

STAFF REPORT*CITY OF OCEANSIDE*

DATE: December 6, 2023

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **RESOLUTION UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2023-P20 APPROVING A TENTATIVE TRACT MAP (T22-00007), DEVELOPMENT PLAN (D22-00018), AND DENSITY BONUS (DB22-00009) TO ALLOW THE SUBDIVISION OF A 3.43-ACRE SITE INTO 21 LOTS AND DEVELOPMENT OF 19 SINGLE-FAMILY HOMES FOR PROPERTY LOCATED AT 1448 AVOCADO ROAD BETWEEN DUSTAN AND ZABYN STREET – AVOCADO ROAD RESIDENTIAL – APPLICANT: 1448 AVOCADO LLC., THOMAS ST. CLAIR; APPELLANT: LESLIE RUSH**

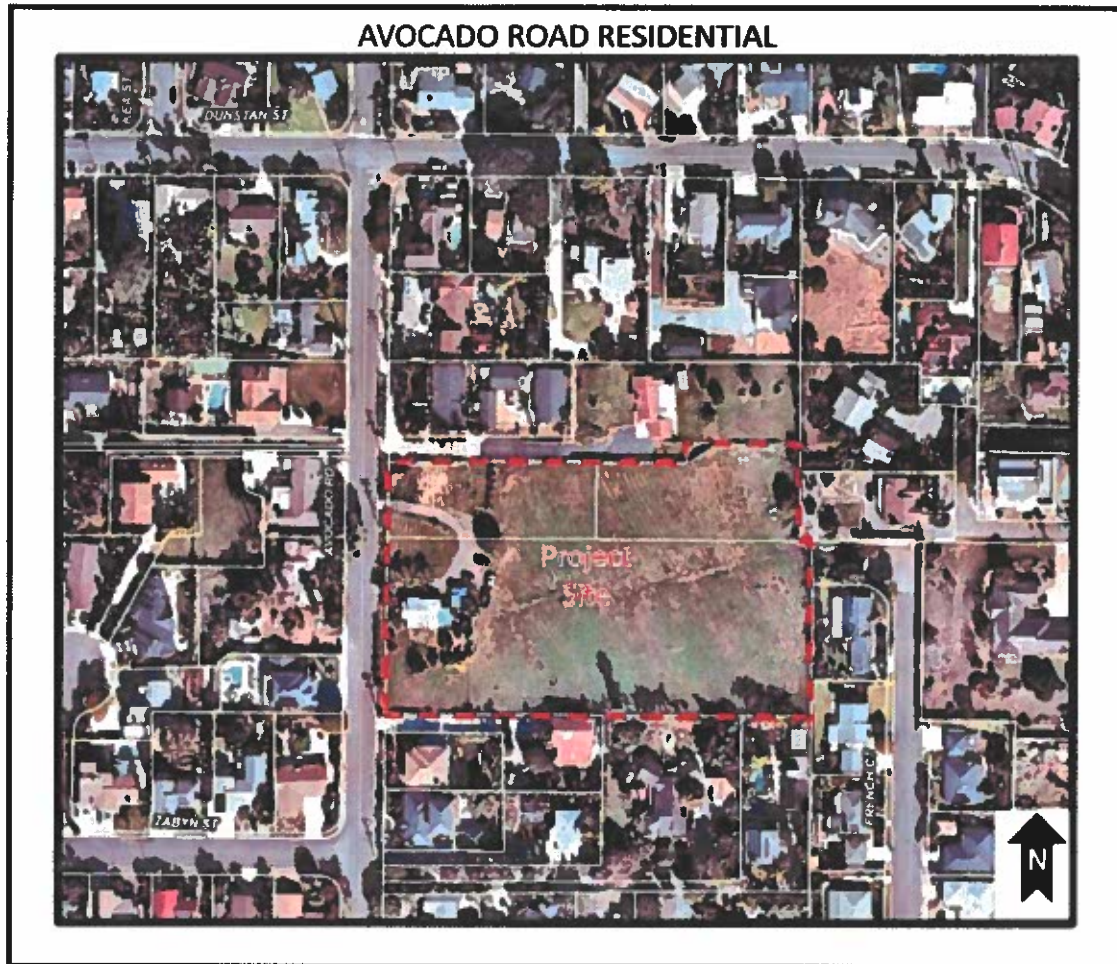
SYNOPSIS

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2023-P20 approving Tentative Map (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009) on a 3.43-acre parcel located at 1448 Avocado Road.

BACKGROUND

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

Figure 1 - Location Map:



An application for a Tentative Map, Development Plan, and Density Bonus was submitted to the City on October 31, 2022, and analyzed in accordance with the City's standard review process. The proposed project was reviewed by the following departments/disciplines: Development Services (Planning, Building, Engineering, Geotechnical, Storm Water, and Landscaping), Fire, Public Works (Transportation Engineering) and Water Utilities.

The proposed project was considered by the Planning Commission at its regular meeting on September 11, 2023. After presentations from staff and the applicant and receiving testimony from the public, the Planning Commission voted to approve (4-1-1 vote; 1 – Abstain, 1 – No; 1 Commissioner Seat Vacant), to approve Tentative Map (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009) through adoption of Resolution No. 2023-P20.

On September 21, 2023, the project was appealed by Leslie Rush. The appeal petition is included as Attachment 2 and the Planning Commission Resolution approving the project is included as an exhibit to Attachment 1. Additional project details are provided

in the Planning Commission staff report, included as Attachment 3.

PROJECT DESCRIPTION

The project application is comprised of a Tentative Map, Development Plan, and Density Bonus application. The entitlement request is intended to permit:

- a subdivision of a 3.43-acre site into 19 single family residential lots and two common area lots for a private internal roadway and storm water bio-retention basin. The proposed development configuration includes lots on either side of a proposed private road that runs through the center of the project site. Ten lots are located on the north side of the road and the remaining nine lots and common lot (for the bio-filtration basin) would be located on the south side of the roadway. Market rate lots are at least 50 feet in width, and range in size from 6,005 to 8,330 square feet. The 35-foot wide affordable unit (Lot 3) has a reduced area of 4,602 square feet. The common lot containing the basin would be located at the southwest corner of the property, accessible from either Avocado Road or the private road. The private road would provide access to each lot, and provide a connection between Avocado Road on the west and existing unimproved right-of-way of French Court on the east. The road would be 33 feet wide and accommodate nine parking spaces on the south side of the street. Although private, the new roadway would contain easements for public water, sewer, general utilities, and City emergency vehicle access. Both the basin and roadway would be maintained by a homeowner's association (Tentative Map).

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

- a 19-unit single-family residential development with associated improvements that include a private internal roadway and storm water bio-retention basin. Section 4302(F)(1) of the Zoning Ordinance requires a Development Plan, for review and approval by the Planning Commission, for projects in a residential district involving more than three units. The project is located in a residential district and involves 19 housing units. This entitlement covers the review and approval of project architecture, floor plans, house plotting, landscaping, grading, walls, and fencing (Development Plan)

The project proposes three floor plan types – Plan 1 (5 bedrooms, 3,100 square feet, and 2-car garage), Plan 2 (5 bedrooms, 3,245 square feet and 3-car garage) for market rate homes and Plan 3 (3 bedrooms, 2,529 square feet and 2-car garage) for the affordable home. All homes are two-stories and range in height from 25'-4" to 27'-5". Overall, the project would develop nine Plan 1 homes, nine Plan 2 homes, and one Plan 3 home. The proposed project would offer both Coastal and Coastal Modern architecture for residences. In addition, the proposed project would offer six different exterior color and material schemes. Given the mix of floor plans, architecture, and color and material schemes, the proposed project offers sufficient variety to minimize a specific house design from being used more than once within the project.; and,

- an increase in density from a maximum permitted density of 15 dwelling units to a total of 19 dwelling units in return for reserving six percent of the project units, or one unit, for Very Low-Income households. In addition, the Density Bonus application affords the applicant the opportunity to seek waivers from development standards that would physically preclude the development at the density proposed and incentives/concessions which lead to identifiable cost savings to provide for affordable housing costs pursuant to Government Code Section 65915 and Zoning Ordinance Section 3032 (Density Bonus).

Based on the proposed design to accommodate the development at the density proposed, the applicant has requested waivers from the following development standards pursuant to Density Bonus law:

Development Standard	Requirement	Market Rate Lots	Affordable Lot
Lot Size	Min 10,000 SF	6,005-8,330 SF	4,602 SF
Lot Width	Min 70 feet	50 feet	35 feet
Front Setback	Min 25 feet	20-25 feet	23.1 feet
Side Setback	Min 7.5 feet	5-7 feet	5 feet
Corner Setback	Min 15 feet	5 feet	NA
Lot Coverage	Max 35%	28.5 – 39.1%	34.1%
Lot Depth to Width Ratio	Max 2.5 to 1	2.6-3.7:1	3.7:1
Parking	Min 3-car garage	2-car garage (Plan 1)	2-car garage
Retaining Walls	Max 42" in front yard	Over 42" at different locations	TBD
Retaining walls planted and irrigated	+4'-high retaining walls to be planted and irrigated	Not provided	Not provided

A detailed project description and analysis is contained in the Planning Commission staff

report included as Attachment 3.

ANALYSIS

Pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The following is a summary of the Appellant's reasons, as understood by staff, for filing an appeal of the Planning Commission's decision to approve the project. Each identified reason for filing the appeal is followed by a response from staff. The Appellant's letter of appeal, which includes the full text of each appeal point, has been included as Attachment 2.

Issue 1: "Inappropriate Use of a Categorical Exemption under the California Environmental Quality Act."

City Response:

The Appellant contends that the City inappropriately determined that the proposed project qualifies as a categorical exemption pursuant to the California Environmental Quality Act (CEQA). The categorical exemptions listed in the appeal pertain to other types of residential projects or under different conditions, and are not applicable to the proposed project.

Several eligibility criteria are required for the City to issue a Class 32 In-fill Exemption (CEQA Guidelines Section 15332). The criteria are outlined below, followed by an explanation (in boldface font) of how the proposed project is consistent with each of the identified criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- **The proposed project is designed in accordance with the City's General Plan, all applicable plan policies and meets the requirements of the zoning designation and regulations. The proposed project has a land use designation of Estate B Residential (EB-R) and corresponding Zoning of Residential Estate B District (RE-B) which establish a density range of 1.0 to 3.5 dwelling units per gross acre. However, because the project site is within the Fire Mountain Neighborhood Planning Area, it is subject to Policy 1.13 of the General Plan Land Use Element which states:**

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

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

The proposed project would set aside six percent of its allowable units, or one unit, for Very Low Income households. This would merit a density bonus of 22.5 percent, resulting in four (4) additional units ($15 \times 0.225 = 3.375$ units: rounds up to 4 units). The 15 base units combined with the 4 density bonus units results in a total of 19 units for the project.

(b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.

- **The proposed project occurs within Oceanside's city limits on a 3.43-acre site and is surrounded by qualified urban uses, which is defined as "any residential, commercial, public institutional, transit or transportation passenger facility, or retail use, or any combination of those uses" by Public Resource Code Section 21702.**

(c) The project site has no value as habitat for endangered, rare or threatened species.

- **As outlined in the Biological Site Assessment for the Avocado Road Project prepared by the Blue Consulting Group dated June 13, 2023, the project site has no value as habitat for endangered, rare or threatened species.**

(d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.

- **Based on the CEQA technical reports and studies prepared for the project, approval of the proposed project would not result in any significant effects relating to traffic, noise, air quality, or water quality.**

(e) The site can be adequately served by all required utilities and public services.

- **Located within an established and developed area, the project site can be adequately served by all required utilities and public services.**

As outlined above, the proposed project meets the eligibility criteria stated in CEQA Guidelines Section 15332 Class 32 In-fill Exemption, which was confirmed by the Planning Commission at its September 11, 2023 meeting. All technical studies utilized to determine the proposed project's eligibility for the Class 32 CEQA exemption can be

accessed through hyperlinks provided in Attachment 4.

Issue 2: *“...impacts attributable to the additional traffic, parking and noise the Avocado Road project will generate have not been adequately analyzed... The City has approved 8 other Fire Mountain projects that will result in 353 new homes to Fire Mountain without a cumulative study.”*

City Response:

The City has adopted guidelines for analyzing transportation impacts generated by a project. The guidelines establish thresholds for when a vehicle-miles traveled (VMT) analysis, Local Transportation Study (LTS) or Local Transportation Assessment (LTA) will be prepared. Under CEQA, VMT is the basis for determining significant transportation impacts of a project. Per the guidelines, a VMT analysis for CEQA purposes would be required if a project exceeds 1,000 average daily trips (ADT) and is consistent with the adopted General Plan. If a project is inconsistent with the adopted General Plan (i.e. if a General Plan Amendment is proposed), a VMT analysis would be required when a project exceeds 500 ADT. The proposed project consists of 19 single-family residences that would generate 190 ADT and is consistent with the adopted General Plan (Land Use). As such, the threshold for the preparation of a VMT analysis is not met and the proposed project is screened out for CEQA purposes.

LTSs and LTAs are prepared in order to determine consistency with the City's Circulation Element with respect to Level of Service. An LTS will be required if a project exceeds 1,000 ADT and is consistent with the adopted General Plan. If a project is inconsistent with the adopted General Plan, an LTS will be required if the project exceeds 500 ADT. An LTS shall include the analysis of:

- Existing Conditions
- Existing Conditions Plus Project
- Existing Conditions Plus Near-Term Cumulative Projects
- Existing Conditions Plus Near-Term Cumulative Projects Plus Project
- Buildout Conditions (2030)
- Buildout Conditions Plus Project

An LTA is used if a project generates less than 1,000 ADT and is anticipated to influence the surrounding environment. For LTAs, projects that generate 200 to 500 ADT are required to analyze:

- Existing Conditions, and
- Existing Conditions Plus Project

For projects that generate 500 to 1,000 ADT the LTA must also include:

- Existing Conditions Plus Near-Term Cumulative Projects, and
- Existing Conditions Plus Near-Term Cumulative Projects Plus Project

Because the proposed project would generate 190 ADT (less than the minimum number of ADT required for analysis), which is not anticipated to influence the surrounding environment, neither an LTA or cumulative analysis are required.

