



DATE: June 17, 2009

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CALL FOR REVIEW OF PLANNING COMMISSION RESOLUTION NO. 2009-P10 APPROVING THE CONSTRUCTION OF A 5,110-SQUARE-FOOT COMMERCIAL BUILDING AND TWO RETAINING WALLS WITH MAXIMUM HEIGHTS OF 20.5 FEET AND 22 FEET ON A 0.5-ACRE PORTION OF A 3.69-ACRE SITE LOCATED WITHIN THE 2200 BLOCK OF SOUTH EL CAMINO REAL AND AN APPEAL OF CONDITION 92 BY THE APPLICANT – NORTH COUNTY PLACE REVISION -- APPLICANT: OCEANSIDE-NIERMAN LP**

SYNOPSIS

The items under consideration are a Call for Review by Councilmember Sanchez of the Planning Commission's decision approving a Class 32 categorical exemption for "Infill development projects" pursuant to Section 15332 of the California Environmental Quality Act and to review the Planning Commission's adoption of Resolution No. 2009-P10 approving a revision to Development Plan (D-10-80) and Variance (V-8-07); and an appeal by the applicant of Condition No. 92 of Planning Commission Resolution No. 2009-P10.

The project is to construct a 5,110-square-foot commercial building on a 0.5-acre portion of the existing 3.69-acre North County Place property. The applicant requested a variance to construct two retaining walls which are 20.5 feet and 22 feet tall.

Staff has reviewed the issues raised under the Call for Review and appeal. Staff finds that all of the concerns have been thoroughly addressed through the findings and conditions of approval. It is staff's recommendation that City Council affirm the Planning Commission's decision and adopt the resolution approving the project.

BACKGROUND

On February 9, 2009, the Planning Commission approved a Class 32 categorical exemption under the California Environmental Quality Act (CEQA) and a revision to the existing North County Place Development Plan (D-10-80) and approved a Variance (V-8-07) from the maximum allowed height for walls. On a 6-to-1 vote, the Planning Commission adopted Resolution No. 2009-P10 with a motion to add Condition No. 92, which eliminated 8 parking spaces.

Previous actions: On October 20, 1980, the Planning Commission approved “North County Place” (ZA-4-80, D-10-80), a 65,600-square-foot complex of mixed commercial uses, by adopting Resolution No. 80-P98 with a 5-to-0 vote. The Planning Commission approved filing a Negative Declaration for the project. The project was determined to have no major significant adverse effects upon the environment.

On November 12, 1980, the City Council approved Development Plan D-10-80 by adopting City Council Resolution No. 80-367 with a 4-to-1 (abstaining) vote. The City Council also approved by Resolution No. 80-367 the filing a Negative Declaration for the project.

On December 6, 1982, the Planning Commission unanimously approved a time extension for Development Plan D-10-80 (a 79,187-square-foot commercial office complex) for one year by adopting Resolution No. 82-P132 with a 6-to-0 vote. The action included finding the time extension exempt pursuant to CEQA Section 15100.

Site Review: The 3.69-acre site and the proposed commercial office and retail center site is located within a Community Commercial (CC) land use designation and is zoned Community Commercial (CC). North County Place consists of three commercial buildings. The current site land uses include office, banking, eating and drinking establishments, and retail. There are currently 330 on-site parking spaces. Surrounding land uses are an existing golf course to the east of the project site and, along the El Camino Real corridor, are commercial office, professional office, eating and drinking establishments, and retail land uses.

The project site is a 0.5-acre portion of the larger North County Place property. The project area is a portion of an existing parking lot, landscaped areas (including turf, ornamental trees and non-native planted slopes). The project site area is within the boundaries of the City’s proposed Wildlife Corridor Planning Zone, as described in the draft Subarea Habitat Conservation Plan/Natural Communities Conservation Plan (Subarea Plan).

Project Description: The project application is comprised of two components: a revision to a Development Plan and a Variance.

Development Plan No. D-10-80 represents a request to construct a 5,110-square-foot commercial office building on a 0.5-acre portion of a 3.96-acre site pursuant to Articles 11, 30, and 43 of the Zoning Ordinance.

The proposed project consists of a new 5,110-square-foot commercial building. Proposed site access is from the existing signalized driveway, which would be reconfigured to include access to the new parking spaces and building. Currently there are 330 parking spaces on-site. The applicant proposed to reconfigure the existing parking area and add 27 new parking spaces on-site. The proposed architecture, exterior color, and roof material mimics the style of the three existing buildings. The proposed structure is a one-story building (26 feet tall) with windows on each side of the building.

Variance No. V-8-07 Pursuant to Article 41 of the Zoning Ordinance, the applicant requests a variance to construct two retaining walls above the maximum wall height allowed by Section 3040.

The two proposed retaining walls would be 20.5 feet and 22 feet tall. The proposed site design includes planting the retaining walls and landscaping the slopes on the southern and eastern areas of the project site with predominately native species. The two retaining walls would be constructed along the project's eastern boundary and would be visible from the golf course located to the east of the project site. These proposed walls transition the difference in elevation between the golf course and the project site.

Environmental Issues: The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 32 15332, Categorical Exemption "Infill Development Projects."

ANALYSIS

Call for Review by Councilmember Sanchez

Listed below are the issues raised by the Call for Review, along with staff's response. As designed and conditioned, the project proposes a high-quality design that is consistent with the Land Use Element of the General Plan, Zoning Ordinance, the draft Subarea Habitat Conservation Plan/Natural Communities Conservation Plan, and CEQA statutes.

Issues

1) *The project does not meet the categorical exemptions as set forth in Section 15300 through 15329 of the CEQA guidelines.*

Sections 15300-15332 of the Government Code encompass categorical exemptions from CEQA. Staff recommended a Class 32 categorical exemption from CEQA pursuant to Section 15332 for infill development projects.

A Class 32 Categorical Exemption from CEQA consists of projects characterized as infill development meeting the following conditions: (a) the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations. (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses. (c) The project site has no value as habitat for endangered, rare or threatened species. (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

Pursuant to Government Codes Section 15332, the project qualifies for a categorical exemption from CEQA as follows: (a) the project is consistent with the General Plan designation and policies. (b) The project is consistent with the Community Commercial zone. The 0.5-acre site is surrounded by other commercial land uses. (c) The biological assessment of the site found no habitat for endangered, rare or threatened species. (d) The applicant provided a traffic report and environmental assessment form which satisfactorily demonstrates that the proposal would not result in any significant effects relating to traffic, noise, air quality, or water quality. (e) The site can be adequately served by all required utilities and public services.

2) *The City failed to evaluate the following criteria before concluding that the project is categorically exempt from CEQA: (a) whether the project site is environmentally sensitive; (b) whether the project and subsequent projects of the same type in the same location will have cumulative impacts; (c) whether there are “unusual circumstances” creating the reasonable possibility of significant effects; (d) whether the project will result in damage to scenic resources within an officially designated scenic highway; (e) whether the project is located on a designated site affected by hazardous wastes or clean-up problems; (f) whether the project will cause a substantial adverse change in the significance of an historic resource. If the project is determined to have any of these impacts and it is therefore subject to any one of these exceptions for a categorical exemption, the agency must comply with CEQA pursuant to Section 15300.2 Subdivisions (a), (b).*

Staff evaluated the project pursuant to CEQA statues and guidelines (See Issue 1 above). Based upon the environmental assessment of the site and technical studies submitted as part of the development application, it has been determined that the project will not impact environmental resources of critical concern. The proposal is to construct 5,110 square feet of commercial space on a previously graded, developed and landscaped commercial site that has been in use since 1984.

Cumulative impacts were evaluated and technical reports demonstrate that the potential for cumulative impacts are less than significant. Geotechnical, biological, traffic, hydrological, and storm water reports describe and assess site impacts and found that there was not a reasonable possibility that the project will have a significant effect on the environment. The project is not located near an officially designated scenic highway and will not impact a scenic highway resource. The site is not a hazardous waste site. There are no historic resources located on site. Therefore, pursuant to Government Code Section 15332, the project is determined as a Class 32 “Infill Development” and is categorically exempt from CEQA.

3) *Lack of analysis of the slope and the slope’s impact on adjacent properties. There are particular requirements for development under 25-40 percent above slope. This project with the huge retaining walls probably exceeds the requirements. This alone should have triggered CEQA review.*

The mentioned 25-40 percent requirement is applicable to *residential* development. The Zoning Ordinance Section 3039 Hillside Development Provisions state, "Lands designated for ... commercial... development may require significant landform alteration and grading to ensure their viability. While it is desirable to have [commercial] developments designed to the spirit and intent of this section, it is recognized that the ability of [commercial] developments to meet the provisions and standards of this section will be limited."

A preliminary geotechnical evaluation of the project site was prepared by GeoSoils, Inc., on May 8, 2007. The report and GeoSoils recommendations were reviewed by the City's geotechnical consultant. On December 3, 2007, staff accepted the report and its recommendations as meeting the criteria of the Grading Ordinance and Engineer's Manual for the proposal to be considered by the Planning Commission. Staff's recommendation was to require the removal of all unsuitable soil material during grading. (GeoSoils' recommended Option A was accepted and Option B declined.) These recommendations and requirements are included with the conditions of approval for the project.

4) *Lack of compliance with wildlife corridor planning zone standards from the draft Subarea Plan. The planning zone basically calls for 50 percent of the site to be retained open space. The fact that part of the property has been developed does not exempt the property.*

This wildlife corridor follows the major SDG&E transmission line routes through the City, including areas adjacent to the site. While this wildlife corridor is intended to link areas of native habitats together and provide contiguous lands for wildlife movement across the City, this portion of the wildlife corridor includes a golf course and 0.5-acre ornamental landscaped areas on the applicant's property with no native habitat on or adjacent to the site.

The draft Subarea Plan 50 percent rule applies to sites that are two acres or more in area. The project site is 0.5-acre. The project will provide a substantially improved native vegetation landscape to ensure compatibility with any future vegetation restoration projects on vacant property east of the SDG&E corridor and the project site. The conceptual landscape plan includes removing existing ornamental vegetation (eucalyptus, palms, and pampas grass) and planting natives behind the existing building, between the proposed retaining walls, and generally restores the area with native shrubs. The proposed landscape plan establishes restoration within the wildlife corridor planning zone.

The conditions of approval will require that the ornamental landscape be removed from the existing slope and behind the existing buildings. The conceptual landscape plan includes planting of native material, including coastal sage scrub, with the exception of the retaining wall cells. It has been demonstrated that native plants do not thrive in the wall cells; therefore, a more productive variety, known to complement native species, will be planted in the cells of the two retaining walls.

5) *Specifications regarding native plants and plants that cannot be planted should be included in the project conditions.*

Condition 73 addresses landscape requirements. Condition 73(d) requires native or naturalized landscape species. Condition 73(n) requires that the final landscape plans be consistent with the conceptual plans considered by the Planning Commission. Condition 73(o) requires that the landscape plans comply with the Biological and Geotechnical reports. In addition, Council Members may recommend additional project conditions to ensure native vegetation augments the site.

6) *Lack of compliance with conditions for development adjacent to the SDG&E corridor.*

The project complies with the development regulations set forth by the Zoning Ordinance, Grading Ordinance, Standard Urban Storm Water Mitigation Plan, and Engineers Manual.

7) *There were no MHCP edge effect conditions specified, although the land is immediately adjacent to the wildlife movement corridor.*

Edge-effect conditions address conditions such as noise, the introduction of domesticated animals into an area, and light pollution and propagation. Planning Commission Resolution No. 2009-P10 Condition 7 requires compliance with Chapter 39 of the City Code (Light Pollution Ordinance). Due to the commercial nature of the proposed project, staff does not anticipate the need for additional conditions related to edge effects.

8) *Failure to adequately address the geotechnical environmental effects of the soil, groundwater seepage.*

The May 2007 geotechnical report prepared by GeoSoils was reviewed by staff. Based upon the report, conditions of approval include a requirement to remove all unsuitable soil material during grading. (Please also review Issue 2 above.)

9) *Failure to assess the cumulative effects of traffic, including from other approved projects in the area.*

Cumulative traffic impacts were evaluated. The analysis found the potential for cumulative impacts are less than significant. The Traffic Report states that the new commercial building will generate approximately 200 trips per day. The project's trip generation fell below the City's established threshold for a traffic impact study; nevertheless, a traffic report was prepared to review potential cumulative traffic conditions along El Camino Real between SR-78 and Fire Mountain Road. Four intersections were included in the analysis. Background information including existing traffic data and cumulative project data was used. The assessment of traffic impacts and level of service analysis indicated all study intersections and roadway segments are

forecast to operate at acceptable levels of service with the addition of 200 daily project trips associated with the new commercial building at North County Place.

10) *Failure to adequately address storm water issues, including discharge into a 303 listed body of water.*

Staff reviewed a preliminary hydrology study prepared by Buccola Engineering on April 9, 2008, and a Storm Water Mitigation Plan prepared by Buccola Engineering (revised September 10, 2008). The project is specifically conditioned to comply with the recommendations of the Storm Water Mitigation Plan (SWMP) and the preliminary hydrology study. The SWMP includes identification of the 303(d) impaired waters, pollutants of concern and details of the storm water Best Management Practices (BMPs). This project proposes Low Impact Design (LID) practices and both source and treatment control BMPs.

