

STAFF REPORT



ITEM NO. 16
CITY OF OCEANSIDE

DATE: November 12, 2008

TO: Honorable Mayor and Members of the City Council

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.**

SYNOPSIS

The item under consideration is a Call for Review by Councilmember Sanchez of the Planning Commission's decision on Tentative Map (T-3-05), Development Plan (D-5-05), Conditional Use Permit (C-11-06), and Zone Amendment (ZA-2-05). The aforementioned entitlements were considered and approved by the Commission and the Environmental Impact Report was certified on September 8, 2008. The proposed project includes 68 townhomes on a 23.8-acre site located at the northeastern corner of Mesa Drive and Foussat Road. Staff is recommending that following the review, the City Council confirm the Planning Commission approval of the project and EIR, introduce the ordinance, and adopt the resolutions.

BACKGROUND

The 23.8-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 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 as shown on the attached General Plan and Zone maps with the project overlay. 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.

The Planning Commission held a public hearing on the project on September 8, 2008. The Commission approved the development proposal with a 5-to-2 vote. Following the hearing and prior to the end of the appeal period, the project was called for review by Councilmember Sanchez. The stated reasons for the appeal are potential land use compatibility and density issues, as well as geology, traffic, and biology issues. This report identifies and addresses the issues raised by the call for review.

Project Description: The 68-unit Mesa Ridge project is proposed on 23.8 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 the “undevelopable land” within that 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 is 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 Mesa Drive. The westernmost access point will accommodate full turning movements into and out of the project. The easternmost 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. These areas will be protected by a conservation easement. 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 (Sq. Ft.)	No. of Bedrooms/Bath	Garage	# of DU
1.1	1,444.5	3/2.5	2 covered	16
1.1a	1,444.5	3/2.5	2 covered	16
1b	1,365	3/2.5	2 covered	2
2.1	1,537	3/2.5	2 covered	4
3.1	1,553	3/2.5	2 covered	15
3.1a	1,553	3/2.5	2 covered	15
TOTAL				68

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. The Zoning Ordinance also allows for multifamily 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 setback 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:

Off-Street Parking	Covered (per unit)	Uncovered (per unit)	Guest	Total
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 on page 7.

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 site’s geotechnical issues (large landslide), slope conditions, and the demands of a townhome 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 multifamily 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 planes 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 easternmost 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 stability to 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 safe for the proposed units above it and existing homes 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 percent slopes, greater than 25 feet high).

KEY PLANNING ISSUES

Environmental Impact Report: Areas of potential concern such as visual quality, noise and biological impacts have been addressed through appropriate site design and clustering on buildable portions of the site. The following are key environmental issues analyzed in the project EIR and also address the concerns raised in the "Call for Review" from Councilmember Sanchez:

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 intersection – El Camino Real and Mesa Drive. The project will be required to make a fair-share contribution of approximately \$17,000 to future improvements at this intersection. 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. All traffic impacts have been mitigated to below a level of significance and as stated above, the applicant has agreed to a stop sign improvement that is beyond improvements required under CEQA.

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 yards per acre. This amount of grading exceeds the Hillside Development Guidelines maximum of 7,500 cu yards 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 yards 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 feet 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 townhome roof structures will exceed 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 Zoning Ordinance also allows for multifamily 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. 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 project's 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 footprint 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. This slope stability work will protect the existing City improvements of Mesa Drive and Foussat Road, such as the water, sewer and storm drain facilities within those roadways (as well as other utilities not owned by the City).

The project will construct an all-way stop and the cost will be borne entirely by the project to help improve left-turn movements in at this intersection even though this improvement was not warranted by the traffic analysis. Other physical improvements the project will provide include a new sidewalk on Mesa Drive.

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

As this is a townhome 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 applicant's 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 four side elevations, exclusive private-use courtyards for all units, the use of 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 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 westernmost 9.6-acre area of the site to remain natural contains the site's 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 multifamily units further east on Mesa Drive and is of comparable size to some single-family residences to the north.

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 provide market rate, entry level, home-ownership opportunities within the City.

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.

Compliance with these requirements will ensure a high quality project that will be compatible with surrounding residential developments and open space in the project 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. In conclusion, the proposed project will comply with the goals of the City's Subarea Plan and will be a valuable addition to the Wildlife Corridor Planning Zone through revegetation of coastal sage scrub and preservation of non-native grassland, including a significant brodiaea population onsite.

Geology: A geotechnical evaluation of the site was prepared by Geosoils, Inc., in 2004; updated analyses were completed in 2005 and 2006. 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. The project's geologic mitigation measures (buttressing and stabilization of slopes) will mitigate this situation and ensure that the project's proposed 68 townhomes will be stable and will meet current standards.

The EIR concluded that no significant impacts to the site or surrounding properties will occur once the site is developed and all mitigation measures are implemented. Surrounding properties will not be impacted by these improvements and stabilization of the slope will improve geologic stability in the area, but will not stabilize all slope areas outside the developed portion of the project site.

Conclusion: As mentioned above, the underlying land use and zoning for the site is Medium Density Residential and Open Space. The proposed project is staying well within the areas designated for development and is in compliance with all regulations

except for two minor exceptions that would not adversely affect or exacerbate any of the issues raised in the “Call for Review” – geology, traffic, land use compatibility, and biology. The site will be heavily landscaped along Mesa Drive. 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. From a geologic standpoint, the site will be made safe for the proposed development and will increase stability of a large portion of the north-facing slopes on the property. Therefore, the Planning Commission and staff find that the project will not adversely affect the quality of life of immediately surrounding residences and neighborhoods and will contribute positively to open space preservation in the area.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

The Planning Commission reviewed the project on September 8, 2008. After hearing considerable public testimony from residents and the applicant, the Commission certified the Environmental Impact Report (EIR) and approved the project by a 7-0 vote. Commissioners indicated that the project site is physically suitable for the proposed development and land use; and that the project met applicable development standards.

CITY ATTORNEY’S ANALYSIS

In accordance with section 4605 of the Zoning Ordinance, the City Council is authorized to hold a public hearing on this Zone Amendment. On the appeal of the project and certification of the EIR, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision approving the project by the Planning Commission. The City Council shall review the record of the decision and hear testimony from staff, the applicant, and/or any interested parties. After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission’s decision as to each of the appeal items. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

The referenced documents have been reviewed by the City Attorney and approved as to form.

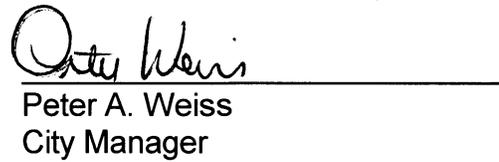
RECOMMENDATION

The item under consideration is a Call for Review by Councilmember Sanchez of the Planning Commission's decision on Tentative Map (T-3-05), Development Plan (D-5-05), Conditional Use Permit (C-11-06), and Zone Amendment (ZA-2-05). The aforementioned entitlements were considered and approved by the Commission and the Environmental Impact Report was certified on September 8, 2008. The proposed project includes 68 townhomes on a 23.8-acre site located at the northeastern corner of Mesa Drive and Foussat Road. Staff recommends that following the review, the City Council confirm the Planning Commission approval of the project and EIR, introduce the ordinance, and adopt the resolutions.

PREPARED BY


Jerry Hittleman
City Planner

SUBMITTED BY


Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs Lawrence, Deputy City Manager
George Buell, Development Services Director



ATTACHMENTS:

1. Area Map, Site Plan, Elevations, Architectural Guidelines
2. City Council Ordinance
3. City Council Resolution certifying the FEIR
4. City Council Resolution for Approval of Project
5. Planning Commission Resolutions No. 2008-P54 and 2008-P55
6. Planning Commission Staff Report dated September 8, 2006
7. Call For Review
8. Final Environmental Impact Report (distributed separately)

TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE FOR CONDOMINIUM PURPOSES

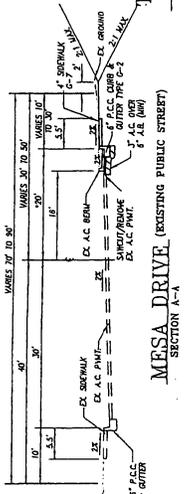
PROJECT DATA

TOTAL AREA: 21.80 ACRES
 EXISTING GENERAL PLAN AREA: 12.00 ACRES
 UNDEVELOPABLE AREA: 2.00 ACRES
 NET DEVELOPABLE AREA: 10.76 ACRES
 NUMBER OF LOTS: 146
 ASSessor'S PARCEL NO.: 146-161-160 & 146-162-117
 BUILDING COVERAGE (UNITS ONLY): 66,840 SF = 14.8% OF NET DEVELOPABLE AREA
 FLOOR AREA: 67,516 SF = 14.8% OF NET DEVELOPABLE AREA

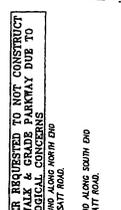
GENERAL NOTES:

LEGAL DESCRIPTION: LOT 1, LOTS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

TYPICAL SECTIONS



TYPICAL BUILDING FOOT PRINTS

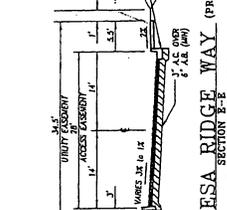
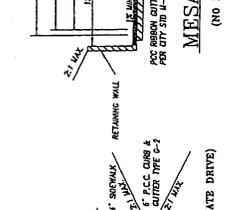
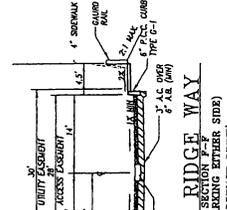
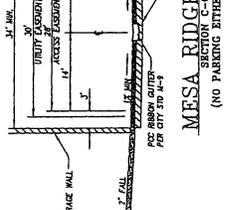
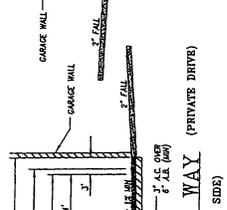
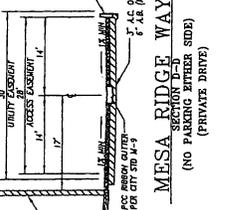
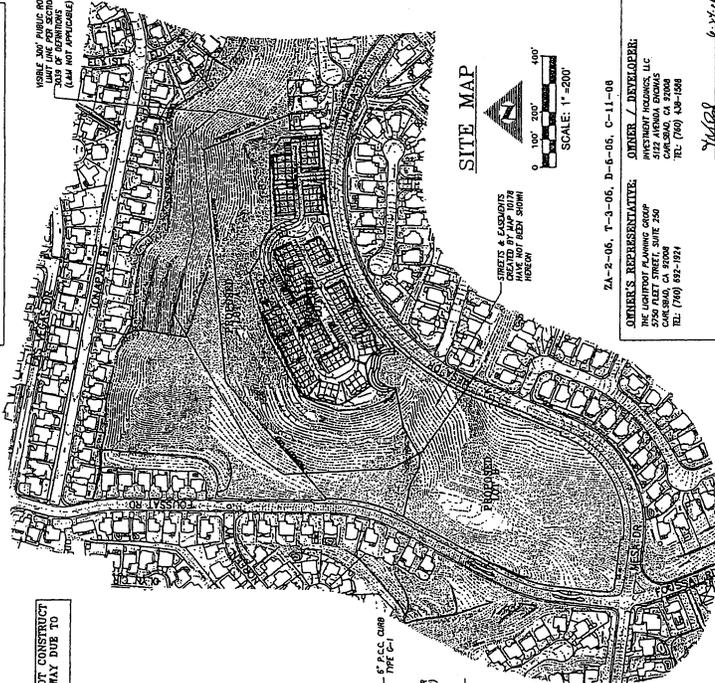
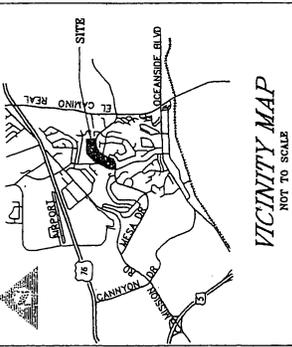


BUILDING TYPE LEGEND

- A 4 PLEX - TUSCAN 1
- B 4 PLEX - TUSCAN 2 (CLOSED BALCONY)
- C 2 PLEX - TUSCAN (CLOSED BALCONY)

LEGEND:

3-PLEX	4-PLEX
21 22 23	64 65 66 67
24 25 26	68 69 70 71
72 73 74	75 76 77 78
79 80 81	82 83 84 85
86 87 88	89 90 91 92
93 94 95	96 97 98 99
100 101 102	103 104 105 106
107 108 109	110 111 112 113
114 115 116	117 118 119 120
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331 332 333	334 335 336 337
338 339 340	341 342 343 344
345 346 347	348 349 350 351
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709 710 711	712 713 714 715
716 717 718	719 720 721 722
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744 745 746	747 748 749 750
751 752 753	754 755 756 757
758 759 760	761 762 763 764
765 766 767	768 769 770 771
772 773 774	775 776 777 778
779 780 781	782 783 784 785
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863 864 865	866 867 868 869
870 871 872	873 874 875 876
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996 997 998	999 1000 1001 1002



NOTE: ALL PROPOSED SEWERS & WATER SYSTEMS WITHIN PROJECT ARE PUBLIC & TO BE MAINTAINED BY THE CITY OF OCEANSIDE. THE EXISTING 64" DIA. WASTEWATER SEWER CONNECTION TO THE MESA DRIVE SEWER WILL NOT BE ALLOWED UNTIL THE FUTURE MESA/GARRISON UPGRADE IS OPERATIONAL.

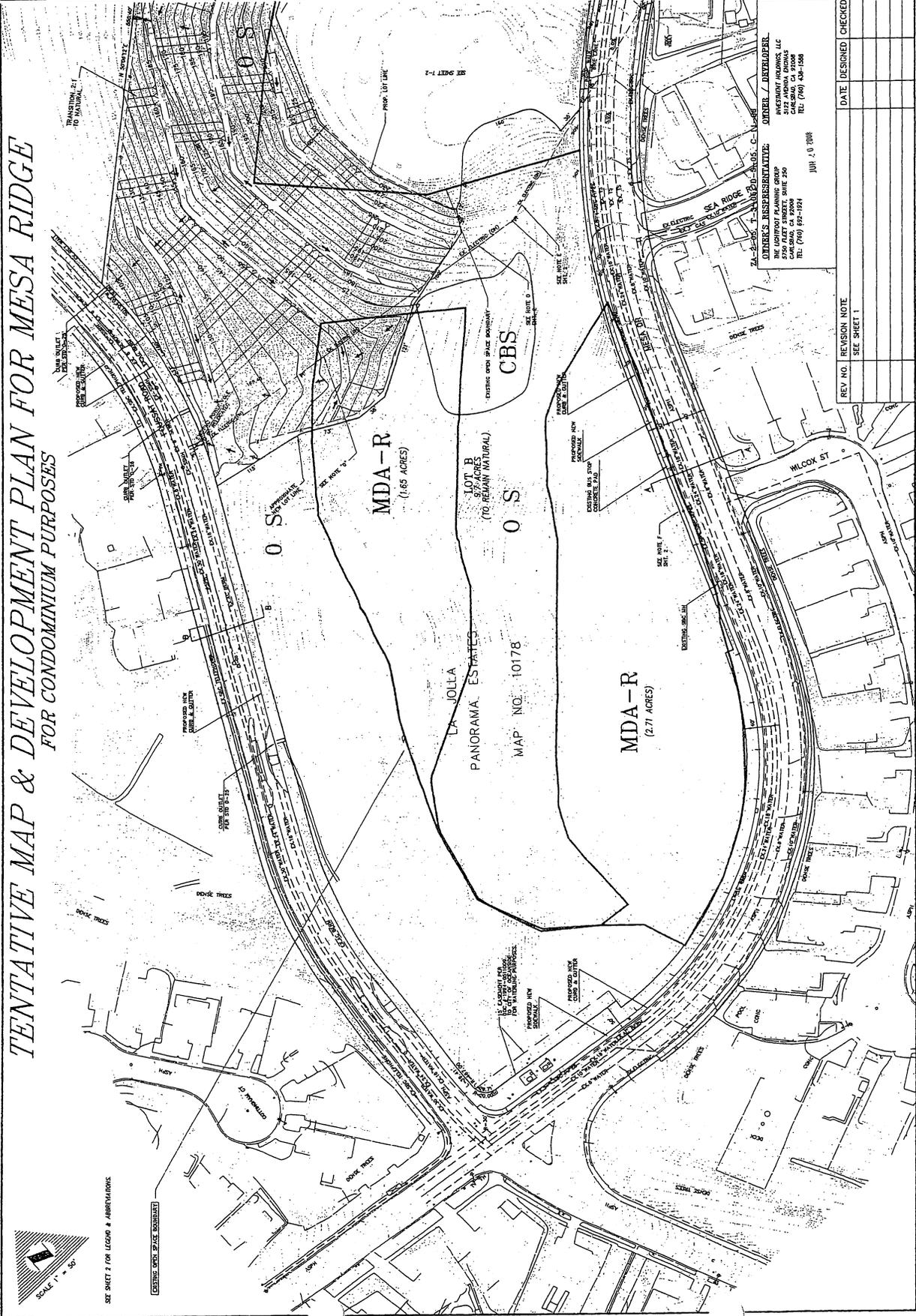
NOTE: THE CITY OF OCEANSIDE HAS REVIEWED THIS TENTATIVE MAP AND DEVELOPMENT PLAN AND HAS DETERMINED THAT THE PROJECT IS IN ACCORDANCE WITH THE CITY'S GENERAL PLAN AND ZONING ORDINANCES. THE CITY'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE MAP AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY

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

REYNOLDS CIVIL ENGINEERING
 477 LEWINGTON CIRCLE
 OCEANSIDE, CA 92057
 TELEPHONE (760) 529-9611 FAX (760) 231-7615
 CHANGES & REVISIONS
 DATE: 9-30-09
 R.C.E. NO. D-18224 EX. 9-30-2009

MESA RIDGE TENTATIVE MAP
 AGENCY APPROVED PROJECT
 PROPOSED LOT B

DATE: JUNE 20, 2008	SCALE: 1" = 50'
CAD FILE: [blank]	DESIGNED/ISSUED BY: [blank]
SHEET: 7 OF 10 SHEETS	7-8



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

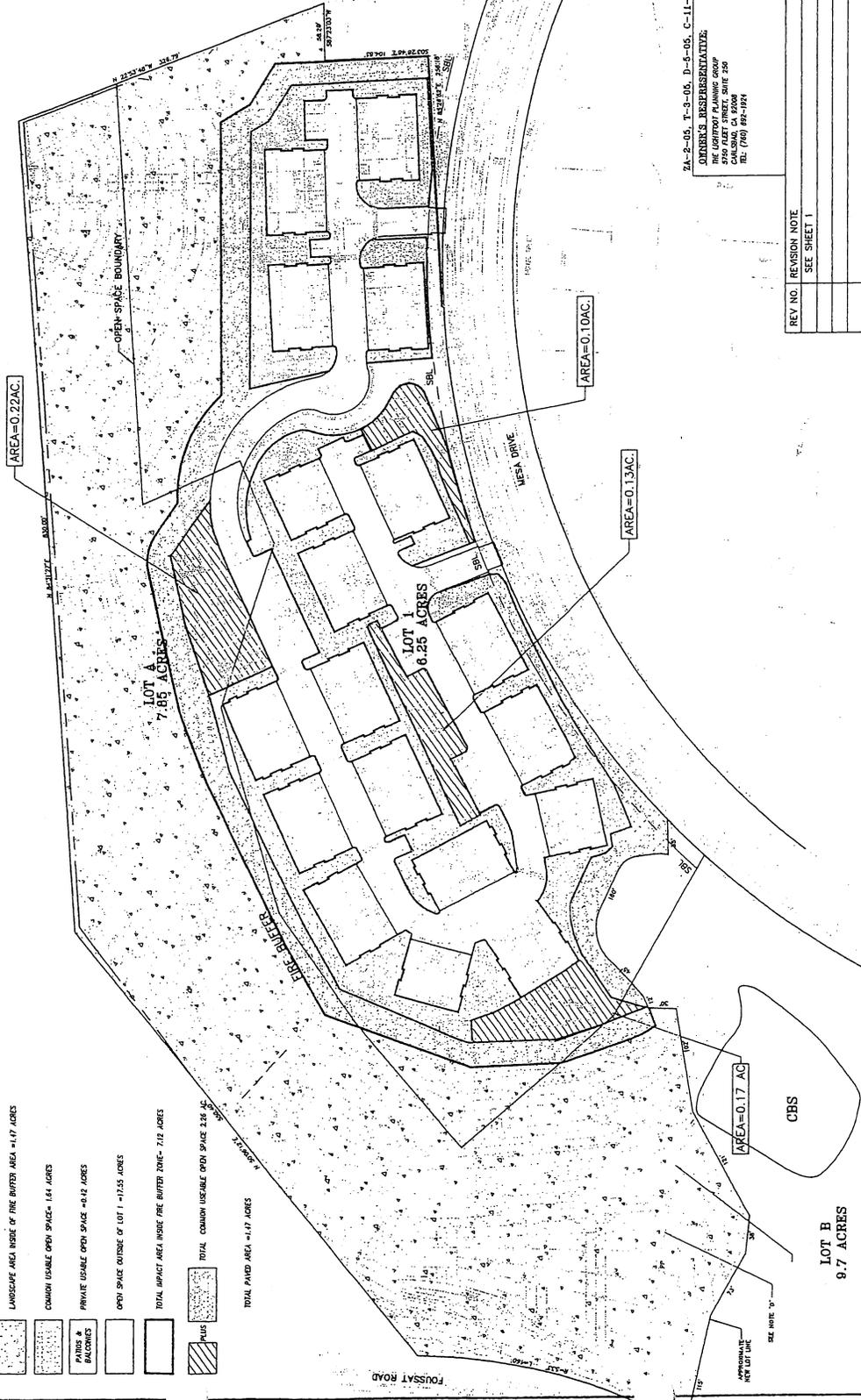
JORDEN / DEVELOPER
 JORDEN DEVELOPMENT, LLC
 5750 ALLEY STREET, SUITE 200
 CARLSBAD, CA 92008
 TEL: (760) 438-1558

JUN 10, 2008

TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE FOR CONDOMINIUM PURPOSES



- LEGEND:**
- COMMON RECREATIONAL AREA = 0.82 ACRES
 - MANUFACTURED OPEN SPACE AREA = 6.51 ACRES
 - LANDSCAPE AREA INSIDE OF FIRE BUFFER AREA = 1.17 ACRES
 - COMMON USABLE OPEN SPACES = 1.64 ACRES
 - PRIVATE USABLE OPEN SPACE = 0.12 ACRES
 - OPEN SPACE OUTSIDE OF LOT 1 = 17.55 ACRES
 - TOTAL IMPACT AREA INSIDE FIRE BUFFER ZONE = 7.12 ACRES
 - TOTAL COMMON USABLE OPEN SPACE 2.38 AC
 - PAVED
 - TOTAL PAVED AREA = 14.7 ACRES



2A-2-05, T-8-05, D-5-05, C-11-06
 OWNER'S REPRESENTATIVE:
 THE LIGHT FOOT PLANNING GROUP
 5750 ALBERT STREET, SUITE 200
 OAKLAND, CA 94618
 TEL: (916) 934-1921

OWNER / DEVELOPER:
 MESA RIDGE CONDOMINIUMS, LLC
 5122 ADELPHI DRIVE
 CARLSBAD, CA 92008
 TEL: (760) 439-1906

DATE: JUNE 20, 2008

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

REYNOLDS CIVIL ENGINEERING
 477 LEWINGTON CIRCLE
 OCEANSIDE, CA 92057
 TEL: (760) 523-9861 FAX: (760) 231-1915

REYNOLDS CIVIL ENGINEERING
 477 LEWINGTON CIRCLE
 OCEANSIDE, CA 92057
 TEL: (760) 523-9861 FAX: (760) 231-1915

DATE: JUNE 20, 2008

SCALE: 1" = 50'

DESIGNED BY: AR

SHEET 5 OF 10 SHEETS

MESA RIDGE TENTATIVE MAP
AGENCY APPROVED PROJECT
AREA USE EXHIBIT

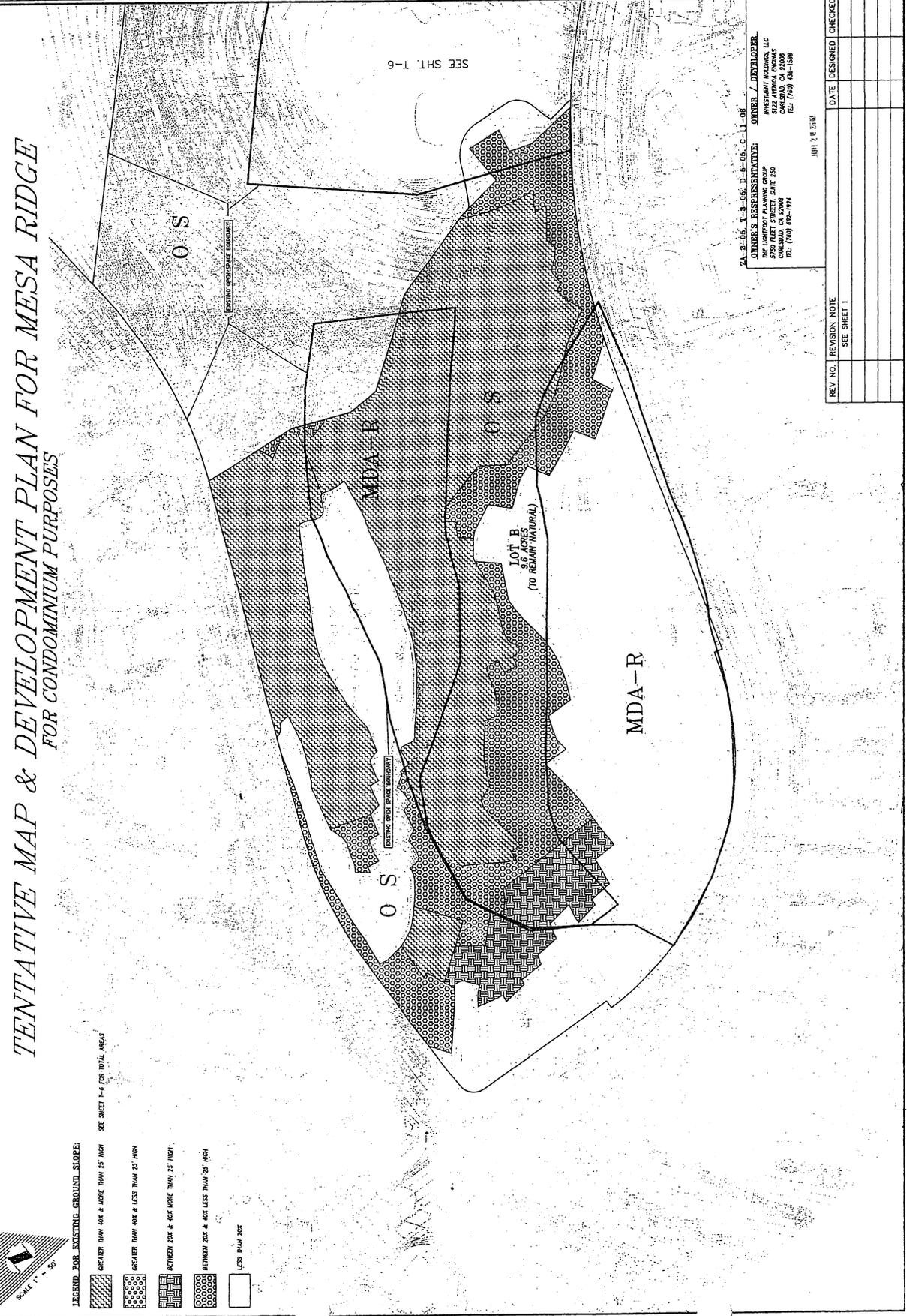
PROJECT NUMBER: 2008-001



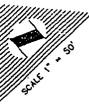
REYNOLDS CIVIL ENGINEERING
 477 EDINGTON CIRCLE
 OCEANSIDE, CA 92053
 TELEPHONE (760) 538-9651 FAX (760) 231-7615
 BR. CHARLES N. REYNOLDS
 R.C.E. No. C-19224 EX. 9-20-2008

MESA RIDGE TENTATIVE MAP
 AGENCY APPROVED PROJECT
 SLOPE ANALYSIS LOT B

DATE: JUNE 20, 2008
 SCALE: 1" = 50'
 CUB BY: JCE
 DESIGNED/DRAWN BY: JCE
 SHEET: T-2
 SHEET 1 OF 10 SHEETS



TENTATIVE MAP & DEVELOPMENT PLAN FOR MESA RIDGE
 FOR CONDOMINIUM PURPOSES

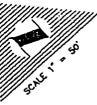


- LEGEND FOR EXISTING GROUND SLOPE:**
- GREATER THAN 40% & MORE THAN 25' HIGH
 - GREATER THAN 40% & LESS THAN 25' HIGH
 - BETWEEN 20% & 40% MORE THAN 25' HIGH
 - BETWEEN 20% & 40% LESS THAN 25' HIGH
 - LESS THAN 20%

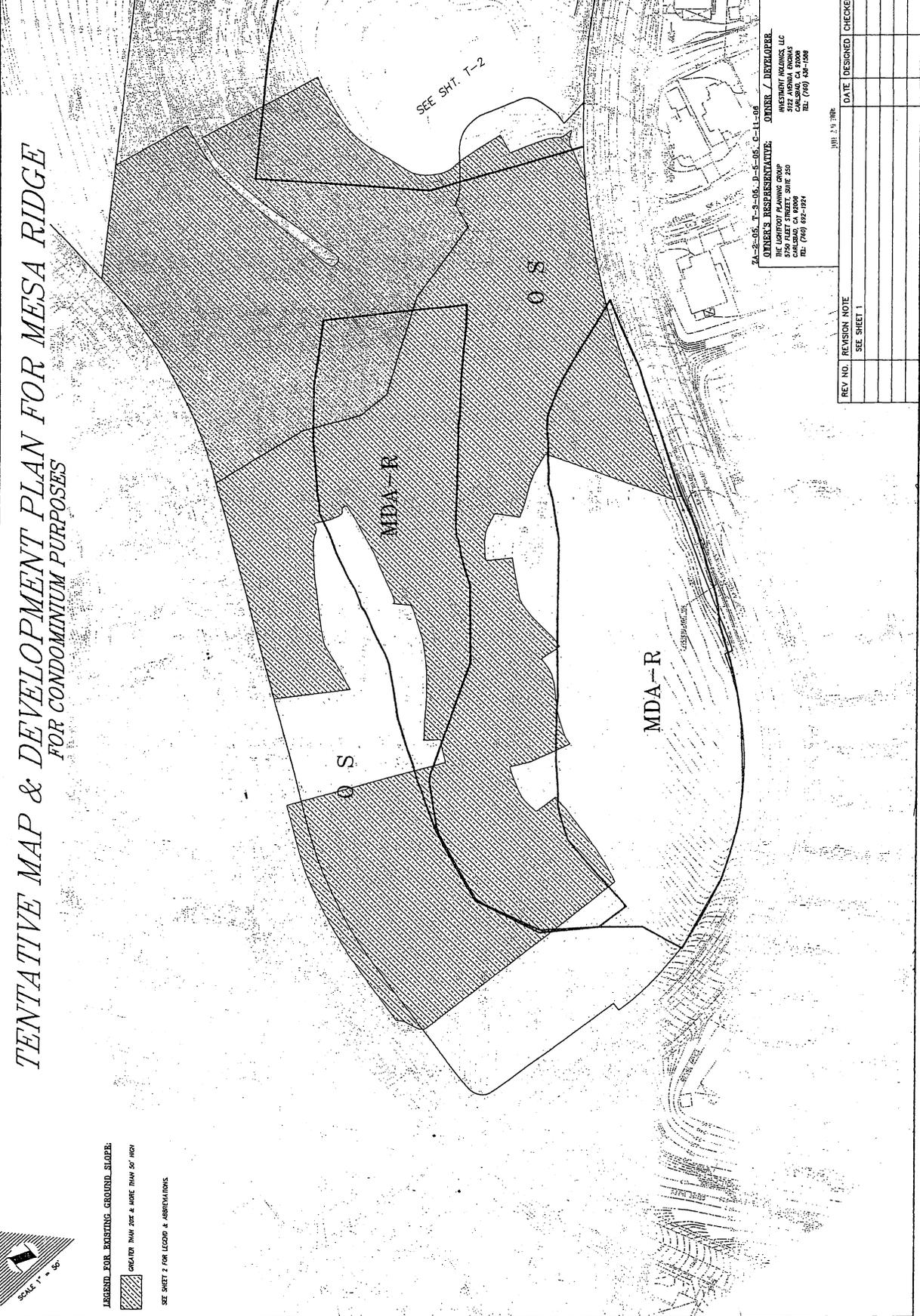
7A-2-045, T-2-05, D-1-05, C-1-08
 ORDER'S REPRESENTATIVE: ORDER / DEVELOPER
 INVESTMENT HOLDINGS, LLC
 2720 FLEET STREET, SUITE 250
 CARLSBAD, CA 92008
 TEL: (760) 434-1324
 FAX: (760) 434-1328
 JMH / J. J. JMH

