



DATE: September 8, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A ZONE AMENDMENT TO PLANNED DEVELOPMENT (ZA-2-05), TENTATIVE MAP (T-3-05), CONDITIONAL USE PERMIT (C-11-06) AND DEVELOPMENT PLAN (D-5-05) FOR THE DEVELOPMENT OF 68 TOWNHOME UNITS ON A 23.8-ACRE SITE LOCATED AT THE NORTHEASTERN CORNER OF MESA DRIVE AND FOUSSAT ROAD – MESA RIDGE – APPLICANT: INVESTMENT HOLDINGS LLC.**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion;

- (1) Certify the Environmental Impact Report (EIR) and associated findings and mitigation monitoring and reporting program by adopting Planning Commission Resolution No. 2008-P54;
- (2) Recommend that the City Council approve a Zone Amendment for Planned Development (ZA-2-05),
- (3) Approve Development Plan (D-5-05), Conditional Use Permit (C-11-06) and Tentative Map (T-3-05) by adopting Planning Commission Resolution No. 2008-P55 with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Site Review and Background:** The 23.80-gross acre property (10.76 net developable acres) consists of several existing and undeveloped “small lot” single-family lots and associated open space areas. The project site is located on the north side of Mesa Drive, between Foussat Road and Jibsail Street and is within the Loma Alta Neighborhood Planning Area. The site is characterized by a relatively large flat pad

area adjacent to Mesa Drive that had been previously graded and then moderate to steep slopes extending from the pad to the north and west. Some of these slopes are manufactured and some are natural.

The property was previously entitled as a PD (Planned Development) and subdivided as "La Jolla Panorama Estates". A final map was recorded on the site which created 73 legal residential lots, 2 landscape lots and 1 open space lot. The La Jolla Panorama Estates project, however, was never built due to a number of technical and financial reasons. The subject property has two General Plan Land Use designations which include Medium Density-A Residential (MDA-R; 6-9.9 du/ac) and Open Space. There are 12.0 acres of MDA-R property and 11.80 acres of OS on the site. In addition, there are 1.24 acres of "undevelopable" land as defined in the Zoning Ordinance within the MDA-R portions of the site due to steep slope conditions. The entire property is Zoned RM-A.

**Project Description:** The 68-unit Mesa Ridge project is proposed on 23.80 gross acres with a net developable area of 10.76 acres. The net developable area for the project was obtained by taking the gross MDA-R area and subtracting out the "undevelopable land" within the MDA-R area. Based on the net developable area, the overall project density is 6.3 dwelling units per acre (du/ac) which is at the low end of the allowable density range for the site of 6.0 - 9.9 du/ac. The project proposes three lots for "modular condominium purposes" with lot 1 designated for residential use. Lot A will be for open space including the fuel modification zone and Lot B to be preserved in its natural condition. The site area breakdown by lot is as follows: Lot 1 - 6.3 acres, Lot A - 7.9 acres, and Lot B - 9.6 acres.

There will be two points of access to the proposed project, both of which will be off of Mesa Drive. The western most access point will accommodate full turning movements into and out of the project. The eastern most access point will be restricted to "right-in, right-out" only. An internal "loop" drive will allow residents to enter or exit from either access point. The project's interior driveways will all be private and maintained by the homeowners association. The pavement sections of the interior driveways vary in size from 28 feet to 34 feet with no parallel parking permitted. Water and sewer utilities, as well as other dry utilities, will be extended from Mesa Drive to serve the project.

The project provides 9.6 acres of natural open space in Lot B (which includes 2.2 acres of MDA-R/RM-A property), and 7.9 acres of graded slope areas that will be planted with a coastal sage scrub plant palette outside of the fuel modification zone and native fire retardant plant species within the fuel modification zone for a total of 17.5 acres of undeveloped open space areas. In addition, there will also be another 2.26 acres of common usable open space internal to the project footprint. In addition to these areas, there will be 0.42 acres of private usable open space provided in the form of patios and decks.

The proposed Mesa Ridge Townhome units are all two-story, 3 bedroom, 2.5 bathroom townhomes with attached 2-car garages and roll-up style garage doors. The units range in size from 1,365 square feet to 1,553 square feet. The garages will be served from a private drive and have direct access into the units. The proposed units will have enhanced Tuscan styled facades.

A breakdown of the unit count and mix can be found in the table below:

UNIT TYPE	SIZE (SF)	BED/BATH	GARAGE	# of DU
Unit 1.1	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1.1a	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1b	1,365 SF	3/2.5	2 Covered	2 DU
Unit 2.1	1,537 SF	3/2.5	2 Covered	4 DU
Unit 3.1	1,553 SF	3/2.5	2 Covered	15 DU
Unit 3.1a	1,553 SF	3/2.5	2 Covered	15 DU
<b>TOTAL</b>				<b>68 DU</b>

**Planned Development Zone Amendment:** A Zone Amendment to PD, Planned Development, is required to allow an attached townhome product (Multiplex Units “MP”) to be developed on the site. The General Plan Land Use Element allows for the development of MP units within the RM-A Land Use Designation per the “Residential Unit Type/Residential Land Use Designation Consistency Matrix” (Section 2.34.A.). The Zoning Ordinance also allows for multi-family product in the RM Zones, however, the base development regulations make an MP product impractical. The implementing

tool for the MP product type within the RM-A Zone, therefore, is the PD, Planned Development District. This site exceeds the minimum net area requirement for a PD District of 4 acres. The proposed PD Text will establish a new lot size and set back standard specific to the site to accommodate the MP product type.

**Parking:** The project is required to provide a total of 151 parking spaces; 2 per unit including 1 covered space (which equates to 136 spaces) with guest parking at 1 space plus 1 per 20 percent of the total units which is equal to 15 spaces. The proposed project exceeds these requirements. The project provides 171 total spaces (20 extra spaces), 136 of which are covered, enclosed, garage spaces which is double the requirement for covered spaces. In addition, there are 35 open guest spaces, of which 4 are handicap spaces, which is more than double the required guest amount. The fact that the project will provide twice as much covered parking spaces and more than double the guest space requirement, is indicative of the care and detail that went into the design of this project. A breakdown of the parking requirement appears in the table below:

<b>OFF-STREET PARKING</b>	<b>COVERED (per unit)</b>	<b>UNCOVERED (per unit)</b>	<b>GUEST</b>	<b>TOTAL</b>
Required	68	68	15	151
Proposed	68	68 (Covered)	35	171

The project will include four active recreational areas that will have various types of play equipment, picnic facilities, turf play areas and the community pool and spa. Each of these areas is large enough by itself to satisfy the 4,000-square foot recreational amenity requirement. In addition, there will be several passive recreation areas throughout the site that will include picnic facilities, “look out” benches and turf play areas.

**Conditional Use Permit – Exceeding Base Density:** The proposed project density is 6.3 du/ac based on the net developable area within the MDA-R portions of the site which is 10.76 acres. This density just exceeds the base density established for the RM-A Zone of 6.0 du/ac, but, it is well below the maximum allowable density of 9.9 du/ac for the RM-A Zone.

The Land Use Element of the General Plan establishes density ranges for all residential districts. Section 2.32., “Potential Range of Residential Densities”, states that the base density shall be considered the appropriate density for development within each

residential district. To be granted the ability to achieve project densities above the base density, a project must be found to possess “an excellence of design features.” The General Plan identifies 12 specific characteristics (although there could be more or less) that a project could have to qualify as an excellence of design features. An evaluation of the project’s compliance with these regulations is presented below.

**Hillside Guidelines:** The project meets the Hillside Development Provisions and is in general conformance with the goals and objectives of the Zoning Ordinance. However, due to the sites geotechnical issues (large landslide), slope conditions, and the demands of a multi-family product-type, some Exceptions to the Hillside Development Provisions are required. The project incorporates some creative design elements to meet the spirit and intent of the provisions within the confines of a multi-family product-type. These design elements include setting the buildings back a minimum of 18 feet from the top of slope which helps to reduce their “apparent visible bulk” and “hiding” the garages from off-site view by focusing them on an internal drive loop system. Roof plains required to be no greater than 600 square feet will be incorporated into the buildings where feasible and not visible from public rights-of-way where they exceed the 600-square foot rule.

Currently, the large slope areas of the northeastern perimeter of the site consist of a variety of manufactured slopes, open areas and areas affected by previous surficial slope failures. The project will be required to remove and re-compact a significant portion of this slope area prior to construction. The “new” slope will be a stabilized manufactured slope that will simulate the existing slope in terms of height and length (340 feet high, and approximately 1,300 lineal feet in length). Although these dimensions technically exceed the criteria, they do approximate the existing condition of the site which is consistent with following “*the natural topographic contours as much as possible*” in the Hillside Development Provisions. In addition, the eastern most portion of the proposed slopes will be “laid back” to 2.6:1 (as opposed to 2:1) to contour the slope and soften its appearance while lessening the overburden in this area for safety purposes. A large buttress fill will be installed under the repaired slope along the site’s northern property boundary to provide the slopes above, and the local area in general, with the required stability factor for safety purposes. This manufactured hillside will be much more stable and safer for the units above it and below it than the existing condition. In addition, the slope will be planted with coastal sage scrub species in conformance with the City’s draft Subarea Plan providing a benefit to the planned wildlife corridor.

**Engineering Waiver:** A Waiver to Section 901 B; Frontage Improvements of the City’s Subdivision Ordinance is included that would allow the project not to construct a sidewalk or grade the parkway on the east side of Foussat Road, north of Mesa Drive. The sidewalk and parkway grading on the east side of Foussat Road shall not be

constructed due to land form considerations, geotechnical reasons, and sensitive biological issues related to the City's Draft MHCP Sub Area Plan. The construction of the sidewalk would require unnecessary grading into hillside land forms that contain slopes that are considered "undevelopable" by the Zoning Code and the Draft MHCP Sub Area Plan (40% slopes, greater than 25 feet high).

The project is subject to the following ordinances and City policies:

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

## KEY PLANNING ISSUES

### **General Plan Conformance**

The 68-unit Mesa Ridge project is proposed on 23.80 gross acres with a net developable area of 10.76 acres. The proposed project is consistent with the Residential Medium Density (A) (6.0 to 9.9 dwelling units per acre) with a density of 6.3 dwelling units per buildable acre, which is above base density of 6 dwelling units per acre. Adjoining development includes mainly single family residential, however, there are a number of medium density residential developments further to the east on Mesa Drive just west of El Camino Real. The proposed medium density project would be buffered from existing single-family homes by open space, steep slopes, and the adjacent roadways - Mesa Drive and Foussat Road.

### **Zoning Compliance**

A Zone Amendment to PD, Planned Development, is required to allow an attached townhome product (Multiplex Units "MP") to be developed on the site. The General Plan Land Use Element allows for the development of MP units within the RM-A Land Use Designation per the "Residential Unit Type/Residential Land Use Designation Consistency Matrix" (Section 2.34.A.). The Zoning Ordinance also allows for multi-family product in the RM Zones, however, the base development regulations make an MP product impractical. The implementing tool for the MP product type within the RM-A Zone, therefore, is the PD, Planned Development District. This site exceeds the minimum net area requirement for a PD District of 4 acres. The proposed PD Text will establish a new lot size and set back standard specific to the site to accommodate the MP product type.

**Environmental Impact Report.** Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design. The following are key environmental issues analyzed in the project EIR:

**Traffic and Circulation:** All roadway segments and intersections studied in the project area are forecast to operate at acceptable levels of service (LOS). Potentially significant impacts were predicted for one street segment – El Camino Real south of Mesa Drive. The project will be required to make a fair-share contribution to future improvements along this segment. In addition, due to community concerns, a multi-way stop sign will be installed at the intersection of Mesa Drive and Mainsail Road east of the project for safety purposes even though the study found that this improvement was not warranted.

**Aesthetics:** Construction of the proposed 68-unit townhome project would require approximately 728,000 cubic yards of grading, which includes mostly areas of remedial grading necessary to stabilize portions of the property with adverse geologic conditions. The total amount of hillside grading (including the remedial grading) is 51,270 cu yds per acre. This amount of grading exceeds the Hillside Development Guidelines maximum of 7,500 cu yds per acre. Additional Development Regulation (Q)1 of the Hillside Development Guidelines provides for an Exception to the maximum grading quantity for remediation of geologic conditions. If the remedial grading is deducted from the overall grading quantity, the amount of grading required is 7,025 cu yds per acre. Therefore, the project meets the requirements of the Hillside Guidelines. The same is true for the height and length of the slope (340 high by 1,300 lineal feet).

The manufactured slope described above would be contour-graded to the maximum extent feasible to approximate natural contours and planted with native coastal sage scrub to attain a natural appearance and benefit the wildlife corridor planned for this area (see biological resources below). Approximately 1,000 lineal feet of natural slope would be preserved along Foussat Road and would transition into the new 2:1 slope. The Engineering Waiver to release the developer from building frontage improvements on the east side of Foussat Road adjacent to the project site would also prevent further encroachment and grading into slope areas and non-native grassland habitat on this portion of the project site.

The Hillside Guidelines also require roof planes to not exceed 600 square feet in area and to have a pitch of 3 in 12 or greater. As designed, the roof plains of the townhome structures will have multiple roof plains, but fall short of the 600-square foot requirement. The project has incorporated a number of design features to off-set this guideline: design elements such as an 18-foot setback from the slope, multiple façade off-sets, breaks in wall planes, architectural accents (e.g. bell towers), and landscape details (strategically placed trees) have been incorporated into the project to justify an exception to the Hillside Guidelines.

**Land Use:** A Zone Amendment to PD, Planned Development, is required to allow an attached townhome product (Multiplex Units “MP”) to be developed on the site. The General Plan Land Use Element allows for the development of MP units within the RM-A Land Use Designation per the “Residential Unit Type/Residential Land Use

Designation Consistency Matrix” (Section 2.34.A.). The Zoning Ordinance also allows for multi-family product in the RM Zones, however, the base development regulations make an MP product impractical. The implementing tool for the MP product type within the RM-A Zone, therefore, is the PD, Planned Development District. This site exceeds the minimum net area requirement for a PD District of 4 acres.

The proposed project density is 6.3 du/ac based on the net developable area within the MDA-R portions of the site which is 10.76 acres. This density just exceeds the base density established for the RM-A Zone of 6.0 du/ac, but, it is below the maximum allowable density of 9.9 du/ac for the RM-A Zone.

The Land Use Element of the General Plan establishes density ranges for all residential districts. Section 2.32., “Potential Range of Residential Densities”, states that the base density shall be considered the appropriate density for development within each residential district. To be granted the ability to achieve project densities above the base density, a project must be found to possess “an excellence of design features.” The General Plan identifies 12 specific characteristics (although there could be more or less) that a project could have to qualify as an excellence of design features. The Mesa Ridge project meets the 12 characteristics as follows:

1. *Infrastructure Improvements beyond what is necessary to serve the project and its population.*

The largest of these improvements will be the extensive grading and landslide remediation that the project will perform. Other physical improvements include traffic calming and pedestrian sidewalks.

Before any of the projects physical designs could be contemplated, an extensive geotechnical analysis had to be undertaken. This work was required to determine how best to remediate the known unstable soil conditions of the site in such a way that would benefit the future residents of Mesa Ridge and the surrounding neighborhoods. The project will repair and replace known existing landslide conditions with state of the art buttressing and back fill. This work will require grading to occur on over half of the project site (14.2 of the 23.8 acres) while the actual project foot print is restricted to less than half of that area (only 6.3 acres). This grading will provide slope stability for the future residents of the project, as well as increased safety to all of those residents and improvements down slope and adjacent to the project. In addition, this work will protect the existing City improvements of Mesa Drive and Foussat Road, as well as the water, sewer and storm drain facilities within those roadways (as well as other utilities not owned by the City).

Other physical improvements the project will provide include an all-way stop at the intersection of Mesa Drive and Mainsail Road and a new sidewalk on Mesa Drive and Foussat Road. This intersection was identified by area residents as currently unsafe due to speeds as part of the EIR process. Because of this, the intersection was analyzed in the Traffic Analysis Report prepared for the project

and it was determined that an all-way stop was not warranted at this location. However, the project will construct the recommended all-way stop and the cost will be borne entirely by the project to help improve left-turn movements in at this intersection.

2. *Lot standards (i.e. lot area, width, depth, etc.) Which exceed the minimum standards established by City policy).*

As this is a multi-family project (i.e. not individual lots), this criteria is not applicable.

3. *Development Standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.*

The project as proposed provides 3 key design element standards in excess of what the Code requires that will make it a unique and valuable addition to the City. These features include a significant, excess amount of usable open space, an excess of both covered and required parking, and the use of individual trash bin service. Each of these features is indicative of the applicants commitment to providing a high quality project to the City, as well as one that is respectful of the local community.

4. *Superior architecture design and materials.*

A Tuscan style design theme was chosen and this theme was used in all aspects of the project from the architecture to the landscape plan. There were two unique facade elevations designed for the project that used similar design concepts with unique material choices to create variety and interest between the buildings. A bell tower element and varied use of stone work was used to distinguish the front and side elevations of the buildings (as opposed to all stucco). Other design features used to distinguish this project from other multi-family projects include the use of arched windows, first floor roof elements on all 4 side elevations, exclusive private use court-yards for all units, the use balconies with differing rail options, the use of wood shutters and fabric awnings, stone door trim, as well as window pop-out features and window surrounds.

5. *Superior landscape/hardscape design and materials.*

The landscape theme incorporates design elements to enhance the Tuscan theme of the architecture. The plans incorporate circular pedestrian hubs throughout which are connected by a consistent columnar planting scheme that focuses the eyes along the preferred visual corridors of the site.

6. *Superior recreation facilities or other amenities.*

The proposed project is required to provide 20,400 square feet of usable open space including a 4,000-square foot contiguous recreation area. As proposed the project exceeds this requirement by providing 116,741 square feet of usable open space which is more than 5.5 times the required amount! In addition, the project provides 4 common recreation areas that are at least 4,000 square feet in size as opposed to the single facility required.

7. *Superior private and/or semi-private open space areas.*

The project will provide a large open space preserve in excess of what is required. The City's Draft Subarea Plan that would require the project to preserve 50 percent of the site in open space. City Staff and the project biologist determined that some of the 50 percent preserve area should be adjacent to the off-site open space area adjacent to the site's northern property line to create a larger "habitat corridor" that will tie into the open space area to the east in the El Camino Real Corridor. This fact justified the clustering of the units along the southern property line at Mesa Drive.

The western most 9.6-acre area of the site to remain natural contains the sites only Coyote Brush Scrub and a significant amount of brodiaea filifolia which made it the most appropriate area for natural preservation. As a result of respecting these preservation goals, the development footprint dictated by these conditions resulted in 17.5 acres of open space preserve as opposed to the 11.9 acres that would be required by the Draft MHCP Subarea Plan.

8. *Floor areas which exceed the norm established by existing or approved development in the surrounding area.*

All units are 3 bedroom with 2.5 baths and 2 covered parking spaces. The units range from 1,365 to 1,533 square feet in size, which is considered large compared to multi-family units further east on Mesa Drive.

9. *Consolidation of existing legal lots to provide unified site design.*

The property was previously entitled as a PD (Planned Development) and subdivided as a small lot project known as "La Jolla Panorama Estates". A final map was recorded on the site which created 73 legal residential lots, 2 landscape lots and 1 open space lot. The La Jolla Panorama Estates project, however, was never built due to a number of technical and financial reasons. The proposed project will consolidate those existing legal lots to allow for the proposed project which orients the residential units and open space preserve into the most logical, appropriate and environmentally sound locations of the site

10. *Initiation of residential development in areas where nonconforming commercial or industrial uses are still prominent.*

This criteria is not applicable to the project site.

11. *Participation in the City's Redevelopment, Housing, or Historical preservation programs.*

This criteria is not applicable to the project site, however, the project will be required to participate in the City's Inclusionary Housing Program that addresses affordable housing issues in the City. The project will also provide a market rate, entry level, home ownership opportunity to the City as well.

12. *Innovative design and/or construction methods which further the goals of the General Plan.*

The clustering of the units to preserve open space and preservation of the thread-leaved brodiaea is innovative and will reduce the project's overall impact to the site and surrounding area.

**Biological Resources:** Approximately 71 percent of the 23.8-acre project site or 16.9 acres will be preserved as open space. About 9.3 acres of non-native grassland habitat would be left in its natural state. The 23.8-acre site contains two small areas of coyote brush scrub (total of 0.7 acre), 20.8 acres of non-native grassland, and 2.3 acres of disturbed area. A rare plant – thread-leaf brodiaea – is also located within the 9.3 acres of natural area to be preserved. The site does not currently support any endangered plant or animal species, although it is located within the Wildlife Corridor Planning Zone (WCPZ) of the City's draft Subarea Plan.

The protection of the brodiaea was the main concern of the Wildlife Agencies. The project was re-designed to accommodate an approximately 25-35 foot wide buffer from the edge of development to protect this rare plant species. Subsequently, the project was reduced from 70 to 68 units to comply with this requirement. Retention of the undeveloped portion of the site as non-native grassland would also be beneficial to the brodiaea.

The City's draft Subarea Plan identifies certain parcels within the WCPZ or Wildlife Corridor as priority areas for habitat restoration. The subject property is identified as such a site. Approximately 7.6 acres of the manufactured slope area would be restored with coastal sage scrub in response to the plan and Agency concerns.

The draft Subarea Plan also requires mitigation for the loss of non-native grassland at a 0.5:1 ratio since it is important raptor foraging habitat. Therefore, 6.1-acres of non-native grassland would need to be preserved to off-set the loss of 12.20 acres. The proposed project will preserve 8.6 acres, which would exceed the amount of biological mitigation needed.

**Geology:** The primary geology concerns related to development of the site are slope stability, expansion and corrosion potential of soils, undocumented fills, and regional seismic activity. The large area of existing undocumented fill and natural slope areas below the building pad area are not in accordance with current standards and place existing residents to the north and west of the project at risk. Therefore, the proposed removal and re-compaction of an approximately 14.2 acre portion of the site is needed. Other geologic and foundation issues can be remediated by following the recommendations in the geotechnical report.

## **ENVIRONMENTAL DETERMINATION**

Staff has reviewed the project and determined that with the implementation of project conditions and mitigation measures discussed above, no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design. An Environmental Impact Report (EIR) was prepared pursuant to the provisions of the California Environmental Quality Act (CEQA).

The Planning Division advertised that a draft EIR would be posted for 45 days with the Office of the San Diego County Clerk from February 22, 2008 to April 7, 2008. A number of comments were received during public review of the environmental document and responses to the comments are included in the Final EIR. The Planning Commission will need to certify the EIR and findings stating that the EIR was prepared in accordance with CEQA.

## **PUBLIC NOTIFICATION**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record/and occupants within a 1500-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. In addition, a postcard notice was sent to all property owners within the Loma Alta neighborhood.

## **SUMMARY**

In summary, staff finds that the Tentative Map and Development Plan are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. Although the project is above the base density, many upgrades such as enhanced architecture and open space/recreation areas have been incorporated into the project to

justify the additional units. The Engineering Waiver and Hillside Guideline Exceptions are warranted given the severity of the unstable slope conditions on-site. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to certify the EIR, and associated findings and mitigation monitoring and reporting program and adopt Planning Commission Resolution No. 2008-P54;
- Recommend approval of a Zone Amendment to PD to City Council (ZA-2-05)
- Move to approve Tentative Map (T-3-05, Development Plan (D-5-05), Conditional Use Permit (C-11-06) and an Engineering Waiver, and adopt Planning Commission Resolution No. 2008-P55 as attached.

PREPARED AND SUBMITTED BY:



Jerry Hittleman  
City Planner

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Attachments:

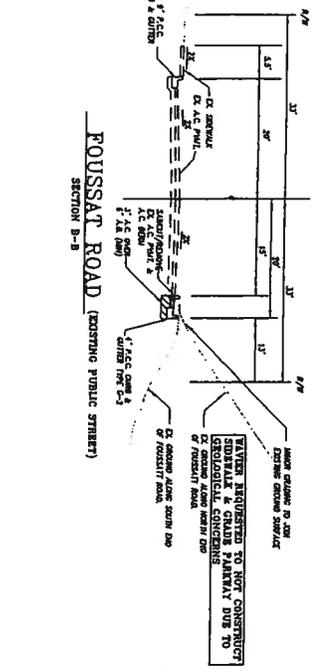
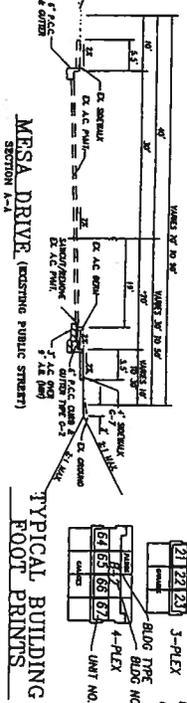
1. Site Plan/Floor Plans Landscaping Plans and Elevations
2. Planning Commission Resolution No. 2008-P54, certifying the EIR
3. Exhibit "A"
4. Planning Commission Resolution No. 2008-P55

# TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE FOR CONDOMINIUM PURPOSES

**PROJECT DATA:**

OWNER: REYNOLDS CIVIL ENGINEERING, INC.  
 PROJECT: MESA RIDGE CONDOMINIUM DEVELOPMENT  
 ADDRESS: 477 LEXINGTON CIRCLE, OCEANSIDE, CA 92057  
 PHONE: (760) 559-8881 FAX: (760) 231-7815

**RECEIVED**  
**JUN 30 2008**  
 Planning Department



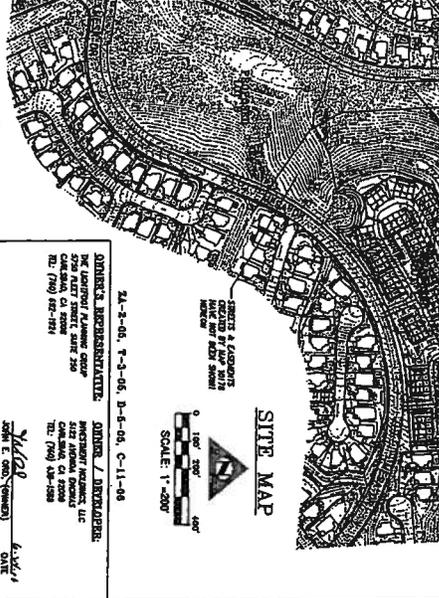
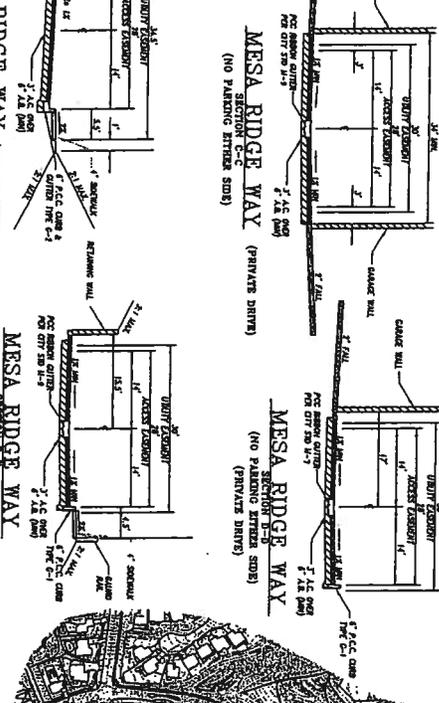
**GENERAL NOTES:**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF OCEANSIDE AND THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS (DIR).

3. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CALIFORNIA DEPARTMENT OF INDUSTRIAL RELATIONS (DIR).