11) *Failure to adequately address increases in impermeable surfaces.*

The project is specifically conditioned to comply with the recommendations of the Storm Water Mitigation Plan (SWMP) and the preliminary hydrology study. (See Issue 10).

12) *Failure to comply with the General Plan Land Use Element and Zoning Ordinance.*

The Planning Commission found that the project satisfied the goals of the Land Use Element of the General Plan and its objectives, including Objective 2.2 and 2.21. The Planning Commission found that the project meets all applicable requirements of the Zoning Ordinance, including those for commercial development and a variance from the limitations of retaining wall height.

13) *Failure to prepare an acceptable biological survey.*

The biological assessment was prepared by a qualified biologist and reviewed by staff. Staff is familiar with the constraints of the project site and the biologist's experience and qualifications. The biological survey was professionally prepared and thoroughly vetted by staff. Christine Beck, Environmental Scientist with the Department of Fish and Game, is satisfied with the content of the biological assessment of the site and the report's recommendations.

14) *The project does not comply with Oceanside's draft Subarea Plan.*

While the project site is located within the wildlife corridor, the Subarea Plan has not been adopted by City Council nor is the site large enough to be subject to the requirements of the draft Subarea Plan. The proposal does not require permits or approvals from the State or Federal resource agencies. (Please review Issue 4 above.)

15) *Failure to address air quality issues.*

Based upon staff's review of the project, the applicant's description and justification statement, and the submitted environmental assessment form, staff determined impacts to air quality would be less than significant.

The Lightfoot Planning Group's appeal, on behalf of the applicant, Oceanside-Nierman, LP

Issue

1) *The applicant is appealing the Planning Commission's decision to adopt a condition of approval eliminating eight of the proposed off-street parking spaces.*

The applicant appeals to the City Council consideration of Condition No. 92 of Planning Commission Resolution No. 2009-P10 requiring elimination of eight parking spaces from the proposed project design. Commissioners Bertheaud's and Balma's motion to reduce the pervious surface areas and improve pedestrian access across the site was adopted by the Planning Commission on a 6-to-1 vote. Condition No. 92 reads as follows: "The 27 proposed off-street parking spaces shall be reduced to 19 off-street parking spaces. The impervious area proposed for 8 contiguous parking spaces shall instead be developed using pervious material, plants, and provide pedestrian access." Staff's recommendation to the Planning Commission excluded Condition No. 92; the adopted condition may contribute nominally to a reduction of pervious surfaces.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on February 9, 2009. After hearing considerable public testimony from area residents, as well as the applicant, the Commission approved the project by a 6-to-1 vote and amended the conditions of approval to include a new condition, No. 92. Commissioners indicated that the project site is physically suitable for the proposed intensity of development. The Commissioners stated that the project did provide adequate evidence that all of the development regulations were being met and found the project to be consistent with adopted regulations. Overall, the commission found the project to meet the standards for development, including, but not limited to: development standards established by the Zoning Ordinance, General Plan, and the draft Subarea Habitat Conservation Plan/Natural Communities Conservation Plan. Since excess parking was proposed, the Planning Commissioner's approved a motion to eliminate eight off-street parking spaces and to increase the pervious area of the site. They also directed the applicant to improve pedestrian access, where feasible, from the established development to the new commercial building.

CITY ATTORNEY'S ANALYSIS

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission. The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

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

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

RECOMMENDATION

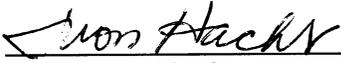
The items under consideration are a Call for Review of the Planning Commission's decision approving a Class 32 categorical exemption for "Infill development projects" pursuant to Section 15332 of the California Environmental Quality Act and to review of the Planning Commission's adoption of Resolution No. 2009-P10 approving a revision to Development Plan (D-10-80) and Variance (V-8-07); and an appeal by the applicant of Condition No. 92 of Planning Commission Resolution No. 2009-P10.

The project is to construct a 5,110-square-foot commercial building on a 0.5-acre portion of the existing 3.69-acre North County Place property. The applicant requested a variance to construct two retaining walls which are 20.5 feet and 22 feet tall.

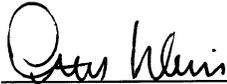
Staff has reviewed the issues raised under the Call for Review and appeal. Staff finds that all of the concerns have been thoroughly addressed through the findings and conditions of approval. It is staff's recommendation that City Council affirm the Planning Commission's decision and adopt the resolution approving the project.

PREPARED BY

SUBMITTED BY



Juliana von Hacht
Associate Planner



Peter A. Weiss
City Manager

REVIEWED BY:

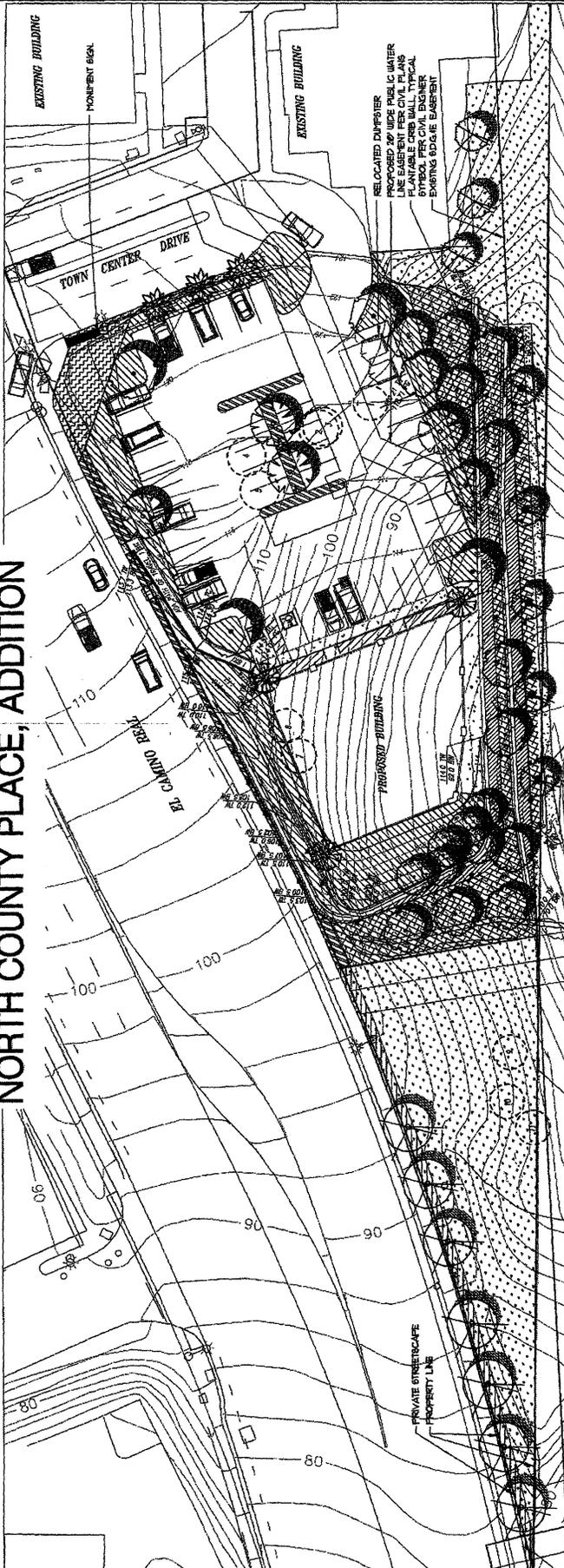
Michelle Skaggs-Lawrence, Deputy City Manager
George Buell, Development Services Director
Jerry Hittleman, City Planner



ATTACHMENTS:

1. Area Map, Site Plan, Biological Reconnaissance 22-Feb-07
2. City Council Resolution for Approval
3. Planning Commission Resolution No. 2009-P10
4. Planning Commission Staff Report dated February 9, 2009
5. Call For Review from Council Member Sanchez
6. The applicant's appeal of the Planning Commission's action
7. Staff response and written public comment dated February 3, 2009

LANDSCAPE CONCEPT PLAN NORTH COUNTY PLACE, ADDITION

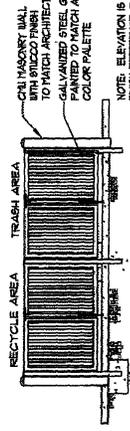


SEE SHEET L-1 FOR 40 SCALE SITE PLAN

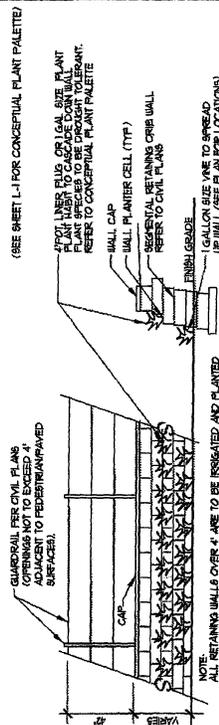
SCALE: 1"=20'

LANDSCAPE CONCEPT
THE CONCEPTUAL LANDSCAPE SHALL CONFORM TO THE FOLLOWING GUIDELINES AND REQUIREMENTS:
1. THE LANDSCAPE SHALL BE DESIGNED TO ENHANCE THE ARCHITECTURAL AND MATERIAL QUALITY OF THE PROJECT AND TO PROVIDE A VISUALLY ATTRACTIVE AND FUNCTIONAL ENVIRONMENT.
2. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A VISUALLY ATTRACTIVE AND FUNCTIONAL ENVIRONMENT.
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10. THE LANDSCAPE SHALL BE DESIGNED TO PROVIDE A VISUALLY ATTRACTIVE AND FUNCTIONAL ENVIRONMENT.

- PLANT SYMBOLS**
(SEE SHEET L-1 FOR CONCEPTUAL PLANT PALETTE)
- 1. EXISTING TREE
 - 2. NATIVE TREE ALONG STREET (MIN. SIZE 24" BOX)
 - 3. FLOWERING ACCENT SLOPE TREE (MIN. SIZE 8 GAL)
 - 4. FLOWERING ACCENT TREE (MIN. SIZE 24" BOX)
 - 5. FLOWERING LOT TREE (MIN. SIZE 24" BOX)
 - 6. NATIVE TRANSITION TREE (MIN. SIZE 8 GAL)
 - 7. NATIVE TREE IN SLOPE EASTERN (MIN. SIZE 8 GAL)
 - 8. NATIVE TREE IN SLOPE EASTERN (MIN. SIZE 8 GAL)
 - 9. VERTICAL ACCENT TREE (MIN. SIZE 24" BOX)
 - 10. COLORFUL BRIGHT TOLERANT (PRIVATE) STRIKEBACK PLANTING
 - 11. ORNAMENTAL PLANTING AREAS WITH LAYERED SHRUBS AND GROUNDCOVERS
 - 12. NATIVE TRANSITION PLANTING AREAS WITH LAYERED SHRUBS AND GROUNDCOVERS
 - 13. ENTRY AND ACCENT PLANTING AREA WITH LAYERED SHRUBS AND GROUNDCOVERS
 - 14. COASTAL SAGE SCRUB VEGETATION AREA



