full-width improvements for a 40-foot road along the project frontage on Myers Street; • Convert Myers Street between Pier View Way and Mission Avenue to a two-way street; • Install a traffic signal at the Mission Avenue/Myers Street intersection to provide better access to and from the site after Myers Street is converted into a two-way street. 	Project Applicant	City Planner/ Traffic Engineer to verify	Prior to issuance of a certificate of occupancy
<p>Tra-11 The project applicant shall construct ADA-compliant sidewalks on Myers Street, Seagaze Drive, Pacific Street, Pier View Way and Mission Avenue fronting the project blocks. ADA compliant crosswalks and ramps shall be provided at the intersections of Pacific Street/ Pier View Way, Myers Street/Pier View Way, Pacific Street/Mission Avenue, Mission Avenue/Myers Street, Pacific Street/Seagaze Drive and Myers Street/Seagaze Drive.</p>	Project Applicant	City Planner/ Traffic Engineer to verify that the project applicant has implemented the improvement	Prior to issuance of a certificate of occupancy
<p>Tra-12 Prior to issuance of a Coastal Development Permit, the developer shall prepare a traffic control plan in accordance with standards identified in Caltrans Manual on Uniform Traffic Control Devices (MUTCD) for review and approval by the City of Oceanide. The traffic control plan shall demonstrate how site access and circulation will be maintained through construction of the proposed project.</p>	Project Applicant	City Planner/ Traffic Engineer to review and approve the traffic control plan	Prior to issuance of a Coastal Development Permit

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RESOLUTION NO. 08-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A MIXED USE DEVELOPMENT CONSISTING OF 231-UNIT RESIDENTIAL CONDOMINIUMS, 124-UNIT HOTEL AND 48,000 SQUARE FEET OF VISITOR SERVING COMMERCIAL SPACE BOUNDED BY CIVIC CENTER DRIVE, SEAGAZE DRIVE, CLEVELAND AND MYERS STREETS – APPLICANT: CITYMARK

WHEREAS, on May 14, 2008, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06) for the construction of a mixed-use development consisting 231-unit residential condominiums, 124-unit hotel, and 48,000 square feet of visitors serving commercial uses located on five city blocks bounded by Civic Center Drive on the north, Seagaze Drive on the south, Myers Street on the west and Cleveland Street on the west, on certain real property described in Exhibit “A”;

WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on February 1, 2008, review and recommend approval of Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on May 7, 2008 review and recommend approval of Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06);

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, a Final Environmental Impact Report was prepared by the Resource

1 Officer of the City of Oceanside for this application pursuant to the California
2 Environmental Quality Act of 1970 and the State Guidelines implementing the Act. The
3 Final Environmental Impact Report has identified significant, unmitigable impacts with
4 no feasible mitigation measures. These significant, unmitigable impacts are acceptable
5 due to overriding social, economic and other benefits as specified in the Findings and
6 Statement of Overriding Considerations.

7 WHEREAS, the Final Environmental Impact Report was also reviewed and
8 certified by the Community Development Commission prior to taking action on
9 Tentative Map (T-203-06), Development Plan (D-210-06), Conditional Use Permit (C-
10 206-06) and Regular Coastal Permit (RC-212-06);

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication Fee	Ordinance No. 91.10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	\$2,843 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$713 per thousand square feet
School Facilities Mitigation Fee	Ordinance No. 91-34 Resolution No. 06-R0334-1	\$.42 per square foot

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4	Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
5		Resolution No. 06-R0334-1	
6	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip
7		Resolution No. 06-R0334-1	(based on SANDAG trip generation table)
8			
9			
10	Water System Buy-in Fees	Oceanside City Code	Fee based on water meter
11		§37.56.1	size. Non-residential is
12		Resolution No. 87-96	\$19,967 for a 2" meter
13		Ordinance No. 05-OR	
14		0611-1	
15			
16	Wastewater System Buy-in	Oceanside City Code §	Based on meter size. Non-
17	fees	29.11.1	residential is typically
18		Resolution No. 87-97	\$24,444 for a 2" meter
19		Ordinance No. 05-OR	
20		0610-1	
21			
22	San Diego County Water	SDCWA Ordinance No.	Based on meter size. Non-
23	Authority Capacity Fees	2005-03	residential is typically
24			\$21,599 for a 2" meter
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WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable

1 ordinances and resolutions, presume the accuracy of relevant project information
2 provided by the applicant, and are not necessarily the fee amounts that will be owing
3 when such fees become due and payable;

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

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

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

16 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution
17 becomes effective upon its adoption.

18 NOW, THEREFORE, the Community Development Commission of the City of
19 Oceanside does resolve as follows:

20 FINDINGS:

21 **For the Tentative Map:**

22 1. The proposed hotel, residential condominiums and visitors serving
23 commercial uses meets the requirement of the Subdistrict 1 zoning designation in that the
24 project creates a map on several existing legal lots as stipulated within Article 12 of the
25 Downtown District development standards. The subdivision map is consistent with the
26 General Plan, Redevelopment Plan, Local Coastal Program, Article 12 of the Downtown
27 District and the Subdivision Ordinance of the City of Oceanside by creating a
28 condominium map on several existing legal lots.

1 2. The proposed building on the site will conform to the topography of the site,
2 therefore, making it suitable for mixed-use development. The subject site is physically
3 suitable to allow for the development of a 124-unit hotel, 231-unit residential
4 condominiums and 48,000 square feet of visitor serving commercial uses.

5 3. The subdivision complies with all other applicable ordinances, regulations
6 and guidelines of the City.

7 4. The design of the subdivision or proposed improvements will not conflict
8 with easements, acquired by the public at large, for access through or use of property
9 within the subdivision.

10 5. The design of the subdivision or the proposed improvements will not cause
11 substantial environment damage or substantially and avoidably injure fish or wildlife or
12 their habitat because the proposed project is an infill site that does not contain any sensitive
13 habitat, river or blue stream, wildlife, cultural resources, riparian habitat, sensitive
14 landforms and/or geologic formations or minerals, sensitive fauna and marine life.

15 **For the Development Plan:**

16 1. The site plan and physical design of the project as proposed is consistent with the
17 purposes of the City's Zoning Ordinance and the "D" Downtown District in that the
18 architectural design of the proposed structure, landscaping, and open space meets or
19 exceeds the minimum development standards of the "D" Downtown District. The
20 proposed project meets the minimum setbacks, landscape, open space, height and
21 parking spaces as stipulated within the "D" Downtown District development standards.
22 In addition, the project is consistent with the similar development located within the
23 surrounding neighborhood.

24 2. The Development Plan as proposed conforms to the Redevelopment Plan, Local
25 Coastal Program and General Plan of the City in that the proposed 124-unit hotel, 231-
26 unit residential condominiums, and 48,000 square feet of visitor serving commercial
27 uses is consistent with the land uses of the Redevelopment Plan and the project meets
28 the minimum setbacks, landscape, open space, height and parking spaces as stipulated

1 within the “D” Downtown District development standards. Project is also, consistent
2 with all of the requirements of the Nine Block Master Plan, including their fair share of
3 hotel rooms and visitor serving commercial uses under Alternative 2, including a
4 condition that requires this project to build block 21, which include the hotel units,
5 unless significant progress is demonstrated by the Oceanside Beach Resort Project. In
6 addition, the project is consistent with the newer development located within the
7 surrounding neighborhood.

8 3. The area covered by the Development Plan can be adequately, reasonably
9 and conveniently served by existing and planned public services, utilities and public
10 facilities. The proposed 124-unit hotel, 231-unit residential condominiums and 48,000
11 square feet of visitor serving commercial uses will not create public service and facility
12 demands exceeding the capacity of existing and planned infrastructure.

13 4. The proposed project, a 124-unit hotel, 231-unit residential condominiums
14 and 48,000 square feet of visitor serving commercial uses development, is compatible
15 with the newer development within the surrounding neighborhood in that in comparing
16 the project’s corresponding square footages to the square footages of similar mixed-use
17 development projects located within the surrounding neighborhood. It can be found that
18 the proposed unit sizes and commercial spaces are comparable in size and would have a
19 positive effect on the area.

20 5. The site plan and physical design of the project is consistent with Section
21 1.24 and 1.25 of the Land Use Element of the General Plan, and Section 3039 of the
22 Oceanside Zoning Ordinance in that there is only 5 foot grade differentials from the highest
23 and lowest points of the subject site and therefore the project does not qualify for Section
24 3039 C. (Hillside Regulations) of the Oceanside Zoning Ordinance nor Section 1.24 and
25 1.25 of the Land Use Element of the General Plan.

26 **For the Mixed-Use Development Plan:**

27 1. The total number of dwelling units in the Mixed-Use Development Plan
28 (MUDP) does not exceed the maximum density (43 du. ac.) permitted under the General

1 Plan land use regulations.

2 2. The proposed development achieved under the MUDP will contribute to
3 an enhanced and superior urban environment in comparison to a development that might
4 otherwise be realized apart from the proposed MUDP. The proposed design steps back
5 on all of the buildings and provides several public piazzas (plazas) is a quality that
6 cannot be found for either a single use commercial and/or residential building.

