



DATE: April 23, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department

SUBJECT: **CONSIDERATION OF A PARCEL MAP (P-5-06) FOR AN 11-LOT SUBDIVISION AND A 17-UNIT INDUSTRIAL CONDOMINIUM MAP ON A PREVIOUSLY APPROVED INDUSTRIAL COMPLEX LOCATED NORTH OF THE 1600 BLOCK OF ORD WAY – OCEANSIDE GATEWAY – APPLICANT: BKM DEVELOPMENT COMPANY**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Approve Parcel Map (P-5-06)
- (2) Adopt Planning Commission Resolution No. 2007-P22 with findings and conditions of approval attached herein; and
- (3) Confirm issuance of an exemption, per the General Rule section 15061(b) 3.

PROJECT DESCRIPTION AND BACKGROUND

Background: On May 19, 2003 the Planning Commission approved Tentative Parcel Map (P-1-03) and adopted Resolution No. 2003-P30 permitting the subdivision of a 38.35-acre site into six parcels. The subject project site is identified as Parcel 2 in said parcel map.

On September 20, 2003, the Planning Commission approved a Master Development Plan (D-6-03) and adopted Resolution No. 2003-P53, allowing the construction of industrial shell buildings (Oceanside Gateway Business Park) on multiple parcels including Parcel 2.

Site Review: The project site (Oceanside Gateway Business Park Parcel 2) encompasses approximately 14.43 acres and is developed with 11 industrial shell buildings ranging in size from 3,500 to 27,000 square feet. The property is located north of Ord Way, west of Peacock Boulevard and south of Oceanside Boulevard, within the Peacock Neighborhood. The site slopes towards the northwest corner and has a grade differential of approximately five feet from its highest to the lowest point.

Industrial uses are located to the east and west of the site and single-family estate homes to the south. The zoning designation for the site is limited industrial (IL) and the General Plan Land Use category is industrial.

Project Description: The project application is comprised of a Parcel Map (P-5-06) as follows:

Tentative Parcel Map represents a request for the following:

- (a) To subdivide Oceanside Gateway Business Park Parcel 2 into 11 lots ranging in gross acres of (0.46 - 5.21) acres; and establish 17 industrial condominium units ranging in sizes from 2,640 to 6,700 square feet.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. The Subdivision Ordinance

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

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

A. Land Use Element

Goal 2.12: Light Industrial

Objective: To provide and protect industrial lands that can accommodate a wide range of moderate to low intensity industrial uses capable of being located adjacent to residential areas with minimal buffering and attenuation measures.

Policy: C: Light industrial developments shall be primarily developed as industrial parks and commerce center providing both single-use and multi-tenant structures. Independent development for single-use projects on larger sites may also be permitted.

The proposed development will allow individual ownership of existing industrial suites in the form of industrial airspace condominium units and will be consistent with the land use policy of the General plan which advocates establishment of industrial uses within appropriately zoned and developed areas..

2. Zoning Compliance

This project is located in the limited industrial (IL) zone and complies with the requirements of that zone. The following table summarizes proposed and applicable development standards for the project site:

	MINIMUM REQUIRED	PROPOSED (parcel 2)
MINIMUM LOT SIZE	20,000 sq. ft.	20,000 (+) sq. ft.
PARKING SPACES	1-space per 750 sq. ft. (326 stalls)	(439 existing stalls)

3. Land Use Compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Industrial	Limited Industrial (IL)	Light Industrial (LI)
North of Subject Property:	Industrial	Limited Industrial (IL)	Light Industrial (LI)
East of Subject Property:	Industrial	Limited Industrial (IL)	Light Industrial (LI)
South of Subject Property:	Single Family Residential	Residential Estate-B (RE-B)	Estate-B Residential (EB-R)
West of Subject Property:	Industrial	Limited Industrial (IL)	Light Industrial (LI)

DISCUSSION

Issue: Project Compatibility with the existing industrial neighborhood: The subject site is surrounded by a variety of industrial uses within the Oceanside Gateway Business Park. The proposed tentative parcel map is in compliance with applicable development standards of the Oceanside Zoning Ordinance and the Subdivision Map Act. In addition the project meets or exceeds the development criteria set forth on the Oceanside Gateway Business Park.

The 11-lot subdivision in conjunction with the condominium map will provide ownership opportunities for sole ownership of 17 units. The subject subdivision will not adversely

affect the neighboring properties nor result in a parking deficiency. All parking, vegetation management and landscape maintenance agreements shall be subject to the reciprocal agreement approved with the original development plan for the center.

ENVIRONMENTAL DETERMINATION

The proposed project is exempt from environmental review per the General Rule section 15061(b) 3.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. No communication supporting or opposing the request has been received to date.

SUMMARY

The proposed Tentative Parcel Map is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all applicable development standards. The project is compatible with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (P-5-06) and adopt Planning Commission Resolution No. 2007-P22 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY: 

Amy Volzke, Principal Planner

JH/SN/fil

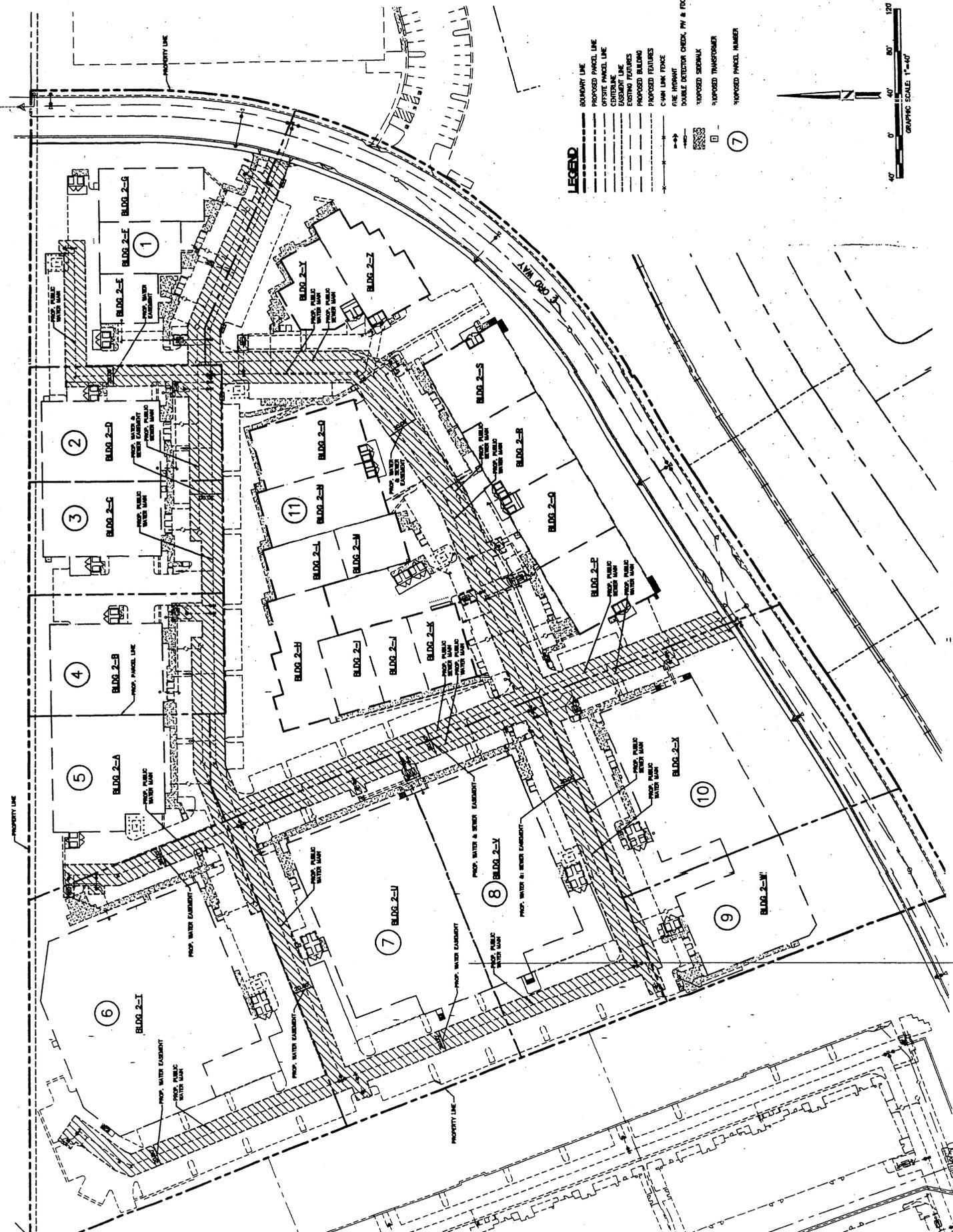
Attachments:

1. Tentative Parcel Map/Site Plan
2. Planning Commission Resolution No. 2007-P22
3. Planning Commission Resolution No. 2003-P53
4. Planning Commission Resolution No. 2003-P30

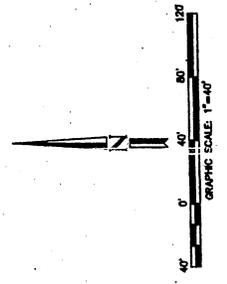
DATE	
NO. PERSONS	

PROJECT: OCEANSIDE GATEWAY BUSINESS PARK
 PARCEL 2 OF PARCEL MAP 19400
 TENTATIVE PARCEL MAP P-5-06
 DRAWING NAME: PROP. WATER & SEWER EASEMENT EXHIBIT

DATE	01/10/07
DESIGNED BY	DAVID L. BROWN
DRAWING FILE NUMBER	19400-05-06-01
PROJECT FILE NUMBER	05-06-01
SHEET NUMBER	1
OF	1

