

*STAFF REPORT**CITY OF OCEANSIDE*

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DATE: March 5, 2014

TO: Chairperson and Members of the Community Development Commission

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING TENTATIVE MAP (RT13-00002), DEVELOPMENT PLAN WITH VARIATION (RD13-00003), AND REGULAR COASTAL PERMIT (RRP13-00004) FOR THE CONSTRUCTION OF A 17-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 620-712 SOUTH THE STRAND - APPLICANT: MCKELLAR MCGOWAN, LLC**

**SYNOPSIS**

Staff recommends that the Commission adopt a resolution approving Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003), and Regular Coastal Permit (RRP13-00004) for the construction of a 17-unit residential condominium development located at 620-712 South The Strand.

**BACKGROUND**

The project site is located east of South The Strand, north of Wisconsin Street, west of South Pacific Street and east of the Pacific Ocean. The 0.86-acre property has approximately 267 feet of frontage on South The Strand. The property currently consists of eight existing parcels which were part of original Terrace Annex recorded in 1907. The property has been largely unused since about 2005, and has been vacant following the demolition of 12 older one-and two-story apartment units in 2008.

The site topography is relatively flat with approximately two feet of elevation change over the majority of the site. The slope increases slightly towards the eastern portion of the site where it backs onto the Pacific Street bluff. Remnants of several retaining wall segments varying in height from 8 to 14 feet support portions of the bluff; however, much of the bluff is unprotected and has been susceptible to erosion. The bluff height is approximately 19 feet adjacent to South Pacific Street.

On October 15, 2008, the Community Development Commission (CDC) unanimously approved a 24-unit condominium project on this same site. That project, known as Pacific Blue, consisted of a two-story building built over a 56-space subterranean parking garage. The units ranged in size from 920 to 2,680 square feet. A final map has not

been finalized and recorded; therefore, the property remains undeveloped. This current project would supplant the 2008 Pacific Blue entitlements.

**Land Use and Zoning:** The subject site is located within The South Strand neighborhood, which consists of a mixture of newer condominiums and older apartment buildings and single-family dwellings. It is located within Subdistrict 4A of the "D" Downtown District. Subdistrict 4A is primarily intended to provide a mixture of visitor-serving transient and permanent high-density residential uses along The South Strand between Tyson Street and Wisconsin Avenue. Multi-family residences are permitted with a maximum density of 43 dwelling units per acre. The project proposes a density of 19.9 dwelling units per acre.

**Project Description:** The current project developer, McKellar McGowan, LLC, proposes to reduce the intensity of the entitled development on the same lot with a 17-unit residential condominium development. The previously approved 56 subterranean parking spaces, which were approximately 10 feet below grade, have been replaced with 36 parking spaces generally at grade. This at-grade parking would mitigate many of the dewatering and flooding issues inherent with subterranean parking and significantly reduce short-term construction impacts associated with the project. The project application consists of three entitlement components, which include a Tentative Map, Development Plan and a Regular Coastal Permit. Each discretionary request is described as follows:

Tentative Map: The proposed tentative map would merge the existing eight parcels and provide a parcel map for 17 condominium units, associated parking and common open space.

Development Plan: The proposed Development Plan includes the building, parking, associated landscaping and a new fire access stairway from Pacific Street to the building. While the Development Plan does not include the approval of any improvements to The Strand or to the rock revetment west of The Strand, these improvements are linked to the proposed project and are therefore discussed below. The proposed building would be a two-story structure with 17 residential flats. The project would be compatible with, though somewhat larger in scope than, the newer residential structures built along South The Strand in the past ten years due to the size of the property. The height of the building would be below the centerline elevation of South Pacific Street as required by Proposition "A" passed by the Oceanside voters in 1982.

Proposed architecture and materials are contemporary and are designed to be compatible with the emerging nature of this neighborhood. Vehicular and pedestrian access to the units would be provided from South The Strand through an entryway located in the center of the building. Four unit types are proposed ranging in size from 1,389 to 2,330 square feet. One featured "grand" unit of 2,966 square feet is proposed on the second-story over the entryway. The proposed roofline has also been designed to reduce the visual effect from South Pacific Street through the use of neutral colored materials and recessed vents.

The project proposes approximately 20 percent of the subject site as landscaping, consistent with the zoning requirements. The landscaping plan associated with this project proposes a variety of trees, shrubs, groundcover, and hardscape. The proposed tree palette includes a variety of trees including New Zealand Christmas Trees, Guadalupe and Mexican Fan Palms, and the retention of the existing large Mexican Fan Palm. Proposed shrubs include a variety of Mediterranean species including agave, lantana, lavender, and rosemary, as well as bougainvillea vines. Hardscape is provided in the rear and sides of the building to facilitate firefighting personnel and equipment.

Outlined below is a chart summarizing the required Zoning Ordinance development standards compared with the proposed project:

|                           | <b>Development Standard</b> | <b>Proposed</b>   |
|---------------------------|-----------------------------|-------------------|
| FRONT YARD                | 10 feet                     | 12 feet           |
| SIDE YARD                 | 10 feet*                    | 5 feet            |
| REAR YARD                 | 5 feet                      | 10 feet           |
| BUILDING HEIGHT           | See Note**                  | 21 feet           |
| LANDSCAPING               | 20%                         | 20%               |
| COMMON/PRIVATE OPEN SPACE | 3,400 square feet           | 4,130 square feet |
| PARKING                   | 34 spaces                   | 36 spaces         |
| DENSITY                   | 43 du/acre                  | 19.9 du/acre      |
| RETAINING WALL HEIGHT     | 6 feet                      | 12-19 feet        |

\* Projects located on The Strand shall be allowed to encroach into the side yard setback, as long as a minimum 3-foot setback is maintained, with Community Development Commission approval (Article 12).

\*\* No building shall exceed the present elevation of Pacific Street as defined at the time of passage of Proposition A, passed on April 13, 1982, and set forth in the Proposition A Strand Survey dated May 9, 1986 (Article 12). The centerline elevation of Pacific Street adjacent to the project site varies from El. 30.9 to El. 33.0 feet.

**Regular Coastal Permit:** This project is located within the Coastal Zone and requires a Regular Coastal Permit. The Local Coastal Program designates the project site as Mixed High-Density and Transient Residential. Multi-family and single-family residences are the primary uses allowed within this land use designation. The project is also situated within the Coastal Zone "appeal jurisdiction" and therefore, any action by the City may be appealed to the California Coastal Commission.

**Fire Access Stairway:** The City Fire Department has required the provision of a new emergency fire access point to the rear of the building from Pacific Street. This new access would be accomplished with a new stairway from the Pacific Street bluff that would bridge the gap between the new bluff retaining wall, and connect to the rear of

the building's second level deck. There would be a locked gate near the top of the bluff, with a key lock box for Fire Department use. This stairway would be for emergency fire access only, and would not be available for use by the general public. A schematic drawing of this new fire access is attached.

Street Frontage and Revetment Improvements: The project site has approximately 267 feet of frontage on South The Strand where the current optimum width is 27 feet. As a result of storm damage over the past 30 years, about 150 feet of South The Strand along the southern portion of the project frontage is narrowed. Approximately 150 feet of the street southeast of the project frontage towards Wisconsin Street is also narrowed. Portions of an older concrete seawall along the southwest side of street are relatively intact, and other portions were damaged or effectively destroyed by the historical storms.

A rock revetment currently exists adjacent to the ocean side of South The Strand. Staff has attempted, but has been unsuccessful in finding documentation regarding the building or permitting of this revetment. However, based on aerial photographs, it appears as if the revetment was constructed by the Army Corps of Engineers between 1968 and 1976. While portions of the revetment are intact, there are areas that need repair. Some portions of the revetment extend onto what used to be The South Strand pedestrian and bicycle way.

Maintenance has been deferred on the street and the revetment for many years. City staff and the developer have agreed to the following with respect to project frontage and off-site improvements:

- The City and the developer will enter into a cooperative agreement to design and construct the frontage and off-site improvements. This agreement will include cost sharing.
- The Developer will contract for the design of the improvements to South The Strand and the revetment along the site's frontage to Wisconsin Street to support a coastal permit.
- The frontage and off-site improvements are not included in the coastal permit for the condominium project as described in this staff report, but will be subject to a separate coastal permit and separate environmental review.
- The developer will submit a coastal permit application for the frontage and off-site improvements prior to issuance of a building permit for the private improvements approved through this coastal permit.
- The Developer would pay any and all fees associated with the coastal permit application to the City and/or the California Coastal Commission.
- The developer will pay for the construction costs along the site frontage only. The City will be responsible for construction costs of the remainder of the improvements.

Further details of this agreement and action plan are found in the resolution approving this project.

**Environmental Determination:** Planning Division staff has completed a review of this project in accordance with the California Environmental Quality Act (CEQA), 1970. Based upon staff review, the proposed project constitutes "In-Fill Development Project", and the project is categorically exempt, Class 32, Section 15332.

