



**DATE:** December 16, 2013

**TO:** Chairperson and Members of the Planning Commission

**FROM:** Development Services Department/Planning Division

**SUBJECT:** **CONSIDERATION OF A GENERAL PLAN AMENDMENT (GPA12-00003), ZONE AMENDMENT (ZA12-00003), TENTATIVE MAP (T12-00008), DEVELOPMENT PLAN (D12-00006), AND THREE CONDITIONAL USE PERMITS (C12-00006/C12-00007/C12-00008) TO CHANGE THE GENERAL PLAN AND ZONING DESIGNATIONS OF A 14.59-ACRE PROJECT SITE TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A 288-UNIT AFFORDABLE HOUSING PROJECT WITH 10,435 SQUARE FEET OF COMMERCIAL FLOOR AREA AND DAY CARE PROGRAMS FOR CHILDREN AND SENIOR CITIZENS. THE PROJECT SITE IS LOCATED ON THE SOUTH SIDE OF MISSION AVENUE BETWEEN CAROLYN CIRCLE AND FOUSSAT ROAD, WITHIN THE LOMA ALTA NEIGHBORHOOD PLANNING AREA. – MISSION COVE – APPLICANTS: NATIONAL COMMUNITY RENAISSANCE (NATIONAL CORE) AND COMMUNITY HOUSING WORKS (CHW).**

### **RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Recommend City Council certification of the Environmental Impact Report (EIR) and adoption of the associated findings of fact and mitigation monitoring and reporting program, by adopting Planning Commission Resolution No. 2013-P48.
- 2) Recommend City Council approval of General Plan Amendment (GPA12-00003), Zone Amendment (ZA12-00003), Tentative Map (T12-00008), Development Plan (D13-00006), and Conditional Use Permits (C12-00006/C12-00007/C12-00008), by adopting Planning Commission Resolution No. 2013-P49.

### **BACKGROUND**

On March 5, 2012, the City of Oceanside received an application for a General Plan Amendment (GPA12-00003), Zone Amendment (ZA12-00003), Tentative Map (T12-00008), Development Plan (D12-00006), and three Conditional Use Permits (C12-

00006/C12-00007/C12-00008) to change the General Plan and zoning designations of a 14.59-acre site to allow for a 288-unit affordable housing project with 10,435 square-foot of commercial floor area and day care programs for children and senior citizens. The proposed project constitutes a public-private partnership between the City of Oceanside and two non-profit affordable housing developers – National Community Renaissance (National Core) and Community Housing Works (CHW). The project site was purchased by the City's Housing Division in 2006 for the express purpose of accommodating new affordable housing. Should the proposed project be approved and implemented, the City would maintain ownership of the project site, with National Core and CHW owning the site improvements and leasing the property from the City for a nominal fee.

### ***Project Site***

Comprising 14.59 acres on the south side of Mission Avenue between Carolyn Circle and Foussat Road, the project site includes a 14.47-acre parcel designated for light industrial use and a 6,000-square-foot parcel designated for single-family residential use. Table 1 shows the land use and zoning designations of the properties that together comprise the project site.

At its northwest corner, the project site abuts a 10,000-square-foot commercially-zoned property that now accommodates a gas station (Mohsen Oil).

To the north of the project site, on the opposite side of Mission Avenue, commercially-zoned properties support a range of land uses, including a grocery store, a thrift store, a hotel and conference center, a multi-tenant retail center, and an affordable housing project with associated commercial space (La Misión Village).

The project site is relatively flat, lying between 27.5 and 30 feet above mean sea level. The abutting single-family residential properties to the east, west, and south are situated roughly one foot above the project site, while the abutting gas station property lies at roughly the same elevation. The site generally drains toward its southwestern boundary, where surface flows reach Carolyn Circle and then enter a series of open and closed channels that extend to the San Luis Rey River.

Situated less than 1,000 feet from the Oceanside Municipal Airport, the site lies within Review Area 1 and Safety Zone 6 as delineated in the Oceanside Airport Land Use Compatibility Plan (ALUCP). Per the ALUCP, the site is located outside of the 60 dB CNEL noise contour; all land uses located outside this noise contour are deemed to be consistent with ALUCP noise compatibility policies. On March 7, 2013, the San Diego County Regional Airport Authority found the proposed project to be conditionally consistent with the ALUCP.

Located less than a half-mile from the San Luis Rey River, the site falls within an A99 flood hazard zone as defined by the Federal Emergency Management Agency (FEMA). Measures intended to reduce flood risk are discussed in a subsequent segment of this staff report.

### ***Mission Avenue Affordable Housing/Mixed-Use Development Vision and Strategic Plan (Vision Plan)***

In conjunction with the preparation of the City's 2005-2010 Housing Element, the City of Oceanside Affordable Housing Task Force identified the project site as a potential location for new affordable housing. The City purchased the site in 2006, and in 2009 the Housing Division – supported by RRM Design Group – conducted a series of three public workshops to solicit community input on design alternatives.

Subsequent to these public workshops, RRM Design Group prepared the Vision Plan, which describes existing conditions on and in proximity to the project site, identifies constraints upon and opportunities for project implementation, articulates a vision statement and a series of planning principles, and provides development guidelines that emphasize Spanish Colonial Architecture, sustainability, universal design, privacy, and crime prevention. The Vision Plan calls for 150 family housing units, ranging from one to three bedrooms and arranged in clusters of separate buildings, and 138 senior housing units, accommodated in a single building with a central open-air courtyard. The Vision Plan further calls for commercial development supporting a mix of neighborhood serving uses and functioning as a pedestrian-oriented destination for the community. The Vision Plan requires that a minimum of 400 square feet of open space be provided for each dwelling unit. Open space can be configured as private outdoor space or as common recreational area.

On March 17, 2010, the City Council approved the Vision Plan and directed City staff to pursue implementation of affordable housing on the project site.

### ***Regional Housing Needs Assessment (RHNA)***

On October 28, 2011, as required by state housing law, the Board of Directors of the San Diego Association of Governments (SANDAG) adopted the Regional Housing Needs Assessment (RHNA) for the Fifth Housing Element Cycle. The RHNA allocates to each SANDAG member jurisdiction what is often referred to as its “fair share” of projected regional housing growth for the 11-year period beginning January 1, 2010 and ending December 31, 2020.

The RHNA for the Fifth Housing Element Cycle allocates to the City of Oceanside a regional fair share of 6,210 housing units, 2,727 of which are expected to be affordable to low and very-low-income households. The City's recently updated Housing Element includes a housing sites inventory that demonstrates adequate land resources to accommodate its RHNA allocation in all four household income categories. The inventory identifies the project site as having capacity for 288 low and very-low-income dwelling units, which amounts to more than ten percent of the City's total RHNA allocation for these two household income categories.

## **PROJECT DESCRIPTION**

To accommodate a combination of residential, commercial, and public/semi-public land uses, the applicants request that the existing land use and zoning designations of the project site be modified as follows:

**TABLE 1: Land Use and Zoning Designations**

Portion of Project Site	Acreage	General Plan/ Land Use		Zoning	
		Existing	Proposed	Existing	Proposed
Mixed-Use Building, Surface Parking, and Open Space	1.95	Light Industrial (LI)	General Commercial (GC)	Limited Industrial (IL)	Planned Development (PD)
Family and Senior Housing, Family Resource Center, Surface Parking, and Open Space	12.57	Light Industrial (LI)	High Density Residential (HD)	Limited Industrial (IL)	Planned Development (PD)
Single-Family Lot on Carolyn Circle	0.13	Single-Family Detached (SFD-R)	No Change	Single-Family Residential (RS)	Planned Development (PD)

The existing and proposed land use and zoning designations of the project site are illustrated on map exhibits appended to this staff report as Attachment 1. These exhibits show the proposed High Density Residential (HD) land use designation being applied to more than 85% of the project site, with just under two acres designated as General Commercial (GC). The single-family lot at the western end of the project site would maintain its existing land use designation of Single-Family Detached Residential (SFD-R). With respect to zoning, the applicant proposes to designate the entire project site a Planned Development (PD) District, which would be subject to the development regulations and design guidelines of the Mission Cove Planned Development Plan.

### **General Plan Amendment (GPA12-00003) represents a request to:**

Change the General Plan land use designation of a 14.59-acre property on the south side of Mission Avenue between Carolyn Circle and Foussat Road (APN 160-270-12-00) from Light Industrial (LI) to High Density Residential (HD-R) and General Commercial (GC), consistent with Table 1 and Attachment 2.

### **Zone Amendment (ZA12-00003) represents a request to:**

Change the respective zoning designations of a 14.59-acre property on the south side of Mission Avenue between Carolyn Circle and Foussat Road (APN 160-270-12-00) and a 5,600-square-foot lot on Carolyn Circle (APN 146-061-03-00) from Limited Industrial (IL) and Single-Family Residential (RS) to Planned Development (PD), in accordance with Table 1 and Attachment 2.

**Tentative Map (T12-00001) represents a request to:**

Subdivide 14.59 acres of vacant land to create five lots for the purposes of financing, phasing, and managing a mixed-use affordable housing development. The five-lot subdivision would be configured as follows:

**TABLE 2: Tentative Map Configuration**

<b>Lot Number</b>	<b>Acreege</b>	<b>Planning Area</b>	<b>Land Use Designation</b>	<b>Proposed Land Uses</b>
1	2.82	1	HD-R	Family Residential Apartment Buildings (3), Resident Resource Center, Leasing Office, Tot Lots, Paseos, Surface Parking
2	3.68	1	HD-R	Family Residential Apartment Buildings (7), Paseos, Surface Parking
3	3.31	1	HD-R	Senior Housing Apartment Building, Community Garden, Surface Parking
4	1.95	2	GC	Mixed-Use Building, Public Plaza, Surface Parking
5	2.76	1	HD-R/ SFD-R	Landscape Area, Pedestrian Path, Water Quality Basins

The proposed subdivision would include the dedication of two feet of additional right-of-way along roughly 1,500 feet of Mission Avenue. The right-of-way dedication would reduce the size of the project site from 14.59 to 14.52 acres.

As part of the proposed subdivision, the single-family property on Carolyn Circle would be incorporated into Lot 5.

