



CITY OF OCEANSIDE PLANNING COMMISSION STAFF REPORT

DATE: September 11, 2023

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T22-00007), DEVELOPMENT PLAN (D22-00018), AND DENSITY BONUS (DB22-00009) FOR A 21-LOT SUBDIVISION AND DEVELOPMENT OF 19 SINGLE-FAMILY HOMES FOR PROPERTY LOCATED AT 1448 AVOCADO ROAD BETWEEN DUSTAN AND ZABYN STREET – AVOCADO ROAD RESIDENTIAL – APPLICANT: 1448 AVOCADO LLC., THOMAS ST. CLAIR**

RECOMMENDATION

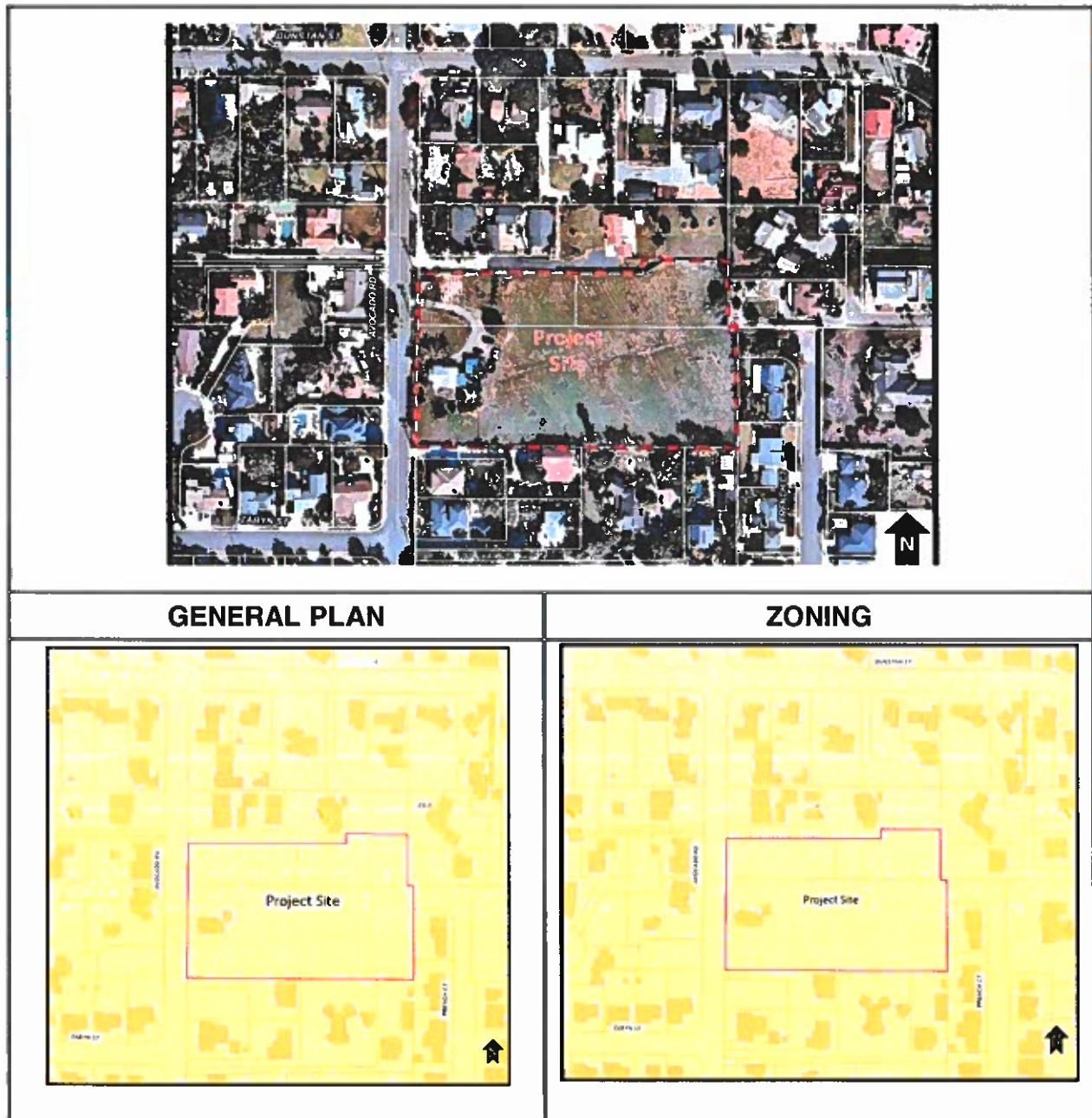
Staff recommends that the Planning Commission by motion;

- (1) Confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Article 19, Section 15332 (In-Fill Development Projects); and
- (2) Approve Tentative Tract Map (T22-00007), Development Plan (D22-00018), Density Bonus (DB22-00009) by adopting Planning Commission Resolution No. 2023-P20 with findings and conditions of approval attached herein.

BACKGROUND

Located within the Fire Mountain Neighborhood Planning Area, the 3.43-acre project site consists of three (3) parcels located on the east side of Avocado Road between Dustan and Zabyrn Street. The rectangular-shaped property is currently developed with a single-family residence and accessory structures and was previously used for agricultural production purposes as the former “Cylops Farms.” The site slopes downward from east to west with an approximate 50-foot difference in elevation between the highest point (northeast corner) and lowest point (southwest corner) on the project site. Existing surrounding uses consist of single-family residential development on all sides. The project site has a General Plan Land Use designation of Estate Residential – B (ER-B) and zoning of Residential Estate – B (RE-B). The project site and surrounding area are depicted in Figure 1 below:

Figure 1 – Location Map/General Plan/ Zoning



The General Plan Land Use designation, Zoning, and existing Land Use of the subject site and surrounding properties are provided in the table below.

Table 1: General Plan - Zoning - Existing Uses

LOCATION	GENERAL PLAN	ZONING	EXISTING USE
SITE	Estate Residential – B	Residential Estate-B	Vacant Land
NORTH	Estate Residential – B	Residential Estate-B	Residential

LOCATION	GENERAL PLAN	ZONING	EXISTING USE
SOUTH	Estate Residential – B	Residential Estate-B	Residential
EAST	Estate Residential – B	Residential Estate-B	Residential
WEST	Estate Residential – B	Residential Estate-B	Residential

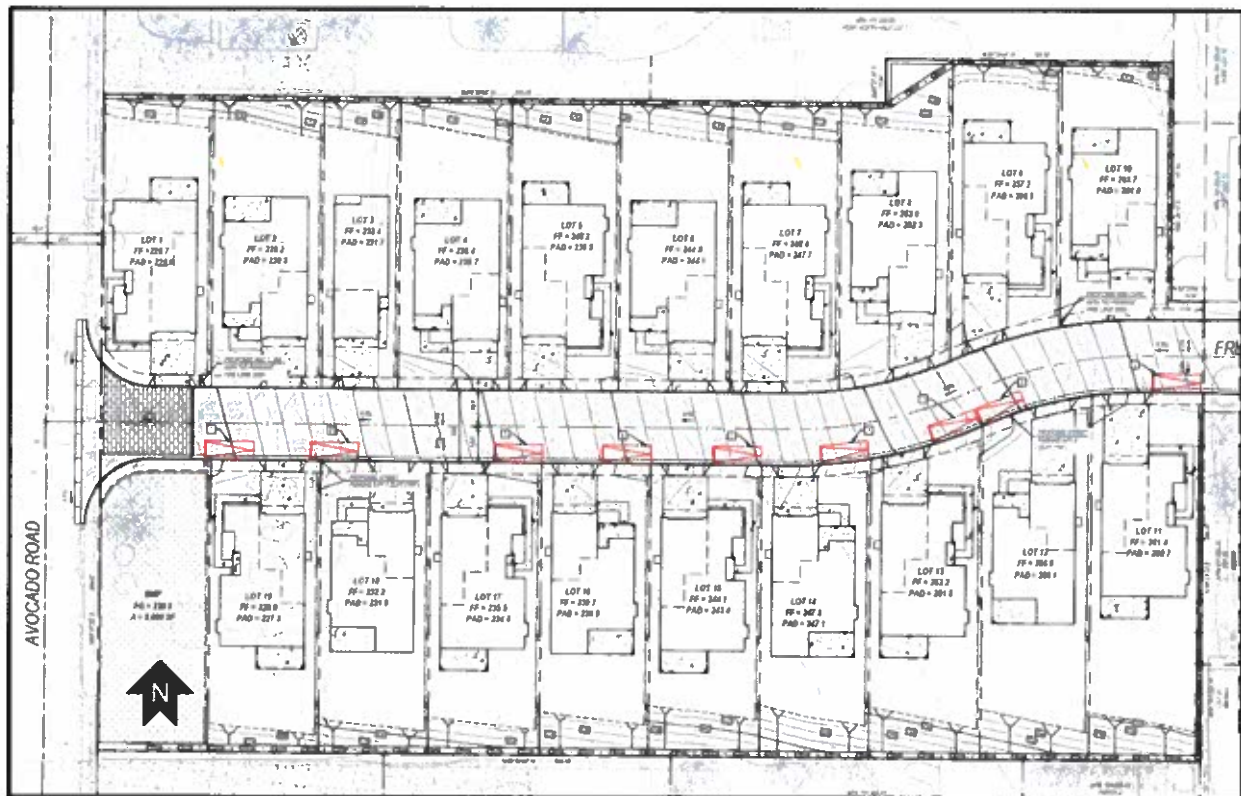
PROJECT DESCRIPTION

The proposed project consists of a three-part request for the approval of the following entitlements listed below:

Tentative Tract Map (T22-00007) represents a request to:

Subdivide the subject 3.43-acre site into nineteen (19) single family residential lots and two (2) common area lots for a private internal roadway and storm water bio-retention basin. As depicted in Figure 2 below, the private road would provide access to each lot, and connect to Avocado Road on the west and existing unimproved right-of-way of French Court on the east. The road would be 33 feet wide and accommodate parking on the south side of the street. Although private, the new roadway would contain easements for public water, sewer, general utilities, and City emergency vehicle access. In addition, the proposed project would be conditioned to construct new curb, gutter, and sidewalk along the Avocado Road frontage.

