

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
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Thu 12a

Filed: 5/25/06
49th Day: 7/13/06
180th Day: 11/21/06
Staff: Lee McEachern-SD
Staff Report: 6/22/06
Hearing Date: 7/12-14/06

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Oceanside

DECISION: Approval with Conditions

APPEAL NO.: A-6-OCN-06-60

APPLICANT: Residencia, LLC

PROJECT DESCRIPTION: Demolish six existing buildings (8 residential units) and construct 8 condominium units in two-story, 16,970 sq. ft. building with 18 parking spaces provided in underground garage on 13,041 sq. ft. lot. Also proposed is the consolidation of 3 lots into one lot, dedication of 5 ft. public accessway and construction of accessway improvements.

PROJECT LOCATION: 400-404 South The Strand, Oceanside, San Diego County
APN 150-072-18, 19 & 20

APPELLANTS: Lou Taschner

STANDARD OF REVIEW: Certified City of Oceanside Local Coastal Program

SUMMARY OF STAFF RECOMMENDATION:

The staff recommends that the Commission, after public hearing, determine that no substantial issue exists with respect to the grounds on which the appeal has been filed. Staff has reviewed the City file and the information provided by the appellant and has concluded that the development, as approved by the City, is consistent with all applicable LCP provisions.

SUBSTANTIVE FILE DOCUMENTS: Certified City of Oceanside Local Coastal Program; Appeal Form; Staff Report to the Community Development Commission dated May 17, 2006; Preliminary Geotechnical Report for 400-404 South The Strand by Taylor Group, Inc. dated January 16, 2006; Revised

Supplemental Geotechnical Report for 400-404 South The Strand by Taylor Group, Inc. dated March 6, 2006; Opinion Letter Regarding Coastal Commission Appeal for 400-404 South The Strand by Taylor Group, Inc. dated May 31, 2006; Drainage Study for 400-404 South The Strand by Taylor Group, Inc. dated January 16, 2006; Storm Water Mitigation Facilities Operation & Maintenance Plan for 400-404 South The Strand by Taylor Group, Inc. dated May 25, 2006.

I. Appellants Contend That: The proposed development is inconsistent with the policies of the certified LCP which pertain to protection of natural landforms and public views and the provision of adequate setbacks, on-site open space and landscaping.

II. Local Government Action: The coastal development permit was approved by the Community Development Commission on May 17, 2006. The conditions of approval pertain, in part, to landscaping, water quality and erosion control, parking and exterior treatment.

III. Appeal Procedures/Substantial Issue Analysis: 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 mapped appealable areas.

Section 30604(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

Coastal Act Section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

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, Section 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. In other words, in regard to public access questions, the Commission is required to consider not only the certified LCP, but also Chapter 3 policies when reviewing a project on appeal.

The only persons qualified to testify before the Commission at the "substantial issue" stage of the appeal process are 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.

The term "substantial issue" is not defined in the Coastal Act or its implementing regulations. The Commission's regulations indicate simply that the Commission will hear an appeal unless it "finds that the appeal raises no significant question" (Cal. Code Regs. titl. 14 section 13155(b)). In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretations of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even when the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to the Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development approved by the City does not raise a substantial issue with regard to the appellants' contentions regarding coastal resources.

IV. Staff Recommendation On Substantial Issue.

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission determine that Appeal No. A-6-OCN-06-60 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 NO SUBSTANTIAL ISSUE:

Staff recommends a **YES** vote. Passage of this motion will result in a finding of No Substantial Issue and adoption of the following resolution and findings. If the Commission finds No Substantial Issue, the Commission will not hear the application de novo and the local action will become final and effective. The motion passes only by an affirmative vote by a majority of the Commissioners present.

RESOLUTION TO FIND NO SUBSTANTIAL ISSUE:

The Commission finds that Appeal No. *A-6-OCN-06-60* does not present 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.

1. Project Description. The project approved by the City of Oceanside involves the demolition of six existing buildings (8 residential units) on three lots and the construction of a two-story, 8-unit condominium structure with 18 parking spaces provided in an underground garage. The condominiums will all be two bedroom units and range in size from 1,937 sq. ft. to 2,217 sq. ft. The project site is located west of South Pacific Street on South The Strand between Pine and Elm Streets in the City of Oceanside.

The project also includes consolidation of the 3 lots into a 13,041 sq. ft. lot and the dedication of a 5 ft. wide public access easement along the northern property boundary running from South Pacific Street to South The Strand and the construction of a public access stairway/path within the easement.

The subject site is relatively flat, with its western frontage along South The Strand. The eastern portion of the site is comprised of an approximately 20 ft. high bluff, with South Pacific Street above. Surrounding development includes a wide array of single- and multi-family residential structures to the north and south and across Pacific Street to the east. To the west, across The Strand, there is a small, mostly buried riprap revetment and the public beach and ocean.

2. Development Regulations. The appellant contends that the development, as approved by the City, is inconsistent with a number of LCP land use regulations pertaining to setbacks, building design and the provision of on-site landscaping and open space. Specifically, the appellant contends that the City’s decision to grant reductions or “variations” to the minimum requirements for the provision of on-site landscaping and open space, and building setbacks, is inconsistent with the land use development regulations of the certified LCP.

The proposed 8-unit condominium development was granted a reduction in required front and corner side yard building setback requirements. The following table compares the building setback requirements of the certified LCP and the building setbacks approved by the City for the proposed development:

<u>Building Setbacks</u>	<u>Required</u>	<u>Approved</u>
Front:	10 ft.	7 ft.
Side:	3 ft.	3 ft.
Corner Side:	10 ft.	2 ft.
Rear:	5 ft.	5 ft.

In granting the “variations” to the front and corner side yard building setbacks, the City relied on the following provisions of the certified LCP:

1230 Development Regulations

The following schedule prescribes development regulations and standards for the D District....

Where literal interpretation and enforcement of the development regulations and standards result in undue hardship, practical difficulties or consequences inconsistent with the purposes of these regulations and the Redevelopment Plan, the Community Development Commission may grant a variation. A variation shall not be granted which will change the land uses of the Redevelopment Plan or allow any increase in the maximum height set forth in additional Development Regulations sub-section (N). Any variation granted with respect to density or intensity of land use, or any variation granted which permits a greater than 10% reduction in parking requirements above the base development regulations of Article 12 “D” Downtown District shall require a Local Coastal Program Amendment. The Community Development Commission may approve an application for a variation as it was applied for or in modified form as required by the Community Development Commission if, on the basis of the application, plans, materials, and testimony submitted, the Community Development Commission finds:

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

- 2) There are exceptional circumstances or conditions applicable to the property or to the intended development of the property which do not apply generally to other properties having the same requirements, limits, restrictions, and controls.
- 3) Permitting a variation will not be materially detrimental to the public welfare or injurious to property or improvements in the area.
- 4) Permitting a variation will not be contrary to the objectives of the Redevelopment Plan.

In permitting any such variation, the Community Development Commission shall impose such conditions as are necessary to protect the public health, safety, or welfare, and to assure compliance with the purposes of the Redevelopment Plan.

Additional Development Regulations

(L) Proposals for front yard, side yard or rear yard setbacks will be judged on the merits of each individual proposal and the architectural compatibility of all proposed structures with existing or proposed structures on adjoining parcels. Functional site layout with special attention to design of recreational, parking and landscaped areas may produce an acceptable proposal within minimum or no setbacks. However, all projects seaward or fronting on Pacific Street shall retain a minimum 5-foot front yard setback....

Buildings along the Strand shall be designed so that when viewed from the beach, the visual impact of the bulk of the structure is minimized to the maximum extent possible.

The Community Development Commission shall approve or conditionally approve such proposals upon finding that:

1. Allowing reduced or no setbacks is compatible with surrounding development;
2. Granting reduced setbacks or eliminating setbacks entirely will enhance the potential for superior urban design in comparison with development which complies with the setback requirements;
3. The granting of reduced or no setbacks is justified by compensating benefits of the project plan; and
4. The plan containing reduced or no setbacks includes adequate provisions for utilities, services, and emergency-vehicle access; and public service demands will not exceed the capacity of existing planned systems.

Thus, based on the above provisions, the City has the latitude to grant reductions in setback requirements if it can be found that granting such a reduction would not result in

a structure that is incompatible with the surrounding neighborhood, adequate services are provided, there is some unique circumstances or conditions applicable to the site that does not apply generally to other properties in the area and, there is some off-setting benefit proposed to compensate for the reduction.

In the case of the subject development, the City found that the development met all of the above-cited requirements, with the unique circumstances being that the project includes dedication of a 5 ft. wide public access easement. In addition, the overriding benefit of the project is construction of the proposed public accessway. The City specifically found that the offer to dedicate a 5 ft. wide public access easement constituted an exceptional circumstance that would not apply to every lot in the surrounding area because an access dedication would not be required nor feasible for every lot along The Strand.

Additionally, it is because of the public access dedication that the northern building setback is considered a “corner” side yard versus a regular side yard. According to the City, when a development site is located adjacent to a public right-of-way on the side (not on its frontage), the side yard adjacent to the public right-of-way is classified as a “corner” side yard and, as such, a greater side yard setback is required (10 ft. versus 3 ft.). For the subject development, with the public access dedication, the northern side yard would be next to a public right-of-way and, thus, would now be considered a corner side yard requiring the greater setback. If the public access dedication were not proposed, the northern building side yard setback would be 3 ft. As such, the reduction in the corner side yard setback approved by the City will result in a setback similar to what would be required if the public access dedication was not proposed.

The City also found that because the development includes construction of the access stairway and path, the project included a public benefit. The City found that granting the variations would not be detrimental to the public welfare or injurious to other properties in the area, and is not contrary to the goals and objectives of the provisions of the LCP.

While the certified LCP does contain requirements for the provision of vertical public accessways between Pacific Street and The Strand at 500 ft. intervals with major new developments on lots greater than 70 ft. in width, in the subject case, there is an existing public accessway approximately 300 ft. to the north at Tyson Street and 900 ft. to the south at the Ash Street. Thus, “technically” provision of a public accessway on the subject site would not be required under the LCP as there is public access only 300 ft. to the north. Regardless of the LCP requirement, the applicant has proposed to dedicate and construct a public accessway on the subject site.

