

STAFF REPORT



ITEM NO. **20**

CITY OF OCEANSIDE

DATE: September 20, 2006

TO: Honorable Mayor and Members of the City Council

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF AN APPEAL OF A TENTATIVE MAP (T-3-04), DEVELOPMENT PLANS (D-12-04, D-13-04, D-14-04), CONDITIONAL USE PERMITS (C-17-04 THROUGH C-20-04) AND VARIANCE (V-6-04) FOR A MIXED-USE DEVELOPMENT AND A PUBLIC TRANSIT CENTER ON A 9.8-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH RIVER ROAD AND VANDEGRIFT BOULEVARD INTERSECTION, NORTH OF THE SAN LUIS REY RIVER – NORTH RIVER VILLAGE MIXED-USE DEVELOPMENT AND SAN LUIS REY TRANSIT CENTER – APPLICANT/APPELLANT: NORTH COUNTY TRANSIT DISTRICT (NCTD) AND LORANDA CORPORATION**

SYNOPSIS

The item under consideration is a resolution granting the appeal of the Planning Commission's decision denying development of a mixed-use development and bus transit center on a 9.8-acre site on the southeast corner of Vandegrift Boulevard and North River Road. The appeal has been filed by the project applicant, the Loranda Corporation. Staff is recommending that the City Council grant the appeal and reverse the Planning Commission's decision, approve the project and adopt the resolution as attached.

BACKGROUND

The Planning Commission public hearing and deliberations on the proposed subdivision were held on May 22, 2006. The Commission denied the project on a 5-to-1 vote. An appeal has been filed on the project to the City Council for further review on behalf of the Loranda Corporation and the North County Transit District. Attached to the report is the appeal letter, which outlines the specific issues/concerns.

Project Description: The project proposes a mixed-use development consisting of approximately 13,684 square feet of commercial uses, 106 residential condominium units, and a bus transit center on a 9.8-acre site located at the southeast corner of the intersection of North River Road and Vandegrift Boulevard. The bus transit center is

located in the northern 2.1 acres of the site and the condominiums and commercial uses will occupy 7.7 acres in the southern portion of the site.

On April 3, 2000, the City Council approved an amendment to the Zoning Ordinance to allow for the opportunity for mixed-use development projects located within commercial zones under certain design and site requirements.

In 2001, the NCTD Board of Directors adopted the Fast Forward Strategic Business Plan, the roadmap for improving bus and train service in North County. Fast Forward identified the need for a new transit center to serve the subject area in order to improve transit connections. Also, SANDAG's long-range transportation plan, MOBILITY 2030, identified a bus rapid transit (BRT) service in this vicinity. The San Luis Rey Transit Center would be a key station along this route, with connections to Carlsbad and Encinitas via El Camino Real and the Sorrento Valley and University City areas of the City of San Diego.

In 2002, the site selection process for the siting of the proposed transit center began. This process was a collaborative effort between NCTD, the City of Oceanside, SANDAG and other agencies. The multiagency task force identified 15 potential sites for the Center within the San Luis Rey Valley. Eventually the search was narrowed to 4 sites near the College Boulevard/North River Road intersection, because many of the existing bus service routes converge here and it is equidistant to the main Oceanside and Vista Transit Centers. At a subsequent community meeting, this site was identified by the public as the preferred site for the center. In June of 2003, the NCTD Board of Directors unanimously adopted the site as the preferred location for the Transit Center due to its location, its access, the community's response and the potential to be located within a new mixed-use development.

Site Review: The subject site is vacant and has been previously graded; however, there are small amounts of coastal sage scrub, non-native grassland and an ephemeral drainage course. The proposed project is bordered by existing multifamily and commercial uses to the north and west and is bordered by the San Luis Rey River to the south and east. The mostly triangular property has frontage on three sides; both reaches of North River Road and Old North River Road. The site gently slopes in a southeasterly direction toward the San Luis Rey River channel.

The subject property is lower in elevation than the north and west adjacent parcels. The property has a General Plan Land Use designation of Neighborhood Commercial (NC) and the corresponding zoning designation of Neighborhood Commercial (CN).

Surrounding land uses include multifamily residential units to the north zoned RM-C and a small commercial area zoned CG and multifamily housing zoned RM-B to the west. The San Luis Rey River channel is located to the south and east.

There are a total of 106 residential condominium units with a project density of 10.8 dwelling units per acre (du/ac), which includes the entire 9.8-acre site and is below the

permitted residential density of 29 du/ac in a mixed-use development. Surrounding multifamily residential projects have the following densities: Valley View Apartments (west) – 21.7 du/ac, Stonemark (north) – 17.7 du/ac, La Costa Villas (north – 17.7 du/ac and Riverview Townhomes (northeast) – 14.1 du/ac.

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

Mixed-Use Development Plan: The applicant is proposing the use of a Mixed-Use Development Plan in conjunction with the project Tentative Map, Development Plans and Conditional Use Permits. The specific purposes of the Mixed-Use Development Plan are as follows:

1. Establish a procedure for the development of parcels as mixed-use development.
2. Ensure orderly and thorough planning and review procedures that will result in a quality design.
3. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities.
4. Provide a mechanism whereby the City may authorize desirable development consistent with the General Plan without inviting speculative rezoning applications which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
5. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
6. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

The Mixed-Use Development Plan provides flexible development guidelines that will allow the orderly development of a mixed-use project that is consistent with the surrounding neighborhood. In addition, the Mixed-Use Development Plan allows for flexibility in creating superior building and site design, increase the diversity of the building design and provide for more common area and landscaping. The Mixed-Use Development Plan is attached to the staff report for review. The following is a square footage breakdown of uses for the mixed-use project:

Traditional Residential Square Footage:

Unit 1 - 1,183 SF x 43 units = 50,869 square feet

Unit 2 - 1,269 SF x 43 units = 54,567 square feet

Total Residential = 105,436 SF

Mixed-Use Building 1 Residential & Commercial Square Footage:

Unit 5 - 1,082 SF x 4 units = 4,328 SF

Unit 6 - 1,150 SF x 4 units = 4,600 SF

Total Residential = 8,928 SF

Commercial square footage = 7,500 SF

Mixed-Use Building 2 Residential & Commercial Square Footage:

Unit 1.1 - 1,192 SF x 4 units = 4,768 SF

Unit 2.2 - 1,365 SF x 4 units = 5,460 SF

Total Residential = 10,228 SF

Commercial square footage = 3,360 SF

Mixed-Use Building 3 Residential & Commercial Square Footage:

Unit 1.2 - 1,192 SF x 2 units = 2,384 SF

Unit 2.2 - 1,365 SF x 2 units = 2,730 SF

Commercial Square Footage = 2,824 SF

Transit Center:

Commercial Pad Area - 93,394 SF X 25% = 23,348 SF

Square Foot Totals and %:

Total Residential SF = 129,706 SF

Total Commercial SF = 37,032 SF

TOTAL SQUARE FOOTAGE = 166,738 SF

PERCENTAGE OF SQUARE FEET COMMERCIAL VS. RESIDENTIAL USES = 22.2%

Tentative Map and Development Plan: The project proposes 106-residential units, 13,684 square feet of commercial with 26 commercial condominiums, and a 2.1-acre bus transit center on a 9.8-acre site. In addition, there is a 31,585-square-foot recreation area within the residential/commercial development. The project architecture consists of seven distinct building types. Three of the building types are conventional residential, three of the building types are mixed-use and one is the pool building. Three residential color schemes and one mixed-use commercial color scheme have been developed to

further enhance the variety and appeal of the elevations as well as to establish the different “neighborhoods” within the village.

Conventional Residential: These buildings are all based on a standard 4-plex design (that is modified into the 2-plex, 3-plex and 4-plex buildings illustrated on the plan) and are highlighted by the Mission and Ranch Style design themes. All of these buildings are three stories (2 living levels over garages) and are approximately 37 feet, 6 inches in height (maximum allowed height is 50 feet). There are 3 building types that include fifteen 4-plex buildings, two tri-plex buildings and ten duplex buildings. Special features of these buildings include extensive use of mission-style arch elements in both facades, decks, trellises, awnings, arched recess accents, multipaned windows, ornamental iron treatments, shutters and clay tile accents. All of these residential units will have an attached, enclosed, two-car garage with roll-up-type garage doors.

Mixed-Use Residential/Commercial: Mixed-Use Building 1 (MU-1) is a three-story building that has stand-alone commercial uses on the ground floor and residential units over portions of the first floor. The MU-1 building is located directly adjacent to the public transit parcel along the northern side of the main access drive. This three-story building is approximately 42 feet, 10 inches tall and contains potentially 6 commercial (per half of building) spaces and 8 residential units. The central portion of the building contains the single-story element while the three-story features are on the opposite ends. The total amount of commercial space within the MU-1 building is 7,500 square feet. This square footage will be subdivided into a maximum of 12 condominium units with a minimum size of 350 square feet.

The residential units of the MU-1 building are located over the outer two commercial spaces. Access to these uses will be from the main promenade in front of the building via a gated private stairway between the lower two commercial uses. There are two residential unit types, Unit 5 and Unit 6, within this building and four of each unit. It is possible for a future owner to own a residential unit and a shop space; however, these will not be “shopkeeper” units. Each of these units will have one covered parking space and one uncovered parking space assigned to it.

The Mixed Use Building 2 (MU-2) is in the transition zone between the residential and commercial uses and also contains the classic vertical integration of commercial and residential units. This three-story building has stand-alone commercial uses on the ground floor and residential units above. This building is located along the southern side of the main access drive aisle across from the MU-1 building. The commercial units are fronted on the main access drive aisle and the residential units are above. The attached carports serving the residences are located on the building’s south side connecting the units with the traditional residential units on that side of the project. Each of the residential units will have one covered parking space and one uncovered parking space assigned to it.

This three-story building is approximately 42 feet, 10 inches tall and contains 8 base commercial spaces and 8 residential units total. The central portion of the building is

divided by an access drive that extends from the main drive aisle into the residential portion of the project site. This access point is a covered gateway element into the residential portion of the site.

The Mixed Use Building 3 (MU-3) building also contains classic vertical integration of commercial and residential units characteristic of traditional mixed-use projects. This three-story building has stand-alone commercial uses on the ground floor and 4 residential units above. The MU-3 building is located directly adjacent to the public transit parcel along the northern side of the main access drive. The residential units will be served by carports off a dual-loop access drive. This three-story building is approximately 42 feet, 10 inches tall and will contain 6 commercial condominiums and 4 residential units. Architectural elements include arched openings, arched recesses, decks, plaster trim, ornamental iron, fabric awnings and tile accents. The commercial element of this building contains 6 commercial condominiums within a total of 2,824 square feet of space with a minimum size of 350 square feet per unit. It is possible that only a single tenant will own/occupy all of these commercial spaces, or 6 different owners/tenants will divide the total area.

Bus Transit Station: The NCTD bus transit center project site consists of 2.1 gross acres at the southeast corner of the Vandegrift Boulevard and North River Road intersection. The property will be graded to generally maintain the existing topographic features of the site. The site will also be graded to facilitate stormwater drainage off-site and into existing drainage systems. The northwest corner of the project site, which is at the intersection of Vandegrift Boulevard and North River Road, will serve as the “Arrival Plaza” gateway feature into the North River Village mixed-use project, and specifically, the San Luis Rey Transit Center.

There will be two separate entrances to the transit center, one of which will be for bus traffic only. The northwestern access point, which is approximately 180 lineal feet from the Vandegrift Boulevard and North River Road intersection, is for bus ingress only. The bus-only access will save NCTD buses time in accessing the site by up to two minutes and facilitate more reliable connections. NCTD uses a timed-transfer system to minimize passenger waiting time. This access is right-in only and will be posted for “bus access only” to minimize vehicular conflicts. No egress will be allowed from this point.

Once on-site, the buses will circle the “island platform” in the center of the site and will pick up passengers from a designated bus bay. The buses will only be able to circle the island in a clockwise fashion to avoid conflicts in movements. The clear width of the drive aisle around the island is 26 feet minimum, which will allow for ease of movement between parked buses and moving buses. In addition, the bus bays are designed at an angle, which facilitates the turning movements needed to pick-up and drop-off passengers. The island platform will accommodate 12 buses, two of which can be articulated (double in length). There is only one exit from the site, which is located at the southeast corner which ties into the main access drive of North River Village.

The northeastern access point will be a signalized access designed to line up as closely as possible with the existing North River Circle cul-de-sac across North River Road. Due to the proximity of the river habitat and the river flood plain, a 90-degree angled intersection is not possible. This access point will permit full turning movements. The location for this signal was dictated by the existing 40-foot-wide City road right-of-way (Old North River Road), alignment with the existing cul-de-sac bulb of North River Circle (that serves the apartments to the north) and Engineering Design Standards for intersection spacing criteria (between the new signal and the westerly signalized intersection of North River Road and Vandegrift Boulevard).

This controlled access will serve the proposed project, as well as the residential units north of North River Road and the North River Village project. Although the access serves both components of the mixed-use plan, it is a requirement of the NCTD project to accommodate bus egress out of the Center. It will be 3 lanes wide consisting of a large ingress lane to accommodate bus turning radii, and two egress lanes. The access road is within the existing right-of-way of the old North River Road. NCTD buses will exit the site through this access and enter here only under special circumstances.

The project site also accommodates two passenger “drop-off” locations to help facilitate the movement of passengers into, and out of, the Center. The first drop-off zone is located along the northern property line in the North River Road right-of-way. This “turnout” is accessible only from eastbound North River Road. It begins approximately 50 feet east of the bus-only access point, extends approximately 175 feet to the east and is 11 feet wide. This facility can accommodate approximately 9 cars at peak conditions. Once passengers are dropped off, they will access the bus island platform via a centralized ADA crosswalk.

The second drop-off is accessed from the western project entrance of the adjacent North River Village project. This drop-off location is at the southwestern corner of the NCTD parcel. The drop-off lane is a part of the dual-access loop associated with the MU-3 Building of the North River Village project. This drop-off lane has approximately 90 lineal feet of area that can be used for the loading and unloading of passengers. There is an ADA-compliant walkway that connects this drop-off zone and the transit center. Both drop-off sites are separated from buses within the transit center by tubular steel fence. The fence keeps the perimeter secure and directs pedestrians to the controlled access points. The crosswalks at these access points will be delineated with decorative paving

The site’s trash and recycled materials will be separated and contained in a trash enclosure located in a discrete location behind the project’s southern perimeter fence near the site’s eastern edge. NCTD access to the enclosure will be from a locked gate. The access point for Waste Management to service the enclosure will be from the main drive aisle of the North River Village project. This was the preferred access methodology to keep the bus traffic separated from other on-site uses. In addition, an internal “turn-out” is provided near the northeast end of the bus drive aisle that will

accommodate the NCTD sweeper that will keep the bus drive aisle clean of trash and debris.

Off-site Public Trail/Buffer Area: The North River Village project will also enhance a portion of the existing, public San Luis Rey Equestrian River Trail System which was established through the City's Recreational Trails Element. The City's Equestrian and Pedestrian Circulation Master Plan dictates that this trail is to ultimately extend from the Pacific Ocean on the west to the Bonsall Historic Bridge on the east. The trail currently exists in a "free-form" condition within the existing 40-foot-wide City right-of-way adjacent to the San Luis Rey River (Old North River Road).

The project will enhance this combined facility into a single 12-foot-wide, all-weather access road within the existing 40-foot-wide City right-of-way. By combining the two elements into one facility, the required City maintenance access route (to maintain the existing water and sewer lines which are to remain in place) is maintained, the City's trail is provided for, and impacts adjacent to the river can be minimized and confined.

From where the combined trail connects to the new access drive, the trail becomes a 10-foot-wide equestrian trail adjacent to a 5-foot-wide sidewalk. There is an approximately 180-foot stretch of the trail that is reduced to 8 feet in width with a 4-foot-wide sidewalk for purposes of avoiding the river habitat and maintaining the intersection alignment. It is important to note that the actual trail itself in this 8-foot-wide "reduced" condition is still wider than the required 7 feet in width as required by the Zoning Ordinance (Section 2706 D. 1.) In addition, the equestrian trail "corridor width" ranges in size from 12.5 feet to 15.5 feet in width, which also is in excess of the minimum 10-foot-wide corridor as established by the Zoning Ordinance.

The trail and City maintenance access will be more confined and further away from the San Luis Rey River than the existing uncontrolled use. This will help to reduce the frequency of any direct impacts to the river and help to reduce indirect impacts to the river from the public trail to acceptable levels. By providing these use limitations and the combined enhancement, the project will improve the interface between the existing right-of-way and the river. It will also create an approximately 175-foot buffer area between the active-use area within the right-of-way and the river habitat that currently does not exist. Within the buffer area, 100 feet of habitat restoration with coastal sage scrub and other native plant species will occur between the development area and the river – this area also includes the trail. An additional 75 feet of area containing landscaping, parking areas, recreation areas, and no buildings will occur on the project pad.

Variance: A Variance is proposed to accommodate portions of retaining walls that are in excess of 6 feet in height and two that are topped with either a 6-foot block wall or 8-foot block wall for noise attenuation, use separation and fire protection purposes. These conditions exist in two different locations within the site. The need for these combination walls is based on environmental protection, fire protection and separation of commercial and residential uses.

The first retaining wall/fence combination occurs along the easternmost edge of the site adjacent to the new signalized access drive from the east/west stretch of North River Road. The retaining wall, which is 11.4 feet tall at its highest point, is needed to keep the access road out of the flood plain (and the river habitat) in this location. This wall will be plantable. The wall is needed to ensure the long-term viability of the road and provide for habitat preservation. In addition, this wall will allow for upland habitat revegetation adjacent the river habitat. To further lessen the potential environmental impacts from the project, this wall will be topped with a 6-foot-high solid decorative masonry wall for noise attenuation purposes to the betterment of the adjacent habitat. This wall is associated with the future transit use, as the signalized access will serve as the only bus egress point out of the transit center (and it will be a secondary access point as well). The wall will reduce bus noise within the habitat to acceptable levels.

The second retaining wall/fence combination occurs along the site's southern border (adjacent to units 33-40). The maximum height of the retaining wall is 4.4 feet; however, it will not be plantable because of fire protection issues (which is also covered by this Variance). As the southern boundary of the site abuts a commercially zoned property, an 8-foot block wall is required for the separation of the future commercial use and the proposed residential use. The combination retaining wall/block wall exceeds 8 feet in total height for approximately 40 feet. The westernmost portion of the wall (approximately 140 lineal feet), which will be most visible to commuters traveling north on North River Road, will be the standard 8-foot block wall which meets code. Again, this wall is required by the Fire Department for fire protection purposes and for the separation of the commercial and residential uses.

The unusual shape of the property, the City's existing 40-foot right-of-way, and the proximity of the river are unique to the site and, therefore, the Variance will not represent a special privilege towards development of the property.

Common Recreational Facilities: The North River Village project will provide two main common active recreational amenities that will be available to all of the residents. The main recreation area for the project is along the site's eastern boundary and is approximately 31,585 square feet. By siting this large recreational area on the eastern edge of the project it further buffers the river habitat from the units and it creates a natural firebreak to help protect the structures. This area includes a community swimming pool and spa, a restroom building, sunning deck and trellis feature, a tot-lot, picnic tables, a large turf play area and walkways. This area will be the focal point of activity for the entire North River Village community. The second recreational amenity is centrally located within the conventional residential units and is 7,712 square feet in size. The area, which is more passive than the main facility, will include turf play areas, picnic tables and meandering pathways. These pathways will connect residents to this area as well as to the mixed-use commercial uses to the north and the large recreation facility to the east.

In addition, the project will also provide two "pedestrian promenades" that will be

available to project residents, the on-site commercial tenants, transit riders and all other visitors to the community. One of these promenades will be internal to the “village”, and the second will be along the site’s perimeter and will serve as an arrival plaza entry feature to the community. A series of trails will connect the on-site residences to the commercial uses and promenades. These elements will help to make this a truly “connected” community. The residential open space areas, however, will be for the exclusive use of the on-site residents and their guests.

The Zoning Ordinance requirement for site landscaping in the CN Zone is 15 percent. Based on the net site area of 7.7 acres (which excludes the 2.1 acre public transit pad), the project is required to provide 50,312 square feet of landscaping. As proposed, the project provides a total of 134,165 square feet of landscaping. This equates to 40 percent landscaping, which is far more than double the commercial landscaping requirement. If the transit facility pad were included in the calculation, the requirement would be 64,033 square feet and the project would still far exceed the requirement. With the Open Space being provided by the project as discussed above, that would equate to 28 percent, which is still well above the minimum requirement.

The Zoning Ordinance requirement for multifamily residential projects is a minimum of 300 square feet of usable open space per dwelling unit. If this requirement is applied to this project, a total of 31,800 square feet of usable open space is required (based on a total of 106 residential units). Of this amount a minimum of 15,900 square feet has to be in common usable open space. In addition, for a project of this size (a project with 75 units or more), that usable open space must contain at least one 8,000-square-foot active recreation area or two 4,000-square-foot active recreation areas.

As proposed, the North River Village project will provide approximately 54,179 square feet of total usable open space which far exceeds the minimum. The project will provide a total of 44,679 square feet of common usable open space highlighted by two active recreation areas. In addition, there will be approximately 9,500 square feet of private usable open space provided by exclusive-use decks for each residential unit.

Outlined below are the required development criteria of the underlying zoning and those proposed by the project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	10,000 sq.ft.	9.8 acres
PARKING	290 parking spaces	318 parking spaces 41 guest parking
BUILDING HEIGHT	50 feet (max)	42 feet , 10 inches (max)

*The development standards are established by the Mixed-Use Development Plan.

Conditional Use Permits: The Mixed-Use Development Plan requires the approval of a Conditional Use Permit, and a Use Permit is required for the bus transit facility.

Variances: A Variance is required for exceeding the maximum 6-foot-high fence and for a nonplantable retaining wall that is over 4 feet in height.

Waiver: The project proposes to underground all utility lines in conformance with City standards except the overhead utility line across the street on the north-south stretch of North River Road. This line is a large 69kv line which is exempt from the undergrounding requirements per Section 901G.3 of the Subdivision Ordinance.

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

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

Environmental Issues: A Mitigated Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Mitigated Negative Declaration during its hearing on the project.

Extensive studies were done for the biological issues for the site. The analysis and mitigation measures are detailed in the attached Mitigated Negative Declaration and are included as conditions in the resolution for the project. Briefly summarized, the project has been conditioned to address impacts in the following areas:

Land Use and Planning: The applicant is required to revegetate the area between the San Luis Rey River and the base of the proposed retaining wall with native plant species and construct a 6-foot noise wall to mitigate potential impacts to wetland habitat and the endangered least Bell's vireo songbird that breeds in the river.

Transportation/Circulation: Traffic mitigation includes provision of a north-south right turn lane along North River Road, a fair-share contribution to various traffic improvements in the surrounding area, and a new traffic sign at North River Circle and the eastern project access.

Biological: Mitigation for impacts to the coastal sage scrub, non-native grassland, and an ephemeral drainage requires mitigation at a mitigation bank or a site approved by the City and Resource Agencies. Other mitigation measures address long-term maintenance of the biological buffer area, fencing requirements, outdoor lighting restrictions, and prohibition of use of exotic invasive plant species.

Noise: Noise impacts could occur to future residents. To reduce these impacts the applicant will be required to use buses that idle at less than 70 decibels, minimize the period of time that buses idle at the transit center, reduce interior noise levels through use of building materials and techniques, and use low-noise producing mechanical equipment for the buildings.

Cultural Resources: An archaeologist and Native American monitor are required to monitor all initial grading activities to detect any cultural resources that may be unearthed during grading operations.

Comments were received during public review of the Mitigated Negative Declaration from California Department of Fish and Game and various members of the public. Responses to these comments are included in the environmental document.

ANALYSIS

Listed below are the issues raised by the Planning Commission, along with staff responses. Staff has reviewed the issues and believes that all of the concerns have been addressed by the project design and conditions of approval. The project is a high-quality design and is consistent with the Land Use Element of the General Plan, Zoning Ordinance and all other applicable documents regulating development.

1. Issue

The project does not provide a park-and-ride facility for bus users.

The North County Transit District has determined that a park-and-ride facility is not needed at this facility due to the lack of express bus or rail service. The main function of the bus facility is to provide a transfer point for local bus routes serving Oceanside. Nonetheless, the applicants are willing to revise the proposed project to provide dedicated park-and-ride spaces for those residents in the area wishing to use the bus transit center.

2. Issue

The pedestrian pathways are not properly designed.

The proposed project does provide adequate pedestrian pathways and linkages throughout the project. The applicants agreed at the Planning Commission hearing to provide a wider and enhanced pedestrian entry to the bus island and incorporate speed bumps and additional pedestrian crossings in the mixed-use portion of the project.

3. Issue

Provide security gates to the residential portion of the project.

The Planning Commission requested that security gates be added between the bus transit and mixed-use portions of the project and the residential area for security reasons. The site plan can be adapted to provide these improvements and the applicant is willing to make this change.

4. Issue

On-site and off-site wall design.

The wall design on the conceptual landscape plans were not detailed enough and only called for a “decorative block wall” to be constructed on-site and off-site along North River Road. The Planning Commission requested that the walls be treated architecturally with stucco to match the proposed buildings. The applicants have agreed to this request and will provide this feature in final design. In addition, proper landscape screening will be provided on the wall that extends east from the project site along North River Road.

5. Issue

Building design.

The Planning Commission requested that the ground floor of the units be further architecturally enhanced to match the upper levels. The residential developer has agreed to work with staff to enhance the entry features of the ground entryways and garages.

6. Issue

Residential Density and conformance with surrounding area.

The Planning Commission felt that the proposed residential density of 10.8 dwelling units per acre was too high and not in conformance with surrounding development. The proposed project is significantly below the allowable 29 dwelling units per acre allowed for mixed-use projects. Surrounding projects are at higher density than the proposed project: River View Townhomes are at 14.1 du/ac, La Costa Villas and StoneMark are 17.7 du/ac, and Valley View Apartments have a density of 21.7 du/ac. Staff believes given the above findings that the proposed project is in conformance with surrounding residential densities and is well within residential densities allowed in a mixed-use project.

The site is also located in an area where numerous NCTD bus routes converge and is an ideal point for bus transfers. The site was selected by a bipartisan Site Selection Committee that included representatives from various agencies including the City and has also been endorsed by the City’s Transportation Commission.

7. Issue

Amount of Non-Residential Development.

As stated above in the staff report, the project includes 13,684 square feet of commercial space and 2.1 acres for the transit center pad. This results in approximately 22 percent commercial versus residential square footage. Currently, the Zoning Ordinance mixed-use regulations do not specify a required percentage of residential and commercial development.

8. Issue

Wall Variance.

A wall variance is needed at two locations – the northeast corner of the property between the bus transit center and San Luis Rey River and on the south side of the property between the residential use and commercial property to the south. The approximately 11-foot wall adjacent to the transit center is needed to reduce encroachment into the river and to control sound from buses using this area. The 8-foot wall on the south property line is warranted to provide a buffer between the residential and future commercial uses.

9. Issue

Impacts to San Luis Rey River Habitat.

The project will provide an approximately 175-foot buffer between the residential uses and the wetland habitat in the river. The buffer size and configuration has been designed in conjunction with and endorsed by the wildlife agencies. The City's draft Multiple Habitat Conservation Program Subarea Plan requires a 100-foot buffer between any development and the San Luis Rey River. The proposed project exceeds this requirement by 75 feet.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on May 22, 2006. After hearing considerable public testimony from area residents as well as the applicant/appellant, the Commission denied the project on a 6-1 vote. Commissioners indicated that the project site is not physically suitable for the proposed density or type of development as described in the analysis section above. They also felt the project as designed was not compatible in terms of density with surrounding properties, and was not compatible with the San Luis Rey River.

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 denying the project by the Planning Commission.

Prior to affirming, modifying or reversing the Planning Commission decision, the City Council shall certify that the Mitigated Negative Declaration has been completed in compliance with California Environmental Quality Act (CEQA), that the information therein was reviewed and considered by the City Council, and that the adoption of the Mitigated Negative Declaration reflects the independent judgment and analysis of the City Council.

The City Council shall review the record of the decision and hear testimony of the appellant, the applicant, and any other interested parties.

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

RECOMMENDATION

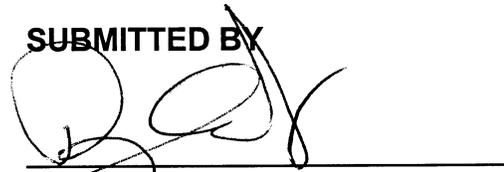
Staff has reviewed the issues raised by the appellants and believes that all of the concerns have been thoroughly addressed through the findings and conditions of approval. It is staff's recommendation that the City Council reverse the Planning Commission's decision and grant the appeal based on the findings contained in the attached City Council resolution.

PREPARED BY



Jerry Hittleman
Acting City Planner

SUBMITTED BY



Barry E. Martin
Interim City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant to the City Manager
Mike Blessing, Deputy City Manager/Community Development



ATTACHMENTS:

1. Area Map, Site Plan, Elevations, Architectural Guidelines
2. City Council Resolution approving the appeal
3. Planning Commission Resolution No. 2006-P31
4. Planning Commission Staff Report Dated May 22, 2006
5. Mitigated Negative Declaration
6. Appeal Letter

**CITY OF OCEANSIDE T.M.
NORTH RIVER VILLAGE
MIXED USE DEVELOPMENT PLAN**

ACCOMPANYING
2.14 AC. NORTH COUNTY TRANSIT FACILITY
BY SEPARATE CONDITIONAL USE PERMIT

40 20 0 40 80 120
SCALE IN FEET
GRAPHIC SCALE



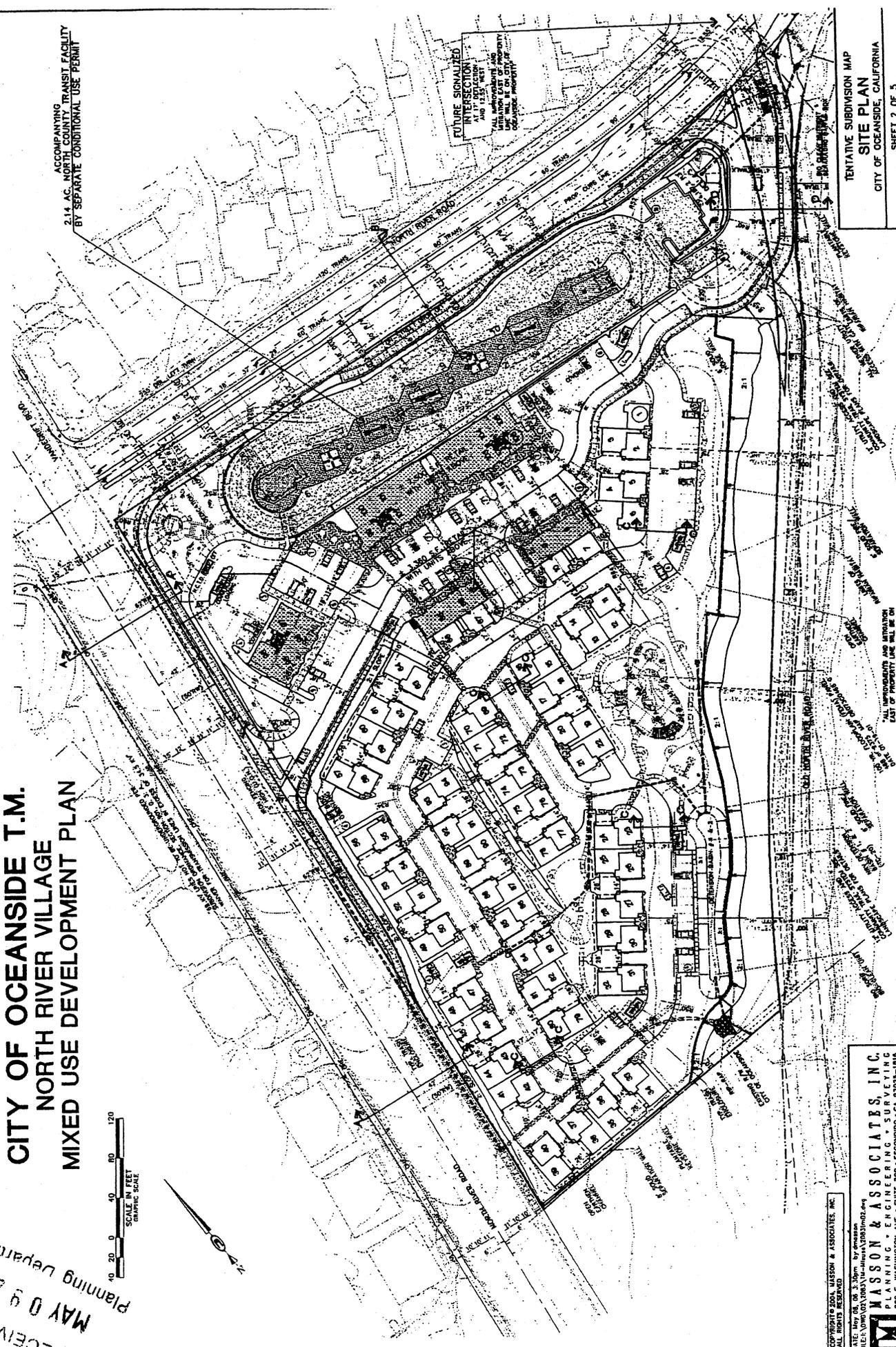
FUTURE SIGNALIZED
INTERSECTION
AT THE DELEGATION
AND T-1500 AVENUE
SIGNALS SHALL BE INSTALLED
WITHIN ONE YEAR OF PROPERTY
LAW WILL BE OF CITY OF
OCEANSIDE PROPERTY

TENTATIVE SUBDIVISION MAP
SITE PLAN
CITY OF OCEANSIDE, CALIFORNIA
SHEET 2 OF 5

ALL IMPROVEMENTS AND UTILITIES
EAST OF PROPERTY LINE WILL BE ON
CITY OF OCEANSIDE PROPERTY

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**CITY OF OCEANSIDE T.M.
NORTH RIVER VILLAGE
MIXED USE DEVELOPMENT PLAN**

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Planning Department

ACCOMPANYING
2.14 AC. NORTH COUNTY TRANSIT FACILITY
BY SEPARATE CONDITIONAL USE PERMIT



TENTATIVE SUBDIVISION MAP
PRELIMINARY GRADING
CITY OF OCEANSIDE, CALIFORNIA

SHEET 4 OF 5

SPECIALIZED UTILITY PROTECTION DESIGN
TO PROTECT EXISTING SEWER AND WATER
AS REQUIRED BY CITY ENGINEER

ALL NECESSARY AND APPLICABLE
CITY OF OCEANSIDE LAWS WILL BE IN
EFFECT AT THE TIME OF THIS PLAN.

