

STAFF REPORT



ITEM NO. 19
CITY OF OCEANSIDE

DATE: July 2, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-12-04), DEVELOPMENT PLAN (D-30-04) AND VARIANCES (V-20-04 AND V-10-05) FOR THE DEVELOPMENT OF 158 ATTACHED CONDOMINIUM UNITS ON A 35.8-ACRE SITE LOCATED SOUTHEAST OF STATE ROUTE 76 AND STAGE COACH ROAD, AT THE WESTERN TERMINUS OF SAN RAMON DRIVE – OCEANPOINTE – APPLICANT: HALLMARK COMMUNITIES**

SYNOPSIS

The items under consideration are an appeal of the Planning Commission's decision on Tentative Map (T-12-04), Development Plan (D-30-04) and associated Variances (V-20-04 and V-10-05). The aforementioned entitlements were considered and approved by the Commission and the Environmental Impact Report was certified on March 24, 2008. The proposed project includes two residential villages with a total of 158 condominiums. Village 1 is proposed with 62 units (Buildings 9 - 21) located adjacent to Stage Coach Road. The small portion of Village 1 with 18 units will be used as a model home complex. Village 2 is proposed to include 96 units (Buildings 1-8) located just south of SR-76. The appellant is Linda Curtiss, a homeowner in the adjacent Mission Vista Development. Staff is recommending that following the review, the City Council confirm the Planning Commission approval of the project and adopt the resolution.

BACKGROUND

The proposed 35.8-acre project site is located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive (APN 160-020-50). The property has General Plan land use and zoning designations of Medium Density B Residential (MDB-R/RM-B) and Open Space (OS). The property is vacant and is located in the Oceana neighborhood. The following residential zoning districts are adjacent to the site: RM-A (Medium Density A Residential) to the south (Oceana senior community), RM-B (Medium Density B Residential) (River Oaks Apartments and Rancho Hermosa community) and a PD (Planned Development) (proposed Rancho Vista senior homes) to the east, and RM-A to the west (Mission Vista Condominiums).

On June 4, 2003, the City Council adopted a General Plan Amendment (GPA-5-01) and Zone Amendment (ZA-5-01) that was initiated by the applicant/developer on the subject

property. The GPA and ZA were proposed to reconfigure land use and zoning designation boundary lines so that future residential development would be more suited to the natural terrain and sensitive biological habitat on-site. As a result, 50 percent of the site was designated as open space and 50 percent zoned for residential use. The site was rezoned from RM-A and RM-B, to RM-B clustered in three areas. The remainder of the site continued to be designated as open space. The City Council approved an increase in residential density (from RM-A to RM-B) since adopting the GPA/ZA would decrease the amount of residential development permitted overall on the site. The current project conforms to the General Plan and zoning changes, however, Village 3 was dropped from the proposal due to environmental constraints.

A restricted covenant was also approved as part of the GPA/ZA to restrict the use of the property. After numerous meetings with surrounding communities of Oceana and Mission Vista, the applicant agreed to the following seven stipulations to address their concerns. The stipulations are as follows:

1. Designate Area 1 (currently designated as Village 1 located adjacent to Stage Coach Road) for the exclusive purpose of an unrestricted, for-sale project.
2. Area 1 shall not exceed 80 dwelling units, regardless of entitlement to a density bonus unless it is developed as age-restricted senior housing per Section 3032 of the City of Oceanside Zoning Ordinance.
3. Area 1 shall be a gated community with restricted access to its residents and guests.
4. Area 2 (currently designated as Village 2 located north and east of Village 1) shall be a gated community with restricted access to its residents and guests. The two gates off of San Ramon and Stage Coach Road to access Area 2 shall be closed at all times. The gates shall be opened only with electronic devices by its residents and through intercom for guests at San Ramon Road.
5. The majority of units in Areas 2 and 3 shall not be built as low-income rental housing.
6. Area 3 (eliminated under the current proposed project) shall be accessed only through San Ramon Road.
7. Stage Coach Road will be fully improved per current street standards, including concrete curb, gutter, and sidewalk. These improvements currently exist only on the west side (opposite of the project) of the street. Only 50 percent of its curb to be cut for driveways, leaving the other 50 percent for street parking.

The Planning Commission held a public hearing on the project on March 24, 2008. The Commission approved the development proposal with a 7-to-0 vote. Following the hearing and prior to the end of the appeal period, an appeal was filed by Linda Curtiss, a

homeowner in the adjacent Mission Vista Development. The stated reasons for the appeal are potential geologic, traffic, and view blockage issues. This report identifies and addresses the issues raised by the appeal.

Project Description: The proposed project includes two residential villages with a total of 158 condominiums. Village 1 is proposed with 62 units (Buildings 9 - 21) located adjacent to Stage Coach Road. The small portion of Village 1 with 18 units will be used as a model home complex. Village 2 is proposed to include 96 units (Buildings 1-8) located just south of SR-76.

The project density is 8.7 dwelling units per acre, which is below the RM-B base density of 10 dwelling units per acre. The total site project area is approximately 35 acres; however, the density calculation is based on 18.26 acres of developable land. Approximately 20 acres of the site containing sensitive habitat, and steep slopes will be protected by a conservation easement. Undevelopable areas of the riparian habitat located in the RM-B zoning districts are not allowed to be factored into the density calculation per Section 1.25 of the Land Use Element of the General Plan. Slopes that are greater than 40 percent with a minimum difference in elevation of 25 feet are also undevelopable. All undevelopable slopes are located in the Open Space zoned area; none are located within the RM-B zoning district.

For comparison purposes, the table below shows the proposed number of units in the Oceanpointe project versus the density that was approved as part of the GPA and ZA as well as prior to the approval of these amendments. The project has been modified a number of times as shown on the table below:

Comparison of Development Potential

<u>Villages</u>	Oceanpointe Project (modified site design in response to DEIR public input)	Oceanpointe Project (site design analyzed in DEIR)	Approved GPA/ZA	<u>Pre- GPA/ZA</u>
1	62	78	79-90*	----
2	96	96	79-118	----
3	0	24	24-36	----
Total:	158	198	182-244	223- 342

* or maximum 80 units; see stipulation #2 of restrictive covenant.

Site access will be provided from Stage Coach Road and San Ramon Drive. Enhanced paving will be provided at all four of the project entrances and both villages will have gated entries. A portion of Village 1 located on Stage Coach Road will not be gated. Stage Coach Road will be widened and improved with an additional eight (8) feet of right-of-way. There will be ultimately 10 feet of roadway and 10 feet of parkway along the

project frontage. The parkway will be designed with a non-contiguous sidewalk and curb that will match the existing parkway on the other side of Stage Coach Road. All streets within the project will be private. Village 1 is designed with mostly 28-foot-wide streets throughout, as well as 24-foot-wide streets. Roadway access within and into Village 2 (Streets A and B) will be an up to 40-foot-wide private drive with a parkway on one or both sides of the street. Private alleys or “motor courts” will be 24 feet wide to access the rowhouses (10, 12, and 14-plex buildings). A 16-foot-wide grasscrete access road for fire and utility trucks is proposed adjacent to Building 4 in Village 2.

An engineering waiver has been approved to deviate from a private street design standard. The centerline radii for proposed private streets in the project are less than the 200 feet required per the City’s Engineers Design and Processing Manual.

Both villages will be gated with vehicular and pedestrian access gates located at three of the four project entrances. Perimeter fencing around Villages 1 and 2 will include 5-foot or 6-foot-high ornamental iron fencing. There will be a 6-foot-high “predation” fence between the biological preserve and Villages 1 and 2. The predation fence will be constructed of ornamental iron, but with vertical bars tightly spaced to prevent pets from entering the biological preserve area. Where a predation fence is not required, either a 6-foot-high ornamental iron fence will be constructed along the perimeter of the villages or a 5-foot-high ornamental iron fence, if located in the front yard along Stage Coach Road.

There will be a 6-foot-high masonry fire barrier located south of the Building 8 complex in Village 2. The Fire Department permitted this wall type to allow less than 100 feet of fuel modification from this building since there is riparian wetland habitat adjacent to this area. A 6-foot-high masonry wall is also located adjacent to the fire barrier wall and along Street A. The wildlife agencies required this wall type to avoid having lights and noise from cars traveling on Street A potentially disturbing wildlife in the riparian habitat. The pool areas and detention basin will be enclosed with 5-foot-high ornamental iron fencing, and the private patios for the townhomes (4-plex buildings) will be enclosed with a 3.5-foot-high block wall with stucco finish.

Retaining walls are located where necessary in the project. A Variance is being requested for retaining walls that exceed the 6-foot permitted height requirement. Retaining walls higher than four (4) feet will be planted and irrigated, with the exception of the 7-foot-high retaining wall proposed along Stage Coach Road, near Vista Bella. Due to engineering issues such as soil conditions and potential movement and cracking of sidewalk/curb/gutter, a solid block wall without plantings is required here, by the Engineering Division. However, the wall will not be visible from Stage Coach Road. A handrail will be constructed for pedestrian safety at this location.

Architecture: There are two residential product types being proposed: Townhomes or 4-plex (four units per building); and attached “Rowhouses” arranged as 10-plex buildings (10 units in a two-building complex), 12-plex (12 units in a two-building complex), and 14-plex (14 units in a two-building complex). Both product types are three stories high. The 4-plex is 35 feet high and the rowhouses are a maximum building height of 36 feet.

Oceanpointe is designed with Spanish Eclectic architecture. The architecture is designed with varied rooflines, pop-outs, and windows. Projections such as gables in the roof planes breakup the roof area. In addition, the architecture incorporates differing color schemes and textures to further reduce the scale of the buildings. Building materials include decorative clay tile, concrete roof tiles, stucco, wood, stone veneer, and wrought iron.

Parking: Two parking spaces will be provided for each unit. Depending on the plan type, there are attached one-car and two-car garages proposed. For Unit 1 floor plans in the townhomes or attached rowhouses, one parking space will be located in an attached garage and the second space will be uncovered and designated/reserved only for that unit. Guest spaces are provided in each village. The total amount of parking provided exceeds the amount required per the City’s parking regulation, including almost double the amount of guest spaces required. Each reserved uncovered resident space and guest space will be no more than 150 feet from a unit. Guest spaces will also be provided in proximity to major recreational amenities within each village. The table below provides a breakdown of required and proposed parking on site:

<i>Parking</i>	Village	
	1	2
<i># Units:</i>	62	96
Required		
Garage Spaces	62	96
Uncovered Residential Spaces	62	96
Uncovered Guest Spaces	13	20
<i>Total</i>	137	212
Provided		
Garage Spaces	96	176
Uncovered Residential Spaces	28	16
Uncovered Guest Spaces	24	34
<i>Total</i>	148	226

Landscaping and Open Space: To accommodate development on-site, existing trees to be removed include Eucalyptus, Brazilian Peppers, and Willow Acacia. Landscaping is proposed throughout both villages. Each gated entrance will be enhanced with an entry monument sign and landscaping such as trees and shrubs. All major streets (i.e., Stage Coach Road, Street A, and Street B) associated with the project will be lined with trees such as the Southern Live Oak, California Laurel, or Southern Magnolia.

Per Section 1050 of the Zoning Ordinance, the 158-unit Oceanpointe project is required to provide a minimum of 47,400 square feet of usable open space. The project exceeds this requirement with a total of 69,102 square feet of usable open space: 55,874 square feet of common usable open space and 13,228 square feet of private usable open space.

At least half of the required 300 square feet of usable open space per unit (150 square feet) must be provided in common usable open space. A minimum of 23,700 square feet of common usable open space is required for this project size. The proposed project is providing 55,874 square feet of common usable open space. Common open space is located throughout both villages as passive or active recreation areas. These recreation areas include amenities such as swimming pools and spa areas, sunning decks, cabana pool houses with restrooms, shaded seating areas, playgrounds with tot lots, grass lawns, lookout/viewing areas, sand horseshoe pit, and passive parks with picnic tables and benches. Pedestrian pathways are incorporated into the conceptual landscape design to link recreation areas with the units.

Hillside Regulations: In addition to RM-B base district development regulations, hillside development provisions per Section 3039 of the Zoning Ordinance also apply to portions of this project. Various setbacks, and other development restrictions, including a 30-foot building-height limit would apply to certain portions of the site. All buildings proposed in this project comply with RM-B regulations. However, a hillside regulation variance is required for certain buildings that are located on slopes that would require flat roofs and a 30-foot height limit. Portions of the following buildings are designed within these slopes:

- Village 1 – Buildings 9, 16, 20
- Village 2 – Buildings 1, 5, 6

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

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

KEY PLANNING ISSUES

General Plan Conformance: The proposed project is consistent with the Residential Medium Density (B) with a density of 8.7 dwelling units per buildable acre, which is below the base density of 10 dwelling units per acre. This designation and density is compatible with surrounding multifamily land uses. Adjoining development includes medium density residential uses and open space to the south, east, and west of the subject property in the Oceana, River Oaks Apartments, and Rancho Hermosa communities. State Route 76 is located directly north of the project site. The proposed medium density project would provide a good transition between the communities to the west and east with approximately 20 acres of protected open space in the south-central portion of the site as a buffer between the two areas.

The applicant proposes a density of 8.7 dwelling units per developable acre. Approximately 18 acres of the 36-acre site were qualified as developable and were used in calculating the density for the project site. The remainder of the site contains steep slopes and sensitive biological habitat that were not counted in the density

calculation. Open space and medium density housing have been allowable on this site since the General Plan and Zoning Ordinance update in the late 1980s. The density and multifamily use of the proposed project is also consistent with surrounding development. The Mission Vista Development to the west contains 54 condominiums at a density of 6.5 dwelling units per acre. The Oceana Development to the south contains 932 one, two and three-unit buildings at a density of 10 dwelling units per acre. To the east, the River Oaks Apartments contain 280 units at a density of 7.1 dwelling units per acre. The proposed project will be a benefit to this established medium density neighborhood.