All five of the lots comprising the project site would remain under the ownership of the City of Oceanside. The entire site would be leased to National Core for a period of 55 years. Under the lease agreement, National Core would be responsible for all on-site maintenance, including upkeep of buildings, landscaping, pedestrian amenities, and water quality facilities.

**Development Plan (D12-00006) represents a request to:**

Construct 288 income-restricted dwelling units for families and senior citizens, 10,435 square feet of ground level commercial space, a resident resource center, vehicle circulation areas, surface parking, pedestrian amenities, active and passive recreation areas, waste management facilities, stormwater management facilities, and landscaping. The configuration of these features on the project site is depicted on the site development plan, the landscape plan, Figure 5 of the Vision Plan, and the site renderings appended to this staff report as Attachment 3.

The proposed project includes a Planned Development Plan (PDP), which is intended to implement the principles, standards, and guidelines of the Vision Plan. The PDP would function as the governing zoning document for the project site, identifying permitted land uses and establishing both development standards and design guidelines. In accordance with Article 17 of the Zoning Ordinance (Planned Development District), the reclassification of property as a Planned Development District and the establishment of a PDP requires approval of a Development Plan. The Planned Development District is intended to provide flexibility in land use and development standards while at the same time ensuring orderly and thorough planning and review procedures. Land uses and development within Planned Development Districts must be consistent with the General Plan.

### ***Housing Types***

All of the housing associated with the proposed project would be restricted to lower-income families and senior citizens, with as much as 20 percent of the senior housing being dedicated to residents with special needs (e.g. disabled persons, homeless veterans).

### **FAMILY HOUSING**

The family housing component of the proposed project would consist of 124 units arranged in ten separate buildings situated within the western half of the project site.

Three of the family residential buildings would front Mission Avenue. Featuring walkup apartment units at the ground level, these street-facing buildings would include three stories and rise to a maximum height of 40 feet. Each building would accommodate 16 dwelling units (two and three-bedroom), designed as stacked flats. Ground level units would include patio entries accessible from Mission Avenue. Second and third-story units would be aligned along open hallways connected to stairwells at each end. Common laundry facilities would be situated next to these stairwells at the ground level. Each of these buildings would include eight to ten single-vehicle garages. The middle building would be bifurcated at the ground level to provide for a partially covered *paseo* linking the interior of the project site to Mission Avenue.

Two additional three-story family residential buildings, also featuring ground level walkup units, would be situated directly to the south of the street-facing buildings. The ground level walkup units in these two buildings would face toward the interior of the project site, with single-car garages at the rear. These two buildings would each contain 16 two and three-bedroom units, with upstairs units aligned along open hallways. Both of these buildings would be bifurcated in the middle to provide for partially covered *paseos*.

The family housing component would also include a row of five courtyard style apartment buildings situated roughly 83 feet northward of the rear property line. These buildings would include two stories and reach a maximum height of 29 feet. Each building would accommodate eight to ten dwelling units, all designed as stacked flats.

Three of these buildings would be entirely surrounded by landscape areas and pedestrian amenities, while the other two buildings would back up to an internal drive aisle. Both the east and west-facing elevations of these three buildings would feature entry patios for the ground level units. The other two buildings would feature patio entries on one side and single-car garages on the other. Four of the five courtyard buildings would be separated by *paseos* with outdoor seating and dining areas.

### **SENIOR HOUSING**

Comprised of a single four-story building with a central open air courtyard, the senior housing component of the project would be situated along Mission Avenue at the midpoint of the project site. Rising to a maximum height of 50 feet, the senior building would contain 28 studio units, 104 one-bedroom units, and six two-bedroom units, all designed as stacked flats. All of the units in the senior building would be accessed internally, via hallways that would loop within the building at each level. Units would either extend to the perimeter of the building or open to the central courtyard.

Along with 32 studio and one-bedroom units, the ground level of the senior building would accommodate a variety of resident amenities, including the following:

- lobby/reception area
- community room
- administrative offices
- lounge/patio
- laundry facilities
- kitchen and dining hall
- wellness room
- craft room
- media/computer room
- adult day care facility

Primary access to the senior building would provided be at the southeast corner, which would feature a signed entrance on the south elevation and a secondary entrance on the east elevation. Emergency egress would be provided at the southwest, northwest, and northeast corners of the building. Access to upper floors would be provided by stairwells at all four corners and elevators at the southeast and northwest corners.

### **MIXED-USE HOUSING**

Lot 4, situated near the northeast corner of the project site, would be developed with a three-story mixed-use building with 10,435 square feet of ground level commercial space and 26 one-bedroom units. Displaying an L-shaped design, the mixed-use building would partially surround a public plaza to the southwest. The ground level commercial space would be demised into six separate office/retail suites with enclosed floor areas between 1,399 and 2,173 square feet. The residential component of the mixed-use building would be confined to the second and third floors. Dwelling units would be accessed via a lobby on the east elevation. The lobby would include a stairwell and an elevator.

### ***Architecture***

All buildings on the project site would exhibit Spanish Colonial architecture. This architectural style is intended to be reminiscent of the nearby Mission San Luis Rey

and, more generally, the simple vernacular seen throughout the development of the California mission system in the 18<sup>th</sup> Century.

Spanish Colonial architecture is evidenced by thickset structural elements (walls, columns, beams), shallow-pitched barrel tile roofing, arcades and arched wall openings, vertically-oriented windows, smooth stucco wall surfaces, iron railings and decorative elements, exposed wooden rafter tails, and ceramic tile accents. In general, buildings in the Spanish Colonial style have a solid, robust appearance, reflecting construction materials and methods employed more than 200 years ago. Articulation is achieved through recessed entries and landings, variable roof orientation (e.g., gables intersecting with shed and hipped roof elements), columnar projections, tower elements, and porticos.

The proposed buildings would range between one and four stories and between 30 and 50 feet in height. Taller buildings would generally be sited closer to Mission Avenue, with building height stepping down toward the southern boundary of the project site. The single-story leasing office would be situated near the center of a cluster of three-story buildings, to provide visual relief and minimize shading on the adjacent lot. The single-story resident resource center would be located near the western boundary of the project site, to reduce massing impacts on adjacent single-family properties.

### ***Vehicle Circulation and Parking***

The project site would be served by two driveways on Mission Avenue – one at the western end of the site (adjacent to the gas station property) and another between the senior apartment building and the mixed-use building. Each of these driveways would allow vehicles to both enter and exit the project site. The two driveways would be internally connected through a system of private drive aisles within the project site.

The driveway between the senior apartment building and the mixed-use building would connect to surface parking areas near both of these buildings and also provide vehicular access to the family housing portion of the project site. A passenger loading zone serving the senior apartment building would be situated roughly 50 feet southward of this driveway, aligning with the public entrance on the building's east-facing elevation.

Parking standards for the proposed land uses on the project site would be set by the PDP. The following table outlines the PDP parking standards, which are generally consistent with the parking standards established in the City's Zoning Ordinance.

**TABLE 3: Parking Requirements**

<b>Land Use</b>	<b>Minimum Required Spaces</b>
Family Housing	1.5 spaces per 2-bedroom unit 2.0 spaces per 3-bedroom unit 1.0 covered space per unit
Senior Housing	0.5 space per unit
Mixed Use	1.5 spaces per 1-bedroom unit 2.0 spaces per 2-bedroom unit 1.0 space per 250 sq. ft. of commercial floor area 1.0 loading space
Child Care Facility	1.0 space per 7 participants
Adult Day Care	1.0 space per 7 participants
Guest Parking	1.0 space per 5 dwelling units

The proposed project would provide a total of 451 parking spaces, widely dispersed throughout the project site. While the applicant has assigned specific parking spaces to specific land uses for the purposes of demonstrating conformance to minimum parking requirements, all surface parking would be shared. Residents, guests, day care clients, and patrons of commercial uses would be free to park anywhere on the project site.

Parking resources for the family housing component would consist of 216 parking spaces sited mostly within the western half of the project site. Sixty of these spaces would be single-car garages assigned to specific units through lease agreements. The remaining 156 spaces would be unassigned surface parking stalls generally located within 300 feet of the nearest family housing unit.<sup>1</sup> Many of these surface parking stalls would be covered.

The PDP minimum parking requirement of 0.5 spaces per senior housing unit amounts to a total of 69 parking spaces. The applicant identifies 69 parking spaces to the south of the senior apartment building as fulfilling this minimum requirement, but there would be more than 150 parking spaces situated within 300 feet of the building's primary entrance. Five of the parking spaces nearest the senior apartment building would be handicapped accessible.

The surface parking area abutting the mixed-use building to the south and east would include 96 spaces – nine more spaces than required under the PDP parking standards.

The proposed parking scheme includes a total of 59 guest parking spaces, equating to 20 percent of the total parking requirement for the residential component of the project. These guest parking spaces are assumed to be integrated throughout the project site.

Additional parking would be provided for the child and adult day care operations, at a ratio of one space per seven participants. While priority would be given to on-site residents, both the child and adult day care operations would be available to off-site clients as space allowed.

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<sup>1</sup> Six parking stalls ostensibly assigned to the family housing component would be situated between 300 and 350 feet from the nearest family housing unit.

## **Landscape**

As noted on the proposed site development plan, 44 percent of the project site would be devoted to plantable area. The entire perimeter of the project site would be landscaped, as a means of buffering the proposed project from Mission Avenue, the abutting gas station, and the single-family properties that border the project site on three sides. Landscaping would also be employed to complement the architecture of the buildings, provide recreational areas, soften the appearance of surface parking, and create shade and visual appeal along the *paseos* and within the *plaza* adjacent to the mixed-use building.

The conceptual landscape plan shows the eastern, western, and southern edges of the project site planted with rows of evergreen trees and shrubs. This combination of tree and shrub species is meant provide a dense screen of foliage between the project site and the adjacent single-family properties without overly impeding afternoon sunlight and coastal breezes.

Additional landscape would be provided along Mission Avenue, landscape medians within the surface parking areas, and in the community garden.

Plant species would be largely drought tolerant and low maintenance, and much of the plant palette would be comprised of native species historically used by local Native American groups for food, medicine, basketry, and other functional purposes.

Perimeter fencing at the side and rear property lines would be composed white vinyl planks and would create a solid barrier between the project site and adjacent single-family properties. While most of this property line fencing would be limited to six feet in height, at the behest of the owners of three single-family lots at the western edge of the project site, eight-foot fencing would be installed where the project site abuts these three properties.

