



DATE: May 8, 2023

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T21-00002), DEVELOPMENT PLAN (D21-00005), AND DENSITY BONUS (DB21-00008) INVOLVING THE DEVELOPMENT OF TWELVE (12) NEW SINGLE-STORY SINGLE-FAMILY RESIDENCES AND TWO (2) SINGLE-STORY TRIPLEXES FOR A TOTAL OF EIGHTEEN (18) AGE RESTRICTED DWELLING UNITS ON A VACANT 1.97-ACRE PARCEL LOCATED ON THE NORTH SIDE OF VISTA WAY BETWEEN BUENA HILLS DRIVE AND NORTH WAY (APN: 165-493-47) – VISTA WAY SENIOR HOUSING AT 3710 VISTA WAY – APPLICANT: REZA SHERA**

RECOMMENDATION

Staff recommends that the Planning Commission by motion;

- (1) Confirm issuance of a Categorical Exemption per CEQA Guidelines Article 19, Section 15332 (In-Fill Development Projects); and
- (2) Approve Tentative Map (T21-00002), Development Plan (D21-00005), and Density Bonus (DB21-00003) by adopting Planning Commission Resolution No. 2023-P17 with findings and conditions of approval attached herein.

BACKGROUND

The subject property comprises 1.97-acres on the north side of Vista Way between Buena Hills Drive and North Way, within the Mira Costa Neighborhood Planning Area. The irregularly shaped property is currently vacant and was previously developed with twenty homes as part of the Costa Serena development. Sometime around 1995 the City acquired the property to accommodate the realignment and widening of Vista Way. In February 2003, the portion of the property that wasn't utilized for the improvements to Vista Way (the current parcel configuration) was declared surplus property by the City. In 2018, an unsolicited Letter of Interest was received by the City to acquire the property. In February 2019, the City Council approved a Purchase and Sale agreement for the sale of the City-owned property to the applicant.

Existing surrounding uses include single-family residential to the north and west; multi-family residential to the east, and Vista Way and State Route 78 to the south.

The subject property has a split General Plan Land Use designation of General Plan Land Use designation of Medium Density Residential A (MDR-A) and is within the Residential Medium Density - A (RM-A) zoning district. The project site and the surrounding area are depicted in Figure 1 below:

Figure 1 - Location Map:



PROJECT DESCRIPTION

The proposed project requires three separate entitlements: a Tentative Map, a Development Plan, and a Density Bonus. The Tentative Map would allow for a one-lot subdivision for condominium purposes. The Development Plan would allow for a residential project involving more than three housing units. The Density Bonus application would allow for waivers of development standards that would otherwise preclude the development at the density proposed in exchange for reserving a percentage of the project's units for sale or rental to households within the Low Income category. Low Income households are defined as those earning 51 to 80 percent (51% - 80%) of the area local median income, or AMI. The current AMI for San Diego County is \$106,900.

Tentative Subdivision Map (T21-00002) represents a request to:

Create a one-lot subdivision for an 18-unit airspace condominium development pursuant to Article IV of the Oceanside Subdivision Ordinance. The landscaping, private streets,

common drainage facilities and common open spaces would be managed and maintained by a homeowner's association. A unique feature of the project is that it is being proposed as an age restricted community due to existing covenants that run with the land. The project site was previously developed with twenty (20) homes that were part of the surrounding Costa Serena community, which is a 55+ age-restricted community. The project has been conditioned to record a covenant that restricts occupancy of the proposed units to residents 55 years old and up.

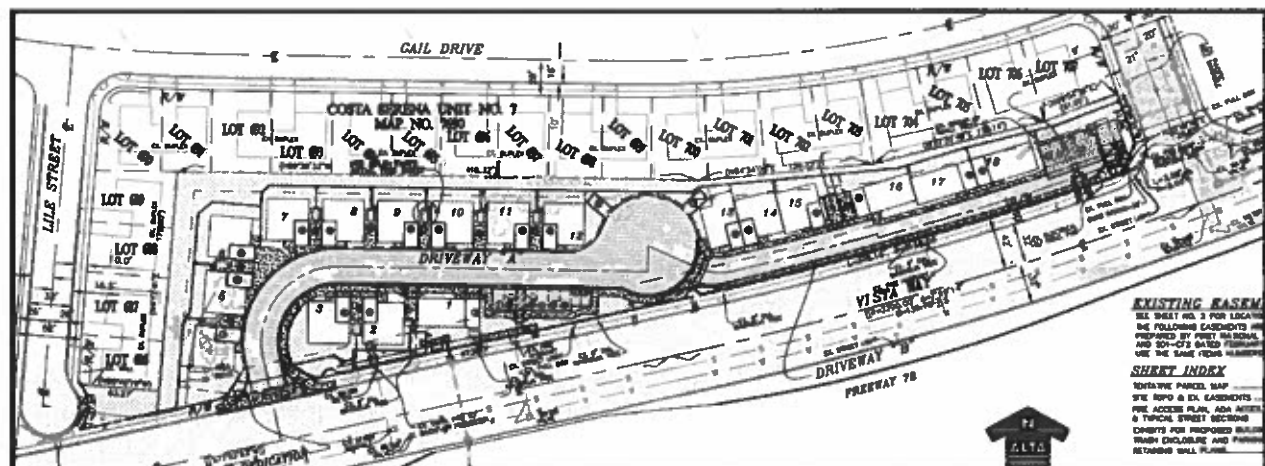
Development Plan (D21-00005) represents a request to:

Construct twelve (12) new detached single-family residences and six (6) residential units within two (2) triplex structures (for a total of 18 units) with associated improvements that include a private street off of Vista Way, landscaping, walls and fencing, common open space, and a storm water management facility. Section 4302(F)(1) of the Zoning Ordinance requires a Development Plan for review and approval by the Planning Commission for projects in a residential district involving more than three units.

Site Plan

The proposed site plan has been designed with the sites unique and constraining configuration in mind. The triangular shaped lot is approximately 175' deep at the westerly end and tapers to a depth of approximately 60'. The 28' wide internal private driveway is lined with detached homes on both sides until reaching the 40' radius cul-de-sac in the center of the site. From there a 24' wide driveway provides access to the two proposed duplexes on the easterly end of the project site. The site plan is depicted in Figure 2 below.

Figure 2 – Site Plan



Architecture

The project has been designed with two distinct floor plans. Unit Type A consists of 2 bedroom/2 bathroom/1 car garage unit with a total of 1,031 square feet of habitable space. Unit Type B consists of 2 bedroom/2 bathroom/1 car garage unit with a total of 1,041

square feet of habitable space. These floor plans are being provided as both detached units (12 total detached units) and attached units in the form of the two proposed triplexes (6 total attached units) at the easterly portion of the project site. The floor plans, and exterior elevations are depicted within Attachment 3.

The project would enhance its surroundings through building siting, landscaping, and architectural design. The proposed single-story units are compatible in scale with existing development within the immediate vicinity of the neighborhood. The architectural style for each home will feature contemporary designs. Elevations feature an aesthetically pleasing blend of



building forms, façade offsets, and roof details to present a high-quality “five-sided” architectural design. A variety of materials and design details are proposed for the homes including lap siding, composite shiplap siding, light sand stucco, steel/glass doors, all which support a well-thought out architectural aesthetic.

Landscaping

The landscape design for the proposed project will include trees, shrubs, vertical accent plants, and ground covers throughout the front yard and parkway areas of the eight new home lots. The tree palette includes species selected for their size, form, and ornamental qualities relative to the proposed architecture and site location. Rear-yard slopes in each lot will be planted with appropriate ground covers and shrubs to provide a softened edge condition and erosion control.