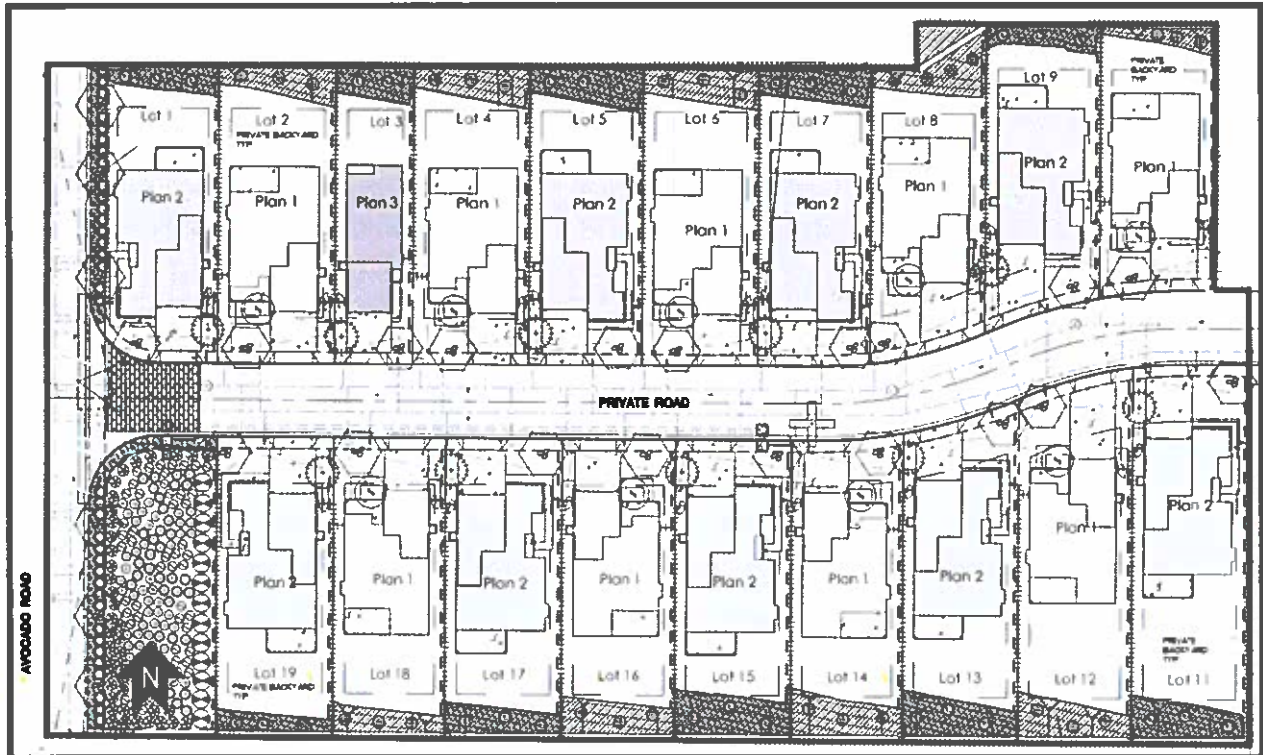
Figure 2 – Lot and Private Road Configuration



Development Plan (D22-00018) represents a request to:

Construct nineteen (19) single-family residences with shared improvements. 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. This entitlement covers the review and approval of project architecture, floor plans, house plotting, landscaping, grading, walls, and fencing.

Figure 3 – Site Plan



The proposed development configuration includes lots on either side of a proposed private road that runs through the center of the project site. Ten (10) lots are located on the north side of the road and the remaining nine (9) lots and common lot (for the bio-filtration basin) would be located on the south side of the roadway. At least 50 feet in width, the market rate lots range in size from 6,005 to 8,330 square feet. The 35-foot wide affordable unit (Lot 3) has a reduced area of 4,602 square feet. The common lot containing the basin would be located at the southwest corner of the property, accessible from either Avocado Road or the private road.

Architecture

The proposed project would offer both Coastal and Coastal Modern architecture for residences. Both styles would use a variety of exterior materials including board and batten, shingle, and shiplap siding, light sand stucco, and brick veneers. The proposed Coastal designs resemble Craftsman style architecture using low pitched gable roofs with decorative beams, shingle siding, and sectioned windows yet have a “cleaner,” more understated appearance. The proposed Coastal Modern designs use many of the same exterior building materials used for Coastal architecture (board and batten siding, stucco, and brick) yet feature a non-traditional arrangement of windows, brick veneers, and offset building surfaces.

The project proposes three (3) floor plan types – Plan 1 and 2 for market rate homes and Plan 3 for the affordable home. Overall the project would develop nine (9) Plan 1 homes, nine (9) Plan 2 homes, and one (1) Plan 3 home. In addition to having two types of architecture, there would be a front balcony option for Plan 1 homes. Furthermore, the proposed project would offer six (6) different exterior color and material schemes. Given the mix of floor plans, architecture, and color and material schemes, the proposed project offers sufficient variety to minimize a specific house design from being used more than once within the project.



Plan 1 Coastal



Plan 2 Modern

Landscaping

Landscaping for the proposed project would be provided in front yards, back yard sloping, and adjacent to Avocado Road at the basin and west of Lot 1. Along Avocado Road and the private road, 24-inch box trees or 10-foot tall palms would be used. For front yards, each home would receive a mix of shrubbery in an approximate three-inch bed of bark mulch. Home sites would also include a 15-gallon tree either along the respective driveway or next to the front porch. Back yard sloping would be planted primarily with ground cover with a few shrubs to prevent future erosion. Along the Avocado Road frontage, a hedgerow of flowering shrubs would be used to screen fencing along Lot 1 and the outer basin. The proposed project landscaping has been reviewed and conceptually approved by the City's Landscape Architect.

Grading

Grading for the proposed project would be designed to follow the site's existing topography. The building pads for homes step downward gradually moving from the east to west, accomplished through the use of retaining walls located along side yards. In addition, each pad is designed to drain primarily toward the street and ultimately to the bio-filtration basin at the southwest corner of the project. Lots located south of the private roadway would also contain backyard sloping draining downward to the south and into a shared drainage channel designed to direct flows to the bio-filtration basin. The grading plan estimates earthwork quantities of 8,520 cubic yards of cut and 8,150 cubic yards of fill, thereby resulting in an export of approximately 370 cubic yards (four percent) of material from the project site.

Neighboring property owners have expressed concern with the amount of earthwork leaving the site and routing of truck traffic during grading. In general, developers strive to reduce export as much as possible as the cost of removing material presents a significant expense to the overall project. The four percent of material is based on overall quantities earthwork being moved, and the amount of export has been minimized to the extent feasible. Based on an average truck load size of 16 cubic yards of material the proposed project would generate 24 round trips during the grading phase which could be accomplished in about a month's time. Thus, any potential impacts to the surrounding neighborhood would be short-term. While the specific truck routes are not determined at this time, the proposed haul route must be reviewed and approved by Traffic Engineering of the Public Works Department prior to starting the proposed work. Traffic Engineering staff have indicated that the truck routes should be designed to travel the shortest distance feasible to limit impacts to as few streets as possible, and that traffic on specific streets is prohibited unless no other alternative exists.

Surrounding property owners have also expressed concerns with existing drainage patterns and related damage to property in the immediate area of Fire Mountain. Engineering staff provided a written response to this concern explaining that in the past Fire Mountain residents collectively expressed the desire to maintain a "rural" development setting within the Fire Mountain area; as such, many areas within that community lack sidewalk, curbs, gutters, and underground storm drain infrastructure. As a result of this existing infrastructure, stormwater runoff is currently not being conveyed in a conventional manner that is typically comprised of connecting curbs, gutters, and an underground storm drain pipe network. Engineering staff further explained that the proposed project would be consistent with requirements set forth in the San Diego County Hydrology Manual and the San Diego County Drainage Design Manual, as well as designed consistent with professional standards; therefore, the proposed project's stormwater discharge would not increase from its existing condition. Consistent with industry practice and City requirements, the proposed project would only be responsible to mitigate for its impact to the existing drainage condition, and would not be responsible for addressing existing drainage conditions of the neighborhood. As such, the design of

grading, drainage and stormwater treatment facilities may be approved as part of the proposed project.

Parking

Surrounding residents have also raised concerns with increased use of street parking due to new residents from the proposed project. With regard to parking, each home has a garage with parking for two (2) or three (3) vehicles. Furthermore, the proposed project would be subject to a condition of approval that requires garages be used for parking and not storage (i.e. incorporated into the Covenants, Conditions, and Restrictions).

In addition to garage spaces, all homes would have driveways that may accommodate two (2) additional vehicles. As such each home may provide parking for at least four vehicles at a given time. In addition to parking on each lot, nine (9) parking stalls would be provided on one side of the private street. The grand total of garage, driveway, and private parking is 94 stalls (calculation provided in table below). This would result in an average of 4.9 parking stalls for each home.

TABLE 2: PARKING

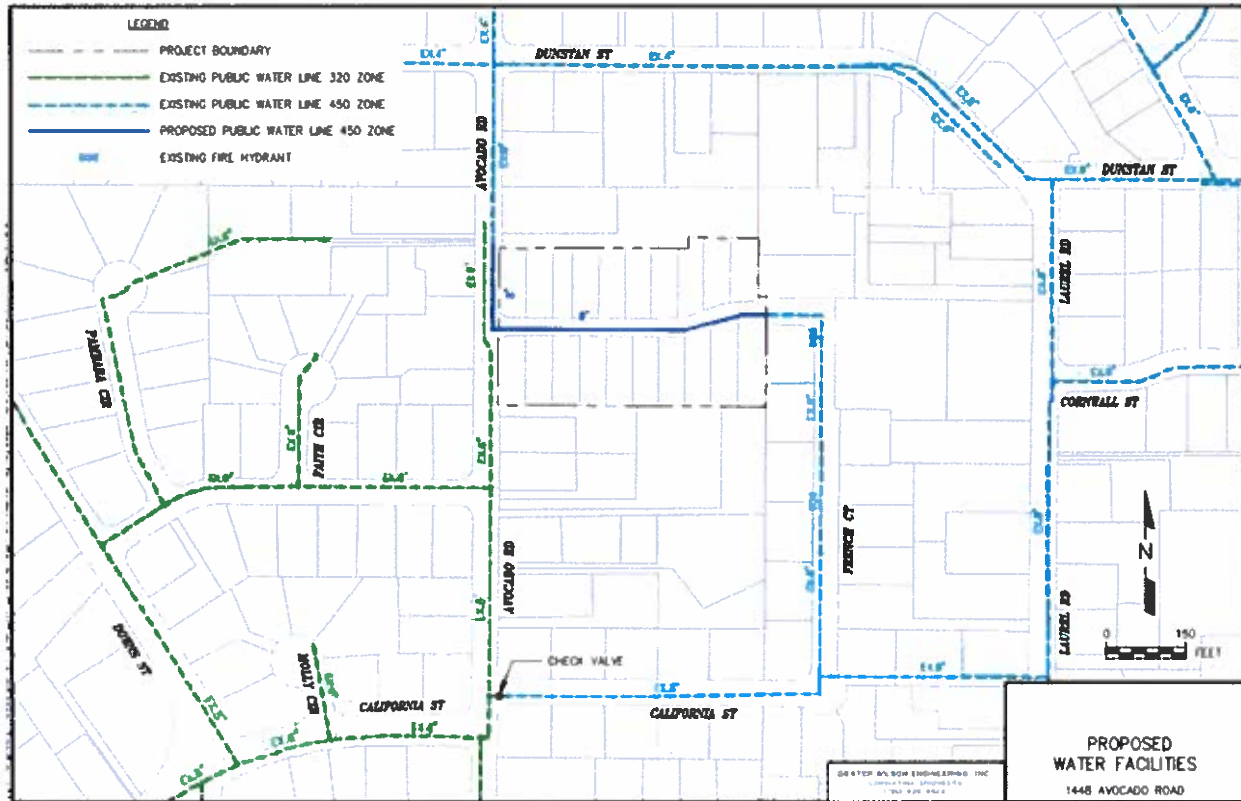
Parking Type	Units	Rate	Total
Garage Plan 1 and 3	10	2 stalls	20
Garage Plan 2	9	3 stalls	27
Driveway	19	2 stalls	38
Street Parking	-	9	9
Grand Total			94

