

AGENDA NO. 6



PLANNING COMMISSION

STAFF REPORT

DATE: March 12, 2012

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-11-04), DEVELOPMENT PLAN (D-27-04), REGULAR COASTAL PERMIT (RC-7-05), AND CONDITIONAL USE PERMITS (C-34-04 & C-3-09) FOR AN EIGHT-LOT RESIDENTIAL SUBDIVISION ON A 2.7-ACRE SITE LOCATED NORTH OF STATE HIGHWAY 76, EAST OF INTERSTATE 5, AND SOUTHWEST OF CAPISTRANO DR. – LUSARDI CAPISTRANO – APPLICANT: WARNER C. LUSARDI**

RECOMMENDATION:

Staff recommends that the Planning Commission by motion:

- (1) Adopt a Mitigated Negative Declaration, with associated findings and a mitigation monitoring and reporting program for the Lusardi Capistrano Subdivision, in light of the whole record that the project will not have a significant effect on the environment by adopting Planning Commission Resolution No. 2012-P09.
- (2) Approve Tentative Subdivision Map (T-11-04), Development Plan (D-27-04), Regular Coastal Permit (RC-7-05), and Conditional Use Permits (C-34-04 and C-3-09) by adopting Planning Commission Resolution No. 2012-P10 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The proposed project is a request to subdivide four parcels into an eight-lot subdivision with two lots being served by a private panhandle access road, and the creation of a 0.90 acre open space lettered lot "A" for habitat purposes. Due to environmental constraints on the subject site, the proposed subdivision would establish a density of 4.9 dwelling units per acre, where the permitted density range for the RS zoned parcel is 3.6-5.9 D.U./acre. Because the project would exceed the base density of 3.6 a Development Plan (D-27-04)

is being processed in order to establish an architectural design that possesses superior architectural and site design features. The subject proposal would be located on a vacant 2.7-acre parcel situated north of State Highway 76, east of Interstate 5, and southwest of Capistrano Dr., within the East Side Capistrano Neighborhood. The site has a General Plan land use designation of Single-Family Detached-Residential (SFD-R) which permits 3.6-5.9 dwelling units per gross acre and is Zoned Single-Family Residential (RS) and (R-1) on the City's 1992 and 1986 official zoning map.

The subject site is characterized as a previously disturbed and relatively flat graded site that appears as a plateau approximately 30 feet above the San Luis Rey River and consisting of four separate parcels. The topography of the entire site while relatively flat, does contain a steep graded slope with greater than 1:1 slopes along the southern third of the site. This existing condition was a result of the creation of a City Sewer access road along the San Luis Rey River back in the 1950s and as part of the overall project will be upgraded in a manner that would accommodate today's sewer maintenance vehicles, while at the same time adhering to specific design standards established by the applicable Resource Agencies. The proposed development's site and architectural design features have been created in a manner that respects the habitat on site and preserves approximately .9 acres through the creation of lettered lot "A", an open space lot that will be maintained via a recorded covenant.

Background: On an undetermined date in 1953, the City of Oceanside approved Final Map No. 3031, approving the Francine Villas, a 310-lot subdivision with four lots 287-290 being created and remaining undeveloped to date. The other portions of the Francine Villas subdivision consists primarily of single-story, ranch-style homes of small to moderate size, with some redevelopment of parcels and additions to existing residences creating two-story larger style homes intermingled throughout the East Side Capistrano neighborhood.

Project Description: The project application is comprised of five components, a Tentative Map, Development Plan, Regular Coastal Permit, and two Conditional Use Permits as follows:

Tentative Subdivision Map T-11-04 represents a request for the following:

- (a) Represents a request to subdivide an approximately 2.7-acre site into eight single-family residential lots and one lettered lot dedicated for open space purposes pursuant to Article VI of the Oceanside Subdivision Ordinance. The proposed project site is divided by the Local Coastal Program (LCP) coastal zone boundary line and is within the Single-Family Residential (RS & R-1) Zone Districts as per the 1992 and 1986 Oceanside Zoning Ordinances respectfully. The minimum lot area for both zone districts is 6,000 square feet.

Development Plan D-27-04 represents a request for the following:

- (a) To construct eight single unit-variable (SU-V) dwelling units on a 2.7-acre site that exists as a relatively flat previously graded pad that was originally subdivided in 1953. The subject development plan has been prepared pursuant to Articles 10, 30, and 43 of the Zoning Ordinance and establishes superior architectural and site design features to be implemented in the development of the site. The eight single-family residences would be designed utilizing 1 of 4 proposed floor plans and 1 of the 3 finish materials and color schemes submitted as part of the projects overall approvals.

Regular Coastal Permit RC-7-05 represents a request for the following:

- (a) A request to create an eight-lot subdivision with lots 5-8 and lettered lot "A" being situated within the Local Coastal Program jurisdictional boundaries. Due to the location of the previously discussed lots, and the requirement by the City's Zoning Ordinance to submit and gain approval of a Tentative Map, a Development Plan, and two Conditional Use Permits, a Regular Coastal Permit is required to be processed concurrently with said permits.

Conditional Use Permit C-34-04 represents a request for the following:

- (a) To permit the use of a panhandle driveway design for vehicle access.

Lots 4 and 5 have been designed to have access via a panhandle driveway located at the terminus of the private cul-de-sac road. In accordance with Oceanside Zoning Ordinance Article 10 Section 1050 (Y) Panhandle access is allowed with approval of a use permit in single unit - conventional (SU-C) and single unit - variable (SU-V) developments.

Conditional Use Permit C-3-09 represents a request for the following:

- (a) To exceed the base density of 3.6 dwelling units per acre.

Density: The average number of residential dwelling units per gross developable acre of land expressed as "units per acre". Density is calculated by dividing the number of residential dwelling units by the total number of gross developable acres of land. Lands considered undevelopable per Section 1.25 of the Land Use Element of the General Plan shall not be included in density calculations.

The applicant's proposal to subdivide four existing lots totaling 2.7-acres into eight single-family residential lots and one lettered lot minus the undevelopable land, illustrates an approximate density of 4.9 dwelling units per acre, where the base density is 3.6 dwelling units per acre and the maximum density is 5.9

dwelling units per acre. In accordance with the General Plan Land Use Element Section 2.32 Potential Range of Densities and the Oceanside Zoning Ordinance Article 10 Section 1050 (B) a project can request to exceed base density, subject to a Conditional Use Permit. In accordance with Policy B. of Section 2.32 of the General Plan, residential projects that possess and excellence of design features shall be granted the ability to achieve densities above the base density.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is Single-Family Detached Residential (SFD-R) which has a density range of 3.6-5.9 dwelling units per gross acre. Staff has evaluated the request to subdivide the 2.7-acre parcel into eight single-family residential lots and one lettered lot "A" for open space purposes, and has determined that the proposed development is consistent with the goals and objectives of the City's General Plan as follows:

A. Land Use Element

Goal 1.24: Topographic Resources

Objective: To ensure that development preserves and enhances the unique beauty and character of the City's natural topographic features and does not contribute to slope instability, flooding, or erosion hazards to life and property.

Policy: B. Lands considered to possess significant topographical features shall be preserved and integrated into the project designs. Such lands include natural slopes of (20 percent) or more with a minimum elevation differential of 50 feet; major canyons and/or watercourses; significant rock outcroppings, trees, and native vegetation.

Policy: D. The term "natural slope" shall also apply to any man-made or altered slope which, over a period of years, re-vegetation and/or erosion has made indistinguishable from the natural terrain.

The subject request is to develop an eight-lot subdivision on four existing parcels, including one lettered lot "A" which is being created as an open space lot to be maintained in perpetuity. The subject site does contain a steep graded slope with greater than 1:1 slopes along the southern third of the site. Since the original subdivisions creation, the slope area has re-vegetated and weathered in a manner that makes the slope a "natural slope" as defined by the City's General Plan. Staff has determined that the subject proposal to develop the site is consistent with the General Plan goal for Topographic Resources by pushing the subdivision to the north portion of the property and integrating the "natural slope" into the overall subdivision design as an open space lot to be restored and maintained as natural habitat. It is further noted that based upon soil conditions found on-site, development will not require an extensive use non-traditional building construction techniques necessary to develop the site. Based upon the proposed site development denoted on submitted plans, staff has determined that the design does preserve the natural topographic features of the site and conforms to the intent of the General Plan for said resources.

Goal 1.32: Coastal Zone

Objective: To provide for the conservation of the City's coastal resources and fulfill the requirements of the California Coastal Act of 1976.

Policy A: The City shall utilize the certified Local Coastal Plan for review of all proposed projects within the Coastal Zone. Specifically, the goals and policies of the Local Coastal Program Land Use Plan are the guiding policy review document.

The proposed project has been reviewed by staff for compliance with the policies of the Local Coastal Program (LCP). Staff finds that the application complies with applicable policies of the LCP, as follows:

The City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood.

The proposed residences would be consistent with existing single-family development located immediately to the north and east of the subject properties, in terms of both architecture and site design. The height and overall scale of the proposed residences while new and incorporating updated design treatments would enhance the existing neighborhood and provide a suitable transition that accurately illustrates development of the area over a 60+ year timeframe. Exterior wall treatments, fenestration and other finish materials would complement and other recently remodeled single family residences in the vicinity.

New development shall utilize optimum landscaping to accent and enhance desirable site characteristics and architectural features.

The overall site design that creates lettered lot "A" in a manner that preserves the natural topographic slope feature and established habitat on-site, is evidence that thoughtful and careful consideration into site design was achieved by this proposed subdivision. Additionally parkway and front yard landscaping has been selected to best blend with the surrounding community. The proposed project would improve the blighted undeveloped site and enhance the perimeter in a manner that is inviting and in keeping with the neighborhood. Upgrades to the sewer access road adjacent to the San Luis Rey River would further re-establish portions of the city trail systems that transition to the west, while being sensitive to the wetland habitat in close proximity.

2. Zoning Ordinance

This proposed project site is situated within a Single-Family Residential (RS & R-1) zone district and complies with the requirements of that zone. Table 1 summarizes the proposed and applicable development regulations for the project site. Although the site is within an area of the City that requires two zoning ordinances be applied, the most restrictive Ordinance the 1992 OZO has been applied into the overall subdivision design and those development regulations are denoted below to show how the proposed project is consistent with both Ordinances.

Table 1. Section 1050 Residential Development Regulations applied to Lots 1 - 8

Lots 1 - 8	Required	Proposed
Minimum Lot Area	6,000 SF	Lot 1: 10,856 SF Lot 2: 7,887 SF Lot 3: 6,585 SF Lot 4: 6,182 SF Lot 5: 9,971 SF Lot 6: 6,574 SF Lot 7: 6,089 SF Lot 8: 6,926 SF
Minimum Lot Width	65 feet	65 – 143 feet
Front Yard	20 feet	20 feet
Interior Side Yard	7.5 feet	7.5 feet
Corner side yard	10 feet	10 feet
Rear Yard	15 feet	15 feet
Maximum Height	36 feet	25 feet
Lot Coverage	45%	7.8% - 28.1%

The applicant has proposed four plan types that have a maximum height not to exceed 25'-4" in order to keep the roof peaks below the view shed of the adjoining neighbors to the north of the subject site. The maximum height of one of the new single-family structures would be approximately 7'-0" or greater below the pad area of lots to the north.

Pursuant to Section 1050 *Property development regulations*, all of the proposed lots (e.g. Lots 1-8) are subject to lot coverage, site landscaping, fence and wall heights, off-street parking, vehicular access, and outdoor storage requirements. The proposed guidelines comply with these requirements and when appropriate, the project has been conditioned to assure these regulations are satisfied when development applications are considered in the future.

Pursuant to Section 1050(U), the maximum height of a fence or wall, including retaining walls shall be six feet. All retaining walls over four feet in height shall be planted and irrigated. In areas where the project would incorporate retaining walls in excess of four feet have been designed as plantable and irrigated walls. The southern boundary of the subject project site that separates Lots 5-8 from Lot A proposes a six-foot tall non-combustible block wall with an automatic emergency sprinkler system consistent with the Firewise 2000 report.

In summary, the proposed project meets or exceeds the development requirements. The lot pattern proposed is consistent with the surrounding neighborhood. The project provides 8 lots and an open space lot to preserve the natural topographic feature of the site and established habitat. The proposed project will provide a residential product that will be an asset and compliment the surrounding neighborhood.

3. Subdivision Ordinance Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article IV Tentative subdivision maps - five or more parcels). Pursuant to Section 401 of the Subdivision Ordinance, this proposed Tentative Subdivision Map has been prepared in a manner acceptable to the Engineering Department. The property is a legally subdivided lot with the minimum lot area and dimensions established by Article 10 of the Zoning Ordinance. The proposed subdivision generally holds an interest in common areas and facilities.

4. Local Coastal Program

The proposed project is divided by the Local Coastal Zone Boundary Line and complies with all provisions of the Local Coastal Program (LCP). Projects within the Coastal Zone are required to meet the provisions of the adopted Local Coastal Program and the underlying R-1 zone. Such projects must provide

sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The Coastal Act requires that the visual qualities of the Coastal Zone shall be protected and that new development be sited and designed to be visually compatible with the character of surrounding areas. All improvements to the property will not impact the surrounding areas, neighbors, or coastal views. Development of the proposed subdivision would be consistent with the existing neighborhood in design, materials, colors, and type, and respects adjacent properties view sheds by establishing a maximum height and finished pad that is seven feet or greater below the residences to the North's finished pads.

5. California Environmental Quality Act

The proposed eight-lot subdivision is considered a "project" under the California Environmental Quality Act (CEQA) and is subject to CEQA review procedures.

DISCUSSION

Issue: Project compatibility with the existing neighborhood and surrounding properties: All proposed improvements to the property would be consistent with, and compatible to, the existing residence and the adjoining homes in the surrounding neighborhood.

Recommendation: Staff finds that the proposed improvements to the property would be architecturally consistent with the existing residence as well as consistent with the bulk and scale of surrounding neighborhood. The proposed eight-lot subdivision with eight two-story single-family residences would be constructed approximately 11 feet below the allowable height limit of 36 feet, and developed on a finished pad area that would respect the view shed of the properties and homes to the north. The overall design and landscape techniques to be brought forward in the new development would ensure harmony in visual relationship as you transition between the older neighborhood and new subdivision; therefore, assisting in preserving the past.

