

**PLANNING COMMISSION****STAFF REPORT**

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**DATE:** May 8, 2023

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Development Services Department – Planning Division

**SUBJECT: CONSIDERATION OF DEVELOPMENT PLAN (D22-00006),  
CONDITIONAL USE PERMIT (CUP22-00006), AND REGULAR  
COASTAL PERMIT (RC22-00006) TO ALLOW THE CONSTRUCTION OF  
TWO PADEL TENNIS COURTS WITH AN ASSOCIATED REPURPOSED  
OFFICE AT 222 SOUTH COAST HIGHWAY. – PADEL CALIFORNIA –  
APPLICANT: PADEL CALIFORNIA, INC.**

**RECOMMENDATION**

Staff recommends that the Planning Commission, by motion:

1. Confirm issuance of a Class 32 Categorical Exemption per the California Environmental Quality Act (CEQA), Article 19, Section 15332 "In-Fill Development Projects" and,
2. Adopt Planning Commission Resolution No. 2023-P13, approving Development Plan (D22-00006), Conditional Use Permit (CUP22-00006), and Regular Coastal Permit (RC22-00006) for the construction and operation of two padel tennis courts at 222 South Coast Highway.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site Review & Background:** The project site consists of two parcels totaling 9,500 square feet located at 222 South Coast Highway which previously was used for the sales of used vehicles. Situated in the Townsite Neighborhood, the site has a General Plan land use designation of Coastal General Commercial (C-GC) and a corresponding zoning designation of Coastal General Commercial (C-2/CZ). Surrounding land uses include commercial properties to the north, west, and south, with residential properties to the east. The site is currently completely paved over.

**Project Description:** The proposed project is a request for a Development Plan (D22-00006), Conditional Use Permit (CUP22-00006), and Regular Coastal Permit (RC22-00006) to construct and operate two padel tennis courts at a former used car lot within the City's Coastal Zone. Padel tennis is similar to pickleball with courts that are smaller than regulation tennis courts and rackets made from hard materials. Games are generally played in doubles (four players per court) and scoring is similar to tennis with games typically consisting of three sets. The ball must be served underhand and in limited situations the ball can bounce

outside of the court and still be in play. Though popular in Latin American countries and Europe, padel tennis is still in its infancy in the United States. According to the project applicant, The Barnes Tennis Center in Ocean Beach is currently the only location in San Diego County that contains padel tennis courts.

The proposed courts would be approximately 33-feet (10 meters) wide and 66-feet (20 meters) deep, surrounded by a combination of glass walls and netting. The far ends of the courts would be enclosed by glass walls approximately 10 feet tall with approximately 6 feet of netting on top to contain any errant tennis balls. The middle section of the courts would be bounded by netting approximately 10 feet tall. Landscaping would be provided between the sidewalk and the courts as well as between the courts and the parking area in the rear. The site currently contains a dilapidated trailer that would be repurposed into the office for the facility which would also contain the restroom for the site. Hours of operation would be restricted to between 7 a.m. to 10 p.m. Noise dampening material would be added on the rear of the site and lighting would be conditioned to shut off when the courts are not in use.

An existing driveway approach located on the project's Coast Highway frontage would be replaced with curb, gutter, and sidewalk. A new Mexican Fan Palm with a brown trunk height of at least 10 feet would be planted in its place between two existing palms.

Site location with surrounding zoning designation.



## **ANALYSIS**

The proposed project is subject to the following City policies, ordinances, and state statutes:

1. General Plan
2. Zoning Ordinance
3. Local Coastal Program Conformance
4. Municipal Code
5. California Environmental Quality Act (CEQA)

### **1. General Plan Consistency**

The intent of the Coastal General Commercial land use designation is to provide a wide range of commercial services that are of relatively high intensity off of major arterials, like Coast Highway. The proposed use would be consistent with the Coastal General Commercial land use designation and the following General Plan policies:

- Land Use Element Policy 1.12 Land Use Compatibility C: The use of land shall not subject people to potential sources of objectionable noise, light, odors, or other emissions nor to exposure of toxic, radioactive, or other dangerous materials.
- Economic Development Element Policy 1a-1: Expand the range of commercial goods and services conveniently available to residents, workers, and visitors; and
- Energy and Climate Action Element Policy 2a-1: In the City's commercial corridors, promote a mix of land uses that contributes to a sense of place, creates synergies between local businesses, and affords residents the opportunity to live, work, and play within a walkable radius.

Oceanside is known throughout the region for its active lifestyle resources as the City is home to some of the region's best surf spots, skate parks, golf courses, and fishing locations. The addition of a climbing gym a few blocks away from the project site has added to the City's identity as an active lifestyle hub, and allowing a novel use like padel tennis would build on that identity. If approved, this facility would be the second of its kind in San Diego County and the only padel tennis facility in North County, according to the applicant, which would draw in residents from nearby cities, some of which would patronize local retailers and restaurants contributing to the City's economy.

The establishment of a padel tennis facility at this location would also offer the residents of the surrounding neighborhoods an increased ability to work, live, and play in their community. Staff worked with the applicant and added conditions of approval to the project to ensure that the proximity of the proposed use to nearby residences would be beneficial to the community as a whole while not being detrimental to the adjacent residents regarding noise and light. Further details are provided below.

