

STAFF REPORT



ITEM NO. 10

CITY OF OCEANSIDE

DATE: April 18, 2007

TO: Chairman and Members of the Community Development Commission

FROM: Economic Development and Redevelopment Department

SUBJECT: **CONSIDERATION OF A RESOLUTION APPROVING A TENTATIVE PARCEL MAP (P-201-07), REGULAR COASTAL PERMIT (RC-201-07) AND DEFERRAL OF THE OVERHEAD UTILITIES FOR A 2-UNIT SINGLE-FAMILY DEVELOPMENT LOCATED AT 412-414 NORTH TREMONT STREET – 412-414 NORTH TREMONT STREET – APPLICANT: ARC DEVELOPMENT**

SYNOPSIS

The item under consideration is a Tentative Parcel Map and Regular Coastal Permit for two single-family residences located at 412-414 North Tremont Street. Staff is recommending that the Commission adopt the attached resolution approving the project.

BACKGROUND

On April 4, 2001, the Community Development Commission approved a mixed-use development consisting of 35 residential units and 10,000 square feet of retail space located at North Coast Highway between Sportfisher Drive and Civic Center Drive. The project is currently under construction and should be completed within 90 days. The Tentative Map (T-203-00) for the mixed-use project was recorded on June 10, 2003.

The second component of the mixed-use project was the construction of two single-family residences located at 412-414 North Tremont Street. The two single-family units were completed in March 2005 and are awaiting final Certificate of Occupancy. The two units are currently vacant.

Land Use and Zoning: The subject site is located within Subdistrict 5 of the "D" Downtown District. Subdistrict 5 is primarily intended for a high-density residential neighborhood in an urban setting in close proximity to shopping, employment, transportation and recreational facilities. Multifamily residences are permitted. The density within this zone ranges from 29-43 dwelling units per acre. The project density is 17.2 dwelling units per acre.

Regular Coastal Permit: This project is situated within the Coastal Zone and requires a Regular Coastal Permit. Under the provisions of the Local Coastal Plan the project site is designated as High-Density Residential. Multifamily and single-family are primarily the

uses allowed within this land use designation.

Project Description: The two single-family residences are 2,532 square feet in size, with each unit consisting of 3 bedrooms and 3.5 baths. The applicant has filed a new parcel map for the two single-family units only (located at 412-414 North Tremont Street) and is requesting modification of former Condition No. 35. of Community Development Commission (CDC) Resolution No. 01-R158-3 (see attachment).

Due to the fact that the Tentative Map has been recorded, a new Tentative Parcel Map was required to be submitted in order for the applicant to modify the condition. In filing for a Tentative Parcel Map the applicant is “separating” the two single-family units from the mixed-use development component of the project. It should be noted that if Community Development Commission denies the “new” Tentative Parcel Map, the recorded Tentative Map is still valid and the applicant can finalize the Certificate of Occupancy and eventually sell the two single-family units.

Condition No. 35 states the following:

All existing overhead utility lines either transversing the project or immediately adjacent thereto, and all new extension services for the development of the project, including, but not limited to, electrical, cable and telephone, shall be constructed underground. Any and all existing street lights attached to any removed or relocated utility poles shall be replaced.

The applicant is proposing that the former Condition No. 35 would be modified as follows:

The undergrounding of the existing overhead utilities may be deferred. The developer shall pay in-lieu fee based upon the length of utilities to be placed underground and at the rate in effect at building permit issuance or as established by the City Engineer per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy.

The applicant is required to underground approximately 150 lineal feet of overhead utilities located on the east side of the 400 block of North Tremont Street. San Diego Gas & Electric has estimated that the cost of undergrounding the overhead utilities lines at approximately \$110,000 (see attached letter).

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

ANALYSIS

In reviewing the application staff’s analysis focused on the consistency of the modified condition with the Subdivision Ordinance.

Deferral of the requirement to underground overhead utilities: The applicant is requesting an underground utilities conversion deferral on the basis of Section 3023 of

the Zoning Ordinance which requires that all existing and new electrical, telephone, cable and similar distribution lines providing direct service to a development site are to be installed underground within the site and along the site's frontage. The underground utilities provisions of the City Subdivision Ordinance apply to all projects requiring development plan approval. The City Subdivision Ordinance requires that one or more of 7 findings must be made to grant the deferral. The findings are as follows:

- a. Existing facilities are within an existing alley.
- b. The subdivision contains less than 10 residential units.
- c. A residential subdivision has less than two hundred and fifty (250) feet of existing frontage.
- d. Facilities exist along rear property line(s) within an agriculture or residential estate zoned property.
- e. Conversion as defined above creates a net increase of three (3) or more poles over existing number of poles.
- f. Seventy percent (70%) or more of the facilities required to be underground exist on the opposite side of the existing abutting street from the subdivision.
- g. Subdivision is within the Redevelopment Project area:
 - (1) Subdivision is less than one-quarter block in length (fronting street or alley); or
 - (2) Subdivider provides verification by all utility companies impacted that the subdivision's obligations can be proven to be exorbitant in cost in relation to a larger conversion project within the same area and of similar conditions.

Staff believes that b.; c. and g. (1) of the findings would apply to this project and thus warrant deferral. There are no other changes to the buildings and/or the site.

COMMISSION OR COMMITTEE REPORTS

The Redevelopment Advisory Committee (RAC) reviewed the project at its April 11, 2007, meeting.

FISCAL IMPACT

Not applicable.

CITY ATTORNEY'S ANALYSIS

The applicant has already built the project. The applicant recorded the final map for the project prior to requesting the deferral of the undergrounding of the overhead utilities. The Oceanside Zoning Ordinance requires any deferral of undergrounding be done only at the tentative map stage, hence the requirement for a new Tentative Parcel Map and Regular Coastal Permit.

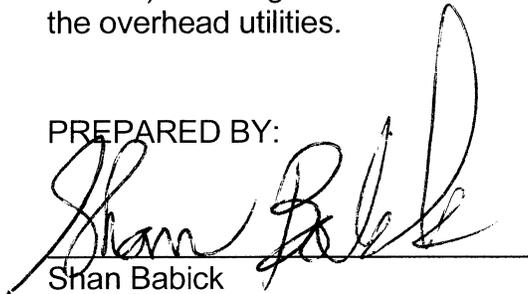
Pursuant to Oceanside Zoning Ordinance Article 4102, the Commission is authorized to

hold a public hearing on this project's applications. Consideration of the project should be based on the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or disapprove the project. However, a disapproval of this application would not affect the entitlements already granted for the previous project. The resolution has been reviewed and approved as to form by the City Attorney.

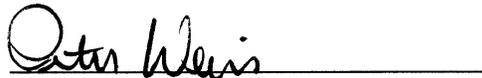
RECOMMENDATION

Staff recommends that the Commission adopt the resolution approving Parcel Map (P-201-07) and Regular Coastal Permit (RC-201-07) for the deferral of the undergrounding of the overhead utilities.

PREPARED BY:

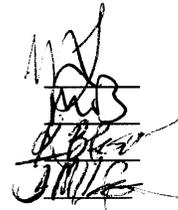

Shan Babick
Associate Planner

SUBMITTED BY:


Peter A. Weiss
Interim Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
Mike Blessing, Deputy City Manager
Kathy Baker, Redevelopment Manager
Jane McVey, Economic and Redevelopment Director



EXHIBITS/ATTACHMENTS

- 1. Resolution
- 2. Tentative Parcel Map
- 3. Staff Report dated April 4, 2001
- 4. CDC Resolution No. 01-R158-3
- 5. SDG&E Letter dated March 23, 2006

RESOLUTION NO. 07-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE PARCEL MAP AND REGULAR COASTAL PERMIT AND DEFERRAL OF THE OVERHEAD UTILITIES FOR A 2-UNIT SINGLE FAMILY DEVELOPMENT LOCATED AT 412-414 NORTH TREMONT STREET – APPLICANT: ARC DEVELOPMENT

WHEREAS, on April 4, 2001, the Community Development Commission held a duly noticed public hearing, and adopted Resolution No. 01-R583-3 approving Tentative Map (T-203-00), Development Plan (D-205-00), Conditional Use Permit (C-204-00), Variation (V-205-00) and Regular Coastal Permit (RC-212-00) for a mixed-use development consisting of 33 residential units, 10,000 square feet of retail and two single family units located at North Coast Highway between Civic Center Drive and Sportsfisher Drive;

WHEREAS, the Tentative Map for the aforementioned project was recorded in June 2003;

WHEREAS, subsequent to the Tentative Map filing, the applicant requested changes to the conditions of approval;

WHEREAS, under Oceanside Municipal Code the changes to project conditions requested by the applicant are not allowed subsequent to filing of the final parcel map;

WHEREAS, a new Tentative Parcel Map and Regular Coastal Permit and deferral of the overhead utilities are requested for the new project;

WHEREAS, on April 18, 2007, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Parcel Map (P-201-07), Regular Coastal Permit (RC-201-07) and the deferral of the overhead utilities for a two-unit subdivision located at 412-414 North Tremont Street;

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on April 11, 2007, review and recommend approval of Tentative Parcel Map (P-201-07) and Regular Coastal Permit (RC-201-07);

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 Government Code §66020(d) (1), NOTICE IS HEREBY

1 GIVEN that the Project is subject to certain fees, dedications, reservations and other exactions
 2 as provided below:

3 <u>Description</u>	4 <u>Authority for Imposition</u>	5 <u>Current Estimate Fee or 6 Calculation Formula</u>
7 Parkland Dedication/Fee	8 Ordinance No. 91-10 9 Resolution No. 05-R0628-1	\$3,503 per unit
10 Drainage Fee	11 Ordinance No. 85-23 12 Resolution No. 05-R0628-1	\$2,843 per acre
13 Public Facility Fee	14 Ordinance No. 91-09 15 Resolution No. 05-R0628-1	\$2,072 per unit
16 School Facilities Mitigation 17 Fee	18 Ordinance No. 91-34	\$2.63 per square foot
19 Traffic Signal Fee	20 Ordinance No. 87-19	\$15.71 per vehicle trip
21 Thoroughfare Fee	22 Ordinance No. 83-01	23 \$255 per vehicle trip (based 24 on SANDAG trip generation 25 table available from staff and 26 from SANDAG)
27 Water System Buy-in Fees	28 Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	29 Fee based on water meter 30 size. Residential is typically 31 \$3,746 per unit;
32 Wastewater System Buy-in 33 fees	34 Oceanside City Code § 35 29.11.1 36 Resolution No. 87-97 37 Ordinance No. 05-OR 0610-1	38 Based on meter size. 39 Residential is typically 40 \$4,587 per unit;

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit

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

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

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

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

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

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

For the Tentative Parcel Map:

1. The proposed two lot subdivision meets the requirement of the Subdistrict 5 zoning designation in that the project creates two 2,526 square foot lots which exceed the minimum lot size of 2,500 square feet for small lot developments as stipulated within Article 12

1 of the Downtown District development standards. The subdivision map is consistent with the
2 General Plan, Redevelopment Plan, Local Coastal Program, Article 12 of the Downtown
3 District and the Subdivision Ordinance of the City of Oceanside by creating two 2,526 square
4 foot lots which meet the minimum development standards.

5 2. The proposed building on the site will conform to the topography of the site,
6 therefore, making it suitable for residential development. The two 2,526 square foot lots are
7 physically suitable to allow for the development of a one single family unit for each of the two
8 lots.

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

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

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

For the Regular Coastal Permit:

19 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
20 California Coastal Act of 1976. The proposed 2 lot subdivision development is consistent with
21 the High Density Land Use as depicted in the Local Coastal Program Land Use Map. In
22 addition, the project does not impede public access to the beach or impact public coastal views.

23 2. The proposed project is consistent with the policies of the Local Coastal Program
24 as implemented through the City Zoning Ordinance. The 2 lot subdivision development is
25 consistent with the High Density Land Use as depicted in the Local Coastal Program Land Use
26 Map. In addition, the project will not substantially alter or impact the existing public coastal
27 views through the public rights-of-way view corridors by providing a 10 foot front yard setback.

28 3. The proposed project will not obstruct any existing or planned public beach
access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal

1 Act. The subject site is located east of the railroad tracks near the center of the block; therefore,
2 the proposed project will not obstruct and/or block any existing and/or proposed public beach
3 access.

4 **For the Deferral of the Requirements to Underground Overhead Facilities:**

5 1. The subdivision is located within the Redevelopment Project Area; Section 901 G4 of
6 the Oceanside Subdivision Ordinance provides that the Community Development Commission
7 may defer all or a portion of the requirement to underground overhead utilities at the time of the
8 Tentative Parcel Map based one or more findings, the subject site fits 3 of the listed criteria for
9 deferral because the subdivision is less than 10 units and is less than one-quarter in length
(fronting street or alley).

10 SECTION 1. That Parcel Map (P-201-07) and Regular Coastal Permit (RC-201-07) are
11 hereby approved subject to the following conditions:

12 **Engineering:**

13 1. The undergrounding of the overhead utilities may be deferred on Tremont Street.
14 The developer shall pay an in-lieu fee, based upon the length of utilities to be placed
15 underground, at the rate in effect at building permit issuance or as established by the City
16 Engineer per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the
17 City Engineer and current City policy.

18 **Planning:**

19 2. That, except as above, all of the conditions of Resolution No. 01-R158-3 adopted
20 on April 4, 2001 continues to apply. Condition No. 48 is amended to change the expiration
21 date to April 18, 2009.