Thus, while the LCP does include minimum requirements for building setbacks, the LCP also includes provisions to grant reductions or “variations” to those setback requirements if certain findings can be made. In the case of the proposed development, the City granted reductions to the front and side yard setbacks and made the appropriate findings to support such reductions, consistent with LCP requirements. The Commission has reviewed the City’s action and concurs with the City’s findings to support the building setback reductions. In addition, the Commission finds that the building setback

reductions approved by the City will not result in adverse impacts on costal resources and thus, do not raise a substantial issue with regard to conformity with the certified LCP.

Another of the appellant's contentions is that the City's action is inconsistent with the LCP in that it allowed the parking to encroach into the front and rear building setbacks. Specifically, the Downtown District Development Regulations state:

- (K) Parking structures shall not encroach upon setback areas unless it is entirely underground.

In the case of the subject development, the project includes an underground basement parking garage to house the proposed 18 parking spaces and small private storage areas for each of the condominium units. While the appellant contends the parking will encroach into the front and rear building setbacks, this is not the case. The parking garage meets the project building setback requirements for both the front and rear yard setbacks. As noted above, the approved front yard building setback is 7 ft. because of the variation that the City granted and the approved rear yard setback is 5 ft. Based on review of the approved project plans, the parking garage is consistent with both these setbacks and thus it is not necessary that it be entirely underground. In addition, while the City did determine that the parking structure is underground, it is not entirely clear that is the case based on review of the project plans. In any case, the wall of the parking garage is the same as the wall for the building above and as such, the parking garage will not extend any further than the residential building.

The appellant also contends that the project as approved by the City is inconsistent with the certified LCP in that the City failed to require the project meet "Facade Modulation" development standards. In order to help to reduce bulk and scale and provide a more interesting design as viewed from the street frontage, the LCP requires that residential projects provide an additional 5 ft. setback for both the front and corner side yards for 25% of the building frontage. The appellant suggests that by reducing these requirements, the building will be too close to the Strand and the public access path resulting in a project that is not "user friendly" to the public walking along the street and utilizing the public accessway.

In the case of the proposed project, the City granted a reduction in front and corner side yard facade modulation requirements. However, relative to the permitted reduction in the facade modulation for the front yard, while the project does not include an additional 5 ft. setback as required, based on review of the permitted plans, the project does provide an additional 2 ft. front yard setback for over 50% of the building frontage. Thus, while not providing the required 5 ft. additional setback for 25% of its building frontage, the project does meet the intent of this requirement by varying the building frontage. In addition, the building frontage includes various terraces and decks, which also help to break up the building façade along The Strand.

Relative to the permitted reduction in the corner side yard façade modulation, the City permitted a reduction such that only 11% of the corner side yard building frontage is

setback further versus the required 25%. The City granted such a reduction for the same reason explained above for the reduction in the corner side yard setback requirements. If the project had not included a public access dedication, the northern side yard would not be considered a corner side yard and thus, no facade modulation would be required (the requirement for façade modulation only applies to front and corner side yard setbacks).

While the Commission agrees that design features and setbacks can help reduce the bulk and scale of a building, in the case of the proposed development, the project does include building setbacks and a number of design features (varying building setbacks with protruding terraces and deck) to break up the building façade and help reduce the bulk and scale of the proposed development as viewed from The Strand. In addition, in review of development in the surrounding area along The Strand, very few development sites include any facade modulation or for that matter, any setbacks from The Strand.

The Commission has reviewed the City's action and concurs with the City's findings to support the reductions in facade modulation. In addition, the Commission finds that the building facade modulation reductions approved by the City will not result in adverse impacts on coastal resources and thus, do not raise a substantial issue with regard to conformity with the certified LCP.

The appellant further contends that the development, as approved by the City, is inconsistent with the certified LCP in that the City permitted reductions in the requirements for on-site open space and landscaping. The certified LCP includes the following provisions that address landscape and open space requirements for residential developments:

(S) Landscape Requirements:

- (1) For residential projects only located on The Strand is 20%.

(FF) Open Space

- (1) Basic Requirement. Total Open Space on a site having three or more dwelling units shall be at least 200 square feet per dwelling unit.
- (2) Private Outdoor Living Space. Private outdoor living space shall be on patios or balconies within which a horizontal rectangle has no dimension less than 6 feet.
- (3) Shared Open Space. Shared open space, provided by non-street side yards, patios and terraces, shall be designed so that a horizontal rectangle inscribed within it has no dimension less than 10 feet, shall be open to the sky, and shall not include driveways or parking areas, or area required for front or street side yards.

Relative to the landscaping, as noted above, the LCP requires that 20% of the site be landscaped for residential projects located along The Strand. The project, as approved by the City, only includes 10% on-site landscape area. However, as cited above, the City has the authority to grant variations to the required development regulations if it can be found that granting such a variation would not be incompatible with the surrounding neighborhood and there is some unique circumstances or conditions applicable to the site that does not apply generally to other properties in the area. In the case of the subject development, the City found that the applicant is proposing to dedicate and construct a public accessway in an area that otherwise would be landscaped; thus, a reduction in the required landscape area could be granted to offset this public benefit. While the Commission would agree that the provision of on-site landscaping is important, the project does include approximately 2,000 sq. ft. of on-site landscaping. In looking at the surrounding area along The Strand, very few existing development sites include any landscaping at all. In addition, in this particular case, the provision of landscaping is not necessary to screen structures from public views. The Commission finds that the reduction in on-site landscaping requirements approved by the City will not result in adverse impacts on coastal resources and thus, does not raise a substantial issue with regard to conformity with the certified LCP.

For the open space, the appellant contends that the City's action is inconsistent with the certified LCP in that to meet the LCP required on-site open space provisions, the City did not require adequate common open space. As noted above, the LCP requires that for residential projects, 200 sq. ft. of on-site open space be provided for each residential unit and that this open space be divided evenly between private and common or shared open space. For the proposed development, 200 sq. ft. of open space per unit equates to a minimum of 1,600 sq. ft. of open space (800 sq. ft. private and 800 sq. ft. common) that should be provided on-site to meet the LCP provisions. The project includes the provision of 1,925 sq. ft. of on-site open space (1,450 sq. ft. private and 475 sq. ft. common). While the project does include greater than the overall required on-site open space, the project as approved by the City includes mostly private open space. In addition, the appellant contends that there is no common open space area with a dimension of 10 ft. by 10 ft. Relative to 10 ft. by 10 ft. requirement, the project does include a common courtyard area in the center of the project that is 15 ft. by 15 ft. Thus, the project does meet the LCP requirements relative to the size of common open space. Relative to the mix of on-site open space, the City, per the provisions cited above, granted a variation to the required open space mix finding that, the project did include a greater amount of overall open space than required, and the site constraints (the bluff at the rear of the project) limit the ability to provided more useable common open space. In addition, the City found that providing more private open space for projects located along The Strand is appropriate to allow residences to take advantage of the view of the beach and Pacific Ocean from patios, balconies and terraces as opposed to common areas.

The Commission has reviewed the City's action and concurs with the City's findings to support the mix of on-site open space. In addition, the Commission finds that the on-site open space variations approved by the City will not result in adverse impacts on coastal

resources and thus, do not raise a substantial issue with regard to conformity with the certified LCP.

3. Geologic Hazards/Alteration of Natural Landforms. The appellant contends that the project is inconsistent with the certified LCP in that it includes grading of the bluff in order to accommodate the proposed development and a secondary private access to the development from Pacific Street. The following LUP provisions are applicable and state:

Geologic Hazards:

[...]

6. The City recently adopted a Hillside Development Manual and Ordinance which controls development on slopes over 20%. Slopes ranging between 20% and 40% slope may be developed only if geologic stability is verified by a qualified soils engineer or geologist, and the integrity of the slope is preserved to the maximum extent feasible. Development is prohibited on slopes over 40% with a 25 foot elevation differential.

Visual Resources and Special Communities:

3. All new development shall be designed in a manner which minimizes disruption of natural land forms and significant vegetation.

As noted previously, the subject site fronts on South The Strand and extends east to South Pacific Street. The eastern portion of the site includes an approximately 20 ft. high bluff. Currently, the site is developed with six residential structures, three of which back up to the bluff. Based on the project geotechnical information, the bluff along the project site has been significantly modified to accommodate the existing development. The bluff has been cut, with several large retaining walls constructed and a fill slope constructed behind the walls. It appears the bluff modifications were done to accommodate the existing residential structures and for rear yard decks and patios. Based on an historical analysis completed for the City review, the residential structures along the bluff were constructed in the early 1940s.

The proposed project will remove these residential structures and existing retaining walls and construct three new retaining walls on the bluff. The first retaining wall is proposed 5 ft. inland of the eastern property boundary and extends into the ground approximately 10 ft. and will function as the rear wall of the proposed parking garage and first floor of the residential building. The second retaining wall will be placed along the eastern property boundary, will be approximately 8 ft. high and is proposed to accommodate a rear walkway and access to the project elevator. The third retaining wall is approximately 4 ft. high and is will be placed approximately 6 ft. east of the eastern property boundary within the public right of way of Pacific Street to accommodate a private access walk that stems off the public access to be located along the northern property boundary (ref. Exhibit #4 attached).

As noted above, the appellant contends the project allows for development, including a private access, within the public right of way that will include removal of the bluff face, inconsistent with the certified LCP. However, while the development does include some retaining walls and a private access on the face of the bluff, in this particular case, the placement of these structures is not inconsistent with the certified LCP. The two applicable LCP provisions cited above address a limitation on the alteration of natural landforms and only allow steep slopes to be impacted if geologic stability is assured. The LCP prohibits development on steep slopes of greater than 40% grade that have an elevation difference of more than 25 ft. While the bluff slope is greater than 40% grade, it is only approximately 20 ft. high. Thus, development on the slope is not prohibited. In addition, the City's review included geotechnical reports for the development, which concluded that the project, with the proposed retaining walls, could be constructed and that they would assure geologic stability.