## **Open Space**

The PDP requires that a minimum of 400 square feet of usable open space be provided per dwelling unit. At least half of this open space must be furnished within common areas. The proposed project would provide 440 square feet of usable open space per dwelling unit, nearly 90 percent of which would be located within common areas dispersed through the project site. Private open space would be provided on small porches and balconies attached to dwelling units. All dwelling units would include at least 40 square feet of private open space. Designed to provide both passive and active recreational opportunities, common open space on the project site would include the following:

- decomposed granite walking trail
- courtyards with outdoor furniture
- tot lots (2)
- plaza adjacent to mixed-use bldg.
- community garden
- turf area by resource center
- active recreation area

The walking trail would extend along the southern perimeter of the project site would extend from the resident resource center to the community garden, connecting to concrete sidewalk at each end. Five feet wide and nearly 900 feet in length, the trail would include five exercise stations. The meandering trail would be buffered from the rear property line by landscape area at least 7.5 feet wide.

Courtyards would be integrated into several of the *paseos*, providing sitting areas between the two-story family apartment buildings. The senior apartment building would feature an atrium style central courtyard, largely open to the sky. This central courtyard would include a fireplace with a raised hearth, a barbeque counter, and three "outdoor rooms" partially enclosed by landscape and equipped with benches, seat walls, and tables.

Two tot lots would be located within the family housing component of the project site. One of the tot lots would flank the resident resource center. The other tot lot would lie next to the leasing office. Both of the tot lots would include playground equipment.

The *plaza* adjacent to the mixed-use building would feature scored concrete paving interspersed with planter areas and bench seating. Sidewalks and enhanced crosswalks would link the plaza to the mixed use building, the walking trail, the community garden, and Mission Avenue.

The community garden would include a small citrus orchard (8-12 trees) and vegetable garden plots. The garden would be enclosed by a six-foot ornamental iron fence. A single gated entry would be located adjacent to the parking lot for the mixed-use building. The garden would be open to all residents.

Additional usable open space would be provided by a lawn at the rear of the resident resource center and an active recreation area adjacent to an eastern segment of the walking trail. The lawn abutting the resident resource center would provide outdoor space for programs and events associated with the resident resource center. The active recreation area abutting the walking trail would include an exercise station and provide space for bocce ball and other programmed and ad hoc activities.

### ***Drainage and Water Quality Control***

To contain, treat, and drain stormwater in keeping with the requirements of the San Diego Regional Water Quality Control Board, the proposed project would implement several stormwater infiltration and treatment basins, two of which would occupy significant portions of the eastern and western ends of the project site. Accounting for nearly 20 percent of the total acreage of the project site, these two major basins would be linked by an earthen channel running along the site's southern boundary. The larger of these two basins would extend from the Mission Avenue frontage along the eastern edge of the parking area for the mixed-use building, the community garden, and an active recreation area. The smaller of these two basins would lie immediately west of the resident resource center, extending into portions of the single-family lot on Carolyn

Circle.<sup>2</sup> The floor of each basin would lie as much as eleven feet below the average finish grade of the project site.

For safety reasons, both of these basins would be secured by ornamental iron fencing. Residents would not have access to these portions of the site.

### ***Off-Site Improvements***

The proposed project would implement a number of required off-site improvements, including new sidewalk and parkway along Mission Avenue and the burial of overhead utilities in the adjacent right-of-way. The project would also install a covered bus shelter for patrons of NCTD Breeze bus service. The bus shelter would be located immediately east of the driveway between the senior housing building and the mixed use building. Maintenance of the bus shelter would be the responsibility of the developer (National Core).

### **Conditional Use Permit (C12-00006) represents a request to:**

Allow mixed-use development on the project site. Zoning Ordinance Section 3042 states that any mixed-use development involving commercial and residential land uses on the same site requires submission of a "Mixed-Use Development Plan" and issuance of a Conditional Use Permit. Mixed use development is allowed on sites of at least one acre in size. The maximum residential density allowed in a mixed-use development is 29 dwelling units per acre. Any land use consistent with the subject property's General Plan land use designation may be included in an approved mixed-use plan.

The Mission Cove PDP serves as the mixed-use plan for the proposed project. The PDP allows for residential, commercial, and public/semi-public land uses consistent with the proposed land use designations of the project site. The PDP includes all of the required components of a mixed use plan, as enumerated in the Zoning Ordinance.

### **Conditional Use Permit (C12-00007) represents a request to:**

Allow child day care operations on the project site.

Zoning Ordinance Section 3041 states that child day care operations are conditionally permitted in RH zoning districts, subject to approval of a Child Care Facility Permit. Information required as part of the application for a Child Care Facility Permit has been provided with the submittal materials for the proposed project.

In addition to a Child Care Facility Permit, child day care operations require a license from the State of California Community Care Licensing Division and a business license from the City of Oceanside.

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<sup>2</sup> The existing single-family home on the Carolyn Circle property would be demolished to make way for stormwater management facilities, including an asphalt maintenance road.

The proposed child care facility would operate out of the resident resource center. The facility would provide for as many as 50 children Monday through Friday between the hours of 7AM and 6PM. The facility would be staffed by as many as six persons. While priority would be given to families living on the project site, the day care facility would be open to off-site clients, as well.

The proposed facility would furnish one parking space per seven clients, consistent with the minimum parking requirement established under the Child Care Facility Permit.

**Conditional Use Permit (C12-00008) represents a request to:**

Allow adult day care operations on the project site, in conjunction with the senior housing component of the proposed project.

Per Zoning Ordinance Section 1050, adult day care is conditionally permitted in all residential zoning districts.

Adult day care would be provided within a designated area on the first floor of the senior apartment building, with service available between 7:30AM and 1:30PM, Monday through Friday. It is anticipated that the program would provide for up to 60 participants. Like the child care facility, the adult day care facility would be open to both on-site residents and off-site clients.

The proposed facility would furnish one parking space per seven clients, consistent with the minimum parking requirement for such facilities established in Zoning Ordinance Section 3103.

**ANALYSIS**

The project site and the proposed project are subject to policies, principles, guidelines, and standards enumerated in the Land Use Element and Housing Element of the General Plan, the Mission Avenue Affordable Housing/Mixed-Use Development Vision and Strategic Plan (Vision Plan), the Mission Cove Planned Development Plan (PDP), and the California Environmental Quality Act (CEQA).

**General Plan Consistency (Land Use Element)**

The Land Use Element of the City's General Plan provides direction related to how future development will occur and addresses the relationship between development, community enhancement, and natural resource management. Staff finds the proposed project to be consistent with the goals and objectives of the Land Use Element of the City's General Plan, as follows:

***Community Enhancement***

**Goal:** The consistent, significant, long term preservation and improvement of the

environment, values, aesthetics, character, and image of Oceanside as a safe, attractive, desirable, and well-balanced community.

### **1.1 COMMUNITY VALUES**

The proposed project is attractively planned and thus would not distract from nor negatively impact surrounding land uses. The site design and architecture would result in high-quality development of appropriate scale that would be adequately separated from adjacent single-family homes and substantially framed and softened by landscaping.

#### **1.11 BALANCED LAND USE**

Through a combination of residential, commercial, and public/semi-public land uses, the proposed project would contribute to a balanced distribution of land uses that would collectively provide significant benefit to the community. The housing component would augment the City's supply of income-restricted housing for lower-income residents, while the commercial and public/semi-public uses would provide these residents and other community members with essential services in close proximity to their homes.

#### **1.12 LAND USE COMPATIBILITY**

The proposed project would not subject surrounding properties to objectionable noise, light, odors, or other emissions. The residential, commercial, and public/semi-public uses that would operate on the project site would be largely contained with buildings, and outdoor activities associated with passive and active-use recreational areas would be substantially buffered by open space and landscaping. As demonstrated by the noise study associated with the EIR for the proposed project, noise generated by the project would not exceed the thresholds established by the City's Noise Ordinance.

#### **1.152 SEISMIC AND GEOLOGIC HAZARDS**

Due to the instability of alluvial soils on the project site, soil remediation will be required to ensure the safety and durability of buildings and other site improvements. The geotechnical report associated with the EIR for the proposed project provides mitigation measures that would adequately reduce the risk of lateral spreading, subsidence, or liquefaction. These measures would involve the removal and replacement of unstable soils and/or the installation of subterranean stone columns.

According to the current Flood Insurance Rate Map issued by the Federal Emergency Management Agency (FEMA), the project site lies within an A flood zone, indicating that it is susceptible to flooding during a 100-year storm event. While the site is now protected from flooding by levees installed along the San Luis Rey River, the site official remains within the 100-year flood hazard area until the flood plain mapping is updated. Consequently, portions of the project site that would support buildings must be elevated at least one foot above the historical base flood elevation. As indicated on the site development plan, building pads would be raised as much as five feet above existing grade to remove habitable structures from the 100-year flood plain. The applicant will process a change to the floodplain limits based on the proposed fill, and must receive a

Conditional Letter of Map Revision (CLOMR) from FEMA prior to the commencement of grading activity.

### **1.16 HOUSING**

The proposed project would provide decent, safe, and sanitary housing for lower-income households and maintain a reasonable balance between rental and ownership housing in the City.

Located along a high-frequency bus route and developed in conjunction with new commercial amenities, the project would provide residents with adequate access to employment opportunities, public facilities, and commercial goods and services.

### **1.17 PUBLIC FACILITIES MANAGEMENT**

Constituting in-fill development within an already urbanized portion of the City, the proposed project would not necessitate the extension of the roadway network, public utilities, or other infrastructure, nor would the proposed project increase the service area for public safety operations.

### **1.2 SITE DESIGN**

The proposed project disperses development and integrates landscaping on the project site in a manner that would allow for access to sunlight and solar energy, circulation of breezes between buildings, views of the surrounding environment, and surveillance of detrimental activity. The placement of buildings relative to their respective height and massing would ensure The proposed layout of pedestrian amenities vis-à-vis buildings, drive aisles, parking areas, and recreational facilities would promote safe and convenient pedestrian access to all areas of the project site, including the Resident Resource Center, the Community Garden, and the *plaza* adjacent to the mixed-use building.