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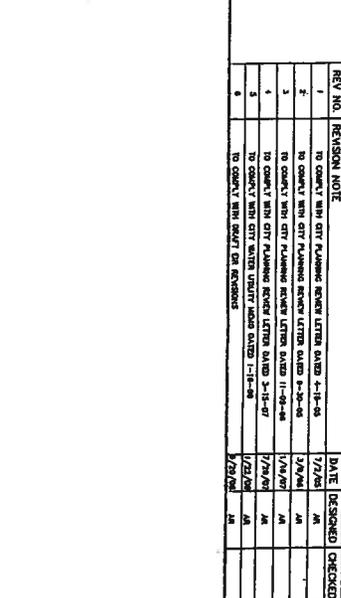
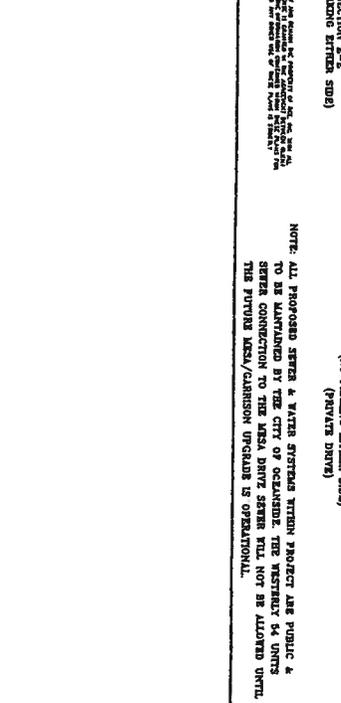
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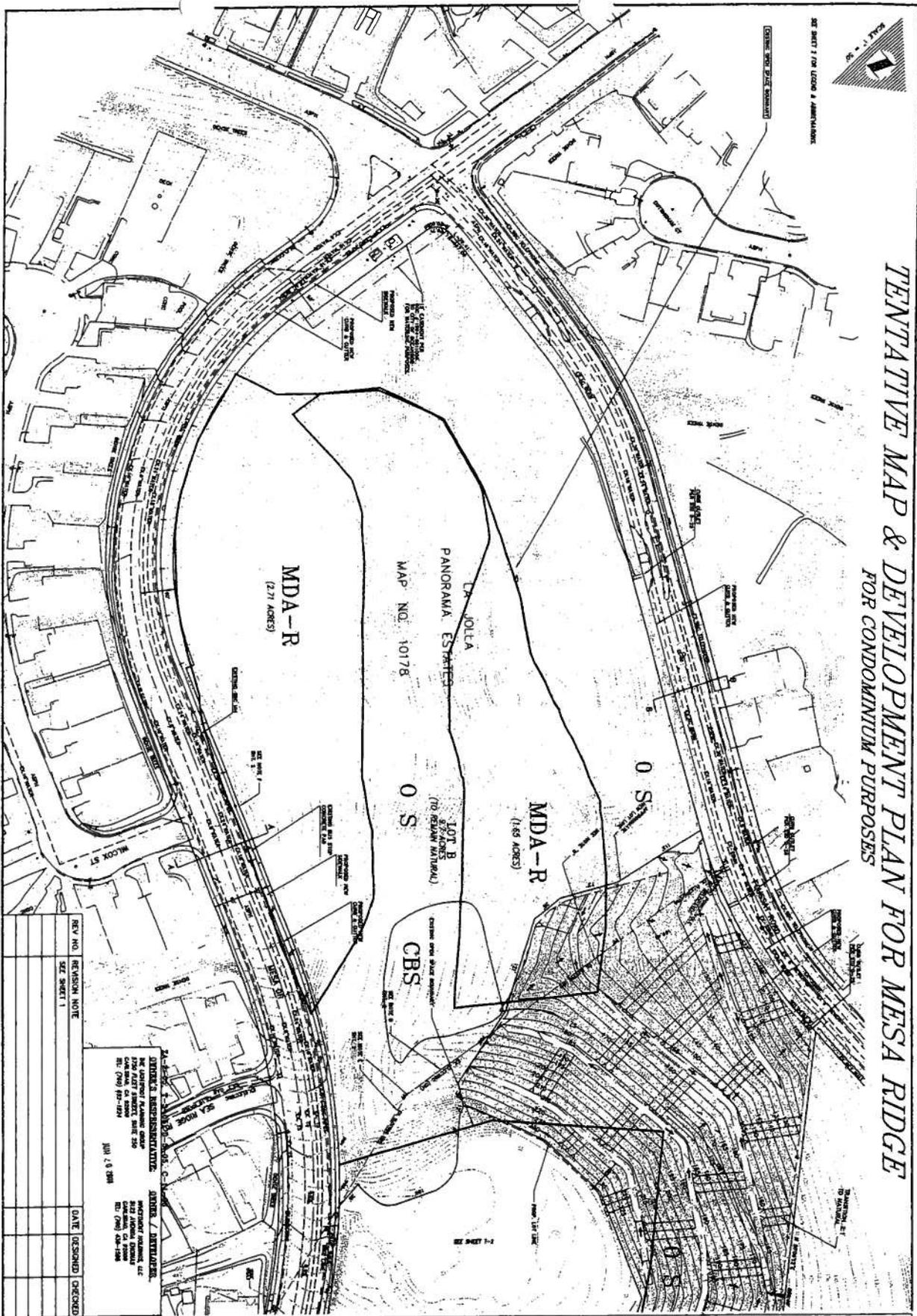
REV. NO.	REVISION NOTE	DATE	DESIGNED	CHECKED
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2	NO CHANGE	7/2/08	AK	AK
3	NO CHANGE	7/2/08	AK	AK
4	NO CHANGE	7/2/08	AK	AK
5	NO CHANGE	7/2/08	AK	AK

**MESA RIDGE TENTATIVE MAP**  
**AGENCY APPROVED PROJECT**  
**MESA RIDGE TITLE SHEET**

**REYNOLDS CIVIL ENGINEERING**  
 477 LEXINGTON CIRCLE  
 OCEANSIDE, CA 92057  
 TELEPHONE: (760) 559-8881 FAX: (760) 231-7815



TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE  
FOR CONDOMINIUM PURPOSES



REV. NO.	REVISION NOTE	DATE	DESIGNED	CHECKED

OWNER'S REPRESENTATIVE: **SHIBUI & SHIBUI**  
 1000 WEST AVENUE, SUITE 200  
 OCEANSIDE, CA 92057  
 TEL: (760) 434-1888  
 FAX: (760) 434-1888  
 JUN 18 1998

MESA RIDGE TENTATIVE MAP  
 AGENCY APPROVED PROJECT  
 PROPOSED LOT B

SHEET THREE  
 OF SEVEN

**RCE REYNOLDS CIVIL ENGINEERING**  
 477 LEDINGTON CIRCLE  
 OCEANSIDE, CA. 92057  
 TELEPHONE (760) 829-8611 FAX: (760) 231-7816

BY: *Charles K. Reynolds*  
 C.E. NO. C-18224 EX. 9-30-2000

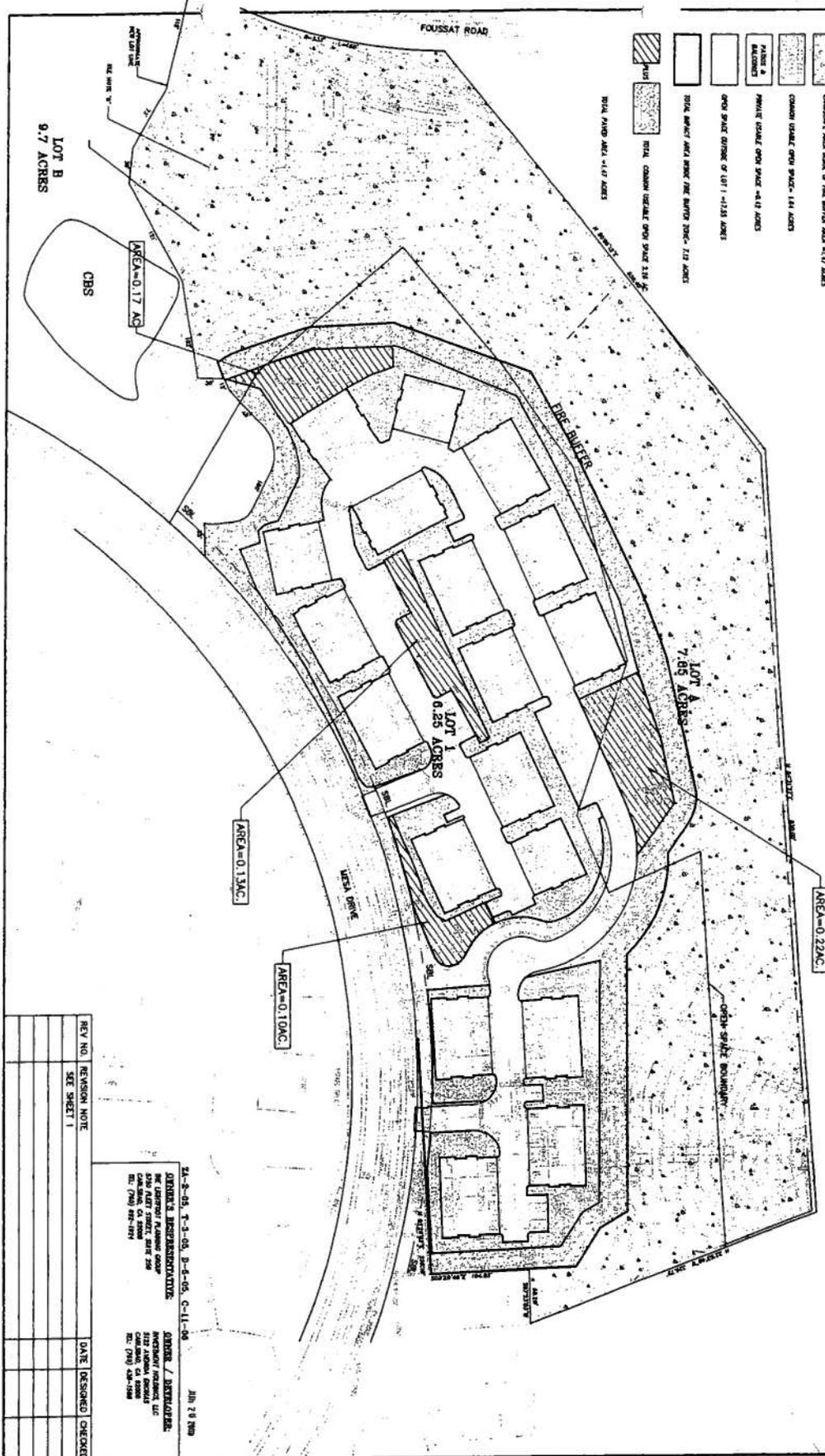
7-3  
 SHEET 3 OF 9 SHEETS





# TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE FOR CONDOMINIUM PURPOSES

- LEGEND:**
- COMMON RECREATIONAL AREA - 4.82 ACRES
  - MAINTENANCE OPEN SPACE AREA - 4.14 ACRES
  - LANDSCAPE AREA NORTH OF FREEWAY AREA - 4.12 ACRES
  - COMMON USEABLE OPEN SPACE - 1.44 ACRES
  - PRIVATE USEABLE OPEN SPACE - 4.12 ACRES
  - OPEN SPACE DESIGN OF LOT 1 - 1.155 ACRES
  - TOTAL PRIVATE AND COMMON USEABLE OPEN SPACE - 1.12 ACRES
  - TOTAL COMMON USEABLE OPEN SPACE - 1.44 ACRES
  - TOTAL PRIVATE AND COMMON USEABLE OPEN SPACE - 2.58 ACRES
  - TOTAL PRIVATE AND COMMON USEABLE OPEN SPACE - 1.12 ACRES



REV NO.	REVISION NOTE	DATE	DESIGNED	CHECKED
1	SEE SHEET 1			

24-2-05, 7-3-05, 8-6-05, C-11-06  
 DESIGNER'S REPRESENTATIVE  
 MR. CHARLES A. REYNOLDS  
 REYNOLDS CIVIL ENGINEERING  
 477 LEWISTON CIRCLE  
 OCEANSIDE, CA 92057  
 TEL: (760) 992-1212

APPROVED / ARCHITECT  
 INVESTMENT CONSULTING LLC  
 10000 WILSON AVENUE  
 SUITE 100  
 OCEANSIDE, CA 92057  
 TEL: (760) 438-1188

JAN 28 2006

<p style="text-align: center;"><b>MESA RIDGE TENTATIVE MAP</b> AGENCY APPROVED PROJECT</p> <p style="text-align: center;"><b>AREA USE EXHIBIT</b></p>	<p><b>SECRET PROJECT</b> SEE SHEET 1</p>	<p style="text-align: center;"><b>RCE</b> <b>REYNOLDS CIVIL ENGINEERING</b></p> <p style="text-align: center;">477 LEWISTON CIRCLE OCEANSIDE, CA 92057 TELEPHONE (760) 928-9581 FAX (760) 231-7615</p> <p style="text-align: center;">BY: <i>Charles A. Reynolds</i> CHARLES A. REYNOLDS R.C.E. NO. C-18224 EX 2-20-2006</p>
---	--	--

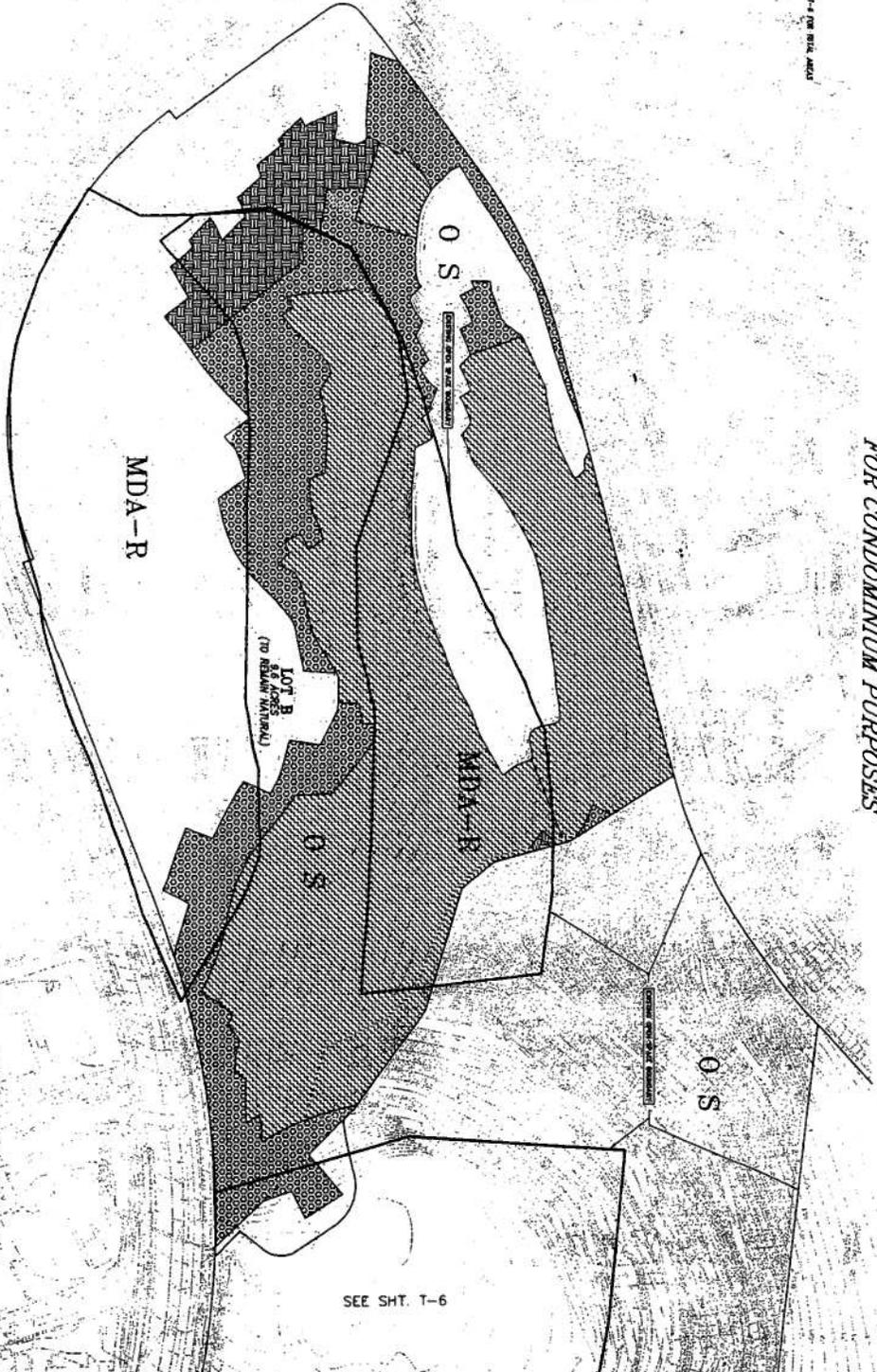






TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE  
FOR CONDOMINIUM PURPOSES

- EXISTING BUILDING FOOTPRINTS, EXISTING STREETS
- EXISTING PAVED AREAS & CONCRETE SLABS 2" MIN. SEE SHEETS T-1 & T-2 FOR OTHER AREAS
- CONCRETE PAVED AREAS & LESS THAN 2" DEPTH
- ASPHALT PAVED AREAS & LESS THAN 2" DEPTH
- UNPAVED AREAS & LESS THAN 2" DEPTH
- LESS THAN 2"



SEE SHT. T-6

REV. NO.	REVISION NOTE	DATE	DESIGNED	CHECKED
	SEE SHEET 1			

A-2-20, T-1-20, D-1-20, D-2-20, C-1-20  
 OWNER'S REPRESENTATIVE: JENNIFER / DEVELOPER  
 THE DEVELOPER'S NAME AND ADDRESS:  
 JENNIFER / DEVELOPER  
 10000 W. 10TH AVENUE  
 DENVER, CO 80202  
 TEL: (781) 882-1514

SHEET 7 OF 10 SHEETS  
 DATE: 11-11-2008  
 DRAWN BY: JCE  
 CHECKED BY: JCE

**MESA RIDGE TENTATIVE MAP**  
**AGENCY APPROVED PROJECT**  
**SLOPE ANALYSIS LOT B**

SHEET INDEX:  
 SEE SHEET 1

**REYNOLDS CIVIL ENGINEERING**  
 477 LIDINGTON CIRCLE  
 OCEANVIEW, CA 92057  
 TELEPHONE (760) 538-6681 FAX (760) 231-7615

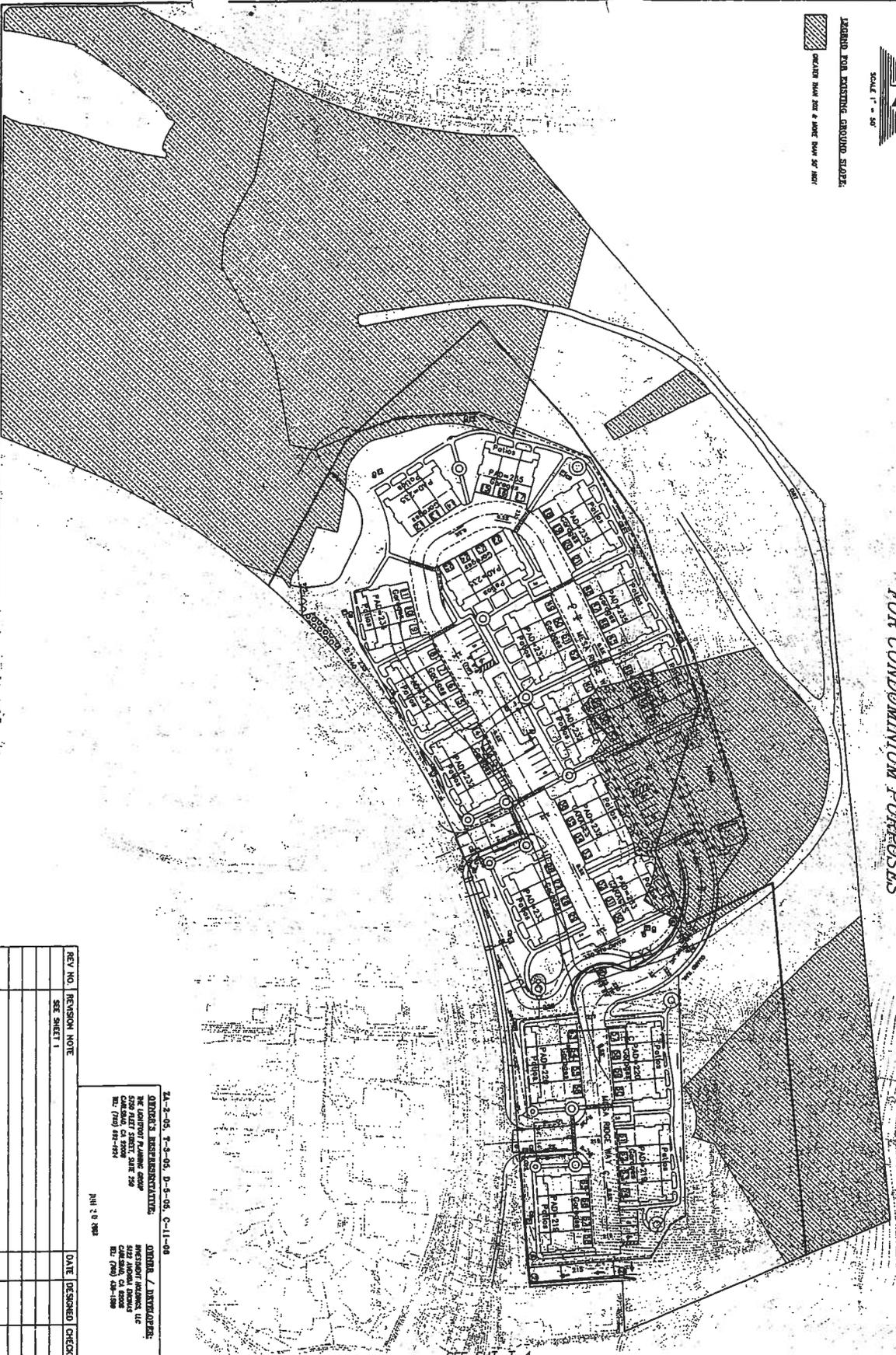
BY: CHARLES F. REYNOLDS  
 R.C.E. NO. C-1224 EX. 2-30-2008



SCALE 1" = 50'

LEGEND: Hatched Area: EXISTING GROUND SURFACE  
 Dotted Area: EXISTING GRADE 2' HIGHER THAN SURFACE

TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE  
 FOR CONDOMINIUM PURPOSES



SEE SHT 1-4

REV NO	REVISION NOTE	DATE	DESIGNED	CHECKED
1	SEE SHEET 1			

2A-3-05, T-3-05, D-5-05, C-11-08  
 OWNER'S REPRESENTATIVE: SERRA LAMBERTSON  
 10000 WILSON AVENUE  
 SUITE 1000  
 CULVER CITY, CA 90230  
 TEL: (310) 540-1911

JUL 23 2008

DATE: JUL 23, 2008  
 TIME: 1:00 PM  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

**MESA RIDGE TENTATIVE MAP**  
 AGENCY APPROVED PROJECT  
**SLOPE ANALYSIS LOT 1 & LOT A**

SHEET INDEX:  
 SEE SHEET 1

**RCE REYNOLDS CIVIL ENGINEERING**  
 477 LEDINGTON CIRCLE  
 OCEANSIDE, CA 92057  
 TELEPHONE (760) 528-1651 FAX (760) 231-7815

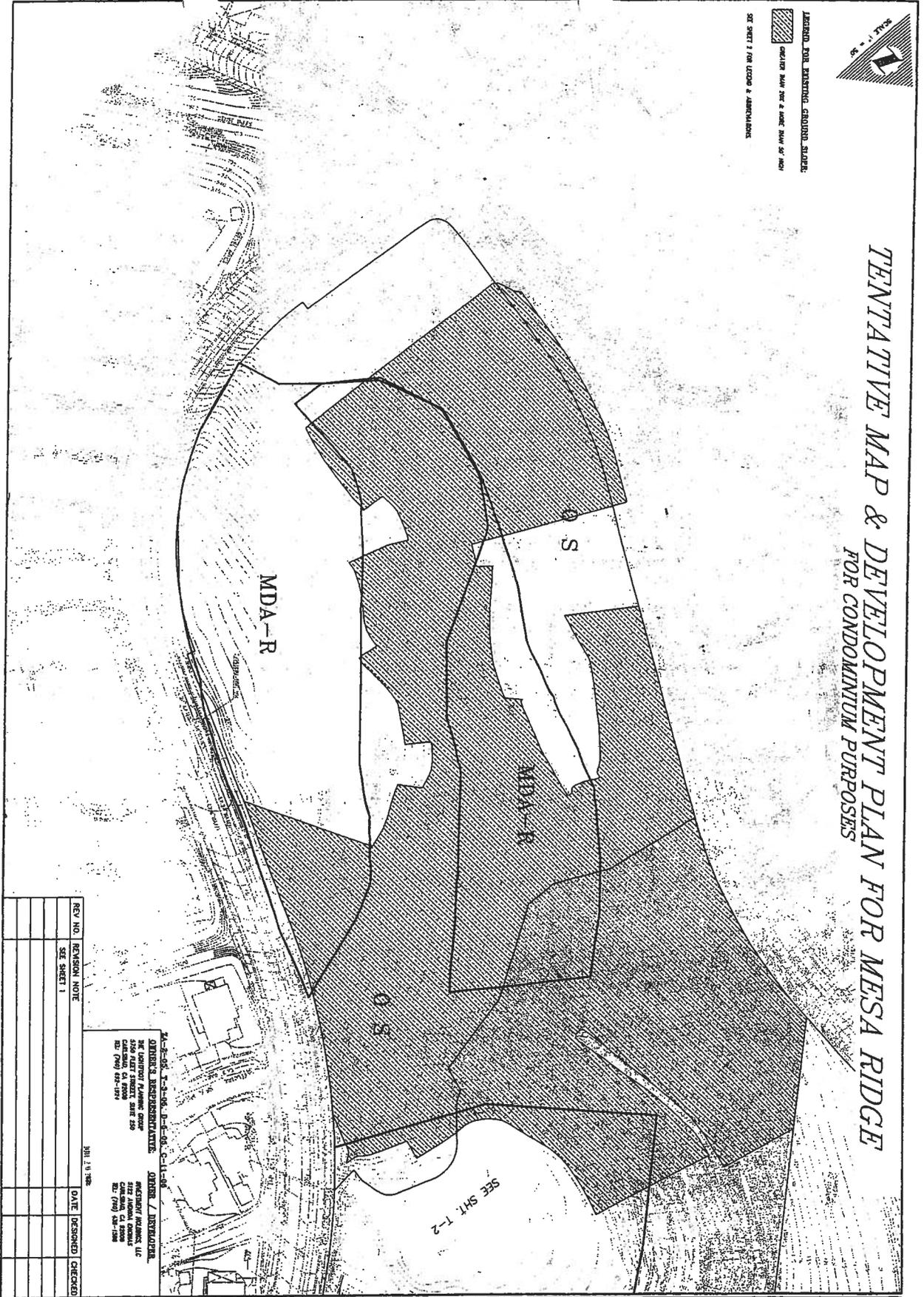


BY: CHARLES A. REYNOLDS  
 R.C.E. No. C-18224 EX. 3-20-2007



LEGEND FOR EXISTING GROUND SLOPE:  
 [Hatched pattern] EXISTING SLOPE 20% & GREATER THAN 50 FEET  
 SEE SHEET 1 FOR LEGEND & ADJUSTMENTS

TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE  
 FOR CONDOMINIUM PURPOSES



REV. NO.	REVISION NOTE	DATE	DESIGNED	CHECKED
	SEE SHEET 1			

24-26-88, 2-2-89, D-2-89, C-11-89  
 MESA RIDGE DEVELOPMENT  
 10000 W. CENTURY PARKWAY, SUITE 200  
 OCEANSIDE, CA 92057  
 TEL: (760) 535-1212

WALTER J. REYNOLDS  
 REYNOLDS CIVIL ENGINEERING, INC.  
 477 LEXINGTON CIRCLE  
 OCEANSIDE, CA 92057  
 TEL: (760) 535-1288

Scale: 1" = 50'  
 Date: JAN 20, 1988  
 Drawn: [Signature]  
 Checked: [Signature]  
 Title: 7-9  
 SHEET 8 OF 10 SHEETS

**MESA RIDGE TENTATIVE MAP**  
**AGENCY APPROVED PROJECT**

LOT B  
 SLOPE 20% GREATER THAN 50 FEET

SECRET DRAWING  
 SEE SHEET 1

**REYNOLDS CIVIL ENGINEERING**  
 477 LEXINGTON CIRCLE  
 OCEANSIDE, CA 92057  
 TELEPHONE (760) 535-1288 FAX (760) 231-7615

Professional Engineer  
 State of California  
 No. 12524

BY: CHARLES A. REYNOLDS  
 REG. NO. C-19224 EX. P-30-2009



TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE  
FOR CONDOMINIUM PURPOSES

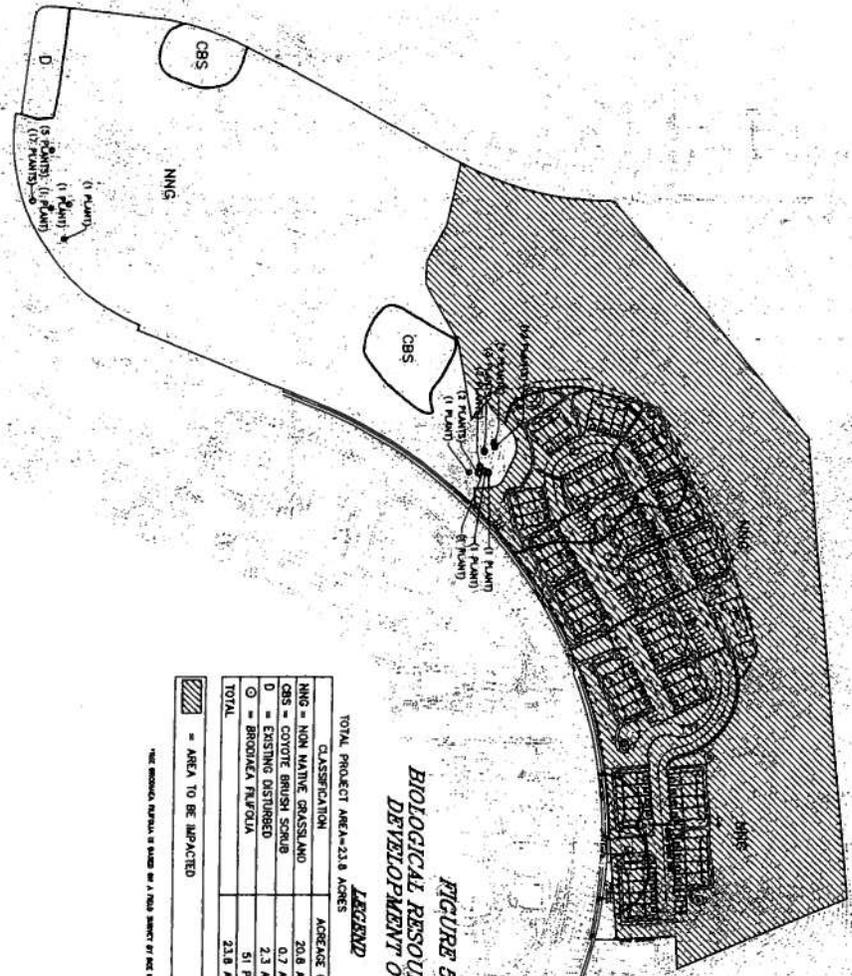


FIGURE 5  
BIOLOGICAL RESOURCES WITH  
DEVELOPMENT OVERLAY

LEGEND

TOTAL PROJECT AREA=23.8 ACRES

CLASSIFICATION	ACREAGE ON SITE	AREA IMPACTED
NNG = NON NATIVE GRASSLAND	20.8 ACRES	12.1 ACRES
CBS = COYOTE BRUSH SCRUB	0.7 ACRES	0 ACRES
D = EXISTING DISTURBED	2.3 ACRES	2.0 ACRES
○ = BROGIANA FLORIDA	51 PLANTS	0 PLANTS
TOTAL	23.8 ACRES	14.1 ACRES

▨ = AREA TO BE IMPACTED 14.1 ACRES

THE BIOLOGICAL RESOURCES IS BASED ON A FIELD SURVEY BY BOB HOGAN ON MARCH 18, 2004.

