

PLANNING COMMISSION*CITY OF OCEANSIDE*

DATE: October 23, 2023

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A GENERAL PLAN AMENDMENT (GPA22-00001) TO CHANGE THE LAND USE DESIGNATION FROM CIVIC INSTITUTIONAL TO MEDIUM DENSITY RESIDENTIAL B, ZONE AMENDMENT (ZA22-00003) TO CHANGE THE ZONING DESIGNATION FROM PUBLIC/SEMI-PUBLIC TO PLANNED DEVELOPMENT; AND A TENTATIVE MAP (T22-00005) AND DEVELOPMENT PLAN (D22-00013) FOR THE CONSTRUCTION OF A PLANNED DEVELOPMENT COMMUNITY COMPRISED OF 164 TOWNHOMES AND ASSOCIATED AMENITIES AND SITE IMPROVEMENTS AT THE FORMER PACIFICA ELEMENTARY SCHOOL LOCATED AT 4991 MACARIO DRIVE- PACIFICA DEVELOPMENT PROJECT – APPLICANT: MLC HOLDINGS, INC.**

RECOMMENDATION

Staff recommends that the Planning Commission:

- 1) Adopt Planning Commission Resolution No. 2023-P23 recommending City Council certification of an Environmental Impact Report (SCH No.2022110021) and approval of General Plan Amendment (GPA22-00001), Zone Amendment (ZA22-00003), Tentative Map (T22-00005) and Development Plan (D22-00013) to change the General Plan and zoning designation of a 14.55-acre site to allow for the construction of a 164-unit residential development.

BACKGROUND AND PROJECT DESCRIPTION

Background: The project site consists of the former Pacifica Elementary School located at 4991 Macario Drive (APNs: 122-190-19, 122-190-22, and 157-070-42). Records indicate the school was constructed in 1978 and became operational in 1980. In 2004, the school buildings were found to be seismically unsafe and were demolished. Modular structures were placed on the site and were used until the school closed in 2007. The Oceanside Unified School District (OUSD) continued to utilize the site for classes and training until the mid-2010s. The modular structures were removed in 2013 and the site now consists of remnant pavement, building foundations, a shade structure, sandboxes, and disturbed habitat along the perimeter slopes. In 2019, OUSD identified the property as exempt surplus land and the OUSD Facilities Advisory Committee began the process to sell the site. The applicant, MLC Holdings, Inc., is currently in escrow on the property.

The property has a General Plan land use designation of Civic Institutional (CI), a zoning designation of Public/Semipublic (PS), and is within the North Valley Neighborhood Planning Area.

The 14.55-acre site is approximately 0.5 miles from the San Luis Rey Transit Center and 2 miles north of State Route 76. The site includes approximately 10 acres of relatively flat vacant area surrounded by vegetated slopes ranging from 10 to 30 feet in height. Disturbed habitat makes up the majority of the site, including the slopes around the perimeter and the majority of the western portion of the site. The Biological Resources Survey (included as an attachment to the Environmental Impact Report, Attachment 9) prepared for the project indicates there is 9.28 acres of disturbed habitat and 5.27 acres of urban/developed land. Existing single-family residential development surrounds the project site on all sides, except for the parcel located adjacent to the west/southwest corner. This parcel is owned by the City of Oceanside and is designated as conserved land in the North County Multiple Habitat Conservation Program and has a zoning designation of Open Space. This parcel of undeveloped land serves as a natural habitat corridor to Libby Lake and Libby Lake Park. The project site (outlined in red) and surrounding area are depicted in Figure 1.

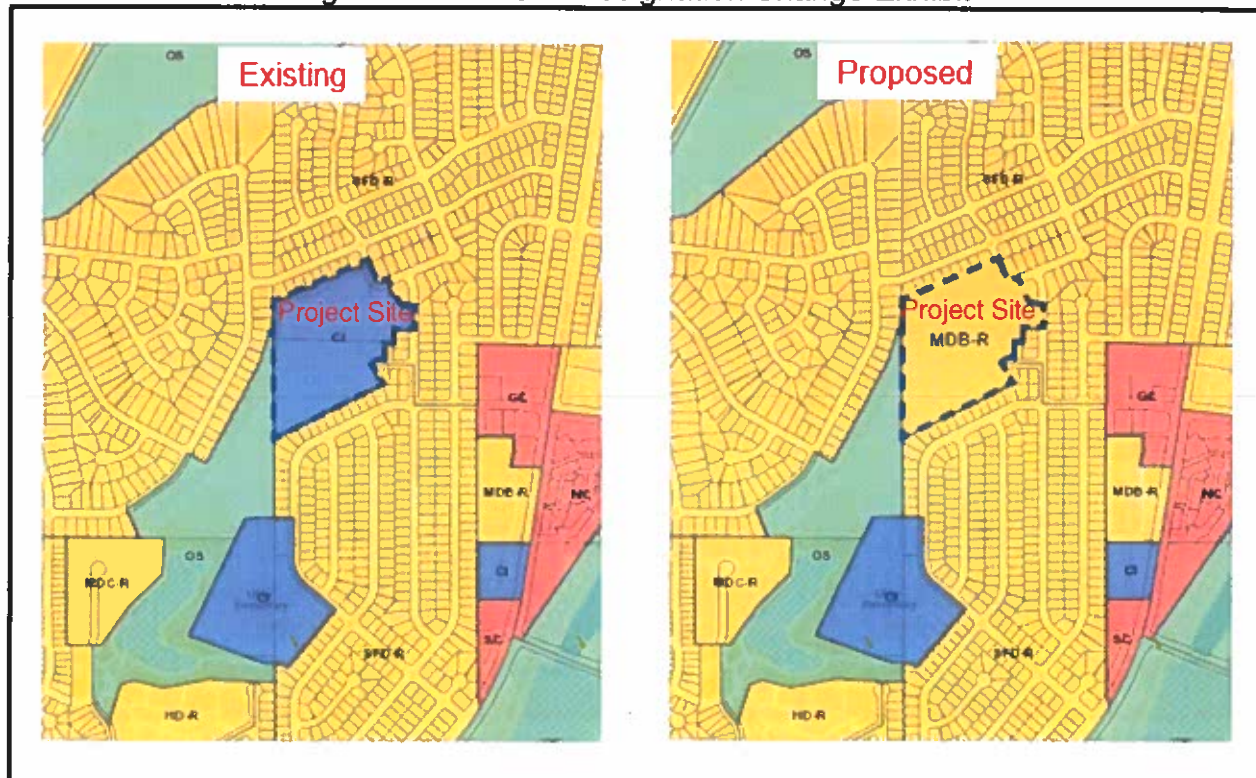
Figure 1: Location Map



Project Description: The proposed project requires four (4) separate entitlements: a General Plan Amendment, Zone Amendment, Tentative Map, and Development Plan. These entitlements involve the following:

General Plan Amendment (GPA22-00001) represents a request to change the existing General Plan land use designation to allow for medium density residential uses. Currently, the project site has a land use designation of Civic Institutional (CI), which does not allow for residential development. The applicant proposes to change the land use designation to Medium Density B Residential (MDB-R). The MDB-R designation allows for residential uses at densities between 10.0 and 15.0 dwelling units per acre. Figure 2 below depicts the existing and proposed General Plan land use designation for the project site and its immediate surroundings.

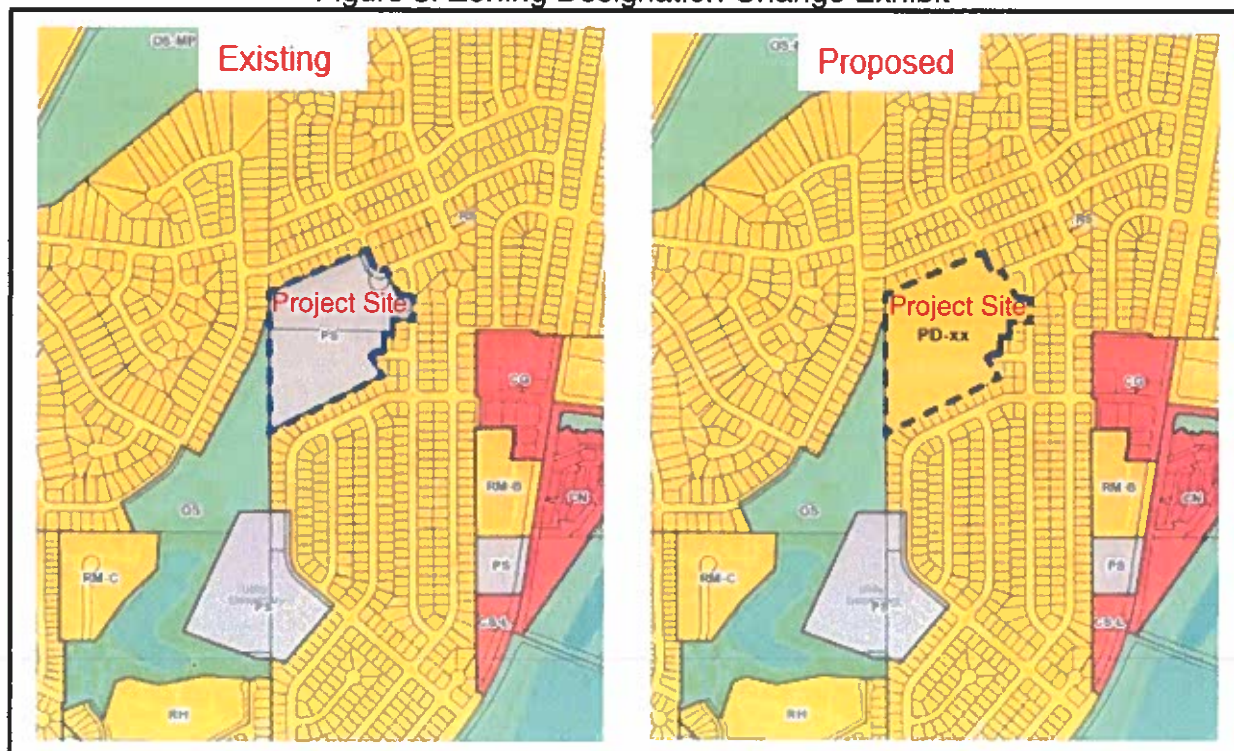
Figure 2: Land Use Designation Change Exhibit