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DATE: MAY 09, 06 3:30pm By: [Signature]
FILE: \\p01\work\2005\T.M.-NorthRiver\2005\m04.dwg

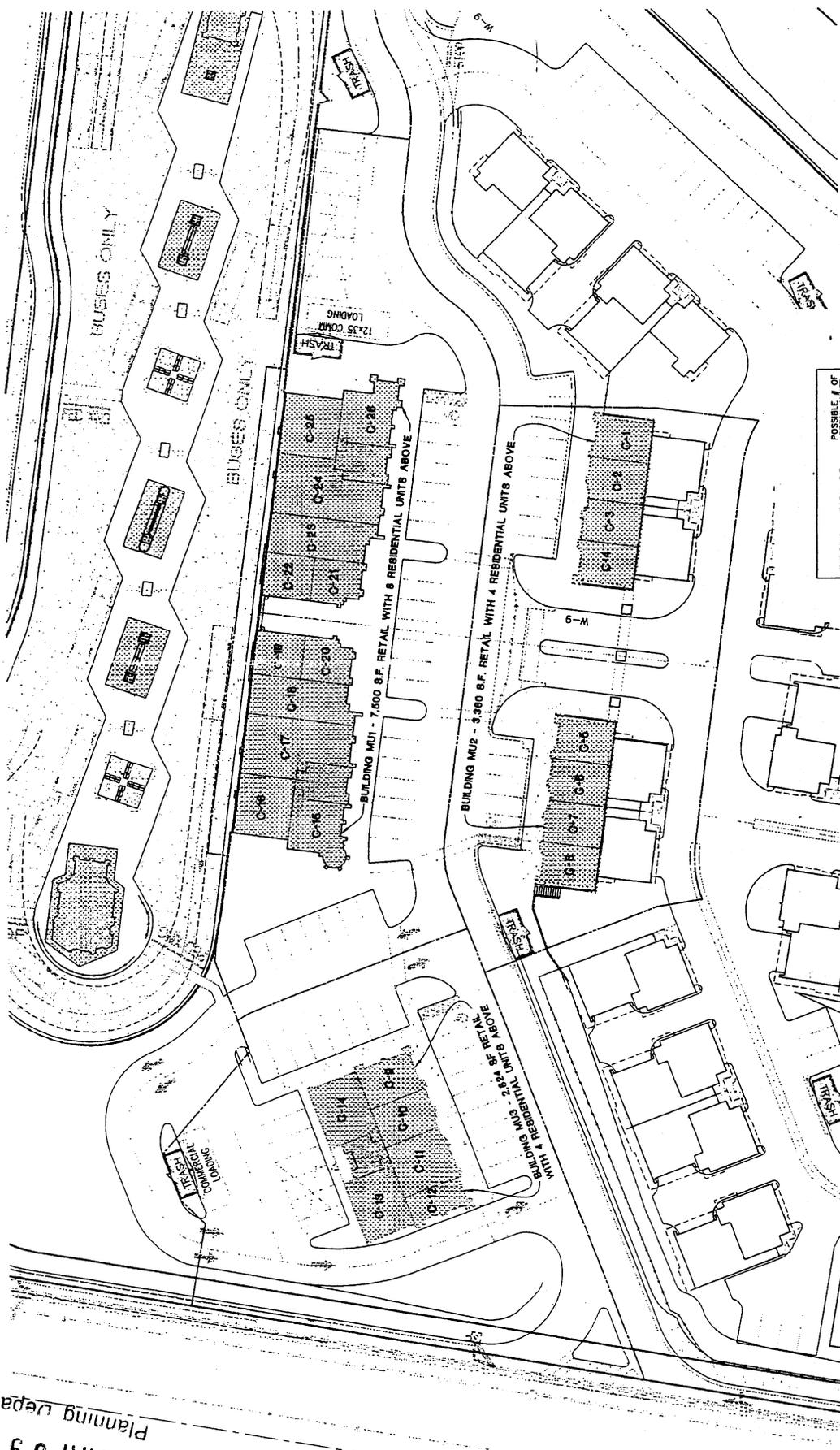
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**CITY OF OCEANSIDE T.M.
NORTH RIVER VILLAGE
MIXED USE DEVELOPMENT PLAN**

COMMERCIAL CONDOMINIUM LAYOUT

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BUILDING	TOTAL SF.	POSSIBLE # OF RETAIL UNITS
MU1	7,800	12
MU2	3,360	6
MU3	2,824	6

* RETAIL / COMMERCIAL UNITS ARE DESIGNATED C1-C26

TENTATIVE SUBDIVISION MAP
Commercial Condo Layout
CITY OF OCEANSIDE, CALIFORNIA

SHEET 5 OF 5

DATE: May 08, 05:31pm 3/4/2006
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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE GRANTING THE APPEAL OF PLANNING COMMISSION RESOLUTION NO. 2006-P31 AND APPROVING TENTATIVE MAP (T-3-04), DEVELOPMENT PLANS (D-12-04, D-13-04, D-14-04), CONDITIONAL USE PERMITS (C-17-04 THROUGH C-20-04) AND VARIANCE (V-6-04) FOR A MIXED USE DEVELOPMENT AND A BUS TRANSIT CENTER LOCATED AT THE SOUTHEAST CORNER OF VANDEGRIFT BOULEVARD AND NORTH RIVER ROAD

**(North County Transit District and Loranda Corporation - Applicant)
(North County Transit District and Loranda Corporation - Appellant)**

WHEREAS, an application was filed for a Tentative Map (T-3-04), Development Plans (D-12-04, D-13-04, D-14-04), Conditional Use Permits (C-17-04 through C-20-04) and Variance (V-6-04) for the construction of 13,684 square feet of commercial uses, 106-unit residential condominium units, and a bus transit center at the southeast corner of Vandegrift Boulevard and North River Road, which such real property is more particularly described in EXHIBIT "A", attached hereto and incorporated herein by reference;

WHEREAS, on May 22, 2006 the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, denied without prejudice said Tentative Map, Development Plans, Conditional Use Permits and Variance;

WHEREAS, on June 12, 2006, the Planning Commission adopted Resolution No. 2006-P31 denying with prejudice said Tentative Map, Development Plans, Conditional Use Permits and Variance;

WHEREAS, on June 20, 2006, an appeal was timely filed by North County Transit and the Loranda Corporation of the Planning Commission decision with the City Clerk of the City of Oceanside;

WHEREAS, the Acting City Planner has reviewed the proposed project for compliance with the California Environmental Quality Act (CEQA) and has conducted an Initial Study, in accordance with the California Environmental Quality Act (CEQA). Based upon the results of

1 the Initial Study, the Acting City Planner has determined that the project could result in
2 significant effects on the environment. However, revisions to the project made by or agreed to
3 by the applicant would avoid the effects or mitigate the effects to a point where clearly no
4 significant effects would occur; therefore, the Acting City Planner has prepared a Mitigated
5 Negative Declaration;

6 WHEREAS, the City Council does hereby find that the Mitigated Negative Declaration
7 and Mitigation Monitoring and Reporting Program has been prepared in accordance with
8 requirements of the California Environmental Quality Act (CEQA), the State CEQA
9 Guidelines, and the Environmental Review Procedures of the City of Oceanside, and hereby
10 adopts the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program;

11 WHEREAS, on September 20, 2006, the City Council of the City of Oceanside held a duly noticed
12 public hearing and heard and considered evidence and testimony by all interested parties concerning the
13 appeal of the denial of the above identified, Tentative Map, Development Plans, Conditional Use Permits,
14 and Variance; and

15 WHEREAS, based on such evidence and testimony this Council granted the appeal and
16 reversed the decision of the Planning Commission;

17 NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as
18 follows:

19 1. The City Council has reviewed the information contained in the Mitigated
20 Negative Declaration and in the exercise of their independent review and judgment, finds that
21 the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program in the
22 form presented has been prepared in accordance with requirements of the California
23 Environmental Quality Act (CEQA) and the Environmental Review Procedures of the City of
24 Oceanside and hereby adopts the same.

25 2. The appeal of Planning Commission Actions of May 22, 2006 and June 12, 2006:
26 Denial of Tentative Map (T-03-04), Development Plans (D-12-04, D-13-04, D-14-04),
27 Conditional Use Permits (C-17-04 through C-20-04) and Variance (V-6-04) is granted.

28 3. The decision of the Planning Commission is reversed, including the finding of
inconsistency with the City's General Plan and Zoning Ordinance. The project is consistent

1 with the Land Use Element of the General Plan and the City's Zoning Ordinance implementing
 2 the General Plan. The project conforms with the zoning, intensity of land use, development and
 3 standards applicable to property within the CN Zone.

4 4. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which
 5 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in
 6 Oceanside City Code Section 1.10, and Public Resources Code Section 21167.

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	\$15,964 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot
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	Based on meter size Typical \$3,746
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 Typical \$4,587

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

6. 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;

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

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

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

10. Pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption;

11. Studies and investigations made by this Commission and in its behalf reveal the following facts:

FINDINGS:

For the Mixed-Use Development Plan:

1. The proposed uses are consistent with the Land Use Element of the General Plan and the proposed commercial and residential uses are consistent with the uses within the surrounding neighborhood.

1 2. The proposed Mixed-Use Development Plan provides superior design with increased setbacks,
2 additional common area and recreational facilities, a bus transit center, diverse building design,
3 centralized plaza and cohesive development.

4 3. The Mixed-Use Development Plan has been created to include permitted uses, setbacks,
5 building height, lot coverage and parking requirements that exceed the base district regulations.
6 Deviating from these base districts requirements creates a diverse, superior design that results
7 in provision of more amenities such as recreational facilities and open spaces.

8 4. The project site can be adequately served by existing public facilities, services and utilities.

9 For the Tentative Map:

10 1. The proposed subdivision creates parcels that are consistent and exceed the requirements of the
11 CN zoning designation. The subdivision map is consistent with the General Plan of the City.

12 2. The proposed building pads on the site will conform to the topography of the site, therefore,
13 making it suitable for residential development. The 9.8-acre site is physically suitable to allow
14 for the development of 13,700 square feet of commercial, 106-unit residential condominiums,
15 and a bus transit center.

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

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

20 5. That the design of the subdivision or the proposed improvements will not cause substantial
21 environment damage with the proposed mitigation or substantially and avoidably injure fish or
22 wildlife or their habitat.

23 For the Development Plan:

24 1. The site plan and physical design of the project is consistent with the Zoning Ordinance and the
25 underlying Neighborhood Commercial (CN) zone.

26 2. The Development Plan conforms to the General Plan of the City.

27 3. The project site can be adequately served by existing public facilities, services and utilities.

28 4. The project, as proposed, is compatible with the existing and potential development on adjoining
properties or in the surrounding neighborhood.

1 5. The site plan and parameters for the architecture and physical design of the project is consistent
2 with the policies contained within Sections 1.24 and 1.25 of the Land Use Element of the
3 General Plan.

4 For the Conditional Use Permit for the Mixed-Use Development Plan:

- 5 1. The development portion of the subject property is zoned CN, however, with a Mixed-Use
6 Development Plan residential is allowed at a maximum density of a 29-dwelling units per acre.
7 The project proposes a density of 10.8 dwelling units per acre is well below the maximum
8 density allowed as established by the Mixed-Use Development Plan.
- 9 2. The location and conditions under which the subject application must comply insure that the
10 project will not cause detriment to the public health safety or welfare of persons residing or
11 working in or adjacent the project.
- 12 3. The project has been adequately conditioned or designed to comply with applicable
13 requirements.

14 For the Variance for exceeding the Maximum Height for Walls and for a non-plantable retaining wall
over 4 feet in height:

- 15 1. Special circumstances or conditions applicable to the development site, including size, shape,
16 topography, location and surroundings warrant the granting of the Variance. The up to 11.4-
17 foot retaining wall topped with a 6-foot noise attenuation wall, and the 4.4-foot non-plantable
18 retaining wall topped with an 8-foot residential to commercial separation wall, located on the
19 site are necessary to offset the sloped areas of the subject site, will afford better protection of
20 the adjacent river and wetland habitat, and provide appropriate fire protection and separation
21 barrier between the on-site residential and off-site adjacent future commercial uses. The walls
22 will also allow proper access to the site while keeping all improvements out of the 100-year
23 flood plain. The strict application of the requirements of the Zoning Ordinance deprive such
24 property of privileges enjoyed by other property in the vicinity and under identical zoning
25 classification.
- 26 2. The proposed additional height for the retaining walls does not make the property or use out-
27 of-character with property improvements in the vicinity. As such, granting the Variance will
28 not be detrimental or injurious to property or improvements in the vicinity of the development
site, or to the public health, safety or general welfare.

1 3. The granting of the variance is consistent with the purpose of the Zoning Ordinance and will
2 not constitute a grant of special privilege inconsistent with limitations on other properties in the
3 vicinity and in the same zoning district. The additional wall height is a result of the sloped
4 terrain of the site.

5 For the Waiver for the Requirement to Underground Facilities:

6 1. Section 901G 3(a) of the Subdivision Ordinance allows for a waiver of undergrounding utilities
7 when the existing overhead electrical lines are in excess of 34.5 KV. The existing overhead
8 electrical lines across North River Road are in excess of 34.5 KV and it would be prohibitive in
9 terms of cost and practicality to underground them at this time.

10 NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby adopt the Mitigated
11 Negative Declaration and approve the mitigation measures provided therein and approve Tentative Map
12 (T-3-04), Development Plans (D-12,13-04) Conditional Use Permits (C-17-04 through C-20-04) and
13 Variance (V-6-04) subject to the following conditions:

14 Building:

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

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m.
5 Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not
6 inherently noise-producing. Examples of work not permitted on Saturday are concrete
7 and grout pours, roof nailing and activities of similar noise-producing nature. No work
8 shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day,
9 July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency
10 work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

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

16 9. Verification that the addresses have been properly assigned by the Planning Division must
17 accompany the building permit.

18 **Engineering:**

19 10. Construction of public improvements for the entire mixed-use site is required with the final
20 map shall be constructed with the first development.

21 11. Prior to or concurrent with recordation of the final map, the developer shall acquire (including
22 on City property) the portion of the driveway off-site of the project property.

23 12. Vehicular access rights to North River Road shall be relinquished to the City from all abutting lots
24 except for at approved access locations shown on the tentative map.

25 13. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated and
26 improved as required by the City Engineer and/or Public Works Director.

27 14. Design and construction of all improvements shall be in accordance with standard plans or as
28 shown on the tentative map for the access to North River Road in the northeast portion of the
site, specifications of the City of Oceanside and subject to approval by the City Engineer and/or
Public Works Director.

- 1 15. Prior to issuance of a building permit all improvement requirements shall be covered by a
2 development agreement and secured with sufficient improvement securities or bonds
3 guaranteeing performance and payment for labor and materials, setting of monuments, and
4 warranty against defective materials and workmanship.
- 5 16. The developer shall provide public street dedication along North River Road as required to serve
6 the property and as shown on the approved tentative map.
- 7 17. The approval of the tentative map/project shall not mean that closure, vacation, or abandonment
8 of any public street, right-of-way, easement, or facility is granted or guaranteed to the developer.
9 The developer is responsible for applying for all closures, vacations, and abandonments as
10 necessary. The application(s) shall be reviewed and approved or rejected by the City under
11 separate process(es) per codes, ordinances, and policies in effect at the time of the application.
- 12 18. Prior to approval of the final map or any increment, all improvement requirements, within such
13 increment or outside of it if required by the City Engineer and/or Public Works Director, shall be
14 covered by a subdivision agreement and secured with sufficient improvement securities or bonds
15 guaranteeing performance and payment for labor and materials, setting of monuments, and
16 warranty against defective materials and workmanship.
- 17 19. Prior to approval of the final map a phasing plan for the construction of public and private
18 improvements including landscaping, streets and arterials shall be approved by the City Engineer
19 and/or Public Works Director. All improvements shall be under construction to the satisfaction of
20 the City Engineer and/or Public Works Director prior to the issuance of any building permits. All
21 improvements shall be completed prior to issuance of any certificates of occupancy.
- 22 a) The mixed-use development tract shall be recorded and developed as one. The City
23 Engineer and/or Public Works Director shall require the dedication and construction of
24 necessary utilities, streets and other improvements outside the area of any particular final
25 map, if such is needed for circulation, parking, access or for the welfare or safety of future
26 occupants of the development.
- 27 b) All public and private improvements including landscaping and off-site streets or
28 arterials that are found to be required to serve the model complex shall be completed
prior to the issuance of any certificates of occupancy.
20. Where proposed off-site improvements, including but not limited to slopes, public utility facilities,
and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain all

1 necessary easements or other interests in real property and shall dedicate the same to the City as
2 required. The applicant shall provide documentary proof satisfactory to the City that such
3 easements or other interest in real property have been obtained prior to issuance of any grading,
4 building or improvement permit for the project. Additionally, the City, may at its sole discretion,
5 require that the applicant obtain at his sole expense a title policy insuring the necessary title for the
6 easement or other interest in real property to have vested with the City of Oceanside or the
7 applicant, as applicable.

- 8 21. Pursuant to the State Map Act, improvements shall be required at the time of development. A
9 covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these
10 improvement conditions and a certificate setting forth the recordation shall be placed on the map.
- 11 22. Prior to the issuance of a grading permit, the developer shall notify and host a neighborhood
12 meeting with all of the area residents located within 300 feet of the project site, and residents of
13 property along any residential streets to be used as a "haul route", to inform them of the grading
14 and construction schedule, haul routes, and to answer questions.
- 15 23. The developer shall monitor, supervise and control all construction and construction-supportive
16 activities, so as to prevent these activities from causing a public nuisance, including but not limited
17 to, insuring strict adherence to the following:
- 18 a) Dirt, debris and other construction material shall not be deposited on any public street or
19 within the City's stormwater conveyance system.
 - 20 b) All grading and related site preparation and construction activities shall be limited to the
21 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
22 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless
23 written permission is granted by the City Engineer and/or Public Works Director with
24 specific limitations to the working hours and types of permitted operations. All on-site
25 construction staging areas shall be as far as possible (minimum 100 feet) from any
26 existing residential development. Because construction noise may still be intrusive in
27 the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
28 disturbing excessive, or offensive noise which causes discomfort or annoyance to
reasonable persons of normal sensitivity."
 - c) The construction site shall accommodate the parking of all motor vehicles used by persons
working at or providing deliveries to the site.

- 1 d) A haul route shall be obtained at least 7 days prior the start of hauling operations and must
2 be approved by the City Engineer and/or Public Works Director. Hauling operations shall
3 be 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 4 24. A traffic control plan shall be prepared according to the City traffic control guidelines and be
5 submitted to and approved by the City Engineer and/or Public Works Director prior to the start
6 of work within open City rights-of-way. Traffic control during construction of streets that have
7 been opened to public traffic shall be in accordance with construction signing, marking and
8 other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines.
9 Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 10 25. Approval of this development project is conditioned upon payment of all applicable impact fees
11 and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All
12 drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees,
13 reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation
14 of the map or the issuance of any building permits, in accordance with City Ordinances and
15 policies. The developer shall also be required to join into, contribute, or participate in any
16 improvement, lighting, or other special district affecting or affected by this project. Approval of
17 the tentative map (project) shall constitute the developer's approval of such payments, and his
18 agreement to pay for any other similar assessments or charges in effect when any increment is
19 submitted for final map or building permit approval, and to join, contribute, and/or participate in
20 such districts.
- 21 26. All streets shall be improved with curbs and gutters.
- 22 27. All streets shall provide a minimum of 10 feet parkway between the face of curb and the right of
23 way line. The drop-off area along North River Road and the bus transit center may have a reduced
24 parkway as shown on the approved tentative map. Sidewalk improvements shall comply with
25 ADA requirements.
- 26 28. Sight distance requirements at the project driveway or street shall conform to the corner sight
27 distance criteria as provided by the California Department of Transportation Highway Design
28 Manual.
29. Streetlights shall be maintained and installed on all public streets per City Standards. The system
shall provide uniform lighting, and be secured prior to occupancy. The developer shall pay all
applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate

1 schedule) streetlights and shall also agree to the formulation of, or the annexation to, any
2 appropriate street lighting district.

3 30. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineering
4 firm to perform a field investigation of the existing pavement on all streets adjacent to the project
5 boundary. The limits of the study shall be half-street plus 12 feet along the project's frontage. The
6 field investigation shall include a minimum of one pavement boring per every 50 linear feet of
7 street frontage. Should the existing AC thickness be determined to be less than three inches or
8 without underlying Class II base material, the developer shall remove and reconstruct the
9 pavement section as determined by the pavement analysis submittal process detailed in Item No. 2
10 below.

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

19 32. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon approved
20 soil tests and traffic indices. The pavement design is to be prepared by the developer's soil
21 engineer and must be approved by the City Engineer and/or Public Works Director, prior to
22 paving.

23 33. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
24 construction of the project, shall be repaired or replaced as directed by the City Engineer and/or
25 Public Works Director.

26 34. All existing overhead utility lines (with the exception of the 69 kv lines on the west side of North
27 River Road west of the project site) within the development and/or within any full width street or
28 right-of-way abutting a new development, and all new extension services for the development of
the project, including but not limited to, electrical, cable and telephone, shall be placed
underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the
City Engineer and/or Public Works Director and current City policy.

- 1 35. The developer shall comply with all the provisions of the City's cable television ordinances
2 including those relating to notification as required by the City Engineer and/or Public Works
3 Director.
- 4 36. The developer shall install 2-inch PVC conduit, together with 1/4-inch pull-rope and pull-boxes at
5 400 feet intervals for future signal interconnect cable on all arterial-level or above, streets.
- 6 37. Grading and drainage facilities shall be designed and installed to adequately accommodate the
7 local stormwater runoff and shall be in accordance with the City's Engineers Manual and as
8 directed by the City Engineer and/or Public Works Director.
- 9 38. The applicant shall obtain any necessary permits and clearances from all public agencies having
10 jurisdiction over the project due to its type, size, or location, including but not limited to the U. S.
11 Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service
12 and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County
13 Health Department, prior to the issuance of grading permits.
- 14 39. Prior to any grading of any part of the project, a comprehensive soils and geologic investigation
15 shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall
16 be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading
17 shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance
18 and Zoning Ordinance, is approved by the City Engineer and/or Public Works Director.
- 19 40. This project shall provide year-round erosion control including measures for the site required for
20 the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed
21 for all proposed stages of construction, shall be reviewed, secured by the applicant with cash
22 securities and approved by the City Engineer and/or Public Works Director.
- 23 41. A precise grading and private improvement plan shall be prepared, reviewed, secured and
24 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
25 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of
26 all structures, walls, drainage devices and utility services. Parking lot striping and any on site
27 traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.
- 28 42. Landscaping plans, including plans for the construction of walls, fences or other structures at or
near intersections, must conform to intersection sight distance requirements. Landscape and
irrigation plans for disturbed areas must be submitted to the City Engineer and/or Public Works
Director prior to the issuance of a preliminary grading permit and approved by the City Engineer

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

9 43. Open space areas and down-sloped areas visible from a collector-level or above roadway and not
10 readily maintained by the property owner, shall be maintained by a homeowners' association that
11 will insure installation and maintenance of landscaping in perpetuity. These areas shall be
12 indicated on the final map and reserved for an association. Future buyers shall be made aware of
13 any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted to the
14 City Engineer and/or Public Works Director for review prior to the recordation of final map. In
15 the event the homeowner's association dissolves, responsibility for irrigation and maintenance of
16 the slopes (open space areas) adjacent to each property shall become that of the individual property
17 owner.

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

25 45. The proposed extension of the storm drain in North River Road shall be located in the AC street
26 section in front of the easterly curb line or other approved location. A storm drain easement
27 acceptable to the City shall be dedicated across the property for the continuation of the same storm
28 drain from North River Road to the proposed outlet on the southeasterly side of the site. Easement
and access road for maintenance of the outlet structure shall be required. A graded channel of
adequate capacity shall be provided from the outlet structure to the river. This shall include an
appropriate drainage structure crossing Old River Road.

- 1 46. The project shall comply with the North River Village and San Luis Rey Transit Center – Scour
2 Potential from the San Luis Rey River Letter Report dated November 1, 2004 prepared by Torrey
3 R. Walker Engineering, Inc.
- 4 47. Storm drain facilities shall be designed and located such that the inside travel lanes on streets with
5 collector or above design criteria shall be passable during conditions of a 100-year frequency
6 storm.
- 7 48. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in
8 accordance with all state and federal requirements, prior to stormwater discharge either off-site or
9 into the City drainage system.
- 10 49. The development shall comply with all applicable regulations established by the United States
11 Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge
12 Elimination System (N.P.D.E.S.) permit requirements for urban runoff and stormwater
13 discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or
14 requirements. Further, the applicant may be required to file a Notice of Intent with the State
15 Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for
16 Storm Water Discharges Associated with Construction Activity and may be required to
17 implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the
18 commencement of grading activities. SWPPPs include both construction and post construction
19 pollution prevention and pollution control measures and identify funding mechanisms for post
20 construction control measures. The developer shall comply with all the provisions of the Clean
21 Water Program during and after all phases of the development process, including but not limited
22 to: mass grading, rough grading, construction of street and landscaping improvements, and
23 construction of dwelling units. The applicant shall design the Project's storm drains and other
24 drainage facilities to include Best Management Practices to minimize non-point source
25 pollution, satisfactory to the City Engineer and/or Public Works Director.
- 26 50. Upon acceptance of any fee waiver or reduction by the developer, the entire project will be
27 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4). The
28 developer shall agree to execute a form acknowledging the prevailing wage requirements prior
to the granting of any fee reductions or waivers.
51. Prior to issuance of a grading permit, the developer shall provide a trash/recycling plan show
that the project will comply with the City trash enclosure requirements.

1 52. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the
2 Transportation/Development Engineering Division with the first submittal of engineering plans.
3 The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based on
4 the project's Storm Water Mitigation Plan (SWMP) previously approved by the project's
5 approving authority. The O&M Plan shall be approved by the City Engineer and/or Public
6 Works Director prior to approval of any plans by the Transportation/Engineering Division. At a
7 minimum the O&M Plan shall include the designated responsible parties to manage the
8 stormwater BMP(s), employee's training program and duties, operating schedule, maintenance
9 frequency, routine service schedule, specific maintenance activities, copies of resource agency
10 permits, cost estimate for implementation of the O&M Plan and any other necessary elements.

11 53. The developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement
12 with the City obliging the project proponent to maintain, repair and replace the storm water Best
13 Management Practices (BMPs) identified in the project's approved Storm Water Mitigation Plan
14 (SWMP), as detailed in the O&M Plan into perpetuity. The agreement shall be approved by the
15 City Attorney prior to issuance of any precise grading permit and shall be recorded at the County
16 Recorder's Office prior to issuance of any building permit. Security in the form of cash (or
17 certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit shall
18 be required prior to issuance of a precise grading permit. The amount of the security shall be
19 equal to 10 years of maintenance costs, as identified by the O&M Plan. The applicant's Civil
20 Engineer shall prepare the O&M cost estimate. The O&M cost estimate shall be approved by
21 the City Engineer and/or Public Works Director prior to approval of any engineering plans for
22 the project.

23 54. At a minimum, maintenance agreements shall require the staff training, inspection and
24 maintenance of all BMPs on an annual basis. The project proponent shall complete and
25 maintain O&M forms to document all maintenance activities. Parties responsible for the O&M
26 plan shall retain records at the subject property for at least 5 years. These documents shall be
27 made available to the City for inspection upon request at any time.

28 55. The agreement shall include a copy of executed on-site and off-site access easements necessary
for the operation and maintenance of BMPs that shall be binding on the land throughout the life
of the project to the benefit of the party responsible for the O&M of BMPs, until such time that

1 the storm water BMP requiring access is replaced, satisfactory to the City Engineer and/or
2 Public Works Director. The agreement shall also include a copy of the O&M Plan approved by
3 the City Engineer and/or Public Works Director.

4 56. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP) shall only
5 be altered with approval of a substantial conformity approved by the City Planner and Public
6 Works Director proving that any new BMPs are superior to those previously approved.

7 57. Five-foot sidewalk (not including 6" top of curb) shall be installed on North River Road along
8 the project's western boundary to College Boulevard and along North River Road along the
9 project's northern boundary, except at the bus only access point. The sidewalk shall be ADA
10 compliant and be contiguous to the curb.

11 58. ADA complaint pedestrian access shall be provided at all project driveways and the
12 intersections of North River Road at Vandegrift Boulevard and on North River Road at North
13 River Circle.

14 59. A right-turn lane shall be constructed along 590 feet of the project frontage of North River Road
15 between the southern boundary of the development and Vandegrift Boulevard.

16 60. The project's western driveway on North River Road shall be restricted to right-turns in/out only.
17 The median island at this driveway shall be constructed and landscaped to the satisfaction of the
18 Public Works Director.

19 61. The intersection of North River Road at Vandegrift Boulevard shall be modified to include
20 westbound to southbound dual left-turn pockets southbound left turn pockets 255 feet in length
21 with 120 feet of transition.

22 62. The traffic signal phasing at the intersection of North River Road at Vandegrift Boulevard shall be
23 modified to include protected left-turn phasing at all approaches.

24 63. A 15-foot wide landscaped median island shall be constructed on the segment of North River Road
25 between Vandegrift Boulevard and North River Circle.

26 64. A new traffic signal shall be constructed at the intersection of North River Road at North River
27 Circle. The phasing of this new traffic signal shall be split phased on the side street (project
28 driveway and North River Circle) with protected phasing on North River Road.

- 1 65. Eastbound and westbound left-turn pockets shall be constructed on North River Road at North
2 River Circle. The left-turn pockets shall be 150 feet long with a 120-foot transition and shall be
3 constructed to the satisfaction of the Public Works Director.
- 4 66. An eastbound to southbound right-turn pocket shall be constructed at the intersection of North
5 River Road at North River Circle into the project driveway. The right-turn pocket shall be 90 feet
6 long with a 60-foot transition and shall be constructed to the satisfaction of the Public Works
7 Director.
- 8 67. The signalized project driveway at the intersection of North River Road at North River Circle shall
9 construct an ADA compliant median island to the satisfaction of the Public Works Director.
- 10 68. An on-street drop-off and pick-up turn-out shall be constructed on North River Road between
11 Vandergrift Boulevard and North River Circle. The turn-out shall be approximately 105 feet in
12 length with 60-foot transitions at each end of the turn-out.
- 13 69. The project shall contribute their total fair share of \$42,578 toward future adaptive signal systems
14 for the following intersections:
- 15 a) North River Road at College Boulevard;
 - 16 b) College Boulevard at River Park entrance;
 - 17 c) College Boulevard at Adams Street;
 - 18 d) College Boulevard at Via Cupeno; and
 - 19 e) College Boulevard at SR 76.
- 20 70. Sight distance requirements at all driveway and street intersections shall conform to the
21 intersection corner sight distance criteria as provided by the California Department of
22 Transportation Highway Design Manual.
- 23 71. A traffic control plan shall be prepared according to the City traffic control guidelines and be
24 submitted to and approved by the Public Works Director prior to the start of work within open
25 City rights-of-way. Traffic control during construction of streets that have been opened to
26 public traffic shall be in accordance with construction signing, marking and other protection as
27 required by the Caltrans Traffic Manual and City Traffic Control Guidelines.
- 28 72. Traffic control during construction adjacent to or within all public streets must meet Caltrans
standards and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00
a.m. to 3:30 p.m. unless approved otherwise.

1 73. A haul route shall be obtained at least 7 days prior to the start of hauling operations and must be
2 approved by the Public Works Director. Hauling operations shall be 8:00 a.m. to 3:30 p.m.
3 unless approved otherwise.

4 74. Streetlights shall be installed on North River Road along the frontage of the project. The system
5 shall be designed to provide uniform lighting, and operational before final occupancy. The
6 subdivider shall pay all applicable fees, energy charges, and/or assessments associated with City-
7 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
8 annexation to, any appropriate street lighting district.

9 75. The applicant shall pay all applicable traffic signal and thoroughfare fees.

9 **Fire:**

10 76. A minimum fire flow of 2,000 gallons per minute shall be provided.

11 77. The size of fire hydrant outlets shall be 2 ½" X 2 ½" X 4".

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

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

16 80. Provide on-site hydrant(s) and mains capable of supplying the required fire flow.

17 81. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design and
18 Processing Manual Standard Drawing No. M-13.

19 82. All weather access roads shall be installed and made serviceable prior to and during time of
20 construction. Sec. 902. Uniform Fire Code.

21 83. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A minimum
22 vertical clearance of 14 feet shall be provided for the apparatus access roads.

23 84. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City
24 Vehicle Code Section 22500.1.

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

26 86. An approved fire sprinkler system must be installed throughout the building. The system shall
27 be designed per N.F.P.A. 13, and U.B.C. standard 9-1. The sprinkler system requires 24-hour
28 supervision.

28 87. The Fire Department connection shall not be affixed to the building. The Fire Department
connection must be located at least 40 feet away from the building, within 40 feet of a fire

1 hydrant and on the address side of the building, unless otherwise determined by the Fire
2 Department. The hydrant shall be located on the same side of the street as the Fire Department
3 connection.

4 88. Provide a fire alarm system as required per U.F.C. Article 10 and N.F.P.A. 72, 1999 Edition.

5 89. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for commercial
6 and residential occupancies shall be placed on the structure in such a position as to be plainly
7 visible and legible from the street or roadway fronting the property. Numbers shall contrast
8 with their background.

9 90. Multi-Building complexes require address directory boards that are visible from the main
10 entrance.

11 91. Multi-Tenant Buildings require identification on the rear exit doors with individual suite
12 numbers or letters.

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

14 93. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
15 prior to the issuance of building permits.

16 94. Buildings shall meet Oceanside Fire Department's current adopted codes at the time of
17 building permit application.

18 95. Provide an urban interface/wildland Fire buffer consistent with the approved Fire Protection
19 Plan by Firewise 2000 Inc.

20 96. Zone one shall contain no habitable structures, structures that are directly attached to habitable
21 structures, or other combustible construction that provides a means for transmitting fire to
22 habitable structures. Structures such as fences, walls, and non-habitable gazebos shall be of
23 non-combustible construction, and not plantable.

24 97. Off-site fuel modification is not recommended due to problems inherent with enforcement of
25 regulations on adjacent property and the potential for confusion regarding responsibility for fuel
26 modification on areas outside of legal ownership. Proper on-site fuel modification design
27 should determine where development can safely be located and should be an integral part of the
28 development proposal. Should off-site fuel modification be deemed a necessity, appropriate
legally recorded instruments must be established that clearly state the responsibilities and rights
of the parties involved relative to the establishment and maintenance of the fuel modification
area. It should be understood that the allowance of off-site fuel modification by an adjacent

1 property owner may affect the rights and/or use of the off-site property. All agreements for any
2 off-site fuel modifications shall be integrated into fuel modification plans with a letter from
3 adjoining property owners giving rights to maintain fuels.

4 98. On large developments, fuel modification zones should be located within common lettered lots
5 owned and maintained by associations representing common ownership; i.e. homeowners'
6 associations. The integrity and longevity of the fuel modification zones shall be maintained
7 with sufficient tract/project conditions and CC&Rs to specifically identify the restrictions within
8 the fuel modification areas. Likewise, when fuel modification zones are located on private
9 property, deed restrictions are required to specifically identify the restrictions on any portion of
10 the property subject to fuel modification.

