

PLANNING COMMISSION*CITY OF OCEANSIDE*

DATE: May 19, 2025

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A VESTING TENTATIVE MAP (T24-00001), DEVELOPMENT PLAN (D24-00008), AND DENSITY BONUS (DB24-00002) FOR A 40-LOT SUBDIVISION (35 RESIDENTIAL LOTS AND 5 LETTERED LOTS FOR OPEN SPACE AND PRIVATE ROAD) AND CONSTRUCTION OF 35 DETACHED SINGLE-FAMILY HOMES, INCLUDING SIX HOMES SET ASIDE AS AFFORDABLE UNITS, AND ASSOCIATED SITE IMPROVEMENTS ON A VACANT 4.05 ACRE PARCEL LOCATED ON THE SOUTH SIDE OF KELLY STREET BETWEEN HUNSAKER STREET AND ANDY LANE (APN:154-170-78) (KELLY STREET/LAGOON PACIFIC PROJECT) APPLICANT: OCEANSIDE COMMUNITY PARTNERS, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- 1) Recommend City Council confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Article 19, Section 15332 (In-Fill Development Projects);
- 2) Recommend City Council approval of a Vesting Tentative Map (T24-00001), Development Plan (D24-00008), and Density Bonus (DB24-00002) by adopting Planning Commission Resolution No. 2025-P11 with findings and conditions of approval attached herein.

BACKGROUND AND PROJECT DESCRIPTION

Background: The project site is comprised of a vacant 4.05-acre parcel located on the south side of Kelly Street, between Hunsaker Street and Andy Lane. Surrounding land uses consist of single-family residential development to the north, the North Coast United Methodist Church to the west, the SR-78 highway to the south, and Pacific Coast Plaza commercial center to the east. The project site (outlined in red) and surrounding area are depicted in Figure 1 below:

Figure 1: Project Location



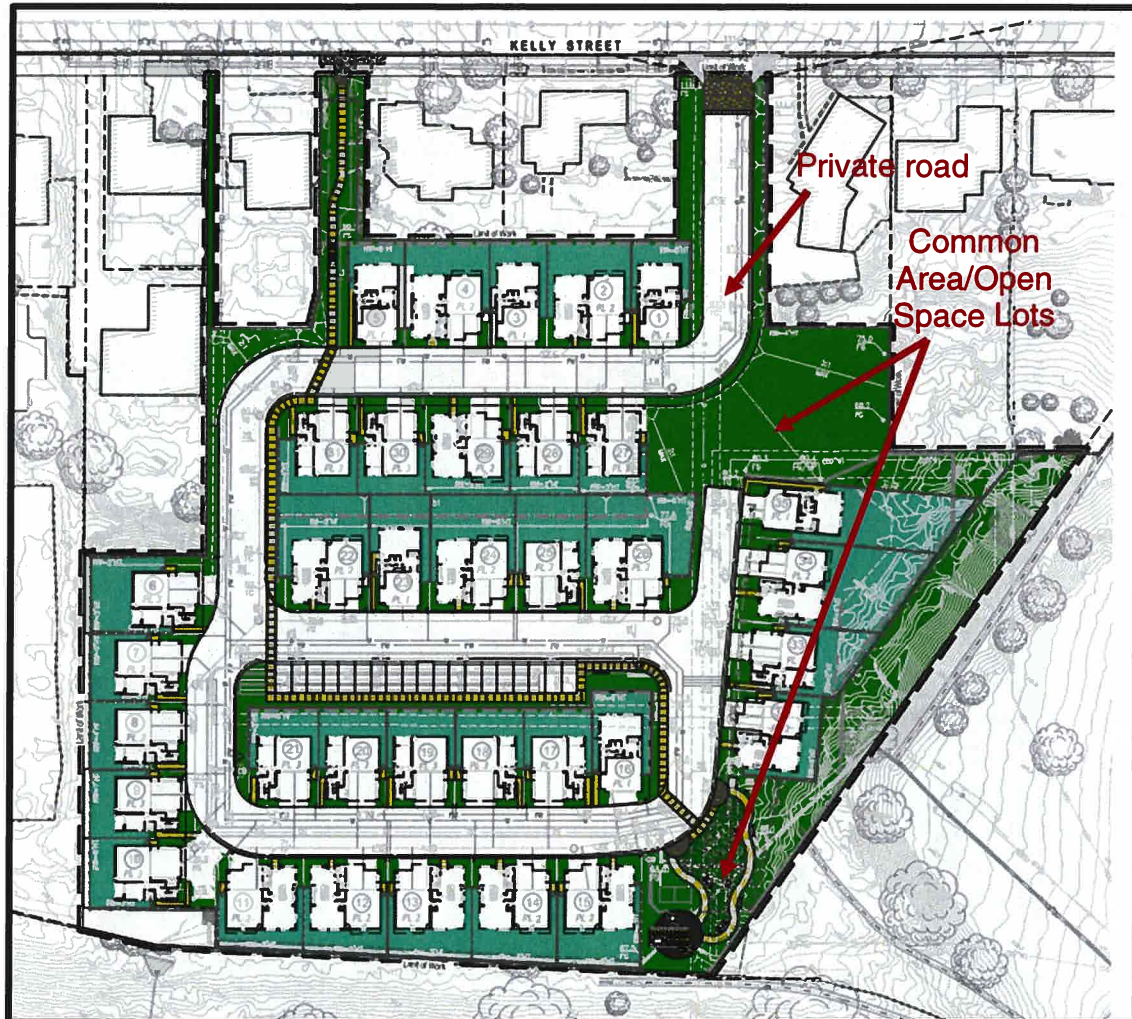
The property has a General Plan land use designation of Estate Residential B (EB-R), a Zoning Designation of Residential Estate B (RE-B), and is within the Fire Mountain Neighborhood Planning Area.

Project Description: The project requires three (3) separate entitlements: a Vesting Tentative Map, Development Plan, and Density Bonus to allow the subdivision of an existing legal parcel and construction of thirty-five (35) detached single-family homes, with six of the units set aside as affordable units pursuant to State Density Bonus Law (SDBL).

Vesting Tentative Map (T24-00001) represents a request to subdivide a 4.05-acre parcel into thirty-five (35) single-family residential lots and five (5) lettered lots (for common open space areas and a private internal roadway). As illustrated in Figure 2 below, the private road would provide access to each residential lot and connect to Kelly Street on the north side of the project site. Although private, the new roadway would contain easements for public sewer, general utilities, and City emergency vehicle access.

The residential lots are located along the proposed private street that runs throughout the project site. At 32-57 feet in width, the lots range in size from 1,959 to 4,740 square feet. Common area open space lots would be located at the northeast and southeast corners of the property, accessible from the private road.

Figure 2: Tentative Map



Development Plan (D24-00008) represents a request to allow the construction of thirty-five (35) single-family residences and associated improvements including common open space and recreational areas, landscaping, private roadway, pedestrian pathway, onsite storm drain facilities on a vacant 4.05-acre parcel.

The detached single-family homes are designed as two and three-story residences with attached 2-car garages. Three different floor plans are provided and multiple elevation and color scheme options create a diverse street scene for the project. The homes would range in size from approximately 1,794 to 2,360 square feet with 4 bedrooms, some of which include a loft, and 2.5-3.5 bathrooms. The three-story residences would have a

maximum height of 36' while the two-story residences would not exceed 28' in height. All the residences include street-facing front entries set back from the front facade and are situated to provide varying front setbacks and articulation to enhance variation between the homes. Each residence features rear yard areas to provide private open space.

Site Plan: The project has been designed with the proposed single-family homes situated along a private drive with direct driveway access to each lot. There are no residential lots that front Kelly Street and the five (5) single-family homes closest to Kelly Street would all be two-story with a maximum height of 28'. Pedestrians can access the subdivision off of Kelly Street by way of a pedestrian walkway that would have enhanced paving and a decorative arbor located at the entrance. The walkway would traverse through the project site and connect to the recreational and natural open space areas within the subdivision. Usable common open space areas within the subdivision total 15,669 square feet.