DUMPSTER ENCLOSURE ELEVATION



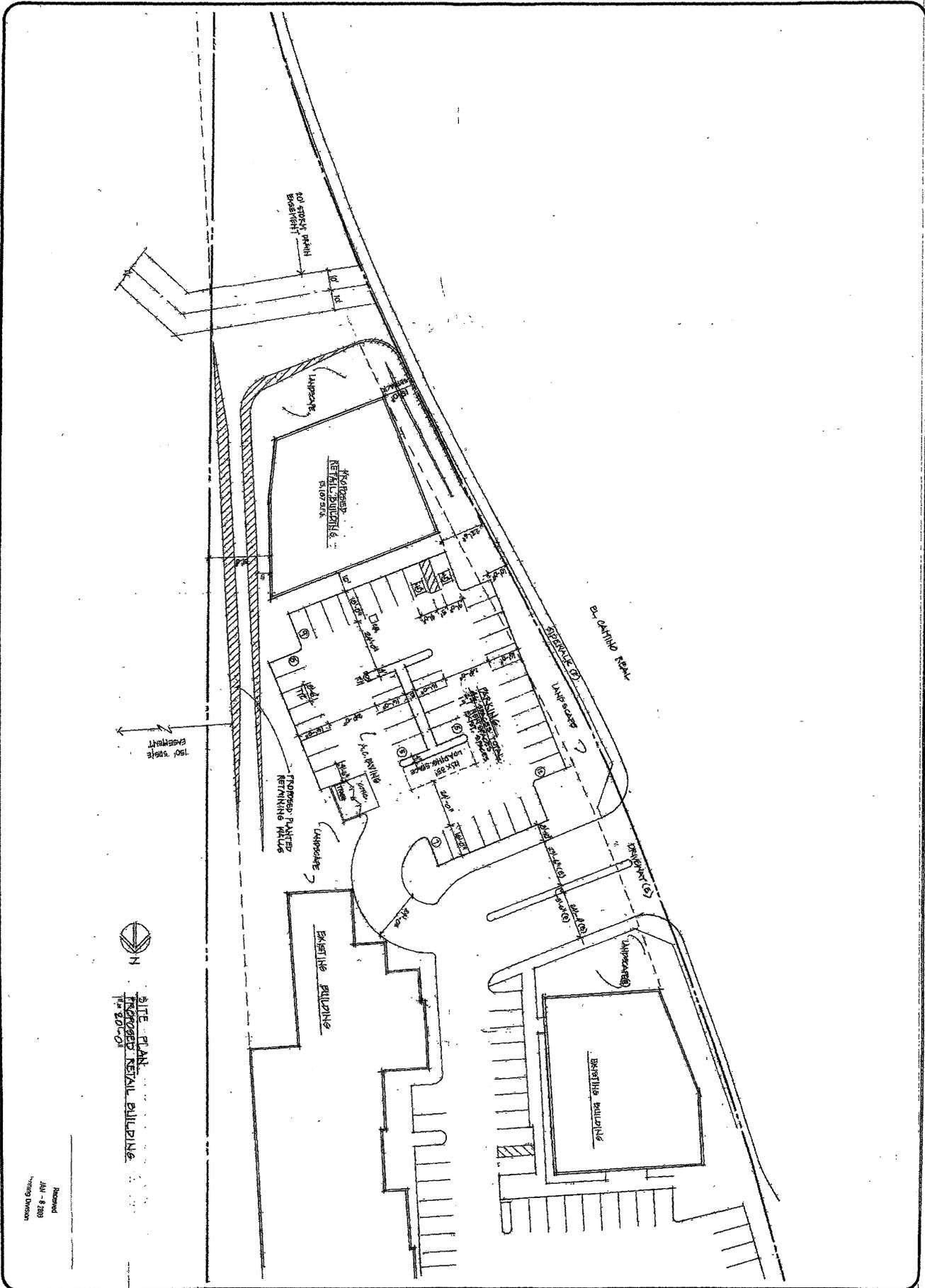
PLANTABLE CRIB WALL

OCEANSIDE NIERMAN, LLC
NORTH COUNTY PLACE
OCEANSIDE, CALIFORNIA



THE LIGHTFOOT PLANNING GROUP
PLANNING
SITE DESIGN
LANDSCAPE ARCHITECTURE
2000 WEST CENTER ROAD
SAN ANTONIO, TEXAS 78208
TEL: 214.343.1111
WWW.LIGHTFOOTPLANNING.COM

LANDSCAPE CONCEPT PLAN, NORTH COUNTY PLACE
PLAN CONCEPT
LANDSCAPE
#17
#18,000




 N
 SITE PLAN
 PROPOSED RETAIL BUILDING
 1/2" = 20'-0"

Prepared
 JAN - 8 2002
 LMS/BJM

ALL DESIGN IDEAS, ARRANGEMENTS, AND PLANS INDICATED OR REPRESENTED BY THIS DRAWING ARE OWNED BY AND ARE THE PROPERTY OF SCHUCARD ASSOCIATES, INC. AND WERE CREATED, EVOLVED, AND DEVELOPED FOR USE ON AND IN CONNECTION WITH THE SPECIFIED PROJECT. NONE OF SUCH IDEAS, ARRANGEMENTS, OR PLANS SHALL BE USED OR DISCLOSED TO ANY PERSON, FIRM, OR CORPORATION WITHOUT THE WRITTEN CONSENT OF SCHUCARD ASSOCIATES, INC.

A1	DATE	SCALE
	NO.	BY

SITE PLAN
NORTH COUNTY PLACE
 RETAIL BUILDING • OCEANSIDE, CA



SCHUCARD ASSOCIATES, INC.
 ARCHITECTURE & CONSULTING
 SOLANA BEACH, CALIFORNIA (858) 523-9801



February 22, 2007

RECEIVED
OCT 01 2007
Planning Department

Mr. Jim Nierman
3900 Fifth Avenue, Suite 350
San Diego, California 92103

RE: North County Place Addition Biological Reconnaissance, Affinis Job 2199

Dear Mr. Nierman,

Per your request, Affinis has prepared this letter report to summarize the findings of a field survey of your property east of El Camino Real and north of Vista Way in the City of Oceanside (Figures 1 and 2). The site is immediately adjacent to El Camino Real and is surrounded by office and commercial development. A San Diego Gas & Electric (SDGE) transmission line right-of-way is adjacent to the eastern property boundary, and the El Camino Country Club and Golf Course is just down-slope from the site.

The property was surveyed on February 15, 2007, between 9:30 and 10:30 a.m. The weather was clear and calm, with temperatures in the mid 60s.

The 0.5-acre site is part of a larger parcel which was previously developed with office and commercial buildings, associated parking lots, and landscaped areas. The current proposal involves developing a portion of the existing paved area, turf, and landscaped slopes to provide a new 5,000 sq ft building with new parking and landscaping.

No native habitat is present on the property, as shown in Figures 3-5. Most of the area is landscaped with turf and ornamental trees (palms, eucalyptus, acacia, myoporum etc.). Openings in the landscaping on the slopes are dominated by weedy species such as filaree (*Erodium* sp.), mustard (*Brassica* sp.), fennel (*Foeniculum vulgare*), and garland chrysanthemum (*Chrysanthemum coronarium*). One invasive species, pampas grass (*Cortaderia jubata*) occurs on some of the more steeply-sloping areas. Two or three native coyote brush (*Baccharis pilularis*) and one Mexican elderberry (*Sambucus mexicana*) were noted, but these are not a part of any native habitat association.

Only two species of wildlife were observed or detected during the survey. House finches (*Carpodacus mexicanus*) were seen and heard in the landscaped areas, and mounds of pocket gopher (*Thomomys bottae*) were noted in the openings in the landscaped areas. Other birds and

small mammals adapted to living in urban environments would be expected to occur in the area, but were not observed during the site survey.

The property is within the City of Oceanside's proposed Wildlife Corridor Planning Zone (WCPZ), as designated in the City's Draft Subarea Habitat Conservation Plan (HCP). The WCPZ largely follows the major SDGE transmission line routes through the City. As noted above, the r-o-w is immediately adjacent to the eastern site boundary. While the proposed WCPZ has been designed to link areas of native habitats together to provide a corridor for wildlife movement across the City, this particular portion of the r-o-w encompasses the golf course and the landscaped areas of the site.

The draft HCP sets special requirements for properties over 2 acres in size within the WCPZ north of S.R. 78. These include conservation of 50% of these parcels and minimizing disturbance of coastal sage scrub to 25% of the on-site total. As the property does not meet the 2-acre minimum and supports no native habitat, these requirements would not be applicable to this project.

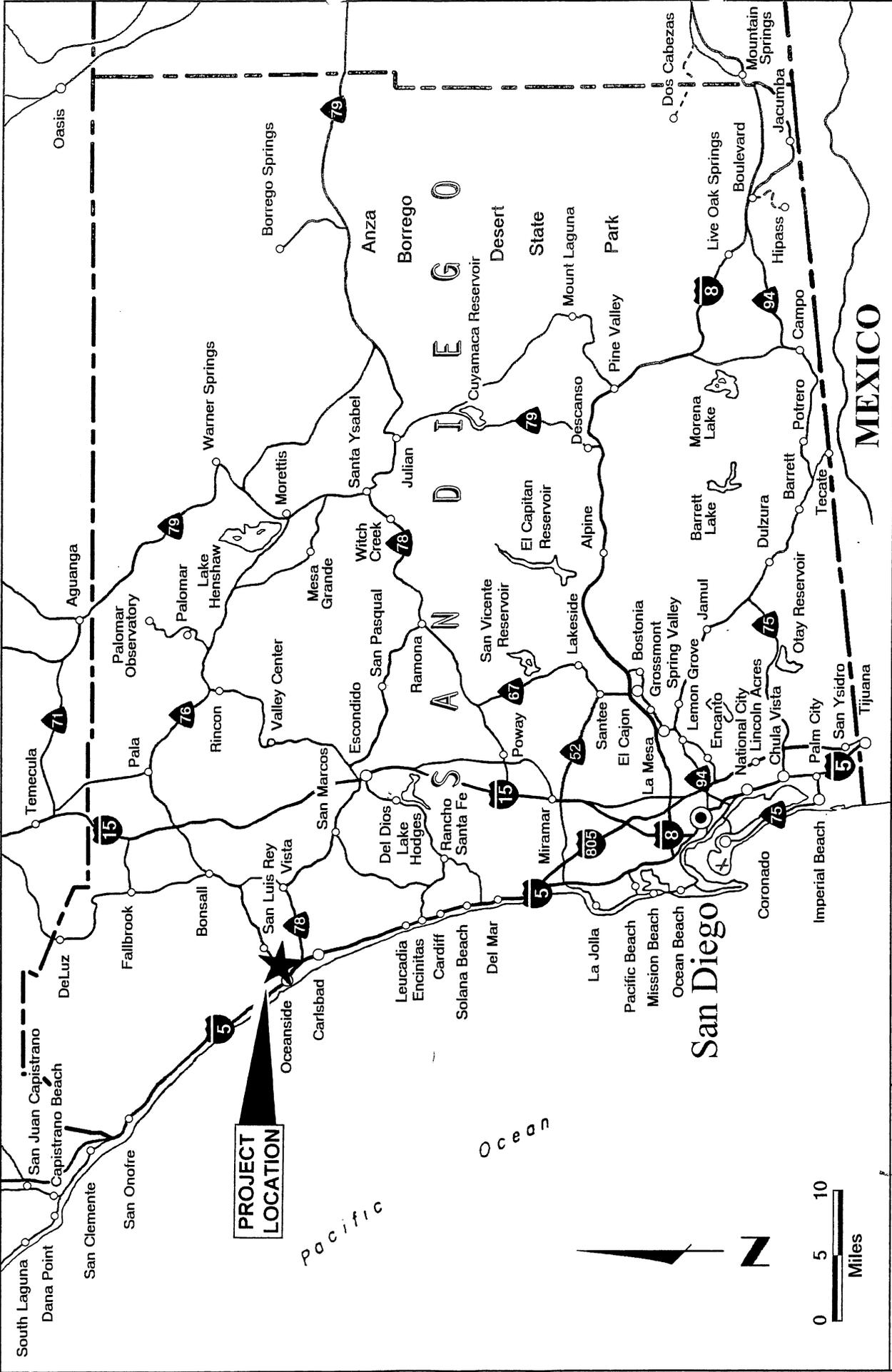
Because the project area does not support any significant biological resources and the surrounding area is developed, implementation of the proposed project would not expect to result in any adverse biological impacts, nor would it be expected to preclude the design of the proposed preserve area. No mitigation measures would be required.