Zoning Compliance: This project is proposed to be in the Residential Medium Density - B District (RM-B). The proposal complies with the requirements of this district. However, two variances are requested: (1) for exceeding the building height by six feet in areas subject to the hillside regulations for six out of the 22 buildings in the development and (2) for construction of four retaining walls that exceed the required 6-foot height limit. These variances are analyzed below.

For hillside projects, both base zoning district (RM-B) and hillside development regulations apply to this project. The hillside regulations only apply to development proposed on qualifying 20 percent slopes and will govern where there is a conflict. In the RM-B zoning district, the maximum permitted building height is 36 feet. For hillside projects, the maximum building height permitted is 30 feet from finished grade. This hillside requirement technically applies to Buildings 9, 16, and 20 in Village 1 and Buildings 1, 5, and 6 in Village 2. However, only minimal portions of Buildings 1 and 9 will be located on qualifying 20 percent slope areas. As shown in the visual simulations in the environmental impact report (EIR), all six of these buildings will blend in with other multistory buildings within the proposed project. Redesigning these buildings with a flat roof to comply with the 30-foot height limit would not improve the overall appearance of the hillsides and would compromise the overall design of these structures.

Only Buildings 9, 16, and 20 are on hillside slopes in Village 1. All other buildings in this village are required to comply with the permitted RM-B height of 36 feet. All buildings in Village 1 are proposed to be 35 feet high (except Building 9, which is a "rowhouse" at 36 feet high). Even if Buildings 9, 16, and 20 were redesigned to comply with the hillside height requirement of 30 feet, the height reduction would not produce an improved view and would be unnoticeable from Stage Coach Road.

A Variance is also being requested to exceed the maximum wall height requirement of six feet for four retaining walls. Three of the retaining walls will be visible only from within the Oceanpointe project area. The top of the retaining wall proposed off Stage Coach Road will be either at the same elevation here as Stage Coach Road or lower than the street elevation of Vista Bella. As a result, someone standing at the west-end or bottom of Vista Bella would need to look downward to see this 7-foot-high retaining wall. This wall would not be visible from Stage Coach Road. Exceeding the wall height requirement is necessary for certain portions of the project to maintain a 100-foot fuel modification area

from each structure, to provide proper drainage for low-lying project areas, protect biological habitat, and limit the development impact to the biological preserve area.

Environmental Impact Report: Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design. The following are key environmental issues analyzed in the project EIR:

Traffic and Circulation: The proposed project will contribute to cumulative impacts under buildout conditions at the intersection of Rancho del Oro/San Ramon Drive and El Camino Real/Vista Rey. To mitigate these impacts the project is required to install a new traffic signal on Rancho del Oro Drive at San Ramon Drive as well as a new signal at El Camino Real and Vista Rey. The project traffic report studied the potential for impacts to Stage Coach Road. The current level of service (LOS) on Stage Coach Road is LOS A. With the addition of the proposed project trips from Village 1 and 60 percent of the trips from Village 2, the LOS for Stage Coach Road would remain at an acceptable LOS A, as is the case for the nearby street of Vista Bella.

Geology: Potentially significant geotechnical and soil impacts are limited to potential settlement concerns in areas near the northern site boundary where older alluvial (sandy) soils are left in place beneath larger compacted fills. These potential impacts are limited to the project site and will be fully mitigated through conformance with recommendations in the project's geotechnical study. No offsite impacts to surrounding existing developments including Mission Vista were identified in the project's geotechnical report or EIR.

Aesthetics: Views of the proposed project from the Mission Vista Condominiums and other surrounding developments were analyzed in detail in the project EIR. Private views from the Mission Vista Condominiums located west of proposed Village 1, across Stage Coach Road, would not entirely be affected by the proposed project. The highest point of the property is located at this western ridge, adjacent to Stage Coach Road. Here, a hill reaches approximately 40 feet above Stage Coach Road and is currently the view for many Mission Vista residents. This hill is proposed to be graded down to almost grade level with Stage Coach Road, thereby providing east-west views from this street that do not currently exist. Buildings in Village 1 have been oriented to provide view corridors from Mission Vista through the project site. The City does not have any ordinances or other regulations that protect private views of distant mountains or other natural features such as the ocean. Therefore, any potential view blockage toward distant mountains and hills to the north in Camp Pendleton are not considered to be a significant environmental or land use impact.

Noise: The majority of the exterior areas of the proposed homes are subjected to long-term future year 2030 vehicular noise levels greater than 60 decibels (dB) from traffic on SR-76 and El Camino Real. Buildings exposed to an exterior noise level of 60 dB could result in exceedance of the allowable interior noise level of 45 dB. To mitigate this potential impact the applicant is required to conduct an interior noise analysis prior to the issuance of building permits to ensure that the interior noise level does not

exceed 45 dB. This can be achieved through the use of certain building materials, insulation and building design techniques.

Biological Resources: The proposed project will result in direct impacts to seven sensitive habitat areas on-site, including southern riparian forest (0.14 acre), mule fat scrub (0.14 acre), disturbed wetland (0.06 acre), Diegan coastal sage scrub (1.36 acres), disturbed coastal sage scrub (0.27), Coyote brush scrub (0.22 acre), and non-native grassland (4.23 acres). Sensitive species that occupy these habitats include the least Bell's vireo, yellow warbler, yellow-breasted chat, and coastal California gnatcatcher. A number of mitigation measures have been required to reduce biological resource impacts to below a level of significance. Mitigation of upland habitats (coastal sage scrub, coyote brush scrub, etc.) will be accomplished through on-site habitat protection (conservation easement) and management within the approximately 20-acre open space area in the center of the project site. The mitigation program includes on-site revegetation/creation of 2.81 acres of coastal sage scrub and 0.39 acre of wetland creation. A number of mitigation measures also address potential impacts from construction grading and other indirect impacts to sensitive habitats.

Paleontology: Implementation of the proposed project may result in significant paleontological resource (fossils) impacts in association with grading/excavation in previously undisturbed areas of the highly sensitive Tertiary Santiago Formation on-site that have a "highly sensitive" rating. A paleontological monitor will be required on-site during the initial site grading operations.

Conclusion: As mentioned above, the underlying land use and zoning for the site is Medium Density Residential and Open Space. The proposed project is staying well within the areas designated for development and is in compliance with all regulations with the exception of two minor variances that would not adversely affect or exacerbate any of the issues raised by the appellant – geology, traffic, or views. The site will be heavily landscaped. More than half the site – 20 acres of a total 38.5-acre site containing sensitive biological habitat and steep slopes – will be preserved in permanent open space. Therefore, the Planning Commission and staff finds that the project will not adversely affect the quality of life of immediately surrounding residences and neighborhoods and will contribute positively to open space preservation in the area.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on March 24, 2008. After hearing considerable public testimony from residents and the applicant, the Commission certified the Environmental Impact Report (EIR) and approved the project by a 7-0 vote. Commissioners indicated that the project site is physically suitable for the proposed development and land use; and that the project met applicable development standards.

CITY ATTORNEY'S ANALYSIS

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

In accordance with section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties.

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

RECOMMENDATION

Staff has reviewed the issues raised under the project appeal and finds that all of the concerns have been thoroughly addressed through the Environmental Impact Report and conditions of approval under Planning Commission Resolution No. 2008-P19. The project meets all goals, objectives, and requirements of the City's General Plan and Zoning Ordinance. Therefore it is staff's recommendation that the City Council approves the project and adopts the attached City Council resolution.

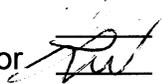
PREPARED BY


Jerry Hittleman
City Planner

SUBMITTED BY

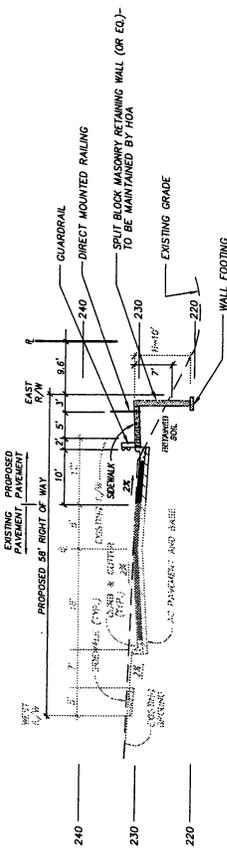

Peter A. Weiss
City Manager

REVIEWED BY:

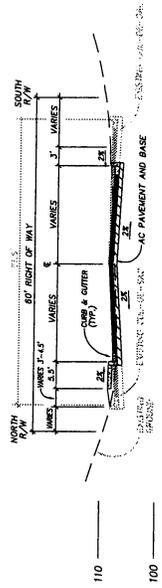
Michelle Skaggs Lawrence, Deputy City Manager
Lauren Wasserman, Interim Development Services Director 

ATTACHMENTS:

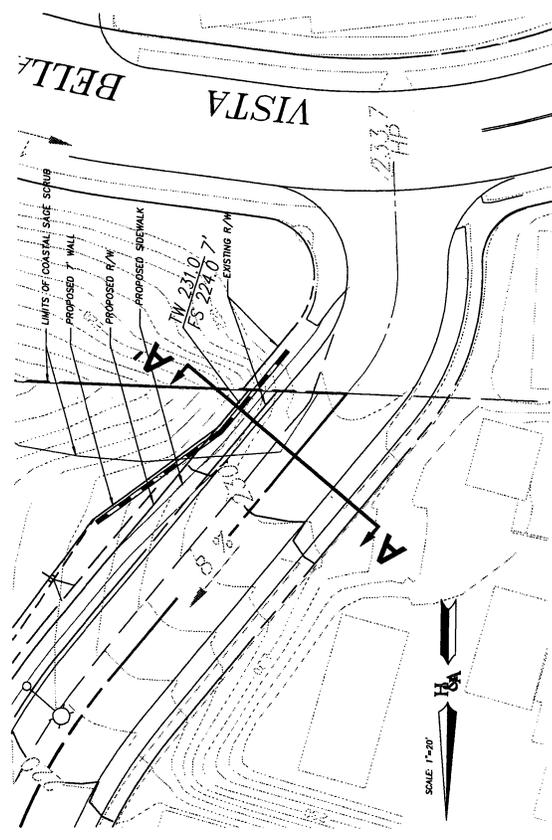
- 1. Area Map, Site Plan, Elevations, Architectural Guidelines
- 2. City Council Resolution for Approval of Project
- 3. Planning Commission Resolutions No. 2008-P18 and 2008-P19
- 4. Planning Commission Staff Report dated October 23, 2006
- 5. Appeal Letter
- 6. Final Environmental Impact Report (distributed separately)



Section A-A
WALL AT STAGE COACH ROAD
SCALE: 1" = 10'

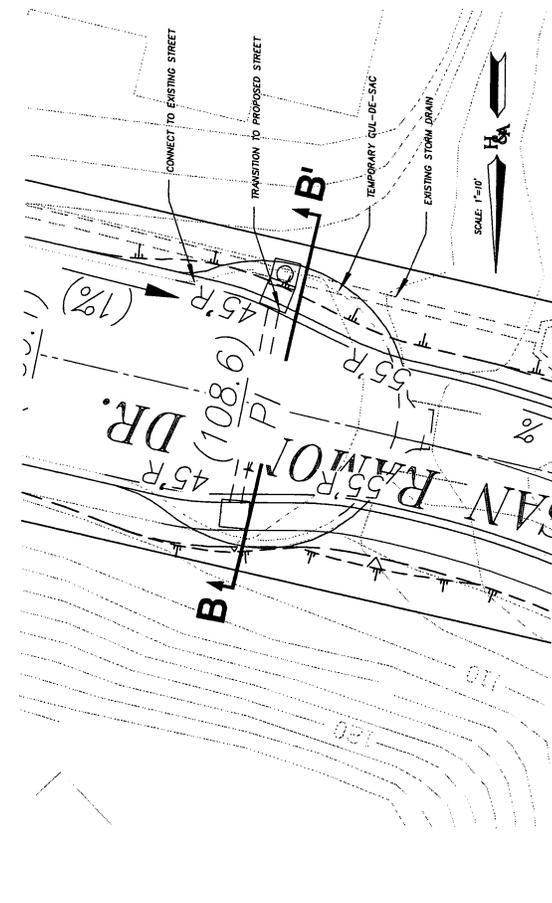


Section B-B
TRANSITION TO SAN RAMON DRIVE
SCALE: 1" = 10'