Water Pressure

Another topic of concern raised by nearby property owners is low water pressure currently experienced in the surrounding area. Water Utilities staff has explained in multiple responses to concerned citizens that there are two (2) separate water systems in the vicinity of the project site. System 450 HGL (S-450) and System 320 HGL (S-320). S-450 lines are located within Dustan Street, French Court, California Street and a portion of Avocado Road north of the project site. S-320 lines are located in Avocado Road south of the project site. The proposed project has been designed to connect to the existing six-inch S-450 line in Avocado Road and extend through the project site connecting to an existing S-450 line in French Court. The new lines would create more avenues for the water to flow throughout the S-450 network, which would reduce pressure losses in the system. Homes connected to the S-450 line should see some improvement to their water pressure with completion of the proposed project. Staff also advised that water pressure for S-320 lines would not be affected and would not change as a result of the project. Although water pressure may seem inadequate to nearby residents, the Water System Analysis submitted for the project was reviewed by the Water Utilities Department and System S-450 has been deemed adequate for both domestic and fire protection service. System S-320 was not analyzed, as the proposed project would not impact existing

conditions with this system. It should be noted that the proposed project would not be responsible for improvements to this neighboring system.

Figure 4 – Water Facilities



Housing

The subject property contains an existing single-family home that is currently rented. The home proposed to be demolished is currently occupied by a low income household; thus, the project is subject to the replacement housing and relocation protection provisions outlined in the Housing Crisis Act of 2019, as amended by Senate Bill (SB) 8 in 2022. The proposed project complies with the replacement housing provisions, as there would be no net loss in residential units and the proposed affordable unit matches the bedroom count and income level of the existing lower-income unit to be demolished. Pursuant to SB 8, the occupants of the existing lower-income unit are entitled to relocation protections such as a right to remain in their units up to six months prior to the start of construction activities, the right of first refusal, and applicable relocation assistance.

Density Bonus (DB22-00009) represents a request to:

Allow for an increase in density from the maximum potential density of fifteen (15) units, thereby allowing a total of nineteen (19) units in exchange for reserving a percentage of the project's units for sale or rental to persons within the Very Low Income category. Very

Low Income households are defined as those earning 31 to 50 percent (31% - 50%) of the area local median income, or AMI. The current AMI for San Diego County is \$116,800 for a family of four. Under Density Bonus Law, where a density range is provided, the base number of units permitted is determined by multiplying the gross site acreage by the maximum density for the specific General Plan Land Use designation applicable to the project.

The proposed project has a land use designation of Estate B Residential (EB-R) and corresponding Zoning of Residential Estate B District (RE-B) which establish a density range of 1.0 to 3.5 dwelling units per gross acre. However, because the project site is within the Fire Mountain Neighborhood Planning Area, it is subject to Policy 1.13 of the General Plan Land Use Element which states:

For lands within the Loma Alta, Fire Mountain, and South Oceanside Neighborhood Planning Areas that are designated Estate B(1-3.5 selling unit/acre) and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet as defined in the Zoning ordinance shall be considered consistent with the underlying Land Use designation of Estate B Residential.

A 10,000-square foot lot size generates a higher maximum potential density of 4.35 dwelling units per acre. With an area of 3.43 acres and allowing for a rounding up of fractional units (per Density Bonus Law), the potential number of dwellings based on the site is 15 units ($4.35 \times 3.43 = 14.92$).

The proposed project would set aside six percent of its allowable units, or one unit, for Very Low Income households. This would merit a density bonus of 22.5 percent, resulting in four (4) additional units ($15 \times 0.225 = 3.375$ units: rounds up to 4 units).

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.

By reserving six percent (6%) of the project units for Very Low Income households, the project is entitled to one incentive/concession. The applicant is requesting to waive undergrounding of overhead utilities (and related in-lieu fees) along all public streets as required by 901(G) of the Subdivision Ordinance.

The applicant has provided the “reasonable documentation” showing that the requested concessions result in identifiable and actual cost reductions to provide for affordable housing costs.

In order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, 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. Overall Lot Size
2. Lot Width
3. Setbacks
4. Lot Coverage
5. Lot Depth to Width Ratio
6. Parking
7. Fences and Walls

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

TABLE 3: DEVELOPMENT STANDARDS

DEVELOPMENT STANDARD	RE-B ZONE	PROPOSED AVOCADO ROAD PROJECT	NOTES*
Lot Size (sf)	10,000 sf (min)	Lots 1-19: 6,005 – 8,330 (Excluding Lot 3) Lot 3: 4,602 (Affordable Unit)	<i>Waiver to accommodate affordable unit and development at density proposed.</i>
Lot Width	70 feet (min)	Lots 1 – 19: 50 feet wide (Excluding Lot 3) Lot 3: 35 feet wide (Affordable Unit)	<i>Waiver to accommodate affordable unit and development at density proposed.</i>

DEVELOPMENT STANDARD	RE-B ZONE	PROPOSED AVOCADO ROAD PROJECT	NOTES*
Setbacks: Front	25 ft (min)	20-25 ft (min)	<i>Waiver to accommodate affordable unit and development at density proposed.</i>
Side	7.5 ft (min)	5-7 ft (min)	
Corner Side	15 ft. (min)	5 ft (min)	
Rear	20 ft (min)	20 ft (min)	
Lot Coverage	35% (max)	28.9% - 39.1% max Lots 3, 8, 11, 12 & 13 meet std.	<i>Waiver to accommodate affordable unit and development at density proposed.</i>
Lot Depth to Width Ratio	2.5 : 1	2.6 - 3.7 : 1 Lot 10 meets std.	<i>Waiver to accommodate affordable unit and development at density proposed.</i>
Building Height	36 ft. (max)	25.3 ft - 28 ft (max)	<i>Complies with Code</i>
Parking	2-car garage per single-family homes < 2,500 sf. 3-car garage per single-family home > 2,500 sf.	Applies to Lots 2, 3, 4, 6, 8, 10, 12, 14, 16, 18: 2-car garage is provided where 3-car garage is required. All other lots meet stds. Full-size driveways and 32-foot wide street allow for guest parking.	<i>Waiver to accommodate affordable unit and development at density proposed.</i>
Landscaping	Minimum 50 percent of yard adjoining street shall be planting or landscape (incl. ornamental gravel). The remainder may be used for driveways or walks.	Landscaped front yard areas provided for each lot.	<i>Complies with Code</i>
Fences and Walls	Maximum height of a fence or wall, including retaining walls shall be six feet. Retaining walls over four feet in height shall be planted and irrigated.	Proposed retaining walls do not exceed six feet in height. Portions of interior lot retaining walls over four feet in height would not be plantable or irrigated.	<i>Waiver to accommodate affordable unit and development at density proposed.</i>

DEVELOPMENT STANDARD	RE-B ZONE	PROPOSED AVOCADO ROAD PROJECT	NOTES*
Usable Open Space	Total useable space shall be at least 300 sf per dwelling unit	Rear yard areas for each lot provide usable open space greatly exceeding the minimum square footage.	<i>Complies with Code</i>
Urban Forestry	Tree Canopy minimum on sites one acre or more- 12 percent of site minimum Permeable Surface Area minimum on sites one acre or more- 22 percent	Tree Canopy - 20,994 sf or approximately 14 percent Permeable Surface Area – 74,146 sf or approximately 50 percent	<i>Complies with Code</i>

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 diverse economic segment within the Oceanside community and maintain a reasonable balance between rental and ownership housing in the City with development of single family detached homes. The proposed project provides both for-sale market rate homes and a for-sale and/or for rent income restricted affordable housing unit within the environment of an established residential neighborhood. Because the project is located less than a mile from public schools, the Crouch Street Sprinter station, and the Oceanside Boulevard commercial corridor, future residents would have access to employment opportunities, community facilities, and public services in close proximity to the project site. Each home, including the affordable home, would have a living area in excess of 2,500 square feet with an attached garage, full driveways, and sizable rear yards differing from more recent projects that consist of larger high density multiple family development.

The Housing Crisis Act of 2018, as amended by SB 8 (California Government Code Section 66300 et seq.), prohibits the approval of any proposed housing development project on a site that would require demolition of existing dwelling units of occupied or vacant "Protected Units," unless the units are replaced with a unit that is of similar income level. This is typically determined by the Housing and Neighborhood Services Division by collecting existing occupant information. In the absence of income documentation, the affordability rate of the unit would default to the same proportionate level and rate of affordability as the City as a whole.

Since the project would demolish one (1) existing detached residential structure, currently occupied by a low-income household, the project would include a condition of approval that would require one (1) of the 19 units to be reserved for a very low income household. This unit is also subject to the current occupant protection requirements, related to first right of refusal and relocation assistance under California Government Code Section 66300(d)(2)(D).

In order to ensure that all units would be used towards housing, the proposed project would include a condition of approval that would require all units proposed shall be rented for no less than 31 days; thus preventing any short term rentals on the property. In

addition, Section 3032(M)(11) of the Zoning Ordinance prohibits any unit within a project benefiting from Density Bonus to be utilized as a short term rental.

The Regional Housing Needs Assessment (RHNA) for the Sixth Housing Element Cycle (2021-2029) estimates that the City of Oceanside would experience demand for more than 5,443 new dwelling units over the next eight years. By contributing one (1) Very Low Income unit and eighteen (18) 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 3.2: Use the City's regulatory powers to promote affordable housing.*
- Policy 3.5: Encourage the development of housing for low and moderate income households in areas with adequate access to employment opportunities, community facilities, and public services.*
- 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 proposed project is consistent with the identified goals and policies of the recently adopted Housing Element. The project would provide housing to a very low income household in the form of a large single family detached residence with an attached garage and large backyard. As such, the proposed project would provide a desirable housing type that can accommodate a larger family. In addition, the home would be located in an established single family residential area of the City that otherwise would be unattainable for a lower income household. Furthermore, because the project is located less than a mile from public schools, the Crouch Street Sprinter station, and the Oceanside Boulevard commercial corridor, residents would have access to employment opportunities, community facilities, and public services.