7 3. The MUDP is consistent with the adopted land use policies and regulations
8 for the Redevelopment land use area.

9 4. The MUDP will be adequately served by the necessary utilities and
10 facilities. The project connection to the existing utilities and facilities will not exceed
11 the capacity of the existing systems.

12 5. The traffic expected to be generated by the MUDP alone, will not exceed
13 the capacity of the affected streets.

14 6. The MUDP will not significantly effect “shadowing” upon the adjacent
15 properties in comparison of the development shading that would otherwise be realized
16 from a development not containing a mixed-use component. The project proposes a
17 maximum height of 85 feet and as such the “shadowing” effect to adjacent properties
18 will be minimal.

19 **Conditional Use Permit for the Hotel:**

20 1. The proposed hotel and associated ancillary uses are consistent with the
21 land use objectives of the commercial uses that are allowed within Subdistrict 11 and use
22 district of the Redevelopment Project Area.

23 2. The restrictions for the conditional use permit are consistent with the Zoning
24 Ordinance, General Plan and Redevelopment Plan, will not affect neighborhood
25 compatibility. The operation of the proposed business and the conditions under which it
26 will be allowed to operate will not be detrimental to the public health, safety or welfare of
27 persons residing or working in or adjacent to the subject site. The conditional use is subject to and
28 must comply with specific local conditions and additional regulations as deemed necessary.

1 **For the Regular Coastal Permit:**

2 1. The granting of the Regular Coastal Permit is consistent with the purposes
3 of the California Coastal Act of 1976. The proposed project has been sited and designed
4 with public plazas and design features to protect public views of and access to the ocean
5 along Pier View Way. The proposed project is compatible with the surrounding area
6 mixed use developments. A 65-foot high mixed use development project has been
7 constructed in the vicinity and the City's Zoning Ordinance, which implements the
8 City's Local Coastal Program, contemplates development in the District of a height up to
9 140 feet in certain conditions.

10 2. The proposed project is consistent with the policies of the Local Coastal
11 Program as implemented through the City Zoning Ordinance. The proposed uses are
12 consistent with the Local Coastal Program designation for the subject site of "General
13 Commercial" and will conform to the requirements of the Zoning Ordinance. In
14 addition, the project will not substantially alter or impact the existing coastal views
15 through the public rights-of-way corridors. The proposed project will provide the
16 number of hotel rooms and visitor serving commercial space required by the City's
17 Nine-Block Master Plan.

18 3. The proposed project will not obstruct any existing or planned public
19 beach access; therefore, the project is in conformance with the policies of Chapter 3 of
20 the Coastal Act. The proposed project provides an average of 18 foot setbacks and the
21 orientation of the proposed buildings will not obstruct the existing public beach access
22 point located at Pier View Way and Pacific Streets.

23 SECTION 1. That Tentative Map (T-203-06), Development Plan (D-210-06),
24 Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06) are hereby
25 approved subject to all of the conditions set forth in Exhibit "C" attached hereto and
26 incorporated herein by this reference.

27 SECTION 3. The Final Environmental Impact Report has been reviewed and
28 certified by the Community Development Commission through Resolution No. prior

1 to approval of the Tentative Parcel Map (T-203-06), Development Plan (D-210-06),
2 Conditional Use Permit (C-206-06) and Regular Coastal Permit (RC-212-06).

3 NOTICE is hereby given that the time within which judicial review must be
4 sought on this decision is governed by Code of Civil Procedure Section 1094.6.

5 PASSED AND ADOPTED by the Oceanside Community Development
6 Commission of the City of Oceanside this ____ day of _____ 2008 by the
7 following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12

13

Chairman

14 ATTEST:

15

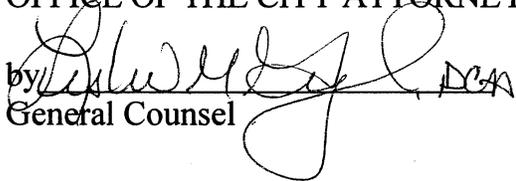
16 _____
Secretary

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18 APPROVED AS TO FORM:

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by  General Counsel

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**LEGAL DESCRIPTION:
APN 147-350-21**

A PARCEL OF LAND IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 500-FOOT WIDE OCEANSIDE STATION GROUNDS AS DESCRIBED IN DEED DATED FEBRUARY 19, 1887 TO CALIFORNIA SOUTHERN RAILROAD COMPANY (PREDECESSOR IN INTEREST TO SAID RAILWAY COMPANY), RECORDED FEBRUARY 23, 1887 IN BOOK 78 OF DEEDS AT PAGE 390, RECORDS OF SAID COUNTY, LYING IN THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF FOURTH STREET (80 FEET WIDE) AS SHOWN ON MAP OF OCEANSIDE, FILED AS MAP NO. 310, ON OCTOBER 13, 1883, IN RECORDS OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF MYERS STREET, (60 FEET WIDE) AS ESTABLISHED BY DEED RECORDED IN BOOK 751 OF DEEDS, PAGE 282 OF SAID COUNTY;

THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MYERS STREET, 720 FEET TO THE PROLONGATION OF THE CENTERLINE OF MISSION AVENUE, (FORMERLY SECOND STREET) 100.00 FEET WIDE, AS DESCRIBED IN EASEMENT DATED NOVEMBER 11, 1988, TO CITY OF OCEANSIDE, RECORDED DECEMBER 20, 1988 AS INSTRUMENT NO. 88-653383 OF OFFICIAL RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY CONTINUING ALONG SAID SOUTHWESTERLY LINE OF MYERS STREET, 340 FEET TO INTERSECTION WITH THE NORTHWESTERLY LINE OF FIRST STREET (80 FEET WIDE) AS SHOWN ON SAID MAP NO. 310;

THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF FIRST STREET, 213 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT SOUTHWESTERLY 37 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S WESTERN REGION, SAN DIEGO SUBDIVISION, MAIN TRACK;

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, 340 FEET TO INTERSECTION WITH SAID CENTERLINE OF MISSION AVENUE;

THENCE SOUTHWESTERLY ALONG SAID CENTERLINE OF MISSION AVENUE, 213 FEET TO POINT OF BEGINNING.

**LEGAL DESCRIPTION:
APNs 147-161-05 AND 147-350-20**

A PARCEL OF LAND IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 500-FOOT WIDE OCEANSIDE STATION GROUNDS AS DESCRIBED IN DEED DATED FEBRUARY 19, 1887 TO CALIFORNIA SOUTHERN RAILROAD COMPANY (PREDECESSOR IN INTEREST TO SAID RAILWAY COMPANY), RECORDED FEBRUARY 23, 1887 IN BOOK 78 OF DEEDS AT PAGE 390, RECORDS OF SAID COUNTY, LYING IN THE NORTHWEST QUARTER OF SECTION 26 AND IN THE NORTHEAST QUARTER OF SECTION 27, BOTH IN TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF FOURTH STREET (80 FEET WIDE), AS SHOWN ON MAP OF OCEANSIDE, FILED AS MAP NO. 310, ON OCTOBER 13, 1883, IN RECORDS OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF MYERS STREET (60 FEET WIDE) AS ESTABLISHED BY DEED RECORDED IN BOOK 751 OF DEEDS, PAGE 282, RECORDS OF SAID COUNTY;

THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MYERS STREET, 730 FEET TO THE PROLONGATION OF THE CENTERLINE OF MISSION AVENUE, (FORMERLY SECOND STREET) 100.00 FEET WIDE, AS DESCRIBED IN EASEMENT DATED NOVEMBER 11, 1988, TO CITY OF OCEANSIDE, RECORDED DECEMBER 20, 1988 AS INSTRUMENT NO. 88-653383 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE NORTHEASTERLY ALONG SAID PROLONGATION AND CENTERLINE, 213 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT SOUTHWESTERLY 37 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S WESTERN REGION, SAN DIEGO SUBDIVISION, MAIN TRACK;

THENCE NORTHWESTERLY ALONG SAID PARALLEL, 720 FEET TO INTERSECTION WITH THE NORTHEASTERLY PROLONGATION OF SAID SOUTHEASTERLY LINE OF FOURTH STREET;

THENCE SOUTHWESTERLY ALONG SAID PROLONGATION, 213 FEET TO POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS CONTAINED IN THE ABOVE-DESCRIBED LAND, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS, PROVIDED THAT

SANTA FE SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LAND, OR ANY PART THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING ANY OF SAID MINERALS. SANTA FE MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO REMOVE ANY OF SAID MINERALS FROM SAID LAND BY MEANS OF WELLS, SHAFTS, TUNNELS, OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY SANTA FE SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE LAND HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON, AS RESERVED IN A DEED RECORDED FEBRUARY 18, 1992 AS INSTRUMENT NO. 1992-0085420 OF OFFICIAL RECORDS.