Issue: Project consistency with development standards of the 1986 vs. the 1992 Zoning Ordinance: The existing four-lot subdivision is divided by the Local Coastal Program Boundary Line and is subject to two separate ordinances. Staff has determined that the 1992 OZO is the most restrictive ordinance relative to single-family residential development standards and has drafted their analysis based upon the 1992 Zoning Ordinance.

Recommendation: As noted earlier, the proposed subdivision establishes maximum building heights falls well below the maximum allowable building height as established by the 1992 and 1986 Zoning Ordinances. In addition to its conformance to currently applicable building height standards, the proposed subdivision demonstrates compatibility with the bulk and scale of adjacent residential development. Consequently, on the basis of both conformance and compatibility, staff is supportive of the proposal.

ENVIRONMENTAL DETERMINATION

A Mitigated Negative Declaration (MND) has been prepared stating that if the mitigation measures identified in the Mitigation Monitoring and Reporting Program 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.

The original draft MND was circulated for public review back in 2007 and due to new impacts being identified was revised and re-circulated back in 2010. All comments received on the re-circulated document have been included in the Final MND with appropriate responses to those comments being provided as well.

Staff is recommending that the Planning Commission move to adopt the Final MND, subject to implementation of Mitigation Measures identified within the Initial Study.

PUBLIC NOTIFICATION

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

As of Thursday, March 1, 2012, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Map (T-11-04), Development Plan (D-27-04), Regular Coastal Permit (RC-7-05), and Conditional Use Permits (C-34-04 & C-3-09) are consistent with the requirements of the 1986 and 1992 Zoning Ordinances and the land use policies of the General Plan. The project is compatible with and complementary to the densities, site designs, and neighborhood character found

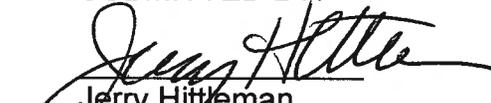
throughout the surrounding developed East Side Capistrano neighborhood planning area. As such, staff recommends that the Planning Commission by motion:

- (1) Adopt a Mitigated Negative Declaration, with associated findings and a mitigation monitoring and reporting program for the Lusardi Capistrano Subdivision, in light of the whole record that the project will not have a significant effect on the environment by adopting Planning Commission Resolution No. 2012-P09; and,
- (2) Move to approve Tentative Subdivision Map (T-11-04), Development Plan (D-27-04), Regular Coastal Permit (RC-7-05), and Conditional Use Permits (C-34-04 and C-3-09) by adopting Planning Commission Resolution No. 2012-P10 with findings and conditions of approval attached herein.

PREPARED BY:


Richard Greenbauer
Senior Planner

SUBMITTED BY:


Jerry Hittleman
City Planner

JH/RG/fil

Attachments:

1. Tentative Map, Development Plans, and Landscape Plans
2. Visual Analysis of the proposed development
3. Planning Commission Resolution No. 2012-P09
4. Planning Commission Resolution No. 2012-P10

CAPISTRANO DRIVE

PLANNING REVIEW

AUGUST 13, 2007

REVISED FEBRUARY 13, 2009

CITY OF OCEANSIDE

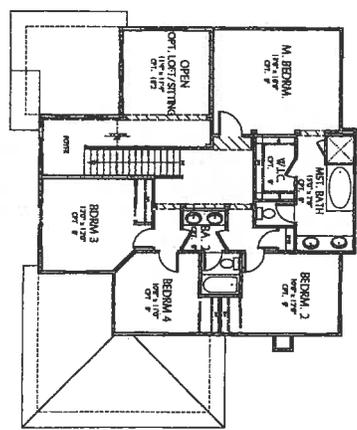
LUSARDI CONSTRUCTION

1570 LINDA VISTA RD.
SAN MARCOS, CA 92069

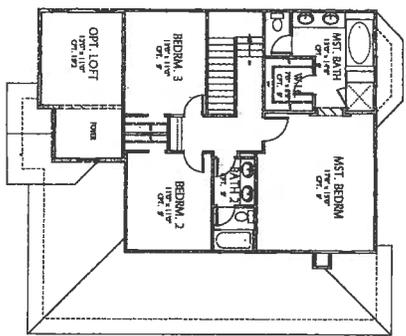
INDEX

ARCHITECTURAL DRAWINGS

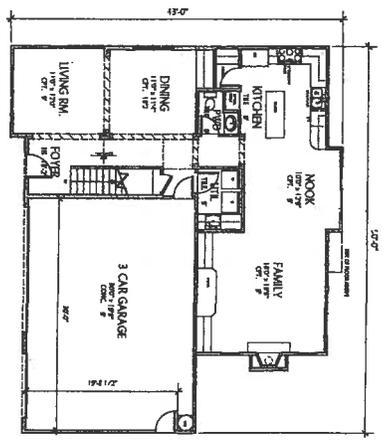
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A2	PLAN 1A ELEVATIONS
A3	PLAN 1B ELEVATIONS
M4	PLAN 2A ELEVATIONS
M4	PLAN 2B ELEVATIONS



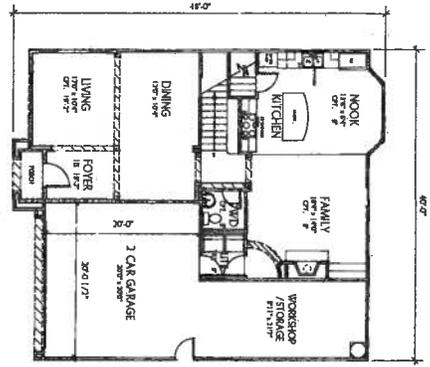
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 TOTAL: 2583 SF



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 TOTAL: 2214 SF

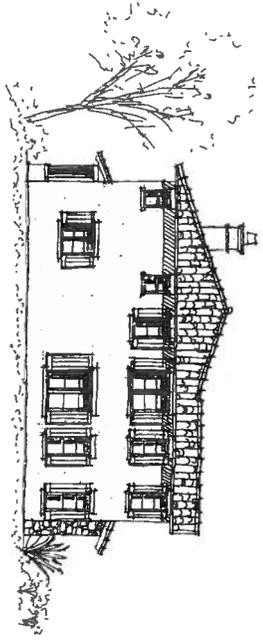


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 TOTAL: 2583 SF

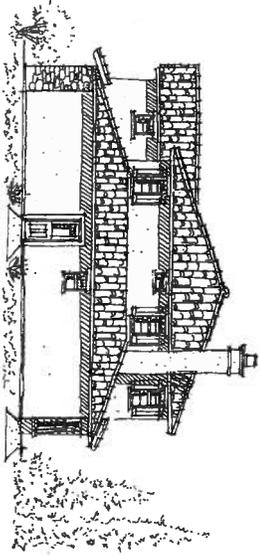


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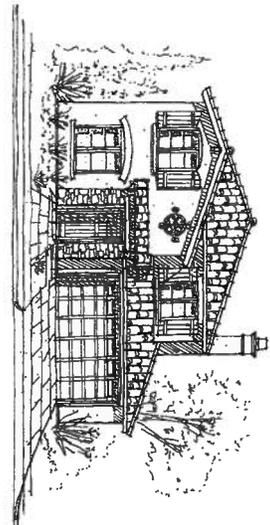




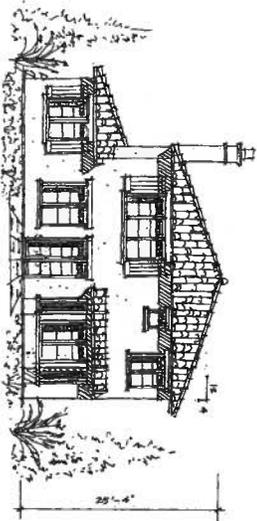
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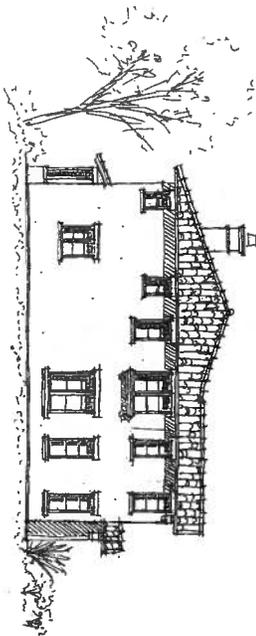


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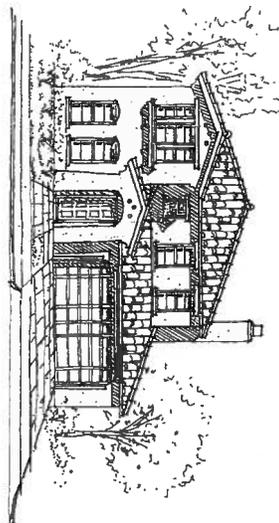


- TYPICAL FINISH DETAILS
- CONCRETE S-TILE ROOF
 - FASCIA MATERIAL
 - INSULATED STONE VENEER
 - STUCCO TRIM
 - DECORATIVE DOORS & SHUTTERS
 - DECORATIVE WROUGHT IRON BRACKET/SOULOOKERS
 - DECORATIVE CLAY TILE
 - METAL ROLL UP GARAGE DOORS

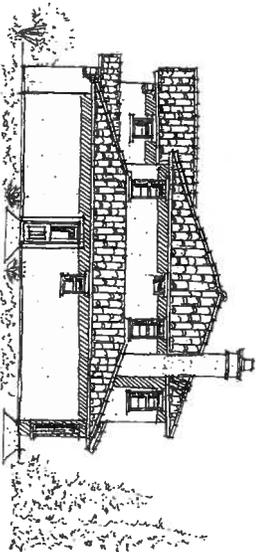
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 DECORATIVE WROUGHT IRON
 BRACKET/SWITCHERS
 DECORATIVE CLAY TILE
 METAL ROLL UP GARAGE DOORS



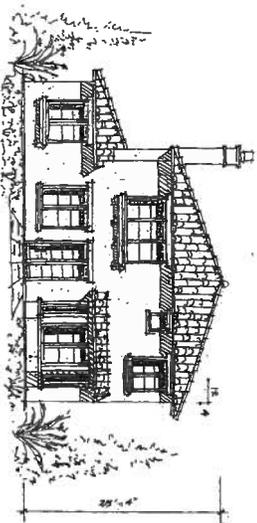
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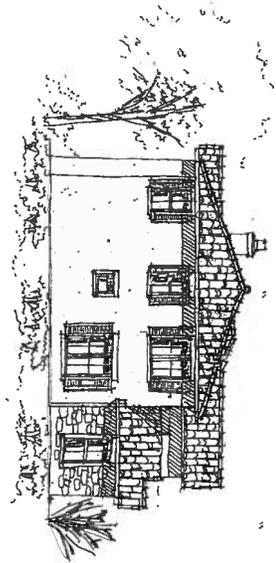


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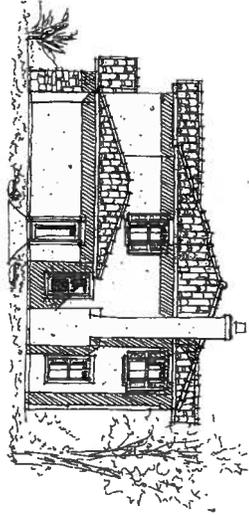


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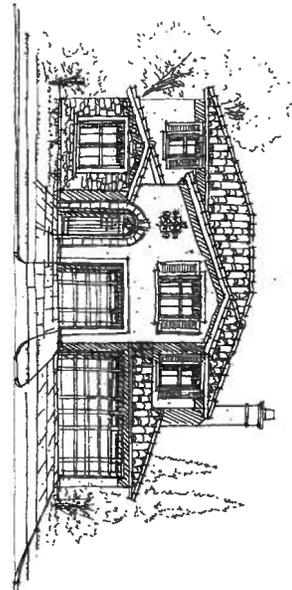




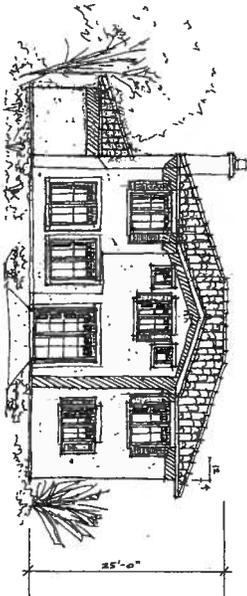
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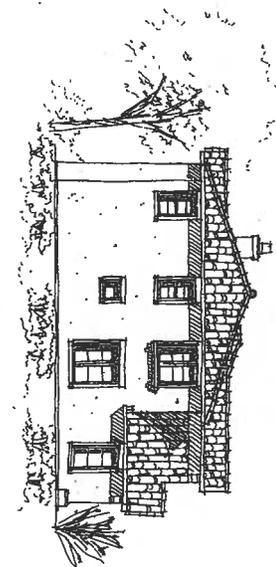


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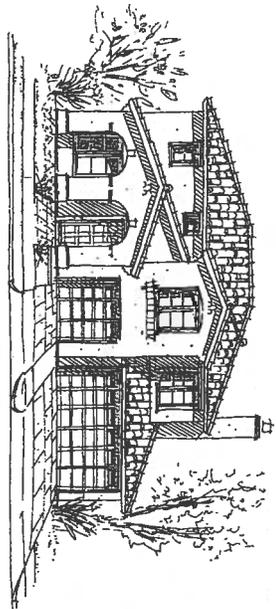


- TYPICAL FINISH DETAILS**
- CONCRETE S-TILE ROOF
 - STUCCO WALL FINISH
 - STUCCO WALL FINISH
 - INSULATED STONE VENEER
 - DECORATIVE DOORS & SHUTTERS
 - VINYL WINDOWS
 - DECORATIVE WROUGHT IRON
 - DECORATIVE CLAY TILE
 - DECORATIVE CLAY TILE
 - METAL ROLL UP GARAGE DOORS

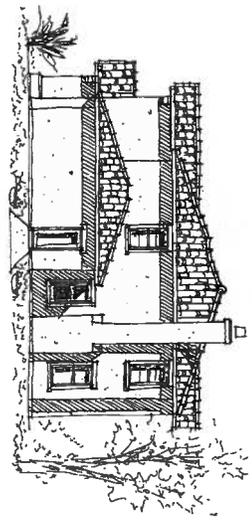
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- 2. CONCRETE S-TILE ROOF
- 3. BRICK MANTLE
- 4. STUCCO FINISH
- 5. SIMULATED STONE VENEER
- 6. STUCCO TRIM
- 7. DECORATIVE DOORS & SHUTTERS
- 8. DECORATIVE WROUGHT IRON
- 9. BRACKET/SOULDOCKERS
- 10. DECORATIVE CLAY TILE
- 11. METAL ROLL UP SERVICE DOORS