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 RE-B development standards of the Zoning Ordinance. The Zoning Ordinance identifies single-family homes as a land use permitted by right within the RE-B zoning district. With respect to development standards, the proposed project complies with the development standards of the RE-B 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, 3.2, 3.5, 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 3.43 acres of land formerly used for agricultural purposes 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 developed residential area surrounded by residential land uses to in all directions. The proposed density of the project at 5.54 dwelling units per acre is higher than surrounding development, yet permitted per State Density Bonus Law. In addition, the proposed project remains comparable with the allowable residential density of 4.35 dwelling units per acre found in the immediate vicinity of the project site. The project is also designed to be internally

facing with no new homes facing existing homes, thus reducing the opportunity of making visual comparisons between existing properties and proposed lots.

3. Impact of the subdivision on fish, wildlife, or their habitat: The design of the subdivision or the proposed improvements would 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. Until recently the project site has been used for farming, and supports no native vegetation communities. Therefore, no impacts would result from implementation of the proposed project.

4. Compliance with City standards and access: The design of the subdivision or the type of improvements meet City standards and would not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision. The proposed project would provide a new private roadway connecting Avocado Road to French Court and grant new easements for public water, sewer, general utilities, and City emergency vehicle access. Thus, City standards would be met, with no conflict with any existing easement(s).

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).

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 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 proposed project meets all of the following criteria:

- a. The proposed project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- b. The proposed development occurs within City limits on a project site of no more than five acres substantially surrounded by urban uses.
- c. The project site has no value as habitat for endangered, rare, or threatened species.
- d. Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- e. The site can be adequately served by all required utilities and public services.

Technical studies in support of the application of an “In-Fill Development” categorical exemption are included in Attachment 5 for the Planning Commission’s reference.

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 on August 27, 2023.

The applicant conducted a community outreach meeting at Oceanside Library Community Rooms on December 13, 2022. Approximately 34 residents and property owners attended the meeting. The attendees’ comments and concerns are detailed in the applicant’s Community Outreach Report included as Attachment 3. A second public meeting was held near the project site on April 25, 2023; over 70 people attended this meeting.

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 received 25 letters of opposition to the project from members of the public. Common concerns expressed include non-compliance with the development standards of the RE-B zoning district, traffic associated with the project, on street parking, existing drainage patterns, existing water pressure, the lack of sidewalks in the neighborhood, density associated with the project, and the concession for relief from the requirement to underground existing overhead utilities. Correspondence received has been included in Attachment 6.e for the Planning Commission’s reference.

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 (T22-00007), Development Plan (D22-00018), and Density Bonus (DB21-00009) by adopting Planning Commission Resolution No. 2023-P20 with findings and conditions of approval attached herein.

PREPARED BY:



Manuel Baeza
Principal Planner

SUBMITTED BY:



Sergio Madera
City Planner

Attachments:

1. Planning Commission Resolution No. 2023-P20
2. Project Plans (online)
3. Community Outreach Summary (online)
4. Project Cost Estimate for Dry Utilities (online)
5. Technical Studies (online)
 - a. CEQA Exemption Memorandum
 - b. VMT Screening Analysis
 - c. Biological Site Assessment
 - d. Air Quality-Greenhouse Gas Technical Report
 - e. Noise Technical Report
 - f. Historic Report
6. Other Attachments (Online)
 - a. Application Page
 - b. Description and Justification
 - c. Legal Description
 - d. Notice of Exemption
 - e. Letters of opposition

4.01 ATTACHMENT 1

PLANNING COMMISSION
RESOLUTION NO. 2023-P20

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: T22-00007, D22-00018, DB22-00009
APPLICANT: 1448 AVOCADO LLC
LOCATION: 1448 Avocado Road between Dustan Street and Zabyn Street
(APN 151-222-030, 040, and 050)

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 twenty-one (21) lot subdivision (2 common and 19 numbered) for single-family residential purposes, with each residence provided with associated on-site parking facilities and landscaping and the demolition of one (1) existing home with detached accessory structures ;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day of September, 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

1 exemption (In-Fill Development Projects), as it involves in-fill development consistent with
 2 general plan and zoning designations;

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

5 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN
 6 that the project is subject to certain fees, dedications, reservations and other exactions as
 7 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:

1 FINDINGS:

2 For Tentative Map (T22-00007):

- 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 ER-B allows single-family
5 residential development as proposed with the project. In addition, the project is
6 consistent with Goal 1.16 of the Land Use Element and Policies 2.2 3.2, 3.5, 3.7,
7 and 3.8 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 3.43-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 5.54
14 dwelling units per acre is comparable with residential densities in the immediate
15 vicinity of the project site.
- 16 3. The design of the subdivision or the proposed improvements will not cause
17 substantial environmental damage or substantially and avoidably injure fish or
18 wildlife or their habitat as the project site is located in an urbanized and developed
19 area of the City. The project site has been historically used for farming, and
20 supports no native vegetation communities. Therefore, no impacts result from
21 implementation of the project.
- 22 4. The design of the subdivision or the type of improvements meet City standards and
23 will not conflict with easements, acquired by the public at large, for access through
24 or the use of property within the proposed subdivision as the project provides a new
25 private roadway connecting Avocado Road to French Court and grants new
26 easements for public water, sewer, general utilities and City emergency vehicle
27 access and avoids conflict with any existing easement. All roadway improvements
28 for public and private streets are subject to City review and approval thus, City
29 standards will be met.

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 (D22-00018):

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 lots 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 ER-B R allows single-
12 family residential development as proposed with the project. In addition, the
13 project is consistent with Goal 1.16 of the Land Use Element and Policies 2.2 3.2,
14 3.5, 3.7, and 3.8 of the Housing Element as it relates to the provision of affordable
15 housing.

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

20 4. The project is compatible with existing residential development to the north, south,
21 east, and west because it proposes single family detached residential homes
22 consistent with surrounding residential development. The proposed density of the
23 project at 5.54 dwelling units per acre is higher than surround development but is
24 permitted per State Density Bonus Law and is still comparable with the allowable
25 residential density of 4.35 dwelling units per acre found in the immediate vicinity
26 of the project site. In addition, the project is designed to be internally facing with
27 no new homes facing existing homes thus reducing the opportunity of making
28 visual comparisons between existing properties and proposed lots.

1 5. The site plan and physical design of the project is consistent with the policies
2 contained within Section 1.24 and 1.25 of the Land Use Element of the General
3 Plan, the Development Guidelines for Hillside, of this ordinance as the project site
4 is relatively flat and does not contain any qualifying slopes or topographic features
5 that would be considered undevelopable, nor does the site contain any riparian
6 areas.

7 For the Density Bonus (DB22-00009):

- 8 1. The affordable unit will be reserved for tenancy by households within the Very
9 Low Income (VLI) category and will be subject to a restrictive covenant
10 guaranteeing affordability for the VLI households for a period of 55 years.
- 11 2. The affordable unit has been designed to be proportional to the project's market
12 rate units in terms of floor plan, square footage, and exterior design. The affordable
13 unit consists of a 3 bedroom 2 bathroom residence with a garage and at least 80%
14 of the floor area of the average of the market rate units. The affordable unit has
15 been located within the interior the project site and will have a similar appearance
16 to the market rate units.
- 17 3. The restricted covenant associated with the affordable unit will be for a period of
18 55 years.
- 19 4. The maximum allowable rent for the project's affordable units comply with the law
20 for the Very Low Income category.
- 21 5. The project's affordable unit will be available at affordable housing costs, as
22 defined in Health and Safety Code Section 50052.5.
- 23 6. Public subsidies are not being provided for the project, therefore an equity sharing
24 agreement is not applicable.
- 25 7. The project is subject to the yearly accounting requirement to the Neighborhood
26 Services Department for the affordable unit as outlined in Section 3032(M)(7) of
27 the Zoning Ordinance.
- 28
29

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
2 hereby approve Tentative Tract Map (T22-00007), Development Plan (D22-00018), and
3 Density Bonus (DB22-00009), subject to the following conditions:
4

5 **Planning:**

- 6 1. This Tentative Map, Development Plan, and Density Bonus Approval shall expire
7 36 months from its approval, unless this time period is extended by the provisions
8 of Section 408 or 409 of the Subdivision Ordinance.
- 9 2. This Tentative Map, Development Plan, and Density Bonus approves only a 21 lot,
10 19-Single-Family Home subdivision as shown on the plans and exhibits presented
11 to the Planning Commission for review and approval. No deviation from these
12 approved plans and exhibits shall occur without Planning Division approval.
13 Substantial deviations shall require a revision to the Development Plan or a new
14 Development Plan.
- 15 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and
16 hold harmless the City of Oceanside, its agents, officers or employees from any
17 claim, action or proceeding against the City, its agents, officers, or employees to
18 attack, set aside, void or annul an approval of the City, concerning Tentative Map
19 (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009).
20 The City will promptly notify the applicant of any such claim, action or proceeding
21 against the city and will cooperate fully in the defense. If the City fails to promptly
22 notify the applicant of any such claim action or proceeding or fails to cooperate
23 fully in the defense, the applicant shall not, thereafter, be responsible to defend,
24 indemnify or hold harmless the City.
- 25 4. Outdoor lighting shall be low emission, shielded, and directed away from the
26 property lines, so that 0 foot-candles is achieved at the property boundary.
- 27 5. All wood gates adjacent to public right-of-way and/or visible from the public right-
28 of-way will be stained or otherwise finished with a waterproof material.
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6. Adjacent homeowners shall be notified of planned construction activities and times approximately two weeks prior to the start of work.
7. A covenant or other recordable document approved by the City Attorney shall be prepared by the property owner and recorded prior to the approval of the final map. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.
8. Prior to the transfer of ownership and/or operation of the site the owner shall provide a written copy of the applications, staff report and resolutions for the project to the new owner and or operator. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.
9. Failure to meet any conditions of approval shall constitute a violation of the Tentative Map, Development Plan, and Density Bonus;
10. Unless expressly waived, the project shall adhere to all current zoning standards and City ordinances and policies in effect at the time the SB330 Application was deemed complete. The approval of this project constitutes the applicant's agreement with all statements in the Description and Justification and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.
11. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Development Plan. Any substantial change in any aspect of fencing or wall design from the approved Development Plan shall require a revision to the Development Plan or a new Development Plan.
12. If any aspect of the project fencing and walls is not covered by an approved 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.