11 99. Site Inspection may reveal conditions which have changed since plan review. When such
12 discrepancies arise, field inspection shall take precedence.

13 100. Submit three sets of plans prepared by a licensed landscape architect or other design
14 professional with equivalent credentials, for review.

15 101. The following shall be included on the conceptual fuel modification plan:

- 16 a) Delineation of each zone (setback, irrigated, and thinning) with a general description of
17 each zone's dimensions and character; i.e., 0-40' Zone 1, with existing vegetation
18 removed, irrigated, and planted with drought-tolerant and fire resistant plant material.
- 19 b) Identify removal of undesirable plant species in accordance with the Oceanside Fire
20 Prone Plant Species List.
- 21 c) Existing vegetation impacted by the required fuel modification and, if available,
22 proposed vegetation to be planted in the fuel modification area. The conceptual plans
23 should be sensitive to rare and endangered species.
- 24 d) The design professional must be prepared to address their disposition in the final plans.
- 25 e) Identify the design of the proposed development, showing all property lines, contour
26 lines, and the proposed location of all structures nearest to the fuel modification area, if
27 available.
- 28 f) Photographs of the area that show the type of vegetation that currently exist, including
the height and density, and the topography of the site. Include aerial photographs.
- g) Description of the methods to be used for vegetation removal, if appropriate; i.e.,
mechanical or manual.

- 1 h) Location of emergency and maintenance access easements every 500 feet of the fuel
2 modification area. Access easements shall have minimum 10 feet width; alternatively 5
3 feet wide easements provided every 250 feet is acceptable. Gates shall be a minimum of
4 36 inches wide. The easements shall be maintained free of vegetation or any structures.
- 5 i) Identify what exists 1,000 feet beyond the development property lines in all directions;
6 i.e. construction, natural vegetation, roads, parks, etc. (Note: the OFD may require
7 additional information on a project-specific basis.)
- 8 j) Identify all proposed off-site fuel modification areas and appropriate legal agreements
9 with adjacent property owners.
- 10 k) A note stating plant species will be selected from the Oceanside Fire Department
11 approved plant palette.
- 12 l) Precise fuel modification plans shall include all information required on conceptual fuel
13 modification plans and the following additional information:
- 14 i. Location and detail of permanent zone markers.
 - 15 ii. Plant palette to be installed in accordance with acceptable guidelines.
 - 16 iii. Irrigation plans and specifications.
 - 17 iv. Building footprints or statements that clearly indicate the limits of proposed
18 development.
 - v. All applicable maintenance requirements and assignments of responsibility.

19 **Planning:**

- 20 102. This Tentative Map, Development Plans, Conditional Use Permits and Variance shall expire on
21 September 20, 2008, unless the Planning Commission grants a time extension. The bus transit
22 center Conditional Use Permit (C-20-06) shall expire on September 20, 2011, unless the Planning
23 Commission grants a time extension.
- 24 103. This Tentative Map, Development Plans, Conditional Use Permits and Variance approves
25 13,684 square feet of commercial, 106 residential condominium units, and a bus transit station as
26 shown on the plans and exhibits presented to the Planning Commission for review and approval.
27 No deviation from these approved plans and exhibits shall occur without Planning Division
28 approval. Substantial deviations shall require a revision to the Development Plan or a new
Development Plan.

1 104. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless
2 the City of Oceanside, its agents, officers or employees from any claim, action or proceeding
3 against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of
4 the City, concerning Tentative Map T-3-04, Development Plans D-12,13,14-04, Conditional Use
5 Permits C-17 through 20-04 and Variance V-6-04. The City will promptly notify the applicant
6 of any such claim, action or proceeding against the City and will cooperate fully in the defense.
7 If the City fails to promptly notify the applicant of any such claim action or proceeding or fails
8 to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend,
9 indemnify or hold harmless the City.

10 105. Project signage shall conform to the Comprehensive Sign Program (CSP) submitted to and
11 approved by the Planning Division. All signage shall be in conformance with this CSP prepared
12 by Ultrasigns Electrical Advertising, titled North River Village and Townhomes Mixed-Use Sign
13 Program for Oceanside, California, dated March 1, 2006.

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

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

- 23 a) Median and parkway tree plantings along collector and arterial roads shall be a minimum
24 of two-inch diameter trees so as to ensure a mature landscape theme is achieved in a
25 reasonable amount of time.
- 26 b) The developer shall be responsible for irrigating and landscaping all embankments within
27 the project, and all slopes along major streets.
- 28 c) Street/parkway trees (minimum 15-gallon) shall be planted at a minimum of one tree per
unit or lot and two trees per corner lot.
- d) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center, each
side of street, as a solitary planting.

- 1 e) Local street trees in parkways shall be planted at a minimum of 30 feet on center, each
2 side of street, as a solitary planting.
- 3 f) All trees planted along streets or within parkways or medians shall have a City approved
4 root containment system.
- 5 108. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any
6 adjoining public parkways shall be permanently maintained by the owner, his assigns or any
7 successors-in-interest in the property. The maintenance program shall include normal care and
8 irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as
9 necessary; and general cleanup of the landscaped and open areas, parking lots and walkways,
10 walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate
11 enforcement actions by all acceptable means including but not limited to citations and/or actual
12 work with costs charged to or recorded against the owner. This condition shall be recorded with
13 the covenant required by this resolution.
- 14 109. Model Landscape plans and Front Yard Landscape plans, designed in compliance with Water
15 Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and shall be
16 approved and signed by the Engineering Division and the Planning Division prior to the issuance
17 of building permits. No bonding shall be required. Precise Grading Plans for model homes shall
18 be prepared by a Civil Engineer and shall be approved by the City Engineer prior to the issuance
19 of building permits. Prior to the issuance of occupancy permits, the City's Landscape
20 Technician/Inspector shall review each unit requested for occupancy to ensure that the installation
21 of planting and irrigation has occurred in conformance with the approved schematic drawings.
22 The irrigation system will also be tested to ensure adequate operation and coverage.
- 23 110. All multi-family unit dwelling projects shall dispose of or recycle solid waste in a manner
24 provided in City Code Section 13.3.
- 25 111. A letter of clearance from the affected school district in which the property is located shall be
26 provided as required by City policy at the time building permits are issued.
- 27 112. Trash enclosures must be provided as required by Chapter 13 of the City Code and shall also
28 include additional space for storage and collection of recyclable materials per City standards.
Recycling is required by City Ordinance. The enclosures must be built in a flat, accessible
location as determined by the City Engineer. The enclosures shall meet City standards
including being constructed of concrete block, reinforced with rebar and filled with cement. A

1 concrete slab must be poured with a berm on the inside of the enclosure to prevent the bin(s)
2 from striking the block walls. The slab must extend out of the enclosure for the bin(s) to roll
3 out onto. Steel posts must be set in front of the enclosure with solid metal gates. All
4 driveways and service access areas must be designed to sustain the weight of a 50,000-pound
5 service vehicle. Trash enclosures and driveways and service access areas shall be shown on
6 both the improvement and landscape plans submitted to the City Engineer. The specifications
7 shall be reviewed and approved by the City Engineer. The City's waste disposal contractor is
8 required to access private property to service the trash enclosures, a service agreement must be
9 signed by the property owner and shall remain in effect for the life of the project. All trash
10 enclosures shall be designed to provide user access without the use and opening of the service
11 doors for the bins. Trash enclosures shall have design features such as materials and trim
12 similar to that of the rest of the project. This design shall be shown on the landscape plans and
13 shall be approved by the City Planner.

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

16 114. The project shall prepare a Management Plan. The Management Plan is subject to the review and
17 approval of the City Planner and the Police Chief prior to issuance of building permit, and shall
18 be recorded as CC&R's against the property. The Management Plan shall cover the following:

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

- 1 c) Any graffiti within the center shall be removed by the center management or its
2 designated representative within 24 hours of occurrence. Any new paint used to cover
3 graffiti shall match the existing color scheme.
- 4 d) An acknowledgement that the City of Oceanside does not have a view preservation
5 ordinance and that views may be subject to change with maturing off-site landscape and
6 the potential for future off-site building.
- 7 115. Prior to the issuance of building permits, compliance with the applicable provisions of the City's
8 anti-graffiti (Ordinance No. 93-19 Section 20.25 of the City Code) shall be reviewed and
9 approved by the Planning Division. These requirements, including the obligation to remove or
10 cover with matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and
11 shall be recorded in the form of a covenant affecting the subject property.
- 12 116. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written
13 copy of the applications, staff report and resolutions for the project to the new owner and or
14 operator. This notification's provision shall run with the life of the project and shall be recorded
15 as a covenant on the property.
- 16 117. Failure to meet any conditions of approval for this development shall constitute a violation of the
17 Tentative Map, Development Plans, Conditional Use Permits and Variance.
- 18 118. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at
19 the time building permits are issued are required to be met by this project. The approval of this
20 project constitutes the applicant's agreement with all statements in the Description and
21 Justification, Management Plan and other materials and information submitted with this
22 application, unless specifically waived by an adopted condition of approval.
- 23 119. These Conditional Use Permits shall be called for review by the Planning Commission if
24 complaints are filed and verified as valid by the Code Enforcement Office concerning the
25 violation of any of the approved conditions or does not conform with the information contained in
26 or representations made in the application, any supporting material submitted to the City or
27 during any hearing on the application.
- 28 120. The developer's construction of all fencing and walls associated with the project shall be in
conformance with the approved Development Plan. Any substantial change in any aspect of
fencing or wall design from the approved Development Plan shall require a revision to the
Development Plan or a new Development Plan.

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

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

- 17 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 18 b) Provisions regulating individual patio covers, room additions and other appurtenances.
- 19 c) Maintenance of median landscaping by the Association.
- 20 d) Provisions for the maintenance of all common open space and open space easements on
21 private lots, including provisions establishing mechanisms to ensure adequate and
22 continued monetary funding for such maintenance by the homeowners' association.
- 23 e) Provisions that restrict any private use of open space easement areas. Restrictions shall
24 include, but are not limited to, removing retaining walls, installing structures such as
25 trellises, decks, retaining walls and other hardscape and any individual landscape
26 improvements.
- 27 f) Provisions prohibiting the homeowners association from relinquishing its obligation to
28 maintain the common open space and open space easement areas without prior consent of
the City of Oceanside.

g) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.

123. Any project entrance signs shall meet the requirements of the Sign Ordinance and be approved by the City Planner.

124. The following base unit type and floor plan mix, as approved by the Planning Commission, shall be indicated on plans submitted to the Building Division and Planning Division for building permit (Unit 1 option 1.2 is 1,330 SF and option 1.3 is 1,339 SF, with a maximum of 17 units of each option; 34 total):

	Sq.Ft.	# Bedrms.	# Baths	# Stories	#Covered	# Units	%
Unit 1	1,183	3/4	2.75	3	2	44	41
Unit 2	1,269	3	3	3	2	42	40
Unit 5	1,082	2/3 (bed/den)	2.75	2/1 retail	1	4	4
Unit 6	1,150	2/3 (bed/den)	2.75	2/1 retail	1	4	4
Unit 1.1	1,192	3	2.75	3	1	4	4
Unit 1.1	1,192	3	2.75	2/1 retail	1	2	2
Unit 2.2	1,365	3	3	2/1 retail	1	6	5

125. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the Planning Division prior to the issuance of building permits.

126. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the City Council. These shall be shown on plans submitted to the Building Division and Planning Division.

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

128. This project shall comply with all provisions of the City's Affirmative Fair Housing Marketing Agreement policy. Such agreement shall be submitted to and approved by the Housing and Neighborhood Services Director prior to the recordation of a final map or the issuance of a building permit for the project, whichever comes first.

129. Garages shall be kept available and useable for the parking of tenant's automobiles at all times.

- 1 130. Lease and rental agreements shall be for the dwelling unit with the garage. The garage shall be
2 used for the purpose of vehicular parking and the owner or tenant shall not lease or rent the
3 garage separately from the dwelling unit.
- 4 131. The wetland buffer area between the San Luis Rey River and the proposed project shall be
5 revegetated with native species. In addition, a 6-foot high noise barrier shall be constructed along
6 the south side of North River Road (east-west) that extends easterly from the northeastern corner
7 of the project site approximately 325 feet.
- 8 132. The Master HOA (which includes NCTD, the commercial development, and the residential
9 community) will ensure that long-term biological management and monitoring be provided for
10 the habitat along the river and the buffer area. This will be accomplished for the first five years as
11 part of the biological monitoring to be provided for the required wetland and coastal sage scrub
12 restoration plan. When the long-term management of the San Luis Rey River corridor is
13 implemented by the City as part of the Subarea Plan, the Master HOA with an endowment from
14 the applicant to the City, would be responsible for paying for management of the buffer area to be
15 included with the river corridor. If the long-term management plan is not in place within 5 years
16 of project implementation, the Master HOA would continue to retain a qualified biologist and
17 landscape maintenance contractor to conduct the required management. Prior to issuance of
18 grading permits, a habitat management plan (HMP) and property analysis record (PAR) shall be
19 prepared to identify the funding required to implement the HMP. The Conditions, Covenants,
20 and Restrictions, a recorded document, will ensure that if the Master HOA does not meet its
21 obligation for the monitoring, and ongoing maintenance of the buffer area, then the agencies
22 and/or the City may do it and assess the Master HOA with a lien on the property and legal
23 actions, if necessary.
- 24 133. Prior to initiation of grading, the developer shall provide proof that up to .74-acre of coastal sage
25 scrub habitat (.37-acre impact) has been created and/or acquired at a site approved by the City and
26 Resource Agencies. If a site in Oceanside is used to re-create or preserve habitat, the developer
27 shall provide a funding mechanism acceptable to City and Wildlife Agencies to ensure
28 maintenance of the mitigation area in perpetuity. City shall not be required to participate in the
preservation or maintenance of the mitigation area.

- 1 134. Prior to initiation of grading, impacts to .88-acre of non-native grassland shall be mitigated at a
2 0.5:1 ratio by purchase of a minimum of .44-acre of non-native grassland or coastal sage scrub in
3 an existing mitigation bank or at a site approved by the City and Resource Agencies.
- 4 135. Subject to approval of the Resource Agencies during the permitting process, impacts to .10-acre
5 of ephemeral drainage basins shall be mitigated at a 1:1 ratio through on-site restoration of the
6 area between the 40-foot wide right-of-way and the existing riparian habitat of the San Luis Rey
7 River. Final mitigation requirements shall be determined during the permitting process with the
8 US Army Corps of Engineers, California Department of Fish and Game, and the US Fish and
9 Wildlife Service.
- 10 136. To prevent noise impacts to sensitive birds, construction activities (i.e. grubbing, clearing, and
11 grading) shall be avoided during the breeding season (February 15 through July 15 for raptors and
12 March 15 through September 15 for least Bell's vireo). If construction activities cannot be
13 avoided during these periods, temporary noise barriers shall be installed to demonstrably reduce
14 construction noise to below 60 decibels at the edge of the riparian area. A biological monitor
15 shall be on-site during project construction to prevent unpermitted encroachment into the riparian
16 habitat or disruption of avian breeding, and to direct construction activities away from nesting
17 birds.
- 18 137. To prevent habitat fragmentation/edge effects, temporary construction staking or fencing shall be
19 erected under the supervision of a qualified biologist at or outside the edge of the impact areas
20 where they interface with natural areas. This fencing shall be erected prior to commencement of
21 brushing or grading activities and shall demarcate areas where human and equipment access and
22 disturbance from grading are prohibited. A qualified biologist shall monitor all site preparation
23 and grading activities near these interfaces during construction.
- 24 138. Windows facing the San Luis Rey River shall be constructed using non-reflective glass and/or a
25 combination of non-reflective glass, awnings, or other shade structures.
- 26 139. The project applicant shall be responsible for formulating and implementing a cowbird monitor
27 and control program along the project frontage with the river to the satisfaction of the City and
28 Resource Agencies prior to the issuance of building permits.
140. All outdoor lighting shall be shielded and directed away from the buffer and off-site riparian
habitat.

- 1 141. The project landscape shall not include invasive exotic plant species.
- 2 142. Split rail or similar fencing shall be provided along both sides of the City's easement (which
3 includes the trail and utility lines) in order to keep trail users out of the buffer and the river habitat
4 areas.
- 5 143. An educational brochure shall be prepared and distributed to inform residents and businesses of
6 the sensitivity of adjacent habitat, and how to minimize impacts to the habitat. The brochure shall
7 include information regarding responsible pet care, proper landscape maintenance techniques,
8 brush management, water quality, human intrusion, and limiting lighting and noise intrusion into
9 the buffer and river habitat. It also will inform residents of the importance of not collecting plants
10 or animals within the habitat.
- 11 144. Prior to issuance of building permits for the residential units, an interior acoustical analysis for
12 residential units shall be required to ensure that interior noise levels will not exceed 45 decibels.
- 13 145. Prior to issuance of building permits, the applicant shall submit documentation showing that all
14 outdoor mechanical equipment does not exceed the City of Oceanside's noise ordinance criteria.
- 15 146. Prior to implementation of monitoring for cultural resources, a pre-excavation agreement shall be
16 developed between the San Luis Rey Band of Luiseno Mission Indians and the project applicant.
- 17 147. The designated qualified archaeologist and designated Native American representative shall
18 attend the pre-grading meeting with the contractors to explain the requirements of the pre-
19 excavation program.
- 20 148. The archaeologist and Native American monitors shall be on-site during all grading, trenching,
21 and other ground-disturbing activities.
- 22 149. If archaeological artifact deposits or cultural features are discovered, grading activities shall be
23 directed away from these deposits temporarily, to allow a determination of potential importance.
24 Isolates and clearly non-significant deposits would be minimally documented in the field, and
25 grading would proceed. For any potentially significant artifact deposits, an adequate artifact
26 sample would be collected to address research avenues previously identified for sites along the
27 San Luis Rey River.
- 28 150. All recovered materials shall be catalogued and analyzed.
151. A report shall be completed describing the methods and results of the monitoring and data
recovery program.

- 1 152. Artifacts shall be curated with the accompanying catalog at the San Diego Archaeological Center,
2 or the collection shall be repatriated to the Luseno Bands, as specified in the pre-excavation
3 agreement.
- 4 153. If the bus transit center site remains vacant after development of the mixed-use project site, it
5 shall be landscaped to the satisfaction of the City Planner and Public Works Director.
- 6 154. If the bus transit center portion of the project site is not developed as such it may be developed
7 with other uses consistent with the CN zone upon approval of a revision to the Development
8 Plan by the Planning Commission.
- 9 155. The bus transit center must provide 24-hour security for bus users and the facility.

Water Utilities:

- 10 156. All public water and/or sewer facilities not located within the public right-of-way shall be provided
11 with easements sized according to the Water, Sewer, and Reclaimed Water Design and
12 Construction Manual. Easements shall be constructed for all weather access and capable of
13 withstanding a 35-ton vehicular load. The utility road shall provide access to the manhole from
14 the front of the maintenance vehicle.
- 15 157. No trees, structures or building overhang shall be located within any water or wastewater utility
16 easement. Provide an encroachment removal agreement for the proposed retaining wall that is
17 shown within the proposed easement for the relocated 14-inch waterline.
- 18 158. The property owner will maintain private water and wastewater utilities located on private
19 property.
- 20 159. A separate irrigation meter and approved backflow prevention device is required.
- 21 160. The developer shall construct a public reclamation water system that will serve each lot and or
22 parcels that are located in the proposed project in accordance with the City of Oceanside
23 Ordinance No. 91-15. The proposed reclamation water system shall be located in the public right-
24 of-way or in a public utility easement.
- 25 161. A water and sewer study must be prepared by the developer at the developer's expense, and
26 reviewed and approved by the Water Utilities Department.
- 27 162. Water services and sewer laterals constructed in existing right-of-way locations are to be
28 constructed by approved and licensed contractors at developer's expense.

- 1 163. The developer will be responsible for developing all water and sewer utilities necessary to develop
2 the property. Any relocation of water and/or sewer utilities is the responsibility of the developer
3 and shall be done by an approved licensed contractor at the developer's expense.
- 4 164. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover
5 of the public sewer shall be protected from backflow of sewage by installing and maintaining an
6 approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 7 165. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to
8 restaurants, shall be installed in each building sewer in an appropriate location and shall be
9 maintained by the property owner. The location shall be called out on the approved Building
10 Plans.
- 11 166. All new development of single-family and multi-family residential units shall include a hot
12 water pipe insulation and installation of a hot water recirculation device or design to provide hot
13 water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-
14 OR126-1.
- 15 167. The proposed water line on North River Road shall be located and constructed in conformance
16 with City of Oceanside Water Utilities Department standards.
- 17 168. Given that internal roads are proposed as private, on-site water and sewer utilities shall be
18 private. Provide a master meter per W-9 of the Water, Sewer, and Reclaimed Water Design and
19 Construction Manual at the point(s) of connection to the public system capable of supplying
20 maximum day demands plus fire flow; call out location on TM. Show the location and sizes of
21 the water meters and RP devices; provide symbol for Master Meter to be included in legend and
22 shown on plan.
- 23 169. Provide a 30'L by 20'W easement for future regulating station along North River Road. Exact
24 location to be determined during design.
- 25 170. Provide a cross-section showing proposed improvements at grade in relation to the existing
26 water/sewer lines in the area of the block and retaining wall.
- 27 171. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be
28 paid to the City and collected by the Water Utilities Department at the time of Building Permit
issuance.

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

3 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
4 day of _____, 2006 by the following vote:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

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10 _____
11 Mayor of the City of Oceanside

12 ATTEST:

13 APPROVED AS TO FORM:

14 OFFICE OF THE CITY ATTORNEY

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16 _____
17 City Clerk

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City Attorney

NORTH RIVER VILLAGE

LEGAL DESCRIPTION

THAT PORTION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 4, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF: LYING NORTHWESTERLY OF THE NORTHWESTERLY LINE OF THE 40.00 FOOT WIDE COUNTY ROAD SURVEY NO. 674 (KNOWN AS NORTH RIVER ROAD) AS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED APRIL 27, 1938, IN BOOK 763, PAGE 474 OF OFFICIAL RECORDS OF SAID COUNTY: AND LYING EASTERLY OF THE EASTERLY LINE OF THE 100.00 FOOT WIDE CALIFORNIA STATE HIGHWAY XI-SD-FDR, NOW KNOWN AS VANDEGRIFT BOULEVARD (FORMERLY CAMP PENDLETON HIGHWAY) AS DESCRIBED IN DEED TO THE STATE OF CALIFORNIA, RECORDED DECEMBER 14, 1942, IN BOOK 1446, PAGE 169 OF OFFICIAL RECORDS OF SAID COUNTY: AND LYING SOUTHERLY OF THE SOUTHERLY LINE OF AN 84.00 FOOT WIDE ROAD (KNOWN AS NORTH RIVER ROAD) AS SHOWN ON VANDEGRIFT VILLAGE, ACCORDING TO THE MAP THEREOF NO. 11309, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AUGUST 25, 1985.

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PLANNING COMMISSION
RESOLUTION NO. 2006-P31

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT AND VARIANCE ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: T-3-04, D-12,13,14,-04, C-17, 20-04, V-6-04,
APPLICANT: North County Transit District (NCTD) and Loranda Corporation
LOCATION: Southeast corner of North River Road and Vandegrift Boulevard

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 Plans, Conditional Use Permits and Variance under the provisions of Articles 10, 41 & 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

106-unit residential condominiums development, 13,684 square feet of commercial development, and a bus transit center;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 22nd day of May, 2006 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; the project is exempt from environmental review;

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

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

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1 FINDINGS:

2 For the Tentative Map:

- 3 1. That the site is not physically suitable for the type of development in that the project did
- 4 not adequately provide park-n-ride facilities, pedestrian pathways, security gates, wall
- 5 design, or density suitable for the site.
- 6 2. That the site is not physically suitable for the proposed density of development due to
- 7 non-conformity with the surrounding area and proximity to the San Luis Rey River.

8 For the Development Plan:

- 9 1. The site plan and physical design of the project is not consistent with the Zoning
- 10 Ordinance and the underlying Neighborhood Commercial (CN) zoning designation due to
- 11 lack of adequate commercial vs. residential square footage, lack of a park-n-ride facility
- 12 and non-conformity with the surrounding area.

13 Conditional Use Permit:

- 14 1. The development portion of the subject property is zoned CN with a corresponding Land
- 15 Use designation of Neighborhood Commercial. The proposed mixed-use development is
- 16 not in conformance with the surrounding area or river habitat.
- 17 2. The project does not proposes an excellence in design features in accordance with the
- 18 mixed-use provisions of the Zoning Ordinance in terms of pedestrian pathways, building
- 19 design and wall design.

20 For the Variance for exceeding the Maximum Height for Walls:

- 21 1. Circumstances or conditions applicable to the development site, including size, shape,
- 22 topography, location and surroundings do not warrant the granting of the Variance. The
- 23 strict application of the requirements of the Zoning Ordinance will not deprive the subject
- 24 property owner of privileges enjoyed by other property owners in the vicinity and under
- 25 identical zoning classification.

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2. The granting of the variance is inconsistent with the purpose of the Zoning Ordinance and will constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The project can be redesigned to avoid the need for constructing retaining walls in excess to the maximum height permitted by the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny Tentative Map (T-3-04), Development Plans (D-12, 13, 14-04), Conditional Use Permits (C-17, 20-04) and Variance (V-6-04).

PASSED on May 22, 2006 by the following vote, to wit:

- AYES: Parker, Horton, Blom, Martinek and Beach
- NAYS: Neal
- ABSENT: Balma
- ABSTAIN: None

ADOPTED Resolution No. 2006-P31 on June 12, 2006.



 Robert F. Neal, Chairman
 Oceanside Planning Commission

ATTEST:


 Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2006-P31.

Dated: June 12, 2006



DATE: May 22, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-3-04), DEVELOPMENT PLANS (D-12-04, D-13-04, D-14-04), CONDITIONAL USE PERMITS (C-17-04, C-20-04) AND VARIANCE (V-6-04) FOR A MIXED-USE DEVELOPMENT AND A PUBLIC TRANSIT CENTER ON A 9.8-ACRE SITE LOCATED AT THE SOUTHEAST CORNER OF NORTH RIVER ROAD AND VANDEGRIFT BOULEVARD INTERSECTION, NORTH OF THE SAN LUIS REY RIVER – NORTH RIVER VILLAGE MIXED-USE DEVELOPMENT AND SAN LUIS REY TRANSIT CENTER – APPLICANT: NORTH COUNTY TRANSIT DISTRICT (NCTD) AND LORANDA CORPORATION**

RECOMMENDATION

Staff recommends that the Planning Commission approve Tentative Map (T-3-04), Development Plans (D-12-04, D-13-04, D-14-04), Conditional Use Permits (C-17-04, C-20-04) and Variance (V-6-04) and the Mitigated Negative Declaration and adopt Planning Commission Resolution No. 2006-P31 as attached.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project proposes a mixed-use development consisting of approximately 13,684 square feet of commercial uses, 106-residential condominium units, and a bus transit center on a 9.8-acre site located at the southeast corner of North River Road and Vandegrift Boulevard. The bus transit center is located in the northern 2.1 acres of the site and the condominiums and commercial uses will occupy 7.7 acres in the southern portion of the site.

On April 3, 2000, the City Council approved an amendment to the Zoning Ordinance to allow for the opportunity for mixed-use development projects located within the commercial zones under certain design and site requirements.

In 2001, the NCTD Board of Directors adopted the Fast Forward Strategic Business Plan, the roadmap for improving bus and train service in North County. Fast Forward identified the need for a new transit center to serve the subject area in order to improve transit connections. Also, SANDAG's long-range transportation plan, MOBILITY 2030, identified a bus rapid transit (BRT) service in this vicinity. The San Luis Rey Transit Center would be a key station along this route, with connections to Carlsbad and Encinitas via El Camino Real and the Sorrento Valley and University City areas of the City of San Diego.

In 2002, the site selection process for the siting of the proposed transit center began. This process was a collaborative effort between NCTD, the City of Oceanside, SANDAG and other agencies. The multi-agency task force identified 15 potential sites for the Center within the San Luis Rey Valley. Eventually the search was narrowed to 4 sites near the College Boulevard/North River Road intersection, because many of the existing bus service routes converge here and it is equidistant to the main Oceanside and Vista transit centers. At a subsequent community meeting, this site was identified by the public as the preferred site for the center. In June of 2003, the NCTD Board of Directors unanimously adopted the site as the preferred location for the Transit Center due to its location, its access, the community's response and the potential to be located within a new mixed-use development.

Site Review: The subject site is vacant and has been previously graded, however, there are small amounts of coastal sage scrub, non-native grassland and an ephemeral drainage course. The proposed project is bordered by existing multi-family and commercial uses to the north and west and is bordered by the San Luis Rey River to the south and east. The mostly triangular property has frontage on three sides; both reaches of North River Road and Old North River Road. The site gently slopes in a southeasterly direction toward the San Luis Rey River channel.

The subject property is lower in elevation than the north and west adjacent parcels. The property has a General Plan Land Use designation of Neighborhood Commercial (NC) and the corresponding zoning designation of Neighborhood Commercial (CN).

Surrounding land uses include multi-family residential units to the north zoned RM-C and a small commercial area zoned CG and multi-family housing zoned RM-B to the west. The San Luis Rey River channel is located to the south and east.

There are a total of 106 residential condominium units with a project density of 10.8 dwelling units per acre (du/ac), which includes the entire 9.8-acre site and is below the permitted residential density of 29 du/ac in a mixed-use development. Surrounding multi-family residential projects have the following densities: Valley View Apartments (west) – 21.7 du/ac, Stonemark (north) – 17.7 du/ac, La Costa Villas (north) – 17.7 du/ac and Riverview Townhomes (northeast) – 14.1 du/ac.

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

Mixed-Use Development Plan: The applicant is proposing the use of a Mixed-Use Development Plan in conjunction with the project Tentative Map, Development Plans and Conditional Use Permits. The specific purposes of the Mixed-Use Development Plan are as follows:

1. Establish a procedure for the development of parcels as mixed-use development.
2. Ensure orderly and thorough planning and review procedures that will result in a quality design.
3. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space and amenities.
4. Provide a mechanism whereby the City may authorize desirable development consistent with the General Plan without inviting speculative rezoning applications, which, if granted often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
5. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
6. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

The Mixed-Use Development Plan provides flexible development guidelines that will allow the orderly development of a mixed-use project that is consistent with the surrounding neighborhood. In addition, the Mixed-Use Development Plan allows for flexibility in creating superior building and site design, increase the diversity of the building design and provide for more common area and landscaping. The Mixed-Use Development Plan is attached to the staff report for review. The following is a square footage breakdown of uses for the mixed-use project:

Traditional Residential Square Footage:

Unit 1 - 1,183 SF x 43 units = 50,869 square feet

Unit 2 - 1,269 SF x 43 units = 54,567 square feet

Total Residential = 105,436 SF

Mixed-Use Building 1 Residential & Commercial Square Footage:

Unit 5 - 1,082 SF x 4 units = 4,328 SF

Unit 6 - 1,150 SF x 4 units = 4,600 SF

Total Residential = 8,928 SF

Commercial square footage = 7,500 SF

Mixed-Use Building 2 Residential & Commercial Square Footage:

Unit 1.1 - 1,192 SF x 4 units = 4,768 SF

Unit 2.2 - 1,365 SF x 4 units = 5,460 SF

Total Residential = 10,228 SF

Commercial square footage = 3,360 SF

Mixed-Use Building 3 Residential & Commercial Square Footage:

Unit 1.2 - 1,192 SF x 2 units = 2,384 SF

Unit 2.2 - 1,365 SF x 2 units = 2,730 SF

Commercial Square Footage = 2,824 SF

Transit Center:

Commercial Pad Area - 93,394 SF X 25% = 23,348 SF

Square Foot Totals and %:

Total Residential SF = 129,706 SF

Total Commercial SF = 37,032 SF

TOTAL SQUARE FOOTAGE = 166,738 SF

PERCENTAGE OF SQUARE FEET COMMERCIAL VS. RESIDENTIAL USES = 22.2%

Tentative Map and Development Plan: The project proposes 106-residential units, 13,684 square feet of commercial with 26 commercial condominiums, and a 2.1-acre bus transit center on a 9.8-acre site. In addition, there is a 31,585-square foot recreation area within the residential/commercial development. The project architecture consists of seven distinct building types. Three of the building types are conventional residential,

three of the building types are mixed-use and one is the pool building. Three residential color schemes and one mixed-use commercial color scheme have been developed to further enhance the variety and appeal of the elevations as well as to establish the different “neighborhoods” within the village.

Conventional Residential: These buildings are all based on a standard 4-plex design (that is modified into the 2-plex, 3-plex and 4-plex buildings illustrated on the plan) and are highlighted by the Mission and Ranch Style design themes. All of these buildings are three stories (2 living levels over garages) and are approximately 37 feet – 6 inches in height (maximum allowed height is 50 feet). There are 3 building types that include fifteen 4-plex buildings, two tri-plex buildings and ten duplex buildings. Special features of these buildings include extensive use of mission style arch elements in both facades, decks, trellises, awnings, arched recess accents, multi-paned windows, ornamental iron treatments, shutters and clay tile accents. All of these residential units will have an attached, enclosed, two-car garage with roll-up type garage doors.

Mixed-Use Residential/Commercial: Mixed-Use Building 1 (MU-1) is a three-story building that has stand-alone commercial uses on the ground floor and residential units over portions of the first floor. The MU-1 building is located directly adjacent to the public transit parcel along the northern side of the main access drive. This three-story building is approximately 42 feet - 10 inches tall and contains potentially 6 commercial (per half of building) spaces and 8 residential units. The central portion of the building contains the single-story element while the three-story features are on the opposite ends. The total amount of commercial space within the MU-1 building is 7,500 square feet. This square footage will be subdivided into a maximum of 12 condominium units with a minimum size of 350 square feet.

The residential units of the MU-1 building are located over the outer two commercial spaces. Access to these uses will be from the main promenade in front of the building via a gated private stairway between the lower two commercial uses. There are two residential unit types, Unit 5 and Unit 6, within this building and four of each unit. It is possible for a future owner to own a residential unit and a shop space; however, these will not be “shopkeeper” units. Each of these units will have one covered parking space and one uncovered parking space assigned to it.

The Mixed Use Building – 2 (MU-2) is in the transition zone between the residential and commercial uses and also contains the classic vertical integration of commercial and residential units. This three-story building has stand-alone commercial uses on the ground floor and residential units above. This building is located along the southern side of the main access drive aisle across from the MU-1 building. The commercial units are fronted on the main access drive aisle and the residential units are above. The attached carports serving the residences are located on the buildings south side connecting the units with the traditional residential units on that side of the project. Each of the residential units will have one covered parking space and one uncovered parking space assigned to it.

This three-story building is approximately 42 feet - 10 inches tall and contains 8 base commercial spaces and 8 residential units total. The central portion of the building is divided by an access drive that extends from the main drive aisle into the residential portion of the project site. This access point is a covered gateway element into the residential portion of the site.