Parking

Under Density Bonus law, two-bedroom units are required to provide 1.5 spaces per unit, which would result in a total of 27 spaces being required, with no guest parking required. Section 3032 of the Zoning Ordinance requires that each single-family home provide two (2) garage spaces. Because of site constraints, this requirement can not be met. The applicant is seeking a waiver from this requirement through their Density Bonus application. The applicant is proposing that each home have one (1) garage space and one assigned uncovered parking space in close proximity to each unit. In addition, the project would be required to provide five (5) guest parking spaces. The project has been designed with six (6) guest parking spaces. While a waiver is being requested for the type of parking being provided for each unit, the project has been designed with code compliant parking with respect to the number of parking spaces being provided. The Zoning Ordinance requires 41 parking spaces, 42 parking spaces are being provided.

Density Bonus (DB21-00008)

The State of California's Density Bonus Law was established to promote the construction of affordable housing units. Initially enacted in 1979, the law allows projects to exceed the maximum designated density and utilize development standard waivers or incentives/concessions in exchange for providing affordable housing units in compliance with all current Density Bonus regulations. The project applicant requests:

- (a) To allow a residential development that would provide 15 percent of the total proposed residential units, for low-income qualifying households. (3 units).

State Density Bonus Law requires local governments to provide density bonuses and other incentives to developers of affordable housing who commit to providing a certain percentage of dwelling units to persons whose incomes do not exceed specific thresholds.

By providing 15 percent low-income units, this project is entitled to one incentive/concession as described below. Density Bonus Law also provides for waivers from development standards that would physically preclude the project at the density proposed. The granting of waivers does not reduce the number of incentives allowed on a project, and the number of waivers that may be requested and granted is not limited.

Incentive/Concession: the applicant has not utilized the incentive/concession they are entitled to.

Waivers

In addition to the density bonus, State Law entitles projects to certain incentives or concessions and also provides for waivers from development standards that would physically preclude the project at the density proposed. The granting of waivers does not reduce the number of incentives allowed on a project, and the number of waivers that may be requested and granted is not limited. State Law prohibits the City from denying any requested incentives/concessions or waivers unless findings are made that a "Specific Adverse Impact," which is defined as "means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact on public health or safety," is identified.

In order to accommodate the project on the constrained site, the project cannot physically comply with all of the development standards that apply to non-density bonus projects. Based on the proposed design to accommodate the development at the density proposed, the applicant has requested waivers from the following five development standards pursuant to Density Bonus law:

1. Number of garage parking spaces
2. Retaining wall height
3. Setbacks
4. Rear yard depth
5. Amount of common usable open space

The following table is provided to illustrate the RM-A development standards and identify the standards proposed to be waived as part of the Density Bonus application:

TABLE 3: DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	RM-A ZONE	PROPOSED VISTA WAY PROJECT	NOTES*
Lot Size (sf)	6,000 sf (min)	85,813 sf	<i>Complies with Code</i>
Lot Width	50 feet (min)	752 feet	<i>Complies with Code</i>
Setbacks:			
Front	20 ft (min)	3 ft (min)	<i>Waivers to accommodate affordable units</i>
Side	10 ft (min)	10 ft (min)	
Rear	15 ft. (min)	10.9 ft (min)	
Lot Coverage	50% (max)	23%	<i>Complies with Code</i>
Building Height	36 ft. (max)	31 feet 4 inches (max)	<i>Complies with Code</i>
Parking	2-car garage per unit	1-car garage per unit, 1-open parking space for a total of 2 spaces per unit	<i>Waiver to accommodate affordable units</i>
Fences and Walls	Maximum height of a fence or wall, including retaining walls shall be 6 feet. Retaining walls over 4 feet in height shall be planted and irrigated.	Residential lot fencing will not exceed 6 feet in height. Retaining walls incorporated with the grading plan reach a maximum height of 15' and will not be plantable.	<i>Waivers to accommodate affordable units</i>
Common Usable Open Space	Total useable space shall be at least 150 sf per dwelling unit or 2,700 sf	1,551 sf	<i>Waiver to accommodate affordable units</i>
Urban Forestry	Tree Canopy minimum on sites one acre or more- 12% of site minimum Permeable Surface Area minimum on sites one acre or more- 22%	Tree Canopy- 61,412 or about 72% Permeable Surface Area- minimum 61,544 or about 72%	<i>Complies with Code</i>

*Items highlighted in **bold** represent the waivers that are being requested pursuant to Density Bonus Law

ANALYSIS

Development on the subject property is subject to the policies and standards of the following:

1. General Plan
2. Zoning Ordinance
3. Subdivision Ordinance
4. California Environmental Quality Act (CEQA)

1. General Plan Conformance

Staff has evaluated the project for consistency with the following goals and objectives of the City's General Plan:

Land Use Element: The Land Use Element establishes the following relevant goals, objectives, and policies applicable to the proposed project.

GOAL 1.16 Housing

OBJECTIVE: *To ensure decent, safe and sanitary housing is available to all current and future residents of the community at a cost that is within reach of the diverse economic segments of Oceanside.*

Policies:

- A. The City shall strive to maintain a reasonable balance between rental and ownership housing opportunities, between senior and family housing, and encourage a variety of individual choices of tenure, type and location of housing throughout Oceanside.*
- B. The City shall strive to produce housing opportunities for decent and affordable housing in a pleasant environment for all of Oceanside's citizens.*
- C. The City shall ensure that housing is developed in areas with adequate access to employment opportunities, community facilities, and public services.*
- D. The City shall encourage development of a variety of housing opportunities, with special emphasis on providing:*
 - 1) A broad range of housing types, with varied levels of amenities and number of bedrooms*
- E. The City shall protect, encourage, and where feasible, provide housing opportunities for persons of low and moderate income.*

The proposed project would provide decent, safe, and sanitary housing for a lower-income household within the Oceanside community and maintain a reasonable balance between rental and ownership housing in the City. The project provides both for-sale market rate homes and a for-sale and/or for rent income restricted affordable housing unit.

The Regional Housing Needs Assessment (RHNA) for the Sixth Housing Element Cycle (2021-2029) estimates that the City of Oceanside will experience demand for more than 5,443 new dwelling units over the next eight years. By contributing three (3) Low Income units and fifteen (15) new market-rate dwelling units to the City's existing housing stock, the proposed project would help to meet the projected housing demand identified in the RHNA.

Housing Element: The Housing Element establishes the following relevant goals, and policies applicable to the proposed project.

- GOAL 2:** *Encourage the development of a variety of housing opportunities, with special emphasis on providing:*
- *A broad range of housing types, with varied levels of amenities and number of bedrooms.*
 - *Sufficient rental stock for all segments of the community, including families with children.*
 - *Housing that meets the special needs of the elderly, homeless, farm workers, and persons with disabilities, and those with developmental disabilities.*
 - *Housing that meets the needs of large families.*
- Policy 2.2:** *Encourage both the private and public sectors to produce or assist in the production of housing with particular emphasis on housing affordable and accessible to lower income households, persons with disabilities, elderly, large families, female-headed households, farm workers, and homeless persons.*
- Goal 3:** *Protect, encourage, and provide housing opportunities for persons of low and moderate income.*
- Policy 3.7:** *Encourage the disbursement of lower and moderate income housing opportunities throughout all areas of the City.*
- Policy 3.8:** *Encourage inclusionary housing to be built on or off-site for new housing projects rather than pay in-lieu fee.*

The project is consistent with the identified goals and policies of the recently adopted Housing Element in that the project is providing housing that will be affordable to lower income households in addition to market rate units; it is disbursing lower income housing

opportunities in an area of the City that otherwise would be unattainable for lower income households. In addition, the applicant is providing inclusionary housing on-site.

Staff finds that the project, as proposed, is consistent with the cited Goals, Objectives, and Policies of the General Plan.