- 1 13. Prior to the issuance of building permits, compliance with the applicable provisions
2 of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall
3 be reviewed and approved by the Planning Division. These requirements, including
4 the obligation to remove or cover with matching paint all graffiti within 24 hours,
5 shall be noted on the Landscape Plan and shall be recorded in the form of a covenant
6 affecting the subject property.
- 7 14. Elevations, siding materials, colors, roofing materials and floor plans shall be
8 substantially the same as those approved by the Planning Commission. These shall
9 be shown on plans submitted to the Building Division and Planning Division.
- 10 15. Prior to issuance of any building or grading permit, the director of housing and
11 neighborhood services shall certify that the proposed development has complied
12 with the requirements for inclusionary housing and all provisions of Chapter 14C.
- 13 16. Prior to Building Permit issuance, the applicant shall submit and obtain final
14 approval of a Construction Management Plan from the City Planner or their
15 designee. The Construction Management Plan shall be implemented during the
16 entire duration of construction of the 19-unit subdivision project.
- 17 17. Garages shall be kept available and useable for the parking of tenant's automobiles at
18 all times.
- 19 18. The developer is prohibited from entering into any agreement with a cable television
20 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
21 and or maintain its cable television system in the development.
- 22 19. In accordance with Density Bonus requirements, one (1) single-family dwelling
23 units shall be reserved for rent or sale to very low-income households. This
24 affordable unit shall be provided proportional to the overall project in unit size,
25 dispersed throughout the project, and have access to all amenities available to other
26 residents. The city shall determine the eligibility of the very low-income
27 households. A deed restriction, covenant, and/or other instrument enforceable by
28 the city and approved by the City Attorney and Director of Housing and
29 Neighborhood Services, limiting the sale of such units to eligible very low-income

1 households shall be recorded against the title of the property. The duration of such
2 sale restrictions shall be in effect for a minimum of fifty-five (55) years.

3 20. The required “Affordable Housing Regulatory Agreement” shall be recorded
4 against the project site prior to the issuance of any permits for the project.

5 21. All units proposed as part of this project shall be rented for no less than 31-days.

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

9 23. In order to prevent potential indirect impacts to breeding birds/raptors, if grading
10 is proposed during the bird/raptor breeding season (January to July) then a pre-
11 construction survey for active nests shall be performed no more than three days
12 prior to the initiation of construction. If an active nest is identified onsite, then
13 grading shall be postponed until the nest is no longer active.

14 24. During construction the contractor will overlap the architectural coating phase with
15 the final 45 days of building construction to reflect actual construction methods.

16 25. The project will install drought-tolerant vegetation and water-efficient irrigation
17 systems.

18 26. The project will install low-water use appliances and fixtures.

19 27. The project will install Energy Star, or equivalent, dishwashers, clothes washers,
20 refrigerators, and fans.

21 28. The project will be compliant with SDAPCD Rule 67.0.1 (d) which requires the
22 use of low Volatile Organic Compound (VOC) paint (no greater than 50
23 grams/Liter) for use on building interior and exterior surface and 100 grams/Liter
24 for traffic marking coatings.

25 29. During clearing, grading, earth-moving, excavation, or transportation of cut or fill
26 materials, water trucks or sprinkler systems shall be used to prevent dust from
27 leaving the site and to create a crust after each day’s activities cease.

28 30. During construction, water trucks or sprinkler systems shall be used to keep all
29 areas of vehicle movement damp enough to prevent dust from leaving the site. At

1 a minimum, this would include wetting down such areas later in the morning, after
2 work is completed for the day, and whenever winds exceed 15 mph during active
3 operations.

4 31. Watering of active disturbance areas, including active grading areas and unpaved
5 roads, would occur approximately every 2 hours of active operations,
6 approximately three times per work day (at a minimum).

7 32. Speeds on unpaved roads shall be reduced to less than 10 miles per hour.

8 33. All grading and excavation operations shall be halted when wind speeds exceed 25
9 miles per hour.

10 34. Dirt and debris spilled onto paved surfaces at the project site and on the adjacent
11 roadways shall be swept, vacuumed, and/or washed at the end of each workday.

12 35. All trucks hauling dirt, sand, soil, or other loose material to and from the
13 construction site shall be covered and/or a minimum 2 feet of freeboard shall be
14 maintained.

15 36. To the extent practicable, the use of air compressors for the application of
16 architectural coatings shall be staged within residences to reduce equipment noise.

17 37. The Heating and Ventilation and Air Conditioning (HVAC) systems for each
18 residence shall be contained within the structure.

19 **Building:**

20 38. The granting of approval under this action shall in no way relieve the applicant/project
21 from compliance with all Current State and local building codes.

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

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

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

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

- 8 • Part 2: The 2022 California Building Code (CBC).
 - 9 • Part 2.5: The 2022 California Residential Code (CRC).
 - 10 • Part 3: The 2022 California Electrical Code (CEC).
 - 11 • Part 4: The 2022 California Mechanical Code (CMC).
 - 12 • Part 5: The 2022 California Plumbing Code (CPC).
 - 13 • Part 6: The 2022 California Energy Code
 - 14 • Part 9: The 2022 California Fire Code (CFC)
 - 15 • Part 11: The 2022 California Green Building Standards Code (CALGreen Code)
- 16 This Part is known as the California Green Building Standards Code, and it is
17 intended that it shall also be known as the CALGreen Code.

18 39. The building plans for this project shall be prepared by a licensed architect or engineer
19 and shall be in compliance with this requirement prior to submittal for building plan
20 review.

21 40. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
22 plans. Separate/unique addresses may be required to facilitate utility releases.
23 Verification that the addresses have been properly assigned by the City's Planning
24 Division shall accompany the Building Permit application.

25 41. Structural Plans, Soils Report, and Energy Calculations, must be submitted for this
26 project.

27 42. Plumbing Electrical and Mechanical plans must show compliance with the 2020
28 California Residential Code.

1 43. Electrical Vehicle Chargers, must be have pre-wiring installed per Green Building
2 Code Requirements.

3 44. Solar PV systems must be installed per Energy Calculation requirements.

4 45. Construction Hours: Per City of Oceanside Municipal Code section 6.25: It shall be
5 unlawful to operate equipment or perform any construction in the erection,
6 demolition, alteration, or repair of any Building or structure or the grading or
7 excavation of land during the following hours:

- 8 a. Before 7:00 a.m. and after 7:00 p.m. Monday through Saturday.
- 9 b. All day Sunday; and
- 10 c. On any federal holiday.

11 Exceptions.

- 12 a. An owner/occupant or resident/tenant of residential property may engage in a
13 home improvement project between the hours of 9:00 a.m. and 5:00 p.m. on
14 Sundays and holidays provided the project is for the benefit of said residential
15 property and is personally carried out said owner/occupant or resident/tenant.
- 16 b. The Building official may authorize extended or alternate hours of
17 construction for the following circumstances:
 - 18 i. Emergency work
 - 19 ii. Adverse weather conditions
 - 20 iii. Compatibility with store Business hours.
 - 21 iv. When the work is less objectionable at night than during daylight hours.
 - 22 v. Per the direction of the City Managers office for projects that have been
23 determined that rapid completion is in the best interest of the general public.

24 46. A form or foundation survey shall be required prior to the placement of concrete to
25 show the location of the new structure in respect to the property lines, known
26 easements, and known setback lines. By obtaining a form survey the location of the
27 foundation is checked prior to the placement of concrete, and can save costly
28 corrective measures in case of an encroachment of a property line.

- 1 47. Construction waste management. Recycle and/or salvage for reuse a minimum of
2 65% of the nonhazardous construction and demolition waste in accordance with
3 either CAL Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste
4 Management Company or 4.408.4 Waste Stream Reduction Alternative. A City
5 approved waste management company/hauler shall be used for recycling of
6 construction waste. Documentation of compliance with Section 4.408.1 shall be
7 provided to the Authority Having Jurisdiction prior to project final approval.
- 8 48. Energy Calculations for the new 2022 California Energy code must be submitted at
9 time of Plan Review.
- 10 49. The Developer must carefully submit the correct address to SDGE for meter release
11 with addresses that are the same as what has been given for each House.

12 **Engineering:**

- 13 50. Prior to the demolition of any existing structure or surface improvements on site, a
14 grading plan application shall be submitted to the Engineering Division and erosion
15 control plans shall be approved by the City Engineer. No demolition shall be
16 permitted without an approved erosion control plan.
- 17 51. Design and construction of all improvements shall be in accordance with the City of
18 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
19 engineering and specifications of the City of Oceanside and subject to approval by
20 the City Engineer.
- 21 52. All right-of-way alignments, street dedications, exact geometrics and widths shall be
22 designed, dedicated, and constructed or replaced in accordance with the City of
23 Oceanside Engineers Design and Processing Manual, and as required by the City
24 Engineer.
- 25 53. Owner/developer shall provide an updated Title Report dated within 6 months of the
26 grading plan application submittal.
- 27 54. The approval of the tentative map shall not mean that closure, vacation, or
28 abandonment of any public street, right of way, easement, or facility is granted or
29 guaranteed to the owner/developer. The owner/developer is responsible for applying

1 for all closures, vacations, and abandonments as necessary. The application(s) shall
2 be reviewed and approved or rejected by the City of Oceanside under separate
3 process-(es) per codes, ordinances, and policies in effect at the time of the application.
4 The City of Oceanside retains its full legislative discretion to consider any application
5 to vacate a public street or right of way.

6 55. Owner/developer shall submit to the City for processing a covenant attesting to the
7 project's development conditions. The approved covenant shall be recorded at the
8 County prior to the issuance of a grading permit.

9 56. All public improvement requirements shall be covered by a Subdivision
10 Improvement Agreement and secured with sufficient improvement securities or
11 bonds guaranteeing performance and payment for labor and materials, setting of
12 survey monuments, and warranties against defective materials and workmanship
13 before the approval of the public improvement plans.

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

17 58. Prior to the issuance of a Certificate of Occupancy permit, all improvements,
18 including landscaping, landscaped medians, frontage improvements shall be
19 completed to the satisfaction of the City Engineer.

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

27 60. Prior to the issuance of any grading, improvement or building permits for a model
28 complex, a construction-phasing plan for the entire project shall be reviewed and
29 approved by the Engineering Division, Water Utilities Department, and Fire

1 Department. All public and private improvements including landscaping and offsite
2 streets or arterials required to serve the model complex shall be completed prior to
3 the issuance of any Certificate of Occupancy permit.

4 61. The tract shall be recorded and developed as one. The City Engineer shall require the
5 dedication and construction of necessary utilities, streets and other improvements
6 outside the area of any particular map, if such is needed for circulation, parking,
7 access or for the welfare or safety of future occupants of the development. The
8 boundaries of any multiple final map increments shall be subject to the approval of
9 the City Engineer.

10 62. Owner/developer shall provide a 1.5-foot ROW dedication along Avocado Road
11 south of the proposed driveway on the map and shown on the improvement plans. All
12 ROW dedications are to be in fee, and the application shall be approved prior to the
13 issuance of a grading permit.

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

19 64. Vehicular access rights to Avocado Road shall be relinquished to the City from all
20 abutting lots except at the proposed driveway(s) and shown on the map.