## **2. Zoning Compliance**

Private commercial recreation facilities are a conditionally permitted use in the C-2/CZ district, requiring the approval of a CUP in accordance with Article 41 of the Zoning Ordinance. The proposed project meets or exceeds the development standards of the C-2/CZ district as shown in the table below.

**Table 1**

| <b>Development Standards</b>  | <b>Required</b>             | <b>Proposed</b>               |
|-------------------------------|-----------------------------|-------------------------------|
| <b>Setbacks</b>               |                             |                               |
| <b>Front Yard</b>             | 5 feet (landscaped)         | 5 feet (landscaped)           |
| <b>Side Yard</b>              | N/A                         | 6 feet (north) 0 feet (south) |
| <b>Rear Yard (alley)</b>      | N/A                         | 9 feet                        |
| <b>Maximum Height</b>         | 45 feet.                    | 16 feet                       |
| <b>Lot Coverage</b>           | N/A                         | 5%                            |
| <b>Tree Canopy</b>            | 7%                          | 11.6%                         |
| <b>Permeable Surface Area</b> | 10%                         | 10.6%                         |
| <b>Parking</b>                | As prescribed by use permit | 7 spaces                      |
| <b>EV Reserved Parking</b>    | 1 space                     | 1 space                       |

As shown in Table 1, the proposed project complies with all requirements of the Zoning Ordinance. Article 31 of the Zoning Ordinance, Off-Street Parking and Loading Regulations, does not specify a minimum parking requirement for commercial recreational facilities in the Coastal Zone, so the applicant was required to submit a parking analysis prepared by a subject matter professional (Attachment 5). The analysis concluded seven (7) spaces would be sufficient, at a ratio of 3.5 spaces per court, based on the proximity of the site to the Oceanside Transit Center and walkability of the Townsite Neighborhood.

### **Findings:**

Articles 43 and 41 of the Zoning Ordinance state the required findings for development plans and conditional use permits, which are stated in the attached resolution and explained below.

The proposed facility would be in accord with the purposes of the C-2/CZ Coastal General Commercial District which is intended to provide a wide range of commercial uses that are by their nature of relatively high intensity. Given the district's proximity to residential uses, it is understood that physical treatments may be required for new projects to guarantee compatibility with and protection of surrounding properties and their value.

The proposed location of the padel facility and the recommended conditions of approval would ensure that the use is consistent with the goals, objectives, and policies of the General Plan and the Coastal General Commercial land use designation. Staff reviewed the project for potential land use incompatibilities associated with the proposed use and requested that changes be made to the project to ensure compatibility. The most notable concern from staff was excessive noise coming from the courts and possibly becoming a nuisance to nearby residents. Per staff's request, the applicant included noise dampening materials on the rear of the facility to reduce the potential of noise being a nuisance. Hours of operation would also be restricted to 7 a.m. to 10 p.m., which corresponds to the hours in which noise levels

are expected to be higher per the City's Noise Control Ordinance.

Conditions of approval placed on the CUP would also ensure that the facility would not be detrimental to public health, safety or welfare of persons residing or working in or adjacent to the neighborhood of such use. Some of the conditions placed on the project include a requirement that court lighting be shut off after hours to prevent light trespass onto neighboring properties as well as a requirement that the operator submit to the City and institute an Operations and Management Plan to ensure the site is kept in a clean and orderly state and that the public be able to quickly and conveniently contact the operator with any concerns.

The Planning Commission may approve an application for a development plan, conditional use permit, and regular coastal permit subject to making the required findings provided in the Local Coastal Program and Articles 41 and 43 of the Zoning Ordinance on the basis of the application, plans, materials, and testimony submitted. Staff finds that the project would be consistent with the requisite findings as provided in the attached resolution.

### **3. Local Coastal Program Conformance**

The project conforms to the Local Coastal Program (LCP), including the policies of that plan, in that the proposed project is consistent with stated intent of the Coastal General Commercial Land Use designation as outlined in the LCP Land Use Plan, Section I.A.1, which allows a variety of retail, service, office, and visitor-serving uses along the Coast Highway corridor. The site plan and physical design of the project as proposed would be in accordance with the purposes of the Zoning Ordinance and the objectives of the LCP, in terms of compliance with all development regulations and design consistency with the surrounding neighborhood. The proposed project complies with applicable development standards, as indicated above.

Since the project site is located outside the appeal jurisdiction of the LCP and approximately a quarter-mile inland from the Pacific Ocean, it would not be subject to conformance with the Local Coastal Program's requirements for the public access and recreation policies of Chapter 3 of the Coastal Act. Regardless, the project would not impact public beach access or public views of the coastline or ocean. By closing the curb cut off of Coast Highway the project would add one on-street public parking space. Therefore, the project conforms to the public access and recreation policies of the LCP.

### **4. Municipal Code**

The City's Noise Control Ordinance, Chapter 13 of the Municipal Code, prescribes maximum average decibel levels for each zoning district across the City. As a commercially zoned site, surrounded by commercial zoned properties, the maximum allowable average decibel level is 65dB for daytime hours and 60dB for nighttime hours. The project applicant provided a noise analysis (Attachment 4) at the site showing that the ambient noise from Coast Highway is already near that limit. According to that analysis, the peak noise level of the Barnes Tennis Center in Ocean Beach is just slightly higher than the average noise level of the Coast Highway Corridor.