**LEGAL DESCRIPTION:
APN 147-350-19**

A PARCEL OF LAND IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 500-FOOT WIDE OCEANSIDE STATION GROUNDS AS DESCRIBED IN DEED DATED FEBRUARY 19, 1887 TO CALIFORNIA SOUTHERN RAILROAD COMPANY (PREDECESSOR IN INTEREST TO SAID RAILWAY COMPANY), RECORDED FEBRUARY 23, 1887 IN BOOK 78 OF DEEDS AT PAGE 390, RECORDS OF SAID COUNTY, LYING IN THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF THIRD STREET (80 FEET WIDE) AS SHOWN ON MAP OF OCEASNSIDE, FILED AS MAP NO. 310, ON OCTOBER 13, 1883 IN RECORDS OF SAID COUNTY, WITH THE NORTHEASTERLY LINE OF CLEVELAND STREET (50 FEET WIDE) AS ESTABLISHED BY DEED RECORDED IN BOOK 751 OF DEEDS, PAGE 282, RECORDS OF SAID COUNTY;

THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF CLEVELAND STREET, 420 FEET TO THE PROLONGATION OF THE CENTERLINE OF MISSION AVENUE (FORMERLY SECOND STREET) 100.00 FEET WIDE, AS DESCRIBED IN EASEMENT DATED NOVEMBER 11, 1988, TO CITY OF OCEANSIDE, RECORDED DECEMBER 28, 1988 AS INSTRUMENT NO. 88-653383 OF OFFICIAL RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY CONTINUING ALONG SAID NORTHEASTERLY LINE OF CLEVELAND STREET, 340 FEET TO INTERSECTION WITH THE NORTHWESTERLY LINE OF FIRST STREET (80 FEET WIDE) AS SHOWN ON SAID MAP NO. 310;

THENCE SOUTHWESTERLY ALONG THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF FIRST STREET, 225 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY, 25 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S WESTERN REGION, SAN DIEGO SUBDIVISION, MAIN TRACK;

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, 340 FEET TO INTERSECTION WITH SAID CENTERLINE OF MISSION AVENUE;

THENCE NORTHEASTERLY ALONG SAID CENTERLINE OF MISSION AVENUE, 225 FEET TO POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS CONTAINED IN THE ABOVE-DESCRIBED LAND, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS, PROVIDED THAT SANTA FE SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LAND, OR ANY PART THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING ANY OF SAID MINERALS. SANTA FE MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO REMOVE ANY OF SAID MINERALS FROM SAID LAND BY MEANS OF WELLS, SHAFTS, TUNNELS, OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY SANTA FE SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE LAND HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON, AS RESERVED IN A DEED RECORDED FEBRUARY 18, 1992 AS INSTRUMENT NO. 1992-0085418 OF OFFICIAL RECORDS.

**LEGAL DESCRIPTION:
APN 147-350-21**

A PARCEL OF LAND IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 500-FOOT WIDE OCEANSIDE STATION GROUNDS AS DESCRIBED IN DEED DATED FEBRUARY 19, 1887 TO CALIFORNIA SOUTHERN RAILROAD COMPANY (PREDECESSOR IN INTEREST TO SAID RAILWAY COMPANY), RECORDED FEBRUARY 23, 1887 IN BOOK 78 OF DEEDS AT PAGE 390, RECORDS OF SAID COUNTY, LYING IN THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF THE SOUTHEASTERLY LINE OF FOURTH STREET (80 FEET WIDE) AS SHOWN ON MAP OF OCEANSIDE, FILED AS MAP NO. 310, ON OCTOBER 13, 1883, IN RECORDS OF SAID COUNTY, WITH THE SOUTHWESTERLY LINE OF MYERS STREET, (60 FEET WIDE) AS ESTABLISHED BY DEED RECORDED IN BOOK 751 OF DEEDS, PAGE 282 OF SAID COUNTY;

THENCE SOUTHEASTERLY ALONG SAID SOUTHWESTERLY LINE OF MYERS STREET, 720 FEET TO THE PROLONGATION OF THE CENTERLINE OF MISSION AVENUE, (FORMERLY SECOND STREET) 100.00 FEET WIDE, AS DESCRIBED IN EASEMENT DATED NOVEMBER 11, 1988, TO CITY OF OCEANSIDE, RECORDED DECEMBER 20, 1988 AS INSTRUMENT NO. 88-653383 OF OFFICIAL RECORDS OF SAID COUNTY AND THE TRUE POINT OF BEGINNING;

THENCE SOUTHEASTERLY CONTINUING ALONG SAID SOUTHWESTERLY LINE OF MYERS STREET, 340 FEET TO INTERSECTION WITH THE NORTHWESTERLY LINE OF FIRST STREET (80 FEET WIDE) AS SHOWN ON SAID MAP NO. 310;

THENCE NORTHEASTERLY ALONG THE NORTHEASTERLY PROLONGATION OF THE NORTHWESTERLY LINE OF FIRST STREET, 213 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT SOUTHWESTERLY 37 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF SAID RAILWAY COMPANY'S WESTERN REGION, SAN DIEGO SUBDIVISION, MAIN TRACK;

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, 340 FEET TO INTERSECTION WITH SAID CENTERLINE OF MISSION AVENUE;

THENCE SOUTHWESTERLY ALONG SAID CENTERLINE OF MISSION AVENUE, 213 FEET TO POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS CONTAINED IN THE ABOVE-DESCRIBED LAND, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS, AND OTHER HYDROCARBON SUBSTANCES, AS WELL AS METALLIC OR OTHER SOLID MINERALS, PROVIDED THAT SANTA FE SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LAND, OR ANY PART THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING ANY OF SAID MINERALS. SANTA FE MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO, REMOVE ANY OF SAID MINERALS FROM SAID LAND BY MEANS OF WELLS, SHAFTS, TUNNELS, OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY SANTA FE SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE LAND HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON, AS RESERVED IN A DEED RECORDED FEBRUARY 18, 1992 AS INSTRUMENT NO. 1992-0085422 OF OFFICIAL RECORDS.

**LEGAL DESCRIPTION:
APN 147-350-18**

A PARCEL OF LAND IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, BEING A PORTION OF THE ATCHISON, TOPEKA AND SANTA FE RAILWAY COMPANY'S 500 FOOT WIDE OCEANSIDE STATION GROUNDS AS DESCRIBED IN DEED DATED FEBRUARY 19, 1887 TO CALIFORNIA SOUTHERN RAILROAD COMPANY (PREDECESSOR IN INTEREST TO SAID RAILWAY COMPANY), RECORDED FEBRUARY 23, 1887 IN BOOK 78 OF DEEDS AT PAGE 390, RECORDS OF SAID COUNTY, LYING IN THE NORTHWEST QUARTER OF SECTION 26 IN TOWNSHIP 11 SOUTH, RANGE 5 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE INTERSECTION OF THE NORTHWESTERLY LINE OF THIRD STREET (80 FEET WIDE) AS SHOWN ON MAP OF OCEANSIDE, FILED AS MAP NUMBER 310, ON OCTOBER 13, 1883 IN RECORDS OF SAID COUNTY, WITH THE NORTHEASTERLY LINE OF CLEVELAND STREET (50 FEET WIDE) AS ESTABLISHED BY DEED RECORDED IN BOOK 751 OF DEEDS, PAGE 282, RECORD OF SAID COUNTY,

THENCE SOUTHEASTERLY ALONG SAID NORTHEASTERLY LINE OF CLEVELAND STREET, 420 FEET TO THE PROLONGATION OF SAID CENTERLINE OF MISSION AVENUE (FORMERLY SECOND STREET) 100.00 FEET WIDE, AS DESCRIBED IN EASEMENT DATED NOVEMBER 11, 1988, TO THE CITY OCEANSIDE, RECORDED DECEMBER 20, 1988 AS INSTRUMENT NO. 88-653383 OF OFFICIAL RECORDS OF SAID COUNTY;

THENCE SOUTHWESTERLY ALONG SAID CENTERLINE AND PROLONGATION, 225 FEET TO INTERSECTION WITH A LINE PARALLEL WITH AND DISTANT NORTHEASTERLY, 25 FEET, MEASURED AT RIGHT ANGLES FROM THE CENTERLINE OF THE MAIN TRACT OF SAID RAILWAY COMPANY'S SAN DIEGO SUBDIVISION OF THE WESTERN REGION;

THENCE NORTHWESTERLY ALONG SAID PARALLEL LINE, 420 FEET TO THE INTERSECTION WITH THE SOUTHWESTERLY PROLONGATION OF SAID NORTHWESTERLY LINE OF THIRD STREET;

THENCE NORTHEASTERLY ALONG SAID PROLONGATION, 225 FEET TO POINT OF BEGINNING.

EXCEPTING THEREFROM ALL MINERALS CONTAINED IN THE ABOVE-DESCRIBED LAND, INCLUDING, WITHOUT LIMITING THE GENERALITY THEREOF, OIL, GAS, AS WELL AS METALLIC OR OTHER SOLID MATERIALS, PROVIDED THAT SANTA FE SHALL NOT HAVE THE RIGHT TO GO UPON OR USE THE SURFACE OF SAID LAND, OR ANY PART

THEREOF, FOR THE PURPOSE OF DRILLING FOR, MINING, OR OTHERWISE REMOVING ANY OF SAID MINERALS. SANTA FE MAY, HOWEVER, AND HEREBY RESERVES THE RIGHT TO, REMOVE ANY OF SAID MINERALS FROM SAID LAND BY MEANS OF WELLS, SHAFTS, TUNNELS, OR OTHER MEANS OF ACCESS TO SAID MINERALS WHICH MAY BE CONSTRUCTED, DRILLED OR DUG FROM OTHER LAND, PROVIDED THAT THE EXERCISE OF SUCH RIGHTS BY SANTA FE SHALL IN NO WAY INTERFERE WITH OR IMPAIR THE USE OF THE SURFACE OF THE LAND HEREBY CONVEYED OR OF ANY IMPROVEMENTS THEREON, AS RESERVED IN A DEED RECORDED FEBRUARY 18, 1992 AS INSTRUMENT NO. 1992-0085416 OF OFFICIAL RECORDS.