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

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



LEGEND FOR EXISTING GROUND SLOPE:
 GREATER THAN 20% & MORE THAN 50' HIGH
 SEE SHEET 2 FOR LEGEND & ABBREVIATIONS



REYNOLDS CIVIL ENGINEERING
 477 LENOXTON CIRCLE
 OCEANSIDE, CA 92037
 TELEPHONE (760) 529-9881 FAX (760) 231-7815

CHARLES A. REYNOLDS
 R.C.E. NO. C-19224 EX. 9-30-2009

THE STATE OF CALIFORNIA
 DEPARTMENT OF CONSUMER AFFAIRS
 REGISTRATION NO. 012224 EX. 9-30-09

MESA RIDGE TENTATIVE MAP
 AGENCY APPROVED PROJECT
 LOT B
 SLOPE 20% GREATER THAN 50 FEET

OWNER / DEVELOPER:
 INVESTMENT ARCHITECTS, LLC
 3125 AVENUE ENRIQUES
 SUITE 200
 OCEANSIDE, CA 92057
 TEL: (760) 438-1200

OWNER'S REPRESENTATIVE:
 THE LANDFORD PLANNING GROUP
 2340 1ST STREET, SUITE 250
 OCEANSIDE, CA 92057
 TEL: (760) 832-1824

DATE: JUNE 02, 2008
 SCALE: 1" = 50'
 DRAWN BY: RCE
 CHECKED BY: AR

6-7-1
 SHEET 6 OF 10 SHEETS

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

SHEET INDEX

REFER TO CONCEPTUAL PLANT PALETTE LEGEND SHEET 1-3
 REFER TO GRADING PLANS &
 TENTATIVE MAP BY:
 REYNOLDS CIVIL ENGINEERING
 AND GEODESIC SURVEYING
 REFER TO BIOLOGICAL SURVEY
 AND TREATMENT TECHNOLOGICAL REPORTS
 REFER TO GEOTECHNICAL AND



POWER POLE SCALE: 1" = 40'-0"

DAYLIGHT LINE, LIMIT OF GRADING, EROSION CONTROL,
 SLOPE STABILIZATION, IRRIGATION & PLANTING
 PROTECTIVE BOUNDARIES PER BIOLOGICAL SURVEY REPORT
 REFER TO BIOLOGICAL SURVEY REPORT
 ALL PROXIMITY SHALL RETAIN PROTECTED IN PLACE
 EXISTING OPEN SPACE BOUNDARY
 EXISTING OVERHEAD POWER LINES

ORD & RODGERS HOMES
 MESA RIDGE
 OCEANSIDE, CALIFORNIA

THE LIGHTFOOT
 PLANNING
 GROUP
 PLANNING
 SITE DESIGN
 LANDSCAPE
 ARCHITECTURE
 1025 CENTREWAY DRIVE
 OCEANSIDE, CA 92054
 TEL: 760-434-1111

LANDSCAPE
 CONCEPT
 PLAN

Sheet # 200051

L-2



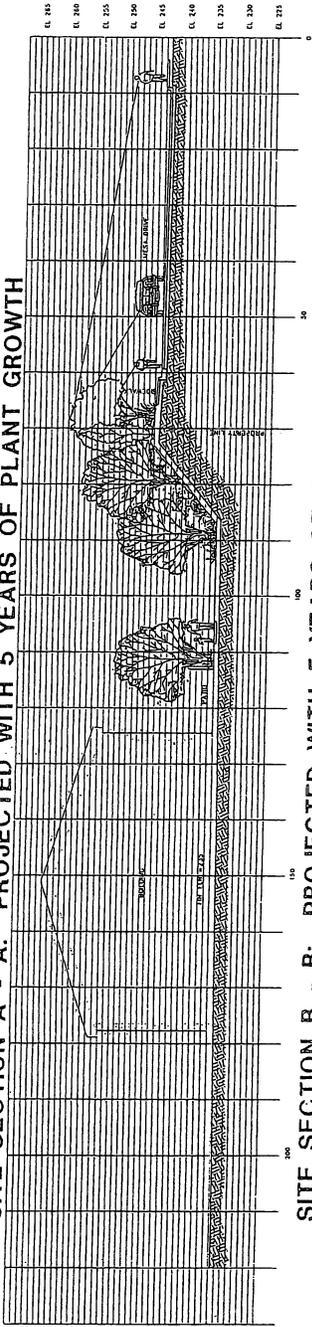
EASEMENT OF RECORD
 NOTE: 15' EASEMENT WITH 10' BUFFER
 NOTE: 15' EASEMENT WITH 10' BUFFER

25' BUFFER LINE
 50' FROM EDGE OF
 EXISTING OR
 PROPOSED IS CONSTRUCTION
 7-17-2008 APPROXIMATE
 200 ACRES IN LOT 1
 A

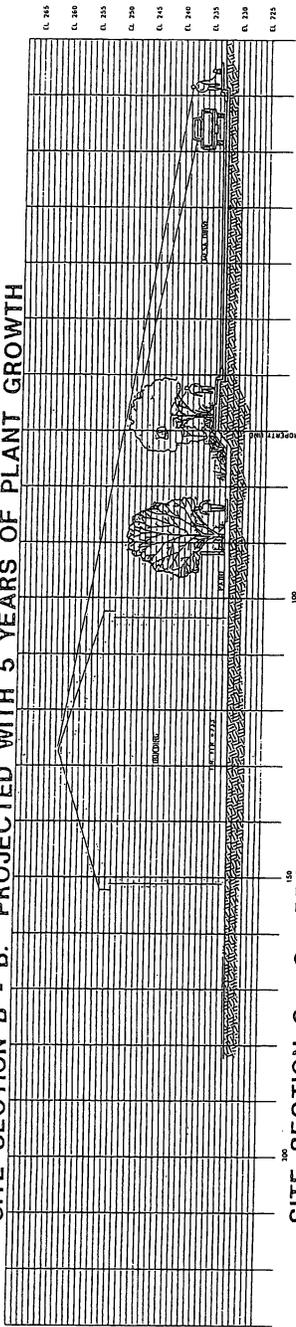
NATURAL OPEN SPACE
 NO DEVELOPMENT

EASEMENT INFORMATION
 SEE TENTATIVE MAP BY CIVIL ENGINEER
 FOR LOCATION

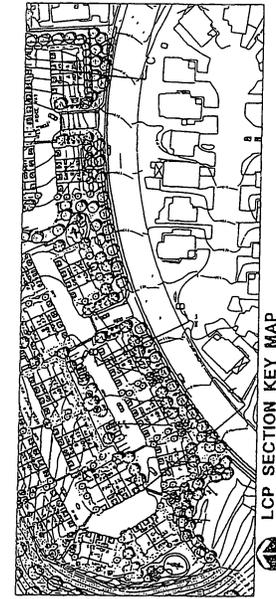
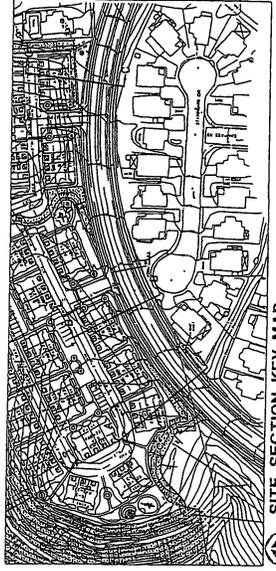
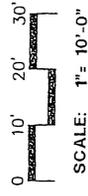
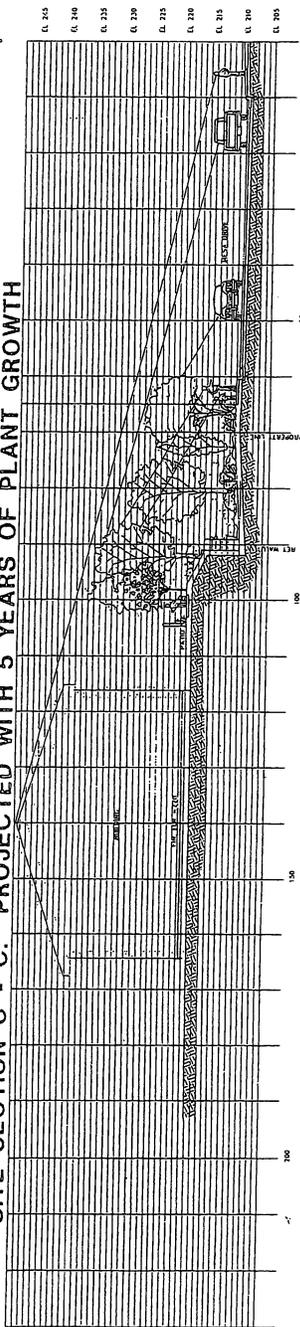
SITE SECTION A - A: PROJECTED WITH 5 YEARS OF PLANT GROWTH



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



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



THE LIGHTFOOT PLANNING GROUP
 PLANNING
 SITE DESIGN
 LANDSCAPE ARCHITECTURE
 5584 WEST ANNEBOURNE DR
 SUITE 100, WEST LAKE, CA 90904
 TEL: (310) 992-1935
 WWW.LIGHTFOOTPLANNING.COM

ORD & RODGERS HOMES
 MESA RIDGE
 OCEANSIDE, CALIFORNIA

Scale: 1" = 10'
 Date: 2/20/06
 Drawn By: KC
 Checked By: [blank]

298161 MESA RIDGE ORD & RODGERS
 SECTION EXHIBIT
 Job # 298161
 S

1 2. The Planned Development Plan is consistent with the Land Use Element of the
2 General Plan and other applicable policies and is compatible with the surrounding development.
3 The project will incorporate superior architecture to meet the General Plan Land Use Element
4 criteria for exceeding the base density of 6.0 dwelling units per acre (project density is 6.3
5 dwelling units per acre). A Tuscan architectural style and design theme was chosen and this
6 theme has been woven into all aspects of the project from architecture to landscape design.

7 3. The Planned Development Plan will enhance the potential for superior urban design
8 in comparison with the development under the base district regulations that would apply if they
9 were not approved. A number of passive and active recreation areas have been incorporated into
10 the project including a pool area and picnic areas that exceed the requirements of the base zoning
11 district. In addition more than 50 percent of the site, approximately 16.9 acres, will be preserved
12 as open space.

13 5. The Planned Development Plan includes adequate provisions for utilities, services,
14 and emergency vehicle access; and public service demands will not exceed the capacity of
15 existing and planned systems. The design of the subdivision and proposed improvements will not
16 cause substantial environmental damage or avoidable injury to wildlife habitat. Unstable slopes
17 on the site will be stabilized and will provide important protection to Foussat Road and public
18 utilities in that roadway.

19 6. The Planned Development Plan attached as Exhibit "B" will be implemented by the
20 approved Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and Development Plan (D-
21 5-05), as revised by conditions of approval, which is on file in the Planning Department.

22 WHEREAS, the City Planner has reviewed the proposed project for compliance with
23 the California Environmental Quality Act (CEQA) and prepared an environmental impact
24 report (EIR), in accordance with the California Environmental Quality Act (CEQA). Based
25 upon the results of the Initial Study, the City Planner determined that the project could result in
26 significant effects on the environment. However, revisions to the project made by or agreed to
27 by the applicant would avoid the effects or mitigate the effects to a point where clearly no
28 significant effects would occur; therefore, the City Planner prepared an EIR;

1 WHEREAS, the City Council did find that the EIR was prepared in accordance with
2 requirements of the California Environmental Quality Act (CEQA), the State CEQA
3 Guidelines, and the Environmental Review Procedures of the City of Oceanside, and the EIR
4 certified in Resolution No. _____;

5 NOW, THEREFORE, the City Council of the City of Oceanside DOES ORDAIN as
6 follows:

7 1. The Zone Amendment application ZA-2-05 for certain real property described in
8 Exhibit "A" and PD Plan Exhibit "B" attached hereto is hereby approved, and the City Planner is
9 directed to amend the appropriate Zoning Map to show the Zone Amendment.

10 2. This ordinance shall not be codified.

11 3. The City Clerk of the City of Oceanside is hereby directed to publish this ordinance
12 once within fifteen (15) days after its passage in the North County Times, a newspaper of general
13 circulation published in the City of Oceanside.

14 4. This ordinance shall take effect and be in force on the thirtieth (30th) day from and
15 after its final passage.

16 INTRODUCED at a regular meeting of the City Council of the City of Oceanside,
17 California held on the 12th, day of November 2008, and, thereafter,

18 PASSED, ADOPTED by the City Council of the City of Oceanside, California, this
19 _____ day of _____, 2008 by the following vote:

- 20 AYES:
21 NAYES:
22 ABSENT:
23 ABSTAIN:

24 _____
Mayor of the City of Oceanside

26 ATTEST:

APPROVED AS TO FORM:

27 _____
28 City Clerk

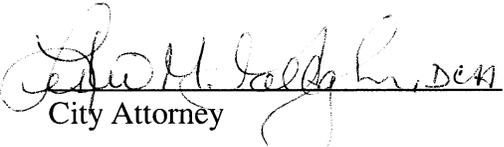

City Attorney

EXHIBIT A

MESA RIDGE

LEGAL DESCRIPTION

APN 146-161-(1-59) & 146-162-(1-17)

RECEIVED
MAR 16 2005
Planning Department

LOTS 1 TO 73 INCLUSIVE, LOTS A, B, C AND ALTA PANORAMA WAY, BAJA PANORAMA WAY, VISTA ISLE WAY OF LA JOLLA PANORAMA ESTATES, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE MAP THEREOF NO. 10178, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, AUGUST 8, 1981.

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.

1 2. There are certain significant environmental effects detailed in the Final Environmental
2 Impact Report and Mitigation and Monitoring and Reporting Program which have been
3 avoided or substantially lessened by the establishment of measures which are detailed in
4 Exhibit "A" Environmental Findings for the Mesa Ridge Project Environmental Impact
5 Report and Exhibit "B" Mitigation and Monitoring and Reporting Program.

6 3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting
7 Program were presented to the City Council, and the City Council reviewed and
8 considered the information contained in these documents prior to making a decision on
9 the project. The Final Environmental Impact Report and Mitigation and Monitoring and
10 Reporting Program have been determined to be accurate and adequate documents which
11 reflect the independent judgment of the City Council.

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

14 1. The appeal of the certification of the Final Environmental Impact Report and Mitigation
15 and Monitoring and Reporting Program is denied.

16 2. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting
17 Program for the Mesa Ridge project IS CERTIFIED, effective as of this day.