2. Zoning Ordinance

The proposed project is subject to the RM-A development standards of the Zoning Ordinance. The Zoning Ordinance identifies single-family homes as a land use permitted by right within the RM-A zoning district. With respect to development standards, the proposed project complies with the development standards of the RM-A zoning district and where it does not, the applicant is seeking waivers of the development standards consistent with State Density Bonus Law and as previously highlighted in Table 3 of this report.

3. Subdivision Ordinance Compliance

The proposed project requests City approval of a Tentative Tract Map (T) which has been reviewed for consistency with criteria established by the Subdivision Map Act as follows:

1. General Plan consistency: The proposed Tentative Tract Map is consistent with the General Plan of the City because the proposed subdivision fulfills objectives and policies associated with housing including Objective 1.16 of the Land Use Element and Policies 2.2, 3.7, and 3.8 of the Housing Element.

2. Physical suitability of the site for the type and density of proposed development: The site is physically suitable for the type and proposed density of development because it consists of 1.97 acres of underdeveloped land that is not significantly constrained by geology, hydrologic hazards, sensitive or protected habitat, easements, or other limiting features based on the proposed project design. The site of the proposed single-family residential subdivision is located within a residential area surrounded by residential land uses to in all directions. The proposed density of the project at 9.14 dwelling units per acre is comparable with residential densities in the immediate vicinity of the project site.

3. Impact of the subdivision on fish, wildlife, or their habitat: The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as the project site is located in an urbanized and developed area of the City. The project site had previously been developed with twenty (20) single-family homes that have since been demolished, the site is highly disturbed, and supports no native vegetation communities. Therefore, no impacts result from implementation of the project.

4. Compliance with City standards and access: The design of the subdivision or the type of improvements meet City standards and will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision because access to the site will be via Vista Way and the private access

driveway to provide on-site circulation and all improvements will be designed, constructed, and maintained consistent with City standards.

5. General compliance: The subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside because the proposed Tentative Tract Map conforms to the applicable requirements of the City's Subdivision Ordinance (Section 401).

4. CEQA Compliance/Environmental Determination

Planning Division staff has completed a preliminary review of the proposed project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA) of 1970. Based upon this review, staff finds the proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15332 "In-Fill Development." The site is located in an urbanized area, and would not result in any significant environmental effects.

PUBLIC NOTIFICATION

A notice of application was mailed to all property owners of record within a 1,500-foot radius of the subject property, tenants within a 100-foot radius of the subject property, and other interested parties.

The applicant conducted a community outreach meeting at El Corazon Senior Center on September 20, 2022. A copy of the community outreach flier is included within Attachment 3.

Legal notice was published in the San Diego Union Tribune and notices of the Planning Commission Public Hearing were sent to property owners of record within a 1,500-foot radius of the subject property, tenants within a 100-foot radius of the subject property, individuals and/or organizations requesting notification, the applicant, and other interested parties.

The applicant has complied with all the applicable provisions of City Council Policy 300-14.

At the time of publication of the staff report, staff had not received any correspondence either in opposition or support of the proposed project.

SUMMARY

Staff finds that the proposed project is consistent with the applicable objectives and policies of the City's General Plan as well as the applicable standards of the City's Zoning Ordinance and Subdivision Ordinance. Staff thus recommends that the Planning Commission approve the proposal.

Staff recommends that the Planning Commission, by motion;

- (1) Confirm issuance of a Categorical Exemption per CEQA Guidelines Article 19, Section 15332 (In-Fill Development Projects); and
- (2) Approve Tentative Map (T21-00002), Development Plan (D21-00005), and Density Bonus (DB21-00008) by adopting Planning Commission Resolution No. 2023-P17 with findings and conditions of approval attached herein.

PREPARED AND SUBMITTED BY:



Sergio Madera
City Planner

Attachments:

1. Planning Commission Resolution No. 2023-P17
2. Project Plans (online)
3. Other Attachments (Online)
 - a. Application Page
 - b. Description and Justification
 - c. Legal Description
 - d. Notice of Exemption
 - e. Community Outreach Flyer

PLANNING COMMISSION
RESOLUTION NO. 2023-P17

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF OCEANSIDE, CALIFORNIA APPROVING
A TENTATIVE MAP, DEVELOPMENT PLAN, AND
DENSITY BONUS ON CERTAIN REAL PROPERTY IN
THE CITY OF OCEANSIDE

APPLICATION NO: T21-00002, D21-0005, DB21-00008
APPLICANT: Reza Shera
LOCATION: 3710 Vista Way between Buena Hills Drive and North Way
(APN 165-493-47)

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

WHEREAS, there was filed with the City's Development Services Department a verified petition on the forms prescribed by the City requesting approval of a Tentative Tract Map, Development Plan, and Density Bonus under the provisions of Articles 10 (Residential Districts), 30 (Site Regulations), 31 (Off-Street Parking), 40 (Environmental Review), and 43 (Development Plan Review) of the Zoning Ordinance of the City of Oceanside to permit the following:

a one (1) lot subdivision for condominium purposes, and the construction of twelve (12) new single-family detached homes and two (2) triplexes for a total of eighteen (18) residential units, each with associated on-site parking facilities and landscaping; on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 8th 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 (Residential)	Ord. No. 91-09 Reso. No. 15-R0638-1
Parks (Residential only)	Ord. No. 91-09 Reso. No. 15-R0638-1
Schools (Residential)	OUSD Reso. # 30(19-20) VUSD Reso # 21-04 CUSD Reso. # 33-1516 Ord # 91-34 Education Code section 17620
Traffic Signal & Thoroughfare (Single-Family Residential)	Reso. No. 16-R0324-1
Drainage and Flood Control Fee	Reso. #15-R0638-1 Ord #85-23
Wastewater System Capacity Buy-In Fee(Single-Family Res)	Reso. #87-97 Ord# 15-OR0479-1 City Code 32.7.29
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.7.37
San Diego County Water Authority (Residential and Non-Residential)	SDCWA Ord. 2017

Description	Authority for Imposition
Inclusionary Housing In-Lieu fees (Residential)	Chapter 14C of the MC Reso. No. 03-R175-1 Reso. No. 11-R0483-1

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 alleviate 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;

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

WHEREAS, pursuant to Oceanside Zoning Ordinance §4603, this resolution becomes effective 10 days from its adoption in the absence of the timely filing of an appeal or call for review prior to the expiration of the 10 day appeal period;

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

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1 FINDINGS:

2 For Tentative Map (T21-00002):

- 3 1. The proposed Tentative Tract Map is consistent with the General Plan of the City
4 as the underlying General Plan Land Use designation of MDR-A allow single-
5 family residential development as proposed with the project. In addition, the
6 project is consistent with Goal 1.16 of the Land Use Element and Policies 2.2 and
7 3.7 of the Housing Element as it relates to the provision of affordable housing.
- 8 2. The site is physically suitable for the type and proposed density of development
9 because the 1.97-acre project site is not significantly constrained by geology,
10 hydrologic hazards, sensitive or protected habitat, easements or other limiting
11 features based on the proposed project design. The site of the proposed single-
12 family residential subdivision is located within a residential area surrounded by
13 residential land uses in all directions. The proposed density of the project at 9.14
14 dwelling units per acre is consistent with the density range of the MDR-A General
15 Plan Land Use designation, which allows density between 6.0 – 9.9 dwelling units
16 per acre.
- 17 3. The design of the subdivision or the proposed improvements will not cause
18 substantial environmental damage or substantially and avoidably injure fish or
19 wildlife or their habitat as the project site is located in an urbanized and developed
20 area of the City. The project site was previously developed with 20 single-family
21 homes, which were demolished, the site is highly disturbed, and no native
22 vegetation communities are present on-site. Therefore, no impacts result from
23 implementation of the proposed project.
- 24 4. The design of the subdivision or the type of improvements meet City standards and
25 will not conflict with easements, acquired by the public at large, for access through
26 or the use of property within the proposed subdivision will have a single access
27 from Vista Way and all improvements will be designed, constructed, and
28 maintained consistent with City standards.
- 29

1 5. The subdivision complies with all other applicable ordinances, regulations and
2 guidelines of the City of Oceanside because the proposed tentative tract map
3 conforms to the applicable requirements of the City's Subdivision Ordinance
4 (Section 401).