While the parcels located across the alley from the project site are zoned commercial, they are developed with small-scale multifamily dwellings. As previously noted, court activity has the potential to generate noise that may become a nuisance to nearby residents. The applicant agreed to incorporate noise abatement measures into the project by proposing acoustical barriers that absorb noise on the rear fence as well as on the rear netting of the courts. If noise issues arise, this CUP does not exempt the operator from complying with the City's Noise Ordinance or any enforcement actions taken by the City.

## **5. California Environmental Quality Act (CEQA)**

The proposed project is categorically exempt from review under the California Environmental Quality Act (CEQA) because it qualifies for issuance of a Class 32, In-fill Development Project exemption (CEQA Guidelines, Section 15332). The project meets all the criteria of the in-fill exemption as the site is under five acres that is substantially surrounded by urban uses, the proposed use is consistent with the general plan and zoning designations, and the site is already served by all utilities and public services. Currently the project site is completely paved over and has no value for sensitive species or habitats, and the project would not have significant impacts to traffic, noise, air quality, or water quality.

## **PUBLIC NOTIFICATION**

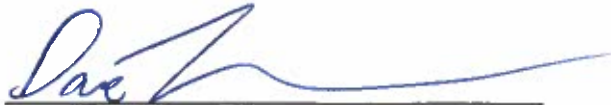
Legal notice was published in the newspaper and mailed notices were sent to property owners of record within 1,500 feet and tenants within 100 feet of the subject property and interested parties. To date, staff has received one comment from the public requesting for the site to provide pickleball courts.

The applicant was also required to conduct community outreach per City Council Policy 300-14 (Enhanced Notification Program) by providing additional opportunities for public outreach. On October 11, 2022 at 5pm, the applicant held a virtual open house. Three members of the public attended mostly seeking clarification on the sport and how the facility would be operated.

## **SUMMARY**

The proposed Development Plan (D22-00006), Conditional Use Permit (CUP22-00006), and Regular Coastal Permit (RC22-00006) are consistent with the policies of the General Plan and the requirements of the Zoning Ordinance. The proposed padel tennis facility would not be detrimental to the surrounding area and would not create any land use incompatibilities. As such, staff recommends that the Planning Commission adopt Resolution No. 2023-P13 approving the project based on the findings and conditions contained therein.

PREPARED BY:



Dane Thompson  
Planner II

SUBMITTED BY:



Sergio Madera  
City Planner

DT/SM/MSR

Attachments:

1. Planning Commission Resolution 2023-P13
2. Planset
3. Conceptual Landscape Plan
4. Noise Analysis
5. Parking Analysis
6. Description and Justification Letter
7. Community Outreach Report
8. Other Attachments – Application Page, Legal Description, Notice of Exemption

## 4.01 ATTACHMENT 1

### PLANNING COMMISSION RESOLUTION NO. 2023-P13

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

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APPLICATION NO: D22-00006, CUP22-00006, RC22-00006  
APPLICANT: PADEL CALIFORNIA, INC  
LOCATION: 222 SOUTH COAST HIGHWAY (APNs 150-051-04, 150-051-05)

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting approval of a Development Plan, Conditional Use Permit, and Regular Coastal Permit under the provisions of Articles 11C, 41, and 43 of the Zoning Ordinance, and the Local Coastal Program Permit Handbook of the City of Oceanside to permit the following:

The construction and operation two padel tennis courts with a repurposed office and associated site improvements  
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 8<sup>th</sup> day of May 2023 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto (Section 15332); this project qualifies for a Class 32 categorical exemption (In-Fill Development Projects), as it involves in-fill development consistent with general plan and zoning designations;

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

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

| Description  | Authority for Imposition                                     |
|--|--|
| Public Facility (Commercial/Industrial)  | Ord. No. 91-09<br>Reso. No. 15-R0638-1                       |
| School District Fee<br>(Commercial/Industrial)   | Ord. No. 91-34<br>OUSD Res. 13(12-13)<br>CUSD Res. 21-1314   |
| Traffic Signal & Thoroughfare<br>(Commercial/Industrial)                                   | Reso. No. 16-R0324-1   |
| Drainage and Flood Control Fee   | Ord. No. 85-23<br>Reso. No. 16-R0638-1                       |
| Wastewater System Capacity Buy-in Fee<br>(Non-Residential and Multi-Family<br>Residential) | Reso. No. 87-97<br>Ord. No. 15-OR0479-1<br>City Code 37.7.37 |
| Water System Capacity Buy-in Fee<br>(Residential and Non-Residential)                      | Reso. No. 87-96<br>Ord. No. 15-OR0480-1<br>City Code 37.7.37 |
| San Diego County Water Authority<br>(Residential and Non-Residential)                      | SDWA Ord. 2017   |

WHEREAS, the fees listed above have been identified by the City as being applicable to the project as proposed. Failure by the City to list an applicable fee above does not relieve the developer from paying all applicable fees at the time when such fees become due;

WHEREAS, the fee amount to be paid for each category referenced above shall be the amount listed on the schedule of fees published by the Development Services Department at the time when such fees become due and payable;

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

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

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

7 WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes  
8 effective 20 days from its adoption in the absence of the timely filing of an appeal or call for review  
9 prior to the expiration of the 20-day appeal period;