18 3. Pursuant to Public Resources Code Section 21081.6 the City Council adopts the
19 Mitigation Monitoring and Reporting Program (MMRP) attached as Exhibit "B" and
20 finds and determines that said program is designed to ensure compliance with the
21 mitigation measures during project implementation.

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4. Notice is HEREBY GIVEN that the time within which judicial review must be sought on this decision is governed by the provisions of the California Environmental Quality Act.

PASSED and ADOPTED by the City Council of the City of Oceanside, California this _____ day of _____, 2008 by the following vote:

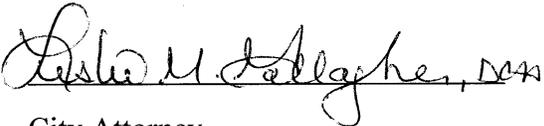
- AYES:
- NAYES:
- ABSENT:
- ABSTAIN:

Mayor of the City of Oceanside

ATTEST:

City Clerk

APPROVED AS TO FORM:



City Attorney

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.4th 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 Foussat 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.4th 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 ± 2 to ± 5 feet across the proposed pad areas and up to ± 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.

EXHIBIT B

CHAPTER D

MITIGATION MONITORING AND REPORTING PROGRAM

This document identifies mitigation measures which would reduce or eliminate potential environmental impacts of the proposed development. The City of Oceanside is required to implement all adopted mitigation measures. To ensure compliance, the following Mitigation Monitoring Program and checklist is provided. This program is to be adopted by the Lead and Responsible agencies upon formulation of Findings, to comply with Assembly Bill 3180 (Public Resources Code Section 21080.6).

The Planning, Public Works Department, and Building (Code Enforcement) Departments of the City of Oceanside will administer the Mitigation Monitoring Plan. Augments by possible contract personnel, these Departments are responsible for enforcement of City zoning regulations, which is provided on a full-coast recovery basis by the City. Authorization to commence any on-site activity occurs only after concurrence of the respective City Departments.

Information contained within the following checklist identifies the mitigation measure, the conditions required to verify compliance, the department responsible for determining compliance, and the monitoring schedule. The City of Oceanside determines which measures are applicable to the specific discretionary actions identified in the monitoring schedule.

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MESA RIDGE – MITIGATION MONITORING CHECKLIST

AESTHETICS			
MITIGATION MEASURE	TYPE	MONITOR	SCHEDULE
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.	CM	Planning Department	During grading and construction
BIOLOGICAL RESOURCES			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><u>Mitigation.</u> Because the site is within the WCPZ, the Draft HCP requires mitigation for the loss of non-native grassland at a 0.5:1 ratio. Thus, 6.1 acres of non-native grassland would need to be preserved to off-set the loss of 12.20 acres. The project will preserve 8.6 acres, which would exceed the amount of biological mitigation needed by 2.50 acres.</p> <p>The brodiaea population shall be flagged prior to project grading and a biological monitor shall be present when the contractor is grading to ensure that the population remains protected. Both populations of brodiaea would be preserved in the undisturbed biological open space area which will 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. In addition, the 7.6 acres of slope area to be restored for geotechnical and erosion control purposes will be placed within the easement, to allow better overall management efficiency.</p> <p>The entity managing the biological open space over the long-term may wish to implement a pest management program targeting snails. The property is heavily infested with non-native agricultural snails. These could be reduced/controlled by use of a pesticide designed exclusively for snails, or by use of biological controls such as the introduction of decollete snails, or other measures approved by the City and the resource agencies.</p> <p>The project does call for restoration of the areas to be disturbed for slope stabilization. Approximately 7.6 acres would be revegetated with coastal sage scrub. The resource agencies have stated that with this provision, the project will be in compliance with the draft HCP.</p>	CM	Planning Department	Prior to project grading
	CM	Planning Department	Prior to project grading
	OM	Planning Department	Upon project completion
	OM	Planning Department	Upon project completion

GEOLOGY/SOILS

MITIGATION MEASURES		TYPE	MONITOR	SCHEDULE
<p>Soils engineering, observation, and testing services shall be provided during grading to assist the contractor in removing unsuitable soils and compacting fill.</p>		CM	Engineering Division	During construction
<p>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.</p>		CM	Engineering Division	During construction
<p>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 recompact. It is anticipated that such removals will be on the order of ± 2 to ± 5 feet across the proposed pad areas and up to ± 20 feet in deeper removal areas. Buttresses are expected to range from about 20 to 60 feet deep and 40 to 100 feet wide.</p>		CM	Engineering Division	During construction
<p>Buttressing and/or stabilization will also be required on some proposed cut/fill slopes due to downslope instability. The use of geogrid reinforcement is recommended in these buttressed areas to strengthen the soil in the buttresses, reduce the potential for off-site slides to migrate onto the property, and to create a permanent geogrid wall near the toe of the planned slope should off-site slides create a scarp at or near the property line. The existing natural slope at the northeast margin of the property shall be laid back to an inclination of 2.6:1 (h:v).</p>		CM	Engineering Division	During construction
<p>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.</p>		CM	Engineering Division	During construction

MITIGATION MEASURES		TYPE	MONITOR	SCHEDULE
<p>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.</p>		CM	Engineering Division	During construction
<p>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.</p>		CM	Engineering Division	During construction
<p>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.</p>		CM	Engineering Division	During construction
<p>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.</p>		CM	Engineering Division	During construction

HAZARDS AND HAZARDOUS MATERIALS

MITIGATION MEASURE	TYPE	MONITOR	SCHEDULE
Although the potential for on-site hazardous concentrations of materials/waste and/or petroleum contamination is low, the uncertainty of potential environmental concerns cannot be completely eliminated. As a precautionary measure, all trash, debris and waste materials are to be disposed of off-site, in accordance with local, state and federal regulations. Any buried trash/debris or materials containing petroleum encountered shall be evaluated prior to removal and disposal.	CM	Engineering Department	During construction

TRAFFIC

MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
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.	OM	Engineering Department	Upon project completion
The project will install multiway stop signs at the intersection of Mesa Drive and Mainsail Road.	OM	Engineering Department	Upon project completion

1 **RESOLUTION NO.**

2 **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF**
3 **OCEANSIDE APPROVING TENTATIVE MAP, CONDITIONAL**
4 **USE PERMIT, DEVELOPMENT PLAN, AND ENGINEERING**
5 **WAIVER TO CONSTRUCT 68 TOWNHOMES ON A 23.80-ACRE**
6 **SITE AT THE NORTHEAST CORNER OF MESA DRIVE AND**
7 **FOUSSAT ROAD**

8 **(Applicant: Investment Holdings LLC)**

9 WHEREAS, an application was received for a Tentative Map (T-3-05), Conditional Use Permit
10 (C-11-06), Engineering Waiver, and Development Plan (D-5-05) to construct 68 Townhomes on 23.80
11 acres at the northeast corner of Mesa Drive and Foussat Road;

12 WHEREAS, on September 8, 2008, the Planning Commission of the City of Oceanside, after
13 giving the required notice conducted a duly advertised public hearing as prescribed by law to consider said
14 application, has adopted Planning Commission Resolution No. 2008-P55 approving Tentative Map (T-3-
15 05), Development Plan (D-5-05), Conditional Use Permit (C-11-06), and an Engineering Waiver.

16 WHEREAS, on November 12, 2008, the City Council held a duly noticed public hearing and heard
17 and considered written evidence and oral testimony by all interested parties on the above identified
18 Tentative Map (T-3-05), Development Plan (D-5-05), Conditional Use Permit (C-11-06), and an
19 Engineering Waiver application;

20 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
21 Guidelines thereto an environmental impact report has been prepared stating that if the mitigation
22 measures are met, there will not be an adverse impact upon the environment;

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	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
4			
5			
6	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)
7			
8			
9			
10			
11	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
12			
13	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)
14			
15			
16	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.
17			
18			
19			
20	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.
21			
22			
23			
24	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.
25			
26			
27			
28			

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

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

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

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

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

18 WHEREAS, studies and investigations made by the City Council and in its behalf reveal the
19 following facts:

20 FINDINGS:

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

- 22 1. The proposed map is consistent with the General Plan and provisions of the Subdivision
23 Ordinance of the City of Oceanside. The proposed density of 6.3 dwelling units/acre is within
24 the required range of 6.0 to 9.9 du/acre required by the General Plan.
- 25 2. The site is physically suitable for the proposed type of development. The design of the subject
26 subdivision will provide parcels with pad areas of sufficient size and dimension to
27 accommodate the size of the proposed residential units and associated open space and service
28 areas. The subdivision design is dictated by the size and configuration of the parcel, which
includes approximately nine acres of undisturbed steep slopes that will be preserved and more
than 50 percent of the site will be in open space. In addition, a portion of unstable slope area

1 will be stabilized through project grading, protecting a portion of Foussat Road to the west.

2 3. The design of the subdivision or the proposed improvements will not cause substantial
3 environmental damage or substantially and avoidable injure fish or wildlife or their habitat. A
4 patch of rare plants – Brodeiaia filifolia – to the west of the project will be protected through
5 construction of a 25-foot buffer.

6 4. The proposed density is within the range of densities deemed appropriate for the site by the
7 General Plan. As proposed, the preserved open space area, recreational amenities and parking
8 supply far exceed the required amounts established by the Draft MHCP Sub Area Plan and the
9 Zoning Ordinance and, therefore, will not be detrimental to the public health, safety and
10 welfare. The project will also remediate a known, existing, geotechnical problem that could
11 otherwise damage surrounding properties and infrastructure improvements if left in its current
12 state which also serves the interest of the public health, safety and welfare. This development is
13 consistent with the surrounding neighborhood because it is consistent with the General Plan
14 Land Use designation for the site; it incorporates environmentally sensitive design, with open
15 space and recreational amenities far in excess of those required.

16 5. The proposed project complies with the Zoning Ordinance because the proposed use is
17 consistent with the base district regulations and does not need any variances. The project has a
18 physical design that results in environmental sensitivity and preservation including nine acres of
19 natural open space and four active recreation areas.

20 6. The project will incorporate superior architecture to meet the criteria for exceeding the base
21 density in Section 2.32 of the City of Oceanside General Plan. A Tuscan style design theme
22 was chosen and this theme was woven into all aspects of the project from the architecture to the
23 landscape plan. There were two unique facade elevations designed for the project that used
24 similar design concepts with unique material choices to create variety and interest between the
25 buildings. A bell tower element and varied use of stone work was used to distinguish the front
26 and side elevations of the buildings (as opposed to all stucco). Other design features used to
27 distinguish this project from other multi-family projects include the use of arched windows, first
28 floor roof elements on all four-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.

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

- 2 1. The PD Plan/Development Plan is consistent with the adopted Land Use Element of the General
3 Plan and other applicable policies and is compatible with surrounding development. The
4 proposed project will implement General Plan goals and objectives by adhering to the density
5 range for the subject land use designation which allows development at 6.0-9.9 dwelling units
6 per gross acre;
- 7 2. The Development Plan will enhance the potential for superior urban design in comparison with
8 the development under the base district regulations that would apply if it was not approved.
9 The development regulations for Mesa Ridge, set forth by Development Plan D-5-05, promote
10 high quality and functional design for multi-family attached housing units;
- 11 3. Deviations from the base district regulations that otherwise would apply are justified by
12 compensating benefits of the Development Plan. The development regulations for Mesa Ridge,
13 set forth by Development Plan D-5-05, promote housing, and will contribute in the
14 establishment of well balanced neighborhoods within the City of Oceanside;
- 15 4. The Development Plan includes adequate provisions for utilities, services, and emergency
16 vehicle access; and public service demands will not exceed the capacity of existing and planned
17 systems.
- 18 5. The area covered by the Development Plan can be adequately, reasonably and conveniently
19 served by existing and planned public services, utilities and public facilities. All water,
20 wastewater, and electrical service are provided in Mesa Drive.
- 21 6. The site plan and physical design of the project is consistent with the policies contained within
22 Section 1.24 and 1.25 of the Land Use Element of the General Plan and section 3039 of the
23 Zoning Ordinance. The project will accomplish this by preserving approximately nine acres of
24 steep slopes and natural areas on-site and preserving over 50 percent of the site in open space.
25 The project will also be responsible for repairing and replacing known existing landslide
26 conditions with state of the art buttressing and back fill. This work will require grading to occur
27 on over half of the project site (14.2 of the 23.8 acres) while the actual project foot print is
28 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

1 existing City improvements of Mesa Drive and Foussat Road, as well as the water, sewer and
2 storm drain facilities within those roadways (as well as other utilities not owned by the City).

3 For the Conditional Use Permit (C-11-06):

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

24 Engineering Waiver:

- 25 1. A Waiver to Section 901 B; Frontage Improvements of the City's Subdivision Ordinance is
26 included that would allow the project not to construct a sidewalk or grade the parkway on the
27 east side of Foussat Road, north of Mesa Drive. The sidewalk and parkway grading on the east
28 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 Sub Area Plan. The
construction of the sidewalk would require grading into hillside land forms that contain slopes

1 that are considered “undevelopable” by the Zoning Code and the Draft Sub Area Plan (40
2 percent slopes, greater than 25 feet high), as well as slopes that qualify as “significant natural
3 topographic features” (20 percent or more, 50 feet in height or greater). These slope areas are
4 also in a known landslide area and once grading within them is started, the integrity of the
5 underlying earth can be jeopardized and the amount of grading to accommodate a sidewalk
6 would have to be increased dramatically to properly remediate the underlying conditions. These
7 conditions exist along significant portions of the Foussat Road right-of-way. Extensive
8 geotechnical evaluation has been completed on the slopes in question as it relates to
9 constructing a sidewalk on the east side of Foussat Road.

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

20 NOW, THEREFORE, BE IT RESOLVED that the City Council does hereby approve the
21 Tentative Map (T-3-05), Development Plan (D-5-05), Conditional Use Permit (C-11-06), and
22 Engineering Waiver subject to the following conditions:

23 **Building:**

- 24 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building
25 Division plan check.
26 2. The granting of approval under this action shall in no way relieve the applicant/project from
27 compliance with all State and Local building codes.
28 3. The building plans for this project shall be prepared by a licensed architect or engineer and shall
be in compliance with this requirement prior to submittal for building plan review.

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- 1 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the property
2 shall be underground (City Code Sec. 6.30).
- 3 5. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
4 Separate/unique addresses may be required to facilitate utility releases. Verification that the
5 addresses have been properly assigned by the City's Planning Division shall accompany the
6 Building Permit application.
- 7 6. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation shall
8 be required at time of plans submittal to the Building Division for plan check.
- 9 7. A private sewer system design shall be submitted to the Building Division and approved prior to
10 the construction of the sewer system. If a gravity flow system is not used, an engineered
11 mechanical system shall be submitted and approved by all City of Oceanside Departments.
- 12 8. The developer shall monitor, supervise and control all building construction and supporting
13 activities so as to prevent these activities from causing a public nuisance, including, but not limited
14 to, strict adherence to the following:
 - 15 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m.
16 Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not
17 inherently noise-producing. Examples of work not permitted on Saturday are concrete and
18 grout pours, roof nailing and activities of similar noise-producing nature. No work shall be
19 permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th,
20 Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work
21 under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
 - 22 b) The construction site shall be kept reasonably free of construction debris as specified in
23 Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste
24 containers shall be considered compliance with this requirement. Small amounts of
25 construction debris may be stored on-site in a neat, safe manner for short periods of time
26 pending disposal.