5 For the Development Plan (D21-00005):

6 1. The site plan and physical design of the project as proposed is consistent with the
7 purposes of the Zoning Ordinance because the siting of residential units and project
8 appurtenances is consistent with the provisions of Section 3032 of the Zoning
9 Ordinance.

10 2. The Development Plan as proposed conforms to the General Plan of the City, in
11 that the underlying General Plan Land Use designation of MDR-A allows family
12 residential development as proposed with the project. In addition, the project is
13 consistent with Goal 1.16 of the Land Use Element and Policies 2.2 3.7, and 3.8 of
14 the Housing Element as it relates to the provision of affordable housing.

15 3. The area covered by the Development Plan can be adequately, reasonably, and
16 conveniently served by existing and planned public services, utilities, and public
17 facilities because the project site is situated within an urbanized area now served
18 by existing public services, utilities, and public facilities.

19 4. The proposed project is compatible with existing residential development to the
20 north, east, and west because the project proposes an overall density of 9.14
21 dwelling units/acre (DUs/acre), which is consistent with the allowable density of
22 the MDR-A General Plan Land Use designation. As proposed, the project is
23 consistent with the development patterns in the immediate vicinity of the project
24 site.

25 5. The site plan and physical design of the project is consistent with the policies
26 contained within Section 1.24 and 1.25 of the Land Use Element of the General
27 Plan, the Development Guidelines for Hillsides, of this ordinance as the
28 developable portions project site is relatively flat and does not contain any
29

1 qualifying slopes or topographic features that would be considered undevelopable,
2 nor does the site contain any riparian areas.

3 For the Density Bonus (DB21-00008):

- 4 1. The affordable unit will be reserved for tenancy by households within the Low
5 Income (LI) category and will be subject to a restrictive covenant guaranteeing
6 affordability for the LI households for a period of 55 years.
- 7 2. The affordable units have been designed to be proportional to the project's market
8 rate units in terms of floor plan, square footage, and exterior design. The affordable
9 units consist of a 2 bedroom 2 bathroom residences with a garage and the same
10 floor area of the of the market rate units. The affordable unit has been interspersed
11 throughout the project site and will have a similar appearance as the market rate
12 units within.
- 13 3. The restricted covenant associated with the affordable unit will be for a period of
14 55 years.
- 15 4. The maximum allowable rent or sales price for the project's affordable units
16 comply with the law for the Low Income category.
- 17 5. The project's affordable unit will be available at affordable housing costs, as
18 defined in Health and Safety Code Section 50052.5.
- 19 6. Public subsidies are not being provided for the project, therefore an equity sharing
20 agreement is not applicable.
- 21 7. The project is subject to the yearly accounting requirement to the Neighborhood
22 Services Department for the affordable unit as outlined in Section 3032(M)(7) of
23 the Zoning Ordinance.

24 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
25 hereby approve Tentative Tract Map (T21-00002), Development Plan (D21-00005), and
26 Density Bonus (DB21-00008), subject to the following conditions:

27 **Building:**

- 28 1. The granting of approval under this action shall in no way relieve the applicant/project
29 from compliance with all Current State and local building codes.

1 The 2022 triennial edition of the California Code of Regulations, Title 24
2 (California Building Standards Code) applies to all occupancies that applied for a
3 building permit on or after January 1, 2023, and remains in effect until the
4 effective date of the 2022 triennial edition which will be January 1, 2026.

5
6 Beginning on January 1, 2023, Oceanside Development Services (ODS) is
7 required by State law to enforce the 2022 Edition of California Building
8 Standards Codes (a.k.a., Title 24 of the California Codes of Regulations).

9
10 Every three years, the State adopts new model codes (known collectively as the
11 California Building Standards Code) to establish uniform standards for the
12 construction and maintenance of buildings, electrical systems, plumbing systems,
13 mechanical systems, and fire and life safety systems.

14
15 Sections 17922, 17958 and 18941.5 of the California Health and Safety Code
16 require that the latest edition of the California Building Standards code and
17 Uniform Housing Code apply to local construction 180 days after publication.

- 18
19 • Part 2: The 2022 California Building Code (CBC).
20 • Part 2.5: The 2022 California Residential Code (CRC).
21 • Part 3: The 2022 California Electrical Code (CEC).
22 • Part 4: The 2022 California Mechanical Code (CMC).
23 • Part 5: The 2022 California Plumbing Code (CPC).
24 • Part 6: The 2022 California Energy Code
25 • Part 9: The 2022 California Fire Code (CFC)
26 • Part 11: The 2022 California Green Building Standards Code (CALGreen Code)

27 This Part is known as the California Green Building Standards Code, and it is
28 intended that it shall also be known as the CALGreen Code.

2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. All Soil Reports, Structural Calculations, and Energy Calculations, shall be required at time of plans submittal to the Building Division for plan check
4. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
5. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
6. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
7. Rodent proofing: Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be protected against the passage of rodents by closing such openings with cement mortar, concrete masonry or a similar method acceptable to the city building inspector
8. A form or foundation survey shall be required prior to the placement of concrete to show the location of the new structure in respect to the property lines, known easements, and known setback lines. By obtaining a form survey the location of the foundation is checked prior to the placement of concrete, and can save costly corrective measures in case of an encroachment of a property line.
9. Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either CAL Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste Management Company or 4.408.4 Waste Stream Reduction Alternative. A City approved waste management company/hauler shall be used for recycling of construction waste. Documentation of compliance with Section 4.408.1 shall be provided to the Authority Having Jurisdiction prior to project final approval.

1 10. Electric Vehicle Charging for New Construction. For one- and two-family dwellings,
2 install electric vehicle charging wiring and panels per the requirements found in CGC
3 4.106.4.

4 11. Fire Resistive Construction for Unit separation must comply with Chapter 7.

5 12. Per City of Oceanside Municipal Code section 6.25:

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

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

10 b) All day Sunday; and

11 c) On any federal holiday.

12 Exceptions.

13 i. An owner/occupant or resident/tenant of residential property may
14 engage in a home improvement project between the hours of 9:00 a.m.
15 and 5:00 p.m. on Sundays and holidays provided the project is for the
16 benefit of said residential property and is personally carried out said
17 owner/occupant or resident/tenant.

18 ii. The Building official may authorize extended or alternate hours of
19 construction for the following circumstances:

20 1. Emergency work

21 2. Adverse weather conditions

22 3. Compatibility with store Business hours.

23 4. When the work is less objectionable at night than during
24 daylight hours.

25 5. Per the direction of the City Managers office for projects that have
26 been determined that rapid completion is in the best interest of the
27 general public

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29 ///

Engineering:

13. Prior to the demolition of any existing structure or surface improvements on site, a grading plan application shall be submitted to the Engineering Division and erosion control plans shall be approved by the City Engineer. No demolition shall be permitted without an approved erosion control plan.
14. Design and construction of all 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.
15. 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.
16. Owner/developer shall provide an updated Title Report dated within 6 months of the grading plan application submittal.
17. The approval of the tentative map shall not mean that closure, vacation, or abandonment of any public street, right of way, easement, or facility is granted or guaranteed to the owner/developer. The owner/developer is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) shall be reviewed and approved or rejected by the City of Oceanside under separate process-(es) per codes, ordinances, and policies in effect at the time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right of way.
18. Owner/developer shall submit to the City for processing a covenant attesting to the project's development conditions. The approved covenant shall be recorded at the County prior to the issuance of a grading permit.
19. All public improvement requirements shall be covered by a Subdivision Improvement Agreement and secured with sufficient improvement securities or

bonds guaranteeing performance and payment for labor and materials, setting of survey monuments, and warranties against defective materials and workmanship before the approval of the public improvement plans.