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

12 FINDINGS:

13 For the Development Plan (D22-00006):

- 14 1. The site plan and physical design of the project as proposed is consistent with the  
15 purposes of the Zoning Ordinance as the project meets or exceeds all development  
16 standards of the Zoning Ordinance.
- 17 2. The Development Plan as proposed conforms to the General Plan of the City, in that the  
18 project meets the goals of the General Plan to provide visitor-serving commercial uses  
19 within the C-2 zone and that the proposed commercial recreational facility is consistent with  
20 the Land Use Element requirements established in the General Plan.
- 21 3. The area covered by the Development Plan can be adequately, reasonably, and conveniently  
22 served by existing and planned public services, utilities, and public facilities as the project  
23 constitutes an infill development within an existing established neighborhood in an  
24 urbanized part of the city.
- 25 4. The project, as proposed, is compatible with existing and potential development within the  
26 surrounding area as the facility would not be out of scale with the surrounding properties.
- 27 5. The site plan and physical design of the project is consistent with the policies contained  
28 within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development  
29 Guidelines for Hillside, and Section 3039 of the Zoning Ordinance in that the project site  
30 has been previously graded and paved and does not contain any qualifying slopes or  
31 topographic features that would be considered undevelopable or any riparian areas.

6. The proposed project is consistent with all applicable policies of the Local Coastal Program as implemented through the Zoning Ordinance. Specifically, the physical aspects of the project are consistent with the properties neighboring the project site. In addition, the project will not substantially alter or impact existing public views of the coastal zone area nor restrict public access to the beach. Section 1.32 of the City of Oceanside's General Plan utilizes the certified Local Coastal Plan and supporting documentation for review of all proposed projects within the coastal zone. The project has been reviewed and determined to be in compliance with the policies and recommendations of the Local Coastal Program in that:
- a. The proposed project complies with Local Coastal Program policy VI.C.8, which states "the City shall ensure that all new development is compatible in height, scale, color and form with the surrounding neighborhood." The proposed project is consistent in scale with the surrounding development consisting of a mix of unique commercial uses on South Coast Highway.

For the Conditional Use Permit (CUP22-00006):

1. The proposed location of the use is in accord with the objectives of this ordinance and the purposes of the district in which the site is located in that commercial recreational facilities are a conditionally permitted use in the C-2/CZ district.
2. The proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety or welfare of 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 to the general welfare of the city. The project has been designed and conditioned to not have negative impacts to the nearby residents and properties regarding noise, light, traffic, and environmental impacts. The use of acoustical barriers, light shielding, landscaping, and defined hours of operation shall ensure the use is compatible with adjacent residences and businesses.
3. The proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located. Hours of operation have been limited to meet the intent of the C-2 district where a site is adjacent to residential uses, and the project will meet or exceed all development standards of the Coastal Commercial District (C-2).

4. The proposed conditional use will be consistent with all applicable policies of the certified Land Use Plan.

For the Regular Coastal Permit (RC22-00006):

1. The project conforms to the Local Coastal Plan, including the policies of the plan, as implemented through the Zoning Ordinance in that the project, as conditioned, will not substantially alter or impact existing public views of the coastline because the project meets required height and setback standards for C-2 district and is not located within a public view corridor.
2. The project is located within the non-appeal area and conforms to the public access and recreation policies of Chapter 3 of the Coastal Act in that the project does not contain a public beach accessway nor does it propose to impact any public beach accessway.
3. The project, as conditioned, will not result in the loss of any on-street public parking spaces in that the curb cut on Coast Highway will be filled in, adding one public parking space in addition to the seven on-site spaces provided off the alley.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Development Plan (D22-00006), Conditional Use Permit (CUP22-00006), and Regular Coastal Permit (RC22-00006) subject to the following conditions:

**Planning:**

1. This Development Plan, Conditional Use Permit, and Regular Coastal Permit shall expire on May 8, 2026, unless this time period is extended by the provisions of Article 1 of the Zoning Ordinance.
2. This Development Plan, Conditional Use Permit, and Regular Coastal Permit, as conditioned, approves only the construction and operation of two padel tennis courts with a repurposed office and associated site improvements as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the project or a new project.
3. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Development Plan (D22-00006), Conditional Use

1 Permit (CUP22-00006), and Regular Coastal Permit (RC22-00006). The City will promptly  
2 notify the applicant of any such claim, action or proceeding against the City and will  
3 cooperate fully in the defense. If the City fails to promptly notify the applicant of any  
4 such claim action or proceeding or fails to cooperate fully in the defense, the applicant  
5 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

10 5. Failure to meet any conditions of approval for this development shall constitute a violation  
11 of the Regular Coastal Permit.

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

17 7. Elevations, wall materials, colors, fencing, roofing materials, and floor plans shall be  
18 substantially the same as those approved by the Planning Commission. These shall be shown  
19 on plans submitted to the Building Division and Planning Division.

20 8. A covenant or other recordable document approved by the City Attorney shall be prepared  
21 by the property owner and recorded prior to the issuance of a building permit. The covenant  
22 shall provide that the property is subject to this resolution, and shall generally list the  
23 conditions of approval.

24 9. Failure to meet any conditions of approval shall constitute a violation of the Development  
25 Plan, Conditional Use Permit, and Regular Coastal Permit.

26 10. Trash/Recycling bins for all waste streams shall be kept within the designated space  
27 provided. No storage of bins on the outside shall occur. Bins shall be wheeled out to an  
28 appropriate location on the designated pickup date and returned within 24 hours to the  
29 interior storage space.