Marcia Gross
Biologist

MG:jm

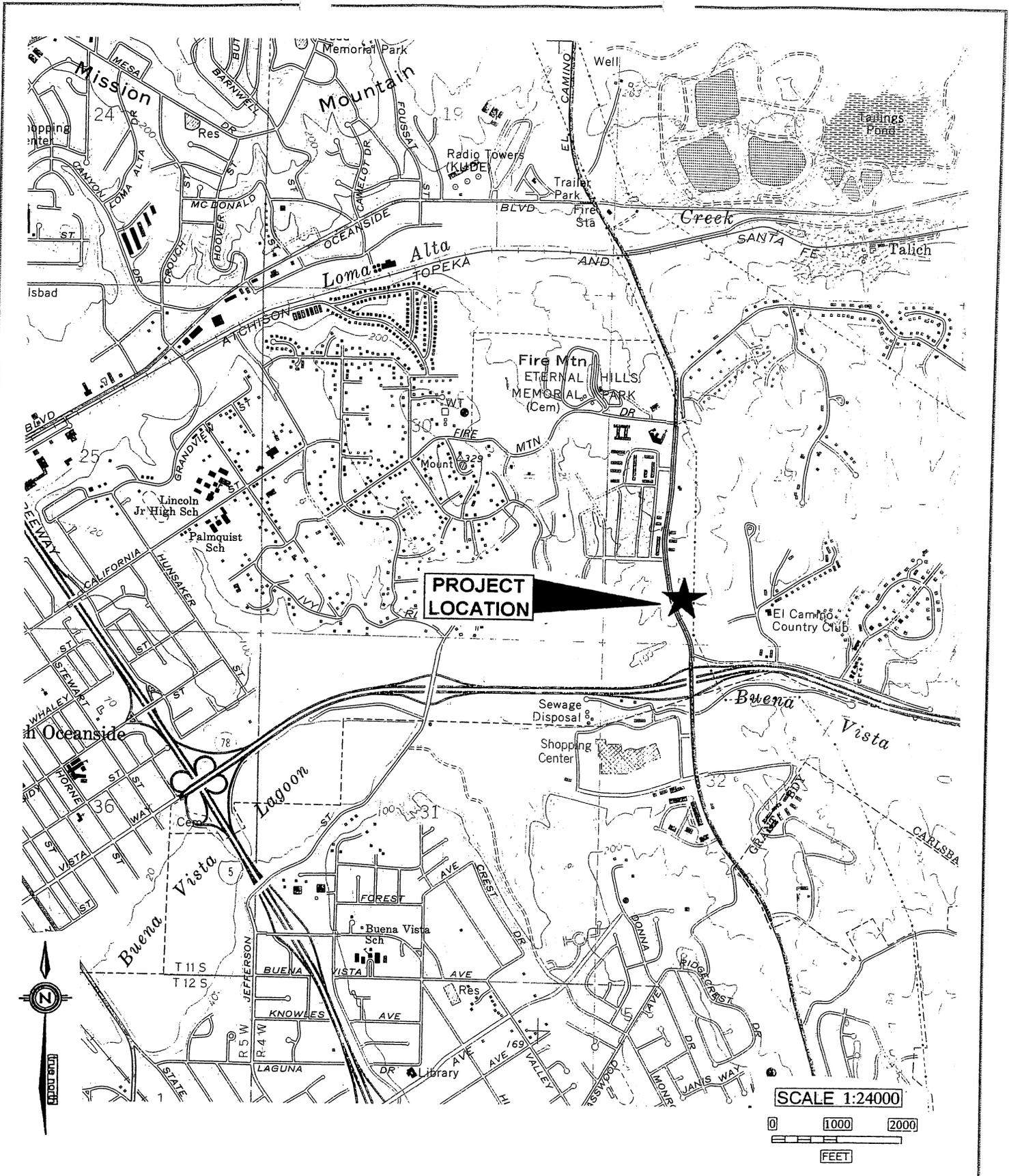
Attachments



Affinis
 Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

REGIONAL LOCATION IN SAN DIEGO COUNTY

FIGURE 1



Affinis
 Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

**PROJECT LOCATION ON USGS 7.5'
 SAN LUIS REY QUADRANGLE
 VEGETATION MAP**

FIGURE 2

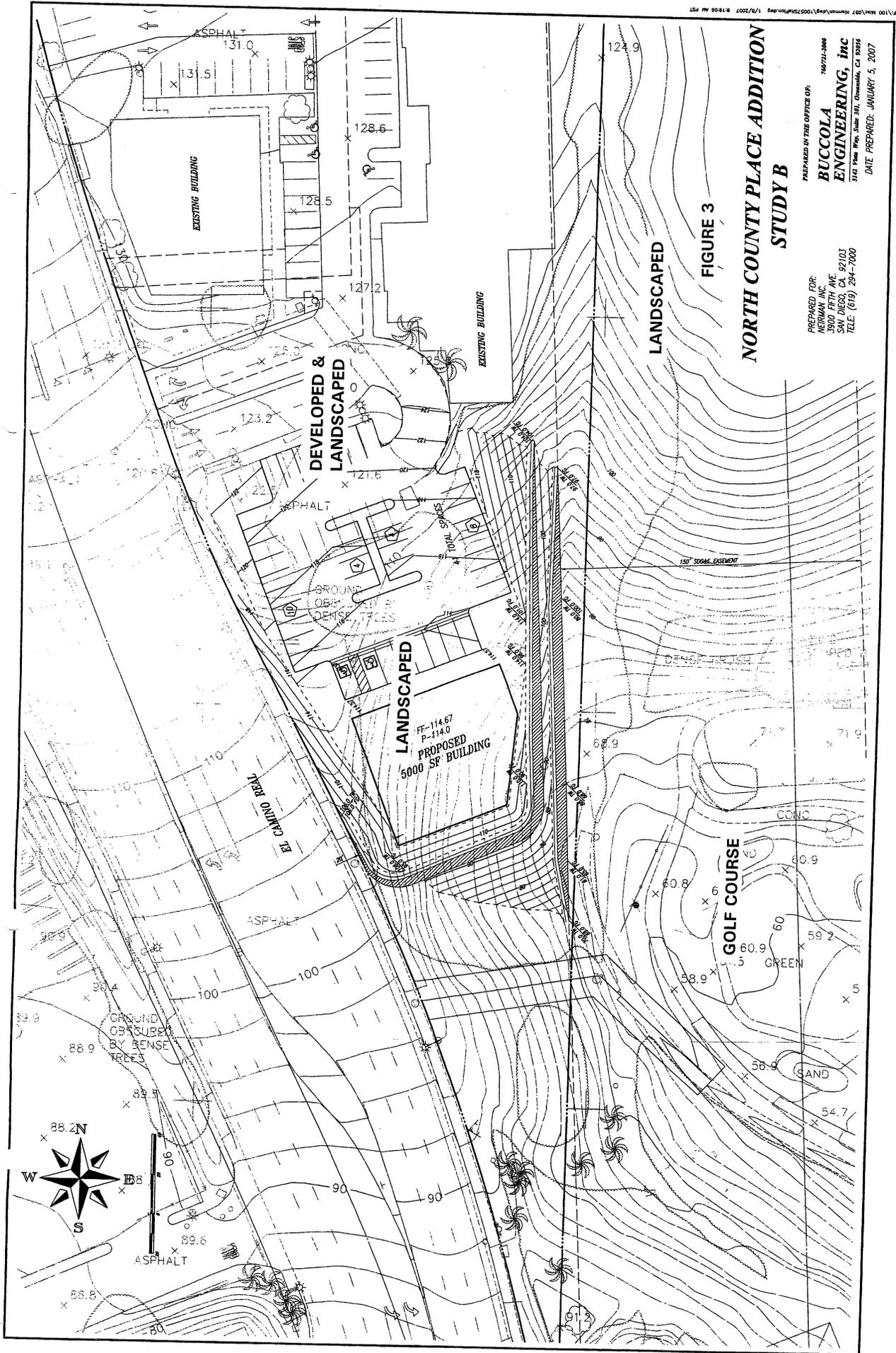


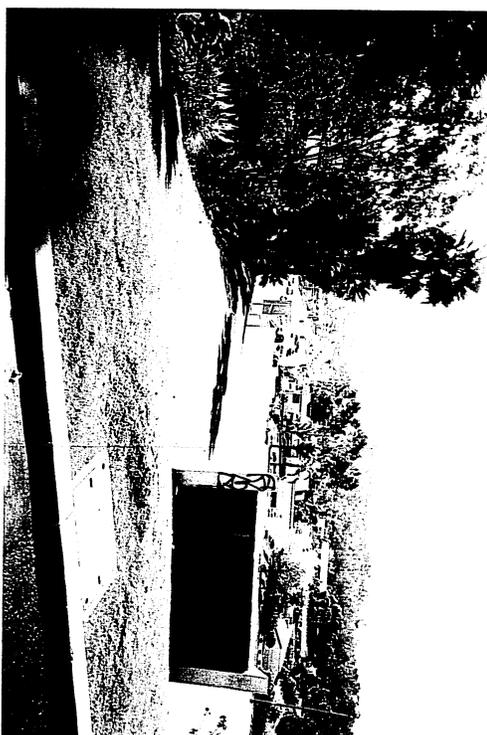
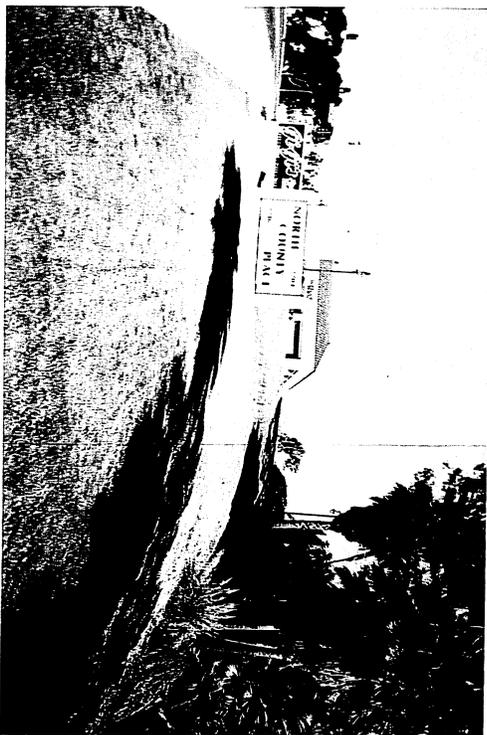
FIGURE 3

**NORTH COUNTY PLACE ADDITION
STUDY B**

PREPARED IN THE OFFICE OF:
**BUCCOLA
ENGINEERING, inc**
760771-399
3142 Pines Way, Suite 301, Danville, CA 94516
DATE PREPARED: JANUARY 5, 2007

PREPARED FOR:
HEWMAN INC.
SAN DIEGO, CA 92103
TELE: (619) 294-7000

Affinis
Shadow Valley Center
847 Jamacha Road
El Cajon, CA 92019



TURF AREA

FIGURE 4



FIGURE 5

LANDSCAPED AREA

Affinis

Shadow Valley Center
847 Jamacha Road
El Cajon, CA 92019

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

2 1. The Council supports the Planning Commission action of February 9, 2009.

3 2. The decision of the Planning Commission is affirmed. (a) The site plan and physical
4 design of the revision to North County Place, as proposed, is consistent with the purposes of the Zoning
5 Ordinance. The proposed 5,110-square-foot commercial office building and 19 additional off-street
6 parking spaces comply with the development regulations set forth in the Zoning Ordinance, including
7 Articles 11, 30, and 31. The additional development at this site would continue to provide space for a
8 variety of commercial establishments. (b) The proposed Development Plan conforms to the General
9 Plan. The proposal promotes additional commercial office space along the El Camino Real corridor.
10 The proposed project preserves a balance of services in the vicinity and is designed to compliment the
11 existing site's aesthetic. Therefore, the proposal supports the Community Development goal, and
12 Objective 2.2 and its policies for development on Community Commercial designated lands. (c) The
13 area covered by the Development Plan can be adequately, reasonably, and conveniently served by
14 existing and planned public services, utilities and public facilities. The City Engineer, Fire Marshal, and
15 Building Official have reviewed the proposal and found existing and planned public services, utilities
16 and public facilities can adequately serve the proposed 5,110-square-foot building. (d) The proposed
17 project is compatible with the existing and potential development on adjoining properties or in the
18 surrounding neighborhood. The building has been specifically designed to mimic the architecture of
19 adjacent buildings. Therefore, the proposal supports the Community Development goal and its
20 associated objective and policies for development on Community Commercial designated lands.

21 3. The applications for a revision to Development Plan (D-10-80) and Variance (V-8-07)
22 and Planning Commission Resolution 2009-P10 are hereby approved, subject to all of the conditions
23 imposed by Planning Commission Resolution No. 2009-P10.

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

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

- AYES:
- NAYS:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk

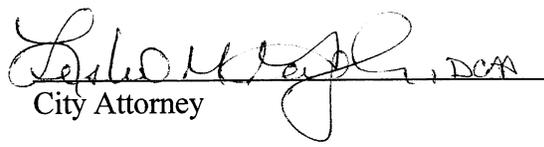

City Attorney

EXHIBIT "A"

All that certain real property situated in the County of San Diego, State of California, described as follows:

Parcel A:

Parcels 1, 2 and 3 of Parcel Map No. 17659, in the City of Oceanside, County of San Diego, State of California, said Parcel Map being filed in the Office of the County Recorder of San Diego County February 28, 1996.

Parcel B:

A non-exclusive easement for pedestrian and vehicular ingress, egress, and access, parking and maintenance over, upon, and across the "common area", pursuant and subject to the terms, provisions, and conditions contained in Reciprocal Easement and Maintenance Agreement recorded July 23, 1996, as File No. 1996-0369524 of Official Records.

Assessor's Parcel Number: **165-012-17-00; 165-012-18-00;**
 165-012-19-00

PLANNING COMMISSION
RESOLUTION NO. 2009-P10

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A
REVISION TO A DEVELOPMENT PLAN AND A VARIANCE
ON CERTAIN REAL PROPERTY IN THE CITY OF
OCEANSIDE

APPLICATION NO: D-10-80 REV07 and V-8-07
APPLICANT: Oceanside-Neirman LP
LOCATION: 2200 Block of South El Camino Real

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting Development Plan and Variance under the provisions of Articles 11, 30, 41 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

a revision to the North County Place development to allow the construction of a 5,110-square foot commercial building with 19 additional off-street parking spaces; and a variance for construction of two retaining walls (20.5 feet and 22.0 feet tall);

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of February, 2009 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project is exempt per Article 32, Section 15332, "In-Fill Development Project" from further environmental review;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$35,160 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$21,599 for a 2" meter.

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

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

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

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

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

7 WHEREAS, the documents or other material which constitute the record of
8 proceedings upon which the decision is based will be maintained by the City of Oceanside
9 Community Development Department, 300 North Coast Highway, Oceanside, California
10 92054.