Section A-A

Section B-B

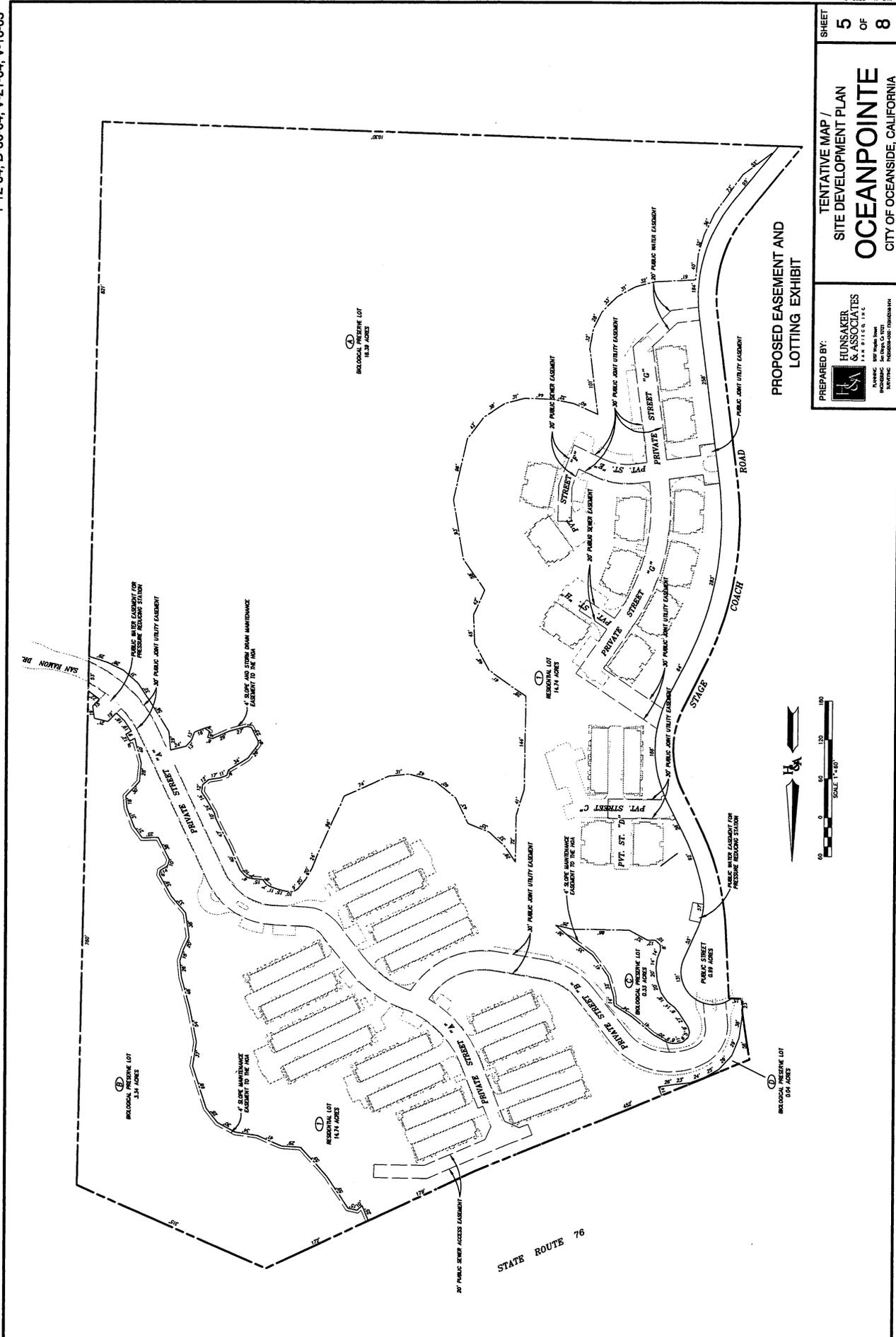


SITE CROSS SECTIONS

PREPARED BY:
HUNSAKER & ASSOCIATES
PLANNING AND ARCHITECTURE
1000 S. GARDEN STREET
OCEANOGRAPHIC DISTRICT, OCEANOGRAPHIC DISTRICT
OCEANOGRAPHIC DISTRICT, OCEANOGRAPHIC DISTRICT

TENTATIVE MAP /
SITE DEVELOPMENT PLAN
OCEANOGRAPHIC
CITY OF OCEANSIDE, CALIFORNIA

SHEET
2
OF
8



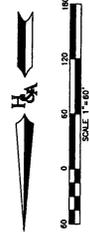
PREPARED BY:
 **HUNSAKER ASSOCIATES**
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TENTATIVE MAP /
 SITE DEVELOPMENT PLAN
OCEANPOINTE
 CITY OF OCEANSIDE, CALIFORNIA

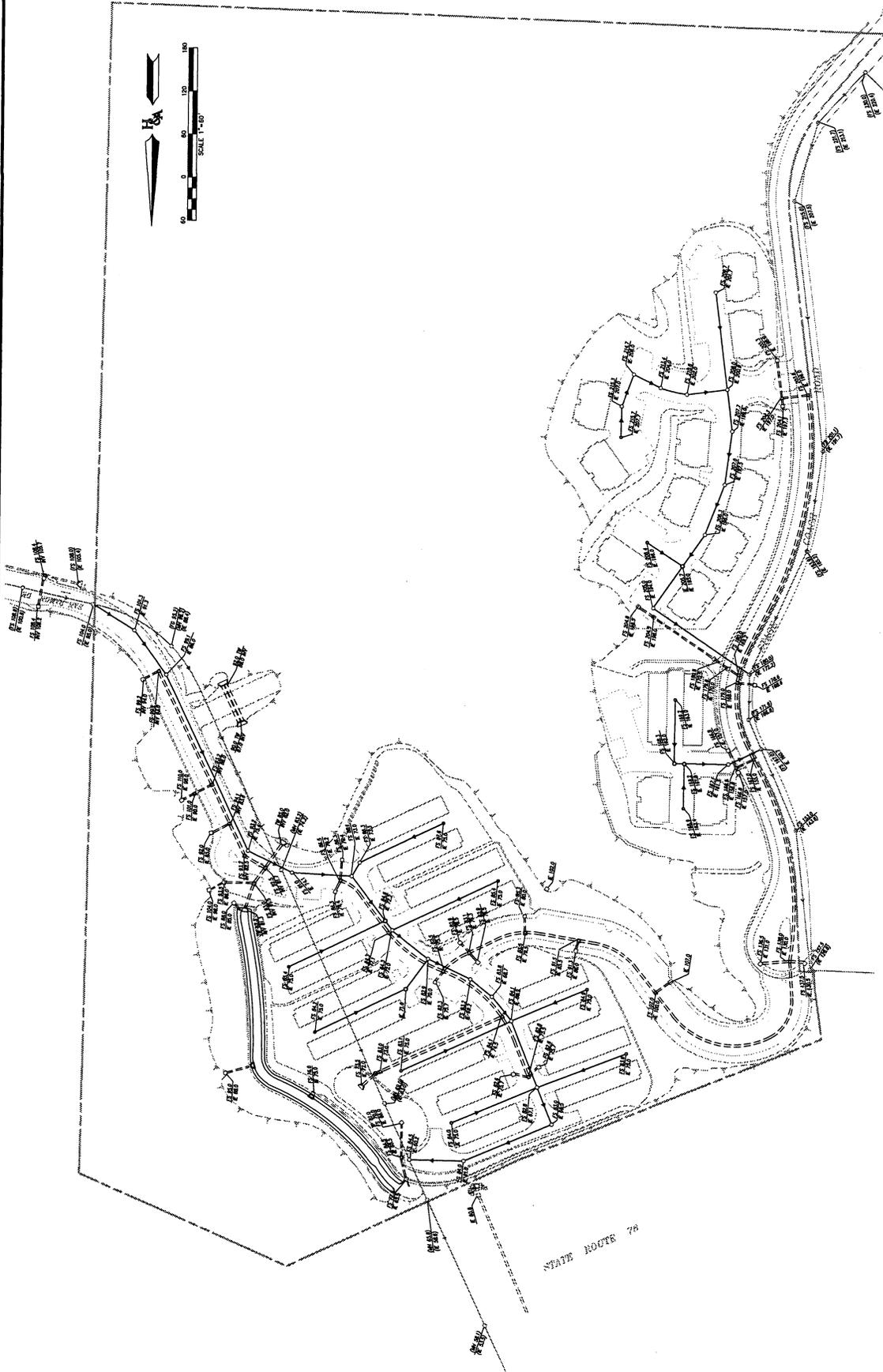
SHEET 5 OF 8

W.D. No. 2382-3
 8. 10/18/04 (10/18/04) 11/18/04 (11/18/04) 12/18/04 (12/18/04) 01/05

PROPOSED EASEMENT AND
 LOTTING EXHIBIT



STATE ROUTE 76



UTILITY SPOT ELEVATIONS

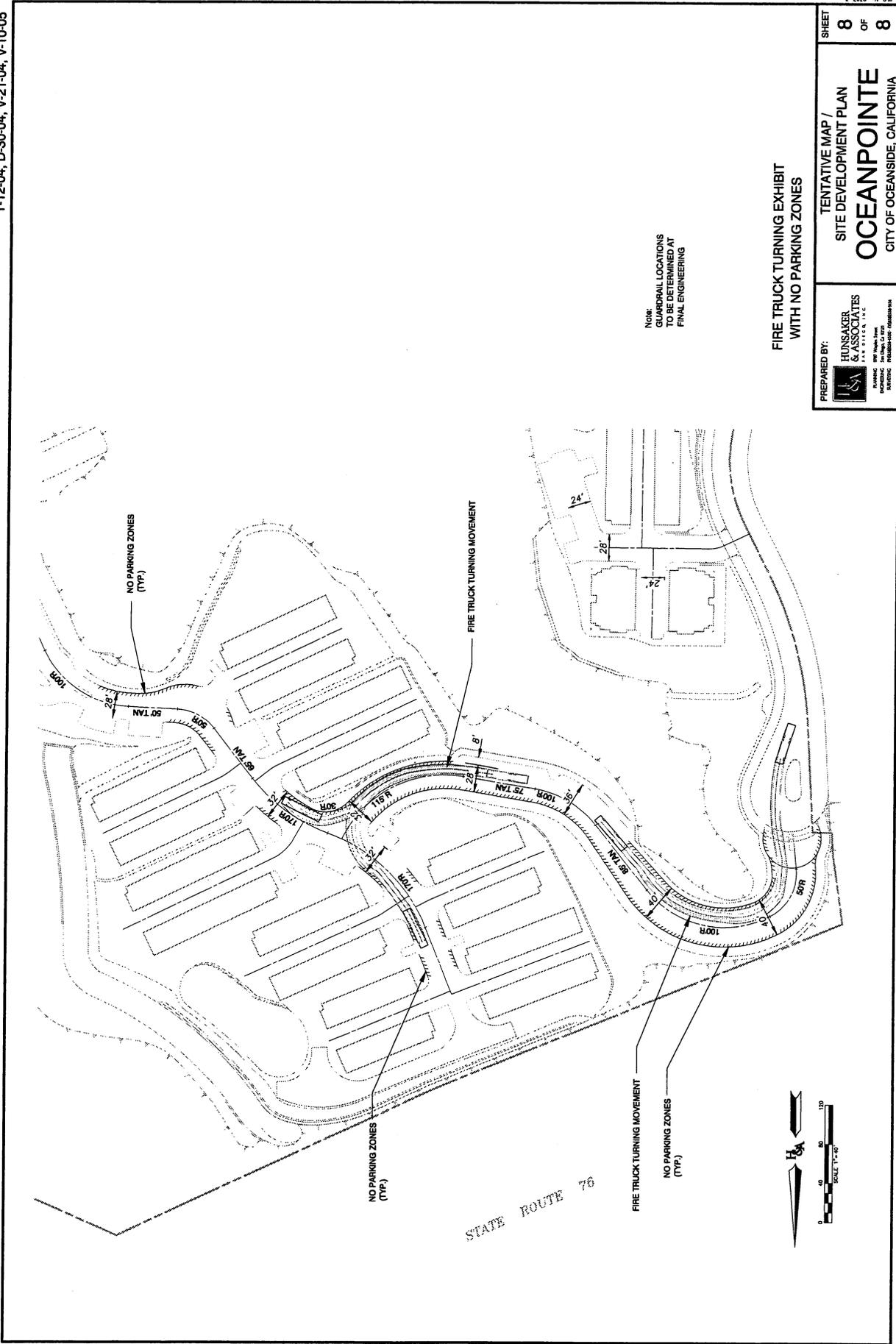
Note: Elevations are subject to change upon final engineering.

PREPARED BY:

HUNSAKER & ASSOCIATES
 & ASSOCIATES, INC.
 1440 BIERER, INC.
 1440 BIERER DRIVE
 SAN FRANCISCO, CALIFORNIA 94104
 (415) 774-1000

TENTATIVE MAP /
 SITE DEVELOPMENT PLAN
OCEANPOINTE
 CITY OF OCEANSIDE, CALIFORNIA

SHEET
6
 OF
8



Note:
TURNING LOCATIONS
TO BE DETERMINED AT
FINAL ENGINEERING

**FIRE TRUCK TURNING EXHIBIT
WITH NO PARKING ZONES**

PREPARED BY:

**HUNSAKER
& ASSOCIATES**
 LAND DESIGN, P.L.L.C.
 10000 E. 1st Avenue, Suite 100
 Denver, Colorado 80231
 PHONE: 303.755.1000 FAX: 303.755.1001

TENTATIVE MAP /
 SITE DEVELOPMENT PLAN
OCEANPOINTE
 CITY OF OCEANSIDE, CALIFORNIA

SHEET **8**
 OF **8**

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2008-P18 AND APPROVING TENTATIVE MAP (T-12-04), DEVELOPMENT PLAN (D-30-04) AND VARIANCES (V-21-04, V-10-05) TO SUBDIVIDE AND BUILD 158 ATTACHED CONDOMINIUMS ON A 35.83-ACRE PARCEL LOCATED SOUTHEAST OF STATE ROUTE 76 AND STAGE COACH ROAD, AT THE WESTERN TERMINUS OF SAN RAMON DRIVE

(Hallmark Communities - Applicant)
(Linda Curtiss - Appellant)

WHEREAS, an application was filed for a Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-21-04, V-10-05) to subdivide and build 158 attached condominiums on a 35.83-acre parcel located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive, which such real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on March 24, 2008 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, adopted Resolution No. 2008-P18, approving said Tentative Map, Development Plan and Variances;

WHEREAS, on April 3, 2008, an appeal was timely filed by Linda Curtiss of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, on July 2, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of the approval of the above identified Tentative Map, Development Plan and Variances; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission adequately and properly addresses concerns raised by the appellants;

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1 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
2 follows:

3 1. The appeal of Planning Commission Actions of April 3, 2008: Approval of
4 Tentative Map (T-12-04), Development Plan (D-30-04), Variances (V-21-04, V-10-05) and
5 adoption of Resolution No. 2008-P18, is denied.