25 **Engineering:**

- 26 9. For the demolition of any existing structures or surface improvements, grading plans shall be
27 submitted and erosion control plans be approved by the City Engineer prior to the issuance of a
28 demolition permit. No demolition shall be permitted without an approved 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 on
3 Mesa Drive.
- 4 11. All required right-of-way alignments, street dedications, exact geometrics and widths shall be
5 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 binding
9 subdivision agreement, all improvement requirements shall be covered by a development
10 agreement and secured with sufficient improvement securities or bonds guaranteeing
11 performance and payment for labor and materials, setting of monuments, and warranty against
12 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 Engineer.
15 All improvements shall be under construction to the satisfaction of the City Engineer prior to the
16 issuance of any building permits. All improvements shall be completed prior to issuance of any
17 certificates of occupancy.
- 18 15. The tract shall be recorded as one. The tract may be developed in phases. A construction-phasing
19 plan for the construction of on-site public and private improvements shall be reviewed and
20 approved by the City Engineer prior to the recordation of the final map. Prior to the issuance of
21 any building permits all off-site improvements including landscaping, landscaped medians,
22 frontage improvements shall be under construction to the satisfaction of the City Engineer. Prior
23 to issuance of any certificates of occupancy the City Engineer shall require the dedication and
24 construction of necessary utilities, arterials and streets and other improvements outside the area of
25 any particular final map, if such is needed for circulation, parking, access or for the welfare or
26 safety of future occupants of the development.
- 27 16. Prior to issuance of a building permit a phasing plan for the construction of public and private
28 improvements including landscaping, shall be approved by the City Engineer.

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

1 developer/subdivider, as applicable.

2 21. Pursuant to the State Map Act, improvements shall be required at the time of development. A
3 covenant, reviewed and approved by the City Attorney, shall be recorded attesting to these
4 improvement conditions and a certificate setting forth the recordation shall be placed on the map.

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

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

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

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

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

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

28 24. A traffic control plan shall be prepared according to the City traffic control guidelines and be
submitted to and approved by the City Engineer prior to the start of work within open City
rights-of-way. Traffic control during construction of streets that have been opened to public

1 traffic shall be in accordance with construction signing, marking and other protection as
2 required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control
3 plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

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

21 27. Mesa Drive and Foussat Road along the project frontage shall provide a minimum of 10 feet
22 parkway between the face of curb and the right-of-way line.

23 28. Sight distance and clear space easement requirements at intersections and vehicular access points
24 shall conform to the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B
25 for each direction of traffic. The project's civil engineer shall submit an appropriate "Sight
26 Distance Letter" to the City Engineer certifying compliance with this requirement.

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- 1 29. Streetlights shall be maintained and installed on all public streets per City Standards. The system
2 shall provide uniform lighting, and be secured prior to occupancy. The developer/subdivider shall
3 pay all applicable fees, energy charges, and/or assessments associated with City-owned (LS-2 rate
4 schedule) streetlights and shall also agree to the formulation of, or the annexation to, any
5 appropriate street lighting district.
- 6 30. This project's street (Mesa Ridge Way) shall remain private and shall be maintained by an
7 association. The pavement sections, traffic indices, alignments, and all geometrics shall meet
8 public street standards.
- 9 31. Prior to approval of the grading plans, the developer shall contract with a geotechnical
10 engineering firm to perform a field investigation of the existing pavement on all streets adjacent
11 to the project boundary. The limits of the study shall be half-street plus 12 feet along the
12 project's frontage. The field investigation shall be performed according to a specific boring
13 plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer. In the
14 absence of such approved boring plan, the field investigation shall include a minimum of one
15 pavement boring per every one 100 linear feet of street frontage. Should the existing AC
16 thickness be determined to be less than the current minimum standard for AC and Class II Base
17 as set forth in the table for City of Oceanside Pavement Design Guidelines in the City's
18 Engineers Manual, the developer shall remove and reconstruct the pavement section as
19 determined by the pavement analysis submittal process detailed below.
- 20 32. Upon review of the pavement investigation, the City Engineer shall determine whether the
21 developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of
22 the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value
23 testing and submit a study that determines if the existing pavement meets current City
24 standards/traffic indices. Should the study conclude that the pavement does not meet current
25 requirements, rehabilitation/mitigation recommendations shall be provided in a pavement
26 analysis report, and the developer shall reconstruct the pavement per these recommendations,
27 subject to approval by the City Engineer.
- 28 33. Pavement sections for streets, alleys, driveways and parking areas shall be based upon approved
soil tests and traffic indices. The pavement design is to be prepared by the developer's soil
engineer and must be approved by the City Engineer, prior to paving.

- 1 34. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
2 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 3 35. All existing overhead utility lines within the development and/or within any full width street or
4 right-of-way abutting a new subdivision, and all new extension services for the development of
5 the project, including but not limited to, electrical, cable and telephone, shall be placed
6 underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the
7 City Engineer and current City policy.
- 8 36. The developer/subdivider shall comply with all the provisions of the City's cable television
9 ordinances including those relating to notification as required by the City Engineer.
- 10 37. Grading and drainage facilities shall be designed and installed to adequately accommodate the
11 local stormwater runoff and shall be in accordance with the City's Engineers Manual and as
12 directed by the City Engineer.
- 13 38. The developer/subdivider shall obtain any necessary permits and clearances from all public
14 agencies having jurisdiction over the project due to its type, size, or location, including but not
15 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S.
16 Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including
17 NPDES), San Diego County Health Department, prior to the issuance of grading permits.
- 18 39. The approval of the tentative map/development plan shall not mean that proposed grading or
19 improvements on adjacent properties (including any City properties/right-of-way or easements)
20 is granted or guaranteed to the subdivider/developer. The subdivider/developer is responsible
21 for obtaining permission to grade or to construct on adjacent properties. Should such permission
22 be denied, the resulting changes to the Tentative Map/Development Plan shall be subject to a
23 Substantial Conformity review. Changes not meeting substantial conformity requirements shall be
24 submitted for appropriate public hearing action.
- 25 40. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
26 investigation shall be conducted of the soils, slopes, and formations in the project. All necessary
27 measures shall be taken and implemented to assure slope stability, erosion control, and soil
28 integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with
the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.

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- 1 41. The extent and location of the proposed grading including “over excavation”, if any, should be
2 clearly depicted on a grading plan. The consultant shall provide recommendations and the
3 means for temporary excavations for removals during construction and the sequence of
4 construction. Appropriate cross sections depicting the location of adjacent structures and public
5 ways where the excavations would remove the lateral support shall be part of the excavation
6 plans.
- 7 42. It is the responsibility of the owner/developer to evaluate and determine that all soil imported as
8 part of this development is free of hazardous and/or contaminated material as defined by the
9 City and the County of San Diego Department of Environmental Health. Exported or imported
10 soils shall be properly screened, tested, and documented regarding hazardous contamination.
- 11 43. This project shall provide year-round erosion control including measures for the site required for
12 the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed
13 for all proposed stages of construction, shall be reviewed, secured by the developer/subdivider with
14 cash securities and approved by the City Engineer.
- 15 44. A precise grading and private improvement plan shall be prepared, reviewed, secured and
16 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
17 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of
18 all structures, walls, drainage devices and utility services. Parking lot striping and any on-site
19 traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.
- 20 45. Landscaping plans, including plans for the construction of walls, fences or other structures at or
21 near intersections, must conform to intersection sight distance requirements. Landscape and
22 irrigation plans for disturbed areas must be submitted to the City Engineer prior to the issuance of
23 a preliminary grading permit and approved by the City Engineer prior to the issuance of
24 occupancy permits. Frontage and median landscaping shall be installed prior to the issuance of any
25 certificates of occupancy. Any project fences, sound or privacy walls and monument entry
26 walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall
27 also be shown on the precise grading plans for purposes of location only. Plantable, segmental
28 walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated
through project landscape plans. All plans must be approved by the City Engineer and a pre-
construction meeting held, prior to the start of any improvements.

- 1 46. Open space areas and down-sloped areas visible from a collector-level or above roadway and not
2 readily maintained by the property owner, shall be maintained by a homeowners' association that
3 will insure installation and maintenance of landscaping in perpetuity. These areas shall be
4 indicated on the final map and reserved for an association. Future buyers shall be made aware of
5 any estimated monthly costs. The disclosure, together with the CC&R's, shall be submitted to the
6 City Engineer for review prior to the recordation of final map. In the event the homeowner's
7 association dissolves, responsibility for irrigation and maintenance of the slopes (open space areas)
8 adjacent to each property shall become that of the individual property owner.
- 9 47. The drainage design on the tentative map is conceptual only. The final design shall be based upon
10 a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All
11 drainage picked up in an underground system shall remain underground until it is discharged into
12 an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall
13 be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated
14 where required. The developer/subdivider shall be responsible for obtaining any off-site easements
15 for storm drainage facilities.
- 16 48. Storm drain facilities shall be designed and located such that the inside travels lanes on streets with
17 Collector or above design criteria shall be passable during conditions of a 100-year frequency
18 storm.
- 19 49. All storm drains shall be designed and constructed per current editions of the *City's Engineers*
20 *Design and Processing Manual*, the *San Diego County Hydrology and Drainage Design Manuals*,
21 and *San Diego Area Regional Standard Drawings*.
- 22 50. For any increase of storm water flows from the development site to other properties, the
23 developer/subdivider shall secure appropriate easement(s) from and maintenance agreement(s)
24 with the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon
25 approval by City Engineer and the City Attorney, the appropriate documents shall be recorded
26 prior to issuance of any permits for the development. Should the developer/subdivider be unable
27 to secure such easement(s) or agreement(s), the resulting changes to the Development Plan shall be
28 subject to a Substantial Conformity review.

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- 1 51. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and disposed of in
2 accordance with all state and federal requirements, prior to stormwater discharge either off-site or
3 into the City drainage system.
- 4 52. Guardrail shall be installed (per CALTRANS standards) adjacent to all 1 vertical to 2 horizontal
5 fill slopes that are 12 feet or greater in vertical height. Guardrail shall be installed (per
6 CALTRANS standards) adjacent to all 1 vertical to 1.5 horizontal fill slopes that are 10 feet in
7 vertical height or greater.
- 8 53. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high barrier,
9 approved by the City Engineer, shall be provided at the top of all slopes whose height exceeds
10 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial street or state highway.
- 11 54. The development shall comply with all applicable regulations established by the United States
12 Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge
13 Elimination System (N.P.D.E.S.) permit requirements for urban runoff and stormwater
14 discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or
15 requirements. Further, the developer may be required to file a Notice of Intent with the State
16 Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for
17 Storm Water Discharges Associated with Construction Activity and may be required to
18 implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the
19 commencement of grading activities. SWPPPs include both construction and post construction
20 pollution prevention and pollution control measures and identify funding mechanisms for post
21 construction control measures. The developer shall comply with all the provisions of the Clean
22 Water Program during and after all phases of the development process, including but not limited
23 to: mass grading, rough grading, construction of street and landscaping improvements, and
24 construction of dwelling units. The developer shall design the Project's storm drains and other
25 drainage facilities to include Best Management Practices to minimize non-point source
26 pollution, satisfactory to the City Engineer.
- 27 55. Upon acceptance of any fee waiver or reduction by the developer, the entire project will be
28 subject to prevailing wage requirements as specified by Labor Code section 1720(b)(4). The
developer shall agree to execute a form acknowledging the prevailing wage requirements prior
to the granting of any fee reductions or waivers.

- 1 56. Prior to submittal of any engineering plans, the developer shall submit an updated Storm Water
2 Mitigation Plan (SWMP) for the City Engineer's review and approval. The SWMP shall be
3 prepared by a Civil Engineer in compliance with the current City of Oceanside Interim Standard
4 Urban Sotrmwater Mitigation Plan (adopted March 25, 2008) and California Regional Water
5 Quality Control Board (San Diego Region) Order No. R9-2007-0001.
- 6 57. Following approval of the SWMP by the City Engineer and prior to issuance of grading permits,
7 the Project Proponent shall submit and obtain approval of an Operation & Maintenance (O&M)
8 Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an
9 approved and executed Maintenance Mechanism pursuant to Section 4.1 of the Interim Standard
10 Urban Storm Water Mitigation Plan (ISUSMP). The O&M shall satisfy the minimum
11 Maintenance Requirements pursuant to Section 4.3 of the ISUSMP. At a minimum the O&M
12 Plan shall include the designated responsible party to manage the storm water BMP(s),
13 employee training program and duties, operating schedule, maintenance frequency, routine
14 service schedule, specific maintenance activities, copies of resource agency permits, cost
15 estimate for implementation of the O&M Plan, a security to provide maintenance in the event of
16 noncompliance to the O&M Plan, and any other necessary elements. The Project Proponent
17 shall provide the City with access to site for the purpose of BMP inspection and maintenance by
18 entering into an Access Rights Agreement with the City. The Project Proponent shall complete
19 and maintain O&M forms to document all operation, inspection, and maintenance activities.
20 The Project Proponent shall retain records for a minimum of 5 years. The records shall be made
21 available to the City upon request.
- 22 58. The developer shall enter into a City-Standard Stormwater Facilities Maintenance Agreement
23 with the City obliging the project proponent to maintain, repair and replace the stormwater Best
24 Management Practices (BMPs) identified in the project's approved Storm Water Mitigation
25 Plan (SWMP), as detailed in the O&M Plan into perpetuity. The Agreement shall be approved
26 by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the
27 County Recorder's Office prior to issuance of any building permit. Security in the form of cash
28 (or certificate of deposit payable to the City) or an irrevocable, City-Standard Letter of Credit
shall be required prior to issuance of a precise grading permit. The amount of the security shall
be equal to 10 years of maintenance costs, as identified by the O&M Plan. The developer's

1 Civil Engineer shall prepare the O&M cost estimate. The O&M cost estimate shall be approved
2 by the City Engineer prior to approval of any engineering plans for the project.

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

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

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

17 62. The developer shall provide a copy of the title/cover page of the approved SWMP with the first
18 engineering submittal package. All Stormwater documents shall be in compliance with the
19 latest edition of submission requirements.

20 63. The approval of the Tentative Map and Development shall not mean that closure, vacation, or
21 abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to
22 the subdivider/developer. The subdivider/developer is responsible for applying for all closures,
23 vacations, and abandonments as necessary. The application(s) shall be reviewed and approved
24 or rejected by the City of Oceanside under separate process(es) per codes, ordinances, and
25 policies in effect at the time of the application. The City of Oceanside retains its full legislative
26 discretion to consider any application to vacate any public street, right of way, or easement.

27 64. In the event that conceptual plan of the tentative map/development plan does not match the
28 conditions of approval, the resolution of approval shall govern.

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- 1 65. The westerly project driveway at Mesa Drive shall provide full access. The existing two-way
2 left turn lane striping shall be modified to clearly delineate a left turn pocket for this driveway
3 prior to issuance of Certificate of Occupancy and to the satisfaction of the City Engineer.
- 4 66. The easterly driveway shall have restricted access (right turns in/out only). A “Right Turn
5 Only” sign shall be installed at the project driveway to the satisfaction of the City Engineer.
- 6 67. The project shall pay the City their fair share contribution of \$17,355.37 for improvements to
7 the intersection of El Camino Real at Mesa Drive (Project # 561.775611).
- 8 68. The project shall install an all-way stop control on Mesa Drive at Mainsail Road. The all-way
9 stop on Mesa Drive at Mainsail Road shall include all appropriate signing and striping and shall
10 be installed prior to the issuance of certificate of occupancy and to the satisfaction of the City
11 Engineer.
- 12 69. The project shall install landscaping within the existing northbound to eastbound, right-turn
13 only median at the intersection of Foussat Road at Mesa Drive prior to the issuance of
14 certificate of occupancy and to the satisfaction of the City Engineer.
- 15 70. Preliminary geotechnical review for the entitlement has been limited to that portion of the
16 property depicted in the geotechnical evaluations by the developer/subdivider’s soils engineer.
- 17 71. Additional subsurface exploration and analysis may be necessary at the Engineering and
18 Grading Permit review level.
- 19 72. Geotechnical grading plan review at the Engineering and Grading Permit review level shall
20 include review of the landscape architect plans and hillside irrigation plans for the project.
- 21 73. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and
22 Specifications for Landscape Development (latest revision), Water Conservation Ordinance No.
23 91-15, Engineering criteria, City code and ordinances, including the maintenance of such
24 landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of
25 building permits. Landscaping shall not be installed until bonds have been posted, fees paid,
26 and plans signed for final approval. The following special landscaping requirements shall be
27 required prior to plan approval:
- 28 a) Final landscape plans shall accurately show placement of all plant material such as but
not limited to trees, shrubs, and groundcovers.