Zone Amendment (ZA22-00003) represents a request to change the existing zoning designation from Public/Semipublic (PS) to Planned Development (PD), which would establish the proposed Pacifica Planned Development Plan as the operative zoning for the project site. In accordance with Article 17 of the Zoning Ordinance, the PD plan allows for residential densities and housing types that conform to the proposed General Plan designation (i.e. MDB-R). While the proposed PD zoning designation for the project site denotes a site-specific PD Plan that allows for deviation from development standards for standard residential zoning districts, the housing type (multiple unit structures) and density proposed (12.8 du/acre) are consistent with the standard zoning designation

associated with the MDB-R General Plan designation (i.e. RM-B). The project site's existing and proposed zoning are depicted in the figure below.

Figure 3: Zoning Designation Change Exhibit



Tentative Map (T22-00005) represents a request to merge the existing two legal parcels (comprised of three separate accessor parcel numbers) into a single parcel in order to allow the development of 164 residential townhomes. A condominium map is proposed to allow individual ownership of the units and an undivided interest in the common areas, which will be managed by a homeowner's association.

Development Plan (D22-00013) represents a request to construct 164 townhomes with associated improvements including common recreation areas, enhanced landscaping, private streets, a public park, and a sewer lift station. The proposed project includes a Planned Development (PD) Plan, which would serve as the regulatory document for development at the project site. Pursuant to Article 17 of the Zoning Ordinance (Planned Development District), the re-designation of property as a Planned Development District and the establishment of a PD Plan require approval of a Development Plan. The PD Plan prepared for this project (Pacifica Planned Development Plan) has been included as Attachment 4 to this staff report.

Site Plan: The project has been designed to utilize approximately 10 acres of flat disturbed area for the project footprint while keeping the surrounding slopes, which range from 10 to 30 feet in height, intact as a landscape buffer. As shown in Figure 4 below, the project site has extensive perimeter landscaping. In addition to the existing vegetation present on the slopes surrounding the project site, the project would incorporate additional trees

and landscaping in these areas to visually buffer site development from adjacent properties. Plant palettes would include native and climate-appropriate species. Of the 37 existing trees on-site, 16 would be removed while the remaining trees would be preserved in place. There would be 248 new trees planted onsite resulting in a tree canopy of approximately 19%. A 50' biological buffer and 50' planning buffer would be established at the southwest portion of the site adjacent to the existing open space area. A stormwater basin is proposed at the southwestern portion of the site and would capture and treat stormwater runoff associated with the development. Existing landscape and vegetation along the slopes would be supplemented with new native trees including Sycamore and Coast Live Oak Trees.

Figure 4: Site Plan



The project entrance is located at the intersection of Monica Circle and Macario Drive. The street frontage at this intersection would be enhanced with decorative paving, landscaping, entryway sign and a publicly accessible pocket park. The townhomes, which are divided into 25 separate buildings, would be oriented towards internal streets

and walkways. Sidewalks are proposed throughout the project, providing direct access to each unit and on-site amenities. Common amenity areas, including a barbeque area, bocce ball court, fire pits, lawns, off-leash dog park, and pickle ball courts, are dispersed throughout the project site. In total, approximately 59,460 square feet of common open space is proposed.

The three-story townhomes would have a maximum height of 38 feet and be configured in four different building types (three-plex, six-plex, and two types of eight-plex). The units would range in size from 1,210 square feet to 1,791 square feet. Table 1 provides a summary of the different floorplans provided in the project. Each unit would have a two-car garage and private open space in the form of a balcony and/or patio.

Table 1: Floorplan Summary

Plan Types	Square Footage	Number of Units	Percentage of Total Units	Floor Plan Type	Private Open Space (square feet)	Garage Spaces ¹
1	1,210	14	9	2 bed/2.5 bath	83	2
2	1,497	76	46	3 bed/2.5 bath	107	2
3	1,791	74	45	4 bed/4 bath	220	2
Totals		164	100	N/A	N/A	N/A

Notes: N/A = not applicable.
¹ An additional 61 spaces (uncovered) would be provided for guest parking.

As part of the proposed project, a new public sewer lift station would be constructed at the western portion of the project site. The existing public sewer lift station located at the project entrance would be decommissioned once existing flows are rerouted to the new lift station.

Retaining walls are proposed at the toe of the existing slopes surrounding the project site to allow for the building pads, parking, and road network. Wall height has been minimized where feasible, and walls exceeding 4-feet would be screened from public view by landscaping.

Vehicle Circulation and Parking: Primary access to the site would utilize a new driveway at the corner of Monica Circle and Macario Drive. Secondary access for emergency vehicles would be provided at the eastern boundary of the project site off of Malaga Drive. Internal vehicular circulation would be provided throughout the project site via private streets and driveways. The residential buildings would be connected by a private loop road within the project site with two internal drive aisles that connect the northern and southern portions of the loop road. The internal street network has been designed to accommodate fire trucks and other service vehicles. The internal drive aisles provide 28-foot minimum widths and there are designated truck turnarounds throughout the project site. Each unit has a two-car garage and guest parking spaces, totaling 61 spaces, are distributed throughout the project site. The proposed project would provide a total of 389 parking spaces, 27 more spaces than required by the Zoning Ordinance.

Architecture: The proposed architecture is a Spanish Eclectic style that includes simple massing with a combination of hipped and gabled roof forms. As illustrated in Figure 5, the townhomes would be accentuated with stylist features such as stucco columns, clay tile roofs, window trim, wrought iron, and shutters. The townhomes would feature conspicuous, recessed entries fronting on paseos or landscaped front yard areas. As indicated in the description and justification, four color schemes are proposed to create variation among the buildings.

Figure 5: Architecture



ANALYSIS

The proposed project has been reviewed for compliance with the General Plan, Zoning Ordinance, and the California Environmental Quality Act (CEQA).

1. General Plan Conformance

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

A. Land Use Element

Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character, and image of Oceanside as a safe, attractive, desirable, and well-balanced community.

1.1 Community Values

Objective: To ensure the enhancement of long-term community and neighborhood values through effective land use planning.

Policy A: Land uses shall be attractively planned and benefit the community.

Policy B: Land uses shall not significant distract from nor negatively impact surrounding conforming land uses.

The proposed project is attractively planned and thus would not distract from nor negatively impact surrounding land uses. The site design and architecture would result in high-quality development of appropriate scale that would be adequately separated from adjacent single-family homes by the existing vegetated slopes. Due to the project site's lower elevation, the existing single-family homes surrounding the project site are elevated approximately 30 feet above the developable area and will therefore not experience an adverse massing impact from the proposed three-story buildings.

1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

Policy A: Adequate setbacks, buffering, and/or innovative site design shall be required.

Policy B: The use of land shall not create negative visual impacts to surrounding land uses.

With high-quality architecture and abundant landscaping along the project perimeter, the proposed project is attractively designed and thus would not distract from nor negatively impact surrounding land uses.

Policy C: The use of land shall not subject people to potential sources of objectionable noise, light, odors, and other emissions or to exposure to toxic, radioactive or other dangerous materials.

The proposed project would not subject surrounding properties to objectionable noise, light, odors, or other emissions. Outdoor activities associated with active-use recreational areas would be substantially buffered by open space and landscaping. As demonstrated by the noise analysis associated with the Environmental Impact Report for the proposed project, noise generated by the project would not exceed the thresholds established by the City's Noise Ordinance.

1.16 Housing

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

Policy C: The City shall ensure that housing is developed in areas with adequate access to employment opportunities, community facilities, and public services.

Policy 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

The proposed project, which includes 164 attached townhomes, would provide decent, safe, and sanitary housing that would serve as an alternative to single-family detached homes (which is the prevalent housing type in the surrounding neighborhoods). The project site consists of an infill location in an urbanized area with adequate access to employment opportunities, community facilities, and public services. The proposed project, consisting of attached townhomes of varying bedroom counts, provides another source of housing for current and future Oceanside residents.

The proposed project would pay an affordable housing in-lieu fee to help fund the construction of additional housing units in the affordable income categories.

1.21 Common Open Space

Objective: To provide and maintain common open areas for a wide range of uses.

Policy A: Common open space must be accessible and usable by potential uses of the common open space.

The proposed project includes approximately 59,460 square feet of usable common open space. These areas are designed to be accessible to all residents and includes a variety of amenities such as barbecues, bocce ball courts, dog park, lawn areas, pickleball courts, playgrounds, and walkways. A central paseo connects the amenity areas and sidewalks are provided along all private streets to encourage pedestrian activity.

1.22 Landscaping

Objective: The enhancement of community and neighborhood identity through landscaping requirements

Policy A: Existing mature trees shall be retained wherever possible.

Policy B: Mature trees removed for development shall be mitigated by replacement with an appropriate type, size, and number of trees.

Policy E: The City shall encourage the inclusion of green belts and common open space for pedestrian use in residential developments.