### **1.22 LANDSCAPING**

The project site currently contains no mature trees. The proposed project would create substantial tree cover, adding more than 400 trees to the site.

The proposed plant palette is comprised primarily of drought-tolerant, low-maintenance plant material, including native California species (e.g., torrey pine, sycamore, coast live oak).

Site landscaping would provide for common usable open space in excess of minimum requirements.

### **1.23 ARCHITECTURE**

All buildings on the project site would be rendered in the Spanish Colonial style, evoking the nearby Mission San Luis Rey and other examples of Spanish Colonial architecture in the immediate area. It is staff's position that the proposed architecture befits the project site, given its proximity to Mission San Luis Rey. Furthermore, staff

finds that the proposed building design is faithful to the Spanish Colonial aesthetic, in terms of structural form and scale, finish materials, and the spatial relationship between buildings and other site improvements.

### **1.31 AIRPORT INFLUENCE AREA**

The project site falls within the Oceanside Municipal Airport Influence Area (AIA) and is therefore under the purview of the Oceanside Municipal Airport Land Use Compatibility Plan (ALUCP). Per the ALUCP, the project site is situated within Safety Zone 6 of the AIA, where the risk of impacts from an aircraft accident is considered to be relatively low. Residential development in Safety Zone 6 is considered to be compatible with airport operations and is not subject to any density limits or clustering requirements under the ALUCP.

### ***Community Development***

**Goal:** The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

### **2.0 SUBDIVISION OF LAND OR REAL PROPERTY**

The proposed subdivision of land would provide adequate on-site improvements consistent with the General Plan, including internal roadways, drainage and sanitary facilities, potable water service, and electrical service.

### **2.23 GENERAL COMMERCIAL**

Situated along a major arterial roadway, the General Commercial (GC) component of the project would provide retail, food service, and commercial office uses that would meet the immediate commercial needs of residents living both on-site and in adjacent neighborhoods. The architecture and signage associated with commercial uses would establish prominence and identity for associated businesses while presenting a tasteful, dignified, and visually appealing design compatible with other development on the project site. Ample on-site parking resources would be provided to accommodate vehicle traffic generated by commercial uses, and these resources would be adequately separated from those serving the exclusively residential portions of the project site.

### **2.3 RESIDENTIAL DEVELOPMENT**

The High-Density Residential (HD-R) component of the project would achieve a residential density of roughly 20 dwelling units per acre, which falls below the base density allowance for HD-R properties. The proposed residential development type is classified as "Multiple Unit Structure," which includes structures of two or more dwelling units on a single property. This residential development type is consistent with the HD-R land use designation.

### **2.712 NON-MOTORIZED TRANSPORTATION**

The proposed project would provide both short-term bicycle parking and long-term

bicycle storage facilities. Storage facilities would be sited at 10 separate locations on the project site, providing 67 covered and 71 uncovered racks.

Off-site improvements to be implemented in conjunction with the proposed project would include the installation of five-foot-wide sidewalk and five-foot-wide landscaped parkway along the Mission Avenue frontage. The new sidewalk and parkway would eliminate a 1,500-foot gap in pedestrian facilities on the south side of Mission Avenue, thereby significantly enhancing the walkability of the surrounding area.

### **General Plan Consistency (Housing Element)**

The City's Housing Element for the Fifth Housing Element Cycle (2013-2021) includes a Housing Action Plan which lists a number of policies intended to preserve and enhance the City's housing supply for all segments of the population. Staff finds that the proposed project is consistent with the policies of the Housing Element of the City's General Plan, as follows:

#### ***Policy 1.6: Encourage higher-density housing development along transit corridors and smart growth focus areas.***

The project site is located along a high-frequency bus route (NCTD Breeze 303). In conjunction with the proposed project, a bus shelter would be constructed at the property frontage on Mission Avenue.

The proposed project would realize a residential density of approximately 19 dwelling units per acre. While transit-oriented development typically achieves densities of 30 or more dwelling units per acre, staff does not consider such densities to be appropriate for the project site, given its proximity to an established single-family neighborhood.

#### ***Policy 2.3: Encourage housing for the elderly and persons with disabilities near public transportation, shopping, medical, and other essential support services and facilities.***

The senior housing component of the project would provide for elderly residents, including those with disabilities. The senior housing building would be located in close proximity to the mixed-use building, the NCTD bus stop, and several off-site commercial amenities, include a grocery store. Other essential support services, including adult day care, would be provided within the senior housing building itself.

#### ***Policy 3.2: Use the City's regulatory powers to promote affordable housing.***

The City's commitment to using its regulatory powers to promote affordable housing is reflected in its support of the re-designation of the project site to allow for housing and other supportive uses. This commitment was further evidenced by the City's initiation of the visioning process and its openness to establishing a PD District on the project site.

## **Vision Plan Consistency**

### ***Compatibility with Adjacent Uses***

Staff has identified the height and placement of buildings and the provision of on-site parking as the two principal issues related to the compatibility of the proposed project with existing land uses and development in the vicinity.

#### **BUILDING HEIGHT AND PLACEMENT**

In response to concerns expressed by stakeholders during the visioning process about the potential impacts of multi-family development on the abutting single-family neighborhood, the preliminary preferred alternative depicts minimum side and rear yard building setbacks of 66 feet. The proposed project would maintain minimum side and rear yard building setbacks of 84 feet. Moreover, while the preliminary preferred alternative shows three-story development in southern portions of the project site, buildings nearest the single-family properties would be limited to two-stories and a maximum height of less than 30 feet under the proposed project (*i.e.*, the courtyard apartment buildings). Site sections appended to this staff report as Attachment 5 illustrate how the proposed buildings on the project site would read from vantage points on adjacent single-family properties. These exhibits show that the proposed buildings would have minimal visual impact on the adjacent single-family neighborhood.

The Vision Plan specifies 36 feet as the maximum allowable building height on the project site, but the proposed project includes buildings that would rise to 50 feet in height. This discrepancy is occasioned by development constraints that became apparent after the adoption of the Vision Plan. The discovery of significant cultural resources and the implementation of stricter stormwater management standards have together restricted the feasible building footprint on the project site and thereby made it difficult to accommodate 288 dwelling units and other key features of the preliminary preferred alternative without additional building height. Moreover, pitched roofing and other design features characteristic of Spanish Colonial architecture are difficult to incorporate into three-story development within a 36-foot height limit. In light of these constraints, and given how increased building setbacks and reduced building height in southern portions of the project site would mitigate potential massing impacts on adjacent properties, staff finds the proposed building heights – albeit as much as 14 feet above the 36-foot height maximum established by the Vision Plan – to be consistent with applicable planning principles and compatible with surrounding land uses and development.

#### **PARKING**

Stakeholders also expressed concern during the visioning process about the potential for spillover parking impacts on the adjacent single-family neighborhood.

As previously noted, the proposed project would provide a total of 451 on-site parking spaces. This parking supply exceeds by 10 spaces the cumulative parking requirement per the Mission Cove PDP.

In assessing the adequacy of the proposed parking scheme, the Planning Division has applied the common expectation/standard that parking stalls should be situated within 300 feet of the land uses they are meant to serve. The Planning Division has also assumed that there would be offsetting periods of peak parking demand, with parking demand associated with child day care, adult day care, and commercial office uses occurring primarily during regular business hours, when many residents (and their vehicles) would be off-site.

With these considerations in mind, it is staff's position that the proposed parking supply would be ample for anticipated parking demand, and that the broad distribution and unrestricted nature of on-site parking would ensure both availability and convenience for all residents, guests, and patrons of the project site. All parking spaces earmarked for the senior apartment building, the mixed-use building, and the child and adult day care operations, and all but six parking spaces assigned to the family housing component, would fall within a 300-foot radius of these uses/facilities. During evening hours, the spaces assigned to the child care facility would be available to residents and guests of the family housing component, while the spaces assigned to the adult day care facility would be accessible to residents and guests of the senior apartment building. Should there be any shortage of spaces ostensibly assigned to the senior apartment building, surplus spaces would likely be available in the parking lot for the mixed-use building.

As for off-site parking options, staff finds that curbside parking along Carolyn Circle and/or other public streets in the vicinity would not be a convenient alternative for those living, working, shopping, or accessing services at Mission Cove, given how remote this curbside parking would be from the project site.

In 2012, the City of San Diego approved an affordable housing parking study that identified the mean vehicle availability of households residing in affordable housing within its jurisdictional boundaries. This study demonstrated that the average household residing in an income-restricted two-bedroom unit has access to 1.23 vehicles, while the average household residing in an income-restricted three-bedroom unit has access to 1.56 vehicles. Senior citizens residing in income-restricted studio units were found to have a mean vehicle availability of 0.20 vehicles. These statistics suggest that the respective parking requirements for two and three-bedroom units in Mission Cove more than account for the average vehicle availability of households residing in income-restricted units.

### ***Range of Housing Types***

As noted in the project description, the proposed project would provide housing affordable to lower-income families and senior citizens, including persons with special needs. This housing would substantially contribute to the supply of new income-restricted housing in the City, which, according to the RHNA, should amount to more than 2,700 additional units over the next eight years.

With units ranging from one to three bedrooms, the family housing component would accommodate single persons, single-parent households, and larger families. Qualifying heads of household would span the age spectrum, from young adults to individuals on the verge of retirement.

The senior housing component would provide for the City's growing population of older residents, many of whom are on fixed incomes. The City's recently updated Housing Element notes that a significant percentage of elderly residents are physically unable to maintain their own homes or cope with living alone. The smaller dwelling units and assisted living facilities associated with the senior housing component would offer an affordable alternative for many of these residents.

### ***Universal Design***

Universal Design refers to products and environments that are usable by all people, to the greatest extent possible, without the need for adaptation or specialization. The Vision Plan requires that the Mission Cove community "apply Universal Design to allow residents to remain in place as they age and their circumstances change." While most residents of the family housing units would eventually transition from income-restricted housing to market-rate housing as their financial circumstances improved, many senior and special needs residents would spend the remainder of their lives on the project site, and thus UD features would be of particular importance to these two segments of the Mission Cove community.

The proposed project would include a range of improvements consistent with the principles of Universal Design (UD).