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- 1 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement and place
2 planting locations accordingly to meet City of Oceanside requirements.
- 3 c) All required landscape areas shall be maintained by owner. The landscape areas shall be
4 maintained per City of Oceanside requirements.
- 5 d) Proposed landscape species shall be native or naturalized to fit the site and meet climate
6 changes indicative to their planting location. The selection of plant material shall also
7 be based on cultural, aesthetic, and maintenance considerations. In addition proposed
8 landscape species shall be low water users as well as meet all Fire Department
9 requirements.
- 10 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers, and
11 appropriate supplements based upon a soils report from an agricultural suitability soil
12 sample taken from the site.
- 13 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the
14 sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to
15 a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- 16 g) The shrubs shall be allowed to grow in their natural forms. All landscape improvements
17 shall follow the City of Oceanside Guidelines.
- 18 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is
19 located within six feet of a tree's trunk. Root barriers shall extend five feet in each
20 direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers
21 shall be 24 inches in depth. Installing a root barrier around the tree's root ball is
22 unacceptable.
- 23 i) For the planting and placement of trees and their distances from hardscape and other
24 utilities/ structures the landscape plans shall follow the City of Oceanside's (current)
25 Tree Planting Distances and Spacing Standards.
- 26 j) Street trees are to be 30 feet O.C. per the City of Oceanside Landscape Development
27 Manual as shown on the conceptual landscape plan along Mesa Drive.
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- 1 k) Street trees are to have a minimum 2” caliper per the City of Oceanside Street Tree
2 Memorandum. Large scale native trees are to be planted in the right-of-way. Trees that
3 may not be located in the right-of-way shall be planted on-site adjacent to the right-of-
4 way and maintained in perpetuity.
- 5 l) An automatic irrigation system shall be installed to provide coverage for all planting
6 areas shown on the plan. Low precipitation equipment shall provide sufficient water for
7 plant growth with a minimum water loss due to water run-off.
- 8 m) Irrigation systems shall use high quality, automatic control valves, controllers and other
9 necessary irrigation equipment. All components shall be of non-corrosive material. All
10 drip systems shall be adequately filtered and regulated per the manufacturer’s
11 recommended design parameters.
- 12 n) All irrigation improvements shall follow the City of Oceanside Guidelines and Water
13 Conservation Ordinance.
- 14 o) The landscape plans shall be in conformance with all plans affiliated with the project.
- 15 p) Landscape plans shall comply with Biological and/or Geotechnical reports, as required,
16 shall match the grading and improvement plans, comply with SWMP/ Best Management
17 Practices and meet the satisfaction of the City Engineer.
- 18 q) Existing landscaping on and adjacent to the site shall be protected in place and
19 supplemented or replaced to meet the satisfaction of the City Engineer.
- 20 r) If traffic calming measures are to be installed with planting areas or designed with a
21 planting requirement, they are to be irrigated, planted, and maintained by the owner in
22 perpetuity. All traffic calming measures, including the improvements of these traffic
23 calming measures, are to be approved by the City Traffic Engineer.
- 24 s) The substantial engineered slopes that run along the north to west side of the project are
25 to be irrigated and planted with native coastal sage scrub species only.
- 26 t) All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
27 and within any adjoining public parkways shall be permanently maintained by the
28 owner, his assigns or any successors-in-interest in the property. The maintenance
program shall include: a) normal care and irrigation of the landscaping b) repair and
replacement of plant materials c) irrigation systems as necessary d) general cleanup of

1 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
2 to maintain landscaping shall result in the City taking all appropriate enforcement
3 actions including but not limited to citations. This maintenance program condition shall
4 be recorded with a covenant as required by this resolution.

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

7 **Fire:**

- 8 74. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ "X4".
- 9 75. All proposed and existing fire hydrants within 400 feet of the project shall be shown on the site
10 plan.
- 11 76. The fire hydrants shall be installed and tested prior to placing any combustible materials on the
12 job site.
- 13 77. Provide on-site hydrant(s) and mains capable of supplying the required fire flow.
- 14 78. Detailed plans of underground fire service mains shall be submitted to the Oceanside Fire
15 Department for approval prior to installation.
- 16 79. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design and
17 Processing Manual Standard Drawing No. M-13.
- 18 80. All weather access roads shall be installed and made serviceable prior to and maintained during
19 time of construction. Sec. 902. Uniform Fire Code.
- 20 81. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of the first
21 floor of the building. The route of the fire apparatus access road shall be approved by the fire
22 department. The 150 feet is measured by means of an unobstructed route around the exterior of
23 the building.
- 24 82. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A minimum
25 vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 26 83. Fire Department emergency access shall not exceed 15 percent grade.
- 27 84. Cul-de-sacs shall be shown on the site plan with a 40-foot radius minimum.
- 28 85. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City
Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard Guidelines
for Emergency Access.

- 1 86. Fire extinguishers are required and shall be included on the plans submitted for plan check.
2 87. Provide a fire alarm system as required per U.F.C. Article 10 and N.F.P.A. 72, 1999 Edition.
3 88. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building permit
4 application.
5 89. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for residential
6 occupancies shall be placed on the structure in such a position as to be plainly visible and
7 legible from the street or roadway fronting the property. Numbers shall contrast with their
8 background.
9 90. Commercial buildings and multi-family dwellings require 6-inch address numbers.
10 91. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior
11 to the issuance of building permits.
12 92. Buildings shall meet Oceanside Fire Department's current codes at the time of building permit
13 application.
14 93. NFPA 13R fire sprinklers are required for these proposed structures.

14 **Planning:**

- 15 94. Approval of Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and Development Plan
16 (D-5-05) is contingent upon approval of Zone Amendment (Z-2-05) by the City Council and shall
17 become effective on the effective date of the Zoning Amendment for (ZA-2-05). The effective
18 date of the Zone Amendment shall be used for determining expiration dates for the attached
19 Tentative Map and Development Plan.
20 95. This Tentative Map, Conditional Use Permit, and Development Plan shall expire two years
21 from the effective date of the City Council Ordinance approving Zone Amendment (ZA-2-05)
22 unless a time extension is granted by the Planning Commission.
23 96. This Development Plan establishes the development regulations for the residential portion of (PD-
24 23) and approves only a 68-unit residential townhome development and associated site
25 improvements as shown on the plans and exhibits presented to the City Council for review and
26 approval. No deviation from these approved plans and exhibits shall occur without City Planner
27 approval. Substantial deviations shall require a revision to the Development Plan or a new
28 Development Plan.

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- 1 97. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the
2 City of Oceanside, its agents, officers or employees from any claim, action or proceeding against
3 the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the
4 City, concerning Zone Amendment (ZA-2-05), Tentative Map (T-3-05), Conditional Use Permit
5 (C-11-06), and Development Plan (D-5-05). The City will promptly notify the applicant of any
6 such claim, action or proceeding against the City and will cooperate fully in the defense. If the
7 City fails to promptly notify the applicant of any such claim action or proceeding or fails to
8 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend,
9 indemnify or hold harmless the City.
- 9 98. All lighting shall be shown on the building plans.
- 10 99. All mechanical rooftop and ground equipment shall be screened from public view as required by
11 the Zoning Ordinance. That is, on all four sides and top. The roof jacks, mechanical equipment,
12 screen and vents shall be painted with non-reflective paint to match the roof. This information
13 shall be shown on the building plans.
- 14 100. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation
15 Ordinance No. 91-15, including the maintenance of such landscaping, shall be reviewed and
16 approved by the City Engineer and City Planner prior to the issuance of building permits.
17 Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for
18 final approval.
- 19 101. Model Landscape plans and Front Yard Landscape plans, designed in compliance with Water
20 Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and shall be
21 approved and signed by the Engineering Division prior to the issuance of building permits. No
22 bonding shall be required. Precise Grading Plans for model homes shall be prepared by a Civil
23 Engineer and shall be approved by the City Engineer prior to the issuance of building permits.
24 Prior to the issuance of occupancy permits, the City's Landscape Technician/Inspector shall review
25 each unit requested for occupancy to ensure that the installation of planting and irrigation has
26 occurred in conformance with the approved schematic drawings. The irrigation system will also be
27 tested to ensure adequate operation and coverage.
- 28 102. Front yard landscaping with a complete irrigation system, in compliance with Water Conservation
Ordinance No. 91-15, shall be required.

- 1 103. All single-family or multi-family unit dwelling projects shall dispose of or recycle solid waste
2 in a manner provided in City Code Section 13.3.
- 3 104. A covenant or other recordable document approved by the City Attorney shall be prepared by the
4 applicant and recorded prior to the approval of the Final Map. The covenant shall provide that the
5 property is subject to the City Council Ordinance approving the rezoning of the site and this
6 resolution, and shall generally list the conditions of approval.
- 7 105. Prior to the issuance of building permits, compliance with the applicable provisions of the City's
8 anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed and approved
9 by the Planning Division. These requirements, including the obligation to remove or cover with
10 matching paint all graffiti within 24 hours, shall be noted on the Landscape Plan and shall be
11 recorded in the form of a covenant affecting the subject property.
- 12 106. Prior to the transfer of ownership of the site the owner shall provide a written copy of the
13 applications, staff report and resolutions for the project to the new owner and or operator. This
14 notification's provision shall run with the life of the project and shall be recorded as a covenant on
15 the property.
- 16 107. Failure to meet any conditions of approval for this development shall constitute a violation of the
17 Tentative Map and Development Plan.
- 18 108. Unless expressly waived, all current zoning standards and City ordinances and policies in effect at
19 the time building permits are issued are required to be met by this project. The approval of this
20 project constitutes the applicant's agreement with all statements in the Description and Justification
21 and other materials and information submitted with this application, unless specifically waived by
22 an adopted condition of approval.
- 23 109. The developer's construction of all fencing and walls associated with the project shall be in
24 conformance with the approved Development Plan. Any substantial change in any aspect of
25 fencing or wall design from the approved Development Plan shall require a revision to the
26 Development Plan or a new Development Plan.
- 27 110. If any aspect of the project fencing and walls is not covered by an approved Development Plan, the
28 construction of fencing and walls shall conform to the development standards of the

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1 City Zoning Ordinance. In no case, shall the construction of fences and walls (including
2 combinations thereof) exceed the limitations of the zoning code, unless expressly granted by a
3 Variance or other development approval.

4 111. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's) shall
5 provide for the maintenance of all common open space and commonly owned fences and walls.
6 The maintenance shall include normal care and irrigation of landscaping, repair and replacement of
7 plant material and irrigation systems as necessary; and general cleanup of the landscaped and open
8 area, parking lots and walkways. The C.C. & R's shall be subject to the review and approval of the
9 City Attorney prior to the approval of the Final Map/Final Parcel Map. The C.C. & R's are
10 required to be recorded prior to or concurrently with the Final Map. Any amendments to the C.C.
11 & R's in which the association relinquishes responsibility for the maintenance of any common
12 open space shall not be permitted without the specific approval of the City of Oceanside. Such a
13 clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for the
14 following:

- 15 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 16 b) Provisions regulating individual patio covers, prohibiting room additions and other
17 appurtenances.
- 18 c) Provisions for the maintenance of all common open space and open space easements on
19 private lots, including provisions establishing mechanisms to ensure adequate and
20 continued monetary funding for such maintenance by the homeowners' association.
- 21 d) Provisions that restrict any private use of open space easement areas. Restrictions shall
22 include, but are not limited to, removing retaining walls, installing structures such as
23 trellises, decks, retaining walls and other hardscape and any individual landscape
24 improvements.
- 25 e) Provisions prohibiting the homeowners association from relinquishing its obligation to
26 maintain the common open space and open space easement areas without prior consent of
27 the City of Oceanside.
- 28 f) An acknowledgement that the City of Oceanside does not have a view preservation
ordinance and that the views may be subject to change with maturing off-site landscape and
the potential for future off-site building.

- 1 112. Any project entrance signs shall meet the requirements of the Sign Ordinance and be approved by
 2 the City Planner.
- 3 113. The developer is prohibited from entering into any agreement with a cable television franchisee of
 4 the City which gives such franchisee exclusive rights to install, operate, and/or maintain its cable
 5 television system in the development.
- 6 114. The following unit type and floor plan mix, as approved by the City Council, shall be indicated on
 7 plans submitted to the Building and Planning Divisions for building permit:

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
TOTAL				68 DU

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- 1 115. Side and rear elevations and window treatments shall be trimmed to substantially match the
2 front elevations. A set of building plans shall be reviewed and approved by the Planning
3 Division prior to the issuance of building permits.
- 4 116. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially the
5 same as those approved by the City Council. These shall be shown on plans submitted to the
6 Building Division and Planning Division.
- 7 117. In the event any subsurface archaeological resources are encountered during grading or
8 construction activities, such activities in the locality of the find shall be halted immediately. An
9 archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought in
10 to determine the significance of the archaeological resources and implement appropriate
11 mitigations prior to recommending earthwork.
- 12 118. Construction of the proposed project should comply with the California Administrative Code. The
13 building must be for a minimum exterior-to-interior noise reduction resulting in interior noise
14 levels, due to exterior sources, of 45 dBA CNEL or less. This noise reduction could be achieved
15 using standard construction methods, including but not limited to mechanical ventilation, double-
16 paned windows and acoustically insulated doors where they face roadways.
- 17 119. Prior to the issuance of grading permits, the applicant shall establish a program with a qualified
18 paleontologist to monitor grading activities. The applicant shall provide the Planning Division
19 with a copy of the paleontological resource-monitoring program.
- 20 120. A letter of clearance from the affected school district in which the property is located shall be
21 provided as required by City policy at the time building permits are issued.
- 22 121. Mitigation for the loss of non-native grassland shall be at a 0.5:1 ratio. Therefore, 6.1 acres of
23 non-native grassland would need to be preserved to off-set the loss of 12.20 acres. The project
24 shall preserve a minimum of 6.1 acres of non-native grassland (8.6 acres is proposed in the
25 project EIR). The area of non-native grassland onsite shall be protected by a conservation
26 easement and managed along with other habitat areas onsite by an entity approved by the City
27 of Oceanside and Resource Agencies.
- 28 122. The brodiaea population onsite shall be flagged prior to project grading and a biological monitor
shall be present when the contractor is grading to ensure that the population remains protected.
Both populations of brodiaea would be preserved in the undisturbed biological open space area

1 which shall be placed in a conservation easement concurrent with approval of the Final Map.
2 The conserved area shall be managed in perpetuity by an entity endowed by the applicant and
3 approved by the City and Resource Agencies (US Fish and Wildlife and CA Department of Fish
4 and Game). In addition, the 7.6 acres of slope area to be restored with coastal sage scrub
5 species for geotechnical reason will be placed within the easement, to allow better overall
6 management efficiency.

7 123. The entity managing the biological open space over the long-term shall implement a pest
8 management program targeting snails.

9 124. Approximately 7.6 acres of manufactured slope area shall be revegetated with coastal sage
10 scrub species.

11 125. Any trash, debris, or waste material found onsite during grading or cleanup operations shall be
12 disposed of off-site in accordance with local, state, and federal regulations. Any buried
13 trash/debris or materials containing petroleum encountered shall be evaluated prior to removal
14 and disposal.

15 126. A qualified biologist shall be retained by the applicant to review the final grading plans, access
16 routes and staging areas, monitor all aspects of construction, educate contractors about the
17 biological sensitivities associated with the area and ensure compliance with mitigation
18 measures.

19 127. The qualified biologist shall conduct a training session for all project personnel prior to any
20 grading/construction activities. At a minimum the training shall include a description of the
21 target species of concern, its habitats, the general provisions of the Endangered Species Act
22 (Act) and the MHCP, the need to adhere to the provision of the Act and the MHCP, the
23 penalties associated with violating the provisions of the Act, the general measures that are being
24 implemented to conserve the target species of concern as they relate to the project, any
25 provisions for wildlife movement, and the access routes to and project site boundaries within
26 which the project activities must be accomplished.