64-3-04, 7-3-05, D-4-04, C-11-04  
 DESIGNER: HERRING/REYNOLDS  
 1000 WEST PLUMING ROAD  
 OCEANVIEW, CA 92057  
 TEL: (760) 692-1924

DESIGNER / ARCHITECT:  
 HERRING/REYNOLDS  
 3722 AVENUE 200  
 OCEANVIEW, CA 92057  
 TEL: (760) 692-1924

SHR 1 & 2'S

REV. NO.	REVISION NOTE	DATE	DESIGNED	CHECKED
	SEE SHEET 1			

DATE: APRIL 20, 2004  
 SCALE: 1" = 100'  
 DRAWN BY: [Signature]  
 CHECKED BY: [Signature]  
 SHEET NO. OF 10 SHEETS  
**T-10**

**MESA RIDGE TENTATIVE MAP**  
**AGENCY APPROVED PROJECT**

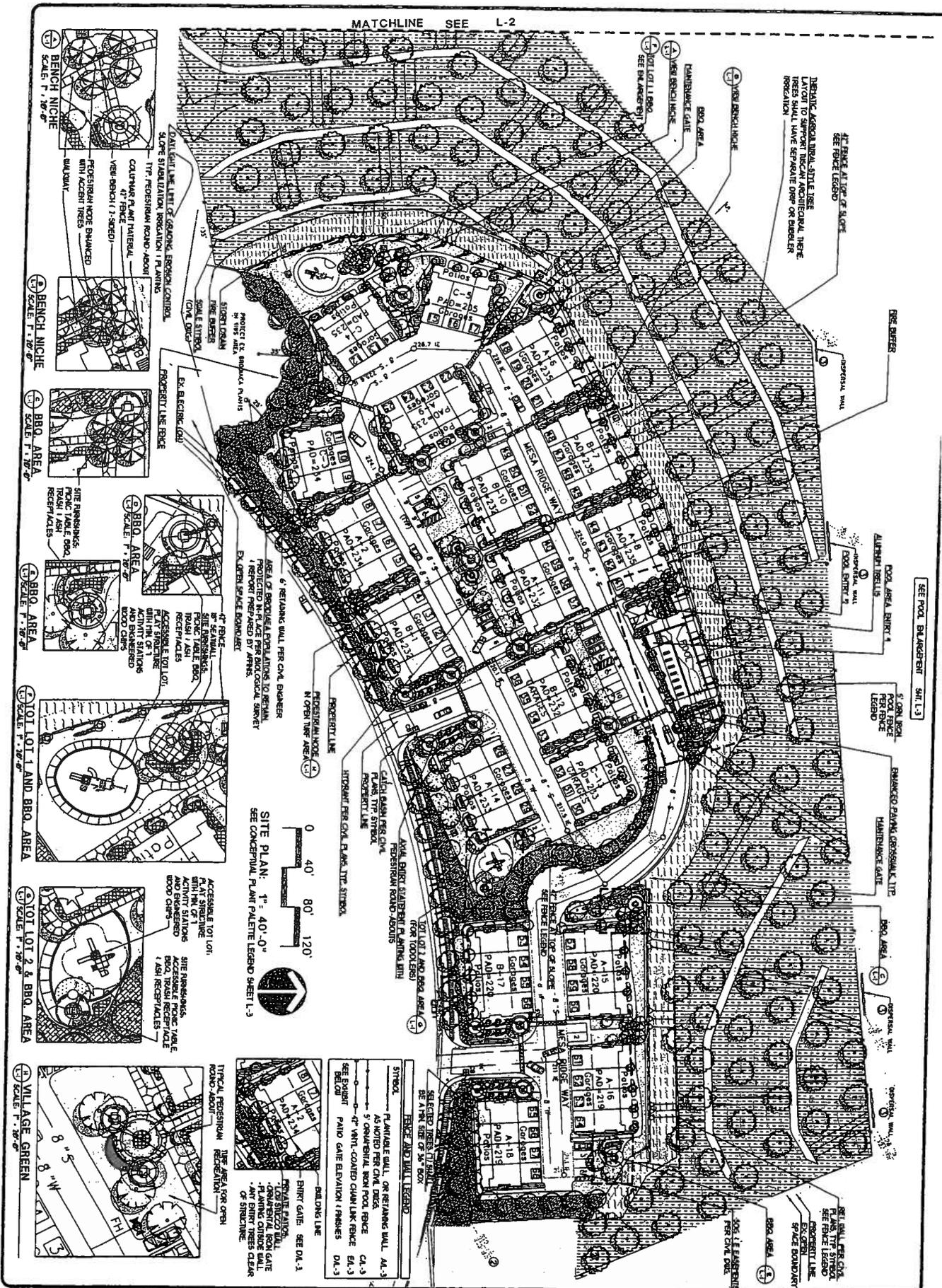
**BIO-EXHIBIT**

PROJECT TITLE:  
 SEE SHEET 1

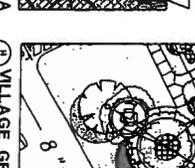
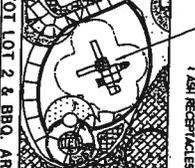
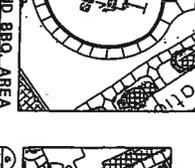
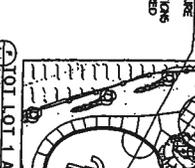
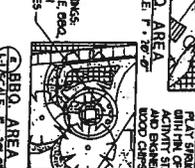
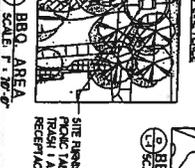
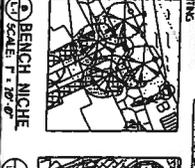
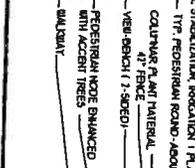
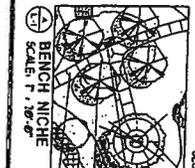
**RCE REYNOLDS CIVIL ENGINEERING**  
 477 LEDGINGTON CIRCLE  
 OCEANVIEW, CA 92057  
 TELEPHONE (760) 528-9661 FAX (760) 231-7615

BY: *Charles A. Reynolds*  
 R.C.E. NO. C-18224 EX. 8-30-2009

MATCHLINE SEE L-2



THEMATIC ARCHITECTURAL STYLE TREE LAYOUT TO SUPPORT THEMATIC ARCHITECTURAL INTERIORS SHALL HAVE SEPARATE OPEN CONCEPT INFORMATION



SITE PLAN: 1" = 40'-0"  
SEE CONCEPTUAL PLANT PALETTE LEGEND SHEET L-3

STREET  
 PLANTING FENCE WALL, OR RESTRICTION WALL, ALL 3-5  
 AS NOTED PER CIVIL DESIG.  
 5' ORNAMENTAL IRON POOL FENCE CA. 3  
 4" VHTL-COATED CHAIN LINK FENCE EA. 3  
 SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

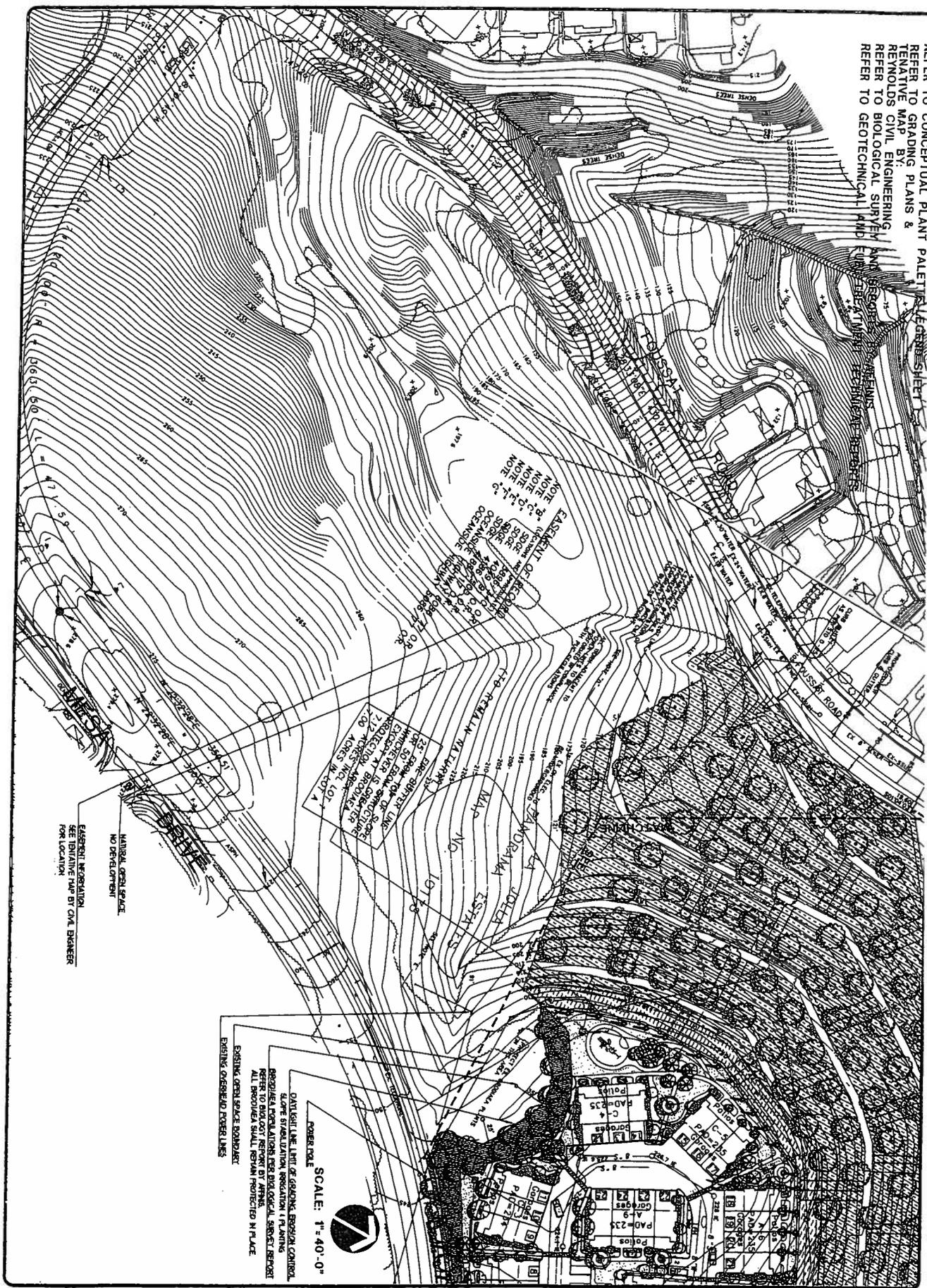
SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

SEE EXHIBIT 9 AND GATE ELEVATION / FINISHES DA. 3-5  
 BELOW

REFER TO CONCEPTUAL PLANT PALETTE ALIGNED SHEET 1  
 REFER TO GRADING PLANS &  
 RENOVATIVE MAP BY  
 RENOULDS CIVIL ENGINEERING  
 REFER TO BIOLOGICAL SURVEY  
 AND EQUIPMENT PLACEMENT SHEETS



SCALE: 1" = 40'-0"  
 NORTH

NATURAL OPEN SPACE  
 NO DEVELOPMENT  
 EXISTING VEGETATION  
 SEE UTMATIVE MAP BY CIVIL ENGINEER  
 FOR LOCATION

EXISTING OVERHEAD POWER LINES  
 POWER POLE  
 DAY OUT LINE LIMIT OF RECORDS REGION CONTROL  
 SLOPE SHALL BE MAINTAINED IN PLANNING  
 BROUGHT FROM ADJACENT ROAD, STREET, DRIVEWAY  
 REFER TO BIOLOGIST REPORT BY ARNOLD  
 ALL BROOKS SHALL REMAIN PROTECTED IN PLACE

**ORD & RODGERS HOMES**  
**MESA RIDGE**  
**OCEANSIDE, CALIFORNIA**

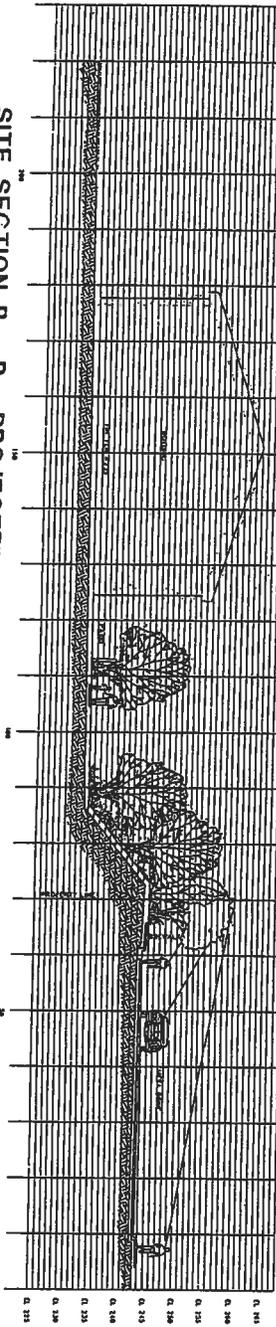
DATE	1-1-48
BY	MAZING
SCALE	AS SHOWN
PROJECT	ORD & RODGERS HOMES
NO. 1	2888
NO. 2	2888

THE LIGHTFOOT PLANNING GROUP  
 PLANNING  
 SITE DESIGN  
 LANDSCAPE ARCHITECTURE

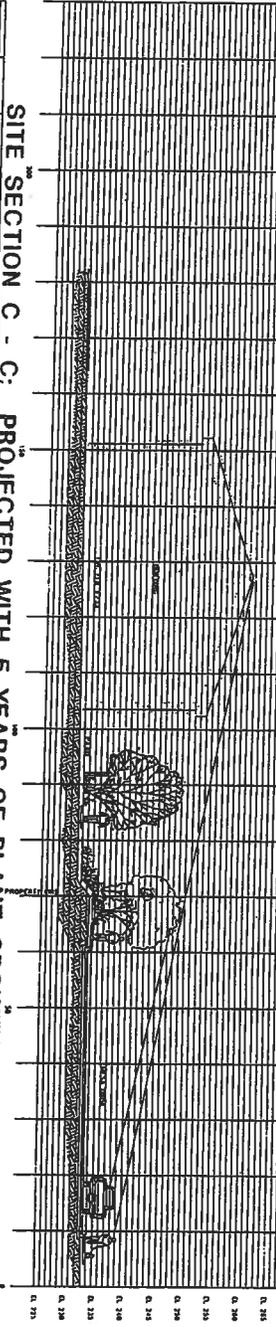
THE CENTRAL GROUP  
 ARCHITECTURE  
 1001 17th Street  
 Oceanside, California 92054



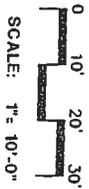
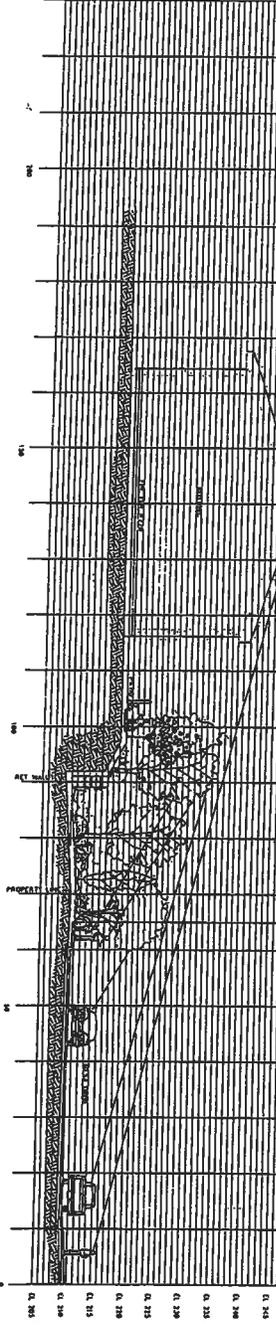
SITE SECTION A - A: PROJECTED WITH 5 YEARS OF PLANT GROWTH



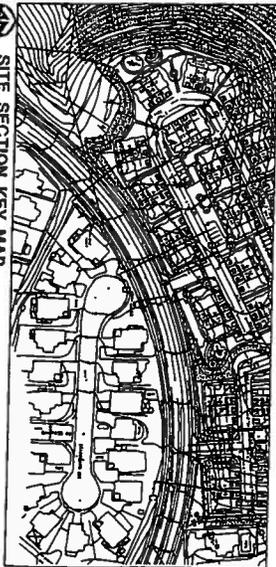
SITE SECTION B - B: PROJECTED WITH 5 YEARS OF PLANT GROWTH



SITE SECTION C - C: PROJECTED WITH 5 YEARS OF PLANT GROWTH



LCP SECTION KEY MAP  
SCALE: 1" = 100'



SITE SECTION KEY MAP  
SCALE: 1" = 100'


**THE LIGHTFOOT PLANNING GROUP**  
 PLANNING  
 SITE DESIGN  
 LANDSCAPE ARCHITECTURE  
 1500 S. GARDEN AVENUE, SUITE 100  
 ANAHEIM, CALIFORNIA 92805  
 (714) 771-1111  
 WWW.LIGHTFOOTPLANNING.COM

---

**ORD & RODGERS HOMES**  
**MESA RIDGE**  
 OCEANSIDE, CALIFORNIA

---

**SECTION EXHIBIT**  
 SHEET NO. \_\_\_\_\_  
 DATE \_\_\_\_\_  
 DRAWN BY \_\_\_\_\_  
 CHECKED BY \_\_\_\_\_  
 APPR. BY \_\_\_\_\_  
 TITLE \_\_\_\_\_  
 PROJECT NO. \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2008-P54

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE  
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE  
6 MESA RIDGE PROJECT ON CERTAIN REAL PROPERTY IN  
7 THE CITY OF OCEANSIDE

---

8 APPLICATION NO: ZA-2-05, T-3-05, D-5-05, AND C-11-06  
9 APPLICANT: Investment Holdings, LLC  
10 LOCATION: Northeast corner of Mesa Drive and Fousat Road

---

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

13 WHEREAS, an Environmental Impact Report was prepared and circulated for public  
14 and agency review and proper notification was given in accordance with the California  
15 Environmental Quality Act; and

16 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day  
17 of September 2008, conduct a duly advertised public hearing on the content of the Final  
18 Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

21 For the Final Environmental Impact Report:

- 22 1. The Final Environmental Impact Report was completed in compliance with the  
23 provisions of the California Environmental Quality Act (CEQA).
- 24 2. There are certain significant environmental effects detailed in the Environmental Impact  
25 Report which have been avoided or substantially lessened by the establishment of  
measures which are detailed in Exhibit "A" Environmental Findings for the Oceanpointe  
Project.
3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting  
Programs for the project (included in the Final EIR) and were presented to the Planning  
Commission, and the Planning Commission reviewed and considered the information  
contained in these documents prior to making a decision on the 68-unit attached  
residential condominium project. The Final Environmental Impact Report and  
Mitigation and Monitoring and Reporting Program for the residential project have been

1 determined to be accurate and adequate documents, which reflect the independent  
2 judgment of the City.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
4 CERTIFY the Final Environmental Impact Report for the Mesa Ridge project Zoning Amendment  
5 to PD (ZA-2-05), Tentative Map (T-3-05), Conditional Use Permit (C-11-06, and Development  
6 Plan (D-5-05) subject to the following recommendations and conditions:

- 7 1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the  
8 Mitigation Monitoring and Reporting Program (MMRP) for the project and finds and  
9 determines that said programs are designed to ensure compliance with the mitigation  
10 measures during project implementation.
- 11 2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on  
12 this decision is governed by the provisions of the California Environmental Quality Act.

13 PASSED AND ADOPTED Resolution No. 2008-P54 on September 8, 2008 by the  
14 following vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 \_\_\_\_\_  
20 Claudia Troisi, Chairperson  
21 Oceanside Planning Commission

22 ATTEST:

23 \_\_\_\_\_  
24 Jerry Hittleman, Secretary

25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
26 this is a true and correct copy of Resolution No. 2008-P54.

27 Dated: \_\_\_\_\_  
28 September 8, 2008

## Exhibit "A"

### FINDINGS OF FACT FOR THE MESA RIDGE DEVELOPMENT PROJECT ENVIRONMENTAL IMPACT REPORT (SCH NO. 2005091172)

#### 1. INTRODUCTION

##### 1.1 Findings of Fact

California Environmental Quality Act, Public Resources Code Sections 21000-21178 ("CEQA), State CEQA Guidelines for Implementation of the California Environmental Quality Act, Cal. Code Regs. tit. 14 §§ 15000-15387 ("CEQA Guidelines") are "intended to assist public agencies in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will *avoid* or *substantially lessen* such significant effects." Cal. Pub. Res. Code § 21002 (emphasis added). CEQA's mandate and principles are implemented, in part, through the requirement that agencies adopt findings before approving projects for which EIRs are required. (See Pub. Res. Code § 21081 (a)). For each significant environmental effect identified in any EIR for a proposed project, the approving agency must issue a written finding reaching one or more of three permissible conclusions.

The first permissible finding is that "[c]hanges or alterations have been required in, or incorporated into, the projects which avoid or substantially lessen the significant environmental effect as identified in the final EIR." (CEQA Guidelines § 15091 (a)(1).) The second permissible finding is that "[s]uch changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency." (CEQA Guidelines § 15091 (a)(2).) The third potential conclusion is that "[s]pecific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR." (CEQA Guidelines § 15091 (a)(3).) Section 21061.1 of CEQA defines "feasible" to mean "capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors." Section 15364 of the CEQA Guidelines adds another factor: "legal" considerations. See also Citizens of Goleta Valley v. Board of Supervisors ("Goleta II"), 52 Cal.3d 553, 565, 276 Cal.Rptr. 410 (1990).

The concept of "feasibility" also encompasses the question of whether a particular alternative or mitigation measure promotes the underlying goals and objectives of a project. (City of Del Mar v. City of San Diego, 133 Cal.App.3d 410, 417, 183 Cal.Rptr. 898 (1982).) "[F]easibility under CEQA encompasses 'desirability' to the extent that desirability is based on a reasonable balancing of the relevant economic, social and technological factors." (Id.; see also Sequoyah Hills Homeowners Ass'n v. City of Oakland, 23 Cal.App.4<sup>th</sup> 704, 715, 29 Cal.Rptr.2d 182 (1993).)

The CEQA Guidelines do not define the difference between "avoiding" a significant environmental effect and merely "substantially lessening" such an effect. The City must therefore glean the meaning of these terms from the other contexts in which the terms are used. Section 21081 of CEQA, on which CEQA Guidelines Section 15091 is based, uses the term "mitigate" rather than "substantially lessen." The CEQA Guidelines therefore equate "mitigating" with "substantially lessening." Such an understanding of the statutory term is consistent with the policies underlying CEQA, which include the policy that "public agencies should not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which will substantially lessen the significant environmental effects of such projects." (pub. Res. Code § 21002.)

For purposes of these findings, the term "avoid" refers to the effectiveness of one or more mitigation measures to reduce an otherwise significant effect to a less than significant level. In contrast, the term "substantially lessen" refers to the effectiveness of such measures to substantially reduce the severity of a significant effect, but not to reduce the effect to a less than significant level. These interpretations are consistent with the holding in Laurel Hills Homeowners Ass'n v. City Council, 83 Cal.App.3d 515, 519-527, 147 Cal.Rptr. 842 (1978), in which the Court of Appeals held that an agency had satisfied its obligation to substantially lessen or avoid significant effects by adopting numerous mitigation measures, not all of which rendered the significant impacts in question (e.g., the loss of biological resources) less than significant. Although CEQA Guidelines Section 15091 requires only that approving agencies specify that a particular significant effect is "avoid[ed] or substantially lessen[ed]," these Findings, for purpose of clarity, in each case will specify whether the effect in question has been reduced to a less than significant level, or has been substantially lessened but remains significant.

With respect to a project for which significant impacts are not avoided or substantially lessened either through the adoption of feasible mitigation measures or feasible environmental superior alternatives, a public agency, after adopting proper findings, may nevertheless approve the project if the agency first adopts a statement of overriding considerations setting forth the specific reasons why the agency found that the project's "benefits" rendered "acceptable" its "unavoidable adverse environmental effects." (14 Cal. Code Regs. §§ 10593, 15043(b); see also Pub. Res. Code § 21081(b).) The California Supreme Court has stated that, "[t]he wisdom of approving...any development project, a delicate task which requires a balancing of interests, is necessarily left to the sound discretion of the local officials and their constituents who are responsible for such decisions. The law as we interpret and apply it simply requires that those decisions be informed, and therefore balanced." (Goleta II, 52 Cal, 3d 553, 576.)

The following Findings of Fact ("Findings") are made relative to the conclusions of the Final Environmental Impact Report for the Mesa Ridge Development Project (SCH 2005091172). ("EIR").

## 1.2 Document Format

These findings have been organized into the following sections:

- (1) Section 1 provides an introduction to these Findings.

- (2) Section 2 provides a summary of the Project and overview of the discretionary actions required for approval of the Project, and a statement of the Project's objectives.
- (3) Section 3 provides a summary of public participation in the environmental review, an overview of the administrative record that has been developed for the Project, as well as findings regarding the Mitigation, Monitoring and Reporting Program (MMRP) and general findings regarding the Project and CEQA compliance.
- (4) Section 4 sets forth findings regarding those environmental impacts which were determined during the notice of preparation period either not to be relevant to the Project or which were determined to clearly not manifest at levels which were deemed to be significant for consideration at the Project-specific level.
- (5) Section 5 sets forth findings regarding significant or potentially significant environmental impacts identified in the Final EIR which the City has determined are either not significant or can be substantially lessened or reduced to a less-than-significant level through the imposition of mitigation measures included in the MMRP for the Project.
- (6) Section 6 sets forth findings regarding alternatives to the Project which were determined not to be implemented by the City.

## **2. Project Summary**

### **2.1 Mesa Ridge Development Project Description**

The Mesa Ridge property is a 23.8-acre parcel in the northwestern portion of the City of Oceanside, at the northeastern corner of the intersection of Mesa Drive and Fousat Road. The site is within the proposed Wildlife Corridor Planning Zone (WCPZ) of the City's draft Subarea Habitat Conservation Plan (HCP).

The project originally proposed consisted of 70 townhome units separated into 18 buildings. After the close of public review of the Draft EIR, an alternative plan was developed to address concerns raised by the California Department of Fish & Game (CDFG) and the United States Fish & Wildlife Service (USFWS). The revised project now proposes 68 individual townhome units separated into 18 buildings to be constructed on the property's flat, undeveloped plateau. Primary access to the project would be via Mesa Drive. The Project includes a Zone Amendment, Tentative Tract Map, Development Plan, Conditional Use Permit, Exceptions and an Engineering Waiver.