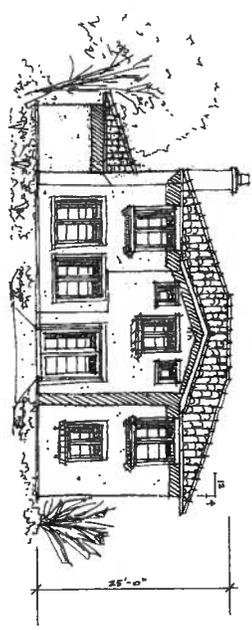
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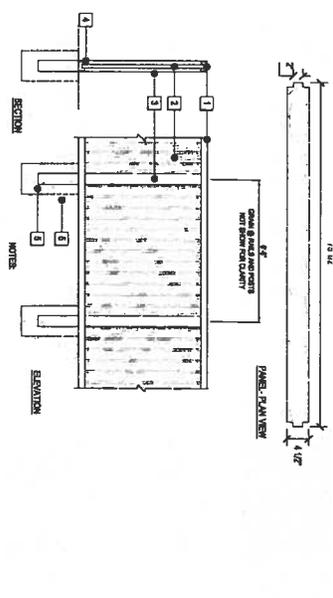


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Scale: 1/8" = 1'-0"



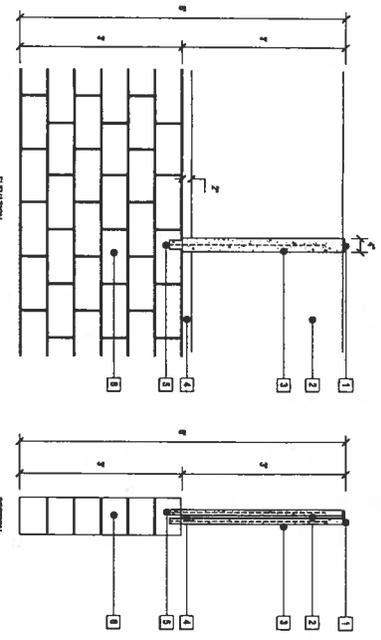
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REAR ELEVATION 2B
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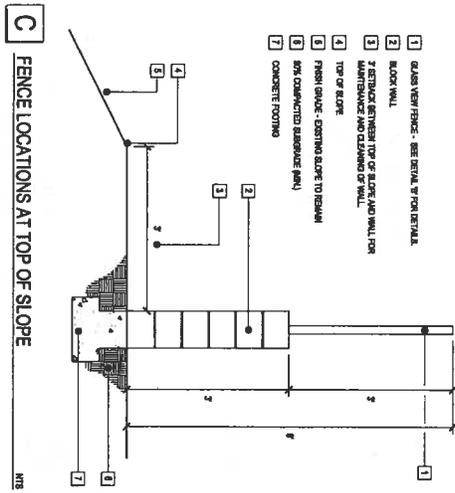
- A CEDAR CONCRETE FENCE**
1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
 2. ALL REINFORCING STEEL SHALL CONFORM TO ASTM A618 GRADE 60.
 3. FIBER REINFORCEMENT SHALL BE LOCATED IN UNREINFORCED SOIL.
 4. ALL POST FOUNDATIONS ARE TO BE LOCATED IN UNREINFORCED SOIL.
 5. POSTS, TIE-BARS AND JOBS SHALL BE OF CONCRETE AT MINIMUM 4000 PSI COMPRESSIVE STRENGTH AND MANUFACTURED BY AN AMERICAN TECHNOLOGICAL LICENSED MANUFACTURER.
 6. INTERIOR COLOR OF REINFORCED CONCRETE ON APPROVED COLOR.
 7. LOCATION AND FENCE HEIGHT SHALL COMPLY WITH CITY ZONING CODES.
 8. ALL WORK SHALL COMPLY WITH CITY GRADING ORDINANCES.
 9. ALL REINFORCING SHALL BE SET AS PER REINFORCING SCHEDULE ONLY. ACTUAL DIMENSIONS SHALL VARY DUE TO TOLERANCES AND FIELD CUTS.

A CEDAR CONCRETE FENCE NTS



- B GLASS FENCE ON BLOCK WALL**
1. ALUMINUM POST CAP - FINISH TO MATCH FORTS.
 2. TENSION GLASS PANELS 4' X 12' ATTACHED TO PORTS WITH ADHESIVE. SEE NOTE 3.
 3. ALUMINUM PORT - 4" X 4" X 1/2" TUBED WITH FIBER CONCRETE TO RESIST FORTS.
 4. ALUMINUM BOTTOM CHANNEL, 1/2" X 1/2" X 1/2".
 5. REBAR REINFORCEMENT - CORE ENLARGED TO 4" DIA. AND REINFORCED WITH CONCRETE.
 6. 8" DIA. BLOCK WALL - WITH STUCCO FINISH TO MATCH ARCHITECTURE.

B GLASS FENCE ON BLOCK WALL NTS



1. GLASS VIEW FENCE - SEE DETAIL 5 FOR DETAILS.
2. BLOCK WALL.
3. 7" REINFORCE BETWEEN TOP OF SLOPE AND WALL FOR MAINTENANCE AND CLEANING OF WALL.
4. TOP OF SLOPE.
5. FIBER (SHAKE - CONTAINS SLOPE TO REMAIN).
6. 8" DIA. CONCRETE REINFORCE (SHAKE).
7. CONCRETE FOOTING.

C FENCE LOCATIONS AT TOP OF SLOPE NTS

NOTES:

1. SEE SHEET 1 FOR LANDSCAPE CONCEPT PLAN & NOTES.
2. SEE SHEET 2 FOR FINAL ADAPTATION PLAN (NOTES AND TYP. FRONT VIEW) LANDSCAPE CONCEPT DESIGN.

APPROVED CHANGES		DATE
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DATE	3/10/04
BY	DAVID B. GARDNER
DATE	3/10/04
BY	DAVID B. GARDNER
DATE	3/10/04
BY	DAVID B. GARDNER

ADP-00-000

SHEET 3 OF 3

LANDSCAPE ARCHITECTURAL PLANS FOR:
CAPISTRANO DRIVE
 OCEANSIDE CALIFORNIA

APPROVED

LANDSCAPE ARCHITECT OF WORK:
 DAVID B. GARDNER, R.L.A. # 2518

DATE: 02/10/04
 DRAWN BY: DMH
 REVISIONS:
 07/10/06
 10/28/06
 07/22/07

Job # 04.049

DATE: 02/10/04

DRAWN BY: DMH

REVISIONS:

07/10/06

10/28/06

07/22/07

FENCING DETAILS

Job # 04.049

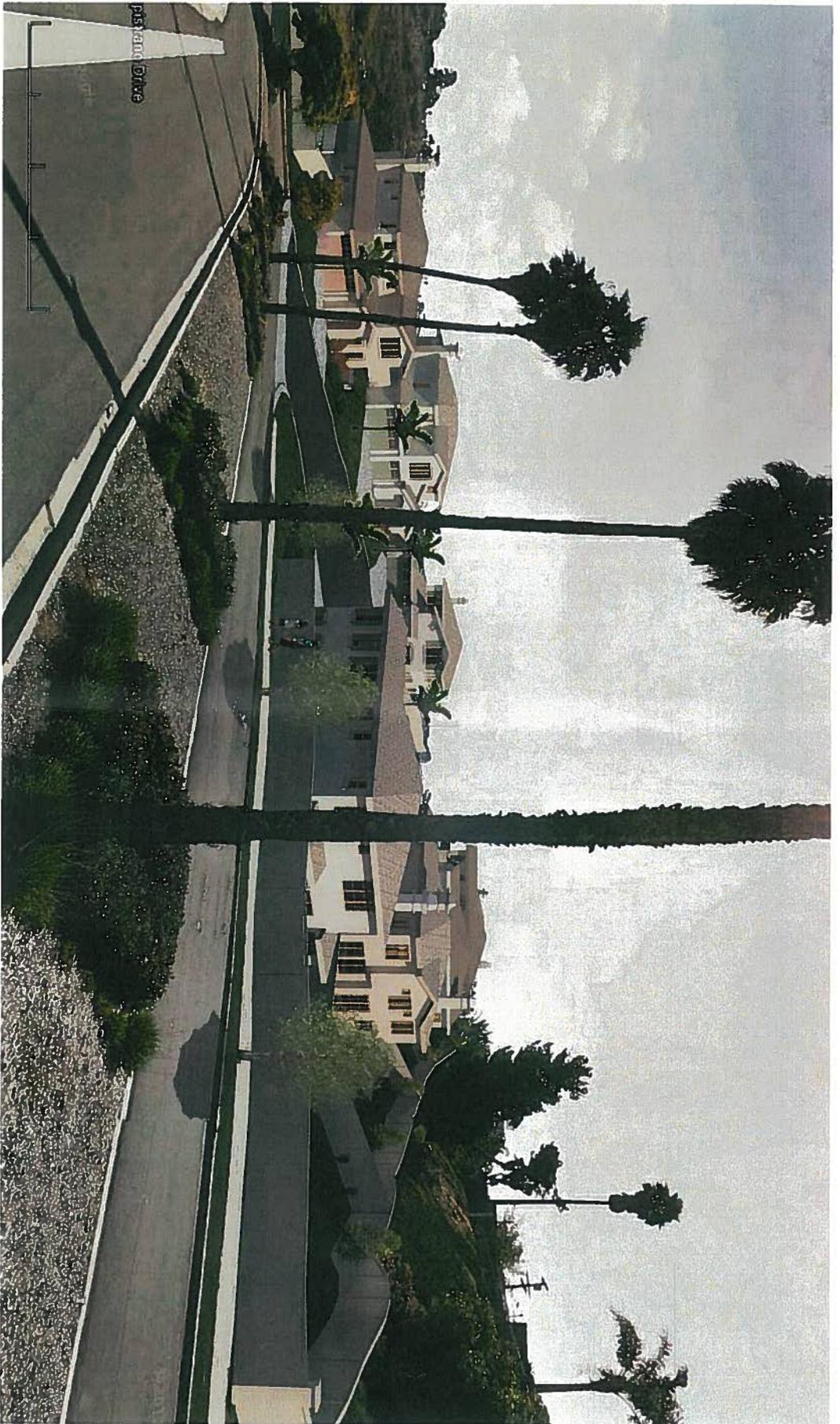
3

ENVIRONS
 LANDSCAPE ARCHITECTURE

1000 S. GARDEN ST.
 SUITE 100
 OCEANSIDE, CA 92054
 TEL: 760.434.1111
 FAX: 760.434.1112
 WWW.ENVIRONSARCH.COM



LANDSCAPE CONSTRUCTION DOCUMENTS FOR:
CAPISTRANO DRIVE
 OCEANSIDE CALIFORNIA



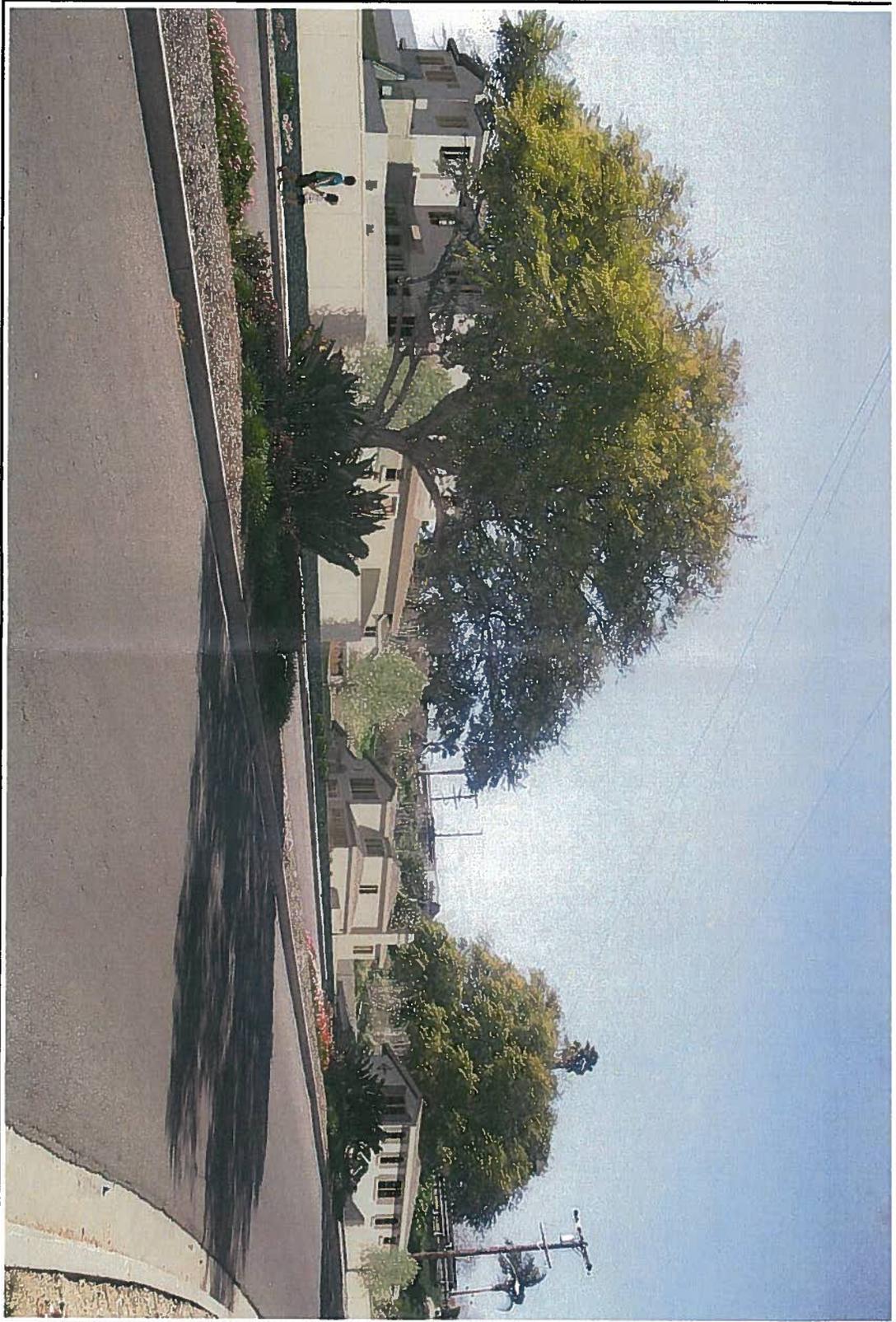
LUSARDI
CONSTRUCTION COMPANY

LUSARDI CAPISTRANO
CONCEPTUAL STREET VIEW
Oceanside, California

RECEIVED
FEB 13 2012
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Street View

1



LUSARDI
CONSTRUCTION COMPANY

LUSARDI CAPISTRANO
CONCEPTUAL STREET VIEW
Oceanside, California

RECEIVED
FEB 13 2012
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

Street View
2



LUSARDI CAPISTRANO
CONCEPTUAL AERIAL VIEW
Oceanside, California

RECEIVED
FEB 13 2012
CITY OF OCEANSIDE
DEVELOPMENT SERVICES



LUSARDI CAPISTRANO
CONCEPTUAL AERIAL VIEW
Oceanside, California

RECEIVED
FEB 13 2012
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

1 PLANNING COMMISSION
2 RESOLUTION NO. 2012-P09

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA ADOPTING A
5 MITIGATED NEGATIVE DECLARATION AND
6 ASSOCIATED MITIGATION MONITORING AND
7 REPORTING PROGRAM FOR AN EIGHT LOT
SUBDIVISION ON CERTAIN REAL PROPERTY IN THE CITY
OF OCEANSIDE

8 APPLICATION NO: T-11-04, D-27-04, RC-7-05, C-34-04, and C-3-09
9 APPLICANT: Warner C. Lusardi
10 LOCATION: Capistrano Dr.