To date, new residential development in the Fire Mountain neighborhood consists of the following projects:

Project	Unit Count	Existing Units	Net Unit Increase
1. Avocado Road (T22-00007)	19	1	18
2. Grandview Point (T15-00006)	26	2	24
3. Ocean Creek (D20-00004)	295	0	295
4. Whaley Street (T21-00004)	12	5	7
5. Avocado Highlands (P15-00005)	4	0	4
6. Ivy Road (ADP22-00003)	3	0	3
7. Ivy Road (ADP22-00002)	2	0	2
		Net Total	353

Staff identified seven new residential development projects, which result in a net increase of 353 units in the Fire Mountain neighborhood. One development project, Ocean Creek, accounted for 295 dwelling units (83.5% of the 353 units). This project prepared an LTS that included a cumulative impact analysis. Furthermore, the cumulative impact analysis prepared for Ocean Creek included the Grandview Residential 26 lot project, which combined with Ocean Creek accounts for 321 dwelling units (90.9% of 353 units). No significant Transportation impacts were identified in the LST. Therefore, cumulative traffic impacts have already been adequately analyzed for projects recently approved in the Fire Mountain neighborhood.

With regard to noise impacts, a Noise Study was prepared for the proposed project, which determined that both temporary construction and operational noise impacts would be less than significant in accordance with CEQA. For clarity, parking impacts generated by the proposed project will be discussed later in this report as a separate issue.

Therefore, the proposed project was adequately analyzed for potential traffic and noise impacts and a cumulative impact analysis for the proposed project is unwarranted.

Issue 3: "Evacuation. Fire Mountain has no safe evacuation plan...This development establishes a problem for emergency egress in this area."

City Response:

Access and circulation for the proposed project and surrounding area was analyzed by both the Fire Department and the City's traffic engineer during the entitlement review

process. The need for an evacuation plan was a concern that was raised previously by nearby residents and subsequently discussed with the Fire Department prior to the public hearing. As depicted in Figure 2 below, the Fire Department confirmed that the project site (red star) is not located in a Very High Fire Hazard Severity Zone (shown in red or pink) and that an evacuation plan due to the proposed project is not warranted. Moreover, the Fire Department has provided conditions of approval on the proposed project, none of which indicate the inability to conduct an orderly evacuation of the area if necessary.

Figure 2 – Oceanside Geographic Information System Fire Hazard Severity Zones Map



Staff also notes that currently French Court and the east end of California Street have only one point of access at the intersection of California Street and Avocado Road. As depicted in Figure 3 below, the proposed project would enhance emergency access by constructing a roadway connection between Avocado Road and French Court, thereby providing a second access route for homes located at French Court and California Street.

Figure 3 – Private Roadway



Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on the need for an evacuation plan.

Issue 4: "Storm water Conveyance. The development contributes to an existing significant impact with relation to storm water runoff."

City Response:

Concerns with existing drainage patterns and related damage to property in the immediate area of Fire Mountain were previously discussed in the Planning Commission report, dated September 11, 2023. Engineering staff provided a written response to this concern explaining that in the past Fire Mountain residents collectively expressed the desire to maintain a "rural" development setting within the Fire Mountain area; as such, many areas within that community lack sidewalk, curbs, gutters, and underground storm drain infrastructure. As a result of this existing infrastructure, storm water runoff is currently not being conveyed in a conventional manner that is typically comprised of connecting curbs, gutters, and an underground storm drain pipe network. Engineering staff further explained that the proposed project would be consistent with requirements set forth in the San Diego County Hydrology Manual and the San Diego County Drainage Design Manual, as well as designed consistent with professional standards. Therefore, the proposed project's storm water discharge would not increase from its existing condition. Consistent with industry practice and City requirements, the proposed project would only be responsible to mitigate for its impact to the existing drainage condition, and

would not be responsible for addressing existing drainage conditions of the neighborhood. As such, the design of grading, drainage and storm water treatment facilities is adequate.

Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on the need for addressing existing storm water runoff in the surrounding area.

Issue 5: "Undergrounding Utilities. The lack of requirement to underground the utilities on the perimeter of this project is a contributing factor to a potential fire hazard and is a risk to public safety."

City Response:

Section 901 G. of the Subdivision Ordinance requires existing and proposed utilities within a subdivision or right-of-way abutting a new subdivision to be placed underground. The applicant has applied for a Density Bonus and has requested relief from the undergrounding requirement (and payment of related in-lieu fees) through utilization of a concession available to applicants proposing Density Bonus projects. The applicant is entitled to this concession and State Law prohibits the City from denying any requested incentives/concessions unless it finds, (1) the concession/incentive does not result in identifiable and actual cost reductions to provide for affordable housing, (2) the concession or incentive would have a specific adverse impact upon public health and safety or the physical environment for which there is no feasible method to mitigate the impact without rendering the development unaffordable to lower income households, or (3) the concession or incentive would be contrary to federal or state law. A "*Specific Adverse Impact*," is defined in Government Code section 65589.5(d)(2) as " *a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.*" The statute further provides that *inconsistency with zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact on public health or safety.* Relief from undergrounding of utilities, as required by the Section 901G. of the Subdivision Ordinance, does not represent a quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, or policies. The Fire Department has reviewed and provided conditions of approval for the project and has not included this as a concern in their conditions of approval. In addition, imposing this requirement would result in only one power pole being undergrounded while a multitude other existing overhead lines and power poles in the surrounding area would remain in place.

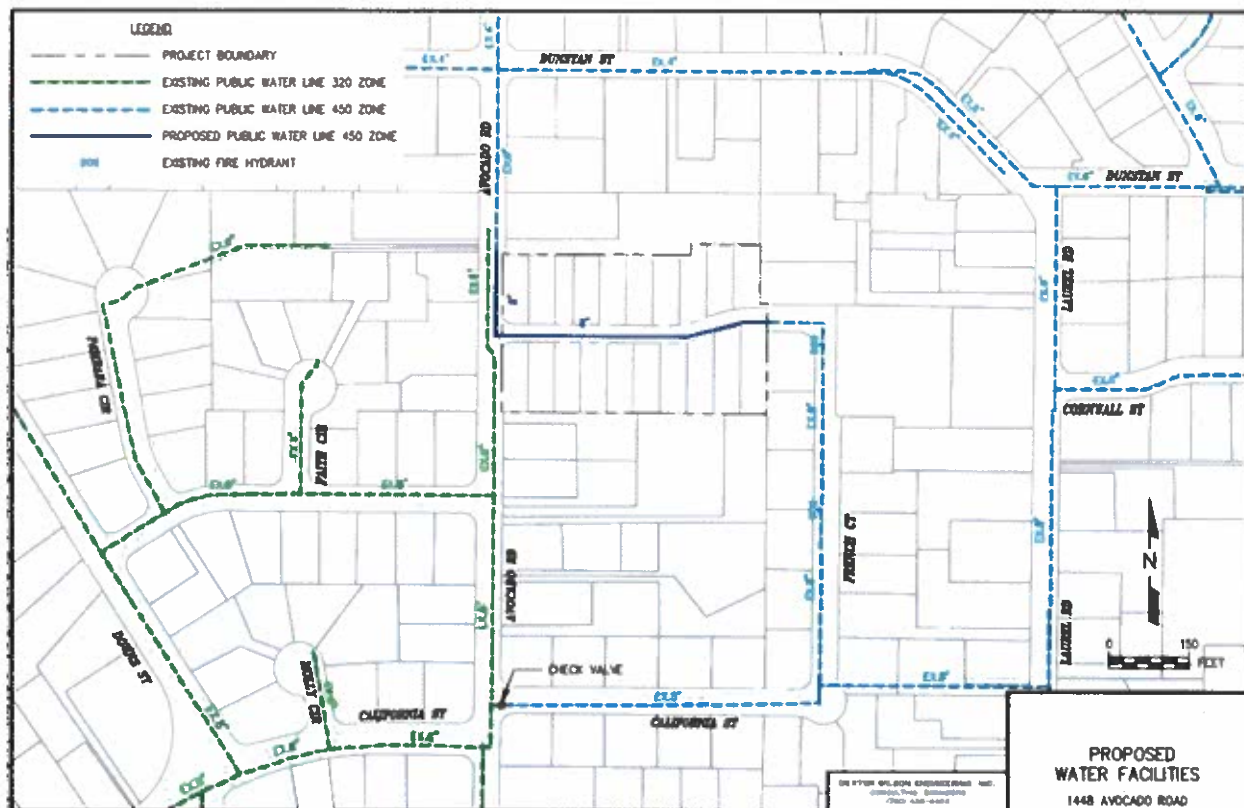
Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on the proposed project's lack of undergrounding utilities on the perimeter of the project.

Issue 6: "No enhancements of utilities for the neighborhood are proposed. i.e.: sewer, drainage, water pressure, storm water runoff, roads."

City Response:

The proposed project provides enhancements to the surrounding water system, roadway and drainage system where required by the City. Concerns with existing water pressure were previously discussed in the Planning Commission report, dated September 11, 2023. Two separate water systems exist in the vicinity of the project site: System 450 HGL (S-450) and System 320 HGL (S-320). S-450 water lines (shown in blue) are located within Dunstan Street, French Court, California Street and a portion of Avocado Road north of the project site. S-320 water lines (shown in green) are located in Avocado Road south of the project site. As depicted in Figure 4 below, the proposed project has been designed to connect to the existing six-inch S-450 water line in Avocado Road, extending it through the project site within a new private roadway connecting to an existing S-450 water line in French Court. The new water line extension would create more avenues for the water to flow (within the S-450 network), which should improve water pressure overall for both existing and proposed homes serviced by that system. The Water System Analysis submitted for the project was reviewed by the Water Utilities Department and System 450 has been deemed adequate for both domestic and fire protection service. In addition to including a water line easement, the new private roadway would also contain public easements for sewer lines, general utilities, and City emergency vehicle access.

Figure 4 – Proposed Water Facilities



The proposed project also provides roadway and drainage/runoff enhancements for the neighborhood. Such improvements to French Court include construction of the undeveloped portion of existing right-of-way, the partial reconstruction of deteriorated roadway paving and the construction of drainage infrastructure (new storm drains, curbs

and gutters) at the street's northern terminus where it connects to the project's private roadway. For Avocado Road, the proposed project is conditioned to construct new curb, gutter, and sidewalk along the Avocado Road frontage enhancing drainage facilities and vehicle/pedestrian circulation.

Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on the issue of not providing enhancements to utilities and other public infrastructure required for the surrounding area.

Issue 7: “Builder’s public outreach was non-compliant with the intent, intentionally delayed scheduling until week prior to Christmas to ensure minimal attendance, resorted to intimidation of residents, did not incorporate ANY of resident’s concerns into the project.”

City Response:

The applicant conducted a community outreach meeting at Oceanside Library Community Rooms on December 13, 2022. At least 30 residents and property owners attended the meeting based on the meeting sign-in sheet. A second public meeting was held near the project site on April 25, 2023 and at least 50 people attended based on the sign-in sheet for this meeting. No details are offered with regard to intimidation by the builder as claimed by the appellant nor were specific details provided with regard to incorporation of resident concerns. The applicant has complied with all the requirements of the City's Enhanced Notification Program (City Council Policy 300-14). In any case, the project has been designed to either comply with the General Plan, and applicable development standards or has requested incentives/concessions and waivers as allowed under State Density Bonus Law.

Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on inadequate outreach efforts, intimidation, or failure to address resident's concerns.

Issue 8: “Construction impacts not addressed... We have asked to ensure the fragile roots of 100-year old trees are not impacted by trucks as they dispose of excavated materials... Existing residents once construction begins will be impacted by rodents relocating to their yards.”

City Response:

As explained in the Planning Commission staff report, dated September 11, 2023, the proposed grading plan estimates an export of approximately 370 cubic yards of material from the project site. In general, developers strive to reduce export as much as possible as the cost of removing material presents a significant expense to the overall project. The amount of export has been minimized to the extent feasible. Based on an average truck load size of 16 cubic yards of material, the proposed project would generate 24 round trips during the grading phase which could be accomplished in about a month's time.

Thus, truck traffic would be temporary and limited, and not expected to adversely impact existing tree roots. The migration of rodents would also be temporary and in general is not included among development project impacts that require specific attention.

Staff recommends that the City Council find that the Appellant has not provided any basis to warrant overturning the Planning Commission's decision based on impacts to existing trees or rodent migration.

Issue 9: The decision by the Planning Commission to approve this project was based on false and misleading information. The applicant's states that:

- **Even with parking waivers there would be ample parking in the development.**
- **That garages are designed to allow parking for 2 or 3 full size cars.**
- **That residents are required to keep garages available for parking**
- **That the requirement to keep garages available for parking will be included in the CC&Rs and maintained through the HOA.**

In addition, Planning states that states that the City has a condition of approval which requires garages be kept available and usable for parking of tenants at all times to also be incorporated into the CC&Rs for residents to be aware of the requirement. Non-compliance can be referred to City Code Enforcement. City Code Enforcement states that they cannot enforce garage parking requirements.

Planning also states that garages can be allowed to be converted to ADUs but this will eliminate parking in garages, adding more vehicle travel and parking on Avocado Road. Safety while walking will be compromised if development results in narrower streets due to inevitable street parking.