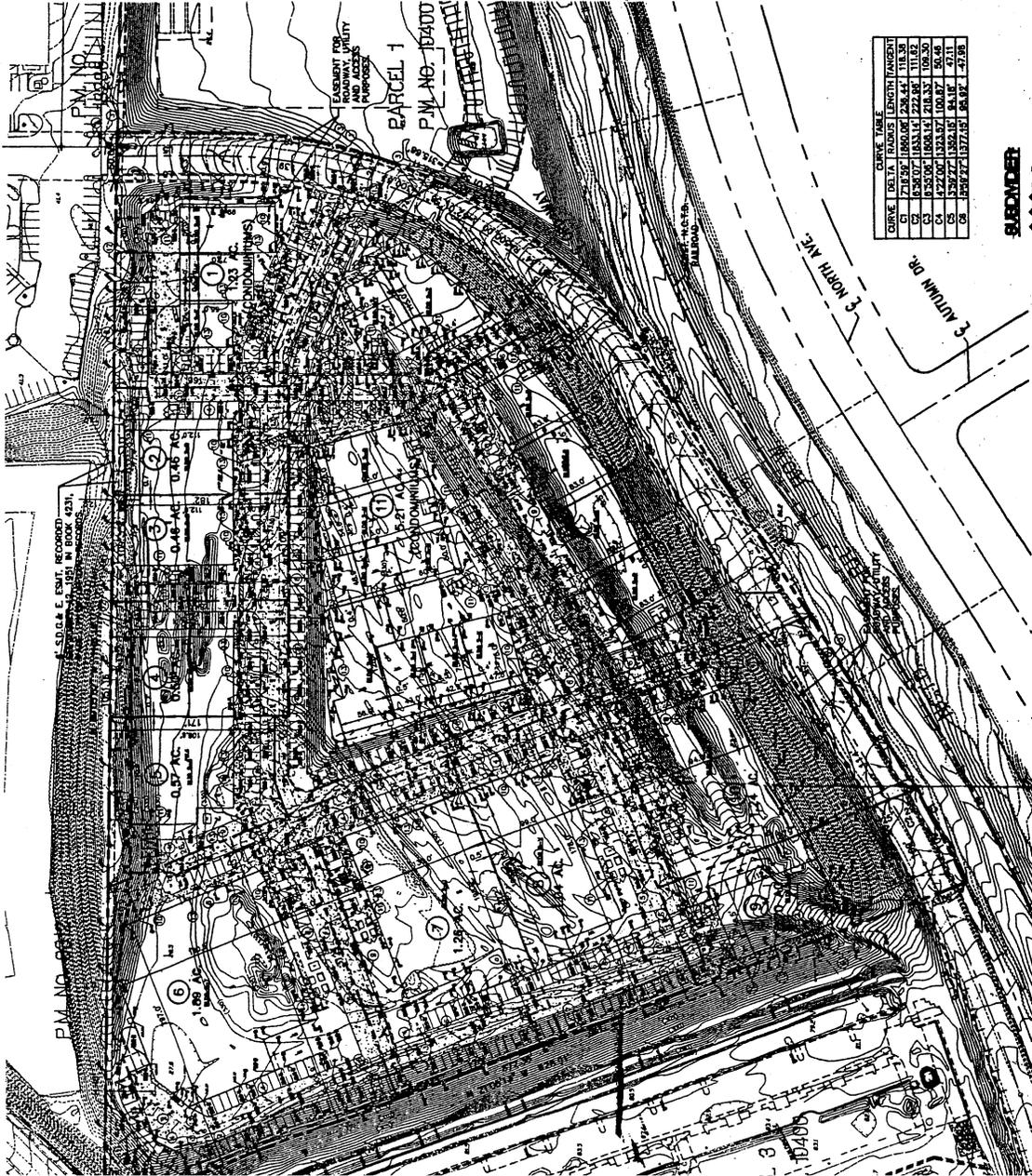


- LEGEND**
- BOUNDARY LINE
 - PROPOSED PARCEL LINE
 - EXISTING PARCEL LINE
 - CENTRAL LINE
 - EXISTING FEATURES
 - PROPOSED BUILDING
 - PROPOSED FEATURES
 - CHAIN LINK FENCE
 - ONE WAY
 - DOUBLE DETECTOR CHECK, PW & SFC
 - TYPED SIDEWALK
 - PROPOSED TRANSFORMER
 - PROPOSED PARCEL NUMBER



OCEANSIDE GATEWAY BUSINESS PARK

TENTATIVE MAP FOR CONDOMINIUM PURPOSES - PARCEL 2



LINE BEARING	LENGTH
L1	1800.00
L2	228.44
L3	228.44
L4	103.67
L5	103.67
L6	103.67

CURVE	DELTA	RADIUS	LENGTH (ARC)	TANGENT
C1	71.92	1800.00	228.44	118.35
C2	68.87	1833.15	222.82	111.62
C3	65.50	1868.15	218.32	105.48
C4	62.72	1905.15	214.31	99.48
C5	60.27	1944.15	210.71	93.61
C6	58.07	1985.15	207.41	87.86

SUBMITTER
Milliken
 MILLIKEN CONSULTANTS
 10000 WILSON AVENUE
 COSTA MESA, CA 92626
 TEL: (714) 967-1100
 FAX: (714) 967-1114

AREA TABULATION

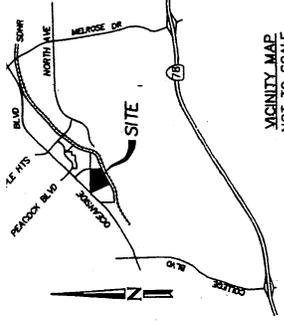
PARCEL NO.	GROSS AREA (SQ. FT)	GROSS AC	NET AREA (SQ. FT)	NET AC
1	33,019	1.33	41,498	0.95
2	20,047	0.48	20,047	0.46
3	20,004	0.48	20,004	0.46
4	21,678	0.50	21,678	0.50
5	24,626	0.57	24,626	0.57
6	82,147	1.89	82,147	1.89
7	55,019	1.26	55,019	1.26
8	45,354	1.04	45,354	1.04
9	30,632	0.70	24,833	0.57
10	53,845	1.24	42,760	0.98
11	228,908	5.24	161,725	3.67
TOTAL	654,720	14.43	604,821	13.90

LEGAL DESCRIPTION
 PARCEL 2 OF PARCEL MAP NO. 10400 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DOCUMENT NO. 2003 AS FILE NO. 2003-10400-01 OFFICIAL RECORD.

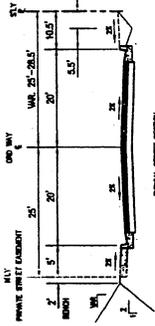
- LEGEND**
- BOUNDARY LINE
 - PROPOSED PARCEL LINE
 - EXISTING PARCEL LINE
 - CENTRAL LINE
 - EASEMENT LINE
 - EXISTING FEATURES
 - PROPOSED BUILDING
 - PROPOSED FEATURES
 - EXISTING ELEVATION
 - PROPOSED ELEVATION
 - CHAIN LINK FENCE
 - MAJOR CONTOUR
 - MINOR CONTOUR
 - FIRE HYDRANT
 - DOUBLE DETECTOR CHECK, PM & PDC
 - PROPOSED WALL HEIGHT
 - PROPOSED SIDEWALK
 - PROPOSED DRIVEWAY LEADING TO INDIVIDUAL LOTS
 - PROPOSED TRANSFORMER
 - KEYNOTE
 - PROPOSED PARCEL NUMBER

- KEY NOTES**
- EXISTING WATER MAIN
 - EXISTING SEWER MAIN
 - EXISTING STORM DRAIN
 - PROPOSED WATER MAIN
 - PROPOSED SEWER MAIN
 - PROPOSED STORM DRAIN
 - PROPOSED CURB & CUTTER
 - PROPOSED CURB
 - PROPOSED CUTTER
 - PROPOSED SIDEWALK
 - PROPOSED TRASH ENCLOSURE
 - PROPOSED RETAINING WALL
 - PROPOSED LANDSCAPE AREA

- GENERAL NOTES**
- DATE OF PREPARATION: AUGUST 2006
 - GROSS AREA: 654,720 SQ. FT., 14.43 AC
 - NET AREA: 604,821 SQ. FT., 13.90 AC (LESS 500 SQ. FT. ACCESS EASEMENT)
 - ASSessor'S PARCEL NO. 162-120-75-00
 - NUMBER OF PARCELS: 11
 - NUMBER OF LINGUING UNITS: 0
 - ADDRESS: N/A
 - CONTAIN INTERVALS: 1'
 - MINIMUM SLOPE GRADIENT: 2%
 - PERCENT OF LANDSCAPING: 34.30%
 - OFF-STREET PARKING REQUIRED: 307 STALLS
 - ANALYSIS OF PROPOSED BUILDING: 435 STALLS
 - PERCENT OF PROJECTS IN STREETS: 8.80%
 - EXISTING ZONING: I (LIMIT INDUSTRIAL)
 - GENERAL PLAN DESIGNATION: U (LIGHT INDUSTRIAL)
 - TOPOGRAPHY SOURCE: ANIMA TOPO DATED MAY 2005
 - PREPARED BY DEVELOPMENT RESOURCE CONSULTANTS - MAY 17, 2004
 - REVISIONS BY MILLIKEN CONSULTANTS: JANUARY 18, 2004
 - PROPOSED PARCEL MAP NO. 10400, PREPARED BY MILLIKEN CONSULTANTS, INC. - JULY 24, 2003



NEIGHBORHOOD MAP
 NOT TO SCALE



TENTATIVE PARCEL MAP
 DATE: AUGUST 2006
 SHEET 1 OF 1

ENGINEER
DRCA
 Development Resource Consultants
 10000 WILSON AVENUE, SUITE 100
 COSTA MESA, CA 92626
 TEL: (714) 967-1100
 FAX: (714) 967-1114

PREPARED UNDER THE SUPERVISION OF:
 LAWRENCE MITCHELL GAYNE, P.E., AS 1715
 EXP. 12/31/08

NO.	DESCRIPTION

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P22

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE PARCEL MAP ON CERTAIN REAL PROPERTY
6 IN THE CITY OF OCEANSIDE

6 APPLICATION NO: P-5-06

7 APPLICANT: BKM Development Co.

8 LOCATION: North of the 1600 block of Ord Way, east of Peacock Boulevard and south
of Oceanside Boulevard

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Tentative Parcel Map under the provisions of Articles
13 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 a parcel map for eleven industrial lots and a 17-unit industrial condominium map within
15 parcels one and eleven;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day
18 of April, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
19 application.

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto; this project has been found to be exempt per General Rule Section 15061 (b) 3;

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

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

26 FINDINGS:

27 For the Tentative Parcel Map:

- 28 1. The proposed subdivision creates parcels, which are consistent with the industrial zoning
designation. In addition, the parcel map is consistent with the General Plan of the City.

- 1 2. The site is physically suitable to allow for the development for 11 industrial parcels and a
2 17-unit industrial condominium subdivision.
- 3 3. The project was reviewed under the provision of California Environmental Quality Act
4 and there is no evidence of potential environmental impacts.
- 5 4. The design of the subdivision or proposed improvements will not conflict with
6 easements, acquired by the public at large for access through the use of property within
7 this subdivision.
- 8 5. The subdivision complies with all other applicable ordinances, regulations and guidelines
9 of the City of Oceanside.

10 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
11 approve Tentative Parcel Map (P-5-06) subject to the following conditions:

12 **Building:**

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

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

1 **Engineering:**

- 2 14. In addition to the conditions listed herein, the subdivider is responsible for satisfying all of
3 the conditions and private reciprocal access, parking, drainage and utility easements shall
4 be recorded over all private driveways and parking lots within the entire Oceanside
5 Gateway Parcel Map and Development agreements as listed in Planning Commission
6 Resolutions No. 2003-P30 and 2003-P53.
- 7 15. Reciprocal Agreements. Prior to approval of final parcel map, the applicant shall prepare
8 and submit to the City Engineer for review and shall obtain approval for the proper
9 easement and agreement documents associated with parcels (1-11) for maintenance,
10 reciprocal parking and access purposes.
- 11 16. Pursuant to the State Map Act, improvements shall be required at the time of development.
12 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
13 these improvement conditions and a certificate setting forth the recordation shall be placed
14 on the map.

14 **Planning:**

- 15 17. This Tentative Parcel Map shall expire on April 23, 2009 unless the Planning Commission
16 grants a time extension.
- 17 18. This Tentative Parcel Map approves only a 17-unit industrial subdivision with a maximum
18 unit size of 6,700 square feet as shown on the plans and exhibits presented to the Planning
19 Commission for review and approval. Units less than 2,500 square feet in size, as depicted
20 on the Tentative Parcel Map, are intended to be combined with the larger contiguous units
21 to provide for flexibility in the size of the units. No unit shall be sold that is less than 2,500
22 square feet in size. The minimum number of units (17) shall be noted on the map. No
23 deviation from these approved plans and exhibits shall occur without the City Planner
24 approval. Substantial deviations shall require a revision to the Tentative Parcel Map or a
25 new Tentative Parcel Map.
- 26 19. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
28 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
annul an approval of the City, concerning Parcel Map P-5-06. The City will promptly
notify the applicant of any such claim, action or proceeding against the City and will

1 cooperate fully in the defense. If the City fails to promptly notify the applicant of any
2 such claim action or proceeding or fails to cooperate fully in the defense, the applicant
3 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

4 20. A covenant or other recordable document approved by the City Attorney shall be prepared
5 by the subdivider and recorded prior to the approval of the final map. The covenant shall
6 provide that the property is subject to this resolution, and shall generally list the conditions
7 of approval.