Policy F: A buffer of landscaping shall be required between the build environment and lands left in a natural or open state.

Of the 37 existing trees onsite, 21 would be preserved in place and 248 new trees would

be planted throughout the project site. This results in a net addition of 232 trees on the project site. Additionally, the proposed project provides enhanced landscaping along the project perimeter and slopes surrounding the project site. A 50' biological buffer and 50' planning buffer would be established adjacent to the open space located at the southwest corner of the site and the existing landscape and vegetation along the slopes would be supplemented with new trees and shrubs, including native trees such as Sycamore and Coast Live Oak.

B. Economic Development Element

Goal EDE-3a: The City will identify and address the long-term fiscal impacts of any proposed re-designations of property.

Policy EDE-3a-1: Require that proposals to change land use and zoning designations be accompanied by robust fiscal impact assessment in order to ensure an informed decision-making process.

As depicted in Figure 6, the Fiscal Impact Analysis found the net fiscal impact of the proposed project is an annual surplus to the City's general fund, while the former elementary school (which is allowed under existing land use and zoning regulations) produced an annual deficit to the City's general fund. The Fiscal Impact Analysis (Attachment 5) prepared for the project revealed that the annual recurring surplus to the City's general fund at project buildout would be \$57,114. The total annual recurring revenues to the City's general fund are estimated to be \$481,749 and the total annual recurring expenses to the City's general fund are estimated to be \$424,635.

Figure 6: Fiscal Impact Comparison

Proposed Residential Project	
General Fund Revenues	\$481,749
General Fund Expenses	424,635
General Fund Surplus/(Deficit)	<u>\$57,114</u>
Current Zoning - Public Elementary School	
General Fund Revenues	\$9,590
General Fund Expenses	15,047
General Fund Surplus/(Deficit)	<u>(\$5,457)</u>
General Fund Benefit of Proposed vs. School	<u>\$62,571</u>

C. Energy and Climate Action Element

Goal ECAE-1a: The Oceanside community will significantly reduce its dependence on fossil fuels.

Policy ECAE-1a-2: Require that new development supply a portion of its energy demand through renewable sources, to the extent practical and financially feasible.

The project includes installation of solar photovoltaic panels on the rooftops of the buildings. The solar panels are sized to provide 100% percent of the annual forecasted electricity demand. Additionally, the new homes would be designed to include energy-saving features such as high-efficiency windows and appliances. There is no natural gas proposed for the project site as all appliances would be electric.

Goal ECAE-5a: By 2035, the City will expand its tree canopy to at least 25% coverage citywide.

Policy ECAE-5a-7: Encourage new development to incorporate shade trees, to the extent practical and financially feasible.

By providing tree canopy coverage of approximately 19%, the project exceeds the City's Urban Forestry Program's requirements for minimum tree canopy by 7%. The project has been designed to supplement the existing vegetation with native trees such as Sycamore and Coast Live Oak.

D. Housing Element

Goal 2: Encourage the development of a variety of housing opportunities.

Policy 2.1: Designate land for a variety of residential densities sufficient to meet the housing needs for a variety of household sizes and income level.

The project is consistent with the Housing Element in that it satisfies the goal of encouraging the development of new for-sale housing in Oceanside. The proposed project would provide a variety of for-sale units (ranging from two to four bedrooms) to meet the housing needs of Oceanside residents. The project, which proposes to re-designate the project site to allow for a residential density of 12.8 dwelling units per acre, is consistent with the Housing Element because it would allow for the provision of new housing opportunities on a site that currently does not allow residential development.

2. Zoning Ordinance Compliance

The project site is currently zoned Public/Semipublic (PS). Since a residential housing development is not a permitted use in the PS zone, a Zone Amendment is required to change the zoning designation to allow for residential development. As previously mentioned, the project includes a request to change the existing zoning designation from PS to Planned Development (PD). A PD Plan has been prepared pursuant to Article 17 of the Zoning Ordinance and meets the following development regulations established for PD districts:

- **Minimum Area.** As described in Section 1703 of the Zoning Ordinance, the minimum net area of a PD district shall be 4 acres. The proposed project has a net area of 12.82 acres (*this acreage excludes perimeter slopes that are considered undevelopable land*).
- **Residential Unit Density.** Residential unit types included in a PD district shall conform to the applicable residential unit types for the corresponding General Plan land use designation and the total number of dwelling units in a PD Plan shall not exceed the maximum number permitted by the General Plan. The proposed project includes a General Plan Amendment to change the land use designation to Medium Density Residential-B (MDB-R). The project includes 164 attached townhomes, which have a residential unit type as Multiple Unit Structures. Multiple Unit Structures are allowed under the MDB-R land use designation. The proposed density of the project is 12.8 dwelling units/acre. The MDB-R land use designation has a density range of 10.0 to 15.0 dwelling units/acre. Therefore, the project does not exceed the maximum density permitted by the General Plan.

In accordance with Section 1706 of the Zoning Ordinance, the Planning Commission shall consider an application for reclassification to a PD District at the same time as reviewing the accompanying Development Plan. The proposed PD Plan and Development Plan meet the required findings for approval by providing a development that: 1) complies with the General Plan; 2) provides superior urban design; 3) provides justification for deviations from base district regulations; and 4) includes adequate provisions for utilities, servicers, and emergency vehicle access.

Land use and development on the project site would be governed by the Pacifica Planned Development Plan (PDP). The PDP is included as Attachment 4 to the staff report. The following table compares the proposed PDP development standards to the base zoning standards which would correlate to the underlying zoning associated with the proposed MDR-B land use designation. As the following table demonstrates, the project complies with or exceeds most development standards for the RM-B Zoning District.

Table 2: Development Regulations Compliance Summary

Use	RM-B	Pacifica Planned Development Plan	Additional Standards/Notes
Density			
Min. Site Area/Unit (SF)	3600	3,863	
Max. Site Area/Unit (SF)	2500		
Min. Density (du/ac)	10.0	12.8	Excludes slopes
Max. Density (du/ac)	15.0		
Min. Lot Area (SF)	7,500	633,624 SF	
Min. Lot Width (Ft)	60	470	
Minimum Building Setbacks			

Use	RM-B	Pacifica Planned Development Plan	Additional Standards/Notes
Front Yard (Ft)	20 (Patio Enclosures: 10)	15 to Bldg, 12 to patio	Monica Cir./ Macario Dr.
Side Yard (Ft)	5 min./10 avg.	74	
Rear Yard (Ft)	15	69	
Courts (Ft) -	Minimum depth shall be one-half the height of the opposite wall but not less than 18 feet opposite a living room and 12 feet opposite a required window for any other habitable room.	20	Measured building front to building front (front defined as the longest side of building)
Private Drive Aisle (Alley)	0	3	Measured from face of garage door to alley
Other Standards			
Max Building Height	36	38± and three stories	Whichever is less; measured from the finished grade
Maximum Coverage	60%	22.1%	
Max. Fence and Wall Height (including Retaining walls)	6' maximum (3.5' maximum in front yard)	13	
Parking			
Garage	2 spaces per unit (including 1 covered) = 328	2 garage spaces per unit; side-by-side or tandem configuration = 328	
Guest	1 space + 20% total number of units = 34	61	Exceeds City code by 27 spaces
Vehicular Access Lane width	24' (28' for fire lane)	24' (28' for fire lane)	
Usable Open Space			
Basic Requirement	300 SF/unit = 49,200 SF	508 SF/unit = 83,410 SF	Includes private and common open space
Private Usable Open Space minimum dimension for patios and balconies	5'	5'	

Use	RM-B	Pacifica Planned Development Plan	Additional Standards/Notes
Common usable open space	Minimum of fifty percent (50%) of the total usable open space	59,460 SF (71% of total)	

The project was also reviewed for compliance with the City's Climate Action Plan (CAP) Zoning Ordinances, including renewable energy facilities, electric vehicle charging and urban forestry program. The project as proposed meets or exceeds all CAP requirements.

Table 3: Climate Action Plan Compliance

Development Standard	Required	Proposed
Renewable Energy	Install renewable energy facilities to supply a minimum of 50% of forecasted energy demand	Photovoltaic will be installed on rooftops of buildings to provide 100% of forecasted energy demand
Electric Vehicle Charging	<ul style="list-style-type: none"> - (1) 240-volt/16 ampere electrical outlet per garage - (2) Common parking spaces assigned and installed with EV charges - (2) Additional common parking spaces assign EV with conduit ready 	<ul style="list-style-type: none"> - (1) 240-volt/16 ampere electrical outlet per garage - (2) Common parking spaces assigned and installed with EV charges - (2) Additional common parking spaces assign EV with conduit ready
Permeable Surface Area	22%	52.4%
Tree Canopy	12%	18.9%

Article 43 of the City's Zoning Ordinance establishes specific findings which must be made in order for the City to approve a Development Plan. The required findings pursuant to Article 43, Section 4305 are provided in the Planning Commission Resolution No. 2023-23 (Attachment 1).

Compliance with Surplus Land Act

OUSD determined the property is exempt surplus land as defined in Government Code section 54221(f)(1)(I). Exempt surplus land is not subject to the Surplus Land Act per Government Code section 54222.3. The California Department of Housing and Community Development (HCD) accepted the school district's determination that the property is exempt surplus land and therefore there is no mandate to provide onsite affordable housing pursuant to the Surplus Land Act. Correspondence regarding this determination is provided as Attachment 6 to this staff report.