Relative to the alteration of natural landforms, the project does include grading of portions of the bluff to accommodate the proposed retaining walls. However, as discussed previously, the natural bluff along the project site has already been significantly altered by the existing residential development. As depicted on Exhibit #4, in order to install the existing retaining walls, the bluff was cut and filled. For the development approved by the City, except for the retaining wall to accommodate the basement and a small corner of the retaining wall to accommodate the private access, the walls will not extend beyond previous fill on the slope. In any case, in this particular case, the natural bluff along the project site has been significantly altered in the past and the proposed development will not result in a substantially greater alteration of the natural landform than what currently exists. In addition, the proposed retaining walls will be in the rear area of a residential building and will not be readily visible to the public.

Relative to the concern raised regarding construction of a private access on the bluff, the City's LCP does not specifically address this issue. However, it has been the City's practice to not permit private pedestrian access from Pacific Street down the bluff unless such private access is shared with a public access stairway, as is the case in the subject development.

Thus, while the project does include the installation of retaining walls and a small access walkway on the bluff, the bluff landform has already been significantly altered and the retaining walls/access path will not result in a significant visual impact. Therefore, the Commission finds that in this particular case, the proposed grading of the bluff will not result in adverse impacts on coastal resources and the project does not raise a substantial issue with regard to conformity with the certified LCP.

4. Conclusion. In summary, the development as approved by the City, is substantially consistent with all applicable LCP land use policies and provisions/development standards of the certified LCP Implementation Plan. Most of the appellant's contentions relate to local design issues that are part of the LCP to assure compatibility with the surrounding development. The proposed project is consistent in bulk and scale with other

developments in the area and with a density of 26.7 dwelling units per acre (dua) is below the density range permitted in the certified LCP of 29-43 dua. While the City did grant a number of variations for the subject development, most of the approved variations were the direct result of the proposed public accessway. The variations are relatively minor, do not adversely affect coastal resources, and do not raise issues of regional or statewide concern. If the project had not included the public access, most of the approved variations would not be required and the resulting residential structures would be essentially the same relative to size and scale. The project, as approved by the City, will not result in adverse impacts to public access, public views/community character or density. Therefore, the Commission finds that the appeal does not raise a substantial issue with regard to the project's consistency with the certified LCP.

5. Substantial Issue Factors. As discussed above, there is strong factual and legal support for the City's determination that the proposed development is consistent with the certified LCP. The other factors that the Commission normally considers when evaluating whether a local government's action raises a substantial issue also support a finding of no substantial issue. The proposed project is for eight residential units that are consistent in size and scale of other projects in the vicinity and is not of unusual extent or scope. While the City did approve a number of "variations" to the LCP development standards, the LCP does include provisions for such variations. In addition, the variations were the result of a circumstance that is unique to the subject site in that the project includes the dedication and construction of a public accessway. Thus, approval of such variations would not constitute a precedent for future interpretations of the LCP. Finally, the objections to the project suggested by the appellants do not raise any substantial issues of regional or statewide significance.

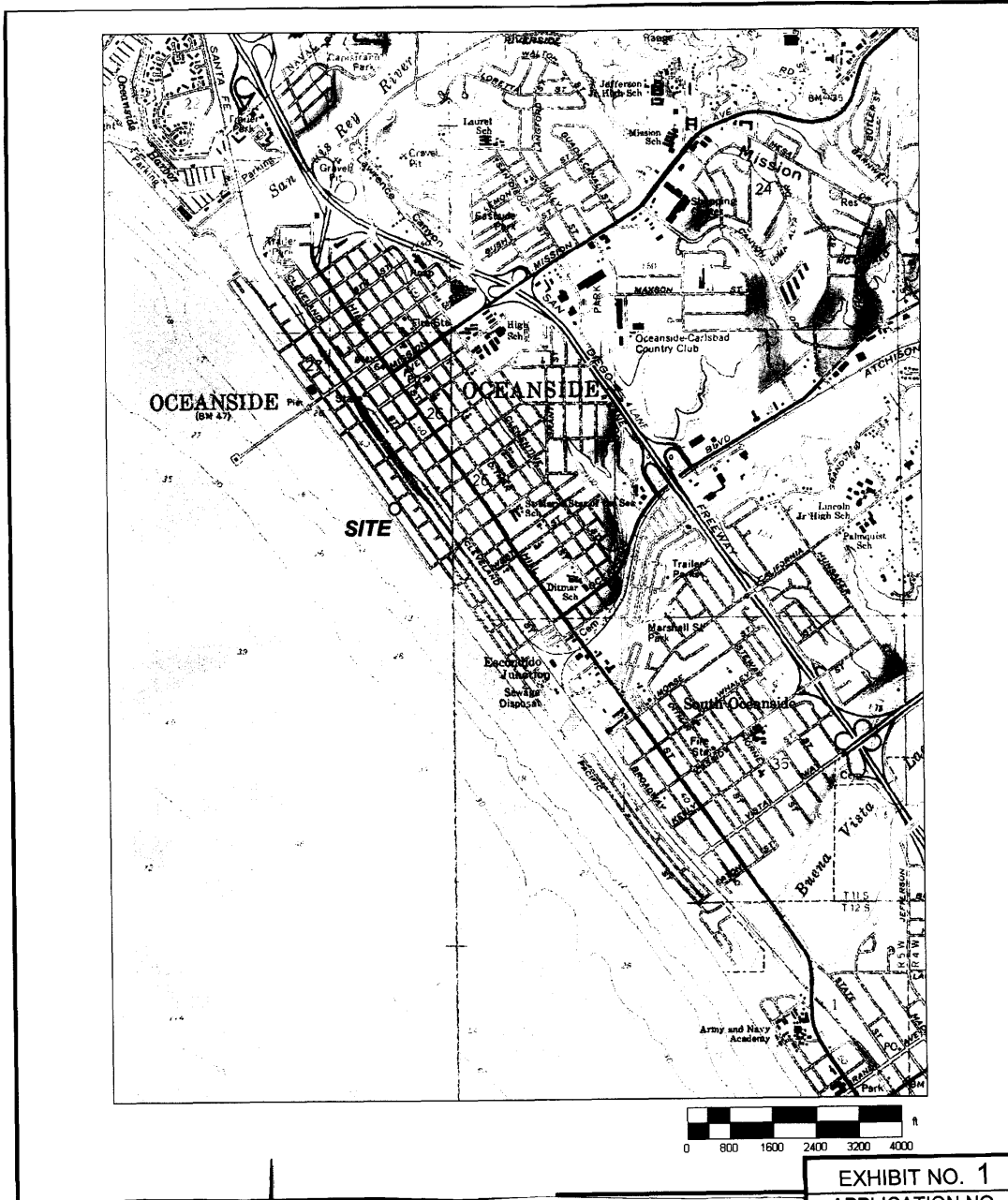
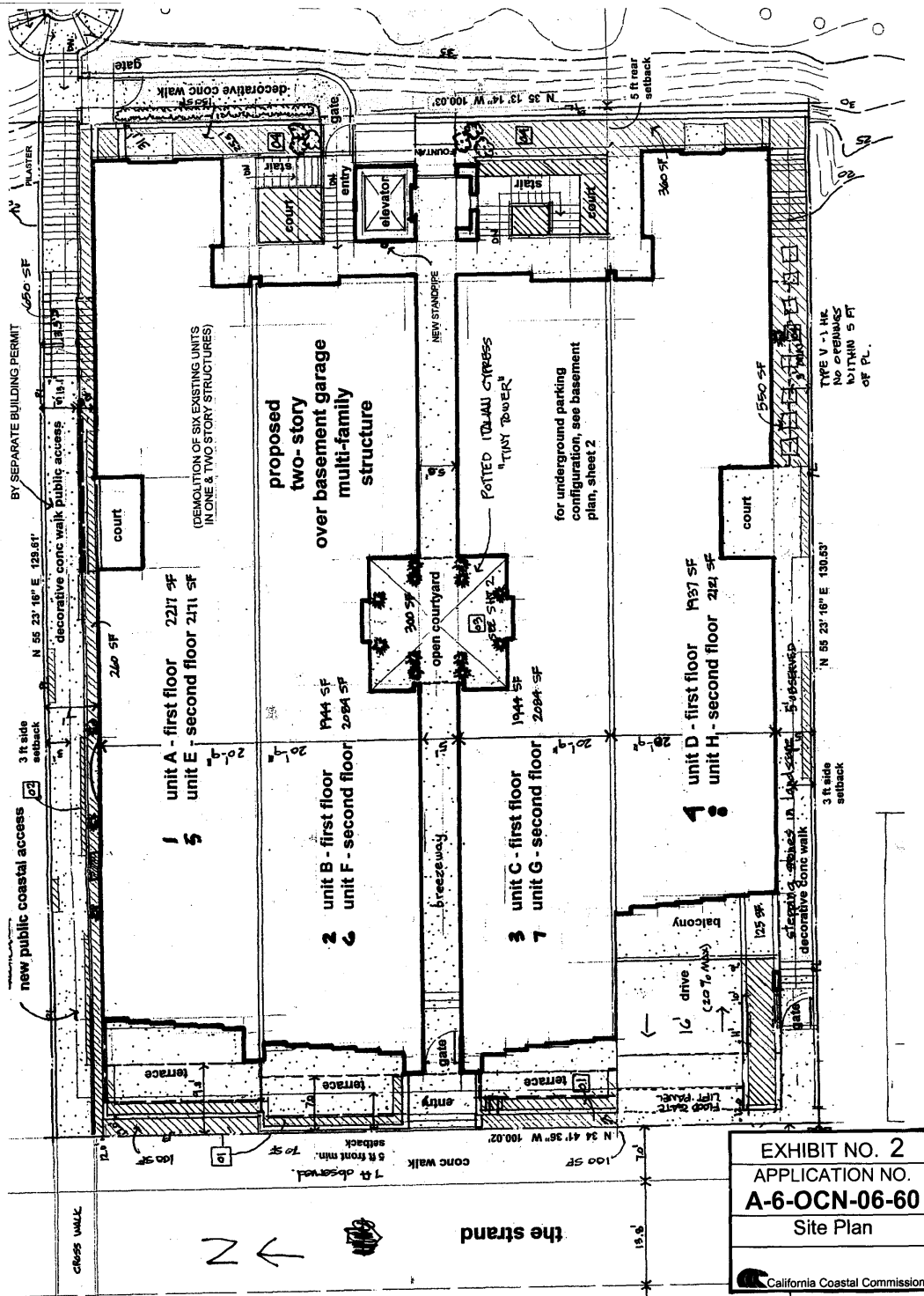
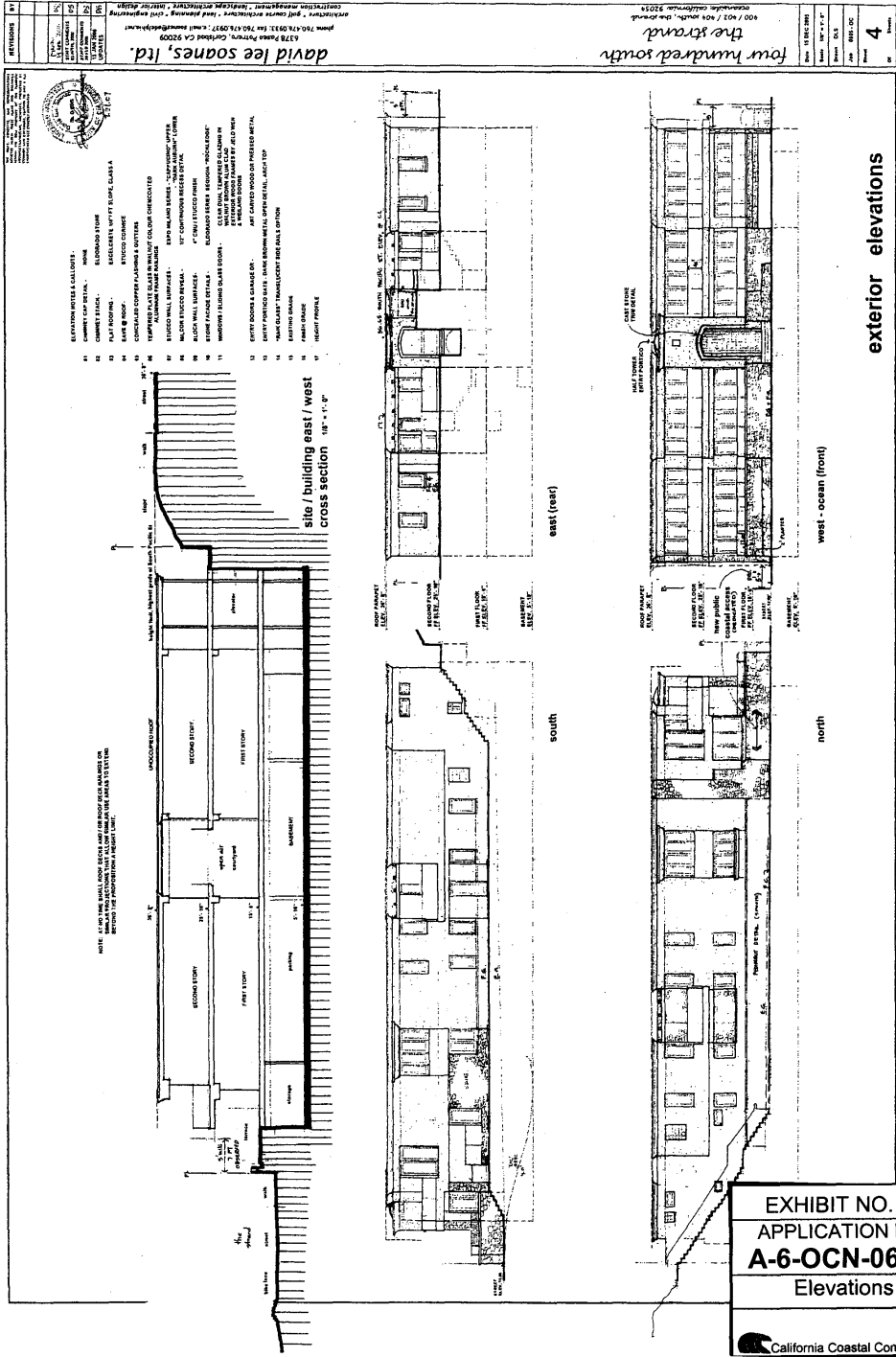