A Zone Amendment to PD, Planned Development, is required to allow an attached townhome product (Multiplex units "MP") to be developed on the site. It is required that each MP unit is constructed on a legally subdivided lot and attached to at least one other unit (via a common wall) along a common property line. The minimum lot size would be modified to 950 square feet with a zero lot line setback to accommodate the product type definition.

The Tentative Map proposes to subdivide the 23.8 gross acres into three lots for condominium purposes in order to meet the zoning designation assigned to the property. The breakdown of these subdivisions is as follows: Lot 1 will be 6.3 acres reserved for residential use, Lot A will be composed of 7.9 acres of open space, and Lot B will hold the remaining 9.7 acres which is set aside as land to be preserved in its natural state. Thus, the building and pavement coverage for the project is equal to 14.9% and 14.4% of the net developable area respectively. The remaining project area will be either natural open space, common open space, common useable space, or graded slope areas and fuel modification zones.

Main access to the property would be from Mesa Drive, via two driveways. The western-most access point will allow for full turning movements into and out of the project, while the eastern-most drive will be restricted to “right-in, right-out” only. An internal “loop” drive will allow residents to enter and exit from either access point.

Grading for the project will require 728, 000 cubic yards (cu.yds.) of earthwork. This includes areas of remedial grading necessary to stabilize portions of the property with adverse geotechnical conditions.

The project would have all sewer lines running through Mesa Drive to the El Camino Real trunk lines.

An irrigation system will be installed as per the provisions of the City of Oceanside Zoning Ordinance Section 3019 and the City of Oceanside Landscape Design Guidelines. The system will provide coverage for containerized and flatted planting areas as indicated on the plan. The irrigation plan has been designed to minimize supplemental watering on the manufactured slope and to avoid comprising slope stability.

The project will require a Conditional Use Permit (CUP) for exceeding the base density of 6.3 du/ac. Based on the net developable area within the MDA-R portions of the property (12.00 acres - 1.24 acres = 10.76 acres), the proposed project density is 6.5 du ac, which is within the allowable range for the site of 6.0-9.9 du ac.

### *Exceptions*

Implementation of the project would require grading to correct and stabilize adverse geologic conditions. The amount of grading would exceed the Hillside Development Guidelines maximum. Additional Development Regulation (Q)1 of the Hillside Development Guidelines provides for an Exception to the maximum grading quantity for remediation of adverse geologic conditions. The project is also not in compliance with Hillside Development Provision 3039, E(J), as it proposes manufactured slopes exceeding 30 feet in height and greater than 400 feet in length. The Zoning Ordinance allows an exception to this criteria if the Planning Commission “determines that no feasible alternative exists.” The project would qualify for the exceptions due to the site’s existing configuration and adverse geologic conditions.

### *Engineering Waiver*

A Waiver to Section 901 B; Frontage Improvements of the City's Subdivision Ordinance, is included that would allow the project not to construct a sidewalk or grade the parkway on the east side of Foussat Road, north of Mesa Drive. Construction of a sidewalk in this area is not desired due to a number of environmental issues including landform alteration, geotechnical concerns, and locations of sensitive species and the project's location within the proposed Wildlife Corridor Planning Zone of the City's Draft MHCP Subarea Plan.

## **2.2 Discretionary Actions**

Discretionary actions for the development, which are addressed in the EIR, include a Zone Amendment, Tentative Tract Map, Development Plan, Conditional Use Permit, Exceptions and an Engineering Waiver.

## **2.3 Statement of Project Objectives**

The development of the project consists of a townhome complex. The project proposes 18 buildings consisting of 68 two-story townhouses. The project would be a valuable addition to the area, affording a market rate, entry level home ownership opportunity to the City housing stock. Project development would result in the stabilization of the existing geotechnical conditions to the greatest extent possible, to protect the existing improvements of Mesa Drive, Foussat Road, and the residential units downslope of the project.

### **3. PUBLIC PARTICIPATION AND RECORD OF PROCEEDINGS**

#### **3.1 Public Input**

A public Scoping Meeting was held on October 18 of 2005 at Marty's Valley Inn, Best Western Conference Center on Mission Avenue. The public was invited to attend and to provide written comments regarding the project. Those comments are included as Appendix A in the Appendices to the Draft EIR.

#### **3.2 Record of Proceedings**

For purposes of CEQA and these Findings, the Record of Proceedings for the Projects consists of the following documents and other evidence at a minimum:

- The Notice of Preparation and all other public notices issued by the City in conjunction with the Project;
- The Final EIR;
- The Draft EIR;
- All written comments and verbal public testimony presented during the public comment period on the Draft EIR or during a noticed public hearing for the Project at which such testimony was taken;
- The MMRP;
- All findings, ordinances, and resolutions adopted by the City Council in connection with the Project, and all documents incorporated by reference therein;
- All final reports, studies, memoranda, maps, staff reports, or other planning documents relating to the Project prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the City's compliance with the requirements of CEQA and with respect to the City's actions on the Project;
- All documents submitted to the City by other public agencies or members of the public in connection with the Project, up through the close of the public hearing;
- Minutes and/or verbatim transcripts of all information sessions, public meetings, and public hearings held by the City in connection with the Project;

- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Matters of common knowledge to the City, including, but not limited to federal, state, and local laws and regulations;
- The City's General Plan and Municipal Code;
- Any documents expressly cited in these findings in addition to those cited above; and
- Any other materials required to be in the record of proceedings by Section 21167.6 (e) of CEQA.

The custodian of the documents comprising the record of proceedings is City Clerk, whose office is located at 300 North Coast Highway, Oceanside, CA 92054. Copies of all these documents, which constitute the record of proceedings upon which the City's decision is based, are and at all relevant times have been available upon request at all times at the offices of the City, the custodian for such documents or other materials.

The City Council has relied on all of the documents listed above in reaching its decision on the Project, even if not every document was formally presented to the City council or City Staff as part of the City files generated in connection with the Project. Without exception, any documents set forth above not found in the Project files fall into two categories. First, many of them reflect prior planning or legislative decisions of which the City Council was aware in approving the Project. (See City of Santa Cruz v. Local Agency Formation Commission 76 Cal.App.3d 381, 391-392, 42 Cal.Rptr. 873 (1978); Dominey v. Department of Personnel Administration, 205 Cal.App.3d 729, 738, n.6, 252 Cal.Rptr. 620 (1988).) Second, other of the documents influenced the expert advice provided to City Staff or consultants, who then provided advice to the City. For that reason, such documents form part of the underlying factual basis for the City's decisions relating to the adoption of the Project. (See Pub. Res.Code § 21167.6 (e)(10); Browning-Ferris Industries v. City Council of San Jose, 181 Cal.App.3d 852, 226, Cal.Rptr 575 (1986; Stanislaus Audubon Society, Inc. v. County of Stanislaus, 33 Cal.App.4<sup>th</sup> 144, 153, 155, 39 Cal.Rptr.2d 54 (1985).)

The Final EIR was completed in compliance with CEQA, and reflects the City's independent judgment. The Planning Commission believes that its decision on the Project is one which must be made after a hearing required by law at which evidence is required and discretion in the determination of facts is vested in the City. As a result, any judicial review of the City's decision will be governed by Section 21168 of CEQA and Code of Civil Procedure Section 1094.5. Regardless of the standard of review that is applicable, the Planning Commission has considered evidence and arguments presented to the City prior to or at the hearings on this matter. In determining whether the Project has a significant impact on the environment, and in adopting Findings pursuant to Section

21080 of CEQA, the Planning Commission has complied with CEQA Sections 21081.5 and 21082.2.

### **3.3 Mitigation, Monitoring, and Reporting Program**

CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project that it had adopted or made a condition of project approval in order to ensure compliance with project implementation. A MMRP has been defined and serves that function for the Final EIR. The MMRP designates responsibility and anticipated timing for the implementation of mitigation. The City will serve as the overall MMRP Coordinator. An MMRP has been prepared for the Project and has been adopted concurrently with these Findings. (See Pub. Res. Code §21081.6 (a)(1).) The City will use the MMRP to track compliance with Project mitigation measures.

### **3.4 General Findings**

The City Hereby finds as follows:

3.4.1 The foregoing statements are true and correct;

3.4.2 The City is the "Lead Agency" for the Project evaluated in the Final EIR and independently reviewed and analyzed the Draft EIR and Final EIR for the Project;

3.4.3 The Notice of Preparation of the Draft EIR was circulated for public review between September 30, 2005 and October 30, 2005. It requested that responsible agencies respond as to the scope and content of the environmental information germane to that agency's specific responsibilities;

3.4.4 The public review period for the Draft EIR was for 45 days between February 22, 2008 and April 7, 2008.

3.4.5 The Draft EIR was completed in compliance with CEQA;

3.4.6 The Final EIR reflects the City's independent judgment;

3.4.7 The City evaluated comments on environmental issues received from persons who reviewed the Draft EIR. In accordance with CEQA, the City prepared written responses describing the disposition of significant environmental issues raised. The Final EIR provides adequate, good faith, and reasoned responses to the comments. The City reviewed the comments received and responses thereto and has determined that neither the comments received nor the responses to such comments add significant new information to the Draft EIR regarding including all comments received up to the date of adoption of these Findings, concerning the environmental impacts identified and analyzed in the Final EIR.

3.4.8 The City finds that the Final EIR provides objective information to assist the decision-makers and the public at large in their consideration of the environmental consequences of the Project. The public review period provided all interested jurisdictions, agencies, private organizations, and individuals the opportunity to submit comments regarding the Draft EIR. The Final EIR was prepared after the review period and responds to comments made during the public review period;

3.4.9 The Final EIR evaluated the following direct and cumulative impacts: aesthetics, biological resources, cultural resources, geology and soils, hazards and hazardous materials, hydrology and water quality, land use, noise, public services, transportation/traffic circulation and utilities. Additionally, the Final EIR considered Growth Inducing Impacts of the project, as well as a reasonable range of project alternatives. All of the significant environmental impacts of the project were identified in the Final EIR.

3.4.10 CEQA requires the lead agency approving a project to adopt a MMRP for the changes to the project which it has adopted or made a condition of project approval in order to ensure compliance with project implementation. The MMRP included in the Final EIR as certified by the City serves that function. The MMRP includes all of the mitigation measures identified in the Final EIR and has been designed to ensure compliance during implementation of the Project. In accordance with CEQA, the MMRP provides the measures to ensure that the mitigation measures are fully enforceable;

3.4.11 The MMRP designates responsibility and anticipated timing for the implementation of mitigation; the City will serve as the MMRP Coordinator;

3.4.12 In determining whether the Project may have a significant impact on the environment, and in adopting Findings pursuant to Section 21081 of CEQA, the City has complied with CEQA Sections 21080.5 and 21082.2;

3.4.13 The impacts of the Project have been analyzed to the extent feasible at the time of certification of the Final EIR;

3.4.14 The City made no decisions related to approval of the Project prior to the initial certification of the Final EIR by the Planning Commission. The City also did not commit to a definite course of action with respect to the Project prior to the initial certification of the Final EIR by the Planning Commission;

3.4.15 Copies of all the documents incorporated by reference in the Final EIR are and have been available upon request at all times at the offices of the City Clerk and/or Planning Department, the custodians of record for such documents or other materials.

3.4.16 Textual refinements and errata were compiled and presented to the decision-makers for review and consideration. The City staff has made every effort to notify the decision-makers and the interested public/agencies of each textual change in

the various documents associated with the review of the Project. These textual refinements arose for a variety of reasons. First, it is inevitable that draft documents will contain errors and will require clarifications and corrections. Second, textual clarifications were necessitated in order to describe refinements suggested as part of the public participation process;

3.4.17 Additionally, the responses to the comments on the Draft EIR, which are contained in the Final EIR, clarify and amplify the analysis in the Draft EIR;

3.4.18 Having reviewed the information contained in the Draft EIR, Final EIR, the administrative record, as well as the requirements of CEQA and the State CEQA Guidelines regarding re-circulation of Draft EIRs, and having analyzed the changes in the Draft EIR which have occurred since the close of the public review period. The City finds that there is no new significant information regarding adverse environmental impacts of the Project in the Final EIR and finds that re-circulation of the Draft EIR is not required; and

3.4.19 Having received, reviewed, and considered all information and documents in the final EIR, as well as all other information in the record of proceedings on this matter, the following Findings are hereby adopted by the City as the CEQA Lead Agency. These Findings set forth the environmental basis for current and subsequent discretionary actions to be undertaken by the City and responsible agencies for the implementation of the Project.

#### **4. Environmental Issues Determined Not to be Potentially Affected by the Project**

Based on the responses to the Project's Notice of Preparation, the following environmental issues were determined by the City to be either inapplicable to the Project based upon the nature of the Project and/or the absence of any potential impact related to the issue or because the issue was potentially impacted to a degree deemed to be less than significant and, therefore, not warranting further consideration in the Final EIR other than as set forth in Section 9 of the Final EIR. No substantial evidence has been presented to or identified by the City which would modify or otherwise alter the City's less-than-significant determination for each of the following environmental issues: air quality, agricultural resources, mineral resources, and population and housing.

#### **5. Findings Regarding Potentially Significant Environmental Effects Which Are Determined Not to Be Significant or Which Can Be Substantially Lessened or Avoided Through Feasible Mitigation Measures**

The City has determined based on the threshold criteria for significance presented in the Final EIR that the following environmental effects of the Project will not manifest at levels which have been determined by the City to be significant or, if significant, feasible mitigation measures identified in the Final EIR and adopted by the City as

conditions of Project approval will result in the avoidance or substantial reduction of those effects.

Environmental effects related to the Project in the following areas were found to be either insignificant or capable of being mitigated to a level of insignificance: Aesthetics, Biological Resources, Cultural Resources, Geology/Soils, Hazards and Hazardous Materials, Hydrology and Water Quality, Land Use, Noise, Public Services, Transportation/Traffic, and Utilities.

## **5.1 Aesthetics**

**Environmental Impacts:** No significant impacts to aesthetics have been identified, though City staff have identified an area of concern which possesses “significant natural topographic features” in the area proposed for construction of the project’s pool and recreational amenities. The proposed grading in this area would impact these features.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental effect identified in the Final EIR to below a level of significance.

**Facts in Support of Finding:** Impacts would be considered significant if the proposed project would have a substantial adverse effect on a scenic vista, substantially damage scenic resources, or substantially degrade the existing visual character or quality of the site and its surroundings.

Although some long-range private views may be blocked by the proposed development, these impacts are not considered significant and are not protected by CEQA. With the approval of the requested exceptions to the Hillside Ordinance due to geotechnical constraints, the project would be in full compliance with all provisions and requirements of the ordinance, with the exception of the grading proposed for the pool and recreation facilities. Proposed grading for these facilities would impact the slope possessing significant natural topographical features, as identified by City staff.

**Mitigation Measures:** Design elements including architectural treatments, contour grading and landscaping have been incorporated into the project to avoid or minimize the visual impacts of the project, as well as to mitigate the project’s impacts related to the slope possessing significant natural topographical features.

## **5.2 Biological Resources**

**Environmental Impacts:** The impact area includes the proposed structures and paving, a brush management zone, and slope areas to be graded for remedial purposes. Biological impacts would be limited to the permanent loss of 12.20 acres of non-native

grassland and 0.03 acre of disturbed land. The project is not in strict compliance with the slope requirements set forth in the draft Habitat Conservation Plan (HCP).

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental effect identified in the Final EIR to below a level of significance.

**Facts in Support of Finding:** Impacts would be significant if the development results in adverse impacts to any state- or federal-listed or special status species; has a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; has a substantial adverse effect on federally-protected wetlands; interfere substantially with the movement of any native resident or migratory fish or wildlife species; conflicts with any local protection policies or ordinances; or conflicts with the provisions of an adopted Habitat Conservation Plan.

The project would have a significant impact on non-native grassland, which is considered to be a sensitive habitat type due to its value for raptor foraging and its potential to support sensitive species, such as thread-leaf brodiaea. Impacts to this habitat type and any impacts to the state- and federal-listed thread-leaf brodiaea are considered significant. The project is also not in strict compliance with the draft HCP regarding development of steep slopes; this impact is also considered significant.

**Mitigation:** Mitigation for the loss of 12.20 acres of non-native grassland would be required at a 0.5:1 ratio. Thus, 6.1 acres of non-native grassland would need to be preserved. The project will preserve 8.6 acres, which would exceed the amount of biological mitigation by 2.50 acres.

The brodiaea population shall be flagged prior to project grading and a biological monitor shall be present during grading to ensure the protection of the population. Both populations of brodiaea would be preserved in the undisturbed biological open space area to be placed in a conservation easement and managed over the long term by an entity endowed by the applicant and approved by the City of Oceanside and the resource agencies. The 7.6 acres of slope area to be restored with coastal sage scrub for geotechnical and erosion control purposes will be placed within the easement, to allow better overall management efficiency.

### **5.3 Geology and Soils**

**Environmental Impacts:** The primary geotechnical concerns related to site development include slope stability, expansion and corrosion potential of soils, potential for perched water to occur after development, depth to competent bearing strata, and regional seismic activity.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental effect identified in the Final EIR to below a level of significance.

**Facts in Support of Finding:** Impacts would be considered significant if the development would expose people or structures to adverse effects resulting from seismic activity; result in substantial soil erosion; is located on an unstable geologic unit or soil that is unstable, or be located on expansive soil as defined by the Uniform Building Code, that would create substantial risks to life or property.

Soils and slope conditions on-site are considered unsuitable for supporting structures in their existing state.

**Mitigation:** To mitigate impacts to slope stability, the geotechnical report recommends that the following measures be properly incorporated into the design and construction phases of site development.

- Soils engineering, observation, and testing services shall be provided during grading to assist the contractor in removing unsuitable soils and compacting fill.
- Geologic observations shall be made on-site during grading to verify and/or further evaluate geologic conditions. Should additional adverse conditions be encountered, modified buttressing, additional subsurface studies, and re-design shall be implemented, if necessary.

If settlement-sensitive improvements are proposed within their influence, near-surface unsuitable soils (topsoil/colluvium, undocumented artificial fill, near-surface alluvial deposits, surficial/landslide/slump deposits, and near-surface weathered Santiago Formation) shall be removed and recompacted. It is anticipated that such removals will be on the order of  $\pm 2$  to  $\pm 5$  feet across the proposed pad areas and up to  $\pm 20$  feet in deeper removal areas. Buttressing and/or stabilization will also be required on some proposed cut/fill slopes due to downslope instability. Buttresses are expected to range from about 20 to 60 feet deep and 40 to 100 feet wide.

- Should areas of perched groundwater be encountered, the project geotechnical consultant shall assess the affected area(s) and provide appropriate mitigation recommendations. Any adverse conditions should be disclosed to all homeowners and any homeowners' association. Current local, state, and federal safety ordinances for subsurface trenching shall be enforced.

For the proposed design, a subsurface drainage plan is proposed with subdrains, chimney drains, and keyway drains to reduce subsurface drainage accumulation.

Actual subdrain locations will be provided during grading, but these may be anticipated in all buttress/stabilization areas. Subdrain and chimney drain details are provided in Appendix E of this EIR.

- During rough grading, temporary construction slopes, back-cuts, false slopes, haul roads, and other temporary conditions shall be constructed at a minimum slope ratio of 1:1 (h:v) or flatter. Failure of temporary cut slopes during buttress and shear key excavation may be reduced by (a) minimizing operational extent, (b) limiting the length of cuts exposed to destabilizing forces, (c) cutting no steeper than the back cut inclinations specified by the project geotechnical consultant, (d) avoiding operation of heavy equipment or stockpiling materials on or near the top of the back cut or trench, and (e) providing temporary drainage and diversion barriers for the grading work to reduce ponding and erosion potential.
- To provide a uniform subgrade beneath the proposed foundation or materials of differing expansion potential, the cut portions of the cut, or cut/fill transition lots, shall be overexcavated a minimum of 3 feet below the bottom of proposed footings, or 5 feet below rough grade, and replaced with compacted fill. This may require overexcavation depths of up to 5 feet below finish pad grade. Exposed subsoils/bedrock shall be well scarified to a minimum depth of 6 inches, brought to at least optimum moisture content, and compacted to a minimum relative compaction of 90% of the laboratory standard prior to replacing the overexcavated area with compacted fill.

In steep natural slope areas or where the ultimate fill depth is substantial, overexcavation may need to be increased to a depth of at least 5-10 feet, or to a ratio of 3:1 across individual lots. This measure would mitigate the possible adverse effects due to deep fills on only a portion of a particular lot and/or building pad. Actual overexcavation depths shall be provided during grading, based on conditions disclosed during removal of unsuitable materials.

Foundation systems shall be designed and constructed in accordance with the guidelines contained in the Uniform Building Code (UBC) and the International Conference of Building Officials [ICBO], 1997). Considering on-site soils and proposed construction (e.g., below grade floors and/or multi-family structures), measures shall be incorporated to preclude the development of excessive moisture conditions beneath floor slabs (i.e., vapor retardants, cushion/sand layers, minimum 5 inch-thick low-permeability concrete slabs, and any other recommendations from the structural engineer and project architect). Foundation construction shall utilize the post-tension design parameters provided in the geotechnical report.

- The project's landscape plan has been designed per the project geologist's recommendation to minimize irrigation on the project's manufactured and natural slopes. Deep-rooted, drought-tolerant vegetation has been incorporated and

measures shall be incorporated to avoid over-watering and erosion. A rodent control program shall be implemented and the irrigation system shall be monitored and maintained by the project's homeowners' association.

- The seismicity-acceleration values provided in Appendix E have been considered in the project design. Where retaining walls are proposed exceeding 5 feet in height and less than 5 feet from buildings, a seismic surcharge shall be added to wall pressures to avoid potential wall failure during seismic events.

It should be noted that existing undocumented fill and natural slope areas below the project are already not in accordance with current standards of practice and place current residents at risk. The project's mitigation measures will not remedy this, as these areas are either off-site or are precluded from development by environmental constraints. If the project is not implemented, these conditions will still exist, but in a less controlled state. While the project would be expected to enhance this marginal off-site stability, it will not completely mitigate this adverse existing off-site condition.

#### **5.4 Traffic**

**Environmental Impacts:** The Mesa Ridge development is projected to generate 544 trips on a daily basis. The a.m. peak hour is projected at 45 trips, and the p.m. peak hour is projected at 56 trips.

**Finding:** Pursuant to CEQA Section 21081(a)(1) and State CEQA Guidelines section 15091(a)(1), the City finds that conditions, changes, or alterations have been required in, or incorporated into, the Project which will reduce the significant environmental effect identified in the Final EIR to below a level of significance.

**Facts in Support of Finding:** When a project has an impact that will reduce the level of service in excess of standards established in the local general plan or traffic circulation element, it is considered significant. Impacts on the daily street segments would initially be considered significant if the addition of traffic generated by the proposed project would cause a decrease in the daily LOS to worse than LOS C (LOS D, E, or F) or if the existing daily LOS is worse than LOS C. The road segment of El Camino Real south of Mesa Drive is projected to operate at LOS D under cumulative conditions, with or without the Mesa Ridge project.

#### **Mitigation:**

- The street segment of El Camino Real south of Mesa Drive requires creative measures. Those measures are a fair-share contribution toward intersection improvements at El Camino Real/Mesa Drive.

- The project will install multiway stop signs at the intersection of Mesa Drive and Mainsail Road.

## **6. MITIGATION MEASURES TO BE IMPLEMENTED BY ANOTHER PUBLIC AGENCY**

The decision making body, having reviewed and considered the information in the Final EIR, the related documents, and record, finds that none of the changes or alterations required in, or incorporated into the project, are within the responsibility or jurisdiction of another public agency.

## **7. FINDINGS REGARDING ALTERNATIVES**

**7.1 Environmental Impacts:** Because the Project will cause significant environmental effects, the City must consider the feasibility of any environmentally superior alternatives to the Project, evaluating whether these alternatives could avoid or substantially lessen the unavoidable significant effects while achieving most of the objectives of the Project. The Draft EIR included a discussion of four alternatives: Alternative A – No Project Alternative, Alternative B – 64-Unit (Base Density) Alternative, Alternative C – 66-Unit (Reduced Density) Alternative and Alternative D – Subarea Plan Alternative.

The project will have potentially significant though mitigable impacts to biology, and traffic. Impacts to geology/soils will be reduced through mitigation measures, though existing adverse off-site conditions would not be completely mitigated.

In rejecting alternatives, the City has examined the objectives of the Project and weighed the ability of the various alternatives to meet those objectives. The City believes that the Project best meets these objectives with the least environmental impact. The Project Objective is as follows:

The revised development proposes the construction of 68 individual townhome units separated into 18 buildings. The proposed units are all two-story, 3 bedroom, 2.5 bathroom townhomes with attached 2-car garages. The project would provide a total of 116,741 square feet of total usable open space. Of this amount, 98,446 square feet is to be common usable space, while the remaining 18,295 square feet will be private usable open space.

**Description of Alternative A – No Project Alternative:** The No Project Alternative would not allow the proposed development, leaving the land in its present condition. No new impacts would occur to land use, aesthetics, biological resources, cultural resources, geology, hydrology/water quality, noise, or traffic.

**Finding:** On a comparative basis, the No Project Alternative would potentially violate the property owner's right to make reasonable beneficial use of the property. The No Project Alternative is inconsistent with the long-standing General Plan and Zoning for the property. The City would not benefit from the increased tax increment generated by the project.

**Facts in Support of Finding:** While the No Project Alternative essentially maintains the physical status quo on-site, it is not necessarily feasible or environmentally superior. On a comparative basis, the No Project Alternative would:

- Potentially violate the property owner's rights to make reasonable beneficial use of the property consistent with uniformly applied policies, ordinances, regulations, and constitutional protections and reasonable investment backed expectations of development and use consistent with the General Plan, designating the property to be developed for industrial uses.
- Re-direct the development to be developed elsewhere, with impacts to that area.
- Be inconsistent with the General Plan.

**Description of Alternative B – 64-Unit (Base Density) Alternative:** Under this alternative, development would have six fewer units than originally proposed by the project, and four fewer units than the revised proposed project, though the project footprint would remain the same due to necessary grading. The common usable open space would increase from 98,446 square feet to 101,930 square feet. This alternative would not require a CUP, as it would not exceed the base density.

**Finding:** This alternative would result in roughly the same impacts to aesthetics, biological resources, and geology/soils. The projected ADT would decrease to 512 as opposed to 544, but this would not be a significant change; as with the proposed project, impacts would be significant though mitigable through implementation of creative measures.

**Facts in Support of the Finding:** While this alternative is in compliance with base density due to the decreased number of units, significant impacts to biological resources and geology/soils would not be reduced or avoided. Significant impacts to traffic would not be significantly reduced and would still require creative measures. Therefore this alternative is not environmentally preferable, nor is it economically feasible. It would not meet the project objective to maximize the development potential within the development footprint, in conformance with all zoning regulations, to fund the geotechnical stabilization requirements as well as required street improvements.

**Description of Alternative C – 66-Unit (Reduced Density) Alternative:** This alternative was developed in conjunction with City staff to address their requirement to treat slope grading differently to be more sensitive to significant natural topographic

features. It would have four fewer units than the originally proposed project and two fewer units than the revised proposed project, only slightly reducing the project footprint by moving the pool and recreation area away from the edge of the northern slope and removing the connection of Mesa Ridge Place to the four eastern units. The common open space would decrease from 98,446 square feet to 96,268 square feet. The recreation area would also increase in size from 27,443 square feet to 30,056 square feet. This alternative would exceed base density and would therefore require a CUP.

**Finding:** This alternative would have fewer units and would reduce aesthetic impacts, but not to below a level of significance. Significant impacts to biological resources and geology/soils would not be reduced or avoided. The projected ADT would decrease from 544 to 528, but this would not be a significant decrease; as with the proposed project, impacts to traffic would be significant though mitigable through the implementation of creative measures. The project's internal circulation would change, eliminating the internal connection between all of the units, leaving the four eastern units to be solely accessible off of Mesa Ridge Drive, which is less desirable from a circulation and safety standpoint.

**Facts in Support of Finding:** While the number of units would be closer to the proposed project than the base density alternative, this alternative would not meet the project objective to maximize the development potential within the development footprint, in conformance with all zoning regulations, to fund the geotechnical stabilization requirements as well as required street improvements. It would slightly reduce impacts to aesthetics and traffic, though traffic impacts would remain significant and still require mitigation through creative measures. Significant impacts to biological resources and geology/soils would not be reduced or avoided; thus this alternative would not be environmentally preferable.

**Description of Alternative D – Subarea Plan Alternative:** This alternative was included to determine if the site could be developed in conformance with the slope guidelines of the Draft Subarea Plan. The plan considers encroachment into slopes over 40% with a minimum of 25 feet height differential, as well as slopes between 20% and 40% with the same differential as undevelopable, “unless such designation precludes reasonable use of the property”. Reasonable use is defined as 25% of such parcels.