27 128. Placement of equipment and personnel within environmentally sensitive habitat areas used by
28 target species of concern shall be avoided. Activities that can not be conducted without placing
equipment or personnel in sensitive habitats shall be timed to avoid the breeding season of the
target species of concern.

- 1 129. Equipment storage, fueling and staging areas shall be located to minimize risks of direct
2 drainage into riparian areas or other environmentally sensitive habitats. These designated areas
3 shall be located in such a manner as to prevent runoff from entering sensitive habitats. All
4 necessary precautions shall be taken to prevent the release of cement or other toxic substances
5 into surface waters. All project related spills of hazardous materials shall be reported to
6 appropriate entities including but not limited to the City of Oceanside, FWS, and CDFG,
7 SWQCB and shall be cleaned up immediately and contaminated soils removed to approved
8 disposal areas.
- 9 130. Stockpiling of materials and other aspects of construction staging shall be limited to disturbed
10 areas without native vegetation, areas to be impacted by project development or in non sensitive
11 habitats.
- 12 131. “No-fueling zones” shall be established within a minimum of 10 meters (33 feet) from all
13 drainages and fire sensitive areas.
- 14 132. Human and pet access to preserve areas or areas shall be limited to designated trails by use of
15 natural vegetation, topography, signs and limited fencing.
- 16 133. Artificial lighting adjacent to the preserve area shall be eliminated except where essential for
17 roadway, facility use and safety and security purposes. Where use of artificial lighting is
18 necessary it shall be limited to low-pressure sodium sources. Use of low voltage outdoor or trail
19 lighting, spotlights or bug lights is prohibited. All light sources shall be shielded so that lighting
20 is focused downward to restrict any light spillover onto sensitive habitat.
- 21 134. A qualified biologist shall monitor construction activities throughout the duration of the project
22 to ensure that all practicable measures are being employed to avoid incidental disturbance of
23 habitat and any target species of concern outside the project footprint. Construction monitoring
24 reports shall be completed and provided to the City of Oceanside summarizing how the project
25 is in compliance with applicable conditions. The biologist shall be empowered to halt work
26 activity if necessary and to confer with staff from the City of Oceanside to ensure the proper
27 implementation of species and habitat protection measures.
- 28 135. The removal of native vegetation shall be avoided and minimized to the maximum extent
practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with
appropriate native species. All revegetation plans shall be prepared and implemented consistent

1 with Appendix C (Revegetation Guidelines of the Final MHCP Plan – Volume II) and shall
2 require written concurrence of the FWS and CDFG.

3 136. To avoid attracting predators of the target species of concern, the project site shall be kept clean
4 of debris as much as possible. All food related trash items shall be enclosed in sealed containers
5 and regularly removed from the site. Pets of project personnel shall not be allowed on site
6 where they may come in contact with any listed species.

7 137. Construction employees shall strictly limit their activities, vehicles, equipment, and construction
8 materials to the proposed footprint and designated staging areas and routes of travel. The
9 construction area(s) shall be the minimal area necessary to complete the project and shall be
10 specified in the construction plans. Construction limits shall be fenced with orange snow screen.
11 Exclusion fencing shall be maintained until the completion of all construction activities. All
12 employees shall be instructed that their activities are restricted to the construction areas.

13 138. If dead or injured listed species are located, initial notification must be made within three
14 working days, in writing to the Service’s Division of Law Enforcement in Torrance California
15 and by telephone and in writing to the applicable jurisdiction, Carlsbad Field Office of the
16 FWS, and CDFG.

17 139. Any planting stock to be brought onto the site for landscaping or ecological restoration shall be
18 first inspected by a qualified pest inspector to ensure it is free of pest species that could invade
19 natural areas, including but not limited to Argentine ants, fire ants, and other insect pests. Any
20 planting stock found to be infested with such pests shall not be allowed on the project site or
21 within 300 ft of natural habitats. The stock shall be quarantined, treated or disposed of
22 according to best management principles by qualified experts in a manner that precludes
23 invasions into natural habitats.

24 **Water Utilities:**

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

28 141. The property owner will maintain private water and wastewater utilities located on private
property.

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- 1 142. Water services and sewer laterals constructed in existing right-of-way locations are to be
2 constructed by approved and licensed contractors at developer's expense.
- 3 143. All Water and Wastewater construction shall conform to the most recent edition of the Water,
4 Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water
5 Utilities Director.

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

- 7 144. Phase I of this site shall be the 18 dwelling units located on the eastern portion of the property.
8 These dwelling units can be constructed and put on-line immediately.
- 9 145. Phase II of this site shall be the 50 dwelling units located on the western portion of this property.
10 Phase II will be allowed sewer connection only after the off-site sewer improvements are made to
11 the Mesa/Garrison facilities.
- 12 146. All proposed gravity sewer mains shall have a minimum slope of 0.5 percent and/or maintain a
13 minimum scouring velocity of two feet per second in each segment of gravity sewer main.
- 14 147. All public water and/or sewer facilities not located within the public right-of-way shall be provided
15 with easements sized according to the Water, Sewer, and Reclaimed Water Design and
16 Construction Manual. Easements shall be constructed for all weather access.
- 17 148. The project CC&R's must require that when the private drives are repaved or overlaid the Water
18 Utilities Department shall be given notice of the planned maintenance activities in order to assure
19 the water and sewer facilities are protected appropriately.
- 20 149. No trees, structures or buildings overhangs shall be located within any water or wastewater utility
21 easement.
- 22 150. All lots with a finish pad elevation located below the elevation of the next upstream manhole cover
23 of the public sewer shall be protected from backflow of sewage by installing and maintaining an
24 approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).
- 25 151. The developer shall construct a public reclamation water system that will serve each lot and or
26 parcels that are located in the proposed project in accordance with the City of Oceanside Ordinance
27 No. 91-15. The proposed reclamation water system shall be located in the public right-of-way or
28 in a public utility easement.

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

4 153. A revised sewer study must be prepared by the developer at the developer's expense and approved
5 by the Water Utilities Department.

6 154. A separate irrigation meter and approved backflow prevention device is required and shall be
7 displayed on the plans.

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

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

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

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

15 PASSED AND ADOPTED by the City Council of the City of Oceanside, California, this
16 _____ day of _____, 2008 by the following vote:

17 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

21 _____
MAYOR OF THE CITY OF OCEANSIDE

22 ATTEST:

23 APPROVED AS TO FORM:

24 _____
25 CITY CLERK

26 
27 CITY ATTORNEY
28

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 Foussat 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.
- 26 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: Troisi, Balma, Parker, Neal and Rosales

16 NAYS: Martinek, Bertheaud

17 ABSENT: None

18 ABSTAIN: None



19 Claudia Troisi, Chairperson
20 Oceanside Planning Commission

21 ATTEST:

22 
23 Jerry Hittleman, Secretary

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

26 Dated: September 8, 2008

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

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 Foussat Road

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 (\$2.63 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 4th, 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.

29

- 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. Guardrail shall be installed (per CALTRANS standards) adjacent to all 1 vertical to 2
19 horizontal fill slopes that are 12 feet or greater in vertical height. Guardrail shall be
20 installed (per CALTRANS standards) adjacent to all 1 vertical to 1.5 horizontal fill slopes
21 that are 10 feet in vertical height or greater.
- 22 53. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
23 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
24 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial
25 street or state highway.
- 26 54. The development shall comply with all applicable regulations established by the United
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
28 Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and
29 stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S.
regulations or requirements. Further, the developer may be required to file a Notice of

1 Intent with the State Water Resources Control Board to obtain coverage under the
2 N.P.D.E.S. General Permit for Storm Water Discharges Associated with Construction
3 Activity and may be required to implement a Storm Water Pollution Prevention Plan
4 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
5 both construction and post construction pollution prevention and pollution control
6 measures and identify funding mechanisms for post construction control measures. The
7 developer shall comply with all the provisions of the Clean Water Program during and
8 after all phases of the development process, including but not limited to: mass grading,
9 rough grading, construction of street and landscaping improvements, and construction of
10 dwelling units. The developer shall design the Project's storm drains and other drainage
11 facilities to include Best Management Practices to minimize non-point source pollution,
12 satisfactory to the City Engineer.

13 55. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
14 be subject to prevailing wage requirements as specified by Labor Code section
15 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
16 wage requirements prior to the granting of any fee reductions or waivers.

17 56. Prior to submittal of any engineering plans, the developer shall submit an updated Storm
18 Water Mitigation Plan (SWMP) for the City Engineer's review and approval. The
19 SWMP shall be prepared by a Civil Engineer in compliance with the current City of
20 Oceanside Interim Standard Urban Stormwater Mitigation Plan (adopted March 25,
21 2008) and California Regional Water Quality Control Board (San Diego Region) Order
22 No. R9-2007-0001.

23 57. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to
24 the City Engineer and/or public works director with the first submittal of engineering
25 plans. The O&M Plan shall be prepared by the developer's Civil Engineer. It shall be
26 directly based on the project's Storm Water Mitigation Plan (SWMP) previously
27 approved by the project's approving authority (Planning Commission/City
28 Council/Community Development Commission). The O&M Plan shall be approved by
29 the City Engineer prior to approval of any plans by the Transportation/Engineering
Division. At a minimum the O&M Plan shall include the designated responsible parties

1 to manage the stormwater BMP(s), employee's training program and duties, operating
2 schedule, maintenance frequency, routine service schedule, specific maintenance
3 activities, copies of resource agency permits, cost estimate for implementation of the
4 O&M Plan and any other necessary elements.

5 58. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
6 Agreement with the City obliging the project proponent to maintain, repair and replace
7 the stormwater Best Management Practices (BMPs) identified in the project's approved
8 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.
9 The Agreement shall be approved by the City Attorney prior to issuance of any precise
10 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
11 any building permit. Security in the form of cash (or certificate of deposit payable to the
12 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
13 of a precise grading permit. The amount of the security shall be equal to 10 years of
14 maintenance costs, as identified by the O&M Plan. The developer's Civil Engineer shall
15 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City
16 Engineer prior to approval of any engineering plans for the project.

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

22 60. The Agreement shall include a copy of executed on-site and off-site access easements
23 necessary for the operation and maintenance of BMPs that shall be binding on the land
24 throughout the life of the project to the benefit of the party responsible for the O&M of
25 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
26 to the City Engineer. The agreement shall also include a copy of the O&M Plan
27 approved by the City Engineer.

28 61. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)
29 shall not be altered in any way, shape or form without formal approval by the City
Engineer.

- 1 62. The developer shall provide a copy of the title/cover page of the approved SWMP with
2 the first engineering submittal package. All Stormwater documents shall be in
3 compliance with the latest edition of submission requirements.
- 4 63. The approval of the Tentative Map and Development shall not mean that closure,
5 vacation, or abandonment of any public street, right-of-way, easement, or facility is
6 granted or guaranteed to the subdivider/developer. The subdivider/developer is
7 responsible for applying for all closures, vacations, and abandonments as necessary.
8 The application(s) shall be reviewed and approved or rejected by the City of Oceanside
9 under separate process(es) per codes, ordinances, and policies in effect at the time of the
10 application. The City of Oceanside retains its full legislative discretion to consider any
11 application to vacate any public street, right of way, or easement.
- 12 64. In the event that conceptual plan of the tentative map/development plan does not match
13 the conditions of approval, the resolution of approval shall govern.
- 14 65. The westerly project driveway at Mesa Drive shall provide full access. The existing
15 two-way left turn lane striping shall be modified to clearly delineate a left turn pocket for
16 this driveway prior to issuance of Certificate of Occupancy and to the satisfaction of the
17 City Engineer.
- 18 66. The easterly driveway shall have restricted access (right turns in/out only). A “Right
19 Turn Only” sign shall be installed at the project driveway to the satisfaction of the City
20 Engineer.
- 21 67. The project shall pay the City their fair share contribution of \$17,355.37 for
22 improvements to the intersection of El Camino Real at Mesa Drive (Project #
23 561.775611).
- 24 68. The project shall install an all-way stop control on Mesa Drive at Mainsail Road. The
25 all-way stop on Mesa Drive at Mainsail Road shall include all appropriate signing and
26 striping and shall be installed prior to the issuance of certificate of occupancy and to the
27 satisfaction of the City Engineer.
- 28 69. The project shall install landscaping within the existing northbound to eastbound, right-
29 turn only median at the intersection of Foussat Road at Mesa Drive prior to the issuance
of certificate of occupancy and to the satisfaction of the City Engineer.

1 70. Preliminary geotechnical review for the entitlement has been limited to that portion of
2 the property depicted in the geotechnical evaluations by the developer/subdivider's soils
3 engineer.

4 71. Additional subsurface exploration and analysis may be necessary at the Engineering and
5 Grading Permit review level.

6 72. Geotechnical grading plan review at the Engineering and Grading Permit review level
7 shall include review of the landscape architect plans and hillside irrigation plans for the
8 project.

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

- 16 a) Final landscape plans shall accurately show placement of all plant material such
17 as but not limited to trees, shrubs, and groundcovers.
- 18 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
19 and place planting locations accordingly to meet City of Oceanside requirements.
- 20 c) All required landscape areas shall be maintained by owner. The landscape areas
21 shall be maintained per City of Oceanside requirements.
- 22 d) Proposed landscape species shall be native or naturalized to fit the site and meet
23 climate changes indicative to their planting location. The selection of plant
24 material shall also be based on cultural, aesthetic, and maintenance
25 considerations. In addition proposed landscape species shall be low water users
26 as well as meet all fire department requirements.
- 27 e) All planting areas shall be prepared with appropriate soil amendments, fertilizers,
28 and appropriate supplements based upon a soils report from an agricultural
29 suitability soil sample taken from the site.

- 1 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
2 from the sun, evapotranspiration and run-off. All the flower and shrub beds
3 shall be mulched to a 3" depth to help conserve water, lower the soil temperature
4 and reduce weed growth.
- 5 g) The shrubs shall be allowed to grow in their natural forms. All landscape
6 improvements shall follow the City of Oceanside Guidelines.
- 7 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
8 surface is located within six feet of a tree's trunk. Root barriers shall extend five
9 feet in each direction from the centerline of the trunk, for a total distance of 10
10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
11 the tree's root ball is unacceptable.
- 12 i) For the planting and placement of trees and their distances from hardscape and
13 other utilities/ structures the landscape plans shall follow the City of Oceanside's
14 (current) Tree Planting Distances and Spacing Standards.
- 15 j) Street trees are to be 30 feet O.C. per the City of Oceanside Landscape
16 Development Manual as shown on the conceptual landscape plan along Mesa
17 Drive.
- 18 k) Street trees are to have a minimum 2" caliper per the City of Oceanside Street
19 Tree Memorandum. Large scale native trees are to be planted in the right-of-
20 way. Trees that may not be located in the right-of-way shall be planted on-site
21 adjacent to the right-of-way and maintained in perpetuity.
- 22 l) An automatic irrigation system shall be installed to provide coverage for all
23 planting areas shown on the plan. Low precipitation equipment shall provide
24 sufficient water for plant growth with a minimum water loss due to water run-off.
- 25 m) Irrigation systems shall use high quality, automatic control valves, controllers
26 and other necessary irrigation equipment. All components shall be of non-
27 corrosive material. All drip systems shall be adequately filtered and regulated
28 per the manufacturer's recommended design parameters.
- 29 n) All irrigation improvements shall follow the City of Oceanside Guidelines and
Water Conservation Ordinance.