EXHIBIT NO. 1
APPLICATION NO.
A-6-OCN-06-60
Location Map

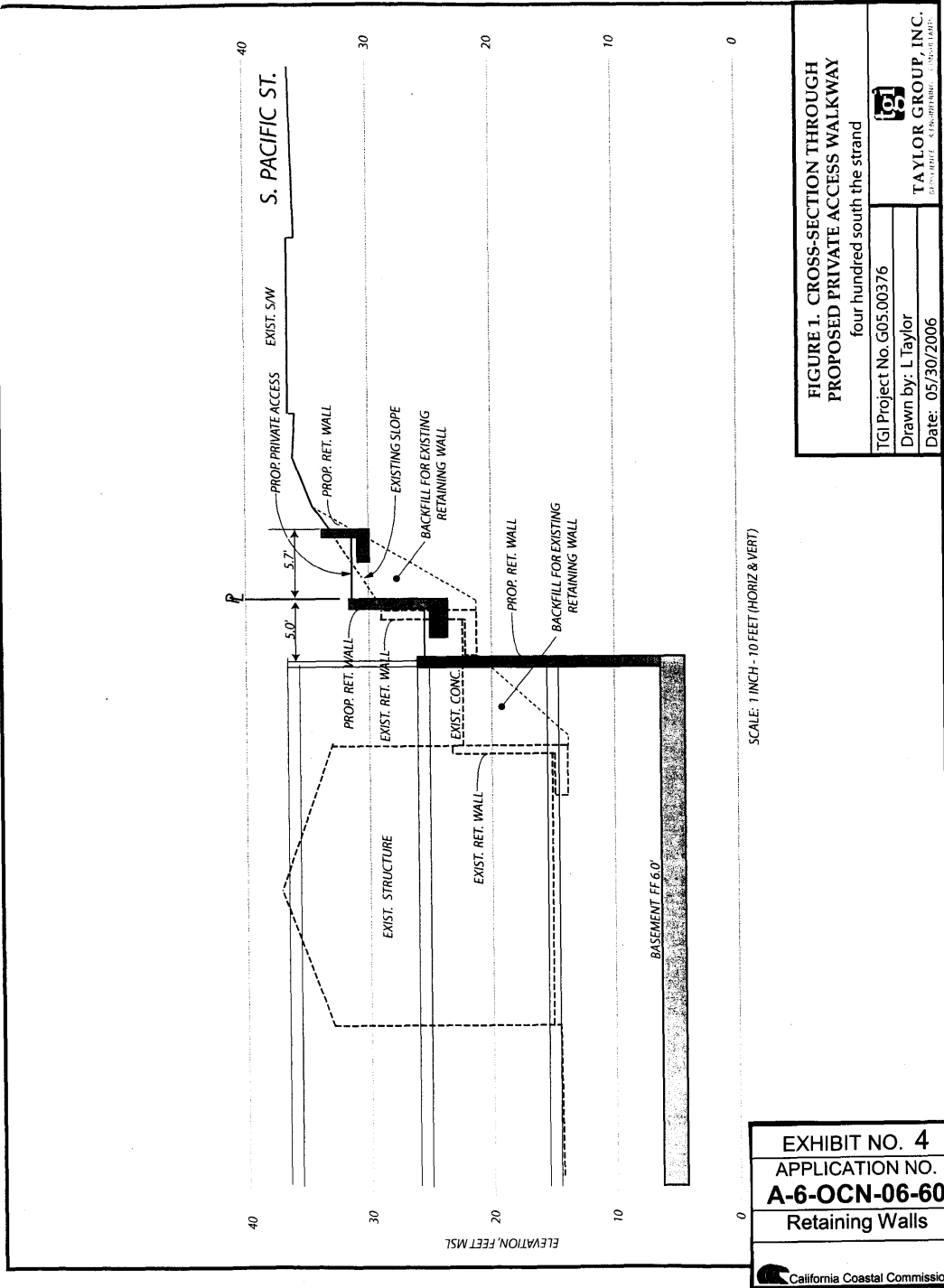
California Coastal Commission





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DATE	15 DEC 2004
BY	DL
CHKD	DL
APP	DL
DATE	15 DEC 2004
BY	DL
CHKD	DL
APP	DL



SCALE: 1 INCH = 10 FEET (HORIZ & VERT)

FIGURE 1. CROSS-SECTION THROUGH PROPOSED PRIVATE ACCESS WALKWAY
four hundred south the strand

TGI Project No. G05.00376
Drawn by: L Taylor
Date: 05/30/2006

TAYLOR GROUP, INC.
CORPORATE OFFICE: 4100 17TH AVENUE, SUITE 1000, DENVER, CO 80202

EXHIBIT NO. 4
APPLICATION NO.
A-6-OCN-06-60
Retaining Walls
California Coastal Commission

May-22-06 09:41am From:619 767 2384

619 767 2384

T-277 P.002/007 F-629

STATE OF CALIFORNIA - THE RESOURCES AGENCY

ARNOLDO SCHWARZENEGGER, Governor

CALIFORNIA COASTAL COMMISSION

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MAY 25 2006

APPEAL FROM COASTAL PERMIT
DECISION OF LOCAL GOVERNMENT

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

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

SECTION I. Appellant

Name, mailing address and telephone number of appellant:

Louis Taschner
128 S. Pacific St.
Oceanside, CA 92054 (760) 722-4470
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: 8-unit residential Condominium project

3. Development's location (street address, assessor's parcel no., cross street, etc.): 400 S. The Strand
APN 150-072-18.19.20

4. Description of decision being appealed:
- a. Approval; no special conditions: RC 200-06 with variations
 - 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-06-60

DATE FILED: 5/25/06

DISTRICT: San Diego

Appeal 1 of 4

EXHIBIT NO. 5
APPLICATION NO.
A-6-OCN-06-60
Appeal
1 of 4
California Coastal Commission

May-22-06 09:41am From:619 767 2384

619 767 2384

T-277 P.003/007 F-629

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 17, 2006

7. Local government's file number (if any): D-200-06, RC-200-06

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:

Residencia, LLC
12 Vista de San Clemente
Laguna Beach, CA 92615

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) David Lee Soanes LTD
6378 Paseo Potrero
Carlsbad, CA 92009
- (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.