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

13 WHEREAS, there was filed with this Commission a verified petition on the forms
14 prescribed by the Commission requesting a Tentative Map, Development Plan, Regular Coastal
15 Permit, and two Conditional Use Permits under the provisions of Article 10, 30, 41, and 43 of the
16 Zoning Ordinance, Article IV of the Subdivision Ordinance, and the Local Coastal Program
Coastal Permit Handbook of the City of Oceanside to permit the following:

17 the subdivision of four previously subdivided lots into eight single-family residential lots
18 and one lettered lot "A" in order to allow the construction of eight two-story single-family
19 residences and preservation of the sites significant topographic feature that contains habitat
20 and is situated within the coastal zone and is located on Capistrano Drive;
21 on certain real property described in the project description.

22 WHEREAS, the Planning Commission, after giving the required notice, did on the 12th
23 day of March, 2012 conduct a duly advertised public hearing as prescribed by law to consider the
24 content of the Mitigated Negative declaration and the Mitigation Monitoring and Reporting
program; and

25 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
26 Guidelines thereto, an Initial Study and Mitigated Negative Declaration have been prepared
27 stating that if the mitigation measures identified within the Initial Study are implemented there
28 will not be an adverse impact upon the environment;

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

3 FINDINGS:

- 4 1. The Mitigated Negative Declaration together with all comments received, and
5 Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the
6 conditions of approval for the project, were presented to the Planning Commission, and
7 the Planning Commission reviewed and considered the information contained in these
8 documents prior to making a decision on the project.
- 9 2. The Mitigated Negative Declaration and Mitigation and Monitoring and Reporting
10 Program (MMRP) have been determined to be accurate and adequate documents,
11 which reflect the independent judgment and analysis of the Planning Commission. On
12 the basis of the entire record before it, the Planning Commission finds that there is no
13 substantial evidence that the project, with implementation of the mitigation measures
14 proposed, will have a significant impact on the environment.

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 adopt the Mitigated Negative Declaration and the mitigation measures provided therein and
17 incorporated as conditions of approval, as follows:

17 Environmental:

- 18 1. Prior to the issuance of a grading permit, the impact to 0.01 acres of disturbed coastal
19 sage scrub through the removal of four individual lemonade berry and toyon trees shall
20 be mitigated at a ratio of 2:1. A total of 0.02 acres of coastal sage scrub mitigation shall
21 be acquired through the purchase of CSS mitigation credits off-site within Eternal Hills
22 memorial park in Oceanside (or other location approved by the City of Oceanside,
23 USFWS, and CDFG).
- 24 2. Non-reflective glass shall be utilized in the windows facing the San Luis Rey River and
25 windows facing west to the ocean.
- 26 3. To prevent inadvertent indirect impacts to habitat on-site, protective fencing shall be
27 installed around the limits of grading/construction. Work crews will be educated on the
28 sensitive nature of site biological resources. A biological monitor shall be present
29 during brushing, clearing and grading. Brushing, clearing and grading shall be avoided
during the extended bird breeding season of February 15 through September 16; or if

1 brushing, clearing and grading are to take place during this period, nest surveys must be
2 conducted prior to such action, and noise levels within 600 feet of California
3 gnatcatcher nests must be less than 60 decibels.

4 4. Prior to the issuance of a grading permit, impact associated with the project grading
5 footprint within the 100-foot riparian buffer shall be mitigated at a 3:1 ratio. The total
6 proposed buffer area totals 1.059 acres (0.9 acres is preserved habitat and 0.16 acres is
7 the existing and to be improved sewer access road). A total of 0.33 acres (0.17 acres of
8 impacts associated with the project directly and 0.16 acres of impacts resulting from a
9 loss of buffer habitat where the sewer improvements occur) will occur within the 100-
10 foot wide riparian buffer zone (less than 100 feet between the development and the
11 River). Therefore, at a 3:1 mitigation ratio, a total of 0.99 acres of mitigation is
12 required. This shall be completed with the purchase of CSS mitigation shall occur off-
13 site within Eternal Hills memorial park in Oceanside (or other location approved by the
14 City of Oceanside, USFWS, and CDFG).

15 5. Prior to the issuance of a grading permit, a Habitat Loss 4D permit, which will be issued
16 by the City with the approval of an exemption (de minimus) from Section 4(d) of the
17 Endangered Species Act from the U.S. Fish and Wildlife Service and California
18 Department of Fish and Game.

19 6. The on-site natural open space area shall be posted with signage containing information
20 regarding habitat sensitivity and citing dumping, vehicular activity, or disturbance of
21 habitat are prohibited. Additional measures to minimize or prohibit human activity
22 shall be included in the City and Wildlife Agency approved management plan for the
23 on-site open space.

24 7. The project shall implement a three-year restoration plan for the 0.82 acres of disturbed
25 habitat within the San Luis Rey Buffer Area as specifically described in the approved
26 *San Luis Rey Biological Buffer: Coastal Sage Scrub Habitat Restoration, Maintenance
27 and Monitoring Plan (HRMMP)* prepared by BLUE Consulting Group (July, 2009),
28 subject to review and approval by the City Planner.

29 8. Prior to the issuance of a grading permit, a Draft Restrictive Covenant (RC) over
lettered lot "A" (the avoided, preserved, and restored habitat onsite) shall be reviewed

1 and approved as to form by the City of Oceanside, USFWS, and CDFG. Once approved
2 as to form, the RC shall be finalized and recorded against the property.

3 9. Upon acknowledgement by the City of Oceanside and the USFWS/CDFG that the 3-
4 year restoration described in the HRMMP has been adequately satisfied, the HOA shall
5 ensure implementation of the approved *Lusardi Capistrano Long Term Maintenance*
6 *and Monitoring Plan (LTMMP)* prepared by BLUE Consulting Group (July, 2011).

7 10. All Firewise 2000 recommendations shall be incorporated into the development of the
8 Lusardi Capistrano project. Development of the project shall implement the following
9 mitigation measures necessary to lower the potential fire danger to a level below
10 significance: fuel modification treatments (Zone 1 and Zone 2 “Firewise” landscaping)
11 to habitat within the “interface” area (habitat located north of the sewer access road and
12 south of the rear of the fire wall), installing sprinklers in all eight residences; utilizing
13 “Firewise” building construction standards including Class “A” roofs; eaves of heavy
14 timber construction or boxed eaves with no attic ventilation openings or ventilation
15 louvers in eave overhangs or between rafters at eaves; dual pane windows and non-
16 combustible fire resistive exterior wall materials. Subject to review and final approval
17 by the Fire Chief and City Planner.

18 11. In accordance with Oceanside City Code Chapters 32B and 32C, the proposed
19 residential development is required to pay public facility fees based on the impact fee
20 schedule in effect at the time of issuance of a building permit. A portion of these fees
21 provide funds for additional fire facilities to be built to serve the City of Oceanside.
22 The project’s contribution to these fees will reduce cumulative impacts to future fire
23 protection services, reducing associated impacts to less than significant levels.

24 12. The project shall implement all of the Best Management Practices (BMP) identified
25 within the submitted and City-approved *Stormwater Mitigation Plan* (Excel
26 Engineering, updated, 2011 and listed in the Initial Study), to the satisfaction of the City
27 Engineer. The LID/Site design BMPs are design features of the development intended
28 to minimize or eliminate the introduction of pollutants to the storm conveyance system.
29 These features are distributed around the site rather than concentrating them in an “end-
of-pipe” system. The goal of these BMPs is to limit or eliminate as much run-off as
possible, and to mimic the predevelopment hydrologic regime as closely as possible.

1 LID techniques work as a system to filter, slow, evaporate, and infiltrate surface run-off
2 as close to the source as possible.

3 13. The subject project shall implement all Source Control BMPs from Section 2.8 of the
4 approved SUSMP (EXCEL, 2011), and shall meet the individual requirements for
5 “Private Roads,” “Residential Driveways and Guest Parking” and “Steep Hillside
6 Landscaping,” including but not limited to the following: Storm Drain Stenciling and
7 Signage (at the 2 Curb Inlets). Provide stenciling or labeling at each of two storm drain
8 curb inlets within the project area with prohibitive language (such as: “NO DUMPING
9 – DRAINS TO SAN LUIS REY RIVER”) and/or graphical icons to discourage illegal
10 dumping, satisfactory to the City Engineer. Maintain legibility of signs. Eliminate
11 and/or reduce the need for pesticide use by: Planting pest-resistant or well adapted plant
12 varieties such as native plants. Discourage pests by modifying the site and landscaping
13 design. Distribute Integrated Pest Management educational materials to future
14 residents. Materials shall include: keeping pests out of buildings and landscaping using
15 barriers, screens, and caulking; physical pest elimination techniques, such as weeding,
16 squashing, trapping, washing, or pruning out pests; relying on natural enemies to eat
17 pests. Proper use of pesticides as a last line of defense. Efficient Irrigation System:
18 The following methods to reduce excessive irrigation runoff shall be included in the
19 irrigation system design: employing rain shutoff devices to prevent irrigation after
20 precipitation; designing irrigation systems to each landscape area’s specific water
21 requirements; using soil moisture sensors to regulate irrigation; using flow reducers or
22 shutoff valves triggered by a pressure drop to control water loss in the event of broken
23 sprinkler heads or lines; and employing other comparable equally effective methods to
24 reduce irrigation water runoff. All water quality BMP’s shall be implemented to the
25 satisfaction of the City Engineer.

26 14. In accordance with the Treatment Control BMP Discussion from section 4.2 of the
27 projects SWMP, the pollutants of concern for this project are Nutrients, Pesticides and
28 Bacteria & Viruses. The project shall ensure that the project runoff will be treated with
29 small scale Bioretention facilities. Each lot is designed with 100 square feet of
Bioretention surface area. The Bioretention area is that area with a cross section of a
minimum 6-inch deep top reservoir area, underlain by an 18-inch soil layer, and a 12 to

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18-inch gravel subsurface layer equipped with a French underdrain system, to the satisfaction of the City Engineer.

15. Prior to issuance of any grading permits an Operations and Maintenance plan document that includes BMP Maintenance Mechanisms shall be submitted to the City for review and approval by the City Engineer. The city may enter into a contract with the project proponent obliging the project proponent to maintain, repair and replace the stormwater BMP as necessary into perpetuity. A non-refundable security may be required.

16. The project shall always maintain compliance with the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with construction activity necessary to prevent stormwater pollution from impacting waters of the U.S. in the vicinity of the project site, and to the Satisfaction of the City Engineer.

17. Grading plans submitted to the City's Engineering Division for review and approval shall include erosion control and/or sediment control details to the satisfaction of the City Engineer. The details shall conform to the City's standards, codes and ordinances. The details shall include landscaping and temporary irrigation systems on exposed slopes and shall be approved by the City's Engineering and Planning Divisions prior to any construction activity.

18. Slopes and areas adjacent to parking will be landscaped to eliminate or greatly reduce the potential for sediment transport from the project site. The desilting basin and infiltration basin assemblies to treat stormwater falling onto the project site shall provide an effective treatment mechanism to mitigate for the anticipated and potential pollutants. The proposed post-construction BMPs shall reduce, to the maximum extent practicable, the expected pollutants, and shall not adversely impact the beneficial uses or water quality of the receiving waters, all to the satisfaction of the City Engineer.