**Finding:** Impacts to aesthetics/landform alteration and biological resources would be the same under this alternative as under the reduced-density alternative due to the fact that remedial grading would be the same. Although the number of units would be reduced under this alternative, this would not significantly reduce trip generation. In addition, this alternative would result in less than 20% use of the site or require new significant impacts in the proposed open space preserve area to meet the reasonable use of the site of 25%.

**Facts in Support of Finding:** This alternative would deny the property owner reasonable use of the site as defined by the City's Draft Subarea Plan. It would not

reduce impacts created by the proposed project, would not meet project objectives, and would further reduce cost recovery of geotechnical remediation due to the loss of a minimum of 22 units.

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2008-P55

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
5 APPROVAL OF A ZONE AMENDMENT AND APPROVING A  
6 TENTATIVE SUBDIVISION MAP, DEVELOPMENT PLAN,  
7 AND CONDITIONAL USE PERMIT ON CERTAIN REAL  
8 PROPERTY IN THE CITY OF OCEANSIDE

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8 APPLICATION NO: ZA-2-05, T-3-05, D-5-05, AND C-11-06  
9 APPLICANT: Investment Holdings, LLC  
10 LOCATION: Northeast corner of Mesa Drive and Fousat Road

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

13 WHEREAS, there was filed with this Commission a verified petition on the forms  
14 prescribed by the Commission requesting a Zone Amendment, Tentative Subdivision Map,  
15 Development Plan and Conditional Use Permit under the provisions of Articles 10, 17, 40, 43, and  
16 45 of the Zoning Ordinance of the City of Oceanside to permit the following:

17 a zoning district change from RM-A (Residential Medium Density A) to PD (Planned  
18 Development) on approximately 23.8 acres, a Tentative Subdivision Map, a Development  
19 Plan and a Conditional Use Permit for the construction of 68 multi-family attached  
20 condominiums and associated site improvements;  
21 on certain real property described in the project description.

22 WHEREAS, the Planning Commission, after giving the required notice, did on the 8th day  
23 of September, 2008 conduct a duly advertised public hearing as prescribed by law to consider said  
24 application.

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

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

29 ///////////////  
30

31 ///////////////  
32

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$ .713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside (\$ .42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14			
15	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
16			
17	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
18			
19			
20	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,395 per unit; Non- residential is \$35,160 for a 2" meter.
21			
22			
23			
24			
25	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,035 per unit; Non-residential is \$48,280 for a 2" meter.
26			
27			
28			
29			

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

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

1 FINDINGS:

2 For the Zone Amendment (Z-2-05) changing the zoning designation from RM-A (Residential  
3 Medium Density A) to PD (Planned Development) district and establishing (PD-23):

- 4 1. The proposed PD and Development Plan are consistent with the General Plan Land Use  
5 Element because the proposed product-type is allowed in the RM-A land use  
6 designation, the density is within the allowed density range and the use is compatible  
7 with the surrounding neighborhood because it is consistent with the City's General Plan  
8 designation for this area.
- 9 2. The PD plan will result in a superior land use design in this area of the City and with a  
10 density of 6.3 du/ac is consistent with the density established for the site by the General  
11 Plan (6.0 to 9.9 du/ac) and it is the planning tool created by the City to implement the  
12 use of the Multiplex units (MP) product within an RM-A zone. The base district  
13 regulations in the Ordinance would not otherwise accommodate this permitted product-  
14 type so the PD is required and will result in a greater variety in design. The PD  
15 accommodates the individual lot ownerships required by the General Plan while  
16 maintaining the integrity of the product-type.
- 17 3. The deviations from the base district regulations such as shared walls in the townhouse  
18 design are justified because the PD plan is the implementing tool for this product-type in  
19 the RM-A zone and for consistency with the General Plan, it results in a superior project  
20 design, an excess of preserved open space, an excess amount of usable open space and  
21 recreational amenities, an excess amount of covered and guest parking, and it will  
22 provide for individual "lot" ownership for consistency with the General Plan.
- 23 4. The PD Plan and the Development Plan have included adequate provisions for utilities,  
24 services, and emergency vehicle access by designing those into the project and the public  
25 service demands will not exceed the capacity of existing and planned services because  
26 the PD is consistent with the City's Zoning Code and General Plan.

27 For the Development Plan (D-5-05):

- 28 1. The PD Plan/Development Plan is consistent with the adopted Land Use Element of the  
29 General Plan and other applicable policies and is compatible with surrounding  
development. The proposed project will implement General Plan goals and objectives

1 by adhering to the density range for the subject land use designation which allows  
2 development at 6.0-9.9 dwelling units per gross acre;

3 2. The Development Plan will enhance the potential for superior urban design in  
4 comparison with the development under the base district regulations that would apply if  
5 it was not approved. The development regulations for Mesa Ridge, set forth by  
6 Development Plan D-5-05, promote high quality and functional design for multi-family  
7 attached housing units;

8 3. Deviations from the base district regulations that otherwise would apply are justified by  
9 compensating benefits of the Development Plan. The development regulations for Mesa  
10 Ridge, set forth by Development Plan D-5-05, promote housing, will contribute in the  
11 establishment of well balanced neighborhoods within the City of Oceanside;

12 4. The Development Plan includes adequate provisions for utilities, services, and  
13 emergency vehicle access; and public service demands will not exceed the capacity of  
14 existing and planned systems.

15 5. The area covered by the Development Plan can be adequately, reasonably and  
16 conveniently served by existing and planned public services, utilities and public  
17 facilities. All water, wastewater, and electrical service is provided in Mesa Drive.

18 6. The site plan and physical design of the project is consistent with the policies contained  
19 within Section 1.24 and 1.25 of the Land Use Element of the General Plan and section  
20 3039 of the Zoning Ordinance. The project will accomplish this by preserving  
21 approximately nine acres of steep slopes and natural areas on-site and preserving over 50  
22 percent of the site in open space. The project will also be responsible for repairing and  
23 replacing known existing landslide conditions with state of the art buttressing and back  
24 fill. This work will require grading to occur on over half of the project site (14.2 of the  
25 23.8 acres) while the actual project foot print is restricted to less than half of that area  
26 (only 6.3 acres). This grading will provide slope stability for the future residents of the  
27 project, as well as increased safety to all of those residents and improvements down  
28 slope and adjacent to the project. In addition, this work will protect the existing City  
29 improvements of Mesa Drive and Foussat Road, as well as the water, sewer and storm  
drain facilities within those roadways (as well as other utilities not owned by the City).

1 For the Tentative Subdivision Map (T-5-06):

- 2 1. The proposed map is consistent with the General Plan and provisions of the Subdivision  
3 Ordinance of the City of Oceanside. The proposed density of 6.3 dwelling units/acre is  
4 within the required range of 6.0 to 9.9 du/acre required by the General Plan.
- 5 2. The site is physically suitable for the proposed type of development. The design of the  
6 subject subdivision will provide parcels with pad areas of sufficient size and dimension  
7 to accommodate the size of the proposed residential units and associated open space and  
8 service areas. The subdivision design is dictated by the size and configuration of the  
9 parcel, which includes approximately nine acres of undisturbed steep slopes that will be  
10 preserved and more than 50 percent of the site will be in open space. In addition, a  
11 portion of unstable slope area will be stabilized through project grading, protecting a  
12 portion of Foussat Road to the west.
- 13 3. The design of the subdivision or the proposed improvements will not cause substantial  
14 environmental damage or substantially and avoidable injure fish or wildlife or their  
15 habitat. A patch of rare plants – Brodeiaia filifolia – to the west of the project, will be  
16 protected through construction of a 25-foot buffer.
- 17 4. The proposed density is within the range of densities deemed appropriate for the site by  
18 the General Plan. As proposed, the preserved open space area, recreational amenities  
19 and parking supply far exceed the required amounts established by the Draft MHCP Sub  
20 Area Plan and the Zoning Ordinance and, therefore, will not be detrimental to the public  
21 health, safety and welfare. The project will also remediate a known, existing,  
22 geotechnical problem that could otherwise damage surrounding properties and  
23 infrastructure improvements if left in its current state which also serves the interest of  
24 the public health, safety and welfare. This development is consistent with the  
25 surrounding neighborhood because it is consistent with the General Plan Land Use  
26 designation for the site, it incorporates environmentally sensitive design, with open  
27 space and recreational amenities far in excess of those required.
- 28 5. The proposed project complies with the Zoning Ordinance because the proposed use is  
29 consistent with the base district regulations and does not need any variances. The

1 project has a physical design that results in environmental sensitivity and preservation  
2 including nine acres of natural open space and four active recreation areas.

- 3 6. The project will incorporate superior architecture to meet the criteria for exceeding the  
4 base density in Section 2.32 of the City of Oceanside General Plan. A Tuscan style  
5 design theme was chosen and this theme was woven into all aspects of the project from  
6 the architecture to the landscape plan. There were two unique facade elevations  
7 designed for the project that used similar design concepts with unique material choices  
8 to create variety and interest between the buildings. A belltower element and varied use  
9 of stone work was used to distinguish the front and side elevations of the buildings (as  
10 opposed to all stucco). Other design features used to distinguish this project from other  
11 multi-family projects include the use of arched windows, first floor roof elements on all  
12 four-side elevations, exclusive private use court-yards for all units, the use balconies  
13 with differing rail options, the use of wood shutters and fabric awnings, stone door trim,  
14 as well as window pop-out features and window surrounds.

15 Engineering Waiver:

- 16 1. A Waiver to Section 901 B; Frontage Improvements of the City's Subdivision Ordinance  
17 is included that would allow the project not to construct a sidewalk or grade the parkway  
18 on the east side of Foussat Road, north of Mesa Drive. The sidewalk and parkway  
19 grading on the east side of Foussat Road shall not be constructed due to land form  
20 considerations, geotechnical reasons, and sensitive biological issues related to the City's  
21 draft Sub Area Plan. The construction of the sidewalk would require grading into  
22 hillside land forms that contain slopes that are considered "undevelopable" by the  
23 Zoning Code and the Draft Sub Area Plan (40 percent slopes, greater than 25 feet high),  
24 as well as slopes that qualify as "significant natural topographic features" (20 percent or  
25 more, 50 feet in height or greater). These slope areas are also in a known landslide area  
26 and once grading within them is started, the integrity of the underlying earth can be  
27 jeopardized and the amount of grading to accommodate a sidewalk would have to be  
28 increased dramatically to properly remediate the underlying conditions. These  
29 conditions exist along significant portions of the Foussat Road right-of-way. Extensive

1 geotechnical evaluation has been completed on the slopes in question as it relates to  
2 constructing a sidewalk on the east side of Foussat Road.

- 3 2. The project site is located within the Wildlife Corridor Planning Zone (WCPZ) of the  
4 City's Draft MHCP Sub Area Plan. The WCPZ is the most critical component of the  
5 MHCP. As such, the preservation standards for sites within the WCPZ are the most  
6 restrictive in the City. The MHCP calls for avoidance and minimization to the  
7 maximum extent practical, with no less than 50 preservation of any site. The project as  
8 proposed meets this standard, but, the addition of the sidewalk would unnecessarily  
9 increase impacts to Coyote Brush Scrub (CBS), Non-Native Grasslands (NNG), and  
10 potentially the federal-listed Threatened and state-listed Endangered thread-leaf brodiaea  
11 plant. This plant is considered a Narrow Endemic species in the City's draft MHCP  
12 Subarea Plan and protecting existing populations are critical to the overall health of the  
13 species in North San Diego County.

14 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
15 recommends approval of Zoning Amendment (ZA-2-05) establishing (PD-23), and approves  
16 Tentative Map (T-3-05) and Development Plan (D-5-05), Conditional Use Permit (C-11-06),  
17 and an Engineering Waiver subject to the following conditions:

18 **Building:**

- 19 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
20 Building Division plan check.  
21 2. The granting of approval under this action shall in no way relieve the applicant/project  
22 from compliance with all State and Local building codes.  
23 3. The building plans for this project shall be prepared by a licensed architect or engineer  
24 and shall be in compliance with this requirement prior to submittal for building plan  
25 review.  
26 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
27 property shall be underground (City Code Sec. 6.30).  
28 5. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the  
29 plans. Separate/unique addresses may be required to facilitate utility releases. Verification

1 that the addresses have been properly assigned by the City's Planning Division shall  
2 accompany the Building Permit application.

3 6. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation  
4 shall be required at time of plans submittal to the Building Division for plan check.

5 7. A private sewer system design shall be submitted to the Building Division and approved  
6 prior to the construction of the sewer system. If a gravity flow system is not used, an  
7 engineered mechanical system shall be submitted and approved by all City of Oceanside  
8 Departments.

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

12 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
13 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
14 work that is not inherently noise-producing. Examples of work not permitted on  
15 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
16 producing nature. No work shall be permitted on Sundays and Federal Holidays  
17 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day,  
18 Christmas Day) except as allowed for emergency work under the provisions of the  
19 Oceanside City Code Chapter 38 (Noise Ordinance).

20 b) The construction site shall be kept reasonably free of construction debris as  
21 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
22 approved solid waste containers shall be considered compliance with this  
23 requirement. Small amounts of construction debris may be stored on-site in a neat,  
24 safe manner for short periods of time pending disposal.

24 **Engineering:**

25 9. For the demolition of any existing structures or surface improvements, grading plans shall  
26 be submitted and erosion control plans be approved by the City Engineer prior to the  
27 issuance of a demolition permit. No demolition shall be permitted without an approved  
28 erosion control plan.

- 1 10. Vehicular access rights to Foussat Road and Mesa Drive along the project frontage shall be  
2 relinquished to the City from all abutting lots except for the two approved access locations  
3 on Mesa Drive.
- 4 11. All required right-of-way alignments, street dedications, exact geometrics and widths shall  
5 be dedicated and improved as required by the City Engineer.
- 6 12. Design and construction of all improvements shall be in accordance with standard plans,  
7 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 8 13. Prior to issuance of a building permit, unless already fully covered by an appropriately  
9 binding subdivision agreement, all improvement requirements shall be covered by a  
10 development agreement and secured with sufficient improvement securities or bonds  
11 guaranteeing performance and payment for labor and materials, setting of monuments,  
12 and warranty against defective materials and workmanship.
- 13 14. Prior to approval of the final map a phasing plan for the construction of public and private  
14 improvements including landscaping, streets and arterials shall be approved by the City  
15 Engineer. All improvements shall be under construction to the satisfaction of the City  
16 Engineer prior to the issuance of any building permits. All improvements shall be  
17 completed prior to issuance of any certificates of occupancy.
- 18 15. The tract shall be recorded as one. The tract may be developed in phases. A construction-  
19 phasing plan for the construction of on-site public and private improvements shall be  
20 reviewed and approved by the City Engineer prior to the recordation of the final map.  
21 Prior to the issuance of any building permits all off-site improvements including  
22 landscaping, landscaped medians, frontage improvements shall be under construction to  
23 the satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the  
24 City Engineer shall require the dedication and construction of necessary utilities, arterials  
25 and streets and other improvements outside the area of any particular final map, if such is  
26 needed for circulation, parking, access or for the welfare or safety of future occupants of  
27 the development.
- 28 16. Prior to issuance of a building permit a phasing plan for the construction of public and  
29 private improvements including landscaping, shall be approved by the City Engineer.

- 1 17. Prior to approval of the final map or any increment, all improvement requirements, within  
2 such increment or outside of it if required by the City Engineer, shall be covered by a  
3 subdivision agreement and secured with sufficient improvement securities or bonds  
4 guaranteeing performance and payment for labor and materials, setting of monuments, and  
5 warranty against defective materials and workmanship.
- 6 18. The subdivider/developer shall provide the City of Oceanside with a certification from  
7 each public utility and each public entity owning easements within the proposed project  
8 stating that: (a) they have received from the subdivider/developer a copy of the proposed  
9 map; (b) they object or do not object to the filing of the map without their signature; (c)  
10 in case of a street dedication affected by their existing easement, they will sign a  
11 "subordination certificate" or "joint-use certificate" on the map when required by the  
12 governing body. In addition, the subdivider/developer shall furnish proof to the  
13 satisfaction of the City Engineer that no new encumbrances have been created that would  
14 subordinate the City's interest over areas to be dedicated for public road purposes since  
15 submittal of the project.
- 16 19. Prior to the issuance of any grading, improvement or building permits for a model  
17 complex, a construction-phasing plan for the entire project shall be reviewed and  
18 approved by the City Planner, City Engineer and Chief Building Official. All  
19 improvements shall be under construction to the satisfaction of the City Engineer prior to  
20 the issuance of any building permits. All public and private improvements including  
21 landscaping and offsite streets that are found to be required to serve the model complex  
22 shall be completed prior to the issuance of any certificates of occupancy.
- 23 20. Where proposed off-site improvements, including but not limited to slopes, public utility  
24 facilities, and drainage facilities, are to be constructed, the developer/subdivider shall, at  
25 his own expense, obtain all necessary easements or other interests in real property and shall  
26 dedicate the same to the City of Oceanside as required. The developer/subdivider shall  
27 provide documentary proof satisfactory to the City of Oceanside that such easements or  
28 other interest in real property have been obtained prior to issuance of any grading, building  
29 or improvement permit for the project. Additionally, the City of Oceanside, may at its sole  
discretion, require that the developer/subdivider obtain at his sole expense a title policy

1 insuring the necessary title for the easement or other interest in real property to have vested  
2 with the City of Oceanside or the developer/subdivider, as applicable.

3 21. Pursuant to the State Map Act, improvements shall be required at the time of development.

4 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to  
5 these improvement conditions and a certificate setting forth the recordation shall be placed  
6 on the map.

7 22. Prior to the issuance of a grading permit, the developer shall notify and host a  
8 neighborhood meeting with all of the area residents located within 300 feet of the project  
9 site, and residents of property along any residential streets to be used as a "haul route", to  
10 inform them of the grading and construction schedule, haul routes, and to answer  
11 questions.

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

15 a) Dirt, debris and other construction material shall not be deposited on any public  
16 street or within the City's stormwater conveyance system.

17 b) All grading and related site preparation and construction activities shall be  
18 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
19 engineering related construction activities shall be conducted on Saturdays,  
20 Sundays or legal holidays unless written permission is granted by the City Engineer  
21 with specific limitations to the working hours and types of permitted operations.  
22 All on-site construction staging areas shall be as far as possible (minimum 100  
23 feet) from any existing residential development. Because construction noise may  
24 still be intrusive in the evening or on holidays, the City of Oceanside Noise  
25 Ordinance also prohibits "any disturbing excessive, or offensive noise which  
26 causes discomfort or annoyance to reasonable persons of normal sensitivity."

27 c) The construction site shall accommodate the parking of all motor vehicles used by  
28 persons working at or providing deliveries to the site.  
29

1 d) A haul route shall be obtained at least 7 days prior the start of hauling operations  
2 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.  
3 to 3:30 p.m. unless approved otherwise.

4 24. A traffic control plan shall be prepared according to the City traffic control guidelines  
5 and be submitted to and approved by the City Engineer prior to the start of work within  
6 open City rights-of-way. Traffic control during construction of streets that have been  
7 opened to public traffic shall be in accordance with construction signing, marking and  
8 other protection as required by the Caltrans Traffic Manual and City Traffic Control  
9 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless  
10 approved otherwise.

11 25. Approval of this development project is conditioned upon payment of all applicable impact  
12 fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
13 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,  
14 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid  
15 prior to recordation of the map or the issuance of any building permits, in accordance with  
16 City Ordinances and policies. The developer/subdivider shall also be required to join into,  
17 contribute, or participate in any improvement, lighting, or other special district affecting or  
18 affected by this project. Approval of the tentative map shall constitute the  
19 developer/subdivider's approval of such payments, and his agreement to pay for any other  
20 similar assessments or charges in effect when any increment is submitted for final map or  
21 building permit approval, and to join, contribute, and/or participate in such districts.

22 26. Mesa Drive along the project frontage shall be improved with curb, gutter and five feet  
23 sidewalk. Foussat Road along the project frontage shall be improved with 20 feet street  
24 half section (centerline to face of curb), curb, and gutter. Existing medians and traffic  
25 calming facilities on Foussat Road shall be incorporated in the design and/or protected in  
26 place, and the parkway shall have a positive grade towards the curb of 2 percent per the  
27 soils engineers recommendation and to the satisfaction of the City Engineer. The right turn  
28 lane median for Foussat Road south of Mesa Drive shall be improved with new curb and  
29 gutter. Sidewalk improvements shall comply with ADA requirements.

- 1 27. Mesa Drive and Foussat Road along the project frontage shall provide a minimum of 10  
2 feet parkway between the face of curb and the right-of-way line.
- 3 28. Sight distance and clear space easement requirements at intersections and vehicular access  
4 points shall conform to the corner sight distance criteria as provided by SDRSD DS-20A  
5 and or DS-20B for each direction of traffic. The project's civil engineer shall submit an  
6 appropriate "Sight Distance Letter" to the City Engineer certifying compliance with this  
7 requirement.
- 8 29. Streetlights shall be maintained and installed on all public streets per City Standards. The  
9 system shall provide uniform lighting, and be secured prior to occupancy. The  
10 developer/subdivider shall pay all applicable fees, energy charges, and/or assessments  
11 associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the  
12 formulation of, or the annexation to, any appropriate street lighting district.
- 13 30. This project's street (Mesa Ridge Way) shall remain private and shall be maintained by  
14 an association. The pavement sections, traffic indices, alignments, and all geometrics  
15 shall meet public street standards.
- 16 31. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
17 engineering firm to perform a field investigation of the existing pavement on all streets  
18 adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet  
19 along the project's frontage. The field investigation shall be performed according to a  
20 specific boring plan prepared by a licensed Geotechnical Engineer and approved by the  
21 City Engineer. In the absence of such approved boring plan, the field investigation shall  
22 include a minimum of one pavement boring per every one 100 linear feet of street frontage.  
23 Should the existing AC thickness be determined to be less than the current minimum  
24 standard for AC and Class II Base as set forth in the table for City of Oceanside Pavement  
25 Design Guidelines in the City's Engineers Manual, the developer shall remove and  
26 reconstruct the pavement section as determined by the pavement analysis submittal process  
27 detailed below.
- 28 32. Upon review of the pavement investigation, the City Engineer shall determine whether the  
29 developer shall: 1) Repair all failed pavement sections, header cut and grind per the  
direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2)

1 Perform R-value testing and submit a study that determines if the existing pavement meets  
2 current City standards/traffic indices. Should the study conclude that the pavement does  
3 not meet current requirements, rehabilitation/mitigation recommendations shall be  
4 provided in a pavement analysis report, and the developer shall reconstruct the pavement  
5 per these recommendations, subject to approval by the City Engineer.

6 33. Pavement sections for streets, alleys, driveways and parking areas shall be based upon  
7 approved soil tests and traffic indices. The pavement design is to be prepared by the  
8 developer's soil engineer and must be approved by the City Engineer, prior to paving.

9 34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
10 construction of the project, shall be repaired or replaced as directed by the City Engineer.

11 35. All existing overhead utility lines within the development and/or within any full width  
12 street or right-of-way abutting a new subdivision, and all new extension services for the  
13 development of the project, including but not limited to, electrical, cable and telephone,  
14 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)  
15 and as required by the City Engineer and current City policy.

16 36. The developer/subdivider shall comply with all the provisions of the City's cable television  
17 ordinances including those relating to notification as required by the City Engineer.

18 37. Grading and drainage facilities shall be designed and installed to adequately accommodate  
19 the local stormwater runoff and shall be in accordance with the City's Engineers Manual  
20 and as directed by the City Engineer.

21 38. The developer/subdivider shall obtain any necessary permits and clearances from all public  
22 agencies having jurisdiction over the project due to its type, size, or location, including but  
23 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game,  
24 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board  
25 (including NPDES), San Diego County Health Department, prior to the issuance of grading  
26 permits.

27 39. The approval of the tentative map/development shall not mean that proposed grading or  
28 improvements on adjacent properties (including any City properties/right-of-way or  
29 easements) is granted or guaranteed to the subdivider/developer. The  
subdivider/developer is responsible for obtaining permission to grade or to construct on

1 adjacent properties. Should such permission be denied, the resulting changes to the  
2 Tentative Map/Development Plan shall be subject to a Substantial Conformity review.  
3 Changes not meeting substantial conformity requirements shall be submitted for  
4 appropriate public hearing action.

5 40. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
6 investigation shall be conducted of the soils, slopes, and formations in the project. All  
7 necessary measures shall be taken and implemented to assure slope stability, erosion  
8 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
9 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
10 the City Engineer.

11 41. The extent and location of the proposed grading including "overexcavation", if any, should  
12 be clearly depicted on a grading plan. The consultant shall provide recommendations and  
13 the means for temporary excavations for removals during construction and the sequence of  
14 construction. Appropriate cross sections depicting the location of adjacent structures and  
15 public ways where the excavations would remove the lateral support shall be part of the  
16 excavation plans.

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

22 43. This project shall provide year-round erosion control including measures for the site  
23 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
24 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
25 by the developer/subdivider with cash securities and approved by the City Engineer.

26 44. A precise grading and private improvement plan shall be prepared, reviewed, secured and  
27 approved prior to the issuance of any building permits. The plan shall reflect all pavement,  
28 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage,  
29 footprints of all structures, walls, drainage devices and utility services. Parking lot striping

1 and any on-site traffic calming devices shall be shown on all Precise Grading and Private  
2 Improvement Plans.

3 45. Landscaping plans, including plans for the construction of walls, fences or other structures  
4 at or near intersections, must conform to intersection sight distance requirements.  
5 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer  
6 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
7 prior to the issuance of occupancy permits. Frontage and median landscaping shall be  
8 installed prior to the issuance of any certificates of occupancy. Any project fences, sound  
9 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built  
10 from the landscape plans. These features shall also be shown on the precise grading plans  
11 for purposes of location only. Plantable, segmental walls shall be designed, reviewed and  
12 constructed by the grading plans and landscaped/irrigated through project landscape plans.  
13 All plans must be approved by the City Engineer and a pre-construction meeting held,  
14 prior to the start of any improvements.

15 46. Open space areas and down-sloped areas visible from a collector-level or above roadway  
16 and not readily maintained by the property owner, shall be maintained by a homeowners'  
17 association that will insure installation and maintenance of landscaping in perpetuity.  
18 These areas shall be indicated on the final map and reserved for an association.  
19 Future buyers shall be made aware of any estimated monthly costs. The disclosure,  
20 together with the CC&R's, shall be submitted to the City Engineer for review prior to the  
21 recordation of final map. In the event the homeowner's association dissolves,  
22 responsibility for irrigation and maintenance of the slopes (open space areas) adjacent to  
23 each property shall become that of the individual property owner.

24 47. The drainage design on the tentative map is conceptual only. The final design shall be  
25 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final  
26 engineering. All drainage picked up in an underground system shall remain underground  
27 until it is discharged into an approved channel, or as otherwise approved by the City  
28 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.  
29 All storm drain easements shall be dedicated where required. The developer/subdivider  
shall be responsible for obtaining any off-site easements for storm drainage facilities.

- 1 48. Storm drain facilities shall be designed and located such that the inside travel lanes on  
2 streets with Collector or above design criteria shall be passable during conditions of a 100-  
3 year frequency storm.
- 4 49. All storm drains shall be designed and constructed per current editions of the *City's*  
5 *Engineers Design and Processing Manual*, the *San Diego County Hydrology* and  
6 *Drainage Design Manuals*, and *San Diego Area Regional Standard Drawings*.
- 7 50. For any increase of storm water flows from the development site to other properties, the  
8 developer/subdivider shall secure appropriate easement(s) from and maintenance  
9 agreement(s) with the owner(s) of the impacted properties to the satisfaction of the City  
10 Engineer. Upon approval by City Engineer and the City Attorney, the appropriate  
11 documents shall be recorded prior to issuance of any permits for the development.  
12 Should the developer/subdivider be unable to secure such easement(s) or agreement(s), the  
13 resulting changes to the Development Plan shall be subject to a Substantial Conformity  
14 review. Changes not meeting substantial conformity.
- 15 51. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
16 disposed of in accordance with all state and federal requirements, prior to stormwater  
17 discharge either off-site or into the City drainage system.
- 18 52. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high  
19 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose  
20 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial  
21 street or state highway.
- 22 53. The development shall comply with all applicable regulations established by the United  
23 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant  
24 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and  
25 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.  
26 regulations or requirements. Further, the developer may be required to file a Notice of  
27 Intent with the State Water Resources Control Board to obtain coverage under the  
28 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction  
29 Activity and may be required to implement a Storm Water Pollution Prevention Plan  
(SWPPP) concurrent with the commencement of grading activities. SWPPPs include

1 both construction and post construction pollution prevention and pollution control  
2 measures and identify funding mechanisms for post construction control measures. The  
3 developer shall comply with all the provisions of the Clean Water Program during and  
4 after all phases of the development process, including but not limited to: mass grading,  
5 rough grading, construction of street and landscaping improvements, and construction of  
6 dwelling units. The developer shall design the Project's storm drains and other drainage  
7 facilities to include Best Management Practices to minimize non-point source pollution,  
8 satisfactory to the City Engineer.