11. At all times, the alley shall be free of obstructions, including private vehicles and other objects. Vehicles or other objects shall not project over the easterly property line or obstruct the alley.
12. Prior to the issuance of a business license, the operator shall submit an Operations and Management Plan to the Planning Division stating, among other things, how the site will be kept in a clean and orderly manner, how security will be handled, and how concerned individuals would be able to easily and conveniently contact a designated staff person should any issues arise.
13. Hours of operation shall be limited Monday through Sunday from 7 a.m. to 10 p.m.
14. Project shall comply with the Noise Ordinance, including the prohibition on any disturbing, excessive, or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity.
15. All court lighting shall shut off after hours and when not in use shortly after the last users leave. This restriction shall not be interpreted to include security lighting.
16. Court lighting shall not trespass onto nearby properties or cause a nuisance to nearby residents.
17. The Conditional Use Permit is subject to review by the Planning Commission from the date of commencement of operations to determine the business compatibility with surrounding land uses. The Commission may add new conditions, and/or delete, and/or modify existing conditions as it deems necessary to protect the general health, safety and welfare of residents in the area or surrounding land uses.
18. Failure to meet any conditional of approval for this use shall constitute a violation of the Conditional Use Permit.
19. Should an issue arise, the City Planner may require the current operator to install additional measures to mitigate impacts occurring from the use including, but are not limited to, additional noise attenuation measures or additional netting.
20. Prior to the issuance of building permits, compliance with the applicable provisions of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved by the Planning Division. These requirements, including the obligation to remove or cover with matching paint all graffiti within 24 hours, shall be

noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the subject property.

**Building:**

**General Conditions**

21. The 2019 triennial edition of the California Code of Regulations, Title 24 (California Building Standards Code) applies to all occupancies that applied for a building permit on or after January 1, 2017, and remains in effect until the effective date of the 2022 triennial edition which will be January 1, 2023.
22. Beginning on January 1, 2023, Oceanside Development Services (ODS) is required by State law to enforce the 2022 Edition of California Building Standards Codes (a.k.a., Title 24 of the California Codes of Regulations).
23. Every three years, the State adopts new model codes (known collectively as the California Building Standards Code) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems.
24. Sections 17922, 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the California Building Standards code and Uniform Housing Code apply to local construction 180 days after publication.
  - Part 2: The 2019 California Building Code (CBC).
  - Part 2.5: The 2019 California Residential Code (CRC).
  - Part 3: The 2019 California Electrical Code (CEC).
  - Part 4: The 2019 California Mechanical Code (CMC).
  - Part 5: The 2019 California Plumbing Code (CPC).
  - Part 6: The 2019 California Energy Code
  - Part 9: The 2019 California Fire Code (CFC)
  - Part 11: The 2019 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.
25. The building plans for this project are required to be prepared by a licensed architect or engineer. Project must be built per Building Division approved plans. Structural calculations will be required for the new fencing.

- 1 26. The Exterior Lighting must comply with the City of Oceanside Lighting Ordinance,  
2 including full cut off and max.4020 Lumens.
- 3 27. A Photometric plan must be submitted to verify lighting will not shine into neighbor's  
4 property.
- 5 28. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the  
6 plans.
- 7 29. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
8 property shall be underground (City Code Sec. 6.30).
- 9 30. A complete set of Soil Reports, Structural Calculations, Energy Calculations, &  
10 California Title 24 Energy Form(s) shall be required at time of plans submittal to the  
11 Building Division for plan check.
- 12 31. The specific requirements of the Soil Report must be incorporated into the plans and the  
13 Geo Technical Engineer must in writing indicate that the plans that have been submitted  
14 to the Building Division have been reviewed and meet the Soils Report recommendations.
- 15 32. A form or foundation survey shall be required prior to the placement of concrete to show  
16 the location of the new structure in respect to the property lines, known easements, and  
17 known setback lines. By obtaining a form survey the location of the foundation is checked  
18 prior to the placement of concrete, and can save costly corrective measures in case of an  
19 encroachment of a property line.
- 20 33. Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of  
21 the nonhazardous construction and demolition waste in accordance with either CAL  
22 Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste Management Company  
23 or 4.408.4 Waste Stream Reduction Alternative.
- 24 The City of Oceanside has adopted the latest version of California's Green Building  
25 Standards Code (CALGreen) and requires waste diversion of C&D materials from new  
26 construction, commercial renovation, and most residential additions/alterations. To  
27 comply with the City of Oceanside's requirements, you must submit a Waste  
28 Management Plan before permits are issued and construction begins. To complete your  
29 Waste Management Form.
- 30 ▪ Demonstrate how your project will fulfill the CALGreen waste diversion requirement  
31  
32

1       ▪ Include an estimate of the amount of waste produced during construction and  
2 demolition, the actual amount of waste produced, and the ways the different materials  
3 will be diverted.

4       After construction is completed and during the final inspection, you will be required to  
5 sign an affidavit stating that your project met the C&D diversion requirement in your  
6 Waste Management Plan.

7       By diverting C&D materials, you are reusing resources, helping the City of Oceanside  
8 reach its city-wide waste diversion goal of 75-90% by 2020, and potentially saving money  
9 on your project.

10   34.   Electric Vehicle Charging for New Construction. Show electric vehicle charging wiring  
11 and panels per the requirements found in CGC 4.106.4.