1 **EXHIBIT "B"**

2 Building:

- 3 1. The granting of approval under this action shall in no way relieve the
4 applicant/project from compliance with all State and Local building codes.
- 5 2. Site development, common use areas, access and adaptability of apartments and
6 condominiums shall comply with the State's Disabled Accessibility Regulations.
7 (2007 California Building Code (CBC), Chapter 11A)
- 8 3. Site development, parking, access into buildings and building interiors shall
9 comply with the State's Disabled Accessibility Regulations. (2007 California
10 Building Code (CBC), Chapter 11B)
- 11 4. The building plans for this project are required by State law to be prepared by a
12 licensed architect or engineer and must be in compliance with this requirement
13 prior to submittal for building plan review.
- 14 5. All electrical, communication, CATV, etc. service lines within the exterior lines
15 of the property shall be underground (City Code Sec. 6.30).
- 16 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light
17 Pollution Ordinance). Where color rendition is important, high-pressure sodium,
18 metal halide or other such lights may be utilized and shall be shown on building
19 and electrical plans.
- 20 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on
21 the plans.
- 22 8. The developer shall monitor, supervise and control all building construction and
23 supporting activities so as to prevent these activities from causing a public nuisance,
24 including, but not limited to, strict adherence to the following:
- 25 a) Building construction work hours shall be limited to between 7 a.m. and 6
26 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for
27 work that is not inherently noise-producing. Examples of work not permitted
28 on Saturday are concrete and grout pours, roof nailing and activities of

- 1 similar noise-producing nature. No work shall be permitted on Sundays and
2 Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day,
3 Thanksgiving Day, Christmas Day) except as allowed for emergency work
4 under the provisions of the Oceanside City Code Chapter 38 (Noise
5 Ordinance).
- 6 b) The construction site shall be kept reasonably free of construction debris as
7 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
8 approved solid waste containers shall be considered compliance with this
9 requirement. Small Amounts of construction debris may be stored on site in
10 a neat, safe manner for short periods of time pending disposal.
- 11 Separate/unique addresses will/may be required to facilitate utility releases.
- 12 9. Verification that the addresses have been properly assigned by the City's
13 Planning Division must accompany the Building Permit application.
- 14 10. A complete Soils Report, Structural Calculations, & Energy
15 Calculations/documentation will be required at time of plans submittal to the
16 Building Division for plan check.
- 17 11. In addition to the required Soils Report, submit a "Benzene Vapor Risk
18 Assessment" Report for this property.
- 19 12. A Building (Demo) Permit will be required for the demolition of any existing
20 structures such as parking lot lighting etc. Plans for the Demolition Permit must
21 clearly show that all utilities (electric, gas, water, & sewer) are properly
22 terminated/capped in accordance with the requirements of the utility service
23 provider. All/any underground septic or water storage tanks must be removed or
24 filled in accordance with the Uniform Plumbing Code and/or the City's Grading
25 Ordinance.
- 26 13. Setbacks and Type of Construction must comply with the 2007 California
27 Building Code. Exterior openings less than five feet from the property line must
28 be protected per table 704.8 of the CBC. Exterior walls less than five feet to the

- 1 property line must be one hour rated per Table 602 of the CBC.
- 2 14. Fire sprinklers are required for all R-2 occupancies. [CBC 903.2.7]
- 3 15. All wired glass windows or doors between three and five feet from the property line
4 must meet requirements of the new 2007 California Building Code table 715.5 and
5 715.5.3.
- 6 16. Final plans for All High Rise Buildings (Buildings over the 4th story) including all
7 redlines, as-builts, and revisions must be submitted on a CD formatted with a TIF or
8 JPEG image file.
- 9 17. As part of the plan check submittal for a Building Permit, developer shall submit a
10 "plat" drawing showing the first floor elevations for each segment, the locations of
11 the points where the floor level is 6 feet above grade, and the lowest elevation
12 within 5 feet from the building for each segment.
- 13 18. Building levels below grade (on all sides) shall be provided with a mechanical
14 drainage system that provides drainage to an approved location/receptor.
- 15 19. Plan submittal to the Building Division must include a Pedestrian Protection Plan
16 complying with the requirements of CBC 3306 and Table 3306.1.
- 17 20. Tenant Improvements or other construction to the existing building requires permits
18 (including all required Inspections and approvals, and Issuance of Certificate of
19 Occupancy) from the Building Division.

20 Engineering:

- 21 21. Vehicular access rights to Seagaze Drive, Cleveland Street, Myers Street, Mission
22 Avenue and Pier View Way shall be relinquished to the City from all abutting lots
23 except at locations shown on the approved tentative map.
- 24 22. All right-of-way alignments, street dedications, exact geometrics and widths for
25 Seagaze Drive, Cleveland Street, Myers Street, Mission Avenue and Pier View Way
26 shall be dedicated and constructed as required by the City Engineer.
- 27 23. Design and construction of all improvements shall be in accordance with standard
28 plans, specifications of the City of Oceanside and subject to approval by the City

- 1 Engineer.
- 2 24. The developer shall provide public street dedication prior to the recordation of the
3 final map if required to serve the property. The street dedication shall be shown on
4 the grading and improvement plans prior to approval by the City Engineer.
- 5 25. The approval of the tentative map shall not mean that closure, vacation, or
6 abandonment of any public street, right of way, easement, or facility is granted or
7 guaranteed to the owner/developer. The owner/developer is responsible for
8 applying for all closures, vacations, and abandonments as necessary. The
9 application(s) shall be reviewed and approved or rejected by the City of
10 Oceanside under separate process(es) per codes, ordinances, and policies in effect
11 at the time of the application.
- 12 26. Prior to approval of the final map(s) and building permits or any increment, all
13 improvement requirements, within such increment or outside of it if required by the
14 City Engineer, shall be covered by a subdivision agreement and secured with
15 sufficient improvement securities or bonds guaranteeing performance and payment
16 for labor and materials, setting of monuments, and warranty against defective
17 materials and workmanship.
- 18 27. Prior to approval of the first final map a phasing plan for the construction of public
19 and private improvements including landscaping, streets and arterials shall be
20 approved by the City Engineer. All improvements shall be under construction to
21 the satisfaction of the City Engineer prior to the issuance of any building permits.
- 22 28. All improvements shall be completed prior to issuance of any certificates of
23 occupancy.
- 24 29. Multiple final maps may be filed prior to the expiration of the tentative map.
25 "Prior to the recordation of the final map, an Average Daily Traffic (ADT)
26 volumes based on construction phasing plan for off-site traffic mitigation
27 measures shall be developed by the applicant and submitted to the City Engineer
28 for review and approval. Off-site traffic mitigation measures shall be phased and

1 proportional to the estimated ADTs expected to be generated by each block
2 developed. The construction of and/or fair share payment toward off-site traffic
3 mitigation measures shall be executed based upon the approved ADT based
4 construction phasing plan prior to the issuance of building permits and to the
5 satisfaction of the City Engineer."

6 a) The City Engineer shall require the dedication and construction of
7 necessary utilities, streets and other improvements outside the area of any
8 particular final map, if such is needed for circulation, parking, access or for
9 the welfare or safety of future occupants of the development. The
10 boundaries of any multiple final map increment shall be subject to the
11 approval of the City Engineer.

12 b) Prior to City Council's approval of the first final map, a phasing plan for
13 the construction of public and private improvements shall be reviewed and
14 approved by the City Engineer.

15 c) Prior to the issuance of any grading, improvement or building permits for a
16 model complex, a construction-phasing plan for the entire project shall be
17 reviewed and approved by the Planning Director, City Engineer and
18 Building Director. All improvements shall be under construction to the
19 satisfaction of the City Engineer prior to the issuance of any building
20 permits. All public and private improvements including landscaping and
21 offsite streets or arterials that are found to be required to serve the model
22 complex shall be completed prior to the issuance of any certificates of
23 occupancy.

24 30. Where proposed off-site improvements, including but not limited to slopes, public
25 utility facilities, and drainage facilities, are to be constructed, the developer/owner
26 shall, at his own expense, obtain all necessary easements or other interests in real
27 property and shall dedicate the same to the City of Oceanside as required. The
28 applicant shall provide documentary proof satisfactory to the City of Oceanside that

1 such easements or other interest in real property have been obtained prior to the
2 approval of any grading plan/permit and the final map. Additionally, the City of
3 Oceanside, may at its sole discretion, require that the applicant obtain at his sole
4 expense a title policy insuring the necessary title for the easement or other interest in
5 real property to have vested with the City of Oceanside or the applicant, as
6 applicable.