To enhance resident mobility, the pedestrian path system would include several UD elements, including entrance ramps, lighting, signage, and sufficient width to allow for wheelchair access. The path system would provide direct access to all common open space areas, a new bus stop on Mission Avenue, and the commercial storefronts in the mixed-use building. Additionally, all buildings on the project site would feature wide entries with directional signage (including tactile signage for the sight-impaired).

To enhance the ergonomics of living spaces, floor plans would include UD door hardware, extra dimension in circulation areas, and accessible cabinetry, plumbing fixtures, and laundry facilities.

To enhance access to common area amenities, the tot lots would be equipped with accessible playground equipment and the resident garden would feature raised planter beds.

The project would be compliant with state and federal ADA requirements. To be eligible for tax credit financing, the project would be required to meet Universal Design standards established by the California Tax Credit Allocation Committee.

The applicant has twice met with members of the City's Housing Commission to discuss UD implementation. It is anticipated that this discussion would continue following project approval.

### ***Sustainability***

Sustainability refers to practices that reduce or eliminate negative impacts on the environment and its inhabitants. A sustainable design approach includes green building practices, preservation of natural features ("Low Impact Development"), and the provision of pedestrian-oriented amenities that encourage active transportation and the use of public transit.

Being located along a high-frequency bus route (NCTD Breeze 303), the project would encourage the use of public transit, thereby reducing private vehicle miles traveled (VMT) and associated greenhouse gas (GHG) emissions. Both VMT and GHG emissions would be further reduced through the integration of commercial uses and housing on the same site and the implementation of safe and convenient pedestrian connections to off-site amenities in the immediate area (e.g., grocery store, restaurants, personal services).

The project site contains no watercourses, native plant communities, or notable landforms. The concept of "Low Impact Development" thus has limited application to the project site. However, both the introduction of a drought-tolerant and low-maintenance plant palette and the installation of bio-swales to retain and treat stormwater qualify as "Low Impact Development" strategies, and both of these features would contribute to the project's overall sustainability.

The proposed project is required under the Vision Plan to achieve at least a "Silver" rating under the Leadership in Energy and Environmental Design (LEED) program, which evaluates new construction and land use in terms of durability, energy use, pollution control, waste management, and other factors.

Regarding the mitigation of adverse impacts to the project site and surrounding properties, the proposed project would:

- control soil erosion, waterway sedimentation, water contamination, and the depletion of the water table through a stormwater management plan that promotes the infiltration and natural cleansing of stormwater;
- mitigate the heat island effect associated with buildings and parking lots with an extensive tree canopy; and
- reduce light pollution by properly shielding all exterior lighting on buildings, along footpaths, and within landscape areas.

### ***Sense of Neighborhood***

A neighborhood can be defined as a geographically localized community that allows for considerable face-to-face interaction among its members. Typically, members have a common investment in the neighborhood and share common values related to its upkeep and betterment. It is staff's position that the design of the proposed project will contribute

to a sense of neighborhood by employing the Crime Prevention through Environmental Design (CPTED) strategies of natural surveillance, natural access control, natural territorial reinforcement (i.e., increased physical delineation between public and private spaces), and maintenance.

Components of the project that would promote natural surveillance include: windows overlooking sidewalks and parking lots; landscape that frames rather than conceals points of entry; the shortest and most transparent fencing appropriate for each situation; and sufficient illumination of pathways, entrances/exits, recreation areas. Project features that would promote natural access control include: clearly identifiable points of entry and reception areas (e.g., leasing office, lobby of senior apartment building); use of low, thorny vegetation beneath ground level windows; avoidance of design elements that provide informal access to roofs or upper levels; fencing of restricted areas (e.g., stormwater infiltration basins). Natural territorial reinforcement would be achieved through: clear delineation of private and common areas; an abundant tree canopy; placement of outdoor seating in well-surveilled spaces; and conspicuous display of security system signage at access points. Maintenance would be executed primarily by the developers (National Core, CHW), who would own the site improvements and manage the project over the long term in close coordination with the City's Housing Division, the California Department of Housing and Community Development (HCD), and the U.S. Department of Housing and Urban Development (HUD).

A sense of neighborhood would be further promoted by the incorporation of pedestrian amenities and other common area improvements that invite social interaction. For example, the resident resource center would serve as a gathering place for residents, providing for both scheduled events (e.g., community meetings, seminars, performances) as well as ad hoc social activities. The central courtyard of the senior apartment building and the *plaza* adjacent to the mixed-use building would also invite social interaction and organization.

### **Zoning Compliance**

As previously noted, land use and development on the project site would be governed by the Mission Cove Planned Development Plan (PDP). The following table illustrates how the proposed project would conform to applicable PDP standards.

**TABLE 4: PDP Standards**

<b>Standard</b>	<b>Requirement</b>	<b>Proposed</b>
Minimum Total Parking Spaces	441	451
Maximum Stories and Building Height	3/40' (Family Apartments)	3/40'
	4/50' (Senior Apartments)	4/50'
Minimum Front Yard Setbacks	10'	18' (Family Apartments)
		11' (Senior Apartments)
		18' (Mixed-Use Building)
Minimum Setbacks from Single-Family Development (i.e., Side and Rear Yards)	One Story: 20'	60'
	Two Story: 80'	84'
	Three Story: 160'	280'
	Four Story: 160'	206'
Minimum Building Separation	20'	20'
Minimum Landscape Coverage <sup>3</sup>	28%	44%
Minimum Usable Open Space per Dwelling Unit	400 sf	440 sf
Minimum Parking	441 spaces	451 spaces

As indicated above, the proposed project conforms to all applicable PDP standards, providing a surplus of parking spaces and exceeding minimum requirements for building setbacks, landscape coverage, and usable open space.

With respect to land use, in addition to multi-family housing and associated day care operations, the PDP allows for a range of commercial uses within the mixed-use building, including eating establishments, professional office, personal services, limited retail sales, and travel services. Eating establishments would not be allowed to serve alcohol.

### **CEQA Compliance**

The Environmental Impact Report (EIR) for the proposed project identifies potentially significant impacts related to air quality, biological resources, cultural resources, and geology/soils. The EIR outlines mitigation measures intended to eliminate or reduce these potential impacts to less-than-significant levels. In accordance with the Environmental Quality Act (CEQA), a draft EIR was made available for public review between August 2, 2013 and September 16, 2013. Comments received during the public review period were addressed in the final EIR, which was distributed to the Planning Commission on November 14, 2013.

The following is a summary of the identified potential impacts and the measures proposed to mitigate these impacts to less-than-significant levels:

Air quality impacts associated with construction activities would be mitigated through industry-standard practices including the application of water during grading/grubbing

<sup>3</sup> While the PDP doesn't specify a standard for minimum landscape coverage, the preliminary preferred alternative illustrated in the Vision Plan shows 28 percent of the site devoted to landscape.

activities, installation of landscape as early in the construction process as possible, a 15 miles per hour speed limit for construction vehicles, and the installation of wheel shakers at all ingress/egress points to clean wheels of debris before vehicles leave the project site.

Because on-site soils are unsuitable for project construction in their current condition, two options for ground improvements are provided: 1) removal of near surface alluvial soils and replacement with properly compacted fill; or 2) the installation of sub-surface stone columns. Either of these methods would be expected to mitigate the potential for lateral spreading, subsidence, or liquefaction.

The project site lies within the Wildlife Corridor Planning Zone (WCPZ) as delineated in the City's Draft Subarea Plan. Section 5.3.1 of the Draft Subarea Plan establishes that new development on properties larger than two acres within the WCPZ shall conserve at least 50 percent of the property as open space. Deviations from this standard can be approved only if 1) the amount of any conservation deficit is provided elsewhere within the WCPZ and 2) the off-site mitigation has biologically superior conservation value as determined by the City and the state and federal wildlife agencies. Given the project site's designation as "Disturbed" in the North County Multiple Habitat Conservation Plan (MHCP) and its lack of connectivity to viable habitat areas, the City, the U.S. Fish and Wildlife Service, and the California Department of Fish and Wildlife concur that off-site mitigation is appropriate in this case. The project will fully mitigate for development of the entire project site by providing 7.26 acres of compensatory biological open space elsewhere within the WCPZ.

A cultural resources survey identified culturally significant materials on the project site. In consultation with the San Luis Rey Band of Luiseno Mission Indians, the original site plan for the proposed project was modified to shift development away from areas of concentration and an archaeological monitoring program was established. This program requires that an archaeologist and Native American monitor be on the project site during all grading, trenching, and other ground-disturbing activities. Should intact artifacts be discovered, ground-disturbing activities shall be temporarily directed away from these artifacts to allow documentation and assessment of the resources.

## **ENVIRONMENTAL DETERMINATION**

Pursuant to the California Environmental Quality Act (CEQA), the City of Oceanside acting as Lead Agency prepared an Environmental Impact Report (EIR) for the proposed project. The EIR identifies potentially significant impacts related to air quality, biological resources, cultural resources, and geology/soils and outlines mitigation measures designed to reduce these impacts to less-than-significant levels. On the basis of the entire record, staff finds that there is no substantial evidence that the project, with implementation of the mitigation measures proposed, will have a significant impact on the environment.

## **RECOMMENDATION**

Staff recommends that the Planning Commission:

- 1) Recommend City Council certification of the Environmental Impact Report (EIR) and adoption of the associated findings of fact and mitigation monitoring and reporting program, by adopting Planning Commission Resolution No. 2013-P48.
- 2) Recommend City Council approval of General Plan Amendment (GPA12-00003), Zone Amendment (ZA12-00003), Tentative Map (T12-00008), Development Plan (D13-00006), and Conditional Use Permits (C12-00006/C12-00007/C12-00008), by adopting Planning Commission Resolution No. 2013-P49.