City Response: In order to accommodate the increased density allowed under Density Bonus Law and maintain the single-family lot design and character of the underlying zone, the proposed project cannot physically comply with all of the development standards that apply to non-Density Bonus projects. Based on the proposed design to accommodate the development at the density proposed, the applicant requested a number of waivers including a waiver from parking standards. Homes with areas in excess of 2,500 square feet are required to provide garage space for three cars. All proposed homes exceed 2,500 square feet and would be each be required to provide garage space for three cars. All proposed Plan-Three homes meet this standard, however the proposed Plan-One and Plan-Three homes (10 units) require waivers as they provide garage parking for two cars. As previously explained State Law prohibits the City from denying any requested incentives/concessions or waivers unless findings are made that a "*Specific Adverse Impact*," is identified. Both the Fire Department and Traffic Engineering have reviewed the project and do not find that reduced garage parking and private road with reduced street parking to constitute an adverse impact to public health or safety. As such, the waiver for reduced garage parking must be granted.

Planning staff included a discussion of parking in the Planning Commission staff report

dated September 11, 2023, in an attempt to alleviate potential concerns. The discussion noted that each home has a garage with parking for two or three vehicles and that the project was subject to of approval a condition stating: "Garages shall be kept available and useable for parking of tenant's automobiles at all times." It was also noted that all homes would have driveways that could accommodate two additional vehicles. The resolution for the project includes conditions that generally require the recordation of all project conditions over the project site through a covenant or other document. To further strengthen this requirement, staff is recommending an additional condition of approval, explicitly requiring the formation of a home owners association and the recordation of covenants, conditions, and restrictions (CC&Rs) with a comprehensive list of required provisions including the provision for garages to be kept available and useable for the parking of tenant's vehicles at all times.

With regard to enforcement of vehicle parking in garages, the respective homeowner association has the authority to enforce this requirement.

The appellant is correct that the City would allow garages to be converted to ADUs which could result in less parking. However, this cannot be prevented as it is a State mandate to allow such conversions. Moreover, the conversion could happen regardless of a project meeting or waiving parking standards. The decision to convert garage space would be left to individual homeowners and the potential for future conversions is speculative and cannot be used to deny the waiver request.

As explained above, approval of the project was ultimately based on the provisions of State Density Bonus Law. Staff recommends that the City Council find that the appellant has not provided any basis to warrant overturning the Planning Commission's decision based on parking concerns.

In summary, the points raised by the appellants do not constitute adequate grounds for overturning the Planning Commission decision for approval. The project qualifies for a CEQA exemption pursuant to all requirements for a Class 32 In-Fill exemption. Cumulative Traffic impacts for Fire Mountain have been previously analyzed through a Traffic study prepared for an earlier project and additional analysis is not warranted. In addition, a Noise Study prepared for the proposed project determined noise impacts to be less than significant. The proposed project would contribute to the enhancement of public infrastructure with water line extensions, storm drain and roadway improvements and does not create hazards with regard to emergency egress, storm water conveyance or fire safety as determined by Fire and Engineering staff. The applicant public outreach has complied with all the requirements of the City's Enhanced Notification Program as described above and approval of the project was based on State Density Bonus Law and not on false or misleading information.

As previously stated, pursuant to Section 4605(C) of the Zoning Ordinance, the City Council may consider only the issues that were raised in the appeal filed with the City. The extensive analysis provided above clearly demonstrates that the Appellant has not provided any basis to warrant overturning the Planning Commission's approval of the proposed project.

FISCAL IMPACT

None.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on September 11, 2023. During the public hearing, the Planning Commission received testimony from the applicant and the public and, voted to approve the project by adopting Resolution No. 2023-P20 approving Tentative Map (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009) (4-1-1 vote; Commissioner Rosales – no; Commissioner Malik – abstain; 1 Commissioner seat vacant).

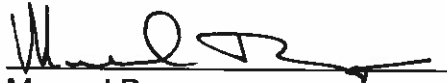
CITY ATTORNEY'S ANALYSIS

The City Council is authorized to hold a public hearing in this matter. Consideration of the matter should be based on the testimony and evidence presented at the hearing. After conducting the public hearing, the Council shall affirm, modify or deny the project. The supporting documents have been reviewed and approved as to form by the City Attorney.

RECOMMENDATION

Staff recommends that the City Council adopt a resolution upholding Planning Commission Resolution No. 2023-P20 approving Tentative Map (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009) on a 3.43-acre parcel located at 1448 Avocado Road.

PREPARED BY:



Manuel Baeza
Principal Planner

SUBMITTED BY:



Jonathan Borrego
City Manager

REVIEWED BY:

Darlene Nicandro, Development Services Director
Sergio Madera, City Planner



ATTACHMENTS:

1. City Council Resolution which includes Planning Commission Resolution No. 2023-P20 approving the project
2. Letter of Appeal
3. Planning Commission Staff Report dated September 11, 2023
4. PowerPoint Presentation to Planning Commission from September 11, 2023 Planning Commission meeting
5. Letters of Opposition distributed to the Planning Commission at the start of the September 11, 2023 meeting (not included in the 9/11/23 agenda packet)

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2023-P20 APPROVING A TENTATIVE MAP, DEVELOPMENT PLAN, AND DENSITY BONUS (T22-00007, D22-00018, & DB22-00009) TO PERMIT A 21-LOT SUBDIVISION AND DEVELOPMENT OF 19 SINGLE-FAMILY HOMES ON A 3.43-ACRE SITE LOCATED AT 1448 AVOCADO ROAD BETWEEN DUNSTAN STREET AND ZABYN STREET –

**(1448 Avocado Road, LLC. – Applicant)
(Leslie Rush -Appellant)**

WHEREAS, on September 11, 2023, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, approved by a vote of 4 -1-1 (one vote against and once vote to abstain, one seat vacant) Tentative Map (T22-00007) Development Plan (D22-00018), and Density Bonus (DB22-00009), to permit a twenty-one (21) lot subdivision (2 common and 19 numbered lots) for single-family residential purposes, with each residence provided with associated on-site parking facilities and landscaping and the demolition of one (1) existing home with detached accessory structures on a 3.43-acre site located 1448 Avocado Road between Dunstan Street and Zabyn Street; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) of 1970 and State Guidelines there to, the project qualifies for a Class 32 Categorical Exemption (In fill Development Projects); and

WHEREAS, on September 21, 2023, a timely appeal of the Planning Commission's approval of said project was filed with the City Clerk; and

WHEREAS, on December 6, 2023, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the Planning Commission's approval of the Tentative Map, Development Plan, and Density Bonus; and

WHEREAS, based on such evidence, testimony, and staff reports, this Council has determined that the findings of fact articulated by the Planning Commission adequately address all of the issues raised in the appeal of this project, and therefore the Council accepts the findings of

fact as set forth in Planning Commission Resolution No. 2023-P20, attached hereto as Exhibit "A," and incorporates them by reference as if fully set forth herein;

NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:

1. The Council affirms the Planning Commission action of September 11, 2023, confirms the approval of the CEQA Class 32 Categorical Exemption and upholds the approval of Tentative Map (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009), as specified by Planning Commission Resolution No. 2023-P20, attached hereto as Exhibit "A" and incorporated herein by this reference.

2. In addition to the Conditions of Approval included within Planning Commission Resolution No. 2023-P20, the following Planning Division Condition of Approval is hereby placed on the project.

An association shall be formed and Covenants, Conditions and Restrictions (CC&Rs) shall provide for the maintenance of all common lots and improvements. The maintenance shall include normal care and irrigation of landscaping; repair and replacement of plant material and irrigation systems as necessary; and general clean-up of the landscaping, and basin. The CC&Rs shall be subject to review and approval of the City Attorney prior to the approval of the Final Map. The CC&Rs are required to be recorded prior to, or concurrently with, the Final Map. Any amendments to the CC&Rs in which the association relinquishes responsibility for the maintenance of any common open space shall not be permitted without the specific approval of the City of Oceanside. Such a clause shall be a part of the CC&Rs. The CC&Rs shall also contain provisions for the following:

- a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- b) Provision that garages shall be kept available and useable for the parking of tenant's automobiles at all times.
- c) 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.
- d) Provisions prohibiting the homeowners association from relinquishing its obligation to maintain the common open space areas without prior written consent by the City of

1 Oceanside.

2 e) An acknowledgement that the City of Oceanside does not have a view preservation
3 ordinance and that views may be subject to change with maturing off-site landscape and
4 the potential for future off-site building.

5
6 3. Notice is hereby given that the time within which judicial review must be sought on this decision
7 is governed by Public Resources Code section 21167(d) and Code of Civil Procedure section 1094.6(b)
8 as set forth in Oceanside City Code section 1.10.

9
10 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
11 ____ day of _____, by the following vote:

12
13 AYES:

14 NAYS:

15 ABSENT:

16 ABSTAIN:

17
18
19 _____
 Mayor of the City of Oceanside

20 ATTEST:

21 APPROVED AS TO FORM:
22 OFFICE OF THE CITY ATTORNEY

23 _____
24 City Clerk

25 _____
26 City Attorney

**PLANNING COMMISSION
RESOLUTION NO. 2023-P20**

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

**APPLICATION NO: T22-00007, D22-00018, DB22-00009
APPLICANT: 1448 AVOCADO LLC
LOCATION: 1448 Avocado Road between Dustan Street and Zabyn Street
(APN 151-222-030, 040, and 050)**

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

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

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

on certain real property described in the project description.

**WHEREAS, the Planning Commission, after giving the required notice, did on the
11th day of September, 2023 conduct a duly advertised public hearing as prescribed by law
to consider said application.**

**WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
Guidelines thereto (Section 15332); this project qualifies for a Class 32 categorical**

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

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

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

Description	Authority for Imposition
Public Facility (Residential)	Ord. No. 91-09 Reso. No. 15-R0638-1
Parks (Residential only)	Ord. No. 91-09 Reso. No. 15-R0638-1
Schools (Residential)	OUSD Reso. # 30(19-20) VUSD Reso # 21-04 CUSD Reso. # 33-1516 Ord # 91-34 Education Code section 17620
Traffic Signal & Thoroughfare (Single-Family Residential)	Reso. No. 16-R0324-1
Drainage and Flood Control Fee	Reso. #15-R0638-1 Ord #85-23
Wastewater System Capacity Buy-In Fee(Single-Family Res)	Reso. #87-97 Ord# 15-OR0479-1 City Code 32.7.29
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.7.37
San Diego County Water Authority (Residential and Non-Residential)	SDCWA Ord. 2017

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

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

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

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

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

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

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

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

1 **FINDINGS:**

2 **For Tentative Map (T22-00007):**

- 3 1. The proposed Tentative Tract Map is consistent with the General Plan of the City
4 as the underlying General Plan Land Use designation of ER-B allows single-family
5 residential development as proposed with the project. In addition, the project is
6 consistent with Goal 1.16 of the Land Use Element and Policies 2.2 3.2, 3.5, 3.7,
7 and 3.8 of the Housing Element as it relates to the provision of affordable housing.
- 8 2. The site is physically suitable for the type and proposed density of development
9 because the 3.43-acre project site is not significantly constrained by geology,
10 hydrologic hazards, sensitive or protected habitat, easements or other limiting
11 features based on the proposed project design. The site of the proposed single-
12 family residential subdivision is located within a residential area surrounded by
13 residential land uses in all directions. The proposed density of the project at 5.54
14 dwelling units per acre is comparable with residential densities in the immediate
15 vicinity of the project site.
- 16 3. The design of the subdivision or the proposed improvements will not cause
17 substantial environmental damage or substantially and avoidably injure fish or
18 wildlife or their habitat as the project site is located in an urbanized and developed
19 area of the City. The project site has been historically used for farming, and
20 supports no native vegetation communities. Therefore, no impacts result from
21 implementation of the project.
- 22 4. The design of the subdivision or the type of improvements meet City standards and
23 will not conflict with easements, acquired by the public at large, for access through
24 or the use of property within the proposed subdivision as the project provides a new
25 private roadway connecting Avocado Road to French Court and grants new
26 easements for public water, sewer, general utilities and City emergency vehicle
27 access and avoids conflict with any existing easement. All roadway improvements
28 for public and private streets are subject to City review and approval thus, City
29 standards will be met.

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

5 For the Development Plan (D22-00018):

- 6 1. The site plan and physical design of the project as proposed is consistent with the
7 purposes of the Zoning Ordinance because the siting of residential lots and project
8 appurtenances is consistent with the provisions of Section 3032 of the Zoning
9 Ordinance.
- 10 2. The Development Plan as proposed conforms to the General Plan of the City, in
11 that the underlying General Plan Land Use designation of ER-B R allows single-
12 family residential development as proposed with the project. In addition, the
13 project is consistent with Goal 1.16 of the Land Use Element and Policies 2.2 3.2,
14 3.5, 3.7, and 3.8 of the Housing Element as it relates to the provision of affordable
15 housing.
- 16 3. The area covered by the Development Plan can be adequately, reasonably, and
17 conveniently served by existing and planned public services, utilities, and public
18 facilities because the project site is situated within an urbanized area now served
19 by existing public services, utilities, and public facilities.
- 20 4. The project is compatible with existing residential development to the north, south,
21 east, and west because it proposes single family detached residential homes
22 consistent with surrounding residential development. The proposed density of the
23 project at 5.54 dwelling units per acre is higher than surround development but is
24 permitted per State Density Bonus Law and is still comparable with the allowable
25 residential density of 4.35 dwelling units per acre found in the immediate vicinity
26 of the project site. In addition, the project is designed to be internally facing with
27 no new homes facing existing homes thus reducing the opportunity of making
28 visual comparisons between existing properties and proposed lots.
- 29

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

7 For the Density Bonus (DB22-00009):

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

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

4
5 **Planning:**

- 6 1. This Tentative Map, Development Plan, and Density Bonus Approval shall expire
7 36 months from its approval, unless this time period is extended by the provisions
8 of Section 408 or 409 of the Subdivision Ordinance.
- 9 2. This Tentative Map, Development Plan, and Density Bonus approves only a 21 lot,
10 19-Single-Family Home subdivision as shown on the plans and exhibits presented
11 to the Planning Commission for review and approval. No deviation from these
12 approved plans and exhibits shall occur without Planning Division approval.
13 Substantial deviations shall require a revision to the Development Plan or a new
14 Development Plan.
- 15 3. The applicant, permittee or any successor-in-interest shall defend, indemnify and
16 hold harmless the City of Oceanside, its agents, officers or employees from any
17 claim, action or proceeding against the City, its agents, officers, or employees to
18 attack, set aside, void or annul an approval of the City, concerning Tentative Map
19 (T22-00007), Development Plan (D22-00018), and Density Bonus (DB22-00009).
20 The City will promptly notify the applicant of any such claim, action or proceeding
21 against the city and will cooperate fully in the defense. If the City fails to promptly
22 notify the applicant of any such claim action or proceeding or fails to cooperate
23 fully in the defense, the applicant shall not, thereafter, be responsible to defend,
24 indemnify or hold harmless the City.
- 25 4. Outdoor lighting shall be low emission, shielded, and directed away from the
26 property lines, so that 0 foot-candles is achieved at the property boundary.
- 27 5. All wood gates adjacent to public right-of-way and/or visible from the public right-
28 of-way will be stained or otherwise finished with a waterproof material.