## **ANALYSIS**

Staff's analysis focused on the compatibility of the project with existing development patterns of the area, and the project's consistency with the Redevelopment Plan, Downtown Zoning Ordinance and the Local Coastal Program (LCP).

Redevelopment Plan: Article 12 requires that the CDC make findings that projects within the Downtown Area (former Redevelopment Area) are consistent with the Redevelopment Plan. With the dissolution of the Redevelopment Agency in 2011, project consistency with the Redevelopment Plan is technically no longer applicable. However, the following is provided to respond to general findings currently included in Article 12 while noting that the Downtown Zoning Ordinance has not been amended to reflect Redevelopment dissolution.

Section 301 of the Redevelopment Plan states that the Redevelopment Agency proposes to eliminate and prevent the spread of blight, and deterioration by redevelopment of land through private enterprises. The proposed project is consistent with the Redevelopment Plan in that it develops unsightly vacant property by providing new residential uses which would increase the property tax base, and the aesthetics of the neighborhood.

Downtown Zoning Ordinance: Staff has concluded that the proposed project conforms to the development standards of Section 1232 of the Downtown "D" District Zoning Ordinance in that it meets all of the applicable development standards except as described below. The density of 19.9 dwelling units per acre is well below the maximum allowable density of 43 dwelling units per acre. The South Strand area consists of older apartment buildings and single-family dwellings interspersed with newer multi-family condominium developments. Staff believes that the proposed multi-family condominium project is consistent with newer condominium developments that are located on The Strand. Staff has also reviewed the project's architectural compatibility and scale with similar developments located on The Strand and concluded that the proposed contemporary design and project bulk and scale are consistent with the condominium developments located on The Strand.

The Development Plan meets all applicable development standards with one exception regarding the retaining wall. Article 12, Section 1230 states, "Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations

and the Redevelopment Plan, the Community Development Commission may grant a variation.” The proposed retaining wall exceeds the maximum height of 6 feet for fences and walls, as identified in the development regulations. As previously noted, remnants of several old retaining wall segments from the previous development remain on the property along the base of the bluff. These existing walls vary from about 8 to 14 feet in height, are more than 50 years old, generally in poor structural condition and do not adequately retain the bluff. The proposed retaining wall would vary in height from 12 to 19 feet and would support and stabilize the lower portion of the bluff adjacent to the proposed building. Staff supports the variation for the following reasons: 1) this wall would not be visible from either The Strand or Pacific Street; and 2) the additional wall height of greater than 6 feet is necessary to replace the existing walls, to retain the unstable slopes of the existing bluff and to protect the new structure. The findings supporting this variation are contained in the resolution attached to this staff report.

Local Coastal Program: The project is located within the “appealable area” which is defined as the first 300 feet east of The Strand, extending to the west side of Myers Street and therefore, any action by the City can be appealed to the California Coastal Commission. Staff has determined that the project is consistent with all applicable LCP goals, policies and findings. A synopsis of applicable LCP policies, objectives and findings is in Exhibit 5.

### **COMMISSION OR COMMITTEE REPORTS**

On October 23, 2013, the Downtown Advisory Committee (DAC) reviewed this project and voted unanimously to recommend that the Community Development Commission approve the project.

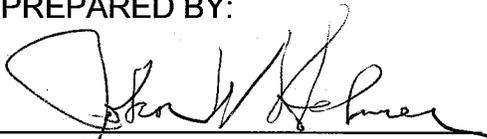
### **CITY ATTORNEY'S ANALYSIS**

Pursuant to Oceanside Downtown Zoning Ordinance Article 12, and the City of Oceanside Local Coastal Program Land Use Plan, the Community Development Commission is authorized to hold a public hearing and consider the evidence presented at the public hearing. After conducting the public hearing, the Commission shall approve, conditionally approve, or deny the project. The resolution has been reviewed and approved as to form by the City Attorney.

**RECOMMENDATION**

Staff recommends that the Commission adopt a resolution approving Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003), and Regular Coastal Permit (RRP13-00004) for the construction of a 17-unit residential condominium development located at 620-712 South The Strand.

PREPARED BY:



John Helmer  
Contract Planner

SUBMITTED BY:



Steven R. Jepsen  
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager  
George Buell, Development Services Director  
Marisa Lundstedt, City Planner



**EXHIBITS/ATTACHMENTS**

1. Resolution
2. Site Plan / Section / Elevations
3. Notice of Exemption
4. Schematic Emergency Fire Access and Stairs
5. Synopsis of LCP policies, objectives and findings

RESOLUTION NO.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN WITH VARIATION, AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A 17-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT LOCATED AT 620-712 SOUTH THE STRAND - APPLICANT: MCKELLAR MCGOWAN, LLC

WHEREAS, on March 5, 2014, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003), and Regular Coastal Permit (RRP13-00004) for the construction of a 17-unit residential condominium development located at 620-712 South The Strand;

WHEREAS, the Downtown Advisory Committee (DAC) of the City of Oceanside did, on October 23, 2013, review and recommend approval of Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003), and Regular Coastal Permit (RRP13-00004);

WHEREAS, a Categorical Exemption was prepared by the City of Oceanside for this application pursuant to the California Environmental Quality Act of 1970 and the State Guidelines implementing the Act. The project is considered an infill development pursuant to Title 14, Section 15332 and will not have a significant effect on the environment;

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

| <u>Description</u>      | <u>Authority for Imposition</u>                  | <u>Current Estimate Fee or Calculation Formula</u>   |
|-------------------------|--|--|
| Parkland Dedication/Fee | Ordinance No. 91-10<br>Resolution No. 06-R0334-1 | \$3,503 per unit                                     |
| Drainage Fee            | Ordinance No. 85-23<br>Resolution No. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| Public Facility Fee     | Ordinance No. 91-09<br>Resolution No. 06-R0334-1 | \$2,072 per unit for residential                     |

| 1  | <u>Description</u>                                | <u>Authority for Imposition</u>   | <u>Current Estimate Fee or<br/>Calculation Formula</u>   |
|----|---|---|--|
| 2  |   |   |  |
| 3  | School Facilities<br>Mitigation                   | Ordinance No. 91-34   | \$2.63 per square foot   |
| 4  |   |   |  |
| 5  | Traffic Signal Fee                                | Ordinance No. 87-19<br>Resolution No. 06-R0334-1                                    | \$15.71 per vehicle trip   |
| 6  |   |   |  |
| 7  | Thoroughfare Fee                                  | Ordinance No. 83-01   | \$255 per vehicle trip (based on<br>SANDAG trip generation table<br>available from staff and from<br>SANDAG) |
| 8  |   |   |  |
| 9  |   |   |  |
| 10 | Water System Buy-in Fees                          | Oceanside City Code §37.56.1<br>Resolution No. 87-96<br>Ordinance No. 05-OR 0611-1  | Fee based on water meter size.<br>Residential is typically \$4,597<br>per unit.                              |
| 11 |   |   |  |
| 12 |   |   |  |
| 13 | Wastewater System Buy-in<br>fees                  | Oceanside City Code § 29.11.1<br>Resolution No. 87-97<br>Ordinance No. 05-OR 0610-1 | Based on capacity or water<br>meter size. Residential is<br>typically \$6,313 per unit.                      |
| 14 |   |   |  |
| 15 | San Diego County Water<br>Authority Capacity Fees | SDCWA Ordinance No. 2005-<br>03   | Based on meter size.<br>Residential is typically \$4,326<br>per unit.  |
| 16 |   |   |  |
| 17 |   |   |  |

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

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

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

28 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER  
GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or

1 other exaction described in this resolution begins on the effective date of this resolution and any  
2 such protest must be in a manner that complies with Section 66020; and

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

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

7 FINDINGS:

8 **For the Tentative Map:**

9 1. The proposed condominium meets the requirement of the Subdistrict 4A zoning  
10 designation in that the project merges eight existing legal lots and creates a 17-unit residential  
11 condominium map as stipulated within Article 12 of the Downtown District development  
12 standards. The subdivision map is consistent with the General Plan, Redevelopment Plan,  
13 Article 12 of the Downtown District and the Subdivision Ordinance of the City of Oceanside.

14 2. The proposed building on the site will conform to the topography of the site,  
15 therefore, making it suitable for residential development. The subject site is physically suitable to  
16 allow for the construction of a 17-unit residential condominium development.

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

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

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

27 **For the Development Plan:**

28 1. The site plan and physical design of the project as proposed is consistent with the  
purposes of the City's Zoning Ordinance and the "D" Downtown District in that the  
architectural design of the proposed structure and the proposed landscaping meets or exceeds

1 the minimum development standards of the "D" Downtown District except where noted below.  
2 The proposed project meets the minimum setbacks, landscape, open space, height and parking  
3 spaces as stipulated within the "D" Downtown District development standards.