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

24 66. A traffic control plan shall be prepared in accordance with the City's traffic control
25 guidelines and approved by the City Engineer prior to the start of work within the
26 public Right-of-Way. Traffic control safety and implementation for construction or
27 re-construction of streets shall be in accordance with construction signing, marking,
28 and other protection as required by Caltrans' Traffic Manual and City Traffic Control
29

1 Guidelines. Traffic control plan implementation and hours shall be in accordance with
2 the approved traffic control plans.

3 **Street Improvement Condition**

4 67. Proposed public improvements located within the City’s ROW or onsite shall be
5 displayed on separate public improvement plans in accordance with the City’s
6 Engineer’s Design and Processing Manual.

7 68. Any existing public or private improvements that are being joined to and that are
8 already damaged or damaged during construction of the project, shall be repaired or
9 replaced as necessary by the developer to provide a competent and stable connection,
10 and to the City’s satisfaction.

11 69. An Encroachment Removal Agreement (ERA) application shall be submitted to the
12 City for proposed private improvements located within the City’s ROW along
13 Avocado Road or over any City easement. The ERA shall be submitted for review
14 prior to the issuance of a grading permit and recorded at the County prior to
15 improvement plan As-Builts.

16 70. Avocado Road shall be constructed with new curb and gutter and sidewalk. Sidewalk
17 improvements (construct/replace) shall comply with current ADA requirements.

18 71. An ADA-compliant pedestrian ramp shall be constructed at the Avocado Road
19 driveway and other locations as required by the City Engineer.

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

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

28 74. Avocado Road shall be provided with a 7-foot minimum and 8.5-foot minimum
29 parkway between the face of curb and Right-of-Way line on the north side and south

1 side of the respective proposed driveway. The design shall be displayed on the
2 improvement plans.

3 75. The existing gunite wall on French Court shall be evaluated and repaired to the
4 satisfaction of the City Engineer to assure stability and prevent future erosion. The
5 design of the repair shall be shown on the public improvement plans.

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

10 77. A pavement evaluation report shall be submitted for offsite street and/or alley
11 pavements with the grading plan application. The owner/developer shall contract with
12 a geotechnical engineering firm to perform a field investigation of the existing
13 pavement on all streets adjacent to the project boundary. The limits of the study shall
14 be half-street width along the project's Avocado Road and French Street frontage.
15 The field investigation shall be performed according to a specific boring plan
16 prepared by a licensed Geotechnical Engineer and approved by the City Engineer
17 prior to the issuance of a grading permit. In the absence of an approved boring plan,
18 the field investigation shall include a minimum of one pavement boring per every
19 fifty linear feet (50) of street frontage.

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

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

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

7 81. The approval of the development plan shall not mean that proposed grading or
8 improvements on adjacent properties (including any City properties/right-of-way or
9 easements) is granted or guaranteed to the owner/developer. The owner/developer is
10 responsible for obtaining written permission to grade or construct on adjacent
11 properties prior to the issuance of a grading permit. Should such permission be
12 denied, the development plan shall be subject to going back to public hearing or
13 subject to a substantial conformity review.

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

25 83. Use of adjacent properties for construction without permission is prohibited.
26 Developer is required to obtain written permission from adjacent property owners
27 allowing access onto their site. There shall be no trespassing, grading, or construction
28 of any kind on adjacent properties without permission. "Failure to comply will result
29

1 in the revocation of the grading permit.” This written permission shall be provided to
2 the City prior to the issuance of a grading permit.

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

12 85. Prior to the issuance of a grading permit, a comprehensive soil and geologic
13 investigation shall be conducted for the project site. All necessary measures shall be
14 taken and implemented to assure slope stability, erosion control, and soil integrity;
15 and these measures shall be incorporated as part of the grading plan design. No
16 grading shall occur at the site without a grading permit.

17 86. It is the responsibility of the owner/developer to evaluate and determine that all soil
18 imported as part of this development is free of hazardous and/or contaminated
19 material as defined by the City and the County of San Diego Department of
20 Environmental Health. Exported or imported soils shall be properly screened, tested,
21 and documented regarding hazardous contamination.

22 87. Owner/developer shall develop and submit a draft neighborhood-notification flier to
23 the City for review. The flier shall contain information on the project, construction
24 schedule, notification of anticipated construction noise and traffic, and contact
25 information. Prior to the issuance of a grading permit, the approved flier shall be
26 distributed to area residents, property owners, and business owners located within a
27 500-foot radius area of the project.

28 88. The project shall provide and maintain year-round erosion control for the site. Prior
29 to the issuance of a grading permit, an approved erosion control plan, designed for all

1 proposed stages of construction, shall be secured by the owner/developer with cash
2 securities or a Letter-of-Credit and approved by the City Engineer; a Certificate of
3 Deposit will not be accepted for this security.

4 89. Owner/developer shall monitor, supervise and control all construction and
5 construction-supportive activities, so as to prevent these activities from causing a
6 public nuisance, including but not limited to, ensuring strict adherence to the
7 following:

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

10 b) All grading and related site preparation and construction activities shall be limited
11 to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related
12 construction activities shall be conducted on Saturdays, Sundays or legal holidays
13 unless written permission is granted by the City Engineer with specific limitations
14 to the working hours and types of permitted operations. All on-site construction
15 staging areas shall be located as far as possible (minimum 100 feet) from any
16 existing residential development. As construction noise may still be intrusive in
17 the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits
18 "any disturbing excessive or offensive noise which causes discomfort or
19 annoyance to reasonable persons of normal sensitivity."

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

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

28 90. Landscape and irrigation plans for disturbed areas shall be submitted to the City
29 Engineer prior to the issuance of a grading permit and approved by the City Engineer

1 prior to the issuance of building permits. Landscaping plans, including plans for the
2 construction of walls, fences or other structures at or near intersections, must conform
3 to intersection sight distance requirements. Frontage and median landscaping shall be
4 installed and established prior to the issuance of any certificates of occupancy.
5 Securities shall be required only for landscape items in the public right-of-way. Any
6 project fences, sound or privacy walls and monument entry walls/signs shall be shown
7 on, bonded for and built from the approved landscape plans. These features shall also
8 be shown on the precise grading plans for purposes of location only. Plantable,
9 segmental walls shall be designed, reviewed and constructed from grading plans and
10 landscape/irrigation design/construction shall be from landscape plans. All plans
11 must be approved by the City Engineer and a pre-construction meeting held prior to
12 the start of any improvements.

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

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

24 93. The project's drainage system shall not connect or discharge to another private
25 stormdrain system without first obtaining written permission from the owner of the
26 system. The written permission letter shall be provided to the City prior to the
27 issuance of a grading permit. The owner/developer shall be responsible for obtaining
28 any off-site easements for storm drainage facilities.
29

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

3 95. Drainage facilities shall be designed and installed to adequately accommodate the
4 local storm water runoff, and shall be in accordance with the San Diego County
5 Hydrology Manual and the City of Oceanside Engineers Design and Processing
6 Manual, and to the satisfaction of the City Engineer.

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

9 97. Sediment, silt, grease, trash, debris, and pollutants shall be collected on site and
10 disposed of in accordance with all state and federal requirements, prior to discharging
11 of stormwater into the City drainage system.

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

24
25 The discharger shall obtain a Waste Discharge Identification (WDID) number prior
26 to the commencement of construction activity by electronically certifying and
27 submitting the Permit Registration Documents from Section III of the General Permit
28 through the State Water Board Stormwater Multiple Application and Report Tracking
29 System (SMARTS). In addition, coverage under the General Permit shall not occur

1 until an adequate SWPPP is developed for the project as outlined in Section A of the
2 General Permit. The site specific SWPPP shall be maintained on the project site at all
3 times. The SWPPP shall be provided, upon request, to the United States
4 Environmental Protection Agency (USEPA), State Water Resources Control Board
5 (SWRCB), Regional Water Quality Control Board (RWQCB), City of Oceanside,
6 and other applicable governing regulatory agencies. The SWPPP is considered a
7 report that shall be available to the public by the RWQCB under section 308(b) of the
8 Clean Water Act. The provisions of the General Permit and the site specific SWPPP
9 shall be continuously implemented and enforced until the owner/developer obtains a
10 Notice of Termination (NOT) for the SWRCB.

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

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

21 100. The O&M Plan shall include an approved and executed Maintenance Mechanism
22 pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the
23 O&M Plan shall include the designated responsible party to manage the storm water
24 BMP(s), employee training program and duties, operating schedule, maintenance
25 frequency, routine service schedule, specific maintenance activities, copies of
26 resource agency permits, cost estimate for implementation of the O&M Plan, a non-
27 refundable cash security to provide maintenance funding in the event of
28 noncompliance to the O&M Plan, and any other necessary elements. The
29 owner/developer shall complete and maintain O&M forms to document all operation,

1 inspection, and maintenance activities. The owner/developer shall retain records for
2 a minimum of 10 years. The records shall be made available to the City upon request.

3 101. The owner/developer shall enter into a City-Standard Stormwater Facilities
4 Maintenance Agreement (SWFMA) with the City, obliging the owner/developer to
5 maintain, repair and replace the Storm Water Best Management Practices (BMPs)
6 structures identified in the project's approved SWQMP, as detailed in the O&M Plan,
7 in perpetuity. Furthermore, the SWFMA will allow the City with access to the site for
8 the purpose of BMP inspection and maintenance, if necessary. The Agreement shall
9 be approved by the City Attorney's Office and recorded at the County Recorder's
10 Office prior to the issuance of a precise grading permit. A non-refundable **Security**
11 **in the form of cash** shall be required prior to issuance of a precise grading permit.
12 The amount of the non-refundable security shall be equal to 10 years of maintenance
13 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The
14 owner/developer's civil engineer shall prepare the O&M cost estimate.

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

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

25 104. The project shall include a hardscape contingency as a conservative approach for
26 stormwater and drainage analyses. The future creation of hardscape by homeowners
27 may impact the post-construction stormwater and/or detention system(s) design
28 function.