- 1 6. Adjacent homeowners shall be notified of planned construction activities and times
2 approximately two weeks prior to the start of work.
- 3 7. A covenant or other recordable document approved by the City Attorney shall be
4 prepared by the property owner and recorded prior to the approval of the final map.
5 The covenant shall provide that the property is subject to this resolution, and shall
6 generally list the conditions of approval.
- 7 8. Prior to the transfer of ownership and/or operation of the site the owner shall
8 provide a written copy of the applications, staff report and resolutions for the
9 project to the new owner and or operator. This notification's provision shall run
10 with the life of the project and shall be recorded as a covenant on the property.
- 11 9. Failure to meet any conditions of approval shall constitute a violation of the
12 Tentative Map, Development Plan, and Density Bonus;
- 13 10. Unless expressly waived, the project shall adhere to all current zoning standards
14 and City ordinances and policies in effect at the time the SB330 Application was
15 deemed complete. The approval of this project constitutes the applicant's
16 agreement with all statements in the Description and Justification and other
17 materials and information submitted with this application, unless specifically
18 waived by an adopted condition of approval.
- 19 11. The developer's construction of all fencing and walls associated with the project
20 shall be in conformance with the approved Development Plan. Any substantial
21 change in any aspect of fencing or wall design from the approved Development
22 Plan shall require a revision to the Development Plan or a new Development Plan.
- 23 12. If any aspect of the project fencing and walls is not covered by an approved
24 Development Plan, the construction of fencing and walls shall conform to the
25 development standards of the City Zoning Ordinance. In no case, shall the
26 construction of fences and walls (including combinations thereof) exceed the
27 limitations of the zoning code, unless expressly granted by a Density Bonus Waiver
28 or other development approval.

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

- 1 households shall be recorded against the title of the property. The duration of such
2 sale restrictions shall be in effect for a minimum of fifty-five (55) years.
- 3 20. The required "Affordable Housing Regulatory Agreement" shall be recorded
4 against the project site prior to the issuance of any permits for the project.
- 5 21. All units proposed as part of this project shall be rented for no less than 31-days.
- 6 22. A letter of clearance from the affected school district in which the property is
7 located shall be provided as required by City policy at the time building permits
8 are issued.
- 9 23. In order to prevent potential indirect impacts to breeding birds/raptors, if grading
10 is proposed during the bird/raptor breeding season (January to July) then a pre-
11 construction survey for active nests shall be performed no more than three days
12 prior to the initiation of construction. If an active nest is identified onsite, then
13 grading shall be postponed until the nest is no longer active.
- 14 24. During construction the contractor will overlap the architectural coating phase with
15 the final 45 days of building construction to reflect actual construction methods.
- 16 25. The project will install drought-tolerant vegetation and water-efficient irrigation
17 systems.
- 18 26. The project will install low-water use appliances and fixtures.
- 19 27. The project will install Energy Star, or equivalent, dishwashers, clothes washers,
20 refrigerators, and fans.
- 21 28. The project will be compliant with SDAPCD Rule 67.0.1 (d) which requires the
22 use of low Volatile Organic Compound (VOC) paint (no greater than 50
23 grams/Liter) for use on building interior and exterior surface and 100 grams/Liter
24 for traffic marking coatings.
- 25 29. During clearing, grading, earth-moving, excavation, or transportation of cut or fill
26 materials, water trucks or sprinkler systems shall be used to prevent dust from
27 leaving the site and to create a crust after each day's activities cease.
- 28 30. During construction, water trucks or sprinkler systems shall be used to keep all
29 areas of vehicle movement damp enough to prevent dust from leaving the site. At

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

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

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

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

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

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

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

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

Building:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 b. All day Sunday; and

10 c. On any federal holiday.

11 Exceptions.

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

16 b. The Building official may authorize extended or alternate hours of
17 construction for the following circumstances:

18 i. Emergency work

19 ii. Adverse weather conditions

20 iii. Compatibility with store Business hours.

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

22 v. Per the direction of the City Managers office for projects that have been
23 determined that rapid completion is in the best interest of the general public.

24 46. A form or foundation survey shall be required prior to the placement of concrete to
25 show the location of the new structure in respect to the property lines, known
26 easements, and known setback lines. By obtaining a form survey the location of the
27 foundation is checked prior to the placement of concrete, and can save costly
28 corrective measures in case of an encroachment of a property line.
29

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

12 **Engineering:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Street Improvement Condition

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

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

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

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

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

72. 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.

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

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

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

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

76. 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.

77. 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 Avocado Road and French Street frontage. The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer prior to the issuance of a grading permit. In the absence of an approved boring plan, the field investigation shall include a minimum of one pavement boring per every fifty linear feet (50) of street frontage.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 104. The project shall include a hardscape contingency as a conservative approach for
26 stormwater and drainage analyses. The future creation of hardscape by homeowners
27 may impact the post-construction stormwater and/or detention system(s) design
28 function.
29

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

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

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

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

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

19 112. Approval of this development project is conditioned upon payment of all applicable
20 impact fees and connection fees in the manner provided in chapter 32B of the
21 Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare
22 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall
23 be paid prior to recordation of the map or the issuance of any building permits, in
24 accordance with City Ordinances and policies. Payment of drainage impact fees are
25 required prior to docketing the map for City Council hearing and the recording of the
26 final map. The owner/developer shall also be required to join into, contribute, or
27 participate in any improvement, lighting, or other special district affecting or affected
28 by this project.
29

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

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

9
10
11 **Fire:**

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

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

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

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

25 **Housing:**

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

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

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

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

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

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

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

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

14 **Police:**

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

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

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

19 121. Lighting

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

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

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

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

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

28 **Solid Waste:**

- 1 122. Each single-family residential property unit must have landfill, recycling, and
2 organics services (residential carts). The carts must be stored on private property
3 and screened from public view by a solid fence, wall or garage. The plans need to
4 show where the storage for each stream of residential carts will be located. Label
5 the three carts in their storage area to ensure service and proper storage for all three
6 streams for each single-family residence.
- 7 123. The plans must demonstrate where servicing will occur for the residential carts to
8 ensure adequate access by service vehicles. For cart dimensions and service vehicle
9 requirements, including street turning radius and minimum road lengths, please
10 refer to the City of Oceanside Enclosure and Service Guide Solid Waste, Recycling
and Organics guidebook.

11 **Transportation:**

- 12 124. The project shall establish no parking on one side of the private road by installing
13 signs or painting the curb red. This improvement shall be completed prior to the
14 issuance the Certificate of Occupancy and to the satisfaction of the City Traffic
15 Engineer.
- 16 125. Corner sight visibility per Caltrans Highway Design Manual (current edition at time
17 of improvement and grading plans City Engineer's approval) at all project access
18 point off of Avocado Drive shall be provided prior to the issuance the Certificate of
19 Occupancy and the satisfaction of the City Traffic Engineer.
- 20 126. Streetlights shall be maintained and installed on Avocado Drive per City Standards.
21 The system shall provide uniform lighting, and be secured prior to occupancy. The
22 owner/developer shall pay all applicable fees, energy charges, and/or assessments
23 associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to
24 the formulation of, or the annexation to, any appropriate street lighting district.
- 25 127. The project shall establish no parking on both sides of French Court between the
26 project easterly entrance and continuing to a point approximately 230 feet south of
27 the southerly curb line of the project's private street. This improvement shall be
28
29

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

3 **Landscaping:**

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

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

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

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

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

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

12 **Water Utilities:**

13 **General Conditions:**

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

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

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

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

- 1 135. The property owner shall maintain private water and wastewater utilities located on
2 private property.
- 3 136. Water services and sewer laterals constructed in existing right-of-way locations are
4 to be constructed by an approved and licensed contractor at developer's expense.
- 5 137. Each new residential dwelling unit shall be equipped with a separate individual
6 water meter, and a separate sewer lateral connection.
- 7 138. A public water main (450 HGL) shall be constructed within the private road to
8 serve the residences. The public water main shall be located a minimum 5 feet off
9 curb face. Developer shall obtain a waiver from the Division of Drinking Water if
10 the minimum 10' separation (wall to wall) for water and sewer mains is not
11 satisfied.
- 12 139. The public water main shall connect to the existing 6-inch AC water main (450
13 HGL) in Avocado Rd. and connect to the 8-inch water main in French Court. The
14 new 8" water main on Avocado Rd shall extend to the northerly property line and
15 include some removal and replacement of the existing 6" main.
- 16 140. The on-site sewer collection system (mains, manholes, laterals etc.) shall be private
17 and designed in accordance with the *Water, Sewer, and Recycled Water Design*
18 *and Construction Manual*. The Homeowner's Association would be responsible
19 for the ownership, maintenance, and replacement of the sewer collection system.
- 20 141. A private sewer main (min. 8-inch) shall be constructed within the private road to
21 serve the residences. The sewer main shall be located along the centerline of the
22 road. A manhole shall be required at the terminus (starting point).
- 23 142. The Developer shall provide a minimum 20 foot wide easement for the water main
24 per the *Water, Sewer, and Recycled Water Design and Construction Manual*.
- 25 143. Provide a dedicated irrigation water meter for on-site common area (HOA)
26 landscaping. Meters shall be managed and paid for by the Homeowner's
27 Association for the development. An address assignment must be completed for the
28 meters, and processed through the City Planning Department.
29

1 144. Per the latest approved California Fire Code, all new residential units shall be
2 equipped with fire sprinkler system. Water services that feed the fire sprinkler system
3 along with the domestic water system shall be equipped with a dual check valve
4 device.

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

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

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

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

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

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

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

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

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

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

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

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

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

155. 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.

156. 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.

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

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

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

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

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

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

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

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

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

14 AYES: Morrissey, Balma, Dodds, Anthony

15 NAYS: Rosales

16 ABSENT:

17 ABSTAIN: Malik



Tom Rosales, Chairperson
Oceanside Planning Commission

20 ATTEST:

21
22 
23 Sergio Madera, Secretary

24 I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that
25 this is a true and correct copy of Resolution No. 2023-P20.
26

27 Dated: September 11, 2023
28

29



RECEIVED

Attachment 2

OCEANSIDE CA

SEP 21 2023

City Clerk Department
300 North Coast Highway
Oceanside, CA 92054

OCEANSIDE CITY CLERK Tel (760) 435-3000 Fax (760) 967-3922

APPEAL OF PLANNING COMMISSION ACTION**APPEALS MUST BE FILED WITH THE CITY CLERK'S OFFICE WITHIN 10 CALENDAR DAYS OF THE DATE OF FINAL ACTION**

PROJECT/ACTION BEING APPEALED			
PROJECT NAME <i>Avocado Road Residential</i>		DATE OF FINAL DECISION <i>09-11-2023</i>	
RESOLUTION NUMBER <i>2023-P20 1448 Avocado Road</i>			
FORM OF APPEAL			
APPEAL FEE - \$1,838 <input type="checkbox"/> PETITION <input checked="" type="checkbox"/> (PLEASE SEE BELOW FOR EXPLANATION/SIGN OFF)			
LETTER INCLUDING A STATEMENT SPECIFICALLY IDENTIFYING THE PORTION(S) OF THE DECISION BEING APPEALED AND THE BASIS FOR THE APPEAL IS ATTACHED <input checked="" type="checkbox"/>			
PERSON FILING APPEAL			
NAME <i>Leslie Rush</i>		Daytime Telephone: <i>949-285-2155</i>	
ADDRESS <i>1459 Avocado Road</i>	CITY <i>Oceanside</i>	STATE <i>CA</i>	ZIP <i>92054</i>
APPEALED BY <input type="checkbox"/> APPLICANT (COMPANY/REP) <input type="checkbox"/> INTERESTED PARTY <input type="checkbox"/> PROPERTY OWNER WITHIN NOTICE AREA <input checked="" type="checkbox"/>			
SIGNATURE <i>Leslie Rush</i>		DATE <i>09.21.2023</i>	
CONTACT PERSON (IF DIFFERENT FROM PERSON FILING APPEAL)			
NAME <i>Lennie Rae Cooke</i>			
ADDRESS <i>2409 Dunstan Street</i>	CITY <i>Oceanside</i>	STATE <i>CA</i>	ZIP <i>92054</i>
Daytime Telephone <i>760-681-6149</i>	Fax Number	Email Address <i>LENNIERAE@COOKE@gmail.com</i>	
<p>Section 4604: To appeal by petition for a waiver of the appeal fee, the appeal must be accompanied by the signatures of 50% of the property owners within the noticed area or 25 signatures of the property owners or tenants within the noticed area, whichever is less.</p> <p>I hereby certify that this appeal is being submitted in accordance with the Zoning Ordinance and meets the criteria specified in Section 4604 for an appeal by petition.</p> <p>Signature: <i>[Signature]</i> Date: <i>09.21.2023</i></p> <p>NOTE: All petitions must contain <u>original</u> signatures, along with the printed name and address of each signer.</p>			

Received by: *M. Siskario*
Via: *Personal delivery*
Copy to: *CAO, CMO, Sergio M. Darlene,*

September 21, 2023

Dear Oceanside Mayor and City Council:

This letter accompanies the attached appeal to the Planning Commission action on September 11, 2023, regarding the Avocado Road Residential Project, Tentative Tract Map (T22-00007), Development Plan (D22-00018) and Density Bonus (DB22-00009). The Planning Commission approved the proposed project and a CEQA Class 32 Infill Categorical Exemption. We are appealing the decision on T22-00007, D22-00018 and DB22-00009 for the reasons stated below.