22 3. This Tentative Parcel Map and Regular Coastal Permit approves only a 2-lot
23 residential subdivision project as shown on the plans and exhibits presented to the Community
24 Development Commission for review and approval. No deviation from these approved plans
25 and exhibits shall occur without Planning Department approval. Substantial deviations shall
26 require a revision to the Tentative Parcel Map and Regular Coastal Permit or a new Tentative
Parcel Map and Regular Coastal Permit.

27 4. The applicant, permittee or any successor-in-interest shall defend, indemnify and
28 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or

1 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
2 an approval of the City, concerning Tentative Parcel Map (P-201-07) and Regular Coastal
3 Permit (RC-201-07). The City will promptly notify the applicant of any such claim, action or
4 proceeding against the City and will cooperate fully in the defense. If the City fails to promptly
5 notify the applicant of any such claim action or proceeding or fails to cooperate fully in the
6 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless
7 the City.

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

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

16 7. Failure to meet any conditions of approval for this development shall constitute a
17 violation of the Tentative Parcel Map (P-201-07) and Regular Coastal Permit (RC-201-07).

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

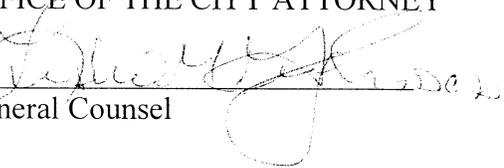
PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this ___ day of _____ 2007 by the following vote:

AYES:
NAYS:
ABSENT:
ABSTAIN:

Chairman

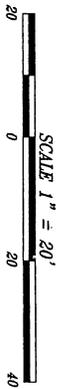
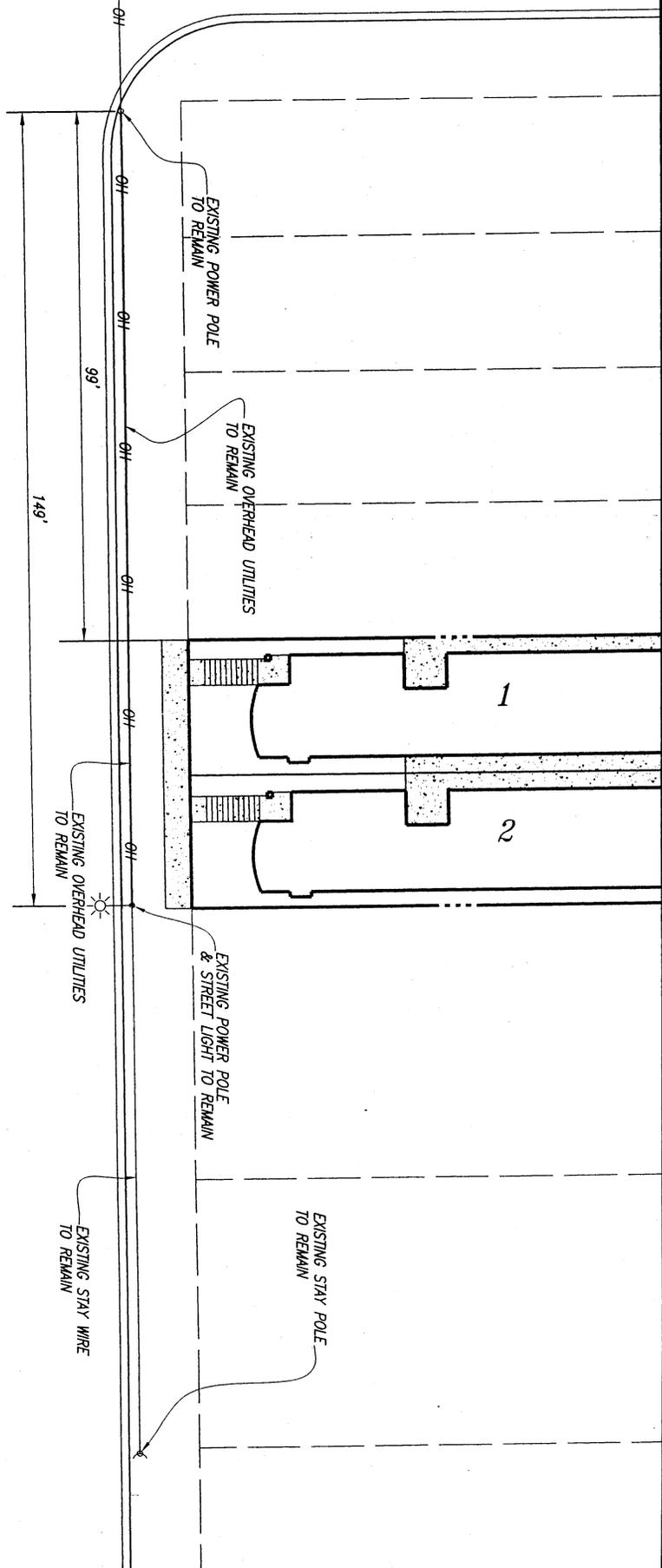
ATTEST:

Secretary

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY
by 
General Counsel

**SPORTFISHER
DRIVE**

**TREMONT
STREET**



**UTILITY UNDERGROUNDING EXHIBIT
412 & 414 NORTH TREMONT STREET
FOR ARC DEVELOPMENT**

PREPARED IN THE OFFICE OF:
BUCCOLA ENGINEERING, inc
760/721-2000
3142 Vista Way, Suite 301, Oceanside, CA 92056

STAFF REPORT



ITEM NO. **17**
CITY OF OCEANSIDE

DATE: April 4, 2001

TO: Chairman and Members of the Community Development Commission

FROM: Planning Department

SUBJECT: **ADOPTION OF A RESOLUTION OF THE OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION APPROVING A MIXED-USE DEVELOPMENT CONSISTING OF 35 RESIDENTIAL UNITS AND 10,000 SQUARE FEET OF COMMERCIAL USE FLOOR AREA AT A SITE GENERALLY LOCATED WEST OF NORTH COAST HIGHWAY, BETWEEN SPORTFISHER DRIVE AND CIVIC CENTER DRIVE – OCEAN VILLAGE, APPLICANT: OCEAN VILLAGE, LLC**

SYNOPSIS

The item under consideration is a Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit for a mixed-use development on a 35,000 square-foot (0.8 acre) project site generally located west of North Coast Highway, between Sportfisher Drive and Civic Center Drive. Staff is recommending that the Community Development Commission adopt the attached resolution approving the project.

BACKGROUND

Site Review: The 35,000 square foot project site generally consists of two development parcels. The primary parcel is the half block area (30,000 square feet) bounded by the alley on the west side, North Coast Highway on the east side and Sportfisher Drive and Civic Center Drive to the north and south. The second is an adjacent 5,000 square-foot lot that fronts on North Tremont Street.

Surrounding land uses consist of commercial buildings (including the Star Theater and the City Hall Civic Center) to the south and east and single-unit and multiple-unit residential to the north and west.

Land Use and Zoning: The project site is located within Subdistrict 9 of the "D" Downtown District. Subdistrict 9 is primarily intended for commercial uses, however, like many of the subdistricts, residential land uses are also permitted. The maximum allowable density is 43 dwelling units per acre.

"Mixed-use" projects are also permitted within the subdistrict with a Mixed-Use Development Plan (MUDP) and a Conditional Use Permit (CUP). The purpose of the MUDP is to provide flexibility in the application of development standards "...where flexibility will enhance the

potential for superior urban design." Accordingly, an approved MUDP will establish the development criteria for the approved mixed-use project. However, an approved MUDP may not exceed the zoning height limitations and any parking reduction may not exceed 10% of the zoning criteria.

Project Description: Since the subject site is comprised of two parcels the applicant is proposing a two-component project. The first component involves the 30,000 square foot parcel, which is planned for a 4-story "mixed-use" project. The second component deals with the 5,000 square foot parcel that fronts on North Tremont Street. The applicant is requesting to subdivide this parcel into two 2,500 square foot lots and develop with detached "row-houses" similar to Pacific Village.

"Mixed-Use" Component: The "mixed-use" project is designed with townhouse units over ground floor commercial space. There is a total of 33-units proposed as well as 10,000 square feet of retail space. Parking for both uses will be provided within the subterranean garage or carports. Access to the subterranean garage and carports will be from the alley.

The overall project density is 43 dwelling units per acre. Outlined below is the residential unit breakdown:

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan A	1,494	2-3	2	14
Plan B	1,340	3	2.5	14
Penthouse Units	2,000	1	1	5
Total				33

As illustrated in the above table there are three floor plans being proposed that range in size from approximately 1,500 square feet to 2,000 square feet in size. The architecture is a contemporary theme, which uses a variety of wall elements that are curved, flat, straight, and skewed. The overall height of the building varies and has been designed as a stepped structure due to the slight grade in the site. The height varies from 40 to 45-feet with certain architectural elements extending to 55-feet.

Access to each of the units will be from a centralized courtyard atrium.

	Minimum Requirement/ Maximum Limitation	Proposed
SETBACKS		
Front	5 feet	0
Cornerside	10 feet	0
Rear	5 feet	0
LANDSCAPING		
Nonresidential	15%	26%
Residential	25%	26%
Useable Open Space – Residential		
Total area per unit	200 s.f. per unit	477 s.f. per unit
Private area per unit	48 s.f. per unit	325 s.f. per unit
On-site Parking		
Nonresidential	40	29
Residential	66	66
Total	106	95
Nonresidential Loading Space		
	1	0
Floor Area Ratio		
	3 (max)	2
BUILDING HEIGHT		
Permissible Height	45 feet (max)	45 feet
Encroachment	10 feet (max)	8 – 10 feet

Variation: As a result of the “mixed-use” concept several variations are being requested from the required development regulations. These Variations are from the front, corner sideyard and rearyard setback requirements, number of parking spaces required, the use of tandem parking spaces and the off-street loading space requirement.

Single Family Component: The applicant is requesting to subdivide the existing 5,000 square foot parcel into 2-lots. Each lot will be approximately 2,500 square feet in size which equates to a project density of approximately 18 dwelling units per acre. Vehicular access to the site will be maintained from the existing public alley located to the rear of the property.

There are two plans proposed, Plan A and B. Both plans are approximately 2,234 square feet in size. The units are two stories in arrangement and will maintain a maximum height of 31-feet. The architectural theme is a contemporary style that utilizes a thick stucco along with vinyl windows. Architectural features include balconies, "popouts", porches, chimneys and skylights. The units will maintain 3-foot sideyard setbacks, as well as a minimum 10-foot frontyard and 5-foot rearyard setback. Each unit will also have a trellised roof-deck patio.

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

	REQUIRED	PROPOSED
LOT SIZE	2,500 s.f.	2,500 s.f.
SETBACKS		
Front	10-feet	10+ feet
Side (north)	3-feet	3-feet
Side (south)	3-feet	3-feet
Corner-side	10-feet	3-feet
Rear	5-feet	5-feet
LANDSCAPING	25%	28%
BUILDING HEIGHT	45-feet (max)	31-feet (max)

Regular Coastal Permit: This project is also situated within the coastal zone and requires a coastal permit. Under the provisions of the Local Coastal Plan, the project site is designated as general commercial. This designation is intended for commercial uses that would serve the immediate downtown and surrounding area. However, residential land uses are permitted when deemed appropriate and are subject to the provisions of the "D" Downtown District. The maximum allowable density is 43-dwelling units per acre

ANALYSIS

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

As mentioned, the project is situated within Subdistrict 9 of the "D" Downtown District, which encourages commercial and residential land uses. The subject site is an excellent location for a "mixed-use" project due to its adjacency to Coast Highway as well as a variety of land uses. The residential component will further the redevelopment goals of increasing the residential population within the downtown. The retail component of the project will contribute to the downtowns economic vitality.

In reviewing the functional aspects of the project, staff had initial concerns with the requested variations in particular the proposed parking arrangement. However, because of the project's urban location, its close proximity to NCTD bus and train station and public parking lots staff believes that the reduction in parking standards is acceptable. Staff has also concluded that the Variations for reduced setback area, use of tandem parking and loading space requirements are warranted due to the "mixed-use" concept.

Staff also believes that the contemporary architectural theme for the project promotes a diverse and interesting street elevation, which will compliment the surrounding area.

Environmental Determination: In accordance with the provisions of the California Environmental Quality Act, the "in-fill" project is exempt from further environmental review and a Notice of Exemption has been prepared in accordance with CEQA guidelines.

COMMISSION OR COMMITTEE REPORT

The Redevelopment Design Review Committee (RDRC) conducted a final review of the project on March 23, 2001 and recommends approval of the project.

The Redevelopment Advisory Committee (RAC) will review the staff report at its April 4, 2001 meeting. Any recommendations from the Committee will be presented to the Commission at its public hearing on the same day.

FISCAL IMPACT

The proposed project will add approximately \$64,550 of annual property tax increment to the Redevelopment project area.

CITY ATTORNEY'S ANALYSIS

In accordance with Article 43 of the Zoning Ordinance, the Commission is authorized to hold a public hearing for this application. Consideration of the project should be based on the evidence presented at the hearing. The Commission is authorized to affirm, modify, or deny the project. A resolution of approval has been reviewed and approved as to its form and content by the City Attorney.