9 54. Upon acceptance of any fee waiver or reduction by the developer, the entire project will  
10 be subject to prevailing wage requirements as specified by Labor Code section  
11 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing  
12 wage requirements prior to the granting of any fee reductions or waivers.

13 55. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to  
14 the City Engineer and/or public works director with the first submittal of engineering  
15 plans. The O&M Plan shall be prepared by the developer's Civil Engineer. It shall be  
16 directly based on the project's Storm Water Mitigation Plan (SWMP) previously  
17 approved by the project's approving authority (Planning Commission/City  
18 Council/Community Development Commission). The O&M Plan shall be approved by  
19 the City Engineer prior to approval of any plans by the Transportation/Engineering  
20 Division. At a minimum the O&M Plan shall include the designated responsible parties  
21 to manage the stormwater BMP(s), employee's training program and duties, operating  
22 schedule, maintenance frequency, routine service schedule, specific maintenance  
23 activities, copies of resource agency permits, cost estimate for implementation of the  
O&M Plan and any other necessary elements.

24 56. The developer shall enter into a City-Standard Stormwater Facilities Maintenance  
25 Agreement with the City obliging the project proponent to maintain, repair and replace  
26 the stormwater Best Management Practices (BMPs) identified in the project's approved  
27 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.  
28 The Agreement shall be approved by the City Attorney prior to issuance of any precise  
29 grading permit and shall be recorded at the County Recorder's Office prior to issuance of

1 any building permit. Security in the form of cash (or certificate of deposit payable to the  
2 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance  
3 of a precise grading permit. The amount of the security shall be equal to 10 years of  
4 maintenance costs, as identified by the O&M Plan. The developer's Civil Engineer shall  
5 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City  
6 Engineer prior to approval of any engineering plans for the project.

7 57. At a minimum, maintenance agreements shall require the staff training, inspection and  
8 maintenance of all BMPs on an annual basis. The project proponent shall complete and  
9 maintain O&M forms to document all maintenance activities. Parties responsible for the  
10 O&M plan shall retain records at the subject property for at least five years. These  
11 documents shall be made available to the City for inspection upon request at any time.

12 58. The Agreement shall include a copy of executed on-site and off-site access easements  
13 necessary for the operation and maintenance of BMPs that shall be binding on the land  
14 throughout the life of the project to the benefit of the party responsible for the O&M of  
15 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory  
16 to the City Engineer. The agreement shall also include a copy of the O&M Plan  
17 approved by the City Engineer.

18 59. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)  
19 shall not be altered in any way, shape or form without formal approval by the project's  
20 final approving authority (Planning Commission/Community Development  
21 Commission/City Council) at a public hearing, if such hearing was required for the  
22 approval of the project.

23 60. The developer shall provide a copy of the title/cover page of the approved SWMP with  
24 the first engineering submittal package. All Stormwater documents shall be in  
25 compliance with the latest edition of submission requirements.

26 61. The approval of the Tentative Map and Development shall not mean that closure,  
27 vacation, or abandonment of any public street, right-of-way, easement, or facility is  
28 granted or guaranteed to the subdivider/developer. The subdivider/developer is  
29 responsible for applying for all closures, vacations, and abandonments as necessary.  
The application(s) shall be reviewed and approved or rejected by the City of Oceanside

1 under separate process(es) per codes, ordinances, and policies in effect at the time of the  
2 application. The City of Oceanside retains its full legislative discretion to consider any  
3 application to vacate any public street, right of way, or easement.

4 62. In the event that conceptual plan of the tentative map/development plan does not match  
5 the conditions of approval, the resolution of approval shall govern.

6 63. The westerly project driveway at Mesa Drive shall provide full access. The existing  
7 two-way left turn lane striping shall be modified to clearly delineate a left turn pocket for  
8 this driveway prior to issuance of Certificate of Occupancy and to the satisfaction of the  
9 City Engineer.

10 64. The easterly driveway shall have restricted access (right turns in/out only). A “Right  
11 Turn Only” sign shall be installed at the project driveway to the satisfaction of the City  
12 Engineer.

13 65. The project shall pay the City their fair share contribution of \$17,355.37 for  
14 improvements to the intersection of El Camino Real at Mesa Drive (Project #  
15 561.775611).

16 66. The project shall install an all-way stop control on Mesa Drive at Mainsail Road. The  
17 all-way stop on Mesa Drive at Mainsail Road shall include all appropriate signing and  
18 striping and shall be installed prior to the issuance of certificate of occupancy and to the  
19 satisfaction of the City Engineer.

20 67. The project shall install landscaping within the existing northbound to eastbound, right-  
21 turn only median at the intersection of Foussat Road at Mesa Drive prior to the issuance  
22 of certificate of occupancy and to the satisfaction of the City Engineer.

23 68. Preliminary geotechnical review for the entitlement has been limited to that portion of  
24 the property depicted in the geotechnical evaluations by the developer/subdivider’s soils  
25 engineer.

26 69. Additional subsurface exploration and analysis may be necessary at the Engineering and  
27 Grading Permit review level.

28 70. Geotechnical grading plan review at the Engineering and Grading Permit review level  
29 shall include review of the landscape architect plans and hillside irrigation plans for the  
project.

1 71. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines  
2 and Specifications for Landscape Development (latest revision), Water Conservation  
3 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the  
4 maintenance of such landscaping, shall be reviewed and approved by the City Engineer  
5 prior to the issuance of building permits. Landscaping shall not be installed until bonds  
6 have been posted, fees paid, and plans signed for final approval. The following special  
7 landscaping requirements shall be required prior to plan approval:

- 8 a) Final landscape plans shall accurately show placement of all plant material such  
9 as but not limited to trees, shrubs, and groundcovers.
- 10 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement  
11 and place planting locations accordingly to meet City of Oceanside requirements.
- 12 c) All required landscape areas shall be maintained by owner. The landscape areas  
13 shall be maintained per City of Oceanside requirements.
- 14 d) Proposed landscape species shall be native or naturalized to fit the site and meet  
15 climate changes indicative to their planting location. The selection of plant  
16 material shall also be based on cultural, aesthetic, and maintenance  
17 considerations. In addition proposed landscape species shall be low water users  
18 as well as meet all fire department requirements.
- 19 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,  
20 and appropriate supplements based upon a soils report from an agricultural  
21 suitability soil sample taken from the site.
- 22 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil  
23 from the sun, evapotranspiration and run-off. All the flower and shrub beds  
24 shall be mulched to a 3" depth to help conserve water, lower the soil temperature  
25 and reduce weed growth.
- 26 g) The shrubs shall be allowed to grow in their natural forms. All landscape  
27 improvements shall follow the City of Oceanside Guidelines.
- 28 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving  
29 surface is located within six feet of a tree's trunk. Root barriers shall extend five  
feet in each direction from the centerline of the trunk, for a total distance of 10

1 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around  
2 the tree's root ball is unacceptable.

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

6 j) Street trees are to be 30 feet O.C. per the City of Oceanside Landscape  
7 Development Manual as shown on the conceptual landscape plan along Mesa  
8 Drive.

9 k) Street trees are to have a minimum 2" caliper per the City of Oceanside Street  
10 Tree Memorandum. Large scale native trees are to be planted in the right-of-  
11 way. Trees that may not be located in the right-of-way shall be planted on-site  
12 adjacent to the right-of-way and maintained in perpetuity.

13 l) An automatic irrigation system shall be installed to provide coverage for all  
14 planting areas shown on the plan. Low precipitation equipment shall provide  
15 sufficient water for plant growth with a minimum water loss due to water run-off.

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

20 n) All irrigation improvements shall follow the City of Oceanside Guidelines and  
21 Water Conservation Ordinance.

22 o) The landscape plans shall be in conformance with all plans affiliated with the  
23 project.

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

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

29 r) If traffic calming measures are to be installed with planting areas or designed  
with a planting requirement, they are to be irrigated, planted, and maintained by

1 the owner in perpetuity. All traffic calming measures, including the  
2 improvements of these traffic calming measures, are to be approved by the City  
3 Traffic Engineer.

4 s) The substantial engineered slopes that run along the north to west side of the  
5 project are to be irrigated and planted with native coastal sage scrub species only.

6 t) All landscaping, fences, walls, etc. on the site, in medians within the public right-  
7 of-way and within any adjoining public parkways shall be permanently  
8 maintained by the owner, his assigns or any successors-in-interest in the property.  
9 The maintenance program shall include: a) normal care and irrigation of the  
10 landscaping b) repair and replacement of plant materials c) irrigation systems as  
11 necessary d) general cleanup of the landscaped and open areas e) parking lots and  
12 walkways, walls, fences, etc. Failure to maintain landscaping shall result in the  
13 City taking all appropriate enforcement actions including but not limited to  
14 citations. This maintenance program condition shall be recorded with a covenant  
15 as required by this resolution.

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

18 **Fire:**

19 72. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ "X4".

20 73. All proposed and existing fire hydrants within 400 feet of the project shall be shown on  
21 the site plan.

22 74. The fire hydrants shall be installed and tested prior to placing any combustible materials  
23 on the job site.

24 75. Provide on-site hydrant(s) and mains capable of supplying the required fire flow.

25 76. Detailed plans of underground fire service mains shall be submitted to the Oceanside  
26 Fire Department for approval prior to installation.

27 77. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design  
28 and Processing Manual Standard Drawing No. M-13.

29 78. All weather access roads shall be installed and made serviceable prior to and maintained  
during time of construction. Sec. 902. Uniform Fire Code.

- 1 79. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of  
2 the first floor of the building. The route of the fire apparatus access road shall be  
3 approved by the fire department. The 150 feet is measured by means of an unobstructed  
4 route around the exterior of the building.
- 5 80. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A  
6 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 7 81. Fire Department emergency access shall not exceed 15 percent grade.
- 8 82. Cul-de-sacs shall be shown on the site plan with a 40-foot radius minimum.
- 9 83. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City  
10 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard  
11 Guidelines for Emergency Access.
- 12 84. Fire extinguishers are required and shall be included on the plans submitted for plan  
13 check.
- 14 85. Provide a fire alarm system as required per U.F.C. Article 10 and N.F.P.A. 72, 1999  
15 Edition.
- 16 86. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building  
17 permit application.
- 18 87. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for  
19 residential occupancies shall be placed on the structure in such a position as to be plainly  
20 visible and legible from the street or roadway fronting the property. Numbers shall  
21 contrast with their background.
- 22 88. Commercial buildings and multi-family dwellings require 6-inch address numbers.
- 23 89. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
24 approval prior to the issuance of building permits.
- 25 90. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
26 permit application.
- 27 91. NFPA 13R fire sprinklers are required for these proposed structures.

27 **Planning:**

- 28 92. Approval of Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and  
29 Development Plan (D-5-05) is contingent upon approval of Zoning Amendment (Z-2-05)

1 by the City Council and shall become effective on the effective date of the Zoning  
2 Amendment for (ZA-2-05). The effective date of the Zoning Ordinance shall be used for  
3 determining expiration dates for the attached Tentative Map and Development Plan.

4 93. This Tentative Map, Conditional Use Permit, and Development Plan shall expire two  
5 years from the effective date of the City Council Ordinance approving Zone Amendment  
6 (ZA-2-05) unless a time extension is granted by the Planning Commission.

7 94. This Development Plan establishes the development regulations for the residential portion  
8 of (PD-23) and approves only a 68-unit residential townhome development and associated  
9 site improvements as shown on the plans and exhibits presented to the Planning  
10 Commission for review and approval. No deviation from these approved plans and  
11 exhibits shall occur without City Planner approval. Substantial deviations shall require a  
12 revision to the Development Plan or a new Development Plan.

13 95. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or  
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or  
16 annul an approval of the City, concerning Zoning Amendment (ZA-2-05), Tentative Map  
17 (T-3-05), Conditional Use Permit (C-11-06), and Development Plan (D-5-05). The City  
18 will promptly notify the applicant of any such claim, action or proceeding against the  
19 City and will cooperate fully in the defense. If the City fails to promptly notify the  
20 applicant of any such claim action or proceeding or fails to cooperate fully in the  
21 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold  
22 harmless the City.

23 96. All lighting shall be shown on the building plans.

24 97. All mechanical rooftop and ground equipment shall be screened from public view as  
25 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
26 mechanical equipment, screen and vents shall be painted with non-reflective paint to match  
27 the roof. This information shall be shown on the building plans.

28 98. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water  
29 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall  
be reviewed and approved by the City Engineer and City Planner prior to the issuance of

1 building permits. Landscaping shall not be installed until bonds have been posted, fees  
2 paid, and plans signed for final approval.

3 99. Model Landscape plans and Front Yard Landscape plans, designed in compliance with  
4 Water Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and  
5 shall be approved and signed by the Engineering Division prior to the issuance of building  
6 permits. No bonding shall be required. Precise Grading Plans for model homes shall be  
7 prepared by a Civil Engineer and shall be approved by the City Engineer prior to the  
8 issuance of building permits. Prior to the issuance of occupancy permits, the City's  
9 Landscape Technician/Inspector shall review each unit requested for occupancy to ensure  
10 that the installation of planting and irrigation has occurred in conformance with the  
11 approved schematic drawings. The irrigation system will also be tested to ensure adequate  
12 operation and coverage.

13 100. Front yard landscaping with a complete irrigation system, in compliance with Water  
14 Conservation Ordinance No. 91-15, shall be required.

15 101. All single-family or multi-family unit dwelling projects shall dispose of or recycle solid  
16 waste in a manner provided in City Code Section 13.3.

17 102. A covenant or other recordable document approved by the City Attorney shall be prepared  
18 by the applicant and recorded prior to the approval of the Final Map. The covenant shall  
19 provide that the property is subject to the City Council Ordinance approving the rezoning  
20 of the site and this resolution, and shall generally list the conditions of approval.

21 103. Prior to the issuance of building permits, compliance with the applicable provisions of the  
22 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed  
23 and approved by the Planning Division. These requirements, including the obligation to  
24 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the  
25 Landscape Plan and shall be recorded in the form of a covenant affecting the subject  
26 property.

27 104. Prior to the transfer of ownership of the site the owner shall provide a written copy of the  
28 applications, staff report and resolutions for the project to the new owner and or operator.  
29 This notification's provision shall run with the life of the project and shall be recorded as a  
covenant on the property.

1 105. Failure to meet any conditions of approval for this development shall constitute a violation  
2 of the Tentative Map and Development Plan.

3 106. Unless expressly waived, all current zoning standards and City ordinances and policies in  
4 effect at the time building permits are issued are required to be met by this project. The  
5 approval of this project constitutes the applicant's agreement with all statements in the  
6 Description and Justification and other materials and information submitted with this  
7 application, unless specifically waived by an adopted condition of approval.

8 107. The developer's construction of all fencing and walls associated with the project shall be in  
9 conformance with the approved Development Plan. Any substantial change in any aspect  
10 of fencing or wall design from the approved Development Plan shall require a revision to  
11 the Development Plan or a new Development Plan.

12 108. If any aspect of the project fencing and walls is not covered by an approved Development  
13 Plan, the construction of fencing and walls shall conform to the development standards of  
14 the City Zoning Ordinance. In no case, shall the construction of fences and walls  
15 (including combinations thereof) exceed the limitations of the zoning code, unless  
16 expressly granted by a Variance or other development approval.

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

28 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.  
29

- b) Provisions regulating individual patio covers, prohibiting room additions and other appurtenances.
- c) Provisions for the maintenance of all common open space and open space easements on private lots, 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 easement 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 and open space easement 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. Any project entrance signs shall meet the requirements of the Sign Ordinance and be approved by the City Planner.

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

112. The following unit type and floor plan mix, as approved by the Planning Commission, shall be indicated on plans submitted to the Building and Planning Divisions for building permit:

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UNIT TYPE	SIZE (SF)	BED/BATH	GARAGE	# of DU
Unit 1.1	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1.1a	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1b	1,365 SF	3/2.5	2 Covered	2 DU
Unit 2.1	1,537 SF	3/2.5	2 Covered	4 DU
Unit 3.1	1,553 SF	3/2.5	2 Covered	15 DU
Unit 3.1a	1,553 SF	3/2.5	2 Covered	15 DU
<b>TOTAL</b>				<b>68 DU</b>

113. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the Planning Division prior to the issuance of building permits.
114. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building Division and Planning Division.
115. In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately.

1 An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be  
2 brought in to determine the significance of the archaeological resources and implement  
3 appropriate mitigations prior to recommending earthwork.

4 116. Construction of the proposed project should comply with the California Administrative  
5 Code. The building must be for a minimum exterior-to-interior noise reduction resulting in  
6 interior noise levels, due to exterior sources, of 45 dBA CNEL or less. This noise  
7 reduction could be achieved using standard construction methods, including but not limited  
8 to mechanical ventilation, double-paned windows and acoustically insulated doors where  
9 they face roadways.

10 117. Prior to the issuance of grading permits, the applicant shall establish a program with a  
11 qualified paleontologist to monitor grading activities. The applicant shall provide the  
12 Planning Division with a copy of the paleontological resource-monitoring program.

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

15 119. Mitigation for the loss of non-native grassland shall be at a 0.5:1 ratio. Therefore, 6.1  
16 acres of non-native grassland would need to be preserved to off-set the loss of 12.20  
17 acres. The project shall preserve a minimum of 6.1 acres of non-native grassland (8.6  
18 acres is proposed in the project EIR. The area of non-native grassland onsite shall be  
19 protected by a conservation easement and managed along with other habitat areas onsite  
20 by an entity approved by the City of Oceanside and Resource Agencies.

21 120. The brodiaea population onsite shall be flagged prior to project grading and a biological  
22 monitor shall be present when the contractor is grading to ensure that the population  
23 remains protected. Both populations of brodiaea would be preserved in the undisturbed  
24 biological open space area which shall be placed in a conservation easement concurrent  
25 with approval of the Final Map. As described in condition 36 above, the conserved area  
26 shall be managed in perpetuity by an entity endowed by the applicant and approved by  
27 the City and Resource Agencies (US Fish and Wildlife and CA Department of Fish and  
28 Game). In addition, the 7.6 acres of slope area to be restored with coastal sage scrub  
29 species for geotechnical reason, will be placed within the easement, to allow better  
overall management efficiency.

- 1 121. The entity managing the biological open space over the long-term shall implement a pest  
2 management program targeting snails.
- 3 122. Approximately 7.6 acres of manufactured slope area shall be revegetated with coastal  
4 sage scrub species.
- 5 123. Any trash, debris, or waste material found onsite during grading or cleanup operations  
6 shall be disposed of off-site in accordance with local, state, and federal regulations. Any  
7 buried trash/debris or materials containing petroleum encountered shall be evaluated  
8 prior to removal and disposal.

9 **Water Utilities:**

- 10 124. The developer will be responsible for developing all water and sewer utilities necessary to  
11 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
12 the developer and shall be done by an approved licensed contractor at the developer's  
13 expense.
- 14 125. The property owner will maintain private water and wastewater utilities located on private  
15 property.
- 16 126. Water services and sewer laterals constructed in existing right-of-way locations are to be  
17 constructed by approved and licensed contractors at developer's expense.
- 18 127. All Water and Wastewater construction shall conform to the most recent edition of the  
19 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
20 the Water Utilities Director.

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

- 22 128. Phase I of this site shall be the 16 dwelling units located on the eastern portion of the  
23 property. These dwelling units can be constructed and put on-line immediately.
- 24 129. Phase II of this site shall be the 54 dwelling units located on the western portion of this  
25 property. Phase II will be allowed sewer connection only after the off-site sewer  
26 improvements are made to the Mesa/Garrison facilities.
- 27 130. All proposed gravity sewer mains shall have a minimum slope of 0.5 percent and/or  
28 maintain a minimum scouring velocity of two feet per second in each segment of gravity  
29 sewer main.

1 131. All public water and/or sewer facilities not located within the public right-of-way shall be  
2 provided with easements sized according to the Water, Sewer, and Reclaimed Water  
3 Design and Construction Manual. Easements shall be constructed for all weather access.

4 132. The project CC&R's must require that when the private drives are repaved or overlaid the  
5 Water Utilities Department shall be given notice of the planned maintenance activities in  
6 order to assure the water and sewer facilities are protected appropriately.

7 133. No trees, structures or buildings overhand shall be located within any water or wastewater  
8 utility easement.

9 134. All lots with a finish pad elevation located below the elevation of the next upstream  
10 manhole cover of the public sewer shall be protected from backflow of sewage by  
11 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
12 Code (U.P.C.).

13 135. The developer shall construct a public reclamation water system that will serve each lot  
14 and or parcels that are located in the proposed project in accordance with the City of  
15 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located  
16 in the public right-of-way or in a public utility easement.

17 136. If a property goes through a zone change and an increase in density occurs, a water and  
18 sewer study must be prepared by the developer at the developer's expense, and reviewed  
19 and approved by the Water Utilities Department.

20 137. A revised sewer study must be prepared by the developer at the developer's expense and  
21 approved by the Water Utilities Department.

22 138. A separate irrigation meter and approved backflow prevention device is required and shall  
23 be displayed on the plans.

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

24 139. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
25 be paid to the City and collected by the Water Utilities Department at the time of Building  
26 Permit issuance.

27 //////////////

28 //////////////

29 //////////////

1 **The following conditions of approval shall be met prior to occupancy.**

2 140. All new development of single-family and multi-family residential units shall include hot  
3 water pipe insulation and installation of a hot water recirculation device or design to  
4 provide hot water to the tap within 15 seconds in accordance with City of Oceanside  
5 Ordinance No. 02-OR126-1.

6 PASSED AND ADOPTED Resolution No. 2003-P55 on September 8, 2008 by the following  
7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

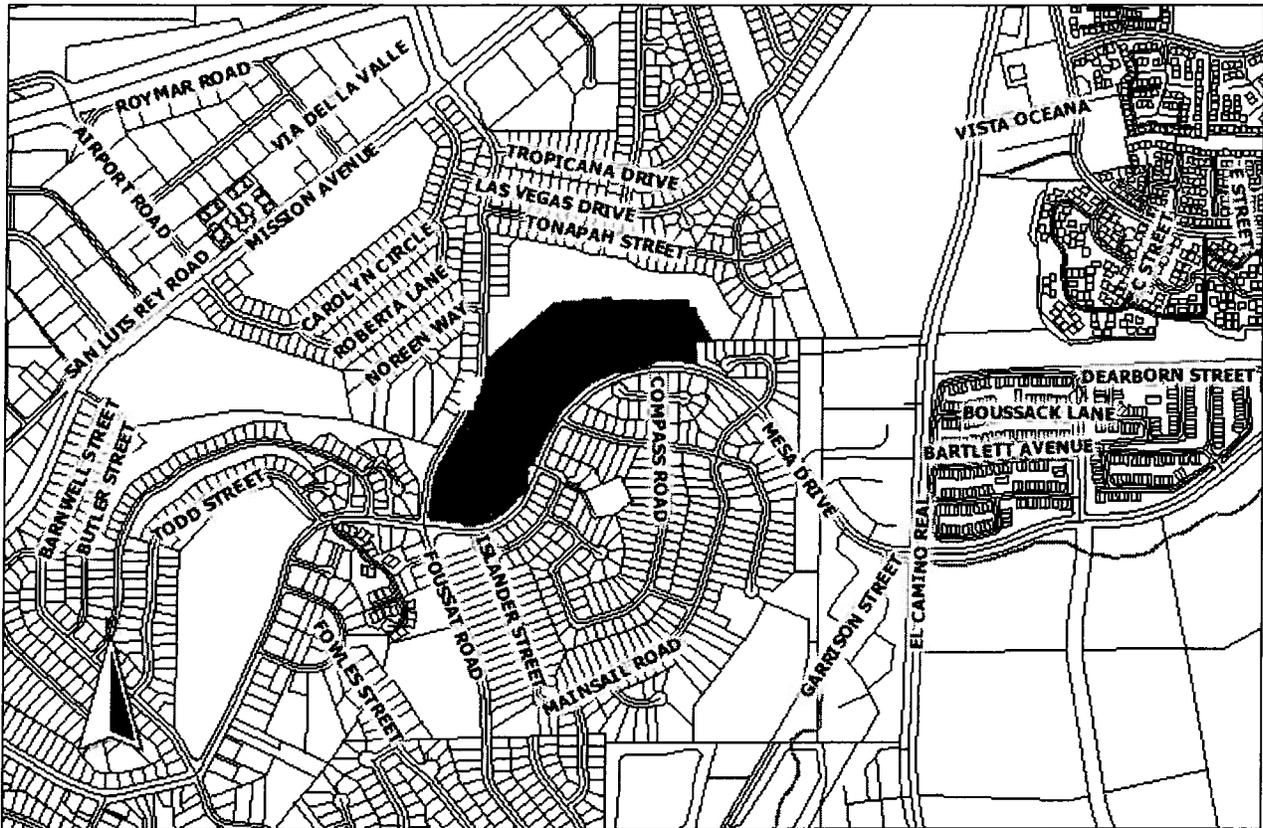
12  
13 \_\_\_\_\_  
14 Claudia Troisi, Chairperson  
15 Oceanside Planning Commission

16 ATTEST:

17 \_\_\_\_\_  
18 Jerry Hittleman, Secretary

19 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
20 this is a true and correct copy of Resolution No. 2008-P55.

21 Dated: September 8, 2008  
22  
23  
24  
25  
26  
27  
28  
29



**File Number:** ZA-2-05, T-3-05, C-11-06, D-5-05

**Applicant:** Investment Holdings LLC

**Description:**

ZONE AMENDMENT to PLANNED DEVELOPMENT (ZA-2-05), TENTATIVE MAP (T-3-05), CONDITIONAL USE PERMIT (C-11-06) and DEVELOPMENT PLAN (D-5-05) for the development of 68 townhome units on a 23.8-acre site located at the northeastern corner of Mesa Drive and Fousat Road. – **MESA RIDGE**

**Environmental Determination:**

An Environmental Impact Report has been prepared for the proposed project. The accuracy and adequacy of the Environmental Impact Report will be considered, and if appropriate, the document will be certified for compliance with the California Environmental Quality Act.

City of Oceanside, Planning Division  
300 N. Coast Highway  
Oceanside, CA 92054 (760) 435-3520

APPLICATION FOR PLANNING COMMISSION HEARING

PLANNING DEPARTMENT (760) 966-4770

OCEANSIDE CIVIC CENTER

300 NORTH COAST HIGHWAY, OCEANSIDE, CA 92054-2885

STAFF USE ONLY

ACCEPTED BY

HEARING

PLEASE PRINT OR TYPE ALL INFORMATION

PART I - APPLICANT INFORMATION

1. APPLICANT <b>Investment Holdings, LLC.</b>	2. STATUS <b>Owner/Applicant</b>
3. ADDRESS <b>5122 Avenida Encinas, Suite B Carlsbad, CA 92008</b>	4. PHONE <b>760-438-1588</b>
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING) <b>The Lightfoot Planning Group</b>	
6. ADDRESS <b>5750 Fleet Street, Suite 250 Carlsbad, CA 92008</b>	7. PHONE <b>(760) 692-1924</b>

VAR.	
C.U.P.	C-11-06
DEV.PL.	D-5-05
SP.PL.	
ZONE CH.	ZA-2-05
G.P.A.	
PAR.MAP	
TENT.MAP	T-3-05
O.H.P.A.C.	
COASTAL	

PART II - PROPERTY DESCRIPTION

8. LOCATION <b>Located generally at the northeast corner of the Mesa Drive and Fousat Road intersection, northerly of Mesa Drive.</b>	9. SIZE <b>23.8 Gross Acres / 10.76 Net Dev.</b>		
10. GENERAL PLAN <b>MDA-R &amp; OS</b>	11. ZONING <b>RM-A</b>	12. LAND USE <b>Vacant</b>	13. ASSESSOR'S PAR. NO. <b>146-161-(1-59) &amp; 146-162-(1-17)</b>

PART III - PROJECT DESCRIPTION *Rev - 12/19/07, 6/30/08*

14. GENERAL PROJECT DESCRIPTION <b>Application for a Zone Amnedment to PD, a Tentative Tract Map for condominium purposes, a Conditional Use Permit for exceeding base density, a Hillside Development Plan for 70 townhome units within 2 building types, associated recreation facilities and 2 Hillside Exceptions.</b>				
15. PROPOSED GEN. PLAN <b>No Change</b>	16. PROPOSED ZONING <b>PD</b>	17. PROPOSED LAND USE <b>Multi-family</b>	18. # UNITS <b>70 du</b>	19. DENSITY <b>6.5 du/ac</b>
20. BUILDING SIZE <b>1,365 SF; 1,444.5 SF; 1,537; 1,553 SF (units)</b>	21. PARKING SPACES <b>155 required 175 provided</b>	22. % LANDSCAPING <b>21,000 SF required 98,881 SF provided</b>	23. % LOT COVERAGE <b>29% of Net Developable</b>	

PART IV - ATTACHMENTS

ALL APPLICATIONS		DEV. PLANS, CUP & TENT. MAPS*	
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/> 30. FLOOR PLANS & ELEVATIONS	
<input checked="" type="checkbox"/> 26. 1,500 FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE	
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input checked="" type="checkbox"/> 32. OTHER : <b>Bio; Geotech</b>	

PART V - SIGNATURES

THE APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION		SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL INFORMATION AS NECESSARY)	
33. APPLICANT OR REPRESENTATIVE <i>[Signature]</i> John Ord, Investment Holdings, LLC	34. DATE <b>12.13.07</b>	37. OWNER <i>[Signature]</i> John Ord, Investment Holdings, LLC	38. DATE <b>12.13.07</b>
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE		39. OWNER	40. DATE
35. APPLICANT <i>[Signature]</i> John Ord, Investment Holdings, LLC	36. DATE <b>12.13.07</b>	41. OWNER	42. DATE

\* TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

**Mesa Ridge - Agency Approved Plan**  
Zone Amendment to PD, Tentative Tract Map, Development Plan  
Conditional Use Permit, Exceptions & Waiver

RECEIVED  
JUN 30 2008  
Planning Department

**Description and Justification**

*Rev. June 30, 2008*

This application is for a Zone Amendment to PD, a 3-Lot Tentative Tract Map for modular condominium purposes, a Development Plan for 68 multi-family attached townhomes, a Conditional Use Permit for exceeding the base density, two exceptions to the Hillside Development Provisions for grading quantity and manufactured slope height and length and an Engineering Waiver request for no sidewalk or parkway grading on the east side of Foussat Street. The building and landscape architecture design will be modeled on a "Tuscan" based theme. The 23.80 gross acre property (10.76 net developable acres) consists of several existing and undeveloped "small lot" single family lots and associated open space areas. The project site is located on the north side of Mesa Drive, between Foussat Road and Jibsail Street and is within the Loma Alta Neighborhood Planning Area. The site is characterized by a relatively large flat pad area adjacent to Mesa Drive that had been previously graded and then moderate to steep slopes extending from the pad to the north and west. Some of these slopes are manufactured and some are natural.