Inappropriate Use of a Categorical Exemption under the California Environmental Quality Act

The City's CEQA reviewers look with blinders at the applications before them and not at the cascading effects of approving categorical exemptions. This piecemeal approach to development not only avoids analysis of cumulative impacts, it precludes the opportunity for meaningful public input. [Section 21159.27.] It is particularly disconcerting that the Senior Planner for this project mistakenly defined "cumulative" to the Commission during the hearing. This error may have been a slip of the tongue, but the consequences are significant.

The Fire Mountain community is concerned about those development applications that do not provide an analysis of cumulative impacts and avoid public input. The Fire Mountain community has notified the City about these concerns on numerous occasions, and the City should have known that this development and others like it drastically increase infrastructure requirements for our area. That change alone is sufficient to trigger additional environmental review. [Sections 21159.24(b)(1), (2); Sections 15183.3(c), (d)(B), and (C).]

The project fails to meet the criteria to utilize a Class 32 Infill Categorical Exemption. We will demonstrate that:

- The project does not fulfill the requirements under Section 21159.24(b)(1), (2), and (3);
- Exemptions to the Categorical Exemption identified in Section 21081.2 are present;
- The project site is not an infill site and CEQA analysis should not be processed as such;
- The project individually and cumulatively redefines the Fire Mountain area from "rural" (as defined in our General Plan) by decreasing the lot size and not preserving the rustic and rural nature of the neighborhood, thereby resulting in significant impacts to Land Use; and
- Cumulative impacts to traffic, safety, and stormwater conveyance from future developments in our neighborhood that utilize the bonus densities, incentives, concessions, and waivers to development standards and zoning requirements as this project has done have not been identified or analyzed.

Goal 1-1 of the City's General Plan is "to ensure the enhancement of long-term community and neighborhood values through effective land use planning" which the Avocado Road Residential Project does not. For years the residents of Fire Mountain have done everything possible to make the Council aware of the cumulative impacts resulting from increased development in the area. The Avocado Road proposed density is far in excess of existing Fire Mountain single family development. The project will in fact, fail to maintain or enhance the quality of the existing neighborhood.

While Fire Mountain residents are not opposed to development the cumulative impact of high-density residential developments in Fire Mountain with waivers for minimum lot size, width, coverage, setbacks, parking standards, undergrounding of utilities along public streets, and street frontage improvements have not been properly analyzed. The statute requires analysis of all potentially significant impacts and the issuance of a statement of overriding considerations if necessary. By not following the intent of CEQA, the City risks destroying the quality of the existing residential neighborhood. It is disingenuous of the City to submit that adequate environmental review of the additional 353 new residences in our rural area in the past 26 months has occurred when all of these projects have been exempted.

Identified Impacts Not Analyzed

In addition to the adverse environmental impact of cumulatively considerable projects at a significantly higher density, impacts attributable to the additional traffic, parking and noise the Avocado Road project will generate have not been adequately analyzed. Assuming 5 persons living in each 4-5 bedroom home, that results in 95 people *at a minimum* residing on the 3.43 acre parcel. This 19-home development, will be built on a lot, that is on a block of street that currently only has 18 homes in total. This block of Avocado Road, at its smallest point, is a little over 33ft wide, and is one of Fire Mountain's narrowest roads. At a minimum, this project will add approximately 76 + new resident vehicles traveling this narrow block multiple times daily in addition to guests and delivery trucks. The 2 and 3 car garages are not large enough to accommodate standard size vehicles and the private drive will only have parking on one side. This will most certainly result in an excessive number of vehicles using narrow Avocado Road for overflow parking. Street parking by these vehicles on Avocado Road will prohibit safe pedestrian walking and because of our lack of sidewalks, pedestrians will be forced to walk around these parked cars and into driving vehicles. We should not bear the brunt of the development's inability to adequately contain all the vehicles it will generate. With the addition of ADUs as the Planner indicated was allowable, there will be less parking available within the development and an increase in the number of cars the development generates. With the close proximity to the local schools, this passage of Avocado Road is also traveled daily by children walking to school. As Commissioner Malik noted, children will be forced to walk unsafely due to the increase in vehicles or because of the walkability safety concerns, parents will have to drive the ¼ mile, which exacerbates another issue of adding more vehicle traffic into the mix. The additional daily trip traffic impact and street parking increase on Avocado Road constitutes a significant adverse environmental impact to health and safety. The significantly higher population density on Avocado Road along with cumulative traffic impact show substantial evidence that the proposed Avocado Road Residential project will have a significant, adverse, environmental impact. See Exhibit A.

The City does not require a traffic study for a project of this size. The City has approved 8 other Fire Mountain projects that will result in 353 new homes to Fire Mountain without a cumulative study. The undeniable traffic, safety and health impacts this many additional people residing in our neighborhood and the over 1500 + additional vehicles traveling our narrow streets, is unavoidable and should prevent this development and any further developments, from being approved until a live cumulative traffic study, to include cut through traffic, has been completed and the impacts analyzed.

Evacuation

Fire Mountain has no safe evacuation plan. On a typical day now it's difficult at best, with the current resident and cut through traffic, to exit Fire Mountain from any of the 4 egress points. Residents concerned about the ability to evacuate in an emergency have requested confirmation that an evacuation route has been identified and can adequately handle an additional 76-95 cars and people on one block of Avocado Road. Lack of an emergency evacuation plan is a potentially significant cumulative impact that requires additional City and public input. A study must also include the likely closure of the California on-ramp, which currently provides an egress from the area. There is insufficient data that public safety has been adequately addressed. We do not know if the streets are capable of evacuating the 95 new residents plus the existing 500 residents in the immediate vicinity of the project area. It is unreasonable to conclude that public safety will not be impacted by the residents of this new development's parking on public streets. We've all seen photos of the horrors of evacuating a fire, from Northern California to Maui. Let us learn from their experiences and not repeat them.

Stormwater Conveyance

This development contributes to an existing significant impact with relation to stormwater runoff. Our streets flood and the conveyance system has not been adequately addressed. Currently extensive damage occurs during heavy rains, which are expected to increase annually in intensity. The project applicant has not evaluated the effect of climate change on the volume released from the site. Errant stormwater flows have caused extensive damage to homes receiving these flows. A Fire Mountain resident, who lives down the easement directly across from the northwest corner of this project's site, experienced a slope failure this year, due to heavy rains pooling in their uphill neighbor's yard – \$30,000 was the cost to repair and was not covered by insurance. Another resident on the corner of Avocado and Zaby, has had 3 incidents in the last 2 years during heavy rains where the water flow in the Avocado Road street gutter hops the curb and directs excessive water and mud all across the driveway, prohibiting access to the home due to this excessive flooding and mud. This potentially significant cumulative impact has not been addressed. We request that the proposed development not just match the existing flow of discharge but be required to include future climate conditions in their evaluation of the size of the stormwater basin.

- The project's private road storm drain capturing drainage that is entering this development and piping to the bio filtration basin where stormwater is held, detained and then released will be released onto Avocado Road exactly where the existing significant impacts of stormwater runoff have caused the above noted incidents.

Undergrounding Utilities

The lack of requirement to underground the utilities on the perimeter of this project is a contributing factor to a potential fire hazard and is a risk to public safety, as noted by Planning Commissioner Dodds at the Planning Commission hearing.

These additional elements should also be noted as contributing components of appeal.

- **Builder's State of California Business license is in arrears.**
- **Builder's misleading statements regarding design & architecture consistent with the area and rural nature of Fire Mountain.**
- **Builder's misleading statements regarding this development enhancing area utility & emergency access connections.**
 - **No enhancements of utilities for the neighborhood are proposed. i.e.: sewer, drainage, water pressure, stormwater runoff, roads.**
 - **This development establishes a potential problem for emergency egress in this area.**
 - **Public safety is at risk due to cars parking on the narrow street.**
 - **The permeable pavers "designed to support up to 78,000 lbs." are unproven technology and require maintenance to ensure they retain their ability to infiltrate water. Fire Mountain has significant impact from stormwater runoff. Will the City be responsible should these permeable pavers need to be replaced with impervious material?**
- **Builder's public outreach was non-compliant with the intent, intentionally delayed scheduling until week prior to Christmas to ensure minimal attendance, resorted to intimidation of residents, did not incorporate ANY of resident's concerns into the project.**
- **Whaley Street Residential Bonus Density Project T21-00004, D21-00008, and DB21-00004 submitted by the same builder, Rincon homes, was approved by the Planning Commission in 2022. This development was submitted and approved under the guise of contributing to the affordable housing crisis yet building has begun and the renters in the affordable rental homes on this lot have all been displaced and the home(s) are now for sale for \$1,025,000.**
- **Construction impacts not addressed**
 - **We have asked to ensure the fragile roots of 100-year-old trees, which help create the rural atmosphere we are trying to protect, are not impacted by the trucks as they dispose of excavated material. We have grave concerns about this potential impact.**
 - **The new homes will have rodent-proofing installed as part of the project and will not be impacted by the rodents. The existing residents of Fire Mountain once construction begins will most certainly be impacted by rodents relocating to their yards. Gophers have caused extensive damage to our homes and contributed to stormwater runoff flooding and reasonable measures to mitigate this impact from construction should be required by the builder**

Exhibit A:

The decision by the Planning Commission to approve this project was based on false and misleading information.

- **The applicant's documentation states that even with parking waivers there would be ample parking in the development.**
- **The applicant's documentation states that garages are designed to allow parking for 2 or 3 full size cars.**
- **The applicant stated that residents will be required to keep their garages available for vehicle parking.**
- **The applicant states this will be included in the CC&Rs and maintained through the HOA.**
- **Oceanside Planning department stated, "The City has a standard condition of approval to cover the concern for overflow street parking on Avocado Road by this development's residents. The condition states, Garages shall be kept available and useable for the parking of tenant's automobiles at all times." This condition will be incorporated into the CC&Rs for the project so that the residents are aware of the requirement. Should residents not comply they can be referred to City Code Enforcement."**

City's Code Enforcement has stated that they cannot enforce or address any type of referrals regarding the above compliance.

- **Oceanside Planning department stated the City would allow garages to be converted to ADUs however ADU's will eliminate parking in garages and add more vehicles traveling the street(s) and parking on Avocado Road.**

Walkability is essential to well-being and our neighborhood with it's no side walked streets is full of walkers, school children, dogs, wheelchairs, and bicycles almost every hour of the day. Our safety will be compromised if the development results in narrower streets because of inevitable street parking

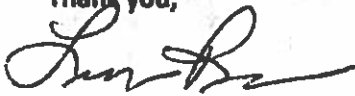
APPEAL OF PLANNING COMMISSION ACTION

The State Bonus Density laws were designed to encourage the construction of affordable units of housing to assist with California's affordable housing crisis. This Avocado Road development is in fact adding to this crisis by taking advantage of these bonus density laws, and then providing only 1 affordable home and 18 prohibitively expensive million-dollar homes.

Because this development, poses a significant, quantifiable, direct, and unavoidable impact to health and safety there should be no concerns by members of the Oceanside City Council to stand up to the State of California with a unanimous vote to deny this project.

We are requesting the City Council overturn the proposed project, as well as the Class 32 Categorical Exemption pursuant to CEQA Guidelines Section 15332, In-Fill Development.

Thank you,



Leslie Rush

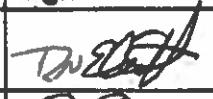





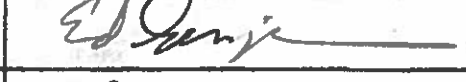
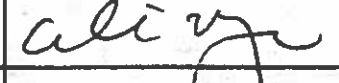
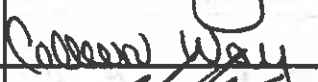


**Petition to Appeal Planning Commission Approval of Avocado Rd. Single
Family Residential Development - T22-00007, D22-00018, DB22-00009
APN: 151-222-03,04,05**

Petition summary and background	Appeal the approval by Oceanside Planning Commission of Avocado Rd. Single Family Residential Development
Action petitioned for	Oceanside City Council to reverse the approval of Avocado Rd. Single Family Residential Development

Date	Printed Name	Street Address	Signature
9/16/23	Sharon Davis	1454 Avocado Rd	Sharon Davis
9/16/23	Lisa Davis	1454 Avocado Rd	Lisa Davis
9/16/23	Robert Little	1454 " "	Robert Little
9/16/23	Todd Davis	1454 Avocado	Todd Davis
9/17/23	Steve Lawrence	2817 Ocean Village Way	Steve Lawrence
9/17/23	Jan Hollander	1505 Laurel Rd	Jan Hollander
9/17/23	Scott Hollander	1505 Laurel Rd	Scott Hollander
9/17/23	Mary Simpson	1302 Avocado Rd	Mary B. Simpson
9/17/23	Amber Bass	1402 Crestridge drive	Amber Bass
9/17/23	Caroline M. Naples	1424 Avocado Rd	Caroline M. Naples
9/17/23	Leslie Rush	1459 Avocado Road	Leslie Rush

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Action petitioned for	Oceanside City Council to reverse the approval of Avocado Rd. Single Family Residential Development