29

- 1 105. All proposed infiltration features shall be accompanied by a recommendation from a
2 geotechnical professional.
- 3 106. Open space areas, down-sloped areas visible from a collector-level or above roadway
4 classification, and improvements within the common areas that are not maintained by
5 the property owner, shall be maintained by a homeowners' association that will ensure
6 operation and maintenance of these items in perpetuity. These areas shall be indicated
7 on the map and reserved for an association. Future buyers shall be made aware of any
8 estimated monthly maintenance costs. The CC&R's shall be submitted and approved
9 by the City prior to the recordation of the map.
- 10 107. All new extension services for the development of the project, including but not
11 limited to, electrical, cable and telephone, shall be placed underground as required by
12 the City Engineer and current City policies.
- 13 108. Prior to the approval of plans and the issuance of a grading permit, owner/developer
14 shall obtain all necessary permits and clearances from public agencies having
15 jurisdiction over the project due to its type, size, location, or infrastructure impact.
16 The list of public agencies includes, but is not limited to, Public Utility Companies,
17 the California Department of Transportation (Caltrans), the City of Carlsbad, the City
18 of Vista, Fallbrook, the County of San Diego, the U. S. Army Corps of Engineers, the
19 California Department of Fish & Game, the U. S. Fish and Wildlife Service, the San
20 Diego Regional Water Quality Control Board, and the San Diego County Health
21 Department.
- 22 109. Owner/developer shall comply with all the provisions of the City's cable television
23 ordinances, including those relating to notification as required by the City Engineer.
- 24 110. As part of the City's Opportunistic Beach Fill Permit, this project has been
25 conditioned to test proposed excavated material to determine suitability for deposit
26 on city beaches as part of the Beach Sand Replenishment program. Preliminary soil
27 test results shall be provided as part of the project geotechnical report which is
28 required prior to approval of the grading plan and issuance of the grading permit.
- 29

1 Suitable beach replenishment material shall be at least 75% sand with no more than a
2 10% difference in sand content between material at the source and discharge site.
3 Replenishment material shall contain only clean construction materials suitable for
4 use in the oceanic environment; no debris, silt, soil, sawdust, rubbish, cement or
5 concrete washings, oil or petroleum products, hazardous/toxic/radioactive/munitions
6 from construction or dredging or disposal shall be allowed to enter into or be placed
7 where it may be washed by rainfall or runoff into waters of the United States. Any
8 and all excess or unacceptable material shall be completely removed from the
9 site/work area and disposed of in an appropriate upland site.

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

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

16 111. If shoring is required for the construction of the proposed development, the shoring
17 design plans shall be included within the grading plan set, and the structural design
18 calculations shall be submitted with the grading plan application.

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

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

6 114. In the event that there are discrepancies in information between the conceptual plan
7 and the conditions set forth in the project's entitlement resolution (Conditions of
8 Approval), the project's entitlement resolution shall prevail.

9
10
11 **Fire:**

12 115. An approved water supply must be installed, inspected, and approved prior to
13 vertical construction.

14 a. Note: If this is a public hydrant system, it will be regulated by the City of
15 Oceanside's Water Division. If this is a private hydrant system, it will be regulated
16 by the City of Oceanside's Fire Department, Community Risk Reduction Division.

17 116. An approved fire apparatus access road must be installed and within 150ft. of any
18 proposed building prior to vertical construction.

19 117. Final Approval is subject to Required Field Inspection(s) Any approvals made are
20 based upon submitted plans. Final approval is subject to required field inspection(s)
21 and acceptance test(s), with acceptable results, as required. Additional
22 requirements may be issued at the time of the field inspection(s) if there is any
23 deviation from the approved plans or in the event that issues not addressed in the
24 plan approval process are discovered in the field.

25 **Housing:**

26 118. Density Bonus/Inclusionary Housing Requirements: In order to obtain the density
27 bonus, incentives/concessions, and waivers under the City's Comprehensive
28 Zoning Ordinance Section 3032 and [California Government Code Section 65915](#)
29 (collectively known as "Density Bonus" law) and to satisfy the reserved affordable

1 housing requirements for low and moderate-income households under Oceanside
2 City Code [Chapter 14C](#), the occupancy of one of the 19 ownership units shall be
3 restricted for occupancy by a Very Low-Income Household, as defined in
4 [California Health and Safety Code Section 50105](#), at an Affordable Housing Cost,
5 as set forth in [Section 50053](#) of the California Health and Safety Code for a period
6 of not less than 55 years. To demonstrate compliance with [Density Bonus law](#),
7 [Chapter 14C](#), and any housing and occupant protection obligations under [Housing](#)
8 [Element law](#), [Density Bonus law](#), the [Housing Crisis Act of 2019](#) or the [Mello Act](#),
9 an Affordable Housing Agreement, along with the approved site development plan
10 and a deed of trust securing such covenants, as approved by the City Attorney and
11 the Housing and Neighborhood Services Director, shall be recorded against the title
12 of the property and the relevant terms and conditions recorded as a deed restriction,
13 regulatory agreement or other enforceable instrument. The Agreement will be
14 recorded prior to the approval of any final or parcel map or issuance of a building
15 permit for the first dwelling unit of the Project. The Agreement shall be binding to
16 all future owners and successors in interest.

17 119. In compliance with State laws, any proposed housing development in which
18 residential units are proposed for demolition, have been demolished within five years,
19 or have been withdrawn from rent or lease pursuant to the Ellis Act is subject to
20 affordable housing replacement obligations and applicable occupant protections.
21 Therefore, as a condition of development, as required by State Housing Element
22 law, Density Bonus law and the Housing Crisis Act of 2019, the proposed housing
23 development project must demonstrate to the satisfaction of the Housing and
24 Neighborhood Services Director that the project:

- 25 a) Creates at least as many residential units as demolished (one residential
26 unit);
- 27 b) Creates as many restricted affordable units of equivalent size (3 bdrm/1 ba)
28 and of the same or lower income category as will be demolished (one low-
29 income residential unit);

1 c) Provides all occupants the right to occupy their units until six months before
2 the start of construction activities on the new project. If demolition of the
3 unit does not proceed, then the occupant may return to the unit (CA Govt
4 Code Section 66300 (d)(2)(C));

5 d) Provide the lower-income occupants of the one protected unit a right of first
6 refusal for a "comparable" unit in the development at affordable rent or
7 affordable housing cost. (CA Govt Code Section 66300 (d)(2)(D)(i)); and,

8 e) Provide State relocation benefits at Chapter 16 (commencing with Section
9 7260) of Division 7 of Title 1 to the lower-income occupants of the one
10 protected units. (CA Govt Code Section 66300 (d)(2)(D)(ii));

11 Replacement units may be counted towards satisfaction of set-aside units for the
12 purposes of meeting the State Density Bonus (California Govt Code Section 65915)
13 or Oceanside City Code Chapter 14C requirements.

14 **Police:**

15 120. Landscaping (The below suggestions allow for maximum natural surveillance)

16 b. All trees will maintain a canopy of 6', or more, from the ground.

17 c. Trees should not be blocking any windows or grown near lighting fixtures to
18 the point where they may block illumination with their present and future growth.

19 121. Lighting

20 a. Lighting is our primary concern, and easily one of the cheapest ways to reduce
21 crime by eliminating areas of concealment.

22 i. Type of lighting (Should be LED, preferably around 5000 Kelvin Temp.)

23 ii. Fixture types (should be cutoff type lighting fixtures in the form of wall packs
24 on exterior walls, and shoebox/cobra fixtures for street lighting.

25 iii. Placement of lighting for uniformity, illuminating the entire street.

26 iv. Insure individual residences also have complete illumination among the
27 recessed/set back entryways, porches, and courtyard.

28 **Solid Waste:**

1 122. Each single-family residential property unit must have landfill, recycling, and
2 organics services (residential carts). The carts must be stored on private property
3 and screened from public view by a solid fence, wall or garage. The plans need to
4 show where the storage for each stream of residential carts will be located. Label
5 the three carts in their storage area to ensure service and proper storage for all three
6 streams for each single-family residence.

7 123. The plans must demonstrate where servicing will occur for the residential carts to
8 ensure adequate access by service vehicles. For cart dimensions and service vehicle
9 requirements, including street turning radius and minimum road lengths, please
10 refer to the City of Oceanside Enclosure and Service Guide Solid Waste, Recycling
11 and Organics guidebook.

11 **Transportation:**

12 124. The project shall establish no parking on one side of the private road by installing
13 signs or painting the curb red. This improvement shall be completed prior to the
14 issuance the Certificate of Occupancy and to the satisfaction of the City Traffic
15 Engineer.

16 125. Corner sight visibility per Caltrans Highway Design Manual (current edition at time
17 of improvement and grading plans City Engineer's approval) at all project access
18 point off of Avocado Drive shall be provided prior to the issuance the Certificate of
19 Occupancy and the satisfaction of the City Traffic Engineer.

20 126. Streetlights shall be maintained and installed on Avocado Drive per City Standards.
21 The system shall provide uniform lighting, and be secured prior to occupancy. The
22 owner/developer shall pay all applicable fees, energy charges, and/or assessments
23 associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to
24 the formulation of, or the annexation to, any appropriate street lighting district.

25 127. The project shall establish no parking on both sides of French Court between the
26 project easterly entrance and continuing to a point approximately 230 feet south of
27 the southerly curb line of the project's private street. This improvement shall be
28
29

1 completed prior to the issuance the Certificate of Occupancy and to the satisfaction
2 of the City Traffic Engineer.

3 **Landscaping:**

4 128. Landscape plans, shall meet the criteria of the City of Oceanside Landscape
5 Guidelines and Specifications for Landscape Development (latest revision), Water
6 Conservation Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering
7 criteria, City code and ordinances, including the maintenance of such landscaping
8 shall be submitted, reviewed and approved by the City Engineer prior to the
9 issuance of building permits. Landscaping shall not be installed until bonds have
10 been posted, fees paid, and plans signed for final approval. In addition, a
11 refundable cash deposit for the preparation of the final As-built/ Maintenance
12 Guarantee shall be secured with the City prior to the final approval of the landscape
13 construction plan. A landscape pre-construction meeting shall be conducted by the
14 landscape architect of record, Public Works Inspector, developer or owner's
15 representative and landscape contractor prior to commencement of the landscape
16 and irrigation installation. The following landscaping items shall be required prior
17 to plan approval and certificate of occupancy:

- 18 a) Final landscape plans shall accurately show placement of all plant material
19 such as but not limited to trees, shrubs, and groundcovers.
- 20 b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm
21 drain lines and utility easements and place planting locations accordingly to
22 meet City of Oceanside requirements.
- 23 c) Final landscape plans shall be prepared under the direct supervision of a
24 Registered Landscape Architect (State of California), with all drawings
25 bearing their professional stamp and signature.
- 26 d) All required landscape areas shall be maintained by owner, project
27 association or successor of the project (including public rights-of-way along
28 Avocado Road). The landscape areas shall be maintained per City of
29 Oceanside requirements.