The Mixed Use Building 3 (MU-3) building also contains classic vertical integration of commercial and residential units characteristic of traditional mixed-use projects. This three-story building has stand-alone commercial uses on the ground floor and 4 residential units above. The MU-3 building is located directly adjacent to the public transit parcel along the northern side of the main access drive. The residential units will be served by carports off a dual-loop access drive. This three-story building is approximately 42 feet - 10 inches tall and will contain 6 commercial condominiums and 4 residential units. Architectural elements include arched openings, arched recesses, decks, plaster trim, ornamental iron, fabric awnings and tile accents. The commercial element of this building contains 6 commercial condominiums in a total of 2,824 square feet of space with a minimum size of 350 square feet per unit. It is possible that only a single tenant will own/occupy all of these commercial spaces, or 6 different owners/tenants will divide the total area up.

Bus Transit Station: The NCTD bus transit center project site consists of 2.1 gross acres at the southeast corner of the Vandegrift Boulevard and North River Road intersection. The property will be graded to generally maintain the existing topographic features of the site. The site will also be graded to facilitate stormwater drainage off-site and into existing drainage systems. The northwest corner of the project site, which is at the intersection of Vandegrift Boulevard and North River Road, will serve as the "Arrival Plaza" gateway feature into the North River Village mixed-use project, and specifically, the San Luis Rey Transit Center.

There will be two separate entrances to the transit center, one of which will be for bus traffic only. The northwestern access point, which is approximately 180 lineal feet from the Vandegrift Boulevard and North River Road intersection, is for bus ingress only. The bus only access will save NCTD buses time in accessing the site by up to two minutes and facilitate more reliable connections. NCTD uses a timed-transfer system to minimize passenger waiting time. This access is right-in only and will be posted for "bus access only" to minimize vehicular conflicts. No egress will be allowed from this point.

Once on-site, the buses will circle the "island platform" in the center of the site and will pick up passengers from a designated bus bay. The buses will only be able to circle the island in a clockwise fashion to avoid conflicts in movements. The clear width of the drive aisle around the island is 26 feet minimum, which will allow for ease of movement between parked buses and moving buses. In addition, the bus bays are designed at an

angle, which facilitates the turning movements needed to pick-up and drop-off passengers. The island platform will accommodate 12 buses, two of which can be articulated (double in length). There is only one exit from the site, which is located at the southeast corner which ties into the main access drive of North River Village.

The northeastern access point will be a signalized access designed to line up as closely as possible with the existing North River Circle cul-de-sac across North River Road. Due to the proximity of the river habitat and the river flood plain, a 90 degree angled intersection is not possible. This access point will permit full turning movements. The location for this signal was dictated by the existing 40-foot wide City road right-of-way (Old North River Road), alignment with the existing cul-de-sac bulb of North River Circle (that serves the apartments to the north) and Engineering Design Standards for intersection spacing criteria (between the new signal and the westerly signalized intersection of North River Road and Vandegrift Boulevard).

This controlled access will serve the proposed project, as well as the residential units north of North River Road and the North River Village project. Although the access serves both components of the mixed-use plan, it is a requirement of the NCTD project to accommodate bus egress out of the Center. It will be 3 lanes wide consisting of a large ingress lane to accommodate bus turning radii, and two egress lanes. The access road is within the existing right-of-way of the old North River Road. NCTD buses will exit the site through this access and enter here only under special circumstances.

The project site also accommodates two passenger "drop-off" locations to help facilitate the movement of passengers into, and out of, the Center. The first drop-off zone is located along the northern property line in the North River Road right-of-way. This "turnout" is only accessible from eastbound North River Road. It begins approximately 50 feet east of the bus only access point and extends approximately 175 feet to the east and is 11 feet wide. This facility can accommodate approximately 9 cars at peak conditions. Once passengers are dropped-off, they will access the bus island platform via a centralized ADA crosswalk.

The second drop-off is accessed from the western project entrance of the adjacent North River Village project. This drop-off location is at the southwestern corner of the NCTD parcel. The drop-off lane is a part of the dual access loop associated with the MU-3 Building of the North River Village project. This drop-off lane has approximately 90 lineal feet of area that can be used for the loading and unloading of passengers. There is an ADA compliant walkway that connects this drop-off zone and the transit center. Both drop-off sites are separated from busses within the transit center by tubular steel fence. The fence keeps the perimeter secure and directs pedestrians to the controlled access points. The crosswalks at these access points will be delineated with decorative paving

The site's trash and recycled materials will be separated and contained in a trash enclosure. The trash enclosure is located in a discrete location behind the project's southern perimeter fence near the sites eastern edge. NCTD access to the enclosure will be from a locked gate. The access point for Waste Management to service the enclosure will be from the main drive aisle of the North River Village project. This was the preferred access methodology to keep the bus traffic separated from other on-site uses. In addition, an internal "turn-out" is provided near the northeast end of the bus drive aisle that will accommodate the NCTD sweeper that will keep the bus drive aisle clean of trash and debris.

Off-site Public Trail/Buffer Area: The North River Village project will also enhance a portion of the existing, public San Luis Rey Equestrian River Trail System which was established through the City's Recreational Trails Element. The City's Equestrian and Pedestrian Circulation Master Plan dictates that this trail is to ultimately extend from the Pacific Ocean on the west to the Bonsall Historic Bridge on the east. The trail currently exists in a "free-form" condition within the existing 40-foot wide City right-of-way adjacent to the San Luis Rey River (Old North River Road).

The project will enhance this combined facility into a single 12-foot wide all weather access road within the existing 40-foot wide City right-of-way. By combining the two elements into one facility, the required City maintenance access route (to maintain the existing water and sewer lines which are to remain in place) is maintained, the City's trail is provided for, and impacts adjacent to the river can be minimized and confined.

From where the combined trail connects to the new access drive, the trail becomes a 10-foot wide equestrian trail adjacent to a 5-foot wide sidewalk. There is an approximately 180-foot stretch of the trail that is reduced to 8 feet in width with a 4-foot wide sidewalk for purposes of avoiding the river habitat and maintaining the intersection alignment. It is important to note that the actual trail itself in this 8-foot in width "reduced" condition is still wider than the required 7 feet in width as required by the Zoning Ordinance (Section 2706 D. 1.) In addition, the equestrian trail "corridor width" ranges in size from 12.5 feet to 15.5 feet in width which also is in excess of the minimum 10-foot wide corridor as established by the Zoning Ordinance.

The trail and City maintenance access will be more confined and further away from the San Luis Rey River than the existing uncontrolled use. This will help to reduce the frequency of any direct impacts to the river and help to reduce indirect impacts to the river from the public trail to acceptable levels. By providing these use limitations and the combined enhancement, the project will improve the interface between the existing right-of-way and the river. It will also create an approximately 175-foot buffer area between the active use area within the right-of-way and the river habitat that currently does not exist. Within the buffer area, 100 feet of habitat restoration with coastal sage scrub and other native plant species will occur between the development area and the river – this area also includes the trail. An additional 75 feet of area containing landscaping, parking areas, recreation areas, and no buildings will occur on the project pad.

Variance: A Variance is proposed to accommodate portions of retaining walls that are in excess of 6 feet in height and two that are topped with either a 6-foot block wall or 8-foot block wall for noise attenuation, use separation and fire protection purposes. These conditions exist in two different locations within the site. The need for these combination walls is based on environmental protection, fire protection and separation of commercial and residential uses.

The first retaining wall/fence combo occurs along the eastern most edge of the site adjacent to the new signalized access drive from the east/west stretch of North River Road. The retaining wall, which is 11.4 feet tall at its highest point, is needed to keep the access road out of the flood plain (and the river habitat) in this location. This wall will be plantable. The wall is needed to ensure the long-term viability of the road and provide for habitat preservation. In addition, this wall will allow for upland habitat revegetation adjacent the river habitat. To further lessen the potential environmental impacts from the project, this wall will be topped with a 6-foot high solid decorative masonry wall for noise attenuation purposes to the betterment of the adjacent habitat. This wall is associated with the future transit use, as the signalized access will serve as the only bus egress point out of the transit center (and it will be a secondary access point as well). The wall will reduce bus noise within the habitat to acceptable levels.

The second retaining wall/fence combo occurs along the sites southern border (adjacent to units 33-40). The maximum height of the retaining wall is 4.4 feet, however, it will not be plantable because of fire protection issues (which is also covered by this Variance). As the southern boundary of the site abuts a commercially zoned property, an 8-foot block wall is required for the separation of the future commercial use and the proposed residential use. The combination retaining wall/block wall exceeds 8 feet in total height for approximately 40 feet. The western most portion of the wall (approximately 140 lineal feet) which will be most visible to commuters traveling north on North River Road will be the standard 8-foot block wall which meets code. Again, this wall is required by the Fire Department for fire protection purposes and for the separation of the commercial and residential uses.

The unusual shape of the property, the City's existing 40-foot right-of-way, and the proximity of the river are unique to the site and, therefore, the Variance will not represent a special privilege towards development of the property.

Common Recreational Facilities: The North River Village project will provide two main common active recreational amenities that will be available to all of the residents. The main recreation area for the project is along the sites eastern boundary and is approximately 31,585 square feet. By siting this large recreational area on the eastern edge of the project it further buffers the river habitat from the units and it creates a natural fire break to help protect the structures. This area includes a community swimming pool and spa, a restroom building, sunning deck and trellis feature, a tot-lot, picnic tables, a large turf play area and walkways. This area will be the focal point of activity for the entire North River Village community. The second recreational amenity is centrally located within the conventional residential units and is 7,712 square feet in

size. The area, which is more passive than the main facility, will include turf play areas, picnic tables and meandering pathways. These pathways will connect residents to this area as well as to the mixed-use commercial uses to the north and the large recreation facility to the east.

In addition, the project will also provide two "pedestrian promenades" that will be available to project residents, the on-site commercial tenants, transit riders and all other visitors to the community. One of these promenades will be internal to the "village" and the second will be along the sites perimeter and will serve as an arrival plaza entry feature to the community. A series of trails will connect the on-site residences to the commercial uses and promenades. These elements will help to make this a truly "connected" community. The residential open space areas, however, will be for the exclusive use of the on-site residents and their guests.

The Zoning Ordinance requirement for site landscaping in the CN Zone is 15 percent. Based on the net site area of 7.7 acres (which excludes the 2.1 acre public transit pad), the project is required to provide 50,312 square feet of landscaping. As proposed, the project provides a total of 134,165 square feet of landscaping. This equates to 40 percent landscaping which is far more than double of the commercial landscaping requirement. If the transit facility pad were included in the calculation, the requirement would be 64,033 square feet and the project would still far exceed the requirement. With the Open Space being provided by the project as discussed above, that would equate to 28 percent which is still well above the minimum requirement.

The Zoning Ordinance requirement for multi-family residential projects is a minimum of 300 square feet of usable open space per dwelling unit. If this requirement is applied to this project, a total of 31,800 square feet of usable open space is required (based on a total of 106 residential units). Of this amount a minimum of 15,900 square feet has to be in common usable open space. In addition, for a project of this size (a project with 75 units or more), that usable open space must contain at least one 8,000-square foot active recreation area or two 4,000-square foot active recreation areas.

As proposed, the North River Village project will provide approximately 54,179 square feet of total usable open space which far exceeds the minimum. The project will provide a total of 44,679 square feet of common usable open space highlighted by two active recreation areas. In addition, there will be approximately 9,500 square feet of private usable open space provided by exclusive use decks for each residential unit.

Outlined below are the required development criteria of the underlying Zoning and those proposed by the project:

	MINIMUM REQUIRED	PROPOSED
LOT SIZE	10,000 sq.ft.	9.8 acres
PARKING	290-parking spaces	318-parking spaces 41-guest parking
BUILDING HEIGHT	50-feet (max)	42 feet – 10 inches (max)

*The development standards are established by the Mixed-Use Development Plan.

Conditional Use Permits: The Mixed-Use Development Plan requires the approval of a Conditional Use Permit and a Use Permit is required for the bus transit facility.

Variations: A Variance is required for exceeding the maximum 6-foot high fence and for a non-plantable retaining wall that is over 4 feet in height.

Waiver: The project proposes to underground all utility lines in conformance with City standards except the overhead utility line across the street on the north-south stretch of North River Road. This line is a large 69kv line which is exempt from the undergrounding requirements per Section 901G.3 of the Subdivision Ordinance.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed project consistent with the existing neighborhood in regards to the density (29 dwelling units per acre)?
2. Is the proposed project consistent with the intent of the Mixed-Use Development Plan?
3. Is the proposed use permit consistent with the regulations of the Zoning Ordinance?
4. Can the necessary findings be made for the proposed Variance?

DISCUSSION

In reviewing the application staff's analysis focused on the compatibility of the project with existing development patterns of the area and the merits of the Mixed-Use Development Plan.

The analysis centered on the project's compatibility with the existing commercial and residential patterns. The North River Road and Vandegrift Boulevard corridor consist of a mixture of commercial uses interspersed with medium and high-density residential in the area surrounding the proposed project. Staff believes that the Mixed-Use Development Plan is consistent with the surrounding neighborhood development patterns in that commercial is accessed directly from North River Road and is adjacent to the proposed bus transit center providing a continuing commercial corridor transitioning into the residential uses located on the northern portion of the site adjacent to the existing residential neighborhoods. In addition, the proposed density at 14.9 dwelling units per acre is consistent with the surrounding neighborhood densities (RM-B is 10-15 dwelling units per acre located west of the site and the RM-C is 15.1-20.9 dwelling units per acre located north of the site).

Staff also inventoried the adjacent multi-family residential developments as a basis of comparison. Listed below are the areas residential densities:

- Valley View Apartments - 100 du; 4.6 ac; 21.7 du/ac.
- > Stonemark Condo Conversion - 127 du; 7.18 ac; 17.7 du/ac.
- > La Costa Villa Condos - 22 du; 1.24 ac; 17.7 du/ac.
- > Riverview Townhomes - 50 du; 3.54 ac; 14.1 du/ac.

In comparing the project density of 10.8 dwelling units per acre to the density of the surrounding neighborhood, staff believes that the proposed project is consistent with the density of the surrounding neighborhood.

Staff believes that the proposed architecture is both consistent with and superior to both the existing commercial and residential developments within the surrounding neighborhood. The predominant architectural theme throughout the existing area is a mixture of Spanish Mediterranean and other contemporary or more outdated designs. In comparing the proposed architectural elevations with existing neighborhood, staff is of the opinion that the architectural design proposed is compatible with the existing neighborhood.

In staff's opinion, the project through the use of the Mixed-Use Development Plan has achieved a high quality of design. The percentage of commercial vs. residential development is 22 percent, which achieves a higher percentage of commercial uses than other mixed-use projects in the City. The design of the project has provided a diversity of buildings and the site layout that could not have been achieved without the use of the

Mixed-Use Development Plan. The Mixed-Use Development Plan provides more common recreational areas, more orderly development, greater setbacks and diversity of building design.

A Variance is required for exceeding the maximum wall height of 6 feet and for non-plantable retaining walls over 4 feet in height. There are three retaining walls which exceed 6 feet in height. The walls are located at the perimeter of the site on the easternmost portion of the site adjacent to the new signalized drive on North River Road and will reach a height of 11.4 feet. The second retaining wall occurs along the sites southern border and will reach a maximum height of 8 feet to provide a separation between the residential units on the project site and future commercially zoned property to the south. Staff was initially concerned with the height of the proposed retaining wall between the San Luis Rey River and project site. However, due to the configuration of the project site and need for an intersection at this location, the retaining wall will limit impacts to adjacent wetland habitat and keep the project out of the 100-year flood plain. The second wall is required.

Two Conditional Use Permits (CUP) are required for the Mixed-Use Development Plan and bus transit facility. The uses allowed have been modified from the CS-HO zone to be more compatible with the proposed development. For example, auto related uses, regulated uses, or medical offices are not allowed. The site was chosen for a bus transit facility by a task force made up of representatives from NCTD, the City of Oceanside, SANDAG, Camp Pendleton and others. Staff believes that the proposed modified uses are more consistent with the proposed development.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Mitigated Negative Declaration during its hearing on the project.

Environmental Issues: Extensive studies were done for the biological issues for the site. The analysis and mitigation measures are detailed in the attached Mitigated Negative Declaration and are included as conditions in the resolution for the project. Briefly summarized, the project has been conditioned to address impacts in the following areas:

Land Use and Planning: The applicant is required to revegetate the area between the San Luis Rey River and the base of the proposed retaining wall with native plant species and construct a 6-foot noise wall to mitigate potential impacts to wetland habitat and the endangered least Bell's vireo songbird that breeds in the river.

Transportation/Circulation: Traffic mitigation includes provision of a north-south right turn lane along North River Road, a fair-share contribution to various traffic improvements in the surrounding area, and a new traffic sign at North River Circle and the eastern project access.

Biological: Mitigation for impacts to the coastal sage scrub, non-native grassland, and an ephemeral drainage requires mitigation at a mitigation bank or a site approved by the City and Resource Agencies. Other mitigation measures address long-term maintenance of the biological buffer area, fencing requirements, outdoor lighting restrictions, and prohibition of use of exotic invasive plant species.

Noise: Noise impacts could occur to future residents. To reduce these impacts the applicant will be required to use buses that idle at less than 70 decibels, minimize the period of time that buses idle at the transit center, reduce interior noise levels through use of building materials and techniques, and use low-noise producing mechanical equipment for the buildings.

Cultural Resources: An archaeologist and Native American monitor are required to monitor all initial grading activities to detect any cultural resources that may be unearthed during grading operations.

Comments were received during public review of the Mitigated Negative Declaration from California Department of Fish and Game and various members of the public. Responses to these comments are included in the attached environmental document.

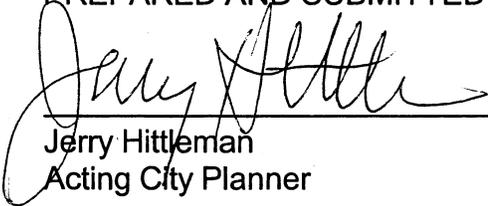
In summary, the proposed project meets the requirements of the Mixed-Use Land Use Plan by providing a diverse, quality design that is compatible with the surrounding neighborhood. The project provides several amenities including large recreational areas, diverse building design, increased set backs and common area. The architecture, uses and landscaping proposed is consistent with the surrounding neighborhood.

SUMMARY

Staff believes that the proposed Tentative Map, Mixed-Use Development Plan, Development Plans, Conditional Use Permits and Variance are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project is compatible in land use, residential product type, square footages and architecture with the surrounding neighborhood. The Commission's action should be:

- Move to approve Tentative Map (T-3-04), Development Plans (D-12-04, D-13-04, D-14-04), Conditional Use Permits (C-17-04, C-20-04) and Variance (V-6-04) and the Mitigated Negative Declaration and adopt Planning Commission Resolution No. 2006-P31 as attached.

PREPARED AND SUBMITTED BY:



Jerry Hittleman
Acting City Planner

JH/fil

Attachments:

1. Tentative Map, Site Plan, Landscape Plan
2. Planning Commission Resolution No. 2006-P31
3. Mixed-Use Development Plan Text
4. Mitigated Negative Declaration
5. Letter from Robert L. Schaffer dated May 8, 2006

**SAN LUIS REY TRANSIT CENTER
And
NORTH RIVER VILLAGE MIXED-USE PROJECT**

**DRAFT INITIAL STUDY and
MITIGATED NEGATIVE DECLARATION**

January 2006

Prepared for:

**City of Oceanside
300 North Coast Highway
Oceanside, CA 92054**

Prepared by:

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NOTE TO REVIEWERS OF THE FINAL MITIGATED NEGATIVE DECLARATION

The Draft Mitigated Negative Declaration (MND) for the San Luis Rey Transit Center and North River Village Mixed-use Project was circulated for public review from February 6, 2006 to March 8, 2006 (State Clearinghouse No. 2006021031). During the public review period, comment letters were received from the following public agencies and interested individuals:

- California Department of Fish and Game
- Diane Nygaard
- Melba Bishop
- Susie Fregoso

These letters, along with responses addressing the issues of concern, immediately follow this page. In response to comments received on the Draft MND, revisions were made to the MND. Specifically, minor revisions and clarifications were made to the mitigation measures related to Biological Resources. Although additional mitigation measures have been added, they do not address new significant effects. No new significant avoidable impacts that have not already been addressed in the MND have been identified. The noted revisions would not result in changes to the impact conclusions reached in the Draft MND and would not require recirculation of the MND, pursuant to Section 15073.5 of the State California Environmental Quality Act Guidelines. Revisions are denoted by ~~strikeout~~ and underline.

In addition, minor modifications were made to the projects Storm Water Mitigation Plan. The exhibits have been made easier to read and have more information on them from the report. Also, it is abundantly clear that there are separate drainage basins and there will be separate Operation and Maintenance Agreements for the North River Village (residential/retail) and the Transit Center. The treatment drain for the North River Village has been upgraded to a Storm-Treat System Bio-Clean Unit to specifically address possible bacteria contamination from the residential side. Also, on the North River Village portion of the project, detention basin number 1 has been assimilated into detention basin number 2 so all residential water will run through the entire treatment system. No new significant avoidable impacts that have not already been addressed in the MND were identified or occurred as a result of these changes. The revisions would not result in changes to the impact conclusions reached in the Draft MND and would not require recirculation of the MND, pursuant to Section 15073.5 of the State California Environmental Quality Act Guidelines.

COMMENT LETTERS

-----Original Message-----

From: Elizabeth Lucas [mailto:ELucas@dfg.ca.gov]
Sent: Wednesday, March 08, 2006 1:14 PM
To: jhittleman@ci.oceanside.ca.us
Cc: lonestar@affinis.net; TomH@helixepi.com;
leeann_carranza@rl.fws.gov; mporter@waterboards.ca.gov
Subject: San Luis Rey Transit Center & N. River Road Mixed Use Project

-
- comments on MND (SCH# 2006021031)

Dear Mr. Hittleman,

The Department of Fish and Game (Department) has reviewed the subject draft MND which we received on February 8, 2006, and whose public comment period as established by the State Clearinghouse ends today. Due to time constraints, we are unable to provide a formal comment letter today.

However, if a letter is needed for the City to formally consider the comments herein, we will provide one at your request. As you know, the Wildlife Agencies have been involved since at least late 2004 in the proposed project. We appreciate the opportunity to be involved early in the process.

We offer the following comments to assist the City in avoiding or minimizing potential impacts to sensitive native plants and wildlife and to ensure conformance with the regional Multiple Habitat Conservation Program (MHCP) plan and the City's draft MHCP Subarea Plan. Please note that I have not had time to discuss this project with Lee Ann Carranza of the U.S. Fish and Wildlife Service (Service) who has taken it over for Ben Frater. Therefore, if any of the following comments are in error relative to agreements that have occurred among the applicants, City of Oceanside (City), and the Service during the project-related informal section 7 consultation, I apologize and would appreciate knowing.

1. The proposed project would result in the loss of 0.37 acre of coastal sage scrub (CSS). Therefore, the project will require a Habitat Loss Permit (HLP) for take of CSS under the section 4(d) Special Rule of the Federal Endangered Species Act, as amended (Act). The documentation we received does not mention the need for an HLP, provide findings for an HLP, or request concurrence by the Wildlife Agencies with findings. Please provide a draft HLP with findings to the Wildlife Agencies as soon as possible.

2. The draft MND does not require in-perpetuity management of the buffer adjacent to the San Luis Rey River. As we have said in meetings and in electronic mail (02-01-05 and 09-01-05), the buffer needs to be managed in perpetuity to protect the resources therein and, namely, within the riparian habitat supported by the San Luis Rey River. The fact that the buffer area associated with this project is within the contemplated MHCP preserve underscores the need for management in perpetuity.

In our 09-01-05 electronic mail, we stated, "Although the proposed project still lacks complete compliance with the City's draft Subarea

Plan, we believe that the City and the project proponent have exhausted alternatives that could have achieved such compliance. We believe that, assuming there will be management in perpetuity of the buffer, the proposed offsetting measures are reasonable and should be adequately effective in avoiding and minimizing impacts on biological resources."

2 In our 02-01-05 electronic mail, we stated, "The CEQA document should include a long-term management and monitoring plan that describes how the buffer will be managed in perpetuity after restoration (i.e., after the project has met the success criteria identified in the restoration plan).

The plan should describe a funding commitment for its implementation. The implementation of the plan should commence prior to, or concurrent with, the initiation of construction."

Therefore, the matter of in-perpetuity management of the buffer remains unresolved and requires further discussion.

3 3. I don't recall that we discussed this, but we recommend the installation of a barrier (e.g., split rail fencing) along both sides of the proposed 12-foot-wide equestrian trail within the buffer to keep horses and their riders within the trail.

4 4. I believe we did discuss this before, but do not recall the outcome. We recommend that bollards be installed at the termini of the buffer within the project site to prevent unauthorized vehicles from entering the buffer.

5 5. On page 18 of the environmental checklist, mitigation measures L1 states, "The Applicant../ shall revegetate the area between the San Luis Rey River and the base of the proposed retaining / noise wall combination with native species...." The final MND should require that the revegetation/restoration occur the full length of the buffer including the area already identified and the entire area between the River and the 6-foot solid non-combustible block fire wall as depicted on Figure 6a in the draft MND.

6 6. On page 18 of the environmental checklist, mitigation measure B3 seemingly links the restoration of the vegetation within the buffer to the wetland permit processes required for the project. Regardless of the requirements in the wetland permits, the habitat within the buffer must be restored/revegetated as depicted on Figure 6b in the draft MND.

7 7. On page 19 of the environmental checklist, mitigation measure B5 states, "To prevent habitat fragmentation/edge effects, temporary construction staking or fencing shall be erected... at or outside the edge of the impact areas where they interface with natural areas." For the final MND, please change "at or outside the edge of the impact areas" to "at or just inside the edge of the impact areas."

8 8. On page 19 of the environmental checklist, mitigation measure B8 states, "All outdoor lighting shall be directed away from the off-site riparian habitat." For the final MND, please change "rom the off-site riparian habitat" to "from the buffer and the off-site riparian habitat."

9

9. On page 19 of the environmental checklist, mitigation measure B9 states, "The project landscape plan shall not include invasive exotic species adjacent to or near sensitive vegetation communities." Because of the nature of invasive plant species (e.g., they can spread by many means - - wind, surface flows), the small size of the project site, its proximity to the San Luis Rey River, and the fact that the surface flows will continue to ultimately drain to the River, the final MND should prohibit the use of invasive plants in the landscaping throughout the site.

10

10. Please provide us a map depicting the location of the three proposed detention basins and the riprap apron, relative to the proposed buffer.

We would appreciate a written response to our comments and a copy of the final MND with red line/strikeout to convey changes from the draft. If you have any questions about our comments, please call me. Thank you for the opportunity to comment on the draft MND.

Libby Lucas
Environmental Scientist
NCCP Program
California Department of Fish and Game
4949 Viewridge Avenue
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Phone: 858 467-4230
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e-mail: ELucas@dfg.ca.gov

February 28, 2006

Jerry Hittleman
City of Oceanside
Planning Department
300 N. Coast Highway
Oceanside, CA 92054

Subject : Comments on MND-
San Luis Rey Transit Center and North River Rd Mixed Use Project

Dear Mr. Hittleman:

We appreciate that the project applicants have made significant improvements that have greatly reduced the adverse impacts associated with this project. However, there are a few remaining issues that need to be addressed.

We have reviewed the draft MND for this project and have the following comments:

Land Use

11 - Remnants of the Old North River Road remain within the 100' wide wetlands buffer area. The MND identified the remnants of this road as impacting the required buffer, but proposed no mitigation. A mitigation measure should be added to: 1. Remove the old asphalt. 2. Use grasscrete or another permeable/plantable surface for the access road/trail. Replant the buffer area as needed.

12 - Part of the proposed mitigation for incursion within the 100' buffer is the addition of sound walls outside the project boundaries, and additional walls where the transit facility intrudes within the buffer zone. Part of the effectiveness of these measures seems to rely upon what happens with the buffer on the adjacent parcel to the northeast. Please clarify what conditions will be placed on this adjacent parcel that assure that the proposed buffer mitigation will be functional, and this offsite wall will remain in place in perpetuity.

Biological Resources

13 - the text discusses, but the mitigation measures do not specifically provide for, permanent endowment of the mitigation land. A mitigation measure needs to be added regarding the permanent endowment for managing the mitigation land in perpetuity or the impacts to sensitive habitat have not been adequately addressed.

14 - not all of the edge effects associated with development this close to the river have been addressed. A mitigation measure should be added to include appropriate restrictions in the CC+ R's including public education about living next to protected natural resources. Some projects have specified bellling of cats to mitigate for the potential impacts to avian species, particularly the Least Bell's Vireo. This is hard to enforce, but something should be included to protect wetland birds.

15 - Figure 7 identifies off site patches of coastal sage scrub(CSS) on the parcel to the northeast and on the parcel to the south while the majority of the CSS on site will be impacted by the project. Please discuss how the final configuration of CSS on the project site will assure that these remaining patches of CSS can still provide stepping stone movement for California Coastal gnatcatchers through the project area.

- the project is providing for an access road/pedestrian trail within the wetlands buffer area. Where will access to this trail be provided for from the residential units in this project? Experience shows that where such access is not specifically provided for people tend to create

16

their own access routes which can be very damaging to sensitive habitat. A mitigation measure needs to be added to specifically address access to this pedestrian trail and to also assure that trail use is monitored and trails are maintained. In some nearby cities the city is granted an easement for the public trail, assumes any liability for its use, and also provides for regular patrols, trash removal and maintenance.

Hydrology

17

- The checklist needs to be modified to indicate that there could be adverse impacts to water unless they are mitigated. The text describes a number of things that are proposed to address impacts, but none of this is included in project conditions which makes it unenforceable under CEQA (although portions could be enforceable through related, but unspecified, permit conditions). The mitigation measures should include some conditions to address the potential water quality impacts. This should include some description of project specific BMP's. Saying that there is no specific issue with the large number of transit busses on site because future purchases require alternative fuel does not address current conditions where a majority of the fleet remains diesel.

Thank you for your consideration of these comments.

Sincerely,

Diane Nygaard

Cc: LeeAnn Carranza USFWS
David Mayer Ca Dept of F & G
Chris Means RWQCB

*Melba Bishop
4966 Tyler Street
Oceanside, CA 92057
(760) 758-0283
www.melbabishop.com*

February 27, 2006

To Whom It May Concern:

18 I have reviewed the Mitigated Negative Declaration and I have many
concerns about the lack of an Environmental Impact Report. This project is
located in an area where there is sensitive habitat and adjacent to the San Luis
Rey River. The impacts of a project with a transit center and 106 condominiums
will be considerable. The traffic from this project will negatively impact the rural
traffic coming from the Morro Hills area. Every time traffic is increased on North
River Road it makes the preservation of farming in the area less sustainable.
19 Morro Hills is one of Oceanside's treasures and has been on the Important
Farmland Map of America. I believe that traffic studies are needed especially in
light of the considerable development in the area along Vandegrift Boulevard
over the past several years.

20 I have watched the San Luis Rey flood for more than 30 years and the
area where this project is located is one of the flood prone areas. What is done
on that side of the river impacts those of us who live on this side of the river. I
would like to be sure that all impacts are fully addressed and studied. I believe
that only an EIR can insure that.

Thank you for considering my request.

Melba Bishop
4966 Tyler St.
Oceanside, CA 92057

Chris Harrison

From: Susie F [susief00@yahoo.com]
Sent: Friday, February 24, 2006 6:06 PM
To: Chris Harrison; smarks@nctd.org; planningslaff@cl.oceanside.ca.us
Subject: San Luis Rey Transit Center

I'm curious why "Richmond American Homes of CA" is planning to develop 80 and 84 single-family detached homes and golf course. Yet my neighborhood is trying to build a freakin bus stop with commercial retail space?

21

This particular corner - Vandergrift & North River Road already has more than it's share of ghetto retail spaces. Have any of you been to that corner? I'd like my property value to go up not further down the sewer.

Couldn't you find another corner to stick a transient haven? I hear enough police and ambulance sirens right now, not to mention the burglaries.

S. Fregoso

Yahoo! Mail
Bring photos to life! New PhotoMail makes sharing a breeze.

2/27/2006

RESPONSES TO COMMENTS

EMAIL FROM CALIFORNIA DEPARTMENT OF FISH AND GAME

1. A Habitat Loss Permit is not required for this project because the project reconciled endangered species act issues through the Section 7 process. All of the coastal sage scrub impacts would occur within the Transit Center portion of the project. The Federal Transit Administration consulted with the U.S. Fish and Wildlife Service under Section 7 of the Endangered Species Act. On October 20, 2005, the Service issued a May Affect, Not Likely to Adversely Affect Determination for the federally threatened coastal California gnatcatcher, the federally endangered least Bell's vireo and designated critical habitat for the vireo. The Service determination required purchase of 0.74 acre of coastal sage scrub mitigation and revegetation of appropriate areas between the transit center and the river with coastal sage scrub habitat. These mitigation measures have been incorporated into the project.
2. As required by the City's Draft Sub Area Plan to the multiple Habitat Conservation Plan, the City will ultimately maintain the 100-foot wide biological buffer as part of the San Luis Rey River corridor preserve. The buffer area would be more efficiently managed as part of the corridor rather than a separate third-party entity that would be reluctant to take such a relatively small area. However, the San Luis Rey River Corridor management plan is not yet in place. When the long-term management of the corridor is implemented, the applicant, the Master HOA (which includes NCTD, the commercial development, and the residential community) would be responsible for paying for management of the buffer area to be included with the river corridor. In the interim, the City is currently maintaining and will continue to maintain the existing road right-of-way area. In the remainder of the buffer area, biological monitoring and management will be provided by the biologist and landscape contractor who will be under contract for a period of five years to implement the restoration efforts located along the edge of the river and in the bio-buffer area between the right-of-way and the development. If after that time, the San Luis Rey River Corridor Plan is still not in place, the Master HOA will fund biological monitoring and management until the plan is put in place. Mitigation Measure B10 has been added to the MND to address this issue. The mitigation measure requires that prior to issuance of a grading permit, that a habitat management plan and Property Analysis Record (PAR) be prepared to identify the necessary yearly funding requirement.
3. Split rail or similar fencing will be provided along both sides of the City's easement (that includes the trail and utility lines) in order to keep trail users out of the buffer and the river habitat. Mitigation Measure B11 has been added to address this issue.
4. The public trail from North River Road moving southwest along the river corridor starts on the project site near the Transit Center. There is an all-weather access road

that extends from the Transit Center to provide a connection to the 12-foot utility access road / community trail. This connection will have either a gate or bollards to prevent unauthorized vehicular access to the road and trail below.