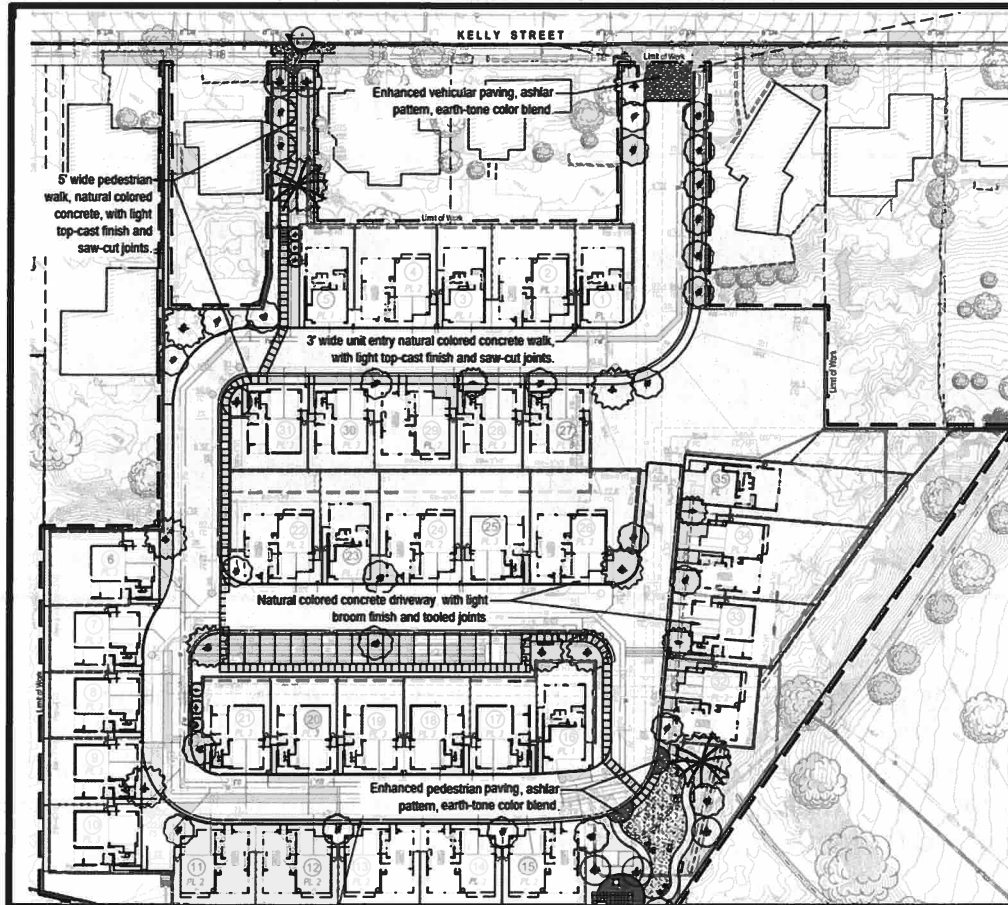
Figure 3: Site Plan



The project has been designed to incorporate new trees along the perimeter of the site boundary to help screen the new homes from the existing residences along Kelly Street. In total, 58 new trees would be planted onsite with an emphasis on placing the new trees along the pedestrian and vehicular access points as well as adjacent to neighboring residential properties. The project provides a tree canopy of approximately 16%, thereby exceeding the City's minimum tree canopy requirement (12%) for the project site. All proposed landscaping is consistent with the City's Landscape Design Manual and approved tree list. The Conceptual Landscape Plan (CLP) prepared for the project has

been reviewed and approved by the City's Landscape Architect and is included in Attachment 2 and shown in Figure 4 below:

Figure 4: Conceptual Landscape Plan

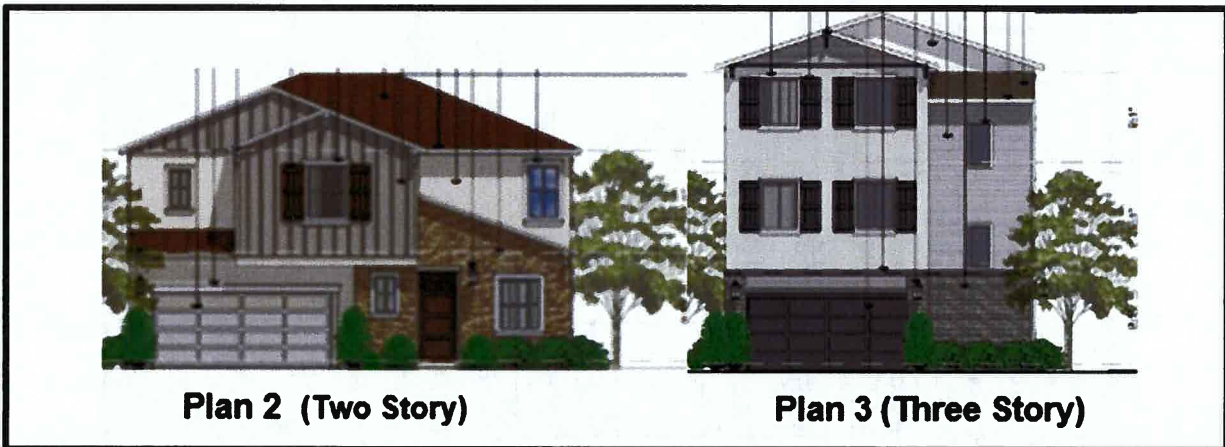


Vehicle Circulation and Parking: Primary vehicular access to the site would utilize a new driveway off of Kelly Street. The private road, which has been reviewed and approved by the Oceanside Fire Department and City Transportation Engineering staff, would be a minimum width of 28', with the exception of the portion of roadway fronting Lots 34 and 35 which is designed at a minimum width of 21'. The site has been designed in consultation with the Oceanside Fire Department and would accommodate fire apparatus trucks and other service vehicles.

Each home would have a garage with parking for two (2) vehicles. Furthermore, the project has been conditioned to require that garages be used for parking of vehicles and shall not be used for storage. In addition to garage spaces, some homes would have driveways that can accommodate two (2) additional vehicles. As such, each of these homes would provide parking for at least four vehicles at a given time. Additionally, there would be eighteen (18) guest parking stalls provided onsite. In total, there would be 146 parking spaces provided (including garage, driveway and guest parking spaces) resulting in an average of 4.17 parking spaces per unit.

Architecture: The proposed architecture is described as modern farmhouse and features a variety of exterior materials including stucco and wood siding, asphalt shingle roofing, metal railings, and vinyl windows. As illustrated in Figure 4, the homes would be painted in various shades of gray and earth tone colors and accentuated with decorative shutters, stone and brick veneers, and lap siding.

Figure 5: Architecture



Density Bonus (DB24-00002) represents a request to allow for an increase in density from the maximum potential density allowed on the project site (18 units) to thirty-five (35) units pursuant to SDBL, specifically AB 1287 which went into effect on January 1, 2024, in exchange for providing six affordable units (three reserved for very low-income and three reserved for moderate-income households).

The project site has a land use designation of EB-R which establishes a density range of 1.0 to 3.5 dwelling units per gross acre. However, because the project site has a corresponding zoning designation of RE-B and 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 8 (1-3.5 selling unit/acre) and with the corresponding zoning of RE-8, 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.

Therefore, the project site has a maximum potential density of 4.35 dwelling units per acre. Multiplying the parcel acreage (4.05 acres) x 4.35 (maximum potential density) = 17.61 dwelling units. Pursuant to SDBL, the number of units is rounded up so the total of allowable units on the project site is 18 units.

Pursuant to AB 1287, the project is entitled to a 100% density bonus because it is providing 15% of the total allowable units (three units) to very low-income households and 15% (three units) to moderate-income households. The table below provides a breakdown of the density bonus calculation pursuant to AB 1287.

Table 1: Density Bonus Calculation

STEP 1:	<p>Calculate Base Allowable Density</p> <p>At this site the Land Use Element designates a density range with a minimum lot size of 10,000 square feet for the RE-B zone which corresponds to a maximum of 4.35 units per acre.</p> <p>Under SDBL the base number of units permitted is determined by multiplying the gross site acreage by the applicable maximum density for the specific zoning range and land use element of the general plan applicable to the project area.</p> <p>RE-B: 4.05 acres x 4.35 dwelling units per acre = 17.6 units</p> <p>Total rounded up to 18 units as designated base</p>
STEP 2:	<p>Determine Affordability Percentage and Units</p> <p>The project proposes to provide 15% of the units as affordable to very low-income households and 15% as affordable to moderate-income households. Per State Density Bonus Law (AB 1287), this entitles the project to a 100% density bonus.</p> <p>15% x 18 units (base allowable) = 2.7 units; rounds up to 3 units Very Low-Income</p> <p>15% x 18 units (base allowable) = 2.7 units; rounds up to 3 units Moderate-Income</p>
STEP 3:	<p>Calculate Density Bonus Units</p> <p>Under SDBL, specifically AB 1287, the provision of 15% very low-income units and 15% moderate-income units allows the applicant to receive a 100% density bonus, allowing additional market-rate units to be constructed.</p> <p>18 units x 1.0 (100% density bonus) = 18 units</p>
STEP 4:	<p>Calculate Total Dwelling Units</p> <p>Add the base allowable units and the density bonus units.</p> <p>18 units (base allowable units) + 18 units (density bonus units) = 36 total units allowed (29 market rate + 6 affordable units)</p> <p><u>Resulting Overall Project Density on 4.05 acres = 8.64 du/ac</u></p>

SDBL entitles projects to certain incentives or concessions and also provides for waivers from development standards that would physically preclude the project at the density proposed. The granting of waivers does not reduce the number of incentives allowed on

a project, and the number of waivers that may be requested and granted is unlimited. In accordance with SDBL, a City cannot deny or condition the project or otherwise deny a requested incentive/concession or waiver unless findings are made that of a “specific adverse impact” which is defined 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”* that cannot otherwise be mitigated.

The applicant has not requested any incentives or concessions for the project. In order to accommodate the project as proposed and as allowed under State Law, the project cannot physically comply with all applicable development standards for the Residential Estate B (RE-B) Zone. The applicant has thus requested waivers from the following development standards pursuant to State Law:

1. Lot size
2. Lot width
3. Setbacks
4. Lot coverage
5. Maximum height of fences/walls
6. Minimum dimension of usable open space

The following table is provided to illustrate the development standards applicable to the project and to identify the standards proposed to be waived as a part of the Density Bonus application:

Table 2: Development Standards

DEVELOPMENT STANDARD	RE-B ZONE REQUIREMENTS	PROPOSED KELLY ST. PROJECT	NOTES
Density	4.35 du/acre	8.64 du/acre	Density Bonus allowed per SDBL* AB1287
Lot Size	10,000 sf min	1,955 – 3,134 sf	Waiver
Lot Width	70 ft. min	28.8 – 48 ft	Waiver
<u>Setbacks:</u>			
Front	25 ft. min	2.5 – 21 ft.	Waiver
Side	7.5 ft. min	4 ft.	
Corner Side	15 ft. min	5 ft.	
Rear	20 ft. min	7 – 27 ft.	
Building Height	36 ft. max.	36 feet	Complies
Lot Coverage	35% max	35% – 60%	Waiver
Parking	2-car garage per SF home	2-car garage per SF home	Complies
Garage Dimensions	20' wide by 19' deep min.	20' wide by 19' deep min.	Complies
Landscaping	Min. 50% of yard adjoining street shall be planting; remainder may be used for driveways or walks	Min. 50% of yard adjoining street will be planting	Complies
Fences and Walls	Max. height 6 ft.	Max. height 8 ft	Waiver

DEVELOPMENT STANDARD	RE-B ZONE REQUIREMENTS	PROPOSED KELLY ST. PROJECT	NOTES
Mechanical Equipment Screening	All equipment screened from street view	Ground mounted equipment will not be seen from the street	Complies
Renewable Energy Facilities	Solar Photovoltaic Systems per Calif. Energy Code and Calif. Green Building Standards Code	Solar Photovoltaic to be installed	Complies
Urban Forestry	Min. 12% Tree Canopy Min. 22% Permeable Surface Area Landscape & Tree Canopy Mgmt. Plan	15.7% provided 45% provided LTCMP submitted	Complies
Underground Utilities	Electrical, telephone, CATV and misc. lines to be undergrounded	All utilities will be removed or undergrounded	Complies
Vehicular Access	Driveway 16 ft. wide	18 ft. wide for 2-car garages	Complies
Usable Open Space	300 sf / unit	2,038 sf / unit	Complies
	Min. 15 ft. dimension within rectangle	7 ft. min. dimension	Waiver

**SDBL: State Density Bonus Law*

ANALYSIS

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

1. General Plan Conformance

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

A. Land Use Element

Community Enhancement

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

1.16 Housing

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

Policy A: The City shall strive to maintain a reasonable balance between rental and ownership housing opportunities, between senior and family housing, and encourage a variety of individual choices of tenure, type and location of housing throughout Oceanside.