RECOMMENDATION

Staff recommends the Commission adopt the attached resolution approving the project.

PREPARED BY:

SUBMITTED BY:



for Eugene Ybarra
Associate Planner



Steven R. Jepsen
Executive Director

EY/vnm

REVIEWED BY:

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



EXHIBITS/ATTACHMENTS

- 1. Resolution
- 2. Notice of Exemption
- 3. Project Plans and Exhibits

1 OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

2 RESOLUTION NO. _____

3
4 A RESOLUTION OF THE OCEANSIDE COMMUNITY
5 DEVELOPMENT COMMISSION APPROVING A TENTATIVE
6 MAP (T-203-00), DEVELOPMENT PLAN (D-205-00),
7 CONDITIONAL USE PERMIT (C-204-00), VARIATION (V-205-
8 00), AND REGULAR COASTAL PERMIT (RC-212-00) FOR A
9 MIXED-USE DEVELOPMENT GENERALLY LOCATED WEST
10 OF NORTH COAST HIGHWAY BETWEEN CIVIC CENTER
11 DRIVE AND SPORTFISHER WAY – OCEAN VILLAGE, LLC,
12 APPLICANT

13 WHEREAS, the Community Development Commission, at its duly noticed public hearing
14 held on April 4, 2001, considered an application for a Tentative Map, Development Plan,
15 Conditional Use Permit, Variation and Regular Coastal Permit for a mixed-use development
16 consisting of 10,000 square feet of commercial floor area, 33 condominium units and two
17 detached residential units at a site generally located west of North Coast Highway, between Civic
18 Center Drive and Sportfisher Way; and

19 WHEREAS, the applicant is Ocean Village, LLC; and

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. R91-38	\$2200 per residential unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Zone 5 - \$1,705 per acre

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$1,301 per residential unit and \$0.44/sq. ft. non- residential
4			
5			
6	Traffic, Signal, and Thoroughfare Fee	Ordinance No. 87-19	\$1,848 ea. single detached unit, \$1,478.40 each condo unit, and \$2.08/sq. ft. commercial
7			
8			
9	Water Connection Fees or Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 99-21	Fee based on capacity or meter size. Buy-in for a 2- inch meter(s) is \$16,512
10			
11			
12	Sewer Connection Fees or Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 99-20	Fee based on capacity or meter size. Buy-in for a 2- inch meter(s) is \$20,214
13			
14			
15	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 99-2	Based on meter size. The charge for a 2-inch meter(s) is \$10,421
16			
17			

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

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

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

1 WHEREAS, the Community Development Commission, after giving the required notice,
2 did on the 4th day of April, 2001, conduct a duly advertised public hearing as prescribed by law to
3 consider said application; and

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

6 **FINDINGS:**

7 **For the Tentative Map:**

- 8 1. The proposed subdivision supporting 33 condominium units and two (2) single-unit lots
9 is consistent with the General Plan of the City and the effective zoning regulations.
- 10 2. The subject site is physically suitable for the density and type of the proposed
11 development.
- 12 3. The design of the subdivision and the proposed improvements will not cause significant
13 environmental impact or damages.
- 14 4. The design of the subdivision and the project improvements will not conflict with any
15 public easements for access through or upon the property within the proposed
16 subdivision.
- 17 5. The subdivision complies with all other applicable ordinances, regulations and
18 guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan
19 and the Local Floodplain Ordinance.

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

- 21 1. The total number of dwelling units in the Mixed-Use Development Plan (MUDP) does
22 not exceed the maximum density permitted under the General Plan land use regulations.
- 23 2. The development achieved under the MUDP will contribute to an enhanced and superior
24 urban environment in comparison to a development that might otherwise be realized
25 apart from the proposed MUDP.
- 26 3. The MUDP is consistent with the adopted land use policies and regulations for the
27 Redevelopment land use area.

28

1 4. The MUDP will be adequately served by the necessary utilities and facilities. The project
2 connection to the existing utilities and facilities will not exceed the capacity of the
3 existing systems.

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

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

9 **For the Conditional Use Permit to Exceed the Base Density:**

10 1. In accordance with the zoning criteria, the project merits a density increase due to its
11 excelent design features and its inclusion of an underground parking facility that is at
12 least 50% below grade and provides for at least 75% of the project's required parking for
13 the residential component.

14 2. The proposed density will be adequately contained and facilitated within the project
15 development. As such, the project density will not have any detrimental impact upon the
16 public health, safety, or welfare of persons working or residing in the neighboring areas.

17 3. The proposed density is a part of a project development that represents a high-quality
18 urban design.

19 **For the Variation for Reduction in Parking and Loading Spaces, and for the Use of**
20 **Tandem Parking:**

21 1. The application of the effective zoning criteria for on-site parking and loading would
22 result in unnessary hardships against the proposed mixed-use development project and
23 would impact the project's ability to provide the same level of urban design qualties.
24 Such impacts and effects upon the proposed project would be in consistent with the land
25 use goals for the Redevelopment land use area.

26 2. The urban and high-density nature of the project design is consistent with the
27 Redevelopment zoning and land use goals affecting the project site. Reduced parking is
28 an accepted and special design feature of this type of development.

1 3. Granting the variation in this case will not effect any material detriment to the public
2 welfare, private property, or improvements in the area.

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

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

7 1. The application of the effective street side setbacks would result result in unnessary
8 hardships against the proposed mixed-use development project and would impact the
9 project's ability to provide the same level of urban design qualties. Such impacts and
10 effects upon the proposed project would be in consistent with the land use goals for the
11 Redevelopment land use area.

12 2. The urban and high-density nature of the project design is consistent with the
13 Redevelopment zoning and land use goals affecting the project site. Reduced setbacks
14 are an accepted and special design feature of this type of development.

15 3. Granting the variation in this case will not effect any material detriment to the public
16 welfare, private property, or improvements in the area.

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

20 **For the Regular Coastal Permit:**

21 1. The proposed project is consistent with the policies of the Local Coastal Program as
22 implemented through the City Zoning Ordinance. In addition, the project will not
23 substantially alter or impact the existing coastal views through the public rights-of-way
24 view corridors.

25 2. The proposed project will not obstruct any existing or planned public beach access;
26 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

27 WHEREAS, the Community Development Commission finds that the project was determined to
28 have no major significant adverse effects upon the environment as a qualifying "In-Fill

1 Development Project" in accordance with the provisions of the State guidelines of the
2 California Environmental Quality Act and, therefore, the project is exempt from further
3 environmental review.

4 NOW, THEREFORE, the Community Development Commission of the City of Oceanside
5 does resolve that Tentative Map (T-203-00), Development Plan (D-205-00), Conditional Use
6 Permit (C-204-00), Variation (V-205-00) and Regular Coastal Permit (RC-212-00) are hereby
7 approved subject to the following conditions:

8 Building:

- 9 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
10 Building Department plan check.
- 11 2. The granting of approval under this action shall in no way relieve the applicant/project
12 from compliance with all State and local building codes.
- 13 3. Site development, parking, access into buildings and building interiors shall comply with
14 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 15 4. Site development, common use areas, access and adaptability of apartments and
16 condominiums shall comply with Part 2, Title 24, C.C.R. (Disabled Access & Adaptability
17 - HCD).
- 18 5. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
19 property shall be underground (City Code Sec. 6.30).
- 20 6. The building plans for this project are required by State law to be prepared by a licensed
21 architect or engineer and must be in compliance with this requirement prior to submittal
22 for building plan review.
- 23 7. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
24 and shall be shielded appropriately. Where color rendition is important high-pressure
25 sodium, metal halide or other such lights may be utilized and shall be shown on final
26 building and electrical plans.

1 8. The developer shall monitor, supervise and control all building construction and
2 supportive 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 a.m. and 6 p.m.
5 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
6 inherently noise-producing. Examples of work not permitted on Saturday are
7 concrete and grout pours, roof nailing and activities of similar noise-producing
8 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
9 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except
10 as allowed for emergency work under the provisions of the Oceanside City Code
11 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 compliant with this
15 requirement. Small Amounts of construction debris may be stored on site in a neat,
16 safe manner for short periods of time pending disposal.

17 Fire Prevention:

- 18 9. A minimum fire flow of 3,000 gallons per minute shall be provided.
- 19 10. The size of fire hydrant outlets shall be 2½" x 2½" x 4".
- 20 11. The fire hydrants shall be installed and tested prior to placing any combustible materials
21 on the job site.
- 22 12. All-weather access roads shall be installed and made serviceable prior to and during time
23 of construction. Sec 10.301C & D Uniform Fire Code.
- 24 13. All streets less than 32 feet wide are to be posted "NO PARKING FIRE LANE" per City
25 Vehicle Code Section 22500.1.
- 26 14. All security gates and vehicular access gates to have 'Knox-Box" system override and
27 have strobe override and have strobe activation capability.
- 28

- 1 15. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
2 approval prior to the issuance of building permits.
- 3 16. Fire extinguishers are required and shall be included on the plans submitted for plan
4 check.
- 5 17. All buildings are to be sprinklered and monitored by an approved Central Station prior to
6 building final.
- 7 18. Fire alarm system plans shall be submitted for approval prior to installation.
- 8 19. All open areas shall be landscaped with approved fire retardant/anti-erosion type plants
9 with an approved permanent irrigation system and maintenance program.
- 10 20. A Fire Department accessible standpipe, in accordance with the NFPA shall be provided
11 to the satisfaction of the Fire Marshall.
- 12 21. In accordance with the Uniform Fire Code Sec.901.4.4, addresses, for residential and
13 commercial occupancies, shall be placed on the structures in such a position as to be
14 plainly visible and legible from the street or roadway fronting the property. Numerical
15 and letter copy shall contrast with their background and shall be at least 6 inches in
16 height. In addition, the rear exit doors for the commercial-use floor areas shall be marked
17 with individual suite numbers or letters.

18 Engineering:

- 19 22. Vehicular access rights to North Coast Highway, Sportfisher Drive, and Civic Center
20 Drive shall be relinquished to the City from all abutting lots. Likewise, access rights to
21 North Tremont Street shall be relinquished from the single-unit lots portion of the
22 project. The access relinquishment shall be shown on the final map.
- 23 23. All right-of-way alignments, street dedications, exact geometrics and widths shall be
24 dedicated and improved as required by the City Engineer.
- 25 24. Design and construction of all improvements shall be in accordance with standard plans,
26 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 27 25. Prior to approval of the final map(s), all improvement requirements associated with each
28 map shall be covered by a subdivision agreement and secured with sufficient

1 improvement securities or bonds guaranteeing performance and payment for labor and
2 materials, setting of monuments, and warranty against defective materials and
3 workmanship.

4 26. The project subdivision may be recorded as recorded as multiple final maps and the
5 subdivision may be developed in phases. A construction-phasing plan(s) for the
6 construction of public and private improvements shall be reviewed and approved by the
7 City Engineer prior to the recordation of any final map. Prior to the issuance of any
8 building permits all offsite improvements, including landscaping and frontage
9 improvements, shall be constructed to the scope, timing, and satisfaction of the City
10 Engineer.

11 27. Pursuant to the State Map Act, improvements shall be required at the time of
12 development. A covenant, reviewed and approved by the City Attorney, shall be
13 recorded attesting to these improvement conditions and a certificate setting forth the
14 recordation shall be placed on the map.

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

18 a) Removal of dirt, debris and other construction material deposited on any public
19 street no later than the end of each working day.

20 b) All grading and related site preparation and construction activities shall be limited
21 to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7
22 a.m. to 6 p.m. for work that is not inherently noise-producing unless otherwise
23 extended by the City. All work should utilize the latest technology for quiet
24 equipment. No work shall be permitted on Sundays and Federal Holidays (New
25 Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)
26 except as allowed for emergency work under the provisions of the Oceanside City
27 Code Chapter 38 (Noise Ordinance). All on-site construction staging areas shall
28 be as far as possible (minimum 100 feet) from any existing residential

1 development. Because construction noise may still be intrusive in the evening or
2 on holidays, the City of Oceanside Noise Ordinance also prohibits “any disturbing
3 excessive, or offensive noise which causes discomfort or annoyance to reasonable
4 persons of normal sensitivity.”

5 c) The construction site shall accommodate the parking of motor vehicles used by
6 persons working at, or providing deliveries to the site, as approved by the City
7 Engineer in accordance with the construction phasing plan.

8 29. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements,
9 and other applicable charges, fees and deposits shall be paid prior to the issuing of any
10 building permits, in accordance with City Ordinances and policies. The subdivider shall
11 also be required to join into, contribute, or participate in any improvement, lighting, or
12 other special district affecting or affected by this project. Approval of the tentative map
13 shall constitute the developer's approval of such payments, and his agreement to pay for
14 any other similar assessments or charges in effect when any increment is submitted for
15 final map or building permit approval, and to join, contribute, and/or participate in such
16 districts.

17 30. Unless altered by the City Engineer, North Coast Highway, Sportfisher Drive, Civic
18 Center Drive, and North Tremont Street shall be improved with concrete curbs, gutters,
19 pavement, street lights, 5-foot wide sidewalks (including pedestrian ramps at street
20 intersections), and a 5-foot wide landscaped parkway section. Likewise, the section of
21 alley fronting the project site shall be improved with a center-section longitudinal
22 concrete drainage swale, pavement, and street lights. All streets shall be improved with
23 street name signs and traffic control devices as required by the City Engineer.