### **PREPARED BY:**



Russ Cunningham  
Senior Planner

### **SUBMITTED BY:**



Marisa Lundstedt  
City Planner

### **Attachments:**

1. Planning Commission Resolution No. 2013-P48
2. Planning Commission Resolution No. 2013-P49
3. Plans/ Maps (Tentative Map, Architectural Drawings, Conceptual Landscape Plan)
4. Land Use and Zone Amendment Maps
5. Site and Building Renderings
6. Mission Cove Planned Development Plan
7. Grading Exhibits (Color-Coded Map of Proposed Fill Heights, Site Sections)

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P48

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE  
4 CITY OF OCEANSIDE, CALIFORNIA RECOMMENDING  
5 CERTIFICATION OF THE FINAL ENVIRONMENTAL  
6 IMPACT REPORT AND ADOPTION OF THE FINDINGS OF  
7 FACT AND MITIGATION AND MONITORING REPORT FOR  
8 THE MISSION COVE MIXED USE AFFORDABLE HOUSING  
9 DEVELOPMENT (GPA12-00003/ZA12-00003/T12-00001/D12-  
10 00006/CUP12-00006/CUP12-00007/CUP12-00008)

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11 APPLICATION NO: GPA12-00003, ZA12-00003, T12-00001, D12-00006,  
12 CUP12-00006, CUP12-00007, CUP12-00008  
13 APPLICANT: National Community Renaissance  
14 LOCATION: Mission Avenue between Carolyn Circle and Foussat Road (APNs  
15 160-270-12-00 and 146-061-03-00)

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

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

21 WHEREAS, the Planning Commission, after giving the required notice, did on the 16<sup>th</sup> day  
22 of December 2013, conduct a duly advertised public hearing on the content of the Final  
23 Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

26 For the Final Environmental Impact Report:

- 27 1. The Final Environmental Impact Report was completed in compliance with the provisions  
28 of the California Environmental Quality Act (CEQA).
- 29 2. There are certain significant environmental effects detailed in the Environmental Impact  
30 Report which have been avoided or substantially lessened by measures detailed in Exhibit  
31 "A" (Findings of Fact) and Exhibit "B" (Mitigation Monitoring and Reporting Program).
- 32 3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting  
33 Program for the project were presented to the Planning Commission, and the Planning  
34 Commission reviewed and considered the information contained in these documents prior

1 to making a decision on the project. The Final Environmental Impact Report and  
2 Mitigation and Monitoring and Reporting Program for the project have been determined to  
3 be accurate and adequate documents, which reflect the independent judgment of the City.

4 NOW, THEREFORE, BE IT RESOLVED as follows:

- 5 1. The Planning Commission does hereby recommend that the City Council certify the Final  
6 Environmental Impact Report for the Mission Cove Mixed Use Affordable Housing  
7 Development.  
8 2. Pursuant to Public Resources Code Section 21081.6, the Planning Commission  
9 recommends that the City Council adopt the Mitigation Monitoring and Reporting  
10 Program (MMRP) for the Mission Cove Mixed Use Affordable Housing Development and  
11 find that said project is designed to ensure compliance with the established mitigation  
12 measures.  
13 3. Pursuant to Public Resources Code Section 21081, the Planning Commission hereby  
14 recommends that the City Council adopt the Findings of Fact for the Mission Cove Mixed  
15 Use Affordable Housing Development.

16 PASSED AND ADOPTED Resolution No. 2013-P48 on December 16, 2013 by the  
17 following vote, to wit:

18 AYES:

19 NAYS:

20 ABSENT:

21 ABSTAIN:

22 \_\_\_\_\_  
23 Robert Neal, Chair  
24 Oceanside Planning Commission

25 ATTEST:

26 \_\_\_\_\_  
27 Marisa Lundstedt, Secretary

28 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
29 that this is a true and correct copy of Resolution No. 2012-P48.

30 Dated: December 16, 2013

**FINDINGS OF FACT**  
*for the*  
**MISSION COVE**  
**MIXED USE DEVELOPMENT PROJECT**  
**GPA 12-00003; ZA 12-00003; D 12-00006;**  
**CUP 12-00006, 00007, 00008**  
**SCH # 201205010000**

*Prepared for:*

**The City of Oceanside**  
**Development Services Department**  
300 North Coast Highway  
Oceanside, California 92054

*Prepared by:*

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**December, 2013**



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## **ACRONYMS AND ABBREVIATIONS**

CEQA	California Environmental Quality Act
CNEL	Community Noise Exposure Level
CUP	Conditional Use Permit
dBA	A-Weighted Sound Pressure Level
DEIR	Draft Environmental Impact Report
EIR	Environmental Impact Report
ESA	Environmental Site Assessment
FEIR	Final Environmental Impact Report
GC	General Commercial
GPA	General Plan Amendment
HD-R	High Density Residential
IL	Limited Industrial
MM	Mitigation Measure
MMRP	Mitigation, Monitoring, and Reporting Program
OCPs	Organochloride Pesticides
PD	Planned Development Plan
SCH	State Clearinghouse
SR 76	State Route 76
TM	Tentative Map
TPH	Total Petroleum Hydrocarbons
UST	Underground Storage Tank
VOCs	Volatile Organic Compounds
ZA	Zoning Amendment

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**FINDINGS OF FACT**  
*for the*  
**MISSION COVE**  
**MIXED USE DEVELOPMENT PROJECT**  
**GPA 12-00003; ZA 12-00003; D 12-00006;**  
**CUP 12-00006, 00007, 00008**  
**SCH # 201205010000**

**INTRODUCTION**

The City of Oceanside's Development Services Department hereby makes the following Findings of Fact concerning the Final Environmental Impact Report (FEIR) for the Mission Cove Mixed Use Development Project (project) pursuant to the California Environmental Quality Act, Public Resources Code Section 21000 et seq. (CEQA), and its implementing regulations, California Code of Regulations, Title 14, section 15000 et seq. (CEQA Guidelines).

The project seeks to create a new neighborhood which will provide affordable housing to meet the needs of Oceanside residents along with supporting commercial and public/semi-public uses. The project is proposing 288 affordable housing units: 150 family units and 138 senior/special needs units. The project would construct fourteen separate buildings to house the proposed residential and mixed uses, resident support, and administrative buildings. The development would include family residential apartments, senior apartments, community support facilities, and a mixed-use building with ground-floor commercial/office/retail space and family apartment units above.

Pursuant to CEQA Guidelines Section 15132, the FEIR for the project consists of the following components:

- A summary of project impacts
- Copies of the written comment letters received by the City concerning the DEIR and the City's responses as the Lead Agency to significant environmental points raised in the public and agency comment, review, and consultation process
- Replacement/errata pages reflecting modifications to text included in the DEIR
- A Mitigation, Monitoring, and Reporting Program
- The original DEIR, including the appendices

The environmental effects, mitigation measures, and alternatives analyzed in the DEIR, the public comments and responses thereto, and the extensive public outreach and public participation described in the DEIR have influenced the design of the project. These analyses and activities reflect the City's commitment to incorporate the environmental considerations identified during the CEQA process into the final project design.

## **1.0 PROJECT DESCRIPTION**

### **1.1 Project Location**

The project site lies within the northwestern quadrant of the City of Oceanside, in the Loma Alta Neighborhood Planning Area. It is approximately one mile east of Interstate 5 (I-5) and a half mile south of State Route 76 (SR 76), about a half mile south of the San Luis Rey River, and 2.5 miles east of the Pacific Ocean.

### **1.2 Project Components**

Project implementation will require the approval of a General Plan Amendment (GPA), Zone Amendment (ZA), Development Plan, Conditional Use Permits (CUPs), and Tentative Map (TM). These are summarized below.

The General Plan Amendment (GPA) would change the current Light Industrial (LI) portion of the site to High Density Residential (HD-R) and General Commercial (GC). The Zone Amendment (ZA) would change the designation of the entire site from Limited Industrial (IL) and Single Family Residential (RS) to Planned Development. The Development Plan would include family residential apartments, senior apartments, community support facilities, and a mixed-use building with ground-floor commercial/office/retail space and family apartment units above. The project is requesting three CUPs: one to allow the mixed-use building, a second to allow a child day care operation within the Family Resident Resource Center, and the third to allow an adult day care use with the Senior Housing component. The Tentative Map (TM) for Mission Cove divides the property into five separate lots to facilitate financing, phasing, and management. The gross acreage of the site is 14.59 acres. After excluding additional right-of-way dedication for Mission Avenue, the net acreage is 14.52 acres.

### **1.3 Project Objectives**

As stated in the *Mission Avenue Affordable Housing/Mixed Use Vision and Strategic Plan* prepared for Mission Cove ("*Vision Plan*"), and approved by the City Council in 2010, the project seeks to create a new neighborhood which will provide affordable housing to meet the needs of Oceanside residents along with supporting commercial uses. The project objectives are as follows:

Provide a 100% affordable housing community with a minimum of 288 affordable units to help achieve the goals and implement the policies of the Housing Element of the Oceanside General Plan and Regional Housing Needs Assessment.

1. Provide a minimum of 150 family units and 138 senior/special needs units with a mix of one, two, and three-bedroom units to serve the diverse housing needs for Oceanside residents across a range of age groups, while promoting social diversity within the community.
2. Integrate 10,000–12,000 square feet of neighborhood-serving commercial-retail space into the development (to create opportunities for complementary land uses and facilities).
3. Design a community that encourages social interaction through provision of on-site amenities and services for residents, including recreation areas, day care services and after-school programs.
4. Establish comprehensive development standards and a plan for the site that reflects the Vision Plan adopted for the property, considers site resources and conditions, and incorporates sustainability measures and conservation of resources.
5. Implement a plan which is aesthetically compatible with and complementary to adjacent land uses.
6. Add to the City's diverse inventory of housing by providing affordable housing opportunities that are conveniently located to transportation, commercial amenities, recreational and public uses.

Based on its review of the FEIR and other information received in connection with the project, the City finds these objectives to be acceptable and desirable from a policy standpoint. In choosing to approve the project, the City accords great weight to the above objectives when considering the feasibility of the alternatives analyzed in the FEIR.

## **2.0 ENVIRONMENTAL PROCESS**

### **2.1 Lead Agency and Responsible Agencies**

The City of Oceanside is the Lead Agency for the proposed project. Other Responsible Agencies include the California Department of Fish and Wildlife (CDFW), the U.S. Fish and Wildlife Service (USFWS), the Regional Water Quality Control Board (RWQCB, Region 9), The Federal Emergency Management Agency, and the San Diego Department of Environmental Health (DEH).

### **2.2 Environmental Impact Report**

The FEIR was prepared as a project EIR. As noted above, discretionary actions associated with project implementation will require the approval of a General Plan Amendment (GPA), Zone Amendment (ZA), Development Plan, Conditional Use Permits (CUPs), and Tentative Map (TM).