Policy B: The City shall strive to produce housing opportunities for decent and affordable housing in a pleasant environment for all of Oceanside's citizens.

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

Policy D: The City shall encourage development of a variety of housing opportunities, with special emphasis on providing:

1. A broad range of housing types, with varied levels of amenities and number of bedrooms.

Policy E: The City shall protect, encourage, and where feasible, provide housing opportunities for persons of low and moderate income.

The proposed project would provide decent, safe, and sanitary housing for a diverse economic segment within the Oceanside community and would help maintain a reasonable balance between rental and ownership housing in the City with development of for-sale single-family detached homes. The proposed project provides twenty-nine (29) for-sale market rate housing units and six (6) for-sale income restricted affordable housing units in an established residential neighborhood.

B. Housing Element:

The Regional Housing Needs Assessment (RHNA) for the Sixth Housing Element Cycle (2021-2029) estimates that the City of Oceanside will experience demand for 5,443 new dwelling units over the eight-year period. By contributing three (3) very low-income units, three (3) moderate-income units, and twenty-nine (29) market rate units to the City's existing housing stock, the project would help meet the City's projected housing demand identified in the RHNA. Additionally, the Housing Element establishes the following relevant goals, and policies applicable to the project.

Goal 2: Encourage the development of a variety of housing opportunities, with special emphasis on providing:

- A broad range of housing types, with varied levels of amenities and number of bedrooms.

Policy 2.2: Encourage both the private and public sectors to produce or assist in the production of housing with particular emphasis on housing affordable and accessible to lower income households, persons with disabilities, elderly, large families, female-headed households, farm workers, and homeless persons.

Goal 3: Protect, encourage, and provide housing opportunities for persons of low and moderate income.

Policy 3.5: Encourage the development of housing for low- and moderate-income households in areas with adequate access to employment opportunities, community facilities, and public services.

Policy 3.7: Encourage the disbursement of lower and moderate-income housing opportunities throughout all areas of the City.

Policy 3.8: Encourage inclusionary housing to be built on or off-site for new housing projects rather than pay in-lieu fee.

The project is consistent with the identified goals and policies of the adopted Housing Element in that the project is providing six housing units that would be affordable to very low-income and moderate-income households. The proposed project would provide for-sale units to meet the housing needs of Oceanside residents, including six (6) available to very low and moderate-income households. The project would provide housing opportunities in an area of the City that otherwise may be unattainable for lower income and moderate-income households. Additionally, the project is constructing the affordable housing on-site as part of the subdivision rather than paying in-lieu fees.

2. Zoning Ordinance

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

The project was also reviewed for compliance with the City's Climate Action Plan (CAP) Zoning Ordinances, including renewable energy facilities and urban forestry program. The project as proposed meets or exceeds all applicable CAP requirements. Since the project is a single-family residential development project, pursuant to Section 3048 of the Zoning Ordinance, the project is exempt from the electric vehicle parking and charging facilities requirement outlined in the Zoning Ordinance and is subject to the Cal Green Building Code requirements for electric vehicle parking and charging Facilities.

Table 3: Climate Action Plan Compliance

Development Standard	Required	Proposed
Renewable Energy	Install renewable energy facilities to supply a minimum of 50% of forecasted energy demand	Photovoltaic will be installed on rooftops of buildings to provide 50% of forecasted energy demand

Development Standard	Required	Proposed
Permeable Surface Area	22% (minimum)	45%
Tree Canopy	12% (minimum)	15.7%

Pursuant to Article 43 of the Zoning Ordinance, the project requires a Development Plan because it consists of more than three housing units.

Article 43 of the City's Zoning Ordinance establishes specific findings which must be made in order for the City to approve a Development Plan. The required findings pursuant to Article 43, Section 4305 are provided in the Planning Commission Resolution No. 2025-P11 (Attachment 1).

3. Subdivision Ordinance Conformance

The project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance, *Article VII (Vesting Tentative Maps)*. Pursuant to Section 701 of the Subdivision Ordinance, the Planning Commission shall consider and recommend approval, conditional approval, or denial to the City Council of this Vesting Tentative Map (T24-00001).

4. California Environmental Quality Act (CEQA) Conformance

Planning Division staff has completed a preliminary review of the proposed project in accordance with the City of Oceanside's Environmental Review Guidelines and CEQA of 1970. Based upon this review, staff finds the proposed project is categorically exempt pursuant to Article 19 Categorical Exemptions, Section 15332 "In-Fill Development." The proposed project meets all of the following criteria:

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

Technical studies in support of the application of an "In-Fill Development" categorical exemption are included in Attachment 4 for the Planning Commission's reference.

PUBLIC NOTIFICATION

In accordance with City Council Policy 300-14 "Enhanced Notification Program", a Notice of Application" sign was posted at the project entrance and has been maintained

on site. The City also mailed a "Notice of Application" letter to all the property owners of record within a 1,500-foot radius of the subject property, tenants within a 100-foot radius of the subject property, and other interested parties.

Additionally, the applicant held two community outreach meetings to solicit input from the public. Approximately 70 people attended the meetings. The attendees' comments and concerns are detailed in the applicant's Community Outreach Report included as Attachment 3.

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

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

SUMMARY

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

Therefore, staff recommends that the Planning Commission by motion:

- 1) Recommend City Council confirm issuance of a Categorical Exemption per California Environmental Quality Act (CEQA) Guidelines Article 19, Section 15332 (In-Fill Development Projects);
- 2) Recommend City Council approval of a Vesting Tentative Map (T24-00001), Development Plan (D24-00008), and Density Bonus (DB24-00002) by adopting Planning Commission Resolution No. 2025-P11 with findings and conditions of approval attached herein.

PREPARED BY:

FOR 
Shannon Vitale
Senior Planner

SUBMITTED BY:


Sergio Madera
City Planner

Attachments:

1. Planning Commission Resolution No. 2025-P11
2. Project Plans
3. Community Outreach Report
4. CEQA Exemption Memorandum
 - a. Air Quality/Greenhouse Gas Technical Report
 - b. Biological Resource Assessment
 - c. Noise Technical Report
 - d. VMT Screening Analysis
5. Other Attachments
 - a. Application Page
 - b. Description and Justification
 - c. Legal Description
 - d. Notice of Exemption

PLANNING COMMISSION
RESOLUTION NO. 2025-P11

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

APPLICATION NO: T24-00001, D24-00008, DB24-00002
APPLICANT: OCEANSIDE COMMUNITY PARTNERS, LLC
LOCATION: South Side of Kelly Street between Hunsaker Street and Andy
Lane (APN: 154-170-78)

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 Vesting
Tentative 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 forty (40) lot subdivision (thirty-five (35) residential lots, four (4) common open
space lots, and one (1) lot dedicated for a private roadway) and construction of 35
detached single-family homes and associated site improvements;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the
19th day of May, 2025 conduct a duly advertised public hearing as prescribed by law to
consider said application.

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

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

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

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

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

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

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

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

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

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

FINDINGS:

For Vesting Tentative Map (T24-00001):

1. The proposed Vesting Tentative Map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City. The underlying General Plan Land Use designation of ER-B allows single-family residential development as proposed with the project. In addition, the project is consistent with Goal 1.16 of

the Land Use Element and Policies 2.2, 3.5, 3.7, and 3.8 of the Housing Element as it relates to the provision of affordable housing.

2. The site is physically suitable for the type and proposed density of development because the 4.05-acre project site is not significantly constrained by geology, hydrologic hazards, sensitive or protected habitat, easements or other limiting features based on the proposed project design. The proposed density of the project at 8.64 dwelling units per acre is higher than residential densities in the immediate vicinity of the project site, but is allowed pursuant to State Density Bonus Law.
3. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat as the project site is located in an urbanized and developed area of the City.
4. The design of the subdivision or the type of improvements meet City standards and will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision as the project provides a new private roadway connecting to Kelly Street and grants new easements for public water, sewer, general utilities and City emergency vehicle access and avoids conflict with any existing easement. All roadway improvements for public and private streets are subject to City review and approval thus, City standards will be met.
5. The subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside because the proposed vesting tentative map conforms to the applicable requirements of Article VII of the City's Subdivision Ordinance (Vesting Tentative Map).

For the Development Plan (D24-00008):

1. The site plan and physical design of the project as proposed is consistent with the purposes of the Zoning Ordinance because the siting of residential lots is consistent with the provisions of Section 3032 of the Zoning Ordinance.