4. California Environmental Quality Act Conformance

Staff reviewed the proposed project pursuant to Section 15060 of the California Environmental Quality Act (CEQA) Guidelines. Based on staff's review, it was determined an Environmental Impact Report (EIR) would be required for the project because impacts associated with air quality, biological resources, cultural resources, geology and soils, transportation, and tribal cultural resources were identified as significant.

ENVIRONMENTAL DETERMINATION

In accordance with CEQA, an EIR has been prepared for the project due to significant impacts to air quality, biological resources, cultural resources, geology and soils, transportation, and tribal cultural resources. As described in the Draft EIR (DEIR), implementation of mitigation measures would reduce impacts to a less-than-significant level for all identified environmental topic areas.

The DEIR was circulated for a 45-day public review beginning on July 19, 2023 and ending on September 1, 2023. During the public review period the City received four public comment letters (including the California Department of Fish and Wildlife, California Department of Transportation, San Diego County Archaeological Society, and United States Marine Corps Camp Pendleton). In response to a comment received during the public review period, minor revisions were made to the text of the Final EIR (FEIR). The revisions do not constitute "significant new information" as set forth in CEQA Guidelines Section 15088.5 and recirculation of the EIR is not required.

The FEIR, including the Mitigation Monitoring and Reporting Program, findings of fact, and responses to public comments, are available on the City's website at:

<https://www.ci.oceanside.ca.us/government/development-services/planning/ceqa/pacifica-development-project-eir>

PUBLIC NOTIFICATION

In accordance with City Council Policy 300-14 "Enhanced Notification Program", a Notice of Application" sign was posted at each project street frontage (Figure 7). One sign was posted at the intersection of Monica Circle and Macario Drive and the other sign was posted along Malaga Drive. The signs were posted on August 23, 2022 and have been maintained on site. The City also mailed a "Notice of Application" letter to the property owners within a 1,500-foot radius and tenants within a 100-foot radius of the property boundary.

Figure 7: Notice of Application Signage



Additionally, the applicant held two community outreach meetings to solicit input from the public. The first meeting was held on August 10, 2023 at the El Corazon Senior Center. There were eight people, including City staff, in attendance at this meeting. A second meeting was held on September 21, 2023 at Libby Lake Elementary School. Five people attended this meeting. A detailed summary of the comments received during the community outreach meetings is provided in the Community Outreach Report (Attachment 7).

Legal notice was published in the newspaper 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.

It should be noted that the applicant has complied with all the requirements of the City's Enhanced Notification Policy.

SUMMARY

Staff finds that the General Plan Amendment, Zone Amendment, Tentative Map, and Development Plan are consistent with the requirements of the General Plan and Zoning Ordinance.

Therefore, staff recommends that the Planning Commission by motion:

- 1) Adopt Planning Commission Resolution No. 2023-P23 recommending City Council certification of an Environmental Impact Report (SCH No.2022110021) and approval of General Plan Amendment (GPA22-00001), Zone Amendment (ZA22-00003), Tentative Map (T22-00005) and Development Plan (D22-00013) to change the General Plan and zoning designation of a 14.55-acre site to allow for the development of a 164-unit residential development.

PREPARED BY:



Shannon Vitale
Senior Planner

SUBMITTED BY:



Sergio Madera
City Planner

Attachments:

1. Planning Commission Resolution No. 2023-P23
2. Project Plans (Online)
3. Project Renderings (Online)
4. Pacifica Planned Development (PD) Plan (Online)
5. Fiscal Impact Analysis (Online)
6. Surplus Land Act Determination Correspondence (Online)
7. Community Outreach Report (Online)
8. Other Attachments (Online)
 - a. Application Page
 - b. Description and Justification
 - c. Legal Description
9. Final Environmental Impact Report (Including Mitigation Monitoring and Reporting Program, Technical Appendices, and Response to Comments online at <https://www.ci.oceanside.ca.us/government/development-services/planning/ceqa/pacifica-development-project-eir>)

PLANNING COMMISSION
RESOLUTION NO. 2023-P23

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING CITY COUNCIL CERTIFICATION OF AN ENVIRONMENTAL IMPACT REPORT AND APPROVAL OF A GENERAL PLAN AMENDMENT, ZONE AMENDMENT, TENTATIVE MAP, AND DEVELOPMENT PLAN, ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO:	GPA22-00001, ZA22-00003, T22-00005, D22-00013
APPLICANT:	MLC HOLDINGS, INC.
LOCATION:	4991 MACARIO DRIVE (APNs 122-190-19, 122-190-22, AND 157-070-42)

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a General Plan Amendment, Zone Amendment, Tentative Map, and Development Plan, under the provisions of Articles 17, 30, 31, 40, 43, and 45 of the Zoning Ordinance of the City of Oceanside and Article IV of the Subdivision Ordinance of the City of Oceanside to permit the following:

a change in the existing General Plan land use and zoning designations to allow for the construction of a planned residential development community comprised of 164 townhomes and associated amenities and site improvements;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 23rd day of October, 2023 conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; an Environmental Impact Report (EIR) was prepared and circulated for this project;

WHEREAS, the documents or other material which constitute the record of proceedings upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

Description	Authority for Imposition
Public Facility (Residential)	Ord. No. 91-09 Reso. No. 15-R0638-1
Parks (Residential only)	Ord. No. 91-09 Reso. No. 15-R0638-1
School District Fee (Residential)	Ord. No. 91-34 OUSD Res. 13(12-13) CUSD Res. 21-1314
Traffic Signal & Thoroughfare (Multi-Family Residential)	Reso. No. 16-R0324-1 Reso. No. 12-R0626-1
Drainage and Flood Control Fee	Ord. No. 85-23 Reso. No. 16-R0638-1
Wastewater System Capacity Buy-in Fee (Non-Residential and Multi-Family Residential)	Reso. No. 87-97 Ord. No. 15-OR0479-1 City Code 37.7.37
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)	SDWA Ord. 2017
Inclusionary Housing Administration Fee	Chapter 14C.9 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, 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

1 calculations subject to applicable law including Government Code Section 65589.5 (o);
2 and

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

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

10 WHEREAS, the documents or other material which constitute the record of
11 proceedings upon which the decision is based will be maintained by the City of Oceanside
12 Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

15 FINDINGS

16 For the General Plan Amendment (GPA22-00001):

17 To change the existing land use designations of the project site to allow for medium density
18 residential land uses:

- 19 1. The re-designation of the project site from Civic Institution (CI) to Medium Density
20 B Residential (MDB-R) will provide for a land use consistent with housing policies
21 contained in the adopted General Plan. The proposed land use will be sensitive to
22 and compatible with the adjoining residential neighborhoods. The site design and
23 architecture would result in high-quality development of appropriate scale that
24 would be adequately buffered from adjacent single-family homes by the existing
25 vegetated slopes. Due to the project site's lower elevation, the existing single-family
26 homes surrounding the project site are elevated approximately 30 feet above the
27 developable area and will therefore not experience an adverse massing impact from
28 the proposed three-story buildings. The proposed designation of MDB-R is
29

consistent with development in the vicinity of the project site which includes MDB-R approximately 0.10 miles from the project site.

For the Zone Amendment (ZA22-00003):

To re-designate the project site as a Planned Development (PD) District subject to the land use and development standards of the Pacifica Planned Development Plan:

1. The proposed change in zoning is consistent with the General Plan Land Use Element, as the proposed zoning is consistent with the MDB-R land use designation. At a proposed density of 12.8 dwelling units per acre, development of the site is within the density range allowed for MDB-R, which allows a density range of 10.0 to 15.0 dwelling units per acre. The total number of dwelling units in the PD Plan does not exceed the maximum number permitted for the total area of the PD Plan parcel. The land use and development standards articulated in the Planned Development Plan ensure that development and land use on the project site will both enhance the visual quality of, and be compatible with, the surrounding area.

For the Tentative Map (T22-00005):

1. The proposed Tentative Map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City. The proposed density of 12.8 dwelling units per acre is within the density range allowed for the MDB-R land use designation.
2. The site is physically suitable for the type of development in that the site includes approximately 10 acres of relatively flat disturbed land that is not significantly constrained by topography, geological or hydrological hazards, protected habitat or other limiting features. The building footprint will not impact the vegetated slopes surrounding the perimeter of the project site and these areas will be enhanced with additional landscaping and native trees.
3. The site is physically suitable for the proposed density of development as the site is located within an urbanized area and surrounded by residential uses. The site is served by existing public services, utilities, and public facilities.
4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially injure fish or wildlife or their

1 habitat. The subject property is located in an urbanized area that was previously
2 developed as an elementary school. The project's building footprint occurs on
3 approximately 10 acres of disturbed land thereby allowing the vegetated slopes
4 along the perimeter of the site to remain undeveloped. Additionally, a 100' buffer
5 (50' biological buffer and 50' planning buffer) would be established at the southwest
6 portion of the site.

- 7 5. The design of the subdivision or the type of improvements meet City standards and
8 will not conflict with easements, acquired by the public at large, for access through
9 or the use of property within the proposed subdivision. Easements on the property
10 will be improved and maintained in a manner consistent with City standards.
- 11 6. The subdivision complies with all other applicable ordinances, regulations and
12 guidelines of the City of Oceanside. The proposed tentative map exhibit accords
13 with the form and content requirements of the City's Subdivision Ordinance (Section
14 401).