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

12 22. Failure to meet any conditions of approval for this development shall constitute a violation
13 of the Tentative Parcel Map.

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

19 24. Any future development upon the subdivided properties shall be subject to the land use
20 policies and development standards, which are in effect at that time.

21 25. The approved Oceanside Gateway Business Center association and Covenants,
22 Conditions, and Restrictions (C.C. & R's) shall be provided for the maintenance of all
23 common open space, parking areas, landscaping, medians and commonly owned fences
24 and walls and adjacent parkways. The maintenance shall include normal care and
25 irrigation of landscaping, repair and replacement of plant material and irrigation systems
26 as necessary; and general cleanup of the landscaped and open area, parking lots and
27 walkways. The (17) industrial units shall be subject to the CC&R's of the approved
28 Tentative Parcel Map and Development plan and shall be subject to the review and
approval by 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 CC&R's in which the association relinquishes responsibility for the maintenance of

1 any common open space shall not be permitted without the specific approval of the City
2 of Oceanside.

3 **Water Utilities:**

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

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

9 28. The property owner will maintain private water and wastewater utilities located on private
10 property.

11 29. A separate irrigation meter and approved backflow prevention device is required.

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

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

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

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

26 34. An Inspection Manhole, described by the City's Water, Sewer, and Reclaimed Water
27 Design and Construction Manual, shall be installed in each building sewer lateral and the
28 location shall be called out on the approved Improvement Plans.

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

1 36. All Water and Wastewater construction shall conform to the most recent edition of the City
2 of Oceanside Water, Sewer, and Reclaimed Water Design and Construction Manual.

3 PASSED AND ADOPTED Resolution No. 2007-P22 on April 23, 2007 by the following
4 vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9
10 _____
11 Dennis Martinek, Chairman
12 Oceanside Planning Commission

13 ATTEST:

14 _____
15 Jerry Hittleman, Secretary

16 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
17 this is a true and correct copy of Resolution No. 2007-P22.

18
19 Dated: _____ April 23, 2007
20
21
22
23
24
25
26
27
28

PLANNING COMMISSION
RESOLUTION NO. 2003-P53

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

APPLICATION NO: D-6-03
 APPLICANT: BKM Development Company, LLC.
 LOCATION: South of Oceanside Boulevard between Arroyo and Beverly Glen Drive

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan under the provisions of Articles 12, 31 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

construction of 26 industrial buildings totaling 528,599 square feet;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of September, 2003 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$8,024 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	\$.441 per square foot
4			
5	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.34 per square foot
6			
7	Traffic Signal Fee	Ordinance No. 87-19	\$7.80 per vehicle trip
8	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$177 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
9			
10			
11	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Based on meter size Typical 2" is \$16,512
12			
13			
14	Wastewater System Buy-in Fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Based on meter size Typical 2" is \$20,214
15			
16			
17			
18	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Typical 2" is \$10,421

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

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;

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;

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

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

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

9 FINDINGS:

10 For the Development Plan:

- 11 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
12 in that the project has been designed to meet or exceed the Zoning Ordinance standards.
- 13 2. The Development Plan conforms to the General Plan of the City.
- 14 3. Public Facilities and infrastructure necessary to serve the project are currently in place,
15 or will be constructed as part of the project.
- 16 4. The project is consistent and compatible with the surrounding industrial neighborhoods.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
18 approve the Negative Declaration and approve Development Plan (D-6-03) subject to the
19 following conditions:

20 Building:

- 21 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
22 Building Department plan check.
- 23 2. The granting of approval under this action shall in no way relieve the applicant/project
24 from compliance with all State and local building codes.
- 25 3. Site development, parking, access into buildings and building interiors shall comply with
26 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 27 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
28 property shall be underground (City Code Sec. 6.30).
5. The building plans for this project are required by State law to be prepared by a licensed
architect or engineer and must be in compliance with this requirement prior to submittal
for building plan review.

1 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
2 and shall be shielded appropriately. Where color rendition is important high-pressure
3 sodium, metal halide or other such lights may be utilized and shall be shown on final
4 building and electrical plans.

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

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

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

21 Engineering:

22 8. In addition to the conditions listed herein, this development is subject to all conditions of
23 approval listed in Resolution No. 2003-P30.

24 9. All right-of-way alignments, street dedications, exact geometrics and widths shall be
25 dedicated and improved as required by the City Engineer.

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

28 11. Prior to issuance of a building permit all improvement requirements shall be covered by
a development agreement and secured with sufficient improvement securities or bonds
guaranteeing performance and payment for labor and materials, setting of monuments,
and warranty against defective materials and workmanship.

- 1 12. Prior to issuance of a building permit a phasing plan for the construction of public and
2 private improvements including landscaping, shall be approved by the City Engineer.
- 3 13. The developer shall provide public street dedication as required to serve the property.
- 4 14. The approval of the project shall not mean that closure, vacation, or abandonment of any
5 public street, right-of-way, easement, or facility is granted or guaranteed to the
6 developer. The developer is responsible for applying for all closures, vacations, and
7 abandonment's as necessary. The application(s) shall be reviewed and approved or
8 rejected by the City under separate process(es) per codes, ordinances, and policies in
9 effect at the time of the application.
- 10 15. Prior to approval of the first engineering drawing a phasing plan for the construction of
11 public and private improvements including landscaping, streets and arterials shall be
12 approved by the City Engineer. All improvements shall be under construction to the
13 satisfaction of the City Engineer prior to the issuance of any building permits. All
14 improvements shall be completed prior to issuance of any certificates of occupancy.
- 15 16. 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) Dirt, debris and other construction material shall not be deposited on any public
19 street or within the City's storm water conveyance system.
 - 20 b) All grading and related site preparation and construction activities shall be
21 limited to the hours of 7 a.m. to 6 p.m., Monday through Friday. No
22 earthmoving or grading operation shall be conducted on Saturdays, Sundays or
23 legal holidays unless written permission is granted by the City Engineer with
24 specific limitations to the working hours and types of permitted operations. All
25 on-site construction staging areas shall be as far as possible (minimum 100 feet)
26 from any existing residential development. Because construction noise may still
27 be intrusive in the evening or on holidays, the City of Oceanside Noise
28 Ordinance also prohibits "any disturbing excessive, or offensive noise which
causes discomfort or annoyance to reasonable persons of normal sensitivity."
 - c) The construction site shall accommodate the parking of all motor vehicles used by
persons working at or providing deliveries to the site.

- 1 17. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and
2 other applicable charges, fees and deposits shall be paid prior to the issuing of any building
3 permits, in accordance with City Ordinances and policies. The developer shall also be
4 required to join into, contribute, or participate in any improvement, lighting, or other
5 special district affecting or affected by this project. Approval of the tentative map (project)
6 shall constitute the developer's approval of such payments, and his agreement to pay for
7 any other similar assessments or charges in effect when any increment is submitted for
8 final map or building permit approval, and to join, contribute, and/or participate in such
9 districts.
- 10 18. All streets shall be improved with curbs and gutters.
- 11 19. This project's streets shall remain private and shall be maintained by an association.
12 The pavement sections, traffic indices, alignments, and all geometrics shall meet public
13 street standards.
- 14 20. The developer shall contract with an engineering firm to perform R-value testing of the
15 existing pavement on the adjacent streets. The limits of the study shall be half street on
16 Oceanside Boulevard along the property boundary. The Developer shall submit a study
17 that shall analyze whether the existing pavement meets current City standards/traffic
18 indices. If the study concludes that the pavement does not meet City standards/traffic
19 indices, rehabilitation/mitigation recommendations shall be included in the study and the
20 Developer shall reconstruct the street per the recommendations to the satisfaction of the
21 City Engineer.
- 22 21. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
23 approved soil tests and traffic indices. The pavement design is to be prepared by the
24 developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 25 22. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
26 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 27 23. All existing overhead utility lines within the development and/or within any full width
28 street or right-of-way abutting this development, and all new extension services for the
development of the project, including but not limited to, electrical, cable and telephone,
shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
and as required by the City Engineer and current City policy.

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- 24. The developer shall comply with all the provisions of the City's cable television ordinances including those relating to notification as required by the City Engineer.
- 25. Grading and drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff and shall be in accordance with the City's Engineers Manual and as directed by the City Engineer.
- 26. The applicant shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U.S. Army Corps of Engineers, California Department of Fish and Game, U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.
- 27. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.
- 28. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant with cash securities and approved by the City Engineer.
- 29. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a preliminary grading permit and approved by the City Engineer prior to the issuance of building permits. Frontage and median landscaping shall be installed prior to the issuance of any building permits. Project fences, sound or privacy walls and monument entry walls/signs shall be designed, reviewed and constructed by the landscape plans and shown for location only on grading plans. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated

- 1 through project landscape plans. All plans must be approved by the City Engineer and a
2 pre-construction meeting held, prior to the start of any improvements.
- 3 30. Open space areas and down-sloped areas visible from a collector-level or above roadway
4 and not readily maintained by the property owner, shall be maintained by a homeowners'
5 association that will insure installation and maintenance of landscaping in perpetuity.
6 These areas shall be indicated on the final map and either reserved for an association. In
7 either case, future buyers shall be made aware of any estimated monthly costs. The
8 disclosure, together with the CC&R's, shall be submitted to the City Engineer for review
9 prior to the recordation of final map. In the event the homeowner's association dissolves,
10 responsibility for irrigation and maintenance of the slopes (open space areas) adjacent to
11 each property shall become that of the individual property owner.
- 12 31. The drainage design on the development plan is conceptual only. The final design shall be
13 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
14 engineering. All drainage picked up in an underground system shall remain underground
15 until it is discharged into an approved channel, or as otherwise approved by the City
16 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
17 All storm drain easements shall be dedicated where required. The applicant shall be
18 responsible for obtaining any off-site easements for storm drainage facilities.
- 19 32. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
20 disposed of in accordance with all state and federal requirements, prior to stormwater
21 discharge either off-site or into the City drainage system.
- 22 33. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
23 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
24 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial
25 street or state highway.
- 26 34. The development shall comply with all applicable regulations established by the United
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
28 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
storm water discharge and any regulations adopted by the City pursuant to the
N.P.D.E.S. regulations or requirements. Further, the applicant may be required to file a
Notice of Intent with the State Water Resources Control Board to obtain coverage under

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

11 35. Upon acceptance of any fee waiver or reduction by the developer the entire project will
12 be subject to prevailing wage requirements as specified by Labor Code section
13 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
14 wage requirements prior to the granting of any fee reductions or waivers.

15 36. The Developer shall submit an Operations & Maintenance (O&M) Plan and Manual to
16 the Engineering Division with the first submittal of engineering plans. The Plan and the
17 Manual shall be prepared by the applicant's Civil Engineer. It shall be directly based on
18 the project's Storm Water Mitigation Plan (SWMP) previously approved by the project's
19 approving authority Planning Commission. It shall be approved by the City Engineer
20 prior to approval of any plans by the Engineering Division. At a minimum the O&M
21 Plan and Manual shall describe the designated responsible parties to manage the storm
22 water BMP(s), employee's training program and duties, operating schedule, maintenance
23 frequency, routine service schedule, specific maintenance activities, copies of resource
24 agency permits, and any other necessary activities. Construction-phase requirements
25 proposed in the Plan and Manual shall be incorporated in and referenced by the project's
26 Erosion Control Plans to the satisfaction of the City Engineer prior to approval of any
construction plans for the project.