2. The Development Plan as proposed conforms to the General Plan of the City, in that the underlying General Plan Land Use designation of ER-B R allows single-family residential development as proposed with the project. In addition, the project is consistent with Goal 1.16 of the Land Use Element and Policies 2.2, 3.5, 3.7, and 3.8 of the Housing Element as it relates to the provision of affordable housing.
3. The area covered by the Development Plan can be adequately, reasonably, and conveniently served by existing and planned public services, utilities, and public facilities because the project site is situated within an urbanized area now served by existing public services, utilities, and public facilities.
4. The proposed project, which consists of detached single-family homes, is compatible to the existing housing on adjoining properties and surrounding neighborhood. Although the proposed density of the project (8.64 dwelling units per acre) is higher than surrounding development, this density is permitted per provisions in State Density Bonus Law.
5. The site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan and Section 3039 of the Zoning Ordinance.

For the Density Bonus (DB24-00002):

1. Three of the affordable units will be reserved for households within the Very Low-Income category and will be subject to a restrictive covenant guaranteeing affordability for the Very Low-Income households for a period of 55 years.
2. Three of the affordable units will be reserved for tenancy by households within the Moderate-Income category and will be subject to a restrictive covenant guaranteeing affordability for the Moderate-Income households for a period of 55 years.
3. The affordable units have been designed to be proportional to the project's market rate units in terms of floor plan, square footage, and exterior design. The affordable units are 4 bedrooms with a garage and at least 80% of the floor area of the average

of the market rate units. The affordable units are dispersed throughout the project site and will have a similar external appearance to the market rate units.

4. The maximum allowable rent for the project's affordable units comply with the law for the Very Low-Income and Moderate-Income category.
5. The project's affordable units will be available at affordable housing costs, as defined in Health and Safety Code Section 50052.5.
6. An Affordable Housing Regulatory Agreement that will be prepared for the project will outline the reporting requirements consistent with Section 3032(M)(7) of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby recommend approval of Vesting Tentative (T24-00001), Development Plan (D24-00008), and Density Bonus (DB24-00002), subject to the following conditions:

Building:

1. When plans are submitted for the proposed project they will need to show compliance with the applicable code that is in effect at the time of permit application. Please note on the first plan sheet that the applicable Code for this project is the 2022 edition of the California Code of Regulations (CCR); Title 24 (California Building Standards Code), and the amendments to the City of Oceanside Administrative Code for Building Regulations Chapter 6 Building Construction Regulations Municipal Code; see the attached copy of the City of Oceanside 2022 Building Codes and Regulations handout. There are 12 parts to CCR Title 24 and the typical applicable parts for most residential projects are listed below.

- Part 2: The 2022 California Building Code (CBC).
- Part 2.5: The 2022 California Residential Code (CRC).
- Part 3: The 2022 California Electrical Code (CEC).
- Part 4: The 2022 California Mechanical Code (CMC).
- Part 5: The 2022 California Plumbing Code (CPC).
- Part 6: The 2022 California Energy Code
- Part 9: The 2022 California Fire Code (CFC)

1 • Part 11: The 2022 California Green Building Standards Code (CALGreen Code)

2 2. The 2022 triennial edition of the California Code of Regulations, Title 24 (California
3 Building Standards Code) applies to all occupancies that applied for a building permit
4 on or after January 1, 2023, and remains in effect until the effective date of the 2025
5 triennial edition which will be January 1, 2026. More information about the
6 CALIFORNIA BUILDING STANDARDS CODE can be obtained at the Building
7 Standards Commission website: Codes (ca.gov) or
8 <https://www.dgs.ca.gov/BSC/Codes>

9 3. The City of Oceanside Building Division staff doesn't perform plan reviews or
10 inspections of Civil Drawings, Precise Grading, or Landscape plans since they are
11 reviewed by the City of Oceanside Engineering Division and are reviewed by other
12 regulations and standards than those used by the Building Division staff. The Building
13 Division does require site plans that have specific required details for plan review and
14 inspections associated with foundations, setbacks, and accessibility compliance that
15 must be made part of the Building Division plans in order to be able to conduct and
16 approve those inspections from a Building Division approved set of plans. It may be
17 acceptable to include site plans from the Civil Drawings in the Building Division plan
18 set if they are marked as "For Reference Only" for items that are only reviewed and
19 inspected by the City of Oceanside Engineering Division staff. See the attached copy
20 of the City of Oceanside Building Division Procedure PC-22 Landscape Plans for
21 additional information.

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

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

- 1 6. There is a new CRC section R327 Aging-in-place, that the proposed project will be
2 required to provide plan detail for.
- 3 7. There are some updated California Energy Code sections that should be taking in to
4 consideration depending on whether or not systems using gas or propane are going to
5 be proposed; see sections 150.0 (n) Water heating system., 150.0 (t) Heat pump space
6 heater ready., 150.0 (u) Electric cooktop ready., & 150.0 (v) Electric clothes dryer
7 ready.

8 **Engineering:**

- 9 8. Prior to the demolition of any existing structure or surface improvements on site, a
10 grading plan application shall be submitted to the Engineering Division and erosion
11 control plans shall be approved by the City Engineer. No demolition shall be
12 permitted without an approved erosion control plan.
- 13 9. Design and construction of all improvements shall be in accordance with the City
14 of Oceanside's Engineers Design and Processing Manual, City Ordinances,
15 standard engineering and specifications of the City of Oceanside, and subject to
16 approval by the City Engineer.
- 17 10. All right-of-way alignments, street dedications, exact geometrics and widths shall
18 be designed, dedicated, and constructed or replaced in accordance with the City of
19 Oceanside Engineers Design and Processing Manual, and as required by the City
20 Engineer.
- 21 11. Owner/developer shall provide an updated Title Report dated within 6 months of
22 the grading plan application submittal.
- 23 12. The approval of the tentative map shall not mean that closure, vacation, or
24 abandonment of any public street, right of way, easement, or facility is granted or
25 guaranteed to the owner/developer. The owner/developer is responsible for
26 applying for all closures, vacations, and abandonments as necessary. The
27 application(s) shall be reviewed and approved or rejected by the City of Oceanside
28 under separate process-(es) per codes, ordinances, and policies in effect at the time
29

of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right of way.

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

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

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

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

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

18. The project's final map shall be recorded as one, and development may occur in phases. A construction-phasing plan for the construction of onsite and offsite public and private improvements shall be reviewed and approved by the Engineering Division, Water Utilities Department, and Fire Department prior to the issuance of a building permit. All improvements shall be under construction to the satisfaction of the City Engineer prior to the issuance of any building permits. All

improvements shall be completed prior to issuance of any Certificate of Occupancy permit.

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

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

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

22. 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.

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

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

25. A traffic control plan shall be prepared in accordance with the City's traffic control guidelines and approved by the City Engineer prior to the start of work within the public Right-of-Way. Traffic control safety and implementation for construction or re-construction of streets shall be in accordance with construction signing, marking, and other protection as required by Caltrans' Traffic Manual and City Traffic Control Guidelines. Traffic control plan implementation and hours shall be in accordance with the approved traffic control plans.
26. 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.
27. 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.
28. Parts of Kelley Street shall be constructed with new curb and gutter and sidewalk as shown on the tentative map. Sidewalk improvements (construct/replace) shall comply with current ADA requirements.
29. 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.
30. Full-width improvement of Kelly Street between Soto Street and Andy Lane with 1.5" grind and overlay, as required and per the recorded Deferred Improvement Agreement (Doc.# 2011-0175798), in accordance with City of Oceanside Standards and to the satisfaction of the City Engineer.
31. 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.
32. A precise grading plan, which includes proposed onsite private improvements, shall be prepared, reviewed, secured and approved prior to the issuance of any

1 building permit. The plan shall reflect all pavement, flatwork, landscaped areas,
2 special surfaces, curbs, gutters, medians, striping, and signage, footprints of all
3 structures, walls, drainage devices and utility services. Parking lot striping and any
4 on site traffic calming devices shall be shown on the precise grading plans.

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

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

23 35. Use of adjacent properties for construction without permission is prohibited.
24 Developer is required to obtain written permission from adjacent property owners
25 allowing access onto their site. There shall be no trespassing, grading, or
26 construction of any kind on adjacent properties without permission. "Failure to
27 comply will result in the revocation of the grading permit." This written permission
28 shall be provided to the City prior to the issuance of a grading permit.
29

- 1 36. A pavement evaluation report shall be submitted for the proposed onsite pavement
2 with the grading plan application. Pavement sections for all public and private
3 roadways, driveways and parking areas shall be based upon approved soil test
4 requirements and traffic indices identified within the City of Oceanside Engineers
5 Design and Processing Manual. The pavement design is to be prepared by the
6 owner/developer's geotechnical engineering firm and be approved by the City
7 Engineer prior to the issuance of a grading permit. Roadway alignments and
8 geometric layouts shall be in conformance with the City of Oceanside Engineers
9 Design and Processing Manual.
- 10 37. Prior to the issuance of a grading permit, a comprehensive soil and geologic
11 investigation shall be conducted for the project site. All necessary measures shall
12 be taken and implemented to assure slope stability, erosion control, and soil
13 integrity; and these measures shall be incorporated as part of the grading plan
14 design. No grading shall occur at the site without a grading permit.
- 15 38. It is the responsibility of the owner/developer to evaluate and determine that all soil
16 imported as part of this development is free of hazardous and/or contaminated
17 material as defined by the City and the County of San Diego Department of
18 Environmental Health. Exported or imported soils shall be properly screened,
19 tested, and documented regarding hazardous contamination.
- 20 39. Owner/developer shall place a covenant on the non-title sheet of the grading plan
21 agreeing to the following: "The present or future owner/developer shall indemnify
22 and save the City of Oceanside, its officers, agents, and employees harmless from
23 any and all liabilities, claims arising from any landslide on this site".
- 24 40. Owner/developer shall develop and submit a draft neighborhood-notification flier
25 to the City for review. The flier shall contain information on the project,
26 construction schedule, notification of anticipated construction noise and traffic, and
27 contact information. Prior to the issuance of a grading permit, the approved flier
28 shall be distributed to area residents, property owners, and business owners located
29 within a 300-foot radius area of the project.