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

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

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

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

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

- 1 c) Because construction noise may still be intrusive in the evening or on
2 holidays, the City of Oceanside Noise Ordinance also prohibits “any
3 disturbing excessive or offensive noise which causes discomfort or
4 annoyance to reasonable persons of normal sensitivity.”
- 5 d) A haul route shall be obtained at least 7 days prior the start of hauling
6 operations and must be approved by the City Engineer. Hauling operations
7 shall be 8:00 A.M. to 3:30 P.M. unless approved otherwise.
- 8 34. It is the responsibility of the owner/developer to evaluate and determine that all
9 soil imported as part of this development is free of hazardous and/or
10 contaminated material as defined by the City and the County of San Diego
11 Department of Environmental Health. Exported or imported soils shall be
12 properly screened, tested, and documented regarding hazardous contamination.
- 13 35. A traffic control plan shall be prepared according to the City traffic control
14 guidelines and be submitted to and approved by the City Engineer prior to the
15 start of work within open City rights-of-way. Traffic control during construction
16 of streets that have been opened to public traffic shall be in accordance with
17 construction signing, marking and other protection as required by the Caltrans
18 Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall
19 be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 20 36. Approval of this development project is conditioned upon payment of all applicable
21 impact fees and connection fees in the manner provided in chapter 32B of the
22 Oceanside City Code. All drainage fees, traffic signal fees and contributions,
23 highway thoroughfare fees, park fees, reimbursements, and other applicable
24 charges, fees and deposits shall be paid prior to recordation of the map or the
25 issuance of any building permits, in accordance with City Ordinances and policies.
26 The developer/owner shall also be required to join into, contribute, or participate in
27 any improvement, lighting, or other special district affecting or affected by this
28 project. Approval of the tentative map (project) shall constitute the developer's

- 1 approval of such payments, and his agreement to pay for any other similar
2 assessments or charges in effect when any increment is submitted for final map or
3 building permit approval, and to join, contribute, and/or participate in such districts.
- 4 37. Seagaze Drive, Cleveland Street, Myers Street, Mission Avenue and Pier View Way
5 along property frontage shall be under construction, with curbs and gutters and
6 sidewalk, prior to the issuance of building permits and to the satisfaction of the City
7 Engineer.
- 8 38. Seagaze Drive, Cleveland Street, Myers Street, Mission Avenue and Pier View Way
9 shall provide a minimum of 10 feet parkway along property frontage between the
10 face of curb and the right of way line. Sidewalk improvements shall comply with
11 ADA requirements. These improvements shall be under construction prior to the
12 issuance of building permits and to the satisfaction of the City Engineer.
- 13 39. Sight distance requirements at the project driveway or street intersections shall
14 conform to the corner sight distance criteria as provided by SDRSD, DS-20A and or
15 DS-20B.
- 16 40. Streetlights shall be maintained and installed on all public streets per City
17 Standards. The system shall provide uniform lighting, and be secured prior to
18 occupancy. The developer/owner shall pay all applicable fees, energy charges,
19 and/or assessments associated with City-owned (LS-2 rate schedule) streetlights
20 and shall also agree to the formulation of, or the annexation to, any appropriate
21 street lighting district. Street lights shall meet the new downtown street light
22 standards.
- 23 41. Prior to approval of the grading plans, the developer/owner shall contract with a
24 geotechnical engineering firm to perform a field investigation of the existing
25 pavement on all streets adjacent to the project boundary. The limits of the study
26 shall be minimum of half-street plus twelve (12) feet, or as required in traffic
27 study and/ or traffic conditions. The field investigation shall include a minimum
28 of one pavement boring per every fifty (50) linear feet of street frontage. Should

- 1 the existing AC thickness be determined to be less than the current minimum
2 standard for AC and Class II Base as set forth in the table for City of Oceanside
3 Pavement Design Guidelines in the City of Oceanside Engineers Manual, the
4 Developer shall remove and reconstruct the pavement section as determined by
5 the pavement analysis submittal process detailed in Item No. 42 below.
- 6 42. Upon review of the pavement investigation, the City Engineer shall determine
7 whether the Developer shall: 1) Repair all failed pavement sections, header cut and
8 grind per the direction of the City Engineer, and construct a two (2) inch thick
9 rubberized AC overlay; or 2) Perform R-value testing and submit a study that
10 determines if the existing pavement meets current City standards/traffic indices.
11 Should the study conclude that the pavement does not meet current requirements,
12 rehabilitation/mitigation recommendations shall be provided in a pavement analysis
13 report, and the developer/owner shall reconstruct the pavement per these
14 recommendations, subject to approval by the City Engineer.
- 15 43. Pavement sections for all streets, alleys, driveways and parking areas shall be based
16 upon approved soil tests and traffic indices. The pavement design is to be prepared
17 by the developer's/owner's soil engineer and must be approved by the City
18 Engineer, prior to paving.
- 19 44. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged
20 during construction of the project, shall be repaired or replaced as directed by the
21 City Engineer.
- 22 45. All existing overhead utility lines within this development and within any full
23 width street or right-of-way abutting this new development, and all new extension
24 services for the development of the project, including but not limited to,
25 electrical, cable and telephone, shall be placed underground per Section 901.G. of
26 the Subdivision Ordinance (R91-166) and as required by the City Engineer and
27 current City policy.
- 28 46. The developer/owner shall comply with all the provisions of the City's cable

- 1 television ordinances including those relating to notification as required by the
2 City Engineer.
- 3 47. The developer shall at a minimum, install 2 inch PVC conduit, together with 1/4-
4 inch pull- rope and pull-boxes at 400 feet intervals as close as possible to the
5 inside of curb, for future traffic signal interconnect cable along Mission Avenue
6 from Myers Street to Coast Hwy. Alternative methods for traffic signal
7 interconnect may be developed and installed in lieu of the 2 inch PVC described
8 above. Alternative methods for traffic signal interconnect must be reviewed and
9 approved by the City Engineer prior to issuance of grading permits. This project
10 shall reimburse 50% of these improvements to the Oceanside Beach Resort, if
11 these improvement are installed first.
- 12 48. Grading and drainage facilities shall be designed and installed to adequately
13 accommodate the local storm water runoff and shall be in accordance with the
14 City's Engineers Manual and as directed by the City Engineer.
- 15 49. The developer/owner shall obtain any necessary permits and clearances from all
16 public agencies having jurisdiction over the project due to its type, size, or location,
17 including but not limited to the U. S. Army Corps of Engineers, California
18 Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego
19 Regional Water Quality Control Board (including NPDES), San Diego County
20 Health Department, Coastal Permit, prior to the issuance of grading permits.
- 21 50. The approval of the tentative map/project shall not mean that proposed grading or
22 improvements on adjacent properties (including any City properties/Right-of-
23 Way or easements) is granted or guaranteed to the developer/owner. The
24 developer/owner is responsible for obtaining permission to grade to construct on
25 adjacent properties. Should such permission be denied, the Tentative Map/project
26 shall be subject to going back to the public hearing or subject to a substantial
27 conformity review.
- 28 51. Prior to any grading of any part of the tract or project, a comprehensive soils and

1 geologic investigation shall be conducted of the soils, slopes, and formations in the
2 project. All necessary measures shall be taken and implemented to assure slope
3 stability, erosion control, and soil integrity. No grading shall occur until a detailed
4 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning
5 Ordinance, is approved by the City Engineer.

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

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

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

- 1 construction meeting held, prior to the start of any improvements.
- 2 55. Open space areas and down-sloped areas visible from a collector-level or above
3 roadway and not readily maintained by the property owner, shall be maintained by
4 an owners' association that will insure installation and maintenance of landscaping
5 in perpetuity. These areas shall be indicated on the final map and reserved for an
6 association. Future buyers shall be made aware of any estimated monthly costs.
7 The disclosure, together with the CC&R's, shall be submitted to the City Engineer
8 for review prior to the recordation of final map.
- 9 56. The drainage design on the tentative map is conceptual only. The final design shall
10 be based upon a hydrologic/hydraulic study to be approved by the City Engineer
11 during final engineering. All drainage picked up in an underground system shall
12 remain underground until it is discharged into an approved channel, or as otherwise
13 approved by the City Engineer. All public storm drains shall be shown on City
14 standard plan and profile sheets. All storm drain easements shall be dedicated
15 where required. The applicant shall be responsible for obtaining any off-site
16 easements for storm drainage facilities. All off-site drainage design/drainage
17 system shall be approved to the satisfaction of the City Engineer.
- 18 57. Storm drain facilities shall be designed and located such that the inside travel lanes
19 on streets with Collector or above design criteria shall be passable during conditions
20 of a 100-year frequency storm.
- 21 58. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
22 disposed of in accordance with all state and federal requirements, prior to
23 stormwater discharge either off-site or into the City drainage system.
- 24 59. The development shall comply with all applicable regulations established by the
25 United States Environmental Protection Agency (USEPA) as set forth in the
26 National Pollutant Discharge Elimination System (NPDES) permit requirements
27 for urban runoff and storm water discharge and any regulations adopted by the
28 City pursuant to the NPDES. Regulations or requirements. Further, the