27 37. The Developer shall enter into a City-Standard Stormwater Facilities Maintenance
28 Agreement with the City obliging the project proponent to maintain, repair and replace
the storm water Best Management Practices (BMPs) identified in the project's approved

1 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan and Manual into
2 perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of
3 any precise grading permit and shall be recorded at the County Recorder's Office prior to
4 issuance of any building permit. Security in the form of a cash or perpetual traditional
5 bond or an irrevocable letter of credit shall be required prior to issuance of a precise
6 grading permit. The amount of the security shall be equal to 10 years of maintenance
7 costs. The O&M cost estimate shall be prepared by the applicant's Civil Engineer. The
8 O&M cost estimate shall be approved by the City Engineer prior to approval of any
9 engineering plans for the project.

10 38. The City requires that a copy of the Operation & Maintenance (O&M) Plan and Manual
11 approved by the City Engineer be attached to the approved Maintenance Agreement
12 prior to its review by the City Attorney. At a minimum, maintenance agreements shall
13 require the inspection and servicing of all structural BMPs on an annual basis. The
14 project proponent shall complete and maintain O&M forms to document all maintenance
15 requirements. Parties responsible for the O&M plan shall retain records for at least 5
16 years. These documents shall be made available to the City for inspection upon request
17 at any time.

18 39. The Agreement shall include a copy of executed onsite and off-site access easements
19 necessary for the operation and maintenance of BMPs that shall be binding on the land
20 throughout the life of the project to the benefit of the party responsible for the O&M of
21 BMPs (5), until such time that the storm water BMP requiring access is replaced,
22 satisfactory to the City Engineer.

23 40. The type, model, or dimensions of the BMPs described in the project's approved Storm
24 Water Mitigation Plan (SWMP) shall not be altered in any way, shape or form without
25 formal approval by the project's final approving authority Planning Commission at a
26 public hearing, if such hearing was required for the approval of the project.

27 41. The project shall construct a right turn only lane for eastbound Oceanside Boulevard at
28 Ord Way. The project shall also construct an acceleration lane for eastbound Oceanside
Boulevard beginning at Ord Way along the project frontage. Any existing facilities
affected by construction of these lanes shall be protected in place, or relocated to the
satisfaction of the City Engineer. The design geometry and construction of these

- 1 improvements shall be consistent with CalTrans and City standards and be to the
- 2 satisfaction of the Transportation Manager.
- 3 42. Additional right-of-way shall be dedicated to the south side of Oceanside Boulevard to
- 4 allow for construction of a 450-foot right-turn only lane and acceleration lane.
- 5 43. Ord Way shall be constructed to private street standards 36-foot curb-to-curb width with a
- 6 traffic index of 5.
- 7 44. Ord Way shall be improved with a sidewalk that shall be 5-feet in width (not including
- 8 top of curb) and be in conformance with ADA standards.
- 9 45. The alignment of Ord Way shall line up with the St. Margaret's Church driveway to
- 10 form a four-way intersection with Oceanside Boulevard. Curb radii shall be a minimum
- 11 of 35 feet at the intersection of Oceanside Boulevard at Ord Way.
- 12 46. Driveway design for the project driveways onto Ord Way shall conform to San Diego
- 13 Regional and City standards. No driveway access to Oceanside Boulevard from any
- 14 project parcels will be permitted.
- 15 47. Parking shall be prohibited on both sides of all interior streets less than 32 feet in curb-to-
- 16 curb width, and on one side of all streets less than 36 feet in width.
- 17 48. Sight distance requirements at all street intersections, as well as private driveway
- 18 intersections onto public streets, shall conform to the corner intersection sight distance
- 19 criteria as provided by the California Department of Transportation Highway Design
- 20 Manual.
- 21 49. A traffic signal shall be constructed at the intersection of Oceanside Boulevard and Ord
- 22 Way. The design, construction and operation shall be as required in the City's Traffic
- 23 Signal Design Manual, and to the satisfaction of the Transportation Manager. The signal
- 24 shall provide protective left turns for eastbound and westbound approaches to the
- 25 intersection. The timing of construction of these signals shall depend upon the map
- 26 recordation phasing and upon development of the tract increments.
- 27 50. An access easement on Ord Way shall be provided for construction and maintenance of
- 28 traffic signal loops and equipment.
51. A left-turn pocket shall be designed and constructed with appropriate transition and storage
- lengths per CalTrans standards on westbound Oceanside Boulevard at Ord Way. The

1 project will be required to improve the existing eastbound left-turn pocket on Oceanside
2 Boulevard at this intersection to current CalTrans and City standards.

3 52. As identified in the traffic impact analysis, the project shall contribute a fair share
4 contribution of 21 percent to install a westbound to northbound right-turn overlap phase at
5 the intersection of College Boulevard at Oceanside Boulevard.

6 53. A traffic control plan shall be prepared according to the City traffic control guidelines and
7 be submitted to and approved by the Transportation Manager prior to the start of work
8 within open City rights-of-way. Traffic control during construction of streets that have
9 been opened to public traffic shall be in accordance with construction signing, marking and
10 other protection as required by the CalTrans Traffic Manual and City Traffic Control
11 Guidelines in effect at the time of construction.

12 54. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved
13 otherwise.

14 55. A haul route shall be obtained at least 7 days prior to the start of hauling operations and
15 must be approved by the Transportation Manager. Hauling operations shall be 8:00 to
16 3:30 p.m. unless approved otherwise.

16 Fire:

17 56. A minimum fire flow of 3,000 gallons per minute shall be provided.

18 57. The size of Fire hydrant outlets shall be 2 1/2" X 2 1/2' X 4".

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

21 59. All-weather access roads shall be installed and made serviceable prior to and during time
22 of construction. Sec. 901.3 Uniform Fire Code.

23 60. A "Knox" key storage box shall be provided for all new construction. For buildings other
24 than high high-rise, a minimum of 3 complete sets of keys shall be provided. Keys shall be
25 provided for all exterior entry doors, fire protection equipment control rooms, mechanical
26 and electrical rooms, elevator controls and equipment spaces, etc.

27 61. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
28 prior to the issuance of building permits.

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

63. All existing fire hydrants within 400 feet of the project shall be shown on the plot plan.

- 1 64. An approved fire sprinkler system must be installed throughout the building. The system
2 shall be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler system requires
3 24-hour supervision.
- 4 65. When fire sprinkler systems are required in buildings of undetermined use, they shall have
5 a sprinkler density of .33 GPM/sq. ft. with a minimum design area of 3,000 sq. ft.
- 6 66. The fire department connection shall not be affixed to the building. The fire department
7 connection must be located at least 40-feet away from the building, within 40-feet of a fire
8 hydrant and on the address side of the building unless otherwise determined by the fire
9 department. The hydrant shall be located on the same side of the street as the fire
10 department connection.
- 11 67. In accordance with the Uniform Fire Code Sec. 901.4.4, approved addresses, for
12 Commercial, Industrial and Residential Occupancies, shall be placed on the structure in
13 such a position as to be plainly visible and legible from the street or roadway fronting the
14 property. Numbers shall contrast with their background.
- 15 68. Multi-Building complexes require address directory boards that are visible from the main
16 entrance.
- 17 69. Multi-Tenant Buildings require identification on the rear exit doors with individual suite
18 numbers or letters.
- 19 70. Industrial buildings require 12" address numbers (with a 1-inch wide stroke).
- 20 71. Buildings shall meet Oceanside Fire Departments current adopted codes at the time of
21 building permit application.
- 22 72. Blue hydrant identification markers shall be placed in the center of the street, adjacent to
23 the street hydrants.
- 24 73. A fire apparatus access road shall be provided to within 150-feet of all exterior walls of the
25 first floor of the building. The route of the fire apparatus access road shall be provided to
26 within 150-feet of all exterior walls of the first floor of the building. The route of the fire
27 apparatus access road shall be approved by the fire department. The 150-feet is measured
28 by means of an unobstructed route around the exterior of the building.
74. Apparatus access roads shall have a minimum unobstructed width of 28-feet. A minimum
vertical clearance of 14-feet shall be provided for the apparatus access roads.

1 75. The Fire Department access roadway shall be provided with adequate turning radius for
2 Fire Department apparatus. A 50-foot outside and 30-foot inside radius U.F.C. Sec. 902.

3 Planning:

4 76. This Development Plan shall expire on September 22, 2005, unless a time extension is
5 granted by the Planning Commission.

6 77. This Development Plan approves construction of 26 industrial buildings totaling 528,599
7 square feet as shown on the plans and exhibits presented to the Planning Commission for
8 review and approval. No deviation from these approved plans and exhibits shall occur
9 without Planning Department approval. Substantial deviations shall require a revision to
10 the Development Plan or a new Development Plan.

11 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
12 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
13 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
14 annul an approval of the City, concerning Development Plan D-6-03. The City will
15 promptly notify the applicant of any such claim, action or proceeding against the city and
16 will cooperate fully in the defense. If the City fails to promptly notify the applicant of
17 any such claim action or proceeding or fails to cooperate fully in the defense, the
18 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
19 City.

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

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

- a) The developer shall be responsible for irrigating and landscaping all embankments within the project, and all slopes along major streets.

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- b) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street, as a solitary planting. Approved root barriers shall be incorporated.
- c) To mitigate the loss of landmark and/or mature existing trees on site the determination of replacement shall be based on tree number, type, and caliper (caliper measured 2 1/2 feet from the base of the tree at existing grade). The total number of tree caliper lost shall be equal to the total number of caliper replaced. Replacement trees shall be a minimum of 15-gallon container stock. A field survey shall be performed under the supervision of the City Landscaping Section to evaluate the existing tree population and the replacement requirements. The existing trees to remain or proposed for removal shall be identified on the Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing tree type, location, and caliper shall be shown on the above plans. Replacement trees shall be identified and shown on the Landscape Plan and shall be subject to review and approval by the City Engineer and Planning Director.

81. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors in interest in the property. The maintenance program shall include normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this Resolution.

82. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall also include additional space for storage and collection of recyclable materials per City standards. Recycling is required by City Ordinance. The enclosures must be built in a flat, accessible location as determined by the City Engineer. The enclosure (or enclosures) shall meet City standards including being constructed of concrete block, reinforced with Rebar and filled with cement. A concrete slab must be poured with a berm on the inside of the enclosure to prevent the bins from striking the block walls. The slab must extend out of

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

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

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

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

86. Failure to meet any conditions of approval for this development shall constitute a violation of the Development Plan.

87. 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

1 Description and Justification, Management Plan and other materials and information
2 submitted with this application, unless specifically waived by an adopted condition of
3 approval.

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

8 89. If any aspect of the project fencing and walls is not covered by an approved Development
9 Plan, the construction of fencing and walls shall conform to the development standards of
10 the City Zoning Ordinance. In no case, shall the construction of fences and walls
11 (including combinations thereof) exceed the limitations of the zoning code, unless
12 expressly granted by a Variance or other development approval.

13 90. Elevations, siding materials, colors, roofing materials and floor plans shall be
14 substantially the same as those approved by the Planning Commission. These shall be
15 shown on plans submitted to the Building Department and Planning Department.

16 91. The Oceanside Gateway Business Park Wetland Mitigation Plan (AMEC 2003) shall be
17 implemented prior to the issuance of building permits. For impacts of up to 0.18-acres of
18 wetland habitat, the mitigation plan specifies that 0.27 acres of wetland shall be preserved
19 and enhanced, and 0.78-acres of wetland shall be created adjacent to the preserved
20 wetland. Thus, a total of 1.05-acres of wetland mitigation will occur on-site. The habitat
21 created shall consist of creation of Willow woodland (in-kind) habitat adjacent to the
22 preserved southern Willow scrub.