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

27 32. A traffic control plan shall be submitted to and approved by the City Engineer prior to
28 the start of work within the City rights-of-way. Traffic control during construction of

1 streets that have been opened to public traffic shall be in accordance with construction
2 signing, marking and other protection as required by the CalTrans Traffic Manual.
3 Traffic control during construction adjacent to or within all public streets must also meet
4 CalTrans criterion.

5 33. Any existing broken pavement, concrete curb, gutter or sidewalk on North Coast
6 Highway, Sportfisher Drive, Civic Center Drive, and North Tremont Street; or any of the
7 same that are damaged during construction of the project, shall be repaired or replaced as
8 directed by the City Engineer.

9 34. Full-width alley improvements, or a lesser width as determined appropriate by the City
10 Engineer and based upon the existing condition of the alley, shall be constructed to
11 include the installation of a longitudinal concrete alley gutter in accordance with the
12 standard plans and specifications of the City of Oceanside. The alley shall have a cross
13 fall of 2% unless otherwise approved by the City Engineer at the time of final design.

14 35. All existing overhead utility lines either transversing the project or immediately adjacent
15 thereto, and all new extension services for the development of the project, including but
16 not limited to, electrical, cable and telephone, shall be constructed underground. Any
17 and all existing street lights attached to any removed or relocated utility poles shall be
18 replaced.

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

22 37. The applicant shall obtain any necessary permits and clearances from the U. S. Army
23 Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife
24 Service and/or San Diego Regional Water Quality Control Board (including NPDES),
25 San Diego County Health Department, prior to the issuance of grading permits.

26 38. Prior to any grading of any part of the subdivision or project, a comprehensive soils and
27 geologic investigation shall be conducted of the soils, slopes, and formations in the
28 project. All necessary measures shall be taken and implemented to assure slope stability,

1 erosion control, and soil integrity. No grading shall occur until a detailed grading plan,
2 to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is
3 approved by the City Engineer.

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

8 40. A Precise Grading and Private Improvement Plan(s) shall be prepared, reviewed, secured
9 and approved prior to the issuance of any building permits. The plan shall reflect all
10 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
11 signagc, footprints of all structures, walls, drainage devices and utility services.

12 41. Prior to the issuance of a building permit, an encroachment permit shall be approved by
13 the City Council for any aspect of private property encroachment into the public right(s)-
14 of-way.

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

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

1 profile sheets. All storm drain easements shall be dedicated where required. The
2 applicant shall be responsible for obtaining any off-site easements for storm drainage
3 facilities.

4 44. Development shall be in accordance with City Floodplain Management Regulations and
5 Stormwater Management and Discharge Regulations.

6 45. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
7 disposed of in accordance with all state and federal requirements, prior to stormwater
8 discharge either off-site or into the City drainage system. The on-site collection systems
9 shall implement Best Management Practices for the filtration of garage source-point
10 pollutants.

11 Planning:

12 46. This Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal
13 Permit approves only the following: a mixed-use development consisting of 33
14 residential condominium units and 10,000 square feet of commercial floor area, and two
15 (2) detached-units. Any substantial modification in the design or layout shall require a
16 revision to the Development Plan and Conditional Use Permit or a new Development
17 Plan and Conditional Use Permit.

18 47. This Variation approves only the following: a maximum 10% reduction in on-site
19 parking area, a reduction in on-site loading area, the use of a tandem parking
20 arrangement for a maximum of 16 parking spaces, and a reduction in street side and
21 alley side setbacks in accordance with the plans approved by the Community
22 Development Commission.

23 48. This Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular
24 Coastal Permit shall expire on April 4, 2003, unless implemented as required by the
25 Zoning Ordinance, or unless a time extension is granted by the Community Development
26 Commission. The recordation of a final map and/or development implementation of the
27 detached units component of the project shall not constitute an implementation of the
28 residential condominiums and commercial floor area portion of the project. Likewise,

1 the inverse condition, as a preceding action, shall also affect the detached units
2 component of the project in the same manner.

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

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

11 a) Local street trees in parkways shall be planted at a minimum 15-gallon container
12 size or 10 – 12-foot Brown Trunk Height (BTH), and spaced in accordance with the
13 City's adopted Landscape Design Guidelines manual. Approved root barriers shall
14 be incorporated.

15 b) All decorative pavements and hardscape materials, shown on the plans approved by
16 the Community Development Commission, shall be included on the final landscape
17 plans.

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

21 51. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
22 also include additional space for storage and collection of recyclable materials per City
23 standards. Recycling is required by City Ordinance. The enclosures must be built in a
24 flat, accessible location as determined by the City Engineer. The enclosures shall meet
25 City standards including being constructed of concrete block, reinforced with rebar and
26 filled with cement. A concrete slab must be poured with a berm on the inside of the
27 enclosure to prevent the bins from striking the block walls. The slab must extend out of
28 the enclosure for the bins to roll out onto. Steel posts must be set in front of the

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

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

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

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

24 55. The owner of the property shall be responsible for trash abatement on the site, and shall
25 keep the site free of litter, trash and other nuisances.

26 56. All retaining and other freestanding walls, fences, and enclosures shall be architecturally
27 designed in a manner similar to and consistent with the primary structures (stucco block,
28 split-face block or slump stone, whichever is appropriate as determined by the Planning

1 Director) or unless otherwise shown on the conceptual landscape plan. These items shall
2 be approved by the Planning Department prior to the issuance of building permits.

3 57. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
4 the same as those approved by the Community Development Commission. These shall be
5 shown on plans submitted to the Building Department and Planning Department.

6 58. The architectural features and materials of the east side and rear buildings elevations shall
7 be the same as the street side elevations. Final design is subject to the review and approval
8 of the Planning Director.

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

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

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

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

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

Plan Type	Sq.Ft.	Bedrms.	Baths	Units
Plan A Condo	1,494	2-3	2	14
Plan B Condo	1,340	3	2.5	14
Penthouse Condo	2,000	1	1	5
Detached Units	2,532	3	3.5	2

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

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

65. The final color scheme shall be approved by the Planning Director prior to the issuance of building permits.

66. All mechanical roof-top and ground equipment shall be screened from public view as required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,

1 mechanical equipment, screen and vents shall be painted with non-reflective paint to
2 match the roof. This information shall be shown on the building plans.

3 67. An architectural lighting plan shall be prepared and submitted for review and approval
4 prior to the issuance of building permits. This plan is subject to the review and approval
5 by the Planning Director.

6 68. The final construction drawings for the condominium and commercial floor area
7 building shall demonstrate the incorporation of Best Management Practices (BMP) for the
8 buffering, separation, or attenuation of certain nonresidential and commercial activities
9 interface with the residential occupancy. The project BMP shall be documented to the
10 satisfaction of the Building Director and the Planning Director and approved by each
11 Director prior to the issuance of the first residential occupancy.

12 69. The condominium units must comply with the interior noise standard of 45 CNEL. The
13 units exposed to North Coast Highway may experience the greatest level of environmental
14 street and roadway noise depending on the location. These units shall be constructed as
15 necessary with special windows, door features, and mechanical ventilation to meet the 45
16 CNEL indoor noise standard.

17 70. Prior to issuance of building permits, detailed engineering calculations shall be submitted
18 indicating that the building construction would be able to attenuate interior noise to less
19 than 45 dB for all units. A detailed noise study shall be prepared and approved by the City
20 prior to issuance of building permits.

21 Water Utilities:

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

25 72. The subterranean/basement garage structure shall be drained to the City's storm drain
26 system and not the sanitary sewer system.

27

28

1 73. The developer will be responsible for developing all water and sewer facilities necessary
2 to this property. All on-site water and sewer facilities shall be maintained as private
3 facilities.

4 74. The developer will be responsible for developing all water and sewer facilities necessary
5 to this property. Any relocation of water and/or sewer lines are the responsibility of the
6 developer.

7 75. Irrigation meters for landscape areas and landscape purposes shall be separate from the
8 meter(s) for private domestic water services.

9 76. All lots with a finish pad elevation located below the elevation of the next upstream
10 manhole cover of the public sewer shall be protected from back-flow of sewage by
11 installing an approved type backwater valve, per Section 710 of the Uniform Plumbing
12 Code.

13 77. Grease, Oil, and Sand Interceptor, described by U.P.C., Section 1011 relating to
14 restaurants, shall be installed in each building sewer in an appropriate location, and the
15 location shall be called out on the approved Building Plans.

16 78. All Water Works construction shall conform to the recently adopted Water and
17 Wastewater Master Plan, and the Demands and the Flow values set forth in the design
18 manual.

19
20 //

21 //

22 //

23 //

24 //

25 //

26 //

27 //

28

1 Public Works Department:

2 79. The City shall not be responsible for the maintenance of any medians, landscaping,
3 slopes, open spaces or common grounds for this project.

4 PASSED AND ADOPTED by the Oceanside Community Development Commission of
5 the City of Oceanside this _____ day of _____, 2001 by the following vote:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10

11

12

Chairman

13

14 ATTEST:

15

16

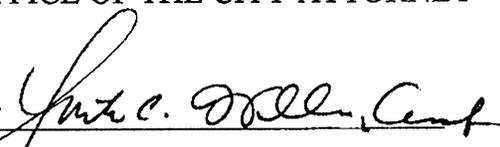
17 Secretary

18

19 APPROVED AS TO FORM:

20 OFFICE OF THE CITY ATTORNEY

21

22 by  _____

23 General Counsel

24

25

26

27

28



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

Ocean Village Development -- Tentative Map (T-203-00), Development Plan (D-205-00), Conditional Use Permit (C-204-00), Variation (V-205-00) and Regular Coastal Permit (RC-212-00)

PROJECT LOCATION - SPECIFIC:

400 Block North Coast Highway
(west of North Coast Highway between
Civic Center Drive and Sportsfisher Drive)

PROJECT LOCATION - GENERAL:

City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

Tentative Map (T-203-00), Development Plan (D-205-00), Conditional Use Permit (C-204-00), Variation (V-205-00) and Regular Coastal Permit (RC-212-00) for a mixed-use development consisting of 10,000 square feet of commercial-use floor area, 33 townhouse residential units, and two (2) detached residential units on a 35,000 square foot project site situated within Subdistrict 9 of the "D" Downtown District (APN 147-082-08, 11, 12). The Variation is for a 10% reduction in required on-site parking in accordance with the provisions of the zoning code.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

Ocean Village, LLC
12 Corfu
Laguna Niguel, CA 92677

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

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

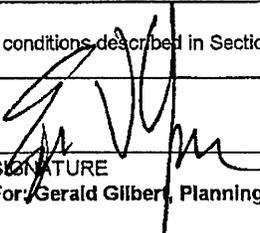
 STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S) _____

 X CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15332. _____

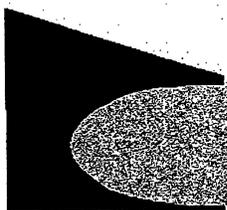
REASONS WHY PROJECT IS EXEMPT:

The project is characterized as in-fill development and meets the conditions described in Section 15332 - In-Fill Development Projects.

Contact Person: Nathan Mertz, Junior Planner


SIGNATURE
For: Gerald Gilbert, Planning Director

March 13, 2001
DATE



OCEAN VILLAGE

401 N. COAST HWY, OCEANSIDE CAL.

COMPLEX

T-203-00, D-205-00,
V-205-00, C-204-00,
RC-212-00

RECEIVED
FEB 27 2001

Planning Department

PROJECT INFORMATION

ADDRESS: 401 N. COAST HWY
OCEANSIDE, CAL.

ZONING: D, SUBDIVISION

DISTRICT: 43 DISTRICT

PROPOSED: RESIDENTIAL UNIT - 2 BUILDING UNITS
COMMERCIAL USE ONLY, RESIDENTIAL USE ONLY

OCCUPANCY: RESIDENTIAL USE ONLY, COMMERCIAL USE ONLY

PROJECT DESCRIPTION: COMMERCIAL USE ONLY, RESIDENTIAL USE ONLY

RESIDENTIAL: 23 UNITS, APPROX. 10,000 SQ. FT.

COMMERCIAL: APPROX. 10,000 SQ. FT.

TOTAL PROVIDED: 20,000 SQ. FT.

PRIVATE OPEN SPACE AREA: 15,740 SQ. FT.

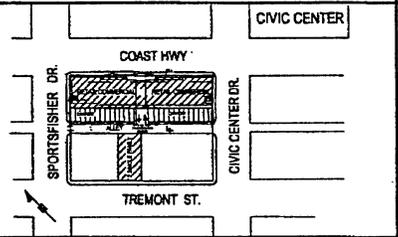
FUTURE COMM. EXPANSION: GROUND LEVEL - 45,000 SQ. FT.

PROJECT ADDRESS:	401 N. COAST HWY
CITY:	OCEANSIDE, CAL.
CLIENT:	OCEAN VILLAGE, LLC
DESIGNER:	A.S. DESIGN & ASSOC. INC.
DATE:	02-25-2000
SCALE:	AS SHOWN
PROJECT NO.:	012-01

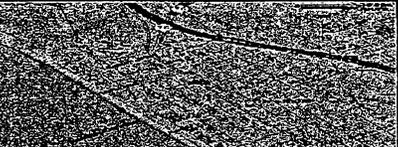
CONSTRUCTION & DEMOLITION NOTES:

- THE CONTRACTOR SHALL VERIFY AND EXAMINE THE EXISTING CONDITIONS BEFORE BEGINNING ANY WORK AND REPORT THE RESULTS OF ANY INVESTIGATION TO THE OWNER.
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PLOT PLAN



VICINITY MAP



LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL A:

LOTS 12 AND 13 IN BLOCK 2 OF OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 344, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, ON JULY 1, 1991, AS FILED IN CERTIFICATE OF COMPLIANCE RECORDED MARCH 1, 1991 AS FILE NO. IN OFFICE OF OFFICIAL RECORDS.