Appeal 2 of 4

May-22-06 09:41am From:619 767 2384

619 767 2384

T-277 P.004/007 F-629

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.)

_____ Please see attached _____

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 *[Signature]*
Appellant or Agent

Date 5/24/06

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

Signed _____
Appellant

Date _____

0016F

Appeal 3 of 4

COASTAL ACT

Section 30251....Permitted development shall be sited and designed to ...minimize the alteration of natural land forms.

Section 30253. New development shall: (2) ... not in any way require the construction of protective devices that would substantially alter natural landforms along bluffs and cliffs.

Proposed development would:

1. Remove bluff face in public right of way to create secondary private access to project at the northeast corner of the project and provide direct access to Pacific St..
2. Remove 5' of bluff in the 5' rear yard setback.

LANDUSE REGULATIONS—D DOWNTOWN DISTRICT

(K) Parking structures shall not encroach upon setback areas unless it is entirely underground.

Proposed development would:

1. Remove 5' rear yard setback for parking garage and building.
2. Remove 3' of front yard setback for parking garage and building.

Minimum Setbacks: 10' front yard, Condition L:

All projects seaward of Pacific Street shall retain a minimum 5-foot front yard setback.

Proposed development would encroach for 27' across entire front yard setback area.

(T) Required façade modulation shall only be applicable to the façade area above the parking structure. Vertical must be set back at least 5' from setback line.

Proposed development would have a 27' high façade with no horizontal modulation and within the 5' area from the setback line..

SECTION FF (3) Shared open space....shall be designed so that a horizontal rectangle ..has no dimension less than 10' and shall not include driveways, parking areas or area required for front or street side yards.

Proposed development would have only shared open space at entry to units and is providing no common open space with a dimension of 10x10.

(S) Landscaping Requirements (1) For residential projects only located on The Strand is 20%.

The proposed development provides less than 11% landscaping.

1230 DEVELOPMENT REGULATIONS

Commission may grant a variation based on :

1. Practical difficulties or unnecessary hardships
2. Exceptional circumstances which do not apply to other properties.
3. No detriment to public welfare.

The proposed development with no front yard setback and a 27' high façade, 7' from the public sidewalk along the Strand would set a standard for all other Strand developments.

The failure to protect the lateral accessway from the buildings goes against the rules and objectives of the Redevelopment Plan to make the Strand and beach user friendly.

Appeal 4 of 4

NOTICE OF FINAL ACTION

REGULAR COASTAL PERMIT



DATE: May 18, 2006

The following project is located within the City of Oceanside Coastal Zone. A Coastal Permit application for the project has been acted upon.

Applicant: Barry Venison

Agent: David Lee Soanes

Address: 12 Violet Lantern #4
Dana Point, CA 92629

Address: 6378 Paseo Potrero
Carlsbad, CA 92009

Phone: (949) 584-4858

Phone: (760) 476-0933

Project Location: 400-404 South The Strand

AP Number: 150-072-18-20

Acreage (or lot area): 13,041 sq. ft.

Zoning: Subdistrict 4A

General Plan: Redevelopment Project Area

Proposed Development: 8-unit residential condominiums

Application File Number: T-200-06, D-200-06, C-200-06, RC-200-06 & V-200-204-06

Filing Date: 1-20-2006


Action Date: May 17, 2006

Action by: Community Development Commission

Action: Approved Denied Approved with Conditions

Conditions of Approval: See attached findings.

Findings: See attached resolution.

EXHIBIT NO. 6
APPLICATION NO.
A-6-OCN-06-60
Notice of Final Action
1 of 2
 California Coastal Commission

- Appealable to the Oceanside Planning Commission is writing within 10 days of Planning Director's decision. That decision was made on _____ making the appeal date _____.
 - Appealable to the Oceanside City Council in writing within 10 days of the adoption of the decision resolution by the Planning Commission. That date was August 9, 2002, making the appeal deadline date August 19, 2002. The appeal, accompanied by a \$656 filing fee, must be filed in the City Clerk's Office, 300 North Coast Highway, Oceanside, no later than 4:30 p.m. on the appeal deadline date mentioned above.
 - (For projects in the Redevelopment Area.) Appealable to the Community Development Commission in writing within 20 days of the adoption of the decision resolution of the Planning Commission. That date was _____ making the appeal deadline date _____. The appeal, accompanied by a filing fee of \$656, must be filed in the City Clerk's Office, 300 North Coast Highway, Oceanside, no later than 4:30 p.m. on the appeal deadline date mentioned above.
 - Not Appealable to the Coastal Commission.
- XX Appealable to the Coastal Commission pursuant to Public Resources Code Section 30603. An aggrieved person may appeal this decision to the Coastal Commission within 10 working days of the Coastal Commission's receipt of the Notice of Final Action.

Address: California Coastal Commission
San Diego District Office
7575 Metropolitan Drive, Suite 103
San Diego, CA 92108-4402
Phone: (619) 767-2370

Please mail copies to: (1) California Coastal Commission, (2) Applicant, (3) anyone requesting notification within seven (7) days following decision.

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RESOLUTION NO. 06-

A RESOLUTION OF THE COMMUNITY DEVELOPMENT COMMISSION OF THE CITY OF OCEANSIDE APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, CONDITIONAL USE PERMIT, VARIATIONS AND REGULAR COASTAL PERMIT FOR THE CONSTRUCTION OF AN 8-UNIT RESIDENTIAL CONDOMINIUM PROJECT LOCATED AT 400-404 SOUTH THE STRAND - APPLICANT: RESIDENCIA, LLC

WHEREAS, on April 19, 2006, the Community Development Commission held its duly noticed public hearing, considered an application for a Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use Permit (C-200-06), Variations (V-200-06, V-201-06, V-202-06 & V-203-06) and Regular Coastal Permit (RC-200-06) for the construction of a 8-unit residential condominium project located at 400 South The Strand;

WHEREAS, the Community Development Commission continued this item to their May 3, 2006 meeting;

WHEREAS, on May 3, 2006, the Community Development Commission continued this item to its May 17, 2006 meeting;

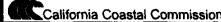
WHEREAS, the Redevelopment Design Review Committee (RDRC) of the City of Oceanside did, on February 17, 2006, review and recommend approval of Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use Permit (C-200-06), Variations (V-200-06, V-201-06, V-202-06 & V-203-06) and Regular Coastal Permit (RC-200-06);

WHEREAS, the Redevelopment Advisory Committee (RAC) of the City of Oceanside did, on May 1, 2006 and May 15, 2006, review and recommend approval of Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use Permit (C-200-06), Variations (V-200-06, V-201-06, V-202-06 & V-203-06) and Regular Coastal Permit (RC-200-06);

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

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

/////////
/////////
/////////

EXHIBIT NO. 7
APPLICATION NO.
A-6-OCN-06-60
City Resolution
1 of 24
 California Coastal Commission

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FINDINGS:

For the Tentative Map:

1. The proposed subdivision creates parcels that are consistent with and exceed the requirements of the Subdistrict 4A zoning designation. The subdivision map is consistent with the General Plan of the City.

2. The proposed building on the site will conform to the topography of the site, therefore, making it suitable for residential development. The 13,041square foot site is physically suitable to allow for the development of eight residential condominium units.

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

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

5. The design of the subdivision or the proposed improvements will not cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat.

For the Development Plan:

1. The site plan and physical design of the project as proposed is consistent with the purposes of the City's Zoning Ordinance and the "D" Downtown District.

2. The Development Plan as proposed conforms to the Redevelopment Plan and General Plan of the City.

3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities.

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

5. The location of the eight residential condominium units and proposed conditions under which this use will be operated or maintained will be consistent with the General Plan and will not be detrimental to the public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use and will not be detrimental to properties or improvements in the vicinity or the general welfare of the City.

6. The project and uses will comply with the provisions of the Zoning Ordinance,

1 including any specific condition required for such use in Subdistrict 4A.

2 **The Conditional Use Permit for the Tandem Parking Spaces:**

3 1. The development portion of the subject property is zoned Subdistrict 4A which
4 allows for tandem parking for projects located on The Strand. The design of the proposed tandem
5 parking spaces will not conflict with the accessibility of the parking spaces.

6 2. The location and conditions with which the subject application must comply
7 insure that the project will not cause detriment to the public, health safety or welfare of persons
8 residing or working in or adjacent to the project area.

9 3. The project has been adequately conditioned or designed to comply with
10 applicable requirements of the Zoning Ordinance.

11 **For the Regular Coastal Permit:**

12 1. The granting of the Regular Coastal Permit is consistent with the purposes of the
13 California Coastal Act of 1976.

14 2. The proposed project is consistent with the policies of the Local Coastal Program
15 as implemented through the City Zoning Ordinance. In addition, the project will not
16 substantially alter or impact the existing coastal views through the public rights-of-way view
17 corridors.

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

21 **Variation for the Encroachment into the Corner Side yard Setback:**

22 1. The application of certain regulations and development standards would result in
23 practical difficulties inconsistent with the intent of the Redevelopment Plan. The 8-foot
24 encroachment into the corner side yard setback is the direct result of the developer dedication of
25 5 feet to the City for a public stairway.

26 2. The exceptional circumstance or uniqueness of this particular property is the
27 dedication of the 5 feet for a public access way that does not apply to other similar properties
28 within the same 4A zone.

3. Permitting the Variation will not be materially detrimental to the public welfare
or injurious to other properties or improvements within the 4A zone.

4. Permitting the Variation will not be contrary to the objectives and goals of the

1 Redevelopment Plan.

2 **Variation for Exceeding the Wall and Railing Heights:**

3 1. The application of certain regulations and development standards would result in
4 practical difficulties inconsistent with the intent of the Redevelopment Plan. The need for 5-foot
5 high retaining walls is due to the topography of the site. Because of the height restriction placed
6 on buildings located on The South Strand, and the Pacific Street bluff. The railing is required
7 for public safety which exceeds the height limitation of proposition "A".

8 2. The exceptional circumstance or uniqueness of this particular property is the
9 height restrictions and topography that does not apply to other similar properties within the
10 same 4A zone.