23 92. If construction will occur within 500 feet of occupied gnatcatcher habitat between February
24 15 and August 31, a qualified biologist shall conduct surveys to determine if the preserved
25 habitat is occupied by gnatcatchers. During construction, no activity will occur within 500
26 feet of active breeding territories of the gnatcatcher, unless measures are implemented to
27 minimize noise and disturbance to the adjacent birds. These measures shall include sound
28 walls that ensure that the hourly Leq sound levels reaching the gnatcatcher habitat areas do
not exceed the 60 dBA Leq threshold.

93. Construction work areas shall be delineated and marked clearly in the field prior to habitat
removal, and the marked boundaries maintained clearly visible to personnel on foot and by

1 heavy equipment operators. Employees will strictly limit their activities and vehicles to the
2 proposed project areas, staging areas, and routes of travel. The project proponent will
3 contact the Planning Director and US Fish and Wildlife Service to verify that the limits of
4 construction have been properly staked and are readily identifiable.

5 94. The applicant shall provide a mechanism to ensure protection of wetland habitat to be
6 created, enhanced and preserved on-site to maintain wetland functions and values. This
7 mechanism shall be developed in coordination with the City, Corps of Engineers, U.S Fish
8 and Wildlife Service, and California Department of Fish and Game. One potential
9 mechanism would be the establishment of a conservation easement and endowment for
10 management of resources in perpetuity.

11 95. The loss of California gnatcatcher occupied habitat shall be mitigated through acquisition
12 and management in perpetuity of up to 1.7-acres of mitigation land in the Whelan Ranch
13 Mitigation Bank or another suitable mitigation area in the City of Oceanside as approved
14 by City of Oceanside, U.S Fish and Wildlife Service (USFWS), and California Department
15 of Fish and Game (CDFG).

16 96. Brushing, grading, and construction shall not occur if the California gnatcatcher is
17 occupying the habitat on-site and construction noise exceeds 60 dB Leq at the wetland
18 boundary between March 15 and September 15, to avoid construction noise disturbance.

19 97. All project lighting shall be directed away from the wetland to protect sensitive wildlife
20 habitat from light intrusion at night. Lower levels of light after 10:00 p.m. until sunrise
21 shall be required on the southern portion of the site.

22 98. Signage shall be placed along the edge of the wetland area designating it as sensitive
23 habitat and prohibiting access to this area.

24 99. The following traffic improvements shall be approved prior to issuance of building permits
25 and installed prior to issuance of occupancy permits for any use in Phase II:

- 26 a) Construct a separate right turn lane in an eastbound direction and an acceleration
27 lane eastbound from Ord Way at the Oceanside Boulevard intersection.
- 28 b) Construct a traffic signal at the Oceanside Boulevard/Ord Way intersection.
- c) Install westbound to northbound overlapping phasing hardware and related
improvements at the Oceanside Boulevard/College Boulevard intersection prior to
issuance of occupancy permits.

- 1 100. All on-site construction staging areas shall be a minimum 300 feet from the residences to
2 the south and 100 feet from the wetland area to be preserved south and west of Ord Way.
- 3 101. The loss of 3.19-acres of annual grassland habitat shall be mitigated at a 0.5:1 ratio (1.6
4 acres) through preservation of similar habitat offsite within the City of Oceanside or at an
5 approved mitigation bank.
- 6 102. If construction occurs during the raptor-breeding season of February 1 to August 30, a
7 pre-construction survey for nesting Cooper's hawks and other raptors is required to
8 avoid impacts to these species. If an active raptor nest is located onsite during
9 construction, nest area shall be avoided and a biological monitor shall be present to
10 assure that nesting activities are not interrupted.
- 11 103. No invasive, exotic plants (as specified by Cal ExPIC) shall be used in landscape areas or
12 the wetland creation area of the project site. Native plants shall be utilized to the extent
feasible within landscaped areas of the project site.

13 Water Utilities:

- 14 104. All public water and/or sewer facilities not located within the public right-of-way shall
15 be provided with easements sized according to the City's Engineers Manual. Easements
16 shall be constructed for an all weather access.
- 17 105. No trees or structures or building overhang shall be located within any water or
18 wastewater utility easement.
- 19 106. The property owner shall maintain private water and wastewater utilities located on
private property.
- 20 107. A separate irrigation meter is required and approved backflow prevention device is
21 required.
- 22 108. The developer shall construct a public reclamation water system that will serve each lot
23 and or parcels that are located in the proposed project in accordance with the City of
24 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be
25 located in the public streets or in a public utility easement.
- 26 109. Water services and sewer laterals constructed in existing right-of-way locations are to be
27 constructed by approved and licensed contractors at developer's expense.
- 28 110. The developer shall be responsible for developing all water and sewer facilities
necessary to develop the property. Any relocation of water and/or sewer lines is the

responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.

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

112. An Inspection Manhole, described by the City's Engineering Manual, shall be installed in each building sewer lateral and the location shall be called out on the approved improvement plans.

113. All water and wastewater construction shall conform to the most recent edition of the City's Engineers Manual, or as approved by the Water Utilities Director.

114. A sewer study must be prepared by the developer at the developer's expense and reviewed and approved by the Water Utilities Department. The sewer design on the development plan is conceptual only. The final design shall be based upon a hydraulic study that provides a capacity analysis based on the proposed and tributary flows of the most downstream tie-in point. Upgrades to the existing sewer system shall be in accordance with the City's Engineers Design Manual flow depth criteria.

115. Provide 8" water loop between buildings 4-A and 4-B back to Oceanside Boulevard.

116. Any additional line valves will be determined during design.

117. Install 10" check valve at north end of Ord Way at tie-in to existing line.

118. Install tie-in on Ord Way and Oceanside Boulevard.

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1 119. The water and wastewater easement located along the westerly property line shall meet
2 the requirements of the City of Oceanside Design Manual and be constructed for all-
3 weather access to existing manholes and valves. No slopes or biofiltration shall be
4 allowed over any easements.

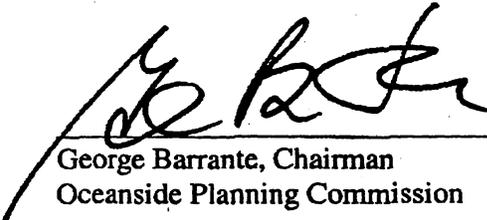
5 PASSED AND ADOPTED Resolution No. 2003-P53 on September 22, 2003 by the
6 following vote, to wit:

7 AYES: Barrante, Schaffer, Chadwick, Nack, Neal and Parker

8 NAYS: None

9 ABSENT: Todd

10 ABSTAIN: None

11
12
13 
George Barrante, Chairman
Oceanside Planning Commission

14 ATTEST:

15 
16 _____
17 Gerald S. Gilbert, Secretary

18 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2003-P53.

20
21 Dated: September 22, 2003

RECEIVED

APR 24 2003

Planning Department

LEGAL DESCRIPTION

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

PARCEL 1:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, LYING WESTERLY AND NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CALIFORNIA CENTRAL RAILROAD COMPANY, AS DESCRIBED IN DEED RECORDED IN BOOK 92, PAGE 379 OF DEEDS, AND IN BOOK 97, PAGE 241 OF DEEDS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

EXCEPTING THEREFROM ALL MINERAL, OIL AND GAS RIGHTS AS RESERVED BY W. R. MCELROY, ET AL, IN DEED RECORDED JANUARY 28, 1948 IN BOOK 2028, PAGE 261 OF OFFICIAL RECORDS.

PARCEL 2:

THE EASTERLY 429 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE 100 FEET WIDE, AS GRANTED TO THE CALIFORNIA CENTRAL RAILWAY COMPANY BY DEEDS RECORDED IN BOOK 92, PAGE 379 AND IN BOOK 97, PAGE 241 OF DEEDS, RESPECTIVELY.

PARCEL 2A:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE (100 FEET WIDE) OF THE LAND GRANTED TO CALIFORNIA CENTRAL RAILWAY COMPANY BY DEEDS RECORDED IN BOOK 92, PAGE 379 AND IN BOOK 97, PAGE 241, BOTH OF DEEDS, RESPECTIVELY.

EXCEPTING THEREFROM THE EASTERLY 429 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE WESTERLY 680.20 FEET THEREOF, SAID WESTERLY 680.20 FEET BEING MEASURED ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND SOUTH LINE OF SAID NORTHWEST QUARTER.

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS THE EASTERLY SIXTY (60) FEET OF THE WESTERLY 740.20 FEET (SAID WESTERLY 740.20 FEET BEING MEASURED ALONG THE NORTH LINE AND ALONG THE SOUTH LINE) OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

LEGAL DESCRIPTION (cont'd)

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN PARCEL 2A HEREINABOVE DESCRIBED, AND ALSO EXCEPTING THAT PORTION LYING IN SAID 100 FOOT RIGHT OF WAY HEREIN DESCRIBED IN PARCEL 2A ABOVE.

THE EASEMENT HEREIN DESCRIBED IS HEREBY DECLARED TO BE APPURTENANT TO AND FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNERS OF ALL OR ANY PORTION OF PARCEL 2A ABOVE.

PARCEL 3A:

PARCEL B OF PARCEL MAP NO. 7587, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 14, 1978 AS FILE NO. 78-295855 OF OFFICIAL RECORDS.

PARCEL 3B:

AN EASEMENT AND RIGHT OF WAY FOR THE PURPOSES OF CONNECTING TO WATER, SEWER AND STORM DRAIN SYSTEMS AND APPURTENANCES THERETO; TOGETHER WITH THE RIGHT OF MAINTENANCE THEREOF, OVER, UNDER, ALONG, ACROSS AND THROUGH THE EASTERLY 30 FEET OF PARCEL 2 OF PARCEL MAP NO. 15591, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 27, 1989 AS FILE NO. 89-099268 OF OFFICIAL RECORDS

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PLANNING COMMISSION
RESOLUTION NO. 2003-P30

A RESOLUTION OF THE PLANNING COMMISSION OF THE
CITY OF OCEANSIDE, CALIFORNIA APPROVING A
TENTATIVE PARCEL MAP ON CERTAIN REAL PROPERTY
IN THE CITY OF OCEANSIDE

APPLICATION NO: P-1-03
APPLICANT: BKM Development Company
LOCATION: South side of Oceanside Boulevard and western terminus of Ord
Way

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

WHEREAS, there was filed with this Commission a verified petition on the forms
prescribed by the Commission requesting a Tentative Parcel Map under the provisions of Article
13 of the Zoning Ordinance of the City to permit the following:

to subdivide a 38.35-acre lot into 6 lots for financial purposes;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 19th day
of May, 2003 conduct a duly advertised public hearing as prescribed by law to consider said
application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
Guidelines thereto; the project has been found to be categorically exempt per Article 19 from
environmental review;

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

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

FINDINGS:

For the Tentative Parcel Map:

1. That the proposed map is consistent with the applicable provisions of the General Plan,
the Zoning Ordinance, and the Subdivision Ordinance of the City.

1 2. The site is physically suitable for the type of development that would be enabled by the
2 proposed subdivision.

3 3. The design of the subdivision, itself, will not cause substantial environment damage or
4 substantially and avoidably injure fish or wildlife or their habitat. In addition, the
5 proposed subdivision project qualifies for a categorical exemption from further
6 environmental review under the provisions of the California Environmental Quality Act.