6 2. The decision of the Planning Commission is affirmed, including the finding of
7 consistency with the City's General Plan. The project is consistent with the Land Use Element
8 of the General Plan and the City's Zoning Ordinance implementing the General Plan. The
9 project conforms with the zoning, intensity of land use, development and performance standards
10 applicable to property within the Medium Density B Residential (MDB-R/RM-B) and Open
11 Space (OS) Zone. The proposed project is consistent with the Residential Medium Density (B)
12 with a density of 8.7 dwelling units per buildable acre, which is below the base density of 10
13 dwelling units per acre. This designation and density is compatible with surrounding multi-
14 family land uses. Adjoining development includes medium density residential uses and open
15 space to the south, east, and west of the subject property in the Oceana, River Oaks Apartments,
16 and Rancho Hermosa communities. State Route 76 is located directly north of the project site.
17 The proposed medium density project would provide a good transition between the
18 communities to the west and east with approximately 20 acres of protected open space in the
19 south-central portion of the site as a buffer between the two areas.

20 3. The Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-21-
21 04, V-10-05) are approved subject to all the findings and conditions set forth in Planning
22 Commission Resolution No. 2008-P18 incorporated herein by this reference.

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

PASSED and ADOPTED by the City Council of the City of Oceanside, California this _____ day of _____, 2008 by the following vote:

AYES:

NAYS:

ABSENT:

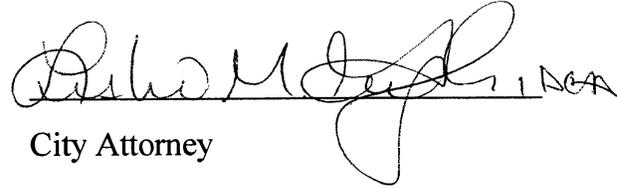
ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

City Clerk


City Attorney

LEGAL DESCRIPTIONS

EXHIBIT A

PARCEL 1

A PORTION OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

PARCEL 2

A PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 17, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

RECEIVED
OCT 29 2004
Planning Department

PLANNING COMMISSION
RESOLUTION NO. 2008-P18

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

APPLICATION NO: T-12-04, D-30-04, V-20-04 and V-10-05
APPLICANT: Hallmark Communities.
LOCATION: Southeast of SR-76 and Stage Coach Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Map, Development Plan and Variances under the provisions of the Subdivision Ordinance and Article 43 and Article 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

a 158-unit residential condominium subdivision, a variance to exceed retaining wall heights, and a variance to deviate from the 30-foot building height hillside development regulation;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 24th day of March, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto an environmental impact report (EIR) 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:

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook)
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$35,160 for a 2" meter.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$48,280 for a 2" meter.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Non-residential is \$22,495 for a 2" meter.

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

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

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

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

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

13 WHEREAS, the EIR together with any comments received, and Mitigation and
14 Monitoring and Reporting Program (MMRP) incorporated into the conditions of approval for
15 the project, were presented to the Planning Commission, and the Planning Commission
16 reviewed and considered the information contained in these documents prior to making a
17 decision on the project.

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

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

27 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
28 the following facts:
29

1 FINDINGS:

2 For the Tentative Subdivision Map (T-12-04):

- 3 1. The proposed map is consistent with the General Plan and applicable provisions of the
4 Subdivision Ordinance of the City of Oceanside in terms of density – 8.7 dwelling units
5 per acre, which is below the base density of 10 dwelling units per acre.
- 6 2. The site is physically suitable for the proposed type of development in that the proposed
7 improvements will be mostly out of steep slope areas and areas of biological sensitivity.
- 8 3. The site is physically suitable for the proposed density of development due to the fact
9 that the density is calculated based upon only buildable portions of the site
10 (approximately 18 acres) and remains below the base density of 10 dwelling units per
11 acre.
- 12 4. The design of the subdivision or the proposed improvements will not cause substantial
13 environmental damage or substantially and avoidably injure fish or wildlife or their
14 habitat. The proposed design incorporates retaining walls and overall design features to
15 minimize and avoid impacts to sensitive species.
- 16 5. The design of the subdivision and type of improvements will not conflict with easements
17 acquired by the public at large, for access through or use of property within the proposed
18 subdivision. No easements will be impaired due to project implementation.
- 19 6. The tentative map complies with all other ordinances, regulations and guidelines of the
20 City of Oceanside. The project will contribute to the long range enhancement of the
21 community by incorporating adequate on-site improvements, street design, drainage, and
22 sanitary facilities, and easements. Required project off-site improvements and payment
of fees are identified herein.

23 For the Development Plan (D-30-04):

- 24 1. The site plan and physical design of the project is consistent with the purposes of the
25 Zoning Ordinance in that the project has been designed to meet or exceed the Zoning
26 Ordinance standards. The Development Plan as proposed conforms to the City's
27 General Plan because the proposed site design, residential product types, architecture,
28 and density meet the intent, policies, and objectives set forth in the Land Use Element.
- 29 2. The Development Plan as conditioned conforms to the General Plan of the City.

- 1 3. The area covered by the Development Plan can be adequately, reasonably and
2 conveniently served by existing and planned public services, utilities and public
3 facilities. Public Facilities and infrastructure necessary to serve the project are currently
4 in place, or will be constructed as part of the project.
- 5 4. The project as proposed is compatible with existing and potential development on
6 adjoining properties or in the surrounding neighborhood.

7 For the Variance (V-20-04): Building Height Hillside Development Regulation

- 8 1. That because of special circumstances or conditions applicable to the development site -
9 including size, shape, topography, location or surroundings - strict application of the
10 requirements of this ordinance deprive such property of privileges enjoyed by other
11 property in the vicinity and under identical zoning classification. A Variance is
12 necessary for building height due to the following combination of site-specific
13 circumstances such as the size of the property, multi-family product type, two different
14 zoning districts on-site, type and location of biological habitat, required 100-foot fuel
15 modification zones, and hillside topography. In addition, it is challenging to apply all of
16 the hillside development regulations to a multi-family residential product such as a
17 condominium complex without sacrificing the intent of such regulations.
- 18 2. That granting the Variance will not be detrimental or injurious to property or
19 improvements in the vicinity of the development site, or to the public health, safety or
20 general welfare. The granting of this Variance will not be detrimental or injurious to
21 property or improvements in the vicinity. The Variance request is necessary due to
22 residential land use type and site conditions, and allows for residential use of the
23 property as established in the City's General Plan. Given the location of each village on
24 site, deviating from the building height requirement will not negatively impact the
25 surrounding community. The granting of the Variance will allow the safe development
26 of the site ensuring that the public health, safety, and welfare will be maximized.
- 27 3. That granting the Variance is consistent with the purposes of the Zoning Ordinance and
28 will not constitute a grant of special privilege inconsistent with limitations on other
29 properties in the vicinity and in the same zoning district. Granting the Variance would
accommodate a multi-family residential development that meets the purposes of a

1 medium density residential zoning district while addressing the site conditions
2 associated with the property. The Variance is a direct result of special circumstances
3 associated only with the project site and residential unit type, and will not grant the
4 applicant a special privilege that other property owners were not afforded.

5 For the Variance (V-10-05): Wall Height

- 6 1. That because of special circumstances or conditions applicable to the development site -
7 including size, shape, topography, location or surroundings - strict application of the
8 requirements of this ordinance deprive such property of privileges enjoyed by other
9 property in the vicinity and under identical zoning classification. The topography,
10 biological habitat, and required 100-foot fuel modification zone warrant the installation
11 of retaining walls higher than six feet. The Oceanpointe project was designed to limit
12 residential development beyond RM-B zoning boundaries. Furthermore, portions of the
13 walls for which the Variance is being requested have been designed and placed
14 strategically to minimize their visual impacts from outside the project.
- 15 2. That granting the Variance will not be detrimental or injurious to property or
16 improvements in the vicinity of the development site, or to the public health, safety or
17 general welfare. The granting of this Variance will not be detrimental or injurious to
18 property or improvements in the vicinity. The Variance request results from site
19 conditions and allows for residential use of the property as established in the City's
20 General Plan. Exceeding wall height is necessary in certain areas on site to maintain a
21 100-foot fuel modification zone between proposed structures and biological open space.
22 Providing fuel modification zones will ensure that the public safety is accounted for by
23 protecting surrounding residents from any potential fire hazards in the future. Granting
24 this Variance will allow the safe development of the site and ensuring that the public
25 health, safety, and welfare will be maximized.
- 26 3. That granting the Variance is consistent with the purposes of the Zoning Ordinance and
27 will not constitute a grant of special privilege inconsistent with limitations on other
28 properties in the vicinity and in the same zoning district. Granting the Variance would
29 accommodate a residential development that meets the purposes of a medium density
residential zoning district while addressing the site conditions associated with the

1 property. The variance is a direct result of special circumstances associated only with
2 the project site and will not grant the applicant a special privilege that other property
3 owners were not afforded.

4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
5 approve Tentative Map (T-12-04), Development Plan (D-30-04), Variances (V-20-04 and V-10-
6 05) subject to the following conditions:

7 **Building:**

- 8 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
9 Building Division plan check.
- 10 2. The granting of approval under this action shall in no way relieve the applicant/project
11 from compliance with all State and Local building codes.
- 12 3. Site development, parking, access into buildings and building interiors shall comply with
13 the State's Disabled Accessibility Regulations. (2007 California Building Code, Chapter
14 11B).
- 15 4. The building plans for this project shall be prepared by a licensed architect or engineer
16 and shall be in compliance with this requirement prior to submittal for building plan
17 review.
- 18 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
19 property shall be underground (City Code Sec. 6.30).
- 20 6. All outdoor lighting shall comply with Chapter 39 of the City Code (Light Pollution
21 Ordinance) and shall be shielded appropriately. Where color rendition is important high-
22 pressure sodium, metal halide or other such lights may be utilized and shall be shown on
23 final building and electrical plans.
- 24 7. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
25 plans.
- 26 8. Separate/unique addresses may be required to facilitate utility releases. Verification that
27 the addresses have been properly assigned by the City's Planning Division shall
28 accompany the Building Permit application.
- 29 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
shall be required at time of plans submittal to the Building Division for plan check.

1 Retaining walls that will be installed as a part of the design shall be designed per the
2 Soils report for the whole project.

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

5 11. Setbacks and Type of Construction must comply with the 2007 California Building Code.
6 Exterior openings less than five feet from the property line must be protected per table
7 704.8 of the CBC. Exterior walls less than five feet to the property line must be one hour
8 rated per Table 602 of the CBC.

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

10 **Engineering:**

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

15 14. With the exception of the access points approved by the City Engineer vehicular access
16 rights to Stage Coach Road and San Ramon Drive shall be relinquished by the property
17 owner.

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

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

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

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

27 19. Prior to approval of the final map or any increment, all improvement requirements, within
28 such increment or outside of it if required by the City Engineer, shall be covered by a
29 subdivision agreement and secured with sufficient improvement securities or bonds

1 guaranteeing performance and payment for labor and materials, setting of monuments, and
2 warranty against defective materials and workmanship.

3 20. The tract shall be recorded as one. The tract may be developed in phases. A construction-
4 phasing plan for the construction of on-site public and private improvements shall be
5 reviewed and approved by the City Engineer prior to the recordation of the final map.
6 Prior to the issuance of any building permits all off-site improvements including
7 landscaping, landscaped medians, frontage improvements shall be under construction to
8 the satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the
9 City Engineer shall require the dedication and construction of necessary utilities, arterials
10 and streets and other improvements outside the area of any particular final map, if such is
11 needed for circulation, parking, access or for the welfare or safety of future occupants of
12 the development. The boundaries of any multiple final map increment shall be subject to
13 the approval of the City Engineer.

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

23 22. Prior to the issuance of any grading, improvement or building permits for a model
24 complex, a construction-phasing plan for the entire project shall be reviewed and
25 approved by the City Planner, City Engineer, and Building Official. All improvements
26 shall be under construction to the satisfaction of the City Engineer prior to the issuance of
27 any building permits. All public and private improvements including landscaping and
28 offsite streets or arterials that are found to be required to serve the model complex shall
29 be completed prior to the issuance of any certificates of occupancy.

1 23. Where off-site improvements, including but not limited to slopes, public utility facilities,
2 and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain
3 all necessary easements or other interests in real property and shall dedicate the same to the
4 City of Oceanside as required. The developer/subdivider shall provide documentary proof
5 satisfactory to the City Engineer that such easements or other interest in real property have
6 been obtained prior to the approval of the final map or issuance of appropriate grading,
7 building or improvement permit for the development. Additionally, the City Engineer,
8 may at his sole discretion, require that the developer/applicant obtain at his sole expense a
9 title policy insuring the necessary title for the easement or other interest in real property to
10 have vested with the City of Oceanside or the applicant, as applicable.

11 24. 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.

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

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

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

25 b) All grading and related site preparation and construction activities shall be
26 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
27 engineering related construction activities shall be conducted on Saturdays,
28 Sundays or legal holidays unless written permission is granted by the City Engineer
29 with specific limitations to the working hours and types of permitted operations.

All on-site construction staging areas shall be as far as possible (minimum 100

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

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

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

10 27. A traffic control plan shall be prepared according to the City traffic control guidelines
11 and be submitted to and approved by the City Engineer prior to the start of work within
12 open City rights-of-way. Traffic control during construction of streets that have been
13 opened to public traffic shall be in accordance with construction signing, marking and
14 other protection as required by the Caltrans Traffic Manual and City Traffic Control
15 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
16 approved otherwise.