PARCEL B:

LOTS 14 AND 15 IN BLOCK 2 OF OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 344, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 1, 1991, AS FILED IN CERTIFICATE OF COMPLIANCE RECORDED MARCH 1, 1991 AS FILE NO. IN OFFICE OF OFFICIAL RECORDS.

ADDITIONAL PARCEL:

LOT 16 IN BLOCK 2 OF OCEANSIDE, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 344, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 1, 1991, AS FILED IN CERTIFICATE OF COMPLIANCE RECORDED MARCH 1, 1991 AS FILE NO. IN OFFICE OF OFFICIAL RECORDS.

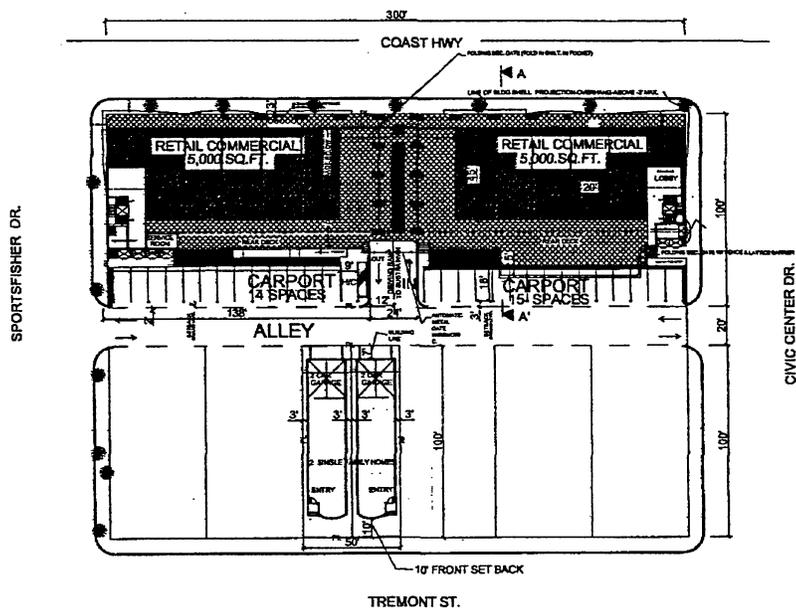
GENERAL NOTES:

- ALL WORK TO BE DONE IN ACCORDANCE WITH THE SPECIFICATIONS AND CONDITIONS OF THE CONTRACT.
- ALL MATERIALS AND WORKMANSHIP SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE MINIMUM REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL MATERIALS SHALL BE STORED AND HANDLED IN ACCORDANCE WITH THE SPECIFICATIONS.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL COSTS OF CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
- ALL CHANGES TO THE CONTRACT SHALL BE MADE IN WRITING AND APPROVED BY THE ENGINEER.
- ALL DISPUTES SHALL BE RESOLVED THROUGH THE MEDIATION AND ARBITRATION PROCESS.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- ALL MATERIALS SHALL BE SUBJECT TO INSPECTION AND APPROVAL BY THE ENGINEER.
- THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
- THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
- ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE MINIMUM REQUIREMENTS.
- ALL EROSION CONTROL MEASURES SHALL BE INSTALLED AND MAINTAINED THROUGHOUT CONSTRUCTION.
- ALL MATERIALS SHALL BE STORED AND HANDLED IN ACCORDANCE WITH THE SPECIFICATIONS.
- ALL WORK SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
- ALL COSTS OF CONSTRUCTION SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR.
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- ALL DISPUTES SHALL BE RESOLVED THROUGH THE MEDIATION AND ARBITRATION PROCESS.
- ALL WORK SHALL BE COMPLETED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.

DRAWING INDEX

A1	COVER SHEET	AS SHOWN
A2	GENERAL NOTES	AS SHOWN
A3	CONSTRUCTION & DEMOLITION NOTES	AS SHOWN
A4	PLOT PLAN	AS SHOWN
A5	VICINITY MAP	AS SHOWN
A6	LEGAL DESCRIPTION	AS SHOWN
A7	GENERAL NOTES	AS SHOWN
A8	DRAWING INDEX	AS SHOWN
A9	CONSTRUCTION & DEMOLITION NOTES	AS SHOWN
A10	PLOT PLAN	AS SHOWN
A11	VICINITY MAP	AS SHOWN
A12	LEGAL DESCRIPTION	AS SHOWN
A13	GENERAL NOTES	AS SHOWN
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A15	CONSTRUCTION & DEMOLITION NOTES	AS SHOWN
A16	PLOT PLAN	AS SHOWN
A17	VICINITY MAP	AS SHOWN
A18	LEGAL DESCRIPTION	AS SHOWN
A19	GENERAL NOTES	AS SHOWN
A20	DRAWING INDEX	AS SHOWN

FILE COPY
Attachment 3



SITE PLAN

1" = 20'-0"

- 
BLDG. SETBACK-DESIGNATED OUTDOOR SEATING AREA
DESIGNATED UNDER 100 SQ. FT. PER TABLE
- 
LANDSCAPE AREA
MINIMUM 20% OF TOTAL LOT AREA. MINIMUM 10% OF TOTAL LOT AREA. MINIMUM 10% OF TOTAL LOT AREA. MINIMUM 10% OF TOTAL LOT AREA.
- 
COMMERCIAL BLDG. AREA
DESIGNATED UNDER 100 SQ. FT.
- PROJECT DESCRIPTION**
 RESIDENTIAL: 24 UNITS (APPROXIMATE 200 SQ. FT. PER UNIT)
 COMMERCIAL: 2 RETAIL UNITS (5,000 SQ. FT. EACH)
 TOTAL PERMITTED: 24 UNITS + 2 COMMERCIAL UNITS = 26 UNITS
- TOTAL PERMITTED**
 TOTAL BLDG. FLOOR AREA: 10,000 SQ. FT. (2 UNITS x 5,000 SQ. FT.)
 APPROX. 2.5% OF TOTAL BLDG. FLOOR AREA
 SINGLE FAMILY HOME: 2 DR. GARAGE (1170 SQ. FT.)

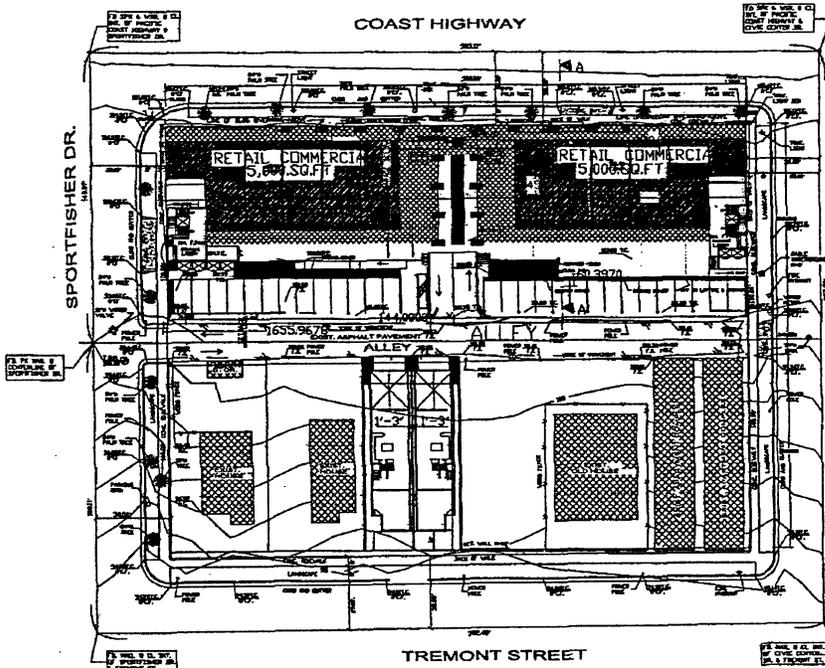
PROJECT ADDRESS:
401 N. COAST HWY
OCEANSIDE, CALIF.

CLIENT:
OCEAN VILLAGE, LLC
12 CORRY
LAKELAND, FL 33409
941-383-1441

A.S. DESIGN & ASSOC., PA
12 CORRY
LAKELAND, FL 33409
941-383-1441

DATE: _____
SCALE: 1"=20'-0"
DRAWN: _____
CHECKED: _____
DATE: _____

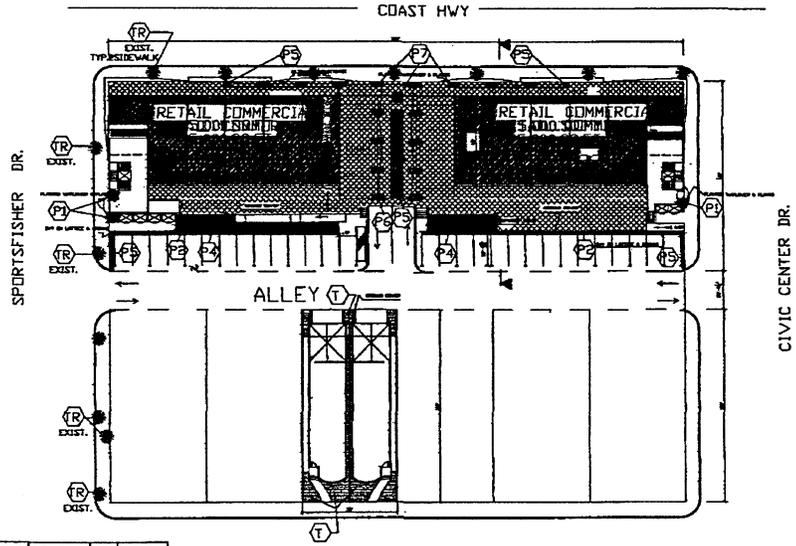
A2



-  BUDGET TRACK DESIGNATED OUTDOOR SEATING AREA
GROUND LEVEL + 0.00' SHFT. PER TYPICAL
 -  LANDSCAPE AREA
GROUND LEVEL + 0.00' SHFT. PER TYPICAL
 -  FUTURE EXPANSION
GROUND LEVEL + 0.00' SHFT.
 -  COMMERCIAL BLDG. AREA
GROUND LEVEL + 0.00' SHFT.
- PROJECT DESCRIPTION**
- RESIDENTIAL = 28 UNITS
 - COMMERCIAL = 10,903 SQ.FT.
 - LANDSCAPE = 1,236 SQ.FT.
 - SEATING = 1,236 SQ.FT.
 - EXPANSION = 1,236 SQ.FT.
 - OPEN SPACE = 15,740 SQ.FT.
 - TOTAL PROJECT = 28,844 SQ.FT.

PROJECT INFORMATION	
OWNER	400 HODGETT HWY OCEANSIDE, CALIF.
DESIGNER	K.S. DESIGN & ASSOC., AIA 12 CORFU LAGUNA BEACH, CALIF. 92653
DATE	9-4-9
SCALE	1" = 10'-0"
PROJECT NO.	94-001
ARCHITECT	ARCHER & BROS. 342-263-6446
STRUCTURAL ENG.	DAVID CHRISTENSEN 754-448-2078
CIVIL ENGINEER	PAUL S. ASKE 349-266-2024

PROJECT ADDRESS	400 N. COAST HWY OCEANSIDE, CALIF.
CLIENT	OCEAN VILLAGE, LLC 12 CORFU LAGUNA BEACH, CALIF. 92653
DATE	9-4-9
SCALE	1" = 10'-0"
PROJECT NO.	94-001



SYMBOL	BOTANICAL NAME	SIZE	QTY	SPACING	HT	
(P1)	SAINT JEROME OF PARADISE	25 GAL	7	24" O.C.		✱
(P2)	GRAPE IVY	1 GAL	93	12" O.C.		○
(P3)	AGAPANTHES	1 GAL	35	18" O.C.		●
(P4)	FATSIA JAPONICA	1 GAL	48	24" O.C.		○
(P5)	POULSADYVILLEA SPP	1 GAL	28	60" O.C.		●
(P6)	BANSEYERIA TROFACATA	1 GAL	40	12" O.C.		○
(P7)	HORSE TAIL	1 GAL	35	18" O.C.		○
(TR)	OLPalm - TREE	24" x 30"	25			✱
(T)	TURF-MARANTH II					

PREL. LANDSCAPE PLAN
1" = 20'-0"

LANDSCAPE AREA
GRADE LEVEL LANDSC. AREA = 1,000 SQ. FT.
GRADE LEVEL LANDSC. AREA = 1,000 SQ. FT.
TOTAL LANDSCAPE AREA = 2,000 SQ. FT. 25.87%