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

9 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
10 approve Tentative Parcel Map (P-1-03) subject to the following conditions:

11 Engineering:

12 1. This subdivision includes no development entitlements. Any future development
13 entitlements shall be the result of a specific development approval(s) in accordance with
14 the effective land use and development regulations for the City. Accordingly, the
15 following site improvement requirements may be required as conditions of future
16 development approval.

17 2. All development requirements and engineering improvements for the entire site area
18 covered by this Tentative Parcel Map shall be determined at time of the first
19 development application for any one or more of the subdivided lots. The City's
20 determination of development requirements and engineering improvements shall be
21 based upon the applicant's analyses and calculations for development of the entire
22 subdivided area with exacting assumptions for future development upon subdivided
23 parcels that are deferred to a later phase of construction or subject to a different
24 ownership. The full scope of development requirements and engineering improvements
25 associated with the first development approval shall be constructed with the
26 implementation of the first development.

27 a) In accordance with the existing development regulations, the analyses and
28 calculations associated with any future development application shall include,
29 but not limited to, the following:

- Comprehensive Traffic study

- Preliminary drainage study
- Preliminary geotechnical and geological study
- Environmental Impact analysis
- Standard Urban Stormwater Mitigation Plan (SUSMP)

3. Vehicular access rights to Oceanside Boulevard shall be relinquished to the City from all abutting parcels created by the Tentative Parcel Map, with the exception that a single restricted access (right-turn in and right-turn out) shall be approved in an area between Parcel 3 and Parcel 4, as conceptually shown on the Tentative Parcel Map. The exact location/alignment of the access/private drive shall be based upon the applicant's analyses and calculations for development of the entire subdivided area with exacting assumptions for future development upon subdivided parcels that are deferred to a later phase of construction or subject to a different ownership. Should the applicant's analyses and calculations for development of the entire subdivided area determine that a non-restricted access to Oceanside Boulevard could be constructed without posing a threat to public health and safety, the Transportation Manager may allow such access.

4. All right-of-way alignments, street dedications, exact geometrics and widths will be required to be dedicated and improved as required by the City Engineer at the time of development on any of the proposed parcels.

5. Design and construction of all improvements associated with future development will be required to be in accordance with standard plans, specifications of the City and subject to approval by the City Engineer at the time of development of any one of the subdivided parcels.

6. The developer of first development may be required to dedicate or obtain dedications for purposes of -public street dedication along Oceanside Boulevard over any one of the future parcels, as required to serve the entire site covered by the Tentative Parcel Map.

7. The developer of the first development shall be required to obtain, at his own expense, all necessary easements or other interests in real property and shall dedicate the same to the City as may be required for the construction of slopes, public utility facilities, drainage facilities, etc. The developer will be required to provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to

1 the issuance of any grading, building or improvement permit for the development.
2 Additionally, the City, may at its sole discretion, require that the developer obtain, at his
3 expense, a title policy insuring the necessary title for the easement or other interest in real
4 property to have vested with the City or himself.

5 8. Pursuant to the State Map Act, improvements will be required at the time of development
6 of any one of the subdivided parcels. A covenant, reviewed and approved by the City
7 Attorney, shall be recorded attesting to these improvement conditions and a certificate
8 setting forth the recordation shall be placed on the Parcel Map.

9 9. Public streets along the frontage of the Tentative Parcel Map will be required to be
10 dedicated and improved with any development of any of the subdivided parcels as directed
11 by the City Engineer and City Traffic Engineer as follows:

12 a) Oceanside Boulevard: 4-Lane Major Arterial: minimum 100-foot right-of-way
13 improved as a divided highway with a raised, landscaped median of 16 feet
14 separating two 32 foot wide, curb to curb street sections and a traffic index of 9.0.

The improvements are to be half-width plus 12 feet.

15 10. The exact alignment, width and design of all median islands, turning lanes, travel lanes,
16 driveways, striping, turnouts, bike lanes, and width/length transitions and other measures
17 will be required to be approved by the City Engineer at the time of final design associated
18 with the first development application.

19 11. Traffic signals may be required to be constructed or modified at the time of the first
20 development. The design, construction and operation shall be as required by the City
21 Engineer or the Transportation Manager.

22 12. Sight distance requirements at all street intersections will be required to conform to the
23 intersection sight distance criteria as provided by the California Department of
24 Transportation Highway Design Manual.

25 13. At the time of first development, and as may be required by North County Transit District
26 (NCTD), a bus turnout and bus shelter may be required to be constructed adjacent to the
27 site and additional right of way dedication may be required for this purpose. The design of
28 the shelter shall be consistent with the design themes of the project and will be required to
29 be maintained in good repair and cleanliness at all times.

- 1 14. All existing overhead utility lines within any portion of the subject property and within
2 any full width street or right-of-way abutting the subject property, and all new extension
3 services, including but not limited to, electrical, cable and telephone, will be required to
4 be placed underground at the time of development of any of the proposed parcels per
5 Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City
6 Engineer and current City policy.
- 7 15. The subdivider as owner, and any successors in property interest, shall maintain all open
8 space areas and down-sloped areas visible from a collector-level or higher classification
9 roadway. These areas shall be identified and noted on the Parcel Map as to their
10 maintenance responsibilities as approved City Engineer.

11 **Planning:**

- 12 16. Prior to approval of the Tentative Parcel Map, a reciprocal easement serving each of the
13 future parcels for purposes of access and utilities shall be prepared to the satisfaction of the
14 City Engineer.
- 15 17. Prior to approval of the Tentative Parcel Map, an updated erosion control plan and
16 temporary landscaping plan shall be prepared, approved and bonded to the satisfaction of
17 the City Engineer. The installation of erosion control plan and temporary landscaping plan
18 shall be completed within 90 days of the approval of the Tentative Parcel Map.
- 19 18. This Tentative Parcel Map shall expire on May 19, 2005, unless a time extension is granted
20 by the Planning Commission.
- 21 19. This Tentative Parcel Map approves only a 6-lot subdivision for sales and financing
22 purposes as shown on the plans and exhibits presented to the Planning Commission for
23 review and approval. No deviation from these approved plans and exhibits shall occur
24 without Planning Department approval. Substantial deviations shall require a revision to
25 the Tentative Parcel Map or a new Tentative Parcel Map.
- 26 20. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
27 harmless the City, its agents, officers or employees from any claim, action or proceeding
28 against the City, its agents, officers, or employees to attack, set aside, void or annul an
29 approval of the City, concerning Tentative Parcel Map P-1-03. The City will promptly
notify the applicant of any such claim, action or proceeding against the city and will

1 cooperate fully in the defense. If the City fails to promptly notify the applicant of any
2 such claim action or proceeding or fails to cooperate fully in the defense, the applicant
3 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

4 21. A covenant or other recordable document approved by the City Attorney shall be prepared
5 by the subdivider and recorded prior to the approval of the final map. The covenant shall
6 provide that the property is subject to this Resolution, and shall generally list the conditions
7 of approval.

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

12 PASSED AND ADOPTED Resolution No. 2003-P30 on May 19, 2003 by the following

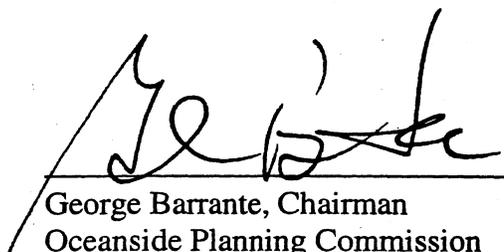
13 vote, to wit:

14 AYES: Barrante, Chadwick, Nack, Neal, Parker, Todd and Schaffer

15 NAYS: None

16 ABSENT: None

17 ABSTAIN: None

18
19 
20 _____
George Barrante, Chairman
Oceanside Planning Commission

21 ATTEST:

22 
23 _____
24 Gerald S. Gilbert, Secretary

25 I, GERALD S. GILBERT, Secretary of the Oceanside Planning Commission, hereby certify that
26 this is a true and correct copy of Resolution No. 2003-P30.

27
28 Dated: _____ May 19, 2003 _____
29

RECEIVED

MAR 12 2003

LEGAL DESCRIPTION

Planning Department

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

PARCEL 1:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, LYING WESTERLY AND NORTHWESTERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE OF THE CALIFORNIA CENTRAL RAILROAD COMPANY, AS DESCRIBED IN DEED RECORDED IN BOOK 92, PAGE 379 OF DEEDS, AND IN BOOK 97, PAGE 241 OF DEEDS IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY.

EXCEPTING THEREFROM ALL MINERAL, OIL AND GAS RIGHTS AS RESERVED BY W. R. MCELROY, ET AL., IN DEED RECORDED JANUARY 28, 1946 IN BOOK 2028, PAGE 261 OF OFFICIAL RECORDS.

PARCEL 2:

THE EASTERLY 429 FEET OF THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE 100 FEET WIDE, AS GRANTED TO THE CALIFORNIA CENTRAL RAILWAY COMPANY BY DEEDS RECORDED IN BOOK 92, PAGE 379 AND IN BOOK 97, PAGE 241 OF DEEDS, RESPECTIVELY.

PARCEL 2A:

ALL THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO OFFICIAL PLAT THEREOF, LYING NORTHERLY OF THE NORTHWESTERLY RIGHT OF WAY LINE (100 FEET WIDE) OF THE LAND GRANTED TO CALIFORNIA CENTRAL RAILWAY COMPANY BY DEEDS RECORDED IN BOOK 92, PAGE 379 AND IN BOOK 97, PAGE 241, BOTH OF DEEDS, RESPECTIVELY.

EXCEPTING THEREFROM THE EASTERLY 429 FEET THEREOF.

ALSO EXCEPTING THEREFROM THE WESTERLY 680.20 FEET THEREOF, SAID WESTERLY 680.20 FEET BEING MEASURED ALONG THE NORTH LINE OF SAID NORTHWEST QUARTER AND SOUTH LINE OF SAID NORTHWEST QUARTER.

PARCEL 2B:

AN EASEMENT AND RIGHT OF WAY FOR ROAD AND PUBLIC UTILITY PURPOSES OVER, UNDER, ALONG AND ACROSS THE EASTERLY SIXTY (60) FEET OF THE WESTERLY 740.20 FEET (SAID WESTERLY 740.20 FEET BEING MEASURED ALONG THE NORTH LINE AND ALONG THE SOUTH LINE) OF THE NORTHWEST QUARTER OF SECTION 23, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA.

LEGAL DESCRIPTION (cont'd)

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WITHIN PARCEL 2A HEREINABOVE DESCRIBED, AND ALSO EXCEPTING THAT PORTION LYING IN SAID 100 FOOT RIGHT OF WAY HEREIN DESCRIBED IN PARCEL 2A ABOVE.

THE EASEMENT HEREIN DESCRIBED IS HEREBY DECLARED TO BE APPURTENANT TO AND FOR THE USE AND BENEFIT OF THE PRESENT AND FUTURE OWNERS OF ALL OR ANY PORTION OF PARCEL 2A ABOVE.

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PARCEL B OF PARCEL MAP NO. 7587, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JULY 14, 1978 AS FILE NO. 78-295855 OF OFFICIAL RECORDS.