Date	Printed Name	Street Address	Signature
9/15/23	RN ELLIOT	1507 AVOCADO RD, OCEANSIDE 92054	
9/15/23	JUDIANNE ANDERSON	1507 AVOCADO RD, OCEANSIDE, CA 92054	
9/15/23	MICHAEL GARCIA	1443 AVOCADO RD, OCEANSIDE, CA 92054	
9/15/23	Shannon Farnar	1402 AVOCADO RD OCEANSIDE CA 92054	
9/15/23	Melily Wright	1402 AVOCADO RD. OCEANSIDE CA	
9/15/23	Mikya Farnar	1402 AVOCADO RD OCEANSIDE CA	
9/15/23	Ed Simpson	1302 AVOCADO RD OCIDE CA	
9/29/15/23	Alix Meyer	1851 Campeon Pk. Oceanside CA 92054	
9-16-23	Colleen Way	2394 Dunstan St, Oceanside Ca	
9-17-23	Charlie Doherty	1302 Crestridge Dr oceanside Ca 92054	
9/16/23	MARK CHAVEZ	2315 DUNSTAN ST O'SIDE CA 92054	

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Date	Printed Name	Street Address	Signature
09/14/2023	RAYMOND JOHNSON	1423 AVOCADO RD. OCEANSIDE, CA 92054	Raymond Johnson
09/15/2023	ERNEST WANG	2394 DUNSTAN ST. OCEANSIDE CA 92054	Ernest Wang
9/15/23	Yumi LaRussa-Desiderio	2331 KENWYN ST. OCEANSIDE, CA 92054	Yumi LaRussa-Desiderio
9/15/23	Clayton Sepulveda	11620 Laurel Rd Oceanside CA 92054	Clayton Sepulveda
9/15/23	Aimee Pirrone	2307 Dunstan St. Oceanside, CA 92054	Aimee Pirrone
9/15/23	MARVIN GLUCKSTEIN	1330 CRESTBRIDGE DR. OCEANSIDE CA 92054	Marvin Gluckstein
9/15/23	NANCY KEATING	1423 AVOCADO RD O'SIDE 92054	Nancy Keating
9/15/23	Lennie Rae Cooke	2409 Dunstan St Oceanside 92054	Lennie Rae Cooke
9/15/23	Ann Custer	1472 Avocado Rd Oceanside 92054	Ann Custer
9/15/23	Tim Custer	1472 Avocado Rd Oceanside 92054	Tim Custer
9/15/23	Fred Murray	2409 Dunstan St Oceanside, 92054	Fred Murray



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Date	Printed Name	Street Address	Signature
9/13/23	Vicki Parker	2439 Dunstan St. Oceanside, CA	Vicki Parker
9/13/23	Suzanne Weatherly	1453 Avocado Rd Oceanside CA	Suzanne Weatherly
9/13/23	Phil Weatherly	1453 Avocado Rd Oceanside CA	Phil Weatherly
9/13/23	Morgan Nesti	1459 Avocado Road Oceanside, CA	Morgan Nesti
9/14/23	Patty Matthews	1509 Avocado Rd Oceanside, CA	Patty Matthews
9/14/23	Pete Matthews	1509 Avocado Rd Oceanside CA	Pete Matthews
9/14/23	Deborah Dodaro	2354 Kenwyn ST. O'side CA	Deborah Dodaro
9/14/23	MARK Dodaro	2354 Kenwyn St. Oceanside CA 92054	Mark Dodaro
9/14/23	RICHARD KRAMER WITH	1458 AVOCADO, Oceanside CA 92054	RICHARD KRAMER
9/14/23	PATRICIA PORTER	1498 Avocado, Oceanside CA 92054	PATRICIA PORTER
9/15/23	Laurie Buckman	1470 Avocado Rd, Oceanside CA 92054	Laurie Buckman

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Date	Printed Name	Street Address	Signature
9/15/23	Cristina Leivas	1453 Avocado Rd. Oceanside, CA 92054	
9/15/23	Cristina Leivas	1453 Avocado Rd Oceanside, CA 92054	
9/15/23	Chloe White	1488 Avocado Rd Oceanside CA 92054	Annie whitman
9/15/23	Barry Robinson	2215 Zaby St, Oceanside, CA 92054	CB Robinson
9/15/23	Kelly Robinson	2214 Zaby St Oceanside CA 92054	Kelly Robinson
9/15/23	Michael J. Robinson	2214 Zaby St Oceanside, CA 92054	Michael J. Robinson
9.15.23	WAYNE MELTZER	2212 ZABYN ST OCEANSIDE, CA. 92054	Wayne Meltzer
9/15/23	Don Jacobs	1448 AVOCADO OCEANSIDE	Don Jacobs
9/15/23	PAM SMITH	2521 Dunstan St Oceanside CA	Pam Smith
9/15/23	AMERON GHARABIKIAN	1637 LAUREL RD, OCEANSIDE, CA 92054	Ameron Gharabikian
9/15/23	Rosemary Jordan	1587 Avocado Rd. Oceanside, CA 92054	Rosemary Jordan

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Date	Printed Name	Street Address	Signature
9/16/23	Mitch Farmer	1402 AURORA RD	Mitch Farmer
9/15/23	ALLEN CARDASIO	1845 DOWNS ST OCEANSIDE	Allen Cardasio
9-16-23	DONNA MONTAGNA	1451 AVOCADO ROAD	Donna Montagna
9-16-23	ANN DECKRY	1451 AVOCADO ROAD	Ann Deckry
9-16-23	David Brown	2533 CORNWALL	David Brown
9-16-23	Josh Cender	1616 Downs St	Josh Cender
9.16.23	JEFF DANA	2444 SANDBONNE DR.	Jeff Dana
9.16.23	DENISE COATES	2304 Dunstan St	Denise Coates
9-16-23	Wende West	2416 Dunstan St	Wende West
9/16/23	MARIO MONROY	2425 Dunstan St	Mario Monroy
9/16/23	Richard T. Cooper	2525 Dunstan St., Oceanside, CA 92058	Richard T. Cooper

MEMORANDUM

DATE: December 6, 2023

TO: Honorable Mayor and Councilmembers

FROM: Maddison Zafra, City Manager's Office

SUBJECT: **RESOLUTION UPHOLDING PLANNING COMMISSION
RESOLUTION NO. 2023-P20 APPROVING A TENTATIVE TRACT
MAP (T22-00007), DEVELOPMENT PLAN (D22-00018), AND
DENSITY BONUS (DB22-00009) TO ALLOW THE SUBDIVISION
OF A 3.43-ACRE SITE INTO 21 LOTS AND DEVELOPMENT OF
19 SINGLE-FAMILY HOMES FOR PROPERTY LOCATED AT 1448
AVOCADO ROAD BETWEEN DUNSTAN AND ZABYN STREET –
AVOCADO ROAD RESIDENTIAL – APPLICANT: 1448 AVOCADO
LLC., THOMAS ST. CLAIR; APPELANT: LESLIE RUSH**

Due to their size, attachments 3-4 have not been included in the packet.

To view the documents electronically, please go to:

<https://records.ci.oceanside.ca.us/civicax/filebank/blobdload.aspx?BlobID=61096>

Letters of Opposition distributed to the Planning Commission at the start of the September 11, 2023 meeting (not included in the 9/11/23 agenda packet).

Commissioners received hard copies of these items prior to the agenda item being presented.

Manuel Baeza

From: Nancy Keating <rdjnak@gmail.com>
Sent: Tuesday, September 5, 2023 3:27 PM
To: Planning-Planning Commission
Subject: 1448 Avocado Rd. project

Follow Up Flag: Follow up
Flag Status: Completed

Warning: External Source

Hello All,

This letter addresses some of our concerns regarding the project proposed for 1448 Avocado Rd in the Fire Mountain neighborhood. Reportedly, Oceanside is committed to improving certain conditions for its citizens, including consistency with the California Coastal Act. This proposed development does not include the undergrounding of the public power lines. The city has acknowledged the importance of view corridors and this should be required for this development. Regarding the parking situation: the development is significantly underparked, forcing overflow parking onto Avocado, which is a fairly narrow two lane road, and yet the builder is only offering parking on one side of the street within the project. We request that parking be required on both sides of the development's private drive to alleviate the safety issue of vehicles parked on both sides of Avocado Rd.

During the December 13 meeting, residents of French Court expressed concern regarding the outdated sewer system that the builder will be using for his project. We ask that he be required to update so that we, the taxpayers, aren't responsible should it fail, due to the addition of 19 homes.

Another of our main concerns is the stormwater/ runoff catch basin that has not been adequately addressed. We acknowledge that this project has been designed to match existing volume of discharge but adding the runoff from the hardscape of 19 additional homes will negatively affect all those living downhill : easements and driveways on the west side of Avocado and all the way down to Zaby. We experienced a slope failure due to heavy rains pooling uphill from us - \$30,000 not covered by insurance. We had 3 feet of mud against our house; we lost our redwood hot tub, a 20-year-old Meyer Lemon tree and more than \$1000.00 worth of native plantings. Our easement is directly across from the northwest corner of the property; adding 19 houses and then matching the existing drainage seems extremely inadequate; **our slope failure occurred with the existing drainage in place.** During the last winter's storms, there was drainage along Avocado days and sometimes weeks after the last rain. This potentially significant cumulative impact has not been addressed.

We in the neighborhood are not against developing this property but to jam 19 tract row houses onto a block with 18 houses total is completely out of place, especially if Oceanside's General Plan is to be followed....and what good is a 'general plan' if it's not to be followed? Several neighbors have likened these units to stacked shipping containers; personally, I would prefer the shipping containers— at least they have some character. When I asked the builder why he didn't contact any of the neighbors for input on the designs, he said the city wouldn't allow him. If that's true then it sounds like we in Oceanside need some policy changes.

We are aware of the state's requirements but it is also very obvious that builders are abusing these new laws, especially in Oceanside, without addressing the affordable housing issue. It just seems that any development is good enough for Oceanside – not Carlsbad, not Leucadia but good enough for Oceanside! Fire Mountain is a unique neighborhood in Oceanside with a somewhat rural feel; this proposed project will completely negate that. Please reconsider this to maintain our neighborhood as

referred to in the General Plan.
Thank you for your time and consideration
Nancy Keating and Raymond Johnson
1423 Avocado Rd. 92054

Manuel Baeza

From: Brian Shepherd <brianshepherd@cox.net>
Sent: Friday, September 8, 2023 6:26 PM
To: Planning-Planning Commission
Cc: Sergio Madera; Manuel Baeza
Subject: Avocado Road Development

Warning: External Source

Dear City of Oceanside Planning Commissioners

Our family has lived at 1517 Laurel Road for twenty-five years now, just on the north east edge of the proposed development at 1448 Avocado. We love living here, have never lived in one home for so long. Along with most of our neighbors here in Fire Mountain, we were unhappy to hear of the nineteen two-story houses proposed for this 3.43 acres parcel of land. The standard in Fire Mountain is 10,000sf but this proposal takes it down to about 6,005-8,300sf and uses 'density bonus' for building one affordable home on 4,602sf to justify this overdevelopment smack in the middle of our neighborhood.

The Hicks family has the right to develop this land, no question about that but does it have to so many houses? Our elected officials in Sacramento have managed to take precedence over locally-generated planning and there are many developers taking advantage of this. Nineteen homes is a lot for this property, it's out of character for Fire Mountain. Attached please find a 2003 aerial photograph which shows the kind of building that has taken place over decades in Fire Mountain with the proposed development roughly superimposed. Also attached is a copy of a City of Oceanside Planning Amendment (A-5-83) approved and adopted by the City Council re the intention of the City to control density. Yes, it's from 1983 but their intent was clear and yes, things change, laws come down from Sacramento but we do believe all the higher density proposals were intended to be near public transportation and affordable. Even the affordable house in this development won't be affordable for a lot of families and public transportation is a long, hilly walk.

We're pleased to see that all utilities within the development will be underground and now understand any new perimeter poles will also be underground, is that correct? If not, then we ask that all perimeter poles be undergrounded for fire safety purposes.

There are so many additional issues - drainage is a big problem as when it rains heavily, the water just streams downhill. The homes on Fire Mountain have been built over decades and a thoughtful drainage plan was never executed. So it becomes a big problem when it rains. We have included two photos of water from an earlier, short rainfall of the water that builds up at the end of French Court. If the developer opens French Court, will there be enough provision (proposal has one drain) for the amount of water that comes from higher up the hill. Our home has been inundated numerous times and we watched Cyclops Farm deal with some terrible damage. There are all kinds of tunnels underground - mainly from gophers so holes open up in the sandy soil and the water comes out further down the hill, see attached photo of this on Cyclops Farm a few years ago.