11 3. Permitting the Variation will not be materially detrimental to the public welfare
12 or injurious to other properties or improvements within the 4A zone.

13 4. Permitting the Variation will not be contrary to the objectives and goals of the
14 Redevelopment Plan.

15 **Variation for the Reduction of Common Area:**

16 1. The application of certain regulations and development standards would result in
17 practical difficulties inconsistent with the intent of the Redevelopment Plan. The 300-foot
18 reduction in common useable open space area is compensated by providing 340 square feet
19 more than the minimum requirements of private useable open space in the form of terraces and
20 balconies.

21 2. The exceptional circumstance is the bluff located in the east (rear) of the subject
22 site and the height limitations imposed by Proposition "A" limits the ability to provide adequate
23 common area.

24 3. Permitting the Variation will not be materially detrimental to the public welfare
25 or injurious to other properties or improvements within the 4A zone.

26 4. Permitting the Variation will not be contrary to the objectives and goals of the
27 Redevelopment Plan.

28 **Variation for the Reduction in Landscaping:**

1. The application of certain regulations and development standards would result in
practical difficulties inconsistent with the intent of the Redevelopment Plan. The
reduction in landscaping is the result of the developer dedication of 5-feet to the City for a

1 public stairway and for providing more hardscape to provide separation from the public for the
2 heavily traveled South Strand and the private property.

3 2. The exceptional circumstance or uniqueness of this particular property is the
4 dedication of the 5-feet for a public accessway that does not apply to other similar properties
5 within the same 4A zone.

6 3. Permitting the Variation will not be materially detrimental to the public welfare
7 or injurious to other properties or improvements within the 4A zone.

8 4. Permitting the Variation will not be contrary to the objectives and goals of the
9 Redevelopment Plan.

10 **Reductions of Setbacks Approved by the CDC:**

11 1. Allowing the reduced front yard setback on The Strand is consistent with the
12 existing buildings located on the South Strand.

13 2. Granting the reduced setbacks will enhance this project design by providing
14 terraces that “break-up” the building which would be eliminated if the project complied with the
15 current development standards.

16 3. The granting of the reduced front yard setbacks is justified by the new
17 development that will occur on the subject site.

18 4. Permitting the reduction of the front yard setbacks will not hinder provisions for
19 utilities, services and emergency vehicle access; and public service demands will not exceed the
20 capacity of existing and planned systems.

21 WHEREAS, a Categorical Exemption was prepared by the Resource Officer of the City
22 of Oceanside for this application pursuant to the California Environmental Quality Act 1970 and
23 the State Guidelines implementing the Act. The project is considered an infill development and
24 will not have a detrimental effect on the environment;

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4	Parkland Dedication/Fee	Ordinance No. 91-10	\$3,278 per unit
5		Resolution No. 05-R0628-1	
6	Drainage Fee	Ordinance No. 85-23	\$2,660 per acre
7		Resolution No. 05-R0628-1	
8	Public Facility Fee	Ordinance No. 91-09	\$1,939 per unit
9		Resolution No. 05-R0628-1	
10	School Facilities Mitigation	Ordinance No. 91-34	\$2.14 per square foot
11	Fee		
12	Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
13			
14	Thoroughfare Fee	Ordinance No. 83-01	\$239 per vehicle trip (based
15			on SANDAG trip generation
16			table available from staff and
17			from SANDAG)
18			
19	Water System Buy-in Fees	Oceanside City Code	Fee based on water meter
20		§37.56.1	size. Residential is typically
21		Resolution No. 87-96	\$3,746 per unit;
22		Ordinance No. 05-OR 0611-1	
23	Wastewater System Buy-in	Oceanside City Code §	Based on meter size.
24	fees	29.11.1	Residential is typically
25		Resolution No. 87-97	\$4,587 per unit;
26		Ordinance No. 05-OR 0610-1	
27			
28	San Diego County Water	SDCWA Ordinance No.	Based on meter size.

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or</u>
2			<u>Calculation Formula</u>
3			
4	Authority Capacity Fees	2005-03	Residential is typically \$4,154 per unit
5			

6
7 WHEREAS, the current fees referenced above are merely fee amount estimates of the
8 impact fees that would be required if due and payable under currently applicable ordinances and
9 resolutions, presume the accuracy of relevant project information provided by the applicant, and
10 are not necessarily the fee amounts that will be owing when such fees become due and payable;

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

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

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

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

23 NOW, THEREFORE, the Community Development Commission of the City of
24 Oceanside does resolve as follows:

25 SECTION 1. That Tentative Map (T-201-04), Development Plan (D-205-04),
26 Conditional Use Permit (C-206-04) and Regular Coastal Permit (RC-208-04) are hereby
27 approved subject to the following conditions:

28 **Building:**

1. Applicable Building Codes and Ordinances shall be based on the date of
submittal for Building Department plan check.
2. The granting of approval under this action shall in no way relieve the

- 1 applicant/project from compliance with all State and local building codes.
- 2 3. The building plans for this project are required by State law to be prepared by a
3 licensed architect or engineer and must be in compliance with this requirement prior to
4 submittal for building plan review.
- 5 4. All electrical, communication, CATV, etc. service lines, within the exterior lines
6 of the property shall be underground. (City Code Sec. 6.30)
- 7 5. All outdoor lighting must comply with Chapter 39 of the City Code. (Light
8 Pollution Ordinance) Where color rendition is important, high-pressure sodium, metal halide or
9 other such lights may be utilized and shall be shown on building and electrical plans.
- 10 6. The developer shall monitor, supervise and control all building construction and
11 supportive activities so as to prevent these activities from causing a public nuisance, including, but
12 not limited to, strict adherence to the following:
- 13 a) Building construction work hours shall be limited to between 7 a.m. and
14 6 p.m. Monday through Friday, and on Saturday from 7 a.m. to 6 p.m. for work that is not
15 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
16 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
17 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor
18 Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the
19 provisions of the Oceanside City Code Chapter 38. (Noise Ordinance)
- 20 b) The construction site shall be kept reasonably free of construction debris
21 as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid
22 waste containers shall be considered compliance with this requirement. Small amounts of
23 construction debris may be stored on-site in a neat, safe manner for short periods of time
24 pending disposal.
- 25 7. A complete soils report, structural and energy calculations will be required at
26 time of plans submittal to the Building Division for plan check.
- 27 8. A demolition permit shall be required for the demolition of the existing
28 structures. Plans for the demolition shall depict clearly all utilities are properly
terminated/capped in accordance with the requirements of the utility service provider.
9. A private sewer system design must be submitted to the Building Department
and approved prior to the construction of the sewer system. If a gravity flow system is not used,

1 an engineered mechanical system must be submitted and approved by all City of Oceanside
2 departments.

3 10. This design shall meet all the requirements of the recent code change; the 2002
4 NEC (as of August 1, 2005), 2005 Energy Standards (as of October 1, 2005).

5 11. As part of the applicant's plan check submittal for a building permit, submit a
6 plat drawing depicting the first floor elevations for each segment; the locations of the points
7 where the floor level is 6-feet above grade and lowest elevation within 5-feet from the building
8 for each segment.

9 12. Building levels below grade (on all sides) shall be provided with a mechanical
10 drainage system that provides drainage to an approved location/receptor.

11 13. The 8-unit condominium must be designed to meet the Disabled Access
12 requirements of AB 1025. ten percent of the units must be designed for ADA compatibility.

13 **Engineering:**

14 14. Because the project involves demolition of existing structures or surface
15 improvements, the Public Works Director shall approve the grading plans prior to the issuance
16 of a demolition permit. No demolition shall be permitted without an approved erosion control
17 plan.

18 15. All right-of-way alignments, street dedications, exact geometrics and widths
19 shall be dedicated and improved as required by the Public Works Director.

20 16. Vehicular access rights to South The Strand shall be relinquished to the City with
21 the exception of the access driveway.

22 17. Design and construction of all improvements shall be in accordance with
23 standard plans, and specifications of the City of Oceanside and subject to approval by the Public
24 Works Director.

25 18. Prior to the issuance of a building permit, all improvement requirements shall be
26 covered by a development agreement and secured with sufficient improvement securities or
27 bonds guaranteeing performance and payment for labor and materials, setting of monuments,
28 and warranty against defective materials and workmanship.

19. Prior to issuance of a building permit a phasing plan for the construction of
public and private improvements including landscaping, shall be approved by the Public Works
Director.

1 20. The approval of the Tentative Map shall not mean that closure, vacation, or
2 abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to
3 the developer. The subdivider is responsible for applying for all closures, vacations, and
4 abandonments as necessary. The application(s) shall be reviewed and approved or rejected by
5 the City under separate process (es) per codes, ordinances, and policies in effect at the time of
6 the application.

7 21. Prior to approval of the Final Map, all improvement requirements, required by
8 the Public Works Director, shall be covered by a subdivision agreement and secured with
9 sufficient improvement securities or bonds guaranteeing performance and payment for labor and
10 materials, setting of monuments, and warranty against defective materials and workmanship.

11 22. Where proposed off-site improvements, including but not limited to slopes, public
12 utility facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
13 expense, obtain all necessary easements or other interests in real property and shall dedicate the
14 same to the City as required. The applicant shall provide documentary proof satisfactory to the City
15 that such easements or other interest in real property have been obtained prior to issuance of any
16 grading, building or improvement permit for the project. Additionally, the City, may at its sole
17 discretion, require that the applicant obtain at his sole expense a title policy insuring the necessary
18 title for the easement or other interest in real property to have vested with the City of Oceanside or
19 the applicant, as applicable.

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

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

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

- a) Dirt, debris and other construction material shall not be deposited on any

1 public street or within the City's storm water conveyance system.

2 b) All grading and related site preparation and construction activities shall
3 be limited to the hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering related
4 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written
5 permission is granted by the Public Works Director with specific limitations to the working hours
6 and types of permitted operations. Because construction noise may still be intrusive in the
7 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing
8 excessive or offensive noise which causes discomfort or annoyance to reasonable persons of
9 normal sensitivity."