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

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

20 61. This project is required to the submission and approval of a Storm Water
21 Mitigation Plan (SWMP); the Developer/owner shall prepare and submit an
22 Operations & Maintenance (O&M) Plan to the City Engineer with the first
23 submittal of the grading plans. The O&M Plan shall be prepared by the
24 developer's/owner's Civil Engineer. It shall be directly based on the project's
25 SWMP previously approved by the project's approving authority (Planning
26 Commission/City Council/Community Development Commission). At a
27 minimum the O&M Plan shall include the designated responsible parties to
28 manage the storm water BMP(s), employee's training program and duties,

- 1 operating schedule, maintenance frequency, routine service schedule, specific
2 maintenance activities, copies of resource agency permits, cost estimate for
3 implementation of the O&M Plan and any other necessary elements.
- 4 62. The developer/owner shall enter into a City-Standard Stormwater Facilities
5 Maintenance Agreement with the City obliging the project proponent to maintain,
6 repair and replace the Storm Water Best Management Practices (BMPs) identified
7 in the project's approved SWMP, as detailed in the O&M Plan into perpetuity.
8 The Agreement shall be approved by the City Attorney prior to issuance of any
9 precise grading permit and shall be recorded at the County Recorder's Office
10 prior to issuance of any building permit. Security in the form of cash (or
11 certificate of deposit payable to the City) or an irrevocable, City-Standard Letter
12 of Credit shall be required prior to issuance of a precise grading permit. The
13 amount of the security shall be equal to 10 years of maintenance costs, as
14 identified by the O&M Plan, but not to exceed a total of \$25,000. The applicant's
15 Civil Engineer shall prepare the O&M cost estimate.
- 16 63. At a minimum, maintenance agreements shall require the staff training, inspection
17 and maintenance of all BMPs on an annual basis. The developer/owner shall
18 complete and maintain O&M forms to document all maintenance activities.
19 Parties responsible for the O&M plan shall retain records at the subject property
20 for at least 5 years. These documents shall be made available to the City for
21 inspection upon request at any time.
- 22 64. The Agreement shall include a copy of executed onsite and offsite access
23 easements necessary for the operation and maintenance of BMPs that shall be
24 binding on the land throughout the life of the project to the benefit of the party
25 responsible for the O&M of BMPs, satisfactory to the City Engineer. The
26 agreement shall also include a copy of the O&M Plan approved by the City
27 Engineer.
- 28 65. The BMPs described in the project's approved SWMP shall not be altered in any

1 way, shape or form without formal approval by either an Administrative
2 Substantial Conformance issued by the Community Development
3 Department/Planning Division or the project's final approving authority
4 (Planning Commission/Community Development Commission/City Council) at a
5 public hearing. The determination of whatever action is required for changes to a
6 project's approved SWMP shall be made by the Community Development
7 Department/Planning Division.

8 66. The Developer/owner shall provide a copy of the title/cover page of an approved
9 SWMP with the first engineering submittal package. If the project triggers the
10 City's Stormwater requirements but no approved Storm Water document
11 (SWMP) exists, the appropriate document shall be submitted for review and
12 approval by the Public Works Department. The Storm Water Mitigation Plan
13 (SWMP) shall be prepared by the applicant's Civil Engineer. All Stormwater
14 documents shall be in compliance with the latest edition of submission
15 requirements.

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

26 Traffic

27 68. The project shall improve the intersection of Mission Avenue at Horne Street.
28 The improvements shall include widening the south leg of Horne Street to 50 feet

1 curb-to-curb, and traffic signal modification associated with the widening. The
2 project shall be reimbursed a total of 67% of the total cost to complete this
3 improvement by the Belvedere and/or Oceanside Beach Resort projects or their
4 successors. If these improvements have already been completed by the other
5 project/s, then this project shall pay their fair share of 33%. These improvements
6 shall be completed prior to certificate of occupancy and to the satisfaction of the
7 City Engineer.

8 69. The project shall install a new traffic signal at the intersection of Mission Avenue
9 at Clementine Street. The project shall be reimbursed 60% of the total cost to
10 complete this improvement by the Belvedere and/or Oceanside Beach Resort
11 projects. If the traffic signal has already been installed by the Belvedere and/or
12 Oceanside Beach Resort projects or their successors, then this project shall pay
13 their fair share of 40%. The traffic signal shall be installed prior to issuance of
14 certificate of occupancy and to the satisfaction of the City Engineer.

15 70. The project shall install a new traffic signal at the intersection of Mission Avenue
16 at Myers Street. The project shall be reimbursed from the Oceanside Beach
17 Resort project for 50% of the total cost to install the new traffic signal. If the
18 Oceanside Beach Resort project completes this improvement first, then this
19 project shall pay the Oceanside Beach Resort 50% of the cost of the
20 improvement. The traffic signal shall be installed prior to issuance of certificate
21 of occupancy and to the satisfaction of the City Engineer.

22 71. The project shall install the appropriate signal pre-emption, queue cutter hardware
23 on Mission Avenue at the existing at-grade rail crossing between Myers and
24 Cleveland streets. This improvement shall be completed prior to the issuance of
25 certificate of occupancy and to the satisfaction of the City Engineer.

26 72. The projects blocks 20 & 21, shall reimburse the Oceanside Beach Resort project
27 50% of the cost to construct full width improvements on Myers Street (40 feet
28 curb-to-curb) between Pier View Way and Seagaze Drive. This segment of

- 1 Myers Street shall be a two-way street between Pier View Way and Seagaze
2 Drive. These improvements shall be completed prior to the issuance of certificate
3 of occupancy and to the satisfaction of the City Engineer.
- 4 73. The project shall construct half-width improvements plus 12 feet along Myers
5 Street (40 feet curb-to-curb) from Civic Center Drive to Pier View Way. These
6 improvements shall be completed prior to the issuance of certificate of occupancy
7 and to the satisfaction of the City Engineer.
- 8 74. The project shall install a new traffic signal at the intersection of Mission Avenue
9 at Cleveland Street. The project shall be reimbursed a total of 59% of cost to
10 complete this improvement by the Belvedere, Oceanside Beach Resort, and funds
11 paid by Oceanside Pier Resort, and Ocean Terraces development projects. If a
12 new traffic signal has already been installed, then this project shall pay the
13 appropriate development project/s their fair share of 41% of the cost of the new
14 traffic signal. The new traffic signal shall be completed prior to the issuance of
15 certificate of occupancy and to the satisfaction of the City Engineer.
- 16 75. Prior to the issuance of a grading permit, the project shall prepare a traffic control
17 plan for review and approval by the City of Oceanside. The traffic control plan
18 shall demonstrate how the site access and circulation will be maintained through
19 the construction of the proposed project. The traffic control plan shall include,
20 but not be limited to, the following: identify alternative routes for access to
21 schools, businesses and residents that require the use of the impacted roadways;
22 post signs informing customers of how to access businesses located in the
23 construction area; make every effort to maintain access and parking supply to all
24 businesses along the alignment; require that access to residences and roadways
25 containing residences be maintained whenever construction activities are not
26 immediately adjacent; and if road or lane closures would occur, post signs
27 identifying alternative routes and parking areas.
- 28 76. Prior to issuance of grading permit, the developer shall prepare a traffic control

1 plan for review and approval by the City Engineer. The traffic control plan
2 shall be based on appropriate engineering analysis for each major phase of
3 construction traffic and shall demonstrate how site access and circulation will
4 be maintained through the construction of the proposed project. The traffic
5 control plan shall include, but not be limited to the following:

- 6 a. Potentially impacted roadways that currently provide access to schools,
7 businesses and residents, the traffic control plan shall identify safe,
8 alternate routes;
- 9 b. Post signs informing customers how to access businesses located in the
10 construction area;
- 11 c. Make every effort to maintain access to all businesses along the
12 construction alignment;
- 13 d. Require that access to roadways serving residences be maintained;
- 14 e. Should a road be temporarily closed, post signs identifying safe,
15 alternative routes.

16 77. The project shall obtain approval from the North County Transit District (NCTD)
17 prior to the start of any work within their Right of Way.

18 78. Prior to recordation of the final map, an Average Daily Traffic (ADT) volumes
19 based construction phasing plan for off-site traffic mitigation measures shall be
20 developed by the applicant and submitted to the City Engineer for review and
21 approval. If off-site mitigation measures have not been constructed, the
22 construction of off-site traffic mitigation measures may be phased and
23 proportional to the estimated ADTs expected to be generated by each block
24 developed. If the off-site mitigation measures have already been constructed by
25 another project, then the CityMark project shall pay their fair share prior to the
26 issuance of the first building permit and to the satisfaction of the City Engineer.

27 79. Prior to final occupancy of the first block to be constructed the applicant or their
28 successor shall re-emburse the City of Oceanside for their portion of the cost to

1 construct the off site parking lot, to be located on the west side of the railroad
2 tracks between Tyson Street and the Wisconsin parking lot.