- 1 o) The landscape plans shall be in conformance with all plans affiliated with the
2 project.
- 3 p) Landscape plans shall comply with Biological and/or Geotechnical reports, as
4 required, shall match the grading and improvement plans, comply with SWMP/
5 Best Management Practices and meet the satisfaction of the City Engineer.
- 6 q) Existing landscaping on and adjacent to the site shall be protected in place and
7 supplemented or replaced to meet the satisfaction of the City Engineer.
- 8 r) If traffic calming measures are to be installed with planting areas or designed
9 with a planting requirement, they are to be irrigated, planted, and maintained by
10 the owner in perpetuity. All traffic calming measures, including the
11 improvements of these traffic calming measures, are to be approved by the City
12 Traffic Engineer.
- 13 s) The substantial engineered slopes that run along the north to west side of the
14 project are to be irrigated and planted with native coastal sage scrub species only.
- 15 t) All landscaping, fences, walls, etc. on the site, in medians within the public right-
16 of-way and within any adjoining public parkways shall be permanently
17 maintained by the owner, his assigns or any successors-in-interest in the property.
18 The maintenance program shall include: a) normal care and irrigation of the
19 landscaping b) repair and replacement of plant materials c) irrigation systems as
20 necessary d) general cleanup of the landscaped and open areas e) parking lots and
21 walkways, walls, fences, etc. Failure to maintain landscaping shall result in the
22 City taking all appropriate enforcement actions including but not limited to
23 citations. This maintenance program condition shall be recorded with a covenant
as required by this resolution.

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

26 **Fire:**

27 74. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ "X4".

28 75. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
29 the site plan.

- 1 76. The fire hydrants shall be installed and tested prior to placing any combustible materials
- 2 on the job site.
- 3 77. Provide on-site hydrant(s) and mains capable of supplying the required fire flow.
- 4 78. Detailed plans of underground fire service mains shall be submitted to the Oceanside
- 5 Fire Department for approval prior to installation.
- 6 79. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
- 7 and Processing Manual Standard Drawing No. M-13.
- 8 80. All weather access roads shall be installed and made serviceable prior to and maintained
- 9 during time of construction. Sec. 902. Uniform Fire Code.
- 10 81. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of
- 11 the first floor of the building. The route of the fire apparatus access road shall be
- 12 approved by the fire department. The 150 feet is measured by means of an unobstructed
- 13 route around the exterior of the building.
- 14 82. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
- 15 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 16 83. Fire Department emergency access shall not exceed 15 percent grade.
- 17 84. Cul-de-sacs shall be shown on the site plan with a 40-foot radius minimum.
- 18 85. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City
- 19 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
- 20 Guidelines for Emergency Access.
- 21 86. Fire extinguishers are required and shall be included on the plans submitted for plan
- 22 check.
- 23 87. Provide a fire alarm system as required per U.F.C. Article 10 and N.F.P.A. 72, 1999
- 24 Edition.
- 25 88. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
- 26 permit application.
- 27 89. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for
- 28 residential occupancies shall be placed on the structure in such a position as to be plainly
- 29 visible and legible from the street or roadway fronting the property. Numbers shall
- contrast with their background.

- 1 90. Commercial buildings and multi-family dwellings require 6-inch address numbers.
2 91. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
3 approval prior to the issuance of building permits.
4 92. Buildings shall meet Oceanside Fire Department's current codes at the time of building
5 permit application.
6 93. NFPA 13R fire sprinklers are required for these proposed structures.

7 **Planning:**

- 8 94. Approval of Tentative Map (T-3-05), Conditional Use Permit (C-11-06), and
9 Development Plan (D-5-05) is contingent upon approval of Zoning Amendment (Z-2-05)
10 by the City Council and shall become effective on the effective date of the Zoning
11 Amendment for (ZA-2-05). The effective date of the Zoning Ordinance shall be used for
12 determining expiration dates for the attached Tentative Map and Development Plan.
13 95. This Tentative Map, Conditional Use Permit, and Development Plan shall expire two
14 years from the effective date of the City Council Ordinance approving Zone Amendment
15 (ZA-2-05) unless a time extension is granted by the Planning Commission.
16 96. This Development Plan establishes the development regulations for the residential portion
17 of (PD-23) and approves only a 68-unit residential townhome development and associated
18 site improvements as shown on the plans and exhibits presented to the Planning
19 Commission for review and approval. No deviation from these approved plans and
20 exhibits shall occur without City Planner approval. Substantial deviations shall require a
21 revision to the Development Plan or a new Development Plan.
22 97. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
23 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
24 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
25 annul an approval of the City, concerning Zoning Amendment (ZA-2-05), Tentative Map
26 (T-3-05), Conditional Use Permit (C-11-06), and Development Plan (D-5-05). The City
27 will promptly notify the applicant of any such claim, action or proceeding against the
28 City and will cooperate fully in the defense. If the City fails to promptly notify the
29 applicant of any such claim action or proceeding or fails to cooperate fully in the

1 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
2 harmless the City.

3 98. All lighting shall be shown on the building plans.

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

8 100. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
9 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
10 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
11 building permits. Landscaping shall not be installed until bonds have been posted, fees
12 paid, and plans signed for final approval.

13 101. Model Landscape plans and Front Yard Landscape plans, designed in compliance with
14 Water Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and
15 shall be approved and signed by the Engineering Division prior to the issuance of building
16 permits. No bonding shall be required. Precise Grading Plans for model homes shall be
17 prepared by a Civil Engineer and shall be approved by the City Engineer prior to the
18 issuance of building permits. Prior to the issuance of occupancy permits, the City's
19 Landscape Technician/Inspector shall review each unit requested for occupancy to ensure
20 that the installation of planting and irrigation has occurred in conformance with the
21 approved schematic drawings. The irrigation system will also be tested to ensure adequate
22 operation and coverage.

23 102. Front yard landscaping with a complete irrigation system, in compliance with Water
24 Conservation Ordinance No. 91-15, shall be required.

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

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

- 1 105. Prior to the issuance of building permits, compliance with the applicable provisions of the
2 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
3 and approved by the Planning Division. These requirements, including the obligation to
4 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
5 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
6 property.
- 7 106. Prior to the transfer of ownership of the site the owner shall provide a written copy of the
8 applications, staff report and resolutions for the project to the new owner and or operator.
9 This notification's provision shall run with the life of the project and shall be recorded as a
10 covenant on the property.
- 11 107. Failure to meet any conditions of approval for this development shall constitute a violation
12 of the Tentative Map and Development Plan.
- 13 108. Unless expressly waived, all current zoning standards and City ordinances and policies in
14 effect at the time building permits are issued are required to be met by this project. The
15 approval of this project constitutes the applicant's agreement with all statements in the
16 Description and Justification and other materials and information submitted with this
17 application, unless specifically waived by an adopted condition of approval.
- 18 109. The developer's construction of all fencing and walls associated with the project shall be in
19 conformance with the approved Development Plan. Any substantial change in any aspect
20 of fencing or wall design from the approved Development Plan shall require a revision to
21 the Development Plan or a new Development Plan.
- 22 110. If any aspect of the project fencing and walls is not covered by an approved Development
23 Plan, the construction of fencing and walls shall conform to the development standards of
24 the City Zoning Ordinance. In no case, shall the construction of fences and walls
25 (including combinations thereof) exceed the limitations of the zoning code, unless
26 expressly granted by a Variance or other development approval.
- 27 111. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's)
28 shall provide for the maintenance of all common open space and commonly owned fences
29 and walls. The maintenance shall include normal care and irrigation of landscaping, repair
and replacement of plant material and irrigation systems as necessary; and general cleanup

1 of the landscaped and open area, parking lots and walkways. The C.C. & R's shall be
2 subject to the review and approval of the City Attorney prior to the approval of the Final
3 Map/Final Parcel Map (delete as appropriate). The C.C. & R's are required to be recorded
4 prior to or concurrently with the Final Map. Any amendments to the C.C. & R's in which
5 the association relinquishes responsibility for the maintenance of any common open space
6 shall not be permitted without the specific approval of the City of Oceanside. Such a
7 clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for
8 the following:

- 9 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 10 b) Provisions regulating individual patio covers, prohibiting room additions and other
11 appurtenances.
- 12 c) Provisions for the maintenance of all common open space and open space
13 easements on private lots, including provisions establishing mechanisms to ensure
14 adequate and continued monetary funding for such maintenance by the
15 homeowners' association.
- 16 d) Provisions that restrict any private use of open space easement areas. Restrictions
17 shall include, but are not limited to, removing retaining walls, installing structures
18 such as trellises, decks, retaining walls and other hardscape and any individual
19 landscape improvements.
- 20 e) Provisions prohibiting the homeowners association from relinquishing its
21 obligation to maintain the common open space and open space easement areas
22 without prior consent of the City of Oceanside.
- 23 f) An acknowledgement that the City of Oceanside does not have a view preservation
24 ordinance and that views may be subject to change with maturing off-site landscape
and the potential for future off-site building.

25 112. Any project entrance signs shall meet the requirements of the Sign Ordinance and be
26 approved by the City Planner.

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

114. 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:

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
TOTAL				68 DU

- 1 115. Side and rear elevations and window treatments shall be trimmed to substantially match
2 the front elevations. A set of building plans shall be reviewed and approved by the
3 Planning Division prior to the issuance of building permits.
- 4 116. Elevations, siding materials, colors, roofing materials and floor plans shall be substantially
5 the same as those approved by the Planning Commission. These shall be shown on plans
6 submitted to the Building Division and Planning Division.
- 7 117. In the event any subsurface archaeological resources are encountered during grading or
8 construction activities, such activities in the locality of the find shall be halted immediately.
9 An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be
10 brought in to determine the significance of the archaeological resources and implement
11 appropriate mitigations prior to recommending earthwork.
- 12 118. Construction of the proposed project should comply with the California Administrative
13 Code. The building must be for a minimum exterior-to-interior noise reduction resulting in
14 interior noise levels, due to exterior sources, of 45 dBA CNEL or less. This noise
15 reduction could be achieved using standard construction methods, including but not limited
16 to mechanical ventilation, double-paned windows and acoustically insulated doors where
17 they face roadways.
- 18 119. Prior to the issuance of grading permits, the applicant shall establish a program with a
19 qualified paleontologist to monitor grading activities. The applicant shall provide the
20 Planning Division with a copy of the paleontological resource-monitoring program.
- 21 120. A letter of clearance from the affected school district in which the property is located
22 shall be provided as required by City policy at the time building permits are issued.
- 23 121. Mitigation for the loss of non-native grassland shall be at a 0.5:1 ratio. Therefore, 6.1
24 acres of non-native grassland would need to be preserved to off-set the loss of 12.20
25 acres. The project shall preserve a minimum of 6.1 acres of non-native grassland (8.6
26 acres is proposed in the project EIR. The area of non-native grassland onsite shall be
27 protected by a conservation easement and managed along with other habitat areas onsite
28 by an entity approved by the City of Oceanside and Resource Agencies.
- 29 122. The brodiaea population onsite shall be flagged prior to project grading and a biological
monitor shall be present when the contractor is grading to ensure that the population

1 remains protected. Both populations of brodiaea would be preserved in the undisturbed
2 biological open space area which shall be placed in a conservation easement concurrent
3 with approval of the Final Map. As described in condition 36 above, the conserved area
4 shall be managed in perpetuity by an entity endowed by the applicant and approved by
5 the City and Resource Agencies (US Fish and Wildlife and CA Department of Fish and
6 Game). In addition, the 7.6 acres of slope area to be restored with coastal sage scrub
7 species for geotechnical reason, will be placed within the easement, to allow better
8 overall management efficiency.

9 123. The entity managing the biological open space over the long-term shall implement a pest
10 management program targeting snails.

11 124. Approximately 7.6 acres of manufactured slope area shall be revegetated with coastal
12 sage scrub species.

13 125. Any trash, debris, or waste material found onsite during grading or cleanup operations
14 shall be disposed of off-site in accordance with local, state, and federal regulations. Any
15 buried trash/debris or materials containing petroleum encountered shall be evaluated
16 prior to removal and disposal.

17 **Water Utilities:**

18 126. The developer will be responsible for developing all water and sewer utilities necessary to
19 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
20 the developer and shall be done by an approved licensed contractor at the developer's
21 expense.

22 127. The property owner will maintain private water and wastewater utilities located on private
23 property.

24 128. Water services and sewer laterals constructed in existing right-of-way locations are to be
25 constructed by approved and licensed contractors at developer's expense.

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

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

- 1 130. Phase I of this site shall be the 16 dwelling units located on the eastern portion of the
2 property. These dwelling units can be constructed and put on-line immediately.
- 3 131. Phase II of this site shall be the 54 dwelling units located on the western portion of this
4 property. Phase II will be allowed sewer connection only after the off-site sewer
5 improvements are made to the Mesa/Garrison facilities.
- 6 132. All proposed gravity sewer mains shall have a minimum slope of 0.5 percent and/or
7 maintain a minimum scouring velocity of two feet per second in each segment of gravity
8 sewer main.
- 9 133. All public water and/or sewer facilities not located within the public right-of-way shall be
10 provided with easements sized according to the Water, Sewer, and Reclaimed Water
11 Design and Construction Manual. Easements shall be constructed for all weather access.
- 12 134. The project CC&R's must require that when the private drives are repaved or overlaid the
13 Water Utilities Department shall be given notice of the planned maintenance activities in
14 order to assure the water and sewer facilities are protected appropriately.
- 15 135. No trees, structures or buildings overhead shall be located within any water or wastewater
16 utility easement.
- 17 136. All lots with a finish pad elevation located below the elevation of the next upstream
18 manhole cover of the public sewer shall be protected from backflow of sewage by
19 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
20 Code (U.P.C.).
- 21 137. The developer shall construct a public reclamation water system that will serve each lot
22 and or parcels that are located in the proposed project in accordance with the City of
23 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
24 in the public right-of-way or in a public utility easement.
- 25 138. If a property goes through a zone change and an increase in density occurs, a water and
26 sewer study must be prepared by the developer at the developer's expense, and reviewed
27 and approved by the Water Utilities Department.
- 28 139. A revised sewer study must be prepared by the developer at the developer's expense and
29 approved by the Water Utilities Department.

1 140. A separate irrigation meter and approved backflow prevention device is required and shall
2 be displayed on the plans.

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

4 141. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
5 be paid to the City and collected by the Water Utilities Department at the time of Building
6 Permit issuance.

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

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

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

14 AYES: Troisi, Balma, Neal, Parker and Rosales

15 NAYS: Martinek, Bertheaud

16 ABSENT: None

17 ABSTAIN: None



18
19 Claudia Troisi, Chairperson
Oceanside Planning Commission

20 ATTEST:

21
22 
23 Jerry Hittleman, Secretary

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

26
27 Dated: September 8, 2008
28
29



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
TOTAL				68 DU

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:

OFF-STREET PARKING	COVERED (per unit)	UNCOVERED (per unit)	GUEST	TOTAL
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

From: Esther Sanchez
Sent: Tuesday, September 16, 2008 4:51 PM
To: Peter Weiss; Jerry Hittleman; John Mullen; Barbara Riegel Wayne
Cc: dandd2@peoplepc.com; gregroot@cox.net; EWBurns@FJNLaw.com; Elizabeth Trujillo
Subject: Call for Review -- 090808 Planning Commission Agenda, Item #5 -- Mesa Ridge Proposed Project

Re Agenda Item #5:

"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"

Recommendations:

- "1) Certify the environmental impact report (EIR) and associated findings and mitigation monitoring and reporting program by adopting planning commission resolution no. 208-P-54;
- 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."

I wish to call the EIR, associated findings and proposed mitigation monitoring and reporting program, zone amendment for planned development, development plan, conditional use permit, and tentative map for review. The grounds for call for review are, inter alia: the EIR does not comply with the city's subarea plan of the MHCP; the project is not consistent with the surrounding Loma Alta neighborhood, including densities, designs and the request for a conditional use permit to allow "attached units"; the project threatens the health, safety and welfare of residents and threatens destruction of property based on slope failures, and the mitigation is not sufficient to avoid said dangerous situations; the unacceptable excavation and removal of tons of dirt; the project exceeds the base density and there is no reasonable basis for allowing the base density to be exceeded; this project "is within the WCPZ, has two areas with significant narrow endemic species and includes key restored CSS slopes within a protected easement and does not comply with MHCP edge effect conditions;" this project will cause significant, immitigable traffic impacts on El Camino Real and will add to the dangerous situations on Mesa and on Foussat; the sidewalk should be constructed to ensure the public safety of pedestrians and avoid the dangerous traffic patterns and therefore the engineering waiver should be denied.

Thank you.

Best regards,
Esther

9/24/2008