5. As shown on Figures 6a and 6b of the MND, the project does include revegetation of the entire area between the river and development with native and naturalized species. The native / naturalized landscaping is proposed for the entire buffer area.
6. Mitigation Measure 3b refers to wetland mitigation and does not preclude the proposal to revegetate the entire buffer area as shown in Figures 6a and 6b.
7. Comment noted. If the stakes are placed inside the limits of grading, then they would be removed when the grading occurs. It is common for stakes to be placed on the limit of disturbance or slightly offset in order to allow the grading to occur and not disrupt the stakes. The grading limits along the eastern or river side of the project would generally occur in disturbed areas that will be revegetated as shown on Figures 6a and 6b. As required in Mitigation Measure B5, the monitoring biologist will ensure that grading does not exceed the allowable limits of development.
8. The requested change has been made to Mitigation Measure B8.
9. The requested change has been made to Mitigation Measure B9.
10. The locations of the three detention basins and rip-rap energy dissipater are shown on Figure 4. Detention Basin 1 will be combined into Detention Basin 2 so that all runoff from the mixed-use development will flow through the entire treatment train of open channels, energy dissipater and bio-clean unit. Detention Basin 2 and the associated rip-rap are located in the southwestern end of the project and will manage all stormwater from the residential and retail use areas. Detention Basin 3 is located within the Transit Center footprint. All the basins and the rip-rap for Basin 2 are located outside the 100-foot buffer area, with the exception of a small dissipater structure located east of the Transit Center. A larger scale exhibit from the Storm Water Mitigation Plan will be sent to Ms. Lucas.

LETTER FROM DIANE NYGAARD

11. Figure 6a and the cross-section in Figure 6b shows the intended treatment of the existing access road within the buffer. The 12-foot all weather utility access road will be constructed with a product known as "invisible structure." The asphalt will be removed and replaced with this new permeable surface. The adjacent areas within the existing 40-foot right-of-way will be revegetated with low-lying native grasses.
12. The wall that extends off-site to the northeast is located on City of Oceanside property. The City owns the property on both sides of the wall. The Master HOA

will be responsible for the long-term maintenance of the wall.

13. Please refer to Response to Comment 2.
14. Mitigation B12 has been added to the MND to address this issue.
15. As part of the Section 7 consultation described in Response to Comment 1, a restoration plan is required that shows revegetation of appropriate areas between the transit center and the river with coastal sage scrub. In addition, the area along the trail and within the buffer is being planted with native and naturalized upland species that are appropriate for wildlife use; see Figures 6a and 6b.
16. Access to the public trail for residents will be provided in the same location as for the general public, as described in Response to Comment 4. There would be a 6-foot-high block wall separating the project from the buffer area that will prevent access at any other location. The trail is located within the City of Oceanside right-of way or on other City property. The road right-of-way will be maintained by the City as part of its utility maintenance. Other aspects of the management of this area are detailed in Response to Comment 2.
17. Water quality measures for this project are required by the City as part of the Storm Water Mitigation Plan prepared by Eilar & Associates. In addition to the detention basins and open channels, the following tools will be used as best management practices for run-off: 1) Storm-Treat System Bio-Clean Unit for the residential and retail areas; 2) Bio-Clean Nutrient Separating Nutrient Baffle Box Bio-Clean Unit for the transit facility focusing on Hydrocarbon removal; and 3) Stenciling on all storm drain inlets that reads "No dumping: I live in the San Luis Rey Watershed."

LETTER FROM MELBA BISHOP

18. The City has conducted an Initial Study and determined that with the proposed mitigation measures, all environmental impacts will be reduced to below a level of significance. The project applicant and City have worked closely with the resource agencies and the local environmental community to redesign the project to respond to concerns regarding the adjacent river habitat and, as such, the proposed project represents the environmentally preferred alternative of all of the previously proposed project designs, which were also consistent with the current zoning.
19. A traffic study was prepared by Kimley-Horn & Associates for the project, and mitigation measures have been required to ensure that impacts to traffic are mitigated to below a level of significance.
20. The project lies outside the mapped 100-year flood plain associated with the San Luis River. The project includes measures to protect against potential scouring along the

eastern boundary of the project site, including trenching along the toe of project slopes, using a concrete slurry cut-off wall, driving sheet piles into underlying bedrock, or using pressure or chemical grouting techniques.

EMAIL FROM SUSIE FREGOSO

21. The comments in the correspondence are noted. They do not specifically address environmental issues, and thus no response is required.

ADDITIONAL MITIGATION MEASURES

- B10. The Master HOA (which includes NCTD, the commercial development, and the residential community) will ensure that long-term biological management and monitoring be provided for the habitat along the river and the buffer area. This will be accomplished for the first five years as part of the biological monitoring to be provided for the required wetland and coastal sage scrub restoration plan. When the long-term management of the San Luis Rey River Corridor Plan is implemented by the City, the Master HOA with seed money from the applicant, would be responsible for paying for management of the buffer area to be included with the river corridor. If the San Luis Rey River Corridor Plan is not available for management, the Master HOA would continue to retain a qualified biologist and landscape maintenance contractor to conduct the required management. Prior to issuance of a grading permit, a habitat management plan (HMP) and Property Analysis Record (PAR) shall be prepared to identify the funding required to implement the HMP. The Conditions, Covenants and Restrictions, a recorded document, will assure that if the Master HOA does not meet its obligation for the monitoring and ongoing maintenance of the buffer area, then the agencies and/or the City may do it and assess the Master HOA with a lien on the property and legal action, if necessary.
- B11. Split rail or similar fencing will be provided along both sides of the City's easement (which includes the trail and utility lines) in order to keep trail users out of the buffer and the river habitat areas.
- B12. An educational brochure will be prepared and distributed to inform residents and businesses of the sensitivity of adjacent habitat, and how to minimize impacts to the habitat. The brochure will include information regarding responsible pet care, proper landscape maintenance techniques, brush management, water quality, human intrusion, and limiting lighting and noise intrusion into the buffer and river habitat. It also will inform residents of the importance of not collecting plants or animals within the habitat.

BACKGROUND**1. Project Title:**

San Luis Rey Transit Center and North River Village Mixed-Use Project

2. Lead Agency's Name and Address:

City of Oceanside
300 North Coast Highway
Oceanside, CA 92054

3. Contact Person and Phone Number:

Jerry Hittleman
(760) 435-3535
(760) 754-2958 fax

4. Project Location:

The 9.8-acre project site is located in the northeast portion of the City of Oceanside, California (City). Figure 1, Regional Location Map, shows the regional location of the project site, approximately 7 miles east of Interstate 5 and 1.75 miles south of Marine Corp Base Camp Pendleton. The project site is bounded by the Old North River Road right-of-way with the San Luis Rey River on the southeast side of the Old North River Road right-of-way, North River Road (east-west) on the north, North River Road (north-south) on the west, and an undeveloped parcel on the south. Figure 2, Project Location Map, shows the general location of the proposed project site. Figure 3, Site Vicinity Map, shows the location of the project site in the project area.

5. Project Sponsors:

North County Transit District 810 Mission Avenue Oceanside, CA 92054	Loranda Corporation 425 West Fifth Avenue #203 Escondido, CA 92025
--	--

6. General Plan Designation:

Neighborhood Commercial (NC)

7. Zoning:

Neighborhood Commercial (NC)

8. Description of Project:

The proposed San Luis Rey Transit Center and North River Village Mixed-Use Project (Proposed Project) entails the development of a mixed-use project comprised of 106 condominium units, approximately 13,700 square feet (s.f.) of commercial retail space within 26 commercial condominium units and the North County Transit District (NCTD) San Luis Rey Transit Center (Transit Center). The project components could be phased. The proposed site plan is shown in Figure 3, Site Plan. The project site would be graded to generally maintain the existing topographic features of the site. Earthwork quantities would involve approximately 17,000 cubic yards (c.y.) of cut and 30,000 c.y. of fill, including 12,655 c.y. of imported material.

Transit Center

The 2.1-acre Transit Center would consist of 12 bus bays, a ticketing booth, restroom facilities, two drop-off areas, an employee parking area, a pedestrian arrival plaza, associated transit furnishings and circulation improvements (Figure 4, Site Plan). Except for required public improvements, construction of the on-site transit center improvements may occur subsequent to the development of the residential and commercial condominiums. A passenger platform island with 12 bus bays (10 standard and 2 articulated) would be located within the central portion of the facility. Two buildings, covered seating areas, bicycle racks, landscaping and lighting would be located on the island platform. A 1,300-square foot building containing a ticketing booth, restrooms, a security office, personnel office, and a maintenance closet would be constructed on the western end

of the platform. This building would be one story with a clock tower and would extend to a height of approximately 23.5 feet above grade. The second building would be constructed on the east end of the platform and would include restrooms, a maintenance closet and a covered seating area. This single-story building would encompass approximately 900 s.f. and would extend to a height of approximately 15.7 feet above grade. Architectural treatments would be consistent with those incorporated into the other transit building. In addition, covered and open seating areas, bicycle racks and landscaping would be provided on the platform.

A formal pedestrian arrival plaza is proposed in the northwestern corner of the Transit Center. The pedestrian plaza would provide a connection from North River Road (both the east-west and north-south legs) to the Transit Center and North River Village, and would include a monument sign, enhanced pavement, decorative boulders, masonry columns topped with planter boxes, bicycle storage lockers and landscaping.

Access to the Transit Center would be provided at two points along North River Road (east-west). The northwestern access point, located approximately 180 feet from the intersection of North River Road and Vandegrift Boulevard, would be designated for eastbound bus ingress only. This proposed access would be restricted to right-in movements and would be posted for bus access only. No egress would be permitted from this point. The northeastern access point would be located within the existing Old North River Road right-of-way and would align as closely as possible with the intersection of North River Road and North River Circle. This access point would be signalized and would consist of a three-lane (two egress and one ingress) access road to serve both the Transit Center and North River Village.

The Transit Center would provide two drop-off areas: one along the northern site boundary along North River Road (east-west) and one in the southwestern corner of the Transit Center. The drop-off area along North River Road would consist of an 11-foot-wide turnout lane that would begin approximately 50 feet east of the bus only entrance and would extend easterly approximately 175 feet. This drop-off lane would accommodate a vehicle queue of 9 cars. The second proposed drop-off area in the southwestern portion of the Transit Center would be part of the dual access loop associated with North River Village and would include approximately 90 feet for loading. Pedestrian crosswalks would be provided from these drop-off areas to the island platform. In addition, the Transit Center would include an employee parking lot with 8 parking spaces in the eastern portion of the site.

Other circulation improvements would include dedication of right-of-way along the northern and western project frontages of North River Road (both the east-west and north-south legs). The east-west leg of North River Road is currently constructed as a two-lane collector road within an 84-foot-wide right-of-way. Approximately 10 to 18 feet along the northern project boundary would be dedicated as right-of-way to the east-west segment of North River Road to improve the segment of North River Road, from Vandegrift Boulevard to North River Circle, to its future ultimate Circulation Element designation of a four-lane major roadway. Sidewalk and curb and gutter improvements also would be constructed on the southern side of the improved roadway. The north-south leg of North River Road is currently constructed as a four and five-lane major arterial within a 100-foot-wide right-of-way. An additional 12 feet along the western project frontage would be dedicated as right-of-way to the north-south segment of North River Road. Sidewalk, curb and gutter, and turn-lane improvements would be constructed at the eastern side of the improved roadway.

The existing 40-foot-wide right-of-way of Old North River Road runs parallel to the eastern boundary of the project site. The Transit Center project proposes an additional, varying 25- to 35-foot-wide buffer between the eastern edge of the right-of-way and the edge of the San Luis Rey River riparian habitat. The Proposed Project also proposes an 11.4-foot-high retaining wall topped with a 6-foot-high noise barrier (for which a Variance is included) along the southeastern boundary of the Transit Center that faces the San Luis Rey River. This noise wall would connect to a proposed 6-foot-high noise barrier that also would be constructed as part of this project and would extend off site approximately 325 feet easterly from the proposed access road in the northeastern corner of the project site along the south side of North River Road (Figure 5, Off-site Noise Wall). Additional 6-foot-high noise walls would be located along the western and southern perimeters of the bus bay area to attenuate transit noise.

Landscaping would be installed in the pedestrian arrival plaza, on the island platform, within a proposed detention basin in the eastern portion of the Transit Center and within other perimeter areas (see Figures 6a and

6b, Landscape Concept Plan). In addition, a plantable retaining wall, which would be planted with native vines and shrubs, would be constructed along the eastern site boundary between the proposed access road and the San Luis Rey River bank. All proposed structures and grade changes would occur outside of the mapped 100-year flood plain boundary.

North River Village

The 7.7-acre North River Village project would consist of 106 condominium units within 27 residential buildings, 3 mixed-use buildings, recreational amenities and open space areas (see Figure 3, Site Plan). The residential buildings would include 15 fourplexes, 2 triplexes, and 10 duplexes and would be three stories high (two living levels over garages), extending approximately 37.5 feet above finished grade. The units would generally be below the allowed 50-foot height maximum as measured from existing grade. Of the 94 "traditional" condominium units, 86 would be located within the residential only buildings and would have three bedrooms with attached two-car garages, and would encompass 1,183 (base Unit 1) to 1,269 (base Unit 2) s.f. Optional upgrades would be available for up to 32 of the units to add a fourth bedroom or an extended "bridge deck," which would increase the area to 1,339 s.f. The other 8 residential units would be above the retail space within the MU-2 building, but they would all take access from the traditional residential side of the project and are therefore not included as "mixed-use" units. The 27 residential buildings would incorporate the mission and California ranch architectural styles and include elements such as concrete tile roofs, clay tile accents, ornamental iron treatments, wood shutters, railings and trellises, and awnings.

The 3 mixed-use buildings would be three stories high, with a building height of approximately 42.8 feet above finished grade and located along a "main street" concept, adjacent to the Transit Center. These buildings would provide a total of approximately 13,700 s.f. of commercial retail uses on the ground floor. Proposed uses within each building are listed in the following table.

Mixed-use Building No.	No. of Commercial Spaces/s.f.	No. of Residential Units / Bedrooms/s.f.
MU-1	12/ 7,500	8/ 2 (or 3 as an option)/ 1,082 to 1,150
MU-2	8/ 3,360	8/ 3/ 1,365*
MU-3	6/ 2,824	4/ 3/ 1,365

*Units counted and parked as "residential" because they do not have direct access from the "mixed-use" area.

It is possible that one single tenant could occupy the entire commercial space in each building or that the spaces could be divided such that there could be up to 12 commercial tenants in Building MU-1, up to 8 commercial tenants in Building MU-2, and up to 6 tenants in Building MU-3.

Primary vehicular access to North River Village would be provided from North River Road (north-south) via a right-in/right-out access drive that would extend easterly along the proposed mixed-use buildings and connect to a formal entry to the residential buildings to the south. This access drive also would connect with a secondary access point at the northeastern corner of the project site along North River Road (east-west). As described above under the Transit Center discussion, this access point would permit full turning movements and would be signalized. Access drives would be provided throughout the site to accommodate internal circulation.

The North River Village project would provide a total of 318 parking spaces, including 236 designated spaces for the residential area, 27 spaces for the mixed-use residential and 55 spaces for the mixed-use commercial. Although both residents and commercial users would benefit from an ability to share the mixed-use parking, as permitted by local ordinance, no shared use parking reduction is required to serve this project (i.e. the project is parked per code per use).

The project is required to provide a total of 31,800 s.f. of common usable open space. As proposed, the project would provide a total of 44,679 s.f. of common usable open space in addition to allowable usable open space on private decks of approximately 9,500 s.f., which far exceeds the minimum requirement. The proposed recreational facilities would include two main recreational areas within the residential area and enhancements to the off-site public San Luis Rey Equestrian River Trail System. A 0.72-acre recreational area would be located

in the eastern portion of the project site, which would include a community swimming pool and spa, sunning deck and lounge area, restrooms, tot lot, turf play areas, and a meandering pathway. Another 0.18-acre recreation area would be centrally located within the residential area and would include turf play areas, picnic tables and meandering pathways. Additional smaller pockets of usable open space would be provided throughout the project site.

The Proposed Project would enhance a portion of the existing public San Luis Rey Equestrian River Trail System, which is part of the existing Old North River Road Trail system, as depicted in the City General Plan's Recreational Trails Element. The trail currently exists in a "free form" condition within the existing 40-foot-wide road right-of-way adjacent to the San Luis Rey River utilized by the City for maintenance of the existing utilities within the right-of-way. The trail would be combined with the City's existing maintenance access road into a 12-foot-wide all-weather access road within the existing 40-foot-wide right-of-way. The enhanced trail would be surfaced with a suitable all-weather surface.

This multi-use facility would become a single use equestrian trail when it connects to the proposed new access drive that connects the project to the new signalized access point at North River Road. The public access "right-of-way" on the east side of the new access drive will vary in size from 12 to 15 feet in corridor width. This corridor would accommodate a 7-foot-wide equestrian only path (as required for equestrian paths) and either a 4-foot or 5-foot-wide sidewalk. The sidewalk would narrow to 4 feet for approximately 80 lineal feet in the middle of the access drive, as required to keep the keystone retaining wall out of the floodplain and the river habitat.

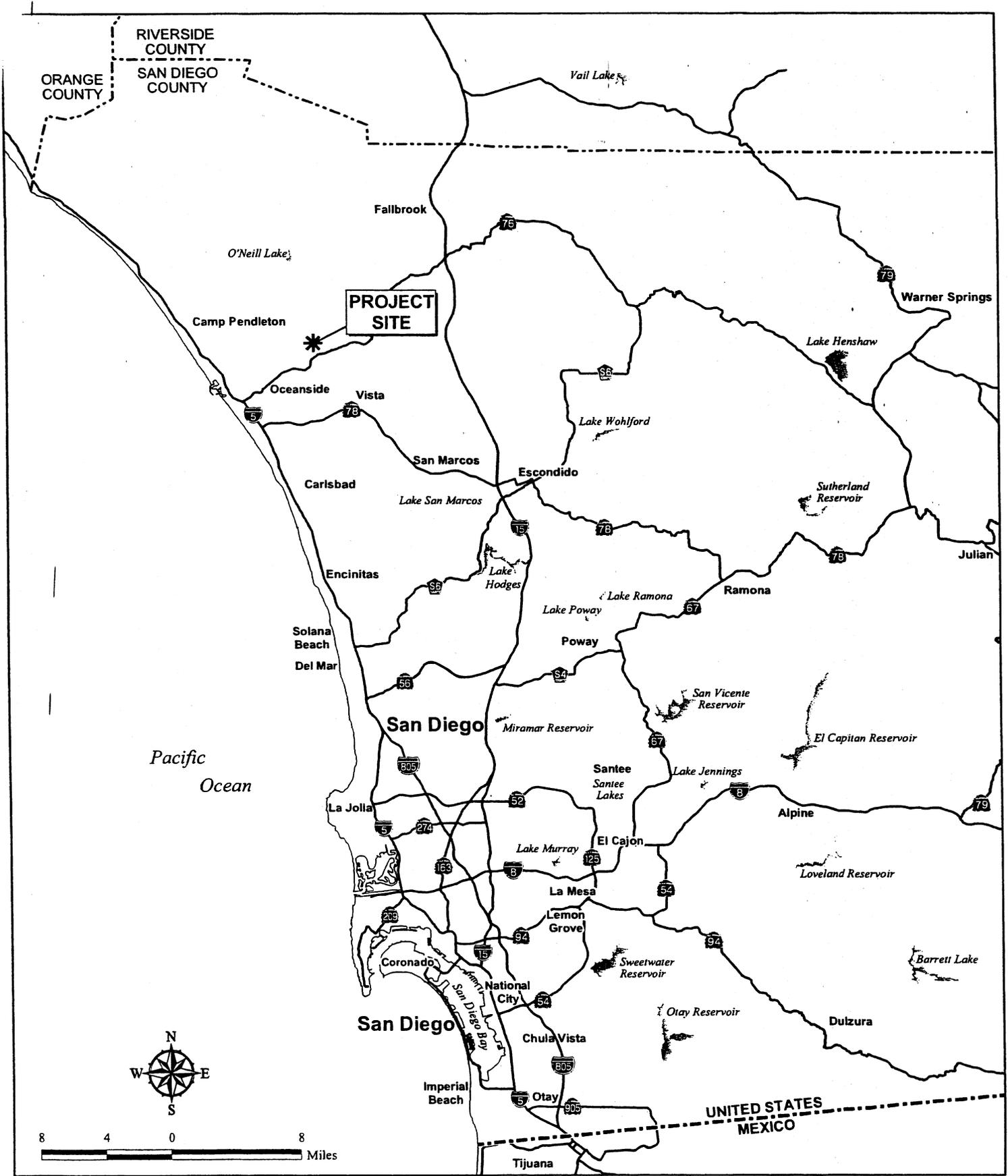
Landscaping would be installed along the North River Road (north-south) frontage, within the proposed recreation areas, along the mixed-use "main street," and within the residential areas (see Figures 6a and 6b, Landscape Concept Plan). A 100-foot-wide biological buffer would be provided along the eastern boundary of North River Village, which would include existing and revegetated riparian vegetation along San Luis Rey River, the existing 40-foot-wide right-of-way that would include the 12-foot-wide all-weather surface access road/public trail and revegetated native grasses, and a slope vegetated with upland native plants.

A 6-foot-high, non-combustible, fire block wall would be constructed at the top of the slope along the eastern edge of development. A retaining wall/fence combination would be located along the southern site boundary. The maximum retaining wall height would be 4.4 feet above grade, and the wall would be topped with an 8-foot-high noise/separation wall.

The Proposed Project would be served by existing utility facilities in the project area. Sewer and electrical service would be provided by connections to existing lines within the Old North River Road right-of-way along the eastern site boundary, and potable water would be provided via connections to a new water line constructed by the project within North River Road (east-west). Storm water drainage would be provided by construction of storm drain inlets, conveyance pipeline, outlet structures, storm water cleaning units and three on-site detention basins. A drainage swale also would be provided along the eastern project site boundary.

9. Other agencies whose approval is required for the Proposed Project:

- U.S. Army Corps of Engineers Section 404 (Clean Water Act) Permit
- U.S. Fish and Wildlife Service Section 7 (Federal Endangered Species Act) Consultation with U.S. Army Corps of Engineers
- San Diego Regional Water Quality Control Board Section 401 (Clean Water Act) Certification and Construction Stormwater Permit
- California Department of Fish and Game Section 1602 Streambed Alteration Agreement
- NTCB Board actions (for the Transit Center)



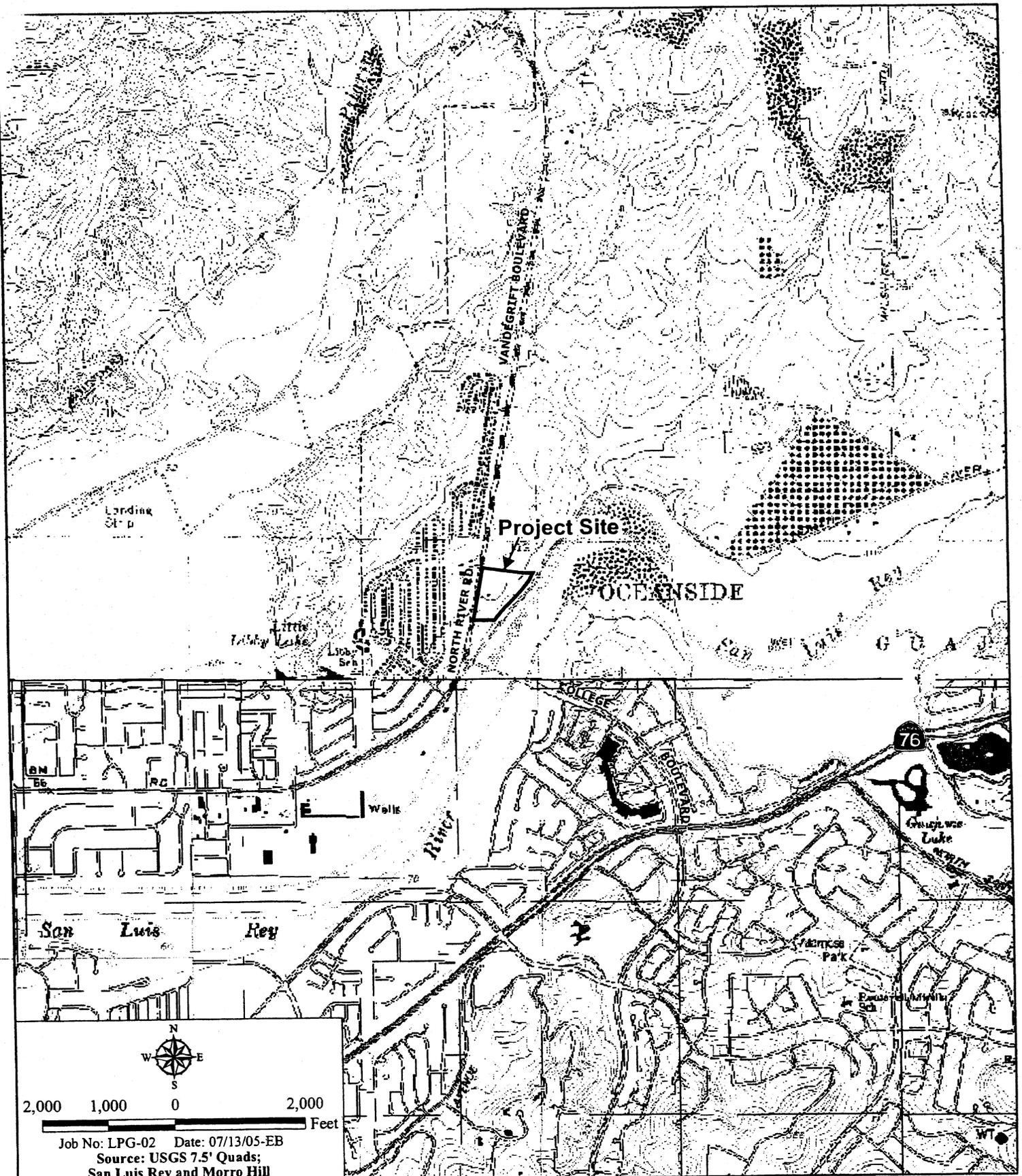
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Regional Location Map

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT



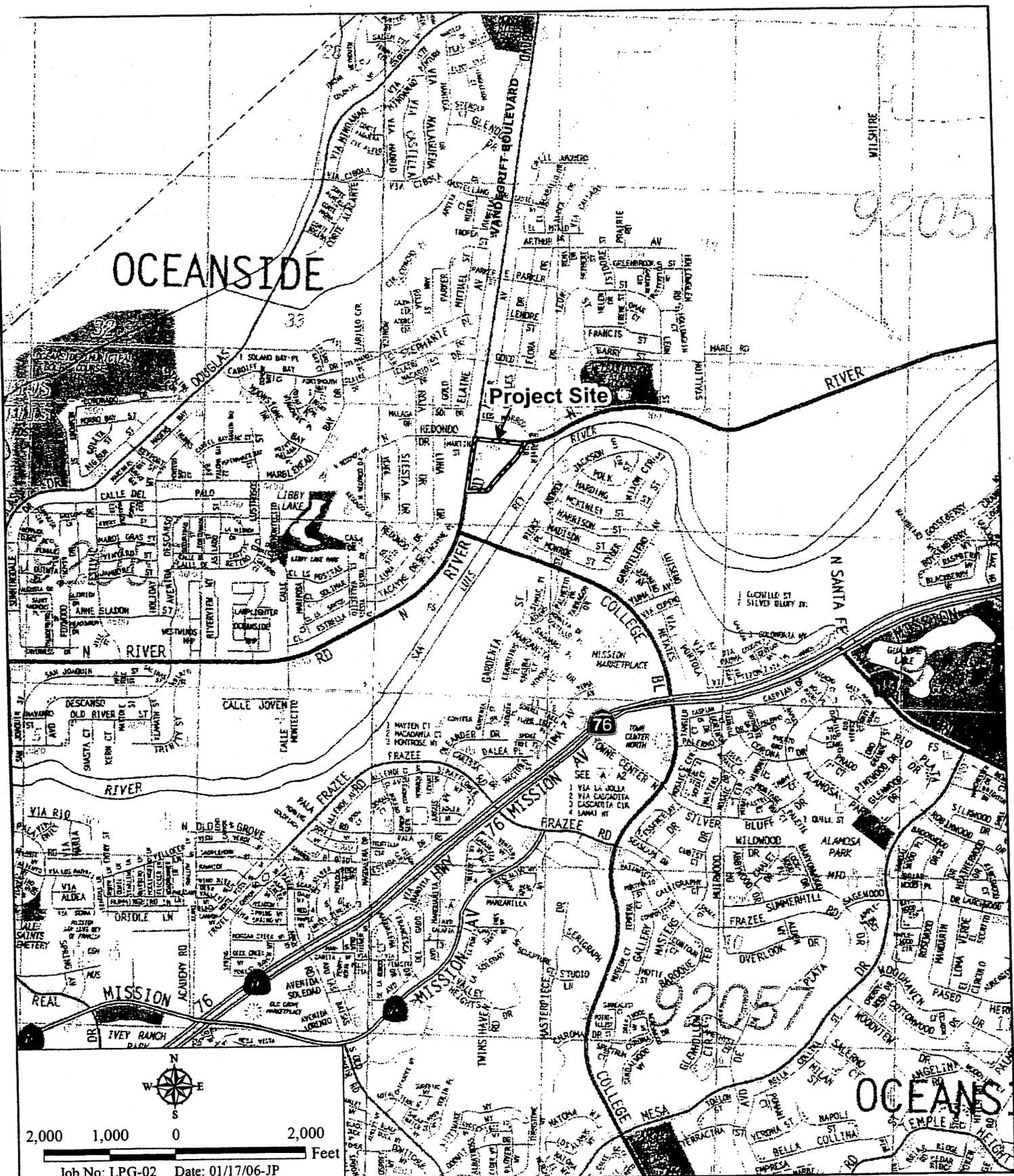
Figure 1



Project Location Map

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT

Figure 2



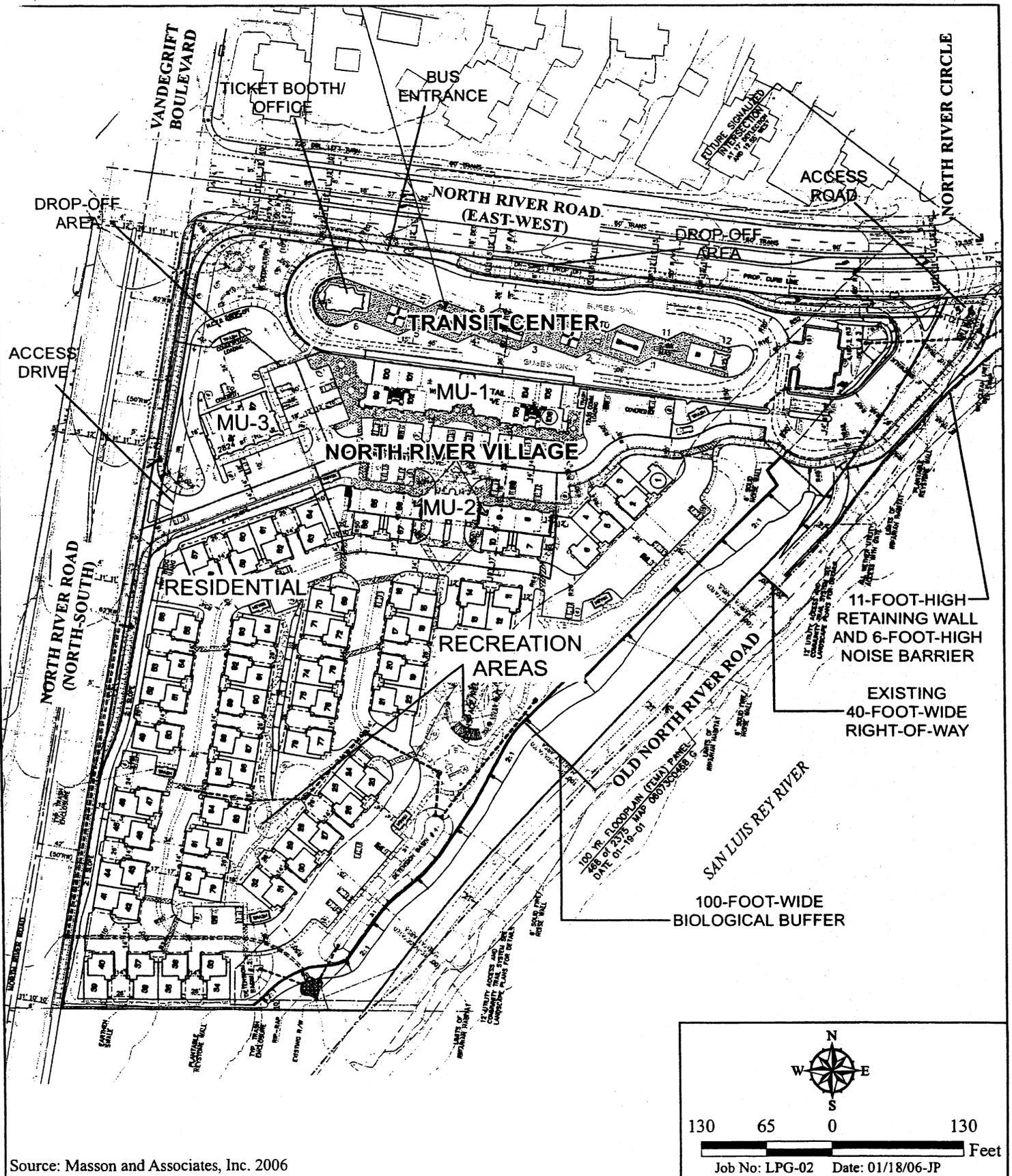
Job No: LPG-02 Date: 01/17/06-JP

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Site Vicinity Map

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT

Figure 3



Source: Masson and Associates, Inc. 2006

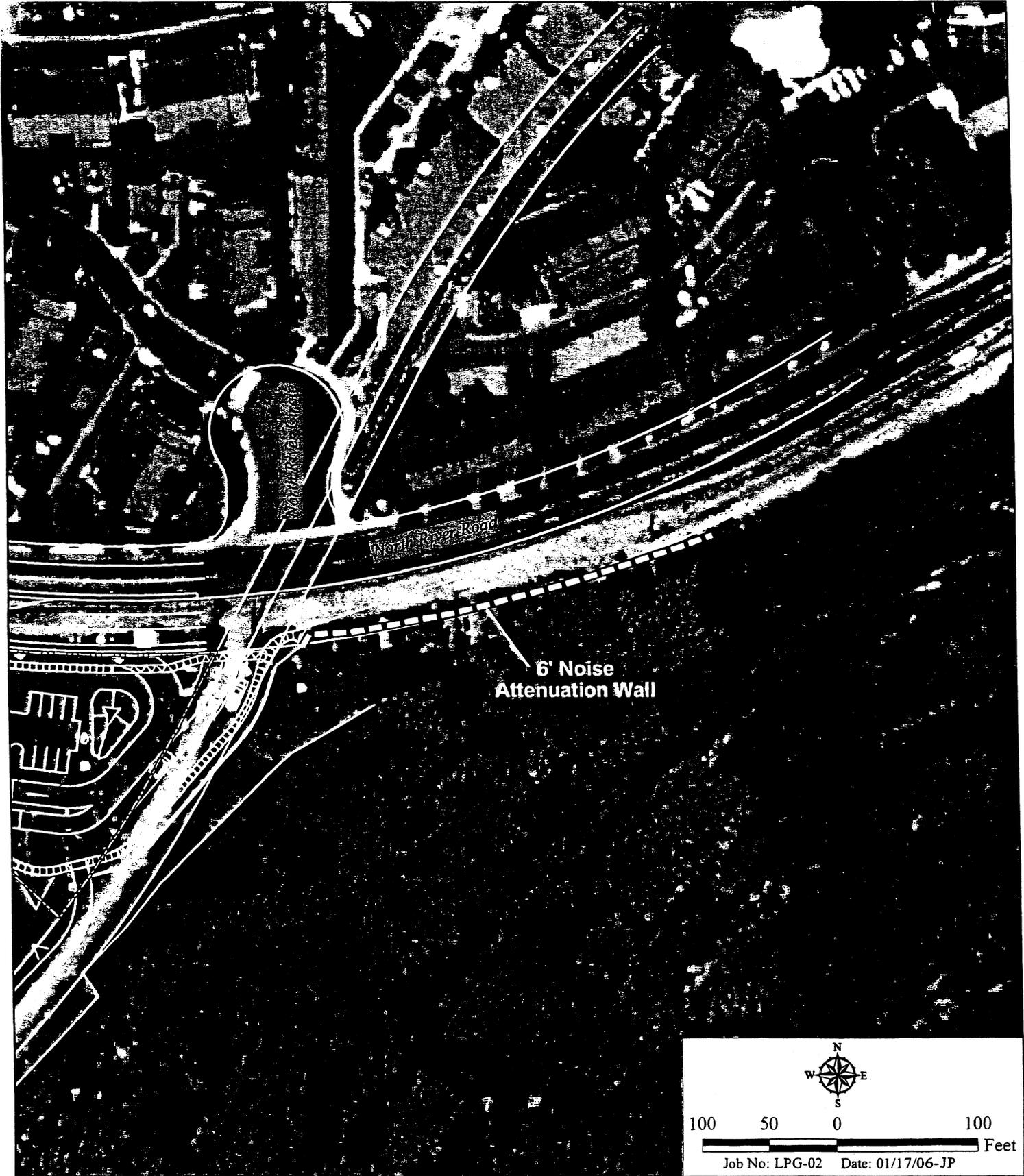
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Site Plan

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT

Figure 4





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Off-site Noise Wall

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact," as indicated by the checklist on the following pages.