19. The project shall ensure sufficient sight distance for the right turning vehicles, and in order to provide a left/U turn lane at the park entrance without removing most of the existing landscaped median, no parking shall be permitted on the west side of Capistrano Drive from San Luis Rey Drive to east of the Capistrano Park entrance. To improve sight distance, a solid white edge line shall be painted six feet from the curb (14 feet from the median) from San Luis Rey Drive southerly to just south of the entry

1 to the proposed project. For the next 230 feet south of the entry, the line will gradually
2 curve towards the curb. Thru traffic will stay 6 feet from the west curb until south of
3 the driveway. Using Caltrans' estimated eye location as 10 feet back from the travel
4 way (or edge line), the edge line 6 feet from the curb will give residents 385 feet of
5 sight distance. If the eye location is estimated at 15 feet back from the travel way, the
6 edge line will still provide residents with 320 feet of sight distance. This 320 feet (or
7 385 feet, depending on the estimate) shall prove sufficient and safe for the 40 resident
8 right-turns per day. The white edge line 6 feet from the curb will also help address the
9 need for a left/U turn lane the serves the proposed development. There is already a
10 break in the median at the Capistrano Park driveway, but the mitigation measures will
11 mitigate safety concerns associated with increased traffic. Thru traffic will stay 6 feet
12 away from the curb until 230 feet south of the project entry, then move towards the curb
13 and away from the landscaped median, transitioning over a period of 60 feet to provide
14 about 6 feet of space on the pavement for a left U turn lane as traffic approaches the
15 Capistrano Park driveway. With these 6 feet of pavement along the median side, only 5
16 or 6 feet maximum must be taken from the existing median to create an 11 or 12-foot
17 wide left /U turn lane into the park entrance. The left /U turn shall be a full width lane
18 for about 50 feet. A double yellow edge line will be painted along the left side of the
19 14-foot wide thru traffic lane as the white edge line starts tapering towards the curb
20 south of the project entrance. This double yellow line then creates the "shadow" for the
21 left /U turn lane, providing a total of 120 feet of transition (60 in the median and 60 on
22 the pavement). With the above, the outside radius of U turning vehicles will be 44 feet
23 at the park driveway. A pedestrian crosswalk shall be painted at the northwest, or near
24 side, of the park driveway. A sidewalk shall be constructed along the southwest side of
25 Capistrano from where it terminates now, to the above crosswalk. To assist in traffic
26 calming along this section of Capistrano Drive along the project and park, a single
27 speed limit sign (25 MPH) shall be placed for downhill traffic between San Luis Rey
28 Drive and the park entrance. All previously identified measures shall be implemented
29 and maintained to the satisfaction of the City Engineer.

20. In order to ensure compliance with the Migratory Bird Treaty Act (MBTA), clearing of native vegetation shall occur outside of the breeding season of most avian species

1 (March 1 through July 31). Clearing during the breeding season of MBTA covered
2 species could occur if it is determined by a qualified biologist that no nesting birds (or
3 birds displaying breeding or nesting behavior) are present immediately prior to clearing.
4 As described above, a pre-construction survey shall be conducted to determine if
5 breeding or nesting avian species occur within areas impacted by noise.

6 21. The construction and construction staging area limits shall be clearly delineated with
7 orange construction fencing and silt fencing or fiber rolls to ensure that construction
8 activity remains within the defined limits of work. A qualified biologist shall inspect
9 the delineated areas during regularly scheduled construction monitoring visits.

10 22. In the unlikely event that human remains are encountered, California Health and Safety
11 Code Section 7050.5 requires that no further disturbance shall occur until the County
12 Coroner has made a determination of origin and disposition pursuant to Public Resources
13 Code Section 5097.98. The County Coroner shall be notified of any human remains found
14 immediately. If the remains are determined to be prehistoric, the Coroner will notify the
15 Native American Heritage Commission (NAHC) which will determine and notify a most
16 likely descendant. With the permission of the landowner or his/her authorized
17 representative, the most likely descendant may inspect the site of the discovery. The most
18 likely descendant may recommend scientific removal and nondestructive analysis of
19 human remains and items associated with Native American burials.

20 23. Equipment will use available noise suppression devices and properly maintained mufflers.
21 Construction noise will be reduced by using quiet or "new technology" equipment,
22 particularly the quieting of exhaust noises by use of improved mufflers where feasible. All
23 internal combustion engines used at the project site will be equipped with the type of
24 muffler recommended by the vehicle manufacturer. In addition, all equipment will be
25 maintained in good mechanical condition to minimize noise created by faulty or poorly
26 maintained engine and other components.

27 24. During all site preparation, grading and construction, contractors shall minimize the
28 staging of construction equipment and unnecessary idling of equipment in the vicinity of
29 residential land uses.

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- l) All grading and construction equipment shall be properly maintained.
- m) SDAPCD Rules 51, 52, and 54, or subsequent rules, shall be enforced at all times.

PASSED AND ADOPTED Resolution No. 2012-P09 on March 12, 2012 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
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. 2012-P09.

Dated: March 12, 2012

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

Applicant/Representative

Date

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PLANNING COMMISSION
RESOLUTION NO. 2012-P10

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, REGULAR COASTAL PERMIT, AND TWO CONDITIONAL USE PERMITS ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: T-11-04, D-27-04, RC-7-05, C-34-04 and C-3-09
APPLICANT: Warner C. Lusardi
LOCATION: Capistrano Dr.

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Tentative Map, Development Plan, Regular Coastal
14 Permit, and two Conditional Use Permits under the provisions of Article 10, 30, 41, and 43 of the
15 Zoning Ordinance, Article IV of the Subdivision Ordinance, and the Local Coastal Program
16 Coastal Permit Handbook of the City of Oceanside to permit the following:

17 the subdivision of four previously subdivided lots into eight single-family residential lots
18 and one lettered lot "A" in order to allow the construction of eight two-story single-family
19 residences and preservation of the sites significant topographic feature that contains habitat
20 and is situated within the coastal zone and located on Capistrano Drive;

on certain real property described in the project description.

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 12th day
22 of March, 2012 conduct a duly advertised public hearing as prescribed by law to consider said
23 application.

24 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
25 Guidelines thereto; an Initial Study and Mitigated Negative Declaration have been prepared stating
26 that if the mitigation measures identified within the Initial Study are implemented there will not be
27 an adverse impact upon the environment;

28 WHEREAS, the Mitigated Negative Declaration together with any comments received,
29 and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the
conditions of approval for the project, were presented to the Planning Commission, and the

1 Planning Commission reviewed and considered the information contained in these documents
2 prior to making a decision on the project.

3 WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and
4 Reporting Program (MMRP) have been determined to be accurate and adequate documents,
5 which reflect the independent judgment and analysis of the Planning Commission. On the
6 basis of the entire record before it, the Planning Commission finds that there is no substantial
7 evidence that the project, with implementation of the mitigation measures proposed, will have
8 a significant impact on the environment.

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
14 Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
16 Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
18 Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
20 School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
22 Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
24 Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
26 Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
28 Wastewater System Buy-in	Oceanside City Code §	Based on capacity or water

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	fees	29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	meter size. Residential is typically \$6,313 per unit.
4			
5	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
6			
7			
8	Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project, \$100 per unit, plus \$1.15 per square foot.
9			
10			

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

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

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

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

25 WHEREAS, pursuant to Oceanside Zoning Ordinance §2115, this resolution becomes
26 effective 20 days from its adoption in the absence of the filing of an appeal or call for review;

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

28 //////////

29 //////////

1 FINDINGS:

2 For the Tentative Map (T-11-04) and Development Plan (D-27-04):

3 1. That the proposed Tentative Map is consistent with the General Plan of the City by
4 meeting and exceeding lot size requirements and other applicable provisions of the
5 Zoning Ordinance and the Subdivision Ordinance.

- 6 • The East Side Capistrano Neighborhood Planning Area is designated
7 Single-Family Dwelling Residential SFD-R (3.6 – 5.9 dwelling
8 units/acre) and has a corresponding zoning of Single-Family Residential
9 (RS/ R-1), with a minimum lot size of 6,000 square feet as defined in the
10 1992 and 1986 Zoning Ordinances. The subject subdivision would create
11 eight residential lots that range in size from approximately 6,089 to
12 10,856 square feet in size and one lettered lot “A” designated as open
13 space for the purpose of preservation of the natural topographic feature
14 and habitat on site.

15 2. That the site is physically suitable for the type and proposed density of development by
16 providing lot areas consistent with the East Side Capistrano Neighborhood Planning
17 Area.

- 18 • The proposed subdivision would create eight residential lots that range in
19 size from approximately 6,089 to 10,856 square feet in size; therefore,
20 making the proposal consistent with the character and pattern of
21 development in the area and the underlying land use designation.

22 3. That the design of the subdivision or the proposed improvements will not cause
23 substantial environmental damage or substantially and avoidably injure fish or wildlife
24 or their habitat and a Initial Study and Mitigated Negative Declaration have been
25 prepared that states with implementation of the mitigation measures identified in the
26 Initial Study and established within the projects Mitigation Monitoring and Reporting
27 Program there will not be a significant adverse impact upon the environment.

- 28 • The proposed subdivision would create and preserve sensitive habitat on
29 site within the proposed lettered lot “A”, would allow off-site mitigation
within a mitigation bank for impacts to habitat on-site, and would require

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only grading necessary to create buildable pad areas for the eight lots that respect the view shed of the existing residences to the north.

4. That the design of the subdivision or the type of improvements meets City standards and will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision.

- The proposed subdivision that would involve use of a flaglot shared drive way access easement is for private purposes only and would not conflict with the public right-of-way along Capistrano Drive.
- The existing City Sewer access road along the San Luis Rey River established in the 1950's will be upgraded in a manner that would accommodate today's sewer maintenance vehicles, while at the same time adhering to specific design standards established by the applicable Resource Agencies.

5. That the subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside.

- The proposed subdivision would not involve any variances from the regulations established at the time of this approval and as part of this approval, the Development Plan (D-27-04) would ensure that superior architectural design features are implemented into the projects overall design.

For the Conditional Use Permit – For exceeding base density (C-3-09):

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

- The subject property is zoned single-family residential (RS/R-1) with a corresponding Land Use designation of Single-Family Dwelling Residential SFD-R (3.6 – 5.9 dwelling units per acre). The density of 4.9 dwelling units per acre is consistent with the density range of 3.6 – 5.9 dwelling units per acre established by the Single-Family Dwelling Residential SFD-R designation and through the approval of D-27-04 will ensure that the sites development implements and possesses an excellence in design features.

1 2. That the proposed location of the conditional use and the proposed conditions under
2 which it would be operated or maintained will be consistent with the General Plan; will
3 not be detrimental to the public health, safety or welfare of persons residing or working
4 in or adjacent to the neighborhood of such use; and will not be detrimental to properties
5 or improvements in the vicinity or to the general welfare of the City.

- 6 • The proposed eight-lot subdivision will improve the right-of-way areas
7 adjacent to the site and the sewer access easement along the San Luis Rey
8 River, and will not result in any development that would be unsafe for
9 persons residing or working in the area.

10 3. That the proposed conditional use will comply with the provisions of the Zoning
11 Ordinance, including any specific condition required for the proposed conditional use in
12 the district in which it would be located.

- 13 • The Tentative Map has been adequately conditioned and designed to
14 comply with applicable requirements of the Zoning Ordinance. Approval
15 of Development Plan (D-27-04) will ensure zoning ordinance
16 compliance.

16 For the Conditional Use Permit - Panhandle access (C-34-04):

17 1. That the proposed location of the use is in accord with the objectives of the Zoning
18 Ordinance and the purposes of the district in which the site is located.

- 19 • The proposed use of a panhandle access design to serve parcels 4 and 5
20 and the proposed location of the easements are in accord with the
21 objectives of the Zoning Ordinance and the purposes of the districts in
22 which they are located. The proposed access design will be consistent
23 with the pattern of development found throughout the East Side
24 Capistrano neighborhood and meets the development standards for access
25 driveways as specified in the Oceanside Zoning Ordinance Section 3100.

26 2. The use of panhandle access design, and the proposed conditions under which they
27 would be established or maintained will be consistent with the General Plan; will not be
28 detrimental to the public health, safety or welfare of persons residing or working in or
29 adjacent to the neighborhood of such use; and will not be detrimental to properties or
improvements in the vicinity or to the general welfare of the City.

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- The proposed panhandle access design is consistent with the surrounding developed area and does not propose site distance issues relative to entering and exiting off of the proposed terminus of the cul-de-sac road section.

For the Regular Coastal Permit (RC-7-05):

1. The proposed project is consistent with the policies of the Local Coastal Program as implemented through the Zoning Ordinance.
 - Specifically, the physical aspects of the project are consistent with the properties neighboring the project site. In addition, the project will not substantially alter or impact existing public views of the coastal zone area.
2. The proposed project will not obstruct any existing or planned public beach access; including any beach areas fronting the existing property, therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Parcel Map (T-11-04), Development Plan (D-27-04), Regular Coastal Permit (RC-7-05), and Conditional Use Permits (C-34-04 and C-3-09) subject to the following conditions:

Building:

1. Construction shall comply with the current addition edition of the California Codes.
2. California Residential Code requires each new one and two family dwellings to install an Automatic Fire Sprinkler System designed and installed in accordance with CRC Section R 313.3 or NFPA 13D.
3. All new one and two family dwellings shall comply with the current California Green Code.
4. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
5. The building plans for this project are required by State law to be prepared by a licensed architect or engineer and must comply with this requirement prior to submittal for building plan review.
6. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).

- 1 7. The developer shall monitor, supervise and control all building construction and supporting
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
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work
6 that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
8 producing nature. No work shall be permitted on Sundays and Federal Holidays
9 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
10 Christmas Day) except as allowed for emergency work under the provisions of the
11 Oceanside City Code Chapter 38 (Noise Ordinance).
- 12 b) The construction site shall be kept reasonably free of construction debris as
13 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
14 approved solid waste containers shall be considered compliance with this
15 requirement. Small amounts of construction debris may be stored on-site in a neat,
16 safe manner for short periods of time pending disposal.
- 17 8. Separate/unique addresses will be required to facilitate utility releases. Verification that the
18 addresses have been properly assigned by the City's Planning Division must accompany
19 the Building Permit application.
- 20 9. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
21 will be required at time of plans submittal to the Building Division for plan check.

Engineering:

- 22 10. For the demolition of any existing structure or surface improvements; grading plans shall
23 be submitted and erosion control plans be approved by the City Engineer prior to the
24 issuance of a demolition permit. No demolition shall be permitted without an approved
25 erosion control plan.
- 26 11. Vehicular access rights to Capistrano Drive shall be relinquished to the City from project
27 boundary and all abutting lots except for the private street "A".
- 28 12. All right-of-way alignments, street dedications, exact geometrics and widths shall be
29 dedicated (if required) and constructed or replaced as required by the City Engineer.