20. Prior to the issuance of any building permits, all improvements including landscaping, landscaped medians, frontage improvements shall be under construction to the satisfaction of the City Engineer.

21. Prior to the issuance of a Certificate of Occupancy permit, all improvements (including landscaping, landscaped medians, frontage improvements) shall be completed to the satisfaction of the City Engineer.

22. Prior to approval of the map, provide the City of Oceanside with certification from each public utility and each public entity owning easements within the proposed project stating that: (a) they have received from the owner/developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body.

23. Legal access to Vista Way shall be provided to for the project on the recorded final map.

24. Prior to the issuance of any grading, improvement or building permits for a model complex, a construction-phasing plan for the entire project shall be reviewed and approved by the Engineering Division, Water Utilities Department, and Fire Department. All public and private improvements including landscaping and offsite streets or arterials required to serve the model complex shall be completed prior to the issuance of any Certificate of Occupancy permit.

25. The tract shall be recorded and developed as one. The City Engineer shall require the dedication and construction of necessary utilities, streets and other improvements outside the area of any particular map, if such is needed for circulation, parking, access or for the welfare or safety of future occupants of the

development. The boundaries of any multiple final map increments shall be subject to the approval of the City Engineer.

26. Owner/developer shall provide a ROW dedication along Vista Way driveway on the map and shown on the improvement plans. All ROW dedications are to be in fee, and the application shall be approved prior to the issuance of a grading permit.

27. Owner/developer shall process a separate easement dedication application for all existing or proposed public facilities and infrastructure located on the property. The application shall be submitted prior to the issuance of a grading permit, and shall be recorded prior to grading plan As-Builts. Additionally, the easement shall be identified on the map as "To Be Dedicated by Separate Instrument".

28. Vehicular access rights to Vista Way and North Way shall be relinquished to the City from all abutting lots except at the proposed driveway(s). Process an access relinquishment application with the City prior to the issuance of a grading permit, and record the approved document prior to the grading plan As-Builts.

29. All property corners, survey monuments that control public rights-of-way, and City benchmarks shall be protected in place or perpetuated in conformance with Greenbook Standard 400-2 and Business and Professions Code 8771.

30. A traffic control plan shall be prepared in accordance with the City's traffic control guidelines and approved by the City Engineer prior to the start of work within the public Right-of-Way. Traffic control safety and implementation for construction or re-construction of streets shall be in accordance with construction signing, marking, and other protection as required by Caltrans' Traffic Manual and City Traffic Control Guidelines. Traffic control plan implementation and hours shall be in accordance with the approved traffic control plans.

31. 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 Engineer's Design and Processing Manual.

32. 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.

33. An Encroachment Removal Agreement (ERA) application shall be submitted to the City for proposed private improvements located within the City's ROW along Vista Way or over any City easement. The ERA shall be submitted for review prior to the issuance of a grading permit and recorded at the County prior to improvement plan As-Builts.

34. An ADA-compliant pedestrian ramp shall be constructed at the corner of the Vista Way and North Way intersection, and other locations as required by the City Engineer.

35. Publicly-maintained pedestrian ramps (maintained by the City of Oceanside) must be located entirely within the public right-of-way (ROW). Pedestrian ramps not located entirely within the City's ROW shall be provided with a ROW dedication on the final map and shown on the improvement plans and grading plans. The ROW dedication shall be submitted prior to the approval of the grading plans and recorded prior to the grading plan As-Builts.

36. Minimum curb return radius at pedestrian ramps and driveway locations shall comply with the City of Oceanside Engineers Design and Processing Manual.

37. Vista Way and North Way shall be provided with a 10-foot minimum parkway between the face of curb and Right-of-Way line, and the design shall be displayed on the improvement plans.

38. Sight distance requirements at the project driveway(s) or street shall conform to the sight distance criteria as provided by Caltrans. The owner/developer shall provide a plan and profile of the line of sight for each direction of traffic at each proposed driveway on the grading plans.

39. A pavement evaluation report shall be submitted for offsite street and/or alley pavements 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

1 be half-street width along the project's Vista Way and North Way frontage. The field
2 investigation shall be performed according to a specific boring plan prepared by a
3 licensed Geotechnical Engineer and approved by the City Engineer prior to the
4 issuance of a grading permit. In the absence of an approved boring plan, the field
5 investigation shall include a minimum of one pavement boring per every one hundred
6 (100) linear feet of street frontage.

7 Should the study conclude that the existing road pavement does not meet current
8 pavement thickness requirements set forth in the City of Oceanside Engineers Design
9 and Processing Manual, the Owner/developer shall remove and reconstruct the
10 existing pavement section in accordance with City requirements. Otherwise, the City
11 Engineer shall determine whether the Owner/developer shall: 1) Repair all failed
12 pavement sections, 2) header cut and grind per the direction of the City Engineer, or
13 3) Perform R-value testing and submit a study that determines if the existing
14 pavement meets current City standards/traffic indices.

15 40. Maintenance responsibilities for the private driveways and roadways, used as
16 access to the land being divided, shall be clearly identified in the project's
17 CC&Rs.

18 41. A precise grading plan, which includes proposed onsite private improvements, shall
19 be prepared, reviewed, secured and approved prior to the issuance of any building
20 permit. The plan shall reflect all pavement, flatwork, landscaped areas, special
21 surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures,
22 walls, drainage devices and utility services. Parking lot striping and any on site traffic
23 calming devices shall be shown on the precise grading plans.

24 42. The approval of the development plan shall not mean that proposed grading or
25 improvements on adjacent properties (including any City properties/right-of-way
26 or easements) is granted or guaranteed to the owner/developer. The
27 owner/developer is responsible for obtaining written permission to grade or
28 construct on adjacent properties prior to the issuance of a grading permit. Should
29

such permission be denied, the development plan shall be subject to going back to public hearing or subject to a substantial conformity review.

43. 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.

44. 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 grading permit." This written permission shall be provided to the City prior to the issuance of a grading permit.

45. A pavement evaluation report shall be submitted for the proposed onsite pavement with the grading plan application. Pavement sections for all public and private roadways, driveways and parking areas shall be based upon approved soil test requirements and traffic indices identified within the City of Oceanside Engineers Design and Processing Manual. The pavement design is to be prepared by the owner/developer's geotechnical engineering firm and be approved by the City Engineer prior to the issuance of a grading permit. Roadway alignments and geometric layouts shall be in conformance with the City of Oceanside Engineers Design and Processing Manual.