- 1 41. The project shall provide and maintain year-round erosion control for the site. Prior
2 to the issuance of a grading permit, an approved erosion control plan, designed for
3 all proposed stages of construction, shall be secured by the owner/developer with
4 cash securities or a Letter-of-Credit and approved by the City Engineer; a
5 Certificate of Deposit will not be accepted for this security.
- 6 42. Owner/developer shall monitor, supervise and control all construction and
7 construction-supportive activities, so as to prevent these activities from causing a
8 public nuisance, including but not limited to, ensuring strict adherence to the
9 following:
- 10 43. Dirt, debris and other construction material shall not be deposited on any public
11 street or into the City's storm water conveyance system.
- 12 44. All grading and related site preparation and construction activities shall be limited
13 to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related
14 construction activities shall be conducted on Saturdays, Sundays or legal holidays
15 unless written permission is granted by the City Engineer with specific limitations
16 to the working hours and types of permitted operations. All on-site construction
17 staging areas shall be located as far as possible (minimum 100 feet) from any
18 existing residential development. As construction noise may still be intrusive in the
19 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
20 disturbing excessive or offensive noise which causes discomfort or annoyance to
21 reasonable persons of normal sensitivity."
- 22 45. The construction site shall accommodate the parking of all motor vehicles used by
23 persons working at or providing deliveries to the site. An alternate parking site can
24 be considered by the City Engineer in the event that the lot size is too small and
25 cannot accommodate parking of all motor vehicles.
- 26 46. Owner/developer shall complete a haul route permit application (if required for
27 import/export of dirt) and submit to the City of Oceanside Transportation
28 Engineering Section forty-eight hours (48) in advance of beginning of work. Hours
29 of hauling operations shall be dictated by the approved haul route permit.

- 1 47. Landscape and irrigation plans for disturbed areas shall be submitted to the City
2 Engineer prior to the issuance of a grading permit and approved by the City
3 Engineer prior to the issuance of building permits. Landscaping plans, including
4 plans for the construction of walls, fences or other structures at or near
5 intersections, must conform to intersection sight distance requirements. Frontage
6 and median landscaping shall be installed and established prior to the issuance of
7 any certificates of occupancy. Securities shall be required only for landscape items
8 in the public right-of-way. Any project fences, sound or privacy walls and
9 monument entry walls/signs shall be shown on, bonded for and built from the
10 approved landscape plans. These features shall also be shown on the precise
11 grading plans for purposes of location only. Plantable, segmental walls shall be
12 designed, reviewed and constructed from grading plans and landscape/irrigation
13 design/construction shall be from landscape plans. All plans must be approved by
14 the City Engineer and a pre-construction meeting held prior to the start of any
15 improvements.
- 16 48. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch
17 high barrier, approved by the City Engineer, shall be provided at the top of all
18 slopes whose height exceeds 20 feet or where the slope exceeds 4 feet and is
19 adjacent to any streets, an arterial street or state highway.
- 20 49. The drainage design shown on the conceptual grading/site plan, and the drainage
21 report for this development plan is conceptual only. The final drainage report and
22 design shall be based upon a hydrologic/hydraulic study that is in accordance with
23 the latest San Diego County Hydrology and Drainage Manual, and is to be
24 approved by the City Engineer prior to the issuance of a grading permit. All
25 drainage picked up in an underground system shall remain underground until it is
26 discharged into an approved channel, or as otherwise approved by the City
27 Engineer.
- 28 50. The project's drainage system shall not connect or discharge to another private
29 stormdrain system without first obtaining written permission from the owner of the

1 system. The written permission letter shall be provided to the City prior to the
2 issuance of a grading permit. The owner/developer shall be responsible for
3 obtaining any off-site easements for storm drainage facilities.

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

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

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

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

16 55. Owner/developer shall comply with the provisions of the National Pollutant
17 Discharge Elimination System (NPDES) General Permit for Storm Water
18 Discharges Associated with Construction and Land Disturbance Activities
19 (General Permit) Water Quality Order 2022-0057-DWQ. The General Permit
20 continues in force and effect until the effective date of a new General Permit
21 adopted the State Water Board or the State Water Board rescinds this General
22 Permit. Dischargers that obtain coverage under the expiring General Permit prior
23 to the effective date of this permit, may continue coverage under the previous
24 permit up to two years after the effective date of this General Permit (September 1,
25 2023). Construction activity subject to the General Permit includes, but not limited
26 to, clearing, demolition, grading, excavation and other land disturbance activities
27 that results in one or more acre of land surface, or that are part of common plan of
28 development or sale.
29

- 1 56. The discharger shall obtain a Waste Discharge Identification (WDID) number prior
2 to the commencement of construction activity by electronically certifying and
3 submitting the Permit Registration Documents from Section III of the General
4 Permit through the State Water Board Stormwater Multiple Application and Report
5 Tracking System (SMARTS). In addition, coverage under the General Permit shall
6 not occur until an adequate SWPPP is developed for the project as outlined in
7 Section A of the General Permit. The site specific SWPPP shall be maintained on
8 the project site at all times. The SWPPP shall be provided, upon request, to the
9 United States Environmental Protection Agency (USEPA), State Water Resources
10 Control Board (SWRCB), Regional Water Quality Control Board (RWQCB), City
11 of Oceanside, and other applicable governing regulatory agencies. The SWPPP is
12 considered a report that shall be available to the public by the RWQCB under
13 section 308(b) of the Clean Water Act. The provisions of the General Permit and
14 the site specific SWPPP shall be continuously implemented and enforced until the
15 owner/developer obtains a Notice of Termination (NOT) for the SWRCB.
- 16 57. Owner/developer is required to retain records of all monitoring information, copies
17 of all reports required by this General Permit, and records of all data used to
18 complete the NOT for all construction activities to be covered by the General
19 Permit for a period of at least three years from the date generated. This period may
20 be extended by request of the SWRCB and/or RWQCB.
- 21 58. The project is categorized as a stormwater-Priority Development Project (PDP). A
22 final Storm Water Quality Management Plan (SWQMP) and Operation &
23 Maintenance (O&M) Plan shall be submitted to the City for review at the final
24 engineering phase. Both documents are to be approved prior to the issuance of a
25 grading permit.
- 26 59. The O&M Plan shall include an approved and executed Maintenance Mechanism
27 pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the
28 O&M Plan shall include the designated responsible party to manage the storm
29 water BMP(s), employee training program and duties, operating schedule,

1 maintenance frequency, routine service schedule, specific maintenance activities,
2 copies of resource agency permits, cost estimate for implementation of the O&M
3 Plan, a non-refundable cash security to provide maintenance funding in the event
4 of noncompliance to the O&M Plan, and any other necessary elements. The
5 owner/developer shall complete and maintain O&M forms to document all
6 operation, inspection, and maintenance activities. The owner/developer shall retain
7 records for a minimum of 10 years. The records shall be made available to the City
8 upon request.

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

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

26 62. Prior to receiving a temporary or permanent occupancy permit, the project shall
27 demonstrate that all structural BMPs, including Storm Water Pollutant Control
28 BMPs and Hydromodification Management BMPs, are constructed and fully
29 operational, are consistent with the approved SWQMP and the approved Precise

Grading Plan, and are in accordance with San Diego RWQCB Order No. R9-2013-0001 §E.3.e. (1)(d).

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

64. All existing overhead utility lines located within the project development property and/or within any full width street or Right-of-Way abutting a new development, and all new extension services for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166), and as required by the City Engineer and current City policies.

65. If the project is granted a waiver of undergrounding requirements by the Planning Commission or City Council, the project is still required to remove existing street lights occupying waived facilities, and new street lights shall be constructed on individual poles, per Section 901.G of the Subdivision Ordinance and City standards.

66. All new extension services for the development of the project, including but not limited to, electrical, cable and telephone, shall be placed underground as required by the City Engineer and current City policies.

67. Prior to the approval of plans and the issuance of a grading permit, owner/developer shall obtain all necessary permits and clearances from public agencies having jurisdiction over the project due to its type, size, location, or infrastructure impact. The list of public agencies includes, but is not limited to, Public Utility Companies, the California Department of Transportation (Caltrans), the City of Carlsbad, the

1 City of Vista, Fallbrook, the County of San Diego, the U. S. Army Corps of
2 Engineers, the California Department of Fish & Game, the U. S. Fish and Wildlife
3 Service, the San Diego Regional Water Quality Control Board, and the San Diego
4 County Health Department.

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

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

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

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

26 **Fire:**

27 72. The project is subject to the Community Facilities District (CFD).
28
29

73. MATERIALS on SITE: Prior to delivery of combustible building construction materials to the project site; the following conditions shall be completed to the satisfaction of the Fire Dept.:

(1) Fire Hydrant(s) shall be installed, approved, and usable.

(2) Fire Lane or Access Roads shall be in place and provide a permanent all-weather surface for emergency vehicles that support the weight of fire apparatus (78,000 lbs).

74. Deferred Submittals will be required for: Automatic Fire Sprinkler, CRC & NFPA 13D and Fire Master Plan

75. Fire apparatus access roads shall have an unobstructed improved width of not less than 28 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13 feet 6 inches. Access roads shall be all weather surface and designed to support imposed loads of not less than 78,000 pounds.

76. Signs reading “NO PARKING FIRE LANE” are required. The number of, placement, and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle Code, section 22500.1, 22658(a) and Oceanside Fire Department Standards.

77. Smoke alarms and carbon monoxide alarms shall be installed in accordance with the California Residential Code Sections R314 & R315.