The property was previously entitled as a PD (Planned Development) and subdivided as "La Jolla Panorama Estates". A final map was recorded on the site which created 73 legal residential lots, 2 landscape lots and 1 open space lot. The La Jolla Panorama Estates project, however, was never built due to a number of technical and financial reasons. The proposed project will fully remediate the underlying slope conditions and re-subdivide the land to create new residential, landscape, and open space areas. The subject property has two General Plan Land Use designations which include Medium Density-A Residential (MDA-R; 6-9.9 du/ac) and Open Space. There are 12.00 acres of MDA-R property and 11.80 acres of OS on the site. In addition, there are 1.24 acres of "undevelopable" land as defined in the Zoning Ordinance within the MDA-R portions of the site. The entire property is Zoned RM-A. Based on the net developable area within the MDA-R portions of the site (12.00 acres - 1.24 acres = 10.76 acres), the proposed project density is 6.3 dwelling units per acre (du/ac) which is just over the low end of the allowable density range for the site of 6.0-9.9 du/ac. The required CUP for exceeding the base density is included with this application.

**ZONE AMENDMENT**

A Zone Amendment to PD, Planned Development, is required to allow an attached townhome product (Multiplex Units "MP") to be developed on the site. The General Plan Land Use Element allows for the development of MP units within the RM-A Land Use Designation per the "Residential Unit Type/Residential Land Use Designation Consistency Matrix" (Section 2.34.A.). The Zoning Ordinance also allows for multi-family product in the RM Zones, however, the base development regulations make an MP product impractical. The implementing tool for the MP product type within the RM-A Zone, therefore, is the PD, Planned Development District. This site exceeds the minimum net area requirement for a PD District of 4 acres.

By definition, each MP unit must “be constructed on a legally subdivided lot and attached to at least one other unit along a common property line”. The base district design guidelines contained in Section 1050 of the Ordinance, however, do not have provisions to accommodate this definition. Specifically, the minimum lot size and setback requirements need to be modified to accommodate the product type definition. This Zone Amendment includes a PD Text that addresses these two issues and is attached as Appendix A.

The proposed PD Text will establish a new lot size and set back standard specific to the site to accommodate the MP product type. For example, the base district regulations require a minimum lot size of 5,000 square feet in the RM-A zone with a side yard set back of 5 feet with an average of 10 feet. The “lots” for an MP product type however, typically correspond to the footprint of each unit (including the patio/exclusive private use area) with the rest of the area held in common. This would dictate by definition that the footprint of each unit be 5,000 square feet minimum which would not be consistent with the densities established by the General Plan. In addition, by definition MP units must be attached via “a common wall along a common property line” which makes meeting the side yard set back requirements impossible.

The PD, including reduced lot size and “zero lot line” provisions, therefore is required. The Mesa Ridge project will meet the “individual lot” criteria through the use of a “modular condominium” process with the California Department of Real Estate that creates a separate ownership interest in real estate (i.e. “lot”). The zero lot line accommodates the reduced setback requirements and attached nature of the product. This same concept and product type was recently completed through the very successful Rancho Rose project in eastern Oceanside which has been built and sold out.

## **TENTATIVE MAP**

The 68 unit Mesa Ridge project is proposed on 23.80 gross acres with a net developable area of 10.76 acres. The net developable area for the project was obtained by taking the gross MDA-R area and subtracting out the “undevelopable land” within the MDA-R area (12.00 ac - 1.24 ac = 10.76 ac). Based on the net developable area, the overall project density is 6.3 dwelling units per acre (du/ac) which is at the low end of the allowable density range for the site of 6.0 - 9.9 du/ac. The project proposes three lots for “modular condominium purposes” with lot 1 designated for residential use, lot A will be for open space including the fuel modification zone and lot B to be preserved in its natural condition. The site area breakdown by lot is as follows: lot 1) 6.3 acres, lot A) 7.9 acres and lot B) 9.6 acres. No impacts to rare or endangered habitats or species are proposed by this project. The proposed project has received the support of both the United States Fish & Wildlife Service and the California Department of Fish & Game.

The project is proposed as a 3 lot “modular condominium” to meet the ownership requirements within the RM-A zone for undivided ownership of the land under each dwelling unit. All areas outside of the individual units and patios will be held and maintained in common interest.

There will be two points of access to the proposed project, both of which will be off of Mesa Drive. The western most access point will accommodate full turning movements into and out of the project. The eastern most access point will be restricted to “right-in, right-out” only. An internal “loop” drive will allow residents to enter or exit from either access point. The project’s interior driveways will all be private and maintained by the homeowners association. The pavement sections of the interior driveways vary in size from 28 feet to 34 feet with no parallel parking permitted. All required guest parking is provided in parking bays strategically located throughout the project to better serve future residents and their guests. Water and sewer utilities, as well as other dry utilities, will be extended from Mesa Drive to serve the project.

The percent of lot coverage (building and pavement area) for the project is 29.3% of the net developable area. The rest of the entire project site will be in either natural open space, common open space, common usable open space, graded slope areas and fuel modification zones. In fact, the proposed project will result in more “permanent open space” than the General Plan Land Use Element Map identifies. The proposed project results in 19.8 acres of total open space (Lot A, Lot B and on-site Common Usable Open Space) versus the previous General Plan amount of 11.80 acres (+8.01 acres). The project provides 9.6 acres of natural open space in lot B (which includes 2.2 acres of MDA-R/RM-A property), and 7.9 acres of graded slope areas that will be planted with a CSS re-vegetation plant palette outside of the fuel mod zone and native fire retardant plant species within the fuel modification zone for a total of 17.5 acres of undeveloped open space areas. In addition, there will also be another 2.26 acres of common usable open space internal to the project footprint. In addition to these areas, there will be 0.42 acres of private usable open space provided in the form of patios and decks.

**Waste Management:**

The proposed trash service for this project will be individual tote pick-up service to enhance the “single-family feel” of this new community. The totes (one for solid waste and one for recyclable materials) can be easily stored in the garage without interfering with the parking spaces. This can be accomplished because there is a 2-foot, 4-inch (28 inches total) separation from the garage door opening to the side wall of the garage and the tote requires only 27 inches for storage. The totes will be placed between the individual garage doors along the private drive aisle for pick-up services. The project CC&R’s will require that the totes be removed from the drive aisle by the end of the day on the day of pick-up service. No storage of the totes on the drive aisle will be permitted.

**Engineering Waiver:**

A Waiver to Section 901 B; Frontage Improvements of the City’s Subdivision Ordinance is included that would allow the project not to construct a sidewalk or grade the parkway on the east side of Foussat Road, north of Mesa Drive.

The sidewalk and parkway grading on the east side of Foussat Road shall not be constructed due to land form considerations, geotechnical reasons, and sensitive biological issues related to the City’s Draft MHCP Sub Area Plan. The construction of the sidewalk would require unnecessary grading into hillside land forms that contain slopes that are considered “undevelopable” by the Zoning Code and the Draft MHCP Sub Area Plan (40% slopes, greater than 25 feet high), as well

as slopes that qualify as “significant natural topographic features” (20% or more, 50 feet in height or greater) (See sheet T-7 & T-9 of the TM). These slope areas are also in a known landslide area and once grading within them is started, the integrity of the underlying earth can be jeopardized and the amount of grading to accommodate a sidewalk would have to be increased dramatically to properly remediate the underlying conditions. These conditions exist along significant portions of the Foussat Road right-of-way. Extensive geotechnical evaluation has been completed on the slopes in question as it relates to constructing a sidewalk on the east side of Foussat Road. Per the attached Geotechnical Report dated July 30, 2007 (General Discussion of Existing Landslide and Stabilization Fill along Foussat Road Cross Sections 1-1', 2-2' and A-A' Mesa Ridge Project) by GeoSoils Inc. and the Response Letter and the attached Addendum to Geopacifica Review Comments dated November 7, 2007 by GeoSoils, Inc. the sidewalk on the east side of Foussat Road should not be constructed.

The project site is also located within the Wildlife Corridor Planning Zone (WCPZ) of the City's Draft MHCP Sub Area Plan. The WCPZ is the most critical component of the MHCP. As such, the preservation standards for sites within the WCPZ are the most restrictive in the City. The MHCP calls for avoidance and minimization to the maximum extent practical, with no less than 50 preservation of any site. The project as proposed meets this standard, but, the addition of the sidewalk would unnecessarily increase impacts to Coyote Brush Scrub (CBS), Non-Native Grasslands (NNG), and potentially the federal-listed Threatened and state-listed Endangered thread-leaf brodiaea plant. This plant is considered a Narrow Endemic species in the City's draft MHCP Subarea Plan and protecting existing populations are critical to the goals of the plan. Per sheet T-10 of the TM, CBS and NNG exist right up to the edge of Foussat Road and would be unnecessarily impacted if the sidewalk and parkway grading on the east side of Foussat were to occur.

It is because of all of these reasons that the Waiver to Section 901 B of the Subdivision Ordinance should be granted.

## **DEVELOPMENT PLAN**

### **Townhomes:**

The proposed Mesa Ridge Townhome units are all two-story, 3 bedroom, 2.5 bathroom townhomes with attached 2-car garages and roll-up style garage doors. The units range in size from 1,365 square feet to 1,553 square feet. The garages will be served from a private drive and have direct access into the units. This is a proven product type within Oceanside and it was used at both the built out “Villas at Mission Point” and “Rancho Rose” projects and also at “The Casitas @ Spring Creek” project, which is currently under construction. The proposed units are an enhanced version of those previous projects in terms optimized floor plan space and the enhanced Tuscan styled facades.

The first floor of each unit is the main living area which has an entry from a private court-yard which faces common landscaped areas and/or views of the valley floor below. This first floor includes the living room, kitchen, dining nook and powder room. Units 2.1, 3.1 and 3.1a also have a pantry. All three bedrooms are located on the second floor of the units, along with two full

bathrooms. Unit 2.1, Unit 3.1 and Unit 3.1a all have bedrooms 2 and 3 arranged in a “jack and jill” configuration (each having direct access to bathroom 2). Each unit will have a laundry closet large enough to accommodate a full size washer and dryer and a folding area. The master bath contains dual sinks and there are also dual closets within the master bedrooms.

A breakdown of the unit count and mix can be found in Table 1 below:

**Table 1**

<b>UNIT TYPE</b>	<b>SIZE (SF)</b>	<b>BED/BATH</b>	<b>GARAGE</b>	<b># of DU</b>
Unit 1.1	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1.1a	1,444.5 SF	3/2.5	2 Covered	16 DU
Unit 1b	1,365 SF	3/2.5	2 Covered	2 DU
Unit 2.1	1,537 SF	3/2.5	2 Covered	4 DU
Unit 3.1	1,553 SF	3/2.5	2 Covered	15 DU
Unit 3.1a	1,553 SF	3/2.5	2 Covered	15 DU
<b>TOTAL</b>				<b>68 DU</b>

**Architecture:**

The proposed townhomes will be within 18 separate buildings containing the 68 individual units. There are 3 building types of which 2 are 4-plex’s (14 buildings total) and 1 is a 3-plex (4 buildings total). Each of the buildings will have 1 of 2 different facade types. Each facade type will incorporate various “Tuscan” style architectural enhancements for continuity and to create a sense of place. There are three proposed building types: Building A - Tuscan 1, Building B - Tuscan - 2, and Building C - Tuscan. Buildings A & B are both 4-plex’s, and Building C is a 3-plex. There are 7 Tuscan 1 buildings (“A”), 7 Tuscan 2 buildings (“B”), and 4 Tuscan buildings (C). The Tuscan 1 and Tuscan 2 buildings have the same basic floor plan, only their facades are different. The main differences between the two facades pertains to the balconies and bell towers. The Tuscan 1 Facade is characterized by a split rail balcony (open) with wood support beams and rock work on one of the bell towers from the ground to the roof line. The Tuscan 2 facade is characterized by a balcony and support beams enclosed with stucco and rock work on the ground floor only of the bell tower. These buildings contain two Unit 1.1 or 1.1a (interior units) and two Unit 3.1 or 3.1a (end units). Building Type C consists of one unit 1b (interior) and two unit 2.1 (end units).

A breakdown of the buildings and units is contained in Table 2 below:

**Table 2**

BUILDING	QUANTITY	UNITS		UNIT 1b	UNIT 2.1	UNITS		TOTAL
		1.1	1.1a			3.1	3.1a	
A - Tuscan 1	7	2				1	1	28
B - Tuscan 2	7		2				2	28
C - Tuscan	4			1	2			12
<b>TOTAL</b>	<b>18</b>							<b>68</b>

Each unit will have its own private use patio at grade that measures approximately 210 square feet in area (21' x 10') that will be part of the landownership for the unit. All the "interior units" of the 4-plex (28 total units) will also have a 126 square foot (21' x 6') balcony on the second floor. The individual owners will be permitted to enhance their court-yards and balconies to their own liking subject to the community CC&R's. Each of the court-yard areas will be accessible from outside of the units and will serve as the main guest entry. Each court-yard will be surrounded by a garden wall with access gate to enhance the private ownership feel of the project and to blend with the surrounding neighborhood area. The maintenance of this wall will be the responsibility of the Homeowners Association (HOA) to ensure consistency over the long term.

As discussed earlier, the architectural theme developed for this project is based on a "Tuscan" style. Each of the three building types incorporates multiple elements of the style, each in an independent facade, that will help create a more varied and interesting street scene for the residents. The common elements used to create the theme include s-shaped lightweight concrete tile roofs, manufactured stone siding, pre-cast stone work around entry doors (at the "bell tower" features), shutters, awnings, arched windows and a tower element on the end units (tower element only on Tuscan 1 and Tuscan 2 buildings). A variety of other treatments are used throughout the project to complete the theme including window surrounds, multi-pane windows, recessed color accent vents, a freestanding heavy timber trellis portico (Tuscan 1 only), and exposed rafter tails. Each facade uses some or all of these elements in different locations and all of the buildings will be finished in a classic Tuscan stucco.

To further enhance the building diversity within the project, the second story balconies will be treated differently. The Tuscan 1 building and the Building C balconies are "open" and characterized by wood balusters and a 36-inch guard rail. The Tuscan 2 balcony, however, is enclosed with solid Tuscan stucco siding which is enhanced with decorative 6-inch half tile openings. In addition, all four sides of each building type include multiple off-sets, multiple wall planes and first floor roof elements. All of these extra features further enhance the visual appeal of the buildings and help the project to fit within the design guidelines for hillside projects. The attention to detail and the functionality of the living space designed into the buildings and individual

units is indicative of the applicant’s commitment to the future residents and to the “quality of life” that this project will offer its residents.

**Parking:**

The project is required to provide a total of 151 parking spaces; 2 per unit including 1 covered space (which equates to 136 spaces) with guest parking at 1 space plus 1 per 20% of the total units which is equal to 15 spaces. The proposed project exceeds these requirements. The project provides 171 total spaces (20 extra spaces), 136 of which are covered, enclosed, garage spaces which is double the requirement for covered spaces. In addition, there are 35 open guest spaces, of which 4 are handicap spaces, which is more than double the required guest amount. The fact that the project will provide twice as much covered parking spaces and more than double the guest space requirement, is indicative of the care and detail that went into the design of this project. A breakdown of the parking requirement appears in Table 3 below:

**Table 3**

<b>OFF-STREET PARKING</b>	<b>COVERED (per unit)</b>	<b>UNCOVERED (per unit)</b>	<b>GUEST</b>	<b>TOTAL</b>
Required	68	68	15	151
Proposed	68	68 (Covered)	35	171

**LANDSCAPE CONCEPT PLAN**

In designing the landscape theme for the project, several key factors had to be taken into consideration. The design had to be sensitive to the site’s location within the Wildlife Corridor Planning Zone of the City’s Draft MHCP Sub Area Plan, the geologic conditions of the site, remaining true to the Tuscan design theme of the architecture, and the surrounding neighborhood. The selection of plant materials and irrigation strategies had to be sensitive to each of these factors. For example, special consideration was given to the general edge conditions throughout the project and especially adjacent to the brodiaea. The plant material in these locations was chosen to be a good transitional zone to the natural habitat, it will work well within the context of the Draft Sub Area Plan, and it meets the fuel modification standards established by the Fire Department that will properly protect the residents. In addition to accomplishing these goals, the slope plantings had to be a functional CSS plant palette that would thrive with a minimal amount of watering so as to not “overload” the soil with excess water which could be detrimental to the subsurface conditions. The landscape concept plan is a great example of the care and “quality of life” designed into this project.

**Tuscan Theme:**

The landscape theme incorporates some very strong design elements to enhance the Tuscan theme of the architecture which helps to establish a sense of place within the community. The plans

incorporate circular pedestrian hubs throughout which are connected by a consistent columnar planting scheme that focuses the eyes along the preferred visual corridors of the site. This formal repeated theme element is established along both sides of both entry drives into the project. Along both sides of each drive are two pedestrian hubs or “roundabouts”, that are connected by a linear walkway. Each roundabout will have a simple, clean, layered plant palette that will be anchored with white shrub roses and a centered canopy tree. To reinforce the visual corridor created at these entries, columnar trees will line both sides of the walkways (between the canopy trees) which creates a strong visual statement for the project’s entries which is highly desirable. This theme element is used throughout the site for a strong sense of continuity and visual interest indicative of the care and quality of life designed into the project.

**Usable Open Space:**

The Mesa Ridge project is required to provide at least 300 square feet of usable open space per unit (of which, no more than 150 square feet can be private in terms of meeting the minimum requirement) and include at least one 4,000 square foot contiguous recreation area. The total usable open space required for this project is 20,400 square feet (0.47 acres). The project as proposed far exceeds this requirement by providing a total of 116,741 square feet (2.68 acres) of usable open space (more than 5.5 times the required amount!). Of this amount, there is 98,446 square feet (2.26 acres) of common usable open space and 18,295 square feet (0.42 acres) of private usable open space. The project has four recreation areas, each of which could satisfy the 4,000 square foot contiguous recreation area requirement on its own, while two of these four more than double it each! These four areas when combined equal approximately 27,443 square feet which is almost seven times the required amount!

The breakdown of the usable open space requirement can be found in Table 4 below.

**Table 4**

<b>TYPE</b>	<b>COMMON (150 SF/DU)*</b>	<b>PRIVATE (150 SF/DU)**</b>	<b>REC AREA ***</b>	<b>TOTAL</b>
<b>REQUIRED</b>	10,200 SF	10,200 SF	4,000 SF	<b>20,400 SF</b>
<b>PROPOSED</b>	98,446 SF	18,295 SF	27,443 SF	<b>116,741 SF</b>

\* Minimum required to count towards total usable requirement.

\*\* Maximum allowed to count towards total usable requirement.

\*\*\* Recreation areas are part of the total required, total proposed, common areas.

**Recreational Amenities:**

There will be an abundance of recreational opportunities for future residents and guests throughout the project which is indicative of the attention to detail and “quality of life” designed into the project. There will be four major active recreational areas that will be enhanced with various types of play equipment, picnic facilities, turf play areas and the community pool and spa. Each of these areas is large enough by itself to satisfy the 4,000 square foot recreational amenity requirement!

In addition, there will be several passive recreation areas throughout the site that will include picnic facilities, “look out” benches and turf play areas.

The main recreational area and focal point of the community will be the pool and spa facility located at the northern edge of the development, between the east and west ends of the project. This facility will include a generous sized pool that will have wide, shallow steps on the west end that will function similarly to a “Baja shelf”, as well as a raised spa. This area will be further enhanced with a generous amount of sunning deck, multiple trellis structures, seating walls, lounge chairs, landscape treatments and a restroom building with shower. The area itself is approximately 9,583 square feet which is more than double the minimum requirement. In addition, this area will enjoy beautiful views of the valley and sunsets which will make this amenity a favorite locale to residents and their guests.

The second main recreational area is located on the southwestern edge of the development footprint. This amenity will include a large 7 station play structure, a picnic table, a seating wall and generous amounts of turf play area. This site is approximately 7,841 square feet, which again, is almost double the minimum requirement. In addition, this area will also enjoy beautiful views of the valley and sunsets.

The third recreation amenity is located on the site’s southern boundary, centrally located between the eastern and western access drives. This amenity will include a picnic area and a tot-lot geared more towards the younger residents and guests. There will also be a generous turf play area associated with this amenity and it too will enjoy views to the north. This area is approximately 4,356 square feet in size, again, large enough to meet the minimum requirement on its own.

The fourth recreation area is a more passive linear park that will be centrally located within the western half of the project. This amenity will be a central connection point to all the other recreational opportunities on site. It will consist of walkways, a large turf area and picnic tables that can be used by residents and guests of all ages for various passive activities. It will be surrounded by a variety of landscape elements that will contain the theme plantings of the site and a pedestrian path that inter-connects it with the rest of the project. This area totals approximately 5,663 square feet.

### **Passive Amenities:**

In addition to the active recreational amenities provided, there is also an abundance of passive amenities throughout the project. There is a pedestrian walk-way system that connects all the residences with all of the recreational facilities. This system of walk-ways also includes a main perimeter walk-way along the northern edge of the development footprint which takes advantage of the valley and coastal vistas. This walk-way extends around the full site perimeter and provides connectivity between each building and all of the other site amenities. The walk-way passes through turf play areas in certain locations and other landscaping components throughout the site. There are barbeque picnic areas and a view bench dispersed evenly along the walk-way. The walk-way is designed to provide a variety of passive recreational opportunities as well as less intense active uses such as picnicking and jogging.

### **Other Open Space:**

In addition to the required recreational open space in the project, the project also includes a total of 17.5 acres of other open space! Of that amount, 7.9 acres will consist of manufactured and irrigated slope areas and another 9.6 acres of the site will be preserved in a natural open space condition. This amount of open space exceeds the required 50% preservation for sites within the City's Wildlife Habitat Corridor Planning Zone (17.5 acres provided versus 11.9 acres required per the MHCP) and it will result in significantly more open space on-site than currently exists on the General Plan (+5.60 acres). This preserved acreage will help the City meet its preservation goal established in the MHCP Sub Area Plan. In addition, no impacts to rare or endangered habitats or species are proposed by this project.

The entire landscape package, including the active recreational, passive recreational and natural open space components of the project, are another indicator of the applicants commitment to the future residents of "Mesa Ridge", to the quality of life designed into the project, and to the City of Oceanside.

### **CONDITIONAL USE PERMIT - EXCEEDING BASE DENSITY**

The proposed project density is 6.3 du/ac based on the net developable area within the MDA-R portions of the site which is 10.76 acres. This density just exceeds the base density established for the RM-A Zone of 6.0 du/ac, but, it is well below the maximum allowable density of 9.9 du/ac for the RM-A Zone.

The proposed project has several design features that will make it one of the best and most unique multi-family projects in the City. Great care and attention to detail was given to every aspect of the project design from the extensive remedial earthwork that will be done, to the open space preserve areas, the CSS re-vegetation, to the architecture facades and materials to the units themselves, to the abundance and variety of recreational amenities and parking supply designed into the project, and the landscape theme that ties it all together. The quality of life and attention to detail designed into this project represent an excellence of design features which completely justify the Conditional Use Permit (CUP) being requested.

The Land Use Element of the General Plan establishes density ranges for all residential districts. Section 2.32., "Potential Range of Residential Densities", states that the base density shall be considered the appropriate density for development within each residential district. To be granted the ability to achieve project densities above the base density, a project must be found to possess "an excellence of design features." The General Plan identifies 12 specific characteristics (although there could be more or less) that a project could have to qualify as an excellence of design features. The Mesa Ridge project meets the 12 characteristics as follows:

- 1) *Infrastructure Improvements beyond what is necessary to serve the project and its population.*

The Mesa Ridge project will provide several infrastructure improvements and public safety measures that will benefit the existing community and the future residents of the project,

will improve the public health, safety and welfare, and provide added protection to existing City improvements. The largest of these improvements will be the extensive grading and landslide remediation that the project will perform. Other physical improvements include traffic calming and pedestrian sidewalks.

Before any of the projects physical designs could be contemplated, an extensive geotechnical analysis had to be undertaken. This work was required to determine how best to remediate the known unstable soil conditions of the site in such a way that would benefit the future residents of Mesa Ridge and the surrounding neighborhoods. The costs associated with the remediation required will be borne solely by the project applicant.

The project will repair and replace known existing landslide conditions with state of the art buttressing and back fill. This work will require grading to occur on over half of the project site (14.2 of the 23.8 acres) while the actual project foot print is restricted to less than half of that area (only 6.3 acres). This grading will provide slope stability for the future residents of the project, as well as increased safety to all of those residents and improvements down slope and adjacent to the project. In addition, this work will protect the existing City improvements of Mesa Drive and Foussat Road, as well as the water, sewer and storm drain facilities within those roadways (as well as other utilities not owned by the City).

Other physical improvements the project will provide include an all-way stop at the intersection of Mesa Drive and Mainsail Road and a new sidewalk on Mesa Drive and Foussat Road. This intersection was identified by area residents as currently unsafe due to speeds as part of the EIR process. Because of this, the intersection was analyzed in the Traffic Analysis Report prepared for the project and it was determined that an all-way stop was warranted at this location. As a result, the project will construct the recommended all-way stop which will help remediate an existing roadway deficiency and the cost will be borne entirely by the project.

In addition, the applicant will construct sidewalk all along the project frontage (which is standard, approximately 800 lineal feet) and extend that sidewalk all the way to Foussat Road adjacent to the open space preserve (approximately an additional 1,400 lineal feet). Also, the project will widen the street pavement section of Foussat Road from Mesa Drive to the projects northwestern boundary, all along the open space preserve area (not standard, approximately 1,100 lineal feet) to complete its build-out width (with out sidewalk). The lineal distance around the open space preserve (which itself totals 9.6 acres) is approximately 2,500 lineal feet of improvements (almost 3 times the required amount of 800 lineal feet). The wider pavement section of Foussat Road will provide additional room for the City to add to, or modify, the existing traffic calming devices used in this steep street.

- 2) *Lot standards (i.e. lot area, width, depth, etc.) Which exceed the minimum standards established by City policy).*

As this is a multi-family project (i.e. not individual lots), this criteria is not necessarily applicable.

- 3) *Development Standards (i.e. parking, setbacks, lot coverage, etc.) which exceed the standards established by City policy.*

The project as proposed provides 3 key design element standards in excess of what the Code requires that will make it a unique and valuable addition to the City. These features include a significant, excess amount of usable open space, an excess of both covered and required parking, and the use of individual trash bin service. Each of these features is indicative of the applicants commitment to providing a high quality project to the City, as well as one that is respectful of the local community.

As proposed the project provides an abundance of common usable open space far in excess of what the Code requires. A project of this size is required to provide 20,400 square feet of usable open space including a 4,000 square foot contiguous recreation area. As proposed the project far exceeds this requirement by providing 116,741 square feet of usable open space which is more than 5.5 times the required amount! In addition, the project provides 4 common recreation areas that are at least 4,000 square feet in size each, as opposed to the single facility required. In fact, 1 of the 4 amenities is more than double the 4,000 square foot requirement, while a second is almost double (7,841 sf). Again, the amount and variety of these amenities is unique to this project and they far exceed the required amounts which is representative of the projects commitment to excellence in design features throughout.