- 1 13. Design and construction of all improvements shall be in accordance with the City of
2 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
3 engineering and specifications of the City of Oceanside and subject to approval by the
4 City Engineer.
- 5 14. Prior to approval of the final map or any increment, all improvement requirements, within
6 such increment or outside of it if required by the City Engineer, shall be covered by a
7 subdivision agreement and secured with sufficient improvement securities or bonds
8 guaranteeing performance and payment for labor and materials, setting of monuments, and
9 warranty against defective materials and workmanship.
- 10 15. Legal access shall be provided to Private Street "A" prior to the filing of the final map.
- 11 16. The owner/developer shall provide public street dedication for Capistrano Drive (if
12 required) to serve the property.
- 13 17. The tract shall be recorded as one. The tract may be developed in phases. A construction-
14 phasing plan for the construction of on-site public and private improvements shall be
15 reviewed and approved by the City Engineer prior to the recordation of the final map.
16 Prior to the issuance of any building permits all off-site improvements including
17 landscaping, landscaped medians, frontage improvements shall be under construction to the
18 satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the
19 City Engineer shall require the dedication and construction of necessary utilities, arterials
20 and streets and other improvements outside the area of any particular final map, if such is
21 needed for circulation, parking, access or for the welfare or safety of future occupants of
22 the development.
- 23 18. Where proposed off-site improvements, including but not limited to slopes, public utility
24 facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his
25 own expense, obtain all necessary easements or other interests in real property and shall
26 dedicate the same to the City of Oceanside as required. The owner/developer shall provide
27 documentary proof satisfactory to the City of Oceanside that such easements or other
28 interest in real property have been obtained prior to the approval of the final map.
29 Additionally, the City of Oceanside may at its sole discretion require that the
owner/developer obtain at his sole expense a title policy insuring the necessary title for the

- 1 easement or other interest in real property to have vested with the City of Oceanside or the
2 owner/developer, as applicable.
- 3 19. Pursuant to the State Map Act, improvements shall be required at the time of development.
4 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
5 these improvement conditions and a certificate setting forth the recordation shall be placed
6 on the map.
- 7 20. A precise grading and private improvement plan shall be prepared, reviewed, secured and
8 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
9 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
10 footprints of all structures, walls, drainage devices and utility services.
- 11 21. This project shall provide year-round erosion control including measures for the site
12 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
13 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
14 the owner/developer with cash securities and approved by the City Engineer.
- 15 22. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
16 neighborhood meeting with all of the area residents located within 300 feet of the project
17 site, to inform them of the grading and construction schedule, and to answer questions.
- 18 23. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
19 investigation shall be conducted of the soils, slopes, and formations in the project. All
20 necessary measures shall be taken and implemented to assure slope stability, erosion
21 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
22 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
23 the City Engineer.
- 24 24. The owner/developer shall monitor, supervise and control all construction and
25 construction-supportive activities, so as to prevent these activities from causing a public
26 nuisance, including but not limited to, insuring strict adherence to the following:
- 27 a) Dirt, debris and other construction material shall not be deposited on any public
28 street or within the City's storm water conveyance system.
 - 29 b) All grading and related site preparation and construction activities shall be
limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
engineering related construction activities shall be conducted on Saturdays,

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Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits “any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity.”

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

d) The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Engineering Department 48 hours in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

25. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.

26. The approval of this tentative map shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining permission to grade to construct on adjacent properties. Should such permission be denied, the tentative map shall be subject to going back to the public hearing or subject to a substantial conformity review.

27. A traffic control plan shall be prepared according to the City traffic control guidelines and approved to the satisfaction of the City Engineer prior to the start of work within the public right-of-way. Traffic control during construction of streets that have been opened to public traffic shall be in accordance with construction signing, marking and other

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protection as required by the Caltrans Traffic Manual 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.

28. Private Street "A" shall be shall be constructed with curbs and gutters and sidewalk. The minimum cul-de-sac radius for Private Street "A" shall be per the City of Oceanside Design Standards. Sidewalk improvement shall be ADA compliant.

29. Capistrano Drive shall provide a minimum of 10 feet parkway between the face of curb and the right of way line. Existing damaged curbs and gutters along property frontage on Capistrano Drive shall be reconstructed per the City of Oceanside Engineers Design Standards. Existing sidewalk improvements along the property frontage on Capistrano Drive that are damaged and are not ADA compliant shall be reconstructed to comply with ADA requirements. Publicly maintained pedestrian ramps at the intersection of Capistrano Drive and Private Street "A" that will be maintained by the City of Oceanside must be fully located within public right-of-way. Minimum curb return radius shall comply with the City of Oceanside Engineers Design and Processing Manual.

30. Sight distance requirements at the proposed Private Street "A" and Capistrano Drive shall conform to the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B.

31. Street lights shall be maintained and installed on Capistrano Drive (if required) per City Standards to the satisfaction of the City Engineer. The system shall provide uniform lighting, and be secured prior to occupancy. The owner/developer shall pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the annexation to, any appropriate street lighting district.

32. The proposed Private Street "A" shall remain private and shall be maintained by an association, a management company, or individual home owners. The pavement sections, traffic indices shall be based on approved geotechnical report and in compliance with the City of Oceanside Engineers Design and Processing Manual. The Private Street "A" and driveway alignments and geometric layouts shall meet the City of Oceanside Engineers Design and Processing Manual.

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33. The responsibility of the proposed private driveway A” road maintenance shall be included in the CC&R of this subdivision project and shall be included in the grant deed title of the owner/developer. In the event there is no Home Owners Association (HOA), Private Street “A” used as access to the land being divided as well as the map being created, must include a Private Road maintenance agreement. The developer/owner shall execute a Private Road maintenance agreement that will be recorded concurrently with the recordation of final map.

The following note shall be placed on the final map reflecting the recording information:
**“PRIVATE STREET “A” (AND PRIVATE DRAINAGE AND UTILITY EASEMENTS) ARE TO BE MAINTAINED IN ACCORDANCE WITH THE PRIVATE STREET MAINTENANCE AGREEMENT RECORDED -----
--- AS DOCUMENT NUMBER -----“**

34. Prior to approval of the grading plans, the owner/developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on Capistrano Drive adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet along the project’s frontage. The field investigation shall include a minimum of one pavement boring per every one 100 linear feet of street frontage. Should the existing AC thickness be determined to be less than the current minimum standard for AC and Class II Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the owner/developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in the condition listed below:

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

- 1 36. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
2 ramps and sidewalk within the project, or adjacent to the project boundary that are
3 damaged during construction of the project, shall be repaired or replaced as directed by the
4 City Engineer.
- 5 37. All existing overhead utility lines within this subdivision/development and/or within any
6 full width of Capistrano Drive right-of-way abutting this new subdivision/development,
7 and all new extension services for the development of the project, including but not limited
8 to, electrical, cable and telephone, shall be placed underground per Section 901.G. of the
9 Subdivision Ordinance (R91-166) and as required by the City Engineer and current City
10 policy.
- 11 38. Drainage facilities shall be designed and installed to adequately accommodates the local
12 stormwater runoff and shall be in accordance with the San Diego County Hydrology and
13 Design Manual and in compliance with the City of Oceanside Engineers Design and
14 Processing Manual to the satisfaction of the City Engineer.
- 15 39. The drainage design shown on the site plan or preliminary grading plan, and the drainage
16 report for this tentative map is conceptual only. The final drainage report and drainage
17 design shall be based upon a hydrologic/hydraulic study that is in compliance with the
18 latest San Diego County Hydrology and Drainage Manual to be approved by the City
19 Engineer during final engineering. All drainage picked up in an underground system shall
20 remain underground until it is discharged into an approved channel, or as otherwise
21 approved by the City Engineer. All public storm drains shall be shown on City standard
22 plan and profile sheets. All storm drain easements shall be dedicated where required. The
23 owner/developer shall be responsible for obtaining any off-site easements for storm
24 drainage facilities.
- 25 40. Storm drain facilities shall be designed and located such that the inside travels lanes on
26 streets with collector or above design criteria shall be passable during conditions of a 100-
27 year frequency storm.
- 28 41. The owner/developer shall place a covenant on the title sheet of the final map agreeing
29 to the following: "The present or future owner/developer shall indemnify and save the
City of Oceanside, its officers, agents, and employees harmless from any and all

- 1 liabilities, claims arising from any flooding that occurs on this site and any drainage
2 discharges from this site that causes flooding into any adjacent properties”.
- 3 42. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
4 of in accordance with all state and federal requirements, prior to stormwater discharge
5 either off-site or into the City drainage system.
- 6 43. Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
7 prior to the issuance of a preliminary grading permit and approved by the City Engineer
8 prior to the issuance of occupancy permits. Frontage and median landscaping shall be
9 installed prior to the issuance of any certificates of occupancy. Landscaping plans,
10 including plans for the construction of walls, fences or other structures at or near
11 intersections, must conform to intersection sight distance requirements. All proposed
12 project fences, sound or privacy walls and monument entry walls/signs shall be shown on
13 plans and to be built/constructed and secured from the landscape plans. These features
14 shall also be shown on the precise grading plans for purposes of location only. Plantable,
15 segmental walls shall be designed, reviewed and constructed by the grading plans and
16 landscaped/irrigated through project landscape plans. All plans must be approved by the
17 City Engineer and a pre-construction meeting held, prior to the start of any improvements.
- 18 44. Open space areas and down-sloped areas visible from a collector-level or above roadway
19 and not readily maintained by the property owner, shall be maintained by a homeowners'
20 association that will insure installation and maintenance of landscaping in perpetuity.
21 These areas shall be indicated on the final map and reserved for an association. Future
22 buyers shall be made aware of any estimated monthly costs. The disclosure, together with
23 the CC&R's, shall be submitted to the City Engineer for review prior to the recordation of
24 final map.
- 25 45. The owner/developer shall comply with all the provisions of the City's cable television
26 ordinances including those relating to notification as required by the City Engineer.
- 27 46. The owner/developer shall install 2-inch PVC conduit, together with 1/4-inch pull- rope
28 and pull-boxes at 400 feet intervals for future signal interconnect cable (if required by the
29 City Engineer) on all arterial-level or above, streets.
47. The owner/developer shall obtain any necessary permits and clearances from all public
agencies having jurisdiction over the project due to its type, size, or location, including but

1 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
2 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
3 (including NPDES), San Diego County Health Department, prior to the issuance of grading
4 permits.

5 48. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
6 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
7 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an
8 arterial street or state highway.

9 49. The owner/developer shall comply with the provisions of National Pollution Discharge
10 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
11 with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ.
12 The General Permit continues in force and effect until a new General Permit is issued or
13 the SWRCB rescinds this General Permit. Only those owner/developers authorized to
14 discharge under the expiring General Permit are covered by the continued General
15 Permit. Construction activity subject to the General Permit includes clearing, grading,
16 and disturbances to the ground such as stockpiling, or excavation that results in land
17 disturbances of equal to or greater than one acre. The owner/developer shall obtain
18 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining
19 a Waste Discharge Identification Number (WDID#) from the State Water Resources
20 Control Board (SWRCB). In addition, coverage under the General Permit shall not
21 occur until an adequate SWPPP is developed for the project as outlined in Section A of
22 the General Permit. The site specific SWPPP shall be maintained on the project site at
23 all times. The SWPPP shall be provided, upon request, to the United States
24 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control
25 Board (RWQCB), City of Oceanside, and other applicable governing regulatory
26 agencies. The SWPPP is considered a report that shall be available to the public by the
27 RWQCB under section 308(b) of the Clean Water Act. The provisions of the General
28 Permit and the site specific SWPPP shall be continuously implemented and enforced
29 until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The
owner/developer is required to retain records of all monitoring information, copies of all
reports required by this General Permit, and records of all data used to complete the NOI

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

50. Following approval of the Storm Water Mitigation Plan (SWMP) by the City Engineer and prior to issuance of grading permits, the owner/developer shall submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall include the designated responsible party to manage the storm water BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, a non-refundable cash (or certificate of deposit payable to the City), or an irrevocable, City-Standard Letter of Credit security to provide maintenance funding in the event of noncompliance to the O&M Plan, and any other necessary elements. The owner/developer shall provide the City with access to site for the purpose of BMP inspection and maintenance by entering into an Access Rights Agreement with the City. The owner/developer shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The owner/developer shall retain records for a minimum of 5 years. The records shall be made available to the City upon request.

51. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the County Recorder's Office prior to issuance of any building permit. A non-refundable Security in the form of cash (or certificate of deposit payable to the City) or an irrevocable, City Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the non-

1. refundable security shall be equal to 10 years of maintenance costs, as identified by the
2 O&M Plan, but not to exceed a total of \$25,000. The owner/developer's civil engineer
3 shall prepare the O&M cost estimate.
- 4 52. At a minimum, maintenance agreements shall require the staff training, inspection and
5 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
6 maintain O&M forms to document all maintenance activities. Parties responsible for the
7 O&M plan shall retain records at the subject property for at least 5 years. These
8 documents shall be made available to the City for inspection upon request at any time.
- 9 53. The Agreement shall include a copy of executed on-site and off-site access easement and
10 or access rights necessary for the operation and maintenance of BMPs that shall be
11 binding on the land throughout the life of the project to the benefit of the party
12 responsible for the O&M of BMPs, satisfactory to the City Engineer. The agreement
13 shall also include a copy of the O&M Plan approved by the City Engineer.
- 14 54. The BMPs described in the project's approved SWMP shall not be altered in any way,
15 unless reviewed and approved to the satisfaction of the City Engineer. The
16 determination of whatever action is required for changes to a project's approved SWMP
17 shall be made by the City Engineer.
- 18 55. The owner/developer shall provide a copy of the title/cover page of an approved SWMP
19 with the first engineering submittal package. If the project triggers the City's
20 Stormwater requirements but no approved Stormwater document (SWMP) exists, the
21 appropriate document shall be submitted for review and approval by the City Engineer.
22 The SWMP shall be prepared by the owner/developer's Civil Engineer. All Stormwater
23 documents shall be in compliance with the latest edition of submission requirements.
- 24 56. The approval of this tentative map shall not mean that closure, vacation, or abandonment
25 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
26 owner/developer. The owner/developer is responsible for applying for all closures,
27 vacations, and abandonments as necessary. The application(s) shall be reviewed and
28 approved or rejected by the City of Oceanside under separate process (es) per codes,
29 ordinances, and policies in effect at the time of the application. The City of Oceanside
retains its full legislative discretion to consider any application to vacate a public street
or right of way.