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

13 FINDINGS:

14 For the revision to Development Plan D-10-80 REV07:

- 15 1. The site plan and physical design of the revision to North County Place, as proposed, is
16 consistent with the purposes of the Zoning Ordinance. The proposed 5,110-square foot
17 commercial office building and 19 additional off-street parking spaces comply with the
18 Article 11, 30, and 31 development regulations. The additional development at this site
19 would continue to provide space for a variety of commercial establishments.
- 20 2. The proposed Development Plan conforms to the General Plan. In the long term, the
21 community is enhanced by the addition of the proposed 5,110-square foot building and 19
22 off-street parking spaces. The proposal expands upon an existing commercial center and
23 promotes additional commercial office space along the El Camino Real corridor. The
24 proposed project preserves a balance of services in the vicinity and is designed to
25 compliment the existing site's aesthetic. Therefore, the proposal supports the Community
26 Development goal, and Objective 2.2 and its policies for development on Community
27 Commercial designated lands.
- 28 3. The area covered by the Development Plan can be adequately, reasonably, and
29 conveniently served by existing and planned public services, utilities and public facilities.
The City Engineer, Fire Marshal, and Building Official have reviewed the proposal and

1 found existing and planned public services, utilities and public facilities can adequately
2 serve the proposed 5,110-square foot building.

3 4. The proposed project is compatible with the existing and potential development on
4 adjoining properties or in the surrounding neighborhood. The building has been
5 specifically designed to mimic the architecture of adjacent buildings.

6 5. The site plan and physical design of the project is consistent with policies contained with
7 in Section 2.21 of the Land Use Element of the General Plan. In the long term, the
8 community is enhanced by the addition of the proposed 5,110-square foot building and 19
9 off-street parking spaces. The proposal expands upon an existing commercial center and
10 promotes additional commercial office space along the El Camino Real corridor. The
11 proposed project preserves a balance of services in the vicinity and is designed to
12 compliment the existing site's aesthetic. Therefore, the proposal supports the Community
13 Development goal and its associated objective and policies for development on
14 Community Commercial designated lands.

15 For the Variance V-8-07:

16 1. That because of conditions applicable to the development, including the shape of the lot
17 and the topography of the land, strict application of the requirements of the Zoning
18 Ordinance deprives such property of privileges enjoyed by other property in the vicinity
19 and under identical zoning classification. The lot is triangular and most narrow in the
20 area proposed for improvement. The shape of the lot is unusual for commercial lots in
21 the vicinity.

22 2. Granting the variance from the height limitations of Section 3040 will not be
23 detrimental or injurious to the property or improvements in the vicinity of the
24 development site, or to the public health, safety or general welfare. The proposed
25 retaining wall construction and planting would comply with local regulations,
26 geotechnical and hydrological recommendations.

27 3. Granting the variance from the height limitations of Section 3040 is consistent with the
28 purposes of the Zoning Ordinance and will not constitute a grant of special privilege
29 inconsistent with limitations on other properties in the vicinity and in the same Zoning
District.

1
2 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
3 approve a revision to Development Plan D-10-80 REV07 and Variance V-8-07 subject to the
4 following conditions:

- 5 1. All prior Planning Commission and City Council Resolutions, including Planning
6 Commission Resolutions No. 80-P98, 82-P132, and 83-P85 and City Council
7 Resolution No. 80-367, are not replaced by this resolution. The conditions herein
8 augment the existing entitlements rendered by the Planning Commission and the City
9 Council. If there is any inconsistency between the conditions in previously adopted
10 resolutions and any other previous conditions, this resolution's conditions shall prevail.

11 **Building:**

- 12 2. Applicable Building Codes and Ordinances shall be based on the date of submittal for
13 Building Division plan check. (Currently the 2001 California Building Code, and 2004
14 California Electrical Code)
- 15 3. The granting of approval under this action shall in no way relieve the applicant/project
16 from compliance with all State and Local building codes.
- 17 4. Site development, parking, access into buildings and building interiors shall comply
18 with the State's Disabled Accessibility Regulations. (2001 California Building Code
19 (CBC), Chapter 11B)
- 20 5. The building plans for this project are required by State law to be prepared by a licensed
21 architect or engineer and must comply with this requirement prior to submittal for
22 building plan review.
- 23 6. All electrical, communication, CATV, etc. service lines within the exterior lines of the
24 property shall be underground (City Code Sec. 6.30).
- 25 7. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
26 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
27 other such lights may be utilized and shall be shown on building and electrical plans.
- 28 8. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
29 plans.

- 1 9. The developer shall monitor, supervise and control all building construction and
2 supporting activities so as to prevent these activities from causing a public nuisance,
3 including, but not limited to, strict adherence to the following:
- 4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
6 work that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar
8 noise-producing nature. No work shall be permitted on Sundays and Federal
9 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
10 Day, Christmas Day) except as allowed for emergency work under the
11 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
- 12 b) The construction site shall be kept reasonably free of construction debris as
13 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
14 approved solid waste containers shall be considered compliance with this
15 requirement. Small amounts of construction debris may be stored on-site in a
16 neat, safe manner for short periods of time pending disposal.
- 17 10. Construction plans submitted to the Building Division after January 1st 2008 must
18 comply with the State adopted ICC codes.
- 19 11. Separate/unique addresses will/may be required to facilitate utility releases. Verification
20 that the addresses have been properly assigned by the City's Planning Division must
21 accompany the Building Permit application.
- 22 12. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
23 will be required at time of plans submittal to the Building Division for plan check. The
24 Soils Report & Structural Calculations must show that the hillside soils conditions are
25 suitable to support the Buildings, Retaining walls, etc. for this project.
- 26 13. A private sewer system design must be submitted to the Building Division and approved
27 prior to the construction of the sewer system. If a gravity flow system is not used, an
28 engineered mechanical system must be submitted and approved by the Planning,
29 Engineering, Water, and Building Divisions.

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

4 15. All lighting showcasing building architecture shall be shown on the building plans.

5 **Fire Prevention:**

6 16. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan
7 indicating the fire access and hydrant locations must also be submitted on CD Rom.

8 17. A “Knox” key storage box shall be provided for all new construction.

9 18. Fire extinguishers are required and shall be included on the plans submitted for plan
10 check.

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

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

17 21. In accordance with the Oceanside Fire Code Section 505, approved addresses for
18 commercial, industrial, and residential occupancies shall be placed on the structure in
19 such a position as to be plainly visible and legible from the street or roadway fronting
20 the property. Numbers shall be contrasting with their background and meet the current
21 City of Oceanside size and design standard.

22 22. Commercial buildings require six-inch address numbers. Minimum specifications are
23 set forth in Oceanside Fire Code Section 505.1, and the Fire Marshal may establish
24 other requirements, as deemed necessary.

25 23. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
26 approval prior to the issuance of building permits.

27 24. Buildings shall meet Oceanside Fire Department’s current codes at the time of building
28 permit application.

29 25. All fire sprinkler systems shall be electronically monitored unless approved by the Fire
Chief (exception: one & two family dwellings).

- 1 26. Provide a horn strobe device on the exterior of the building to be activated by fire
2 sprinkler water flow.
- 3 27. Fire sprinklers required: Group A, B, F, M and S occupancies when square footage
4 exceeds 5,000 square feet or height exceeds 34 feet.

5 **Engineering:**

- 6 28. Vehicular access rights to El Camino Real shall be relinquished to the City from the
7 proposed abutting lot except for the existing private driveway (Camino Town).
- 8 29. All right-of-way alignments, street dedications, exact geometrics and widths shall be
9 dedicated and constructed or replaced as required by the City Engineer.
- 10 30. Design and construction of all improvements shall be in accordance with standard plans,
11 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 12 31. Prior to issuance of a building permit all improvement requirements shall be covered by
13 a development agreement and secured with sufficient improvement securities or bonds
14 guaranteeing performance and payment for labor and materials, setting of monuments,
15 and warranty against defective materials and workmanship.
- 16 32. Please provide proof of legal access as well as reciprocal access easement from and to
17 the existing private driveway (Camino Town) prior to approval of the grading plan and
18 issuance of the grading permit.
- 19 33. The developer shall provide public street dedication if required to serve the property. El
20 Camino Real is a Prime Arterial Road with the ultimate right-of-way of 124 feet (62 feet
21 half right-of-way). Additional five feet right-of-way may be required for the bike lane.
22 In the event that a parking prohibition has already been established on El Camino Real
23 along the project frontage, then the five feet bike lane dedication will not be required.
- 24 34. The approval of the project shall not mean that closure, vacation, or abandonment of any
25 public street, right-of-way, easement, or facility is granted or guaranteed to the
26 developer/owner. The developer/owner is responsible for applying for all closures,
27 vacations, and abandonments as necessary. The application(s) shall be reviewed and
28 approved or rejected by the City of Oceanside under separate process (es) per codes,
29 ordinances, and policies in effect at the time of the application.

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

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

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

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

23 b) All grading and related site preparation and construction activities shall be
24 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
25 engineering related construction activities shall be conducted on Saturdays,
26 Sundays or legal holidays unless written permission is granted by the City
27 Engineer with specific limitations to the working hours and types of permitted
28 operations. All on-site construction staging areas shall be as far as possible
29 (minimum 100 feet) from any existing residential development. Because
construction noise may still be intrusive in the evening or on holidays, the City

1 of Oceanside Noise Ordinance also prohibits “any disturbing excessive or
2 offensive noise which causes discomfort or annoyance to reasonable persons of
3 normal sensitivity.”

4 c) The construction site shall accommodate the parking of all motor vehicles used
5 by persons working at or providing deliveries to the site. An alternate parking
6 site can be considered by the City Engineer in the event that the lot size is too
7 small and cannot accommodate parking of all motor vehicles.

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

11 e) It is the responsibility of the owner/developer to evaluate and determine that all
12 soil imported as part of this development is free of hazardous and/or
13 contaminated material as defined by the City and the County of San Diego
14 Department of Environmental Health. To the satisfaction of the City Engineer,
15 exported or imported soils shall be properly screened, tested, and documented
16 regarding hazardous contamination.

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

24 39. Approval of this development project is conditioned upon payment of all applicable
25 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
26 City Code. All traffic signal fees and contributions, highway thoroughfare fees, park
27 fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior
28 to the issuance of any building permits, in accordance with City Ordinances and
29 policies. The developer/owner shall also be required to join into, contribute, or
participate in any improvement, lighting, or other special district affecting or affected by

1 this project. Approval of the project shall constitute the developer's approval of such
2 payments, and his agreement to pay for any other similar assessments or charges in
3 effect when any increment is submitted for building permit approval, and to join,
4 contribute, and/or participate in such districts.

5 40. The existing curb, gutter and sidewalk on El Camino Real along the property frontage
6 shall be re-constructed (if it is damaged) to the City of Oceanside Design Standards.

7 41. El Camino Real shall provide a parkway between the face of curb and the right-of-way
8 line. The existing sidewalk improvements along the project frontage on El Camino Real
9 shall be re-constructed if it has been damaged and if it is not to the City standards, in
10 compliance with ADA requirements. The pedestrian ramps at the intersection of El
11 Camino Real and the private driveway (Camino Town) must be fully located within
12 public right-of-way.

13 42. Sight distance requirements for each direction of traffic on El Camino Real at the
14 project private driveway (Camino Town) shall conform to the corner sight distance
15 criteria as provided by SDRSD DS-20A and or DS-20B.

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

19 44. This project's driveways shall remain private and shall be maintained by an association.
20 The pavement sections, traffic indices, alignments, and all geometrics shall meet public
21 street standards.

22 45. Prior to approval of the grading plans, the developer/owner shall contract with a
23 geotechnical engineering firm to perform a field investigation of the existing pavement
24 on El Camino Real and the private driveway (Camino Town). The limits of the study
25 shall be half-street plus 12 feet along the project's frontage. The field investigation
26 shall include a minimum of one pavement boring per every 100 linear feet of street
27 frontage for El Camino Real, between Camino Town (private driveway) and the
28 southern boundary of the project, and one pavement for the private driveway (Camino
29 Town). Should the existing AC thickness be determined to be less than the current
minimum standard for AC and Class II Base as set forth in the table for City of

Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in the condition listed below:

46. Upon review of the pavement investigation, the City Engineer shall determine whether the developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the developer/owner shall reconstruct the pavement per these recommendations, subject to approval by the City Engineer.
47. Pavement sections for El Camino Real, the private driveways and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's/owner's soil engineer and must be approved by the City Engineer, prior to paving.
48. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction of the project, shall be repaired or replaced as directed by the City Engineer.
49. The developer/owner shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.
50. Grading and drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff and shall be in accordance with the City's Engineers Manual and as directed by the City Engineer.
51. The developer/owner shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

- 1 52. The approval of the project shall not mean that proposed grading or improvements
2 (including all drainage discharges and all proposed drainage structures) on adjacent
3 properties, including any City properties/right-of-way or easements, is granted or
4 guaranteed to the developer/owner. The developer/owner is responsible for obtaining
5 permission to grade to construct on adjacent properties. Should such permission be
6 denied, the project shall be subject to going back to the public hearing or subject to a
7 substantial conformity review.
- 8 53. Prior to any grading of any part of the tract or project, a comprehensive soils and
9 geologic investigation shall be conducted of the soils, slopes, and formations in the
10 project. All necessary measures shall be taken and implemented to assure slope
11 stability, erosion control, and soil integrity. No grading shall occur until a detailed
12 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning
13 Ordinance, is approved by the City Engineer.
- 14 54. This project shall provide year-round erosion control including measures for the site
15 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
16 control plan, designed for all proposed stages of construction, shall be reviewed, secured
17 by the applicant with cash securities and approved by the City Engineer.
- 18 55. A precise grading and private improvement plan shall be prepared, reviewed, secured
19 and approved prior to the issuance of any building permits. The plan shall reflect all
20 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
21 and signage, footprints of all structures, walls, drainage devices and utility services.
22 Parking lot striping and any on-site traffic calming devices shall be shown on all precise
grading and private improvement plans.
- 23 56. Landscape and irrigation plans shall be approved by the City Engineer prior to the
24 issuance of occupancy permits, and a pre-construction meeting held, prior to the start of
25 any improvements.
- 26 57. Landscaping plans, including plans for the construction of walls, fences or other
27 structures at or near intersections, must conform to intersection sight distance
28 requirements. Landscape and irrigation plans for disturbed areas must be submitted to
29 the City Engineer prior to the issuance of a preliminary grading permit and approved by

1 the City Engineer prior to the issuance of occupancy permits. Frontage and median
2 landscaping shall be installed prior to the issuance of any certificates of occupancy.
3 Any project fences, sound or privacy walls and monument entry walls/signs shall be
4 shown on, bonded for and built from the landscape plans. These features shall also be
5 shown on the precise grading plans for purposes of location only. Plantable, segmental
6 walls shall be designed, reviewed and constructed by the grading plans and
7 landscaped/irrigated through project landscape plans. All plans must be approved by
8 the City Engineer and a pre-construction meeting held, prior to the start of any
9 improvements.