#### **2.2.1 Draft EIR**

A Notice of Preparation (NOP) was circulated to the California Office of Planning and Research, responsible and trustee agencies, and other interested parties between July 24, 2012 and August 31, 2012. A Public Scoping Meeting was held on August 9, 2012. The 45-day public review period for the DEIR extended from August 2, 2013 to September 16, 2013. The DEIR was circulated to Responsible Agencies. Ten (10) copies of the DEIR were sent to the State Clearinghouse along with the required Notice of Completion (NOC). Notices of the availability of the DEIR were published in the local newspaper at the same time. The DEIR was made available for review at the City's Planning Division during normal business hours and at the Downtown Oceanside Library. Digital copies were also provided to the City and were made available to the public on the City's website. Six comment letters were received at the close of the public review period.

#### **2.2.2 Final EIR**

Public comments on the DEIR and the City's responses to these comments are provided in Chapter B of the FEIR.

### **2.3 Public Participation**

Public participation played a large part in the preparation of the *Mission Avenue Affordable Housing/Mixed Use Vision and Strategy Plan (Vision Plan)*. Three community workshops were held to welcome comments, suggestions, and expectations of the community at-large through a process to identify issues, evaluate alternatives, and define a preferred alternative for the site. Notification methods included direct mail to property owners within 1500 feet of the site, press releases to the *North County Times* and *San Diego Union Tribune*, and City website postings. Flyers were also distributed to the surrounding neighborhoods (door hangers for Workshop No. 3). All

workshops were held at the Best Western Marty's Valley Inn Conference Center at 3240 Mission Avenue. The focus of the workshops was as follows:

- Workshop No. 1 (April 27, 2009). An introduction to the visioning process was given to help identify issues and goals for site development. A project overview was presented, opportunities and constraints were identified, and public participation was encouraged. Issues noted included land uses, circulation and parking, and amenities. A visual preference survey regarding architectural style was also conducted.
- Workshop No. 2 (July 20, 2009). The focus of this workshop was alternatives. Three preliminary concepts and draft principles for future development were presented for review and comment. Conceptual alternatives were discussed and participants provided comments and concerns. These were used to define a preliminary preferred alternative.
- Workshop No. 3 (September 14, 2009). The Preferred Option concept, developed based on input and discussions from the first two workshops, was presented. Overall, favorable comments were received on the plan, and the proposed project analyzed in this EIR is largely based on this concept.

The City Council adopted the Vision Plan in 2010, which included planning, design, and implementation strategies for the project. The *Vision Plan* concluded that the preferred development should include a combination of affordable family apartment homes, senior/special needs housing, a commercial/office plaza, resident community center, pocket parks, and active/passive open space.

#### **2.4 Record of Proceedings**

For the purposes of CEQA and the findings contained herein, the record of the administrative proceedings for the City's decision concerning certification of the FEIR for the project shall include, but is not limited to, the following documents:

- The DEIR and the Appendices to the DEIR
- The FEIR and the Errata (Chapter C) and Appendices to the FEIR
- The MMRP (Chapter D of the FEIR)
- The City of Oceanside's General Plan, including the Land Use Element, and Circulation Element
- The Final Draft Subarea Plan for the City
- Documents and other materials listed as references and/or incorporated by reference in the DEIR, FEIR, and the appendices thereto
- Findings and resolutions adopted by the City in connection with the project
- Documents cited or referred to in the FEIR
- Reports, studies, memoranda, maps, staff reports, or other planning documents relating to the project prepared by City staff and consultants to the applicant or City

- Documents and other materials submitted to the City by other public agencies or members of the public in connection with the project through the close of the public hearing at which the project was approved.
- The minutes, recordings, and transcripts of public hearings held by the City concerning the FEIR and the project
- Documents or other materials submitted to the City at the public hearings concerning the project
- Matters of common knowledge to the City
- Documents expressly cited or referenced in these findings, in addition to those cited above
- Other materials required to be included in the record of proceedings by California Public Resources Code section 21167.6(e).

The documents and materials that constitute the record of administrative proceedings are maintained at the City of Oceanside's Development Services Division at 300 North Coast Highway, Oceanside, CA 92054. The custodian for these records is the City Planner.

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### **3.0 FINDINGS PURSUANT TO CEQA**

#### **3.1 Purpose**

CEQA requires the City to make written findings of fact for each significant environmental impact identified in the FEIR (Pub. Res. Code section 21081; CEQA Guidelines section 15091). The purpose of findings is to systematically restate the significant effects of the proposed project on the environment and to determine the feasibility of mitigation measures and alternatives identified in the FEIR that would avoid or substantially lessen the significant effects. If significant impacts remain after application of all feasible mitigation measures, the City must review the alternatives identified in the FEIR and determine whether they are feasible. These findings set forth the reasons, and the evidence in support of, the City's determinations.

#### **3.2 Terminology**

A "finding" is a written statement made by the City that explains how the City dealt with each significant impact and alternative identified in the FEIR. Each finding identifies a significant impact and provides an ultimate conclusion regarding each significant impact, substantial evidence supporting the conclusion, and an explanation of how the evidence supports the conclusion.

For each significant impact identified in the FEIR, CEQA requires the City to make a written finding reaching one or more of the following conclusions: (1) that changes or alterations have been required in, or incorporated into, the project that mitigate or avoid the significant effect; (2) that the changes or alterations are within the responsibility and jurisdiction of another public agency and have been, or can and should be, adopted by that other agency; or (3) that specific legal, economic, social, or technological, or other considerations, including considerations for the provision of employment opportunities for highly trained works, make infeasible the mitigation measures or alternatives identified in the Final EIR (Pub. Res. Code section 21081(a); CEQA Guidelines section 15091(a)).

A mitigation measure or an alternative is considered "feasible" if it is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, social, and technological factors, as well as considerations for employment of highly trained workers (Pub. Res. Code section 21061.1; CEQA Guidelines section 15364).

#### **3.3 Legal Effect**

To the extent that these findings conclude that mitigation measures identified in the FEIR are feasible and have not been modified, superseded, or withdrawn, the City hereby binds itself to implement those measures. These findings are not merely informational, but constitute a binding set of obligations upon the City and responsible agencies that take effect upon the City's adoption of the resolutions certifying the FEIR and approving the proposed project.

### **3.4 Mitigation Monitoring and Reporting Program**

In adopting these findings, the City also adopts an MMRP pursuant to Public Resources Code section 21081.6. This program is designed to ensure the proposed project complies with the feasible mitigation measures identified below during implementation of the project. The program is set forth in the *Mission Cove Mixed Used Development Mitigation Monitoring and Reporting Program (MMRP)*, which the City adopts concurrently with these findings and is incorporated herein by reference.

#### **4.0 FINDINGS REGARDING SIGNIFICANT DIRECT IMPACTS MITIGATED TO LESS THAN SIGNIFICANT**

The FEIR determined that the project may result in direct significant environmental impacts to air quality, biological resources, cultural/paleontological resources, geology/soils, hazards/hazardous materials, noise, and utilities. The FEIR also identified mitigation measures and design features that will avoid or substantially lessen the impacts to a less-than-significant level (Chapter A of the FEIR and Chapter IV of the DEIR, Environmental Analysis, Sections IV.1 – 13). In addition, the full suite of mitigation measures described and required within the FEIR is sufficient to mitigate the impacts of the project as proposed.

##### **4.1 Air Quality**

Construction Emissions. Construction emissions would exceed SDAPCD air quality standards during grading operations for PM<sub>10</sub> and PM<sub>2.5</sub> without mitigation (Impact AQ-1).

Operational Emissions. Project-generated traffic emissions were found to be within SDAPCD thresholds. Impacts are therefore less than significant.

##### *Cumulative Impacts*

Construction Emissions. As the reasonably foreseeable projects within the vicinity of the proposed project are either not expected to be under construction simultaneously with, or are considerably distant from the project site, cumulative impacts would not be expected from daily construction activities.

Operational Emissions. Project-generated traffic emissions were found to be within SDAPCD thresholds. Impacts are therefore less than significant.

##### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the EIR.

##### **Facts in Support of Finding**

In order to reduce construction emissions to a level below significance, the following industry-sanctioned mitigation measures will be incorporated during project construction and made conditions of the development permit (AQ-MM-1):

- Apply water during grading/grubbing activities to all active disturbed areas at least twice daily (assuming a 55% control efficiency).
- Plant landscaping as soon as possible and keep graded areas wet.
- Apply water to all onsite unpaved roadways at least two times daily (assuming 55% control efficiency).

- Reduce all construction related traffic speeds onsite to below 15 miles per hour.
- Install wheel shakers at all ingress/egress points of access to the project site so that vehicles wheels can be cleaned of mud and debris before entering any public roadways.

Implementation of the above measures would reduce potentially significant impacts to a less than significant level.

## **4.2 Biological Resources**

While only sparse non-native vegetation was identified on site, unmaintained, the property could support weedy non-native grassland habitat. Impacts to this habitat would be significant (Impact B-1).

The project would not be in compliance with the City's Subarea Plan (SAP) as it would not preserve 50% of the site in biological open space. This would result in the loss of 14.2 acres of land within the Wildlife Corridor Planning Zone (WCPZ, Impact B-2).

### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the EIR.

### **Facts in Support of Finding**

Because the project site is situated within the WCPZ, the Subarea Plan requires that 50 percent of the site be preserved as biological open space. As an alternative to this requirement, the applicant has the option of preserving 7.3 acres of non-native grassland at an off-site location within the WCPZ, as permitted per Section 5.3.1.1 of the SAP. Prior to issuance of a grading permit, the applicant shall acquire 7.3 acres of off-site non-native grassland habitat to offset the development of 100 percent of the project site. The applicant shall be responsible for establishing an endowment or other means of funding the long-term management of the mitigation area. The applicant shall also be responsible for identifying and securing an entity to manage the off-site habitat in perpetuity, subject to the approval of both the City and the resource agencies (B-MM-1)

The 7.3 acres of off-site land shall support non-native grassland habitat, to mitigate the loss of 14.5 acres of like-functioning habitat (0.5:1 ratio) (B-MM-2).

Proof of acquisition of the mitigation land will be required prior to issuance of the project's grading permit, as approved by the City's Engineering Division. Implementation of these mitigation measures will reduce impacts to biological resources to a less than significant level.