- Land Use and Planning
- Population and Housing
- Geological Problems
- Water
- Air Quality
- Transportation/Circulation
- Biological Resources
- Energy and Mineral Resources
- Hazards
- Noise
- Public Services
- Utilities/Service Systems
- Aesthetics
- Cultural Resources
- Recreation
- Mandatory Findings of Significance

ENVIRONMENTAL DETERMINATION

On the Basis of this initial evaluation:

I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions to the project have been made by or agreed to by the applicant. A MITIGATED NEGATIVE DECLARATION WILL BE PREPARED.

I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to the that earlier EIR, including revisions or mitigation measures that are imposed upon the project, nothing further is required.

Signature

Jerry Hittleman

Printed Name

Date of Draft

Date of Final

EVALUATION OF ENVIRONMENTAL IMPACTS

This checklist is designed by the lead agency, the City of Oceanside, to identify the potential for significant environmental impacts that could be associated with the proposed project. All "Yes" and "Yes, Unless Mitigated" responses are discussed for the corresponding issue. "No" responses are explained where it is based on project-specific factors.

	<i>Yes</i>	<i>Yes, Unless Mitigated</i>	<i>No</i>	<i>Not Applicable</i>
I. LAND USE AND PLANNING				
Would the project:				
a) Conflict with general plan designation or zoning?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with general plan environmental plans or policies adopted by agencies with jurisdiction over the project?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
c) Be incompatible with existing land use in the vicinity?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Affect agricultural resources or operations (e.g., impacts to soils or farmlands, or impacts from incompatible land uses)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Disrupt or divide the physical arrangement of an established community (including a low-income or minority community)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
II. POPULATION AND HOUSING				
Would the project:				
a) Cumulatively exceed official regional or local population projections?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Induce substantial population growth in an area, either directly or indirectly (e.g., through projects in an undeveloped area or extension of major infrastructure)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Displace existing housing, especially affordable housing?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
III. GEOLOGIC PROBLEMS				
Would the project result in or expose people to potential impacts involving:				
a) Fault rupture?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Seismic ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Seiche, tsunami, or volcanic hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Landslides or mudflows?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Erosion, changes in topography or unstable soil conditions from excavation, grading, or fill?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Subsidence of the land?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Yes	Yes, Unless Mitigated	No	Not Applicable
IV. GEOLOGIC PROBLEMS (cont.)				
Would the project result in or expose people to potential impacts involving:				
h) Expansive soils?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Unique geologic or physical features?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
V. WATER				
Would the project result in				
a) Changes in absorption rates, drainage patterns, or the rate and amount of surface runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people or property to water related hazards such as flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Discharge into surface waters or other alteration of surface water quality (e.g., temperature, dissolved oxygen or turbidity)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Changes in the amount of surface water in any water body?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Changes in currents, or the course or direction of water movements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Change in the quantity of ground waters, either through direct additions or withdrawals, or through interception of aquifer by cuts or excavation, or through substantial loss of groundwater recharge capability?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Altered direction or rate of flow of groundwater?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
h) Impacts to groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
i) Substantial reduction in the amount of groundwater otherwise available for public water supplies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
VI. AIR QUALITY				
Would the project:				
a) Violate any air quality standard or contribute to an existing or projected air quality violation?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose sensitive receptors to pollutants?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Alter air movement, moisture, or temperature, or cause any change in climate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Create objectionable odors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

	Yes	Yes, Unless Mitigated	No	Not Applicable
VII. TRANSPORTATION/CIRCULATION				
Would the project result in:				
a) Increased vehicle trips or traffic congestion?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Hazards to safety from design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Inadequate emergency access or access to nearby uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Insufficient parking capacity on site or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Hazards or barriers for pedestrians or bicyclists?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f) Conflicts with adopted policies supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g) Rail, waterborne or air traffic impacts?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

VIII. BIOLOGICAL RESOURCES

Would the project result in impacts to

a) Endangered, threatened, or rare species or their habitats (including but not limited to, plants, fish, insects, animals, and birds)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Locally designated species (e.g., heritage trees)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Locally designated natural communities (e.g., oak forest, coastal habitat, etc.)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Wetland habitat (e.g., marsh, riparian, vernal pool)?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
e) Wildlife dispersal or migration corridors?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

IX. ENERGY AND MINERAL RESOURCES

Would the project:

a) Conflict with adopted energy conservation plans?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Use non-renewable resources in a wasteful and inefficient manner?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Result in the loss of availability of a known mineral resource that would be of future value to the region and the residents of the State?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

X. HAZARDS

Would the project involve:

a) A risk of accidental explosion or release of hazardous substances (including, but not limited to, oil, pesticides, chemicals, or radiation)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
---	--------------------------	--------------------------	-------------------------------------	--------------------------

	Yes	Yes, Unless Mitigated	No	Not Applicable
XI. HAZARDS (cont.)				
Would the project involve:				
b) Possible interference with an emergency response or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) The creation of any health hazard or potential health hazard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Exposure of people to existing sources of potential health hazards?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Increased fire hazard in areas with flammable brush, grass, or trees?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XII. NOISE				
Would the project result in:				
a) Increases in existing noise levels?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
b) Exposure of people to severe noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIII. PUBLIC SERVICES				
Would the project have an effect upon, or result in a need for new or altered government services in any of the following areas:				
a) Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Maintenance of public facilities, including roads?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Other governmental services?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
XIV. UTILITIES AND SERVICE SYSTEMS				
Would the project result in a need for new systems or supplies, or substantial alterations to the following utilities?				
a) Power or natural gas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Communications systems?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Local or regional water treatment or distribution facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Sewer or septic tanks?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Storm water drainage?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

XV. UTILITIES AND SERVICE SYSTEMS (cont.)
 Would the project result in a need for new systems or supplies, or substantial alterations to the following utilities?

- | | Yes | Yes, Unless Mitigated | No | Not Applicable |
|--------------------------------------|--------------------------|--------------------------|-------------------------------------|--------------------------|
| f) Solid waste disposal? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| g) Local or regional water supplies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XVI. AESTHETICS
 Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Affect a scenic vista or scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Have a demonstrable negative aesthetic effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Create light or glare? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XVII. CULTURAL RESOURCES
 Would the project:

- | | | | | |
|--|--------------------------|-------------------------------------|-------------------------------------|--------------------------|
| a) Disturb paleontological resources? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Disturb archaeological resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c) Affect historical resources? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d) Have the potential to cause a physical change which would affect unique ethnic cultural values? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e) Restrict existing religious or sacred uses within the potential impact area? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

XVIII. RECREATION
 Would the proposal:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Increase the demand for neighborhood or regional parks or other recreational facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Affect existing recreational opportunities? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

XIX. MANDATORY FINDINGS OF SIGNIFICANCE

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

	Yes	Yes, Unless Mitigated	No	Not Applicable
XX. MANDATORY FINDINGS OF SIGNIFICANCE (cont.)				
b) Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.)	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
d) Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

SUMMARY OF MITIGATION MEASURES

Land Use and Planning

L1. The Applicant (Loranda Corporation) shall revegetate the area between the San Luis Rey River and the base of the proposed retaining/noise wall combination with native species, as well as construct an off-site 6-foot-high noise barrier along the south side of North River Road (east-west) that extends easterly from the northeastern corner of the project site approximately 325 feet.

Transportation/Circulation

- T1. A right-turn lane shall be constructed along 590 feet of the project site frontage of North River Road (north-south) between the southern boundary of the project site and Vandegrift Boulevard. This lane will remove trips from the three through lanes between the southern boundary of the project site and the proposed right-in, right-out driveway.
- T2. The Project Applicants shall make a fair-share contribution of \$41,723 to the City of Oceanside to partially fund purchase and installation of adaptive signal hardware at the intersections of North River Road/College Boulevard, College Boulevard/Park Entrance, College Boulevard/Adams Street, College Boulevard/Via Cupeno, and College Boulevard/SR-76 to increase the flow of traffic along the College Boulevard corridor.
- T3. The Project Applicants shall participate in the City of Oceanside thoroughfare fee program.

Biological Resources

- B1. Impacts to 0.37 acre of disturbed Diegan coastal sage scrub habitat shall be mitigated at a 2:1 ratio by purchase of a minimum of 0.74 acre of coastal sage scrub in an existing mitigation bank or at a site approved by the City and resource agencies.
- B2. Impacts to 0.88 acre of non-native grassland shall be mitigated at a 0.5:1 ratio by purchase of a minimum of 0.44 acre of non-native grassland or coastal sage scrub in an existing mitigation bank or at a site approved by the City and resource agencies.
- B3. Subject to approval of the resource agencies during the permitting process, impacts to 0.10 acre of ephemeral drainage/basins shall be mitigated at a 1:1 ratio through on-site restoration of the area between the

40-foot-wide right-of-way and the existing riparian habitat of the San Luis Rey River. Final mitigation requirements will be determined during the permitting process with the U.S. Army Corps of Engineers, California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

- B4. To prevent noise impacts to nesting sensitive birds, construction activities (i.e., grubbing, clearing, and grading) shall be avoided during the breeding season (February 15 through July 15 for raptors and March 15 through September 15 for least Bell's vireos). If construction activities can not be avoided during these periods, temporary noise barriers shall be installed to demonstrably reduce construction noise to below 60 decibels (dB) at the edge of the riparian area. A biological monitor shall be on site during project construction to prevent unpermitted encroachment into the riparian habitat or disruption of avian breeding, and to direct construction activities away from nesting birds.
- B5. To prevent habitat fragmentation/edge effects, temporary construction staking or fencing shall be erected under the supervision of a qualified biologist at or outside the edge of the impact areas where they interface with natural areas. This fencing shall be erected prior to commencement of brushing or grading activities and shall demarcate areas where human and equipment access and disturbance from grading are prohibited. A qualified biologist shall monitor all site preparation and grading activities near these interfaces during construction.
- B6. Windows facing the San Luis Rey River shall be constructed using non-reflective glass and/or a combination of non-reflective glass, awnings, or other shade structures.
- B7. The Multiple Habitat Conservation Program (MHCP) states that projects that may have indirect impacts on least Bell's vireo will require monitoring and control of cowbird populations in the San Luis Rey River if the affected area is not within the U.S. Army Corps of Engineers' area of responsibility for cowbird control. The Project Applicant shall be responsible for monitoring and controlling cowbirds if this reach of the river is not within the U.S. Army Corps of Engineers area of responsibility.
- B8. All outdoor lighting shall be shielded and directed away from the buffer and off-site riparian habitat.
- B9. ~~The project landscape plan shall not include invasive exotic plant species adjacent to or near sensitive vegetation communities.~~
- B10. The Master HOA (which includes NCTD, the commercial development, and the residential community) will ensure that long-term biological management and monitoring be provided for the habitat along the river and the buffer area. This will be accomplished for the first five years as part of the biological monitoring to be provided for the required wetland and coastal sage scrub restoration plan. When the long-term management of the San Luis Rey River Corridor Plan is implemented by the City, the Master HOA with seed money from the applicant, would be responsible for paying for management of the buffer area to be included with the river corridor. If the San Luis Rey River Corridor Plan would not available for management, the Master HOA would continue to retain a qualified biologist and landscape maintenance contractor to conduct the required management. Prior to issuance of a grading permit, a habitat management plan (HMP) and Property Analysis Record (PAR) shall be prepared to identify the funding required to implement the HMP. The Conditions, Covenants and Restrictions, a recorded document, will assure that if the Master HOA does not meet its obligation for the monitoring and ongoing maintenance of the buffer area, then the agencies and/or the City may do it and assess the Master HOA with a lien on the property and legal action, if necessary.
- B11. Split rail or similar fencing will be provided along both sides of the City's easement (which includes the trail and utility lines) in order to keep trail users out of the buffer and the river habitat areas.
- B12. An educational brochure will be prepared and distributed to inform residents and businesses of the sensitivity of adjacent habitat, and how to minimize impacts to the habitat. The brochure will include information regarding responsible pet care, proper landscape maintenance techniques, brush management, water quality, human intrusion, and limiting lighting and noise intrusion into the buffer and river habitat. It also will inform residents of the importance of not collecting plants or animals within the habitat.

Noise

- N1. North County Transit District shall ensure that buses using the Transit Center facility generate noise levels that are lower than typical buses. This would require that idling buses not exceed a maximum noise level of 70 dB at a distance of 50 feet from any side of the bus. North County Transit District's alternative fuels policy precludes the purchase of additional diesel-powered buses, so that future buses added to the fleet would be fueled by compressed natural gas.
- N2. North County Transit District shall schedule buses so that they are at the station for a minimal time period (i.e., approximately 10 minutes or less). Buses that are at the Transit Center longer than 10 minutes shall turn off their engines.
- N3. An interior acoustical analysis for all residential units shall be required to ensure that interior noise levels will not exceed a Community Noise Equivalent Level (CNEL) of 45 decibels, in compliance with the City of Oceanside's noise standard. Building upgrades such as sound-rated windows or doors would most likely be required for the project units adjacent to North River Road (north-south) and the Transit Center. Sound-rated windows or doors with applicable Sound Transmission Class ratings will most likely be required for the units adjacent to the Transit Center. These on-site dwelling units may also require either air conditioning and/or mechanical ventilation system because it is likely that windows must be closed to achieve interior noise thresholds.
- N4. When mechanical equipment plans are prepared, they shall be evaluated to ensure that outdoor mechanical equipment noise will not exceed the City of Oceanside's noise ordinance criteria at the residences at North River Village. Prior to the issuance of a building permit, the Project Applicant shall be required to provide documentation to the City Planning Department that the mechanical equipment has been designed to comply with the noise ordinance criteria.
- N5. Any internal combustion engine used during construction shall be equipped with a muffler of a type recommended by the manufacturer.

Cultural Resources

- C1. Prior to implementation of monitoring, a pre-excavation agreement shall be developed between the San Luis Rey Band of Luiseno Mission Indians, the Project Applicants (for the Transit Center and North River Village), and the City of Oceanside.
- C2. The designated qualified archaeologist and the designated Native American representative shall attend the pre-grading meeting with the contractors to explain the requirements of the program.
- C3. The archaeologist and Native American monitors shall be on site during all grading, trenching, and other ground-disturbing activities.
- C4. If archaeological artifact deposits or cultural features are discovered, grading activities shall be directed away from these deposits temporarily, to allow a determination of potential importance. Isolates and clearly non-significant deposits would be minimally documented in the field, and grading would proceed. For any potentially significant artifact deposits, an adequate artifact sample would be collected to address research avenues previously identified for sites along the San Luis Rey River.
- C5. Recovered materials shall be cataloged and analyzed.
- C6. A report shall be completed describing the methods and results of the monitoring and data recovery program.
- C7. Artifacts would be curated with the accompanying catalog at the San Diego Archaeological Center, or the collection would be repatriated to the Luiseno Bands, as specified in the pre-excavation agreement.

REFERENCES USED IN COMPLETING THIS INITIAL STUDY

California Department of Conservation
Farmland Mapping and Monitoring Program.

California Regional Water Quality Control Board, San Diego Region
1994 Water Quality Control Plan for the San Diego Basin (9). September 8.

San Diego Association of Governments
2005 City of Oceanside Current Estimates. Fall.
2004 Final 2030 Cities/County Forecast, Oceanside Forecast. February 3.

The following documents are available for review at the City of Oceanside Planning Department, 300 North Coast Highway, Oceanside, California, and are hereby incorporated by reference:

Affinis

- 2002 "Results of Protocol Surveys for the California Gnatcatcher, Property at Vandegrift and North River Road, Oceanside." September 27.
- 2005 "Biological Resources Report and Jurisdictional Waters Delineation, North River Village Mixed Use Development Plan, Oceanside." October 17.

Dexter Wilson Engineering, Inc.

- 2004 Sewer System Analysis for North River Village Mixed use Development in the City of Oceanside. August 18.
- 2004 *Water System Analysis for North River Village Mixed use Development in the City of Oceanside.* August 17.

Ecological Restoration Service

- 2003 "Fairy Shrimp Survey on APN #157-040-42, North River Road, Oceanside." August.
- 2004 "Fairy Shrimp Survey on APN #157-040-42, North River Road, Oceanside." May.

Eilar Associates

- 2006 *Revised Storm Water Mitigation Plan for Oceanside Mixed Use Development and Transit District Facility, North River Road and Vandegrift Boulevard.* Revised January 18.

FIREWISE 2000, Inc.

- 2005 Preliminary Fuel Modification Plan. October 12.

HELIX Environmental Planning, Inc.

- 2003 "Southwestern Willow Flycatcher Protocol Surveys and Least Bell's Vireo Surveys on Northeast Oceanside Transit Center Final Report." August 6.
- 2004 "Burrowing Owl Survey Report for the Northeast Oceanside Transit Center." January 22.
- 2004 "Year 2003 Arroyo Southwestern Toad Survey Report for the Northeast Oceanside Transit Center." January 28.
- 2005 *Biological Technical Report, San Luis Rey Transit Center Project.* October 19.

Kimley-Horn and Associates, Inc.

- 2005 *Traffic Impact Study, North River Village Mixed-Use Development in the City of Oceanside.* September. Update letters January 2006, September 2005, and June 2005.

Masson & Associates, Inc.

- 2005 "Preliminary Drainage Study for Mixed Use Project, 490 Vandegrift Boulevard," Oceanside. October 3.

Pacific Noise Control

- 2004 *NCTD San Luis Rey Transit Center Project-Oceanside, Environmental Noise Study*, August 20.
- 2004 *North River Village Mixed-Use Project, Environmental Noise Assessment*. August 20.
- 2004 *North River Village Mixed-Use and NCTD San Luis Rey Transit Center Projects Construction and Operational Noise at Sensitive Biological Habitat Area*. August 28.
- 2005 *North River Village Mixed-Use Development Addendum Noise Assessment*. October 28.

Scientific Resources Associated

- 2005 *Air Quality Technical Report for the North River Village Mixed-Use Project and San Luis Rey Transit Center*. October 25.

Tory R. Walker Engineering Inc.

- 2004. *North River Village and San Luis Rey Transit Center – Scour Potential from the San Luis Rey River*. November 1.

Ultrasigns

- 2005 *North River Village & Townhomes Mixed-Use Sign Program*. December 29.

Vinje & Middleton Engineering, Inc.

- 2002 *Phase I Environmental Site Assessment Report, SE Corner of North River Road & Redondo Drive, City of Oceanside*. August 22.
- 2003 *Soil Vapor Assessment, SE Corner of N. River Road & Redondo Drive, Oceanside*. May 27
- 2004 Addendum Letter to "Letter for Previous Updated Geotechnical Report Dated August 16, 2004, Plan Change Review and Scour Protection Along the San Luis Rey River, Proposed North River Village Mixed-Use and N.C.T.D. Transit Center, North River Road at Vandegrift, Oceanside." November 15.

Woodward-Clyde Consultants

- 1989 *Geotechnical and Hydraulic Evaluation for New North River Road Assessment District, Oceanside, California*. November 17.

The following documents were used in the preparation of the MND, but are not available for public review due to the confidential nature of the reports, although they are hereby incorporated by reference.

Affinis

- 2002 *San Luis Rey Transit Center – Cultural Resources*. November 1.
- 2004 Cultural Resources letter update of Cultural Resource Inventory. April 13. (Attached to Cultural Resource Inventory)
- 2005 *San Luis Rey Transit Center - Cultural Resources*. June 30.

ERC Environmental and Energy Services Co.

- 1990 *Cultural Resource Inventory and Testing of Prehistoric/Historic Site MO-1*. March.

Section 1 provided a checklist of environmental impacts. This section provides an evaluation of the impact categories and questions contained in the checklist and identifies mitigation measures, if applicable.

I. **LAND USE AND PLANNING** Questions a - e:

The project site is generally flat, located on the bench above the San Luis Rey River at approximately 100 feet above mean sea level. The northwest corner of the project site is largely barren and appears to be frequently used as a vehicle pullout and informal parking area. The east end of the project site contains an area of rock outcrops with a steep drop-off to the property edge bordering the San Luis Rey River. Surrounding land uses include the two heavily traversed roads of North River Road (east-west) and North River Road (north-south)/Vandegrift Boulevard on the north and west boundaries of the site, respectively. To the south is a small vacant lot. Old North River Road (abandoned) and the San Luis Rey River are located to the east.

A single-family residence, barn, and outbuildings were present in the northern portion of the project site from at least 1928 until 1990, when the structures were demolished. Dry farming occurred in the northern area of the site, and it appears that other portions of the site were cultivated at some time. A 1953 photograph shows a citrus grove in the southern portion of the property, but by 1960, the grove was gone.

Adjacent land uses include a variety of residential, commercial, and recreational uses. To the west, across North River Road (north-south) are the Village View Apartments, shops, restaurants, and a 7-Eleven convenience store/gas station. The Mesa Margarita Shopping Center is located the northwest of the project site at the corner of Redondo Drive and Vandegrift Boulevard. To the north of the project site are the Parkway Village Apartments, and to the east of those is the Melba Bishop Park and Community Center. The abandoned Old North River Road and San Luis Rey River border the site to the east. Across the San Luis Rey River is a single-family residential development.

The North River Village project proposes 106 multi-family dwelling units on the 9.8-acre lot. This would result in a project density of 10.8 dwelling units per acre, which is below the site's permitted residential density of 29 dwelling units per acre. In addition to the residential development, there would be the Transit Center and approximately 13,700 square feet of mixed-use commercial space.

The project site has a zoning designation of NC - Neighborhood Commercial and a General Plan designation of NC - Neighborhood Commercial. These designations are consistent with the proposed land uses. The Proposed Project would be compatible with existing and planned land uses in the area.

The Proposed Project would include a Tentative Subdivision Map, Mixed-Use Development Plan, a Conditional Use Permit, and a Variance. The Tentative Subdivision Map is for the entire 9.8-acre North River Village and Transit Center development. A Mixed-Use Development Plan - Conditional Use Permit is required for all mixed-use projects in a Neighborhood Commercial zoning district. A Variance is required to permit portions of combination retaining wall and fence heights that would be in excess of 6 feet in height. Another Development Plan and Conditional Use Permit would be obtained for the Transit Center by NCTD to implement the transit use designation established in the Mixed-Use Development Plan. Transit Center discretionary approvals are being processed separately for funding purposes related to the requirements for federal grant monies.

Pursuant to the requirements of the Natural Community Conservation Planning (NCCP) Act of 1991 and the approved Multiple Habitat Conservation Program (MHCP), the City of Oceanside prepared a draft Subarea Plan, which was originally prepared in 2001 and recirculated in 2004. The draft Subarea Plan has not been adopted; however, it provides guidance for the consideration of resource planning requirements for projects in the City. The MHCP includes a requirement for

establishing a biological buffer of at least 100 feet wide adjacent to occupied least Bell's vireo habitat, measured from the edge of the riparian vegetation. No new development is permitted within this buffer, and the area is to be managed for natural biological values as part of the preserve system. The draft Subarea Plan recommends additional conservation and buffer requirements along the San Luis Rey River. In addition to the minimum 100-foot-wide biological buffer, the draft Subarea Plan requires restoration within the buffer zone where existing native habitat is not present. The adopted MHCP or the draft Subarea Plan do not make any provisions for existing uses currently located within 100 feet of the San Luis Rey River.

In the case of the Proposed Project, existing public, active uses have occurred and continue to occur within 100 feet of the San Luis Rey River. The original alignment of the 40-foot-wide North River Road (Old North River Road) right-of-way ranges from approximately 0 to 30 feet from the edge of the riparian habitat, and portions of the asphalt road are still present. The roadway has been continually maintained by the City to provide access for maintenance of the existing water and sewer lines within the right-of-way. Additionally, the general public has continually used the right-of-way as a public trail that connects with trail sections upstream and downstream. The Transit Center proposes a varying 25- to 35-foot-wide buffer between the edge of the riparian habitat and edge of the existing 40-foot-wide right-of-way. A wider buffer is not possible, as the proposed access road at the northeastern corner of the project site is required to align with North River Circle off site to the west due to safety concerns. However, the Transit Center would be substantially buffered from the habitat by an 11.4-foot-high retaining wall topped with a 6-foot-high noise barrier. In addition, an off-site, 6-foot-high noise wall would be constructed as part of the proposed project along the south side of North River Road (east-west) that extends approximately 325 feet easterly from the access road in the northeastern corner of the project site. North River Village would provide a 100-foot-wide buffer between the edge of the riparian habitat and proposed residential development. With the exception of proposed 12-foot-wide all weather access road/public trail, this area within the 40-foot-wide right-of-way would be planted with native grasses and the area east of the right-of-way would be revegetated with upland native plantings.

While North River Village development would be set back more than 100 feet from the San Luis Rey River, the Transit Center does not provide the 100-foot-wide biological buffer recommended in the draft Subarea Plan. Although the draft Subarea Plan has not been adopted, this is considered a potentially significant impact. This impact would be reduced to below a level of significance with implementation of the mitigation measure listed below. The measure is designed to reduce noise and visual impacts to the San Luis Rey River.

The project site is located in a developed residential and commercial area and has been disturbed due to previous development. The project site (and adjacent parcel to the south) previously contained a ranch house, a barn and several outbuildings that were constructed in the late 1880s. Associated agricultural uses have likely occurred on site, the extent of which is not known. The project site, however, is not mapped by the California Department of Conservation as prime farmland, unique farmland or farmland of statewide importance. No impacts related to agricultural resources would occur.

The Proposed Project would not disrupt or divide the physical arrangement of an established community. The project site is located within a developed commercial and residential area within the City Oceanside and is designated for commercial development. Construction of the project would provide additional linkages within the existing neighborhood through the proposed Transit Center and trail enhancements. No public roadways or other structures or facilities are proposed that would divide an existing community.

Mitigation Measure

- L1. The Applicant (Loranda Corporation) shall revegetate the area between the San Luis Rey River and the base of the proposed retaining/noise wall combination with native species, as well as construct an off-site 6-foot-high noise barrier along the south side of North River Road (east-west) that extends easterly from the northeastern corner of the project site approximately 325 feet.

II. POPULATION AND HOUSING Questions a - c:

The Proposed Project would construct 106 multi-family homes on a 9.8-acre site. The total population of Oceanside as of January 1, 2005, is 175,085 with an average of 2.89 persons per household (San Diego Association of Governments [SANDAG] 2005). Construction of 106 residential units, therefore, could result in an average population increase of 307 people (assuming all project residents represent new City residents). According to population projections for Oceanside, the City's population is expected to increase to 208,561 by the year 2030, an increase of approximately 19 percent (SANDAG 2004). Even if all project residents are new City residents, the associated population increase would not exceed local population projections for the year 2030. The regional (San Diego County) population total is 3,051,280 as of January 1, 2005, and the forecasted regional population for the year 2030 is 3,855,085 (SANDAG 2004, 2005). The regional population increase of 307 people due to the Proposed Project would be well within the regional population projections, even if all project residents are new residents within the region. In addition, the number of housing units stood at 59,581 in 2000 and is projected to increase by 19 percent to 70,674 units by 2030 (SANDAG 2004). In accordance with the project site's existing zoning and General Plan designations, the Proposed Project would provide some of the projected housing units for the City to meet the projected increase in population. Therefore, implementation of the Proposed Project would not exceed regional or local population projections.

The Proposed Project would directly induce population growth, as it would provide additional housing within the City. Construction of 106 condominiums, however, would not result in substantial population growth because: (1) no obstacles to population growth would be removed, such as the provision of an essential public service or access to a previously inaccessible area; and (2) the project would not induce further growth through the expansion or extension of existing services, utilities, or infrastructure. The project site is located in a developed area currently served by existing infrastructure.

Additionally, the project site is vacant, and development of the Proposed Project would not displace existing people or housing. No significant population and housing impacts would occur as a result of project implementation.

III. GEOLOGIC PROBLEMS Questions a - i:

The project site gently slopes in a southeast direction toward the San Luis Rey River. On-site surface elevations range from approximately 116 feet above mean sea level at the northwest corner to approximately 81 feet above mean sea level at the southeast corner. A public storm drain, directing seasonal water, flows in a southeasterly direction from the western boundary of the site toward the San Luis Rey River. The property lies outside of the mapped 100-year floodplain, but according to the Federal Emergency Management Agency, the south portion of the eastern boundary is located within the mapped 500-year flood zone of the San Luis Rey River.

A Geotechnical and Hydraulic Evaluation was prepared for the project site in 1989 (Woodward-Clyde Consultants). The site is covered by alluvium, fill soils (mainly silty sands), surficial soils (topsoil and residual clay), and river terrace deposits. A very dense, variably weathered granitic rock formation underlies the entire site. The soils and decomposed granitic rock found on site generally range from nonexpansive to slightly expansive (suitable finish grade soils). Clayey residual soils are expected to be moderately to highly expansive and thus, are not

suitable for use at finish grade. Surface boulder outcrops are present in the northeastern area of the property. The evaluation concluded that all natural materials expected to be excavated on site during grading operations, with the exception of oversized rock fragments, are suitable for use as structural fill. Any potentially significant impacts resulting from expansive soils would be minimized by the incorporation of standard geotechnical specifications required in soil removal, filling and grading, and recompacting the site. Adherence to standard Uniform Building Code practices would further eliminate the potential for expansive soil-related impacts. No significant impacts from unstable soil conditions would occur as a result of the Proposed Project.

Field studies conducted for the geotechnical evaluation did not detect the presence of faulting within the project area. No active faults are mapped in the area, and no faults project toward the site. Also, the site is not near any known active fault zone; the nearest known fault is the Rose Canyon Fault, which is located about 13 miles from the project site. Therefore, there would not be a potential geologic hazard from fault surface rupture. There also would not be an impact on the Proposed Project from ground acceleration from a maximum credible earthquake or maximum probable earthquake.

Soil liquefaction potential also was evaluated in the geotechnical study. It was determined that the on-site soils, if saturated, do have a potential for liquefaction and/or settlement during an earthquake. The loose granular topsoils and alluvium may also be susceptible to liquefaction when saturated and subjected to a large magnitude earthquake. Test borings, however, indicated that the alluvial soils are either dry or at a depth of approximately 15 to 20 feet. The strength characteristics of the terrace deposits and the decomposed granitic rock underlying the site indicate that these units have a very low potential for liquefaction and/or seismic settlement. It was concluded that there is a potential for seismically induced settlement and lateral movement in the area of alluvial soils along the slope adjacent to the San Luis Rey River channel. Liquefaction would only occur, however, in the remote condition of a high water table coupled with a large magnitude earthquake.

The project site is relatively flat and is not subject to landslides. The site would not be impacted by seiches, tsunamis, or volcanic hazards. In addition, there are no unique geologic features on the site. Because there would be no significant geologic impacts associated with implementation of the Proposed Project, no mitigation is required.

IV. WATER Questions a - i:

A preliminary Drainage Study was prepared for the Proposed Project (Masson & Associates, Inc.; October 3, 2005) that evaluated existing on-site hydrological and post-development conditions. The project site slopes gently from the northwest to southeast toward the San Luis Rey River. The property is lower in elevation than the adjacent parcels to the north and west. The predominant soil group in the area is soil type D, which has very slow infiltration rates when thoroughly saturated.

Off-site storm water runoff from an approximately 16.5-acre area currently discharges onto the west side of the site through an existing 30-inch reinforced concrete pipe. This runoff continues downstream through the site in a drainage channel that also collects a majority of the on-site runoff. The drainage channel continues in a southerly direction through the project site and discharges near Old North River Road. An existing concrete-formed cross gutter directs the flow across the road and discharges into the San Luis Rey River.

The project site would be graded to generally maintain the existing topography. The Proposed Project would extend the existing storm drain system along the west side of the project site, across the south end of the site in an underground pipe, and into a rip-rap area before allowing it to exit off site in the area where the runoff would flow naturally. Existing on-site runoff volumes total approximately 65 cubic feet per second (cfs), which includes 52.4 cfs from off-site runoff and 12.6 cfs generated on the site itself. After construction of the Proposed Project, the 52.4 cfs of off-site runoff would be conveyed to a storm drain and would bypass the project site. Outlet structures

would be designed to only let the pre-development quantity of flow discharge from the site during a storm event.

In addition to increased runoff, the Proposed Project may result in a degradation of water quality. A Storm Water Mitigation Plan (SWMP) was prepared (Eilar Associates; January 18, 2006) to address potential water quality impacts associated with project implementation. A SWMP is required under the City of Oceanside Standard Urban Storm Water Mitigation Plan (SUSMP), which is part of the regulations under the National Pollutant Discharge Elimination System (NPDES) program. The Proposed Project includes the creation of a drainage swale along the eastern boundary of the project site. The swale would empty into a large detention basin in the southeast corner of the project site located south of the recreational area that would collect flows from north. A smaller detention basin would be located adjacent to proposed condominium units 33 and 34 that would collect flows from the north and west. Both of these detention basins would discharge flows into a riprap apron and ultimately into the San Luis Rey River. Another detention basin would be provided in the northeast corner of the property, which would collect a majority of the runoff generated from the Transit Center. The detention basins would be sized to contain the increase in discharge resulting from project implementation.