15 For the Development Plan (D22-00013):

- 16 1. The site plan and physical design of the project as proposed is consistent with the
17 purposes of the Zoning Ordinance. The siting and architecture of the proposed
18 housing would avoid potential adverse visual impacts on adjacent properties with
19 high-quality architecture, adequate setbacks, abundant landscape, and context-
20 appropriate walls and fencing. Ample on-site parking resources would avoid
21 spillover parking impacts.
- 22 2. The Development Plan and Planned Development as proposed conforms to the
23 General Plan of the City, in that the proposed residential unit types (multiple unit
24 structures) are consistent with the associated General Plan land use designation of
25 MDR-B.
- 26 3. The area covered by the Development Plan can be adequately, reasonably, and
27 conveniently served by existing and planned public services, utilities, and public
28 facilities. The project site is located within an urbanized area served by existing
29 public services, utilities, and public facilities. Environmental analysis has

determined that the project would have no significant impacts on these services and facilities.

4. The project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood. The project achieves an overall density (12.8 dwelling units per acre) similar to other residential development in the immediate area. The project includes significant improvements to existing public streets in the vicinity and provides a private street network with efficient linkages to these public streets.
5. The PD Plan and the Development Plan are consistent with the adopted Land Use Element of the General Plan and other applicable policies and are compatible with surrounding development, in that the PD Plan and the Development Plan provide housing opportunities within an organized and attractive neighborhood.
6. The PD Plan and the Development Plan will enhance the potential for superior urban design in comparison with development under the base district regulations that would apply if they were not approved, in that the PD Plan and Development Plan provide a consolidated site plan for a property with unique shape and constraints that might otherwise be developed to the detriment of surrounding neighborhoods.
7. Deviations from the base district regulations that otherwise would apply are justified by compensating benefits of the PD Plan and the Development Plan, including high-quality architecture, extensive open space, and well-appointed common recreation facilities.
8. The PD Plan and the Development Plan includes adequate provisions for utilities, services, and emergency vehicle access; and public service demands will not exceed the capacity of existing and planned systems.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission of the City of Oceanside does hereby recommend City Council approval of General Plan Amendment (GPA22-00001), Zone Amendment (ZA22-00003), Tentative Map (T22-00005), and Development Plan (D22-00013) subject to the following conditions:

Building:

1. Beginning on January 1, 2020, Oceanside Development Services (ODS) is required by State law to enforce the 2019 Edition of California Building Standards Codes (a.k.a., Title 24 of the California Codes of Regulations).

Every three years, the State adopts new model codes (known collectively as the California Building Standards Code) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems. Sections 17922, 17958 and 18941.5 of the California Health and Safety Code require that the latest edition of the California Building Standards code and Uniform Housing Code apply to local construction 180 days after publication.

There are 12 parts to Title 24 and the applicable parts for most Building Division permit applications are listed below.

- Part 2: The 2019 California Building Code (CBC).
- Part 2.5: The 2019 California Residential Code (CRC).
- Part 3: The 2019 California Electrical Code (CEC).
- Part 4: The 2019 California Mechanical Code (CMC).
- Part 5: The 2019 California Plumbing Code (CPC).
- Part 6: The 2019 California Energy Code
- Part 9: The 2019 California Fire Code (CFC)
- Part 11: The 2019 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.

All architects, engineers, designers, developers, owners and contractors MUST be familiar with the codes in effect at the time of plan submittal. ODS, as required by State law, CANNOT approve projects that do not comply with the codes in effect at the time of plan submittal.

2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
4. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. A complete set of Soil Reports, Structural Calculations, Energy Calculations, & California Title 24 Energy Form(s) shall be required at time of plans submittal to the Building Division for plan check.
6. A form or foundation survey shall be required prior to the placement of concrete to show the location of the new structure in respect to the property lines, known easements, and known setback lines. By obtaining a form survey the location of the foundation is checked prior to the placement of concrete, and can save costly corrective measures in case of an encroachment of a property line.
7. Construction waste management. Recycle and/or salvage for reuse a minimum of 65% of the nonhazardous construction and demolition waste in accordance with either CAL Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste Management Company or 4.408.4 Waste Stream Reduction Alternative.
8. The City of Oceanside has adopted the latest version of California's Green Building Standards Code (CALGreen) and requires waste diversion of C&D materials from new construction, commercial renovation, and most residential additions/alterations. To comply with the City of Oceanside's requirements, you must submit a Waste Management Plan before permits are issued and construction begins. Demonstrate how your project will fulfill the CALGreen waste diversion requirement. Include an estimate of the amount of waste produced during construction and demolition, the actual amount of waste produced, and the ways the different materials will be diverted.

9. After construction is completed and during the final inspection, you will be required to sign an affidavit stating that your project met the C&D diversion requirement in your Waste Management Plan. By diverting C&D materials, you are reusing resources, helping the City of Oceanside reach its city-wide waste diversion goal of 75-90% by 2020, and potentially saving money on your project.
10. Electric Vehicle Charging for New Construction. For one- and two-family dwellings, install electric vehicle charging wiring and panels per the requirements found in CGC 4.106.4.
11. Water conserving plumbing fixtures. Plumbing fixtures (water closets and urinals) shall comply with the following:
- a) The effective flush volume of all water closets shall not exceed 1.28 gal/flush (CGC 403.1.1).
 - b) The effective flush volume of wall-mounted urinals shall not exceed 0.125 gal/flush. The effective flush volume for all other urinals shall not exceed 0.5 gal/flush (CGC 403.1.2).
12. Rodent Proofing. Annular spaces around pipes, electric cables, conduits or other openings in sole/bottom plates at exterior walls shall be rodent proofed by closing such openings with cement mortar, concrete masonry, or similar methods acceptable to the enforcing agency per CGC 4.406.1.
13. Duct and mechanical systems protection. At the time of rough installation, during storage on the construction site and until final startup of the heating, cooling and ventilating equipment, all duct and other related air distribution components openings shall be covered with tape, plastic, sheet metals, or other methods acceptable to the enforcing agency to reduce the amount of water, dust or debris, which may enter the system per CGC 4.504.1.
14. Concrete slab foundations. A capillary break shall be installed if a slab on grade foundation system is used. The use of a 4" thick base of ½" or larger clean aggregate

under a 6 mil vapor retarder with joint lapped not less than 6" will be provided per CGC 4.505.2 and CRC R506.2.3.

15. Bathroom exhaust fans. ENERGY STAR compliant exhaust fans shall be provided in every bathroom per CGC 4.506.1. Fans shall be ducted to the outside and must be controlled by a humidity control, unless functioning as part of a whole house ventilation system.

16. Quality insulation installation (QII) for all single-family buildings in all climate zones. HERS verification required. § 150.1(c)1E.

17. New prescriptive options for heat pump water heaters for newly constructed buildings, additions, and alterations. § 150.1(c)8, § 150.2(a)1D, § 150.2(b)1H 2019 ENERGY CODE.

18. Guest Parking must meet Disabled Access requirements.

19. Outdoor Lighting for the streets or community areas will need to meet the City of Oceanside Lighting Ordinance.

20. Each Unit will have separate Utility meters.

21. Slopes adjacent to the Buildings must meet the 2019 California Building Code distance based on the Height of the slope per section 1808.7.1

22. Each Unit will be required to have Fire Sprinklers.

23. The walls between each unit will require Fire Resistive construction Per Residential Code.

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

Sec. 6.25. - Construction hour limitations.

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

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

(2) All day on Sunday; and

1 (3) On any federal holiday.

2 (b) *Exceptions.*

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

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

11 a. Emergency work.

12 b. Adverse weather conditions.

13 **Engineering:**

14 25. Prior to the demolition of any existing structure or surface improvements on site,
15 a grading plan application shall be submitted to the Engineering Division and
16 erosion control plans shall be approved by the City Engineer. No demolition shall
17 be permitted without an approved erosion control plan.

18 26. Design and construction of all improvements shall be in accordance with the City
19 of Oceanside's Engineers Design and Processing Manual, City Ordinances,
20 standard engineering and specifications of the City of Oceanside, and subject to
21 approval by the City Engineer.

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

26 28. Owner/developer shall provide an updated Title Report dated within 6 months of
27 the grading plan application submittal.

28 29. The approval of the tentative map shall not mean that closure, vacation, or
29 abandonment of any public street, right of way, easement, or facility is granted or

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

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

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

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

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

21 34. Prior to approval of the map, provide the City of Oceanside with certification from
22 each public utility and each public entity owning easements within the proposed
23 project stating that: (a) they have received from the owner/developer a copy of the
24 proposed map; (b) they object or do not object to the filing of the map without
25 their signature.

26 35. The project's final map shall be recorded as one, and development may occur in
27 phases. A construction-phasing plan for the construction of onsite and offsite
28 public and private improvements shall be reviewed and approved by the
29 Engineering Division, Water Utilities Department, and Fire Department prior to

1 the issuance of a grading permit. All improvements shall be under construction to
2 the satisfaction of the City Engineer prior to the issuance of any building permits.
3 All improvements shall be completed prior to issuance of any Certificate of
4 Occupancy permit.

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

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

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

21 39. Proposed public improvements located within the City's ROW or onsite shall be
22 displayed on separate public improvement plans in accordance with the City's
23 Engineer's Design and Processing Manual.

24 40. Any existing public or private improvements that are being joined to and that are
25 already damaged or damaged during construction of the project, shall be repaired
26 or replaced as necessary by the developer to provide a competent and stable
27 connection, and to the City's satisfaction.

28 41. An Encroachment Removal Agreement (ERA) application shall be submitted to
29 the City for proposed private improvements located within the City's ROW along

Monica Circle, Macario Drive, and Malaga Drive, or over any City easement. The ERA shall be submitted for review prior to the issuance of a grading permit and recorded at the County prior to improvement plan As-Builts.

42. Monica Circle, Macario Drive, Roja Drive, and Malaga Drive shall be constructed with new curb and gutter and sidewalk. Sidewalk improvements (construct/replace) shall comply with current ADA requirements.