10 58. Open space areas and down-sloped areas visible from a collector-level or above
11 roadway and not readily maintained by the property owner, shall be maintained by a
12 management association that will insure installation and maintenance of landscaping in
13 perpetuity. These areas shall be indicated and identified on an exhibit and/or grading
14 plan and reserved for an association. Future buyers shall be made aware of any
15 estimated monthly costs. The previously recorded CC&R that was approved and
16 recorded as part of the Parcel Map 17659 shall be revised to include the new disclosure
17 for this new project, and shall be submitted to the City Engineer for review prior to the
18 recordation.

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

27 60. Storm drain facilities shall be designed and located such that the inside travel lanes on
28 streets with Collector or above design criteria shall be passable during conditions of a
29 100-year frequency storm.

- 1 61. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
2 disposed of in accordance with all state and federal requirements, prior to stormwater
3 discharge either off-site or into the City drainage system.
- 4 62. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
5 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
6 height exceeds 20 feet or where the slope exceeds four feet and is adjacent to an arterial
7 street or state highway.
- 8 63. The landowner shall comply with the provisions of National Pollution Discharge
9 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
10 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
11 General Permit continues in force and effect until a new General Permit is issued or the
12 SWRCB rescinds this General Permit. Only those Landowners authorized to discharge
13 under the expiring General Permit are covered by the continued General Permit.
14 Construction activity subject to the General Permit includes clearing, grading, and
15 disturbances to the ground such as stockpiling, or excavation that results in soil
16 disturbances of at least one acre of total land area. The Landowner shall obtain
17 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining
18 a Waste Discharge Identification Number (WDID#) from the State Water Resources
19 Control Board (SWRCB). In addition, coverage under the General Permit shall not
20 occur until an adequate SWPPP is developed for the project as outlined in Section A of
21 the General Permit. The site specific SWPPP and associated NOI shall be maintained
22 on the project site at all times. The SWPPP shall be provided, upon request, to the
23 United States Environmental Protection Agency (USEPA), SWRCB, Regional Water
24 Quality Control Board (RWQCB), City of Oceanside, and other applicable governing
25 regulatory agencies. The SWPPP is considered a report that shall be available to the
26 public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of
27 the General Permit and the site specific SWPPP shall be continuously implemented and
28 enforced until the Landowner obtains a Notice of Termination (NOT) for the SWRCB.
29 The Landowner is required to retain records of all monitoring information, copies of all
reports required by this General Permit, and records of all data used to complete the

1 NOI for all construction activities to be covered by the General Permit for a period of at
2 least three years from the date generated. This period may be extended by request of the
3 SWRCB and/or RWQCB.

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

8 65. Following approval of the SWMP by the City Engineer and prior to issuance of grading
9 permits, the Project Proponent shall submit and obtain approval of an Operation &
10 Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M
11 Plan shall include an approved and executed Maintenance Mechanism pursuant to
12 Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP).
13 The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section
14 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated
15 responsible party to manage the storm water BMP(s), employee training program and
16 duties, operating schedule, maintenance frequency, routine service schedule, specific
17 maintenance activities, copies of resource agency permits, cost estimate for
18 implementation of the O&M Plan, a security to provide maintenance in the event of
19 noncompliance to the O&M Plan, and any other necessary elements. The Project
20 Proponent shall provide the City with access to site for the purpose of BMP inspection
21 and maintenance by entering into an Access Rights Agreement with the City. The
22 Project Proponent shall complete and maintain O&M forms to document all operation,
23 inspection, and maintenance activities. The Project Proponent shall retain records for a
24 minimum of five years. The records shall be made available to the City upon request.

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

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

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

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

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

20 70. The developer/owner shall provide a copy of the title/cover page of an approved SWMP
21 with the first engineering submittal package. If the project triggers the City's
22 stormwater requirements but no approved stormwater document (SWMP) exists, the
23 appropriate document shall be submitted for review and approval by the Public Works
24 Department. The SWMP shall be prepared by the applicant's Civil Engineer. All storm
25 water documents shall comply with the latest edition of submission requirements.

26 71. The approval of the project shall not mean that closure, vacation, or abandonment of any
27 public street, right-of-way, easement, or facility is granted or guaranteed to the
28 developer/owner. The developer/owner is responsible for applying for all closures,
29 vacations, and abandonments as necessary. The application(s) shall be reviewed and
approved or rejected by the City of Oceanside under separate process (es) per codes,

1 ordinances, and policies in effect at the time of the application. The City of Oceanside
2 retains its full legislative discretion to consider any application to vacate a public street
3 or right-of-way.

4 72. In the event that the conceptual plan does not match the conditions of approval, the
5 resolution of approval shall govern.

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

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

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

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

21 d) Proposed landscape species shall be native or naturalized to fit the site and meet
22 climate changes indicative to their planting location. The selection of plant
23 material shall also be based on cultural, aesthetic, and maintenance
24 considerations. In addition proposed landscape species shall be low water users
25 as well as meet all Fire Department requirements.

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

29 f) 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

1 shall be mulched to a three-inch depth to help conserve water, lower the soil
2 temperature and reduce weed growth.

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

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

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

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

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

21 l) Irrigation systems shall use high quality, automatic control valves, controllers
22 and other necessary irrigation equipment. All components shall be of non-
23 corrosive material. All drip systems shall be adequately filtered and regulated
24 per the manufacturer's recommended design parameters.

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

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

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

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

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

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

14 **Planning:**

15 76. This revision to Development Plan (D-10-80 REV07) approves only the construction of
16 a 5,110-square foot commercial building and 19 additional off-street parking spaces as
17 shown on the plans and exhibits presented to the Planning Commission for review and
18 approval. Elevations, floor plans, building materials and colors, shall be substantially
19 the same as those approved by the Planning Commission and shall be shown on the
20 plans submitted for building permits. No deviation from these approved plans and
21 exhibits shall occur without the City Planner and or Planning Commission's approval.
22 Substantial deviations shall require a revision to the Development Plan or a new
23 Development Plan.

24 a) This Development Plan shall lapse in two years after the effective date of
25 approval, unless implemented as required by Section 4308.B of the Zoning
26 Ordinance.

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

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

1 d) The Development Plan is subject to the regulations set forth in Articles 10, 11,
2 22, 28, 30, 31, and 33 of the Zoning Ordinance.

3 77. This Variance (V-8-07), from wall height regulations (Section 3040.C.2) approves only
4 two retaining walls, one with a maximum height of 20.5 feet and the other with a
5 maximum height of 22 feet, as shown on the plans and exhibits presented to the
6 Planning Commission for review and approval. No deviation from these approved
7 plans and exhibits shall occur with out City Planner, City Engineer, and or Planning
8 Commission approval. Substantial deviations shall require a revision to the Variance or
9 a new Variance. The construction and design of the wall is subject to Section 3040(d)
10 of the Zoning Ordinance; the retaining walls shall be planted in accordance with the
11 requirements of the Zoning Ordinance.

12 a) This Variance shall lapse two years after the effective date of approval, unless
13 implemented as required by Section 4108.A of the Zoning Ordinance.

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

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

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

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

21 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
22 harmless the City of Oceanside, its agents, officers or employees from any claim, action
23 or proceeding against the City, its agents, officers, or employees to attack, set aside,
24 void or annul an approval of the City, concerning the revision to Development Plan (D-
25 10-80 REV07) and Variance (V-8-07). The City will promptly notify the applicant of
26 any such claim, action or proceeding against the City and will cooperate fully in the
27 defense. If the City fails to promptly notify the applicant of any such claim action or
28 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter,
29 be responsible to defend, indemnify or hold harmless the City.

- 1 79. A trash enclosure (or trash enclosures) must be provided as required by Chapter 13 of
2 the City Code and shall include additional space for storage and collection of recyclable
3 materials per City standards. Recycling is required by City Ordinance. The enclosure
4 (or enclosures) must be built in a flat, accessible location as determined by the City
5 Engineer. Trash enclosures and driveways and service access areas shall be shown on
6 both the improvement and landscape plans submitted to the City Engineer. The
7 specifications shall be reviewed and approved by the City Engineer. The City's waste
8 disposal contractor is required to access private property to service the trash enclosures,
9 a service agreement must be signed by the property owner and shall remain in effect for
10 the life of the project. All trash enclosures shall be designed to provide user access
11 without the use and opening of the service doors for the bins. This design shall be
12 shown on the landscape plans and shall be approved by the City Planner.
- 13 80. Outdoor storage or display of merchandise of materials shall meet the requirements of
14 the Zoning Ordinance.
- 15 81. A covenant or other recordable document approved by the City Attorney shall be prepared
16 by the applicant and recorded prior to the issuance of building permits. The covenant shall
17 provide that the property is subject to this resolution, and shall generally list the conditions
18 of approval.
- 19 82. Prior to the issuance of building permits, compliance with the applicable provisions of
20 the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
21 reviewed and approved by the City Planner. These requirements, including the
22 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
23 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting
24 the subject property.
- 25 83. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
26 written copy of the applications, staff report and resolutions for the project to the new
27 owner and or operator. This notification's provision shall run with the life of the project
28 and shall be recorded as a covenant on the property.
29

1 84. Failure to meet any conditions of approval for this development and/or any applicable
2 conditions of approval for the entire North County Place development (D-10-80) and as
3 revised thereon shall constitute a violation of the Development Plan Revision.

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

10 86. The North County Place Management Plan shall be revised to include the proposed
11 5,110-square foot building and 27 additional parking spaces or a new Management Plan
12 for North County Place shall be prepared. The revised or new Management Plan is
13 subject to the review and approval of the City Planner and the Police Chief prior to the
14 occupancy of the project, and shall be recorded as CC&R's against the property. The
15 Management Plan shall cover the following:

- 16 a) Security - The Management Plan, at a minimum, shall address on-site
17 management, hours-of-operation and measures for providing appropriate
18 security for the project site.
- 19 b) Maintenance - The Management Plan shall cover, but not be limited to anti-
20 graffiti and site and exterior building, landscaping, parking lots, sidewalks,
21 walkways and overall site maintenance measures and shall ensure that a high
22 standard of maintenance at this site exists at all times. The maintenance portion
23 of the management plan shall include a commitment for the sweeping and
24 cleaning of parking lots, sidewalks and other concrete surfaces at sufficient
25 intervals to maintain a "like new" appearance. Wastewater, sediment, trash or
26 other pollutants shall be collected on-site and properly disposed of and shall not
27 be discharged off the property or into the City's storm drain system.
- 28 c) Any graffiti within the center shall be removed by the center management or its
29 designated representative within 24 hours of occurrence. Any new paint used to
cover graffiti shall match the existing color scheme.

1 d) Loading and deliveries of merchandise shall be limited and shall comply with
2 the North County Place conditions of approval and/or Management Plan for
3 loading and unloading.

4 87. A lighting plan shall be submitted and approved by the City Planner prior to issuance of
5 building permits. The plan shall demonstrate compliance with the provisions of the City
6 of Oceanside Light Pollution Ordinance.

7 88. Prior to issuance of a sign permit, the Comprehensive Sign Program (CSP) shall be
8 revised to incorporate this new building with the existing sign program. The revision to
9 the CSP shall be submitted to the City Planner for review and approval.

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

14 90. Failure to meet any conditions of approval for this development shall constitute a
15 violation of the Variance and Development Plan.