4 2. The Development Plan as proposed conforms to the Redevelopment Plan and  
5 General Plan of the City in that the 17-unit residential condominium development is consistent  
6 with the land uses of the Redevelopment Plan and the project meets the minimum setbacks,  
7 landscape, open space, height and parking spaces as stipulated within the "D" Downtown  
8 District development standards. In addition, the project is compatible with the newer  
9 development located within the surrounding neighborhood.

10 3. The area covered by the Development Plan can be adequately, reasonably and  
11 conveniently served by existing and planned public services, utilities and public facilities. The  
12 proposed development project will not create public service and facility demands exceeding the  
13 capacity of existing and planned infrastructure.

14 4. The proposed project bulk and scale and the proposed unit sizes are compatible  
15 with the newer development within the surrounding neighborhood.

16 5. The site plan and physical design of the project is consistent with Section 1.24 and  
17 1.25 of the Land Use Element of the General Plan, and Section 3039 of the Oceanside Zoning  
18 Ordinance (Hillside Development Provisions), in that there is 19-foot grade differential from the  
19 highest and lowest points of the subject site and therefore, the project would not be subject to the  
20 guidelines of the Land Use Element of the General Plan.

**For Variation to Development Standards:**

21 1. Where literal interpretation and enforcement of the development regulations and  
22 standards of Article 12 cannot be met, the Community Development Commission may grant a  
23 variation if on the basis of the application, plans, material and testimony submitted, the Community  
24 Development Commission finds as follows:

25 a) The application of certain regulations and/or standards would result in  
26 practical difficulties or unnecessary hardships inconsistent with the general purpose and intent of  
27 the Redevelopment Plan.

28 b) There are exceptional circumstances or conditions applicable to the property  
or to the intended development of the property that do not apply generally to other properties

1 having the same requirements, limits, restrictions, and controls.

2 c) Permitting a variation will not be materially detrimental to the public  
3 welfare or injurious to property or improvements in the area.

4 d) Permitting a variation will not be contrary to the objectives of the  
5 Redevelopment Plan.

6 2. The proposed 12 to 19-foot tall retaining wall on the South Pacific Street bluff  
7 needs to exceed the 6-foot wall height standard in Article 12 in order to stabilize the bluff and to  
8 protect the residential structure thereby increasing the public welfare, as well improving the  
9 surrounding properties by creating a stable slope. The stable slope will benefit the surrounding  
10 properties, as well as the general public because the slope will not continue to erode potentially  
11 de-stabilizing the surrounding property.

12 3. Permitting this variation will not be materially detrimental to the public welfare  
13 or injurious to other properties or improvements within Subdistrict 4A zone because the  
14 retaining wall will not be visible to the public and several developments located within the 4A  
15 zone require retaining walls that exceed the maximum wall height of 6 feet.

16 **For the Regular Coastal Permit:**

17 1. The granting of the Regular Coastal Permit is consistent with the purposes of the  
18 California Coastal Act of 1976. The proposed 17-unit residential condominium development is  
19 consistent with the Mixed-Use and High-Density Land Use as depicted in the Local Coastal  
20 Program Land Use Map.

21 2. The proposed project is consistent with the policies of the Local Coastal Program  
22 and with the applicable provisions of the City Downtown Zoning Ordinance. The proposed 17-  
23 unit residential condominium development is consistent with the High-Density Land Use as  
24 depicted in the Local Coastal Program Land Use Map.

25 3. The proposed project will not obstruct any existing or planned public beach  
26 access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal  
27 Act. The project does not impede public access to the beach because the subject site is located  
28 approximately 130 feet north of an existing pedestrian public access way near Wisconsin Street  
and approximately 260 feet south of an existing pedestrian public access way near Ash Street.

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1 SECTION 1. That Tentative Map (RT13-00002), Development Plan with Variation  
2 (RD13-00003), and Regular Coastal Permit (RRP13-00004) are hereby approved subject to the  
3 following conditions:

4 **Building:**

5 1. Applicable Building Codes and Ordinances shall be based on the date of  
6 submittal for Building Division plan check (Currently the 2013 California Building Code and  
7 2013 California Electrical Code).

8 2. The granting of approval under this action shall in no way relieve the  
9 applicant/project from compliance with all State and local building codes.

10 3. The building plans for this project are required by State law to be prepared by a  
11 licensed architect or engineer and must be in compliance with this requirement prior to  
12 submittal for building plan review.

13 4. Site development, common use areas, access and adaptability of condominiums  
14 shall comply with the State's Disabled Accessibility Regulations (2013 California Building  
15 Code (CBC) Chapter 11A).

16 5. All electrical, communication, CATV, etc. service lines, within the exterior lines  
17 of the property shall be undergrounded. (City Code Sec. 6.30)

18 6. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on  
19 the plans.

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

23 a) Building construction work hours shall be limited to between 7 a.m. and  
24 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not  
25 inherently noise-producing. Examples of work not permitted on Saturday are concrete and  
26 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be  
27 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor  
28 Day, Thanksgiving Day, and Christmas Day) except as allowed for emergency work under the  
provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)

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

6                   8.     A complete soils report, structural and energy calculations will be required at  
7 time of plans submittal to the Building Division for plan check.

8                   9.     A private sewer system design must be submitted to the Building Division and  
9 approved prior to the construction of the sewer system. If a gravity flow system is not used, an  
10 engineered mechanical system must be submitted and approved by the Planning, Engineering,  
11 Building Divisions and Water Department.

12                  10.    Separate/unique addresses will/may be required to facilitate utility releases.  
13 Verification that the addresses have been properly assigned by the City's Planning Division  
14 shall accompany the Building Permit application.

15                  11.    Fire sprinklers are required for all R-2 occupancies [CBC903.2.7].

16                  12.    Setbacks and Type of Construction must comply with the 2013 California Building  
17 Code. Exterior openings less than five feet from the property line shall be protected per table 704-  
18 8 of the CBC code.

19                  13.    All wired glass windows or doors between three and five feet from the property line  
20 shall meet requirements of the 2013 CBC table 715.5 and 715.5.3.

21                  14.    As part of the plan check submittal for a building permit, submit a "plat" drawing  
22 depicting the first floor elevations for each segment, the locations of the points where the floor  
23 level is 6 feet above grade, and the lowest elevation within 5 feet from the building for each  
24 segment.

25                  15.    Building levels below grade (on all sides) shall be provided with a mechanical  
26 drainage to an approved location/receptor.

27 **Engineering:**

28                  16.    If the project involves demolition of an existing structure and/or surface  
improvements, grading plans shall be submitted and erosion control plans be approved by the City  
Engineer prior to the issuance of a demolition permit. An approved erosion control plan shall be

1 required prior to an issuance of a demolition permit.

2 17. Vehicular access rights to South The Strand along the projects frontage shall be  
3 relinquished to the City from all abutting lots except for the proposed project driveway(s).

4 18. Design and construction of all improvements shall be in accordance with the City  
5 of Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
6 engineering and specifications of the City of Oceanside and subject to approval by the City  
7 Engineer.

8 19. Prior to approval of the final map or any increment, all improvement  
9 requirements, within such increment or outside if required by the City Engineer shall be covered  
10 by a development agreement and secured with sufficient improvement securities or bonds  
11 guaranteeing performance and payment for labor and materials, setting of monuments, and  
12 warranty against defective materials and workmanship.

13 20. The developer shall provide public street dedication if required to serve the  
14 property.

15 21. Prior to approval of the final map or any increment, all improvement requirements,  
16 within such increment or outside of it if required by the City Engineer, shall be covered by a  
17 subdivision agreement and secured with sufficient improvement securities or bonds guaranteeing  
18 performance and payment for labor and materials, setting of monuments, and warranty against  
19 defective materials and workmanship.

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

24 23. Where proposed off-site improvements, including but not limited to slopes, public  
25 utility facilities, and drainage facilities, are to be constructed, the developer/owner shall, at his own  
26 expense, obtain all necessary easements or other interests in real property and shall dedicate the  
27 same to the City of Oceanside as required. The applicant shall provide documentary proof  
28 satisfactory to the City of Oceanside that such easements or other interest in real property have  
been obtained prior to the approval of the final map or issuance of any grading, building or  
improvement permit for the development/project. Additionally, the City of Oceanside, may at its

1 sole discretion; require that the applicant obtain at his sole expense a title policy insuring the  
2 necessary title for the easement or other interest in real property to have vested with the City of  
3 Oceanside or the applicant, as applicable.

4 24. A precise grading plan, an erosion control plan and private improvement plan shall  
5 be prepared, reviewed, secured and approved prior to the issuance of any building permits. The  
6 plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters,  
7 medians, striping, and signage, footprints of all structures, walls, drainage devices and utility  
8 services. Parking lot striping and any on site traffic calming devices shall be shown on all precise  
9 grading and private improvement plans.