- 1 e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be
2 released until the as-built drawings have been approved on the original
3 approved Mylar landscape plan and the required maintenance period has
4 been successfully terminated.
- 5 f) Proposed landscape species shall fit the site and meet climate changes
6 indicative to their planting location. The selection of plant material shall
7 also be based on cultural, aesthetic, and maintenance considerations. In
8 addition proposed landscape species shall be low water users as well as meet
9 all fire department requirements.
- 10 g) All planting areas shall be prepared and implemented to the required depth
11 with appropriate soil amendments, fertilizers, and appropriate supplements
12 based upon a soils report from an agricultural suitability soil sample taken
13 from the site.
- 14 h) Ground covers or bark mulch shall fill in between the shrubs to shield the
15 soil from the sun, evapotranspiration and run-off. All the flower and shrub
16 beds shall be mulched to a 3” depth to help conserve water, lower the soil
17 temperature and reduce weed growth.
- 18 i) The shrubs shall be allowed to grow in their natural forms. All landscape
19 improvements shall follow the City of Oceanside Guidelines.
- 20 j) Root barriers shall be installed adjacent to all paving surfaces where a
21 paving surface is located within 6 feet of a tree trunk on site (private) and
22 within 10 feet of a tree trunk in the right-of-way (public). Root barriers shall
23 extend 5 feet in each direction from the centerline of the trunk, for a total
24 distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a
25 root barrier around the tree’s root ball is unacceptable.
- 26 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls
27 shall obtain Planning Division approval for these items in the conditions or
28 application stage prior to 1st submittal of working drawings.
29

- 1 l) For the planting and placement of trees and their distances from hardscape
2 and other utilities/ structures the landscape plans shall follow the City of
3 Oceanside's (current) Tree Planting Distances and Spacing Standards.
- 4 m) An automatic irrigation system shall be installed to provide coverage for all
5 planting areas shown on the plan. Low volume equipment shall provide
6 sufficient water for plant growth with a minimum water loss due to water
7 run-off.
- 8 n) Irrigation systems shall use high quality, automatic control valves,
9 controllers and other necessary irrigation equipment. All components shall
10 be of non-corrosive material. All drip systems shall be adequately filtered
11 and regulated per the manufacturer's recommended design parameters.
- 12 o) All irrigation improvements shall follow the City of Oceanside Guidelines
13 and Water Conservation Ordinance.
- 14 p) The landscape plans shall match all plans affiliated with the project.
- 15 q) Landscape construction drawings are required to implement approved Fire
16 Department regulations, codes, and standards at the time of plan approval.
- 17 r) Landscape plans shall comply with Biological and/or Geotechnical reports,
18 as required, shall match the grading and improvement plans, comply with
19 Storm Water Management Plan (SWMP), Hydromodification Plan, or Best
20 Management Practices and meet the satisfaction of the City Engineer.
- 21 s) Existing landscaping on and adjacent to the site shall be protected in place
22 and supplemented or replaced to meet the satisfaction of the City Engineer.
- 23 t) All pedestrian paving (both decorative and standard) shall comply with the
24 most current edition of the American Disability Act.

25 129. All landscaping, fences, walls, etc. on the site, in medians within the public right-
26 of-way and within any adjoining public parkways shall be permanently maintained
27 by the owner, his assigns or any successors-in-interest in the property. The
28 maintenance program shall include: a) normal care and irrigation of the landscaping
29 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) maintenance of parking lots, walkways, enhanced hardscape, trash
3 enclosures, walls, fences, etc. f) pruning standards for street trees shall comply with
4 the International Society of Arboriculture (ISA) *Standard Practices for Tree Care*
5 *Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H;*
6 *and Tree Pruning Guidelines, Appendix F* (most current edition). Failure to
7 maintain landscaping shall result in the City taking all appropriate enforcement
8 actions including but not limited to citations. This maintenance program condition
9 shall be recorded with a covenant as required by this resolution.

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

12 **Water Utilities:**

13 **General Conditions:**

14 131. For developments requiring new water service or increased water service to a
15 property, the landowner must enter into an agreement with the City providing for
16 landowner's assignment of any rights to divert or extract local groundwater supplies
17 for the benefit of the property to receive new or increased water service, in return for
18 water service from the City, upon such terms as may be provided by the Water
19 Utilities Director.

20 132. All existing active and non-active groundwater wells must be shown on conceptual,
21 grading, and improvement plans.

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

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

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- 135. The property owner shall maintain private water and wastewater utilities located on private property.
- 136. 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.
- 137. Each new residential dwelling unit shall be equipped with a separate individual water meter, and a separate sewer lateral connection.
- 138. A public water main (450 HGL) shall be constructed within the private road to serve the residences. The public water main shall be located a minimum 5 feet off curb face. Developer shall obtain a waiver from the Division of Drinking Water if the minimum 10' separation (wall to wall) for water and sewer mains is not satisfied.
- 139. The public water main shall connect to the existing 6-inch AC water main (450 HGL) in Avocado Rd. and connect to the 8-inch water main in French Court. The new 8" water main on Avocado Rd shall extend to the northerly property line and include some removal and replacement of the existing 6" main.
- 140. The on-site sewer collection system (mains, manholes, laterals etc.) shall be private and designed in accordance with the *Water, Sewer, and Recycled Water Design and Construction Manual*. The Homeowner's Association would be responsible for the ownership, maintenance, and replacement of the sewer collection system.
- 141. A private sewer main (min. 8-inch) shall be constructed within the private road to serve the residences. The sewer main shall be located along the centerline of the road. A manhole shall be required at the terminus (starting point).
- 142. The Developer shall provide a minimum 20 foot wide easement for the water main per the *Water, Sewer, and Recycled Water Design and Construction Manual*.
- 143. Provide a dedicated irrigation water meter for on-site common area (HOA) landscaping. Meters shall be managed and paid for by the Homeowner's Association for the development. An address assignment must be completed for the meters, and processed through the City Planning Department.

1 144. 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 system
3 along with the domestic water system shall be equipped with a dual check valve
4 device.

5 145. Hot tap connections will not be allowed for size on size connections, and
6 connections that are one (1) pipe size smaller than the water main. These
7 connections shall be cut-in tees with three valves for each end of the tee. Provide a
8 connection detail on the improvement plans for all cut-in tee connections.

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

11 146. Any water and/or sewer improvements required to develop the proposed property will
12 need to be included in the improvement plans and designed in accordance with the
13 *Water, Sewer, and Recycled Water Design and Construction Manual*.

14 147. All public water and/or sewer facilities not located within the public right-of-way
15 shall be provided with easements sized according to the *Water, Sewer, and Recycled*
16 *Water Design and Construction Manual*. Easements shall be constructed for all
17 weather access.

18 148. No trees, structures or building overhang shall be located within any water or
19 wastewater utility easement.

20 149. All lots with a finish pad elevation located below the elevation of the next upstream
21 manhole cover of the public sewer shall be protected from backflow of sewage by
22 installing and maintaining an approved type backwater valve, per the latest adopted
23 California Plumbing Code.

24 150. All water and sewer mains not meeting the minimum main diameter and material
25 requirements shall be replaced by the Developer, and at the Developer's expense,
26 to meet current design standards for all new residential developments of four (4)
27 units or more. Water and sewer improvements shall be required as part of
28 engineering plan submittal. Where the full replacement length along the frontage
29 property is deemed in excess of the overall project cost, the developer may pay an

1 impact fee upon the approval of the Water Utilities Director. The impact fee will
2 be based on the estimated construction costs of similar size and type of work in the
3 past year, and shall meet prevailing wage requirements. This shall be paid prior to
4 engineering plan approval.

5 151. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a
6 recycled water impact fee since the proposed project is not within 75 feet of a recycled
7 water main. The impact fee shall be established by submitting a formal letter
8 requesting the City to determine this fee, which is based on 75% of the design and
9 construction cost to construct a recycled water line fronting the property in Avocado
10 Road.

11 152. The Water System Analysis for the 1448 Avocado Road Project in the City of
12 Oceanside dated April 20, 2023 was reviewed by the Water Utilities Department.
13 The results of the water analysis showed that the existing and proposed water
14 system for the project is adequate for both domestic and fire protection service.
15 Therefore, the proposed 8” public water main shall connect to the existing 6-inch
16 AC water main (450 HGL) in Avocado Road and connect to the 8-inch water main
17 in French Court. The proposed off-site improvement to extend the new 8” water
18 main on Avocado Road to the northerly property line shall be implemented. This
19 work will include some removal and replacement of the existing 6” main.

20 153. The Sewer System Analysis for the 1448 Avocado Road Project in the City of
21 Oceanside dated January 11, 2023 was reviewed by the Water Utilities Department.
22 The results of the sewer analysis showed that the existing sewer collection system
23 has adequate capacity to receive flows from the Project. Therefore, the proposed
24 new private 8” PVC sewer main connecting to the existing 8” VCP sewer main in
25 Avocado Road shall be implemented, and no additional off-site improvements will
26 be required.

27 154. Connections to a public sewer main with a 6-inch or larger sewer lateral will require
28 a new sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and*
29

1 *Recycled Water Design and Construction Manual*. If an existing manhole is not
2 available, then a new manhole shall be constructed.

3 155. Connection to an existing sewer manhole will require rehabilitation of the manhole
4 per City standards. Rehabilitation may include, but not be limited to, re-channeling
5 of the manhole base, surface preparation and coating the interior of the manhole,
6 and replacing the manhole cone with a 36” opening and double ring manhole frame
7 and lid.

8 156. A separate irrigation meter and connection with an approved backflow prevention
9 device is required to serve common landscaped areas and shall be displayed on the
10 plans.

11 157. Provide peak irrigation flows per zone or control valve to verify size of irrigation
12 meter and reduced pressure principle backflow device on Landscape Plans.

13 158. All existing and proposed sewer manholes shall be accessible by the City vector
14 truck. Developer shall provide access roads, turf block, or pavement that can
15 support H-20 loading to support the truck. Access road or pavement must allow a
16 minimum turning radius of 46-feet (outer wheel) for curb clearance and a wall
17 clearance of 46’-11”. Truck length is 41’-6”.

18 159. A plan and profile design of the water and sewer mains shall be provided on the
19 improvement plans and designed in accordance with the *Water, Sewer, and*
20 *Recycled Water Design and Construction Manual*.

21 160. Provide stationing and offsets for existing and proposed water service connections
22 and sewer laterals on plans.

23 161. Where private sewer main is shared with other tenants, a Homeowner’s Association
24 or Property Management Company and CC&Rs should address the maintenance,
25 repair, and replacement of “shared” sewer main and facilities.

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

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

- 1 163. Show location and size of proposed water meter(s) on site plan of building plans.
2 Show waterline from proposed meter to connection point at each residence.
- 3 164. Show location and size of proposed sewer lateral(s) from property line or connection
4 to sewer main to connection point at each residence.
- 5 165. Provide a fixture unit count table and supply demand estimate per the latest adopted
6 California Plumbing Code (Appendix A) to size the water meter(s) and service line(s).
- 7 166. Provide drainage fixture unit count per the latest adopted California Plumbing Code
8 to size sewer lateral for each property.
- 9 167. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees
10 are to be paid to the City at the time of Building Permit issuance per City Code Section
11 32B.7.

12 PASSED AND ADOPTED Resolution No. 2023-P20 on September 11, 2023, by
13 the following vote, to wit:

14 AYES:

15 NAYS:

16 ABSENT:

17 ABSTAIN:

18
19 _____
Tom Rosales, Chairperson
Oceanside Planning Commission

20 ATTEST:

21 _____
22 Sergio Madera, Secretary

23
24 I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that
25 this is a true and correct copy of Resolution No. 2023-P20.

26
27 Dated: September 11, 2023

28 \\\