- 1 57. If a subdivider is required under this division or any other provision of law to make a
2 dedication for specified public purposes on the final map, the City of Oceanside shall
3 specify whether the dedication is to be in fee for public purposes or an easement for
4 public purposes.
- 5 58. Provide the City of Oceanside with a certification from each public utility and each
6 public entity owning easements within the proposed project stating that: (a) they have
7 received from the owner/developer a copy of the proposed map; (b) they object or do not
8 object to the filing of the map without their signature; (c) in case of a street dedication
9 affected by their existing easement, they will sign a "subordination certificate" or "joint-
10 use certificate" on the map when required by the governing body. In addition, the
11 owner/developer shall furnish proof to the satisfaction of the City Engineer that no new
12 encumbrances have been created that would subordinate the City's interest over areas to
13 be dedicated for public road purposes since submittal of the project.
- 14 59. Approval of this development project is conditioned upon payment of all applicable impact
15 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
16 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
17 reimbursements, and other applicable charges, fees and deposits shall be paid prior to
18 recordation of the map or the issuance of any building permits, in accordance with City
19 Ordinances and policies. The owner/developer shall also be required to join into,
20 contribute, or participate in any improvement, lighting, or other special district affecting or
21 affected by this project. Approval of the tentative map shall constitute the
22 owner/developer's approval of such payments, and his agreement to pay for any other
23 similar assessments or charges in effect when any increment is submitted for final map or
24 building permit approval, and to join, contribute, and/or participate in such districts.
- 25 60. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
26 project will be subject to prevailing wage requirements as specified by Labor Code
27 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
28 the prevailing wage requirements prior to the granting of any fee reductions or waivers.
- 29 61. A digital file of the map in a format consistent with the City's requirements for digital
submittals, detailed in the Engineers Design and Processing Manual shall be submitted to
the City of Oceanside concurrently with the final submittal of the map for recordation."

- 1 62. A digital file of the as-built grading plan, and as-built improvement plan in a format
2 consistent with the City's requirements for digital submittals, detailed in the Engineers
3 Design and Processing Manual shall be submitted to the City of Oceanside prior to
4 occupancy permit.
- 5 63. In the event that the conceptual plan does not match the conditions of approval, the
6 resolution of approval shall govern.

7 **Transportation:**

- 8 64. Access to Private Street "A" shall be restricted to right turns in and out only and shall
9 conform to the corner sight distance criteria as provided by SDRSD DS-20A and/or DS
10 20B. This improvement shall be completed to the satisfaction of the City Traffic
11 Engineer and prior to issuance of Certificate of Occupancy.
- 12 65. The project shall install "No Parking Anytime" signs on the west side of Capistrano
13 Drive from San Luis Rey Drive to the Capistrano Park entrance. This improvement
14 shall be completed to the satisfaction of the City Traffic Engineer and prior to the
15 issuance of Certificate of Occupancy.
- 16 66. The project shall paint a solid white right edge line on the west side of Capistrano Drive
17 from San Luis Rey Drive 50 past Private Street "A". The solid white right edge line
18 shall be 14 feet from the existing median and 6 feet from the curb line before
19 transitioning to full lane width 50 feet beyond Private Street "A" to the Capistrano Park
20 entrance. This improvement shall be completed to the satisfaction of the City Traffic
21 Engineer and prior to issuance of Certificate of Occupancy.
- 22 67. The project shall construct a left turn pocket within the existing median at the Capistrano
23 Park entrance for U-turning project traffic. The left turn pocket shall be constructed at
24 11 feet wide; 50 feet in length with a 60 foot transition into the median and provide a
25 minimum outside radius of 44 feet for U-turning traffic at the park entrance. This
26 improvement shall be completed to the satisfaction of the City Traffic Engineer and
27 prior to issuance of Certificate of Occupancy.
- 28 68. The project shall paint a double yellow edge line along the median curb starting Private
29 Street "A" and extending to just beyond the Capistrano Park entrance to keep through
traffic delineated away from left turning traffic at the park entrance. This improvement

1 shall be completed to the satisfaction of the City Traffic Engineer and prior to issuance
2 of Certificate of Occupancy.

3 69. The project shall also new construct sidewalk along the project frontage on Capistrano
4 Drive that will extend to the Capistrano Park entrance. This improvement shall be
5 completed to the satisfaction of the City Engineer and prior to issuance of Certificate of
6 Occupancy.

7 70. The project shall also install a pedestrian crosswalk and related signing at the northwest
8 side of the Capistrano Park entrance and shall have connectivity to the new sidewalk
9 installed along Capistrano Drive with ADA compliant curb ramp/s. This improvement
10 shall be completed to the satisfaction of the City Engineer and prior to issuance of
11 Certificate of Occupancy.

12 71. The project shall install a "25 MPH" speed limit sign on the downhill side of Capistrano
13 Drive between San Luis Rey Drive and the Capistrano Park entrance. This improvement
14 shall be completed to the satisfaction of the City Engineer and prior to issuance of
15 Certificate of Occupancy.

16 **Landscaping:**

17 72. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
18 and Specifications for Landscape Development (latest revision), Water Conservation
19 Ordinance No. 10-OR0412-1 and 91-15, Engineering criteria, City code and ordinances,
20 including the maintenance of such landscaping, shall be reviewed and approved by the
21 City Engineer prior to the issuance of building permits. Landscaping shall not be
22 installed until bonds have been posted, fees paid, plans signed for final approval and a
23 landscape pre-construction meeting has been conducted with city inspection staff. The
24 following landscaping requirements shall be required prior to plan approval and
25 certificate of occupancy:

- 26 a) Final landscape plans shall accurately show placement of all plant material such
27 as but not limited to trees, shrubs, and groundcovers.
- 28 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
29 and place planting locations accordingly to meet City of Oceanside requirements.
- c) All required landscape areas shall be maintained by owner. The landscape areas
shall be maintained per City of Oceanside requirements.

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- d) Proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all Fire Department requirements.
- e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3” depth to help conserve water, lower the soil temperature and reduce weed growth.
- g) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- h) The proposed Platanus racemosa – Western Sycamore street trees are to be substituted with the Platanus mexicana ‘Alamo’ – Alamo Sycamore or a species acceptable to the public works department and to the satisfaction of the city engineer.
- i) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree’s root ball is unacceptable.
- j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval for these items in the conditions or application stage prior to 1st submittal of working drawings.
- k) For the planting and placement of trees and their distances from hardscape and other utilities/structures the landscape plans shall follow the City of Oceanside’s (current) Tree Planting Distances and Spacing Standards.

- 1 l) An automatic irrigation system shall be installed to provide coverage for all
2 planting areas shown on the plan. Low volume equipment shall provide
3 sufficient water for plant growth with a minimum water loss due to water run-
4 off.
- 5 m) Irrigation systems shall use high quality, automatic control valves, controllers
6 and other necessary irrigation equipment. All components shall be of non-
7 corrosive material. All drip systems shall be adequately filtered and regulated
8 per the manufacturer's recommended design parameters.
- 9 n) All irrigation improvements shall follow the City of Oceanside Guidelines and
10 Water Conservation Ordinance.
- 11 o) The landscape plans shall match all plans affiliated with the project.
- 12 p) Landscape plans shall comply with all Biological and/or Geotechnical reports, as
13 required, shall match the grading and improvement plans, comply with SWMP
14 Best Management Practices and meet the satisfaction of the City Engineer.
- 15 q) Existing landscaping on and adjacent to the site shall be protected in place and
16 supplemented or replaced to meet the satisfaction of the City Engineer.
- 17 73. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
18 and within any adjoining public parkways shall be permanently maintained by the
19 owner, his assigns or any successors-in-interest in the property. The maintenance
20 program shall include: a) normal care and irrigation of the landscaping b) repair and
21 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
22 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
23 to maintain landscaping shall result in the City taking all appropriate enforcement
24 actions including but not limited to citations. This maintenance program condition shall
25 be recorded with a covenant as required by this resolution.
- 26 **Fire:**
- 27 75. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan
28 indicating the fire access and hydrant locations must also be submitted on CD Rom.
- 29 76. Fire Department requirements shall be placed on plans in the notes section.

- 1 77. Smoke alarms and carbon monoxide alarm required in each residential unit. Show on
- 2 the plans.
- 3 78. A minimum fire flow of 1,500 gallons per minute shall be provided.
- 4 79. The size of fire hydrant outlets shall be 2 ½ "X 4.
- 5 80. The fire hydrants shall be installed and tested prior to placing any combustible materials
- 6 on the job site.
- 7 81. The developer shall supply the Fire Department with updated map and hydrant locations
- 8 in a digital format compatible with the Fire Department's mapping program upon
- 9 approval of final improvements plans.
- 10 82. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
- 11 and Processing Manual Standard.
- 12 83. All weather access roads shall be installed and made serviceable prior to and maintained
- 13 during time of construction.
- 14 84. Approved addresses for residential occupancies shall be placed on the structure in such a
- 15 position as to be plainly visible and legible from the street or roadway fronting the
- 16 property. Numbers shall be contrasting with their background and meet the current City
- 17 of Oceanside size and design standard.
- 18 85. Single-family dwellings require 4-inch address numbers.
- 19 86. Plans for buildings and fire sprinkler systems shall be submitted to the Fire Prevention
- 20 Bureau for plan check review and approval prior to the issuance of building permits.
- 21 87. Fire sprinklers required:
- 22 88. All single-family dwelling units - 2010 NFPA 13D standard and 2010 California
- 23 Residential Code.
- 24 89. Any new development that necessitates updating of emergency response maps by virtue
- 25 of new structures, hydrants, roadways or similar features, shall be required to provide
- 26 map updates in a format (PDF, GIS and/or CAD) as approved by the FAHJ or
- 27 compatible with current department mapping services. The Fire Department is
- 28 authorized to charge a reasonable fee for updating all response maps.
- 29 90. Provide an updated copy of the Fuel Modification Plan for wildland interface.
- 30 //////////////
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1 **Planning:**

- 2 91. This Tentative Map, Development Plan, Regular Coastal Permit, and two Conditional
3 Use Permits shall expire 36 months from its approval, unless this time period is extended
4 by the provisions of Section 408 or 409 of the Subdivision Ordinance.
- 5 92. This Tentative Map, Development Plan, Regular Coastal Permit, and two Conditional
6 Use Permits approve only an eight-lot residential subdivision with one lettered lot "A"
7 being created for open space purposes as shown on the plans and exhibits presented to
8 the Planning Commission for review and approval. No deviation from these approved
9 plans and exhibits shall occur without Planning Division approval. Substantial
10 deviations shall require a revision to the Development Plan, Regular Coastal Permit, and
11 Conditional Use Permits or a new Development Plan, Regular Coastal Permit, and
12 Conditional Use Permits.
- 13 93. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action
15 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
16 or annul an approval of the City, concerning Tentative Map (T-11-04), Development
17 Plan (D-27-04), Regular Coastal Permit (RC-7-05), and Conditional Use Permits (C-34-
18 04 & C-3-09). The City will promptly notify the applicant of any such claim, action or
19 proceeding against the city and will cooperate fully in the defense. If the City fails to
20 promptly notify the applicant of any such claim action or proceeding or fails to
21 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
22 defend, indemnify or hold harmless the City.
- 23 94. All single-family dwelling units shall dispose of or recycle solid waste in a manner
24 provided in City Code Section 13.3.
- 25 95. Outdoor lighting shall be low emission, shielded, and directed away from the southern
26 property lines adjacent to lot A.
- 27 96. All rear wood fences adjacent to public right-of-way and/or visible from the public right-
28 of-way will be stained or otherwise finished with a waterproof material.
- 29 97. Adjacent homeowners shall be notified of planned construction activities and times
approximately one week prior to the start of work.

- 1 98. All required Resource Agency permits shall be obtained prior to issuance of grading
2 permits, for the subdivision or any related improvements. Hard copies of these permits
3 must be submitted to the Planning Division.
- 4 99. A covenant or other recordable document approved by the City Attorney shall be
5 prepared by the property owner and recorded prior to the approval of the final map. The
6 covenant shall provide that the property is subject to this resolution, and shall generally
7 list the conditions of approval.
- 8 100. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
9 written copy of the applications, staff report and resolutions for the project to the new
10 owner and or operator. This notification's provision shall run with the life of the project
11 and shall be recorded as a covenant on the property.
- 12 101. Failure to meet any conditions of approval shall constitute a violation of the Tentative
13 Map, Development Plan, Regular Coastal Permit, and two Conditional Use Permits.
- 14 102. Unless expressly waived, all current zoning standards and City ordinances and policies
15 in effect at the time building permits are issued. The approval of this project constitutes
16 the applicant's agreement with all statements in the Description and Justification and
17 other materials and information submitted with this application, unless specifically
18 waived by an adopted condition of approval.
- 19 103. The developer's construction of all fencing and walls associated with the project shall be
20 in conformance with the approved Development Plan. Any substantial change in any
21 aspect of fencing or wall design from the approved Development Plan shall require a
22 revision to the Development Plan or a new Development Plan.
- 23 104. If any aspect of the project fencing and walls is not covered by an approved
24 Development Plan, the construction of fencing and walls shall conform to the
25 development standards of the City Zoning Ordinance. In no case, shall the construction
26 of fences and walls (including combinations thereof) exceed the limitations of the
27 zoning code, unless expressly granted by a Variance or other development approval.
- 28 105. The street name for street "A" shall be approved by the City Planner prior to the approval
29 of the Final Map.
106. Prior to the issuance of building permits, compliance with the applicable provisions of the
City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed

- 1 and approved by the Planning Division. These requirements, including the obligation to
2 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
3 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
4 property.
- 5 107. Elevations, siding materials, colors, roofing materials and floor plans shall be
6 substantially the same as those approved by the Planning Commission. These shall be
7 shown on plans submitted to the Building Division and Planning Division.
- 8 108. This project is subject to the provisions of Chapter 14C of the City Code regarding
9 Inclusionary Housing.
- 10 109. Garages shall be kept available and useable for the parking of tenant's automobiles at all
11 times.
- 12 110. At all times, the sidewalk shall be free of obstructions, including private vehicles and other
13 objects. Vehicles, or other objects, parked in the driveway shall not project over or obstruct
14 the sidewalk.
- 15 111. The developer is prohibited from entering into any agreement with a cable television
16 franchisee of the City, which gives such franchisee exclusive rights to install, operate, and
17 or maintain its cable television system in the development.
- 18 112. This project shall comply with all provisions of the City's Affirmative Fair Housing
19 Marketing Agreement policy. Such agreement shall be submitted to and approved by the
20 Housing and Neighborhood Services Director prior to the recordation of a Final Map or the
21 issuance of a building permit for the project, whichever comes first.
- 22 113. A letter of clearance from the affected school district in which the property is located
23 shall be provided as required by City policy at the time building permits are issued.
- 24 114. In the event any subsurface archaeological resources are encountered during grading or
25 construction activities, such activities in the locality of the find shall be halted
26 immediately. An archaeologist, certified by the Society of Professional Archaeologists
27 (SOPA), shall be brought in to determine the significance of the archaeological
28 resources and implement appropriate mitigations prior to recommencing earthwork.
- 29 115. The following 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:

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Sq.Ft. . # Bedrms. # Baths #Parking Spaces # Stories

Plan 1A	2,224	3	2 ½	2	2
Plan 1B	2,224	3	2 ½	2	2
Plan 2A	2,593	4	2 ½	3	2
Plan 2B	2,593	4	2 ½	3	2

116. 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 City Planner prior to the issuance of building permits. Non-reflective materials shall be utilized in the construction of any structures within the subdivision.