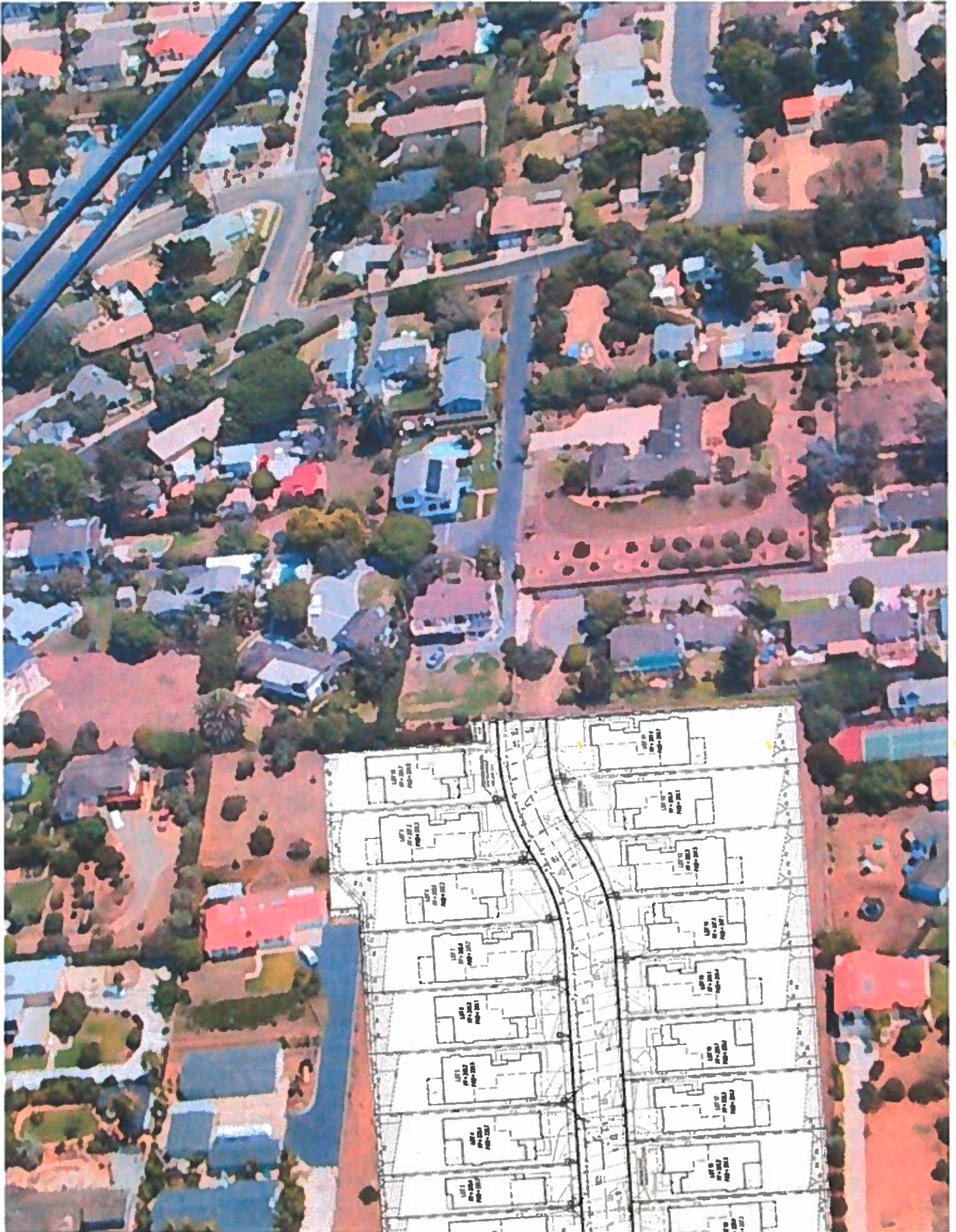
So many issues - we feel bad for French Court residents who lose their small quiet street; for our neighbors who use Avocado Road to walk their dogs because there will be more parked cars sending them and their dogs out onto the street, in addition to the above.

Please do not approve this project as presented - my wife's mom used to say '**just because you can, doesn't mean you should**' which we find quite apt here.

Thank you for reading this -

Brian and Janene Shepherd
1517 Laurel Road
Oceanside CA 92054

Link to article re San Diego Planning Commission taking a stand against Sacramento's haphazard density laws: <https://www.sandiegouniontribune.com/business/story/2023-08-03/san-diego-planning-commission-votes-against-senate-bill-10-major-single-family-home-zone-change>



NEW SPECIAL POLICY FOR LAND USE IN FIRE

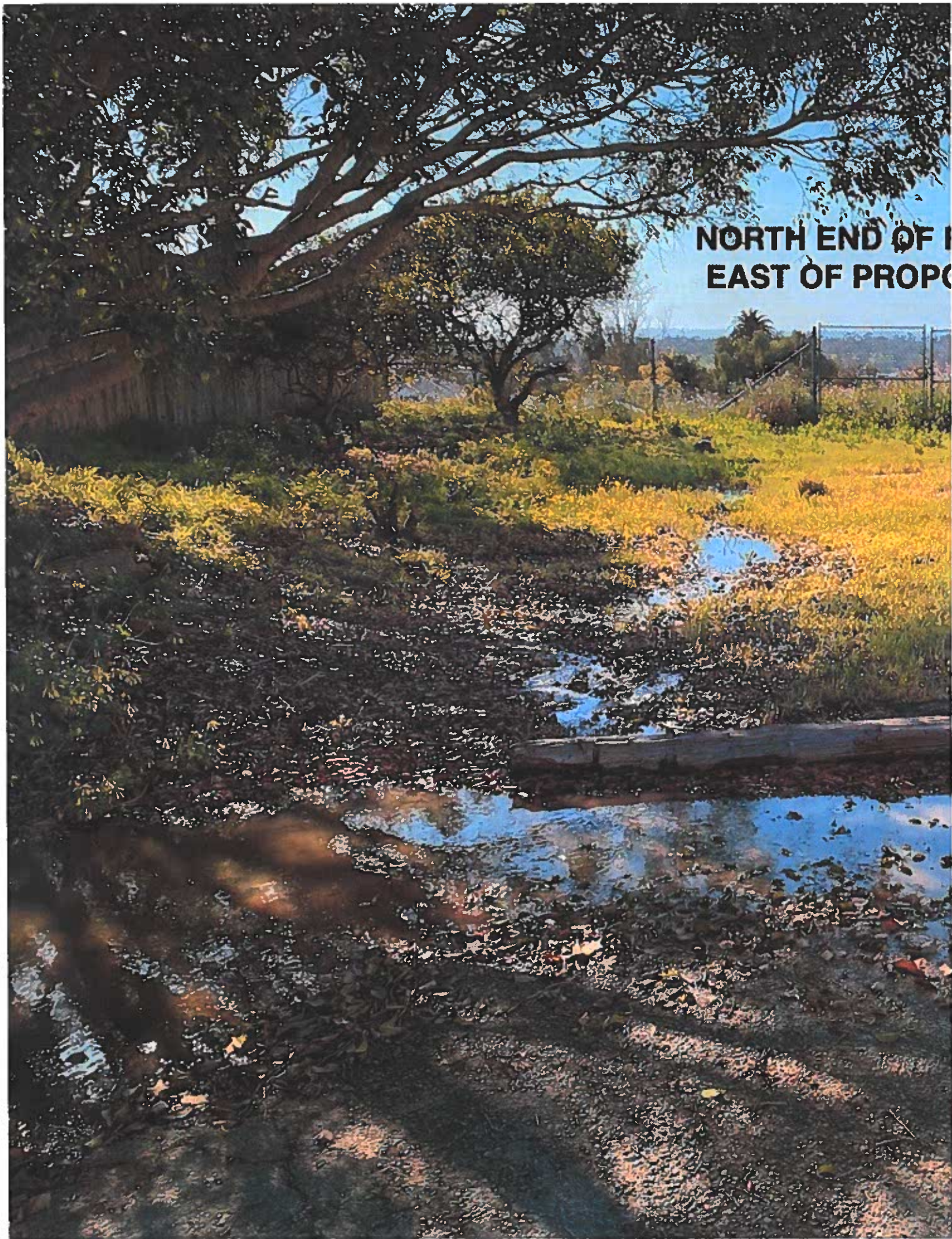
After several sessions with city Planning I the Planning Commission and the City Council Amendment (A-5-83) was approved and adopted Council, on August 11, 1983, to make the fol policy a part of the City's land use ordin

"PRESERVE THE INTEGRITY, RUSTIC NA¹ RURAL NATURE OF THAT PORTION OF THE MOUNTAIN SINGLE FAMILY RESIDENTIAL HAVING A VERY LOW DENSITY CLASSIFIC (0-3.5) DWELLING UNITS PER ACRE AND THOSE PARCELS ALONG THE SOUTH SIDE ROAD WHOSE ONLY ACCESS WOULD BE DI FROM IVY ROAD. THIS POLICY REQUIRE A MINIMUM LOT SIZE OF 10,000 SQUARE MAINTAINED IN THE DEFINED AREA. UN PLANNING COMMISSION OR THE CITY CO MAKE THE FINDING THAT A DEVELOPMEN LESSER SIZE FULFILLS THE INTENT OF POLICY WITHOUT INCREASING THE GRCS OF THE GENERAL PLAN CLASSIFICATION

The very low density area includes all of territory that was annexed into the City o 1966 as well as all other property falling low density (not over 3.5 units per acre) Fire Mountain district.

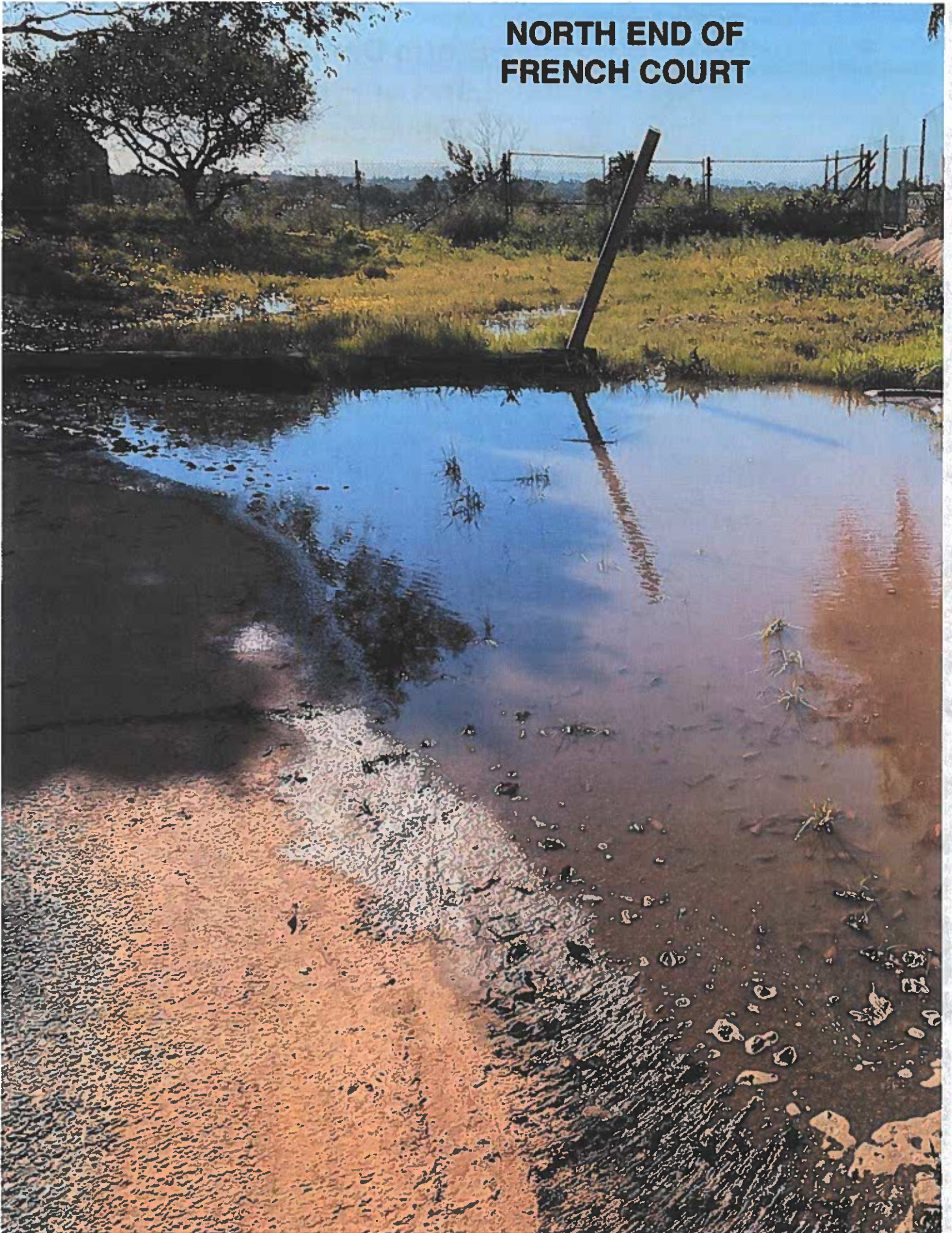
PROTECT FIRE NO

By Marvin
Marvin Bled
Chairman.

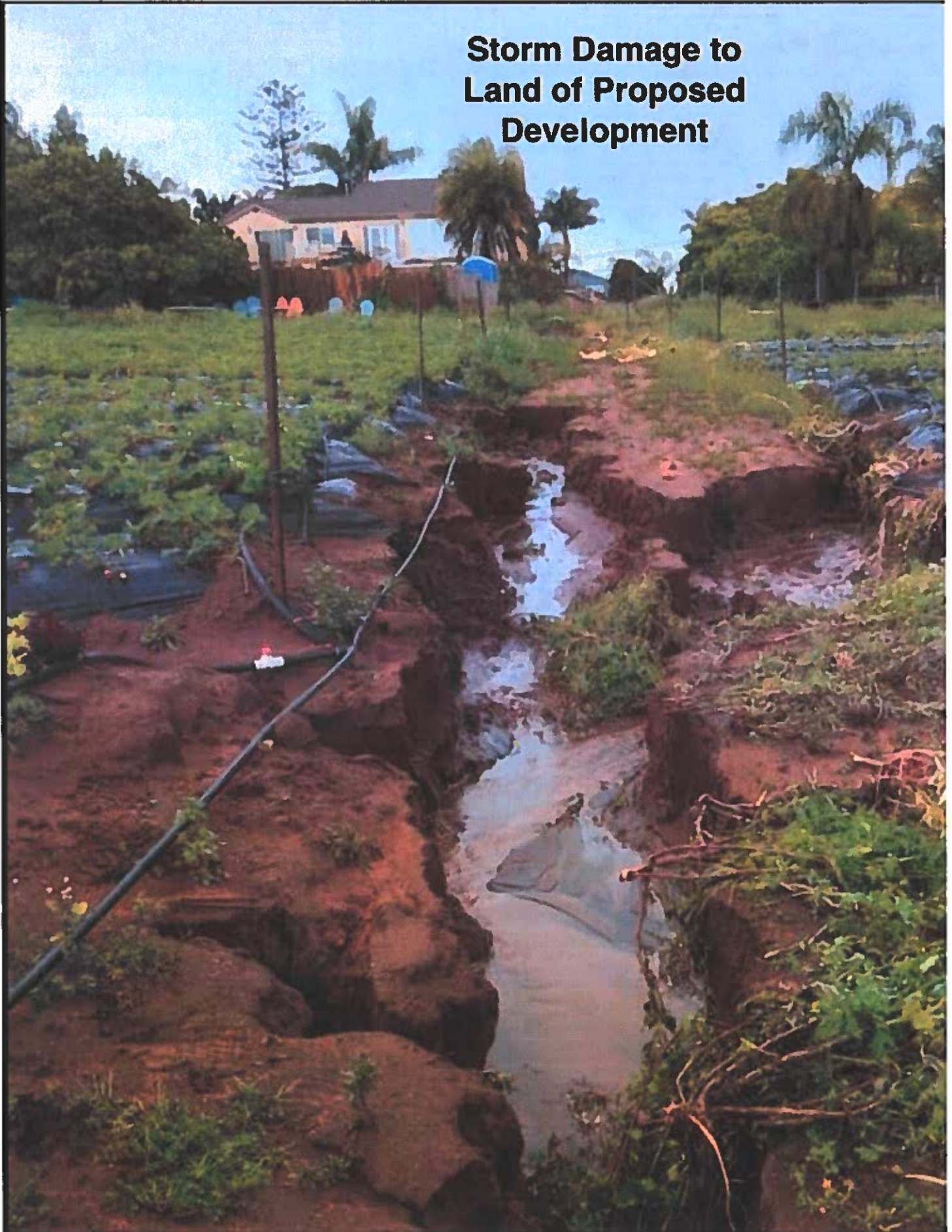


**NORTH END OF I
EAST OF PROPO**

**NORTH END OF
FRENCH COURT**



Storm Damage to Land of Proposed Development



Manuel Baeza

From: Lennie Rae Cooke <lennieraecooke@gmail.com>
Sent: Monday, September 11, 2023 8:39 AM
To: Planning-Planning Commission
Subject: 1448 Avocado Road

Warning: External Source

September 11, 2023

Oceanside Planning Commission
Oceanside City Hall

Dear Commissioners:

I hope you find this information useful in understanding the concerns of the residents in the immediate vicinity of the proposal at 1448 Avocado Road.