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

29 29. Public streets within the subdivision and at the subdivision’s frontage shall be improved
with portland cement concrete curbs, gutters, and sidewalks.

- 1 30. Private streets within the subdivision shall be improved with portland cement concrete
2 curbs and gutters or rolled curbs.
- 3 31. All private streets and infrastructures in the subdivision shall be maintained by a Home
4 Owners' Association in perpetuity.
- 5 32. All streets shall provide a minimum of 10 feet parkway between the face of curb and the
6 right-of-way line along public street frontages. Sidewalk improvements shall comply with
7 ADA requirements. A minimum four (4) feet wide continuous strip of the parkway shall
8 be kept unpaved. All improvements, structures, including retaining wall(s), and the
9 landscaping of the unpaved portion of the parkway shall be maintained by the owner of the
10 subject property or by a Home Owners' Association in perpetuity.
- 11 33. Sight distance and clear space easement requirements at intersections and vehicular access
12 points shall conform to the corner sight distance criteria as provided by SDRSD DS-20A
13 and or DS-20B for each direction of traffic.
- 14 34. Streetlights shall be maintained and installed on all public streets within the project and
15 along the project's frontage per City Standards. The system shall provide uniform lighting,
16 and be secured prior to occupancy. The developer shall pay all applicable fees, energy
17 charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights
18 and shall also agree to the formulation of, or the annexation to, any appropriate street
19 lighting district.
- 20 35. This project's interior streets shall remain private and shall be maintained by Home
21 Owners' Association. The pavement sections, traffic indices, alignments, and all
22 geometrics shall meet public street standards, unless alignment or geometric deviations are
23 otherwise approved by satisfying sight distance and fire truck turning movement
24 requirements identified on the Tentative Map.
- 25 36. Pavement sections for all streets, alleys, driveways and parking areas within the project and
26 along the project's frontage shall be based upon approved soil tests and traffic indices.
27 The pavement design is to be prepared by the developer's/subdivider's soil engineer and
28 must be approved by the City Engineer, prior to paving.
- 29 37. Prior to approval of the grading plans, the developer shall contract with a geotechnical
engineering firm to perform a field investigation of the existing pavement on all streets

1 adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet
2 along the project's frontage on Stage Coach Boulevard and full width between the
3 subdivision boundary and the transition to the existing curb and gutter on San Ramon
4 Drive. The field investigation shall be performed according to a specific boring plan
5 prepared by a licensed Geotechnical Engineer and approved by the City Engineer. The
6 field investigation shall include a minimum of one pavement boring per every 50 linear
7 feet of street frontage. Should the existing AC thickness be determined to be less than
8 three (3) inches or without underlying Class II base material, the developer shall remove
9 and reconstruct the pavement section as determined by the pavement analysis submittal
10 process detailed in the following condition.

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

19 39. All street improvements shall be completed to the satisfaction of the City Engineer.

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

22 41. All overhead utility lines within the subdivision/development and/or within any full width
23 street or right-of-way abutting the subdivision/development, and all new extension services
24 for the development of the project, including but not limited to, electrical, cable and
25 telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance
26 (R91-166) and as required by the City Engineer and current City policy.
27 The developer shall comply with all the provisions of the City's cable television ordinances
28 including those relating to notification as required by the City Engineer.
29

- 1 42. Grading and drainage facilities shall be designed and installed to adequately accommodate
2 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
3 and as directed by the City Engineer.
- 4 43. The developer/subdivider shall obtain any necessary permits and clearances from all public
5 agencies having jurisdiction over the project due to its type, size, or location, including but
6 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
7 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
8 (including NPDES), San Diego County Health Department, prior to the issuance of grading
9 permits.
- 10 44. The approval of the Tentative Map/Development Plan shall not mean that proposed
11 grading or improvements on adjacent properties (including any City properties/right-of-
12 way or easements) is granted or guaranteed to the subdivider/developer. The developer
13 is responsible for obtaining permission to grade or to construct on adjacent properties.
14 Should such permission be denied, the resulting changes to the Tentative
15 Map/Development Plan shall be subject to a Substantial Conformity review. Changes not
16 meeting substantial conformity requirements shall be submitted for appropriate public
17 hearing action.
- 18 45. Prior to any grading of any part of the subdivision/development, a comprehensive soils and
19 geologic investigation shall be conducted of the soils, slopes, and formations in the project.
20 All necessary measures shall be taken and implemented to assure slope stability, erosion
21 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
22 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
23 the City Engineer.
- 24 46. It is the responsibility of the property owner/developer to evaluate and determine that all
25 soil imported as part of this development is free of hazardous and/or contaminated
26 material as defined by the City and the County of San Diego Department of
27 Environmental Health. Exported or imported soils shall be properly screened, tested,
28 and documented regarding hazardous contamination.
- 29 47. 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

1 control plan, designed for all proposed stages of construction, shall be reviewed, secured
2 by the applicant with cash securities and approved by the City Engineer.

3 48. Precise grading and private improvement plans shall be prepared, reviewed, secured and
4 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
5 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
6 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
7 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
8 Improvement Plans.

9 49. Landscaping plans, including plans for the construction of walls, fences or other structures
10 at or near intersections or project entrances, must conform to intersection sight distance
11 requirements.

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

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

29 52. The drainage design on the development plan/tentative map is conceptual only. The final
design shall be based upon a hydrologic/hydraulic study to be approved by the City

1 Engineer during final engineering. All drainage picked up in an underground system shall
2 remain underground until it is discharged into an approved channel, or as otherwise
3 approved by the City Engineer. All public storm drains shall be shown on City standard
4 plan and profile sheets. All storm drain easements shall be dedicated where required. The
5 applicant shall be responsible for obtaining any off-site easements for storm drainage
6 facilities.

7 53. Storm drain facilities shall be designed and located such that the inside travel lanes on
8 streets with collector or above design criteria shall be passable during conditions of a 100-
9 year frequency storm.

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

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

17 56. The development shall comply with all applicable regulations established by the United
18 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
19 Discharge Elimination System (NPDES) permit requirements for urban runoff and
20 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
21 regulations or requirements. Further, the applicant may be required to file a Notice of
22 Intent with the State Water Resources Control Board to obtain coverage under the
23 NPDES. General Permit for Storm Water Discharges Associated with Construction
24 Activity and may be required to implement a Storm Water Pollution Prevention Plan
25 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
26 both construction and post construction pollution prevention and pollution control
27 measures and identify funding mechanisms for post construction control measures. The
28 developer shall comply with all the provisions of the Clean Water Program during and
29 after all phases of the development process, including but not limited to: mass grading,
rough grading, construction of street and landscaping improvements, and construction of

1 dwelling units. The applicant shall design the Project's storm drains and other drainage
2 facilities to include Best Management Practices to minimize non-point source pollution,
3 satisfactory to the City Engineer.

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

9 58. The developer/subdivider shall prepare and submit an Operations & Maintenance
10 (O&M) Plan to the City Engineer with the first submittal of engineering plans. The
11 O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based
12 on the project's SWMP previously approved by the project's approving authority
13 (Planning Commission). At a minimum the O&M Plan shall include the designated
14 responsible parties to manage the storm water BMP(s), employee's training program and
15 duties, operating schedule, maintenance frequency, routine service schedule, specific
16 maintenance activities, copies of resource agency permits, cost estimate for
17 implementation of the O&M Plan and any other necessary elements.

18 59. The developer/subdivider shall enter into a City-Standard Stormwater Facilities
19 Maintenance Agreement with the City obliging the developer/subdivider to maintain,
20 repair and replace the Storm Water Best Management Practices (BMPs) identified in the
21 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
22 shall be approved by the City Attorney prior to issuance of any precise grading permit
23 and shall be recorded at the County Recorder's Office prior to issuance of any building
24 permit. Security in the form of cash (or certificate of deposit payable to the City) or an
25 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise
26 grading permit. The amount of the security shall be equal to 10 years of maintenance
27 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
28 developer's Civil Engineer shall prepare the O&M cost estimate.

29 60. At a minimum, maintenance agreements shall require the staff training, inspection and
maintenance of all BMPs on an annual basis. The project proponent shall complete and

1 maintain O&M forms to document all maintenance activities. Parties responsible for the
2 O&M plan shall retain records at the subject property for at least 5 years. These
3 documents shall be made available to the City for inspection upon request at any time.

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

9 62. The BMPs described in the project's approved SWMP shall not be altered in any way,
10 shape or form without formal approval by either an Administrative Substantial
11 Conformance issued by the City Planner or the project's final approving authority
12 (Planning Commission) at a public hearing. The determination of whatever action is
13 required for changes to a project's approved SWMP shall be made by the City Planner.

14 63. The developer/subdivider shall provide a copy of the title/cover page of the approved
15 SWMP with the first engineering submittal package. The appropriate document shall be
16 submitted for review and approval by the City Engineer. All Stormwater documents
17 shall be in compliance with the latest edition of submission requirements.

18 64. The approval of the Tentative Map/Development Plan shall not mean that closure,
19 vacation, or abandonment of any public street, right-of-way, easement, or facility is
20 granted or guaranteed to the developer/subdivider. The developer/subdivider is
21 responsible for applying for all closures, vacations, and abandonments as necessary. The
22 application(s) shall be reviewed and approved or rejected by the City Engineer under
23 separate process(es) per codes, ordinances, and policies in effect at the time of the
24 application. The City of Oceanside retains its full legislative discretion to consider any
25 application to vacate a public street or right-of-way.

26 65. The project shall install a new traffic signal on El Camino Real at Vista Rey.
27 Additionally, signal interconnect conduit and cable shall be installed to the intersection
28 of El Camino Real and Vista Oceana. This new traffic signal and interconnect shall be
29

1 installed and operationally optimized to the satisfaction of the City Engineer. Signal
2 shall be installed prior to occupancy of the 1st unit, not including the models.

3 66. The project shall red-curb for a minimum of 10 feet on each side of each existing
4 driveway along the west side of Stage Coach Road and on each side of each existing
5 driveway located on Vista Bella between Vista Rey and Stage Coach Road to the
6 satisfaction of the City Engineer. This improvement shall be done prior to occupancy of
7 the 1st unit, not including the models.

8 67. The project shall coordinate with the City, school district and adjacent property owners
9 to determine the feasibility of establishing parking controls, during school bus pick up
10 and drop off times, at the existing school bus stop on Vista Rey between El Camino Real
11 and Vista Bella. If it is determined to be warranted and agreed upon by the City, school
12 district, and adjacent property owners, then the developer shall coordinate with the City
13 Engineer to process any proposed parking controls through the appropriate City
14 commission (Transportation Commission). Project approvals and permits shall not be
15 unreasonably withheld during the processing of this condition.

16 68. The project shall red-curb for a minimum of 10 feet along existing intersection curb
17 returns to enhance sight line visibility at the intersections of Vista Bella at Stage Coach
18 Road, Vista Bella at Vista Rey, and at Vista Bella at Vista Oceana to the satisfaction of
19 the City Engineer. This improvement shall be done prior to occupancy of the 1st unit,
20 not including the models.

21 69. The project shall install speed limit "25 MPH" signs (in each direction) along Vista
22 Bella between Vista Rey and Stage Coach Road and on Stage Coach Road between
23 Vista Bella and the project entrance. This improvement shall be done prior to occupancy
24 of the 1st unit, not including the models.

25 70. The project shall install a new traffic signal on Rancho Del Oro Drive at San Ramon
26 Drive with signal interconnect conduit and cable to be installed to the intersection of
27 Rancho Del Oro Drive at Via Rancho Road. The project shall be reimbursed by the City
28 of Oceanside less the project applicant's fair share cost of 12 percent for a total of 88
29 percent of the cost of the new traffic signal from the City's signal fee program. If the
Rancho Vista residential project begins construction first, then they shall be required to

1 install the new traffic signal and be reimbursed by the City of Oceanside, less their fair
2 share. Whichever project does not install the new traffic signal shall pay the City of
3 Oceanside their fair share. This improvement shall be done prior to occupancy of the 1st
4 unit, not including the models.

5 71. The City Engineer will monitor the need of a temporary all-way stop at the intersection
6 of Rancho Del Oro Drive at San Ramon Drive during construction of the project. A
7 temporary all-way stop is warrant, the developer shall install the signing and striping for
8 the temporary all-way stop per the direction of the City Engineer.

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

19 73. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City
20 Engineer criteria and Water Conservation Ordinance No. 91-15, including the
21 maintenance of such landscaping, shall be approved by the City Engineer prior to the
22 issuance of building permits. Landscaping shall not be installed until bonds have been
23 posted, fees paid, and plans signed for final approval. The following special landscaping
24 requirements shall be met:

- 25 a) Street trees shall be located 30'-0" on center and shall be maintained by the
26 owner of the property in perpetuity to meet the satisfaction of the City Engineer.
27 Street trees shall comply with the current Street Tree Memorandum and meet the
28 satisfaction of the City Engineer.
- 29 b) Provide details for the trash enclosure, walls, plantable walls, fencing and access
gates on-site.

1 Trash enclosures shall be softened with landscaping. Plantable walls shall be
2 planted and irrigated per the current City of Oceanside guidelines and
3 requirements.

4 c) The Landscape Architect shall field verify location of easements, all utilities,
5 stormdrain and sight distance locations: landscaping shall be planted in
6 accordance with all City of Oceanside requirements. Landscaping shall be
7 relocated, not omitted, to meet the satisfaction of the City Engineer.

8 d) Landscape plans shall match the conceptual plan, civil plan, comply with
9 biological requirements and SWMP Best Management Practices. SWMP
10 requirements shall be shown on the landscape plan, match the civil and Storm
11 Water management plan.

12 e) These conditions of approval are in addition to the conceptual landscape plan and
13 shall supersede any conflicts.