Housing:

78. Density Bonus/Inclusionary Housing Requirements. In order to obtain the density bonus, incentives/concessions, and waivers under the City’s [Comprehensive Zoning Ordinance Section 3032](#) and [California Government Code Section 65915](#) (collectively known as “Density Bonus” law) and to satisfy the reserved affordable housing requirements for low and moderate-income households under Oceanside City Code [Chapter 14C](#), the occupancy of six (6) of the 36 detached single-family homes shall be restricted for occupancy by three (3) very low-income and three (3) moderate-income households, as defined in [California Health and Safety Code Section 50079.5](#) and [50093](#), at an Affordable Housing Cost for a household size

appropriate for the unit size, as set forth in Sections [50053](#) and [50052.5](#) of the California Health and Safety Code for a period of not less than 55 years.

79. In accordance with City's [Comprehensive Zoning Ordinance Section 3032 M.2](#), Six (6) dwelling units reserved for ownership to Very Low- and Moderate-Income Households, three (3) dwelling units respectively, shall be provided proportional to the overall project in unit size, dispersed throughout the project, and have access to all amenities available to other residents based upon the same terms. Specifically, of the six (6) four-bedroom dwelling units, shall be reserved and affordable Very Low- and Moderate-Income Households.

80. To demonstrate compliance with [Density Bonus law](#) and [Chapter 14C](#), an Affordable Housing Agreement and a Deed of Trust securing such covenants, as approved by the City Attorney and the Housing and Neighborhood Services Director, shall be recorded against the title of the property and the relevant terms and conditions recorded as a deed restriction, regulatory agreement or other enforceable instrument. The Agreement will be recorded prior to the approval of any final or parcel map or issuance of a grading permit or the building permit for the first dwelling unit of the Project. The Agreement shall be binding to all future owners and successors in interest.

81. Neighborhood Services Department at least 6 months before issuance of the Certificate of Occupancy for the first dwelling unit of the Project utilizing Form [HUD-935.2B -Affirmative Fair Housing Marketing Plan \(Single Family Housing\)](#). The purpose of this affirmative fair housing marketing program is to target and outreach to specific groups who may need differing efforts in order to be made aware of and apply for the available affordable housing opportunities. The affirmative fair housing marketing program should Identify the demographic groups within the housing market area which are least likely to apply for housing without special outreach efforts and an outreach program which includes special measures designed to attract those groups, in addition to other efforts designed to attract persons from the total population. All marketing materials must include the

applicable fair housing logos, including the Equal Housing Opportunity and Accessibility logos.

82. Prior to the approval and/or issuance of a grading permit, building permit or final or parcel map for the residential project, whichever comes first, the Project applicant shall make payment of the applicable Inclusionary Housing Administrative fees (\$1,000 per development and \$100 per unit for all units) related to the administration and implementation OCC Chapter 14C-Inclusionary Housing and to ensure the residential project's compliance with all requirements and provisions thereof.

Landscaping:

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

- a) Final landscape plans shall accurately show placement of all plant material such as but not limited to trees, shrubs, and groundcovers.
- b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm drain lines and utility easements and place planting locations accordingly to meet City of Oceanside requirements.

- c) Final landscape plans shall be prepared under the direct supervision of a Registered Landscape Architect (State of California), with all drawings bearing their professional stamp and signature.
- d) All required landscape areas shall be maintained by owner, project association or successor of the project (including public rights-of-way along Kelly Street). The landscape areas shall be maintained per City of Oceanside requirements.
- e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be released until the as-built drawings have been approved on the original approved Mylar landscape plan and the required maintenance period has been successfully terminated.
- f) Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition, proposed landscape species shall be low water users as well as meet all fire department requirements.
- g) All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- i) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- j) Root barriers shall be installed adjacent to all paving surfaces where a paving surface is located within 6 feet of a tree trunk on site (private) and within 10 feet of a tree trunk in the right-of-way (public). Root barriers shall

1 extend 5 feet in each direction from the centerline of the trunk, for a total
2 distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a
3 root barrier around the tree's root ball is unacceptable.

4 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls
5 shall obtain Planning Division approval for these items in the conditions or
6 application stage prior to 1st submittal of working drawings.

7 l) For the planting and placement of trees and their distances from hardscape
8 and other utilities/ structures the landscape plans shall follow the City of
9 Oceanside's (current) Tree Planting Distances and Spacing Standards.

10 m) An automatic irrigation system shall be installed to provide coverage for all
11 planting areas shown on the plan. Low volume equipment shall provide
12 sufficient water for plant growth with a minimum water loss due to water
13 run-off.

14 n) Irrigation systems shall use high quality, automatic control valves,
15 controllers and other necessary irrigation equipment. All components shall
16 be of non-corrosive material. All drip systems shall be adequately filtered
17 and regulated per the manufacturer's recommended design parameters.

18 o) All irrigation improvements shall follow the City of Oceanside Guidelines
19 and Water Conservation Ordinance.

20 p) The landscape plans shall match all plans affiliated with the project.

21 q) Landscape construction drawings are required to implement approved Fire
22 Department regulations, codes, and standards at the time of plan approval.

23 r) Landscape plans shall comply with Biological and/or Geotechnical reports,
24 as required, shall match the grading and improvement plans, comply with
25 Storm Water Management Plan (SWMP), Hydromodification Plan, or Best
26 Management Practices and meet the satisfaction of the City Engineer.

27 s) Existing landscaping on and adjacent to the site shall be protected in place
28 and supplemented or replaced to meet the satisfaction of the City Engineer.
29

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

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

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

Planning:

86. This Vesting Tentative Map, Development Plan, and Density Bonus Approval shall expire 36 months from its approval, unless this time period is extended by the provisions of Article 1, section 150 of the Zoning Ordinance or of Section 705 of the Subdivision Ordinance.

87. This Vesting Tentative Map, Development Plan, and Density Bonus approves only a 40-lot subdivision (35 residential lots and five lettered lots (four dedicated to open space and one dedicated for a private street)) as shown on the plans and exhibits presented to the Planning Commission for review and recommendation to the City Council. No deviation from these plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Vesting

1 Tentative Map and/or Development Plan or a new Vesting Tentative Map and/or
2 Development Plan.

3 88. The applicant, permittee or any successor-in-interest shall defend, indemnify and
4 hold harmless the City of Oceanside, its agents, officers or employees from any
5 claim, action or proceeding against the City, its agents, officers, or employees to
6 attack, set aside, void or annul an approval of the City, concerning Vesting
7 Tentative Map (T24-00001), Development Plan (D24-00008), and Density Bonus
8 (DB24-00002). The City will promptly notify the applicant of any such claim,
9 action or proceeding against the city and will cooperate fully in the defense. If the
10 City fails to promptly notify the applicant of any such claim action or proceeding
11 or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
12 responsible to defend, indemnify or hold harmless the City

13 89. A covenant or other recordable document approved by the City Attorney shall be
14 prepared by the property owner and recorded prior to the issuance of the certificate
15 of occupancy. The covenant shall provide that the property is subject to this
16 resolution, and shall generally list the conditions of approval.

17 90. Prior to the transfer of ownership and/or operation of the site the owner shall
18 provide a written copy of the applications, staff report and resolutions for the
19 project to the new owner and or operator. This notification provision shall run with
20 the life of the project and shall be recorded as a covenant on the property.

21 91. Unless expressly waived, the project shall adhere to all current zoning standards
22 and City ordinances and policies in effect at the time the SB330 Application was
23 deemed complete. The approval of this project constitutes the applicant's
24 agreement with all statements in the Description and Justification and other
25 materials and information submitted with this application, unless specifically
26 waived by an adopted condition of approval.

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

93. Lots 1 thru 5 as shown on the Vesting Tentative Map shall only be permitted for Plan 1 and Plan 2 floorplans and shall not exceed 28' in height.
94. Lot D shall remain designated as Open Space as shown on the Vesting Tentative Map and shall not be permitted for residential development.
95. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved Development Plan. Any substantial change in any aspect of fencing or wall design from the approved Development Plan shall require a revision to the Development Plan or a new Development Plan.
96. If any aspect of the project fencing and walls is not covered by an approved Development Plan, the construction of fencing and walls shall conform to the development standards of the City Zoning Ordinance. In no case, shall the construction of fences and walls (including combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a Density Bonus Waiver or other development approval.
97. No project signage is approved with this application. All project signage shall be subject to a separate sign permit and shall comply with Article 33, Signs, of the Zoning Ordinance. Any project entrance signs shall meet the requirements of the Sign Ordinance and be approved by the City Planner.
98. This project shall comply with all provisions of the City's Affirmative Fair Housing Marketing Agreement policy. Such agreements shall be submitted to and approved by the Housing Neighborhood Services Director at least six (6) months before the issuance of a Certificate of Occupancy for the first unit for the project whichever comes first.
99. This project is subject to the provisions of Chapter 14C of the City Code regarding Inclusionary Housing.
100. Prior to issuance of any building or grading permit, the Director of Housing and Neighborhood Services shall certify that the proposed development has complied with the requirements for inclusionary housing and all provisions of Chapter 14C.