This project will double the population on a single block. This is not business as usual. This is not a typical "infill" project and should not be processed as such.

We are in a new world of development. The State of California needs more housing and we are not asking for this lot to remain vacant. We are asking, however, for the City to respect our needs as citizens who have invested our time, money, and lives in making this neighborhood as desirable as it is today. If the public has no voice in their future, we are at the whims of unethical developers who do not care about our futures. We depend on the City Planning Commission to help us turn undesirable projects into benefits for everyone .

The project proponent did not and has not approached a single resident to inquire about our concerns prior to making his final plans. We request that this project be postponed until the following issues can be addressed.

Public Outreach

While the project proponent has given the impression that he has provided an opportunity for public comment, as required by law, he did not comply with the intent of the law or City policy.

All of Oceanside is loved by its residents. Fire Mountain has a reputation as one of the City's most unique neighborhoods primarily due to the City's intention to maintain the "rural nature" of our area. Horses and chickens were raised in front yards. We still see coyotes. Century-old pines line the streets. Our narrow streets are popular with dog-walkers and people of all ages for enjoying our historic neighborhood. We do not have sidewalks to enhance the rural nature. This will all change literally overnight once this project goes in.

The project proponent knew this proposal would be controversial and instead of working with us, he has specifically ignored the residents. I doubt the veracity of his statement that the City told him he was not allowed to contact us. The project proponent insists that he knows what's best for our community. However, his previous developments are a testament to the fact that he does not have a clue of what's best for our community.

The developer and his agents resorted to intimidation when residents questioned the project's elements, by stating we "should be lucky" the project is not for the 22 homes to which he feels entitled. We believe this tactic is meant to avoid our questions and allowed him to proceed as if he already has received project approval. This disregard for the public, and City policy, should be a red flag for the City. The developer has been asked by the community and the City, but he has yet to produce a schematic of how 22 homes could be placed on that property.

We ask that you require additional public meetings for this project. We have tried to communicate with the developer on our own, but he refuses to accept any input. This is a travesty of public outreach efforts.

CEQA

This project will result in potentially significant cumulative impacts on surface water runoff, safety, noise, and public roadways. The City should require an EIR to determine their significance and issue a Statement of Overriding Considerations for these impacts if required.

As described below, this is an inappropriate use of the CEQA exemption, and future projects will continue to abuse the environmental review process. I fear our City will fall prey to unfettered and unscrupulous development should the CEQA exemption be approved.

1. Potential Historic Resource— Additional Data Required to Support Infill Exemption

The existing home was identified by the proposed developer as a "modest" home to be replaced. This characterization ignores the potential historical nature of this home and misleads the reviewer. The Cultural Resources Report prepared for this project identifies the home as a "resource" that was constructed in 1933. The report offers no photos or description of the inside of the structure, yet nonetheless concludes this resource has no historical significance. The evaluation of the resource did not address the interior of the home, the year it was moved to the site, or the history of the structure itself. Therefore, there is no conclusive data that the resource "is not eligible for listing under any Criterion."

CONCLUSION: Potential significant impacts to historic resources have not been sufficiently analyzed and cannot be dismissed by the City at this point.

2. Cumulative and Temporary Impacts Are Not Adequately Addressed

a. Land Use and Planning.

The exemption documentation states, "Further, surrounding properties are developed; thus, the project would not cause or contribute to cumulative impacts of successive projects of the same type in the same place, over time." The developer states that the project "meets the goals, intentions, and objectives of the General Plan," While SB330 allows lot sizes below 10,000 sf in Fire Mountain, the General Plan specifically states that Fire Mountain lot sizes must be *at least* 10,000 sf. Therefore, this statement is incorrect.

The cumulative impacts identified by the residents of this area (safety, surface water runoff, noise, roads) are not addressed by this development and there is no reason to believe the City will require future developments to overhaul the stormwater system, provide adequate water pressure to all neighbors, or install sidewalks and crosswalks.

Across the street from the proposed development and behind it are acres of developable property. If this project is approved as proposed, future development will treat the community and city just like the project proponent has done here. The existing neighbors will continue to be impacted by bonus density projects and there is no mechanism to reduce these identified significant impacts.

CONCLUSION: This proposal sets a low bar for future development in the Fire Mountain Neighborhood and throughout the City. Our area is either “rural” and should be developed as such, or it is not and should be provided the proper infrastructure. The cumulative impacts that result from this project should be analyzed and not exempted.

b. Stormwater Runoff.

The development contributes to an existing significant impact. Our streets flood and cause extensive damage during rains. Storms are increasing annually, and this future condition was not anticipated for this large input of stormwater. Errant stormwater flows have caused extensive damage to homes receiving these flows. We request that the developer be required to revise calculations to include **future** conditions under **global warming** and resize the basin, if necessary.

This potentially significant cumulative impact has not been addressed.

c. Sewer System.

Water pressure commonly ranges between 45 and 80 psi, depending on factors such as demand, distance away from the water supply, and more. Once water pressure drops to 40 psi, it is what is considered low. Most of the current residents along Avocado Road have water pressure readings of 40 psi and although we’ve been told this development’s additional 19 homes will have no impact on the current low psi of 40, we are very, very concerned that any unforeseen impact would threaten our homes and our livelihood in the event of a fire or natural disaster. It seems reasonable that the current low pressure should be addressed with new water infrastructure to ensure safety. Should this not be done, we’d like commitment that the City will be responsible for all damages we incur.

d. Safety.

1) **Parking.** The proposal is that there will be sufficient parking in the 2- and 3-car garages and the accessory parking areas provided for the homes. This concept puts reality on its head. It is highly unlikely that the garages will be free of boats, surf boards, golf carts, construction material, landscaping material, suitcases, tools, etc. There will be no monitoring of the parking once this development is constructed and our neighborhood will pay the price in terms of unsafe walking conditions. More cars on the side of the narrow road will significantly impact this part of our neighborhood.

2) **Emergency Evacuation.** Residents concerned about the ability to evacuate in an emergency have requested confirmation that an evacuation route has been identified and is adequate to handle an additional 101% cars and people on one block of Avocado. Lack of an emergency evacuation is a potential significant cumulative impact that requires additional City and public input. The approved future development at Skylark and Crouch will significantly increase the number of cars needing to utilize the same streets as Fire Mountain residents to escape a fire. We residents need to know the impact of an additional 76-95 cars during such a scenario. The study should also include the likely closure of the California on-ramp, which currently provides an egress from the area. This potentially significant impact has not been adequately addressed.

CONCLUSION: There is insufficient data to determine if public safety has been adequately addressed. We do not know if the streets are capable of evacuating the 90 new residents plus the existing >500 residents in the immediate vicinity of the project area. It is unreasonable to conclude that public safety will not be impacted by the residents of the new development parking on public streets.

e. Construction Impacts Not Addressed

1) Residents concerned about the safety conditions on the narrow streets and about the potential impacts to historic resources have asked to review the proposed route to dispose of excess excavation for this project. Historic trees and homes may be affected by the impacts of multiple trucks consistently driving near fragile windows or sensitive root systems of 100-year-old trees. The potential significance of the impact cannot be

analyzed without knowing the proposed disposal route. If this is to be called a “rural” area, then our property should be respected as such and preserved. If it is now not “rural,” then our neighborhood should be prioritized for utility upgrades.

2) Rodent eradication should be required as part of this project. It is our experience that new homes chase the gophers to neighboring lots. The new homes will have rodent-proofing installed as part of the project and will not be impacted by the rodents.

CONCLUSION: Potential impacts to existing historic resources cannot be established without knowing the disposal route, which has not as yet been disclosed to the public. The grading of this parcel may cause extensive and significant rodent damage to the existing residents.

APPLICATION INACCURACIES

1. Providing Low Income Housing

The math in the application remains incorrect. It does not change the outcome, however, it is an insult to the public that this error has not been corrected.

The proposed developer states, “The project will provide additional single-family housing options for the community with one home designated as an affordable home at the very low-income level.” This is not entirely accurate. The development will *replace* a very low income home, as one already exists on site and is currently rented. We are doubling the density on one block in our neighborhood and not receiving even one additional low income house.

CONCLUSION: This is a travesty for both the existing and future residents of Oceanside, does not address the low income housing shortage, and only serves the interest of the developer.

2. Design and Architecture

The exaggerations contained in the application submitted by the proposed developer need to be exposed. The application states, “Elevations and ... roof details ... present a thoughtful and high-quality architectural design.” Of the existing 18 homes on the block, 17 have the front door facing Avocado. The architectural design for this development has no front doors facing Avocado, and the solid sides of the homes will be presented to the neighborhood. Inside the development apparently there will be a “diverse street scene,” although this, too, may be an exaggeration. Unfortunately, for the existing residents, this will look unlike any other home on the street or in the immediate neighborhood.

Fire Mountain will be absorbing 90 unplanned neighbors, contrary to the approved, adopted, and revised General Plan. The visual impact of the homes is not consistent with the rural nature of our neighborhood, as established in the General Plan. To mitigate the visual impact and to be consistent with the City’s commitment to undergrounding utilities, undergrounding is a reasonable measure to mitigate this impact. In addition, the development will benefit from underground utilities, but the neighborhood does not. Undergrounding the utilities fronting the property on Avocado would ensure a more consistent appearance, one that is disrupted by the development.

CONCLUSION: It is inaccurate to characterize this development as consistent with neighborhood design. Far from the “eclectic architecture found in the surrounding neighborhood” it will be an eyesore unless you live in one of the 19 homes crammed onto 3.42 acres.

3. The “Rural Nature” of the Fire Mountain Neighborhood

It is disingenuous for the proposed developer to characterize this development as consistent with the rural nature of this area. We understand that the SB 330 allows the density as he is requesting, but that doesn’t allow for misstatements to go unchallenged. The General Plan defines the rural nature of Fire Mountain as lots with at

least 10,000 sf. SB 330 has bypassed our GP and has reduced the legal lot size in order to provide additional affordable housing. Once this project proceeds, along with all the others recently constructed or permitted, this area is no long "rural in nature."

CONCLUSION: It is inaccurate to characterize this development as consistent on any level in area on Fire Mountain.

4. Enhances Area Utility Service and Emergency Access Connections

The materials that state the project, "has been thoughtfully planned to ... respect neighborhood character, ... and enhance area utility service and emergency access connections" are inaccurate. The lack of respect for the character of Fire Mountain has been addressed above and we reiterate that:

- Enhancements of utilities for the neighborhood are not proposed.
- This development establishes a potential problem for emergency egress in this area.
- Public safety is at risk due to cars parking on the narrow street
- The permeable pavers "designed to support up to 78,000 lbs" are unproven technology and require maintenance to ensure they retain their ability to infiltrate water. Otherwise, we will have a significant impact from stormwater runoff. What is the City going to do for us should these permeable pavers need to be replaced with impervious material?

Lennie Rae
2409 Dunstan Street

Manuel Baeza

From: Donald Ladwig <dladwig@iverticle.com>
Sent: Monday, September 11, 2023 9:16 AM
To: Manuel Baeza
Subject: Tract Map T22-000007 Development Plan D22-00018

Warning: External Source

I would like to put in my formal request via email as the website listed in the public hearing notice is not available as of today.

<https://www.ci.oceanside.ca.us/gov/dev/planning/agendas.asp>

Since the increase of 22.5% density will set a precedent for other developers of Fire Mountain that will have to be accommodated. I would like the City to require a full traffic impact based on all potential development of undeveloped property. Fire Mountain is unique in that it has only a few exit streets. The traffic impact provided was only set at 179 additional trips per day. With the increased traffic from future development there will be a backup blocking residents trying to exit on Avacado down to Jefferson. The simple trip calculation provided in the documents does not provide the complete study that is needed.

I believe this should be addressed as it puts the city in potential legal liability if they approve without this complete study.

1. **Safety Concerns:** Increased traffic without proper planning can lead to safety concerns for both drivers and pedestrians. It may result in accidents and a higher risk of collisions.

Thanks for putting this information on record
Donald Ladwig
iVerticle Inc.
Cell and Text 714-235-2025

iVerticle