43. An ADA-compliant pedestrian ramp shall be constructed at the south corner of the Macario Drive/Roja Drive intersection.

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

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

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

47. A pavement evaluation report shall be submitted for offsite street and/or alley pavements with the grading plan application. The owner/developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street width along the project's Monica Circle, Macario Drive and Roja Drive frontages, and full-width along Malaga Drive. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer prior to the issuance of a grading permit. In the absence of an approved boring plan, the field

1 investigation shall include a minimum of one pavement boring per every one
2 hundred (100) linear feet of street frontage.

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

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

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

19 50. The approval of the development plan shall not mean that proposed grading or
20 improvements on adjacent properties (including any City properties/right-of-way
21 or easements) is granted or guaranteed to the owner/developer. The
22 owner/developer is responsible for obtaining written permission to grade or
23 construct on adjacent properties prior to the issuance of a grading permit. Should
24 such permission be denied, the development plan shall be subject to going back to
25 public hearing or subject to a substantial conformity review.

26 51. Where proposed off-site improvements, including but not limited to slopes, public
27 utility facilities, and drainage facilities, are to be constructed, owner/developer
28 shall, at his own expense, obtain all necessary easements or other interests in real
29 property and shall dedicate the same to the City of Oceanside as required.

Owner/developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the issuance of any grading, building or improvement permit for this development/project. Additionally, the City of Oceanside, may at its sole discretion, require that the owner/developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the owner/ developer, as applicable.

52. Use of adjacent properties for construction without permission is prohibited. Developer is required to obtain written permission from adjacent property owners allowing access onto their site. There shall be no trespassing, grading, or construction of any kind on adjacent properties without permission. "Failure to comply will result in the revocation of the grading permit." This written permission shall be provided to the City prior to the issuance of a grading permit.

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

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

55. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as part of this development is free of hazardous and/or contaminated

1 material as defined by the City and the County of San Diego Department of
2 Environmental Health. Exported or imported soils shall be properly screened,
3 tested, and documented regarding hazardous contamination.

4 56. Owner/developer shall place a covenant on the non-title sheet of the grading plan
5 agreeing to the following: "The present or future owner/developer shall indemnify
6 and save the City of Oceanside, its officers, agents, and employees harmless from
7 any and all liabilities, claims arising from any landslide on this site".

8 57. Owner/developer shall develop and submit a draft neighborhood-notification flier
9 to the City for review. The flier shall contain information on the project,
10 construction schedule, notification of anticipated construction noise and traffic,
11 and contact information. Prior to the issuance of a grading permit, the approved
12 flier shall be distributed to area residents, property owners, and business owners
13 located within a 500-foot radius area of the project.

14 58. The project shall provide and maintain year-round erosion control for the site.
15 Prior to the issuance of a grading permit, an approved erosion control plan,
16 designed for all proposed stages of construction, shall be secured by the
17 owner/developer with cash securities or a Letter-of-Credit and approved by the
18 City Engineer; a Certificate of Deposit will not be accepted for this security.

19 59. Owner/developer shall monitor, supervise and control all construction and
20 construction-supportive activities, so as to prevent these activities from causing a
21 public nuisance, including but not limited to, ensuring strict adherence to the
22 following:

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

25 b) All grading and related site preparation and construction activities shall
26 be limited to the hours of 7 AM to 6 PM, Monday through Friday. No
27 engineering-related construction activities shall be conducted on
28 Saturdays, Sundays or legal holidays unless written permission is granted
29 by the City Engineer with specific limitations to the working hours and

types of permitted operations. All on-site construction staging areas shall be located as far as possible (minimum 100 feet) from any existing residential development. As construction noise may still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits “any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity.”

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

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

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

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

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

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

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

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

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

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

67. Owner/developer shall comply with the provisions of the National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water

1 Discharges Associated with Construction and Land Disturbance Activities
2 (General Permit) Water Quality Order 2022-0057-DWQ. The General Permit
3 continues in force and effect until the effective date of a new General Permit
4 adopted the State Water Board or the State Water Board rescinds this General
5 Permit. Dischargers that obtain coverage under the expiring General Permit prior
6 to the effective date of this permit, may continue coverage under the previous
7 permit up to two years after the effective date of this General Permit (September
8 1, 2023). Construction activity subject to the General Permit includes, but not
9 limited to, clearing, demolition, grading, excavation and other land disturbance
10 activities that results in one or more acre of land surface, or that are part of
11 common plan of development or sale.

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

28 Owner/developer is required to retain records of all monitoring information,
29 copies of all reports required by this General Permit, and records of all data used

1 to complete the NOT for all construction activities to be covered by the General
2 Permit for a period of at least three years from the date generated. This period may
3 be extended by request of the SWRCB and/or RWQCB.

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

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

21 70. The owner/developer shall enter into a City-Standard Stormwater Facilities
22 Maintenance Agreement (SWFMA) with the City, obliging the owner/developer
23 to maintain, repair and replace the Storm Water Best Management Practices
24 (BMPs) structures identified in the project's approved SWQMP, as detailed in the
25 O&M Plan, in perpetuity. Furthermore, the SWFMA will allow the City with
26 access to the site for the purpose of BMP inspection and maintenance, if necessary.
27 The Agreement shall be approved by the City Attorney's Office and recorded at
28 the County Recorder's Office prior to the issuance of a precise grading permit. A
29 non-refundable Security in the form of cash shall be required prior to issuance of

a precise grading permit. The amount of the non-refundable security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.

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

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

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

74. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation of the map or the issuance of any building permits, in accordance with City Ordinances and policies. Payment of drainage impact fees are required prior to docketing the map for City Council

hearing and the recording of the final map. The owner/developer shall also be required to join into, contribute, or participate in any improvement, lighting, or other special district affecting or affected by this project.

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

Fire:

76. Fire hydrants must be within 400ft. of the furthest point of every structure and looped as required in the City of Oceanside Engineering Design Manual.

77. No parking signs must be mounted at the main entrance to inform residents of fire lane requirements.

78. Address signage must have text of at least 6" high with a ½" stroke wide text.

79. An approved, illuminated monument sign identifying the property must be placed at the entrance of the facility.

80. Deferred Submittals will be required for:

- a. An Automatic Fire Sprinkler System (NFPA 13 or 13R depending on occupancy group classification or building division requirements) with sprinkler monitoring in accordance with CFC §903.
- b. A Manual Fire Alarm System in accordance with CFC §907.
- c. A GIS-Pre-plan
- d. A Fire Master Plan

81. The gate leading to Malaga Drive will be equipped with Knox hardware whether that be a Knox padlock interconnected with the padlock that secures the fence or a Knox key switch if the gate is electric to allow for emergency ingress and egress by fire personnel.

82. Approved vehicle access for firefighting must be provided to all construction site areas. Vehicle access must be provided to within 100 feet of temporary or permanent fire department connections. Vehicle access must be provided by paved roads, either temporary or permanent, capable of supporting 78,000 pounds under

all weather conditions. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

Housing:

83. The project filed the appropriate Preliminary Application consistent with SB 330. Therefore, under CA Government Code Section 65589.5 (o) (1), such project is subject to those ordinances, policies, and standards adopted prior to the submittal of such preliminary application. Project shall make payment of the applicable Inclusionary Housing In-Lieu fees at \$8.92 per square foot of livable space prior to the approval of any final or parcel map or building permit for the residential project to ensure the provision of housing in compliance with OCC Chapter 14C and any replacement housing obligations under State law.

Landscaping:

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

- a) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.

- b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm drain lines and utility easements and place planting locations accordingly to meet City of Oceanside requirements.
- c) Final landscape plans shall be prepared under the direct supervision of a Registered Landscape Architect (State of California), with all drawings bearing their professional stamp and signature.
- d) All required landscape areas both public and private (including trees and palms in the public rights-of-way) shall be maintained by owner, project association, homeowner's association, or successor of the project (including public rights-of-way along Monica Circle, Macario Drive, and Roja Drive). The landscape areas shall be maintained per City of Oceanside requirements.
- e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be released until the as-built drawings have been approved on the original approved Mylar landscape plan and the required maintenance period has been successfully terminated.
- f) Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition, proposed landscape species shall be low water users as well as meet all fire department requirements.
- g) All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.

- 1 i) The shrubs shall be allowed to grow in their natural forms. All landscape
2 improvements shall follow the City of Oceanside Guidelines.
- 3 j) Root barriers shall be installed adjacent to all paving surfaces where a
4 paving surface is located within 6 feet of a tree trunk on site (private) and
5 within 10 feet of a tree trunk in the right-of-way (public). Root barriers
6 shall extend 5 feet in each direction from the centerline of the trunk, for a
7 total distance of 10 feet. Root barriers shall be 24 inches in depth.
8 Installing a root barrier around the tree's root ball is unacceptable.
- 9 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls
10 shall obtain Planning Division approval for these items in the conditions or
11 application stage prior to 1st submittal of working drawings.
- 12 l) For the planting and placement of trees and their distances from hardscape
13 and other utilities/ structures the landscape plans shall follow the City of
14 Oceanside's (current) Tree Planting Distances and Spacing Standards.
- 15 m) An automatic irrigation system shall be installed to provide coverage for
16 all planting areas shown on the plan. Low volume equipment shall provide
17 sufficient water for plant growth with a minimum water loss due to water
18 run-off.
- 19 n) Irrigation systems shall use high quality, automatic control valves,
20 controllers and other necessary irrigation equipment. All components shall
21 be of non-corrosive material. All drip systems shall be adequately filtered
22 and regulated per the manufacturer's recommended design parameters.
- 23 o) All irrigation improvements shall follow the City of Oceanside Guidelines
24 and Water Conservation Ordinance.
- 25 p) The landscape plans shall match all plans affiliated with the project.
- 26 q) Landscape construction drawings are required to implement approved Fire
27 Department regulations, codes, and standards at the time of plan approval.
- 28 r) Landscape plans shall comply with Biological and/or Geotechnical reports,
29 as required, shall match the grading and improvement plans, comply with

Storm Water Management Plan (SWMP), Hydromodification Plan, or Best Management Practices and meet the satisfaction of the City Engineer.

s) Existing landscaping on and adjacent to the site shall be protected in place and supplemented or replaced to meet the satisfaction of the City Engineer.

t) All pedestrian paving (both decorative and standard) shall comply with the most current edition of the American Disability Act.

85. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include: a) normal care and irrigation of the landscaping b) repair and replacement of plant materials (including interior trees and street trees) c) irrigation systems as necessary d) general cleanup of the landscaped and open areas e) maintenance of parking lots, walkways, enhanced hardscape, trash enclosures, walls, fences, etc. f) pruning standards for street trees shall comply with the International Society of Arboriculture (ISA) Standard Practices for Tree Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning Guidelines, Appendix F (most current edition). Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

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

Planning:

87. The Tentative Map, Development Plan and Planned Development (PD) Text shall not become effective until the effective date of the Ordinance approving Zoning Amendment ZA22-00003. The effective date of the Ordinance shall be used for determining expiration dates for the Tentative Map and Development Plan and no

more than three years from the effective date of the Ordinance approving the Zoning Amendment.

88. This Tentative Map and Development Plan approve only a residential development, which includes 164 attached townhome units, as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Tentative Map and/or Development Plan or a new Tentative Map and/or Development Plan.

89. The proposed project shall comply with all mitigation measures identified in the Final Environmental Impact Report (SCH No. 2022110021) and associated Mitigation, Monitoring, and Reporting Program for the subject development.

90. The applicant, permittee, or any successor-in-interest shall defend, indemnify, and hold harmless the City of Oceanside, its agents, officers, or employees from any claim, action, or proceeding against the City, its agents, officers, or employees to attack, set aside, void, or annul an approval of the City, concerning General Plan Amendment (GPA22-00001), Zoning Amendment (ZA22-00003), Tentative Map (T22-00005) and Development Plan (D22-00013). The City will promptly notify the applicant of any such claim, action, or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City.

91. 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.

92. 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 owners and/or operators. This notification's provision shall run with the life of the project and shall be recorded as a covenant on the property.

93. Unless expressly waived, any future development project shall be subject to all current zoning standards, unless superseded by the Pacifica Planned Block Development text, and City ordinances and policies in effect at the time building permits are issued. 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.

94. The developer shall issue a disclosure to potential buyers informing them of the project site's proximity to a military training installation and that the property is subject to noise and smoke affiliated with military training operations.

95. All dwelling units shall dispose of or recycle solid waste in a manner provided in City Code Section 13.3.

96. Outdoor lighting shall be low emission, shielded, and directed away from all property lines.

97. 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.

98. 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 City of Oceanside Zoning Ordinance and/or the Pacifica Planned Development Plan, unless expressly granted by a Variance or other development approval.

- 1 99. Elevations, siding materials, colors, roofing materials, and floor plans shall be
2 substantially the same as those approved by the Planning Commission. These
3 shall be shown on plans submitted to the Building Division and Planning Division.
- 4 100. This project is subject to the provisions of Chapter 14C of the City Code regarding
5 Inclusionary Housing.
- 6 101. The applicant, permittee, or any successor-in-interest shall be responsible for the
7 payment of the In-lieu fee alternative, as described in Section 14C.7 of the
8 Municipal Code, to satisfy the City's Inclusionary Housing requirement.
- 9 102. Garages shall be kept available and useable for the parking of tenant's automobiles
10 at all times.
- 11 103. The developer is prohibited from entering into any agreement with a cable
12 television franchisee of the City, which gives such franchisee exclusive rights to
13 install, operate, and or maintain its cable television system in the development.
- 14 104. An association shall be formed and Covenants, Conditions and Restrictions
15 (CC&Rs) shall provide for the maintenance of all common open space and
16 commonly owned fences and walls. The maintenance shall include normal care
17 and irrigation of landscaping; repair and replacement of plant material and
18 irrigation systems as necessary; and general clean-up of the landscaped and open
19 area, parking lots and walkways. The CC&Rs shall be subject to review and
20 approval of the City Attorney prior to the approval of the Final Map. The CC&Rs
21 are required to be recorded prior to, or concurrently with, the Final Map. Any
22 amendments to the CC&Rs in which the association relinquishes responsibility for
23 the maintenance of any common open space shall not be permitted without the
24 specific approval of the City of Oceanside. Such a clause shall be a part of the
25 CC&Rs. The CC&Rs shall also contain provisions for the following:
- 26 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
27 b) Provision that garages shall be kept available and useable for the parking
28 of tenant's automobiles at all times.
29

- c) Provisions regulating individual patio covers, prohibiting room additions or other appurtenances.
- d) Provisions for the maintenance of all common open space including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the homeowners' association.
- e) Provisions that restrict any private use of open space areas. Restrictions shall include, but are not limited to, removing retaining walls, installing structures such as trellises, decks, retaining walls and other hardscape and any individual landscape improvements.
- f) Provisions prohibiting the homeowners' association from relinquishing its obligation to maintain the common open space areas without prior consent of the City of Oceanside.
- g) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.
- h) An acknowledgement that the park located at the project entrance is a public amenity that shall be available for public use subject to reasonable rules and regulations established by the association. The park is not designed to accommodate organized sporting events or gatherings, and thus the general public shall not be entitled to use the park for such purposes, unless expressly authorized by the HOA.

105. The proposed park located at the project entrance shall be open for use by the general public. The Homeowner's Association shall be responsible for maintenance of the park, including landscape maintenance, irrigation, and trash removal.

106. No natural gas connections or appliances shall be permitted as part of this project.

107. The project shall install and maintain renewable energy facilities (e.g. solar photovoltaic systems) that supply at least 50 percent of forecasted electricity demand.

- 1 108. The project shall install and maintain electric vehicle parking and charging facilities
2 as outlined in Section 3048 of the Zoning Ordinance.
- 3 109. Prior to issuance of building permits, the project shall comply with the urban forestry
4 standards outlined in Table 1 of Article 30, Section 3049 of the Zoning Ordinance.
5 The project must also provide a Landscape and Tree Canopy Management Plan
6 (LTCMP). The LTCMP shall include information regarding regular, seasonal, and
7 emergency maintenance, trash abatement, irrigation, tree/plant care, tree
8 replacement, insect and disease infestation prevention, integrated pest management,
9 and appropriate response process etc. Projects that do not maintain landscape in a
10 manner consistent with the approved LTCMP shall be subject to code enforcement
11 action.
- 12 110. A letter of clearance from the affected school district in which the property is
13 located shall be provided as required by City policy at the time building permits
14 are issued.
- 15 111. A set of building plans shall be reviewed and approved by the City Planner prior
16 to the issuance of building permits.
- 17 112. All mechanical rooftop and ground equipment shall be screened from public view as
18 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,
19 mechanical equipment, screens, and vents shall be painted with non-reflective paint
20 to match the roof. This information shall be shown on the building plans.
- 21 113. Any project entrance signs shall meet the requirements of the Sign Ordinance and be
22 approved by the City Planner.
- 23 114. Failure to meet any conditions of approval shall constitute a violation of the
24 Tentative Map and Development Plan.

25 **Solid Waste:**

- 26 115. The City of Oceanside reserves the right to review program and services levels and
27 request increases if deemed necessary. The City of Oceanside Municipal Code
28 Chapter 13 requires that Oceanside residents, businesses and multifamily projects
29 are to separate all recyclable material from other solid waste. Additionally, the State

of California regulations requires all California businesses participate in Mandatory Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid Waste code.

Transportation:

116. Installation of ADA Ramps: The project is required to install all ADA ramps as indicated on "Tentative Map Sheet 9." This improvement shall be completed prior to the issuance of occupancy and to the satisfaction of the City Traffic Engineer.

117. Removal of School Zone Signage and Crosswalk: The project is obligated to remove existing School Zone signage, Xing School Slow legends, and a yellow pedestrian crosswalk on Macario Drive, specifically between Roja Drive and Claire Drive. This improvement shall be completed prior to the issuance of occupancy and to the satisfaction of the City Traffic Engineer.

118. Installation of All Way Stop Control: At the intersection of Roja Drive and North Redondo Drive, the project is mandated to install an All Way Stop Control. This work shall include installing stop signs, limit lines, and stop legends on the eastbound and westbound approaches. In addition to the stop control, the project must also install a white continental pedestrian crosswalk from the northeast corner to the southeast corner of the intersection. This improvement shall be completed prior to the issuance of occupancy and to the satisfaction of the City Traffic Engineer.