3 Landscape Conditions:

4 80. Landscape plans, shall meet the criteria of the City of Oceanside Landscape
5 Guidelines and Specifications for Landscape Development (latest revision),
6 Water Conservation Ordinance No. 91-15, Engineering criteria, City code and
7 ordinances, including the maintenance of such landscaping, shall be reviewed and
8 approved by the City Engineer prior to the issuance of building permits.

9 Landscaping shall not be installed until bonds have been posted, fees paid, and
10 plans signed for final approval. The following special landscaping requirements
11 shall be required prior to plan approval:

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

14 b. Final landscape plans shall accurately show placement and detail of all
15 non-plant material landscape elements such as but not limited to site
16 furnishings, street lighting, seat walls, hardscape, rock/ cobble, tree grates,
17 water features, trellises, sculptures and kiosks.

18 c. Final landscape plans shall be designed and adhere to the Americans with
19 Disabilities Act (ADA) requirements.

20 d. Landscape Architect shall be aware of and verify per the most current
21 engineering drawings, all utility, sewer, storm drain easement, sight
22 distances, visual clearances for drivers and pedestrians, and place planting
23 locations accordingly to meet City of Oceanside requirements.

24 e. All required landscape areas shall be maintained by the owner. The
25 landscape areas shall be maintained per City of Oceanside requirements.

26 f. The proposed project shall meet the minimum requirements set forth by
27 Redevelopment in all areas including but not limited to landscape and
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- setbacks.
- g. 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.
- h. 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.
- i. Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3” depth to help conserve water, lower the soil temperature and reduce weed growth.
- j. Street tree selection shall conform to the City of Oceanside’s approved Street Tree Plan for the Redevelopment District.
- k. All raised planters are to be self contained and properly water proofed (all walls and bottom) per water proofing consultants recommendations as to not leak onto adjacent surfaces and/or into underground parking area. All planting areas (raised and ground level) shall contain irrigation and drainage to the satisfaction of the City Engineer.
- l. Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk. Root barriers shall extend 5 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.
- m. All fences, gates, walls, seat walls, retaining walls, and plantable walls shall obtain planning department approval for these items in the conditions or application stage prior to 1st submittal of working drawings.

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- n. 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.
- o. 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.
- p. 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.
- q. All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.
- r. The landscape plans shall match all plans affiliated with the project.
- s. 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.
- t. Existing landscaping on and adjacent to the site shall be located on plan and protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.

81. 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

1 City taking all appropriate enforcement actions including but not limited to
2 citations. This maintenance program condition shall be recorded with a covenant
3 as required by this resolution.

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

6 Fire:

7 83. Fire Department Requirements shall be placed on plans in the notes section.

8 84. Smoke detectors are required, and detector locations must be indicated on the
9 plans.

10 85. A minimum fire flow of 3,000 gallons per minute shall be required.

11 86. Additional hydrants may be required depending upon fire department connection
12 locations and other building elements not shown. Hydrants must be placed
13 within 300-feet of each other. The size of the fire hydrants shall be 2 ½ "X 4".

14 87. In accordance with the California Fire Code Sec. 901.4.4, City approved
15 addresses for commercial occupancies shall be placed on the structure in such a
16 position as to be plainly visible and legible from the street or roadway fronting
17 the property. Numbers shall be contrasting with their background. Commercial
18 buildings require 6 inch address numbers.

19 88. Plans shall be submitted to the Fire Prevention Bureau for plan check
20 review and approval prior to the issuance of building permits.

21 89. Buildings shall meet Oceanside Fire Departments current codes at the time
22 of building permit application.

23 90. The fire hydrants shall be installed and tested prior to placing any combustible
24 materials on the job site.

25 91. Provide on-site hydrants and mains capable of supplying the required fire flow.
26 Detailed plans of underground fire service mains shall be submitted to the

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28 Oceanside Fire Department for approval prior to installation.

92. Blue hydrant identification markers shall be placed as per Oceanside's Engineers

- 1 Design and Processing Manual Standard Drawing No. M-13.
- 2 93. Provide standpipes as required per C.B.C. Table 9A.
- 3 94. Buildings four or more stories in height shall be provided with not less than one
4 standpipe during construction. The standpipe shall be installed before the
5 progress of construction is more than 35 feet above grade. Two and one-half
6 inch valve hose connections shall be provided at approved accessible locations
7 adjacent to useable stairs.
- 8 95. A “Knox” key storage box shall be provided for all new construction. For
9 buildings, other than high-rise, a minimum of three complete sets of keys shall be
10 provided. Keys shall be provided for all exterior entry doors, fire protection
11 equipment control rooms, mechanical and electrical rooms, elevator controls and
12 equipment spaces, etc. For high-rise buildings six complete sets are required.
- 13 96. Fire extinguishers are required and shall be included on the plans submitted for
14 plan check.
- 15 97. An automatic fire extinguisher system complying with UL300 shall be provided
16 to protect commercial-type cooking or heating equipment that produces grease-
17 laden vapors. A separate plan submittal is required for the installation of the
18 system and shall be in accordance with C.F.C. Article 10.
- 19 98. An approved fire sprinkler system must be installed throughout the building. The
20 system shall be designed per N.F.P.A. 13, and CBC 2007. The sprinkler system
21 required 24-hour supervision.
- 22 99. The hydrants must be located within 40-feet of the Fire Department connections
23 on the same side of the street.
- 24 100. Provide a fire alarm system as required per C.F.C. Article 10 and N.F.P.A.
- 25 101. An 800 MHz Radio Signal Interference/ Bi-directional Amplifier (BDA) is
26 required for the buildings. The BDA/coverage enhancers must be maintained as a
27 condition of occupancy and tested annually.

28 Economic & Community Development:

102. This Tentative Map T-203-06, Development Plan D-210-06, Conditional Use

- 1 Permits C-206 & 207-06 and Regular Coastal Permit RC-212-06 shall expire on
2 May 14, 2010, unless implemented as required by the Zoning Ordinance.
- 3 103. This Tentative Map, Development Plan, Conditional Use Permit and Regular
4 Coastal Permit approves only the construction of 231 residential units, 49,259
5 square feet of commercial, and/or 124 hotel units, office uses as shown on the
6 plans and exhibits presented to the Community Development Commission for
7 review and approval. No deviation from these approved plans and exhibits shall
8 occur without Economic and Community Development Department approval.
9 Minor deviations from the project approval may be approved through the
10 Substantial Conformity Guidelines process; substantial deviations shall require a
11 revision to the Tentative Map, Development Plan, and Conditional Use Permit
12 and Regular Coastal Permit or a new Tentative Map, Development Plan,
13 Conditional Use Permit and Regular Coastal Permit. Any such revision shall
14 require a noticed, public hearing before the CDC.
- 15 104. The applicant, permittee or any successor-in-interest shall defend, indemnify and
16 hold harmless the City of Oceanside, its agents, officers or employees from any
17 claim, action or proceeding against the City, its agents, officers, or employees to
18 attack, set aside, void or annul an approval of the City, concerning Tentative Map
19 T-203-06, Development Plan D-210-06, Conditional Use Permits C-206 & 207-
20 06 and Regular Coastal Permit RC-212-06. The City will promptly notify the
21 applicant of any such claim, action or proceeding against the City and will
22 cooperate fully in the defense. If the City fails to promptly notify the applicant of
23 any such claim action or proceeding or fails to cooperate fully in the defense, the
24 applicant shall not, thereafter, be responsible to defend, indemnify or hold
25 harmless the City.
- 26 105. All mechanical rooftop and ground equipment shall be screened from public view
27 as required by the Zoning Ordinance. That is, on all four sides and top. The roof
28 jacks, mechanical equipment, screen and vents shall be painted with non-
reflective paint to match the roof. This information shall be shown on the

- 1 building plans.
- 2 106. Landscape plans, meeting the criteria of the City's Landscape Guidelines and
3 Water Conservation Ordinance No. 91-15, including the maintenance of such
4 landscaping, shall be reviewed and approved by the City Engineer and City
5 Planner prior to the issuance of building permits. Landscaping shall not be
6 installed until bonds have been posted, fees paid, and plans signed for final
7 approval.
- 8 107. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-
9 way and in any adjoining public parkways shall be permanently maintained by
10 the owner, his assigns or any successors in interest in the property. The
11 maintenance program shall include normal care and irrigation of the landscaping;
12 repair and replacement of plant materials; irrigation systems as necessary; and
13 general cleanup of the landscaped and open areas, parking lots and walkways,
14 walls, fences, etc. Failure to maintain landscaping shall result in the City taking
15 all appropriate enforcement actions by all acceptable means including but not
16 limited to citations and/or actual work with costs charged to or recorded against
17 the owner. This condition shall be recorded with the covenant required by this
18 resolution.
- 19 108. All commercial projects shall dispose of or recycle solid waste in a manner
20 provided in City Ordinance 13.3.
- 21 109. A letter of clearance from the affected school district in which the property is
22 located shall be provided as required by City policy at the time building permits
23 are issued.
- 24 110. A covenant or other recordable document approved by the City Attorney shall be
25 prepared by the applicant developer and recorded prior to the issuance of building
26 permits. The covenant shall provide that the property is subject to this resolution,
27 and shall generally list the conditions of approval. This covenant shall include a
28 disclosure notifying prospective owners and interested parties of the adverse
effects of the noise from the amphitheater events.