12   35.   Water conserving plumbing fixtures. Plumbing fixtures (water closets and urinals) shall  
13 comply with the following:

14       a.     The effective flush volume of all water closets shall not exceed 1.28 gal/flush  
15             (CGC 403.1.1).

16       b.     The effective flush volume of wall-mounted urinals shall not exceed 0.125  
17 gal/flush. The effective flush volume for all other urinals shall not exceed 0.5  
18 gal/flush (CGC 403.1.2).

19   36.   Concrete slab foundations. A capillary break shall be installed if a slab on grade  
20 foundation system is used. The use of a 4" thick base of ½" or larger clean aggregate  
21 under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per CGC  
22 4.505.2 and CRC R506.2.3.

23   37.   Electrical plans must show compliance with all equipment to be listed by a Nationally  
24 Recognized Testing Agency or have third party review and approval.

25   38.   The developer must show compliance with the 2019 CBC for Disabled Access including:

26       a. Parking

27       b. Access to the Building

28       c. Exiting

29       d. Bathroom Facilities

30       e. Changes in elevation etc.

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

Sec. 6.25. - Construction hour limitations.

It shall be unlawful to operate equipment or perform any construction in the erection, demolition, alteration, or repair of any building or structure or the grading or excavation of land during the following hours:

(1) Before 7:00 a.m. and after 7:00 p.m. Monday through Saturday.

(2) All day on Sunday; and

(3) On any federal holiday.

(b) Exceptions.

(1) An owner/occupant or resident/tenant of residential property may engage in a home improvement project between the hours of 9:00 a.m. and 5:00 p.m. on Sundays and holidays provided the project is for the benefit of said residential property and is personally carried out by said owner/occupant or resident/tenant.

(2) The building official may authorize extended or alternate hours of construction for the following circumstances:

a. Emergency work.

b. Adverse weather conditions.

c. Compatibility with store business hours.

d. When the work is less objectionable at night than during daylight hours.

e. Per direction of the city manager's office for projects that have been determined that rapid completion is in the best interest of the general public.

**Engineering:**

40. Design and construction of all public and private improvements shall be in accordance with the City of Oceanside's Engineers Design and Processing Manual, City Ordinances, standard engineering and specifications of the City of Oceanside, and subject to approval by the City Engineer.

41. All right-of-way alignments, street dedications, exact geometrics and widths shall be designed, dedicated, and constructed or replaced in accordance with the City of Oceanside Engineers Design and Processing Manual, and as required by the City Engineer.

- 1 42. The approval of the development plan/project shall not mean that closure, vacation, or  
2 abandonment of any public street, right of way, easement, or facility is granted or guaranteed  
3 to the owner/developer. The owner/developer is responsible for applying for all closures,  
4 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
5 approved or rejected by the City of Oceanside under separate process(es) per codes,  
6 ordinances, and policies in effect at the time of the application. The City of Oceanside retains  
7 its full legislative discretion to consider any application to vacate a public street or right of  
8 way.
- 9 43. Owner/developer shall submit to the City for processing a covenant attesting to the project's  
10 development conditions. The approved covenant shall be recorded at the County prior to the  
11 issuance of a grading permit
- 12 44. All public improvement requirements shall be covered by a Development Improvement  
13 Agreement and secured with sufficient improvement securities or bonds guaranteeing  
14 performance and payment for labor and materials, setting of survey monuments, and  
15 warranties against defective materials and workmanship before the approval of the public  
16 improvement plans.
- 17 45. Prior to the issuance of any building permits, all improvements including landscaping,  
18 landscaped medians, frontage improvements shall be under construction to the satisfaction  
19 of the City Engineer.
- 20 46. Prior to the issuance of a Certificate of Occupancy permit, all improvements, including  
21 landscaping, landscaped medians, frontage improvements shall be completed to the  
22 satisfaction of the City Engineer.
- 23 47. A traffic control plan shall be prepared in accordance with the City's traffic control  
24 guidelines and approved by the City Engineer prior to the start of work within the public  
25 Right-of-Way. Traffic control safety and implementation for construction or re-construction  
26 of streets shall be in accordance with construction signing, marking, and other protection as  
27 required by Caltrans' Traffic Manual and City Traffic Control Guidelines. Traffic control  
28 plan implementation and hours shall be in accordance with the approved traffic control  
29 plans.

48. The existing driveway on South Coast Highway will be removed and replaced with curb and gutter and sidewalk. Sidewalk improvements (construct/replace) shall comply with current ADA requirements. The new curb shall not be painted red.
49. South Coast Highway shall be provided with a 5-foot minimum sidewalk and 5-foot paved parkway between the face of curb and Right-of-Way line, and the design shall be displayed on the improvement plans.
50. Proposed vertical improvements adjacent to alley roadways at a height greater than 30 inches and that would have the potential to obstruct the driver's line-of-sight are not allowed. Existing vertical obstructions should be removed or lowered, if practical. Such obstructions may include buildings, hedges, trees, bushes, un-mowed grass, tall crops, walls, fences, and terrain itself.
51. Maintenance responsibilities for private driveways, parking lots, and roadways are the responsibility of the property owner.
52. A pavement evaluation report shall be submitted for alley pavement with the grading plan application. The owner/developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street width along the project's alley frontage. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer prior to the issuance of a building permit. In the absence of an approved boring plan, the field investigation shall include a minimum of two equidistant pavement borings within the alley.
- Should the study conclude that the existing road pavement does not meet current pavement thickness requirements set forth in the City of Oceanside Engineers Design and Processing Manual, the Owner/developer shall remove and reconstruct the existing pavement section in accordance with City requirements. Otherwise, the City Engineer shall determine whether the Owner/developer shall: 1) Repair all failed pavement sections, 2) header cut and grind per the direction of the City Engineer, or 3) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices.
53. Proposed public improvements located within the City's ROW or onsite shall be displayed on separate public improvement plans in accordance with the City's Engineers Design and Processing Manual.