Best Management Practices (BMPs) would be incorporated to provide a long-term solution to potential water quality degradation. The SWMP would ensure the effectiveness of the BMPs. In addition to the drainage swale and detention basins, post-construction BMPs would include a homeowner educational program, storm drain inlet stenciling or signage, trash storage pollution-reducing design, efficient irrigation systems, and bacteria monitoring and treatment program. With implementation of the BMPs described in the SWMP, there would not be a significant impact to water resources as a result of the Proposed Project.

A Storm Water Pollution Prevention Plan (SWPPP) would also be prepared prior to project grading, as required by NPDES program regulations as part of Section 402 of the Clean Water Act. The SWPPP would implement BMPs to control and abate the discharge of pollutants in storm water discharges during construction and operational phases. Implementation of the SWMP and SWPPP requirements would reduce potentially significant direct and cumulative hydrology and water quality impacts to a less than significant level.

Groundwater in the vicinity of the project site is relatively shallow and fluctuates seasonally. Test borings for a Geotechnical and Hydraulic Evaluation (Woodward-Clyde Consultants 1989) located groundwater at a depth of 14 to 15 feet below the ground surface. There are no wells proposed for the project and no cuts or excavation that would extend down to the groundwater level. Implementation of the Proposed Project would not change the quantity of ground water, alter the direction or flow of groundwater, impact groundwater quality, or substantially reduce the amount of groundwater available for public supplies. Therefore, the Proposed Project would not significantly impact the groundwater resources.

Development of the project site would result in a 70 percent increase in impervious surfaces on the site. The project, however, proposes 3 detention basins that would be lined with grass and native plants to allow the water to be detained in stages as it flows across the site. This would allow sediments and pollutants to settle out or be absorbed by the vegetation to minimize any affects from the impervious area in conformance with storm water requirements. Although the Proposed Project is not expected to generate significant amount of non-visible pollutants, the SWMP has identified some pollutants of concern. The primary pollutant of concern is bacteria since the coastal shoreline at the mouth of the San Luis Rey River is listed as an impaired water body in the 2002 Clean Water Act Section 303(d) List of Water Quality Limited Segments. The secondary pollutants for concern at the project site are sediments, nutrients, trash and debris, pesticides, oxygen-demanding substances, oil and grease, and heavy metals. Potential water quality impacts would be avoided through compliance with NPDES guidelines for municipal storm water runoff in accordance with the San Diego Regional Water Quality Control Board (RWQCB) Order No. 2001-01. This Order requires that pollutant discharges and runoff from development are reduced to the maximum extent practicable (MEP) and that receiving water quality objectives are not violated throughout

the life of the project through implementation of source control and structural post-construction BMPs. The above-referenced SWMP was prepared to meet the guidelines of City of Oceanside and the NPDES, and includes post-construction BMPs consistent with these requirements.

The Proposed Project has the potential to increase runoff volume and velocity, reduce infiltration, increase flow frequency duration and peaks, reach peak flow in faster time, and degrade water quality. Associated potential water quality impacts would be avoided through project design features, such as the use of landscaping, drainage swales, and detention basins, compliance with NPDES guidelines, as well as implementation of BMPs identified in the SWMP.

The *Water Quality Control Plan for the San Diego Basin (9)* (Basin Plan) establishes a number of beneficial uses and water quality objectives for surface and groundwater resources. Beneficial uses are generally defined in the Basin Plan as "the uses of water necessary for the survival or well being of man, plus plants and wildlife." The project site lies within the Mission Hydrologic Sub Area (HSA) of the Lower San Luis Hydrologic Area (HA) within the San Luis Rey River Hydrologic Unit (HU). The San Luis Rey River watershed encompasses a total area of approximately 558 square miles and is bounded by the Moserate Mountains to the north; the Cleveland National Forest and Camp Pendleton to the northwest; and Escondido, San Diego and other cities to the south. Identified inland surface water beneficial uses for San Luis Rey River include agricultural supply (AGR), industrial services supply (IND), contact recreation (REC-1), non-contact recreation (REC-2), warm freshwater habitat (WARM), wildlife habitat (WILD) and rare (RARE). Beneficial uses of groundwater within the Lower San Luis HSA include municipal and domestic supply (MUN), AGR and IND. Water quality objectives identified in the Basin Plan are based on beneficial uses, and are defined as "the limits or levels of water quality constituents or characteristics which are established for the reasonable protection of beneficial uses." Potential impacts to beneficial uses caused by implementation of the proposed project would be avoided through compliance with NPDES guidelines, as well as implementation of BMPs detailed in the referenced SWMP, which would ensure that the water quality objectives of the Mission HSA are met.

The project site lies outside the mapped 100-year flood plain associated with the San Luis Rey River, and surface scouring or erosion potential from flood inundation would be low. Even so, possible measures to protect against potential scouring along the eastern boundary of the project site include trenching along the toe of project slopes, use of a concrete slurry cut-off-wall, driving sheet piles into underlying bedrock, or using pressure or chemical grouting techniques (Vinje & Middleton Engineering, Inc.; November 15, 2004).

V. **AIR QUALITY** - Questions a- d:

Air pollution standards are regulated through the Federal Clean Air Act of 1970 and its 1977 and 1990 amendments. This act required the United States Environmental Protection Agency (EPA) to establish the National Ambient Air Quality Standards (NAAQS), which currently set standards for ozone (O₃), nitrogen dioxide (NO₂), carbon monoxide (CO), sulfur dioxide (SO₂), particulate matter of less than 10 microns in size (PM₁₀), particulate matter of less than 2.5 microns in size (PM_{2.5}), and lead. California Ambient Air Quality Standards (CAAQS) were established by the California Air Resources Board (ARB), which are generally more restrictive than national standards, and have incorporated additional pollutants, including hydrogen sulfide, sulfates, vinyl chloride, and visibility reducing particles.

The San Diego Air Pollution Control District (SDAPCD) is responsible for administering state and federal air quality standards in San Diego County. Its tasks include monitoring air pollution, promoting rules and regulations, and preparing the State Implementation Plan (SIP) that includes strategies for reducing air pollution in the region.

Areas that do not meet the NAAQS or CAAQS for a particular pollutant are considered "nonattainment areas" for that pollutant. The San Diego Air Basin (SDAB) is classified as a

nonattainment area for O₃ under NAAQS (8-hour) and CAAQS, as well as PM₁₀ and PM_{2.5} under CAAQS. Construction and operation of the project would meet applicable NAAQS and CAAQS to the maximum extent feasible through compliance with ARB and regulations as implemented by the SDAPCD.

An Air Quality Technical Report (Scientific Resources Associated; October 25, 2005) was prepared to determine potential air quality impacts associated with the Proposed Project. While the Proposed Project would be consistent with projected land uses in the area and consistent with the SIP, fugitive dust (PM₁₀) emissions and air quality impacts could potentially occur during construction. Construction-related air quality emissions would primarily consist of: (1) fugitive dust emissions from project grading; (2) exhaust emissions from powered construction equipment; and (3) motor vehicle emissions associated with stationary construction equipment, worker commutes, and debris and material hauling activities. Construction and fugitive dust emissions were calculated based on assumed maximum daily equipment requirements and the maximum area of site disturbance per day (2.42 acres). It was further assumed that that construction of the Transit Center and North River Village would occur simultaneously.

In accordance with the requirements of the SDAPCD and the City of Oceanside, project construction would employ dust control measures to reduce emissions of fugitive dust. These measures are standard BMPs and include application of water during grading twice daily, sweeping roadways where visible dust is tracked from the construction site, and reducing speeds on unpaved surfaces. Emissions associated with project construction would not violate any air quality standard or contribute substantially to an existing or projected air quality violation. Construction activities would not result in a cumulatively considerable net increase of PM₁₀ or exceed quantitative thresholds for O₃ precursors, oxides of nitrogen, or volatile organic compounds. Furthermore, construction would not expose sensitive receptors (schools, hospitals, day-care facilities, etc.) to substantial pollutant concentrations or create objectionable odors. Because of the short-term nature of project construction and the fact that construction activities would not result in significant pollutant emissions, air quality impacts from construction would be less than significant.

The main operational impacts associated with the Proposed Project would be from traffic, including bus traffic in the Transit Center. Additional air quality impacts would be associated with energy use. Emissions from other sources such as landscaping would be negligible. To determine whether the Proposed Project would result in emissions that would violate any air quality standard or contribute substantially to an existing or proposed air quality violation, the emissions associated with project-generated traffic were calculated based on projected traffic volumes from the Traffic Impact Study (Kimley-Horn, September 15, 2005). Operational emissions for all criteria pollutants were evaluated. The air quality assessment of projected operational emissions determined that CO standards would not be exceeded, and the project would not cause or contribute to a violation of the NAAQS for PM₁₀.

Diesel particulate emissions were calculated because an estimated 50 percent of the buses accessing the Transit Center would operate on diesel fuel. The maximum excess cancer risk associated with exposure to diesel particulate from idling buses was estimated to be 9.55 in a million. The SDAPCD sets a threshold of 10 in a million in its Rule 1200 as the point at which facilities must notify the public of a significant health risk. Therefore, the long-term risk associated with exposure to diesel from idling buses would be below the SDAPCD's significance threshold.

North River Village would not include land uses that would be sources of nuisance odors. During idling at the Transit Center, buses may generate some odors that could be perceived by nearby residents, especially those living in North River Village. Air dispersion modeling was conducted to evaluate the potential for odor impacts from the Transit Center on adjacent residences in North River Village. Based on the analysis, the only compound for which impacts would be more than the lowest odor threshold reported would be acetaldehyde, which, in high concentrations has a pungent suffocating odor, but at dilute concentrations has a fruity and pleasant odor. Based on the

analysis, it is possible that highly sensitive individuals could perceive an odor associated with acetaldehyde due to buses idling at the Transit Center. Most individuals, however, would likely not perceive the odor at nearby residences.

Air quality plans applicable to the SDAB include the San Diego *Regional Air Quality Strategy* (RAQS) and applicable portions of the *State Implementation Plan* (SIP). The RAQS outlines the SDAPCD's plans and control measures designed to attain the state air quality standards for O₃. The SDAPCD also has developed the SDAB's input to the SIP, which is required under the federal Clean Air Act for areas that are classified as nonattainment areas. The RAQS and SIP rely on information from the ARB and the SANDAG, including current mobile and area source emissions, as well as information regarding projected growth in the County, to project future emissions and determine strategies to reduce emissions through regulatory controls. As discussed above, project emissions (construction and operational) would not exceed applicable significance criteria. Dust control measures would be employed during construction, which would comply with strategies in the RAQS and the SIP for attaining and maintaining air quality standards. Furthermore, because the project is consistent with the applicable policies contained in the Land Use and Circulation Elements in the Oceanside General Plan, project development would be considered consistent with the RAQS and SIP. The project, therefore, would not conflict or obstruct implementation with these air quality plans.

The Proposed Project would not result in cumulative impacts from CO or PM₁₀ emissions and O₃ precursors. The referenced Air Quality Technical Report evaluated impacts from cumulative traffic for the future development scenarios. Based on the analysis, cumulative traffic would not cause CO "hot spots." Therefore, cumulative air quality impacts related to CO emissions would not be significant.

PM₁₀ emissions associated with construction generally result in near-field impacts. As stated above, the PM₁₀ emissions would not violate air quality standards or substantially contribute to an existing or projected air quality violation. Because of the localized nature of PM₁₀ impacts, and because all cumulative projects would not be undergoing construction at the same time as the Proposed Project, PM₁₀ impacts associated with construction would not be cumulatively significant. Furthermore, because of the project-related traffic's low emissions of PM₁₀ (less than 1 percent of the daily and annual significance threshold), the Proposed Project would not result in a cumulatively considerable net increase of PM₁₀.

With regard to cumulative impacts associated with O₃ precursors, because the Proposed Project is consistent with applicable community and general plans, it has been accounted for in the O₃ attainment demonstration. This indicates that provided the project follows the strategies contained in the RAQS and is not modified from the community/general plan, it will not result in a cumulatively significant impact to ambient air quality. As stated above, because the project is consistent with the applicable policies contained in the Land Use and Circulation Elements in the Oceanside General Plan, the project would be consistent with the RAQS and SIP and would not conflict with or obstruct implementation of these air quality plans, nor would it result in a cumulative impact on O₃ precursors.

The Proposed Project would not alter air movement, moisture or temperature, or cause any change in the climate. The maximum height of the proposed buildings would extend 42.8 feet above grade and required setbacks would be incorporated to allow adequate movement of air. The project would consist of residential, commercial, and transportation uses, which would not substantially alter micro or macroclimate conditions.

VI. TRANSPORTATION/CIRCULATION Questions a - g:Traffic Congestion

A traffic study was prepared for the Proposed Project (Kimley-Horn and Associates, Inc.; Sept 15, 2005, Update letters January 18, 2006, September 2005 and June 2005), based on the development of the Transit Center, 106 condominium units, and approximately 13,700 square feet of specialty retail.

The project site is bordered on the west by North River Road (north-south) and on the north by North River Road (east-west). North River Road (north-south) is constructed as a four- and five-lane Major Arterial extending from Douglas Drive on the south to Vandegrift Boulevard on the north. The segment adjacent to the project site has three lanes in the northbound direction and two lanes in the southbound direction. North River Road (east-west) is constructed as a two-lane Collector Road extending easterly from Vandegrift Boulevard into the city of Vista, although it is designated as a four-lane Major Arterial in the City's Circulation Element.

The eastern edge of the site is bordered by Old North River Road, which is an old, broken asphalt road currently not used for traffic circulation. Vandegrift Boulevard extends to the north from North River Road (north-south). North River Circle is a cul-de-sac that extends north of North River Road (east-west) near the northeastern corner of the project site. Regional access to the site is provided via College Boulevard, to the south of the site, which extends to the southeast and intersects with State Route 76 (SR-76). College Boulevard is constructed as a four- and six-lane Major Arterial and is designated as a six-lane Major Arterial in the City's Circulation Element.

Access to the North River Village development and the Transit Center would be provided at three locations:

- A new intersection on North River Road (north-south) about 300 feet south of the intersection of North River Road and Vandegrift Boulevard, restricted to residential and commercial traffic only (no bus access) and restricted to right turns in and out only.
- A bus-only driveway on North River Road (east-west) located about 180 feet east of the intersection of North River Road (east-west) and Vandegrift Boulevard, restricted to right turns in only.
- A signalized intersection, serving North River Village and the Transit Center, would be aligned as closely as possible with North River Circle (a cul-de-sac), which is located about 800 feet east of the intersection of North River Road (east-west) and Vandegrift Boulevard. The intersection of North River Circle with North River Road (east-west) is currently a T-intersection, with stop-control on North River Circle. The Proposed Project's south leg of the intersection would be at a deflection angle from North River Road (east-west) and located just outside of the project site so that it would not be offset from the cul-de-sac. A right turn in only driveway would be provided for buses entering the Transit Center.

In conjunction with the Proposed Project, North River Road (east-west) would be improved to its ultimate Circulation Element designation of a four-lane Major Arterial along the project frontage. Project construction would include 50 to 60 feet of right-of-way from the roadway centerline on the south side of the road, frontage improvements (curb, gutter, and sidewalk), and a landscaped median. On North River Road (north-south), 12 feet of right-of-way would be dedicated along the project site frontage, and frontage improvements would be made.

Under short-term future traffic conditions (existing plus approved and pending projects located in the vicinity of the Proposed Project), when NCTD transit service levels would be at existing levels, the Proposed Project would generate approximately 1,863 average daily trips (ADT), with 123 trips during the AM peak hour and 173 trips during the PM peak hour. After accounting for

trip reductions for transit access, walk trips, and passby trips, the Proposed Project would generate 1,654 ADT, with 109 trips during the AM peak hour and 152 trips during the PM peak hour, under short-term future traffic conditions.

Under the long-term future traffic conditions, which would add bus trips to the short-term levels, the Proposed Project would generate 2,835 ADT, with 201 trips during the AM peak hour and 248 trips during the PM peak hour. After trip reductions for transit access, walk trips, and passby trips, the Proposed Project would generate 2,626 ADT, with 187 trips during the AM peak hour and 227 trips during the PM peak hour.

Traffic generated from the Proposed Project would not result in potentially significant project-specific impacts on any of the study area roadway segments or intersections under existing plus project or short-term future plus project conditions. Under buildout with project conditions, project traffic would cause the segment of North River Road (north-south), between Vandegrift Boulevard and College Boulevard, to operate at substandard conditions. This is considered a potentially significant direct cumulative traffic impact. In addition, the project would add traffic to the segment of College Boulevard, between North River Road (north-south) and SR-76, which would operate at substandard levels of service under buildout conditions. Thus, while the Proposed Project would not result in project-specific traffic impacts to this roadway segment, cumulative impacts would be considered potentially significant. These impacts would be reduced to below a level of significance with implementation of the mitigation measures listed below.

Traffic, Pedestrian, and Bicyclist Safety

The Proposed Project would not create unsafe conditions for vehicular traffic or result in inadequate emergency access for the following reasons: (1) unsignalized entrances are right-in/right-out only to avoid conflicts with cross traffic; (2) eastbound buses would have a separate, bus-only entrance to the Transit Center; and (3) a traffic signal would be placed at the intersection of North River Road (east-west) and North River Circle to allow for safe, controlled left turns out of the site. A 5-foot-wide, striped bike lane would be provided on the east side of North River Road (north-south) and on the south side of North River Road (east-west) for bicyclists. Roadway improvements would include 5.5-foot-wide sidewalks on the east side of North River Road (north-south) and on the south side of North River Road (east-west).

An enhanced 12-foot-wide community trail/maintenance access road would be constructed along the eastern boundary of the project site, adjacent to San Luis Rey River within the existing 40-foot-wide right-of-way. This multi-use facility would become a single use equestrian trail when it connects to the proposed new access drive that connects the project to the new signalized access point at North River Road. The public access "right-of-way" on the east side of the new access drive would vary in size from 12 to 15 feet in corridor width. This corridor would accommodate a 7-foot-wide equestrian only path (as required for equestrian paths) and either a 4-foot or 5-foot-wide sidewalk. The side walk would narrow to 4 feet for approximately 80 lineal feet in the middle of the access drive, as required to keep the keystone retaining wall out of the floodplain and the river habitat.

Parking Capacity

The Proposed Project would provide 326 total parking spaces, including 318 parking spaces for the residential and commercial development within North River Village and 8 spaces for employee parking at the Transit Center. (The Transit Center would not be a park-and-ride facility.) The City of Oceanside Municipal Code requires that the Proposed Project have 235 parking spaces for the residential component of the development and 55 spaces for the mixed-use commercial portion of the development. The project proposes 263 spaces for the residential component of the project and 55 spaces are proposed for the mixed-use commercial component of the project, resulting in 28 spaces in excess of the required parking per City code. Although the City code specifically allows that a development may provide fewer parking spaces where

adjoining land uses on the same site have different hours of operation and where the same parking spaces can serve the adjoining land uses without conflict up to a 20 percent reduction, no such reduction is required for this project.

Alternative Transportation

The project site is located in a developed area currently served by local and regional bus service. The Proposed Project would include construction of a Transit Center that would provide enhanced transit service to the community and region. The project would be consistent with applicable policies contained in the Land Use and Circulation Elements of the *Oceanside General Plan*. Specifically, Section 2.7131, subsection C of the Land Use Element states that "The City shall cooperate with relevant entities and agencies in the development of regional public transportation systems and facilities." Policy A in the Public Transit and Railway Transit section of the Circulation Element states that the City shall "cooperate with the North County Transit District (NCTD) to attain a balance of transportation opportunities. This shall include the establishment of criteria to implement transit improvements, short and long range transit service plans, corridor improvements, transit centers, park-and-ride lots with amenities for bicyclists, and the preservation of rights-of-way for commuter rail stations." Construction of the Proposed Project would be consistent with these policies.

Rail, Water and Air Traffic

The Proposed Project consists of residential, commercial and transportation (bus transit center) uses. These uses would have no effect on rail, waterborne or air traffic patterns.

Mitigation Measures

Potentially significant cumulative traffic impacts on North River Road (north-south) between Vandegrift Boulevard and College Boulevard and on College Boulevard, between North River Road (north-south) and SR-76 would be mitigated to below a level of significance by implementation of the following mitigation measures.

- T1. A right-turn lane shall be constructed along 590 feet of the project site frontage of North River Road (north-south) between the southern boundary of the project site and Vandegrift Boulevard. This lane will remove trips from the three through lanes between the southern boundary of the project site and the proposed right-in, right-out driveway.
- T2. The Project Applicants shall make a fair-share contribution of \$41,723 to the City of Oceanside to partially fund purchase and installation of adaptive signal hardware at the intersections of North River Road/College Boulevard, College Boulevard/Park Entrance, College Boulevard/Adams Street, College Boulevard/Via Cupeno, and College Boulevard/SR-76 to increase the flow of traffic along the College Boulevard corridor.
- T3. The Project Applicants shall participate in the City of Oceanside thoroughfare fee program.

VII. BIOLOGICAL RESOURCES Questions a - e:

A Biological Technical Report (HELIX; October 19, 2005) was prepared for the Transit Center and a Biological Resources Report and Jurisdictional Waters Delineation (Affinis; October 18, 2005) was prepared for North River Village. Additionally, survey reports were prepared following focused surveys for the following species: San Diego and Riverside fairy shrimp (Ecological Restoration Services; August 2003 and May 2004), arroyo toad (HELIX January 28, 2004), southwestern willow flycatcher and least Bell's vireo (HELIX; August 6, 2003), burrowing owl (HELIX; January 22, 2004), and coastal California gnatcatcher (Affinis; September 27, 2002). These reports are summarized below.

HELIX mapped vegetation and conducted botanical and zoological surveys of the Transit Center property at various times between May 2003 and December 2003. Affinis mapped vegetation and conducted botanical and zoological survey of the North River Village property at various times between June 2002 and September 2002. Figure 7, Biological Resources, shows on-site biological resources.

Existing On-site Conditions

Vegetation Communities

- Disturbed Habitat (8.55 acres). Disturbed habitat consists of land showing evidence of soil compaction or prior farming activities. As a result, little native vegetation is present on site. The majority of the project site has disturbed habitat, which mainly supports weeds. There also are many non-native trees in the disturbed area such as California pepper, Brazilian pepper, Aleppo pine, and Leyland cypress.
- Non-native Grassland (0.88 acres). Non-native grassland is a plant community dominated by annual, non-native grasses. This habitat occurs in the southwest portion of the property and a very small patch (less than 0.1 acre) in the northeast corner. A few wild flowers also occur in this habitat.
- Diegan Coastal Sage Scrub-disturbed (0.30 acres). Diegan coastal sage scrub is one of the major shrub communities in California, where it occupies dry areas, typically with shallow soils. It is generally composed of low-growing aromatic shrubs that are drought-adapted. The Diegan coastal sage scrub is located entirely within the Transit Center portion of the property, on the northeastern corner. This vegetative community is dominated by California sagebrush, California buckwheat, and blue elderberry. A number of non-native invasive species, including fennel, horehound, and stinging nettle, also are present in this community on the project site.
- Poison Oak Chaparral (0.05 acre). A small stand of poison oak is located in the northeastern portion of the North River Village site.
- Ephemeral Basin (0.05 acre). Two low basins are on the property in the northeast corner of the North River Village site. Vegetation within the basins primarily consists of exotic grass poly, with mayweed around the perimeter of the larger basin. No vernal pool indicator species were found within either basin.

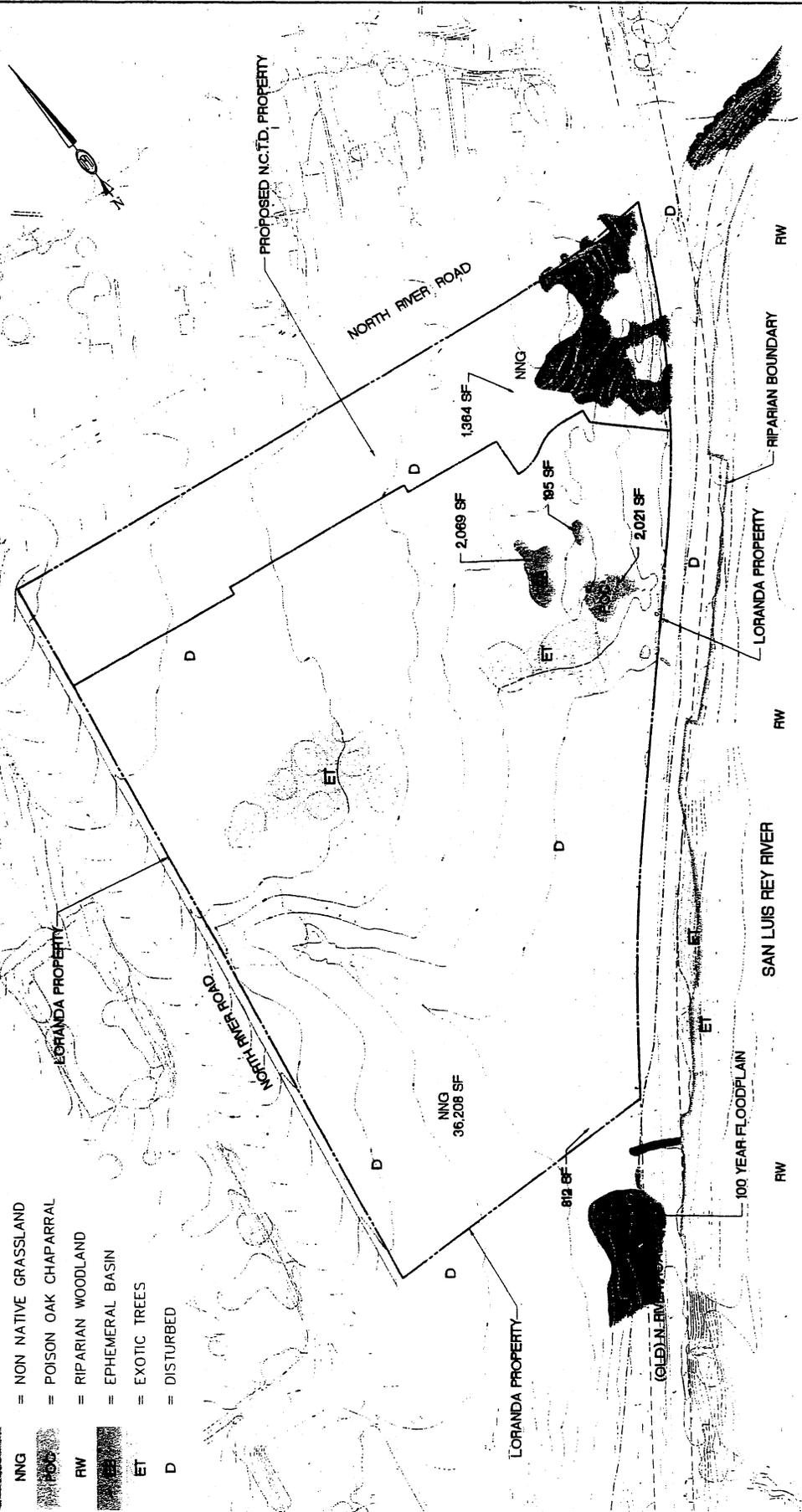
Plants and Animals

Numerous plant species were observed on site, as indicated in Appendix A of the Biological Technical Reports and Appendix 1 of the Biological Resources Report.

Twenty-four bird species were observed on the project site or in the adjacent off-site riparian habitat (refer to Appendix B of the Biological Technical Report [HELIX 2005] and Appendix 2 of the Biological Resources Report [Affinis 2005]). Four mammals were detected on site: desert cottontail, coyote, California ground squirrel, and Botta's pocket gopher. Western fence lizards were common along the edge of the riparian habitat. Very small tadpoles were seen in the ephemeral basin, but a follow-up trip to identify the tadpoles found the basin was dry, and no tadpoles or remnants could be found.

LEGEND

-  = JURISDICTIONAL NON-WETLAND WATERS OF THE U.S.
-  = DISTURBED COASTAL SAGE SCRUB
-  = NON NATIVE GRASSLAND
-  = POISON OAK CHAPARRAL
-  = RIPARIAN WOODLAND
-  = EPHEMERAL BASIN
-  = EXOTIC TREES
-  = DISTURBED



Source: Affinis, 2006

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Biological Resources Map

SAN LUIS REY TRANSIT CENTER/NORTH RIVER VILLAGE PROJECT

Figure 7

Sensitive Habitats

Diegan coastal sage scrub and non-native grassland are considered sensitive habitats, and impacts to these habitats are considered significant.

Sensitive Species

No federally or state-listed plant species or species proposed for coverage by the City's Draft MHCP Subarea Plan were observed. The federally listed endangered San Diego ambrosia was historically reported by the California Department of Fish and Game's (CDFG's) Natural Diversity Database (NDDDB) near Mission San Luis Rey, approximately 1.6 miles to the south/southwest, but the NDDDB notes that the population has likely been extirpated. Conditions on site are not considered optimal for this species, and it was not detected during field surveys. Listed or sensitive plant species with potential to occur on site are listed in Table 3 of the Biological Technical Report (HELIX 2005).

Four sensitive bird species were observed in the vicinity of the North River Village project site during the 2002 surveys. The red-shouldered hawk and white-tailed kite were observed flying over the property and may have been using the adjacent off-site riparian habitat for nesting. Neither of these bird species is listed as threatened or endangered, but the kite is a California fully protected species that occurs in coastal lowland areas. The yellow-breasted chat, a California Species of Concern, was observed in the off-site riparian habitat. The least Bell's vireo, a federally and state-listed endangered species and a proposed MHCP covered species, also was observed in the off-site riparian habitat. No coastal California gnatcatchers were observed during three protocol surveys. The California gnatcatcher is federally listed as threatened, a CDFG Species of Concern, and a proposed MHCP covered species.

During the 2003 surveys for the Transit Center site, three sensitive bird species were detected. The yellow-breasted chat, yellow warbler and five pairs of least Bell's vireo were observed in the off-site riparian habitat. Southwestern willow flycatchers were not detected during protocol surveys. No burrowing owl or burrowing owl burrows were found on site during a focused burrowing owl survey. No arroyo toads were observed within the study area, nor were any arroyo toads heard calling at any time during the survey period.

Jurisdictional Areas

The jurisdictional delineation conducted for the project site identified on-site areas that are under the U.S. Army Corps of Engineers (Corps) jurisdiction, pursuant to Section 404 of the Clean Water Act, and habitats under CDFG jurisdiction, pursuant to Section 1600 of the California Fish and Game Code. Corps jurisdictional areas within the project site include an ephemeral tributary stream and two ephemeral basins, which total 0.07 acre. On-site CDFG jurisdictional areas include 0.05 acre of the ephemeral stream. The ephemeral stream does not support any native habitats, fish, or wildlife and does not appear to hold surface water for long enough periods to allow amphibian breeding.

Impacts

Project implementation would result in significant direct and indirect impacts to sensitive biological resources on and off site. Development of the Proposed Project would result in direct impacts to 0.30 acre of on-site Diegan coastal sage scrub-disturbed habitat, as well as approximately 0.07 acre of off-site habitat. Implementation of the Proposed Project would also impact 0.88 acre of non-native grassland, 0.05 acre of poison oak chaparral, 0.05 acre of ephemeral basin, and 0.05 acre of ephemeral drainage on site.

A noise analysis was conducted (Pacific Noise Control; August 23, 2004) to determine ambient and proposed noise levels in the project vicinity. Noise from the Proposed Project could cause

temporary, construction-related impacts to least Bell's vireo, yellow warblers, yellow-breasted chat, red-shouldered hawk, and white-tailed kite. Noise-related impacts would be considered significant if sensitive species, such as least Bell's vireo or raptors, were displaced from their nests and failed to breed.

With regard to operational noise, buses idling within the Transit Center and operating on the eastern access road along with other vehicles would generate noise to nearby biologically sensitive habitat area. A permanent 6-foot-high masonry noise barrier is included as part of the Transit Center design and would be constructed along the eastern portion of the proposed access road in the northeastern corner of the project site to reduce operational noise impacts to sensitive birds in the riparian habitat to below a level of significance. An additional 6-foot-high noise barrier also is included in the project design that would extend off site approximately 325 easterly from the proposed access road along the south side of North River Road.

Night lighting exposes wildlife species to unnatural light and may alter their behavior patterns, which can result in a loss of species diversity. The proposed noise barriers (described above) would help shield the nearby riparian habitat from light generated by Transit Center activities and residential and commercial uses. Unless additional measures are taken to prevent release of light into the riparian habitat, night lighting could have a significant indirect impact on wildlife.

Breeding mammals and birds may be temporarily displaced from their territories during construction, resulting in decreased reproductive success or increased mortality. In addition, the presence of the least Bell's vireo and its habitat may require monitoring to determine presence or absence prior to or during construction because noise from construction work could adversely affect this species during the breeding season (March 15 through September 15). Raptors would also be susceptible to disturbance from construction and operation during nesting. Impacts to these species could be significant.

Furthermore, the introduction of reflective glass could potentially result in injury to avian species due to collisions with windows.

An analysis of the Proposed Project's consistency with the City's draft MHCP Subarea Plan is provided in the Land Use and Planning section.

Mitigation Measures

- B1. Impacts to 0.37 acre of disturbed Diegan coastal sage scrub habitat shall be mitigated at a 2:1 ratio by purchase of a minimum of 0.74 acre of coastal sage scrub in an existing mitigation bank or a site approved by the City and resource agencies.
- B2. Impacts to 0.88 acre of non-native grassland shall be mitigated at a 0.5:1 ratio by purchase of a minimum of 0.44 acre of non-native grassland or coastal sage scrub in an existing mitigation bank or a site approved by the City and resources agencies.
- B3. Subject to approval of the resource agencies during the permitting process, impacts to 0.10 acre of ephemeral drainage/basins shall be mitigated at a 1:1 ratio through on-site restoration of the area between the 40-foot-wide right-of-way and the existing riparian habitat of the San Luis Rey River. Final mitigation requirements will be determined during the permitting process with the U.S. Army Corps of Engineers, California Department of Fish and Game, and the U.S. Fish and Wildlife Service.