In addition, the parking supplied by the project also far exceeds the minimum required for covered parking spaces and overall parking spaces. The project is required to provide a total of 151 parking spaces; 2 per unit including 1 covered space (which equates to 68 open spaces and 68 covered spaces) with guest parking at 1 space, plus 1 space per 20% of the total units, which is equal to 15 spaces. The project as proposed, however, provides 171 total spaces which is 20 extra spaces (13% more). Of this parking, 136 spaces are provided in covered, enclosed private garages (2 per unit) which is double the requirement for covered spaces. In addition, there are 35 guest spaces (4 of which are handicap spaces) which is more than double the required guest amount! These spaces are evenly dispersed throughout the community to better serve the future residents and their guests. The fact that the project will provide twice as much covered parking spaces and more than double the guest space requirement, is indicative of the care, attention to detail, and an excellence in design, that went into the Mesa Ridge project.

One of the neighborhood concerns was compatibility of the project with their community. In response to this concern, several design features were incorporated into the project to insure that the project would appear as close to a "single-family detached environment" as possible within the multi-family requirements of the General Plan. Those features include 2-story side by side condominiums (as opposed to 3+ stories of "stacked flats"), enclosed 2-car garages with direct unit access for each unit, and individual trash bin service. By

using individual bin service, each residence will function more like a traditional single-family unit, just like the surrounding community. In addition, the area that would have been dedicated to “group service bins” was incorporated back into the usable open space areas which far exceed the minimums. Additionally, the new project and the surrounding community, won’t be subject to those seeking a large trash bin to dump their unwanted items in which sometimes is a nuisance in other multi-family developments. This is just one example of the applicant’s desire to have a project that is a positive asset to the surrounding community and the City as whole. The use of individual bin service contributed to the overly generous amount of common usable open space and parking.

4) *Superior architecture design and materials.*

Once all of the physical constraints of the site were understood and the best open space preserve design was finalized, the design team focused on the actual development plan itself. A Tuscan style design theme was chosen and this theme was woven into all aspects of the project from the architecture to the landscape plan. There were two unique facade elevations designed for the project that used similar design concepts with unique material choices to create variety and interest between the buildings. A bell tower element and varied use of stone work was used to distinguish the front and side elevations of the buildings (as opposed to all stucco). Other design features used to distinguish this project from other multi-family projects include the use of arched windows, first floor roof elements on all 4 side elevations, exclusive private use court-yards for all units, the use balconies with differing rail options, the use of wood shutters and fabric awnings, stone door trim, as well as window pop-out features and window surrounds.

5) *Superior landscape/hardscape design and materials.*

In addition to all of the usable open space discussed earlier, a strong overall landscape theme was developed for the project and implemented throughout the site. This landscape theme incorporates some very strong design elements to enhance the Tuscan theme of the architecture which helps to establish a true sense of place within the community. The plans incorporate circular pedestrian hubs throughout which are connected by a consistent columnar planting scheme that focuses the eyes along the preferred visual corridors of the site. This formal repeated theme element is established along both sides of both entry drives into the project. Along both sides of each drive are two pedestrian hubs or “roundabouts”, that are connected by a linear walkway. Each roundabout will have a simple, clean, layered plant palette that will be anchored with white shrub roses and a centered canopy tree. To reinforce the visual corridor created at these entry points, columnar trees will line both sides of the walkways (between the canopy trees) which creates a strong visual statement for the project entries which is highly desirable. This theme element is used throughout the site for a strong sense of continuity and visual interest indicative of the care and quality of life designed into the project. This component of the design exemplifies an excellence of design features, which will help to create a truly unique community.

6) *Superior recreation facilities or other amenities.*

As discussed in Criteria #3 above, the proposed project provides an abundance of common usable open space far in excess of what the Code requires. A project of this size is required to provide 20,400 square feet of usable open space including a 4,000 square foot contiguous recreation area. As proposed the project far exceeds this requirement by providing 116,741 square feet of usable open space which is more than 5.5 times the required amount! In addition, the project provides 4 common recreation areas that are at least 4,000 square feet in size as opposed to the single facility required. In fact, 1 of these 4 amenities is more than double the 4,000 square foot requirement, while a second is just under double. Again, the amount and variety of these amenities is unique to this project and they far exceed the required amounts which is representative of the project's commitment to excellence in design features throughout.

7) *Superior private and/or semi-private open space areas.*

In addition, the project will provide a large open space preserve in excess of what is required. Another driving force behind the proposed design was the City's Draft MHCP Sub Area Plan that would require the project to preserve 50% of the site in open space. In consultation with City Staff and the project biologist, it was determined that some of the 50% preserve area should be adjacent to the off-site open space area adjacent to the site's northern property line to create a larger "habitat corridor" that will tie into the open space area to the east in the El Camino Real Corridor. This fact, coupled with the existing relatively large, flat pad area adjacent to the southern property line at Mesa Drive, made the clustering of the units as proposed, the proper planning decision.

The western most 9.6 acre area of the site to remain natural contains the sites only Coyote Brush Scrub and a significant amount of brodiaea filifolia which made it the most appropriate area for natural preservation. As a result of respecting these preservation goals, the development footprint dictated by these conditions resulted in 17.5 acres of open space preserve as opposed to the 11.9 acres that would be required by the Draft MHCP Sub Area Plan (almost 1.5 times the required amount). This well planned open space preserve system provides far more area than required and represents a true excellence in design, and by itself might be considered enough to justify the requested CUP.

8) *Floor areas which exceed the norm established by existing or approved development in the surrounding area.*

This criteria is not necessarily applicable to the project as "floor area" is typically related to office, commercial, and industrial projects.

9) *Consolidation of existing legal lots to provide unified site design.*

The property was previously entitled as a PD (Planned Development) and subdivided as a small lot project known as "La Jolla Panorama Estates". A final map was recorded on the site which created 73 legal residential lots, 2 landscape lots and 1 open space lot. The La Jolla Panorama Estates project, however, was never built due to a number of technical and financial reasons. The proposed project will consolidate those existing legal lots to allow for the proposed project which orients the residential units and open space preserve into the most logical, appropriate and environmentally sound locations of the site. If the development were to follow the existing lot pattern, many of the project benefits discussed above would be lost.

- 10) *Initiation of residential development in areas where nonconforming commercial or industrial uses are still prominent.*

This criteria is not applicable to the project site.

- 11) *Participation in the City's Redevelopment, Housing, or Historical preservation programs.*

This criteria is not applicable to the project site, however, the project will be required to participate in the City's Inclusionary Housing Program that addresses affordable housing issues in the City. The project will also provide a market rate, entry level, home ownership opportunity to the City as well.

- 12) *Innovative design and/or construction methods which further the goals of the General Plan.*

This criteria is not necessarily applicable to the project, although, many of the responses above, particularly the grading discussion, the usable open space discussion and the open space preserve discussion, could go here as well.

The combination of the landslide remediation, infrastructure improvements, the care in siting the development footprint, the open space preserve planning, the CSS re-vegetation area, the architectural theme development, the landscape theme development, the units and their amenities, the abundance of covered and open parking spaces provided, and the excessively large amount of common and private usable open spaces and recreational amenities makes this a truly superior project. All of these factors can be used to justify the CUP requested with this application.

## **HILLSIDE DEVELOPMENT PROVISIONS**

The project meets the Hillside Development Provisions and is in general conformance with the goals and objectives of the Zoning Ordinance. However, due to the sites geotechnical issues, slope conditions, and the demands of a multi-family product-type, some Exceptions to the Hillside Development Provisions are required and discussed later in this document. The project incorporates some creative design elements to meet the spirit and intent of the provisions within the confines of a multi-family product-type. These design elements include setting the buildings back a minimum of 18 feet from the top of slope which helps to reduce their "apparent visible bulk" and "hiding" the garages from off-site view by focusing them on an internal drive loop system.

### **Hillside Criteria - Architectural Off-Sets:**

The project incorporates several design elements to meet the hillside architectural guideline criteria of Section 3039 M (1) which requires a 4-foot by 6-foot off-set area in any “visible” wall length greater than 40 feet (which equates to a 24 square foot “off-set area” within the wall length). This is not easy to accomplish within the building parameters required for a multi-family product-type (MP - Multi-Plex units) so the design team used creative measures to achieve this standard. A key factor in complying with this standard is the “visible” portion of the site. The units that meet the definition of “visible” as established by the Hillside Development Provisions (3039 B. 7.) are the units fronting on Mesa Drive (buildings A-D west of the main access drive and buildings H, O and R east of the main access drive).

The front elevations of the Tuscan 1 and Tuscan 2 buildings all have multiple off-sets that combine to create a 5-foot, 8-inch by 14-foot, 5-inch break along the “visible” side of the building which exceeds the design criteria (a break of 4 feet by 6 feet, 24 square feet of break area). Only the six buildings that face Mesa Drive, however, meet the definition of “visible” as they are within 300 feet of a public right-of-way. In addition, the use of a bell tower element also creates a new and unique look within the community. The use of various Tuscan style architectural enhancements and multiple wall and roof planes on this elevation further enhance the articulation and appeal of the facade. The use of hillside compatible architecture throughout the site is indicative of the applicants strong desire and proven track record of bringing a superb new community to Oceanside.

The side elevations of the Tuscan 1 and Tuscan 2 buildings also meet the off-set criteria through a combination of off-set features. These features include multiple structural offsets and additional breaks in wall planes via the use of landscape elements as allowed through Section 3039 B. 7. of the Hillside Development Provisions. That Section of the Ordinance states:

*“The visible area of a structure, including the roof, shall not include portions that will be shielded from view by landscaping within a five-year period, as determined by the Planning Commission at the time of development plan review.”*

All of the side elevations are broken up by 2 structural offsets that create 4 different wall plans. These off-sets include a window pop-out feature at the kitchen (complete with a first floor roof element) and the Tuscan style bell tower element at the corners. The window pop-out off-set measures 2-feet by 11-feet, 2-inches (approximately 22 square feet of off-set area) and the tower element off-set measures 2-feet by 8-feet (16 square feet of off-set area). The result of these two structural off-sets is 4 different wall planes, each of which is not greater than 40 feet in length, with a total off-set area of 38 square feet which exceeds the minimum requirement. This off-set area is focused more on the Mesa Drive side of the units which serves the intent of minimizing the bulk of the “visible” portions of the structures. The longest wall plane on the side elevation measures only 20-feet, 6-inches at the garage which is the portion of the units that is furthest from Mesa Drive which therefore reduces its “visibility”. These offsets will be enhanced even more with a plant palette that will further reduce the visibility of the structures. This is especially true at the project’s entry drives (which would typically provide the biggest view shed of the sides of the units) where a strong visual corridor is achieved through the use of canopy and columnar plantings

(see the discussion in the “Tuscan Theme” section of this document) which is a creative way to increase the dimensional off-sets of the buildings.

Although the rear elevations of each building type (the garage side) do not meet the literal interpretation of Section 3039 M (1), they are exempt because they do not meet the definition of “visible” as established by the code (Section 3039, B, 7). These elevations will not be “visible to a person standing within 300 feet of the buildings on any existing public street, or street on a recorded subdivision map that provides access to three or more dwelling or building sites”. These elevations will all be internal to the project and each garage will “face” another garage on the private drive aisle (and not a public street). In an effort to meet the spirit and intent of the guidelines, however, the second story of the garage elevation has been broken up into 5 different wall planes along its 88-foot, 3-inch length to provide as much articulation as possible. The longest of these wall planes is 21 feet on either end of the building. In addition, a pop-out garage door “topper” has been included at each garage door to increase the articulation and visual interest of this elevation. Again, the use of these elements is indicative of the applicant’s commitment to the community and the quality of life designed into the project.

**Hillside Criteria - Roof Plane:**

One of the biggest challenges in meeting the Hillside Design Guidelines requirements within a multi-family building are the roof pitch and plane requirements. In general, the guidelines require that no visible roof plane exceed 600 square feet in area and have a pitch of 3 in 12 or greater (see Section 3039, E. (M) 2 for the complete definition). As discussed above, with the use of creative measures including multiple breaks in roof planes and landscape elements to provide screening, visible portions of the proposed roof planes will not exceed the maximum allowance of 600 square feet. Achieving this standard within the confines of a multi-family building is another example of the care and attention to detail that went into the whole design of the Mesa Ridge project.

The proposed architectural package for the Tuscan 1 and Tuscan 2 buildings includes 2 roof planes in excess of 600 square feet in a two dimensional environment (one that is 1,076 square feet and one that is 1,307 square feet). The building C roof plan also includes 2 roof planes in excess of the 600 square feet (one that is 656 square feet and one that is 838 square feet). The project however, will use both landscape and architectural features to achieve the “visible” standard of 600 square feet.

Architecturally, the height of the proposed buildings was limited to 27.5 feet tall, as opposed to the allowable 30 feet tall, to compliment the surrounding neighborhoods. To minimize the roof bulk as called for in the Ordinance, the roof pitch has been increased to 5 in 12 (as opposed to 3 in 12 - vertical/horizontal) to help off-set the subject roof planes as called for in Section 3039 (M) 2. Next, multiple roof planes and varying roof elements break up the overall mass of the roofs. Also, a pitched roof element has been used on all four side elevations at the first floor, along with multiple jogs and off-sets, to break up the vertical mass of the walls and roofs to provide the appearance of “stepping” the units back. Additionally, the bell tower element is used to create a unique roof plane element which further enhances the visual interest of the units. Finally, the units on the north side of the project have been set back from the ridge line a minimum of 18 feet to further lessen their appearance to the areas below. Through the use of these multiple architectural

design techniques, the proposed multi-family structures meet the spirit and intent of the hillside architectural guidelines within the parameters required for a MP, multi-plex unit.

From a physical planning perspective, the “visible” portions of the roof planes will be greatly reduced by the use of landscape treatments, and also due to grade separation issues along Mesa Drive. The project will use a unique tree planting theme along the Mesa Drive frontage to capitalize on the overall landscape theme used throughout the site. The project will use an alternating plant palette of trees along the Mesa Drive Frontage that will utilize a canopy style street tree next to a columnar style tree and repeat this pattern along the Mesa Drive frontage. The canopy and columnar trees will be “backed” by tree plantings out of the right-of-way and adjacent to the units that will block almost all portions of the roof planes in question rendering them non “visible” after 5 years of growth to meet the 600 square foot visible requirement (see “Section Exhibit” attached) in accordance with Section 3039 B. 7. In order to ensure canopy coverage of all roof planes at 5 years, 7 of the trees at the eastern end of the project will be “up-sized” to 36-inch box at installation per the Landscape Concept Plan (see Sheet L-1 of the LCP and Section C-C of the Section Exhibit). In addition, buildings C-3, A-2, and B-1 which are located west of the main access drive generally have a pad elevation lower than the street grade (-9 feet to -3 feet) and buildings A-14, B-17 and A-18 located to the east of the main entry have pad elevations higher than street grade (+3 feet to +9 feet). This undulating street scene, the curve of Mesa Drive and the street tree plantings will all serve to reduce the “visible” roof plane areas along Mesa Drive to acceptable levels.

To illustrate this, a series of cross sections has been prepared to demonstrate how these elements will come together within 5 years of project buildout (see Section Exhibit). The cross sections were cut through building C-3, building B-1 and building A-18 to show the most moderate at grade view (building B-1) and the most extreme cases of below grade and above grade (building C-3 and building A-18). In each of these cases it’s clear to see that the tree canopies and/or columnar spires will block the visible roof plane areas to persons walking or driving adjacent to the project to the point of acceptability. The architectural details, roof planes, general building designs, various setbacks, and extensive landscaping all serve to minimize the bulk of the units and roof tops visible from public streets as required by the Ordinance.

**Exception to Hillside Criteria - Grading Quantity:**

The total amount of earthwork grading for the project is 728,000 cy which includes all of the remedial grading buttress fill and slope “lay back” required to make the site’s geologic conditions stable for the long term. The total amount of hillside grading (which includes all of the remedial grading) for the project, measured in cubic yards per graded acre (cy/ac), is 51,270 cy/ac based on 14.2 acres of grading. This total includes the large buttress on the northern property boundary and slope “lay back” required to stabilize the geologic conditions and other remedial earthwork. This amount of grading exceeds the Hillside Development Guidelines maximum amount of grading of 7,500 cy/ac. The Additional Development Regulation (Q)1 of the Hillside Guidelines, however, provides for an Exception to this maximum grading quantity when adverse geologic conditions exist on a site that must be remediated to make it suitable for development.

The reason for the excess grading proposed for the project is the adverse geologic conditions of the site. This site is known historically to have had subsurface and surficial geotechnical issues and the adverse geologic conditions have been documented and evaluated in the projects Geotechnical Evaluation Report. When the remedial earthwork is removed from the overall grading quantity, the amount of grading actually required for the project is 7,025 cy/ac (99,750 cy/14.2 ac) which is below the allowable limit of 7,500 cy/ac. As such, the project meets the intent and requirements of Section 3039, Hillside Development Regulation, Additional Development Regulation (Q)1, due to existing adverse geologic conditions. The proposed grading is allowed under the provisions of the Ordinance.

**Exception to Hillside Criteria - Manufactured Slope Height & Length:**

The project as proposed exceeds Hillside Development Provision 3039, E, (J), because it has manufactured slopes higher than 30 feet and greater than 400 feet in length. An exception to this criteria, however, is allowed through Section 3039, E, (J), of the Zoning Ordinance which reads:

*“...no manufactured slope shall exceed 30 feet in height, nor shall it exceed 400 feet in length unless the Planning Commission determines that no feasible alternative exists”.*

This project meets this criteria due to the site’s existing configuration and known adverse geologic conditions. The hillside condition of the project is actually a small segment of a much larger hillside feature that extends from Foussat Road on the west to El Camino Real on the east (between 2,500 lineal feet to 3,500 lineal feet depending on how it is measured). The proposed slope area will repair and replace a segment of this overall feature that is already greater than 30 feet in height and 400 feet in length and, therefore, it has to result in a manufactured slope that is greater than 30 feet in height and 400 feet in length. As discussed earlier, the extensive grading and slope repair and replacement has to be done to the site before it can be stabilized for the long term.

Currently, the large slope areas of the northeastern perimeter of the site consist of a variety of manufactured slopes, open areas and areas affected by previous surficial slope failures. The project will be required to remove and re-compact a significant portion of this slope area prior to construction. The “new” slope will be a stabilized manufactured slope that will simulate the existing slope in terms of height and length (340 feet high, and approximately 1,300 lineal feet in length). Although these dimensions technically exceed the criteria, they do approximate the existing condition of the site which is consistent with following “*the natural topographic contours as much as possible*” in the Hillside Development Provisions. In addition, the eastern most portion of the proposed slopes will be “laid back” to 2.6:1 (as opposed to 2:1) to contour the slope and soften its appearance while lessening the overburden in this area for safety purposes. A large buttress fill will be installed under the repaired slope along the site’s northern property boundary to provide the slopes above, and the local area in general, with the required stability factor for safety purposes. This manufactured hillside will be much more stable and safer for the units above it and below it than the existing condition.

In the context of the area wide hillside condition, the project design does retain a significant amount of the natural terrain’s appearance and also provides varying slope configurations (contouring)

where grading is required to take place. The approximately 1,000 lineal feet of natural slope conditions being preserved on site adjacent to Foussat Road vary significantly until they transition into the new 2:1 slope on-site. This 2:1 slope then extends easterly for approximately 800 lineal feet where it transitions into a new 2.6:1 slope. From here, the 2.6:1 slope extends approximately 400 lineal feet to the east where it transitions back into the existing hillside.

The proposed grading accomplishes contouring within the context of the project site and the entire hillside area which is the intent of the Hillside Ordinance. In addition, it allows for the “clustering of units” in such a way as to preserve the vast majority of the hillside features, and it allows for a larger contiguous open space preserve area (lot A and lot B) on-site with a logical wildlife migratory corridor into off-site open space areas. The proposed grading pattern is generally consistent with the existing conditions of the site, is necessary for the remediation of existing adverse geologic conditions and, therefore, meets the criteria for the exception.

## **SUMMARY**

The Mesa Ridge project is a very well planned, lower density community that will provide a market rate entry level home ownership opportunity within the City of Oceanside. The superior multi-family project is backed by a proven product while optimizing environmental sensitivity through a practical physical design. The project will result in a greater amount of designated open space than previously approved, it will remedy existing unstable slope conditions, it will enhance the site’s habitat viability within the context of the City’s MHCP Sub Area Plan, and there will be no impacts to rare or endangered species. In addition, the project will install a significant amount of new CSS habitat that will enhance the City’s Wildlife Corridor Planning Zone. The homes and recreational amenities have been sited to minimize impacts and to maximize open space and that will result in a superior living environment for the residents and a superior new community for the City. The project meets all of the goals, intents and objectives of the City’s General Plan and Zoning Ordinance.

## **JUSTIFICATION**

### **Highlights:**

- The proposed project is a well thought out physical design that results in a superior community that minimizes impacts and maximizes open space. It was designed to be sensitive to the existing site conditions and “fits” within the logical development footprint of the site and the surrounding neighborhoods.
- No impacts to rare or endangered species will result from this project, it exceeds the requirement for preservation established in the City’s Draft MHCP Sub Area Plan and it results in more permanent open space than is currently shown on the General Plan Map.
- The project will install a significant amount of new CSS to enhance the WCPZ.

- The project is well within the allowable density range for the site with amenities and open space far in excess of those required by the Zoning Ordinance, and the proposed number of units is less than was previously approved on the site.
- The proposed project will add a proven high quality, lower density, entry level home ownership opportunity to the City's housing stock which is currently lacking within the City, and the region as a whole.
- The size, quality, and variety of the community recreational amenities far exceeds the minimum City requirement for this use and will result in a superior living environment for the future residents.
- The project exceeds its parking requirement by providing double the covered parking space requirement in private, enclosed garages (with direct access to each unit) and more than double the guest parking space requirement which will help to make this a highly desirable community.
- The project will significantly improve a known, existing unstable slope condition that will result in a safer living environment for residents in and around this new community.

## **REQUIRED FINDINGS**

### **PD - Planned Development:**

The City of Oceanside Zoning Ordinance stipulates that four specific findings must be made before a Planned Development PD designation can be adopted. This proposal meets those conditions as follows:

1. The proposed PD and Development Plan are consistent with the General Plan Land Use Element because the proposed product-type is allowed in the RM-A land use designation, the density is within the allowed density range and the use is compatible with the surrounding neighborhood because it is consistent with the City's General Plan designation for this area.
2. The PD plan will result in a superior land use design in this area of the City that is consistent with the density established for the site by the General Plan, it is the planning tool created by the City to implement the use of MP product within an RM-A zone, and it maintains consistency with the City's General Plan by being within the density range established for the site. The base district regulations in the Ordinance would not otherwise accommodate this permitted product-type so the PD is required and will result in a greater variety in design. The PD accommodates the individual lot ownerships required by the General Plan while maintaining the integrity of the product-type.
3. The deviations from the base district regulations are justified because the PD plan is the implementing tool for this product-type in the RM-A zone and for consistency with the General Plan, it results in a superior project design, an excess of preserved open space, an

excess amount of usable open space and recreational amenities, an excess amount of covered and guest parking, and it will provide for individual “lot” ownership for consistency with the General Plan.

4. The PD Plan and the Development Plan have included adequate provisions for utilities, services, and emergency vehicle access by designing those into the project and the public service demands will not exceed the capacity of existing and planned services because the PD is consistent with the City’s Zoning Code and General Plan.

**Hillside Development Plan:**

The City of Oceanside Zoning Ordinance stipulates that the five specific findings of Article 43 must be made and the project must meet the 3 criteria established by Section 3039 H, 3. A. B. and C. before a Hillside Development Plan can be adopted. This proposal meets all of these conditions as follows:

1. The site plan and physical design of the proposed project is consistent with the purposes of the Zoning Ordinance because it meets the intent of the development regulations and design standards over the entire site, it does not require a variance from those regulations and it provides amenities far in excess of those required.
2. The Development Plan as proposed conforms to the City’s General Plan because the proposed residential product-type and density are consistent with the Land Use Element requirements established for the site.
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 said provisions have been successfully incorporated into the proposed design.
4. The proposed development is compatible with existing surrounding land uses because the site is proposed to be developed under the regulations the City previously established for the site and the proposed unit count is less than previously approved on the site, and is well within the allowable range of densities established for the site by the General Plan.
5. The site plan and physical design of the proposed project is consistent with Section 1.24 and 1.25 of the General Plan Land Use Element because it was designed to be sensitive to the existing topographic and habitat constraints of the site and it results in maximum avoidance and minimum impacts.
  - A. The project conforms to the General Plan because it proposes a use and a unit-type consistent with the “Residential Unit Type/Residential Land Use Designation Consistency Matrix” (Section 2.34.A), it is within the allowable density range established by the General Plan, and it provides a high quality building design, amenities, and open space far in excess of those required.

- B. The project complies with the land-use and development regulations of the base zoning district, it complies with the Hillside Development Provisions by clustering units and utilizing creative design techniques to minimize visible bulk, the project meets the requirements established for the specific exceptions requested, and no Variances are required.
- C. The project can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities because said provisions have been successfully incorporated into the proposed design.

**Conditional Use Permit - Exceeding Base Density:**

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. This proposal meets those conditions as follows:

1. The proposed location of the Mesa Ridge project is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the district because it is a medium density residential project on property designated for medium density residential development by the General Plan and Zoning Ordinance. The project will construct infrastructure improvements far beyond its scope to the benefit of the City of Oceanside, the general public, the local community and to future residents of the area. It provides a superior design that will result in a more stable geotechnical situation for the surrounding areas and infrastructure improvements. The project also provides superior architecture and amenities far in excess of those required and it will result in a much larger open space preserve than required by the Draft MHCP Sub Area Plan that will also have excellent connectivity to adjacent open space areas.
2. The proposed density is within the range of densities deemed appropriate for the site by the General Plan. As proposed, the preserved open space area, recreational amenities and parking supply far exceed the required amounts established by the Draft MHCP Sub Area Plan and the Zoning Ordinance and, therefore, will not be detrimental to the public health, safety and welfare. The project will also remediate a known, existing, geotechnical problem that could otherwise damage surrounding properties and infrastructure improvements if left in its current state which also serves the interest of the public health, safety and welfare. This development is consistent with the surrounding neighborhood because it is consistent with the General Plan Land Use designation for the site, it incorporates environmentally sensitive design, with open space and recreational amenities far in excess of those required.
3. The proposed project complies with the Zoning Ordinance because the proposed use is consistent with the base district regulations and does not need any variances. The project has a superior, well thought out physical design that results in environmental sensitivity and preservation, a superior package of recreational amenities and a very livable community.

Your favorable consideration is appreciated.

## APPENDIX A

### Mesa Ridge - Planned Development District - Development Standards

This Planned Development Text (PD Text) shall only apply to the 23.80 acres known as the Mesa Ridge Planned Development in the City of Oceanside (Assessor's Parcel Number 146-161-(1-59) & 146-162-(1-17)). The property has two designations in the Oceanside General Plan Land Use Element as Residential Medium Density A (MDA-R, 6.0 du/ac - 9.9 du/ac) and Open Space (OS). No change is proposed to the General Plan Land Use Designations. The entire site is Zoned RM-A, Medium Density Residential-A. This PD Text proposes to change the Zoning Classification only, to "PD" over the entire site.

The purpose of the Mesa Ridge PD Text is to allow for the development of Multi-Plex (MP) Units within the RM-A Land Use Designation in accordance with the General Plan Land Use Element. The Land Use Element allows for the development of MP structures within the RM-A Designation (per the "Residential Unit Type/Residential Land Use Designation Consistency Matrix"). By definition however, each MP unit must be "constructed on a legally subdivided lot and attached to at least one other unit along a common property line". This PD Text establishes new lot size and set back standards to accommodate the MP product type.

- **Unit Type Regulations:**

The residential unit type shall be Multi-Plex (MP) structures as defined in Section 2.34, Residential Unit Types, of the General Plan Land Use Element. These structures are defined as: A structure consisting of three or more dwelling units attached by common walls. Each unit is constructed on a legally subdivided lot and attached to one or more companion units on a common property line or lines. The Mesa Ridge project will meet this criteria through the use of a "modular condominium" process with the California Department of Real Estate that creates a separate ownership interest in real estate (i.e. "lot").

- **Lot Size:**

Minimum Lot Size - 950 Square Feet (or as shown on Tentative Map, whichever is less).

- **Set Backs:**

Residential Units are allowed to utilize a zero lot line setback along common property lines. Units adjacent to Mesa Drive and other perimeter lot lines shall meet the setbacks established in Section 1050 of the Zoning Ordinance.

- **Other Development Regulations:**

If a regulation is not specifically listed above, then the Regulations contained in Article 10 and Article 30 of the Zoning Ordinance for the appropriate base district shall apply.