16 91. The operation of land use classification 450.J *Eating and drinking establishments* in the
17 5,110 square foot building located south of the project entrance shall be subject to the
18 approval of a condition use permit prior to the issuance of a business license. Small
19 scale restaurants (2,500 square-feet or less) may be approved by the City Planner as an
20 administrative use permit.

21 92. The 27 proposed off-street parking spaces shall be reduced to 19 off-street parking
22 spaces. The impervious area proposed for 8 contiguous parking spaces shall instead be
23 developed using pervious material, plants, and provide pedestrian access.

24 **Water:**

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

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

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95. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved by the Water Utilities Director.
96. The following conditions shall be met prior to the approval of engineering design plans.
- a) All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.
 - b) No trees, structures or building overhang shall be located within any water or wastewater utility easement.
 - c) All lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (UPC.).
 - d) The developer shall construct a public reclamation water system that will serve each lot and or parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or in a public utility easement.
 - e) A separate irrigation meter and approved backflow prevention device is required.
 - f) An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and Construction Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved Improvement Plans.

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1 97. The following conditions of approval shall be met prior to building permit issuance.

2 a) If a restaurant or food service tenant occupies the property: a Grease Interceptor,
3 described by the Uniform Plumbing Code, relating to restaurants, shall be
4 installed in each building sewer in an appropriate location and shall be
5 maintained by the property owner. The location shall be called out on the
6 approved Building Plans.

7 b) Water and Wastewater Buy-in fees and the San Diego County Water Authority
8 Fees are to be paid to the City and collected by the Water Utilities Department at
9 the time of Building Permit issuance.

10 PASSED AND ADOPTED Resolution No. 2009-P10 on February 9, 2009 by the
11 following vote, to wit:

12 AYES: Troisi, Balma, Neal, Martinek, Bertheaud and Rosales

13 NAYS: Parker

14 ABSENT: None

15 ABSTAIN: None

16 

17 _____
18 Claudia Troisi, Chairperson
19 Oceanside Planning Commission

20 ATTEST:

21 
22 _____
23 Jerry Hittleman, Secretary

24 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
25 this is a true and correct copy of Resolution No. 2009-P10.

26 Dated: February 9, 2009 _____
27
28
29



DATE: February 9, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A REVISION TO DEVELOPMENT PLAN (D-10-80REV07) AND VARIANCE (V-8-07) FOR THE CONSTRUCTION OF A 5,110-SQUARE-FOOT COMMERCIAL BUILDING, TO ALLOW CONSTRUCTION OF TWO RETAINING WALLS WITH A MAXIMUM HEIGHT OF 20.5 FEET AND 22 FEET RESPECTIVELY ON A 0.5-ACRE PORTION OF A 3.69-ACRE SITE LOCATED WITHIN THE 2200 BLOCK OF SOUTH EL CAMINO REAL. – NORTH COUNTY PLACE REVISION -- APPLICANT: OCEANSIDE-NIERMAN LP**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 32 categorical exemption for “Infill Development Projects” pursuant to Section 15332 of the California Environmental Quality Act; and,
- (2) Approve a revision to Development Plan D-10-80 REV07 and Variance V-8-07 by adopting Planning Commission Resolution 2009-P10 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The 3.96-acre project site is an undeveloped portion of the 5.8-acre North County Place commercial center, which is located in the 2200 block of South El Camino Real.

On October 20, 1980, the Planning Commission approved “North County Place,” a 65,600-square foot complex of mixed commercial lots (ZA-4-80, D-10-80), by approving Resolution No. 80-P98 with a 5 to 0 vote.

On November 12, 1980, the City Council approved Development Plan D-10-80 with modifications to conditions 4, 15, and 17 of Planning Commission Resolution No. 80-P98 by adopting City Council Resolution No. 80-367 with a 4 to 1 (abstaining) vote.

On December 6, 1982, the Planning Commission approved a time extension for Development Plan D-10-80 for one year to construct a commercial office complex totaling 79,187 square feet and approved Resolution No. 82-P132 with a 6 to 0 vote.

On August 15, 1983, the Planning Commission considered and approved a revision to Development Plan D-10-80 for the relocation of access and the provision of other street improvements by approving Resolution No. 83-P85 with a 5 to 1 vote.

On October 1, 2007, Oceanside-Nierman LP submitted an application requesting to construct a fourth building at North County Place and to revise Development Plan D-10-80, a previously approved entitlement.

Site Review: *General Plan and Zoning designations:* The site is located within a Community Commercial (CC) land use designation and is zoned Community Commercial (CC) District.

Existing development and land uses: During 1984, two commercial buildings were constructed (63,475 square feet) and, 10 years later, a 5,000-square foot building was constructed on a separate parcel. This newer building is currently occupied as a bank (The previous tenant was Blockbuster). These three commercial buildings constitute what is known as North County Place, and includes office, banking, eating and drinking establishments, and retail land uses. There are currently 330 on-site parking spaces at North County Place.

The 0.5-acre portion of the 3.69-acre site that is proposed for development is currently landscaped with turf and ornamental trees. The project site area is within the boundaries of the City's proposed Wildlife Corridor Planning Zone, as described in the Draft Subarea Habitat Conservation Plan. This wildlife corridor follows the major SDG&E transmission line routes through the City, including areas adjacent to the site. While this wildlife corridor is intended to link areas of native habitats together and provide contiguous lands for wildlife movement across the City, this portion of the wildlife corridor includes a golf course and landscaped areas of North County Place.

Topography: The topographic features of the developed portion of the site may be described as gentle to moderate slope with gradients ranging from two percent in the main parking lot to 9.5 percent at the northern site entrance.

There are approximately 35 feet of relief across the site. Elevations across the site vary from 156.0 Mean Sea Level (MSL) at the northern site entrance to 121.0 MSL at a low-point located in the southern parking lot.

Surrounding land uses: To the east of the project site is an existing golf course. Along El Camino Real are commercial office, professional office, eating and drinking establishment, and retail land uses.

Project Description: The project application is comprised of two components: a revision to a Development Plan and a Variance.

Development Plan No. D-10-80 REV07 represents a request for the following: to construct a 5,110-square foot commercial office building on a 0.5-acre portion of a 3.96-acre site pursuant to Articles 11, 30, and 43 of the Zoning Ordinance.

Variance No. V-8-07 represents a request for the following: Pursuant to Article 41 of the Zoning Ordinance, the applicant requests a variance to construct two retaining walls above the maximum wall height allowed by Section 3040.

The proposed project consists of the constructing a new commercial pad and building on Parcel 2 of the existing North County Place development. The proposed 5,110-square foot commercial building's access would encompass altering the existing southern entry (signalized) by extending the driveway and creating 27 additional on-site parking spaces. (The proposal is to eliminate 19 existing parking spaces and create 46 new parking spaces on-site.) Currently there are 330 parking spaces on-site and the proposal is to provide 357 total parking spaces on-site.

The proposed architecture mimics the style of the existing three buildings on-site. The structure is proposed as a one-story (26-feet tall) building with windows on each side of the building. The applicant proposes a neutral stucco color for the building's exterior that is similar to the existing three North County Place buildings. Red tile roof material is proposed and is presently used throughout the existing development.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is Community Commercial (CC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan, as follows:

Land Use Element II. Community Development

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

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

Policies 2.21 Community Commercial:

- A. This designation shall provide the community with commercial centers containing a wide variety of commercial establishments. Major tenants shall provide larger, low volume, higher cost items, such as home furnishings, apparel, durable goods, and specialty items and generally have citywide market areas. Support facilities such as entertainment establishments and restaurants shall be encouraged.
- B. Development within this designation shall be on sites in excess of 30 acres. Specialized commercial uses requiring less land area may be considered when of similar intensity, or offering comparative revenue and/or employment generating capacities. Location shall be limited to sites along major arterials or higher rated roads.

In the long term, the community is enhanced by the addition of the proposed 5,110-square foot building and additional off-street parking spaces. The proposal expands upon an existing commercial center (which includes retail, banking, restaurants, and office land uses) and proposes additional commercial office space along the El Camino Real corridor. The proposed project preserves a balance of services in the vicinity and is designed to compliment the existing site's aesthetic. The proposal will integrate naturally with the existing North

County Place commercial land uses and compliment the surrounding area’s land uses, including the many restaurants, retail, banking, and other venues that enjoy a Citywide market appeal along the southerly El Camino Real corridor. Therefore, the proposal supports the Community Development goal and its associated objectives and policies for development on Community Commercial designated lands.

2. Zoning Ordinance Compliance

The proposed development is located in the Community Commercial (CC) District and complies with the land use and development regulations of Articles 11 and 30. In accordance with Article 41, the applicant requests a variance for wall heights pursuant to Section 3040.

Table 1: Section 1130 CC Districts Property Development Regulations

Regulation	Requirement	Proposal
Minimum front yard	15 feet	15 feet
Maximum height	50 feet	26 feet
Maximum lot coverage	50%	29.46%
Maximum base FAR	1.0	0.27
Minimum site landscaping	15%	28%
Fences and walls	Section 3040	variance requested
Off-street parking	348	357
Signs	CSP required	revise existing CSP

Pursuant to Section 1130, the proposed 5,110-square foot building complies with commercial development regulations (see Table 1). The proposal complies with yard, height, and floor area ration (FAR) requirements. The proposal is conditioned to satisfy the screening of rooftop mechanical equipment, employee eating areas, and refuse storage requirements. The applicant will submit a revised North County Place Comprehensive Sign Program (CSP) to the City Planner to add the proposed building to the existing commercial center’s CSP.

The applicant proposes to exceed the off-street parking requirement by providing a total of 357 on-site parking spaces.

Pursuant to Section 4101, a Variance may be granted with respect to walls. The applicant is requesting a variance from the requirements of Section 3040 of the Zoning Ordinance and to construct two retaining walls above the maximum allowed six-foot wall height. The proposed walls are respectively 20.5 feet and 22 feet tall. The proposal includes planting the retaining walls and landscaping the slopes on the southern and eastern areas of the project site.

The two retaining walls would be constructed along the project's eastern boundary and would be visible from the golf course located to the east of the project site. The proposed retaining walls would address the elevation differential between the golf course and the project site. Staff finds that the project site is typically shaped like a triangle, which limits the property owner's opportunity to develop the site as compared to other lots within the vicinity; therefore, granting a variance from the requirements of Section 3040 would not constitute a special privilege.

DISCUSSION

Issue: Storm water run-off and site drainage during storm events.

Recommendation: Staff has determined that the proposed stormwater mitigation plan and the preliminary hydrology study satisfactorily address site drainage and water run-off concerns. The site designed Best Management Practices include rainfall infiltration, maximizing rainfall interception, and minimizing directly connected impervious areas. In addition the slopes and existing channel would be protected. For example, swales, walls and berms would convey runoff from tops of slopes; the slopes would be planted with native, drought tolerant, erosion resistant vegetation; and riprap would be constructed to dissipate energy at storm drains.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and the project is exempt under the provisions of the California Environmental Quality Act (CEQA) Class 32 15332, Categorical Exemption "Infill Development Projects."

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record and occupants within a 1,500-foot radius of the subject property, to individuals and organizations requesting notification, and to the applicant. As of January 20, 2009, staff has been contacted by two residents who were concerned about stormwater run-off.

SUMMARY

The proposed revision to Development Plan D-10-80 REV07 and Variance V-8-07, as conditioned, are consistent with the land use policies of the General Plan and the requirements of the Zoning Ordinance. The project has been conditioned to meet or exceed all applicable land use requirements. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Adopt Planning Commission Resolution No. 2008-P10 approving a revision to Development Plan D-10-80 REV07 and Variance V-8-07 with findings and conditions of approval attached herein.

PREPARED BY:



Juliana von Hacht
Associate Planner

SUBMITTED BY:



Jerry Littleman
City Planner

REVIEWED BY: 

Richard Greenbauer, Senior Planner

JH/JH/fil

Attachments:

1. Site plans, elevations
2. Planning Commission Resolution No. 2009-P10

Barbara Riegel Wayne

From: Esther Sanchez
Sent: Wednesday, February 18, 2009 9:05 PM
To: Peter Weiss; Barbara Riegel Wayne
Cc: Jerry Hittleman; John Mullen
Subject: North County Place -- Call for Review

I wish to call for review the following item that was confirmed/approved by the Planning Commission on 2/9/2009:

Confirmation of a Class 32 categorical exemption for "Infill Development Projects" pursuant to Section 15332 of the California Environmental Quality Act; Resolution No. 2009-P10, Revision to DEVELOPMENT PLAN (D-10-80) and VARIANCE (V-8-07), for the construction of a 5,110-square foot commercial building and construction of two retaining walls with a maximum height of 20.5 feet and 22 feet respectively on a 0.5-acre portion of a 3.69-acre site commonly known as North County Place and located within the 2200 block of South El Camino Real. – **NORTH COUNTY PLACE REVISION – Applicant: Oceanside-Nierman, LP**

The grounds are the following:

1. The project does not meet the categorical exemptions as set forth in sections 15300 through 15329 of the CEQA guidelines
2. The city failed to evaluate the following criteria before concluding that the project is categorically exempt from CEQA:
 - a. Whether the project site is environmentally sensitive;
 - b. Whether the project and subsequent projects of the same type in the same location will have cumulative impacts;
 - c. Whether there are "unusual circumstances" creating the reasonable possibility of significant effects;
 - d. Whether the project will result in damage to scenic resources within an officially designated scenic highway;
 - e. Whether the project is located on a designated site affected by hazardous wastes or clean-up problems; and
 - f. Whether the project will cause a substantial adverse change in the significance of an historic resource

[Empasis added]

If the project is determined to have any of these impacts and it is therefore subject to any one of these exceptions for a categorical exemption, the agency must comply with CEQA. [CEQA Guidelines, section 15300.2, subdivisions (a), (b).]