54. Any existing public or private improvements that are being joined to and that are already damaged or damaged during construction of the project, shall be repaired or replaced as necessary by the developer to provide a competent and stable connection, and to the City's satisfaction.
55. Full width and depth alley improvements, including the installation of a longitudinal concrete ribbon gutter, shall be shown on separate public improvement plans and designed in accordance with the City of Oceanside Engineers Design and Processing Manual.
56. Owner/developer shall develop and submit a draft neighborhood-notification flier to the City for review. The flier shall contain information on the project, construction schedule, notification of anticipated construction noise and traffic, and contact information. Prior to the issuance of a grading permit, the approved flier shall be distributed to area residents, property owners, and business owners located within a 300-foot radius area of the project.
57. Owner/developer shall monitor, supervise and control all construction and construction-supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, ensuring strict adherence to the following:
- a. Dirt, debris and other construction material shall not be deposited on any public street or into the City's storm water conveyance system.
  - b. All site preparation and construction activities shall be limited to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be located as far as possible (minimum 100 feet) from any existing residential development. As construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."
  - c. The construction site shall accommodate the parking of all motor vehicles used by persons working at or providing deliveries to the site. An alternate parking site can be considered by the City Engineer in the event that the lot size is too small and cannot accommodate parking of all motor vehicles.

- d. Owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Transportation Engineering Section forty-eight hours (48) in advance of beginning of work. Hours of hauling operations shall be dictated by the approved haul route permit.
58. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated material as defined by the City and the County of San Diego Department of Environmental Health. Exported or imported soils shall be properly screened, tested, and documented regarding hazardous contamination.
59. The approval of the development plan shall not mean that proposed improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the owner/developer. The owner/developer is responsible for obtaining written permission to grade or construct on adjacent properties prior to the issuance of a grading permit. Should such permission be denied, the development plan shall be subject to going back to public hearing or subject to a substantial conformity review.
60. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, owner/developer shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City of Oceanside as required. Owner/developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the issuance of any grading, building or improvement permit for this development/project. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/ developer, as applicable.
61. Use of adjacent properties for construction without permission is prohibited. Developer is required to obtain written permission from adjacent property owners allowing access onto their site. There shall be no trespassing, grading, or construction of any kind on adjacent properties without permission. "Failure to comply will result in the revocation of the building permit." This written permission shall be provided to the City prior to the issuance of a building permit.

62. Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer prior to the issuance of an improvement permit and approved by the City Engineer prior to the issuance of building permits. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Frontage and median landscaping shall be installed and established prior to the issuance of any certificates of occupancy. Securities shall be required only for landscape items in the public right-of-way. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the approved landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed from grading plans and landscape/irrigation design/construction shall be from landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held prior to the start of any improvements.
63. The project's drainage system shall not connect or discharge to another private stormdrain system without first obtaining written permission from the owner of the system. The written permission letter shall be provided to the City prior to the issuance of a grading permit. The owner/developer shall be responsible for obtaining any off-site easements for storm drainage facilities.
64. Drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff, and shall be in accordance with the San Diego County Hydrology Manual and the City of Oceanside Engineers Design and Processing Manual, and to the satisfaction of the City Engineer.
65. Sediment, silt, grease, trash, debris, and pollutants shall be collected on site and disposed of in accordance with all state and federal requirements, prior to discharging of stormwater into the City drainage system.
66. All new extension services for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground as required by the City Engineer and current City policies.
67. Prior to the approval of plans and the issuance of a building permit, owner/developer shall obtain all necessary permits and clearances from public agencies having jurisdiction over the project due to its type, size, location, or infrastructure impact. The list of public agencies

includes, but is not limited to, Public Utility Companies, the California Department of Transportation (Caltrans), the City of Carlsbad, the City of Vista, Fallbrook, the County of San Diego, the U. S. Army Corps of Engineers, the California Department of Fish & Game, the U. S. Fish and Wildlife Service, the San Diego Regional Water Quality Control Board, and the San Diego County Health Department.

68. Owner/developer shall comply with all the provisions of the City's cable television ordinances, including those relating to notification as required by the City Engineer.

69. As part of the City's Opportunistic Beach Fill Permit, this project has been conditioned to test proposed excavated material to determine suitability for deposit on city beaches as part of the Beach Sand Replenishment program. Preliminary soil test results shall be provided as part of the project geotechnical report which is required prior to approval of the grading plan and issuance of the grading permit.

Suitable beach replenishment material shall be at least 75% sand with no more than a 10% difference in sand content between material at the source and discharge site. Replenishment material shall contain only clean construction materials suitable for use in the oceanic environment; no debris, silt, soil, sawdust, rubbish, cement or concrete washings, oil or petroleum products, hazardous/toxic/radioactive/munitions from construction or dredging or disposal shall be allowed to enter into or be placed where it may be washed by rainfall or runoff into waters of the United States. Any and all excess or unacceptable material shall be completely removed from the site/work area and disposed of in an appropriate upland site.