10 c) A haul route shall be obtained at least 7 days prior to the start of hauling
11 operations and must be approved by the Community Development Director. Hauling operations
12 shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

13 26. Approval of this development project is conditioned upon payment of all
14 applicable impact fees and connection fees in the manner provided in chapter 32B of the
15 Oceanside City Code. All drainage fees, traffic signal contributions, highway thoroughfare
16 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
17 prior to recordation of the map or the issuance of any building permits, in accordance with City
18 Ordinances and policies. The developer shall also be required to join into, contribute, or
19 participate in any improvement, lighting, or other special district affecting or affected by this
20 project. Approval of the project shall constitute the developer's approval of such payments, and
21 his agreement to pay for any other similar assessments or charges in effect when any increment
22 is submitted for final map or building permit approval, and to join, contribute, and/or participate
23 in such districts.

24 27. A traffic control plan shall be prepared according to the City traffic control
25 guidelines and be submitted to and approved by the Community Development Director prior to
26 the 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 and City Traffic
Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
approved otherwise.

 28. Sight distance requirements at the project driveway shall conform to the corner

1 sight distance criteria as provided by the California Department of Transportation Highway
2 Design Manual.

3 29. Streetlights shall be maintained on The South Strand along the frontage of the
4 project. The system shall provide uniform lighting, and be secured prior to building permit
5 issuance, if a map is not recorded. The developer shall pay all applicable fees, energy charges,
6 and/or assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
7 agree to the formulation of, or the annexation to, any appropriate street lighting district.

8 30. Prior to approval of the grading plans, the developer shall contract with a
9 geotechnical engineering firm to perform a field investigation of the existing street section on
10 all streets adjacent to the project boundary. The limits of the study shall be half-street plus
11 twelve (12) feet along the subdivision's frontage. The field investigation shall determine
12 whether the street meeting current City Standards. The Subdivider shall remove and
13 reconstruct the pavement section as determined by the pavement analysis submittal process.

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

23 32. Dedication of the public access from South Pacific Street to South The Strand
24 shall be depicted on the Final Map and free and clear of any title encumbrances for the specific
25 use intended by the public.

26 33. Any existing broken pavement, concrete curb and gutter, or sidewalk or any
27 damaged during construction of the project, shall be repaired or replaced as directed by the
28 Public Works Director.

34. The developer shall comply with all the provisions of the City's cable television
ordinances including those relating to notification as required by the Public Works Director.

35. Grading and drainage facilities shall be designed and installed to adequately

1 accommodate the local storm water runoff and shall be in accordance with the City's Engineers
2 Manual and as directed by the Public Works Director.

3 36. Prior to any grading of any part of the tract or project, a comprehensive soils and
4 geologic 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 control,
6 and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in
7 accordance with the Grading Ordinance and Zoning Ordinance, is approved by the Public
8 Works Director.

9 37. This project shall provide year-round erosion control including measures for the
10 site 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 the
12 applicant with cash securities and approved by the Public Works Director.

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

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

1 40. All plans must be approved by the Public Work Director and a pre-construction
2 meeting held, prior to the start of any improvements.

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

12 42. The drainage design on the project Tentative Map is conceptual only. The final
13 design shall be based upon a hydrologic/hydraulic study to be approved by the Public Works
14 Director during final engineering. All drainage picked up in an underground system shall remain
15 underground until it is discharged into an approved channel, or as otherwise approved by the
16 Public Works Director. All public storm drains shall be shown on City standard plan and profile
17 sheets. 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 43. Storm drain facilities shall be designed and located such that the inside travel lanes
20 on streets with Collector or above design criteria shall be passable during conditions of a 100-year
21 frequency storm.

22 44. 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 storm water discharge
24 either off-site or into the City drainage system.

25 45. Unless determined to be exempt, this development shall comply with any
26 applicable regulations established by the United States Environmental Protection Agency
27 (USEPA) as set forth in the National Pollutant Discharge Elimination System (N.P.D.E.S.)
28 permit requirements for urban runoff and storm water discharge and any regulations adopted by
the City pursuant to the N.P.D.E.S. regulations or requirements. Further, the applicant may be
required to file a Notice of Intent with the State Water Resources Control Board to obtain
coverage under the N.P.D.E.S. General Permit for Storm Water Discharges Associated with

1 Construction Activity and may be required to implement a Storm Water Pollution Prevention
2 Plan (SWPPP) concurrent with the commencement of grading activities. SWPPPs include both
3 construction and post construction pollution prevention and pollution control measures and
4 identify funding mechanisms for post construction control measures.

5 46. The developer shall comply with all the provisions of the Clean Water Program
6 during and after all phases of the development process, including but not limited to: mass
7 grading, rough grading, construction of street and landscaping improvements, and construction
8 of dwelling units. The applicant shall design the Project's storm drains and other drainage
9 facilities to include Best Management Practices to minimize non-point source pollution,
satisfactory to the Public Works Director.

10 47. Upon acceptance of any fee waiver or reduction by the Subdivider, the entire
11 project will be subject to prevailing wage requirements as specified by Labor Code section
12 1720(b) (4). The Subdivider shall agree to execute a form acknowledging the prevailing wage
13 requirements prior to the granting of any fee reductions or waivers.

14 48. If the development is determined to be subject found to warrant the Subdivider
15 shall prepare and submit an Operations & Maintenance (O&M) Plan to the Community
16 Development & Transportation Department with the first submittal of engineering plans. The
17 O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based on the
18 project's Storm Water Mitigation Plan (SWMP) previously approved by the project's approving
19 authority Community Development Commission. The O&M Plan shall be approved by the
20 Public Works Director prior to approval of any plans by the Public Works & Transportation
21 Department. At a minimum the O&M Plan shall include the designated responsible parties to
22 manage the storm water Best Management Practices (BMPs), employee's training program and
23 duties, operating schedule, maintenance frequency, routine service schedule, specific
24 maintenance activities, copies of resource agency permits, cost estimate for implementation of
the O&M Plan and any other necessary elements.

25 49. The Subdivider shall enter into City-Standard Storm water Facilities
26 Maintenance Agreement (SWFMA) obliging the project proponent to maintain, repair and
27 replace the storm water BMPs identified in the project's approved SWMP, as detailed in the
28 O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to
issuance of any precise grading permit and shall be recorded at the County Recorder's Office

1 prior to issuance of any building permit. Security in the form of cash (or certificate of deposit
2 payable to the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to
3 issuance of a precise grading permit. The amount of the security shall be equal to 10 years of
4 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall prepare
5 the O&M cost estimate. The O&M cost estimate shall be approved by the Public Works
6 Director prior to approval of any engineering plans for the project.

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

12 51. The SWFMA shall include a copy of executed onsite and offsite access
13 easements necessary for the operation and maintenance of BMPs that shall be binding on the
14 land throughout the life of the project to the benefit of the party responsible for the O&M of
15 BMPs, until such time that the storm water BMP requiring access is replaced, satisfactory to the
16 Public Works Director. The agreement shall also include a copy of the O&M Plan approved by
17 the Public Works Director.

18 52. The BMPs described in the project's approved Storm Water Mitigation Plan
19 (SWMP) shall not be altered in any way; shape or form without formal approval by the project's
20 final approving authority Community Development Commission at a public hearing, if such
21 hearing was required for the approval of the project.

22 53. The five foot dedicated public stairway shall be completed prior to
23 certificate of occupancy.

24 **Fire:**

- 25 54. Fire Department Requirements shall be placed on plans in the notes section.
- 26 55. Smoke detectors are required, and detector locations must be indicated on the
27 plans.
- 28 56. A minimum fire flow of 1,500 gallons per minute shall be provided.
- 57. The size of fire hydrant outlets shall be 2 1/2 "X 4.

1 58. All proposed and existing fire hydrants within 400 feet of the project shall be
2 shown on the site plan.

3 59. The fire hydrants shall be installed and tested prior to placing any combustible
4 materials on the job site.

5 60. Detailed plans of underground fire service mains shall be submitted to the
6 Oceanside Fire Department for approval prior to installation.

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

9 62. A "Knox" key storage box shall be provided for all new construction. For
10 buildings, other than high-rise, a minimum of 3 complete sets of keys shall be provided. Keys
11 shall be provided for all exterior entry doors, fire protection equipment control rooms,
12 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-rise
13 buildings, 6 complete sets are required.

14 63. Fire extinguishers are required and shall be included on the plans submitted for
15 plan check.

16 64. An automatic fire sprinkler system shall be installed throughout every apartment
17 house three or more stories in height or containing 5 or more dwelling units.

18 65. In accordance with the California Fire Code Sec. 901.4.4, approved address for
19 commercial, industrial, and residential occupancies shall be placed on the structure in such a
20 position as to be plainly visible and legible from the street or roadway fronting the property.
21 Numbers shall be contrasting with their background.

22 66. Multifamily multi-family dwellings require 6 inch address numbers.

23 67. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
24 approval prior to the issuance of building permits.

25 68. Buildings shall meet Oceanside Fire Departments current codes at the time of
26 building permit application.

27 **Planning:**

28 69. This Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use
Permit (C-200-06), Variations (V-200-06, V-201-06, and V-202-06 & V-203-06) and Regular
Coastal Permit (RC-200-06) shall expire on May 17, 2008, unless implemented as required by
the Zoning Ordinance.

1 70. This Tentative Map, Development Plan, Variations, Conditional Use Permit and
2 Regular Coastal Permit approves only for the construction of a 8-unit residential condominium
3 project as shown on the plans and exhibits presented to the Community Development
4 Commission for review and approval. No deviation from these approved plans and exhibits
5 shall occur without Planning Department approval. Substantial deviations shall require a
6 revision to the Tentative Map, Development Plan, Conditional Use Permit, Variations and
7 Regular Coastal Permit or a new Tentative Map, Development Plan, Conditional Use Permit,
8 Variations and Regular Coastal Permit.

9 71. The applicant, permittee or any successor-in-interest shall defend, indemnify and
10 hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or
11 proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul
12 an approval of the City, concerning Tentative Map (T-200-06), Development Plan (D-200-06),
13 Conditional Use Permit (C-200-06), Variations (V-200-06, V-201-06, V-202-06 & V-203-06)
14 and Regular Coastal Permit (RC-200-06). The City will promptly notify the applicant of any
15 such claim, action or proceeding against the City and will cooperate fully in the defense. If the
16 City fails to promptly notify the applicant of any such claim action or proceeding or fails to
17 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend,
18 indemnify or hold harmless the City.