14 f) The entry median shall be hardscaped/landscaped to meet the satisfaction of the
15 City Engineer.

16 g) Landscape plans shall comply with Environmental, Biological, and Mitigation
17 reports. Security for Environmental and Biological Mitigation to be determined
18 by approved landscape plans based on the environmental report will be required
19 prior to building permits.

20 **Fire:**

21 74. A minimum fire flow of 2500 gallons per minute shall be provided.

22 75. Fire Department requirements must be placed on plans in note section.

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

24 77. The size of fire hydrant outlets shall be 2 ½ "X 2 1/2" X 4".

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

27 79. The fire hydrants shall be installed and tested prior to placing any combustible materials
28 on the job site.

29 80. Provide on-site hydrants and mains capable of supplying the required fire flow.

- 1 81. Detailed plans of underground fire service mains shall be submitted to the Oceanside
2 Fire Department for approval prior to installation.
- 3 82. Blue hydrant identification markers shall be placed as per Oceanside’s Engineers Design
4 and Processing Manual Standard Drawing No. M-13.
- 5 83. Provide Standpipes as required per C.B.C. Table 9A.
- 6 84. All weather access roads shall be installed and made serviceable prior to and maintained
7 during time of construction.
- 8 85. A fire apparatus access road shall be provided within 150 feet of all exterior walls of the
9 first floor of the building. The route of the fire apparatus access road shall be approved
10 by the Fire Department. The 150 feet shall be measured by means of an unobstructed
11 route around the exterior of the building.
- 12 86. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
13 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 14 87. The Fire Department access roadway shall be provided with adequate turning radius for
15 Fire Department apparatus a 50-foot outside and 30-foot inside radius.
- 16 88. *Provide a secondary fire apparatus access road that is built and maintained in*
17 *accordance with C.F.C. 902.2.1. The access shall be a minimum of 28 feet in width. An*
18 *“alternative method” shared easement meeting the 28’ dimensions to include the rolled*
19 *curb has been agreed upon.*
- 20 89. Fire Department emergency access shall not exceed 15 percent grade.
- 21 90. Cul-de-sacs shall be shown on the site plan with a 40 foot radius minimum.
- 22 91. All streets less than 32 feet wide shall be posted “NO PARKING FIRE LANE” per
23 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
24 Guidelines for Emergency Access.
- 25 92. All security gates shall have a knock-box override and as required have strobe activation
26 capability.
- 27 93. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
28 permit application.
- 29 94. In accordance with the California Fire Code Sec. 901.4.4, approved address for
commercial, industrial, and residential occupancies shall be placed on the structure in

1 such a position as to be plainly visible and legible from the street or roadway fronting the
2 property. Numbers shall be contrasting with their background.

3 95. Multi-building complexes require address directory boards that are visible from the main
4 entrance.

5 96. Single-family dwellings require 4-inch address numbers.

6 97. Commercial buildings and multi-family dwellings require 6 inch address numbers.

7 98. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
8 approval prior to the issuance of building permits.

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

11 100. Future development of the property will require compliance with all applicable Fire
12 Department standards.

13 **Planning:**

14 101. This Tentative Subdivision Map (T-12-04), Development Plan (D-30-04) and Variances
15 (V-21-04 and V-10-5) approvals shall lapse two years after the effective date of
16 approval.

17 a) Unless a grading permit has been issued and grading has been substantially
18 completed and or a building permit has been issued, and construction diligently
19 pursued; or an occupancy permit has been issued; or

20 b) Unless a time extension is granted by the Planning Commission.

21 c) The Development Plan (D-35-05) shall be effective for an additional 24 months
22 from the date of recordation of the Final Map.

23 102. This Development Plan (D-30-04) approve only 158 attached residential condominiums
24 as shown on the plans and exhibits presented to the Planning Commission for review and
25 approval. No deviation from these approved plans and exhibits shall occur without City
26 Planner approval. Substantial deviations shall require a revision to the D-30-04 or a new
27 Development Plan.

28 103. A covenant or other recordable document approved by the City Attorney shall be
29 prepared by the property owner and recorded prior to the approval of the Final Map. The

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

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

7 105. Failure to meet any conditions of approval for this development shall constitute a
8 violation of the Tentative Subdivision Map and Development Plan.

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

15 107. The street names shall be approved by the City Planner prior to the approval of the Final
16 Map.

17 108. The developer is prohibited from entering into any agreement with a cable television
18 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
19 and or maintain its cable television system in the development.

20 109. This project is subject to the provisions of Chapter 14C of the City Code regarding
21 Inclusionary Housing.

22 110. This project shall comply with all provisions of the City's Affirmative Fair Housing
23 Marketing Agreement policy. Such agreement shall be submitted to and approved by
24 the Housing and Neighborhood Services Director prior to the recordation of a Final Map
25 or the issuance of a building permit for the project, whichever comes first.
26

27 //////////////

28 //////////////

29 //////////////

1 111. The proposed residential unit mix and size shall be as follows:

2 ***Townhomes: 4-Plex***

3 Unit	Unit Size	Bedrooms/Baths	Garage
4 1	1,286 s.f.	3 BR/3 BA	1-car
5 2	1,695 s.f.	3BR/2.5 BA	2-car

6
7
8 ***Rowhouses: 10-Plex, 12-Plex, & 14-Plex***

9 Unit	Unit Size	Bedrooms/Baths	Garage
10 1	910 s.f.	2 BR/2.5 BA	1-car
11 2	1,081 s.f.	2 BR/2.5 BA	2-car
12 3	1,314 s.f.	2 BR with optional 3 rd BR/3 BA	2-car

13
14
15 112. The property owner, permittee or any successor-in-interest shall defend, indemnify and
16 old harmless the City of Oceanside, its agents, officers or employees from any claim,
17 action or proceeding against the City, its agents, officers, or employees to attack, set
18 aside, void or annul an approval of the City, concerning Tentative Subdivision Map (T-
19 12-04), Development Plan (D-30-04) and Variances (V-21-04 and V-10-05). The City
20 will promptly notify the property owner of any such claim, action or proceeding against
21 the City and will cooperate fully in the defense. If the City fails to promptly notify the
22 applicant of any such claim action or proceeding or fails to cooperate fully in the
23 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
24 harmless the City.

25 113. All lighting including lighting showcasing building architecture and security lighting shall
26 be shown on the building plans and shall be shielded.

27 114. Trash enclosures shall be provided as required by Chapter 13 of the City Code and shall
28 also include additional space for storage and collection of recyclable materials per City
29 standards. Recycling is required by City Ordinance. The enclosures shall be built in a flat,
accessible location as determined by the City Engineer. The 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 bin(s) from striking the block walls. The slab must extend out of the enclosure for the bin(s) 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 City Planner.

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

- a) Provisions stating that the property is subject to this resolution, and a list of the conditions of approval.

- 1 b) Provisions for the maintenance of all common open space, (Management Plan)
2 including provisions establishing mechanisms to ensure adequate and continued
3 monetary funding for such maintenance by the property owners' association.
4 c) Provisions that restrict any private use of common open space areas. Such
5 restrictions shall include, but shall not be limited to, removing or installing
6 retaining walls and any other hardscape or landscape improvements.
7 d) Provisions prohibiting the property owners' association from relinquishing its
8 obligation to maintain the common open space areas without prior consent of the
9 City of Oceanside.

10 116. Prior to the issuance of building permits, compliance with the applicable provisions of the
11 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be
12 reviewed and approved by the City Planner. These requirements, including the obligation
13 to remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
14 Landscape Plan.

15 117. Anti-skateboarding site design features shall be included in the project design.

16 118. Construction of all site perimeter enclosures (fences, walls, gates, etc.) shall be in
17 conformance with the approved Development Plan. Any substantial change in any aspect
18 from the approved Development Plan shall require a revision to the Development Plan or
19 a new Development Plan.

20 119. All mitigation measures included in the Oceanpointe Final EIR (February 2008) and
21 Mitigation, Monitoring and Reporting Program are hereby incorporated into this
22 resolution and shall be enforced as conditions of approval for the project.

Water Utilities:

23 120. All water and sewer mains located in Village 1 (Units 9-21) shall be part of a private utility
24 system and labeled as such on all Grading and Improvement Plans.

25 121. The water main located in Village 2 (Units 1-8) from San Ramon Drive along Street "A"
26 to Street "B" up to Stage Coach Road will be a public water main. The water main North
27 of the Street "A" and "B" intersection will be part of the private utility system. All mains
28 shall be labeled appropriately on all Grading and Improvement Plans.
29

- 1 122. The sewer main located in Village 2 (Units 1-8) from San Ramon Drive along Street "A"
2 to the reconnect location on the Northern portion of the site shall be public. All laterals
3 from the main shall be part of the private utility system. All mains shall be labeled
4 appropriately on all Grading and Improvement Plans.
- 5 123. All easements shall be revised and labeled appropriately on all of the Grading and
6 Improvement Plans.
- 7 124. The developer will be responsible for developing all water and sewer utilities necessary to
8 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
9 the developer and shall be done by an approved licensed contractor at the developer's
10 expense.
- 11 125. The property owner shall maintain private water and wastewater utilities located on private
12 property.
- 13 126. Water services and sewer laterals constructed in existing right-of-way locations are to be
14 constructed by approved and licensed contractors at developer's expense.
- 15 127. All Water and Wastewater construction shall conform to the most recent edition of the
16 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
17 the Water Utilities Director.

18 **The following conditions shall be met prior to the approval of engineering design plans.**

- 19 128. A revised water and sewer study must be prepared by the developer at the developer's
20 expense and approved by the Water Utilities Department.
- 21 129. All public water and/or sewer facilities not located within the public right-of-way shall be
22 provided with easements sized according to the Water, Sewer, and Reclaimed Water
23 Design and Construction Manual. Easements shall be constructed for all weather access.
- 24 130. No trees, structures or building overhang shall be located within any water or wastewater
25 utility easement.
- 26 131. All lots with a finish pad elevation located below the elevation of the next upstream
27 manhole cover of the public sewer shall be protected from backflow of sewage by
28 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
29 Code (U.P.C.).

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

5 133. A separate irrigation meter and approved backflow prevention device is required and shall
6 be displayed on the plans.

7 **The following conditions of approval shall be met prior to building permit issuance.**

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

11 **The following conditions of approval shall be met prior to occupancy.**

12 135. All new development of single-family and multi-family residential units shall include hot
13 water pipe insulation and installation of a hot water recirculation device or design to
14 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
15 Ordinance No. 02-OR126-1.

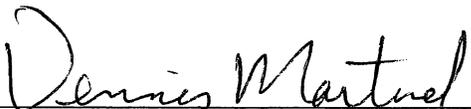
16 PASSED AND ADOPTED Resolution No. 2008-P18 on March 24, 2008 by the following
17 vote, to wit:

18 AYES: Martinek, Parker, Horton, Neal, Troisi, Balma and Bertheaud

19 NAYS: None

20 ABSENT: None

21 ABSTAIN: None

22 
Dennis Martinek, Chairman
Oceanside Planning Commission

23 ATTEST:

24 
25 Jerry Hittleman, Secretary

26 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
27 this is a true and correct copy of Resolution No. 2008-P18.

28
29 Dated: March 24, 2008

1 PLANNING COMMISSION
2 RESOLUTION NO. 2008-P19

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
6 OCEANPOINTE PROJECT ON CERTAIN REAL PROPERTY
7 IN THE CITY OF OCEANSIDE

8 APPLICATION NO: T-12-04, D-30-04, V-20-04 and V-10-05
9 APPLICANT: Hallmark Communities
10 LOCATION: Southeast of State Route 76 and Stage Coach Road

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

13 WHEREAS, an Environmental Impact Report was prepared and circulated for public
14 and agency review and proper notification was given in accordance with the California
15 Environmental Quality Act; and

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 24th
17 day of March 2008, conduct a duly advertised public hearing on the content of the Final
18 Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

21 For the Final Environmental Impact Report:

- 22 1. The Final Environmental Impact Report was completed in compliance with the
23 provisions of the California Environmental Quality Act (CEQA).
- 24 2. There are certain significant environmental effects detailed in the Environmental Impact
25 Report which have been avoided or substantially lessened by the establishment of
measures which are detailed in Exhibit "A" Environmental Findings for the Oceanpointe
Project.
- 26 3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting
Programs for the project (included in the Final EIR) and were presented to the Planning
Commission, and the Planning Commission reviewed and considered the information
contained in these documents prior to making a decision on the 158-unit attached
residential condominium project. The Final Environmental Impact Report and
Mitigation and Monitoring and Reporting Program for the residential project have been

1 determined to be accurate and adequate documents, which reflect the independent
2 judgment of the City.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 CERTIFY the Final Environmental Impact Report for the Oceanpointe project Tentative Map (T-
5 12-04), Development Plan (D-30-04), and Variances (V-20-04 and V-10-05) subject to the
6 following recommendations and conditions:

- 7 1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the
8 Mitigation Monitoring and Reporting Program (MMRP) for the project and finds and
9 determines that said programs are designed to ensure compliance with the mitigation
10 measures during project implementation.
- 11 2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on
12 this decision is governed by the provisions of the California Environmental Quality Act.

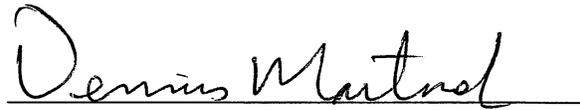
13 PASSED AND ADOPTED Resolution No. 2008-P19 on March 24, 2008 by the
14 following vote, to wit:

15 AYES: Martinek, Parker, Horton, Neal, Troisi, Balma and Bertheaud

16 NAYS: None

17 ABSENT: None

18 ABSTAIN: None

19 
20 Dennis Martinek, Chairman
21 Oceanside Planning Commission

22 ATTEST:

23 
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
26 this is a true and correct copy of Resolution No. 2008-P19.