- 1 101. In accordance with Density Bonus requirements, three units shall be reserved for
2 sale to very low-income households and three shall be reserved for sale to
3 moderate-income households. These affordable units shall be provided
4 proportional to the overall project in unit size, dispersed throughout the project, and
5 have access to all amenities available to other residents. The city shall determine the
6 eligibility of the very low-income and moderate-income households. A deed
7 restriction, covenant, and/or other instrument enforceable by the city and approved
8 by the City Attorney and Director of Housing and Neighborhood Services, limiting
9 the sale of such units to eligible very low-income and moderate-income households
10 shall be recorded against the title of the property. The duration of such rental
11 restrictions shall run with the life of the project and/or a minimum of fifty-five (55)
12 years.
- 13 102. The required "Affordable Housing Regulatory Agreement" shall be recorded
14 against the project site prior to the issuance of any permits for the project.
- 15 103. All units proposed as part of this project shall be rented for no less than 31-days.
- 16 104. Prior to the issuance of building permits, compliance with the applicable provisions
17 of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall
18 be reviewed and approved by the Planning Division. These requirements, including
19 the obligation to remove or cover with matching paint all graffiti within 24 hours,
20 shall be noted on the Landscape Plan and shall be recorded in the form of a covenant
21 affecting the subject property.
- 22 105. The project shall adhere to the following Project Design Features:
- 23 a) PDF-NOI-1: Administrative controls (e.g. where practical, reduce operating
24 time of heavy equipment and/or prohibit usage of such equipment type(s) within
25 certain distances to the nearest offsite residential receptors along Kelly Street).
- 26 b) PDF-NOI-2: Engineering Controls (ensure installed engine exhaust mufflers
27 are in good working order and meet or exceed factory specifications).
- 28 c) PDF-NOI-3: Install noise abatement on parts of the west and north site
29 boundary fencing (or within, as practical and appropriate) in the form of sound

blankets, solid wood sheets, or comparable temporary barriers (demonstrating minimum sound transmission class (STC) rating of 20) to occlude construction noise emission between the site (or specific equipment operation as the situation may define) and the nearest offsite residential and daycare receptors along Kelly Street.

- d) PDF-NOI-4: At the outset of project grading, a noise monitor shall be onsite to ensure that noise levels at adjacent sensitive receptors are in conformance with the 80 dBA 8-hour Leq threshold.
- e) PDF-NOI-5: To address interior noise levels from I-78 and I-5, the project will incorporate specialized wall and window/patio door assemblies with enhanced STC ratings. Units 10 through 15, which have direct line of sight to these highways, will include wall assemblies rated at a minimum STC of 40 and window/patio door assemblies at a minimum STC of 35, while all other units will include wall assemblies with a minimum STC of 35 and window/patio door assemblies with a minimum STC of 30. All assemblies will be tested, certified, and installed according to manufacturer recommendations and applicable building codes to ensure the intended noise attenuation performance.
- f) PDF-NOI-6: One residential unit with a direct line of sight to the 78 Freeway requires an acoustically upgraded balcony to reduce outdoor noise levels for seated occupants to below 65 dBA CNEL. As one possible solution, adding a solid and sufficiently massive layer- such as a 6mm (0.236 inch) plexiglass panel- to the planned square-tubed metal railing would provide a noise reduction of approximately 5 dBA. Alternate materials and designs can be considered, provided they have adequate mass and solidity, are tall enough (approximately 48 inches or six inches taller than a seated occupant), and include minimal air gaps. Design modifications must also address non-acoustical considerations such as desired barrier opacity and drainage.
- g) PDF-AQ-1: Standard construction practices shall be employed to reduce fugitive dust emissions, including watering active sites two times per day,

1 depending on weather conditions. Construction of project components shall be
2 subject to the San Diego Air Pollution Control District Rule 55- Fugitive Dust
3 Control. Compliance with Rule 55 would limit fugitive dust that may be
4 generated during grading and construction activities.

5 h) PDF-AQ-2: Prior to the commencement of any construction activities, the
6 project applicant or its designee will provide evidence to the City that for off-
7 road equipment with engines rated at 50 horsepower or greater, no construction
8 equipment shall be used that is less than Tier 4 Final. An exemption from this
9 requirement may be granted if (1) the applicant documents equipment with Tier
10 4 engines are not reasonably available, and (2) the required corresponding
11 reductions in criteria air pollutant emissions can be achieved for the project
12 from other combinations of construction equipment (for example, another piece
13 of equipment can be replaced with a zero-emission equipment to offset the
14 emissions associated with using a piece of equipment that does not meet Tier 4
15 Final standards). Before an exemption may be granted, the applicant's
16 construction contractor will (1) demonstrate that at least three construction fleet
17 owners/operators in San Diego County were contacted and that those
18 owners/operators confirmed Tier 4 equipment could not be located in San Diego
19 County during the desired construction schedule, and (2) the Model or other
20 industry standard emission estimation method and documentation has been
21 provided to the City to confirm the necessary project-generated emission
22 reductions are achieved.

23 i) PDF-AQ-3: All residential units will be all-electric and will not use natural gas.
24 In addition, only electric fireplaces will be installed in residential construction.

25 106. If work is to be done during the typical avian breeding season (February 15 to
26 August 31 for songbirds; January 15 to August 31 for raptors), a qualified biologist
27 shall conduct a nesting bird survey within all suitable habitat, on-site and within
28 300-feet surrounding the site, to identify any potential nesting activity within 5 days
29 before start of construction. If active nests are identified, the biologist would

1 establish buffers around the vegetation (500 feet for raptors and sensitive species
2 200 feet for non-raptors/non-sensitive species). All work within these buffers
3 would be halted until the nesting effort is finished (i.e. the juveniles are surviving
4 independent from the nest). The onsite biologist shall review and verify
5 compliance with these nesting boundaries and shall verify the nesting effort has
6 finished. Work can resume within these areas when no other active nests are found.
7 Alternatively, a qualified biologist may determine that construction can be
8 permitted within the buffer areas and shall develop a monitoring plan to prevent
9 any impacts while the nest continues to be active (eggs, chicks, etc.). Upon
10 completion of the survey and any follow-up construction avoidance management,
11 a report shall be prepared and submitted to the City.

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

14 108. Adjacent homeowners shall be notified of planned construction activities and times
15 approximately two weeks prior to the start of work.

16 109. An association shall be formed and Covenants, Conditions and Restrictions
17 (CC&Rs) shall provide for the maintenance of all common open space and
18 commonly owned fences and walls. The maintenance shall include normal care
19 and irrigation of landscaping; repair and replacement of plant material and
20 irrigation systems as necessary; and general clean-up of the landscaped and open
21 space areas, roadways, and walkways. The CC&Rs shall be subject to review and
22 approval of the City Attorney prior to the approval of the Final Map. The CC&Rs
23 are required to be recorded prior to, or concurrently with, the Final Map. Any
24 amendments to the CC&Rs in which the association relinquishes responsibility for
25 the maintenance of any common open space shall not be permitted without the
26 specific approval of the City of Oceanside. Such a clause shall be a part of the
27 CC&Rs. The CC&Rs shall also contain provisions for the following:

28 a) Garages shall be kept available and useable for the parking of tenant's automobiles
29 at all times.

- b) Prohibition of parking or storage of recreational vehicles, trailers or boats within the guest parking spaces.
- c) 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 that restrict any private use of open space areas. Restrictions shall include, but are not limited to, removing retaining walls, installing structures such as trellises, decks, retaining walls and other hardscape and any individual landscape improvements.
- e) Provisions prohibiting the homeowners' association from relinquishing its obligation to maintain the common open space areas without prior consent of the City of Oceanside.
- f) An acknowledgement that the City of Oceanside does not have a view preservation ordinance and that views may be subject to change with maturing off-site landscape and the potential for future off-site building.
110. The project shall install and maintain renewable energy facilities (e.g. solar photovoltaic systems) that supply at least 50 percent of forecasted electricity demand.
111. Prior to issuance of building permits, the project shall comply with the urban forestry standards outlined in Table 1 of Article 30, Section 3049 of the Zoning Ordinance. The project must also provide a Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP shall include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, and appropriate response process etc. Projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action.
112. Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the "Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe".

1 A copy of the agreement shall be included in the Grading Plan Submittals for the
2 Grading Permit. The purpose of this agreement shall be to formalize protocols and
3 procedures between the Applicant/Owner and the “Traditionally and Culturally
4 Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”
5 for the protection and treatment of, including but not limited to, Native American
6 human remains, funerary objects, cultural and religious landscapes, ceremonial
7 items, traditional gathering areas and tribal cultural resources, located and/or
8 discovered through a monitoring program in conjunction with the construction of
9 the proposed project, including additional archaeological surveys and/or studies,
10 excavations, geotechnical investigations, grading, and all other ground disturbing
11 activities. At the discretion of the Luiseño Native American Monitor, artifacts may
12 be made available for 3D scanning/printing, with scanned/printed materials to be
13 curated at a local repository meeting the federal standards of 36CFR79.

14 113. Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading
15 Contractor shall provide a written and signed letter to the City of Oceanside
16 Planning Division stating that a Qualified Archaeologist and Luiseño Native
17 American Monitor have been retained at the Applicant/Owner or Grading
18 Contractor’s expense to implement the monitoring program, as described in the
19 pre-excavation agreement.

20 114. The Qualified Archaeologist shall maintain ongoing collaborative consultation
21 with the Luiseño Native American monitor during all ground-disturbing activities.
22 The requirement for the monitoring program shall be noted on all applicable
23 construction documents, including demolition plans, grading plans, etc. The
24 Applicant/Owner or Grading Contractor shall notify the City of Oceanside
25 Planning Division of the start and end of all ground-disturbing activities.

26 115. The developer is prohibited from entering into any agreement with a cable television
27 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
28 and or maintain its cable television system in the development.
29

1 116. A letter of clearance from the affected school district in which the property is
2 located shall be provided as required by City policy at the time building permits
3 are issued.

4 117. Failure to meet any conditions of approval shall constitute a violation of the Vesting
5 Tentative Map, Development Plan, and Density Bonus.

6 **Solid Waste:**

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

13 119. The plans must demonstrate where servicing will occur for the residential carts to
14 ensure adequate access by service vehicles. For cart dimensions and service vehicle
15 requirements, including street turning radius and minimum road lengths, please refer
16 to the City of Oceanside Enclosure and Service Guide Solid Waste, Recycling and
17 Organics guidebook.