- 1 46. Prior to the issuance of a grading permit, a comprehensive soil and geologic
2 investigation shall be conducted for the project site. All necessary measures shall be
3 taken and implemented to assure slope stability, erosion control, and soil integrity;
4 and these measures shall be incorporated as part of the grading plan design. No
5 grading shall occur at the site without a grading permit.
- 6 47. It is the responsibility of the owner/developer to evaluate and determine that all soil
7 imported as part of this development is free of hazardous and/or contaminated
8 material as defined by the City and the County of San Diego Department of
9 Environmental Health. Exported or imported soils shall be properly screened,
10 tested, and documented regarding hazardous contamination.
- 11 48. Owner/developer shall develop and submit a draft neighborhood-notification flier to
12 the City for review. The flier shall contain information on the project, construction
13 schedule, notification of anticipated construction noise and traffic, and contact
14 information. Prior to the issuance of a grading permit, the approved flier shall be
15 distributed to area residents, property owners, and business owners located within a
16 300-foot radius area of the project.
- 17 49. The project shall provide and maintain year-round erosion control for the site. Prior
18 to the issuance of a grading permit, an approved erosion control plan, designed for all
19 proposed stages of construction, shall be secured by the owner/developer with cash
20 securities or a Letter-of-Credit and approved by the City Engineer; a Certificate of
21 Deposit will not be accepted for this security.
- 22 50. Owner/developer shall monitor, supervise and control all construction and
23 construction-supportive activities, so as to prevent these activities from causing a
24 public nuisance, including but not limited to, ensuring strict adherence to the
25 following:
- 26 a) Dirt, debris and other construction material shall not be deposited on any public
27 street or into the City's storm water conveyance system.
- 28 b) All grading and related site preparation and construction activities shall be limited
29 to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related

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

9 c) The construction site shall accommodate the parking of all motor vehicles used
10 by persons working at or providing deliveries to the site. An alternate parking site
11 can be considered by the City Engineer in the event that the lot size is too small
12 and cannot accommodate parking of all motor vehicles.

13 d) Owner/developer shall complete a haul route permit application (if required for
14 import/export of dirt) and submit to the City of Oceanside Transportation
15 Engineering Section forty-eight hours (48) in advance of beginning of work.
16 Hours of hauling operations shall be dictated by the approved haul route permit.

17 51. Landscape and irrigation plans for disturbed areas shall be submitted to the City
18 Engineer prior to the issuance of a grading permit and approved by the City Engineer
19 prior to the issuance of building permits. Landscaping plans, including plans for the
20 construction of walls, fences or other structures at or near intersections, must conform
21 to intersection sight distance requirements. Frontage and median landscaping shall be
22 installed and established prior to the issuance of any certificates of occupancy.
23 Securities shall be required only for landscape items in the public right-of-way. Any
24 project fences, sound or privacy walls and monument entry walls/signs shall be shown
25 on, bonded for and built from the approved landscape plans. These features shall also
26 be shown on the precise grading plans for purposes of location only. Plantable,
27 segmental walls shall be designed, reviewed and constructed from grading plans and
28 landscape/irrigation design/construction shall be from landscape plans. All plans
29

must be approved by the City Engineer and a pre-construction meeting held prior to the start of any improvements.

52. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier, approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to any streets, an arterial street or state highway.

53. The drainage design shown on the conceptual grading/site plan, and the drainage report for this development plan is conceptual only. The final drainage report and design shall be based upon a hydrologic/hydraulic study that is in accordance with the latest San Diego County Hydrology and Drainage Manual, and is to be approved by the City Engineer prior to the issuance of a grading permit. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer.

54. The project's drainage system shall not connect or discharge to another private storm drain 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.

55. All public storm drains shall be shown on separate public improvement plans. Public storm drain easements shall be dedicated to the City where required.

56. 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.

57. Storm drain facilities shall be designed and constructed to allow inside travel lanes of streets classified as a Collector or above, to be passable during a 100-year storm event.

58. 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.

59. Owner/developer shall comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities (General Permit) Water Quality Order 2022-0057-DWQ. The General Permit continues in force and effect until the effective date of a new General Permit adopted the State Water Board or the State Water Board rescinds this General Permit. Dischargers that obtain coverage under the expiring General Permit prior to the effective date of this permit, may continue coverage under the previous permit up to two years after the effective date of this General Permit (September 1, 2023). Construction activity subject to the General Permit includes, but not limited to, clearing, demolition, grading, excavation and other land disturbance activities that results in one or more acre of land surface, or that are part of common plan of development or sale.

The discharger shall obtain a Waste Discharge Identification (WDID) number prior to the commencement of construction activity by electronically certifying and submitting the Permit Registration Documents from Section III of the General Permit through the State Water Board Stormwater Multiple Application and Report Tracking System (SMARTS). In addition, coverage under the General Permit shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of the General Permit. The site specific SWPPP shall be maintained on the project site at all times. The SWPPP shall be provided, upon request, to the United States Environmental Protection Agency (USEPA), State Water Resources Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall be continuously implemented and enforced until the owner/developer obtains a Notice of Termination (NOT) for the SWRCB.

Owner/developer is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOT for all construction activities to be covered by the General Permit for a period of at least three years from the date generated. This period may be extended by request of the SWRCB and/or RWQCB.

60. The project is categorized as a stormwater-Priority Development Project (PDP). A final Storm Water Quality Management Plan (SWQMP) and Operation & Maintenance (O&M) Plan shall be submitted to the City for review at the final engineering phase. Both documents are to be approved prior to the issuance of a grading permit.

61. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the O&M Plan shall include the designated responsible party to manage the storm water BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, a non-refundable cash security to provide maintenance funding in the event of noncompliance to the O&M Plan, and any other necessary elements. The owner/developer shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The owner/developer shall retain records for a minimum of 10 years. The records shall be made available to the City upon request.

62. The owner/developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement (SWFMA) with the City, obliging the owner/developer to maintain, repair and replace the Storm Water Best Management Practices (BMPs) structures identified in the project's approved SWQMP, as detailed in the O&M Plan, in perpetuity. Furthermore, the SWFMA will allow the City with access to the site for the purpose of BMP inspection and maintenance, if necessary. The Agreement shall be approved by the City Attorney's Office and recorded at the

County Recorder's Office prior to the issuance of a precise grading permit. A non-refundable **Security in the form of cash** shall be required prior to issuance of a precise grading permit. The amount of the non-refundable security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.

63. The BMPs described in the project's approved SWQMP shall not be altered in any way, unless reviewed and approved by the City Engineer. The determination of whatever action is required for changes to a project's approved SWQMP shall be made by the City Engineer.

64. Prior to receiving a temporary or permanent occupancy permit, the project shall demonstrate that all structural BMPs, including Storm Water Pollutant Control BMPs and Hydromodification Management BMPs, are constructed and fully operational, are consistent with the approved SWQMP and the approved Precise Grading Plan, and are in accordance with San Diego RWQCB Order No. R9-2013-0001 §E.3.e. (1)(d).

65. Open space areas, down-sloped areas visible from a collector-level or above roadway classification, and improvements within the common areas that are not maintained by the property owner, shall be maintained by a homeowners' association that will ensure operation and maintenance of these items in perpetuity. These areas shall be indicated on the map and reserved for an association. Future buyers shall be made aware of any estimated monthly maintenance costs. The CC&R's shall be submitted and approved by the City prior to the recordation of the map.

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 grading 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.

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

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

9 69. If shoring is required for the construction of the proposed development, the shoring
10 design plans shall be included within the grading plan set, and the structural design
11 calculations shall be submitted with the grading plan application.

12 70. Approval of this development project is conditioned upon payment of all applicable
13 impact fees and connection fees in the manner provided in chapter 32B of the
14 Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare
15 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall
16 be paid prior to recordation of the map or the issuance of any building permits, in
17 accordance with City Ordinances and policies. Payment of drainage impact fees are
18 required prior to docketing the map for City Council hearing and the recording of the
19 final map. The owner/developer shall also be required to join into, contribute, or
20 participate in any improvement, lighting, or other special district affecting or affected
21 by this project.

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

27 72. In the event that there are discrepancies in information between the conceptual plan
28 and the conditions set forth in the project's entitlement resolution (Conditions of
29 Approval), the project's entitlement resolution shall prevail.