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

14 26. Prior to any grading of any part of this project, a comprehensive soils and geologic  
15 investigation shall be conducted of the soils, slopes, and formations in the project. All necessary  
16 measures shall be taken and implemented to assure slope stability, erosion control, and soil  
17 integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with  
18 the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

19 27. This project shall provide year-round erosion control including measures for the site  
20 required for the phasing of grading. Prior to the issuance of grading permit, an erosion control  
21 plan, designed for all proposed stages of construction, shall be reviewed, secured by the applicant  
22 with cash securities or a letter of credit and approved by the City Engineer.

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

26 a) Dirt, debris and other construction material shall not be deposited on any  
27 public street or within the City's storm water conveyance system.

28 b) All grading and related site preparation and construction activities shall  
be limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering related  
construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written

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

7 c) The construction site shall accommodate the parking of all motor vehicles  
8 used by persons working at or providing deliveries to the site or an alternate site may be used to the  
9 satisfaction of the City Engineer.

10 d) A haul route shall be obtained at least 7 days prior the start of hauling  
11 operations and must be approved by the City Engineer. Hauling operations shall be 8:00 A.M. to  
12 3:30 P.M. unless approved otherwise.

13 29. If shoring is required for the construction of this proposed development. The  
14 shoring design plans and structural calculations shall be submitted concurrently with the precise  
15 grading plan.

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

21 31. Prior to any grading of any part of the tract or project, a comprehensive soils and  
22 geologic investigation shall be conducted of the soils, slopes, the existing bluff and formations  
23 in the project. All necessary measures shall be taken and implemented to assure bluff/slope  
24 stability, erosion control, and soil integrity. The geotechnical report shall include detailed  
25 analysis of the bluff remediation, any landscaped areas and its structural integrity and well as  
26 drainage impact on the bluff (due to rainfall and irrigation). No grading shall occur until a  
27 detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning  
28 Ordinance, is approved by the City Engineer.

a) The bluff area will require a bluff stabilization system adequate to satisfy  
all City and State safety requirements and be satisfactory to the City Engineer.

1                   b)     The bluff stabilization system shall be required to last the life of the  
2 structure without the need for any maintenance or future additional support issues.

3                   c)     The side and rear of the property will require shoring system sufficient to  
4 support the excavation while the foundation and wall systems are constructed. This shoring and  
5 support will remain even after the walls and support foundation are built.

6                   d)     The construction method and design of the bluff stabilization shall be  
7 required such that no encroachment will be necessary or required at the base of the bluff on the  
8 adjacent properties. All work will be performed within the property lines of the proposed  
9 project.

10                  e)     All bluff stabilization construction and permanent structures including the  
11 fire access stairway described in condition No. 67 shall be designed to be safe and stable in  
12 compliance with all City and State requirements.

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

19                  33.     The shoreline protective structures and the existing revetments along the seaward  
20 side of The Strand shall be reconstructed as part of a separate permit to the satisfaction of the City  
21 Engineer as specified below.

22                  34.     It is the intent and desire of the City and Developer that improvements to the  
23 shoreline protection structure and The Strand along the project boundary and south of the  
24 project boundary to Wisconsin Avenue shall be constructed pursuant to a separate Coastal  
25 Permit subject to future approval of the Community Development Commission and additional  
26 environmental review. The Developer shall be responsible for preparing plans and technical  
27 reports for the off-site improvements to The Strand and the shoreline protective structures along  
28 the seaward side of The Strand to the satisfaction of the City Engineer and both parties shall act  
diligently to prepare and submit one or more separate coastal permit applications for such off-  
site improvements. The coastal permit application(s) for the off-site improvements shall be

1 submitted prior to issuance of a building permit for the private improvements associated with  
2 the project.

3 35. The Owner/Developer shall enter into a cost-sharing agreement with the City of  
4 Oceanside for the off-site improvements to The Strand and the shoreline protective structures  
5 along the seaward side of The Strand. The cost sharing agreement shall be subject to approval  
6 of the City Attorney, shall require a performance bond, and shall include the following  
7 provisions:

8 a) The Developer shall pay design costs and fees associated with coastal  
9 permit application(s) submitted by the City of Oceanside.

10 b) The Developer shall be responsible for the portion of costs associated  
11 with design and construction of all off-site improvements along the project frontage, including  
12 street, revetment and seawall as may apply.

13 c) The City of Oceanside shall be responsible for the portion of costs  
14 associated with design and construction of all off-site improvements south of the project  
15 frontage, including street, revetment and seawall as may apply.

16 d) The City of Oceanside will reimburse Developer for costs incurred within  
17 45 days of presentation, subject to confirmation that the costs have been paid.

18 e) The cost-sharing agreement shall be executed by the Developer prior to  
19 City approval of a Final Map for the project.

20 36. The Developer shall complete construction of the off-site improvements along the  
21 project boundary within six months following completion of environmental review and approval of  
22 the coastal permit for the off-site improvements. At the discretion of the City of Oceanside and  
23 subject to the provisions of the cost sharing agreement, the Developer shall also construct the off-  
24 site improvements south of the project boundary within six months following approval of the  
25 coastal permit for such improvements. It shall also at the discretion of the City to waive the six  
26 month construction commencement deadline on the South Strand roadway during the summer  
27 months (Memorial Day through Labor Day).

28 37. Sidewalk construction shall comply with ADA requirements and all pedestrian  
ramps for public access must be fully located within public right-of-way.

1           38. Sight distance requirements at the project driveway(s) along The Strand shall  
2 conform to the corner sight distance criteria in accordance with the City of Oceanside Engineers  
3 Design Standards.

4           39. Streetlights may require replacement if not to current standards on South The  
5 Strand to the satisfaction of the City Engineer. The new lighting system shall provide uniform  
6 lighting, and be secured prior to occupancy. The developer/owner shall pay all applicable fees,  
7 energy charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights  
8 and shall also agree to the formulation of, or the annexation to, any appropriate street lighting  
9 district.

10           40. The project driveway(s) shall remain private and shall be maintained by an  
11 association. The pavement sections, traffic indices, alignments, and all geometrics shall meet  
12 public street standards.

13           41. Prior to approval of the grading plans for street improvements specified in  
14 Conditions #33 and #34 above, the developer/owner shall contract with a geotechnical engineering  
15 firm to perform a field investigation of the existing pavement on South Strand adjacent to the  
16 project boundary. The limits of the study shall be the entire width of the street half-street along the  
17 project's frontage. The field investigation shall include a minimum of one pavement boring per  
18 every fifty (50') linear feet of street frontage. Should the existing AC thickness be determined to  
19 be less than the current minimum standard for AC and Class II Base as set forth in the table for  
20 City of Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the  
21 Developer shall remove and reconstruct the pavement section as determined by the pavement  
22 analysis submittal process detailed in the condition below.

23           42. The developer shall be responsible for preparing all necessary geotechnical,  
24 engineering and other studies as required by the City of Oceanside. These studies shall be  
25 subject to the approval of the City prior to commencement of construction.

26           43. Upon review of the pavement investigation, the City Engineer shall determine  
27 whether the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the  
28 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

1 meet current requirements, rehabilitation/mitigation recommendations shall be provided in a  
2 pavement analysis report, and the developer/owner shall reconstruct the pavement per these  
3 recommendations, subject to approval by the City Engineer.

4 44. No construction activities to the South Strand roadway shall be allowed during the  
5 summer months (Memorial Day through Labor Day) unless waived by the City Engineer.

6 45. Pavement sections for The Strand, driveways and parking areas shall be based upon  
7 approved soil tests and traffic indices. The pavement design is to be prepared by the  
8 developer's/owner's soil engineer and must be approved by the City Engineer, prior to paving.

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

11 47. All existing overhead utility lines within the subdivision and all new extension  
12 services for the development of the project, including but not limited to, electrical, cable and  
13 telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-  
14 166) and as required by the City Engineer and current City policy.

15 48. The developer/owner shall comply with all the provisions of the City's cable  
16 television ordinances including those relating to notification as required by the City Engineer.

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

20 50. The developer/owner shall obtain any necessary permits and clearances from all  
21 public agencies having jurisdiction over the project due to its type, size, or location, including but  
22 not limited to the U.S. Army Corps of Engineers, California Department of Fish & Game, U.S.  
23 Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including  
24 NPDES), Federal Emergency Management Agency (FEMA), San Diego County Health  
25 Department, prior to the issuance of grading permits.

26 51. The approval of the tentative map shall not mean that proposed grading or  
27 improvements on adjacent properties (including any City properties/Right-of-Way or  
28 easements) is granted or guaranteed to the developer/owner. The developer/owner 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

1 subject to a substantial conformity review.