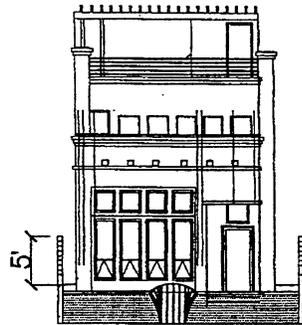
PROJECT ADDRESS:
401 N. COAST HWY
OCEANSIDE, CAL

CLIENT:
OCEAN VILLAGE, LLC
12 CORFU
LAKONA HAVEN, CAL 92037
8.5000 URBAN, CA 92037
949 - 363-1441

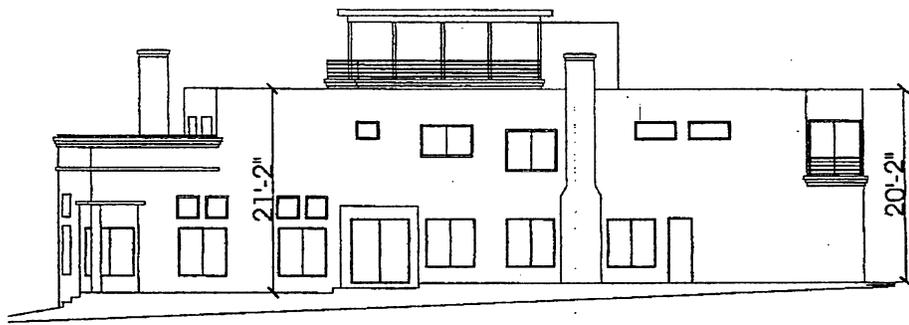
AS. DESIGN & ASSOC.,
12 CORFU
LAKONA HAVEN, CAL 92037
949 - 363-1441

DATE: _____
SCALE: _____
DRAWN: _____
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IN CHARGE: _____

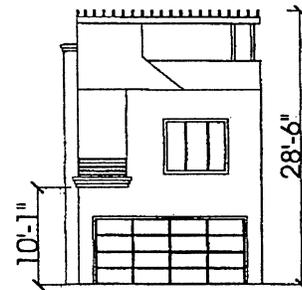
LPI



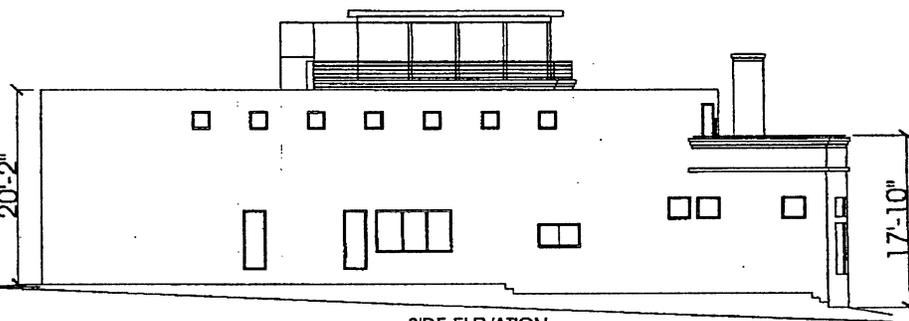
FRONT ELEVATION



SIDE ELEVATION



REAR ELEVATION

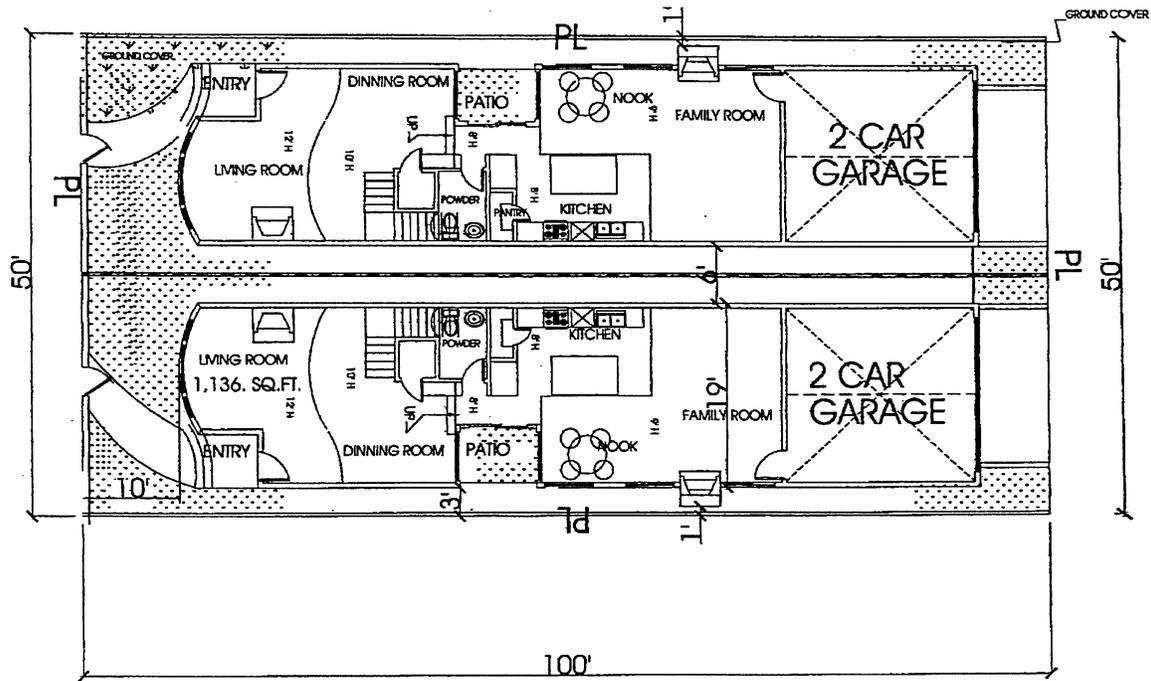


SIDE ELEVATION

ELEVATIONS BLDG. B

Scale 1/4" = 1'-0"

PROJECT ADDRESS: N. TREMONT ST. OCEANSIDE, CAL
CLIENT: OCEAN VILLAGE, LLC 13000 WILSON BLVD LAGUNA HILLS, CA 92653
A.S. DESIGN & ASSOC., AIA 13 C CORP LAGUNA HILLS, CA 92653 949-235-1411
DATE: 08-10-11
BY: [Signature]
NO. 15
A15-b

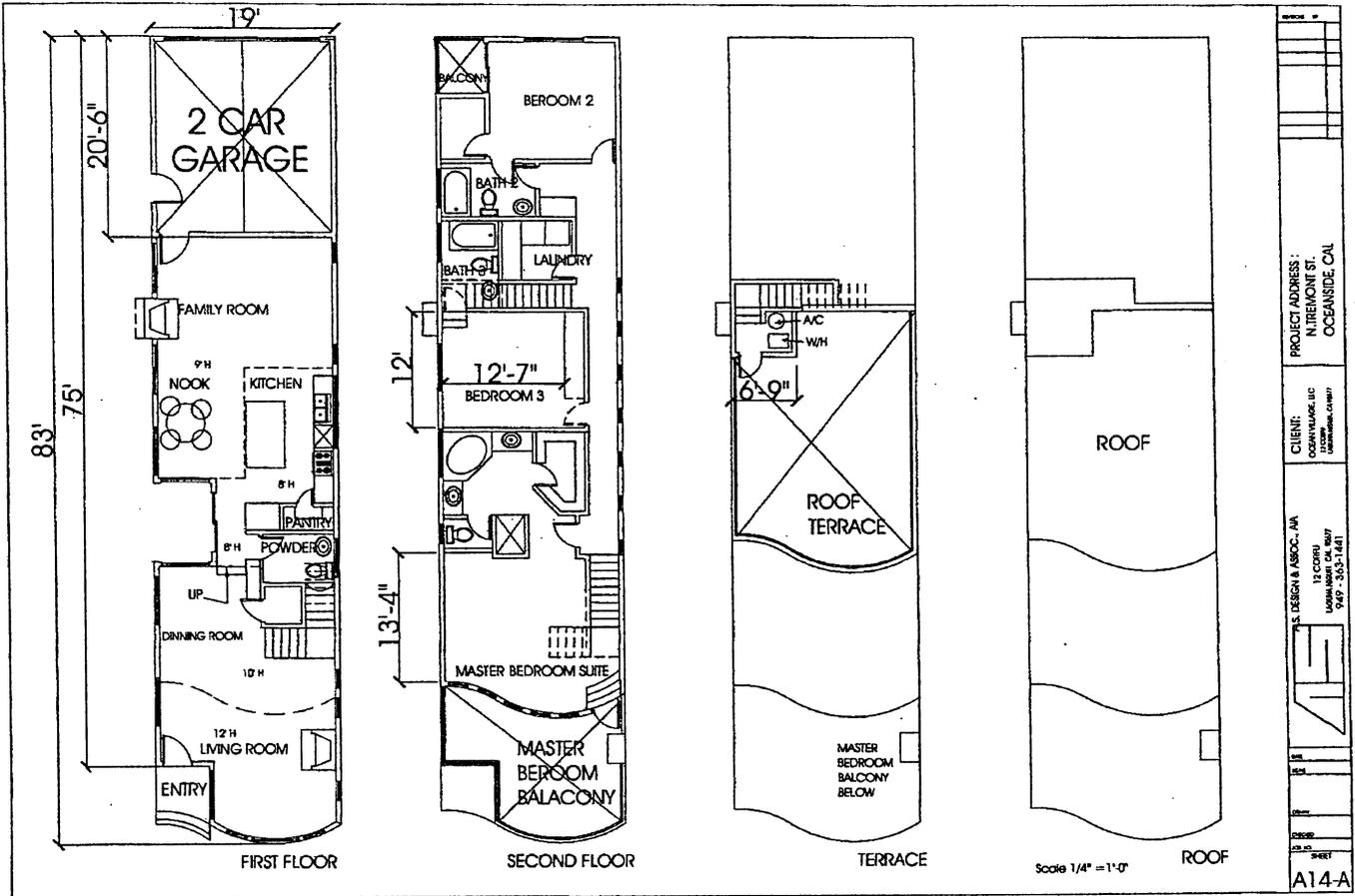


SITE PLAN

2 SINGLE FAMILY HOMES

Scale 1/4" = 1'-0"

DATE	
NO.	
BY	
CHKD.	
DATE	
PROJECT ADDRESS:	N. TREMONT ST. OCEANSIDE, CAL.
CLIENT:	OCEAN VILAGE, LLC 11000 N. TREATY RD. DANFORTH, CA 92018
A.S. DESIGN & ASSOC., INC.	11000 N. TREATY RD. DANFORTH, CA 92018 949-353-1441
DATE	
NO.	
BY	
CHKD.	
DATE	
SHEET	A13



PROJECT ADDRESS:
 N. TREMONT ST.
 OCEANSIDE, CAL

CLIENT:
 OCEAN VILLAGE, LLC
 14000 VILLAGE CENTER
 OCEANSIDE, CALIF 92057

A.E.S. DESIGN & ASSOC., INC.
 13 CERRILLO
 LAGUNA HILLS, CA 92653
 949-353-1481

DATE: _____
 DRAWN BY: _____
 CHECKED BY: _____
 SHEET: A14-A

OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

RESOLUTION NO. 01-R158-3

A RESOLUTION OF THE OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION APPROVING A TENTATIVE MAP (T-203-00), DEVELOPMENT PLAN (D-205-00), CONDITIONAL USE PERMIT (C-204-00), VARIATION (V-205-00), AND REGULAR COASTAL PERMIT (RC-212-00) FOR A MIXED-USE DEVELOPMENT GENERALLY LOCATED WEST OF NORTH COAST HIGHWAY BETWEEN CIVIC CENTER DRIVE AND SPORTFISHER WAY – OCEAN VILLAGE, LLC, APPLICANT

WHEREAS, the Community Development Commission, at its duly noticed public hearing held on April 4, 2001, considered an application for a Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular Coastal Permit for a mixed-use development consisting of 10,000 square feet of commercial floor area, 33 condominium units and two detached residential units at a site generally located west of North Coast Highway, between Civic Center Drive and Sportfisher Way; and

WHEREAS, the applicant is Ocean Village, LLC; and

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. R91-38	\$2200 per residential unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Zone 5 - \$1,705 per acre

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$1,301 per residential unit and \$0.44/sq. ft. non- residential
4			
5			
6	Traffic, Signal, and Thoroughfare Fee	Ordinance No. 87-19	\$1,848 ea. single detached unit, \$1,478.40 each condo unit, and \$2.08/sq. ft. commercial
7			
8			
9	Water Connection Fees or Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 99-21	Fee based on capacity or meter size. Buy-in for a 2- inch meter(s) is \$16,512
10			
11			
12	Sewer Connection Fees or Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 99-20	Fee based on capacity or meter size. Buy-in for a 2- inch meter(s) is \$20,214
13			
14			
15			
16	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 99-2	Based on meter size. The charge for a 2-inch meter(s) is \$10,421
17			

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

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

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

1 WHEREAS, the Community Development Commission, after giving the required notice,
2 did on the 4th day of April, 2001, conduct a duly advertised public hearing as prescribed by law to
3 consider said application; and

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

6 FINDINGS:

7 **For the Tentative Map:**

- 8 1. The proposed subdivision supporting 33 condominium units and two (2) single-unit lots
9 is consistent with the General Plan of the City and the effective zoning regulations.
- 10 2. The subject site is physically suitable for the density and type of the proposed
11 development.
- 12 3. The design of the subdivision and the proposed improvements will not cause significant
13 environmental impact or damages.
- 14 4. The design of the subdivision and the project improvements will not conflict with any
15 public easements for access through or upon the property within the proposed
16 subdivision.
- 17 5. The subdivision complies with all other applicable ordinances, regulations and
18 guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan
19 and the Local Floodplain Ordinance.