PARCEL 3B:

AN EASEMENT AND RIGHT OF WAY FOR THE PURPOSES OF CONNECTING TO WATER, SEWER AND STORM DRAIN SYSTEMS AND APPURTENANCES THERETO, TOGETHER WITH THE RIGHT OF MAINTENANCE THEREOF, OVER, UNDER, ALONG, ACROSS AND THROUGH THE EASTERLY 30 FEET OF PARCEL 2 OF PARCEL MAP NO. 15591, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON FEBRUARY 27, 1989 AS FILE NO. 89-099268 OF OFFICIAL RECORDS



CITY OF OCEANSIDE
PLANNING DEPARTMENT

NOTICE OF EXEMPTION

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

PROJECT TITLE AND FILE NUMBER:
PRESCOTT PARCEL MAP (P-01-03)

PROJECT LOCATION - SPECIFIC:
APN 162-120-16, -45, -46, and -51

PROJECT LOCATION - GENERAL:
City of Oceanside

DESCRIPTION OF NATURE, PURPOSE AND BENEFICIARIES OF PROJECT:
Subdivide existing parcels into five (5) numbered parcels and two (2) lettered parcels for financial purposes.

NAME OF PUBLIC AGENCY APPROVING PROJECT:
City of Oceanside

NAME OF PERSON(S) OR AGENCY CARRYING OUT PROJECT:
BKM Development Company
1945 Placentia Avenue
Costa Mesa, CA 92627
949-556-0100

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(S)

REASONS WHY PROJECT IS EXEMPT:

The division of property is for financial purposes only and will not have an adverse affect on the environment.

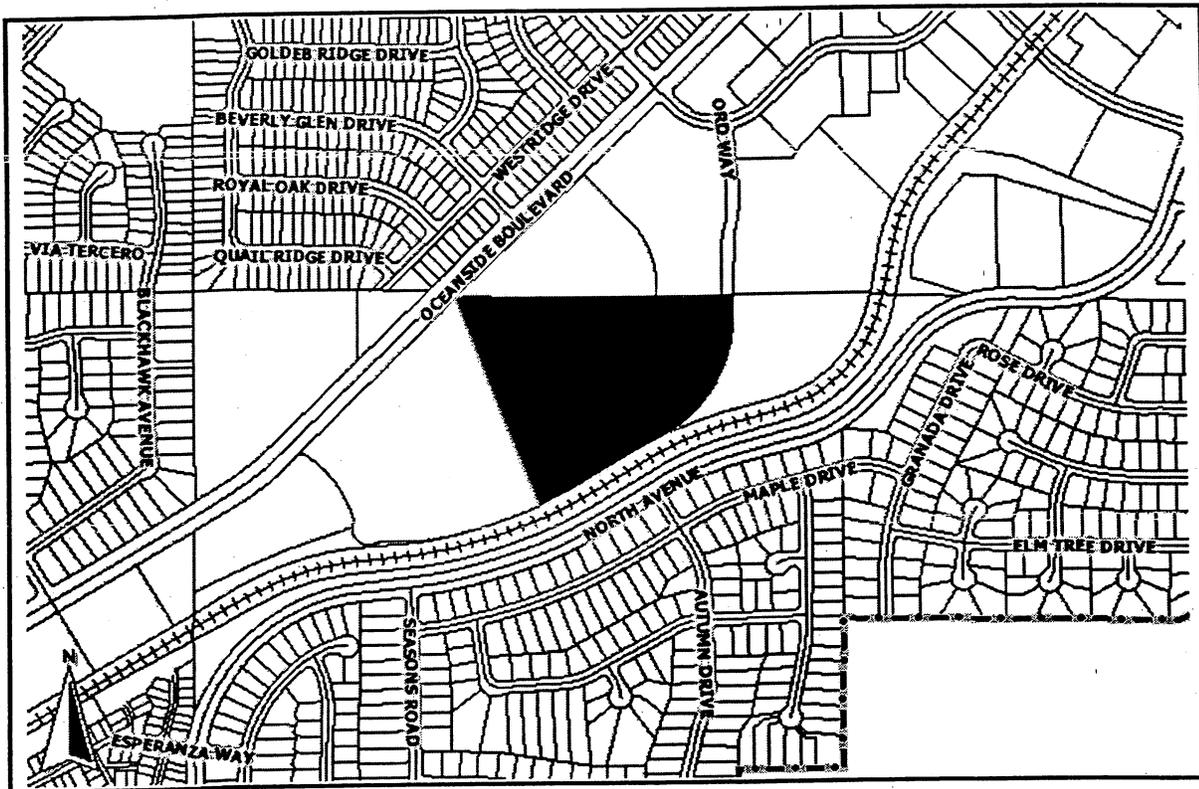
Contact Person: Juliana von Hacht, Planner I


SIGNATURE

For: Gerald Gilbert, Planning Director

March 31, 2003

DATE



File Number: P-5-06

Applicant: BKM Development Co.

Description:

TENTATIVE PARCEL MAP (P-5-06) for an 11-lot subdivision and a 17-unit industrial condominium map on a previously approved industrial complex located north of the 1600 block of Ord Way. The project site is zoned IL (Limited Industrial) and is situated within the Peacock Neighborhood. **OCEANSIDE GATEWAY**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

City of Oceanside, Planning Department
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520

Application For Planning Commission Hearing

Planning Department (760) 435-3520
 Oceanside Civic Center
 300 North Coast Highway
 Oceanside, California 92054-2885

Please Print or Type All Information

STAFF USE ONLY

ACCEPTED BY

RECEIVED
 MAY 15 2006
 Planning Department

HEARING

RA

PART I - APPLICANT INFORMATION

1. APPLICANT BKM Development Company	2. STATUS Subdivider	GPA	
3. ADDRESS 3185 Pullman Ave. Costa Mesa, CA 92626	4. PHONE/FAX 714-557-4100 714-557-4114	MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Gary Ibanez - Development Resource Consultants		ZONE CH.	
6. ADDRESS 8175 East Kaiser Blvd. Anaheim, CA 92808	7. PHONE/FAX 714-685-6860 714 685-6801	TENT. MAP	
8. LOCATION South of Oceanside Blvd. between Arroyo & Beverly Glen Dr.		PAR. MAP	P-5-06
9. SIZE 14.43 AC		DEV. PL.	
10. GENERAL PLAN Light Industrial & General Commercial	11. ZONING Light Industrial & General Commercial	C.U.P.	
12. LAND USE Vacant	13. ASSESSOR'S PARCEL NUMBER 162-120-75-00		
VARIANCE			
COASTAL			
O.H.P.A.C.			

PART II - PROPERTY DESCRIPTION

14. GENERAL PROJECT DESCRIPTION Subdivide the subject land into seventeen (17) numbered parcels. 11-LOTS & WITHIN LOTS (1 & 11); 17 INDUSTRIAL CONDO PARCELS. Rev-8/23/06, 12/8/06			15. PROPOSED GENERAL PLAN Same	16. PROPOSED ZONING Same	17. PROPOSED LAND USE Light Industrial	18. NO. UNITS 0	19. DENSITY N/A
20. BUILDING SIZE N/A	21. PARKING SPACES 2 TPM ONLY	22. % LANDSCAPE TOM NA 2 TPM ONLY	23. % LOT COVERAGE N/A				

PART III - PROJECT DESCRIPTION

ALL APPLICATIONS						DEV. PLANS, C.U.P.s & TENT. MAPS					
X	24. DESCRIPTION/JUSTIFICATION	X	25. LEGAL DESCRIPTION	N/A	30. FLOOR PLANS AND ELEVATIONS						
X	26. 300-FT. RADIUS MAP	X	27. PROPERTY OWNERS' LIST	N/A	31. CONSTRUCTION SCHEDULE						
X	28. ENVIRONMENTAL ASSESSMENT	X	29. PLOT PLANS	N/A	32. OTHER						

PART IV - ATTACHMENTS

PART V - SIGNATURES			
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			
33. APPLICANT OR REPRESENTATIVE (Print): Gary Ibanez		34. DATE 4/7/06	
Sign:		37. OWNER (Print): Brian K. Malliet	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		38. DATE 4/7/06	
Sign:		39. OWNER Print): _____	
35. APPLICANT (Print): Gary Ibanez		36. DATE 4/7/06	
Sign:		40. DATE _____	



Development Resource Consultants, Inc.

Civil Engineering • Land Surveying • Land Planning

March 5, 2007

Planning Department
City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

RE: Tentative Parcel Map
For Parcel 2 of Parcel Map 19400
bkm Development Co.
Southeast Side Oceanside Blvd. between College and Peacock Blvds.

Dear Sir or Madam:

The referenced Tentative Parcel Map is being submitted to obtain approvals to subdivide approximately 14.43 acres on the southeast side of Oceanside Boulevard into eleven (11) numbered parcels with proposed parcels 1 and 11 being condominiums. There are currently proposed on-site and off-site development rights per Resolution Nos. 2003-P53 and 2003-P30.

As indicated on the Tentative Parcel Map, eleven (11) numbered parcels would be established. An existing easement for roadway, utility and access per Parcel Map 19400 provides legal access to the numbered parcels. Reciprocal access easements will provide access to the interior parcels.

The approval of this application allows bkm Development Company to move forward with the sale of the parcels. The Site will be fully developed per the above referenced resolutions and will provide the benefits to the community that are often associated with a Project of this magnitude.

It is our hope that it can be determined that this proposal corresponds to the City's goals and ordinances, and will result in a complete application, and a recommendation for approval.

Please contact me should you have any questions.

Sincerely,

Lawrence M. Gates, PE
Principal

C: Brian Malliet, bkm Development Co.

Area Exhibit

**Tentative Parcel Map for Parcel 2 of Parcel Map 19400
bkm Oceanside Gateway Business Park (P-5-06)**

3/6/2007

Parcel No. Building No. Building Area*

<u>Parcel No.</u>	<u>Building No.</u>	<u>Building Area*</u>
1 (CONDO)	2-E	11,631' SF
	2-F	
	2-G	
2	2-D	8,708' SF
3	2-C	8,092' SF
4	2-B	9,406' SF
5	2-A	11,240' SF
6	2-T	33,427' SF
7	2-U	25,146' SF
8	2-V	19,008' SF
9	2-W	10,458' SF
10	2-X	17,011' SF
11 (CONDO)	2-H	6,707' SF
	2-I	3,250' SF
	2-J	3,256' SF
	2-K	3,597' SF
	2-L	3,531' SF
	2-M	3,015' SF
	2-N	6,332' SF
	2-O	6,395' SF
	2-P	6,242' SF
	2-Q	6,208' SF
	2-R	6,208' SF
	2-S	6,242' SF
	2-Y	4,475' SF
2-Z	6,000' SF	

*Building Areas per Architect's Plan

architecture
planning
interiors

WARE MALCOMB

Leading Design for Commercial Real Estate

January 11, 2007

Scott Nightingale
City of Oceanside
Planning Department
300 N. Coast Hwy.
Oceanside, CA 92054

RE: Oceanside Gateway Business Park – Parcel 2

Dear Mr. Nightingale,

We are requesting a small change in the original site plan by reducing the length of building 2-Q & 2-P and turning building 2-R & 2-S to match up with 2-Q & 2-P. Also, to split building 2-W into Two Building 2X & 2W as approved from the planning commission for the Application for substantial conformity.

From the approved by the planning commission plan the total area was 241, 185 S.F. with 1.95/ 1000 parking ratio (470 parking stalls). The updated site plan has 242, 865 S.F. with 1.81/ 1000 parking ratio (439 parking stalls). We have slightly less parking stalls than before, but still enough parking stalls for Parcel 2.

Thank you,

Sincerely,

WARE MALCOMB

Kevin Kim

p 949.660.9128

f 949.863.1581

10 edelman
irvine. california
92618

waremalcomb.com

irvine
los angeles
northern california
sacramento
san diego
denver
chicago
new jersey

David,

As we talk about this from meeting today, I'm sending you Parcel-2 Parking Data sheet and Parking and loading spaces required sheets from substantial conformity page 2. (City sheet# 31-11).