Water Utilities

General Conditions

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

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

- 1 121. The developer will be responsible for developing all water and sewer utilities
2 necessary to develop the property. Any relocation of water and/or sewer utilities is
3 the responsibility of the developer and shall be done by an approved licensed
4 contractor at the developer's expense.
- 5 122. All Water and Wastewater construction shall conform to the most recent edition of
6 the Water, Sewer, and Recycled Water Design and Construction Manual or as
7 approved by the Water Utilities Director.
- 8 123. The property owner shall maintain private water and wastewater utilities located on
9 private property.
- 10 124. On-site **water** and sewer systems shall be private, and designed in accordance with
11 the most recent edition of the Water, Sewer, and Recycled Water Design and
12 Construction Manual or as approved by the Water Utilities Director.
- 13 125. On-site sewer that will be public includes a sewer main in Private Drives A, B, & F
14 (approx. 1,020 LF) that will connect the existing Pacifica sewer lift station to the
15 future on-site lift station. The existing lift station will ultimately be removed, and the
16 on-site public sewer main will transfer flows, by gravity, from the existing lift station
17 site to the future on-site lift station. The future on-site lift station will also be public,
18 as well as a sewer force main from the lift station to Malaga Drive. These facilities
19 shall be designed and constructed at the Developer's expense, and transferred to the
20 City for operation and maintenance once constructed.
- 21 126. Water services and sewer laterals constructed in existing right-of-way locations are
22 to be constructed by an approved and licensed contractor at developer's expense.
- 23 127. Each new residential dwelling unit shall be metered individually.
- 24 128. A multi-family residential development with multiple residential buildings may have
25 a public master meter for the development provided there is a private sub-meter for
26 each individual dwelling unit. The Property Owners or Home Owner's Association
27 would be responsible for the ownership, maintenance, reading, and replacement of
28 the private sub-meters.
- 29

- 1 129. There shall be a minimum of two (2) master meters to serve the residential
2 development. Each shall have a separate connection to a public water main such that
3 the total peak domestic water demand can be served by the combined meters. Meters
4 shall be equipped with a backflow device.
- 5 130. There shall be a shared agreement for the private water and sewer facilities amongst
6 the Owners. The Home Owner's Association shall be responsible for the shared
7 water and sewer systems including the ownership, maintenance, repair and
8 replacement of private on-site water and sewer mains, fire hydrants, sub-meters,
9 sewer laterals and all other water and sewer appurtenances. This shall be included in
10 the CC&Rs or a maintenance agreement.
- 11 131. A private on-site fire system shall be installed, separate from the private domestic
12 water system, to supply the on-site private fire hydrants and fire services. The fire
13 system shall be looped with two connections to a public water main. Each connection
14 shall be equipped with an approved double check detector backflow assembly.
- 15 132. Per the latest approved California Fire Code, all new residential units shall be
16 equipped with a fire sprinkler system. Water services that feed the fire sprinkler
17 system along with the domestic water service (NFPA 13D) shall be equipped with a
18 dual check valve device. The dual check valve device shall be located downstream
19 of the water sub-meter.
- 20 133. Buildings requiring an NFPA 13 or NFPA 13R automatic sprinkler system for fire
21 protection shall have a dedicated fire service connection to the private fire water
22 main with a double check detector backflow assembly. Location of the backflow
23 assembly must be approved by Fire Department.
- 24 134. Provide a separate irrigation water meter for common area landscaping. Irrigation
25 meter shall connect to a public water main. Meter shall be managed and paid for by
26 the Property Owner or Home Owner's Association.
- 27 135. Hot tap connections will not be allowed for size on size connections, and connections
28 that are one (1) pipe size smaller than the water main. These connections shall be
29

cut-in tees with three valves for each end of the tee. Provide a connection detail on the improvement plans for all cut-in tee connections.

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

136. Any water and/or sewer improvements required to develop the proposed property will need to be included in the improvement plans and designed in accordance with the Water, Sewer, and Recycled Water Design and Construction Manual.
137. All public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Recycled Water Design and Construction Manual. Easements shall be constructed for all weather access constructed out of decomposed granite, class 2 base, and asphalt or concrete.
138. No trees, structures or building overhang shall be located within any water or wastewater utility easement.
139. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a recycled water impact fee since the proposed project is not within 75 feet of a recycled water main. The impact fee shall be established by submitting a formal letter requesting the City to determine this fee, which is based on 75% of the design and construction cost to construct a recycled water line fronting the property in Monica Circle and Macario Drive.
140. All buildings with a finished pad elevation located below the elevation of the next upstream manhole cover of the private sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the latest adopted California Plumbing Code.
141. The Developer shall design, permit and construct a new public sewer lift station and force main within the proposed development. The Developer shall remove the City's existing Pacifica School Lift Station, located at the corner of Monica Circle and Macario Drive, and install a public sewer system to convey all flows to the new lift station. The existing sewer force main in Roja Drive shall be abandoned per City

requirements. The new lift station shall be designed in accordance with the Water, Sewer, and Recycled Water Design and Construction Manual, and the site plan shall be finalized during final engineering. The design must be approved by the City's Water Utilities Department. The lift station shall at a minimum be equipped with dual pumps, emergency bypass connections, flow meter, level transducers, level alarms, odor control, and comply with all applicable local, state, and federal regulations. All design, permitting, and construction costs shall be at the Developer's expense.

142. The existing 6" water main along the development's frontage in Monica Circle and Macario Drive does not meet the City's current design standards of a minimum 8" diameter water main. Therefore, the water main must be replaced with an 8" PVC main. The main replacement shall be from Claire Drive to Roja Drive. The Developer shall be responsible for the design, permitting, and construction of the water main replacement. The City will reimburse the Developer for water and sewer main replacements to a maximum of \$300,000 total. The Developer shall execute a reimbursement agreement with the City prior to the start of the water main construction. The water main replacement shall be completed prior to occupancy.

143. The City has determined that the existing 8" VCP sewer main in Malaga Drive is in poor condition and a connection to this main from the development would deteriorate the condition. Therefore, any connection to this main will require the replacement of the sewer main in Malaga Drive from the terminus of the line to the manhole in Roja Drive. The manhole in Roja Drive shall also be rehabilitated per City requirements. The Developer shall be responsible for the design, permitting, and construction of the sewer main replacement. The City will reimburse the Developer for water and sewer main replacements to a maximum of \$300,000 total. The Developer shall execute a reimbursement agreement with the City prior to the start of the sewer main construction. The sewer main replacement shall be completed prior to activation of the future lift station.

- 1 144. The Water System Analysis for the Pacifica Project in the City of Oceanside dated
2 June 20, 2023 was reviewed by the Water Utilities Department. The results of the
3 water analysis showed that adequate pressures and fire flows would be available to
4 the Project with the proposed water distribution system. Off-site improvements
5 identified by the analysis include upsizing the existing 6-inch water main in Monica
6 Circle and Macario Drive to an 8-inch pipeline, and constructing two (2) water
7 service connections to the public main. No additional off-site improvements are
8 required for the Project. On-site improvements that were identified in the analysis
9 include an 8-inch looped fire system throughout the site, 4-inch and 6-inch domestic
10 water system, fire hydrants, and individual pressure regulator valves for each
11 building supply within the development.
- 12 145. The Sewer System Analysis for the Pacifica Project in the City of Oceanside dated
13 June 20, 2023 was reviewed by the Water Utilities Department. The results of the
14 sewer analysis showed that the existing sewer collection system has adequate
15 capacity to receive flows from the Project. An off-site sewer improvement is required
16 at the intersection of North River Road and Redondo Drive due to surcharging in the
17 system as detailed in the following condition of approval. The proposed sewer
18 system for the Project consists of an on-site public and private collection system that
19 conveys flows to a new public lift station. The lift station will pump flows up to
20 Malaga Drive to enter the City collection system.
- 21 146. The current sewer collection system is experiencing a capacity and surcharge issue
22 downstream of the project site that will be exacerbated by the proposed development.
23 Therefore, the developer shall relocate and upsize a portion of the existing sewer
24 system at North River Road and Redondo Drive, at the Developer's expense. The
25 two (2) 90-degree bends in the sewer system shall be eliminated and a straight
26 segment of pipe shall connect the manhole at Redondo Drive to the manhole located
27 in front of the City Fire Station. The two (2) existing manholes that will remain in
28 service shall be rehabilitated per City requirements, and the manhole that is no longer
29

in service shall be abandoned. The developer responsibilities shall include, but not be limited to, design, construction and permitting of the sewer improvements.

147. Connections to a public sewer main with a 6-inch or larger sewer lateral will require a new sewer manhole for connection to the main per Section 3.3 of Water, Sewer, and Recycled Water Design and Construction Manual.

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

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

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

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

152. The existing 8" VCP sewer main that traverses the site shall be abandoned and removed in its entirety, including manholes, at the Developer's expense.

153. Any unused water services or sewer laterals by the proposed development shall be abandoned in accordance with Water Utilities requirements. If an existing water meter is abandoned then a credit will be applied towards future buy-in fees in the amount of the current buy-in fee of the existing meter.

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

154. Show location and size of existing and proposed water meter(s), including master meters and sub-meters, on site plan of building plans. Show waterline from on-site main to connection point to residence.

- 1 155. Provide a fixture unit count table and supply demand estimate per latest adopted
2 California Plumbing Code (Appendix A) to size the water meter(s) and service
3 line(s). If master meters are used, then private sub-meters shall also be sized and their
4 locations shown on the plans.
- 5 156. Show location and size of existing and proposed sewer lateral(s) from connection
6 point at residence to connection at on-site sewer main.
- 7 157. Provide drainage fixture unit count per the latest adopted California Plumbing Code
8 to size sewer lateral for each building.
- 9 158. 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
11 Section 32B.7.

12
13 PASSED AND ADOPTED Resolution No. 2023-P23 on October 23, 2023 by the
14 following vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19
20 _____
Tom Rosales, Chairperson
Oceanside Planning Commission

21
22 ATTEST:

23
24 _____
Sergio Madera, Secretary

25
26 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify
27 that this is a true and correct copy of Resolution No. 2023-P23.

28 Dated: October 23, 2023
29