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

- 21 1. The total number of dwelling units in the Mixed-Use Development Plan (MUDP) does
22 not exceed the maximum density permitted under the General Plan land use regulations.
- 23 2. The development achieved under the MUDP will contribute to an enhanced and superior
24 urban environment in comparison to a development that might otherwise be realized
25 apart from the proposed MUDP.
- 26 3. The MUDP is consistent with the adopted land use policies and regulations for the
27 Redevelopment land use area.

28

- 1 4. The MUDP will be adequately served by the necessary utilities and facilities. The project
2 connection to the existing utilities and facilities will not exceed the capacity of the
3 existing systems.
- 4 5. The traffic expected to be generated by the MUDP alone, will not exceed the capacity of
5 the affected streets.
- 6 6. The development of the MUDP will not effect a significant "shading" upon the adjacent
7 properties in comparison to the development shading that would otherwise be realized
8 from a development not containing a mixed-use component.

9 **For the Conditional Use Permit to Exceed the Base Density:**

- 10 1. In accordance with the zoning criteria, the project merits a density increase due to its
11 excellent design features and its inclusion of an underground parking facility that is at
12 least 50% below grade and provides for at least 75% of the project's required parking for
13 the residential component.
- 14 2. The proposed density will be adequately contained and facilitated within the project
15 development. As such, the project density will not have any detrimental impact upon the
16 public health, safety, or welfare of persons working or residing in the neighboring areas.
- 17 3. The proposed density is a part of a project development that represents a high-quality
18 urban design.

19 **For the Variation for Reduction in Parking and Loading Spaces, and for the Use of**
20 **Tandem Parking:**

- 21 1. The application of the effective zoning criteria for on-site parking and loading would
22 result in unnecessary hardships against the proposed mixed-use development project and
23 would impact the project's ability to provide the same level of urban design qualities.
24 Such impacts and effects upon the proposed project would be inconsistent with the land
25 use goals for the Redevelopment land use area.
- 26 2. The urban and high-density nature of the project design is consistent with the
27 Redevelopment zoning and land use goals affecting the project site. Reduced parking is
28 an accepted and special design feature of this type of development.

1 3. Granting the variation in this case will not effect any material detriment to the public
2 welfare, private property, or improvements in the area.

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

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

7 1. The application of the effective street side setbacks would result in unnecessary
8 hardships against the proposed mixed-use development project and would impact the
9 project's ability to provide the same level of urban design qualities. Such impacts and
10 effects upon the proposed project would be in consistent with the land use goals for the
11 Redevelopment land use area.

12 2. The urban and high-density nature of the project design is consistent with the
13 Redevelopment zoning and land use goals affecting the project site. Reduced setbacks
14 are an accepted and special design feature of this type of development.

15 3. Granting the variation in this case will not effect any material detriment to the public
16 welfare, private property, or improvements in the area.

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

20 **For the Regular Coastal Permit:**

21 1. The proposed project is consistent with the policies of the Local Coastal Program as
22 implemented through the City Zoning Ordinance. In addition, the project will not
23 substantially alter or impact the existing coastal views through the public rights-of-way
24 view corridors.

25 2. The proposed project will not obstruct any existing or planned public beach access;
26 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

27 WHEREAS, the Community Development Commission finds that the project was
28 determined to have no major significant adverse effects upon the environment as a qualifying

1 Development Project" in accordance with the provisions of the State guidelines of the
2 California Environmental Quality Act and, therefore, the project is exempt from further
3 environmental review.

4 NOW, THEREFORE, the Community Development Commission of the City of Oceanside
5 does resolve that Tentative Map (T-203-00), Development Plan (D-205-00), Conditional Use
6 Permit (C-204-00), Variation (V-205-00) and Regular Coastal Permit (RC-212-00) are hereby
7 approved subject to the following conditions:

8 Building:

- 9 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
10 Building Department plan check.
- 11 2. The granting of approval under this action shall in no way relieve the applicant/project
12 from compliance with all State and local building codes.
- 13 3. Site development, parking, access into buildings and building interiors shall comply with
14 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 15 4. Site development, common use areas, access and adaptability of apartments and
16 condominiums shall comply with Part 2, Title 24, C.C.R. (Disabled Access & Adaptability
17 - HCD).
- 18 5. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
19 property shall be underground (City Code Sec. 6.30).
- 20 6. The building plans for this project are required by State law to be prepared by a licensed
21 architect or engineer and must be in compliance with this requirement prior to submittal
22 for building plan review.
- 23 7. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
24 and shall be shielded appropriately. Where color rendition is important high-pressure
25 sodium, metal halide or other such lights may be utilized and shall be shown on final
26 building and electrical plans.

1 8. The developer shall monitor, supervise and control all building construction and
2 supportive 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 a.m. and 6 p.m.
5 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
6 inherently noise-producing. Examples of work not permitted on Saturday are
7 concrete and grout pours, roof nailing and activities of similar noise-producing
8 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
9 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except
10 as allowed for emergency work under the provisions of the Oceanside City Code
11 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 compliant with this
15 requirement. Small Amounts of construction debris may be stored on site in a neat,
16 safe manner for short periods of time pending disposal.

17 Fire Prevention:

18 9. A minimum fire flow of 3,000 gallons per minute shall be provided.

19 10. The size of fire hydrant outlets shall be 2½" x 2½" x 4".

20 11. The fire hydrants shall be installed and tested prior to placing any combustible materials
21 on the job site.

22 12. All-weather access roads shall be installed and made serviceable prior to and during time
23 of construction. Sec 10.301C & D Uniform Fire Code.

24 13. All streets less than 32 feet wide are to be posted "NO PARKING FIRE LANE" per City
25 Vehicle Code Section 22500.1.

26 14. All security gates and vehicular access gates to have "Knox-Box" system override and
27 have strobe override and have strobe activation capability.
28

- 1 15. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
2 approval prior to the issuance of building permits.
- 3 16. Fire extinguishers are required and shall be included on the plans submitted for plan
4 check.
- 5 17. All buildings are to be sprinklered and monitored by an approved Central Station prior to
6 building final.
- 7 18. Fire alarm system plans shall be submitted for approval prior to installation.
- 8 19. All open areas shall be landscaped with approved fire retardant/anti-erosion type plants
9 with an approved permanent irrigation system and maintenance program.
- 10 20. A Fire Department accessible standpipe, in accordance with the NFPA shall be provided
11 to the satisfaction of the Fire Marshall.
- 12 21. In accordance with the Uniform Fire Code Sec.901.4.4, addresses, for residential and
13 commercial occupancies, shall be placed on the structures in such a position as to be
14 plainly visible and legible from the street or roadway fronting the property. Numerical
15 and letter copy shall contrast with their background and shall be at least 6 inches in
16 height. In addition, the rear exit doors for the commercial-use floor areas shall be marked
17 with individual suite numbers or letters.

18 Engineering:

- 19 22. Vehicular access rights to North Coast Highway, Sportfisher Drive, and Civic Center
20 Drive shall be relinquished to the City from all abutting lots. Likewise, access rights to
21 North Tremont Street shall be relinquished from the single-unit lots portion of the
22 project. The access relinquishment shall be shown on the final map.
- 23 23. All right-of-way alignments, street dedications, exact geometrics and widths shall be
24 dedicated and improved as required by the City Engineer.
- 25 24. Design and construction of all improvements shall be in accordance with standard plans,
26 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 27 25. Prior to approval of the final map(s), all improvement requirements associated with each
28 map shall be covered by a subdivision agreement and secured with sufficient

1 improvement securities or bonds guaranteeing performance and payment for labor and
2 materials, setting of monuments, and warranty against defective materials and
3 workmanship.

4 26. The project subdivision may be recorded as multiple final maps and the subdivision may
5 be developed in phases. A construction-phasing plan(s) for the construction of public
6 and private improvements shall be reviewed and approved by the City Engineer prior to
7 the recordation of any final map. Prior to the issuance of any building permits all offsite
8 improvements, including landscaping and frontage improvements, shall be constructed to
9 the scope, timing, and satisfaction of the City Engineer.

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

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

- 17 a) Removal of dirt, debris and other construction material deposited on any public
18 street no later than the end of each working day.
- 19 b) All grading and related site preparation and construction activities shall be limited
20 to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7
21 a.m. to 6 p.m. for work that is not inherently noise-producing unless otherwise
22 extended by the City. All work should utilize the latest technology for quiet
23 equipment. No work shall be permitted on Sundays and Federal Holidays (New
24 Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day)
25 except as allowed for emergency work under the provisions of the Oceanside City
26 Code Chapter 38 (Noise Ordinance). All on-site construction staging areas shall
27 be as far as possible (minimum 100 feet) from any existing residential
28 development. Because construction noise may still be intrusive in the evening or

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

4 c) The construction site shall accommodate the parking of motor vehicles used by
5 persons working at, or providing deliveries to the site, as approved by the City
6 Engineer in accordance with the construction phasing plan.

7 29. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements,
8 and other applicable charges, fees and deposits shall be paid prior to the issuing of any
9 building permits, in accordance with City Ordinances and policies. The subdivider shall
10 also be required to join into, contribute, or participate in any improvement, lighting, or
11 other special district affecting or affected by this project. Approval of the tentative map
12 shall constitute the developer's approval of such payments, and his agreement to pay for
13 any other similar assessments or charges in effect when any increment is submitted for
14 final map or building permit approval, and to join, contribute, and/or participate in such
15 districts.

16 30. Unless altered by the City Engineer, North Coast Highway, Sportfisher Way, Civic
17 Center Drive, and North Tremont Street shall be improved with concrete curbs, gutters,
18 pavement, street lights, 5-foot wide sidewalks (including pedestrian ramps at street
19 intersections), and a 5-foot wide landscaped parkway section. Likewise, the section of
20 alley fronting the project site shall be improved with a center-section longitudinal
21 concrete drainage swale, pavement, and street lights. All streets shall be improved with
22 street name signs and traffic control devices as required by the City Engineer.

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

26 32. A traffic control plan shall be submitted to and approved by the City Engineer prior to
27 the start of work within the City rights-of-way. Traffic control during construction of
28 streets that have been opened to public traffic shall be in accordance with construction

1 streets that have been opened to public traffic shall be in accordance with construction
2 signing, marking and other protection as required by the CalTrans Traffic Manual.
3 Traffic control during construction adjacent to or within all public streets must also meet
4 CalTrans criterion.

5 33. Any existing broken pavement, concrete curb, gutter or sidewalk on North Coast
6 Highway, Sportfisher Drive, Civic Center Drive, and North Tremont Street; or any of the
7 same that are damaged during construction of the project, shall be repaired or replaced as
8 directed by the City Engineer.

9 34. Full-width alley improvements, or a lesser width as determined appropriate by the City
10 Engineer and based upon the existing condition of the alley, shall be constructed to
11 include the installation of a longitudinal concrete alley gutter in accordance with the
12 standard plans and specifications of the City of Oceanside. The alley shall have a cross
13 fall of 2% unless otherwise approved by the City Engineer at the time of final design.

14 35. All existing overhead utility lines either transversing the project or immediately adjacent
15 thereto, and all new extension services for the development of the project, including but
16 not limited to, electrical, cable and telephone, shall be constructed underground. Any
17 and all existing street lights attached to any removed or relocated utility poles shall be
18 replaced.

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

22 37. The applicant shall obtain any necessary permits and clearances from the U. S. Army
23 Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife
24 Service and/or San Diego Regional Water Quality Control Board (including NPDES),
25 San Diego County Health Department, prior to the issuance of grading permits.

26 38. Prior to any grading of any part of the subdivision or project, a comprehensive soils and
27 geologic investigation shall be conducted of the soils, slopes, and formations in the
28 project. All necessary measures shall be taken and implemented to assure slope stability,

1 to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is
2 approved by the City Engineer.

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

7 40. A Precise Grading and Private Improvement Plan(s) shall be prepared, reviewed, secured
8 and approved prior to the issuance of any building permits. The plan shall reflect all
9 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
10 signage, footprints of all structures, walls, drainage devices and utility services.

11 41. Prior to the issuance of a building permit, an encroachment permit shall be approved by
12 the City Council for any aspect of private property encroachment into the public right(s)-
13 of-way.

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

23 43. The drainage design on the tentative map is conceptual only. The final design shall be
24 based upon a hydrologic/hydraulic study to be approved by the City Engineer during
25 final engineering. All drainage picked up in an underground system shall remain
26 underground until it is discharged into an approved channel, or as otherwise approved by
27 the City Engineer. All public storm drains shall be shown on City standard plan and
28 profile sheets. All storm drain easements shall be dedicated where required. The

1 applicant shall be responsible for obtaining any off-site easements for storm drainage
2 facilities.

3 44. Development shall be in accordance with City Floodplain Management Regulations and
4 Stormwater Management and Discharge Regulations.

5 45. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
6 disposed of in accordance with all state and federal requirements, prior to stormwater
7 discharge either off-site or into the City drainage system. The on-site collection systems
8 shall implement Best Management Practices for the filtration of garage source-point
9 pollutants.