- B4. To prevent noise impacts to nesting sensitive birds, construction activities (i.e., grubbing, clearing, and grading) shall be avoided during the breeding season (February 15 through July 15 for raptors and March 15 through September 15 for least Bell's vireos). If construction activities cannot be avoided during these periods, temporary noise barriers shall be installed to demonstrably reduce construction noise to below 60 decibels (dB) at the edge of the riparian area. A biological monitor shall be on site during project construction to prevent unpermitted encroachment into the riparian habitat or disruption of avian breeding, and to direct construction activities away from nesting birds.
- B5. To prevent habitat fragmentation/edge effects, temporary construction staking or fencing shall be erected under the supervision of a qualified biologist at or outside the edge of the impact areas where they interface with natural areas. This fencing shall be erected prior to commencement of brushing or grading activities and shall demarcate areas where human and equipment access and disturbance from grading are prohibited. A qualified biologist shall monitor all site preparation and grading activities near these interfaces during construction.
- B6. Windows facing the San Luis Rey River shall be constructed using non-reflective glass and/or a combination of non-reflective glass, awnings, or other shade structures.
- B7. The Multiple Habitat Conservation Program (MHCP) states that projects that may have indirect impacts on least Bell's vireo will require monitoring and control of cowbird populations in the San Luis Rey River if the affected area is not within the U.S. Army Corps of Engineers' area of responsibility for cowbird control. The Project Applicant shall be responsible for monitoring and controlling cowbirds if this reach of the river is not within the U.S. Army Corps of Engineers' area of responsibility.
- B8. All outdoor lighting shall be shielded and directed away from the buffer and off-site riparian habitat.
- B9. ~~The project landscape plan shall not include invasive exotic plant species adjacent to or near sensitive vegetation communities.~~
- B10. The Master HOA (which includes NCTD, the commercial development, and the residential community) will ensure that long-term biological management and monitoring be provided for the habitat along the river and the buffer area. This will be accomplished for the first five years as part of the biological monitoring to be provided for the required wetland and coastal sage scrub restoration plan. When the long-term management of the San Luis Rey River Corridor Plan is implemented by the City, the Master HOA with seed money from the applicant, would be responsible for paying for management of the buffer area to be included with the river corridor. If the San Luis Rey River Corridor Plan would not be available for management, the Master HOA would continue to retain a qualified biologist and landscape maintenance contractor to conduct the required management. Prior to issuance of a grading permit, a habitat management plan (HMP) and Property Analysis Record (PAR) shall be prepared to identify the funding required to implement the HMP. The Conditions, Covenants and Restrictions, a recorded document, will assure that if the Master HOA does not meet its obligation for the monitoring and ongoing maintenance of the buffer area, then the agencies and/or the City may do it and assess the Master HOA with a lien on the property and legal action, if necessary.
- B11. Split rail or similar fencing will be provided along both sides of the City's easement (which includes the trail and utility lines) in order to keep trail users out of the buffer and the river habitat areas.

B12. An educational brochure will be prepared and distributed to inform residents and businesses of the sensitivity of adjacent habitat, and how to minimize impacts to the habitat. The brochure will include information regarding responsible pet care, proper landscape maintenance techniques, brush management, water quality, human intrusion, and limiting lighting and noise intrusion into the buffer and river habitat. It also will inform residents of the importance of not collecting plants or animals within the habitat.

VIII. **ENERGY AND MINERAL RESOURCES** Questions a - c:

The Proposed Project would construct 106 multi-family homes, approximately 13,700 square feet of commercial use, and a Transit Center on 9.8 acres. All buildings would be designed and constructed using industry standards, procedures, and policies, including the Uniform Building Code. The project site does not contain known mineral resources. The Proposed Project would not conflict with adopted energy conservation plans, would not use non-renewable resources in a wasteful manner, and would not result in the loss of a known mineral resource that would be of future value to the region. Energy-efficient mechanical equipment, lighting, irrigation systems, and appliances would be incorporated into the project design, as appropriate. Because impacts related to energy and mineral resources would be less than significant as a result of project implementation, no mitigation measures are required.

IX. **HAZARDS** - Questions a- e:

A Phase I Environmental Site Assessment Report (Vinje & Middleton Engineering, Inc.; August 22, 2002) was prepared for the project site. A single-family residence, barn, and outbuildings were present in the northern portion of the project site from at least 1928 to 1990, when the structures were demolished. Dry farming occurred in the northern area of the site, and it appears that other portions of the site were cultivated at some time. A 1953 photograph shows a citrus grove in the southern portion of the property, but by 1960, the grove was gone. Pesticide/herbicide use is typically associated with former agricultural use of land, but the site assessment concluded that these compounds are not generally used on property where dry farming has been practiced and therefore do not warrant environmental concern.

A site reconnaissance conducted in 2002 identified surficial oil staining approximately 10 square feet in an area surrounding discarded automotive engine parts, a 28-cubic-yard stockpile of asphalt concrete, two 5-gallon plastic buckets containing diesel fuel and tack material, ten partially full quarts of engine oil, and an unknown volume of household trash and construction debris associated with vagrant encampments. This material was observed in the northeast quadrant of the project site.

Federal, state, and local hazardous wastes/substances databases were searched to identify possible hazardous sites in proximity to the property with the potential to adversely affect environmental and human receptors. The search did not identify any hazard sites on the project site, but did identify a petroleum release in 1993 from an underground storage tank at the 7-Eleven gasoline outlet immediately west of the project site on the corner of North River Road (north-south) and North Redondo Drive (western extension of North River Road [east-west]). The gas station is located upslope from the subject property. The petroleum release reportedly affected soil and groundwater below the tank. Affected soil was removed and a series of assessments were conducted. An active remediation effort has been ongoing at the location using vapor extraction and air sparging since 1997.

In order to more specifically determine the extent of the plume and to assess potential impacts resulting from the petroleum release on the project site, a Soil Vapor Assessment (Vinje & Middleton Engineering, Inc.; May 27, 2003) was conducted. Five soil vapor samples were taken on site at a depth of five feet below proposed finish pad grade elevations. Analysis of the samples indicated that the amount of benzene found in the samples was within "acceptable" risk levels and

there would be no inhalation health concern to children or adults. It was therefore concluded that development of the Proposed Project would not result in significant hazards impacts on residents or occupants.

In reviewing the City's Public Safety Element, the project site does not appear to be within a high natural fire hazard, flood hazard, or extreme natural fire hazard zone. In addition, the majority of existing vegetation that may be flammable would be removed during project construction. Landscape plans and setbacks for the proposed development are subject to and must satisfy the City's design and zoning requirements resulting in less than significant impacts from increased fire hazards. A Conceptual Fire Protection Plan (FIREWISE 2000, Inc.; October 12, 2005) has been prepared for the Proposed Project. The Fire Protection Plan assesses the potential for structure ignitions in the wildland/urban interface and presents required fuel treatments, including fuel modification zones and fire protection features for all structures. With implementation of the Fire Protection Plan (as a condition of project approval), impacts associated with fire hazards would be less than significant. No mitigation is required.

The Proposed Project would not interfere with emergency response or emergency evacuation plans. Primary street access to roadways within the project vicinity would not be affected during and following construction of the project.

The eastern boundary of the Proposed Project site is approximately 20 feet from the mapped 100-year flood plain of the San Luis Rey River (Federal Emergency Management Agency Panel 468 of 2375, Map 06073C0468 G [01-19-01]). The project site is therefore not within the San Luis Rey River flood plain. In addition, a 2:1 slope along the eastern edge of the project site would elevate proposed residential development further away from the adjacent flood plain. As a result, no significant hazards impacts related to flooding would occur.

X. **NOISE** - Questions a- b:

Multiple noise assessments were conducted for the Proposed Project, including: *NCTD San Luis Rey Transit Center Project Environmental Noise Study* (Pacific Noise Control; August 20, 2004); *North River Village Mixed-Use Project Environmental Noise Assessment* (Pacific Noise Control; August 20, 2004); and *North River Village Mixed-Use Development Addendum Noise Assessment* (Pacific Noise Control; October 28, 2005).

The City of Oceanside's noise ordinance criteria sets exterior and interior transportation-related noise levels in residential areas at 65 decibels (dB) Community Noise Equivalent Level (CNEL) and 45 dB CNEL, respectively. Stationary source noise level limits (based on one-hour sound level) for use is 50 dB equivalent sound levels (L_{eq}) for daytime hours, 45 L_{eq} for nighttime hours. CNEL is the weighted average of the intensity of sound, with corrections for time of day, averaged over 24-hours. The computation of CNEL adds 5 dB to the average hourly noise levels between 7 p.m. and 9:59 p.m. – the evening hours, and 10 dB to the average hourly noise levels between 10:00 p.m. and 6:59 a.m. – the nighttime hours. The weighting accounts for the increased human sensitivity to noise during the evening and nighttime hours. Commercial uses are not noise sensitive, and the City does not have exterior noise standards for this use.

The Federal Transit Administration (FTA) has identified various noise impact criteria for mass transit projects including bus facilities. These guidelines vary as a function of receiving land use, ambient noise level, and project noise exposure. There are three categories of land uses that correspond to the noise impact criteria. Category 1 includes land uses where quiet is an essential element of their intended purpose, such as outdoor concert pavilions, Category 2 includes residences and places where people sleep, and Category 3 includes institutional land use with primarily daytime and evening uses such as schools and libraries. The criteria do not apply to most commercial uses.

Currently, the primary noise source adjacent to the project site is traffic noise along North River Road. To determine potential noise impacts associated with the Proposed Project, noise measurements were taken along North River Road (north-south and east-west) to the west and north of the project site. The Parkview Village Apartments to the north of North River Road have approximately 4- to 7-foot-high sound walls along the southern portion of the property. The existing noise level at the apartment complex is approximately 62 to 64 dB L_{dn} , with noise attenuation associated with the sound walls. The existing noise level at the Valley View Apartment buildings to the west of North River Road (north-south) ranges from approximately 72 to 73 dB L_{dn} . These apartments do not have existing sound walls. The common use area is located within the interior portion of the site, and the surrounding buildings reduce the existing traffic noise level to less than 65 dB L_{dn} .

Noise impacts associated with the Transit Center operations would generally result from both on-site and off-site bus traffic and buses idling within the center, which is expected to operate between the hours of 5:00 a.m. and 11:30 p.m. from Monday through Saturday and 6:00 a.m. to 10:35 p.m. on Sunday. Future noise levels were calculated for the adjacent apartment complexes. It was determined that some of the Parkview Valley Apartments would be subject to severe noise impacts, as defined by the FTA as a result of Transit Center operations. The noise level increase of approximately 5 dB would also exceed the City's noise criteria and would result in a significant impact. This impact would be reduced to below a level of significance with implementation of the mitigation measures listed below.

It was determined that Transit Center noise generation would not have a significant impact on the Valley View Apartments based on either FTA or the City's noise criteria.

Future Transit Center-related exterior noise at North River Village would range up to approximately 79 dB CNEL, depending on the location. Noise levels at North River Village dwelling units generated from Transit Center operations, traffic noise along North River Road, delivery and unloading activity at the retail uses, and mechanical equipment (heating, ventilation, and air conditioning) would be greater than the 65 dB threshold for significance. Therefore, there would be potentially significant noise impacts to the residents at North River Village. Impacts would be reduced to below a level of significance with implementation of the mitigation measures listed below. The outdoor usable space areas within North River Village (i.e., the two recreational areas) would be shielded from noise by intervening buildings, and the noise level would be less than 65 dB CNEL.

The Proposed Project would generate traffic along adjacent roads, including North River Road (north-south and east-west), Vandegrift Boulevard, and College Boulevard. The additional traffic would increase the noise level along the adjacent roads by less than one dB. This would not be a substantial increase in the adjacent area's existing noise level, and the traffic noise level increase is considered less than significant.

Noise generated by construction activities for the Proposed Project would occur with varying intensities and durations during different phases of construction. The site is relatively flat, and only minor grading is anticipated. Construction activities at the site would occur between 7:00 a.m. and 6:00 p.m. Monday through Friday in conformance with the City's time and day restriction requirements. The Noise Element of the Oceanside General Plan identifies the maximum noise level for individual pieces of construction equipment at 85 dB at 100 feet. Maximum construction equipment noise levels at existing residences located across North River Road could reach approximately 84 dB to the north and 82 dB to the west. This noise level can be temporarily annoying, but would not result in significant construction noise impacts at adjacent residences.

The Proposed Project would not generate excessive groundborne vibration or groundborne noise levels. Groundborne vibration/noise levels generated by idling buses would not be excessive given that idling time would be limited to a maximum of 10 minutes. Moreover, many of the

buses at the Transit Center would be fueled by compressed natural gas, which are quieter than diesel-powered buses. Temporary increases in groundborne vibration and/or groundborne noise levels caused by construction equipment and machinery could potentially occur; however, such increases would not be long-term or severe because no blasting or piling would occur.

An analysis of potential noise impacts to sensitive species is provided in the Biological Resources section.

Mitigation Measures

The following mitigation measures would reduce potentially significant noise impacts to below a level of significance by meeting the City's 65 dB CNEL exterior and 45 dB CNEL interior noise level standards for transportation related noise impacts, the FTA noise impact criteria, and the 85 dB at 100 feet construction noise level standard.

- N1. North County Transit District shall ensure that buses using the Transit Center facility generate noise levels that are lower than typical buses. This would require that idling buses not exceed a maximum noise level of 70 decibels at a distance of 50 feet from any side of the bus. North County Transit District's alternative fuels policy precludes the purchase of additional diesel-powered buses, so that future buses added to the fleet would be fueled by compressed natural gas.
- N2. North County Transit District shall schedule buses so that they are at the station for a minimal time period (i.e., approximately 10 minutes or less). Buses that are at the Transit Center longer than 10 minutes shall turn off their engines.
- N3. An interior acoustical analysis for all residential units shall be required to ensure that interior noise levels will not exceed a Community Noise Equivalent Level (CNEL) of 45 decibels, in compliance with the City of Oceanside's noise standard. Building upgrades such as sound-rated windows or doors would most likely be required for the project units adjacent to North River Road (north-south) and the Transit Center. Sound-rated windows or doors with applicable Sound Transmission Class ratings will most likely be required for the units adjacent to the Transit Center. These on-site dwelling units may also require either air conditioning and/or mechanical ventilation system because it is likely that windows must be closed to achieve interior noise thresholds.
- N4. When mechanical equipment plans are prepared, they shall be evaluated to ensure that outdoor mechanical equipment noise will not exceed the City of Oceanside's noise ordinance criteria at the residences at North River Village. Prior to the issuance of a building permit, the Project Applicant shall be required to provide documentation to the City Planning Department that the mechanical equipment has been designed to comply with the noise ordinance criteria.
- N5. Any internal combustion engine used during construction shall be equipped with a muffler of a type recommended by the manufacturer.

XI. PUBLIC SERVICES - Questions a-e:

The Proposed Project would construct 106 condominiums and approximately 13,700 square feet of commercial uses, and a Transit Center, which could have potential impacts on fire protection services and police protection services. The residential development could also have a potential impact on schools.

The Oceanside Fire Department currently has seven fire stations. The project site is served by Fire Station No. 5 at 4841 North River Road, located about 0.25 mile to the south. The other six fire stations within Oceanside would be available to provide backup services. The Oceanside Fire

Department has automatic aid agreements with the cities of Carlsbad and Vista and with the Camp Pendleton Fire Department if further assistance is needed in case of larger scale (second alarm) incidents. Oceanside is also party to the San Diego County Master Mutual Aid Agreement, so that third alarm or greater incidents may draw firefighting units from anywhere in San Diego County. The Oceanside Fire Department currently considers its facilities and staffing adequate to serve the needs of the City including any foreseeable cumulative development. No new stations are planned; the only major change is the relocation of Fire Station No. 7 (in 2006). As long as the project is built to the standards of the 2001 California Building and Fire codes, applicable National Fire Protection Agency codes, and the Fire Protection Plan (FIREWISE 2000, Inc.; April 19, 2005) prepared for this project, no additional fire protection requirements or development fees would be imposed beyond normal and customary fees, and no significant impacts would occur.

Police protection services would be provided by the Oceanside Police Department, headquartered at 3855 Mission Avenue. In addition to the main station, the police department operates two resource centers; one in the downtown area and one near the beach. The City of Oceanside participates in the San Diego County Master Mutual Aid Agreement, which enables the city to call upon any participating police department in San Diego County and the California Highway Patrol for assistance in case of a major emergency. The Oceanside Police Department has a Field Operations Division (patrol officers, traffic detail, etc.), Investigative Division (detectives, narcotics, vice, gang suppression, etc.), and Administrative Division (records, dispatch, etc.). Staffing consists of 174 sworn and 90 non-sworn employees. The police department currently maintains 1.06 officers per thousand population, which is considered adequate to handle current demand for police services in the City. It is anticipated that additional police protection services necessary as a result of project implementation would be funded from increased property taxes and developer fees required of the Project Applicant, thus any impacts that may occur as a result of the Proposed Project would be less than significant.

The project site is located within the Oceanside Unified School District, and an estimated 41 students generated from the North River Village residential units would attend Del Rio Elementary School (20 students), King Middle School (9 students), and El Camino High School (12 students). These schools are presently operating at or above capacity. Four years ago, the student generation rate was approximately four times its current level; however, the rate is steadily dropping because of a basic change in the nature of the community. Oceanside is losing its population of young families to inland areas because of rising housing prices. By the time North River Village is built, it is anticipated that district schools may be operating under capacity. Despite the declining population, the Oceanside Unified School District is building two new schools, including a middle school in the vicinity of the project site (near Oleander Drive between SR-76 and North River Road (north-south) and a second school that would not be affected by project development, to make up for a lack of facilities at existing schools. The district currently uses more than 100 temporary trailers to accommodate the excess student population. Given the declining student population, the new middle school, and the payment of required developer fees, no significant impacts to schools are anticipated as a result of the Proposed Project.

Maintenance of public facilities and the demand for other governmental services (i.e., libraries, child care centers) may also increase due to project development. The Proposed Project is consistent with densities and land uses designated in the Oceanside General Plan (see, Land Use and Planning discussion). Such increases, therefore, would not be considered substantial because increased development and the associated population growth have been anticipated in the Oceanside General Plan.

XII. **UTILITIES AND SERVICE SYSTEMS** - Questions a- g:

A Water System Analysis (Dexter Wilson Engineering, Inc.; August 17, 2004) was conducted for the Proposed Project. Existing water lines near the project site include a 14- and 18-inch transmission main in North River Road and a 14-inch-diameter transmission main that runs along the east side of the site near the San Luis Rey River. There is an existing 14-inch water transmission line located

within the project site that is part of the 511 Guajome Zone system; however, that line is not available to provide service to the Proposed Project and must be protected in-place. Therefore, water service to the property would be provided by the 320 Zone Talone water system, which runs along North River Road (north-south). From a service pressure standpoint, connecting to this system would provide adequate service to the Proposed Project. The proposed on-site water system would consist of connecting a 10-inch potable water line loop that would be aligned along the main street running east-west through the project site. A secondary 8-inch water main loop would provide water service to the condominium units. Pipes would be sized to adequately supply the required domestic demands plus fire flow to the development. No significant impacts related to domestic water service would occur.

A Sewer System Analysis (Dexter Wilson Engineering, Inc.; August 18, 2004) also was conducted for the Proposed Project. An existing 21-inch gravity sewer main runs along the eastern property boundary, which is part of the North River Road Trunk Sewer. The 15,000-foot-long sewer line empties into the wet well of the North Valley Pump Station, located upstream of the headworks of the San Luis Rey Wastewater Treatment Plant. The on-site sewer lines within the project site would be a minimum 8 inches in diameter and would connect to the existing 21-inch sewer main at a single location. The sewer analysis conducted for the Proposed Project concluded that the effect on existing sewer line capacity in the project vicinity would be negligible, and the flows from the project would not cause any pipe reaches to exceed full pipe capacity. As a result, no significant impacts related to sewer service would occur.

San Diego utility companies factor population increase projections developed by SANDAG into their respective future service projections for their service areas, including Oceanside. The Proposed Project is consistent with SANDAG population projections for the City of Oceanside (see, Population and Housing discussion). Therefore, the Proposed Project would not substantially affect local or regional water supplies or sewer systems, power and natural gas supplies or systems, communication systems, or solid waste disposal.

XIII. **AESTHETICS** Questions a - c:

Residential and commercial development borders the project site to the west and north, the San Luis Rey River and residential development is located to the east, and a small vacant lot occurs to the south. The proposed residential/commercial development would be compatible in terms of appearance with the surrounding neighborhood. The project site is relatively flat, and grading of property would be relatively minimal and subject to the City's grading ordinance. Architectural designs and landscape plans would be subject to approval by the City and would be compatible with architecture in the area. In addition, the buildings would be approximately 37.5 feet tall and would generally be below the allowed 50-foot height maximum as measured from existing grade. All construction and street lighting would be of low illumination and would be shielded and directed downwards, which would reduce light and glare associated with the development. A Sign Program (Ultrasigns; December 29, 2005) would provide signage guidelines for a balanced and appealing sign environment. The Proposed Project would not result in the obstruction of any scenic vista open to the public. The project site is not visible from a designated or eligible State Scenic Highway. Because implementation of the project would result less than significant visual quality impacts, no mitigation measures are required.

XIV. **CULTURAL RESOURCES** Questions a - e:

A Cultural Resource Inventory and Testing of Prehistoric/Historic Site MO-1 report (ERC Environmental and Energy Services Co. 1990) was prepared for a 20-acre area that includes the project site. A letter report (Affinis 2002) was prepared to document a records search and literature review of four potential locations for the Transit Center, including the North River Village portion of the project site. An updated cultural resources study was subsequently prepared (Affinis 2005) to specifically address cultural resources on the Transit Center site.

The record search identified 19 prehistoric recorded sites within a 1-mile radius of the project site, including habitation and special use sites. The large number of sites located in the area indicates that it was a desirable place for prehistoric people to live because of the availability of fresh water in the San Luis Rey River and Pilgrim Creek, and plentiful plants and animals. ERC conducted an on-site survey, which identified the presence of an archaeological site that included both prehistoric and historic components. Investigation of the site included mapping, surface collection, feature recordation, shovel test pits, and laboratory analysis of recovered artifacts. Analysis of cultural material recovered from the fieldwork confirmed that the site was a severely disturbed prehistoric deposit. The ERC evaluation determined that the prehistoric resources on site were not significant under CEQA.

A historic site, including a house, barn, and associated outbuildings was also identified during the survey. The original ranch house and outbuildings date from 1888, when a permit for construction of the house was obtained. The house was originally a one-story building, but was improved in about 1950 to a 2-story, "L" shaped wood-frame structure with a side-gabled roof, which changed the historic character of the building. Original improvements to the property also included two chicken houses and a barn. By 1990, the barn was badly deteriorated. The ERC evaluation concluded that the integrity of the buildings had been compromised by deterioration and alternations, and that the structures were not architecturally or historically significant at that time. The buildings on site, which were photographically documented, were removed. Although the buildings have been demolished, given the age of the farm buildings (circa 1880s) there is the potential for the presence of important historic archaeological material that may not be evident on the surface. Significant impacts to historical resources could occur if subsurface historic features or cultural deposits such as privy pits, trash deposits, and root cellars are encountered in a subsurface context. Monitoring would be required during construction of both the Transit Center and North River Village, and is addressed in the mitigation measures below.

Given the alluvial setting of the project site, there is also the potential for the discovery of subsurface prehistoric archaeological resources during grading activities on the remainder of the site. Because significant buried cultural resources have been encountered at several recent projects along the San Luis Rey River within Oceanside, this is considered a potentially significant impact. This impact would be reduced to below a level of significance with implementation of the mitigation measures listed below.

While no known Native American settlement sites are located on site, the project site is located in an area where Native American settlements have been found. As such, project development has the potential to affect unique ethnic cultural values or religious or sacred sites (including human remains). Implementation of the archaeological monitoring program outlined in the mitigation measures below would ensure that associated impacts would be reduced to below a level of significance.

The project site is not underlain by geologic formations, particularly Santiago Formation, that could contain fossiliferous materials. Therefore, grading activities associated with development of the Proposed Project would not have a significant impact on paleontological resources.

Mitigation Measures

The following archaeological monitoring program would reduce potential impacts to prehistoric and historic resources to a level that is less than significant.

- C1. Prior to implementation of monitoring, a pre-excavation agreement shall be developed between the San Luis Rey Band of Luiseno Mission Indians, the Project Applicants (for the Transit Center and North River Village), and the City of Oceanside.
- C2. The designated qualified archaeologist and the designated Native American representative shall attend the pre-grading meeting with the contractors to explain the requirements of the program.

- C3. The archaeologist and Native American monitors shall be on site during all grading, trenching, and other ground-disturbing activities.
- C4. If archaeological artifact deposits or cultural features are discovered, grading activities shall be directed away from these deposits temporarily, to allow a determination of potential importance. Isolates and clearly non-significant deposits would be minimally documented in the field, and grading would proceed. For any potentially significant artifact deposits, an adequate artifact sample would be collected to address research avenues previously identified for sites along the San Luis Rey River.
- C5. Recovered materials shall be cataloged and analyzed.
- C6. A report shall be completed describing the methods and results of the monitoring and data recovery program.
- C7. Artifacts would be curated with the accompanying catalog at the San Diego Archaeological Center, or the collection would be repatriated to the Luiseno Bands, as specified in the pre-excavation agreement.

XV. **RECREATION** Questions a and b:

The City of Oceanside operates three parks within 1.5 miles of the project site. Melba Bishop Park, located on the north side of North River Road (east-west), just east of the Transit Center site, is a 16-acre park with ballfields, picnic areas, and a recreation center with a gymnasium, auditorium, and fitness rooms. Libby Lake Park, to the southwest of the project site, is an 18-acre park with picnic areas and play equipment. Luseño Park, approximately one mile to the north on Vandegrift Boulevard, contains ballfields, tennis courts, and picnic areas. In addition to these community parks, Guajome County Park is located approximately 1.5 miles to the southeast. This 557-acre park includes picnic areas, hiking trails, a lake, and camping facilities. Also, the Oceanside Municipal Golf Course is located approximately 1.5 miles to the northwest. The Proposed Project would include two recreation areas for the condominium residents. Amenities would include a swimming pool and spa, lounge area, tot lot and passive lawn areas. These facilities would not be available to the public and would not count toward City park development goals.

The Proposed Project would enhance a portion of the existing public San Luis Rey Equestrian River Trail System, which is part of the existing Old North River Road Trail system, as depicted in the City General Plan's Recreational Trails Element. The trail currently exists in a "free form" condition within the existing 40-foot-wide right-of-way adjacent to the San Luis Rey River utilized by the City for maintenance of the existing utilities within the right-of-way. The trail would be combined with the City's existing maintenance access road into a 12-foot-wide all-weather access road within the existing 40-foot-wide right-of-way. The enhanced trail would be surfaced with a suitable all-weather surface. No significant impacts to recreation resources would occur as a result of the Proposed Project.

XVI. **MANDATORY FINDINGS OF SIGNIFICANCE** Questions a - d:

Potentially significant impacts related to land use and planning, transportation/circulation, biological resources, noise, and cultural resources would occur as a result of project implementation. These impacts would all be reduced to less than significant level through the implementation of mitigation measures identified in this document.

Specifically, the foregoing analyses identified Potentially Significant Impacts for Biological Resources. However, with the implementation of the listed mitigation measures that would reduce these impacts to a less than significant level, the project would not degrade the environment reduce

habitat, fish and wildlife populations, or eliminate endangered plants and animals. Similarly, although project implementation would result in potentially significant impacts to cultural resources, implementation of the mitigation measures identified in this document would reduce impacts to below a level of significance. Thus, the Proposed Project would not eliminate important examples of the major periods of California history or prehistory.

The Proposed Project would result in potentially significant cumulative traffic impacts to the roadway segment of North River Road (east-west), between College Boulevard and Vandegrift Boulevard, and College Boulevard, between North River Road (north-south) and SR-76. However, implementation of mitigation measures identified in this document would reduce these impacts to below a level of significance.

As to other cumulative impacts, the other four environmental issue areas that would have Significant Impacts Unless Mitigated (land use and planning, biological resources, noise and cultural resources), and those that would have No Impacts, are considered unlikely to contribute to cumulatively considerable impacts because there would be no impacts that would be significant after mitigation. In addition, it is reasonable to anticipate that the incorporation of mitigation measures required for the environmental issue areas noted above would reduce potentially significant impacts to less than significant, and that the Proposed Project would not directly or indirectly cause substantial adverse effects to human beings.

REPORT PREPARATION PERSONNEL

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Ferry

Planning Department

ACCEPTANCE OF APPEAL
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CITY OF OCEANSIDE

JUN 20 P 4:09

Appeal of: Planning Commission Decision

Date of Final Action: 6/12/06 Date Filed: 6/20/06

Form of Appeal: \$656 Appeal Fee Petition

Person Submitting Appeal: Chris Harrison

Company/Developer Representative, Company
Name: North County Transit District & The Loranda Corporation

Name of Person who Prepared the Appeal: _____

Chris Harrison, The Lightfoot Planning Group

Name of Spokesperson for the Appeal: _____

LOV Lightfoot

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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: Barbara Siegel Wayne Date: 6/20/06



THE
LIGHTFOOT
PLANNING
GROUP

June 20, 2006

Received by: B. Wayne
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2006 JUN 20 P 4:09

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CITY CLERK DEPARTMENT
CITY OF OCEANSIDE

Ms. Barbara Riegel Wayne
City Clerk
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RE: Appeal of Planning Commission Decision - Denial of North River Village and San Luis Rey Transit Center (T-3-04; D-12-04; D-13-04; D-14-04; C-17-04; C-20-04; and V-6-04; (PC Reso NO. 2006-P31 adopted June 12, 2006)

Dear Ms. Wayne:

On behalf of the North County Transit District and the Loranda Corporation, this letter is being submitted to formally appeal the Planning Commission decision ratified in Planning Commission Resolution No. 2006-P31 which denied the North River Village and San Luis Rey Transit Center mixed-use project. Based on all of the information in the public record, in each City project file, and the information and analysis in the original project staff report, the mixed-use project complies with the Oceanside Zoning Ordinance providing superior design and public benefit such that it should be approved.

The Planning Commission Resolution No. 2006-P31, contains Findings relative to the Tentative Map, Development Plan, the Conditional Use Permit and Variance. Although some issues were raised under more than one of the Finding topic areas, each is addressed only one time in this appeal. We disagree with all of the Findings as follows:

- 1) Park and Ride Facility: The Transit District determined that there is not enough demand for a park and ride facility to warrant spending public funds on such a facility. As discussed at the neighborhood meetings and at the Planning Commission, the transit center will provide access to local bus services supporting shorter trips on an average of 6 to 8 miles or 45 minutes of journey time and will serve as a transfer point for local bus routes serving Oceanside, Vista and the San Luis Rey area. In north county, park and ride facilities are located at transit centers which have express bus service or rail service (Oceanside and Escondido Transit Centers) where longer trips on transit are being made. The proposed transit center is not a facility of this type.
- 2) Pedestrian Pathways: As proposed, the development plan provides extensive pedestrian pathways and linkages throughout the project. The Planning

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Commission requested additional enhanced pavement treatments within the project, a wider and enhanced pedestrian entry to the bus island, and the incorporation of speed bumps into two pedestrian crossings in the "village" along the main access drive. The applicants agreed to this at the hearing, and remain committed to these additional enhancements.

- 3) Security Gates: The project was designed without gates in conformance with prior City practice. The Planning Commission requested that security gates be added to separate the residential only portion of the project and the applicants agreed to provide them. The applicants remain committed to this additional enhancement.
- 4) Wall Design: The wall design for the project was called out on the Landscape Concept Plan as a "decorative block wall" (both onsite and offsite). The Planning Commission requested that specific language be added to insure the wall was treated architecturally with stucco to match the proposed buildings. The applicants agreed to design the onsite and offsite walls to match the project architecture and to also plant vines on the offsite wall. The applicants remain committed to these additional enhancements.
- 5) Building Design: The Planning Commission requested that the ground floor of the units be further enhanced architecturally. The applicants agreed to work with Staff to enhance the ground floor architecture and entry features as much as practical as suggested by Commissioner Beach. The applicants remain committed to these additional enhancements.
- 6) Density: The project density calculation was prepared per City requirements for calculating density. The mixed-use project is proposed at 10.8 dwelling units per acre (du/ac) which is below the other existing multi-family projects in the adjacent area. The surrounding projects are at 14.1 du/ac (River View Townhomes), two projects are at 17.7 du/ac (La Costa Villa and StoneMark) and one project is at 21.7 du/ac (Valley View Apartments). Clearly, the proposed density is appropriate within the project vicinity and is far less than the 284 units allowed by the City's Zoning Ordinance (at 29 dwelling units per acre for mixed-use projects). This project originally started out with over 160 residential units planned. It was redesigned on several occasions over the past four years complying with staff and community requests, losing units each time. The final redesign which accommodated the biological buffer along the river requested by the City and the Wildlife Agencies resulted in a reduction of 27 units to the project. The current design contains only 106 units with a density that is less than the other neighboring multi-family projects.

- 7) Conformity with Surrounding Neighborhood: The project is located in a high-density urban setting along a major thoroughfare; North River Road/Vandegrift Boulevard. North River Road/Vandegrift Boulevard is a Major Arterial as identified in the City's General Plan Circulation Element which is one factor that makes this site ideal for a mixed-use project with a transit center. The site is bordered on the east and north east by existing commercial uses. It is also bordered on the north and east by higher density multi-family projects including the River View Townhomes (14.1 du/ac), the La Costa Villa and StoneMark projects (which are both at 17.7 du/ac) and the Valley View Apartments (which is at 21.7 du/ac). The site is also at a "convergence" point for existing bus routes in the area and was supported unanimously by the City's Transportation Commission and the Site Selection Committee charged with finding a site for the Transit Center that included City representatives.
- 8) Amount of Non-Residential: As proposed, the project includes 13,684 square feet of commercial space as well as the 2.1 acre transit center pad. The City of Oceanside Zoning Ordinance, Article 11, Section 1130 does not specify a minimum amount of mix between residential and commercial uses within a Mixed-Use Development Plan. The original project (prior to the NCTD transit facility being added to the site) had approximately 30,000 square feet of commercial space. When NCTD and the City approached the Loranda Corporation requesting the transit facility be included within the mixed-use project site, the City determined that the NCTD portion of the site would substitute for the loss in commercial square footage. When counting the NCTD site area, the current project is 22% non-residential.
- 9) Conformance with River Habitat: The project is in conformance with the requirements established specifically for the site by the City, the U.S. Fish & Wildlife Service and the California Department of Fish and Game (Agencies). This is evident by the e-mail from the Agencies providing their approval of the project design and concurrence that a MND is the appropriate CEQA document. As all recommended mitigation measures have been incorporated into the project design, this project is the "environmentally preferred" alternative.
- 10) Wall Variance: The need for a wall variance was caused by two unique factors of the site. At the northeast corner of the property, it is necessary to provide proper intersection design for public safety without encroaching into the 100-year floodplain and the river habitat. Along the south boundary, it is necessary to get the property to drain properly and to provide the 8-foot separation wall from the adjacent commercially zoned property as required by the zoning ordinance.

Ms. Wayne
June 20, 2006
Page 4

Based on all of the information in the public record, each City project file, the original project staff report, and the above items 1-10 inclusive, we respectfully appeal the Planning Commission decision of June 12, 2006.

Regards,



Christopher J. Harrison
Senior Planner

cc: Karen King, North County Transit District
Stefan Marks, North County Transit District
Rick Meade, North County Transit District
Chris Oldham, Loranda Corporation