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

23 73. Landscape plans, meeting the criteria of the City's Landscape Guidelines and
24 Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
25 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
26 building permits. Landscaping shall not be installed until bonds have been posted, fees paid,
27 and plans signed for final approval.

28 74. 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 or any successors in interest in the property. The maintenance program shall include
normal care and irrigation of the landscaping; repair and replacement of plant materials;

1 irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking
2 lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City
3 taking all appropriate enforcement actions by all acceptable means including but not limited to
4 citations and/or actual work with costs charged to or recorded against the owner. This condition
5 shall be recorded with the covenant required by this resolution.

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

8 76. All multi-family unit dwelling projects shall dispose of or recycle solid waste in
9 a manner provided in City Ordinance 13.3.

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

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

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

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

26 81. Failure to meet any conditions of approval for this development shall constitute a
27 violation of the Tentative Map (T-200-06), Development Plan (D-200-06), Conditional Use
28 Permit (C-200-06), Variations (V-200-06, V-201-06, V-202-06 & V-203-06) and Regular
Coastal Permit (RC-200-06).

82. Unless expressly waived, all current zoning standards and City ordinances and
policies in effect at the time building permits are issued are required to be met by this project.

1 The approval of this project constitutes the applicant's agreement with all statements in the
2 Description and Justification, and other materials and information submitted with this
3 application, unless specifically waived by an adopted condition of approval.

4 83. The developer's construction of all fencing and walls associated with the project
5 shall be in conformance with the approved Development Plan. Any substantial change in any
6 aspect of fencing or wall design from the approved Development Plan shall require a revision to
7 the Development Plan or a new Development Plan.

8 84. If any aspect of the project fencing and walls is not covered by an approved
9 Development Plan, the construction of fencing and walls shall conform to the development
10 standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls
11 (including combinations thereof) exceed the limitations of the zoning code, unless expressly
12 granted by a Variation or other development approval.

13 85. The following unit type and floor plan mix, as approved by the Community
14 Development Commission, shall be indicated on plans submitted to the Building Division and
15 Planning Division for building permit:

	Sq.Ft.	# Bedrms	# Baths	# Stories	# Units	%
16 Plan 1	1,937	2	2.5	1	1	12.5
17 Plan 2	1,944	2	2.5	1	2	25
18 Plan 3	2,084	2	2.5	1	2	25
19 Plan 4	2,121	2	2.5	1	1	12.5
20 Plan 5	2,171	2	2.5	1	1	12.5
21 Plan 6	2,217	2	2.5	1	1	12.5

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

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

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

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

- 12 a) The subterranean garage parking shall be exclusive to the residential
13 occupancy of the site and shall not be shared or used by any other occupancy.
- 14 b) Prohibition of parking or storage of recreational vehicles, trailers, or boats.
- 15 c) Maintenance of all common areas, and on-site and frontage landscaping.
- 16 d) Trash collection either at street level or within a subterranean garage and the
17 funding mechanism.

18 90. Prior to the issuance of a building permit, the applicant and landowner, shall
19 execute and record a covenant, in a form and content acceptable to the City Attorney, Which
20 shall provide:

- 21 a) That the applicant understands that the site may be subject to extraordinary
22 hazard from waves during storms and from erosion and the applicant assumes the liability from
23 those hazards.
- 24 b) That the applicant unconditionally waves any claim of liability on the part of the
25 City and agrees to defend and indemnify and hold harmless the City and its advisors relative to
26 the City's approval of the project for any damage due to natural hazards.

27 91. A trash enclosure must be provided as required by Chapter 13 of the City
28 Code and shall also include additional space for storage and collection of recyclable
materials per City standards. Recycling is required by City Ordinance and State Law.
The enclosure must be built in a flat, accessible location as determined by the City
Engineer. The enclosure shall meet City standards including being constructed of

1 concrete block, reinforced with Rebar and filled with cement. A concrete slab must be
2 poured with a berm on the inside of the enclosure to prevent the bin(s) from striking the
3 block walls. The slab must extend out of the enclosure for the bin(s) to roll out onto.
4 Steel posts must be set in front of the enclosure with solid metal gates. All driveways
5 and service access areas must be designed to sustain the weight of a 50,000-pound
6 service vehicle. Trash enclosures and driveways and service access areas shall be shown
7 on both the improvement and landscape plans submitted to the City Engineer. The
8 specifications shall be reviewed and approved by the City Engineer. The City's waste
9 disposal contractor is required to access private property to service the trash enclosures,
10 a service agreement must be signed by the property owner and shall remain in effect for
11 the life of the project. All trash enclosures shall be designed to provide user access
12 without the use and opening of the service doors for the bins. Trash enclosures shall
13 have design features such as materials and trim similar to that of the rest of the project. If
14 the developer chooses to incorporate the trash enclosures below the street level, within
15 an underground or podium parking structure, it will be the developer's responsibility and
16 cost to get the trash and recycling bins to the street level on the trash collection days. It
17 will also be the developer's responsibility to have the trash and recycling bins removed
18 from the street within three hours of the pick up of the trash. The handling of all of the
19 trash and recycled materials within a project will be clearly identified within the
20 Management Plan is subject to the review and approval of the Planning Department and
21 Waste Management to the issuance of a building permit, and shall be recorded as
22 CC&R's against the property. This design shall be shown on the landscape plans or the
23 architecture plans and shall be approved by the Planning Department. The proposed
24 design of the trash enclosure (below grade) may also require additional services from
25 Waste Management which may result in higher fees.

26 **Water Utilities:**

27 92. All public water and/or sewer facilities not located within the public right-of-way
28 shall be provided with easements sized according to the City's Engineers Manual. Easements
shall be constructed for all weather access.

1 93. No trees, structures or building overhang shall be located within any water or
2 wastewater utility easement.

3 94. The property owner will maintain private water and wastewater utilities located
4 on private property.

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

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

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

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

17 99. All Water and Wastewater construction shall conform to the most recent edition of
18 the City's Engineers Manual, or as approved by the Water Utilities Director.

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

4 PASSED AND ADOPTED by the Oceanside Community Development Commission of
5 the City of Oceanside this ___ day of _____ 2006 by the following vote:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10 _____
Chairman

11 ATTEST:
12 _____
13 Secretary

14 APPROVED AS TO FORM:
15 OFFICE OF THE CITY ATTORNEY

16 by _____
17 General Counsel

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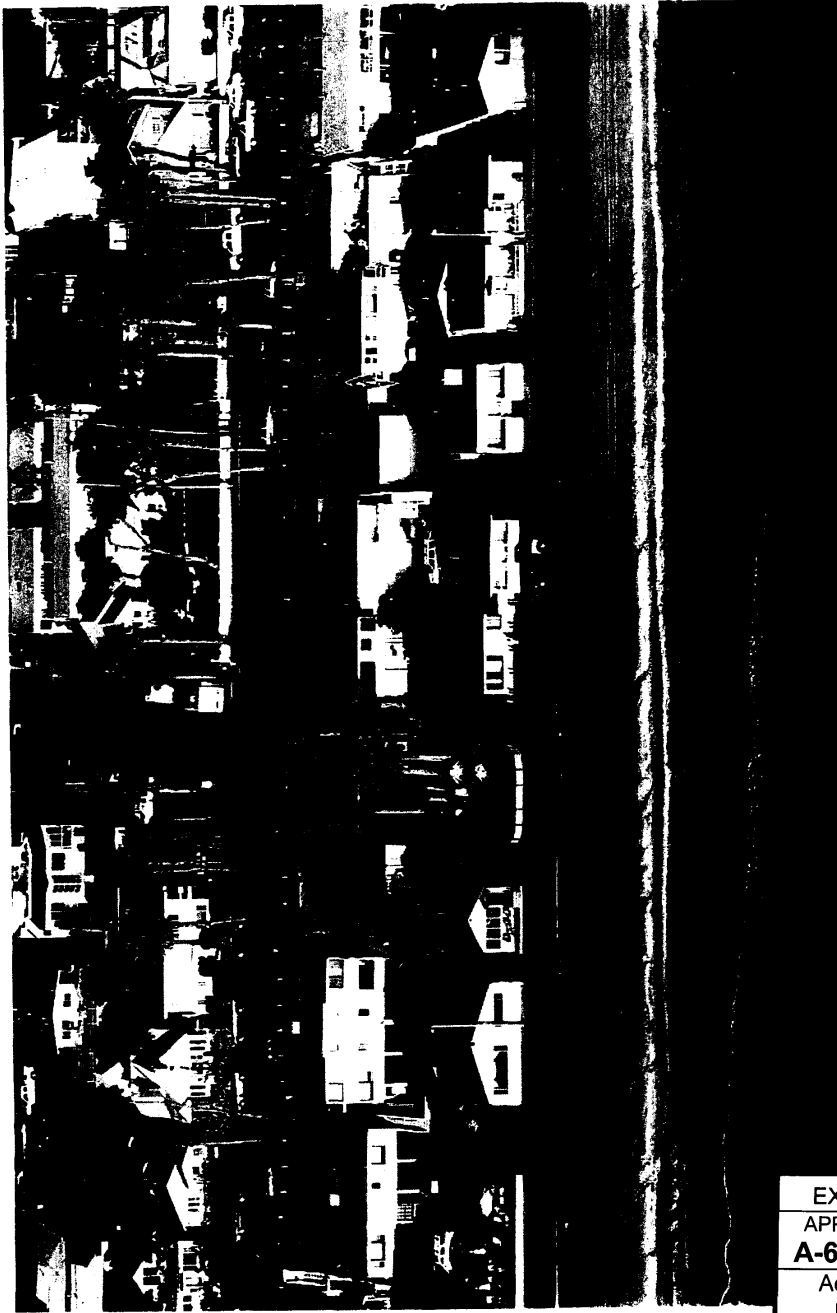


EXHIBIT NO. 8
APPLICATION NO.
A-6-OCN-06-60
Aerial Photo of
Project Site

 California Coastal Commission



Subject site →

EXHIBIT NO. 9
APPLICATION NO.
A-6-OCN-06-60
Aerial Photos of Surrounding Area
1 of 2
 California Coastal Commission



SUBJECT SITE