10 Planning:

11 46. This Tentative Map, Development Plan, Conditional Use Permit and Regular Coastal
12 Permit approves only the following: a mixed-use development consisting of 33
13 residential condominium units and 10,000 square feet of commercial floor area, and two
14 (2) detached-units. Any substantial modification in the design or layout shall require a
15 revision to the Development Plan and Conditional Use Permit or a new Development
16 Plan and Conditional Use Permit.

17 47. This Variation approves only the following: a maximum 10% reduction in on-site
18 parking area, a reduction in on-site loading area, the use of a tandem parking
19 arrangement for a maximum of 16 parking spaces, and a reduction in street side and alley
20 side setbacks in accordance with the plans approved by the Community Development
21 Commission.

22 48. This Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular
23 Coastal Permit shall expire on April 4, 2003, unless implemented as required by the
24 Zoning Ordinance, or unless a time extension is granted by the Community Development
25 Commission. The recordation of a final map and/or development implementation of the
26 detached units component of the project shall not constitute an implementation of the
27 residential condominiums and commercial floor area portion of the project. Likewise,
28

1 the inverse condition, as a preceding action, shall also affect the detached units
2 component of the project in the same manner.

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

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

11 a) Local street trees in parkways shall be planted at a minimum 15-gallon container
12 size or 10 – 12-foot Brown Trunk Height (BTH), and spaced in accordance with the
13 City's adopted Landscape Design Guidelines manual. Approved root barriers shall
14 be incorporated.

15 b) All decorative pavements and hardscape materials, shown on the plans approved by
16 the Community Development Commission, shall be included on the final landscape
17 plans.

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

21 51. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall
22 also include additional space for storage and collection of recyclable materials per City
23 standards. Recycling is required by City Ordinance. The enclosures must be built in a
24 flat, accessible location as determined by the City Engineer. The enclosures shall meet
25 City standards including being constructed of concrete block, reinforced with rebar and
26 filled with cement. A concrete slab must be poured with a berm on the inside of the
27 enclosure to prevent the bins from striking the block walls. The slab must extend out of
28 the enclosure for the bins to roll out onto. Steel posts must be set in front of the

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

- 12 52. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
13 written copy of the applications, staff report and resolutions for the project to the new
14 owner and or operator. This notification's provision shall run with the life of the project.
- 15 53. Failure to meet any conditions of approval for this development shall constitute a violation
16 of the Tentative Map, Development Plan, Conditional Use Permit, Variation and Regular
17 Coastal Permit.
- 18 54. Unless expressly waived, all current zoning standards and City ordinances and policies in
19 effect at the time building permits are issued are required to be met by this project. The
20 approval of this project constitutes the applicant's agreement with all statements in the
21 Description and Justification, Management Plan and other materials and information
22 submitted with this application, unless specifically waived by an adopted condition of
23 approval.
- 24 55. The owner of the property shall be responsible for trash abatement on the site, and shall
25 keep the site free of litter, trash and other nuisances.
- 26 56. All retaining and other freestanding walls, fences, and enclosures shall be architecturally
27 designed in a manner similar to and consistent with the primary structures (stucco block,
28 split-face block or slump stone, whichever is appropriate as determined by the Planning

- 1 Director) or unless otherwise shown on the conceptual landscape plan. These items shall
2 be approved by the Planning Department prior to the issuance of building permits.
- 3 57. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
4 the same as those approved by the Community Development Commission. These shall be
5 shown on plans submitted to the Building Department and Planning Department.
- 6 58. The architectural features and materials of the east side and rear buildings elevations shall
7 be the same as the street side elevations. Final design is subject to the review and approval
8 of the Planning Director.
- 9 59. A covenant or other recordable document approved by the City Attorney shall be prepared
10 by the applicant (developer, subdivider) and recorded prior to the approval of the final map
11 (or prior to issuance of building permits where no final map is required). The covenant
12 shall provide that the property is subject to this Resolution, and shall generally list the
13 conditions of approval.
- 14 60. The developer is prohibited from entering into any agreement with a cable television
15 franchisee of the City which gives such franchisee exclusive rights to install, operate,
16 and/or maintain its cable television system in the development.
- 17 61. The subterranean garage shall include a restricted vehicular access design so as to reserve
18 the garage spaces for the residential occupancy of the site. The final design for garage
19 access restriction shall be reviewed and approved by the Planning Director and the City
20 Engineer prior to final building inspection or the first occupancy of building, whichever
21 occurs first.
- 22 62. Purchase, lease, and rental agreements for the condominium and penthouse units shall
23 include garage area parking. Such agreements shall not allow the owner/tenant to forfeit
24 the use of the garage.
- 25 63. The following unit type and floor plan mix, as approved by the Community Development
26 Commission, shall be indicated on plans submitted to the Building Department and
27 Planning Department for building permit:
28

1	Plan Type	Sq.Ft.	Bedrms.	Baths	Units
2	=====				
3	Plan A Condo	1,494	2-3	2	14
4	Plan B Condo	1,340	3	2.5	14
5	Penthouse Condo	2,000	1	1	5
6	Detached Units	2,532	3	3.5	2
7	=====				

- 8 64. An association of homeowners (HOA) shall be formed and Covenants, Conditions and
9 Restrictions (C.C.&R's) shall provide for the maintenance of all common open space,
10 medians and commonly owned fences and walls and adjacent parkways. The
11 maintenance shall include normal care and irrigation of landscaping, repair and
12 replacement of plant material and irrigation systems as necessary; and general cleanup of
13 the landscaped and open area, parking lots and walkways. The C.C.&R's shall be subject
14 to the review and approval of the City Attorney prior to the approval of the final map.
15 The C.C.&R's are required to be recorded prior to or concurrently with the final map.
16 Any amendments to the C.C.&R's in which the association relinquishes responsibility for
17 the maintenance of any common open space shall not be permitted without the specific
18 approval of the City of Oceanside. Such a clause shall be a part of the C.C.&R's. The
19 C.C.&R's shall also contain provisions for the following:
- 20 a) The subterranean garage parking shall be exclusive to the residential occupancy of
 - 21 the site and shall not be shared or used by any other occupancy.
 - 22 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.
 - 23 c) Provisions regulating the use of private balcony decks and rooftop terrace areas.
 - 24 d) Maintenance of all common areas, and onsite and frontage landscaping.
- 25 65. The final color scheme shall be approved by the Planning Director prior to the issuance
26 of building permits.
- 27 66. All mechanical roof-top and ground equipment shall be screened from public view as
28 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,

1 mechanical equipment, screen and vents shall be painted with non-reflective paint to
2 match the roof. This information shall be shown on the building plans.

3 67. An architectural lighting plan shall be prepared and submitted for review and approval
4 prior to the issuance of building permits. This plan is subject to the review and approval
5 by the Planning Director.

6 68. The final construction drawings for the condominium and commercial floor area
7 building shall demonstrate the incorporation of Best Management Practices (BMP) for the
8 buffering, separation, or attenuation of certain nonresidential and commercial activities
9 interface with the residential occupancy. The project BMP shall be documented to the
10 satisfaction of the Building Director and the Planning Director and approved by each
11 Director prior to the issuance of the first residential occupancy.

12 69. The condominium units must comply with the interior noise standard of 45 CNEL. The
13 units exposed to North Coast Highway may experience the greatest level of environmental
14 street and roadway noise depending on the location. These units shall be constructed as
15 necessary with special windows, door features, and mechanical ventilation to meet the 45
16 CNEL indoor noise standard.

17 70. Prior to issuance of building permits, detailed engineering calculations shall be submitted
18 indicating that the building construction would be able to attenuate interior noise to less
19 than 45 dB for all units. A detailed noise study shall be prepared and approved by the City
20 prior to issuance of building permits.

21 Water Utilities:

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

25 72. The subterranean/basement garage structure shall be drained to the City's storm drain
26 system and not the sanitary sewer system.

27
28

1 73. The developer will be responsible for developing all water and sewer facilities necessary
2 to this property. All on-site water and sewer facilities shall be maintained as private
3 facilities.

4 74. The developer will be responsible for developing all water and sewer facilities necessary
5 to this property. Any relocation of water and/or sewer lines are the responsibility of the
6 developer.

7 75. Irrigation meters for landscape areas and landscape purposes shall be separate from the
8 meter(s) for private domestic water services.

9 76. All lots with a finish pad elevation located below the elevation of the next upstream
10 manhole cover of the public sewer shall be protected from back-flow of sewage by
11 installing an approved type backwater valve, per Section 710 of the Uniform Plumbing
12 Code.

13 77. Grease, Oil, and Sand Interceptor, described by U.P.C., Section 1011 relating to
14 restaurants, shall be installed in each building sewer in an appropriate location, and the
15 location shall be called out on the approved Building Plans.

16 78. All Water Works construction shall conform to the recently adopted Water and
17 Wastewater Master Plan, and the Demands and the Flow values set forth in the design
18 manual.

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1 Public Works Department:

2 79. The City shall not be responsible for the maintenance of any medians, landscaping,
3 slopes, open spaces or common grounds for this project.

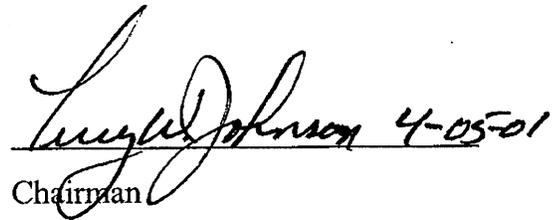
4 PASSED AND ADOPTED by the Oceanside Community Development Commission of
5 the City of Oceanside this 4th day of April, 2001 by the following vote:

6 AYES: JOHNSON, HARDING, FELLER, McCAULEY

7 NAYS: SANCHEZ

8 ABSENT: NONE

9 ABSTAIN: NONE

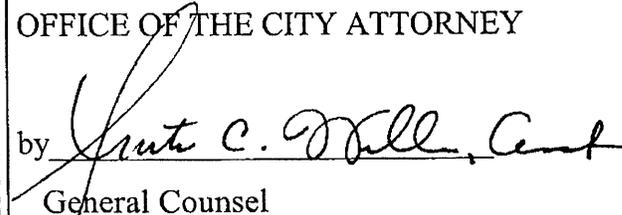
10
11  4-05-01
12 Chairman

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14 ATTEST:

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16 Secretary

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19 APPROVED AS TO FORM:

20 OFFICE OF THE CITY ATTORNEY

21
22 by 
23 General Counsel



San Diego Gas & Electric
571 Enterprise Street
Escondido, CA 92029

A  Sempra Energy utility™

PROJ# 539218-010/020

March 23, 2006

Ayoub Sesar
A.S. Design
26 Edelman
Irvine, CA 92618

Dear Mr. Sesar:

Subject: **Tremont Conversion- Oceanside**

This letter is to advise you that we have completed the engineering required to replace the existing overhead electric facilities with an underground system at Tremont St. n/o Civic Center Dr., as described on the enclosed sketch.

As we previously agreed, you will be providing the Trench, Excavation, Backfill, Conduits, Substructures and the contracts have been prepared accordingly. Under the requirements outlined above, your conversion cost of \$109,389, less the \$598 engineering fee which you previously paid, will leave an amount due of \$108,791, including CIAC tax.

These negotiations do not include the installation of any ornamental street lights or street light services that might be required by the City of Oceanside. Should they require lights in conjunction with this conversion, please contact us and service points for the street light service will be established.

TRENCHING

After you have been notified that your construction orders have been issued, you should arrange a pre-construction meeting by calling our Project Coordinator at 760-432-5805. At that meeting, a construction schedule can be established and any questions you may have concerning your project can be answered.

Inspection of your work by our inspector is required at the: trenching; conduit installation; conduit mandreling; backfilling and compaction; substructure installation; and, completion stages.

When calling our Construction Department, the following will identify your project:

Project Name:	Tremont Conversion
Work Order #:	Electric: 2846450/2846451
Project #:	Electric: 539218-010/020

TRENCHING ADVISORIES

Your attention is directed to the trenching notification procedure and time limit for starting work set forth in the Agreements. Prior to trenching /excavating, please contact DigAlert (USA

CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:

PARCEL MAP (P-201-07) AND REGULAR COASTAL PERMIT (RC-201-07) for the subdivision of a two lot subdivision on a 5,000 square foot parcel located at 412-414 North Tremont Street.

PROJECT LOCATION - SPECIFIC:
412-414 North Tremont Street

PROJECT LOCATION - GENERAL:

PARCEL MAP (P-201-07)
REGULAR COASTAL PERMIT (RC-201-07)

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:

Two lot subdivision located at 412-414 North Tremont Street on a 5,000 square foot lot.

NAME OF PUBLIC AGENCY APPROVING PROJECT:

City of Oceanside

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

City of Oceanside
300 North Coast Highway
Oceanside, CA 92054
(760) 435-3354

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

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

STATUTORY EXEMPTION PER ARTICLE 18, SECTION(S)

CATEGORICAL EXEMPTION PER ARTICLE 19, SECTION 15301(b)

REASONS WHY PROJECT IS EXEMPT:

The proposed project consists of a two-lot subdivision of single family residential units on a 5,000 square foot lot located at 412-414 North Tremont Street. The project is considered an infill development and the subject site is less than 5 acres.

Contact Person: Shan Babick, Associate Planner

SIGNATURE

March 21, 2007

DATE

For: Jerry Hittleman, Interim City Planning

CITY HALL, 300 NORTH COAST HIGHWAY, OCEANSIDE CA 92054, TELEPHONE (760) 435-3520, FAX (760) 435-3538