Water Utilities:

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

118. The property owner shall maintain private water and wastewater utilities located on private property.

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

120. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.

121. Residential units shall be metered individually. Private utility systems for residential developments are not allowed.

122. Per the 2010 California Fire Code, all new residential units shall be fire sprinklered. The minimum allowable water meter for a fire sprinklered home is 3/4-inch.

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

123. The proposed water, sewer and reclaimed water mains within the "Private Drive" shall be part of the public utility system and provided with the appropriate utility easements.

124. The existing sewer main easement shall be upsized to 20-foot and provided with an all-weather vehicular access road and an access gate.

- 1 125. All public water and/or sewer facilities not located within the public right-of-way shall be
- 2 provided with easements sized according to the Water, Sewer, and Reclaimed Water
- 3 Design and Construction Manual. Easements shall be constructed for all weather access.
- 4 126. No trees, structures or building overhang shall be located within any water or wastewater
- 5 utility easement.
- 6 127. All lots with a finish pad elevation located below the elevation of the next upstream
- 7 manhole cover of the public sewer shall be protected from backflow of sewage by installing
- 8 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
- 9 (U.P.C.).
- 10 128. The developer shall construct a public reclamation water system that will serve each lot and
- 11 or parcels that are located in the proposed project in accordance with the City of Oceanside
- 12 Ordinance No. 91-15. The proposed reclamation water system shall be located in the
- 13 public right-of-way or in a public utility easement.
- 14 **The following conditions of approval shall be met prior to building permit issuance.**
- 15 129. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
- 16 be paid to the City and collected by the Water Utilities Department at the time of Building
- 17 Permit issuance.
- 18 130. All Water Utilities Fees are due at the time of building permit issuance per City Code
- 19 Section 32B.7, unless the developer/applicant applies and is approved for a deferral of all
- 20 fees per City of Oceanside Ordinance No. 09-OR0676-1.

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

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

PASSED AND ADOPTED Resolution No. 2012-P10 on March 12, 2012, by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

Tom Rosales, Chairperson
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

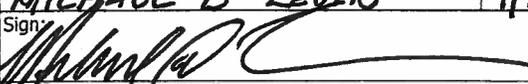
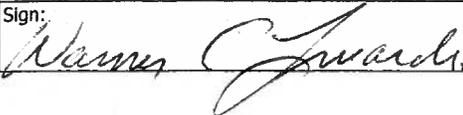
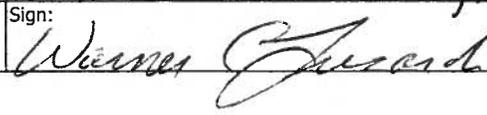
I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2012-P10.

Dated: March 12, 2012

Applicant accepts and agrees with all conditions of approval and acknowledges impact fees may be required as stated herein:

Applicant/Representative

Date

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information				ACCEPTED	BY
				RECEIVED 9/20/04 SEP 20 2004 HEARING	
PART I - APPLICANT INFORMATION					
1. APPLICANT		2. STATUS		3. ADDRESS	
WARNER C. LUSARDI		TRUSTEE		1570 LINDA VISTA DR SAN MARCOS 760/744-3132	
3. ADDRESS		4. PHONE/FAX		5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)	
1570 LINDA VISTA DR SAN MARCOS 760/744-3132		760/744-3132		EXCEL ENGINEERING (MICHAEL LEVIN)	
6. ADDRESS		7. PHONE/FAX		8. LOCATION	
440 STATE PL ESCONDIDO 92029		760/745-8118		CAPISTRANO DR.	
PART II - PROPERTY DESCRIPTION					
10. GENERAL PLAN			11. ZONING		13. ASSESSOR'S PARCEL NUMBER
SFD-R			RS		144-011-14,15,16,17
12. LAND USE			13. ASSESSOR'S PARCEL NUMBER		
SFD-R			144-011-14,15,16,17		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
8 LOT SUBDIVISION REV - 3/29/05, 8/25/05, 12/19/05, 9/25/06, 8/14/07, 2/13/09					
15. PROPOSED GENERAL PLAN		16. PROPOSED ZONING		17. PROPOSED LAND USE	
SFD-R		RS		SFD-R	
18. NO. UNITS		19. DENSITY		20. BUILDING SIZE	
8		2.69		21. PARKING SPACES	
22. % LANDSCAPE		23. % LOT COVERAGE		PART IV - ATTACHMENTS	
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		32. OTHER	
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print):			34. DATE		
MICHAEL D LEVIN			9/9/04		
Sign: 			37. OWNER (Print)		38. DATE
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			Warner C. Lusardi Family Trustee		
35. APPLICANT (Print):			36. DATE		39. OWNER (Print):
WARNER C. LUSARDI			9/17/04		Warner C. Lusardi Family Trustee
Sign: 			Sign: 		

C-3-

Received

FEB 13 2009

Planning Division

Lusardi Capistrano
Tentative Subdivision Map and Conditional Use Permit
Description and Justification
February 2008 (Rev)

Project Description: The Lusardi Capistrano project is a proposed 8 lot subdivision for single family residences (exist/proposed zoning RS) on approximately 2.699 net acres of previously grading site. Located north of State Highway 76, east of Interstate Route 5, and on the south side of Capistrano Drive, across from Capistrano Park, access to the project will be from Capistrano Drive.

All the proposed lots exceed the required minimum lot size of 6,000 sf and the project does not exceed the maximum potential density of 5.90 DU/Acre. The base density is 3.5 DU/Acre with the HOA maintained open space lot A acreage included and a base density of 4.878 DU/Acre, without the HOA maintained open space acreage. Lot A will be designated open space through the implementation of an open space easement in order to preserve existing habitat on the site.

Grading for the residential lots will be within the area previously graded. In addition, this mass grading will also accommodate the water and sewer utilities needed to serve the site.

A minimum of grading is proposed for the project. A total of 6,246 CY of dirt movement is proposed for an average of 781 CY per lot. The grading proposes to leave the existing steep slope areas in place with the grading limited to the existing pad area. Grading on site requires the export of 4,911 cubic yards and 1,335 cubic yards will be utilized onsite within the proposed embankments.

There will be one point of access to the residential portion of the project, which will be taken from the east bound lane of Capistrano Drive. A new private road and full-width cul-de-sac will be built at this terminus to provide adequate right-of-way to accommodate the project residents and fire truck access. This interior road and driveways will be private and maintained by the homeowners association (HOA). The pavement sections of the driveways will vary in size from to match the garage access needed. All required guest parking is provided in parking three (3) bays located within the project and 20 parking spots located on Capistrano Drive.

This project would require that new water and sewer lines be constructed on-site to serve the project. The sewer system will drain from north to south and will connect to the existing line(s) in Capistrano Drive. The existing 6 inch water line running Capistrano Drive will be upsized to an 8 inch line by the project. The existing power pole and street light fronting the property will be converted to underground. A 12 foot asphalt access road over the existing dirt access road

going through the open space easement along the City's existing 10 inch sewer main. Also, an AC extension of sidewalk on the east side of the project along Capistrano Drive. A modified left turn lane into Capistrano Park on east bound Capistrano Drive is proposed along with a crosswalk in the same location.

CONDITIONAL USE PERMIT - EXCEEDING THE BASE DENSITY

This Application includes a Conditional Use Permit to allow the project to exceed the base density from the previous submittal of 3.55 to the proposed base density of 4.878 DU/Acre and increase of 1.32 DU/Acre. Based on the creation of (HOA maintained) Parcel A open space for the preservation of existing habitat that is a requirement of the project. The proposed density is below the maximum potential density of 5.90 DU/Acre allowed in the zone. The project has taken many comments, recommendations, and requirements and incorporated them into the overall project design and characteristics to provide and excellent residential subdivision.

Conditional Use Permit – Exceeding Base Density

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. This proposal meets those conditions as follows:

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purpose of the district in which the site is located.**

The location of the proposed subdivision is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the district because it is a residential project on property designated for residential development by the General Plan and Zoning Ordinance. The proposed density is below the maximum density of 5.90 and is consistent with the land use designation.

- 2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan: will not be detrimental to the public health, safety or welfare of person residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.**

Although the proposed project exceeds the base density of 3 du/ac, it is consistent with the Land Use Element of the City's General Plan which requires lots which are a minimum of 6,000 square feet in size. The single family home lots in this project exceed 6,000 sf, and are consistent with the development pattern within the Capistrano area and RS zones. As previously mentioned the City's Land Use General Plan contains a policy that indicates such lots are consistent with the RS designation and zone. The proposed project is also consistent with the existing development patterns throughout the Capistrano neighborhood and its zone.

- 3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district which it would be located.**

The proposed density conforms to the provisions of the Zoning Ordinance.

To further bolster the case for the increase in density over the base density, the project has complied with Section 2.32 of the City of Oceanside General Plan Land Use Element. The applicant has taken great care to meet the following policies:

- 1. *Infrastructure improvements beyond what is necessary to serve the project and its population.***
The project has incorporated a number of infrastructure improvements that will enhance Capistrano neighborhood. The left turn modification into Capistrano Park, the cross walk at the same location, extension of sidewalk to the cross walk on the south side of the street. The undergrounding of the electrical and power pole at the sight and a bio filter trench to address storm water quality issues. The asphalt access road to provide for the maintenance of the public sewer and the creation of an open space to maintain existing habitat.
- 2. *Lot standards (i.e. lot area, width, depth, etc.) which exceeds the minimum standards established by City policy.***
Lots created in the Capistrano subdivision will exceed the 6,000 sf minimum lot size required by the RS zone to lots ranging in size from 6,089 to 10,856 sf. The lot widths exceed the 65 feet minimum with some lots ranging in width from 74.65 feet to 84.87 feet.
- 3. *Development standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.***
The development standards for the RS zone have been incorporated in the site and the conceptual home design. The project exceeds the minimum design standards and as shown provides a quality project with the neighborhood.
- 4. *Superior architectural design and materials.***
The proposed architectural design is somewhat conceptual but it does define a superior architectural design with its 2 story element, 3 car garages, tile roofs for added fire protection, stone veneer, stucco/plaster wall finish, vinyl windows, decorative wrought iron, and decorative clay tile. In addition to standard building design requirements, enhanced fire protection features will be added per the approved FPP (Fire Protection Plan) for this project.
- 5. *Superior landscape/hardscape design and materials.***
Per the landscape concept plan, a design has been provided with an approved plant pallet per the city standards and has met the fire department requirements to provide a superior landscape design. The overall concept plan was prepared by landscape professional to ensure it was well designed and blends with the neighborhood.
- 6. *Superior recreation facilities or other amenities.***
No common recreation facilities are proposed as a part of the Capistrano project. However, the home sites have nice private backyards and views. The project also

extends the sidewalks and will put in a crosswalk to the public park across the street from the project.

- 7. *Superior private and/or semi-private open space area.***
The project will have a private/semi private front and back yards. A HOA maintained open space for existing habitat preservation and will provide a pleasant view towards the river area. A tree height maximum will be maintained as a part of working with the existing neighborhood views.
- 8. *Floor areas that exceed the norm established by existing or approved development in the surrounding area.***
Floor areas in the conceptual design are per the design standards and fit well with current floor areas with similar lot size.
- 9. *Consolidation of legal lots to provide unified site design.***
Lot sizes have been designed per city standards and are in a cul-de-sac setting with a unified site design with access from Capistrano Drive.
- 10. *Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.***
This policy does not apply to the Lusardi Capistrano project given that it is an infill project in an established residential neighborhood.
- 11. *Participation in the City's Redevelopment, Housing, or Historical Preservation programs.***
The proposed project is not located in the redevelopment district and has no historical structures located on the site.
- 12. *Innovative design and/or construction methods that further the goals of the General Plan.***
The designs submitted are somewhat conceptual but the architect's innovative design with the floor plans and general layout of the homes follow the city guidelines. During the final design of the project, the implementation of added design features and construction methods will be explored. The final project will comply with all applicable development and construction standards.

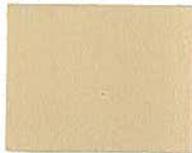
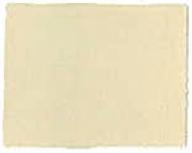
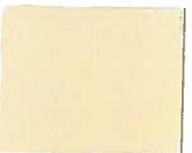
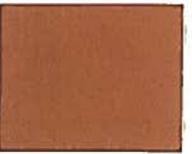
CAPISTRANO DRIVE

Oceanside, CA

Color Scheme

Lusardi Construction

Architects BP Associates

SCHEME	1	2	3
STUCCO	 8724M	 SW6114	 15
FASCIA	 SW6090	 SW6095	 SW7038
TRIM	 8212W	 8211W	 SW6108
DOORS & SHUTTERS	 SW7032	 7826A	 SW6194
STONE El Dorado Stone	 SHILO - limestone	 VENETO - fieldledge	 PRESCOTT - bluffstone
ROOF Hanson	 R589 VALENCIA	 R583 SAND CANYON	 R567 SAN MARCOS

Paint: Sherwin Williams & Frazee

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DECEMBER 2011
FEB 13 2012
CITY OF OCEANSIDE
DEVELOPMENT SERVICES

LEGAL DESCRIPTION

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

Lots 287, 288, 289 and 290 of Francine Villas, in the City of Oceanside, County of San Diego, State of California, according to Map thereof No. 3031, filed in the Office of the County Recorder of San Diego County, October 8, 1953.

APN: 144-011-15-00 and 144-011-14-00

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