18 **Water Utilities:**

19 **General Conditions:**

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

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

28 122. The developer will be responsible for developing all water and sewer utilities
29 necessary to develop the property. Any relocation of water and/or sewer utilities is

- the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
123. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Recycled Water Design and Construction Manual or as approved by the Water Utilities Director.
124. The Homeowner's Association and property owner(s) shall maintain private water and wastewater utilities located on private property. This shall be included in the CC&Rs.
125. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at Developer's expense.
126. Minimum separation between water services and sewer laterals shall be 10 feet.
127. Each new residential dwelling unit shall be metered individually.
128. A residential development with multiple residential buildings may have a public master meter for the development provided there is a private sub-meter for each individual dwelling unit. The Property Owners or Home Owner's Association would be responsible for the ownership, maintenance, reading, and replacement of the private sub-meters. This shall be included in the CC&Rs or a maintenance agreement.
129. There shall be a shared agreement for the private water and sewer facilities amongst the Owners. The Home Owner's Association shall be responsible for the shared water and sewer systems including the ownership, maintenance, repair and replacement of private on-site water and sewer mains, fire hydrants, sub-meters, sewer laterals and all other water and sewer appurtenances. This shall be included in the CC&Rs.
130. There shall be a minimum of two (2) master meters to serve the residential development. Each shall have a separate connection to a public water main in Kelly Street such that the total peak domestic water demand can be served by the combined meters. Meters shall be equipped with a backflow device.
131. Provide a separate irrigation water meter. Meter shall be managed and paid for by the Homeowner's Association for the development. An address assignment will need to

be completed for the meter, and can be processed through the City Planning Department.

132. A private on-site fire system shall be installed, separate from the private domestic water system, to supply the on-site private fire hydrants and fire services. The fire system shall be looped with two connections to a public water main in Kelly Street. Each connection shall be equipped with an approved double check detector backflow assembly.

133. Per the latest approved California Fire Code, all new residential units shall be equipped with a fire sprinkler system.

134. Buildings requiring an NFPA 13 or NFPA 13R automatic sprinkler system for fire protection shall have a dedicated fire service connection to a public water main with a double check detector backflow assembly. Location of the backflow assembly must be approved by Fire Department.

135. Per the State Water Resources Control Board Cross-Connection Control Policy Handbook, water meters that serve an NFPA 13D automatic fire sprinkler system along with the domestic water system shall be equipped with a double check (DC) backflow preventer with shut off valves and test ports.

136. Alternatively, a DC backflow device is not required if the fire protection system is constructed using piping materials certified to meet NSF/ANSI Standard 61, and the fire protection system is designed as a passive purge system with looped piping within the structure and connected to one or more routinely used fixture(s) (e.g., water closet, clothes washer) to prevent stagnant water.

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

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

1 138. Any water and sewer improvements required to develop the proposed property will
2 need to be included in the improvement plans and designed in accordance with the
3 Water, Sewer, and Recycled Water Design and Construction Manual.

4 139. All public water and sewer facilities not located within the public right-of-way shall
5 be provided with easements sized according to the Water, Sewer, and Recycled Water
6 Design and Construction Manual. Easements shall be constructed for all weather
7 access.

8 140. No trees, structures, or building overhang shall be located within any water or
9 wastewater utility easement.

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

11 141. Show location and size of proposed water meter(s) on site plan of building plans.
12 Show waterline from proposed meter to connection point at each residence.

13 142. Show location and size of proposed sewer lateral(s) from property line or connection
14 to sewer main to connection point at each residence.

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

17 144. Provide drainage fixture unit count per the latest adopted California Plumbing Code
18 to size sewer lateral for each property.

19 145. Minimum separation between water services and sewer laterals shall be 10 feet.

20 146. Water facilities, backflows or meters, shall have a minimum 10' separation from
21 trees. Palm tree minimum separation is lowered to 5' from water facilities.

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

26 148. Per City of Oceanside Ordinance No. 21-OR0475-1, the developer shall pay a
27 recycled water impact fee since the proposed project is not within 75 feet of a recycled
28 water main. The impact fee shall be established by submitting a formal letter
29 requesting the City to determine this fee, which is based on 75% of the design and

1 construction cost to construct a recycled water line along the frontage of the property
2 in Kelly Street.

3 149. The Water System Analysis for the Kelly Street Project in the City of Oceanside dated
4 March, 2025 was reviewed by the Water Utilities Department. The results of the water
5 analysis showed that the existing water main in Kelly Street is adequate for both
6 domestic and fire protection service.

7 150. All water and sewer mains not meeting the minimum main diameter and material
8 requirements shall be replaced by the Developer, and at the Developer's expense, to
9 meet current design standards for all new commercial, industrial, institutional, and
10 residential developments of four (4) units or more. Water and sewer improvements
11 shall be required as part of the engineering plan submittal.

12 151. The existing 6" AC water main in Kelly Street does not meet the current standards
13 relating to minimum main diameter and material requirements. Therefore, the
14 Developer shall replace the existing water main in Kelly Street from Andy Lane to
15 Hunsaker Street with 8-inch PVC main including upsized connections at each end
16 and valves. The Developer shall be responsible for the design, permitting, and
17 construction of approximately 590 feet of water main replacement in Kelly Street.
18 The City will reimburse the Developer for water main construction outside the limits
19 of total property frontage along Kelly Street at a fair-share percentage of 86.78%
20 percent; The Developer will be responsible for the remaining 13.22%, which
21 represents 78 feet of water main replacement, and will also be responsible for the
22 upsized connections and valves at each end. The City will reimburse the Developer
23 for the fair-share percentage of the total construction cost. The Developer shall
24 execute a reimbursement agreement with the City prior to the start of the water main
25 construction. The full length of water main replacement including upsized
26 connections must be completed prior to occupancy of up to 50% of homes within the
27 Development. If the water main improvements are not constructed at the time of 50%
28 occupancy, the City reserves the right to initiate a claim against the Developer's
29 development bond and engage a contractor to complete the work. Prior to taking such

1 action, the City shall provide the Developer with written notice and a minimum of 30
2 calendar days to complete construction. No further certificates of occupancy shall be
3 issued beyond the 50% occupancy limit until the public water main improvement is
4 satisfactorily completed and accepted by the City.

5 152. A private water main shall be constructed within the private road to serve the
6 residences. The private water main shall be looped with two (2) connections to the
7 new 8-inch PVC water main (320 HGL) in Kelly Street. Each connection shall be
8 equipped with a public water meter and backflow device. There shall be no dead ends
9 on the proposed on-site private water main.

10 153. A separate private fire main shall be constructed within the development. The private
11 fire main shall be looped with two (2) connections to the new 8-inch PVC water main
12 (320 HGL) in Kelly Street. Each connection shall be equipped with a double check
13 backflow device. A fire hydrant shall be located at the apex of the loop.

14 154. Developer shall obtain a waiver from the Division of Drinking Water if the minimum
15 10' separation (wall to wall) for water and sewer mains is not satisfied.

16 155. A separate irrigation meter and connection with an approved backflow prevention
17 device is required to serve common landscaped areas and shall be displayed on the
18 plans. An address assignment will need to be completed for the meter, and can be
19 processed through the City Planning Department.

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

22 157. The Kelly Street Sewer CCTV Report and video files dated March 28, 2024 were
23 reviewed by the Water Utilities Department. The results of the sewer report and video
24 inspection showed that the existing public sewer collection system located within a
25 public easement near the east property line of the development is in adequate
26 condition to receive flows from the Project.

27 158. The Developer shall connect the private on-site sewer system to the existing public
28 8-inch PVC sewer main at the east property line of the development. The private on-
29 site sewer collection system (mains, manholes, laterals etc.) shall be designed in

- 1 accordance with the Water, Sewer, and Recycled Water Design and Construction
2 Manual. The Homeowner's Association shall be responsible for the ownership,
3 maintenance, and replacement of the private sewer system. This shall be included in
4 the CC&Rs or a maintenance agreement.
- 5 159. Connections to a public sewer main with a 6-inch or larger sewer lateral will require
6 a sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and*
7 *Recycled Water Design and Construction Manual*.
- 8 160. Connection to an existing sewer manhole will require rehabilitation of the manhole
9 per City standards. Rehabilitation may include, but not be limited to, re-channeling
10 of the manhole base, surface preparation and coating the interior of the manhole, and
11 replacing the manhole cone with a 36" opening and double ring manhole frame and
12 lid.
- 13 161. Provide stationing and offsets for existing and proposed water service connections
14 and sewer laterals on plans.
- 15 162. Each parcel shall have a separate sewer lateral connection.
- 16 163. Homeowner's Association must be financially responsible in perpetuity of the
17 operation and maintenance of the on-site private sewer main. This shall be included
18 in the CC&Rs or a maintenance agreement.
- 19 164. Any unused water services or sewer laterals by the proposed development or
20 redevelopment, shall be abandoned in accordance with Water Utilities requirements.
21 If an existing water meter is abandoned then a credit will be applied towards future
22 buy-in fees in the amount of the current buy-in fee of the existing meter.
- 23 165. Show location and size of existing and proposed water meter(s) on site plan of
24 building plans. Show waterline from proposed meter to connection point to residence.
- 25 166. Show location and size of existing and proposed sewer lateral(s) from property line
26 or connection to sewer main to connection point at residence.
- 27 167. Provide a fixture unit count table and supply demand estimate per the latest adopted
28 California Plumbing Code (Appendix A) to size the water meter(s) and service line(s).
29

1 168. Provide drainage fixture unit count per the latest adopted California Plumbing Code
2 to size sewer lateral for property.

3 169. Water and Wastewater buy-in fees and the San Diego County Water Authority Fees
4 are to be paid to the City at the time of Building Permit issuance per City Code Section
5 32B.7.

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3 PASSED AND ADOPTED Resolution No. 2025-P11 on May 19, 2025, by the
4 following vote, to wit:

5 AYES:

6 NAYS:

7 ABSENT:

8 ABSTAIN:

9 _____
10 Tom Morrissey, Chairperson
11 Oceanside Planning Commission

12 ATTEST:

13 _____
14 Sergio Madera, Secretary

15 I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that
16 this is a true and correct copy of Resolution No. 2025-P11.

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18 Dated: May 19, 2025

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