Landscaping:

73. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and ordinances, including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. A landscape pre-construction meeting shall be conducted by the landscape architect of record, Public Works Inspector, developer or owner's representative and landscape contractor prior to commencement of the landscape and irrigation installation. The following landscaping requirements shall be required prior to plan approval and certificate of occupancy:

- a) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.
- b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm drain lines and utility easements and place planting locations accordingly to meet City of Oceanside requirements.
- c) Final landscape plans shall be prepared under the direct supervision of a Registered Landscape Architect (State of California), with all drawings bearing their professional stamp and signature.
- d) All required landscape areas both public and private (including trees and palms in the public rights-of-way) shall be maintained by owner, project association or successor of the project (including public rights-of-way along North Way and Vista Way). The landscape areas shall be maintained per City of Oceanside requirements.
- e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be released until the as-built drawings have been approved on the original

approved Mylar landscape plan and the required maintenance period has been successfully terminated.

- f) Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition proposed landscape species shall be low water users as well as meet all fire department requirements.
- g) All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be provided with shredded bark mulch to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- i) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- j) Root barriers shall be installed adjacent to all paving surfaces where a paving surface is located within 6 feet of a tree trunk on site (private) and within 10 feet of a tree trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.
- k) All fences, gates, walls, stone walls, retaining walls, plantable walls, and decorative enhanced concrete shall obtain Planning Division approval for these items in the conditions or application stage prior to 1st submittal of working drawings.

- l) For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.
 - m) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low volume equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.
 - n) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.
 - o) All irrigation improvements shall follow the City of Oceanside Guidelines and Water Conservation Ordinance.
 - p) The landscape plans shall match all plans affiliated with the project.
 - q) Landscape construction drawings are required to implement approved Fire Department regulations, codes, and standards at the time of plan approval.
 - r) Landscape plans shall comply with Biological and/or Geotechnical reports, as required, shall match the grading and improvement plans, comply with Storm Water Management Plan (SWMP), Hydromodification Plan, or Best Management Practices and meet the satisfaction of the City Engineer.
 - s) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.
 - t) All pedestrian paving (both decorative and standard) shall comply with the most current edition of the American Disability Act.
74. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within 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: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials (including interior trees and street

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

- 10 75. In the event that the conceptual landscape plan (CLP) does not match the conditions
11 of approval, the resolution of approval shall govern.

12 **Planning:**

- 13 76. This Tentative Map, Development Plan, and Density Bonus Approval shall expire
14 36 months from its approval, unless this time period is extended by the provisions
15 of Section 408 or 409 of the Subdivision Ordinance.

- 16 77. This Tentative Map, Development Plan, and Density Bonus approves only a one
17 lot subdivision with 18-residential units as shown on the plans and exhibits
18 presented to the Planning Commission for review and approval. No deviation from
19 these approved plans and exhibits shall occur without Planning Division approval.
20 Substantial deviations shall require a revision to the Development Plan or a new
21 Development Plan.

- 22 78. The applicant, permittee or any successor-in-interest shall defend, indemnify and
23 hold harmless the City of Oceanside, its agents, officers or employees from any
24 claim, action or proceeding against the City, its agents, officers, or employees to
25 attack, set aside, void or annul an approval of the City, concerning Tentative Map
26 (T21-00002), Development Plan (D21-00005), and Density Bonus (DB21-00008).
27 The City will promptly notify the applicant of any such claim, action or proceeding
28 against the city and will cooperate fully in the defense. If the City fails to promptly
29 notify the applicant of any such claim action or proceeding or fails to cooperate

1 fully in the defense, the applicant shall not, thereafter, be responsible to defend,
2 indemnify or hold harmless the City.

3 79. Outdoor lighting shall be low emission, shielded, and directed away from the
4 property lines, so that 0 foot-candles is achieved at the property boundary.

5 80. All wood gates adjacent to public right-of-way and/or visible from the public right-
6 of-way will be stained or otherwise finished with a waterproof material.

7 81. Adjacent homeowners shall be notified of planned construction activities and times
8 approximately two weeks prior to the start of work.

9 82. A covenant or other recordable document approved by the City Attorney shall be
10 prepared by the property owner and recorded prior to the approval of the final map.
11 The covenant shall provide that the property is subject to this resolution, and shall
12 generally list the conditions of approval.

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

17 84. Failure to meet any conditions of approval shall constitute a violation of the
18 Tentative Map, Development Plan, and Density Bonus;

19 85. Unless expressly waived, all current zoning standards and City ordinances and
20 policies in effect at the time building permits are issued. The approval of this
21 project constitutes the applicant's agreement with all statements in the Description
22 and Justification and other materials and information submitted with this
23 application, unless specifically waived by an adopted condition of approval.

24 86. The developer's construction of all fencing and walls associated with the project
25 shall be in conformance with the approved Development Plan. Any substantial
26 change in any aspect of fencing or wall design from the approved Development
27 Plan shall require a revision to the Development Plan or a new Development Plan.

28 87. If any aspect of the project fencing and walls is not covered by an approved
29 Development Plan, the construction of fencing and walls shall conform to the

development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a Density Bonus Waiver or other development approval.

88. 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.

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

90. Prior to issuance of any building or grading permit, the director of housing and neighborhood services shall certify that the proposed development has complied with the requirements for inclusionary housing and all provisions of Chapter 14C.

91. Prior to Building Permit issuance, the applicant shall submit and obtain final approval of a Construction Management Plan from the City Planner or their designee. The Construction Management Plan shall be implemented during the entire duration of construction of the 12-unit subdivision project.

92. Garages shall be kept available and useable for the parking of tenant's automobiles at all times.

93. Individual Trash/Recycling bins for all waste streams shall be kept within the designated spaces provided within the garage areas for each individual units. No storage of bins on the outside shall occur. Bins shall be wheeled out to an appropriate location on the designated pickup date and returned within 24 hours to the interior spaces within the garages.

- 1 94. The developer is prohibited from entering into any agreement with a cable television
2 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
3 and or maintain its cable television system in the development.
- 4 95. In accordance with Density Bonus requirements, three (3) dwelling units shall be
5 reserved for sale and/or rent to low-income households. This affordable units shall
6 be provided proportional to the overall project in unit size, dispersed throughout
7 the project, and have access to all amenities available to other residents. The city
8 shall determine the eligibility of the very low-income households. A deed
9 restriction, covenant, and/or other instrument enforceable by the city and approved
10 by the City Attorney and Director of Housing and Neighborhood Services, limiting
11 the sale of such units to eligible very low-income households shall be recorded
12 against the title of the property. The duration of such sale restrictions shall be in
13 effect for a minimum of fifty-five (55) years.
- 14 96. The required “Affordable Housing Regulatory Agreement” shall be recorded
15 against the project site prior to the issuance of any permits for the project.
- 16 97. All units proposed as part of this project shall be rented for no less than 30-days.
- 17 98. A letter of clearance from the affected school district in which the property is
18 located shall be provided as required by City policy at the time building permits
19 are issued.
- 20 99. Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a
21 pre-excavation agreement, otherwise known as a Tribal Cultural Resources
22 Treatment and Tribal Monitoring Agreement with the “Traditionally and Culturally
23 Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”.
24 A copy of the agreement shall be included in the Grading Plan Submittals for the
25 Grading Permit. The purpose of this agreement shall be to formalize protocols and
26 procedures between the Applicant/Owner and the “Traditionally and Culturally
27 Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”
28 for the protection and treatment of, including but not limited to, Native American
29 human remains, funerary objects, cultural and religious landscapes, ceremonial

1 items, traditional gathering areas and tribal cultural resources, located and/or
2 discovered through a monitoring program in conjunction with the construction of
3 the proposed project, including additional archaeological surveys and/or studies,
4 excavations, geotechnical investigations, grading, and all other ground disturbing
5 activities. At the discretion of the Luiseño Native American Monitor, artifacts may
6 be made available for 3D scanning/printing, with scanned/printed materials to be
7 curated at a local repository meeting the federal standards of 36CFR79.