- 1 111. Prior to the issuance of building permits, compliance with the applicable
2 provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the
3 City Code) shall be reviewed and approved by the Economic and Community
4 Development Department. These requirements, including the obligation to
5 remove or cover with matching paint all graffiti within 24 hours, shall be noted
6 on the Landscape Plan and shall be recorded in the form of a covenant affecting
7 the subject property.
- 8 112. Prior to the transfer of ownership and/or operation of the site the owner shall
9 provide a written copy of the applications, staff report and resolutions for the
10 project to the new owner and or operator.
- 11 113. Failure to meet any conditions of approval for this development shall constitute a
12 violation of the Tentative Map T-203-06, Development Plan D-210-06,
13 Conditional Use Permits C-206 & 207-06 and Regular Coastal Permit RC-212-06
14 Any action taken to revoke the Development Plan, Conditional Use Permit and
15 Regular Coastal Permit shall comply with the then applicable provisions of the
16 Oceanside Zoning Ordinance.
- 17 114. All applicable zoning standards and City ordinances and policies in effect
18 at the time building permits are issued are required to be met by this project. The
19 approval of this project constitutes the applicant's agreement with all statements
20 in the Description and Justification, and other materials and information
21 submitted with this application, unless specifically waived by an adopted
22 condition of approval.
- 23 115. Elevations, siding materials, colors, roofing materials and floor plans shall
24
25 be substantially the same as those approved by the Community Development
26 Commission. These shall be shown on plans submitted to the Building Division
27 and Economic and Community Development Department.
- 28 116. A trash enclosure must be provided as required by Chapter 13 of the City Code and
shall also include additional space for storage and collection of recyclable materials

1 per City standards. Recycling is required by City Ordinance. The enclosure must
2 be built in a flat, accessible location as determined by the City Engineer. All
3 driveways and service access areas must be designed to sustain the weight of a
4 50,000-pound service vehicle. Trash enclosures, driveways and service access areas
5 shall be shown on both the improvement and landscape plans submitted to the City
6 Engineer. The specifications shall be reviewed and approved by the City Engineer.
7 The City's waste disposal contractor is required to access private property to service
8 the trash enclosures. A service agreement must be signed by the property owner
9 and shall remain in effect for the life of the project. All trash enclosures shall be
10 designed to provide user access without the use and opening of the service doors for
11 the bins. Trash enclosures shall have design features such as materials and trim
12 similar to that of the rest of the project. This design shall be shown on the landscape
13 plans and shall be approved by the Economic and Community Development
14 Director.

- 15 117. The project shall prepare a Management Plan. The Management Plan is subject to
16 the review and approval of the Economic and Community Development Director
17 and the Police Chief prior to the occupancy of the project, and shall be recorded as
18 CC&R's against the property. The Management Plan shall cover the following:
- 19 a) Security - The Management Plan, at a minimum, shall address on-site
20 management, hours-of-operation and measures for providing appropriate
21 security for the project site.
 - 22 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
23 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
24 walkways and overall site maintenance measures and shall ensure that a high
25 standard of maintenance at this site exists at all times. The maintenance
26 portion of the management plan shall include a commitment for the
27 sweeping and cleaning of parking lots, sidewalks and other concrete surfaces
28 at sufficient intervals to maintain a "like new" appearance. Wastewater,
sediment, trash or other pollutants shall be collected on site and properly

- 1 disposed of and shall not be discharged off the property or into the City's
2 storm drain system.
- 3 c) Any graffiti within the project shall be removed by management or its
4 designated representative within 24 hours of occurrence. Any new paint
5 used to cover graffiti shall match the existing color scheme.
- 6 118. A Comprehensive Sign Program (CSP) shall be submitted to the Economic &
7 Community Development Department and approved prior to the issuance of sign
8 permits.
- 9 119. A private Maintenance Agreement (MA) shall provide for the maintenance of the
10 adjacent parkways and common area and shall be recorded against this property
11 prior to recordation of the Final Map. The maintenance shall include normal
12 care and irrigation of landscaping, repair and replacement of plant material and
13 irrigation systems as necessary; and general cleanup of the parkway. The MA
14 shall be subject to the review and approval of the City Attorney prior to the
15 approval of the final map. The MA is required to be recorded prior to or
16 concurrently with the final map. Any amendments to the MA in which the
17 owners relinquish responsibility for the maintenance of any common open space
18 shall not be permitted without the prior written approval of the City of Oceanside.
19 Such a clause shall be included in the MA. The MA shall also contain provisions
20 for the following:
- 21 a) Maintenance of all common areas, parkway, and on-site and frontage
22 landscaping.
- 23 120. The project shall comply with all applicable provisions of the City of
24 Oceanside General Plan, the Oceanside City Code, the Local Coastal Program,
25 the Zoning Ordinance, the Subdivision Ordinance and the Nine Block Master
26 Plan. The applicant shall comply with all applicable provisions of Local Coastal
27 Plan Amendment (LCPA-200-07), as it is finally approved.
- 28 121. Prior to the issuance of a building permit for any lot except Block 21, building
permits must be issued and significant progress must be completed on the

1 Oceanside Beach Resort Hotel project, for the construction of at least 240 hotel
2 rooms, per the Nine Block Master Plan. Significant progress of the Oceanside
3 Beach Resort would be demonstrated by the issuance of a grading permit for the
4 underground parking structure and a minimum of 70,000 cubic yards of dirt
5 hauled from the site.

6 Water Utilities:

- 7 122. Clearly show all proposed utilities on tentative map, including sewer and water
8 lines and appurtenances, connection points to existing facilities, and meters.
- 9 123. Sewer and water studies need to be provided for the development. The sewer
10 study from August 2006 needs to be revised per memorandum dated October 10th,
11 2006. A water study needs to be submitted for review. These shall be submitted
12 for review by the water utilities department.
- 13 124. Myers Street gravity sewer replacement fees shall apply to this project. The sewer
14 replacement fees are \$271.98 per foot, per side of street.
- 15 125. The developer will be responsible for developing all water and sewer utilities
16 necessary to develop the property. Any relocation of water and/or sewer utilities is
17 the responsibility of the developer and shall be done by an approved licensed
18 contractor at the developer's expense.
- 19 126. The property owner shall maintain private water and wastewater utilities located on
20 private property.
- 21 127. Water services and sewer laterals constructed in existing right-of-way locations are
22 to be constructed by approved and licensed contractors at developer's expense.
- 23 128. All Water and Wastewater construction shall conform to the most recent edition of
24 the Water, Sewer, and Reclaimed Water Design and Construction Manual or as
25 approved by the Water Utilities Director.
- 26 129. All public water and/or sewer facilities not located within the public right-of-way
27 shall be provided with easements sized according to the Water, Sewer, and
28 Reclaimed Water Design and Construction Manual. Easements shall be
constructed for all weather access.

- 1 130. No trees, structures or building overhang shall be located within any water or
2 wastewater utility easement.
- 3 131. All lots with a finish pad elevation located below the elevation of the next upstream
4 manhole cover of the public sewer shall be protected from backflow of sewage by
5 installing and maintaining an approved type backwater valve, per the Uniform
6 Plumbing Code (U.P.C.).
- 7 132. The developer shall construct a public reclamation water system that will serve each
8 lot and or parcels that are located in the proposed project in accordance with the
9 City of Oceanside Ordinance No. 91-15. The proposed reclamation water system
10 shall be located in the public right-of-way or in a public utility easement.
- 11 133. If a property goes through a zone change and an increase in density occurs, a water
12 and sewer study must be prepared by the developer at the developer's expense, and
13 reviewed and approved by the Water Utilities Department.
- 14 134. A sewer study must be prepared by the developer at the developer's expense and
15 approved by the Water Utilities Department.
- 16 135. A separate irrigation meter and approved backflow prevention device is required
17 and shall be displayed on the plans.
- 18 136. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water
19 Design and Construction Manual, shall be installed in each building sewer lateral
20 and the location shall be called out on the approved Improvement Plans.
- 21 137. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code,
22 relating to garages and wash racks shall be installed in each building sewer in an
23 appropriate location and shall be maintained by the property owner. The location
24 shall be called out on the approved Improvement Plans.
- 25 138. If a restaurant or food service tenant occupies the property; a Grease, Oil, and Sand
26 Interceptor shall be installed in each building sewer in an appropriate location and
27 shall be maintained by the property owner. The location shall be called out on the
28 approved Building Plans.
139. Subterranean parking structures shall be designed with a drainage system that

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conveys runoff to the City's Storm Drain System and shall comply with the California Regional Water Quality Control Board Order No. 2001-01.

140. 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.

141. 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.

Environmental:

142. All mitigation measures identified in the approved Final Environmental Impact Report and Mitigation and Monitoring Reporting Program (MMRP) shall be complied with as stated in those documents. The Resolution Certifying the Final Environmental Impact Report and Adoption of the MMRP, the Findings and Statement of Overriding Considerations shall be recorded by a covenant or other recordable document approved by the City Attorney and shall be recorded prior to the issuance of building permits. The covenant shall provide that the property is subject to this resolution, and shall generally list the MMRP condition.