27 Dated: March 24, 2008



DATE: March 24, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-12-04), DEVELOPMENT PLAN (D-30-04) AND VARIANCES (V-20-04 AND V-10-05) FOR THE DEVELOPMENT OF 158 ATTACHED CONDOMINIUM UNITS ON A 35.8-ACRE SITE LOCATED SOUTHEAST OF STATE ROUTE 76 AND STAGE COACH ROAD, AT THE WESTERN TERMINUS OF SAN RAMON DRIVE – OCEANPOINTE – APPLICANT: HALLMARK COMMUNITIES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion;

- (1) Certify the Environmental Impact Report (EIR) and associated findings and mitigation monitoring and reporting program and adopt Planning Commission Resolution No. 2008-P19, and;
- (2) Approve Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-20-04 and V-10-05) by Adopting Planning Commission Resolution No. 2008-P18 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review and Background: The proposed 35.8-acre project site is located southeast of State Route 76 and Stage Coach Road, at the western terminus of San Ramon Drive (APN 160-020-50). The property has General Plan land use and zoning designations of Medium Density B Residential (MDB-R/RM-B) and Open Space (OS). The property is vacant and is located in the Oceana neighborhood. The following residential zoning districts are adjacent to the site: RM-A to the south (Oceana senior community), RM-B (River Oaks Apartments and Rancho Hermosa community) and a PD (proposed Rancho Vista senior homes) to the east, and RM-A to the west (Mission Vista Condominiums).

On June 4, 2003, the City Council adopted a General Plan Amendment (GPA-5-01) and Zone Amendment (ZA-5-01) that was initiated by the applicant/developer on the subject property. The GPA and ZA were proposed to reconfigure land use and zoning designation boundary lines so that future residential development would be more suited to the natural terrain and sensitive biological habitat on-site. As a result, 50 percent of the site was designated as open space and 50 percent zoned for residential use. The site was rezoned from RM-A and RM-B, to RM-B clustered in three areas. The remainder of the site continued to be designated as open space. The City Council approved an increase in residential density (from RM-A to RM-B) since adopting the GPA/ZA would decrease the amount of residential development permitted overall on the site. The current project conforms to the General Plan and Zoning changes, however, Village 3 was dropped from the proposal due to environmental constraints.

A restricted covenant was also approved as part of the GPA/ZA to restrict the use of the property. After numerous meetings with surrounding communities of Oceana and Mission Vista, the applicant agreed to the following seven stipulations to address their concerns. The stipulations are as follows:

1. Designate Village 1 (adjacent to Stage Coach Road) for the exclusive purpose of an unrestricted, for-sale project.
2. Village 1 shall not exceed 80 dwelling units.
3. Village 1 shall be a gated community with restricted access to its residents and guests.
4. Village 2 (north and east of Village 1) shall be a gated community with restricted access to its residents and guests. The two gates off of San Ramon and Stage Coach Road to access Village 2 shall be closed at all times. The gates shall be opened only with electronic devices by its residents and through intercom for guests at San Ramon Road.
5. The majority of units in Village 2 shall not be built as low-income rental housing.
6. Stage Coach Road will be fully improved (only half side of the street is currently improved) and only 50 percent of its curb to be cut for driveways, leaving the other 50 percent for street parking.
7. Village 3 (eliminated under the current proposed project) shall be accessed only through San Ramon Road

Project Description: The proposed project includes two residential villages with a total of 158 condominiums. Village 1 is proposed with 62 units (Buildings 9 - 21) located adjacent to Stage Coach Road. The small portion of Village 1 with 18 units will be used as a model home complex. Village 2 is proposed to include 96 units (Buildings 1-8) located just south of SR-76.

The project density is 8.7 dwelling units per acre, which is below the RM-B base density of 10 dwelling units per acre. The total site project area is approximately 35 acres, however, the density calculation is based on 18.26 acres of developable land. Approximately 20 acres of the site containing sensitive habitat and steep slopes will be protected by a conservation easement. Undevelopable areas of the riparian habitat located in the RM-B zoning districts are not allowed to be factored into the density calculation per Section 1.25 of the Land Use Element of the General Plan. Slopes that are greater than 40 percent with a minimum difference in elevation of 25 feet are also undevelopable. All undevelopable slopes are located in the Open Space zoned area; none are located within the RM-B zoning district.

For comparison purposes, the table below shows the proposed number of units in the Oceanpointe project versus the density that was approved as part of the GPA and ZA as well as prior to the approval of these amendments. The project has been modified a number of times as shown on the table below:

Comparison of Development Potential

<i>Villages</i>	Oceanpointe Project (modified site design in response to DEIR public input)	Oceanpointe Project (site design analyzed in DEIR)	Approved GPA/ZA	<i>Pre- GPA/ZA</i>
1	62	78	79-90*	----
2	96	96	79-118	----
3	0	24	24-36	----
Total:	158	198	182-244	223- 342

* or maximum 80 units

Site access will be provided from Stage Coach Road and San Ramon Drive. Enhanced paving will be provided at all four of the project entrances and both villages will have gated entries. A portion of Village 1 located on Stage Coach Road will not be gated. Stage Coach Road will be widened and improved with an additional eight (8) feet of right-of-way. There will be ultimately 10 feet of roadway and 10 feet of parkway along the project frontage. The parkway will be designed with a non-contiguous sidewalk and curb that will match the existing parkway on the other side of Stage Coach. All streets within the project will be private. Village 1 is designed with mostly 28-foot wide streets throughout, as well as 24-foot wide streets. Roadway access within and into Village 2 (Streets A and B) will be up to 40-foot wide private drive with a parkway on one or both sides of the street. Private alleys or "motor courts" will be 24 feet wide to access the rowhouses (10,12, 14-plex buildings). A 16-foot wide grasscrete access road for fire and utility trucks is proposed adjacent to Building 4 in Village 2.

An engineering waiver has been requested to deviate from a private street design standard. The centerline radii for proposed private streets in the project are less than the 200 feet required per the City's Engineers Design and Processing Manual.

Both villages will be gated with vehicular and pedestrian access gates located at three of the four project entrances. Perimeter fencing around Villages 1 and 2 will include 5-foot or 6-foot high ornamental iron fencing. There will be a 6-foot high "predation" fence between the biological preserve and Villages 1 and 2. The predation fence will be constructed of ornamental iron, but with vertical bars tightly spaced to avoid pets from entering the biological preserve area. Where a predation fence is not required, either a 6-foot high ornamental iron fence will be constructed along the perimeter of the villages or a 5-foot high ornamental iron fence if located in the front yard along Stage Coach Road.

There will be a 6-foot high masonry fire barrier located south of the Building 8 complex in Village 2. The Fire Department permitted this wall type to allow less than a 100 feet of fuel modification from this building since there is riparian wetland habitat adjacent to this area. A 6-foot high masonry wall is also located adjacent to the fire barrier wall and along Street A. The wildlife agencies required this wall type to avoid having lights and noise from cars traveling on Street A potentially disturbing wildlife in the riparian habitat. The pool areas and detention basin will be enclosed with 5-foot high ornamental iron fencing, and the private patios for the townhomes (4-plex buildings) will be enclosed with a 3.5-foot high block wall with stucco finish.

Retaining walls are located where necessary in the project. A Variance is being requested for retaining walls that exceed the 6-foot permitted height requirement. Retaining walls higher than four (4) feet will be planted and irrigated, with the exception of the 7-foot high retaining wall proposed along Stage Coach Road, near Vista Bella. Due to engineering issues such as soil conditions and potential movement and cracking of sidewalk/curb/gutter, a solid block wall without plantings is required here. However, the wall will not be visible from Stage Coach Road. A hand rail will be constructed for pedestrian safety at this location.

Architecture: There are two residential product types being proposed: Townhomes or 4-plex (four units per building); and attached "Rowhouses" arranged as 10-plex buildings (10 units in a two-building complex), 12-plex (12 units in a two-building complex), and 14-plex (14 units in a two-building complex). Both product types are three stories high. The 4-plex is 35 feet high and the rowhouses are a maximum building height of 36 feet.

Oceanpointe is designed with Spanish Eclectic architecture. The architecture is designed with varied rooflines, pop-outs, and windows. Projections such as gables in the roof planes break-up the roof area. In addition, the architecture incorporates differing color schemes and textures to further reduce the scale of the buildings. Building materials include decorative clay tile, concrete roof tiles, stucco, wood, stone veneer, and wrought iron.

Parking: Two parking spaces will be provided for each unit. Depending on the plan type, there are attached one-car and two-car garages proposed. For Unit 1 floor plans in the townhomes or attached rowhouses, one parking space will be located in an attached garage and the second space will be uncovered and designated/reserved only for that unit. Guest spaces are provided in each village. The total amount of parking provided exceeds the amount required per the City's parking regulation, including almost double the amount of guest spaces required. Each reserved uncovered resident space and guest space will be no more than 150 feet from a unit. Guest spaces will also be provided in proximity to major recreational amenities within each village. The table below provides a breakdown of required and proposed parking on site:

<i>Parking</i>	Village	
	1	2
<i># Units:</i>	62	96
Required		
Garage Spaces	62	96
Uncovered Residential Spaces	62	96
Uncovered Guest Spaces	13	20
<i>Total</i>	137	212
Provided		
Garage Spaces	96	176
Uncovered Residential Spaces	28	16
Uncovered Guest Spaces	24	34
<i>Total</i>	148	226

Landscaping and Open Space: To accommodate development on-site, existing trees will be removed such as Eucalyptus, Brazilian Peppers, and Willow Acacia. Landscaping is proposed throughout both villages. Each gated entrance will be enhanced with an entry monument sign and landscaping such as trees and shrubs. All major streets (i.e., Stage Coach Road, Street A, and Street B) associated with the project will be lined with trees such as the Southern Live Oak, California Laurel, or Southern Magnolia.

Per Section 1050 of the Zoning Ordinance, the 158-unit Oceanpointe project is required to provide a minimum of 47,400 square feet of usable open space. The project exceeds this requirement with a total of 69,102 square feet of usable open space: 55,874 square feet of common usable open space and 13,228 square feet of private usable open space.

At least half of the required 300 square feet of usable open space per unit (150 square feet) must be provided in common usable open space. A minimum of 23,700 square feet of common usable open space is required for this project size. The proposed project is providing 55,874 square feet of common usable open space. Common open space is located throughout both villages as passive or active recreation areas. These recreation areas include amenities such as swimming pools and spa areas, sunning decks, cabana pool houses with restrooms, shaded seating areas, playgrounds with tot lots, grass lawns, lookout/viewing areas, sand horseshoe pit, and passive parks with picnic tables and

benches. Pedestrian pathways are incorporated into the conceptual landscape design to link recreation areas with the units.

Hillside Regulations: In addition to RM-B base district development regulations, hillside development provisions per Section 3039 of the Zoning Ordinance also apply to this project. Various setback, height and development restrictions, including a 30-foot building height limit would apply to certain portions of the site. All buildings proposed in this project comply with RM-B regulations. However, a hillside regulation variance is required for certain buildings that are adjacent to slopes that would require flat roofs and a 30-foot height limit. Portions of the following buildings are designed within these slopes:

- Village 1 – Buildings 9, 16, 20
- Village 2 – Buildings 1, 5, 6

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

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

KEY PLANNING ISSUES

General Plan Conformance: The proposed project is consistent with the Residential Medium Density (B) with a density of 8.7 dwelling units per buildable acre, which is below the base density of 10 dwelling units per acre. This designation and density is compatible with surrounding multi-family family land uses. Adjoining development includes medium density residential uses and open space to the south, east, and west of the subject property in the Oceana, River Oaks Apartments, and Rancho Hermosa communities. State Route 76 is located directly north of the project site. The proposed medium density project would provide a good transition between the communities to the west and east with approximately 20 acres of protected open space in the south-central portion of the site as a buffer between the two areas.

The applicant proposes a density of 8.7 dwelling units per developable acre. Approximately 18 acres of the 36 acre site were qualified as developable and were used in calculating the density for the project site. The remainder of the site contains steep slopes and sensitive biological habitat that were not counted in the density calculation. Open space and medium density housing have been allowable on this site since the General Plan and Zoning Ordinance update in the late 1980s. The density and multi-family use of the proposed project is also consistent with surrounding development. The Mission Vista Development to the west contains 54 condominiums at a density of 6.5 dwelling units per acre. The Oceana Development to the south contains 932 one, two and three-unit buildings at a density of 10 dwelling units per acre. To the east, the River Oaks Apartments contain 280 units at a density of 7.1 dwelling

units per acre. The proposed project will be a benefit to this established medium density neighborhood.

Zoning Compliance: This project is proposed to be in the Residential Medium Density - B District (RM-B). The proposal complies with the requirements of this district. However, two variances are requested: (1) for exceeding the building height by six feet in areas subject to the hillside regulations for six out of the 22 units in the development and (2) for construction of four retaining walls that exceed the required 6-foot height limit. These variances are analyzed below.

For hillside projects, both base zoning district (RM-B) and hillside development regulations apply to this project. The hillside regulations only apply to development proposed on qualifying 20 percent slopes and will govern where there is a conflict. In the RM-B zoning district, the maximum permitted building height is 36 feet. For hillside projects, the maximum building height permitted is 30 feet from finished grade. This hillside requirement technically applies to Buildings 9, 16, and 20 in Village 1 and Buildings 1, 5, and 6 in Village 2. Minimal portions of Buildings 1 and 9 will be located on qualifying 20 percent slope areas. As shown in the visual simulations in the environmental impact report (EIR), these buildings will blend in with other multi-story buildings within the proposed project. Redesigning these buildings with a flat roof to comply with the 30-foot height limit, would not improve the overall appearance of the hillsides and would compromise the overall design of these structures.