2 52. Landscaping plans, including plans for the construction of walls, fences or other  
3 structures at or near intersections, must conform to intersection sight distance requirements.  
4 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance of  
5 occupancy permits, and a pre-construction meeting held, prior to the start of any improvements.

6 53. Landscaping plans, including plans for the construction of walls, fences or other  
7 structures at or near intersections, must conform to intersection sight distance requirements.  
8 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer prior to  
9 the issuance of a preliminary grading permit and approved by the City Engineer prior to the  
10 issuance of occupancy permits. Frontage and median landscaping shall be installed prior to the  
11 issuance of any certificates of occupancy. Any project fences, sound or privacy walls and  
12 monument entry walls/signs shall be shown on, bonded for and built from the landscape plans.  
13 These features shall also be shown on the precise grading plans for purposes of location only.  
14 Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and  
15 landscaped/irrigated through project landscape plans. All plans must be approved by the City  
16 Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

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

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1           56. Storm drain facilities shall be designed and located such that the travel lane on The  
2 Strand shall be passable during conditions of a 100-year frequency storm.

3           57. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
4 disposed of in accordance with all state and federal requirements, prior to stormwater discharge  
5 into the City's stormwater drainage system and/or off-site drainage.

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

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

17           60.     The owner/developer shall enter into a City-Standard Stormwater Facilities  
18 Maintenance Agreement (SWFMA) with the City obliging the owner/developer to maintain,  
19 repair and replace the Storm Water Best Management Practices (BMPs) identified in the  
20 project's deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The  
21 Agreement shall be approved by the City Attorney prior to issuance of any precise grading  
22 permit and shall be recorded at the County Recorder's Office prior to issuance of any building  
23 permit. A non-refundable Security in the form of cash shall be required prior to issuance of a  
24 precise grading permit. The amount of the non-refundable security shall be equal to 10 years of  
25 maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The  
owner/developer's civil engineer shall prepare the O&M cost estimate.

26           61.     At a minimum, maintenance agreements shall require the staff training,  
27 inspection and maintenance of all BMPs on an annual basis. The developer/owner shall  
28 complete and maintain O&M forms to document all maintenance activities. Parties responsible

1 for the O&M plan shall retain records at the subject property for at least 5 years. These  
2 documents shall be made available to the City for inspection upon request at any time.

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

8 63. The BMPs described in the project's deemed complete SWMP shall not be  
9 altered in any way, unless reviewed and approved to the satisfaction of the City Engineer. The  
10 determination of whatever action is required for changes to a project's approved SWMP shall be  
11 made by the City Engineer.

12 64. The Developer/owner shall provide a copy of the title/cover page of a deemed  
13 complete SWMP with the first engineering submittal package. If the project triggers the City's  
14 Stormwater requirements but no approved Stormwater document (SWMP) exists, the  
15 appropriate document shall be submitted to the City Engineer for review. The SWMP shall be  
16 prepared by the owner/developer's Civil Engineer. All Stormwater documents shall be in  
17 compliance with the latest requirements of the Regional Water Quality Control Board.

18 65. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-  
19 inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes  
20 whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to Pacific Street.

21 66. Approval of this development project is conditioned upon payment of all applicable  
22 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
23 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,  
24 reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation  
25 of the map or the issuance of any building permits, in accordance with City Ordinances and  
26 policies. The developer/owner shall also be required to join into, contribute, or participate in any  
27 improvement, lighting, or other special district affecting or affected by this project. Approval of  
28 the tentative map shall constitute the developer's approval of such payments, and his agreement to

1 pay for any other similar assessments or charges in effect when any increment is submitted for final  
2 map or building permit approval, and to join, contribute, and/or participate in such districts.

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

7 **Fire:**

8 68. Access

9 a) Fire Department access shall be provided from the South Pacific Street  
10 side onto the second floor of the building via one (1) set of stairs of at least five (5) feet in  
11 width, preferably near the center of the building.

12 b) The access will provide for emergency access onto the second floor  
13 dwelling units for rescue or firefighting purposes.

14 c) The access stairs may be used by building occupants if so desired.

15 d) A clear walkway around the first floor of the building, of at least five (5)  
16 feet in width, shall be provided. The walkway may be constructed of a pervious material.

17 e) If a gate is installed on the South Pacific Street stair access or on the  
18 South The Strand side, a key lock box (KNOX) shall be installed near the gate(s) for Fire  
19 Department use.

20 69. Fire Hydrants

21 a) A Fire Hydrant shall be located on the west side of South Pacific Street to  
22 accommodate the Fire Department Connection (FDC); within 40 feet of the FDC.

23 b) A Fire Hydrant shall be located on South The Strand, near the south-west  
24 corner of the building.

25 c) If the Fire Hydrant(s) are private, it/they shall be installed and maintained  
26 in accordance with the California Fire Code and NFPA requirements.

27 70. Fire Department Connection (FDC)

28 a) An FDC shall be located on the South Pacific Street side of the project,  
preferably near the center of the building and, if possible, no closer than 40 feet from the

1 building.

2           b) If it is impractical to locate the FDC at least 40 feet away from the  
3 building, it shall be installed as far as possible from the building.

4           c) The building address (white lettering on a red background) shall be  
5 installed or stenciled onto the FDC post.

6           71. Fire Sprinkler System

7           a) A fire sprinkler system must be installed per NFPA 13 or 13R.

8           b) The fire sprinkler system shall be maintained in accordance with the  
9 California Fire Code and NFPA requirements.

10           72. Elevator

11           a) At least one elevator car shall be of such size and arrangement to  
12 accommodate a 24-inch by 84-inch ambulance gurney or stretcher with not less than 5-inch  
13 radius corners, in the horizontal, open position.

14           b) The elevator must be designated as a medical emergency elevator by the  
15 International Symbol (Star of Life) for Emergency Medical Services.

16           73. Construction shall be in accordance with the applicable codes, regulations, and  
17 standards, including requirements not set forth within this resolution.

18           74. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
19 approval prior to the issuance of building permits.

20           75. Multifamily dwellings require six-inch address numbers.

21 **Planning:**

22           76. This Tentative Map (RT13-00002), Development Plan with Variation (RD13-  
23 00003), and Regular Coastal Permit (RRP13-00004) shall expire on March 5, 2016, unless  
24 implemented as required by the Zoning Ordinance.

25           77. This Tentative Map, Development Plan with Variation, and Regular Coastal  
26 Permit approve only a 17-unit residential condominium development as shown on the plans and  
27 exhibits presented to the Community Development Commission for review and approval. No  
28 deviation from these approved plans and exhibits shall occur without City Planner approval.  
Substantial deviations shall require a revision to the Tentative Map, Development Plan with  
Variation, and Regular Coastal Permit or a new Tentative Map, Development Plan with

1 Variation, and Regular Coastal Permit.

2 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and  
3 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
4 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul  
5 an approval of the City, concerning Tentative Map (RT13-00002), Development Plan with  
6 Variation (RD13-00003), Regular Coastal Permit (RRP13-00004). The City will promptly  
7 notify the applicant of any such claim, action or proceeding against the City and will cooperate  
8 fully in the defense. If the City fails to promptly notify the applicant of any such claim action or  
9 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be  
10 responsible to defend, indemnify or hold harmless the City.

11 79. All mechanical rooftop and ground equipment shall be screened from public  
12 view as required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen and  
13 vents shall be painted with non-reflective paint to match the roof. This information shall be  
14 shown on the building plans.

15 80. Front yard landscaping with a complete irrigation system, in compliance with  
16 Water Conservation Ordinance No. 91-15, shall be required.

17 81. All multi-family unit dwelling projects shall dispose of or recycle solid waste in  
18 a manner provided in City Ordinance 13.3.

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

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

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

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

5           86.     Failure to meet any conditions of approval for this development shall constitute a  
6 violation of the Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003),  
7 and Regular Coastal Permit (RRP13-00004).

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

13           88.     The developer's construction of all walls associated with the project shall be in  
14 conformance with the approved Development Plan with Variation. Any substantial change in  
15 any aspect of wall design from the approved Development Plan with Variation shall require a  
16 revision to the Development Plan with Variation or a new Development Plan with Variation.

17           89.     If any aspect of the project fencing and walls is not covered by an approved  
18 Development Plan with Variation, the construction of fencing and walls shall conform to the  
19 development standards of the City Zoning Ordinance. In no case, shall the construction of  
20 fences and walls (including combinations thereof) exceed the limitations of the zoning code,  
21 unless expressly granted by a Variation or other development approval.

22           90.     A set of building plans shall be reviewed and approved by the Development  
23 Services Department prior to the issuance of building permits.

24           91.     Elevations, siding materials, colors, roofing materials, unit types and floor plans  
25 shall be substantially the same as those approved by the Community Development Commission.  
26 These shall be shown on plans submitted to the Building Division and Development Services  
27 Department.

28           92.     An association of homeowners (HOA) shall be formed and Covenants,  
Conditions and Restrictions (CC&R's) shall provide for the maintenance of all common open  
space, and commonly owned fences and walls and adjacent parkways. The maintenance shall

1 include normal care and irrigation of landscaping, repair and replacement of plant material and  
2 irrigation systems as necessary; and general cleanup of the landscaped and open area, parking  
3 lots and walkways. The CC&R's shall be subject to the review and approval of the City  
4 Attorney prior to the approval of the final map. The CC&R's are required to be recorded prior  
5 to or concurrently with the final map. Any amendments to the CC&R's in which the association  
6 relinquishes responsibility for the maintenance of any common open space shall not be  
7 permitted without the specific approval of the City of Oceanside. Such a clause shall be a part  
8 of the CC&R's. The CC&R's shall also contain provisions for the following:

9 a) The subterranean garage parking shall be exclusive to the residential  
10 occupancy of the site and shall not be shared or used by any other occupancy.

11 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.

12 c) Maintenance of all common areas, and on-site and frontage landscaping.

13 d) Trash collection either at street level or within a subterranean garage and the  
14 funding mechanism.

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

19 a) Security - The Management Plan, at a minimum, shall address on-site  
20 management, hours-of-operation and measures for providing appropriate security for the project  
21 site.

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

1                   c)       Any graffiti within the center shall be removed by the center management  
2 or its designated representative within 24 hours of occurrence. Any new paint used to cover  
3 graffiti shall match the existing color scheme.

4                   94.       This project is subject to the provisions of the Local Coastal Plan for Coastal  
5 Housing. The developer shall obtain a Coastal Affordable Housing Permit from the Director of  
6 Housing and Neighborhood Services prior to issuance of building permits or recordation of a  
7 final map, whichever occurs first.

8                   95.       A trash enclosure must be provided as required by Chapter 13 of the City Code and  
9 shall also include additional space for storage and collection of recyclable materials per City  
10 standards. Recycling is required by City Ordinance. The enclosure must be built in a flat,  
11 accessible location as determined by the City Engineer. The enclosure shall meet City standards  
12 for trash enclosures. All driveways and service access areas must be designed to sustain the weight  
13 of a service vehicle as determined by the City Engineer. Trash enclosures, driveways and service  
14 access areas shall be shown on both the improvement and landscape plans submitted to the City  
15 Engineer. All other specifications shall be reviewed and approved by the City Engineer. A  
16 service agreement with the City's waste disposal contractor must be signed by the property owner  
17 and shall remain in effect for the life of the project. This agreement will outline responsibility and  
18 cost to move the trash and recycling bins to the street on the trash collection days. It will also  
19 be the developer's responsibility to have the trash and recycling bins removed from the street  
20 within three hours of the pick-up. The handling of all of the trash and recycled materials within  
21 a project will be clearly identified within the Management Plan is subject to the review and  
22 approval of the Development Services Department and Waste Management prior to the issuance  
23 of a building permit, and shall be recorded as CC&R's against the property. This design shall be  
24 shown on the landscape plans or the architecture plans and shall be approved by the  
25 Development Services Department.

26                   96.       Prior to the issuance of a building permit, the applicant and landowner, shall  
27 execute and record a covenant, in a form and content acceptable to the City Attorney, which  
28 shall provide:

                  a)       That the applicant understands that the site may be subject to  
extraordinary hazard from waves during storms and from erosion and the applicant assumes the

1 liability from those hazards.

2           b) That the applicant unconditionally waives any claim of liability on the  
3 part of the City and agrees to defend and indemnify and hold harmless the City and its advisors  
4 relative to the City's approval of the project for any damage due to natural hazards.

5           97. The proposed building cannot exceed the height of the centerline of Pacific  
6 Street located immediately east of the subject site. To ensure compliance, the applicant is  
7 required, at their expense, to hire a registered surveyor or civil engineer to measure the building  
8 height at various stages of construction.

9           98. The project shall comply with the design requirements of the wave run up study.

10 **Water Utilities:**

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

14           100. No trees, structures or building overhang shall be located within any water or  
15 wastewater utility easement.

16           101. The property owner will maintain private water and wastewater utilities located  
17 on private property.

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

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

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

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

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

4           107. Each building shall be metered individually by the City of Oceanside. All  
5 condominium units within this development shall be sub-metered by a private company to  
6 comply with the Water Conservation Master Plan.

7           108. All new development of multi-family residential units shall include hot water  
8 pipe insulation and installation of a hot water re-circulation device or design to provide hot  
9 water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-  
10 0R126-1.

11           109. The developer shall construct a public reclamation water system that will serve  
12 each lot and or parcels that are located in the proposed project in accordance with the City of  
13 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located in  
14 the public right-of-way or in a public utility easement. However, the developer can opt to pay a  
15 reclaim water system in lieu fee. A letter to the City's Water Utilities Division Manager should  
16 be provided indicating such. The cost estimate will be provided by the Water Utilities  
17 Department.

18           110. A separate irrigation meter and approved backflow prevention device is required  
19 and shall be displayed on the plans.

20           111. A grease, oil and sand interceptor, as described by the Uniform Plumbing Code,  
21 relating to garages and wash racks shall be installed in each building sewer in an appropriate  
22 location and shall be maintained by the property owner. The location shall be called out on the  
23 approved building plans.

24           112. The parking area shall be designed with a drainage system that complies with the  
25 California Regional Water Quality Control Board Order No. 2007-0001.

26 **Landscaping:**

27           113. Landscape plans, shall meet the criteria of the City of Oceanside Landscape  
28 Guidelines and Specifications for Landscape Development (latest revision), Water Conservation  
Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and ordinances,

1 including the maintenance of such landscaping, shall be reviewed and approved by the City  
2 Engineer prior to the issuance of building permits. Landscaping shall not be installed until  
3 bonds have been posted, fees paid, and plans signed for final approval. A landscape pre-  
4 construction meeting shall be conducted by the landscape architect of record, Public Works  
5 Inspector, developer or owner's representative and landscape contractor prior to commencement  
6 of the landscape and irrigation installation. The following landscaping requirements shall be  
7 required prior to plan approval and certificate of occupancy:

8 a) Final landscape plans shall accurately show placement of all plant  
9 material such as but not limited to trees, shrubs, and groundcovers.

10 b) Landscape Architect shall be aware of all utility, sewers, gas, water, and  
11 storm drain lines and utility easements and place planting locations accordingly to meet City of  
12 Oceanside requirements.

13 c) All required landscape areas shall be maintained by owner, project  
14 association or successor of the project (including the eastern slope in the public right-of-way)  
15 parallel with Pacific Street. The landscape slope area encroaching within the public right-of-way  
16 shall be maintained by the owner, project association or successor of the project and such entity  
17 shall enter into a maintenance agreement with the City of Oceanside. The maintenance  
18 agreement will be non-revocable and shall be in perpetuity for the life of the project. All  
19 landscape areas shall be maintained per City of Oceanside requirements.

20 d) The eleven existing Washingtonia robusta/ Mexican Fan Palms located  
21 off-site, parallel to Pacific Street shall be protected in-place during construction activities. The  
22 destruction or damaged caused by construction activities to the existing palms shall be evaluated  
23 by an International Society of Arboriculture Certified Arborist, Consulting Arborist, or Palm  
24 Specialist and findings reported in writing to the City Engineer. The cost to hire and have a  
25 written report prepared shall be that of the owner. The final determination to replace a damaged  
26 or destroyed palm(s) shall be made by the City Engineer. If determined the palm(s) require  
27 mitigation, the replacement of such palm(s) shall be based on the existing Brown Trunk Height  
28 as noted on the approved Conceptual Landscape Plan.

e) The existing Carissa macrocarpa/ Natal Plum shrubs parallel to Pacific St.  
shall be replaced in-kind if damaged by construction activities. A minimum of 5-gallon size

1 containers spaced every 3-feet on-center shall be planted. A 3-inch depth of bark mulch shall be  
2 required after planting.

3 f) The existing irrigation parallel to Pacific Street shall remain operational  
4 throughout the construction activities. If the existing irrigation system is damaged by  
5 construction activities the system shall be replaced in-kind.

6 g) Proposed landscape species shall fit the site and meet climate changes  
7 indicative to their planting location. The selection of plant material shall also be based on  
8 cultural, aesthetic, and maintenance considerations. In addition proposed landscape species  
9 shall be low water users as well as meet all fire department requirements.

10 h) At both the north and south side entries of the common landscape areas,  
11 parallel with The South Strand, shall be planted with a small evergreen patio tree (shrub pruned  
12 up to look like a tree). A total of (2) two, 24-inch box size container shall be required.

13 i) All planting areas shall be prepared and implemented to the required  
14 depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a  
15 soils report from an agricultural suitability soil sample taken from the site.

16 j) Ground covers or bark mulch shall fill in between the shrubs to shield the  
17 soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be  
18 mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed  
19 growth.

20 k) The shrubs shall be allowed to grow in their natural forms. All landscape  
21 improvements shall follow the City of Oceanside Guidelines.

22 l) Root barriers shall be installed adjacent to all paving surfaces, where a  
23 paving surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of a  
24 trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from  
25 the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in  
26 depth. Installing a root barrier around the tree's root ball is unacceptable.

27 m) All fences, gates (including patio, entry, and vehicular gates), walls, stone  
28 walls, retaining walls, and plantable walls shall obtain Downtown Development Management  
approval for these items prior to the approval of the landscape construction drawings.

////

1 n) The existing concrete bollards and chain parallel to Pacific Street shall be  
2 repaired and/or replaced in-kind if damaged by construction activities. The developer shall be  
3 responsible for repairing or replacing landscaping areas along Pacific Street and the bluff to the  
4 satisfaction of the City of Oceanside.

5 o) For the planting and placement of trees and their distances from  
6 hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's  
7 (current) Tree Planting Distances and Spacing Standards.

8 p) An automatic irrigation system shall be installed to provide coverage for  
9 all planting areas shown on the plan. Low volume equipment shall provide sufficient water for  
10 plant growth with a minimum water loss due to water run-off.

11 q) Irrigation systems shall use high quality, automatic control valves,  
12 controllers and other necessary irrigation equipment. All components shall be of non-corrosive  
13 material. All drip systems shall be adequately filtered and regulated per the manufacturer's  
14 recommended design parameters.

15 r) All irrigation improvements shall follow the City of Oceanside  
16 Guidelines and Water Conservation Ordinance.

17 s) The landscape plans shall match all plans affiliated with the project.

18 t) Landscape construction drawings are required to implement approved  
19 Fire Department regulations, codes, and standards at the time of plan approval.

20 u) Landscape plans shall comply with Biological and/or Geotechnical  
21 reports, as required, shall match the grading and improvement plans, comply with SWMP Best  
22 Management Practices or Hydromodification Management Plan and meet the satisfaction of the  
23 City Engineer.

24 v) Existing landscaping on and adjacent to the site shall be protected in  
25 place and supplemented or replaced to meet the satisfaction of the City Engineer.

26 114. All landscaping, fences, walls, etc. on the site, and landscape within the public  
27 right-of-way and within any adjoining public parkways or slope shall be permanently  
28 maintained by the owner, project association, his assigns or any successors-in-interest in the  
property. The maintenance program shall include: a) normal care and irrigation of the  
landscaping b) repair and replacement of plant materials (including interior trees and street  
trees) c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e)

1 parking lots and walkways, walls, fences, etc. f) pruning standards for street trees shall comply  
2 with the International Society of Arboriculture (ISA) Standard Practices for Tree Care  
3 Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree  
4 Pruning Guidelines, Appendix F (most current edition). Failure to maintain landscaping shall  
5 result in the City taking all appropriate enforcement actions including but not limited to  
6 citations. This maintenance program condition shall be recorded with a covenant as required by  
7 this resolution.

8 115. In the event that the conceptual landscape plan (CLP) does not match the  
9 conditions of approval, the resolution of approval shall govern.

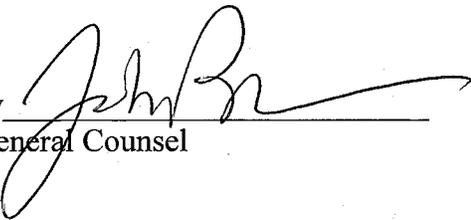
10 PASSED AND ADOPTED by the Oceanside Community Development Commission of  
11 the City of Oceanside this \_\_\_\_\_ day of \_\_\_\_\_ 2014 by the following  
12 vote:

13 AYES:  
14 NAYS:  
15 ABSENT:  
16 ABSTAIN:

17 \_\_\_\_\_  
18 Chairman

19 ATTEST:  
20 \_\_\_\_\_  
21 Secretary

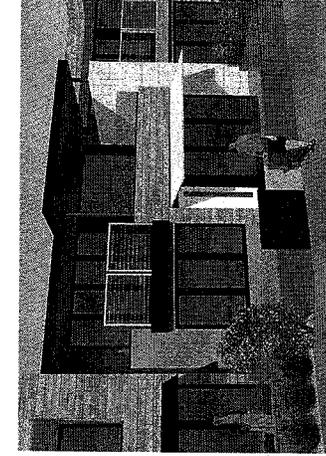
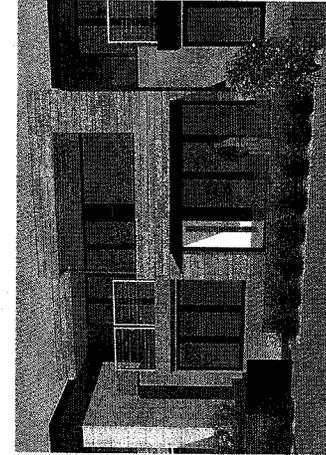
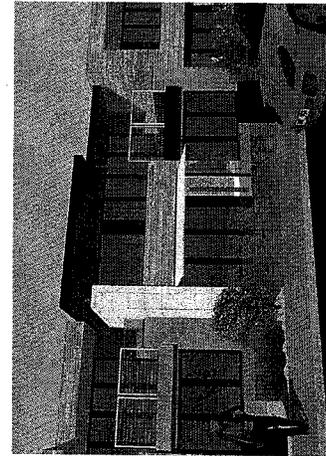
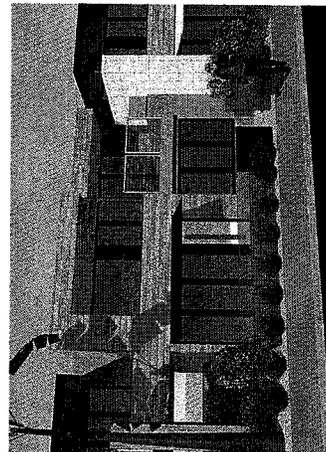
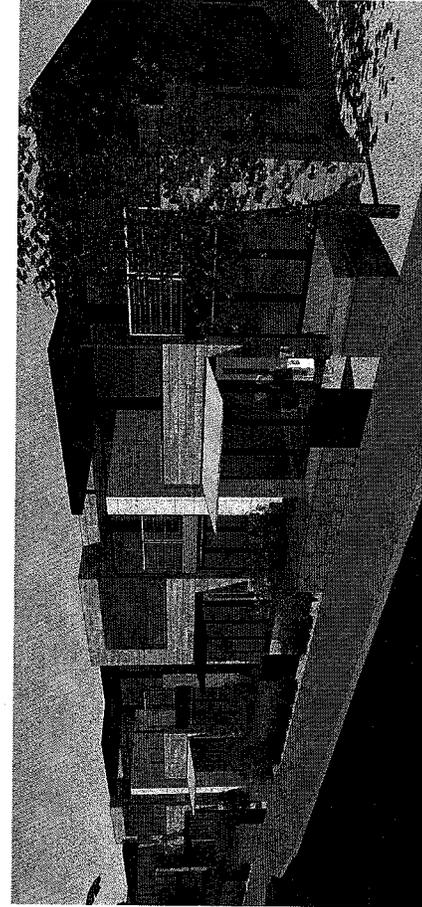
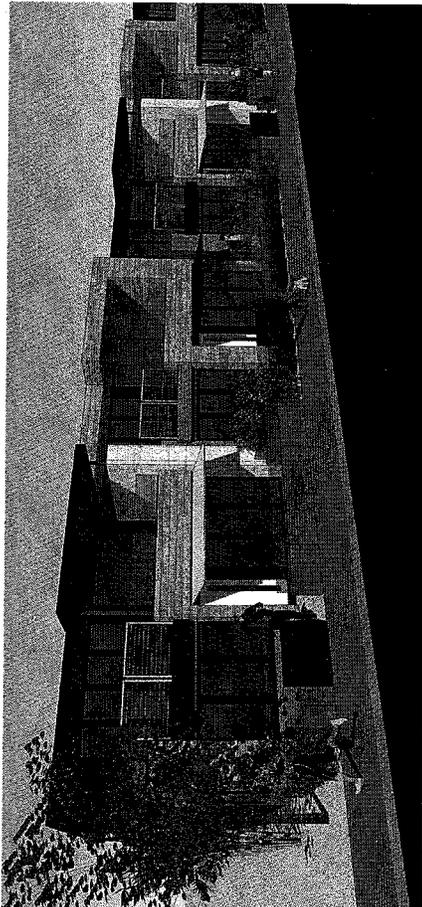
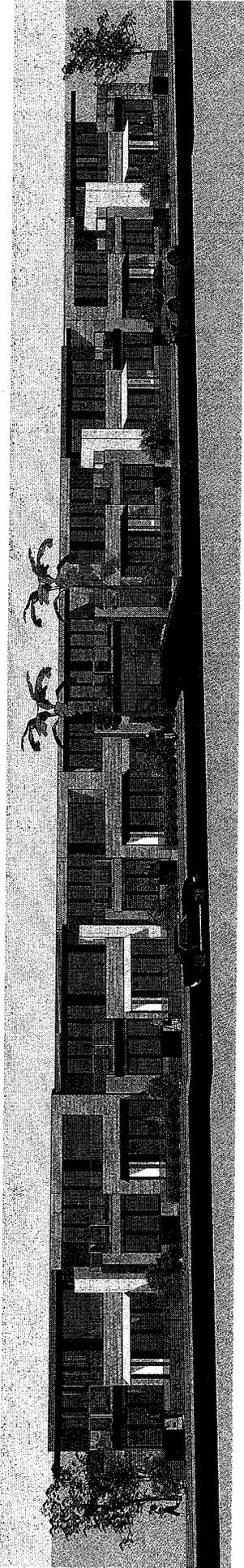
22 APPROVED AS TO FORM:  
23 OFFICE OF THE CITY ATTORNEY