8 100. Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading
9 Contractor shall provide a written and signed letter to the City of Oceanside
10 Planning Division stating that a Qualified Archaeologist and Luiseño Native
11 American Monitor have been retained at the Applicant/Owner or Grading
12 Contractor's expense to implement the monitoring program, as described in the
13 pre-excavation agreement.

14 101. The Qualified Archaeologist shall maintain ongoing collaborative consultation
15 with the Luiseño Native American monitor during all ground-disturbing activities.
16 The requirement for the monitoring program shall be noted on all applicable
17 construction documents, including demolition plans, grading plans, etc. The
18 Applicant/Owner or Grading Contractor shall notify the City of Oceanside
19 Planning Division of the start and end of all ground-disturbing activities.

20 102. For the purposes of determining the applicability of the Citywide Public Safety
21 Community Facilities District (CFD) to residential occupancies, any new
22 development or change in occupancy classified as an R occupancy in the most
23 recently adopted California Building and/or California Fire codes with 16 or more
24 dwelling or sleeping units (not intended for use as a hotel or motel where Transient
25 Occupancy Taxes [TOT] will be collected) will be required to annex into the CFD
26 as a condition of development. Additionally, for properties converted from a
27 facility where TOT has been previously collected, the property will be required to
28 annex into the CFD as a condition of development.
29

103. The entire project shall be restricted to senior residents 55 years old and up pursuant to Civil Code Section 51.3. A deed restriction attesting to this condition shall be recorded against the property prior to or concurrent with the recordation of the final map

Water Utilities:

104. 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.

105. All Water and Wastewater construction shall conform to the most recent edition of the *Water, Sewer, and Recycled Water Design and Construction Manual* or as approved by the Water Utilities Director.

106. The property owner shall maintain private water and wastewater utilities located on private property.

107. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer's expense.

108. Each new residential dwelling unit shall be metered individually.

109. For new developments with multiple residential dwelling units; the City has accepted, as an alternative, a public master meter for the development provided there is a private sub-meter for each individual dwelling unit. The Owner or Home Owner's Association would be responsible for the ownership, maintenance, reading, and replacement of the private sub-meters. There shall be a shared agreement for the shared water supply line and private water and sewer facilities among the owners. This should be addressed in the CC&Rs or maintenance agreement.

110. Provide a separate irrigation water meter for common area landscaping. Meter shall be managed and paid for by the Owner or Homeowner's Association for the development. The existing irrigation meter located along the property frontage is owned and operated by the City, and shall not be utilized for the development.

- 1 111. Per the latest approved California Fire Code, all new residential units shall be
2 equipped with fire sprinkler system. Water services that feed the fire sprinkler
3 system along with the domestic water system shall be equipped with a dual check
4 valve device.
- 5 112. Buildings requiring an NFPA 13 or NFPA 13R automatic sprinkler system for fire
6 protection shall have a dedicated fire service connection to a public water main with
7 a double check detector backflow assembly. Location of the backflow assembly
8 must be approved by Fire Department.
- 9 113. Private on-site fire hydrants shall be served by a private fire main that is looped on-
10 site with two connections to a public water main. Each connection shall have a
11 double check detector assembly for backflow protection.
- 12 114. Hot tap connections will not be allowed for size on size connections, and 6-inch
13 connections to an 8-inch water main. The connection shall be a cut-in tee with three
14 valves for each end of the tee. Provide a connection detail on the improvement plans
15 for all cut-in tee connections.
- 16 115. On-site water and sewer mains shall be private, 8" minimum. Design shall be in
17 accordance with latest edition of the City of Oceanside *Water, Sewer and*
18 *Recycled Water Design and Construction Manual*. Indicate which mains and lines
19 are private on plans

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

- 22 116. Any water and/or sewer improvements required to develop the proposed property
23 will need to be included in the improvement plans and designed in accordance with
24 the *Water, Sewer, and Recycled Water Design and Construction Manual*.
- 25 117. All public water and/or sewer facilities not located within the public right-of-way
26 shall be provided with easements sized according to the *Water, Sewer, and Recycled*
27 *Water Design and Construction Manual*. Easements shall be constructed for all
28 weather access.
29

- 1 118. No trees, structures or building overhang shall be located within any water or
2 wastewater utility easement.
- 3 119. All lots with a finish pad elevation located below the elevation of the next upstream
4 manhole cover of the public sewer shall be protected from backflow of sewage by
5 installing and maintaining an approved type backwater valve, per the latest adopted
6 California Plumbing Code.
- 7 120. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a
8 recycled water impact fee since the proposed project is not within 75 feet of a
9 recycled water main. The impact fee shall be established by submitting a formal
10 letter requesting the City to determine this fee, which is based on 75% of the design
11 and construction cost to construct a recycled water line fronting the property in
12 Vista Way.
- 13 121. If a property goes through a zone change and an increase in density occurs, a water
14 and sewer study will be required to be prepared by the developer at the developer's
15 expense and reviewed and approved by the Water Utilities Department. The water
16 study shall demonstrate that adequate fire flows and pressures can be delivered to
17 the development. The sewer study shall analyze downstream capacity of the existing
18 sewer collection system. Additional off-site improvements may be required as a
19 result of the studies.
- 20 122. Connections to a public sewer main with a 6-inch or larger sewer lateral will require
21 a new sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and*
22 *Recycled Water Design and Construction Manual*.
- 23 123. Connection to an existing sewer manhole will require rehabilitation of the
24 manhole per City standards. Rehabilitation may include, but not be limited to, re-
25 channeling of the manhole base, surface preparation and coating the interior of
26 the manhole, and replacing the manhole cone with a 36" opening and double ring
27 manhole frame and lid.
- 28
29

- 1 124. A separate irrigation meter and connection with an approved backflow prevention
2 device is required to serve common landscaped areas and shall be displayed on the
3 plans.
- 4 125. Provide peak irrigation flows per zone or control valve to verify size of irrigation
5 meter and reduced pressure principle backflow device on Landscape Plans.
- 6 126. Provide stationing and offsets for existing and proposed water service connections
7 and sewer laterals on plans.
- 8 127. Each dwelling unit shall have a separate sewer lateral connection to the private
9 sewer collection system.
- 10 128. Where private sewer system is shared with other tenants, a Homeowner's
11 Association or Property Management Company and CC&Rs should address the
12 maintenance, repair, and replacement of "shared" sewer lateral or facilities.
- 13 129. Any unused water services or sewer laterals by the proposed development shall
14 be abandoned in accordance with Water Utilities requirements.

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

- 16 130. Show location and size of proposed water meter(s), including sub-meters, on site
17 plan of building plans. Show waterline from proposed meter to connection point to
18 each residence.
- 19 131. Show location and size of proposed sewer lateral(s) from private sewer main to
20 connection point at each residence.
- 21 132. Provide a fixture unit count table and supply demand estimate per the latest adopted
22 California Plumbing Code (Appendix A) to size the water meter(s) and service
23 line(s).
- 24 133. Provide drainage fixture unit count per the latest adopted California Plumbing Code
25 to size sewer lateral for the development.

26 ///

27 ///

28 ///

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1 134. Water and Wastewater buy-in fees and the San Diego County Water Authority Fees
2 are to be paid to the City at the time of Building Permit issuance per City Code
3 Section 32B.7.
4

5 PASSED AND ADOPTED Resolution No. 2023-P17 on May 8, 2023, by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11 _____
12 Tom Rosales, Chairperson
Oceanside Planning Commission

13 ATTEST:

14 _____
15 Sergio Madera, Secretary

16
17 I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that
18 this is a true and correct copy of Resolution No. 2023-P17.

19
20 Dated: May 8, 2023
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