



DATE: December 17, 2014

TO: Chairperson and Members of the Community Development Commission

FROM: Development Services Department

SUBJECT: **ADOPTION OF A RESOLUTION APPROVING A DEVELOPMENT PLAN AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A DRIVE-THRU RESTAURANT LOCATED AT 936 NORTH COAST HIGHWAY - APPLICANT: IN-N-OUT BURGER, A CALIFORNIA CORPORATION**

SYNOPSIS

Staff and the Downtown Advisory Committee recommend that the Community Development Commission (CDC) adopt a resolution approving Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) for the construction of a 3,750-square-foot drive-thru In-N-Out Burger restaurant located at 936 North Coast Highway.

BACKGROUND

The project site is located on five parcels totaling 1.05-acres located east of North Coast Highway and opposite of the entrance to Costa Pacifica Way. It is located on the site of the currently operating Carrow's Restaurant and on an adjacent property to the north that was recently acquired from the Oceanside Successor Agency. Adjacent uses include the Oceanside Welcome sign and monument to the north, the Oceanside Chamber of Commerce and Welcome Center to the south and Caltrans right-of-way to the east. Other nearby development includes commercial uses along North Coast Highway, the Seacliff Condominiums and recently approved Seacliff Terraces development to the west.

The existing Carrow's Restaurant building is approximately 6,100 square feet and was constructed on this location in 1973, as a Bob's Big Boy Restaurant. In 1974 the property was purchased by the Bypass Trust of the Copen Trust which continues to own the property. In 1990 the Bob's Big Boy franchise was purchased and the restaurant was converted to a Carrow's Restaurant which has been in business in this location since that time.

One of the parcels on this site was purchased with Redevelopment bond funds in 2004. Due to the 2011 dissolution of the Redevelopment Agency by the State legislature, the Oceanside Successor Agency sold this parcel to the Bypass Trust of the Copen Trust at a September 4, 2013, public auction. This land purchase, when combined with the Carrow's property, provided sufficient site area to develop the currently proposed In-N-Out Burger.

Land Use and Zoning: The property is located within an area of the Downtown District that was previously zoned as Subdistrict 7B, (Recreational/Commercial/Residential). On November 30, 2013, the City Council approved a zoning change and Local Coastal Plan Amendment incorporating modifications suggested by the California Coastal Commission. This action changed the zoning from Subdistrict 7B to Subdistrict 6A (Visitor Serving Commercial) and provided for, among other changes, that drive-thru restaurant facilities be a permitted rather than subject to a conditional use permit. The Downtown Zoning Ordinance states that Subdistrict 6A is intended to provide sites for highway business and tourist/visitor uses related to the harbor and the Interstate 5 freeway, primarily oriented to visitor-serving commercial establishments. The Local Coastal Program (LCP) designates this site as Coastal Dependent, Recreational and Visitor-Serving Commercial.

Project Description: The project proposes to demolish the existing restaurant and develop the site with a new drive-thru restaurant. The project application consists of two entitlement components as described below:

Development Plan: The Downtown Zoning Ordinance requires a Development Plan be reviewed and approved prior to the issuance of a building permit. The proposed project as described in the Development Plan is a new single-story, 3,750-square-foot drive-thru restaurant with 53 parking spaces. The interior dining area would be approximately 1,639 square feet and there would be 11 outdoor seating tables, five of which would be under a covered patio structure. The project would have two ingress/egress points from North Coast Highway and the drive-thru queuing space for 17 vehicles. The project is proposed to be conditioned to provide a queuing contingency plan to have the restaurant personnel manage stacking vehicles in the event that vehicle stacking exceeded 17 vehicles.

Landscaping of approximately 9,100 square feet or about 20 percent of the site area is proposed on the perimeter and interior of the site. This exceeds the City's minimum requirement of 15 percent landscaping coverage. Plant species would include a variety of palm, shrubs and groundcover. There would be 1,680 square feet of landscaping on the public right-of-way which includes some species of shade trees.

The applicant originally proposed that the building's architecture would be the standard restaurant prototype consisting of a single-story building with tower elements, contemporary and simple lines, white stucco, red trim, and the corporate identification. Staff has worked closely with the applicant to incorporate various architectural modifications including sand colored stucco, cultured stone facades, heavier wooden fascia, exposed rafters, as well as the addition of arch elements and columns at the entrance and near the drive-thru facility. Staff believes that these modifications present a more attractive and unique architectural style that is more appropriate for this highly visible and entry-way site.

There is currently a 34-foot tall, 8-foot by 12-foot pole sign located at the rear of the Carrow's Restaurant, adjacent to the CalTrans right-of-way. The applicant proposes to replace this pole sign with the same size and height, and relocate it to a landscaped area approximately 110 feet north of the current sign location. This location will make this sign more visible from Interstate 5, and slightly less visible than the current sign from North Coast Highway. Exhibit 3 includes an illustration of the proposed sign and a photo of the existing sign.

Regular Coastal Permit: This project is located within the Coastal Zone and requires a Regular Coastal Permit. The Local Coastal Plan (LCP) land use map designates the project site as Coastal Dependent, Recreational, and Visitor-Serving Commercial, while the LCP zoning map designates the site as "D" referring to the Downtown Zoning Ordinance. The project is not located in the Coastal Commission appeal area and therefore, the decision of the Community Development Commission is final.

ENVIRONMENTAL DETERMINATION

Staff has determined that this project qualifies for a Class 2 categorical exemption under the California Environmental Quality Act (CEQA) Guidelines Section 15302, "Replacement or Reconstruction of Existing Structures."

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, the Downtown Zoning Ordinance and the LCP.

Redevelopment Plan: Downtown Zoning Ordinance Article 12 requires that the CDC make findings that projects within the Downtown Area (former Redevelopment Area) are consistent with the Redevelopment Plan. Although the Redevelopment Agency was dissolved by state legislation in 2011, the Downtown Zoning Ordinance has not been amended and still governs the development standards for the Downtown district. The proposed project is consistent with the Redevelopment Plan in that it redevelops an older building and vacant property by providing a new commercial use 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 development standards of the Downtown Zoning Ordinance in that it meets or exceeds all of the applicable non-residential development standards as indicated in the analysis in Exhibit 1. A traffic study prepared for this project determined that there would be no direct or indirect traffic impacts.

Local Coastal Program and General Plan: The proposed restaurant use is consistent with the Coastal Dependent, Recreational, and Visitor-Serving Commercial designation of the LCP, including the applicable provisions of the Downtown District Zoning Ordinance. The site is located a significant distance from coastal access points and the project will not affect public coastal access. An expanded LCP policy analysis is provided in Exhibit 1.

Staff has analyzed the project and found it to be an appropriate use for the area and the site. The location for the use and conditions under which it will be operated are consistent with the General Plan, and will not be detrimental to public health, safety or welfare of persons residing or working in or adjacent to the neighborhood; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City. The business is conditioned to provide a management plan that will ensure that all operations are appropriate for the site and the neighborhood.

COMMISSION OR COMMITTEE REPORTS

On December 3, 2014, the Downtown Advisory Committee (DAC) reviewed this project and voted to recommend that the Community Development Commission approve the project.

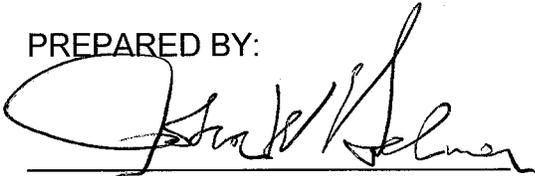
CITY ATTORNEY'S ANALYSIS

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 and the Downtown Advisory Committee recommend that the Community Development Commission (CDC) adopt a resolution approving Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) for the construction of a 3,750-square-foot drive-thru In-N-Out Burger restaurant located at 936 North Coast Highway.

PREPARED BY:



John Helmer
Contract Planner

SUBMITTED BY:



Steven R. Jepsen
Executive Director

REVIEWED BY:

Michelle Skaggs Lawrence, Assistant City Manager
Jeff Hunt, Interim City Planner



EXHIBITS/ATTACHMENTS

1. Exhibit 1 – Analysis of Zoning Ordinance and LCP Compliance
2. Resolution Approving the Entitlements
3. Site Plan / Building Elevations / Pole Sign Exhibit / Existing Sign Photo
4. Other Attachments (Application page, Description and Justification, Notice of Exemption)

EXHIBIT 1

Analysis of Downtown Zoning Ordinance and Local Coastal Program Compliance for the proposed project:

Zoning Development Standards

A summary of compliance with Downtown Zoning Ordinance Article 12 non-residential development standards is provided below. Each of the components of the Development Plan is noted separately to demonstrate compliance with the development standards established in the Downtown Zoning Ordinance.

DEVELOPMENT STANDARD	MINIMUM REQUIRED	PROPOSED
Lot Size (sf)	5,000 sf	45,880 sf
Setbacks		
Front	10 feet	52 feet
Side	0 feet	130 ft. (north side) 170 ft. (south side)
Rear	0 feet	17.5 ft.
Parking	(1/50 s.f. of seating) = 42	53
Building Height	45 feet maximum	19'10" - main building 28'7" - towers
Floor Area Ratio	3.00 maximum	0.08
Site Landscaping	15%	20%

The proposed project meets or exceeds all zoning development standards as noted above.

Pole Sign

There is currently a 34-foot tall, 8-foot by 12-foot Carrow's pole sign located to the east of and at the rear of the Carrow's Restaurant, adjacent to the CalTrans right-of-way. The applicant proposes to replace this pole sign with the same size and height, and relocate it to a landscaped area approximately 110 feet north of the current sign location. This location will make this sign more visible from Interstate 5 and slightly less visible than the current sign from North Coast Highway.

Downtown Zoning Ordinance Article 33 governs signs within the Downtown Area. Currently, new pole signs would be permitted for a building of this size (less than 10,000 square feet), if it were under 20 feet in height and no more than 50 square feet. By these standards, the existing Carrow's sign is considered a legal non-conforming sign.

Article 33, Section 3307 addresses legal non-conforming signs as follows:

1. **Legal Non-Conforming Signs**

Every on-site sign becoming non-conforming as a result of this Article shall not be required to be removed, except as provided for in California Business & Professions Code sections 5492, 5493, 5495, and 5497.

An existing sign which was constructed in accordance with the ordinances and other applicable laws in effect on the date of construction and has a current and valid sign permit but becomes non-conforming by adoption of this Article or other regulation will be allowed within the amortization period unless any of the following occurs:

- a. The sign structure is altered which makes the sign less in compliance with the requirement of this code than it was before the alteration; or*
- b. The sign structure is relocated to a different location on the site or lot, making it less in compliance with the requirement of this code.*

As noted, the proposed In-N-Out pole sign is the same height and size of the existing Carrow's sign. Proposing a pole sign of the same size and height as the existing sign and moving it to a different location on the site, does not make the proposed sign less in compliance with the requirements of Article 33, Section 3307.2 as indicated above. Therefore, staff believes that a proposed pole sign that does not become more non-compliant may be permitted.

Local Coastal Program (LCP) Conformance

Policy 1.32 of the Land Use Element of the General Plan recognizes the City's Local Coastal Program (LCP) and its attendant Land Use Plan (LUP) as the governing land use policy documents for Coastal Zone properties. The LCP outlines objectives and policies intended to achieve the goals of the California Coastal Act at the local level. These objectives and policies are summarized in Appendix B of the Land Use Element of the General Plan. Staff finds the proposed project conforms to the policies and objectives of the City's LCP, as follows:

Coastal Access (I.C): Adequate access to and along the coast shall be provided and maintained.

The subject property lies east of North Coast Highway, approximately 1/3 mile from the coast. This project replaces an existing and long standing restaurant and does not affect public access to and along the coast.

Recreation and Visitor Serving Facilities (II.C.6): Lower cost visitor and recreational facilities shall be protected, encouraged, and, where possible, provided.

The proposed project would provide a new low-cost restaurant in the Coastal Zone that would be available to visitors and residents alike. The Downtown Zoning Ordinance classifies restaurants as visitor-serving uses and therefore, this project is consistent with this visitor-serving policy.

Environmentally Sensitive Habitat Areas (V.A): *The Coastal Act requires that environmentally sensitive habitat areas be protected against significant disruption. Development adjacent to such areas shall be sited and designed to prevent adverse environmental impacts.*

The subject property is not located within or in proximity to an environmentally sensitive habitat area. The property lies within a highly urbanized area and contains no sensitive habitat.

Visual Resources and Special Communities (VI.C.8): *The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood. The City shall encourage variety, creativity, and site-responsive design for all new development.*

The subject property lies within a highly urbanized area characterized by motels, restaurants and other commercial development ranging between one and three stories in height.

The building would be one of the newest and most prominent structure in the area and will be visible to drivers and pedestrians as they enter the City from North Coast Highway. The proposed project exhibits an architectural style that incorporates color, texture, roof pitch and other features that do not clash with the surrounding area. The project is smaller in overall scale from the restaurant it replaces and will not impose significant new bulk and scale to the area. The building would be further softened by significant and layered landscape, both on the subject property and within the adjacent North Coast Highway right-of-way.

Visual Resources and Special Communities (VI.C.4): *The City shall maintain existing view corridors through public rights-of-way.*

The subject property does not lie within an identified public view corridor and thus the proposed project would not impact existing public views of the ocean or coastline.

New Development and Public Works (VII.C): *The City endorses infilling and revitalization of the Coastal Zone for the purposes of creating an attractive, balanced, and economically sound urban environment.*

The proposed project constitutes in-fill redevelopment within a highly urbanized area. The project would achieve a bulk and scale consistent with the expectations of the Coast Highway Vision Plan, which identifies attractive development in proximity to Coast Highway as a key component of the revitalization of commercial activity within the corridor. It would also provide a new source of increased property and sales tax.

New Development and Public Works (VII.C.4): *The City shall approve new development in the Coastal Zone only if essential public services are available to serve the development.*

All essential public services are available to serve the proposed project.

RESOLUTION NO.

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A DEVELOPMENT PLAN AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF A DRIVE-THRU RESTAURANT LOCATED AT 936 NORTH COAST HIGHWAY ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

WHEREAS, on December 17, 2014, the Community Development Commission held its duly noticed public hearing, considered an application, Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) for the construction of a 3,750-square-foot drive-thru restaurant located at 936 North Coast Highway; and

WHEREAS, the Downtown Advisory Committee (DAC) of the City of Oceanside did, on XXX 2014 review and recommend approval of Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001); and

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; and

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 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$0.713 per square foot or \$713 per thousand square feet for non-residential uses
School Facilities Mitigation	Ordinance No. 91-34	\$.51 per square foot non-residential for Oceanside

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
3	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
4	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Non-residential is \$36,775 for a 2" meter.
5	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Non-residential is \$50,501 for a 2" meter.
6	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2013- 14	Based on meter size. Non-residential is \$24,341 for a 2" meter.

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

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

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

26 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS FURTHER
27 GIVEN that the 90-day period to protest the imposition of any fee, dedication, reservation, or
28 other exaction described in this resolution begins on the effective date of this resolution and any
such protest must be in a manner that complies with Section 66020; and

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

3 NOW, THEREFORE, the Community Development Commission of the City of
4 Oceanside does resolve as follows:

5 FINDINGS:

6 For the Development Plan (RD14-00001):

7 1. The site plan and physical design of the project as proposed is consistent with the
8 purposes of the City's Downtown Zoning Ordinance and the design of the proposed structure
9 and landscaping meets or exceeds the minimum development standards of the Downtown
10 District. The proposed project meets the required setbacks, landscape, and open space, height,
11 and parking spaces requirements as specified within the Downtown Zoning Ordinance
development standards.

12 2. The Development Plan as proposed conforms to the General Plan of the City in
13 that the drive-thru restaurant project is consistent with the Land Use Element in terms of land
14 use compatibility. The Development Plan is designed to minimize conflicts with adjacent land
15 uses and the development would promote and reinforce the unique and positive attributes of the
16 neighborhood. The project meets the setbacks, landscape, open space, height and parking
17 spaces as stipulated within the Downtown District development standards. In addition, the
18 project is compatible with the newer development located within the surrounding North Coast
19 Highway neighborhood.

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

23 4. The bulk and scale of the proposed project is compatible with development
24 within the surrounding neighborhood. This restaurant building is smaller than the existing
25 restaurant building it replaces.

26 5. The site plan and physical design of the project is consistent with Section 1.24
27 (Topographic Resources) of the Land Use Element of the General Plan, in that the design would
28 preserve the unique natural topography features and the design would provide adequate building

1 setbacks from natural hazards and/or slopes. Therefore, the project would not be subject to the
2 Hillside Development Guidelines and would be compliant with the policies within the General
3 Plan.

4 For the Regular Coastal Permit (RRP14-00001):

5 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
6 California Coastal Act of 1976. The proposed drive-thru restaurant development project is
7 consistent with the Coastal Dependent, Recreation and Visitor-Serving Commercial Land Use
8 as depicted in the Local Coastal Program Land Use Map.

9 2. The proposed project is consistent with the policies of the Local Coastal Program
10 and with the applicable provisions of the Downtown Zoning Ordinance. The proposed drive-
11 thru restaurant project is consistent with the Subdistrict 6A as depicted in the Downtown Zoning
12 Ordinance Map which is certified as part of the Local Coastal Program.

13 3. The proposed project is not located along the shoreline and will not obstruct any
14 existing or planned public beach access; therefore, the project is in conformance with the
15 policies of Chapter 3 of the Coastal Act. The project does not impede public access to the beach
16 because the subject site is located on North Coast Highway approximately one-third of a mile
17 from the beach. The project will retain and enhance the existing public pedestrian/bicycle access
18 along North Coast Highway by making improvements to North Coast Highway and the existing
19 sidewalk on the east side of North Coast Highway. The project will create a new visitor-serving
20 use easily accessible from the North Coast Highway and Interstate 5.

21 SECTION 1. That Development Plan (RD14-00001) and Regular Coastal Permit
22 (RRP14-00001) for the construction of a 3,750 square foot drive-thru restaurant is hereby
23 approved subject to the following conditions;

24 **Building:**

- 25 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
26 Building Division plan check (Currently the 2013 California Building Code and 2013
27 California Electrical Code).
- 28 2. The granting of approval under this action shall in no way relieve the applicant/project
from compliance with all Current State and local building codes. Applicable Building
Codes and Ordinances shall be based on the date of submittal for Building Division plan

- 1 check.
- 2 3. The building plans for this project shall be prepared by a licensed architect or engineer
3 and shall be in compliance with this requirement prior to submittal for building plan
4 review.
- 5 4. Site development, common use areas, access and adaptability of condominiums shall
6 comply with the State's Disabled Accessibility Regulations (2013 California Building
7 Code (CBC) Chapter 11A).
- 8 5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
9 and shall be shielded appropriately. Where color rendition is important high-pressure
10 sodium, metal halide or other such lights may be utilized and shall be shown on final
11 building and electrical plans.
- 12 6. All electrical, communication, CATV, etc. service lines within the exterior lines of the
13 property shall be underground (City Code Sec. 6.30).
- 14 7. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
15 plans. Separate/unique addresses may be required to facilitate utility releases. Verification
16 that the addresses have been properly assigned by the City's Planning Division shall
17 accompany the Building Permit application.
- 18 8. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
19 shall be required at time of plans submittal to the Building Division for plan check.
- 20 9. A private sewer system design shall be submitted to the Building Division and approved
21 prior to the construction of the sewer system. If a gravity flow system is not used, an
22 engineered mechanical system shall be submitted and approved by all City of Oceanside
23 Departments.
- 24 10. Site development, parking, Restrooms, access into buildings and building interiors shall
25 comply with Part 2, Title 24, C.C.R. (Disabled Access – Residential and Nonresidential
26 buildings - D.S.A.).
- 27 11. The developer shall monitor, supervise and control all building construction and
28 supportive activities so as to prevent these activities from causing a public nuisance,
including, but not limited to, strict adherence to the following:
- a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.

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

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

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

16 13. Fire sprinklers are required for all R-2 occupancies [CBC903.2.7].

17 14. Setbacks and Type of Construction must comply with the 2013 California Building Code.
18 Exterior openings less than five feet from the property line shall be protected per table 704-
19 8 of the CBC code.

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

22 **Engineering:**

23 16. For the demolition of any existing structure or surface improvements; grading plans shall
24 be submitted and erosion control plans be approved by the City Engineer prior to the
25 issuance of a demolition permit. No demolition shall be permitted without an approved
26 erosion control plan.

27 17. Design and construction of all improvements shall be in accordance with the City of
28 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
engineering and specifications of the City of Oceanside and subject to approval by the City
Engineer.

- 1 18. Pursuant to the State Map Act, improvements shall be required at the time of development.
2 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
3 these improvement conditions and a certificate setting forth the approval shall be placed on
4 the grading and improvement plan.
- 5 19. The owner/developer shall dedicate drainage easements for all the existing on-site storm
6 drain pipes and associated structures to satisfaction of the City Engineer. The width of the
7 easement shall be based on the depth and size of the pipe, but not less than 10 feet. The
8 required storm drain easements shall be recorded prior approval of the grading plan and
9 issuance of grading permit.
- 10 20. A traffic control plan shall be prepared according to the City traffic control guidelines and
11 approved to the satisfaction of the City Engineer prior to the start of work within the public
12 right-of-way. Traffic control during construction of streets that have been opened to public
13 traffic shall be in accordance with construction signing, marking and other protection as
14 required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic
15 control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 16 21. Vehicular access rights to Pacific Coast Highway shall be relinquished to the City from this
17 development except for the two proposed project driveways.
- 18 22. The existing sidewalk on Pacific Coast Highway along the property frontage shall be
19 reconstructed per the City of Oceanside Engineers Design Standards. New sidewalk
20 improvements shall be in compliance with ADA standards.
- 21 23. Pacific Coast Highway shall provide a minimum of 10 feet parkway between the face of
22 curb and the right of way line. Sidewalk improvements shall comply with ADA
23 requirements. Publicly maintained pedestrian ramps (maintained by the City of Oceanside
24 must be fully located within public right-of-way. Minimum curb return radius shall
25 comply with the City of Oceanside Engineers Design and Processing Manual.
- 26 24. Sight distance requirements at the intersection of two project driveways along Pacific Coast
27 Highway shall conform to the corner sight distance criteria as provided by SDRSD, DS-
28 20A and or DS-20B.
25. Streetlights shall be maintained on Pacific Coast Highway per City Standards. The system
shall provide uniform lighting, and be secured prior to occupancy. The owner/developer
shall pay all applicable fees, energy charges, and/or assessments associated with City-

- 1 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
2 annexation to, any appropriate street lighting district.
- 3 26. The owner/developer shall reconstruct the existing pavement on Pacific Coast Highway
4 with 2-inch thick asphalt pavement grind and overlay along the property frontage, from the
5 edge of the gutter to the outside line of the two-way turn lane to the satisfaction of the City
6 Engineer.
- 7 27. During times when vehicle queues exceed the capacity of the drive-through lane, In-N-Out
8 staff will provide circulation and control using cones and signage to direct queuing to
9 specified areas within the on-site parking lot and to keep driveway/s clear of vehicles.
- 10 28. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian
11 ramps and sidewalk within the project, or adjacent to the project frontage boundary that are
12 already damaged or damaged during construction of the project, shall be repaired or
13 replaced as directed by the City Engineer.
- 14 29. Prior to approval of grading plan and issuance of grading permit, the owner/developer shall
15 obtain approval for all easement holders who have vested interest on the project site. The
16 owner/developer shall be responsible to obtain easement quitclaim approval from all vested
17 interested parties. The easement quitclaims shall be recorded prior to approval of the
18 grading plan and issuance of grading permit to the satisfaction of the City Engineer.
- 19 30. Prior to approval of the grading plan or any increment, all improvement requirements,
20 within such increment or outside of it if required by the City Engineer, shall be covered by
21 a Development Improvement Agreement, and secured with sufficient improvement
22 securities or bonds guaranteeing performance and payment for labor and materials, setting
23 of monuments, and warranty against defective materials and workmanship.
- 24 31. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
25 neighborhood meeting with all of the area residents located within 300 feet of the project
26 site, to inform them of the grading and construction schedule, and to answer questions.
- 27 32. Where proposed off-site improvements (if any), including but not limited to slopes, public
28 utility facilities, and drainage facilities, are to be constructed, the owner/developer shall, at
his own expense, obtain all necessary easements or other interests in real property and shall
dedicate the same to the City of Oceanside as required. The owner/developer shall provide
documentary proof satisfactory to the City of Oceanside that such easements or other

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interest in real property have been obtained prior to the approval of the issuance of any grading, building or improvement permit for this development plan. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/developer, as applicable.

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

- a) Dirt, debris and other construction material shall not be deposited on any public street or within the City's storm water conveyance system.
- 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 permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."
- c) The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. An alternate parking site can be considered by the City Engineer in the event that the lot size is too small and cannot accommodate parking of all motor vehicles.
- d) The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Engineering Division forty-eight hours (48) in advance of beginning of work. Hauling operations (if required) shall be 8:00 A.M. to 3:30 P.M. unless approved otherwise.

34. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health.

- 1 Exported or imported soils shall be properly screened, tested, and documented regarding
2 hazardous contamination.
- 3 35. The approval of this development plan shall not mean that proposed grading or
4 improvements on adjacent properties (including any City properties/right-of-way or
5 easements) is granted or guaranteed to the owner/developer. The owner/developer is
6 responsible for obtaining permission to grade to construct on adjacent properties. Should
7 such permission be denied, the development plan shall be subject to going back to the
8 public hearing or subject to a substantial conformity review.
- 9 36. Prior to any grading of any part of this project, a comprehensive soils and geologic
10 investigation shall be conducted of the soils, slopes, and formations in the project. All
11 necessary measures shall be taken and implemented to assure slope stability, erosion
12 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
13 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by
14 the City Engineer.
- 15 37. The owner/developer shall place a covenant on the non-title sheet of the grading plan
16 agreeing to the following: "The present or future owner/developer shall indemnify and
17 save the City of Oceanside, its officers, agents, and employees harmless from any and all
18 liabilities, claims arising from any landslide on this site".
- 19 38. A precise grading and private improvement plan shall be prepared, reviewed, secured and
20 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
21 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
22 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
23 and any on site traffic calming devices shall be shown on all precise grading and private
24 improvement plans.
- 25 39. This project shall provide year-round erosion control including measures for the site
26 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
27 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
28 the owner/developer with cash securities or a letter of credit and approved by the City
Engineer.
40. Landscaping plans, including plans for the construction of walls, fences or other structures
at or near intersections, must conform to intersection sight distance requirements.

1 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
2 prior to the issuance of a preliminary grading permit and approved by the City Engineer
3 prior to the issuance of building permits. Frontage landscaping shall be installed and
4 established prior to the issuance of any certificates of occupancy. Securities shall be
5 required only for landscape items in the public right-of-way. Any project fences, sound or
6 privacy walls and monument entry walls/signs shall be shown on, bonded for and built
7 from the landscape plans. These features shall also be shown on the precise grading plans
8 for purposes of location only. Plantable, segmental walls shall be designed, reviewed and
9 constructed by the grading plans and landscaped/irrigated through project landscape plans.
10 All plans must be approved by the City Engineer and a pre-construction meeting held, prior
to the start of any improvements.

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

14 42. The drainage design shown on the conceptual grading/site plan and the drainage report for
15 this development plan are conceptual only. The final drainage report and drainage design
16 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
17 Diego County Hydrology and Drainage Manual to be approved by the City Engineer
18 during final engineering. All drainage picked up in an underground system shall remain
19 underground until it is discharged into an approved channel, or as otherwise approved by
20 the City Engineer. All public storm drains shall be shown on City standard plan and profile
21 sheets. All storm drain easements shall be dedicated where required. The owner/developer
22 shall be responsible for obtaining any off-site easements (if required) for storm drainage
facilities.

23 43. Drainage facilities shall be designed and installed to adequately accommodates the local
24 storm water runoff and shall be in accordance with the San Diego County Hydrology and
25 Design Manual and in compliance with the City of Oceanside Engineers Design and
26 Processing Manual to the satisfaction of the City Engineer.

27 44. The owner/developer shall place a covenant on the non-title sheet of the grading plan
28 agreeing to the following: "The present or future owner/developer shall indemnify and save
the City of Oceanside, its officers, agents, and employees harmless from any and all

- 1 liabilities, claims arising from any flooding that occurs on this site, and any flooding that is
2 caused by this site impacting adjacent properties”.
- 3 45. Storm drain facilities shall be designed and located such that the inside travels lanes on
4 streets with collector or above design criteria shall be passable during conditions of a 100-
5 year frequency storm.
- 6 46. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed
7 of in accordance with all state and federal requirements, prior to stormwater discharge
8 either off-site or into the City drainage system.
- 9 47. The owner/developer shall comply with the provisions of National Pollution Discharge
10 Elimination System (NPDES) General Permit for Storm Water Discharges Associated with
11 Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The
12 General Permit continues in force and effect until a new General Permit is issued or the
13 SWRCB rescinds this General Permit. Only those owner/developers authorized to
14 discharge under the expiring General Permit are covered by the continued General Permit.
15 Construction activity subject to the General Permit includes clearing, grading, and
16 disturbances to the ground such as stockpiling, or excavation that results in land
17 disturbances of equal to or greater than one acre. The owner/developer shall obtain
18 coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a
19 Waste Discharge Identification Number (WDID#) from the State Water Resources Control
20 Board (SWRCB). In addition, coverage under the General Permit shall not occur until an
21 adequate SWPPP is developed for the project as outlined in Section A of the General
22 Permit. The site specific SWPPP shall be maintained on the project site at all times. The
23 SWPPP shall be provided, upon request, to the United States Environmental Protection
24 Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of
25 Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered
26 a report that shall be available to the public by the RWQCB under section 308(b) of the
27 Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall
28 be continuously implemented and enforced until the owner/developer obtains a Notice of
Termination (NOT) for the SWRCB. The owner/developer is required to retain records of
all monitoring information, copies of all reports required by this General Permit, and
records of all data used to complete the NOT for all construction activities to be covered by

- 1 the General Permit for a period of at least three years from the date generated. This period
2 may be extended by request of the SWRCB and/or RWQCB.
- 3 48. Following the City Engineer's determination that Storm Water Mitigation Plan (SWMP) is
4 deemed complete and prior to issuance of grading permits, the owner/developer shall
5 submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the
6 satisfaction of the City Engineer. The O&M Plan shall include an approved and executed
7 Maintenance Mechanism pursuant to Section 5 of the Standard Urban Storm Water
8 Mitigation Plan (SUSMP). The O&M shall satisfy the minimum Maintenance
9 Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M Plan shall
10 include the designated responsible party to manage the storm water BMP(s), employee
11 training program and duties, operating schedule, maintenance frequency, routine service
12 schedule, specific maintenance activities, copies of resource agency permits, cost estimate
13 for implementation of the O&M Plan, a non-refundable **cash security** to provide
14 maintenance funding in the event of noncompliance to the O&M Plan, and any other
15 necessary elements. The owner/developer shall provide the City with access to site for the
16 purpose of BMP inspection and maintenance by entering into an Access Rights Agreement
17 with the City. The owner/developer shall complete and maintain O&M forms to document
18 all operation, inspection, and maintenance activities. The owner/developer shall retain
19 records for a minimum of 5 years. The records shall be made available to the City upon
20 request.
- 21 49. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance
22 Agreement (SWFMA) with the City obliging the owner/developer to maintain, repair and
23 replace the Storm Water Best Management Practices (BMPs) identified in the project's
24 deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The Agreement
25 shall be approved by the City Attorney prior to issuance of any precise grading permit and
26 shall be recorded at the County Recorder's Office prior to issuance of any building permit.
27 A non-refundable Security in the form of cash shall be required prior to issuance of a
28 precise grading permit. The amount of the non-refundable security shall be equal to 10
years of 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.

- 1 50. At a minimum, maintenance agreements shall require the staff training, inspection and
2 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
3 maintain O&M forms to document all maintenance activities. Parties responsible for the
4 O&M plan shall retain records at the subject property for at least 5 years. These documents
5 shall be made available to the City for inspection upon request at any time.
- 6 51. The Agreement shall include a copy of executed onsite and offsite access easement and or
7 access rights necessary for the operation and maintenance of BMPs that shall be binding on
8 the land throughout the life of the project to the benefit of the party responsible for the
9 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy
10 of the deemed complete O&M Plan.
- 11 52. The BMPs described in the project's deemed complete SWMP shall not be altered in any
12 way, unless reviewed and approved to the satisfaction of the City Engineer. The
13 determination of whatever action is required for changes to a project's deemed complete
14 SWMP shall be made by the City Engineer.
- 15 53. The Owner/developer shall provide a copy of the title/cover page of a deemed complete
16 SWMP with the first engineering submittal package. If the project triggers the City's
17 Stormwater requirements but no deemed complete Stormwater document (SWMP) exists,
18 the appropriate document shall be submitted to the City Engineer for review. The SWMP
19 shall be prepared by the owner/developer's Civil Engineer. All Stormwater documents
20 shall be in compliance with the latest edition of submission requirements.
- 21 54. Prior to any occupancy permit, the developer/owner shall construct each and all of the
22 structural BMPs and operating in compliance with all of its specifications, plan, permits,
23 Ordinances, and the requirement of the State Regional Water Quality Control Board
24 (RWQCB), Order No. R9-2013-0001.
- 25 55. The owner/developer shall obtain any necessary permits and clearances from all public
26 agencies having jurisdiction over the project due to its type, size, or location, including but
27 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,
28 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
(including NPDES), San Diego County Health Department, prior to the issuance of grading
permits.

- 1 56. The owner/developer shall comply with all the provisions of the City's cable television
2 ordinances including those relating to notification as required by the City Engineer.
- 3 57. Approval of this development project is conditioned upon payment of all applicable impact
4 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
5 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,
6 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
7 issuance of any building permits, in accordance with City Ordinances and policies. The
8 owner/developer shall also be required to join into, contribute, or participate in any
9 improvement, lighting, or other special district affecting or affected by this project.
10 Approval of the development plan/project shall constitute the owner/developer's approval
11 of such payments, and his agreement to pay for any other similar assessments or charges in
12 effect when any increment is submitted for building permit approval, and to join,
13 contribute, and/or participate in such districts.
- 14 58. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire project
15 will be subject to prevailing wage requirements as specified by Labor Code section 1720(b)
16 (4). The owner/developer shall agree to execute a form acknowledging the prevailing wage
17 requirements prior to the granting of any fee reductions or waivers.
- 18 59. The approval of the development plan/project shall not mean that closure, vacation, or
19 abandonment of any public street, right of way, easement, or facility is granted or
20 guaranteed to the owner/developer. The owner/developer is responsible for applying for all
21 closures, vacations, and abandonments as necessary. The application(s) shall be reviewed
22 and approved or rejected by the City of Oceanside under separate process (es) per codes,
23 ordinances, and policies in effect at the time of the application. The City of Oceanside
24 retains its full legislative discretion to consider any application to vacate a public street or
25 right-of-way.
- 26 60. In the event that the conceptual plan does not match the conditions of approval, the
27 resolution of approval shall govern.

26 **Landscaping:**

- 27 61. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and
28 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
6 commencement of the landscape and irrigation installation. The following landscaping
7 requirements shall be required prior to plan approval and certificate of occupancy:

- 8 a) Final landscape plans shall accurately show placement of all plant material such as
9 but not limited to trees, shrubs, and groundcovers.
- 10 b) Landscape Architect shall be aware of all utility, sewer, gas, water, and storm drain
11 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 homeowner
14 association or successor of the project. Landscape areas shall include all public
15 rights-of-way or public utility easements. The landscape areas shall be maintained
16 per City of Oceanside requirements.
- 17 d) Proposed landscape species shall fit the site and meet climate changes indicative to
18 their planting location. The selection of plant material shall also be based on
19 cultural, aesthetic, and maintenance considerations. In addition proposed landscape
20 species shall be low water users as well as meet all Fire Department requirements.
- 21 e) The final landscaping plan shall provide for evergreen canopy shade tree to be
22 interplanted with the proposed Queen palms parallel to North Coast Hwy within the
23 public parkway.
- 24 f) The final landscaping plan shall call out all existing trees to be retained and
25 protected in place on the Tree Survey, Sheet L.1 to read: *If any existing trees or
26 palms are damaged or destroyed by construction activities such trees/ palms shall
27 be replaced in kind and same equivalent size.*
- 28 g) All planting areas shall be prepared and implemented to the required depth with
appropriate soil amendments, fertilizers, and appropriate supplements based upon a
soils report from an agricultural suitability soil sample taken from the site.

- 1 h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from
2 the sun, evapotranspiration and run-off. All the flower and shrub beds shall be
3 mulched to a 3" depth to help conserve water, lower the soil temperature and
4 reduce weed growth.
- 5 i) The shrubs shall be allowed to grow in their natural forms. All landscape
6 improvements shall follow the City of Oceanside Guidelines.
- 7 j) Root barriers shall be installed adjacent to all paving surfaces, where a paving
8 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet of
9 a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in each
10 direction from the centerline of the trunk, for a total distance of 10 feet. Root
11 barriers shall be 24 inches in depth. Installing a root barrier around the tree's root
12 ball is unacceptable.
- 13 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
14 obtain planning department approval for these items in the conditions or application
15 stage prior to 1st submittal of working drawings.
- 16 l) For the planting and placement of trees and their distances from hardscape and
17 other utilities/ structures the landscape plans shall follow the City of Oceanside's
18 (current) Tree Planting Distances and Spacing Standards.
- 19 m) An automatic irrigation system shall be installed to provide coverage for all
20 planting areas shown on the plan. Low volume equipment shall provide sufficient
21 water for plant growth with a minimum water loss due to water run-off.
- 22 n) Irrigation systems shall use high quality, automatic control valves, controllers and
23 other necessary irrigation equipment. All components shall be of non-corrosive
24 material. All drip systems shall be adequately filtered and regulated per the
25 manufacturer's recommended design parameters.
- 26 o) All irrigation improvements shall follow the City of Oceanside Guidelines and
27 Water Conservation Ordinance.
- 28 p) The landscape plans shall match all plans affiliated with the project.
- q) Landscape construction drawings are required to implement approved Fire
Department regulations, codes, and standards at the time of plan approval.

- 1 r) Landscape plans shall comply with Biological and/or Geotechnical reports, as
2 required, shall match the grading and improvement plans, comply with SWMP Best
3 Management Practices and meet the satisfaction of the City Engineer.
- 4 s) Existing landscaping on and adjacent to the site shall be protected in place and
5 supplemented or replaced to meet the satisfaction of the City Engineer.
- 6 t) All landscaping, fences, walls, etc. on the site, within the public right-of-way or
7 public utility easement shall be permanently maintained by the owner, his assigns
8 or any successors-in-interest in the property. The maintenance program shall
9 include: a) normal care and irrigation of the landscaping b) repair and replacement
10 of plant materials (including interior trees and street trees) c) irrigation systems as
11 necessary d) general cleanup of the landscaped and open areas e) parking lots and
12 walkways, walls, fences, etc. f) pruning standards for street trees shall comply with
13 the International Society of Arboriculture (ISA) Standard Practices for Tree Care
14 Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix
15 H; and Tree Pruning Guidelines, Appendix F (most current edition). Failure to
16 maintain landscaping shall result in the City taking all appropriate enforcement
17 actions including but not limited to citations. This maintenance program condition
18 shall be recorded with a covenant as required by this resolution.
- 19 u) In the event that the conceptual landscape plan (CLP) does not match the conditions
20 of approval, the resolution of approval shall govern.

Fire:

- 20 64. Submit a copy of as-built plans on a CD for all projects on the job site. A site plan
21 indicating the fire access and hydrant locations must also be submitted on CD Rom.
- 22 65. Fire Department requirements shall be placed on plans in the notes section.
- 23 66. Fire flow shall be determined at the time of building permit application.
- 24 67. An approved fire sprinkler system must be installed throughout the building.
- 25 68. Approved Class I standpipe system connected to the fire sprinkler system required.
- 26 69. The Fire Department connection shall be located on the address side of the building –
27 unless otherwise determined by the Fire Department and must be within 40 feet of a public
28 fire hydrant. The hydrant shall be located on the same side of the street and drive aisle as
the fire department connection.

- 1 70. Provide a manual fire alarm system with occupant notification.
- 2 71. Provide a fire master plan (FMP) at the time of building permit submittal.
- 3 72. In accordance with the Oceanside Fire Code Section 505, approved addresses for
4 commercial, industrial, and residential occupancies shall be placed on the structure in such
5 a position as to be plainly visible and legible from the street or roadway fronting the
6 property. Numbers shall be contrasting with their background and meet the current City of
7 Oceanside size and design standard. Show building address numbers on the elevation plan.
- 8 73. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval
9 prior to the issuance of building permits.
- 10 74. Except as otherwise provided, no person shall own, erect, construct or occupy any building
11 or structure, or any part thereof, or cause the same to be done, which fails to support
12 adequate radio coverage for City emergency service workers operating on the 800MHz
13 Countywide Coordinated Communication System, or the current radio system in use.
- 14 75. Smoke alarms required per 2010 California Fire Code, California Building Code and
15 California Residential Code.
- 16 76. Carbon monoxide alarms required per 2010 California Fire Code, California Building Code
17 and California Residential Code.
- 18 77. Fire apparatus access shall be designed and maintained to support the imposed loads of fire
19 apparatus not less than 78,000 lbs and shall be provided with an approved paved surface to
20 provide all-weather driving capabilities.
- Planning:**
- 21 78. This Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) shall
22 expire on December 3, 2016, unless implemented as required by the Zoning Ordinance.
- 23 79. This, Development Plan and Regular Coastal Permit approve for the construction of a
24 3,750 square foot drive-thru restaurant development as shown on the plans and exhibits
25 presented to the Community Development Commission for review and approval. No
26 deviation from these approved plans and exhibits shall occur without City Planner
27 approval. Substantial deviations shall require a revision to the Development Plan and
28 Regular Coastal Permit or a new Development Plan and Regular Coastal Permit.
80. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
harmless the City of Oceanside, its agents, officers or employees from any claim, action or

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proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

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

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

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

86. Failure to meet any conditions of approval for this development shall constitute a violation of the Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001).

- 1 87. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time building permits are issued are required to be met by this project. The
3 approval of this project constitutes the applicant's agreement with all statements in the
4 Description and Justification, and other materials and information submitted with this
5 application, unless specifically waived by an adopted condition of approval.
- 6 88. A set of building plans shall be reviewed and approved by the Development Services
7 Department prior to the issuance of building permits.
- 8 89. Elevations, siding materials, colors, roofing materials, unit types and floor plans shall be
9 substantially the same as those approved by the Community Development Commission.
10 These shall be shown on plans submitted to the Building Division and Development
11 Services Department.
- 12 ///
- 13 90. A trash enclosure must be provided as required by Chapter 13 of the City Code and shall
14 also include additional space for storage and collection of recyclable materials per City
15 standards. Recycling is required by City Ordinance. The enclosure must be built in a flat,
16 accessible location as determined by the City Engineer. The enclosure shall meet City
17 standards for trash enclosures. All driveways and service access areas must be designed to
18 sustain the weight of a service vehicle as determined by the City Engineer. Trash
19 enclosures, driveways and service access areas shall be shown on both the improvement
20 and landscape plans submitted to the City Engineer. All other specifications shall be
21 reviewed and approved by the City Engineer. A service agreement with the City's waste
22 disposal contractor must be signed by the property owner and shall remain in effect for the
23 life of the project. This agreement will outline responsibility and cost to move the trash and
24 recycling bins to the street on the trash collection days. It will also be the developer's
25 responsibility to have the trash and recycling bins removed from the street within three
26 hours of the pick-up. The handling of all of the trash and recycled materials within a project
27 will be clearly identified within the Management Plan is subject to the review and approval
28 of the Development Services Department and Waste Management prior to the issuance of a
building permit. This design shall be shown on the landscape plans or the architecture
plans and shall be approved by the Development Services Department.

1 **Water Utilities:**

- 2 91. All public water and/or sewer facilities not located within the public right-of-way shall be
3 provided with easements sized according to the Water, Sewer, and Reclaimed Water
4 Design Construction Manual. Easements shall be constructed for all weather access.
- 5 92. No trees, structures or building overhang shall be located within any water or wastewater
6 utility easement.
- 7 93. The property owner will maintain private water and wastewater utilities located on private
8 property.
- 9 94. Water services and sewer laterals constructed in existing right-of-way locations are to be
10 constructed by approved and licensed contractors at developer's expense.
- 11 95. The developer will be responsible for developing all water and sewer utilities necessary to
12 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
13 the developer and shall be done by an approved licensed contractor at the developer's
14 expense.
- 15 96. All lots with a finish pad elevation located below the elevation of the next upstream
16 manhole cover of the public sewer shall be protected from backflow of sewage by installing
17 and maintaining an approved type backwater valve, per the Uniform Plumbing Code
18 (U.P.C.).
- 19 97. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
20 be paid to the City and collected by the Water Utilities Department at the time of Building
21 Permit issuance.
- 22 98. All Water and Wastewater construction shall conform to the most recent edition of the
23 Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved by
24 the Water Utilities Director.
- 25 99. If the existing 1 ½ -inch water meter will be converted from commercial domestic use type
26 to an irrigation meter, then such conversion shall be noted on building plans. The City will
27 update water billing records accordingly at the time of building permit issue.
- 28 100. The developer shall construct a public reclamation water system that will serve each lot and
or parcels that are located in the proposed project in accordance with the City of Oceanside
Ordinance No. 91-15. The proposed reclamation water system shall be located in the
public right-of-way or in a public utility easement. However, the developer can opt to pay

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a reclaim water system in lieu fee. A letter to the City's Water Utilities Division Manager should be provided indicating such. The cost estimate will be provided by the Water Utilities Department.

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

102. The project shall provide drainage fixture count and calculations for sizing grease interceptor, if one is deemed necessary, per California Plumbing Code. The location of the interceptor shall be called out on the approved building plans.

PASSED AND ADOPTED by the Oceanside Community Development Commission of the City of Oceanside this _____ day of _____ 2014 by the following vote:

AYES:

NAYS:

ABSENT:

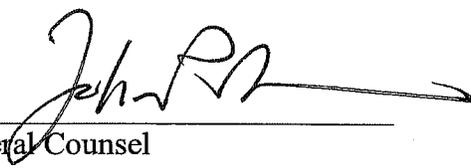
ABSTAIN:

Chairman

ATTEST:

Secretary

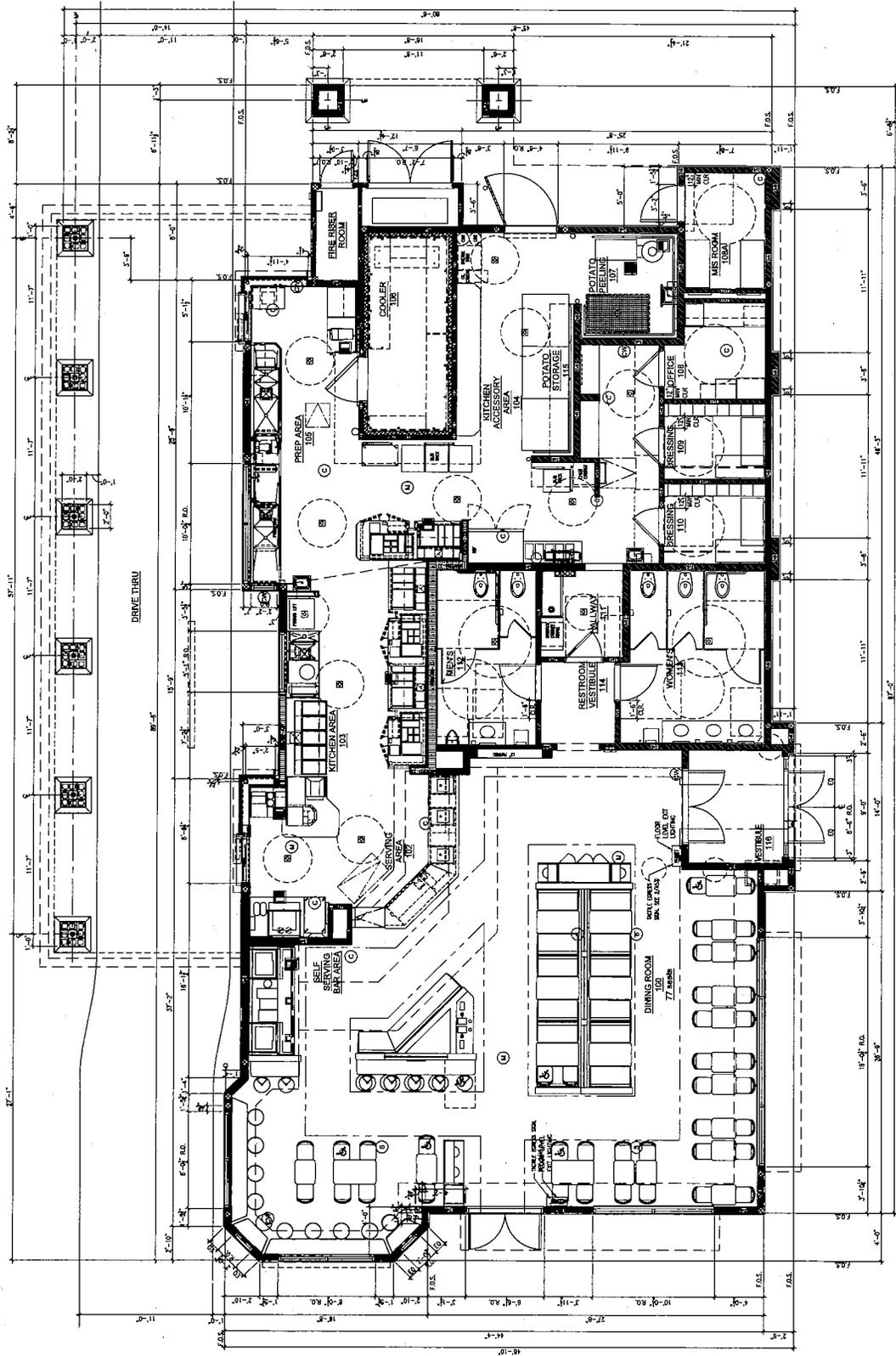
APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

by 
General Counsel

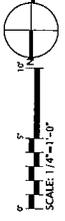
PRELIMINARY PLAN LAYOUT

936 N. COAST HIGHWAY OCEANSIDE, CA

05-01-14



DATE	BY	DESCRIPTION



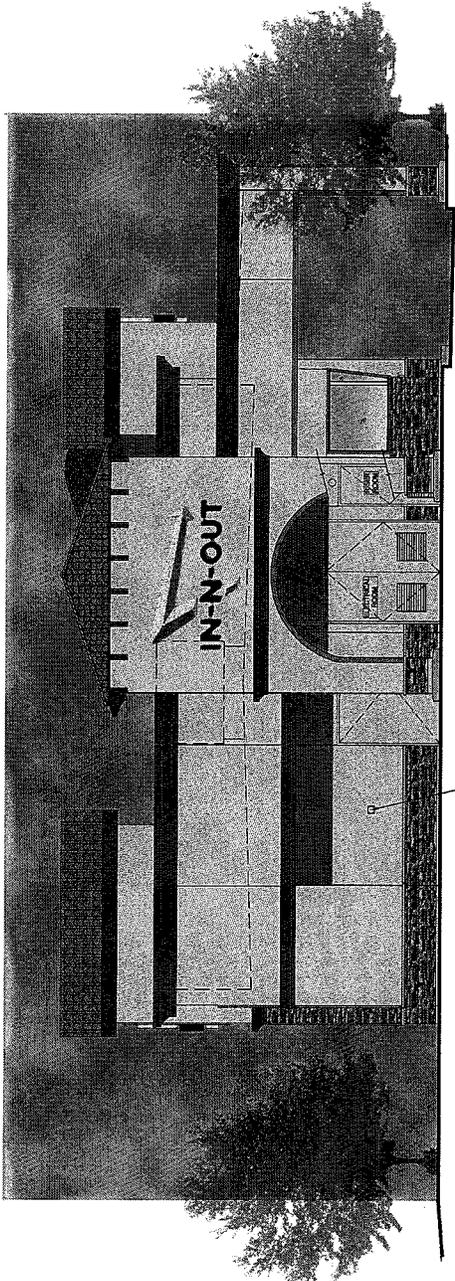
OCEANSIDE, CA
936 N. COAST HIGHWAY



GOD BLESS AMERICA
13502 HAMBURGER LANE
BALDWIN PARK, CA 91706

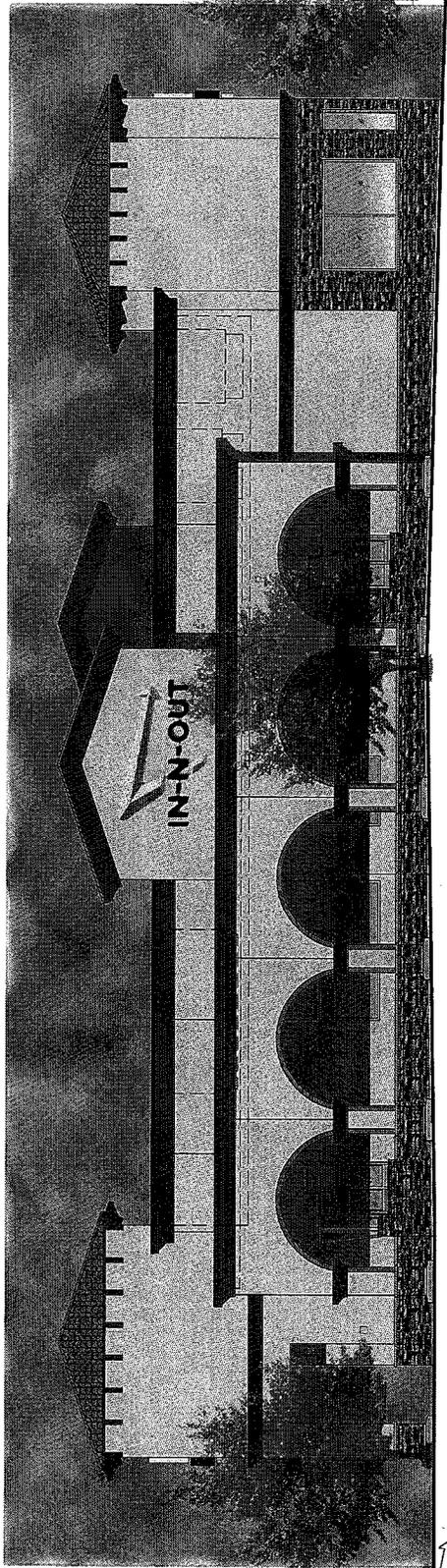
SHEET OF 1
LOOK PLAN

THE INFORMATION, DRAWINGS AND SPECIFICATIONS SHOWN ARE AND SHALL REMAIN THE PROPERTY OF IN-N-OUT. THESE DOCUMENTS MAY NOT BE USED WITHOUT THE EXPRESS WRITTEN CONSENT OF IN-N-OUT.



SAFETY WALK
(CALIFORNIA ONLY)

2 SOUTH ELEVATION
AS D / SCALE: 1/4" = 1'-0"



1 EAST ELEVATION
AS D / SCALE: 1/4" = 1'-0"

DESIGN-2
ELEVATION 2
SHEET OF 1

IN-N-OUT BURBORN
© 2008 BLESS AMERICA
13502 HAMBURGER LANE
BURBORN PARK, CA 97706

THESE DOCUMENTS ARE THE PROPERTY OF IN-N-OUT. THESE DOCUMENTS MAY NOT BE USED WITHOUT THE EXPRESS WRITTEN CONSENT OF IN-N-OUT.

OCEANSIDE, CA
936 N. COAST HIGHWAY

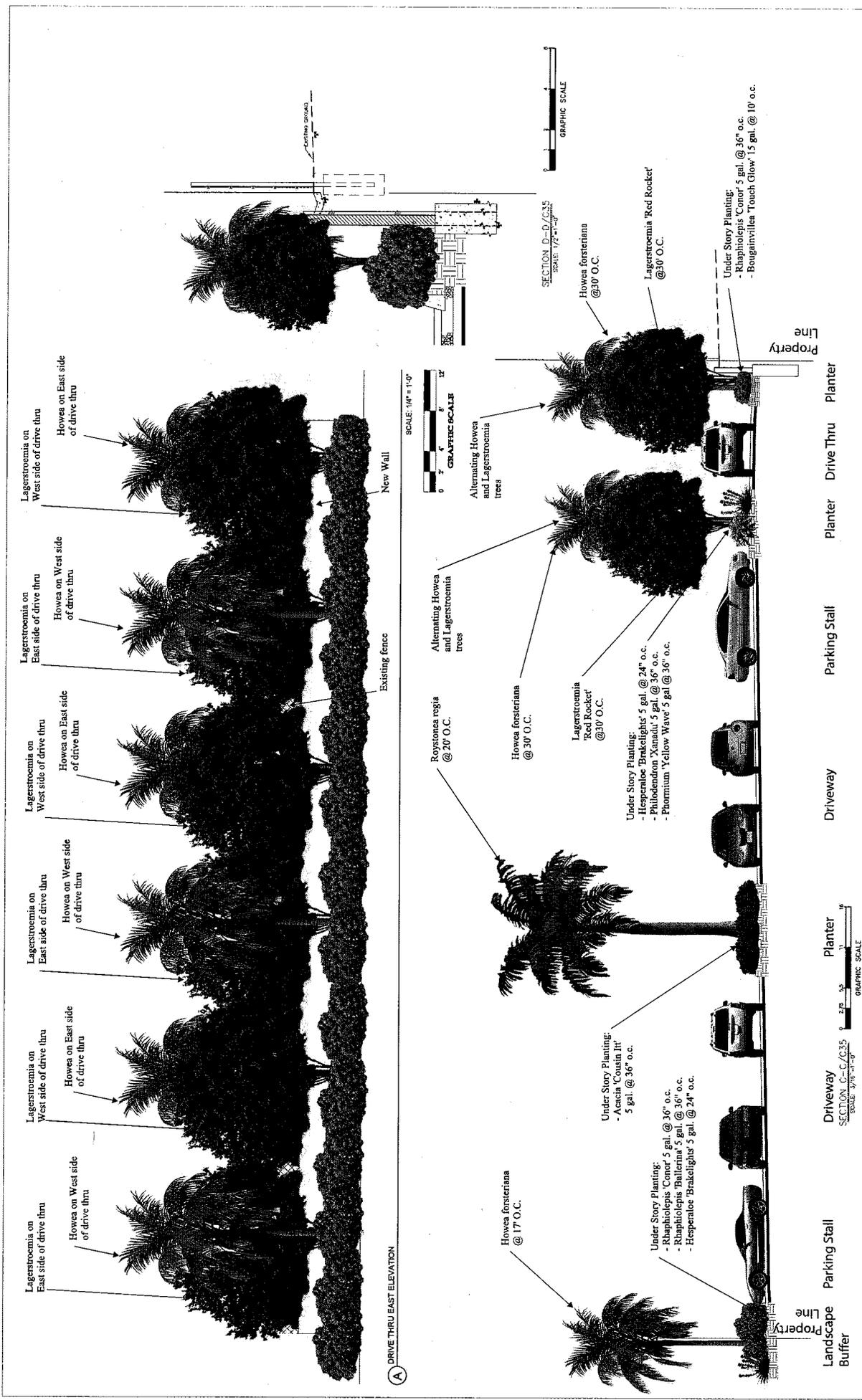
SCALE: 1/4" = 1'-0"



INO CA OCEANSIDE

10-02-14

PRELIMINARY PLAN LAYOUT
(936 N. COAST HIGHWAY) OCEANSIDE, CA



LANDSCAPE CROSS SECTIONS

IN-N-OUT BURGER
886 N. COAST HIGHWAY
OCEANSIDE, CA 92054

INTEGRATED DESIGN GROUP LLP
LANDSCAPE ARCHITECTURE & PLANNING
11100 Harbor Blvd, Suite 300
Irvine, CA 92618
Tel: (949) 261-0004
Fax: (949) 261-0004

GHIA
ARCHITECTURE/INTERIORS
11100 Harbor Blvd, Suite 300
Irvine, CA 92618
Tel: (949) 261-0004
Fax: (949) 261-0004

REVISIONS

1	Underground Services Alert
2	Call Toll Free 811
3	NO PARKING ANY TIME
4	NO STOPPING ANY TIME

DEVELOPER: IN-N-OUT BURGER
15522 HARBOR BLVD
BALDWIN PARK, CA 91706
CONTACT: M. LOCKINGTON
PHONE: 626-910-9800

DATE: 02/12/2014
BY: ELC-YIT

L.2

UNLESS SPECIFIED, THIS SIGN SHALL BE FOR PRODUCTION FROM THE ORIGINAL DESIGN. Colors shown are representations of the product and may not be an exact match of the finished product.

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REV#	11-974	PROJECT #	311769
REVISIONS	2		

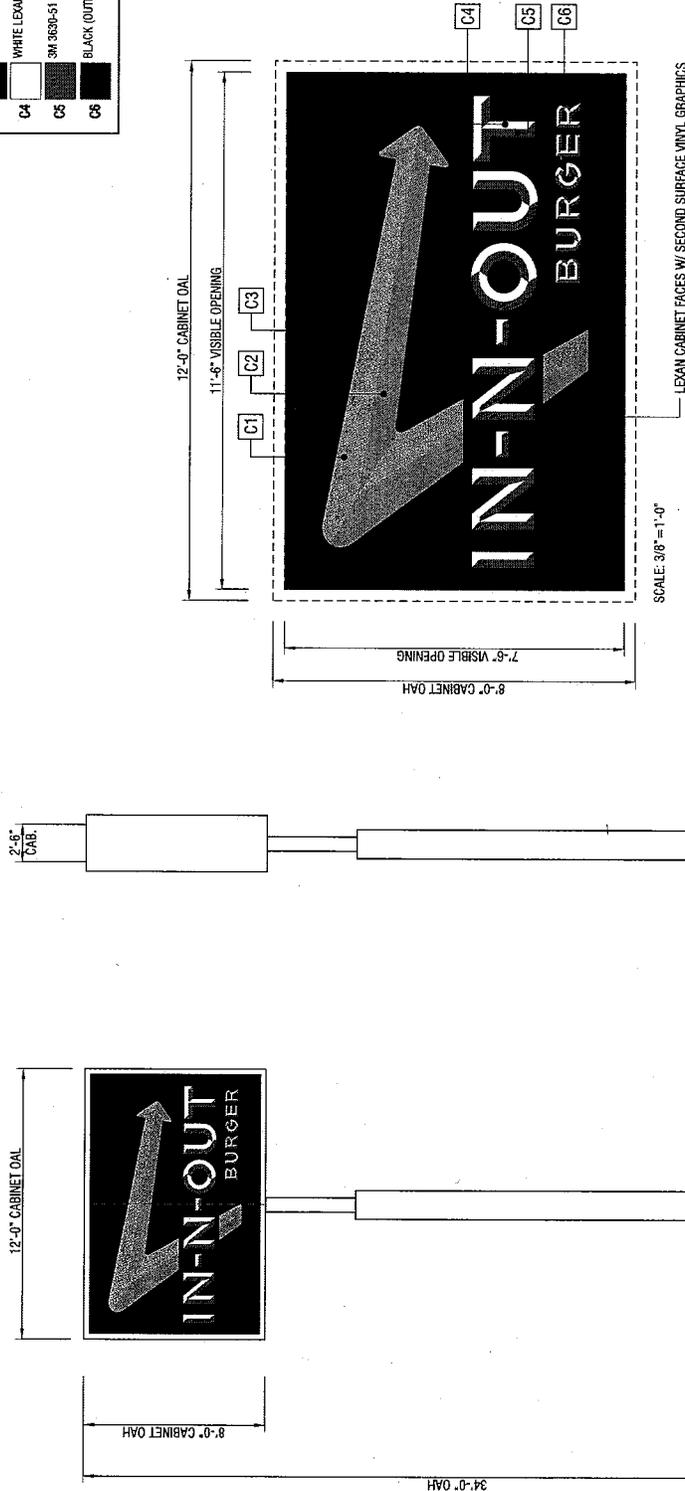
REVISIONS	
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2	1-1-12 SK
3	1-1-12 SK
4	1-1-12 SK
5	1-1-12 SK
6	1-1-12 SK
7	1-1-12 SK
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11	1-1-12 SK
12	1-1-12 SK

KEY NO.

A2

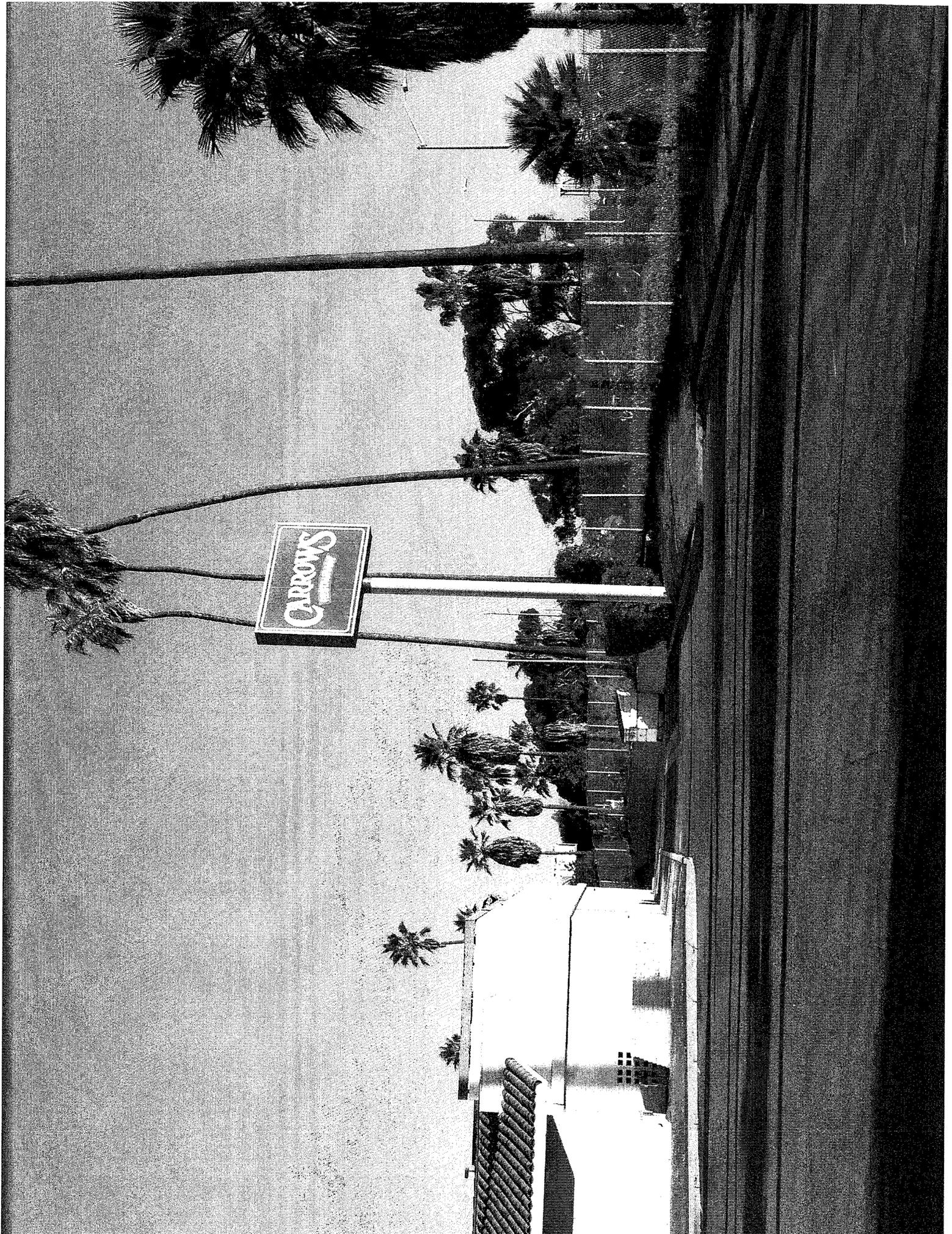
COLOR SPECIFICATIONS

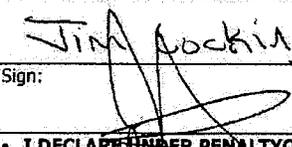
C1	3M 3630-015 'YELLOW' VINYL
C2	3M 3630-125 'GOLDEN YELLOW' VINYL
C3	3M 3630-73 'DARK RED' VINYL
C4	WHITE LEAN
C5	3M 3630-51 'SILVER GREY'
C6	BLACK (OUTLINE)



D/F INTERNALLY ILLUMINATED 8'-0" X 12'-0" CABINET PYLON SIGN @ 34'-0" OAH

SCALE: 3/8" = 1'-0"



				STAFF USE ONLY	
<p>Application for Discretionary Permit Development Services Department / Planning Division (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885</p>				ACCEPTED	
				BY	
Please Print or Type All Information				HEARING	
PART I – APPLICANT INFORMATION				GPA	
1. APPLICANT <i>In n Out Burger</i>		2. STATUS		MASTER/SP.PLAN	
3. ADDRESS <i>13502 Hamburger Ln. Baldwin Park CA 91706</i>		4. PHONE/FAX/E-mail <i>626 8138289</i>		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Jim Lockington</i>				TENT. MAP	
6. ADDRESS <i>13502 Hamburger Ln Baldwin Park CA 91706</i>		7. PHONE/FAX/E-mail <i>626 483 0785 jlockington@innotin.com</i>		PAR. MAP	
PART II – PROPERTY DESCRIPTION				DEV. PL.	
8. LOCATION <i>936 N. Coast Highway</i>			9. SIZE <i>45,880 SF</i>		
10. GENERAL PLAN <i>In Compliance</i>		11. ZONING <i>Mixed Use Downtown</i>	12. LAND USE <i>Existing Carports, Existing Vacant Lot</i>	13. ASSESSOR'S PARCEL NUMBER <i>Lot 1 Carports 147-020-37-00 Lot 2 Vacant 147-020-38-00</i>	
14. LATITUDE <i>Redevelopment Sub District</i>		15. LONGITUDE			
PART III – PROJECT DESCRIPTION					
16. GENERAL PROJECT DESCRIPTION <i>Development Plan and Coastal Permit for a new 3750 SF In n Out restaurant with Drive-thru</i>					
17. PROPOSED GENERAL PLAN <i>In Compliance</i>		18. PROPOSED ZONING <i>Mixed Use Downtown, Redevelopment Sub District</i>	19. PROPOSED LAND USE <i>Drive thru Fast Food</i>	20. NO. UNITS <i>1 Bldg</i>	21. DENSITY <i>N/A</i>
22. BUILDING SIZE <i>3,750 SF</i>		23. PARKING SPACES <i>53</i>	24. % LANDSCAPE <i>20%</i>	25. % LOT COVERAGE or FAR <i>9%</i>	
PART IV – ATTACHMENTS					
26. DESCRIPTION/JUSTIFICATION		27. LEGAL DESCRIPTION		28. TITLE REPORT	
29. NOTIFICATION MAP & LABELS		30. ENVIRONMENTAL INFO FORM		31. PLOT PLANS	
32. FLOOR PLANS AND ELEVATIONS		33. CERTIFICATION OF POSTING		34. OTHER (See attachment for required reports)	
PART V – SIGNATURES					
SIGNATURES FROM ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).					
35. APPLICANT OR REPRESENTATIVE (Print): <i>Jim Lockington</i>		36. DATE <i>4-24-14</i>	37. OWNER (Print): <i>In n Out Burger</i>		38. DATE
Sign: 		Sign:			
<p>• I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.</p> <p>• I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.</p>					

13502 Hamburger Lane
Baldwin Park, Ca 91706-5885
626-813-8200



The Best Enterprise
Is A Free Enterprise™

**PROPOSED IN-N-OUT BURGER RESTAURANT
936 N. COAST HIGHWAY
PROJECT DESCRIPTION**

The site is an existing restaurant without a drive-thru in its present use. The site is in good condition and will only need repairs and replacements to the parking lot and new landscaping as a result of new construction. The existing restaurant is approximately 20 years old and is in fair shape.

We propose to clear the entire site including demolishing the existing restaurant building, and re-grade the site for better appearance and function and to meet the latest codes. We plan to construct a new In-N-Out Burger Restaurant with a drive-thru lane that will accommodate a minimum (17) seventeen car stack in the drive-thru aisle alone. We will have onsite parking for (53) fifty-three cars, outside patio seating for (40) forty customers, and dining room seating for (76) seventy-six customers inside. New parking and landscaping will be designed to meet or exceed all City Code Requirements.

The main restaurant building is set back near the rear of the site, with the front entrance facing West toward N. Coast Highway. The building will be (28) twenty-eight feet tall at the peak of the tallest tower. The prototypical In N Out architecture, details, materials and colors have been carefully modified at request of City Planning Staff so that that final design more appropriately blends into the character of the City and neighborhood. These modifications include additional stone wainscot and tall wall elements, arched elevation elements, a warm stucco color with contrasting darker stucco at the parapet-top corbels and eaves, and custom open wood roof eave outriggers at the towers.

The existing use and zoning support the new use with no change required. Our application will include a Development Plan and a Coastal Permit. We request approval to replace the existing Carrows pole sign with an In-N-Out pole sign of the exact same size and height, but in a different location.

The site plan layout is consistent with the zoning ordinance as well as the General Plan of the City. All utilities are in place and can be reasonably and conveniently provided by the public services and facilities and the franchise utilities. The proposed development is compatible with the adjoining properties and surrounding neighborhood. The proposed development is consistent with the policies within the Land Use of the General Plan and its ordinances, and conforms to the Local Coastal Plan and the policies in Chapter 3 of the Coastal Act.



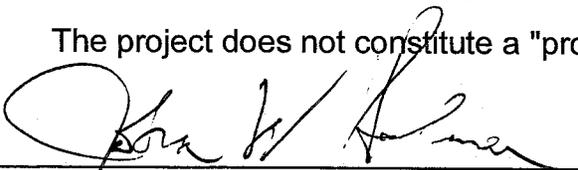
NOTICE OF EXEMPTION
City of Oceanside, California

Post Date: 08/11/2014
Removal: 09/11/2014

1. **APPLICANT:** In-N-Out Burgers, a California Corporation
2. **ADDRESS:** 13502 Hamburger Lane, Baldwin Park, CA 91706
3. **PHONE NUMBER:** (619) 851-7262
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** John Helmer
6. **PROJECT TITLE:** In-N-Out Burgers Drive-Thru Restaurant
7. **DESCRIPTION:** Development Plan (RD14-00001) and Regular Coastal Permit (RRP14-00001) for the construction of a 3,750-square-foot drive-thru restaurant located at 936 North Coast Highway.

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 City Planner has determined that further environmental evaluation is not required because:

- The project is categorically exempt per Class 2, Replacement or Reconstruction (Section 15302);
- "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: August 11, 2014

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)