24  
25 by  \_\_\_\_\_  
26 General Counsel

27  
28







700 SOUTH STRAND  
McKellarMcGowan

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



THE MCGOWAN GROUP, INC.  
DECEMBER 12, 2013



## NOTICE OF EXEMPTION

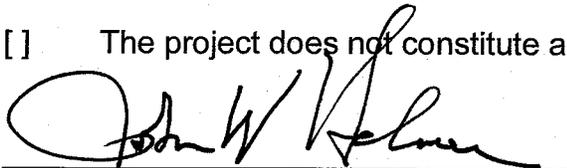
City of Oceanside, California

Post Date: 12/17/2013  
Removal: 01/17/2014

1. **APPLICANT:** McKellar McGowan, LLC,
2. **ADDRESS:** 1219 Coast Blvd. La Jolla, CA 92037
3. **PHONE NUMBER:** (619) 851-7262
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** John Helmer
6. **PROJECT TITLE:** 700 South The Strand
7. **DESCRIPTION:** 17-unit residential condominium development located at 620-712 South The Strand. Tentative Map (RT13-00002), Development Plan (RD13-00003), and Regular Coastal Permit (RRP13-00004)

**ADMINISTRATIVE DETERMINATION:** Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Therefore, the Environmental Coordinator has determined that further environmental evaluation is not required because:

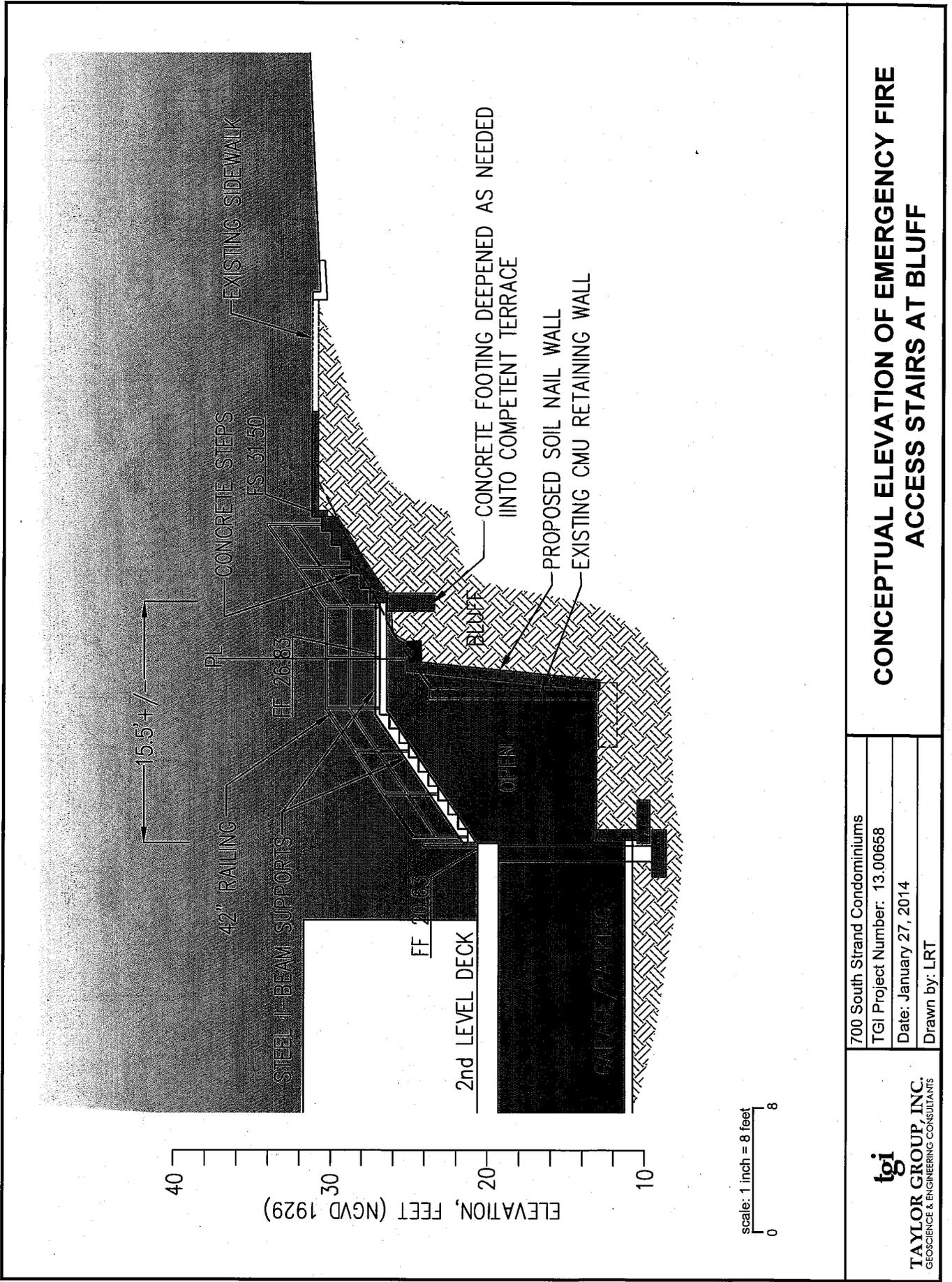
- The project is categorically exempt per Class 32, In-Fill Development Projects (Section 15332);
- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section \_\_\_\_, [name of section] (Section xxxxx); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).

  
John Helmer, Downtown Area Manager

Date: December 17, 2013

cc:  Project file  Counter file  Library

Posting:  County Clerk \$50.00 Admin. Fee (only required if filing for 35 day posting in lieu of 180 day posting)



**CONCEPTUAL ELEVATION OF EMERGENCY FIRE ACCESS STAIRS AT BLUFF**

700 South Strand Condominiums  
 TGI Project Number: 13.00658  
 Date: January 27, 2014  
 Drawn by: LRT

**tgi**  
**TAYLOR GROUP, INC.**  
 GEOSCIENCE & ENGINEERING CONSULTANTS



## EXHIBIT 5

700 South The Strand - Tentative Map (RT13-00002), Development Plan with Variation (RD13-00003), and Regular Coastal Permit (RRP13-00004)

### Oceanside Local Coastal Program- Applicable policies, objectives and findings

*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.*

*Adequate access to and along the coast shall be provided and maintained.*

*Additional public pedestrian access ways from Pacific Street to The Strand will be developed an average of every 500 feet between Tyson and Wisconsin Streets.*

Proposals that constitute multi-family development or involve at least 70 feet of street frontage are required to dedicate, and construct vertical public access to the beach when such access is not already present within 500 feet of the proposed project. The subject site is located approximately 130 feet north of the Wisconsin Street pedestrian access stairway, and approximately 100 feet south of another pedestrian stairway located at Pacific and Ash Streets. Therefore, the project is not subject to the vertical beach access provision.

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

The proposed project would not exceed the maximum height permitted within the zoning district and is consistent with all projects developed along The Strand, since the passage of Proposition A. The proposed architecture and materials are contemporary and are designed to be compatible with the emerging nature of this neighborhood.

*The City shall encourage consolidation of small, narrow frontage lots as a means of achieving better design.*

The Tentative Map for the project consolidates eight contiguous narrow frontage lots into one lot to address this objective.

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

The project's architecture, form, scale, and color palette would positively contribute to the existing street scene. The westerly facing elevation's architectural details and building articulations, as well as the landscaping would provide an overall attractive development consistent in scale and complementary to adjoining development along The Strand.

*Development is prohibited on slopes over 40 percent with a 25-foot elevation differential.*

While the bluff's slope exceeds 40 percent, the bluff height is approximately 19 feet high adjacent to the proposed project. Therefore, the proposed retaining wall and proposed fire access, and stairs over the bluff are not subject to this development prohibition.