Industry, custom and general:	1 per 1,000 sq. ft.
Industry, Limited:	1 per 750 sq. ft.
Wholesaling, Distribution and Storage:	1 per 1,500 sq. ft.

On our parking data sheet we used 1 per 750 sq. ft. and Parcel 2 required 326 parking stalls and we have provided 439 stalls.
We have enough parking stalls for Parcel 2.

Thanks,

Kevin B. Kim
Senior Project Coordinator

p 949.660.9128
f 949.863.1581
e kkim@waremalcomb.com

WARE MALCOMB
Leading Design for Commercial Real Estate

waremalcomb.com

PARKING DATA: _____ PARCEL 2 _____

REQUIRED PARKING: _____ OVERALL (PHASE 1 AND 2) _____

WAREHOUSE	203,370 SF. (1/750 SF)	272
OFFICE	40,101 SF. (1/750 SF)	54

TOTAL REQUIRED STALLS 326
REQUIRED ACCESSIBLE STALLS 8, INCLUDING
1 VAN ACCESSIBLE

PROVIDED PARKING:
ACCESSIBLE STALLS : 38, 19 VAN ACCESSIBLE
STANDARD STALLS : 401

TOTAL PROVIDED STALLS : 439 (PARCEL 1 AND 2)

7082

DOC # 2006-0726382



OCT 12, 2006 12:11 PM

RECORDING REQUESTED BY, AND WHEN RECORDED RETURN TO:

Fato

CONDO

OFFICIAL RECORDS
SAN DIEGO COUNTY RECORDER'S OFFICE
GREGORY J. SMITH, COUNTY RECORDER
FEES: 144.00 WAYS: 2
PAGES: 44



2006-0726382

FS
44P
2W
1CM

Croudace & Dietrich
5 Park Plaza, Suite 1150
Irvine, California 92614
Attention: Virginia P. Croudace, Esq.

NCS 192150

(Space Above This Line For Recorder's Use)

SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR OCEANSIDE GATEWAY BUSINESS PARK

THIS SUPPLEMENTAL DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS AND RESERVATION OF EASEMENTS FOR Oceanside Gateway Business Park (the "Declaration") is made by PCCP bjm OCEANSIDE II, LLC, a Delaware limited liability company ("Declarant"), as of the 12th day of October, 2006.

P R E A M B L E:

A. Declarant is the sole owner of certain real property (hereinafter, the "Covered Property") located in the City of Oceanside, County of San Diego, State of California, and more particularly described as Parcels 2 ("Parcel 2") and 3 of Parcel Map No. 19400, as more fully set forth on Exhibit "A" attached hereto and incorporated herein by this reference (the "Parcel Map") filed in the office of the County Recorder of San Diego County (the "Official Records") as File No. 2003-1509403 on December 26, 2003. Parcel 3 has been further divided into (1) Parcels 1 through 8 (collectively, "Parcel 3") of Parcel Map No. 20052 (the "Parcel 3 Map") "Recorded" (as defined below) in the Official Records on July 14, 2006 as Instrument No. 2006-0496849 and (2) Units 3-A1 through 3-A8, Units 3-B1 through 3-B8, Units 3-C1 through 3-C7, Units 3-D1 through 3-D9, Units 3-E1 through 3-E8, Units 3-F1 through 3-F8, Units 3-G1 through 3-G9 and Units 3-H1 through 3-H7 by the Condominium Plan covering Parcel 3 (the "Parcel 3 Condominium Plan") Recorded in the Official Records approximately concurrently herewith. Parcel 2 is anticipated to be further divided into Units 2-E through 2-S, 2-Y and 2-Z by a condominium plan to be Recorded in the Official Records (the "Parcel 2 Condominium Plan").

B. The Covered Property and the other two parcels covered by the Parcel Map (the "Other Property") are subject to the terms of that certain Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Oceanside Gateway Business Park Recorded

7102

7.6 Damage to Shared Maintenance Areas. Subject to Section 9.5 below, any Shared Maintenance Areas shall be maintained jointly by the Owners whose Units are served by the same. Notwithstanding anything to the contrary contained herein and without limiting the generality of the foregoing, but subject to Section 10.1(b) below, in the event that the Owner or a Permittee of a Unit causes damage to a Shared Maintenance Area (whether arising out of or caused by the willful misconduct or negligent act or omission of such Owner and/or his Permittees or otherwise), such Owner shall be responsible, at his sole cost and expense, for promptly repairing such damage and for any increased insurance costs incurred by the other Owner(s) of Units within the Condominium Building served by such Shared Maintenance Areas, or by the Condominium Association with respect to the policy described in Section 10.1(b) below, arising out of such damage.

7.7 Damage to Condominium Buildings. If all or any portion of any Unit or Improvement thereon or serving the same or Shared Maintenance Area serving the Unit (but excluding Condominium Association Property which shall be governed by Article IX below and damage to Condominium Buildings which is the Condominium Association's obligation to repair pursuant to Section 9.5 below) is damaged or destroyed by fire or other casualty or as a result of condemnation, the Owner of such Unit shall promptly, at his sole cost and expense (i) subject to prior approval by the ARC (or Declarant, if the ARC has not yet been established), rebuild such damaged Improvements with materials substantially equivalent to that initially used in the construction or placement thereof, (ii) clear such area of any debris and maintain such area in a safe, attractive and landscaped condition and/or install a sight barrier surrounding such area, or (iii) take such other action as may be approved by the ARC (or Declarant, if the ARC has not yet been established).

ARTICLE VIII USE RESTRICTIONS

All real property within the Covered Property shall be held, used and enjoyed subject to the following limitations and restrictions, subject to the exemptions of Declarant set forth in this Declaration.

8.1 Signs. Subject to the provisions of Sections 712 and 713 of the California Civil Code, no sign, poster, display, billboard or other advertising device of any kind shall be displayed to the public view on any portion of the Covered Property without the prior written consent of the ARC (or Declarant, if the ARC has not yet been established); provided, however, that the provisions of this Section shall not apply to any sign or notice of customary and reasonable dimension which advertises a Unit for sale or lease, signs installed or displayed by Declarant or the Condominium Association, or signs as may be required by law or pursuant to an order of a court of competent jurisdiction.

8.2 Parking Areas.

(a) Parking Areas shall not be assigned, designated or reserved for the benefit of a particular Owner and/or its Permittees and all Parking Areas shall be available for all

7103

Persons having lawful reason to be at the Covered Property. Subject to the foregoing, the Condominium Association and, so long as Declarant owns any portion of the Covered Property, Declarant shall have the power to establish reasonable rules and regulations governing use of the Parking Areas, including, without limitation, adoption of a vehicle registration program and the regulation of vehicle and truck deliveries, vehicle and truck parking and loading and unloading activities.

(b) It is intended that "Required Parking Spaces" (defined herein) be provided within the Parking Areas for the benefit of the Covered Property. For purposes of this Declaration, the term "Required Parking Spaces" shall mean that number of striped and paved surface parking spaces with respect to the Covered Property as a whole, as may be determined or established from time to time by the City or other applicable governmental agency to be necessary to provide parking for the Condominium Buildings and the uses conducted on the Covered Property. Any change to the uses, square footage of Improvements or parking spaces for a Unit shall be submitted to the Condominium Association and, so long as Declarant owns any portion of the Covered Property, to Declarant for review and approval. The Parking Areas shall be used on a non-exclusive basis by the Owners and their Permittees and no Owner of a Unit or its Permittees shall mark or designate any portion of the Parking Areas, establish signs thereon or chain or block off any portion of the Parking Areas for the exclusive use of any Person. No Owner or its Permittees shall unreasonably overburden the Parking Areas by parking vehicles in the Parking Areas in excess of the Required Parking Spaces allocable to such Owner's Unit. No vehicle shall be parked on any portion of the Covered Property other than within striped parking spaces, except temporarily while loading or unloading and only then strictly in accordance with any posted signs restricting use of such parking spaces. Except for purposes of loading and unloading, and only while loading or unloading, no Person shall store or keep any dump truck, cement mixer truck, oil or gas truck, other large commercial truck, boat, aircraft, mobile home, or any other similar vehicle or any inoperable vehicle anywhere in the Covered Property except on terms approved in advance by the ARC (or Declarant, if the ARC has not yet been established), which may include requirement of a visual barrier, limits on duration, or similar restrictions. No use of the Parking Areas shall be permitted which may obstruct free traffic flow, constitute a nuisance, or otherwise create a safety hazard.

(c) Each Owner shall observe and comply with, and shall be responsible for compliance by its respective Permittees with, the parking provisions contained herein, in the Additional Declaration, in any underlying encumbrances affecting the Covered Property, and in any parking rules and regulations as may from time to time be promulgated by the Condominium Association. Without limiting the generality of the foregoing, the Condominium Association may tow from the Parking Areas any vehicle parked in violation of this Declaration and/or attach violation stickers or notices to such vehicles. Additionally, if an Owner receives more than one (1) notice from the Condominium Association in any twelve (12) month period that such Owner and his respective Permittees are overburdening the Parking Areas, the Condominium Association may assess such Owner a fine in the amount of \$100.00 in Constant Dollars per violation. An adjustment to this fine to reflect Constant Dollars shall occur on January 1 of the sixth (6th) calendar year following the date of this Declaration, and thereafter at five (5)-year intervals. All costs of such towing and any fines will, after Notice and Hearing, be charged as a

EXHIBIT A-Z

LEGAL DESCRIPTION

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

Parcel A:

Parcel 2 of Parcel Map 19400, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, December 26, 2003 as instrument no. 2003-1509403 of Official Records.

Parcel B:

A non-exclusive easement for vehicular and pedestrian access, ingress and egress purposes, as granted in the Access and Drainage Easement Agreement recorded April 16, 2004 as instrument no. 2004-0333499 of Official Records, over, on and in Lot A of Parcel Map No. 18285, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County, June 15, 1999 as instrument no. 1999-0418177 of Official Records

Parcel C:

An easement and right of way for the purposes of connecting to water, sewer and storm drain systems and appurtenances thereto, together with the right of maintenance thereof, as granted in the document titled "Reciprocal Easement", recorded October 20, 1999 as instrument no. 1999-0705399 and re-recorded March 22, 2001 as instrument no. 2001-167527 both of Official Records, over, under, along, across and through the Easterly 30 feet of Parcel 2 of Parcel Map No. 15591, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of San Diego County on February 27, 1989 as instrument no. 89-099268 of Official Records.

Parcel D:

Non-exclusive easements for ingress, egress for vehicular and pedestrian traffic and for utility purposes, within and upon the "Non-Owned Common Areas", as conveyed, set forth and described in that certain Declaration of Covenants, Conditions and Restrictions and Reservation of Easements for Oceanside Gateway Business Park, dated as of January 15, 2005, recorded January 26, 2005 as instrument no. 2005-0068872 of Official Records, in the Office of the County Recorder of San Diego County, California.

APN: 162-120-75-00



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** BKm Development Co.
2. **ADDRESS:** 3185 Pullman Ave.
Costa Mesa, CA 92626
3. **PHONE NUMBER:** (714) 557-4100
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Oceanside Gateway Business Ctr. (P-5-06)
7. **DESCRIPTION:** A request to subdivide an existing parcel into 11-numbered lots and establish a condominium map for 17 industrial condominium units located north of the 1600 block of Ord Way.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Environmental Coordinator finds that the proposed project constitutes interior alterations involving such things as interior partitions, plumbing and electrical conveyances, and the project is categorically exempt. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class three, "Existing Facilities" (Section 15301) (k); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: 4/23/07

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee