

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA

7575 METROPOLITAN DRIVE, SUITE 103

SAN DIEGO, CA 92108-4402

767-2370

**Fri 4d**

Filed: 8/21/02
49th Day: Waived
Staff: BP-SD
Staff Report: 10/23/02
Hearing Date: 11/5-8/02

STAFF REPORT AND RECOMMENDATION ON APPEAL
SUBSTANTIAL ISSUE

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

RECORD PACKET COPY

APPEAL NO.: A-6-OCN-02-121

APPLICANT: CH Oceanside LLC

PROJECT LOCATION: South side of San Luis Rey River, west of Coast Highway and east of Pacific Street, Oceanside, San Diego County. APN: 143-040-21, 143-040-23, 143-040-43 and 143-010-23

PROJECT DESCRIPTION: Construction of 96-unit condominium development, division of 7.5 acre site (3 lots) into 5 lots and a remainder "Not a Part" lot, parking, landscaping, drainage improvements and on-site mitigation.

APPELLANTS: Nancy Craig, Mira Mar Community and Coastal Commissioners Sara Wan and Shirley Dettloff

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that substantial issue exists with respect to the grounds on which the appeal has been filed.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program (LCP), Notice of Final Action dated August 13, 2002; City of Oceanside Resolution No.02-R320-3, Final Supplemental Environmental Impact Report for the Proposed Renaissance Terrace Condominiums (March 7, 2002), Technical Appendices to the Draft Supplemental Environmental Impact Report for the Proposed Renaissance Terrace Condominiums (November 15, 2001); Tentative Map, Development Plan, Regular Coastal Permit, Conditional Use Permit, Variation, Biological Resources Report by Dudek & Associates, dated November 14, 2000; Water Resources Technical Report prepared by Rick Engineering, dated May 15, 2001; Letter of Map Amendment approved by FEMA November 29,

2000; Sewer Capacity and Impact Analysis by Dexter Wilson Engineering, dated June 7, 2001; Preliminary Geotechnical Report by Leighton and Associates, dated March 23, 2001

I. Appellant Contends That:

The appellants (Mira Mar Community) state the project will harm sensitive environmental resources located on and near the project site, does not maintain adequate buffers, does not incorporate drought tolerant landscaping to the maximum extent feasible, and was not designed "to be subordinate to the natural environment." The appellants (Nancy Craig) also state the project is inconsistent with the Regional Habitat Plan, results in adverse cumulative impacts to the San Luis Rey wildlife corridor from its design (walls, sewage disposal, height, impervious surfaces, site coverage requirements that allow it to go to 65-feet high) and was inappropriately reclassified to be outside the 100-year floodplain.

The appellants (Commissioners Wan and Dettloff) state the project is inconsistent with several LUP policies that address water quality, public access and wetlands protection within the appealable area, which consists of public trust lands and the portions of the property located within 100 feet of wetlands or the San Luis Rey River. This report only addresses whether the City's approval raises a Substantial Issue with the certified Oceanside LCP.

II. Local Government Action:

On May 1, 2002, the project received final approval from the City of Oceanside Community Development Commission. The project was approved with conditions requiring a mitigation and monitoring plan to address project impacts to coastal sage scrub, including requirements to mitigate impacts at a 3:1 ratio, placing biological open space within a conservation easement, revegetating the detention basin with coastal sage scrub, erecting a predation barrier adjacent to the open space, installing signs indicating "Sensitive Biological Habitat" along the perimeter of the development abutting the open space, and requiring a pre-construction survey to determine whether any nesting raptors occur within the eucalyptus trees on the property.

III. Appeal Procedures

After certification of a Local Coastal Program (LCP), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits. Projects within cities and counties may be appealed if they are located within appealable areas. The grounds for appeal are limited to the assertion that "development does not conform to the certified local coastal program." Where the project is located between the first public road and the sea or within 300 ft. of the mean

high tide line, the grounds of appeal are limited to those contained in Section 30603(b) of the Coastal Act. Those grounds are that the development does not conform to the standards set forth in the certified local coastal program or the access policies set forth in the Coastal Act.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless it determines that no substantial issue is raised by the appeal. If the staff recommends "substantial issue" and no Commissioner objects, the Commission will proceed directly to a de novo hearing on the merits of the project.

If the staff recommends "no substantial issue" or the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have 3 minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. If substantial issue is found, the Commission will proceed to a full public hearing on the merits of the project. If the Commission conducts a de novo hearing on the permit application, the applicable test for the Commission to consider is whether the proposed development is in conformity with the certified Local Coastal Program.

In addition, for projects located between the sea and the first public road paralleling the sea, Sec. 30604(c) of the Act requires that a finding must be made by the approving agency, whether the local government or the Coastal Commission on appeal, that the development is in conformity with the public access and public recreation policies of Chapter 3.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process is the applicant, persons who opposed the application before the local government (or their representatives), and the local government. Testimony from other persons must be submitted in writing. At the time of the de novo hearing, any person may testify.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolutions:

- A. **MOTION I:** *I move that the Commission determine that Appeal No. A-6-OCN-02-121 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.*

STAFF RECOMMENDATION OF SUBSTANTIAL ISSUE:

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become

final and effective. The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

RESOLUTION TO FIND SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. *A-6-OCN-02-121* presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

V. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description/Permit History. The proposed project is located on 7.74 acres on the south side of the San Luis Rey River, west of Coast Highway and east of Pacific Street in Oceanside (Ref. Exhibit #1). With the exception of a bike trail (CDP #6-99-32, City of Oceanside), the project site is currently undeveloped, bisected by several unimproved dirt trails, and located in an area with a variety of habitat and vegetation types including coastal sage scrub, eucalyptus woodland, freshwater marsh, southern willow scrub, wetland, and open water.

Proposed is the resubdivision of three (3) lots into five (5) lots (3 for condo use and 2 open space) and creation of a remainder or "Not a Part" lot. The proposed division of land does change the shape and size of the "Not a Part" lot. The changes to the "Not a Part" lot are therefore development within the meaning of Coastal Act Section 30106. The "Not a Part" lot extends into and along the river's edge and is the mitigation site approved by the City for .86 acres of disturbed Coastal Sage Scrub (d-CSS) impacts proposed by the project.

The project consists of two six-story buildings up to 65-feet high, including a two-story underground parking garage and 96 living units ranging up to 1,651 square feet in size. A common recreation area including a pool, spa, barbeque and meeting area is proposed between the two buildings. Other development includes an access drive, landscaping, detention basin, drainage outlet pipe and dissipater structure that would discharge into the San Luis Rey River. The grading quantities are approximately 30,000 cubic yards of cut, and 1,000 cubic yards of fill, for a net export of approximately 29,000 cubic yards of material.

Surrounding features include the San Luis Rey River to the north, the 173-unit Mira Mar Community mobile home park to the south, the AT&SF railroad to the west and the Guesthouse Inn, retail buildings, vacant lands and Coast Highway to the east.

The main access to the site is from Coast Highway, utilizing an existing public right-of-way directly south of the Guesthouse Inn. A private street is proposed to connect through

to the southwestern corner of the site with a secondary, emergency-only access proposed on the western side of the project site.

In CDP #6-99-32 (City of Oceanside), the Commission approved the construction of an 8-foot wide, approximately 1,600-foot long paved segment of bikeway along the southern side of the San Luis Rey River. A portion of the completed bike path is located within the project site between the proposed development and the San Luis Rey River.

The project is located in the certified LCP "Downtown District", within two different Downtown zoning subdistricts: 7A and 10. Subdistrict 7A is a high density residential zone and allows for single-family and multi-family development at 29-43 du/ac. Subdistrict 10 is designated for open space and recreational uses (3.97 acres) within the floodplain of the San Luis Rey riverbed. Permitted uses include utilities, commercial recreation and entertainment, eating and drinking establishments, horticulture and commercial parking. The residential development is proposed on the portion of the site within Subdistrict 7A, which has a gross area of 3.77 acres. The portion of the project within Subdistrict 10 is proposed as open space, and includes the detention basin for the project. The site is also within the LCP certified San Luis Rey River Specific Plan.

Two aspects of the development approved by the City are located within the Commission's appeals jurisdiction, which consists of portions of the property located within 100 feet of wetlands and on public trust lands. They are (1) the subdivision itself, which includes the resubdivision of the property, including the "Not a Part" remainder lot, and (2) physical improvements, including drainage facilities (on and off-site) and mitigation for project impacts to Coastal Sage Scrub (CSS) within the "Not a Part" lot. The detached physical development approved by the City that is located more than 100 feet away from the wetlands and is not located on public trust lands, for example the proposed condominiums themselves and associated roadways, and parking lots, cannot serve as the basis for the Commission asserting appellate jurisdiction over the project and is therefore not before the Commission for the purposes of determining whether appellants have raised a substantial issue. On de novo review, however, the entire development authorized by the appealed local CDP will be subject to Commission review.

The applicant and State Lands Commission have completed a state trust land delineation on the property. The boundary line agreement between the State Lands Commission and the applicant establishes the trust land boundary north of the development area and detention basin, within the "Not a Part" lot. The standard of review is consistency with the certified City of Oceanside Local Coastal Program and the public access and recreation policies of the Coastal Act.

2. Appellants Assertions that Relate to Development more than 100 ft. from Wetlands and not on Public Trust Lands. As noted, portions of the proposed development that are located more than 100 feet from wetlands or not on Public Trust Lands are outside the Commission's appeal jurisdiction and therefore do not serve as a basis for this appeal. These include: that the Oceanside LCP is out of date and needs

revision; alternative design proposals were not adequately assessed; the project is out of scale and character with the surrounding environment; the approved mitigation for impacts to Coastal Sage Scrub is inadequate, the project adversely impacts public views and does not propose adequate view corridors; a portion of the project area may have been inappropriately removed from the flood plain; the project's design allows birds and lizards in the area to be preyed upon by cats; the sewage holding tank's location may result in adverse impacts to the river should a spill occur; the approved site coverage measurement of 34.99% (which allows building height to be increased 20-feet higher than the base height standard), is questionable and should be recalculated; the same standard to raise building height is inconsistent with the certified LCP; the obstruction of views from surrounding areas has been inadequately assessed; and, that the project does not comply with the LCP regarding the availability of lower cost housing.

3. Environmentally Sensitive Habitat. There are several sensitive plant communities/habitats within the project site (southern willow scrub and freshwater marsh along the margins of the San Luis Rey River, disturbed wetlands adjacent to the railroad bridge crossing of the river, open water in the river channel, disturbed coastal sage scrub habitat bordering the edges of existing dirt access roads) as well as disturbed habitat from previous temporary road access and off-highway vehicle activity and developed habitat along the railroad easement and ornamental plantings along the southerly margins of the project area.

The certified San Luis Rey River Specific Plan includes the following objectives and policies:

- The City shall protect, maintain and enhance the river's existing sensitive habitats
- New development shall be sited and planned in a manner which utilizes the San Luis Rey River environs to the fullest, but retains the aesthetic and resource values present.

To achieve these objectives, the LCP sets out a series of policies including the following:

- New developments in the river area shall incorporate to the maximum extent feasible, native and/or drought tolerate plants into project landscape design.
- New development in the river area shall be designed to be subordinate to the natural environment. Design themes which complement the natural setting and history of the area are encouraged. Such themes include rustic (using rough hewn wood, pitched roofs, heavy beams, etc.) Spanish or Early California Mission design.

The Oceanside LUP contains the following policies:

LUP #3 (Page 27) Developers proposing projects in the San Luis Rey Specific Plan study shall maintain adequate buffers surrounding sensitive habitat areas, using setbacks, fencing and/or vertical separation.

The certified "Standards For The Identification And Protection of Sensitive Habitat Areas", an implementing ordinance document, provides the following regarding permitted uses within sensitive areas:

A. Permitted Uses Within Sensitive Habitat Areas.

1. Nature education and research or similar resource dependent activities
2. Fishing; birding; biking; and hiking where designated by signs and trail systems.
3. Very minor incidental public service facilities including, but not limited to, burying cables and pipes and maintenance of existing intake and outfall lines when specifically approved by the State Department of Fish and Game.
4. Necessary water supply projects—streams and rivers only, providing that any substantial alterations incorporate the best mitigation measures feasible to minimize adverse environmental effects.
5. Flood control projects providing the project is necessary for public safety or to protect existing development and there is no other feasible method for protecting existing structures in the floodplain.
6. Habitat restoration measures specifically approved by the State Department of Fish and Game.

Any land use and/or development determined to have a significant adverse impact on sensitive habitat areas will be required to mitigate such impact. If the adverse impact of an endangered species is unavoidable, mitigation measures shall include transplantation of the endangered vegetation.

B. Mitigation Measures

The following mitigation measures are intended to protect sensitive habitat areas from adverse environmental impacts caused by adjacent development. Any development proposed in an undeveloped area within a distance of up to 500 feet from a sensitive habitat area would be considered adjacent to that habitat. All required mitigation measures will be provided at applicant's expense.

A buffer zone of 100 feet shall be established around all sensitive habitats. The buffer zone shall be generally 100 feet for small projects on existing lots. If the project requires substantial improvements or increased human impacts, a much wider buffer area shall be required. Likewise, a reduced buffer area will be considered if, in consultation with the State Department of Fish and Game it can be demonstrated that 100 feet is unnecessary to protect the resources of the habitat area. The biological significance of adjacent lands, sensitivity of species to disturbance and susceptibility of parcel to erosion shall all be factors taken into consideration in the determination of the adequate width of the buffer zone. Such evaluation shall be made on a case-by-case basis. Where feasible, existing cultural features, such as roads and dikes, should be used to buffer habitat area.

For a wetland, the buffer area should be measured from the landward edge of the wetland. For a watercourse, the buffer zone should be measured from the landward edge of riparian vegetation, if no vegetation exists, from the top edge of the bank.

No principal structures shall be permitted within the buffer zone. Development shall be limited to access paths, fences necessary to protect the habitat area and similar developments which have beneficial effects or no significant adverse effects.

Additionally, the certified D District Additional Use Regulations (Implementing Ordinance) provides:

L-40

[...]

All floodplain development shall be capable of withstanding periodic flooding without the construction of flood protective work. *Existing environmentally sensitive habitat area will not be adversely affected* (emphasis added). There will be no increase in the peak runoff rate from the developed site as compared to the discharge that would be expected once every (10 years) during a six (6) hour period. There will be no significant adverse water quality impacts and no downstream bank erosion or sedimentation may result from site improvements. All development shall be reviewed for conformance with the policies and standards of the San Luis Rey River Specific Plan. (emphasis added)

The ordinance defines "Sensitive Habitats" as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The LCP states that all wetlands, riparian areas and habitats containing rare or endangered plants are sensitive habitats. Based on this definition, the San Luis Rey River and its associated habitat areas are a sensitive habitat area.

The appellants state the City's approval does not ensure that 1) nearby sensitive environmental resources will be protected from direct impacts associated with proposed drainage improvements, 2) adequate buffers were approved to protect wetlands from adverse indirect impacts, 3) on-site mitigation is adequately protected through imposition of an open space requirement, and 4) adverse impacts to water quality in the San Luis Rey River would be avoided.

The project proposes an on-site storm water drainage system (detention basin/drainage pipe, riprap energy dissipater) to manage on and off-site storm water runoff. The basin would drain off site near the southern train trestle through two 18-inch drain pipes and a rock dissipater where the water would then percolate through a natural drainage channel in this area to the river. According to the applicant, the location of the outfall was coordinated between the project engineer and the City's engineering staff. The appellants state that as approved by the City, the drain pipe/dissipater structure for the detention basin discharges off-site either immediately adjacent to or within disturbed brackish marsh wetlands located near the railroad trestle west of the proposed subdivision. According to the LCP's "Standards For The Identification And Protection of Sensitive Habitat Areas" and standard L-40, drainage improvements are not a permitted use in a wetland. Based on review of the project plans, it is not clear whether the drain pipe/dissipater structure has direct wetland impacts and nothing in the City's approval prohibits wetlands from being impacted by the drain pipe/dissipater. The appellants also state the project does not maintain adequate buffers. The "Standards For The Identification And Protection of Sensitive Habitat Areas", provides that a buffer zone of 100 feet shall generally be established around all sensitive habitats. The buffer can be expanded or reduced based on a case by case basis. Nothing in the City's approval addressed whether the project complied with this LCP requirement. The location of the drain pipe/dissipater is inconsistent with this standard as well as the 100-foot wetland buffer setback requirement. The appellants have therefore raised a substantial issue regarding the conformity of the drainage outlet location with the requirements of the LCP. As such, the Commission finds a substantial issue exists in regards to the project's conformity with the wetlands preservation and buffer requirements of the LCP.

Subdivision of the property created a "Not a Part" lot. The "Not a Part" lot extends into and along the river's edge and is contiguous to the mitigation site approved by the City for .86 acres of d-CSS impacts proposed by the project. In combination with the offsite revegetation required in the Commission's bikeway permit conditions (CDP #6-99-32), preserving the "not a part" lot as open space would establish a contiguous corridor of CSS between the development area and the north boundary of the site on the San Luis Rey River, and promote connectivity to other habitat proposed for preservation and restoration to the east along the river and in Lawrence Canyon. The City's permit does not specifically reserve the "Not a Part" lot as open space and as such is inconsistent with the habitat preservation policies of the Oceanside LCP, including those associated with the San Luis Rey Specific Plan. The San Luis Rey River indicates the City shall protect, maintain and enhance the river's existing habitats. Based on the above, the Commission

finds that a Substantial Issue exists in regards to the project's conformity with the sensitive habitat protection policies of the certified LCP.

3. Water Quality/Resource Protection. The appellants contend the City's approval did not address potential impacts to water quality. Oceanside LUP policies #4b and #5a (Page 27) partially state:

4. In order to protect water quality in the river area, the City shall:

As part of its environmental review process, establish measures on a project-by-project basis to minimize the introduction of grease, oil, paints, pesticides, construction waste and other pollutants into the San Luis Rey River.

5. On a project-by-project basis, developers proposing activities in the San Luis Rey River study area shall:

Direct storm run-off away from the river whenever feasible

As noted, the project proposes an on-site storm water detention basin to accommodate on and off -site runoff. The certified LCP requires that coastal water quality be maintained. The City required that the development comply with all applicable federal, state and local permit requirements for urban runoff and storm water discharge. The City required that the project's storm drains and other drainage facilities be designed to include Best Management Practices to minimize non-point source pollution.

The appellants state the approved project does not adequately address impacts the project may have to the water quality of the San Luis Rey River. To address water quality issues, the project proposes an in-line storm water treatment unit and a catch basin filter insert known as a CDS Unit. According to the Commission's water quality staff, while the detention basin appears to have been sized appropriately to handle projected runoff volumes and velocities (would accommodate the 85th percentile storm), the system as a whole is inadequate to treat runoff so as to assure that no adverse impacts to the San Luis Rey River and its environs would occur. As approved by the City, the project will direct urban pollutants associated with residential development to the detention basin. These pollutants include pesticides, fertilizers, bacteria, nutrients, oil, grease, gasoline, fine-grained sediments, synthetic organic pollutants, and other urban pollutants. CDS units primarily remove trash and coarse-grained sediments but are not effective at removing other urban pollutants to any significant degree. By relying solely on CDS Units, the runoff from this development could still contain significant levels of the above urban pollutants which would be discharged into the river.

LUP Policy #4 and IP standard L-40 requires that urban pollutants must be minimized into the San Luis Rey River and its floodplain. For the drainage system to function as an integrated whole, it must not only be designed to effectively collect and attenuate project flows (to reduce the potential for erosion of downstream resources) but also it must be

fully effective in removing the host of urban pollutants that the project would generate. Based on the above, the City's approval fails to analyze the characteristics of the storm water that would be discharged into the San Luis Rey River and consequently fails to assure that the water quality being discharged into the river and its environs will not adversely affect coastal resources.

Additionally, the City made no findings that the project complies with the above LUP Policy 5 which requires that storm run-off be directed away from the river whenever feasible. Nothing in the file or the City's approval indicates such a feasibility analysis was done (i.e., whether project runoff could be directed away from the San Luis Rey River to another location to lessen adverse environmental effects to the river).

In summary, the City's approval fails to assure that the drainage system as a whole has been sited and designed to assure that no adverse impacts to nearby wetlands and coastal water quality would occur. Therefore, the Commission finds a substantial issue exists in regards to the project's conformity with the water quality policies of the LCP.

3. Public Access/Recreation. The Oceanside LUP contains the following policies:

- The City shall maximize public access in the San Luis Rey River and environs consistent with natural resources values;
- Low cost recreation and visitor serving facilities shall be a priority land use in the river area, commensurate with public demand for such facilities;
- LUP #7 (Page 4) the bike path along Highway 76 shall be extended under I-5 and the railroad track to the river mouth on the south side of the San Luis Rey River if and when funds become available.

The appellants state it is unclear whether public access would be adversely affected to and along the bike path. The site currently contains several trails and a public bike path and the City did not address how the proposed development would affect/impact this access. The above policies address the public's right of access to the San Luis Rey River, the sea and public recreational sites, and require that access considerations be given high priority in reviewing any development proposals. In addition, lower cost recreational facilities should be encouraged and provided. The proposed development is adjacent to one segment of the San Luis Rey River Recreational Trail, which is an inland trail that goes along the riverbank and connects to a trail in the Camp Pendleton Marine Base. The trail provides an important non-vehicular link to coastal areas and resources for residents in the eastern portion of the City and eventually unincorporated areas of the County. The completed bikeway will enable tourists and residents expanded recreational opportunities and afford expanded opportunity for low cost coastal recreational activity including access and views to scenic areas. Therefore, the Commission found the bikeway consistent with the public access and recreation policies of the Coastal Act.

The City's approval is silent regarding the bikeway or access to those adjacent public recreational improvements which were approved in the Commission's permit. As such there is no assurance that access from Coast Blvd. and Pacific Street to the river channel/public open space/bikeway is maintained or not adversely affected by this development. A gated, emergency-only access is proposed within the southwestern corner of the site. This access shares the bike path and it is unclear whether public access would be adversely affected. Also, it is unclear whether access from the public parking lot located to the south to the bikeway via existing unimproved pathways is affected by the proposed development. The paths may be offsite, but the conditions of approval are very non-specific regarding the on-site and off-site street improvements required or approved for this development. The only finding relative to access relates to beach access. As such, it is unclear how access to the bikeway and adjacent public open space is maintained.

In summary, the City failed to analyze the development's conformity with LCP standards regarding public access and resource protection. Thus, the proposal raises a substantial issue regarding consistency with the public access and recreation policies of the certified LCP.

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FRI 4d

BASE MAP SOURCE: USGS 7.5 Minute Series, Oceanside & San Luis Rey Quadrangles

EXHIBIT NO. 1
 APPLICATION NO.
A-6-OCN-02-121
 Location Map

City of Oceanside, San Luis Rey River Bike Trail - Conceptual Mitigation/Reveg

Vic California Coastal Commission

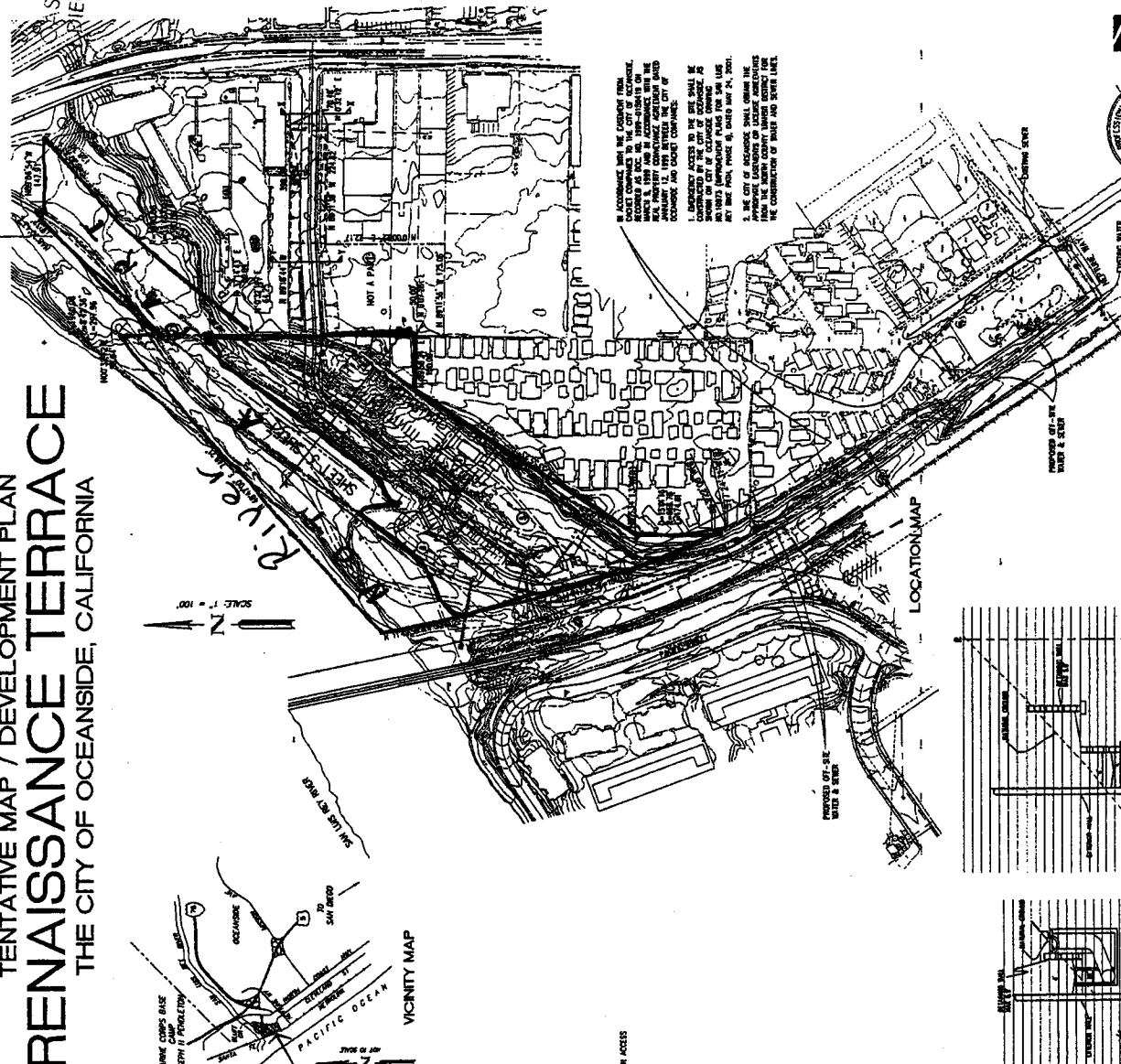
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OCT 07 2007

**TENTATIVE MAP / DEVELOPMENT PLAN
RENAISSANCE TERRACE
THE CITY OF OCEANSIDE, CALIFORNIA**

LEGEND

SUBDIVISION BOUNDARY
LOT LINE
CORNER LINE
EASEMENT LINE
1/4" LINE
SEWER MAIN BY MANHOLE
WATER MAIN
FIRE HYDRANT
PRIVATE STORM PIPES
SHOW/REMOVE SIGN
PROPOSED DRIVE
CURB & GUTTER
STREET LIGHT
CONCRETE BLOCK RET. WALL
FLUSHING DRAIN
SOURCE OF TOPOGRAPHY
MAPPING BY A.C. & SONS, INC. (1988)
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MAPPING BY A.C. & SONS, INC. (1988)
MAPPING BY A.C. & SONS, INC. (1988)
PROJECT LOCATION
THE PROJECT IS LOCATED WHERE:
ADDRESS RANGE: 1415-1425, 1430-1435, 1440-1445



- GENERAL NOTES**
- CROSS AREA WITHIN THE SUBDIVISION - 337 AC.
 - STATIONING ALONG THE CENTERLINE OF THE PROPOSED DRIVE IS SHOWN IN FEET AND DECIMALS THEREOF.
 - THE PROPOSED DRIVE IS TO BE CONSTRUCTED IN ACCORDANCE WITH THE STANDARD SPECIFICATIONS FOR HIGHWAY CONSTRUCTION, LATEST EDITION, AS ADOPTED BY THE CALIFORNIA STATE HIGHWAY AND TRANSPORTATION DEPARTMENT.
 - THE PROPOSED DRIVE IS TO BE CONSTRUCTED AS A 20' WIDE DRIVE WITH 5' SIDEWALKS ON BOTH SIDES.
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- GENERAL DESIGN NOTES**
- ALL STREET DESIGN SHALL BE IN ACCORDANCE WITH THE CITY OF OCEANSIDE DESIGN STANDARDS.
 - ALL DRIVEWAYS SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE CITY OF OCEANSIDE DESIGN STANDARDS.
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PUBLIC UTILITIES

WATER SUPPLY.....CITY OF OCEANSIDE
SEWER.....CITY OF OCEANSIDE
GAS & ELECTRIC.....SAGE S.E.
TELEPHONE.....PACIFIC BELL TELEPHONE
CABLE.....CITY OF OCEANSIDE
FIRE.....CITY OF OCEANSIDE
PO.....CITY OF OCEANSIDE
SIGNALS.....CITY OF OCEANSIDE

LEGAL DESCRIPTION

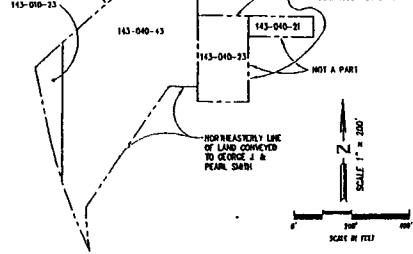
THIS SUBDIVISION IS A CONDOMINIUM PROJECT AS DEFINED IN SECTION 15004 OF THE CIVIL CODE OF CALIFORNIA, AND IS SUBJECT TO THE RECORDS OF THE COUNTY OF SAN DIEGO, CALIFORNIA, RECORDED UNDER MAP NO. 1415-1425, 1430-1435, 1440-1445, 1450-1455, 1460-1465, 1470-1475, 1480-1485, 1490-1495, 1500-1505, 1510-1515, 1520-1525, 1530-1535, 1540-1545, 1550-1555, 1560-1565, 1570-1575, 1580-1585, 1590-1595, 1600-1605, 1610-1615, 1620-1625, 1630-1635, 1640-1645, 1650-1655, 1660-1665, 1670-1675, 1680-1685, 1690-1695, 1700-1705, 1710-1715, 1720-1725, 1730-1735, 1740-1745, 1750-1755, 1760-1765, 1770-1775, 1780-1785, 1790-1795, 1800-1805, 1810-1815, 1820-1825, 1830-1835, 1840-1845, 1850-1855, 1860-1865, 1870-1875, 1880-1885, 1890-1895, 1900-1905, 1910-1915, 1920-1925, 1930-1935, 1940-1945, 1950-1955, 1960-1965, 1970-1975, 1980-1985, 1990-1995, 2000-2005, 2010-2015, 2020-2025, 2030-2035, 2040-2045, 2050-2055, 2060-2065, 2070-2075, 2080-2085, 2090-2095, 2100-2105, 2110-2115, 2120-2125, 2130-2135, 2140-2145, 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OCT 07 2002

CALIFORNIA
COMMISSION
COAST DISTRICT

LAND DESCRIBED IN DEED TO COAST
PROPERTIES INVESTORS, LLC, PER
DOC. 1999-723439 ON 10/29/99

LAND DESCRIBED IN DEED TO COAST
PROPERTIES INVESTORS, LLC, PER
DOC. 1999-723439 ON 10/29/99



INTERIOR LOTS
(EXISTING)

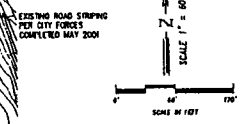
ONE PAVEMENT EASEMENT TO THE
CITY OF OCEANSIDE PER DOC.
NO. 1990-045018

PERMIT JURISDICTION LINE AS SHOWN ON THE POST LEP
CERTIFICATION PERMIT AND APPLIC. JURISDICTION MAP

CL. 10' UTILITY EASEMENT TO THE CITY
OF OCEANSIDE PER BC. 5006, PG. 005

River

GEORGE MOTOR INN



EXISTING ROAD STRIPING
PER CITY PERMITS
COMPLETED MAY 2001

PARCEL AND EASEMENT GRANTED IN FEE TO
CITY OF OCEANSIDE & EASEMENT DEDICATED
FOR PUBLIC STREETS & SIDEWALK PURPOSES
ON OCTOBER 23, 1994. PARCELS TO BE
ACQUIRED AND EASEMENT VACATED.

INTERIOR LOT AREAS:
(AREAS IN SQUARE FEET)

Lot 01 Area =	35958
Lot 02 Area =	32285
Lot 03 Area =	37867
Lot 04 Area =	10972
Lot 05 Area =	36597
Lot 06 Area =	19146
Gross Area Within Subdivision =	172825
Area to be Adjusted =	4147

PROPOSED PRIVATE
ROAD EASEMENT WITH
BANKREQUIREMENT
ADJACENT PUBLIC
WATER EASEMENT TO BE
GRANTED OVER PORTION
NOT A PART

CL. 50' ROAD
EASEMENT PER BC.
1451, PG. 74, 005

50' ROAD EASEMENT
PER BC. 5041, PG. 008

50' ROAD EASEMENT PER
BC. 4822, PG. 004

50' ROAD EASEMENT PER
BC. 5031, PG. 027

BOUNDARY TO BE ADJUSTED
PRIOR TO THE RECORDATION
OF THE FINAL MAP

INTERIOR LOTS
(PROPOSED)
RENAISSANCE TERRACE

California Coastal Commission

EXHIBIT NO. 2b
APPLICATION NO.
A-6-OCN-02-121
Tentative Map/
Development Plan

TAIT
Consulting, Inc.
717 For New Way
Road, Oceanside, CA 92081
Phone: 760-431-1141



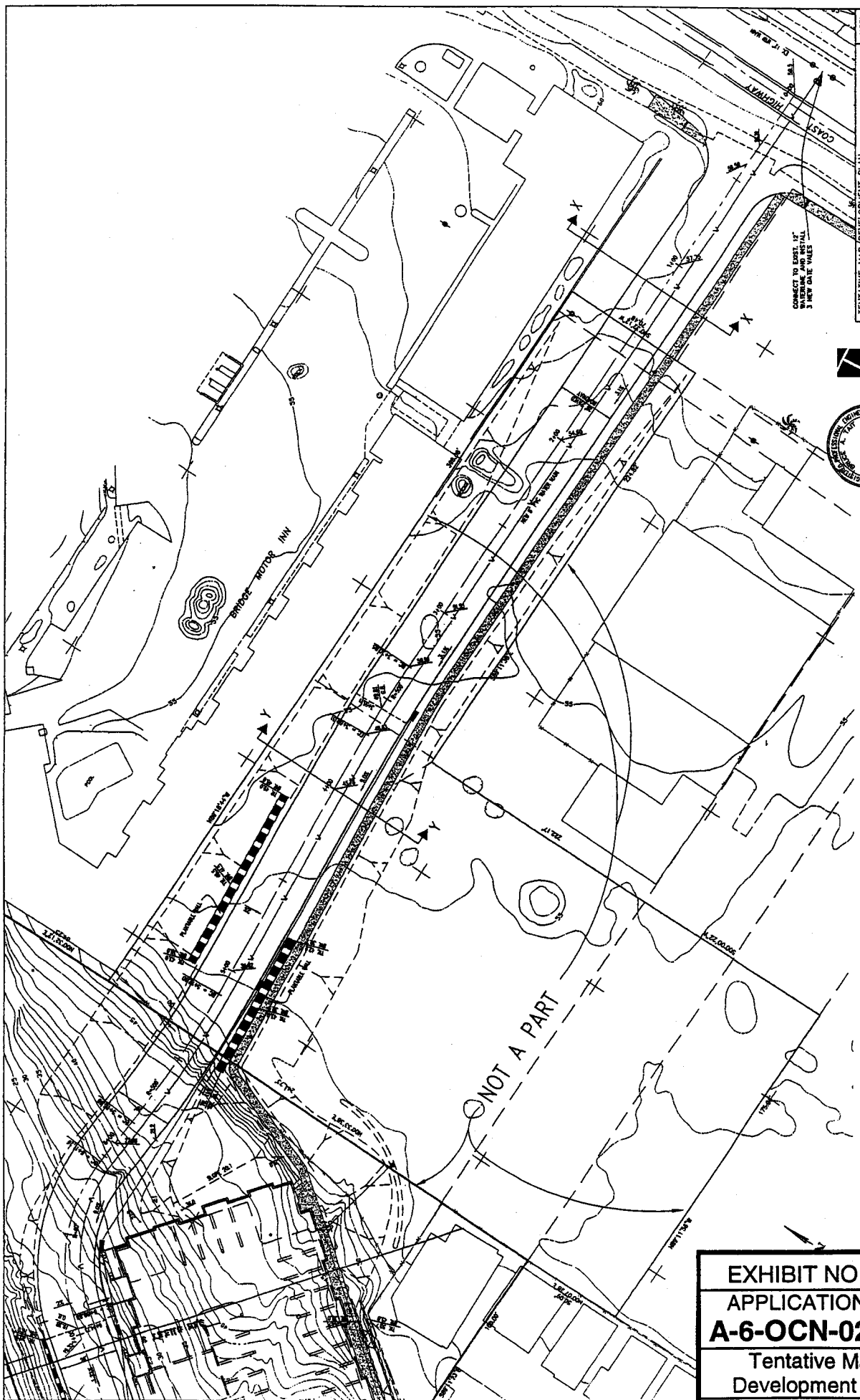
TENTATIVE MAP/DEVELOPMENT PLAN
RENAISSANCE TERRACE
THE CITY OF OCEANSIDE, CALIFORNIA

SHEET
5
OF
5

RECEIVED

OCT 07 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



TENTATIVE MAP/DEVELOPMENT PLAN
 SHEET 4 OF 5
RENAISSANCE PLACE
 THE CITY OF OCEANSIDE, CALIFORNIA

TALT
 Consulting, Inc.
 1000 La Jolla Village Drive
 Suite 100
 San Diego, CA 92161
 Phone: 619-594-1976



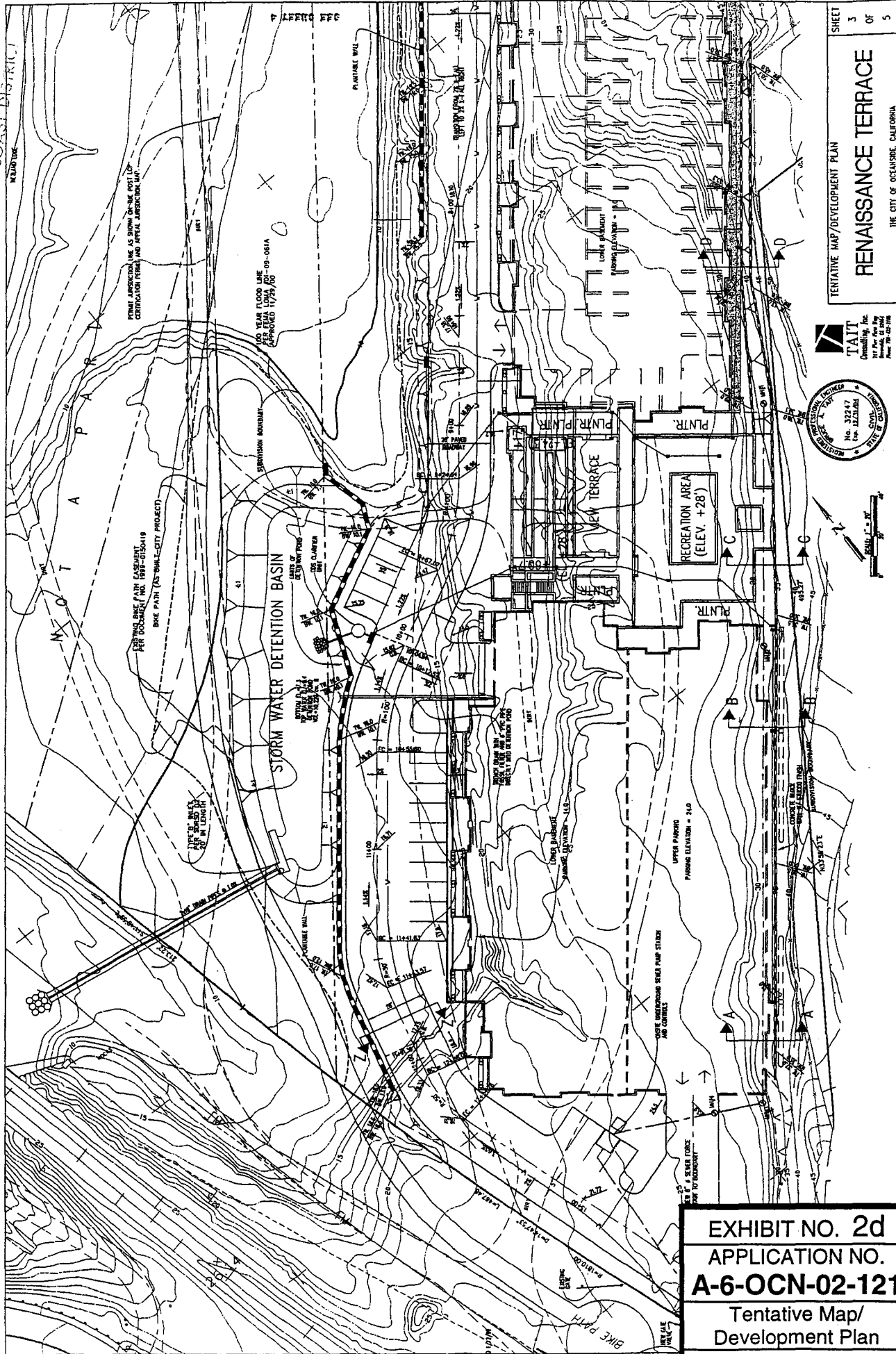
EXHIBIT NO. 2c
APPLICATION
A-6-OCN-02-121
 Tentative Map/
 Development Plan

California Coastal Commission

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OCT 07 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



TAIT
Consulting, Inc.
117 Ave. of the
Powers, #100
San Diego, CA 92108
Phone: 761-0211

NO. 32247
EXHIBIT NO. 2d
DATE: 08/20/02

TENTATIVE MAP/DEVELOPMENT PLAN
RENAISSANCE TERRACE
THE CITY OF OCEANSIDE, CALIFORNIA

SHEET
3 OF 5

EXHIBIT NO. 2d
APPLICATION NO.
A-6-OCN-02-121
Tentative Map/
Development Plan

California Coastal Commission

RECEIVED

OCT 07 2002

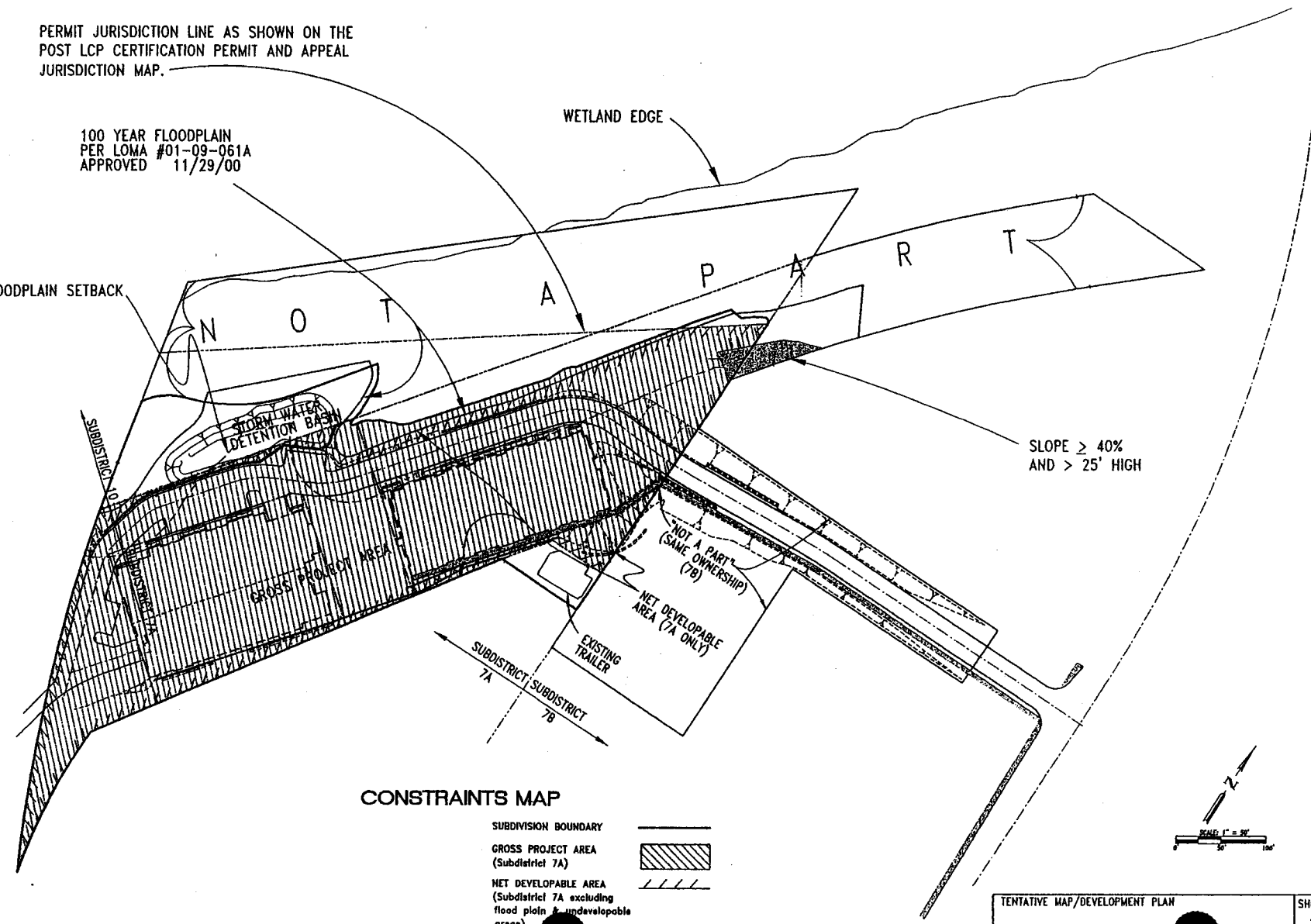
CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

PERMIT JURISDICTION LINE AS SHOWN ON THE
POST LCP CERTIFICATION PERMIT AND APPEAL
JURISDICTION MAP.

100 YEAR FLOODPLAIN
PER LOMA #01-09-061A
APPROVED 11/29/00

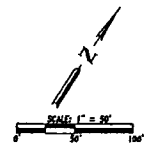
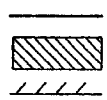
WETLAND EDGE

50' FLOODPLAIN SETBACK



CONSTRAINTS MAP

- SUBDIVISION BOUNDARY
- GROSS PROJECT AREA (Subdistrict 7A)
- NET DEVELOPABLE AREA (Subdistrict 7A excluding flood plain & undevelopable areas)



TENTATIVE MAP/DEVELOPMENT PLAN

RENAISSANCE TRACE

THE CITY OF OCEANSIDE, CALIFORNIA

SHEET	2
OF	5

EXHIBIT NO. 3
APPLICATION
A-6-OCN-02-121
Constraints Map

California Coastal Commission

1 RECEIVED

OCEANSIDE COMMUNITY DEVELOPMENT COMMISSION

2 JUN 17 2002

3 RESOLUTION NO. 02-R320-3

4 CALIFORNIA
5 COASTAL COMMISSION
SAN DIEGO COAST

6 A RESOLUTION OF THE COMMUNITY DEVELOPMENT
7 COMMISSION OF THE CITY OF OCEANSIDE APPROVING A
8 TENTATIVE MAP, DEVELOPMENT PLAN, REGULAR
9 COASTAL PERMIT, CONDITIONAL USE PERMIT AND
10 VARIATION FOR A 96-UNIT CONDOMINIUM PROJECT
11 LOCATED ON THE SOUTH SIDE OF THE SAN LUIS REY
12 RIVER, WEST OF COAST HIGHWAY AND EAST OF PACIFIC
13 STREET -- RENAISSANCE TERRACE

14 (CH Oceanside LLC – Applicant)

15 WHEREAS, an application for a Tentative Map (T-200-01), Development Plan (D-200-
16 01), Conditional Use Permit (C-200-01), Regular Coastal Permit (RC-200-01) and Variation
17 (V-200-01) for a 96-unit condominium project located south of the San Luis Rey River, north
18 of the Mira Mar Mobile Home Park, west of Coast Highway and east of Pacific Street; and

19 WHEREAS, on April 1, 2001, the Redevelopment Design Review Committee (RDRC)
20 of the City of Oceanside reviewed and recommended approval of Tentative Map (T-200-01),
21 Development Plan (D-200-01), Conditional Use Permit (C-200-01), Regular Coastal Permit
22 (RC-200-01) and Variation (V-200-01);

23 WHEREAS, on May 1, 2002, the Redevelopment Advisory Committee (RAC) of the
24 City of Oceanside reviewed and recommended approval of Tentative Map (T-200-01),
25 Development Plan (D-200-01), Conditional Use Permit (C-200-01), Regular Coastal Permit
26 (RC-200-01) and Variation (V-200-01);

27 WHEREAS, on May 1, 2002, a duly advertised public hearing before the Community
28 Development Commission of the City of Oceanside was held to consider Tentative Map (T-
200-01), Development Plan (D-200-01), Conditional Use Permit (C-200-01), Regular Coastal
Permit (RC-200-01) and Variation (V-200-01) and the recommendation of the Redevelopment
Advisory Committee (RAC). During this hearing, the Community Development Commission
heard and considered written evidence and oral testimony by all interested parties on Tentative
Map (T-200-01), Development Plan (D-200-01), Conditional Use Permit (C-200-01), Regular
Coastal Permit (RC-200-01) and Variation (V-200-01); and

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-02-121
Conditions of
Approval
Pages 1-21

1 WHEREAS, studies and investigations made by the Community Development
2 Commission reveal the following facts:

3 1. The granting of the Tentative Map (T-200-01), Development Plan (D-200-01),
4 Conditional Use Permit (C-200-01), Regular Coastal Permit (RC-200-01) and Variation (V-
5 200-01) is consistent with the purposes of the California Coastal Act of 1976.

6 2. The site plan and design is consistent with the purposes of the Zoning Ordinance
7 and the "D" Downtown District.

8 3. The project is consistent with the Redevelopment Plan and General Plan of the
9 City.

10 4. The project can be adequately, reasonably and conveniently served by existing
11 and planned public services, utilities and public facilities.

12 5. The project conforms with the Local Coastal Program, including the policies of
13 that plan.

14 WHEREAS, a Final Supplemental Environmental Impact Report was prepared by the
15 Resource Officer of the City of Oceanside for this application pursuant to the California
16 Environmental Quality Act 1970 and the State Guidelines implementing the Act. The Final
17 Supplemental Environmental Impact Report has identified significant but mitigable impacts;

18 WHEREAS, The Final Supplemental Environmental Impact Report has been reviewed
19 and certified by the Community Development Commission prior to approval of Tentative Map
20 (T-200-01), Development Plan (D-200-01), Conditional Use Permit (C-200-01), Regular
21 Coastal Permit (RC-200-01) and Variation (V-200-01).

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

24 WHEREAS, pursuant to Government Code §66020(d)(1), NOTICE IS HEREBY
25 GIVEN that the Project is subject to certain fees, dedications, reservations and other exactions
26 as provided below:
27
28

1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
2			
3	Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	Area 5 - \$1,705 per acre
4			
5	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$1,301 per unit
6			
7	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.05 per square foot for residential
8			
9	Traffic Signal Fee	Ordinance No. 87-19	\$7.80 per vehicle trip
10	Thoroughfare and Bridge	Ordinance No. 83-01	\$177 per vehicle trip
11	Fee		(based on SANDAG trip
12	(For commercial and		generation table available
13	industrial please note the		from staff and from
14	.75 per cent discount)		SANDAG)
15	Water System Buy-in Fees	Oceanside City Code §37.56.1 Ordinance No. 99-21	Fee based on water meter size
16			
17	Wastewater System Buy-in	Oceanside City Code § 29.11.1 Ordinance No. 99-20	Based on capacity or water meter size
18	fees		
19			
20	San Diego County Water	SDCWA Ordinance No.	Based on meter size.
21	Authority Capacity Fees	99-2	

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

27 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be
28 calculated and collected at the time and in the manner provided in Chapter 32B of the

1 Oceanside City Code and the City expressly reserves the right to amend the fees and fe
2 calculations consistent with applicable law;

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

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

9 WHEREAS, studies and investigations made by the Community Development
10 Commission reveal the following facts:

11 FINDINGS:

12 **For the Tentative Map and Development Plan:**

- 13 1. The proposed 96-unit condominium project is consistent with the General Plan of the
14 City or any applicable Specific Plan or other provisions of the Zoning Ordinance.
- 15 2. The subject site is physically suitable for the type and proposed density of development
- 16 3. The design of the subdivision and the proposed improvements will not cause substantial
17 environmental damage or substantially and avoidably injure fish or wildlife or their
18 habitat.
- 19 4. The design of the subdivision and the project improvements will not conflict with
20 easements, acquired by the public at large, for access through or the use of property
21 within the proposed subdivision.
- 22 5. The subdivision complies with all other applicable ordinances, regulations and
23 guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan,
24 Hillside regulations and the Local Floodplain Ordinance.

25 **For the Regular Coastal Permit:**

- 26 1. The proposed project is consistent with the policies of the Local Coastal Program as
27 implemented through the City Zoning Ordinance. In addition, the project will not
28 substantially alter or impact existing public views of the coastal zone area.

1 2. The proposed project will not obstruct any existing or planned public beach access;
2 therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

3 **For the Conditional Use Permit:**

- 4 1. The increase in height to 65-feet for a portion of the project is consistent with the
5 objectives of the Zoning Ordinance, in particular, the criteria for additional height.
6 2. The increase in height is consistent with the provisions of the Redevelopment Plan as
7 well as the Local Coastal Program.
8 3. The increase in height, under the criteria established in the Zoning Ordinance, will not
9 be detrimental to the public health, safety or welfare of persons residing or working in
10 the adjacent neighborhood.

11 **For the Variation:**

- 12 1. The application of the plantable retaining wall requirement would result in practical
13 difficulties or unnecessary hardships inconsistent with the general purpose and intent of
14 the Redevelopment Plan.
15 2. The project site's topography and size would constitute a special circumstance to grant
16 the variation.
17 3. Permitting a Variation for the plantable retaining wall requirement will not be materially
18 detrimental to the public welfare or injurious to property or improvements in the area.
19 4. Permitting the Variation for the plantable retaining wall requirement will not be contrary
20 to the objectives of the Redevelopment Plan.

21 NOW, THEREFORE, the Community Development Commission of the City of
22 Oceanside does resolve that Tentative Map (T-200-01), Development Plan (D-200-01),
23 Conditional Use Permit (C-200-01), Regular Coastal Permit (RC-200-01) and Variation (V-
24 200-01) is hereby approved subject to the following conditions:

25 Building:

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

- 1 3. Site development, common use areas, access and adaptability of apartments and
2 condominiums shall comply with Part 2, Title 24, and C.C.R. (Disabled Access &
3 Adaptability - HCD).
- 4 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
5 property shall be underground (City Code Sec. 6.30).
- 6 5. The building plans for this project are required by State law to be prepared by a
7 licensed architect or engineer and must be in compliance with this requirement prior to
8 submittal for building plan review.
- 9 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
10 and shall be shielded appropriately. Where color rendition is important high-pressure
11 sodium, metal halide or other such lights may be utilized and shall be shown on final
12 building and electrical plans. In addition, all lighting showcasing building architecture
13 shall be shown on the above noted plans.
- 14 7. A letter of clearance from the school district in which the property is located shall be
15 provided at the time building permits are issued.
- 16 8. The developer shall monitor, supervise and control all building construction and supportive
17 activities so as to prevent these activities from causing a public nuisance, including, but not
18 limited to, strict adherence to the following:
 - 19 a) Building construction work hours shall be limited to between 7 a.m. and 6 p.m.
20 Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
21 inherently noise-producing. Examples of work not permitted on Saturday are
22 concrete and grout pours, roof nailing and activities of similar noise-producing
23 nature. No work shall be permitted on Sundays and Federal Holidays (New Year's
24 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day),
25 except as allowed for emergency work under the provisions of the Oceanside City
26 Code Chapter 38 (Noise Ordinance).
 - 27 b) The construction site shall be kept reasonably free of construction debris as
28 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
approved solid waste containers shall be considered compliance with this

1 requirement. Small Amounts of construction debris may be stored on site in a neat,
2 safe manner for short periods of time pending disposal.

3 Fire:

- 4 9. A minimum fire flow of 2,500 gallons per minute shall be provided twenty-four (24) hours
5 a day.
- 6 10. The size of Fire hydrant outlets shall be 2 1/2" X 2 1/2 x 4" as approved by the Fire
7 Department.
- 8 11. All fire hydrants shall be installed and accessible to the Fire Department prior to placing
9 any combustible materials on the job site.
- 10 12. All-weather access roads, as required and approved by the Fire Department, shall be
11 installed and kept serviceable, to the satisfaction of the Fire Department, prior to and
12 during construction. All weather roads shall not be modified, altered or removed without
13 the approval of the Fire Department.
- 14 13. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per Vehicle
15 Code Section 22500.1.
- 16 14. All plans as required by the Fire Department shall be directly submitted to the Fire
17 Department for plan check, review and approval, prior to the issuance of building permits.
- 18 15. All fire extinguishers, as required by the Fire Department, shall be clearly indicated on the
19 appropriate plans and submitted to the Fire Department.
- 20 16. All existing fire hydrants within 400 feet of the project shall be shown on the plot plan.
- 21 17. Fire lanes shall be shown on the site plan with a 28-foot minimum width. Fire lanes, given
22 the review of the construction plans, may have additional requirements to insure
23 compliance with Fire Department emergency response needs.
- 24 18. All buildings shall be sprinklered and monitored twenty-four (24) hours a day, every day,
25 by a central station, as approved by the Fire Department, prior to the Fire Department
26 approving occupancy.
- 27 19. All fire alarm system plans shall be submitted to the Fire Department and approved prior to
28 any systems installation.

1 20. All numerical addressing of the exterior of all structures shall conform to the Uniform Fire
2 Code Section 901, Article 9, including all additional numerical or alphabetical addressing
3 as required by the Fire Department.

4 21. Blue hydrant identification markers shall be appropriately installed in the center of the
5 street, adjacent to the street hydrants.

6 Engineering:

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

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

11 24. Existing legal access to any existing lot shall not be eliminated by this project without
12 granting appropriate replacement legal access.

13 25. The developer shall provide public street dedication as required to serve the property.

14 26. The approval of the tentative map shall not mean that the proposed closure, vacation,
15 abandonment or sale of any public street, right of way, easement, facility, or City owned
16 property indicated on the tentative map is granted or guaranteed to the subdivider. The
17 subdivider is responsible for applying for all closures, vacations, and abandonments as
18 necessary. The application(s) shall be reviewed and approved or rejected by the City
19 under separate process(es) per codes, ordinances, and policies in effect at the time of the
20 application.

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

26 28. Prior to approval of the final map a phasing plan for the construction of public and private
27 improvements (including landscaping, streets and arterials) shall be approved by the City
28 Engineer. All improvements shall be construction prior to the issuance of any building
permits.

- 1 29. The tract shall be recorded as one. The tract may be developed in phases. A construction-
2 phasing plan for the construction of on-site public and private improvements shall be
3 reviewed and approved by the City Engineer prior to the recordation of the final map.
4 Prior to the issuance of any building permits all offsite improvements including
5 landscaping, landscaped medians, frontage improvements shall be constructed to the
6 satisfaction of the City Engineer. The City Engineer shall require the dedication and
7 construction of necessary utilities, arterials and streets and other improvements outside the
8 area of any particular final map, if such is needed for circulation, parking, access or for the
9 welfare or safety of future occupants of the development
- 10 30. Prior to the issuance of any grading, improvement or building permits for a model
11 complex, a construction-phasing plan for the entire project shall be reviewed and
12 approved by the Planning Director, City Engineer and Building Director. All public and
13 private improvements including landscaping and offsite streets or arterials that are found
14 to be required to serve the model complex shall be completed prior to the issuance of
15 any building permit.
- 16 31. Where proposed off-site improvements, including but not limited to slopes, public utility
17 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
18 expense, obtain all necessary easements or other interests in real property and shall
19 dedicate the same to the City as required. The applicant shall provide documentary proof
20 satisfactory to the City that such easements or other interest in real property have been
21 obtained prior to the approval of the final map. Additionally, the City, may at its sole
22 discretion, require that the applicant obtain at his sole expense a title policy insuring the
23 necessary title for the easement or other interest in real property to have vested with the
24 City of Oceanside or the applicant, as applicable.
- 25 32. Pursuant to the State Map Act, improvements shall be required at the time of development.
26 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
27 these improvement conditions and a certificate setting forth the recordation shall be placed
28 on the map.

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

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

6 b) All grading and related site preparation and construction activities shall be limited
7 to the hours of 7 a.m. to 6 p.m., Monday through Friday, and on Saturday from 7
8 a.m. to 6 p.m. for work that is not inherently noise-producing unless otherwise
9 extended by the City and all work should utilize the latest technology for quiet
10 equipment. All on-site construction staging areas shall be as far as possible
11 (minimum 100 feet) from any existing residential development. Because
12 construction noise may still be intrusive in the evening or on holidays, the City of
13 Oceanside Noise Ordinance also prohibits "any disturbing excessive, or offensive
14 noise which causes discomfort or annoyance to reasonable persons of normal
15 sensitivity."

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

18 34. All traffic signal contributions, highway thoroughfare fees, park fees, reimbursements, and
19 other applicable charges, fees and deposits shall be paid prior to the issuing of any building
20 permits, in accordance with City Ordinances and policies. The subdivider or developer
21 shall also be required to join into, contribute, or participate in any improvement, lighting,
22 or other special district affecting or affected by this project. Approval of the tentative map
23 shall constitute the developer's approval of such payments, and his agreement to pay for
24 any other similar assessments or charges in effect when any increment is submitted for
25 final map or building permit approval, and to join, contribute, and/or participate in such
26 districts.

27 35. All public streets shall be improved with concrete curbs and gutters, streetlights, 5-foot
28 wide sidewalks and pavement, providing a parkway width of at least 10 feet, except where
turnouts are provided and unless altered by the City Engineer. All streets shall be

1 improved with street name signs and traffic calming and traffic control devices as directed
2 by the City Engineer.

3 36. All public and private improvements shall be designed and constructed per the City's
4 applicable engineering standards in effect at the time of the approval of the final design.

5 37. This project's internal streets shall remain private and shall be maintained by an
6 association. The pavement sections, traffic indices, alignments, and all geometrics are
7 subject to approval by the City Engineer.

8 38. Gates have not been designed or approved for this project. Gates proposed to be added
9 after the fact are subject to the approval of the Planning Director and City Engineer and
10 shall not be approved without adequate stacking, parking or turning capacity.

11 39. The exact alignment, width and design of all median islands, turning lanes, travel lanes,
12 driveways, striping, and all other traffic calming and control devices and measures,
13 including turnouts, bike lanes, and width/length transitions and other measures shall be
14 approved by the City Engineer at the time of final design.

15 40. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon
16 approved soil tests and traffic indices. The pavement design is to be prepared by the
17 subdivider's soil engineer and must be approved by the City Engineer, prior to paving.

18 41. Parking shall be prohibited on both sides of all interior streets or private drives less than 32
19 feet in curb-to-curb width, and on one side of all streets less than 36 feet in width.

20 42. All streets shall be improved with street name signs and traffic calming and traffic control
21 devices, as directed by the City Engineer.

22 43. Sight distance requirements at all street intersections shall conform to the intersection sight
23 distance criteria as provided by the California Department of Transportation Highway
24 Design Manual.

25 44. A traffic control plan shall be submitted to and approved by the City Engineer prior to the
26 start of work within open City rights-of-way. Traffic control during construction of streets
27 that have been opened to public traffic shall be in accordance with construction signing,
28 marking and other protection as required by the CalTrans Traffic Manual. Traffic control

1 during construction adjacent to or within all public streets must also meet CalTrans
2 standards.

- 3 45. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
4 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 5 46. Coast Highway at the project's main entrance shall be improved to the satisfaction of the
6 City Engineer and the City Traffic Engineer. The improvements shall provide appropriate
7 transition between the currently existing different roadway widths. Realignment of
8 existing curb, gutter, sidewalk and right-of-way will be necessary. Right-of-way
9 acquisition shall be the developer's responsibility.
- 10 47. All existing overhead utility lines within the development and/or within any full width
11 street or right-of-way abutting a new development, and all new extension services for the
12 development of the project, including but not limited to, electrical, cable and telephone,
13 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
14 and as required by the City Engineer and current City policy.
- 15 48. Installation of streetlights might be required by the City Engineer or the City Traffic
16 Engineer where deemed necessary for public safety. The system shall be designed and
17 secured prior to the recordation of map. The subdivider shall pay all applicable fees,
18 energy charges, and/or assessments associated with City-owned (LS-2 rate schedule)
19 streetlights and shall also agree to the formulation of, or the annexation to, any appropriate
20 street lighting district.
- 21 49. The developer shall comply with all the provisions of the City's cable television ordinances
22 including those relating to notification as required by the City Engineer.
- 23 50. Grading and drainage facilities shall be designed to adequately accommodate the local
24 storm water runoff and shall be in accordance with the City's Engineers Manual and as
25 directed by the City Engineer.
- 26 51. The applicant shall obtain any necessary permits and clearances from all public agencies
27 having jurisdiction over the project due to its type, size, or location, including but not
28 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game
U.S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board

1 (including NPDES), San Diego County Health Department, prior to the issuance of grading
2 permits.

3 52. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
4 investigation shall be conducted of the soils, slopes, and formations in the project. All
5 necessary measures shall be taken and implemented to assure slope stability, erosion
6 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
7 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
8 the City Engineer.

9 53. This project shall provide year-round erosion control including measures for the site
10 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
11 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
12 the applicant with cash securities and approved by the City Engineer.

13 54. A precise grading and private improvement plan shall be prepared, reviewed, secured and
14 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
15 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,
16 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
17 and any on site traffic calming devices shall be shown on all Precise Grading and Private
18 Improvement Plans.

19 55. Landscaping plans, including plans for the construction of walls, fences or other structures
20 or near intersections, must conform to intersection sight distance requirements. Landscape
21 and irrigation plans for disturbed areas must be submitted to the City Engineer prior to the
22 issuance of a preliminary grading permit and approved by the City Engineer prior to the
23 issuance of building permits. Frontage and median landscaping shall be installed prior to
24 the issuance of any building permits. Project fences, sound or privacy walls and monument
25 entry walls/signs shall be designed, reviewed and constructed by the landscape plans and
26 shown for location only on grading plans. Plantable, segmental walls shall be designed,
27 reviewed and constructed by the grading plans and landscaped/irrigated through project
28 landscape plans. All plans must be approved by the City Engineer and a pre-construction
meeting held, prior to the start of any improvements.

- 1 56. Open space areas and down-sloped areas visible from a collector-level or above roadway or
2 other public areas and not readily maintained by the property owner, shall be maintained by
3 a homeowners' association that will insure installation and maintenance of landscaping in
4 perpetuity. These areas shall be indicated on the final map and either reserved for an
5 association. In either case, future buyers shall be made aware of any estimated monthly
6 costs. The disclosure, together with the CC&R's, shall be submitted to the City Engineer
7 for review prior to the recordation of final map. In the event the homeowner's association
8 dissolves, responsibility for irrigation and maintenance of the slopes (open space areas)
9 adjacent to each property shall become that of the individual property owner.
- 10 57. All storm drain systems shall be designed and installed to the satisfaction of the City
11 Engineer.
- 12 58. The drainage design on the tentative map conceptual only. The final design shall be based
13 upon a hydrologic/hydraulic study to be approved by the City Engineer during final
14 engineering. All drainage picked up in an underground system shall remain underground
15 until it is discharged into an approved channel, or as otherwise approved by the Ci
16 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
17 All storm drain easements shall be dedicated where required. The applicant shall be
18 responsible for obtaining any off-site easements for storm drainage facilities.
- 19 59. Grading and drainage facilities shall be designed to adequately accommodate the local
20 storm water runoff and shall be in accordance with the City's Engineers Manual and as
21 directed by the City Engineer.
- 22 60. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
23 disposed of in accordance with all state and federal requirements, prior to stormwater
24 discharge either off-site or into the City drainage system.
- 25 61. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
26 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
27 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial
28 street or state highway.

1 62. The development shall comply with all applicable regulations established by the United
2 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
3 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
4 storm water discharge and any regulations adopted by the City pursuant to the
5 N.P.D.E.S. regulations or requirements. Further, the applicant shall file a Notice of
6 Intent with the State Water Resources Control Board to obtain coverage under the
7 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
8 Activity and shall implement a Storm Water Pollution Prevention Plan (SWPPP)
9 concurrent with the commencement of grading activities. The SWPPP shall include
10 both construction and post construction pollution prevention and pollution control
11 measures and shall identify funding mechanisms for post construction control
12 measures. The developer shall comply with all the provisions of the N.P.D.E.S. and the
13 Clean Water Program during and after all phases of the development process, including
14 but not limited to: mass grading, rough grading, construction of street and landscaping
15 improvements, and construction of dwelling units. The applicant shall design the
16 Project's storm drains and other drainage facilities to include Best Management Practices
17 to minimize non-point source pollution, satisfactory to the City Engineer. The San Diego
18 Regional Water Quality Control Board's current Municipal Storm Water Permit includes
19 regulations such as implementation of Standard Urban Storm Water Mitigation Plans
20 (SUSMPS) and Numeric Sizing Criteria for new residential development. The
21 applicant shall comply with all relevant regulations, when they become effective,
22 including but not limited to incorporation into the design and implementation of the
23 Project, temporary and permanent structural Best Management Practices and non-
24 structural mitigation measures that would reduce pollution of storm water runoff to the
25 maximum extent practicable.

26 Planning:

27 63. The Tentative Map, Development Plan, Conditional Use Permit, Regular Coastal Permit
28 and Variation shall expire on May 1, 2004 unless implemented as prescribed by the Zoning
Ordinance or a time extension is granted by the Community Development Commission.

- 1 64. The Tentative Map, Development Plan, Conditional Use Permit, Regular Coastal Permit
2 and Variation approves the project as shown on the plans and exhibits and as described
3 in the staff reports presented to the Community Development Commission for review
4 and approval. No deviation from these approved plans and exhibits shall occur without
5 Community Development Commission approval. Substantial deviations shall require a
6 revision to the Tentative Map, Development Plan, Conditional Use Permit and Regular
7 Coastal Permit, or a new Tentative Map, Development Plan, Conditional Use Permit and
8 Regular Coastal Permit.
- 9 65. All mechanical rooftop and ground equipment shall be screened on all sides and the top
10 from public view as required by the Zoning Ordinance. The roof jacks, mechanical
11 equipment, screen and vents shall be painted with non-reflective paint to match the roof.
12 This information shall be shown on the building plans.
- 13 66. Landscape plans meeting the criteria of the City's Landscape Guidelines and Water
14 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
15 be reviewed and approved by the City Engineer and Planning Director prior to the issuance
16 of building permits. Landscaping shall not be installed until bonds have been posted, fees
17 paid, and plans signed for final approval. The following special landscaping requirements
18 shall be met:
- 19 a) A facility-phasing plan so that amenities are provided through each phase of
20 development shall be part of the landscape plan approval.
 - 21 b) The developer shall be responsible for irrigating and landscaping all embankments
22 within the project, and all slopes along major streets.
 - 23 c) Local street trees in parkways shall be planted at a minimum of 30 feet on center,
24 each side of street, as a solitary planting. Approved root barriers shall be
25 incorporated.
 - 26 d) Crimson Lake Bougainvillea, the official City Flower, shall be used on this site. San
27 Diego Red Bougainvillea is an acceptable alternate.
- 28 67. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
any adjoining public parkways shall be permanently maintained by the owner, his assigns

1 or any successors in interest in the property. The maintenance program shall include
2 normal care and irrigation of the landscaping; repair and replacement of plant materials;
3 irrigation systems as necessary; and general cleanup of the landscaped and open areas,
4 parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result
5 in the City taking all appropriate enforcement actions by all acceptable means including,
6 but not limited to, citations and/or actual work with costs charged to or recorded against the
7 owner. This condition shall be recorded with the covenant required by this Resolution.

8 68. A trash enclosure(s) must be provided as required by Chapter 13 of the City Code and shall
9 also include additional space for storage and collection of recyclable materials per City
10 standards. The enclosure(s) must be built in a flat, accessible location as determined by the
11 City Engineer. The enclosure(s) shall meet City standards including being constructed of
12 concrete block, reinforced with rebar and filled with cement. A concrete slab must be
13 poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the
14 block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto. Steel
15 posts must be set in front of the enclosure with solid metal gates. All driveways and
16 service access areas must be designed to sustain the weight of a 50,000-pound service
17 vehicle. Trash enclosures and driveways and service access areas shall be shown on both
18 the improvement and landscape plans submitted to the City Engineer. The specifications
19 shall be reviewed and approved by the City Engineer. The City's waste disposal contractor
20 is required to access private property to service the trash enclosures, a service agreement
21 must be signed by the property owner and shall remain in effect for the life of the project.
22 All trash enclosures shall be designed to provide user access without the use and opening
23 of the service doors for the bins. Trash enclosures shall have design features such as
24 materials and trim similar to that of the rest of the project. This design shall be shown on
25 the landscape plans and shall be approved by the Planning Director.

26 69. A covenant or other recordable document approved by the City Attorney shall be prepared
27 by the applicant or developer and recorded prior to the approval of the final map. The
28 covenant shall provide that the property is subject to this Resolution, and shall generally list
the conditions of approval.

- 1 70. Prior to the issuance of building permits, compliance with the applicable provisions of the
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
3 and approved by the Planning Department. These requirements, including the obligation to
4 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
5 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
6 property.
- 7 71. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
8 written copy of the applications, staff report and resolutions for the project to the new
9 owner and or operator. This notification's provision shall run with the life of the project
10 and shall be recorded as a covenant on the property.
- 11 72. Failure to meet any conditions of approval for this development shall constitute a violation
12 of the Conditional Use Permit and Development Plan.
- 13 73. Unless expressly waived, all current zoning standards and City ordinances and policies in
14 effect at the time building permits are issued are required to be met by this project. The
15 approval of this project constitutes the applicant's agreement with all statements in the
16 Description and Justification, Management Plan and other materials and information
17 submitted with this application, unless specifically waived by an adopted condition of
18 approval.
- 19 74. The Conditional Use Permit may be called for review by the Community Development
20 Commission if complaints are filed and verified as valid by the Code Enforcement Office
21 concerning the violation of any of the approved conditions or assumptions made by the
22 application.
- 23 75. A covenant shall be recorded generally acknowledging these conditions.
- 24 76. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
25 the same as those approved by the Community Development Commission. These shall be
26 shown on plans submitted to the Building and Planning Departments.
- 27 77. All mitigation measures identified in the approved Final Supplemental Environmental
28 Impact Report and Mitigation and Monitoring Reporting Program (MMRP) shall be
complied with as stated in those documents.

1 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the
2 City of Oceanside, its agents, officers or employees from any claim, action or proceeding against
3 the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the
4 City, concerning Tentative Map (T-200-01), Development Plan (D-200-01), Conditional
5 Use Permit (C-200-01), Regular Coastal Permit (RC-200-01) and Variation (V-200-01).
6 The City will promptly notify the applicant of any such claim, action or proceeding against the
7 city and will cooperate fully in the defense. If the City fails to promptly notify the applicant of
8 any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall
9 not, thereafter, be responsible to defend, indemnify or hold harmless the City.

10 Water Utilities:

11 79. All public water and/or sewer facilities not located within the public right-of-way shall
12 be provided with easements sized according to the Engineers Manual. Easements shall
13 be constructed for an all weather access.

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

16 81. The property owner shall maintain private water and wastewater utilities located on
17 private property.

18 82. A separate irrigation meter is required and approved backflow prevention device is
19 required.

20 83. The developer shall construct a public reclamation water system that will serve each lot
21 and or parcels that are located in the proposed project in accordance with the City of
22 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be
23 located in the public streets or in a public utility easement.

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

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

1 86. Subterranean parking spaces shall be drained to the City's Storm Drain System and shall
2 comply with the California Regional Water Quality Control Board Order No. 2001-01.

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

6 88. All Water and Wastewater construction shall conform to the most recent edition of the
7 City of Oceanside Engineer's Manual, or as approved by the Water Utilities Director.

8 89. The property owner, per City of Oceanside Ordinance 83-44, shall maintain all sewer
9 laterals.

10 90. The projects sewer service will be via a private lift station and private force main. The
11 proposed force main will tie into public facilities at the intersection of Cleveland Street
12 and Neptune Way.

13 91. A maintenance agreement for the proposed private lift station and private force main
14 shall be provided to the Water Utilities Department.

15 92. The proposed water system must be looped.

16 //

17 //

18 //

19 //

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28

1 Community Services:

2 93. The City shall not now, or in the future, assume the responsibility for the maintenance of
3 any medians, landscaping, slopes, open space or common grounds for this project.

4 PASSED AND ADOPTED by the Oceanside Community Development Commission of
5 the City of Oceanside this 1st day of May, 2002 by the following vote:

6 AYES: Johnson, Feller, Harding and McCauley

7 NAYS: Sanchez

8 ABSENT: None

9 ABSTAIN: None

10

11

12

Chairman

13

14 ATTEST:

15

16

Secretary

17

18

APPROVED AS TO FORM:
OFFICE OF THE CITY ATTORNEY

19

20

by _____
General Counsel

21

22

23

24

25

26

27

28

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant(s)

Name: Shirley Dettloff
Mailing Address: 2000 Main Street
Huntington Beach, CA 92648
Phone Number: 714 536-5553

FILE COPY

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside
2. Brief description of development being appealed: 96-unit condominium development, subdivision of three (3) lots into three (3) lots for condominium use, two lots for open space and a remainder or "Not a Part" lot.
3. Development's location (street address, assessor's parcel no., cross street, etc.): south side of the San Luis Rey River, west of Coast Highway and East of Pacific Street. 143-040-21; 143-040-23; 143-040-43; 143-010-23
4. Description of decision being appealed:
 - a. Approval; no special conditions:
 - b. Approval with special conditions:
 - c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-02-121

DATE FILED: 8/16/02

DISTRICT: San Diego

RECEIVED

AUG 16 2002

EXHIBIT NO. 5
APPLICATION NO.
A-6-OCN-02-121
Appeal
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 2

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator
- b. City Council/Board of Supervisors
- c. Planning Commission
- d. Other

Date of local government's decision: 5/1/02

Local government's file number (if any): RC-200-01

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

Name and mailing address of permit applicant:

CH Oceanside LLC
7130 Avenida Encinas
Carlsbad, Ca 92008

Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

See Attachment D

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT

Page 3

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See Attachment "A"

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my/our knowledge.

Signed: Shirley R. Dutton
Appellant or Agent

Date: 8/16/02

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed: _____

Date: _____

ATTACHMENT D

Individuals who spoke at the CDC
public hearing on Renaissance Terrace
August 1, 2002

(Addresses researched from meeting
minutes, transcripts and EIR comments)

L:\CLIENTS\Concordia\RenaissanceTerrace\
Docs\Labels.Speakers.wpd
August 12, 2002

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AUG 14 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

NANCY CRAIG #121
c/o MIRA MAR MOBILE COMMUNITY
900 N CLEVELAND ST
OCEANSIDE CA 92054

SANDY MABRY
ADDRESS NOT STATED AND
NOT KNOWN

JOHN CUNNIFF
#117-A
900 N CLEVELAND ST
OCEANSIDE CA 92054

MARY AZEVEDO
1783 WOODBINE PLACE
OCEANSIDE CA 92054

BRUNO PINO
#36
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KEVIN MC CANN
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CARLSBAD CA 92008

SAM WILLIAMSON
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MARY CUNNIFF
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OZZIE PETERS
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OCEANSIDE CA 92054

EDWARD BEAVER
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900 N CLEVELAND ST
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JONATHAN BOGGS
c/o MIRA MAR MOBILE COMMUNITY
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OCEANSIDE CA 92054

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OCEANSIDE CA 92054

DIANE NYGAARD
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OCEANSIDE CA 92056

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OCEANSIDE CA 92054

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OCEANSIDE CA 92054

LENORE FINNELL
#37
900 N CLEVELAND ST
OCEANSIDE CA 92054

BILL WAY
c/o MIRA MAR MOBILE COMMUNITY
900 N CLEVELAND ST
OCEANSIDE CA 92054

NORMA RINKES
c/o MIRA MAR MOBILE COMMUNITY
900 N CLEVELAND ST
OCEANSIDE CA 92054

DONALD BEN DICKSON
c/o MIRA MAR MOBILE COMMUNITY
900 N CLEVELAND ST
OCEANSIDE CA 92054

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

**ATTACHMENT "A"—Renaissance Terrace Appeal**

The project as approved by the City includes a 96-unit condominium development and land division of three (3) lots totaling 7.5 acres (3.8 acres developable) into five (5) lots for condominium use and open space, and creation of a 3.7 acre remainder or "Not a Part" lot, parking, landscaping, drainage improvements and on-site mitigation for impacts to sensitive upland habitat. The proposed 96 units will be constructed in two six-story buildings up to 65 ft. high, including a two-story underground parking garage. The 7.5 acre project site is currently undeveloped and relatively flat, bisected by trails and located in an area with a variety of habitat and vegetation types including coastal sage scrub, eucalyptus woodland, freshwater marsh, southern willow scrub, wetland and open water. The site is located on the south side of the San Luis Rey River, west of Coast Highway and East of Pacific Street in the City of Oceanside. Surrounding uses include the San Luis Rey River to the north, a mobile home park to the south, the AT&SF railroad to the west and the Guesthouse Inn, retail buildings and vacant lands to the east.

The site contains scattered areas of native vegetation. Sensitive habitat types on the site include .65 acre of coastal sage scrub (CSS) and 2.16 acres of disturbed coastal sage scrub (D-CSS). The proposed development would impact approximately .86 acres of disturbed CSS. The applicant proposes to mitigate for the impact to D-CSS at a 3:1 ratio by planting similar habitat within the "Not a Part" lot.

The Oceanside LCP contains the following policies:

LUP #7 (Page 4) The bike path along Highway 76 shall be extended under I-5 and the railroad track to the river mouth on the south side of the San Luis Rey River if and when funds become available.

LUP #6 (Page 9) Lower cost visitor and recreational facilities shall be protected, encouraged and, where feasible, provided.

LUP #10 (Page 10) The City shall continue to promote coastal tourism through the revitalization of the coastal area and upgrading of visitor amenities.

LUP #3 (Page 27) Developers proposing projects in the San Luis Rey Specific Plan study area shall maintain adequate buffers surrounding sensitive habitat areas, using setbacks, fencing and/or vertical separation.

LUP #5 (Page 27) On a project-by-project basis, developers proposing activities in the San Luis Rey River study area shall:

- a. Direct storm run-off away from the river whenever feasible

The certified “Standards For The Identification And Protection of Sensitive Habitat Areas”, an implementing ordinance document, provides the following regarding permitted uses within sensitive areas (page 2):

1. Nature education and research or similar resource dependent activities
2. Fishing; birding; biking; and hiking where designated by signs and trail systems.
3. Very minor incidental public service facilities including, but not limited to, burying cables and pipes and maintenance of existing intake and outfall lines when specifically approved by the State Department of Fish and Game.
4. Necessary water supply projects—streams and rivers only, providing that any substantial alterations incorporate the best mitigation measures feasible to minimize adverse environmental effects.
5. Flood control projects providing the project is necessary for public safety or to protect existing development and there is no other feasible method for protecting existing structures in the floodplain.
6. Habitat restoration measures specifically approved by the State Department of Fish and Game.

The ordinance defines “Sensitive Habitats” as any area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. The LCP expressly states that all wetlands, riparian areas and habitats containing rare or endangered plants are sensitive habitats. Based on this definition, the San Luis Rey River and its associated habitat areas is a sensitive habitat area.

An approximately 3.5 acre portion of the site is located within “Subdistrict 10” as identified in the certified LCP. This subdistrict is a joint open space and recreational area within the floodplain of the San Luis Rey riverbed that contains sensitive coastal resources. Permitted uses within Subdistrict 10 identified in the certified LCP include utilities, commercial recreation and entertainment, eating and drinking establishments, horticulture and commercial parking.

Based on review of documents provided by the City and the applicant, portions of the project site contain wetlands and other portions of the project site are located within 100 ft. of wetlands. As such, any development located within 100 ft. of wetlands would be appealable to the Coastal Commission. The City’s permit clearly authorized two distinct developments within the Commission’s appeals jurisdiction: subdivision of the site and the installation of drainage facilities.

In review of the project plans, there is a drainage outlet pipe and dissipater structure that is proposed within 100 ft. of wetlands and may in fact directly impact wetland vegetation. These structures represent physical development and provide the Commission with appeals jurisdiction over the approved project. Based on the review of the certified LCP, fill of wetlands to accommodate the drainage structure is not permitted. Aside from concerns with

direct impacts to wetland vegetation, there is a concern that stormwater discharging to the outlet pipe from the storm water detention basin could have indirect impacts to the water quality of the river, inconsistent with LCP policies. The LUP requires that runoff be directed away from the river whenever possible; the project does not direct runoff away from the river and the City made no findings regarding the feasibility of doing so.

In addition, the proposed subdivision of three (3) lots into five (5) lots (3 for condo use and 2 open space) and creation of a "Not a Part" lot represents development. Because portions of the land division are located within 100 ft. of wetlands, this division of land also provides the Commission with appeals jurisdiction over the approved project. While it is true that the proposed "Not a Part" lot is the only portion of the land division located within 100 ft. of wetlands, because the size and configuration of all the existing parcels have been changed by this permit, including the parcel that is characterized as a "Not a Part" lot, it constitutes a division of land under the definition of development (Public Resources Code Section 30106) in the Coastal Act and in the Oceanside LCP (Coastal Permit Handbook).

Division of the property created a "not a part" lot. However the CDP fails to acknowledge creation of the lot as "development" as defined under the Coastal Act and the certified LCP. The City's permit does not specifically reserve the "not a part" lot as open space. Thus, the "not a part" lot created by the land division could potentially be developed. Because it contains sensitive habitat and is adjacent to sensitive areas, if developed, there would be inadequate buffers between development and coastal resources, inconsistent with the LUP requirement that adequate buffers surrounding sensitive habitat areas in the San Luis Rey Specific Plan study be maintained through setbacks and other measures.

The City's LCP (LUP #6, Page 9) requires that lower cost recreational facilities should be encouraged and provided. The proposed development is adjacent to one segment of the San Luis Rey River Recreational Trail, which is an inland trail that goes along the riverbank and connects to a trail in the Camp Pendleton Marine Base. The trail will provide an important non-vehicular link to coastal areas and resources for residents in the eastern portion of the City and eventually unincorporated areas of the County. The City's approval suggests there may be street vacations and/or closures not specifically addressed in this approval. As such there is no assurance that access from Coast Blvd. and Pacific Street to the river channel/public open space/bikeway is maintained or not affected by this development, inconsistent with the above policy. Also, it is unclear whether access from the public parking lot located to the south to the bikeway via existing unimproved pathways is affected by the proposed development. The paths may be offsite, but the conditions of approval are very non-specific regarding the on-site and off-site street improvements required or approved for this development. The only finding relative to access relates to beach access. As such, the CDP is unclear whether access to the bikeway and adjacent public open space is maintained. Therefore, the project may adverse impacts on recreation and access, inconsistent with the above LCP policies regarding the provision of lower cost visitor and recreational facilities and public amenities.

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7375 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

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MAY 23 2002

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

ORIGINAL

Please Review Attached Appeal Information Sheet Prior To Completing This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Mira Mar Community c/o Terry Kilpatrick, Worden, Williams, Richmond,
Brechtel & Kilpatrick, 462 Stevens Avenue, Suite 102, Solana Beach, CA 92075
(858) 755-6604

Zip	Area Code	Phone No.
-----	-----------	-----------

SECTION II. Decision Being Appealed

1. Name of local/port government: City of Oceanside

2. Brief description of development being appealed: Tentative Map, Development Plan, Coastal Use Permit, Coastal Permit and Variation for 96 unit condominium project on 7.5 acre site on the south side of the San Luis Rey River - Renaissance Terrace.

3. Development's location (street address, assessor's parcel no., cross street, etc.): North of Mira Mar Mobile Home park, west of Coast Highway and east of Pacific Street

4. Description of decision being appealed:

- a. Approval; no special conditions: see draft resolution of approval attached
- b. Approval with special conditions: _____
- c. Denial: _____

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-02-121

DATE FILED: 8/14/02

DISTRICT: San Diego

EXHIBIT NO. 6
APPLICATION NO.
A-6-OCN-02-121
Appeal

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other Community Development Commission

6. Date of local government's decision: May 1, 2002

7. Local government's file number (if any): T-200-01; D-200-01; C-200-01; RC 200-01; V-200-01

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:

Concordia Homes of Co., LLC
1903 Wright Place, Suite 120
Carlsbad, CA 92008

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) Mira Mar Mobile Community
900 North Cleveland Street
Oceanside, CA 92054

(2) _____

(3) _____

(4) _____

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

05/23/2002 14:02 TOWER MANAGEMENT CO -> 18587555198
WORDEN, WILLIAMS, RICHMOND 1 858 755 5198;

05/23/2002 1:15PM; #677; Page 4/4

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached letter

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed *Terry Kilpatrick*
Appellant or Agent Terry Kilpatrick

Date May 23, 2002

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed *Jonathan Boggs*
Appellant MIRA MAR COMMUNITY
By Jonathan Boggs
Date May 23, 2002



THE LAW OFFICES OF
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BRECHTEL & KILPATRICK
A PROFESSIONAL CORPORATION
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W. Scott Williams
Tracy R. Richmond
D. Wayne Brechtel
Terry Kilpatrick

Terry M. Gibbs
William J. Hurley

D. Dwight Worden
Of Counsel

E-Mail tjk@solanalaw.com

May 23, 2002

California Coastal Commission
7575 Metropolitan Drive
Suite 103
San Diego, CA 92108

Re: Renaissance Terrace Condominiums
City of Oceanside
Project No.: T-200-02, D-200-01, RCP-200-01, CUP-200-01, V-200-01S
SCH No.: 20011051100

Dear California Coastal Commission:

I am writing on behalf of Mira Mar Community ("Appellant") to appeal the City of Oceanside's approval of the Renaissance Terrace Condominium project – a six-level, 96-unit condominium project located immediately adjacent to the San Luis Rey River and near the ocean. The Mira Mar Community strongly objects to the approval of this project because it is inconsistent with the City of Oceanside's Local Coastal Program, will significantly block public and private views of the coast, and will harm sensitive environmental resources located on and near the project site.

1. Project Background.

The proposed Renaissance Terrace Condominium project is located immediately adjacent to the San Luis Rey River and in close proximity to the Pacific Ocean in Oceanside, California. The project is situated on 7.47 acres and consists of two six-story buildings, including a two-story underground parking garage and 96 living units ranging up to 1,651 square feet in size each. (Exh. "A," pg. 1-2, staff report dated May 1, 2002.) The project site is currently undeveloped, bisected by trails, and located in an area with a variety of habitat and vegetation types including coastal sage scrub, eucalyptus woodland, freshwater marsh, southern willow scrub, wetland, and open water. (Exh. "B," pg. 73-74, draft EIR excerpt.)

The Mira Mar Community is a 173-unit mobile home park located southeast and immediately adjacent to the project site.

On May 1, 2002, the project received final approval from the City of Oceanside Community Development Commission ("City"). Among other things, the City acknowledged that the project was in the coastal zone and required a coastal development permit. (Exh. "A" at

pg. 3.) However, the City asserts that the project is not within the appeal jurisdiction of the Coastal Commission, and the City has not, as far as appellant is aware, filed a Notice of Final Action with the Coastal Commission.

2. The Project Is Within The Coastal Commission's Appeal Jurisdiction.

There is a dispute as to whether this project is within the appeal jurisdiction of the Coastal Commission. Apparently the City's position is that the project is not within the Commission's jurisdiction because no actual construction is occurring within 100-yards of the San Luis Rey River or 300-feet of the mean high tide line. While Appellant disputes whether or not this is actually the case, it is not necessary to decide the issue because the project involves the subdivision of land, including parcels that are immediately adjacent to the San Luis Rey River. (Exh. "A," p. 2.) Therefore the project is appealable to the Coastal Commission. (Pub. Resources Code §§ 30106, 30603.) In addition, a portion of the project site is within the Coastal Commission's original permit jurisdiction. (Exh. "A," at p. 4.) Although the City again claims that no construction is proposed in this area, the fact is that the area is part of the tentative map proposal, and therefore within the jurisdiction of the Coastal Commission. (Pub. Resources Code §§ 30106, 30601.)

3. The Project Is Inconsistent With The City's Local Coastal Program.

A. The Local Coastal Program Is Out Of Date And In Need Of Revision.

The Coastal Act states that local coastal programs should be periodically reviewed and updated to ensure they are carrying out the purposes of the Coastal Act. (Pub. Resources Code § 30519.5) However, the Oceanside Local Coastal Program ("LCP") was originally adopted in June 1980 and last amended in July 1985. Because there have been significant changes since that time including new development, loss of coastal access, identification of new sensitive environmental resources, and the modification of other land use controls, the City's LCP is out of date and in need of revision. Accordingly, while Appellant will address the ways in which the Renaissance project is inconsistent with the Oceanside LCP as it is currently drafted, it believes that the LCP is inadequate and it requests that the Commission review the project independent of the LCP and determine whether the project is consistent with the policies of the Coastal Act.

Among other things, the inadequacy of the current LCP includes its failure to address environmentally sensitive habitat areas such as the coastal sage scrub habitat along the San Luis Rey River. In fact, it does not appear that the LCP addresses coastal sage scrub or the endangered California gnatcatcher at all (nor various other endangered coastal plants and animals that have been identified since 1985) (LCP at p. 30-34). This is a significant omission because, as will be discussed below, the U.S. Fish and Wildlife Service, the California Department of Fish and Game, and the California Coastal Commission submitted written comments to the City pointing out the importance of the on-site coastal sage scrub habitat and the need to ensure its



continued viability. Insofar as one of the policies of the Coastal Act is to preserve and enhance environmentally sensitive habitats, the LCP is inadequate in that it does not adequately address this issue.

B. The Renaissance Project Is Inconsistent With The San Luis Rey River Portion Of The Oceanside LCP.

Section IV(C) of the Oceanside LCP, entitled "San Luis Rey River Specific Plan,"¹ addresses specific policies and objectives concerning coastal development in the San Luis Rey River area. (LCP at p. 22-30.) Although the entire LCP is applicable to the proposed project, this section of the LCP was written specifically to address certain issues that are of particular concern in the San Luis Rey River area, and it includes the following objectives:

- The City shall maximize public access in the San Luis Rey River and environs consistent with natural resources values;
- Low cost recreation and visitor serving facilities shall be a priority land use in the river area, commensurate with public demand for such facilities;
- The City shall protect, maintain and enhance the river's existing sensitive habitats; and
- New development shall be sited and planned in a manner which utilizes the San Luis Rey River environs to the fullest, but retains the aesthetic and resource values present.

To achieve these objectives, the LCP sets out a series of policies including the following:

- Developers proposing projects in the San Luis Rey Specific Plan study area shall maintain adequate buffers surrounding sensitive habitat areas, using setbacks, fencing, and/or vertical separation.
- New developments in the river area shall incorporate to the maximum extent feasible, native and/or drought tolerate plants into project landscape design.

¹A separate document entitled the San Luis Rey River Specific Plan was prepared in 1980 and serves as the land use plan for the San Luis Rey River area. A portion of the proposed project is within the Specific Plan area, which the Specific Plan designates for recreational uses. (Exh. "C," pg. 52, excerpt from San Luis Rey River Specific Plan.)

- New development in the river area shall be designed to be subordinate to the natural environment. Design themes which complement the natural setting and history of the area are encouraged. Such themes include rustic (using rough hewn wood, pitched roofs, heavy beams, etc.) Spanish or Early California Mission design.

The proposed project is inconsistent with each of these objectives and policies, and the City made little or no effort to enforce these policies. For example, one City Commissioner pointed out the absence of low cost recreational facilities in the City and asked why the City was not considering the development of a nature center similar to the one in Chula Vista. (Exh. "D," pg.4.) However, the issue was not pursued and the City went on to approve the project as proposed.

Likewise, the Coastal Commission submitted a letter to the City pointing out that the project failed to protect and enhance the sensitive habitat on site. (Exh. "E.") Among other things, the Coastal Commission questioned the adequacy of proposed mitigation measures for the loss of coastal sage scrub and noted that the applicant was merely promising not to destroy all of the coastal sage scrub on site, not actually replace lost habitat. The coastal sage scrub is particularly important because of its location next to the coastline, which should qualify it as an environmentally sensitive habitat area (ESHA) under the Coastal Act. (Pub. Resources Code § 30240.)

The Coastal Commission correctly pointed out that the applicant was not mitigating for the loss of existing habitat. As currently proposed the project will destroy .86 acres of coastal sage scrub, replace it with .65 acres of coastal sage scrub, revegetate .63 acres and protect 1.3 other acres already existing on site. In other words, the applicant proposes to preserve 2.58 acres, of which .63 acres is newly planted coastal sage scrub. However, what the Coastal Commission requested, and what the draft MHCP Subarea Plan requires, is that coastal sage scrub be mitigated at a ratio of 3:1. (Exh. "E," pg. 15 and Exh. "H," pg. 5-8, excerpt of draft Subarea Plan.) Accordingly, in addition to preserving existing sage scrub on site, the applicant should be required to create new sage scrub at a ratio of 3:1 for a total of 2.58 acres, as opposed to the current proposal of .63 acres. The City, however, did not require this as a condition of approval. The Coastal Commission made additional recommendations directed at promoting connectivity of habitat and buffers between the development, but it appears that these suggestions were not adopted either.²

²Similar concerns about the severity of the project's environmental impacts were raised by the U.S. Fish and Wildlife Service and the California Department of Fish and Game. Appellant is attaching a copy of these letters as Exhibits "F" and "G" and hereby incorporates these comments into this appeal.



A review of the staff report prepared for the City's final hearing also makes it clear that the proposed project fails to "retain the aesthetic and resource values present." Indeed, rather than analyze this or any of the other policies of the LCP in detail, the City merely noted that the site was zoned to accommodate high density residential development. (Exh. "A" at p. 3.) While this may be true, the City still had an obligation to adhere to the policies of its LCP. For example, the City could have required the applicant to submit alternative design proposals that were more consistent with the low lying and sensitive natural environment. This could have included single family homes or one or two-story multi-family units designed in an attractive rustic or Spanish design theme. Instead, the City approved a 6-story modern condominium that rises 65 feet above the ground in stark contrast to the surrounding natural environment. Although the City asserts that the design of the building is inspired by the architecture of Irving Gill, it is not apparent what these design features are except for the inclusion of several arches on the facade of the building. In any event, the large blocky building does not compliment the natural setting or history of the area.

The bottom line is that the City failed to adequately analyze or promote any of the above cited objectives and policies of the LCP and instead simply approved a project that maximizes the site's development potential. The project does not maintain adequate buffers, it does not incorporate drought tolerant landscaping to the maximum extent feasible, and it was not designed "to be subordinate to the natural environment." To the contrary, the massive condominium project is just another cookie-cutter project that ignores the aesthetic and resource values of this highly visible site in favor of maximizing its development potential.

C. Protection Of Important Coastal Views.

As set forth in the LCP, the Coastal Act requires that the visual quality of the coastal zone be protected and that new development be designed to preserve public views and be compatible with the character of surrounding uses. (LCP at p. 34.) To this end, the LCP sets forth the following objectives:

- The City shall protect, enhance, and maximize public enjoyment of Coastal zone scenic resources.
- The City shall, through its land use and public works decisions, seek to protect, enhance, and restore visual quality of urban environment.

To implement these objectives, the LCP also sets forth the following policies:

- In areas of significant natural aesthetic value, new development shall be subordinate to the natural environment.

- The City shall maintain existing view corridors through public rights-of-way.
- The City shall ensure that all new development is compatible in height, scale, color, and form with the surrounding neighborhood.

It is difficult to see how the proposed development achieves any of the above objectives and policies. For example, even though the LCP acknowledges that Oceanside is "blessed with several important natural aesthetic resources, including the ocean, [and] the San Luis Rey River" (LCP at p. 34), the proposed project is not designed to be subordinate to these features, as required by the LCP. Instead, the proposed project rises four-stories and 65 feet above ground level, and extends across most of the lot, blocking the views of the ocean and the San Luis Rey River from public viewing areas and surrounding properties.

The City claimed that the adverse view impacts were not significant in part because the project is broken up into two buildings. However, the buildings were not oriented in a manner compatible with the surrounding development so the slight opening between the buildings provides little visual relief. One alternative the City could have considered is to turn the orientation of the buildings 90 degrees to minimize view blockage from the public viewing areas located directly behind the project, including from the Mira Mar Community.³

The view blockage created by the current project design is both unfortunate and unnecessary as a development with a different orientation or shorter profile would have achieved the objectives of the applicant and better protected the view of the public and surrounding residents. Indeed, because there is a significant rise in slope going away from the applicant's property, a multi-family alternative could have been considered that would not have significantly blocked views at all.

Similar criticisms can be made about the project's inconsistency with the LCP's policy of maintaining existing view corridors and ensuring compatibility in height, scale, and form with the surrounding community. As it stands now, the massive structure will significantly block existing view corridors south and east of the project site, which presently look out over the ocean and the San Luis Rey River.⁴ Likewise, there is no basis to claim that this massive, 65-foot

³Because the City failed to identify any significant view impacts, as appellant believes it was required to do, the EIR prepared for the project is inadequate and the Coastal Commission should not rely on the EIR in its analysis of the subject Coastal Permit.

⁴Because of prior existing developments, the only view corridor available to the Mira Mar Community is the one looking northwest across the project site. The Mira Mar Community does not have a view of the coast or River in any other direction.



project is consistent with the height and scale of the Mira Mar Community (the closest community and the one that will be the most affected by the project), which is comprised of modest single-story homes.

3. Conclusion.

As set forth above, Mira Mar Community strongly objects to the City of Oceanside's approval of the Renaissance Terrace Condominium project. The project is inconsistent with the City's LCP and the California Coastal Act, and the Coastal Commission should therefore reverse the City's approval of the project.

Please feel free to contact me if you have any questions regarding the appeal. Thank you, in advance, for your attention to this matter.

Sincerely,

WORDEN, WILLIAMS, RICHMOND,
BRECHTEL & KILPATRICK, APC

TERRY KILPATRICK

TJK:lg

Enclosures

cc: Client
Bill Ponder
City of Oceanside
Concordia Homes

RECEIVED

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4402
(619) 767-2370

JUN 18 2002

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT



APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

Please Review Attached Appeal Information Sheet Prior To Completing
This Form.

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

NANCY D. CRAIG
900 N. CLEVELAND AVE. #121
OCEANSIDE, CA 92054 (760) 754-3111
Zip Area Code Phone No.

SECTION II. Decision Being Appealed

1. Name of local/port government: CITY OF OCEANSIDE

2. Brief description of development being appealed: THE RENAISSANCE TERRACE
(T-200-01, D-200-01, R.C.P. 200-01, CUP-200-01, V-200-01S)
96 UNIT "LUXURY" CONDOMINIUM PROJECT SCH #2001051100

3. Development's location (street address, assessor's parcel no., cross street, etc.): SO. SIDE OF SAN LOUIS RBY RIVER, MOUTH OF PACIFIC OCEAN, WEST OF PACIFIC COAST HWY.

4. Description of decision being appealed:

- a. Approval; no special conditions:
- b. Approval with special conditions:
- c. Denial:

Note: For jurisdictions with a total LCP, denial decisions by a local government cannot be appealed unless the development is a major energy or public works project. Denial decisions by port governments are not appealable.

TO BE COMPLETED BY COMMISSION:

APPEAL NO: A-6-OCN-02-121

DATE FILED: 8/14/02

DISTRICT: San Diego

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-02-121
Appeal
California Coastal Commission

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 2)

5. Decision being appealed was made by (check one):

- a. Planning Director/Zoning Administrator c. Planning Commission
b. City Council/Board of Supervisors d. Other _____

6. Date of local government's decision: MAY 1, 02

7. Local government's file number (if any): _____

SECTION III. Identification of Other Interested Persons

Give the names and addresses of the following parties. (Use additional paper as necessary.)

a. Name and mailing address of permit applicant:
CONCORDIA HOMES / RENAISSANCE TERRACE CONDOMINIUMS

b. Names and mailing addresses as available of those who testified (either verbally or in writing) at the city/county/port hearing(s). Include other parties which you know to be interested and should receive notice of this appeal.

(1) DIANE NYGAARD
5020 NIGHT HAWK WAY
OCEANSIDE, CA 92056

(2) JOHN & MARY CUNNIEF
900 N. CLEVELAND AVE # 117A
OCEANSIDE, CA 92054

(3) CAROLYN KRAMMER
905 LEONARD AVE
OCEANSIDE, CA 92054

(4) JOAN JACKSON (FOR THE LEAGUE OF COASTAL PROTECTION)
1120 CHINQUAPIN AVE
CARLSBAD, CA 92008

SECTION IV. Reasons Supporting This Appeal

Note: Appeals of local government coastal permit decisions are limited by a variety of factors and requirements of the Coastal Act. Please review the appeal information sheet for assistance in completing this section, which continues on the next page.

APPEAL FROM COASTAL PERMIT DECISION OF LOCAL GOVERNMENT (Page 3)

State briefly your reasons for this appeal. Include a summary description of Local Coastal Program, Land Use Plan, or Port Master Plan policies and requirements in which you believe the project is inconsistent and the reasons the decision warrants a new hearing. (Use additional paper as necessary.)

See attached 5 pages

Note: The above description need not be a complete or exhaustive statement of your reasons of appeal; however, there must be sufficient discussion for staff to determine that the appeal is allowed by law. The appellant, subsequent to filing the appeal, may submit additional information to the staff and/or Commission to support the appeal request.

SECTION V. Certification

The information and facts stated above are correct to the best of my knowledge.

Signed Nancy D. Craig
Appellant or Agent

Date May 17, 2002

Agent Authorization: I designate the above identified person(s) to act as my agent in all matters pertaining to this appeal.

Signed _____
Appellant

Date _____

MAY 17/02

ATTACHMENT:

RE: THE RENAISSANCE TERRACE
90 UNIT "LUXURY" CONDOMINIUM
W. OF COAST HWY.; S. SIDE OF
SAN LUIS REY RIVER OCEANSIDE
DSEIR (SCH NO. 2001051100)

We are appealing this project on the following grounds

1. This is not consistent with the City of Oceanside Regional Multiple Habitat Plan of 100' Buffer & 100' Planning Buffer
2. The San Luis Rey River is an East-West wildlife corridor of regional significance and has been inadequately assessed of this cumulative impact
3. Two years ago this area was removed from the "Flood Plain" category at the request of the developer to FEMA. Have the geographical changes been significant enough to bring about this reclassification?
4. Due to the extensive upstream development over the last few years, the percentage of surface in the watershed must be considered.
5. Nesting birds along the waterways are continuously having

their nests destroyed by domestic cats from nearby developments. Having a ^{35'} wall installed does not stop cats, as we all know. Also, the abundance of lizards & insects for preying birds & animals are reduced by domestic cats.

6. In question is the location of the sewage holding tank, within such close proximity to the San Louis Rey River. Due to the unreliability of the California grid this has of itself not been adequately assessed. These tanks will hold for 2 hours & in the event of power failure, an auxiliary diesel generator, which have been known to malfunction will take over. Of our large municipal water & treatment plants are unable to control the spillage of waste into our waters. 100% of the time, how could we expect a less monitored system, built under the like path to not do the same.

7. That this area meets the site coverage condition of 34.9% of net developable area is questionable. This needs to be recalculated.

8. The E.I.R. states "the buildings will vary from approx. 45 ft. above existing grade (at the S. edge of the property adjacent to the existing residential mobile home park) to 65 ft. above grade at the N. side, where existing grade slopes downward.

The proposed development meets the site coverage requirements allowing for a CUP."

Does this imply - from the top of the slope or the flatland area at the toe of the slope? There is an approximate 30 to 50 ft. differential, depending on how this is considered. The project could be 65' or 85' ? This could be a misleading statement of gross proportions.

9. To raise the height restriction from 45' to 65' is not consistent with the Local Coastal Plan which has not been updated since 1985.

10. The obstruction of views and air quality from surrounding areas of neighboring mobile home park has ^{BEEN} grossly glossed over. They state the view would not be obstructed from the bridges going over the San Louis Bay. It's quite

impossible to obstruct a water view from a bridge over water, as we all know.

11. The true biological impact of this project in this sensitive area has not been adequately considered - 90 units of stories tall, including 2 parking levels, one partially submerged with at least 200 people, autos & pets within 100 ft. of this last piece of natural habitat on the coast of Oceanside is not in keeping with the intent of Conditional Use Permit.

12. The return to the City of approx. \$350,000 in revenue will be needed to provide City & County services for this project & the residents who live there.

13. This is being touted as a luxury condominium, which is not in keeping with the Coastal Comm. Plan of having lower cost housing being available.

14. I have listed many considerations we ask you to take into account. The project is slated to be 100 ft from the San Luis Rey River & one and one-half football fields from the Pacific Ocean.

This is a useful foraging area
with connections to other
sensitive & riparian habitats.
To provide mitigation for an
area this environmentally
sensitive is unreasonable.

This project is being appealed
as there appear to be no
environmental constraints
applied. The E.I.R. is grossly
flawed with a biased
perspective.

I have included photos of this area
which is a well known Pacific Flyway.
Please take note that during the
storms of 1982/83, when the tides
were wiped out, the river flooded
up to the railway trestles.

I believe this violates sections
F. 30240 due to my comments
included here I also

F. 30251

F. 30252

This area has been used for many
years by hikers like Redius, people
fishing in the river & those observing
a peaceful place to be in what
little nature we have left.

Thank you for your consideration.