If the sediment to be exported is determined to be suitable beach replenishment material and is approved by the regulatory agencies, the developer's contractor will coordinate with the City's Coastal Zone Administrator for further discussion and direction on placement.

**Coordination is required to occur a minimum of eight weeks in advance** of the need to place approved excavated material on the beach.

70. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, drainage impact fees, and other applicable charges, fees and deposits shall be paid prior to the issuance of any building permits, in accordance with City Ordinances and policies. The owner/developer shall also be required to join into, contribute, or

participate in any improvement, lighting, or other special district affecting or affected by this project.

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

72. In the event that there are discrepancies in information between the conceptual plan and the conditions set forth in the project's entitlement resolution, the project's entitlement resolution shall prevail.

**Fire Department:**

73. The All demo must comply with 2019 California Fire Code Chapter 33.

74. Fire extinguisher shall be located on the exterior of the building so accessible to the public.

**Land Surveying:**

75. Any private improvements placed within the public right of way will require an Encroachment Removal Agreement.

**Solid Waste:**

76. The City of Oceanside reserves the right to review program and services levels and request increases if deemed necessary. The City of Oceanside Municipal Code Chapter 13 requires that Oceanside residents, businesses and multifamily projects are to separate all recyclable material from other solid waste. Additionally, the State of California regulations requires all California businesses participate in Mandatory Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid Waste code.

**Water Utilities:**

**General Conditions:**

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

- 1 78. All Water and Wastewater construction shall conform to the most recent edition of the  
2 *Water, Sewer, and Recycled Water Design and Construction Manual* or as approved by  
3 the Water Utilities Director.
- 4 79. The property owner shall maintain private water and wastewater utilities located on private  
5 property.
- 6 80. Water services and sewer laterals constructed in existing right-of-way locations are to be  
7 constructed by an approved and licensed contractor at developer's expense.
- 8 81. All commercial water meters must be equipped with an RP backflow device. Indicate on  
9 the plans if the existing water meter has such a device, or show on the plans that an RP  
10 backflow device will be installed.

11  
12 **The following conditions shall be met prior to the approval of engineering design plans.**

- 13 82. Any water and/or sewer improvements required to develop the proposed property will  
14 need to be included in the improvement plans and designed in accordance with the *Water,*  
15 *Sewer, and Recycled Water Design and Construction Manual.*
- 16 83. All public water and/or sewer facilities not located within the public right-of-way shall be  
17 provided with easements sized according to the *Water, Sewer, and Recycled Water Design*  
18 *and Construction Manual.* Easements shall be constructed for all weather access.
- 19 84. No trees, structures or building overhang shall be located within any water or wastewater  
20 utility easement.
- 21 85. All lots with a finish pad elevation located below the elevation of the next upstream  
22 manhole cover of the public sewer shall be protected from backflow of sewage by  
23 installing and maintaining an approved type backwater valve, per the latest adopted  
24 California Plumbing Code.
- 25 86. Proposed outdoor shower fixtures must not allow storm water to enter drain, Storm water  
26 shall not enter City's sanitary sewer system.
- 27 87. When an existing water meter is to be upsized, the water service line from the main must  
28 be at least the same size as the meter. If the existing water service connection is less than  
29 the proposed meter size, then the Owner/Developer may be required to abandon the  
30  
31  
32

existing water service and show on engineering and building plans the location and size of the new service connection to public main.

88. Provide stationing and offsets for existing and proposed water service connections and sewer laterals on plans.

89. Any unused water services or sewer laterals by the proposed development or redevelopment, shall be abandoned in accordance with Water Utilities requirements.

**The following conditions of approval shall be met prior to building permit issuance.**

90. Show location and size of existing water meter(s) on site plan of building plans. Show waterline from proposed meter to connection point to building.

91. Show location and size of existing sewer lateral(s) from property line or connection to sewer main to connection point at building.

92. Provide a fixture unit count table and supply demand estimate per the latest adopted California Plumbing Code (Appendix A) to size the water meter(s) and service line(s).

93. If a larger water meter is required, then the incremental increase in water and sewer buy-in fees between the existing and proposed meter size will be charged. If the existing water service connection is less than the proposed meter size, then the Owner/Developer will be required to abandon the existing water service and show on engineering and building plans the location and size of the new service connection to public main.

94. Provide drainage fixture unit count per the latest adopted California Plumbing Code to size sewer lateral and sand and oil separator for property.

95. All commercial water meters must be equipped with an RP backflow device. Indicate on the plans if the existing water meter has such a device, or show on the plans that an RP backflow device will be installed.

96. Water and Wastewater buy-in fees and the San Diego County Water Authority Fees are to be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

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1 PASSED AND ADOPTED Resolution No. 2023-P13 on May 8, 2023 by the following  
2 vote, to wit:

3 AYES:

4 NAYS:

5 ABSENT:

6 ABSTAIN:

7  
8 \_\_\_\_\_  
Tom Rosales, Chairperson  
Oceanside Planning Commission

9 ATTEST:

10  
11 \_\_\_\_\_  
12 Sergio Madera, Secretary

13  
14 Dated: May 8, 2023

15 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify that this  
16 is a true and correct copy of Resolution No. 2023-P13.