3. Lack of analysis of the slope and the slope's impact on adjacent properties; there are particular requirements for development under 25-40% above slope. This project with the huge retaining walls probably exceeds the requirements. This alone should have triggered CEQA review.
4. Lack of compliance with wildlife corridor planning zone standards from the draft Oceanside subarea plan; the planning zone basically calls for 50% of the site to be retained open space. The

fact that part of the property has been developed does not exempt the property.

5. Specifications regarding native plants and plants that cannot be planted should have been included in the project conditions.

6. Lack of compliance with conditions for development adjacent to the SDG&E corridor.

7. There were no MHCP Edge effect conditions specified, although the land is immediately adjacent to the wildlife movement corridor.

Thank you!

Esther

Barbara Riegel Wayne

From: Esther Sanchez
Sent: Wednesday, February 18, 2009 9:32 PM
To: Peter Weiss; Barbara Riegel Wayne
Cc: Jerry Hittleman; John Mullen
Subject: North County Place; Call for Review

I wish to add the following grounds to my request, calling for review of the above-referenced project:

8. Failure to adequately address the geotechnical environmental effects of the soil, groundwater seepage
9. Failure to assess the cumulative effects of traffic, including from other approved projects in the area
10. Failure to adequately address storm water issues, including discharge into a 303 listed body of water
11. Failure to adequately address increases in impermeable surfaces
12. Failure to comply with the General Plan Land Use Element and Zoning Ordinance
13. Failure to prepare an acceptable biological survey
14. The project does not comply with Oceanside's subarea plan
15. Failure to address air quality issues

Thank you!

Esther

RECEIVED

FEB 19 2009

OCEANSIDE CITY CLERK

ACCEPTANCE OF APPEAL
(OFFICE USE ONLY)

Received by: Holly
Via: hand-delivered
Copy to: George Buell,
Jerry Hittleman, c. Clerk

ATTACHMENT **6**

Appeal of: North County Place PC Reso No. 2009-PI0

Date of Final Action: 02/09/09 Date Filed: 02/19/09

Form of Appeal: \$820 Appeal Fee Petition

Person Submitting Appeal: Joy Chung

Company/Developer Representative, Company
Name: The Lightfoot Planning Group

Name of Person who Prepared the Appeal: Joy Chung

Name of Spokesperson for the Appeal: Joy Chung

The Lightfoot Planning Group

Address: 5750 Fleet Street, Ste. 250

Carlsbad, CA 92008

Phone Number: 760-692-1924

E-mail and/or Fax: joy@lightfootpg.com

760-692-1935 (fax)

Received

FEB 19 2009

Planning Division

Appeals must be filed within 10 days of the date of final action. **Section 4604:** To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.

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

Signature: _____

Date: _____



THE
LIGHTFOOT
PLANNING
GROUP



February 19, 2009

RECEIVED

FEB 19 2009

OCEANSIDE CITY CLERK

Ms. Barbara Riegel Wayne
City Clerk
City of Oceanside
300 N. Coast Highway
Oceanside, CA 92054

RE: North County Place, Planning Commission Resolution No. 2009-P10
Appeal of Planning Commission Decision to Add Condition 92

Dear Ms. Wayne:

On behalf of Oceanside-Nierman, LP., this letter is being submitted to formally appeal Condition 92 of Planning Commission Resolution No. 2009-P10, adopted on February 9, 2009 that requires elimination of 8 parking spaces from the project.

Planning Commission Resolution No. 2009-P10 approves the revision to Development Plan D-10-80Rev07, and Variance V-8-07 for a new 5,110 square foot commercial building within an existing commercial center known as North County Place. Condition 92 is a new condition included by the Planning Commission during discussion of the project at the hearing, which states:

92. The 27 proposed off-street parking spaces shall be reduced to 19 off-street parking spaces. The impervious area proposed for 8 contiguous parking spaces shall instead be developed using pervious material, plants, and provide pedestrian access.

The discussion during the Planning Commission hearing focused on the excess of 9 parking spaces over the total parking spaces required for the entire commercial center. The result was to eliminate 8 of the spaces within the proposed project revision area. While the project would technically meet code requirements without these spaces, the addition of these spaces as part of the expansion will improve the distribution of parking within the existing center, and provide an overall enhancement to the center.

We respectfully appeal Condition 92 in Planning Commission Resolution 2009-P10 to eliminate 8 contiguous parking spaces located in the parking lot included as part of the revised development plan and request that City Council delete this condition from the project conditions of approval.

Sincerely,

Joy Chung
Associate Planner

5750 FLEET STREET, STE 250
CARLSBAD, CA 92008

TEL: 760-692-1924
FAX: 760-692-1935
www.lightfootpg.com

cc: Jerry Hittleman, City Planner
Jim Nierman, Oceanside-Nierman, LP.

Juliana von Hacht

From: Juliana Von Hacht
Sent: Thursday, February 05, 2009 5:55 PM
To: 'nadia550@sbcglobal.net'
Cc: 'joy@lightfootpg.com'
Subject: Certificate of Exemption for a Revision to D-10-80 North County Place

Dear Ms. Scott,

Thank you very much for your message on Tuesday. I have had an opportunity today to discuss your concerns with the City Planner.

Jerry Hittleman tells me that your contact information has been added to the Interested Party Notification List. I apologize, but I don't know when you applied to be added to this list. In the future you should receive notifications, because Mr. Hittleman assures me that your name has been added to the mailing list.

In response to you enumerated comments, please accept the following:

1. The existing developed site, North County Place, is within the boundaries of the City's proposed Wildlife Corridor Planning Zone. The proposal is a revision to a previously approved development plan. The area proposed for improvements was previously graded and landscaped – with non-native plants – as part of the development of North County Place during the mid-1980s. While the standards of the Wildlife Corridor Planning Zone apply to both undeveloped and redeveloping properties, the requirement to purchase additional mitigation land only applies where there are impacts to natural habitat within the Zone. Biologists from Affinis Environmental Services surveyed the site during February, 2007 and documented that no native habitat is present on the property. This report is available and is filed with the project documents. The proposed revision to the development plan includes a conceptual landscape plan and a proposal to plant native material on the project site, including on slopes adjacent to the SDG&E easement. Adding native plants to the project site will improve the character of the Wildlife Corridor Planning Zone.
2. A Storm Water Mitigation Plan (SWMP) is common component to development proposals within Oceanside. The SWMP complies with local regulations that require storm water to be redirected and treated; the SWMP describes how how storm water at this location would treated prior to entering our storm drain system. The project does not create impacts to water quality that require mitigation under CEQA guidelines.
3. The project site does not include any native habitat and no wildlife agency permits will be needed. Biologists from Affinis surveyed the site in February, 2007. This report documents various ornamental trees and turf at the project site. The report clearly identifies that the site is located within the WCPZ. To conform with the recommendations of the Draft Subarea Habitat Conservation Plan and General Plan Policies, staff required the conceptual landscape plan to include (a) native plants along the eastern site boundary and adjacent to the SDG&E corridor; (b) landscaping the remaining undeveloped southern portion of the site with native plants and removal of all exotic plants; (c) removal of eucalyptus trees on site; (d) clean up the landscape area behind the existing buildings and the addition of native plants in this area; and (e) using

native plants on the plantable retaining wall. These aspects of the project design will enhance the habitat value of the property. Finally, Figure 3-10 of the Draft Subarea Habitat Plan identifies the project area as disturbed habitat with moderate potential for restoration. The project site is adjacent to a priority restoration area and the proposed landscaping along the corridor is in conformance with the policies of the Draft Subarea Habitat Plan.

4. A preliminary geotechnical evaluation of the site is a requirement of application submittal. Geosols prepared this report which was submitted and accepted by the City Engineer. The report was found to suitably describe soil/geologic data/information. The geological conditions and Geosols recommendations have been found to meet current practice standards and the requirements of the City of Oceanside, including the Grading Ordinance and Engineers Manual. It is common practice after a project receives entitlements and the developer applies for a grading permit, that the City Engineer requires supplemental geologic information as part of approving the final engineering design and the final grading plans. This would include field verification. It is standard for these requirements to be included in the conditions of a project's approval.
5. Many studies and technical reports have been prepared in association with this project. They have been reviewed by city staff. Staff has found that the submitted reports satisfy local requirements for development at this site. If there were project impacts that required mitigation, then the reports would guide the preparation of an Initial Study. The scope of the application demonstrated to staff that the project qualified for a certificate of exemption under CEQA guidelines.
6. Applicants are required to submit an environmental information form and a variety of technical reports. The project was found to be exempt from CEQA.

Your message and this response will be included in the official record of the Planning Commission hearing on Monday, February 9, 2009.

Again, thank you for your participation in a public process and for your comments. They are most appreciated. Please note that as a courtesy, I have copied the applicant's representative with this reply. If you have additional questions, please call me at 760-435-3520.

Sincerely, Juliana von Hacht

Sent: Tuesday, February 03, 2009 10:52 AM

Subject: Oceanside-Nierman

Dear Juliana,

I am supposed to be on a notification list for all projects in the City. I did not receive notice of this project until today when the staff reports were published. This does not comply with our notice ordinance and rules.

I also have various other objections to the project based on the lack of CEQA studies.

1. I have just reviewed the staff report for the Oceanside-Nierman project and was disturbed to find that this parcel is *WITHIN* the Wildlife Corridor Zone. I did not see anywhere in the document a requirement of mitigation land being purchased in the WCZ to replace the land being taken here. Since building in this zone requires mitigation, I object to this project being given a CEQA exemption.

I also have the following issues with the Exemption:

2. The stormwater issue requires mitigation, which again indicates that a CEQA exemption is improper.

3. It does not appear that the wildlife agencies were consulted. Again, this creates a problem with an Exemption. Even though these agencies are mentioned in the development resolution, this would be *after the fact* of any approvals and is improper. Since this is in the Wildlife corridor, they should be consulted. There is no indication that a biological survey was done and this must also be required.

4. Geotechnical studies will be done *after* any approvals. This does not give the public the opportunity to comment on any issues that may be discovered. These after-the-fact studies including geotechnical studies of the soils again indicate that a CEQA study should be performed.

Anytime there are mitigations, it is required that some CEQA studies be done, which would include a mitigated negative declaration or an EIR rather than an Exemption..

Kindly record my objections for the official record. I would demand that, at a minimum, a mitigated negative declaration be prepared.

Last, can you kindly respond as to whether or not a CEQA checklist was ever prepared for this project?

Thank you and I look forward to your reply.
Nadine Scott

June 2, 2009

Mr. Jerry Hittleman, City Planner
City of Oceanside Planning Division
300 North Coast Highway
Oceanside, CA 92054

Subject: North County Place CEQA Exemption

Dear Mr. Hittleman :

We disagree with the City of Oceanside determination that the proposed North County Place development qualifies for an Infill Exemption under CEQA and, therefore, no environmental review will be required. The project is located within the Wildlife Corridor Planning Zone so any development on this site potentially impacts the regional wildlife movement corridor through Oceanside. This corridor has already been degraded through development since the EIR for the MHCP was approved in March of 2003. Further impacts will only add to the cumulative impacts on this corridor.

The cut, fill, plant materials, run-off control, and edge effects from the proposed development could all impact the function of this area for wildlife movement. These impacts have not been properly evaluated or mitigated. The adjacent golf course currently provides open space that supports wildlife. While this project will not directly affect the golf course, the project is upslope from the golf course so topography and site drainage will both be impacted.

Furthermore there were no edge effect conditions imposed when this project was submitted to the Planning Commission for their approval. The MHCP identifies a large number of indirect impacts from development adjacent to sensitive areas. This project, within the WCPZ, and part of the movement corridor should have been evaluated for potential edge effects, and was not. Nightlighting, trash control, run-off, and noise are just a few of the edge effects that reduce the function and value of nearby conserved lands and a highly constrained movement corridor such as the one through this area.

This project requires a complete assessment of potential direct and indirect adverse impacts. It does not meet the requirements to be considered for an Exemption under CEQA.

We urge you to properly process a MND for this project and assure that all of the project impacts are identified and mitigated- and that the public has full opportunity to review and comment as required by CEQA.

Sincerely,

Diane Nygaard
Co-Chair, HMCP/MSCP Task Force – San Diego Chapter, Sierra Club
5020 Nighthawk Way, Oceanside, CA 92056