A Variance is also being requested to exceed the maximum wall height requirement of six feet for four retaining walls. Three of the retaining walls will be visible only from within the Oceanpointe project area. The top of the retaining wall proposed off Stage Coach Road will be either at the same elevation here as Stage Coach Road or lower than the street elevation of Vista Bella. As a result, someone standing at the west-end or bottom of Vista Bella would need to look downward to see this 7-foot high retaining wall. This wall would not be visible from Stage Coach Road. Exceeding the wall height requirement is necessary for certain portions of the project to maintain a 100-foot fuel modification area from each structure, protect biological habitat, and limit the development impact to the biological preserve area.

Environmental Impact Report: Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design. The following are key environmental issues analyzed in the project EIR:

Traffic and Circulation: The proposed project will contribute to cumulative impacts under buildout conditions at the intersection of Rancho del Oro/San Ramon Drive and El Camino Real/Vista Rey. To mitigate these impacts the project is required to install a new traffic signal on Rancho del Oro Drive at San Ramon Drive as well as a new signal at El Camino Real and Vista Rey.

Noise: The majority of the exterior areas of the proposed homes are subjected to long-term vehicular noise levels greater than 60 decibels (dB) from traffic on SR-76

Buildings exposed to an exterior noise level of 60 dB could result in exceedence of the allowable interior noise level of 45 dB. To mitigate this potential impact the applicant is required to conduct an interior noise analysis prior to the issuance of building permits to ensure that the interior noise level does not exceed 45 dB. This can be achieved through the use of certain building materials, insulation and building design techniques.

Biological Resources: The proposed project will result in direct impacts to seven sensitive habitat areas on-site, including southern riparian forest (0.14 acre), mule fat scrub (0.14 acre), disturbed wetland (0.06 acre), Diegan coastal sage scrub (1.36 acres), disturbed coastal sage scrub (0.27), Coyote brush scrub (0.22 acre), and non-native grassland (4.23 acres). Sensitive species that occupy these habitats include the least Bell's vireo, yellow warbler, yellow-breasted chat, and coastal California gnatcatcher. A number of mitigation measures have been required to reduce biological resource impacts to below a level of significance. Mitigation of upland habitats (coastal sage scrub, coyote brush scrub, etc.) will be accomplished through on-site habitat protection (conservation easement) and management within the approximately 20-acre open space area in the center of the project site. The mitigation program includes on-site revegetation/creation of 2.81 acres of coastal sage scrub and 0.39 acre of wetland creation. A number of mitigation measures also address potential impacts from construction grading and other indirect impacts to sensitive habitats.

Paleontology: Implementation of the proposed project may result in significant paleontological resource (fossils) Impacts in association with grading/excavation of the highly sensitive Tertiary Santiago Formation on-site. A paleontological monitor will be required on-site during the initial site grading operations.

ENVIRONMENTAL DETERMINATION

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures discussed above, no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design. An Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

The Planning Division advertised that a draft EIR would be posted for 45 days with the Office of the San Diego County Clerk from February 21 to April 6, 2006. A number of comments were received during public review of the environmental document and responses to the comments are included in the Final EIR. The Planning Commission will need to certify the EIR and findings stating that the EIR was prepared in accordance with CEQA.

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record/and occupants within a 1,500-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant.

SUMMARY

In summary, staff finds that the Tentative Map and Development Plan are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is below the base density of 10 dwelling units per acre and is compatible with surrounding medium density uses. The Variances for exceeding the allowable wall height and building height limit under the hillside regulations are warranted given the steep topography of the site and large areas of sensitive biological resources that are to be protected. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to certify the EIR, and associated findings and mitigation monitoring and reporting program and adopt Planning Commission Resolution No. 2008-P19,
- Move to approve Tentative Map (T-12-04), Development Plan (D-30-04) and Variances (V-12-04 and V-10-05)) and adopt Planning Commission Resolution No. 2008-P18 as attached.

PREPARED AND SUBMITTED BY:


Jerry Hittleman
City Planner

JH//fil

Attachments:

1. Site Plan/Floor Plans Landscaping Plans and Elevations
2. Planning Commission Resolution No. 2008-P18
3. Planning Commission Resolution No. 2008-P19, certifying the EIR

Received by: Angelina Ehrlich
Via: Hand deliver
Copy to: Lauren Wasserman,
Jerry Hittleman,
Barbara Kiegel Wayne

ACCEPTANCE OF APPEAL
(OFFICE USE ONLY)

RECEIVED
APR - 3 2008
RECEIVED
APR 03 2008
Planning Department
CITY OF

Appeal of: Project name Oceanpointe

Date of Final Action: 3-24-08 Date Filed: 4-3-08
Resolution 2008 P-18

Form of Appeal: \$820 Appeal Fee Petition X

Person Submitting Appeal: Linda Curtiss - Homeowner
Mission Vista

Company/Developer Representative, Company
Name: Hallmark Communities

Name of Person who Prepared the Appeal: Linda Curtiss

Name of Spokesperson for the Appeal: Linda Curtiss

Address: 277 Stage Coach Road, Oceanside 92057

Phone Number: 760 757-9331

E-mail and/or Fax: Lcortiss2006@yahoo.com

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

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

Signature: Linda Curtiss Date: 4-3-08

Appeal to Oceanside City Council

Project name: Oceanpointe

Applicant: Hallmark Communities

Planning Commission approval on 3/24/08

RECEIVED

APR 03 2008

CITY CLERK

We do not feel that Hallmark Communities or the Planning Commission have adequately addressed the concerns of homeowners in Oceana or Mission Vista regarding the project named Oceanpointe.

We have a major concern regarding our safety due to grading and building on Stage Coach Road.

Mission Vista has already suffered a major slide on the west side of the hill. The grading that Hallmark is proposing will amount to displacing considerable tonnage of earth. That along with the vibration from the heavy equipment needed for the grading which will be occurring approx 50 yards from the slide is causing considerable concern that it will compromise the already questionable integrity of the hillside

Currently Oceana and Mission Vista have panoramic views of hillsides and canyons.

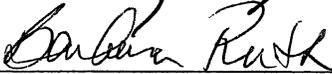
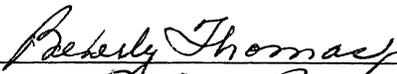
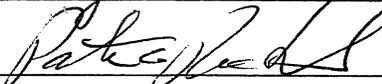
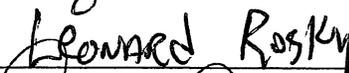
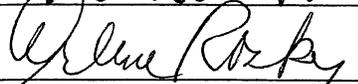
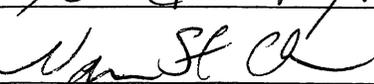
Three story buildings at street level on Stage Coach Road will completely obstruct the view to the north and east for many of the homes.

Currently Mission Vista is on a very quiet dead end road.

Hallmark Communities plans to widen Stage Coach Road and lengthen it to accommodate the traffic to 158 condos. Hallmark estimates that approx 60% of the traffic from village 2 will use Stage Coach Road to enter and exit their community. Additionally, 100% of the traffic for village 1 using Stage Coach Road exclusively will amount to a minimum of 250 vehicles making multiple trips up and down the street. This will add a considerable amount of traffic to Stage Coach Road bringing with it a considerable amount of traffic noise. Increased traffic will create a safety hazard for the residents of Mission Vista trying to get out of their driveways and for the neighborhood children who ride their bikes on the street.

Mission Vista does not have swimming pools, weight rooms or club houses. Our amenities are panoramic views and a quiet, safe street. The Oceanpointe development will take these away. Aside from the safety issues, this project will eliminate the elements that make Mission Vista a desirable place to live and will have a negative impact on property values.

We understand that this developer went to considerable expense in securing various approvals for this project. We would ask that you overturn the Planning Commission approval for this project and assist the developer in finding a nature conservancy to buy the land so that endangered and sensitive species can be protected in perpetuity.

Owner Name (Printed)	Owner Signature	Address
1 RICHARD STOTSBURY		397 STAGE COACH RD. OCEANSIDE CA 92057
2 Nancy K. York		321 Stage Coach Rd. Oceanside CA 92057
3 BARBARA RUTTH		3606 Vista Reg # 38 O'Side
4 BEVERLY THOMAS		3606 VISTA REG #36 O'SIDE
5 Patricia Richards		3606 Vista Reg #29 Oceanside
6 Stanley Oldaker		3606 Vista Reg #27 O'Side
7 Leonard Rosky		3606-25 Vista Reg O'side
8 ARLENE Rosky		3606-25 Vista Reg
9 Vanora St Clair		3606 Vista Reg #8

Appeal to Oceanside City Council

Project name: Oceanpointe

Applicant: Hallmark Communities

Planning Commission approval on 3/24/08

RECEIVED

APR 03 2008

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Mission Vista does not have swimming pools, weight rooms or club houses. Our amenities are panoramic views and a quiet, safe street. The Oceanpointe development will take these away. Aside from the safety issues, this project will eliminate the elements that make Mission Vista a desirable place to live and will have a negative impact on property values.

We understand that this developer went to considerable expense in securing various approvals for this project. We would ask that you overturn the Planning Commission approval for this project and assist the developer in finding a nature conservancy to buy the land so that endangered and sensitive species can be protected in perpetuity.

Owner Name (Printed)	Owner Signature	Address
1 Linda Curtiss	<i>Linda Curtiss</i>	277 Stage Coach Rd Oceanside, CA 92057
2 Deborah Newman	<i>Deborah Newman</i>	265 Stage Coach Rd Oceanside, CA 92057
3 RYAN MATHER	<i>Ryan Mather</i>	209 STAGE COACH RD OCEANSIDE CA 92057
4 REVEE PERA	<i>Reeve Pera</i>	209 STAGE COACH RD OCEANSIDE CA 92057
5 Shelly Comfort	<i>Shelly Comfort</i>	229 Stage Coach Rd. Oceanside, CA 92057
6 John Corbett	<i>John Corbett</i>	275 Stage Coach Oceanside CA 92057
7 WILLEM J.P. SCHULTE	<i>W.J.P. Schulte</i>	291 Stage Coach Rd. Oceanside CA 92057
8 Roland Cobb	<i>Roland Cobb</i>	301 Stage Coach Rd
9 AMANDA BROWN	<i>Amanda Brown</i>	299 STAGE COACH RD

Appeal to Oceanside City Counsel

Project name: Oceanpointe

Applicant: Hallmark Communities

Planning Commission approval on 3/24/08

RECEIVED
APR 03 2008

We do not feel that Hallmark Communities or the Planning Commission have adequately addressed the concerns of homeowners in Oceana or Mission Vista regarding the project named Oceanpointe.

We have a major concern regarding our safety due to grading and building on Stage Coach Road.

Mission Vista has already suffered a major slide on the west side of the hill. The grading that Hallmark is proposing will amount to displacing considerable tonnage of earth. That along with the vibration from the heavy equipment needed for the grading which will be occurring approx 50 yards from the slide is causing considerable concern that it will compromise the already questionable integrity of the hillside

Currently Oceana and Mission Vista have panoramic views of hillsides and canyons.

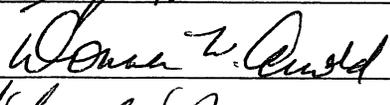
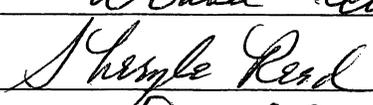
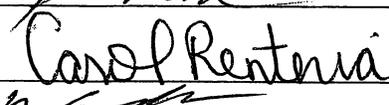
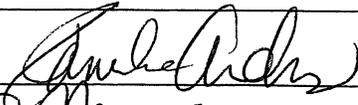
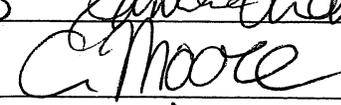
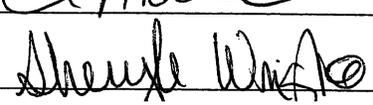
Three story buildings at street level on Stage Coach Road will completely obstruct the view to the north and east for many of the homes.

Currently Mission Vista is on a very quiet dead end road.

Hallmark Communities plans to widen Stage Coach Road and lengthen it to accommodate the traffic to 158 condos. Hallmark estimates that approx 60% of the traffic from village 2 will use Stage Coach Road to enter and exit their community. Additionally, 100% of the traffic for village 1 using Stage Coach Road exclusively will amount to a minimum of 250 vehicles making multiple trips up and down the street. This will add a considerable amount of traffic to Stage Coach Road bringing with it a considerable amount of traffic noise. Increased traffic will create a safety hazard for the residents of Mission Vista trying to get out of their driveways and for the neighborhood children who ride their bikes on the street.

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1 LAMONT GILKEY		311 Stage Coach
2 JEFFREY C HILL		303 STAGE COACH ROAD
3 DONNA ARNOLD		305 Stage Coach Rd
4 SHERYLE REED		313 STAGE COACH RD
5 Carol Renteria		319 Stage Coach Road
6 Mike Edmondson		329 STAGE COACH ROAD
7 Pamela Andrews		333 Stage Coach Rd. Bldg
8 Carol Moore		305 Stage Coach Rd
9 Sheryle Wright		357 Stage Coach Rd.

Appeal to Oceanside City Council

Project name: Oceanpointe

Applicant: Hallmark Communities

Planning Commission approval on 3/24/08

RECEIVED
APR 03 2008
CITY CLERK

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	Owner Name (Printed)	Owner Signature	Address
1	Nancy J. Brelig	<i>Nancy J. Brelig</i>	3606 Vista Rey #22 Oceanside, CA 92057
2	KATHY L. ELLIS	<i>Kathy L. Ellis</i>	3606 Vista Rey #54 Oceanside, Ca. 92057
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