### **4.3 Cultural and Paleontological Resources**

Cultural Resources. Archaeological site CA-SDI-5445 Locus B covers a portion of the Mission Cove project area. This site locus was determined to be a significant cultural resource, due to its research potential, based on testing conducted in 2002. The project has been redesigned to avoid impacts to the significant portions of the archaeological site. However, if removal and recompaction of soils is required to depths greater than the anticipated 2 ft. in the areas of concentration, the project would have significant impacts to cultural resources. Similarly, if any ground disturbance for the community garden or other project features in the areas of concentration would be deeper than 2 ft. (60 cm), there is the potential for significant impacts to cultural resources.

Paleontological Resources. No significant impacts to paleontological resources are anticipated, as the project does not propose grading into the Santiago Formation. However, direct or indirect destruction of a unique paleontological resource during project construction would be considered a significant impact.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

##### Cultural Resources

In order to mitigate impacts to CA-SDI-5445 Locus B, a data recovery program will be developed and implemented in the significant portions of the site that will be affected by grading, trenching, and soil removal/recompaction beyond a depth of 2 ft. (60 cm). The amount of excavation will be based on the extent of potential impacts. A specific data recovery plan will be developed based on the extent and depths of grading/soil removal in the areas of concentration (C-MM-1)

Due to the presence of significant cultural resources and the potential for encountering human remains, an archaeological monitoring program shall be conducted for the project; the monitoring program shall apply to the entire project site (C-MM-2). Specifically, the program should consist of the following:

- Prior to implementation of the monitoring, a pre-excavation agreement shall be developed between the appropriate Luiseño Band(s), the applicant, and the City of Oceanside.
- The qualified archaeologist and the Native American representative shall attend the pre-grading meeting with the contractors to explain the requirements of the program.
- An archaeologist and a Native American monitor shall be on-site during all grading, trenching, and other ground-disturbing activities.

If intact archaeological artifact deposits or cultural features are discovered, grading activities shall be temporarily directed away from these deposits to allow documentation and assessment of the resources.

- If any human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission (NAHC), shall be contacted by the NAHC in order to determine proper treatment and disposition of the remains.
- Recovered artifactual materials shall be cataloged and analyzed.
- A report shall be completed describing the methods and results of the monitoring and data recovery program.
- Artifacts shall be curated with accompanying catalog to current professional repository standards or the collection will be repatriated to the Luiseño Band(s), as specified in the pre-excavation agreement.

Implementation of the data recovery program and the monitoring program would serve to mitigate impacts to cultural resources within the project area to below a level of significance. Monitoring will be made a condition of project approval and would be conducted during project grading.

#### **4.4 Geology/Soils**

On-site soils are considered unsuitable for project construction in their current condition. Without remediation, groundshaking from seismic activities could result in lateral spreading, subsidence, or liquefaction (Impact GE-1). The on-site soil was also found to be "Severely Corrosive" and "Corrosive" for ferrous (iron) materials in contact with the soil (Impact GE-2).

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

To fully mitigate the adverse effect associated with GE-1, ground improvements are necessary (GE MM-1).

The geotechnical report provides two options for ground improvements. These are summarized below. The decision concerning which option to use would be determined by the City Geologist and Project Geologist when rough grading commences. Design and Construction Recommendations are detailed in Chapter IV.E Geology/Soils of the FEIR.

## 1. General Improvements for Building Areas

*Option 1:* This would involve removal of the existing near surface alluvial soils to a depth of seven feet below the bottom of footings and replacement with a minimum of five feet of properly compacted fill overlying two feet of compacted Crushed Miscellaneous Base (CMB). Layers of geogrid shall be placed below and above the underlying compacted CMB course prior to placement of compacted fill (See Appendix E for specifications)

Over-excavations shall extend from property line to property line, or at least ten feet horizontally outside the building footprints to locate zones of overly saturated and/or loose unsuitable material of any origin. Removal of localized areas deeper than those documented may be required during grading.

Wet soils associated with groundwater may occur at the bottom of over-excavations, resulting in difficulty in getting a firm surface. Prior to placing structural fill, coarse aggregate passing  $\frac{3}{4}$  inch sieve shall be worked into the soft material.

*Option 2:* Other liquefaction remediation methods include deep in situ soil improvement methods. Vibro-compaction or vibro-floatation is not suitable for the proposed site due to high silt contents and saturated soil conditions. Vibro-replacement with "stone columns" can be effective.

Densification and/or reinforcement of the soil can be achieved with compacted granular columns or "stone columns". This method can increase the bearing capacity, reduce settlement, aid densification, mitigate liquefaction induced damage, and improve shear resistance. Appendix E lists the specifications for column widths and spacing. Following column construction, the upper three feet of soil shall be removed and replaced with compacted fill, and additional testing would be conducted to verify the columns' effectiveness.

## 2. Ground Improvement Measures for Pavement Area

*Option 1:* For pavement areas, the remedial measures included in Option 1 above, can be applied with following changes:

The existing near surface alluvial soils shall be removed to a depth of five (5) feet below the existing grade and replaced with a minimum of two feet of properly compacted fill overlying two feet of compacted CMB. Layers of geogrid shall be placed below and above the underlying compacted CMB prior to placement of compacted fill. Over-excavations shall extend at least five feet horizontally outside the pavement/street areas.

Option 2: Remove and recompact the upper two feet below the bottom of the pavement section, extending at least five feet horizontally outside the pavement/street areas. The pavement section shall be monitored for any settlement or distress

after a seismic event, and followed with necessary repair/maintenance or reconstruction.

### 3. Ground Improvement Measures for Other Landscaping Areas

For other landscaping areas, the upper twelve inches below the existing grade shall be scarified and recompact.

The geotechnical report provides additional requirements for subgrade preparation, structural backfill, shrinkage and subsidence, utility trench backfill, pipe bedding, and trench zone backfill. These are detailed in Chapter E of this FEIR.

### 4. Subgrade Preparation

If corrosive soils occur in areas where steel and concrete structures would be built, a corrosion engineer shall be consulted for detailed corrosion mitigation measures. This will be monitored during grading as required by the City's Engineering Division (GE MM-2).

## **4.5 Hazards and Hazardous Materials**

There is a potential for pesticide residue on the portion of the site with historical agricultural uses, and there is a potential for groundwater and soil gas contamination on the portion of the property abutting the existing gas station at Mission Avenue and Carolyn Circle (Impact HM-1).

### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### **Facts in Support of Finding**

A Phase II Environmental Site Assessment (ESA) shall be conducted on-site (HM MM-1), consisting of the following:

- Soil sampling to evaluate the potential presence of agricultural chemical residues in surface and shallow subsurface soil due to historic agricultural use of the site.
- Soil, soil gas, and groundwater sampling of the site in the vicinity of the Moshen property to assess the potential impacts related to the off-site underground storage tank (UST) release associated with the gas station.

Evaluation of these conditions will consist of the following:

- Shallow soil borings throughout the site
- Laboratory analysis of soil samples collected from the borings for organochloride pesticides (OCPs) and arsenic
- Multi-purpose borings on the portions of the site adjacent to the Moshen property
- Laboratory analysis of soil, soil gas, and groundwater collected from the borings for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) including fuel oxygenates

There are no potential exposure routes for the site's groundwater to be impacted. Potential exposure to vapor intrusion from any soil gas impacts would be mitigated by control methods such as installation of an impermeable plastic liner and/or imported clean fill material installed under proposed structures.

#### **4.6 Land Use**

The project could result in potentially significant impacts with regard to land use.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

The GPA and Zone Amendment would allow the PD Plan to be the governing document for future site development. The uses and development standards set forth in the PD Plan are designed to ensure compatibility with adjacent uses while implementing the *Vision Plan* previously adopted for this property. As the project meets or exceeds all of the development standards set forth in the proposed PD Plan, no conflicts regarding land use would occur.

The City of Oceanside is located within the North San Diego County Multiple Habitat Conservation Program (MHCP), and its subarea plan is pending approval by the City Council. Since the City is not located within an approved habitat conservation plan or natural community conservation plan area, there is no land use impact per the significance criteria. Impacts related to biological resources are discussed in Chapter IV.C (Biological Resources) of the FEIR and above under Section 4.2. The project will mitigate these impacts in accordance with Section 5.3.1.1 of the SAP, which allows off-site mitigation within the WCPZ rather than 50% preservation of the project site.

## 4.7 Noise

The project could result in potentially significant impacts regarding noise.

### Finding

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

### Facts in Support of Finding

#### Traffic Generated Noise

Exterior noise levels were measured to determine the impact of existing ambient noise levels on the proposed project. The primary source of existing noise at the project site is generated from traffic. Exterior noise levels measured at all outdoor receptors placed in common use areas were found to be below 65 dBA CNEL. The project would therefore be in compliance with the City's exterior noise level goal; no significant impacts would occur with project implementation.

Noise levels at the project's building façades were found to be above the City's 60 dBA CNEL threshold for all buildings, at all three floor levels (Impact N-1).

Although the project site is located within close proximity to the Oceanside Municipal Airport, it is not within any of the airport's noise contours due to infrequent flights. In addition, noise from the airport would not be expected to exceed 65 dBA CNEL; therefore no significant impacts would occur.

#### *Off-Site Project-generated Traffic Noise Levels*

The Project does not create a direct noise increase of more than 3 dBA CNEL on any roadway segment. Therefore, the project's direct contributions to off-site roadway noise increases will not cause any significant impacts to any existing or future noise sensitive land uses.

#### *Cumulative Traffic Noise Levels*

The noise level increase that would result from development of the project and cumulative projects would be greater than 4.3 dBA CNEL on Foussat Road, between SR-76 and Mission Avenue. Although this exceeds the 3 dBA CNEL allowable increase, this segment of road is developed with commercial uses; no noise sensitive receptors are present. The project's related direct increase on that roadway segment is below 1 dBA CNEL. Therefore, the project's contributions to off-site roadway noise increase would not be considered cumulatively considerable and would not cause any significant impacts.

### Construction Generated Noise

Noise from construction is considered to be a short-term adverse impact, provided that construction activity is limited to the hours permitted by the City. Average noise levels would be 74.9 dBA when construction equipment is located 115 feet from the property lines. As this is below the 75 dBA standard, no significant impacts would occur. In addition, construction activities would be limited to the hours set forth in the City's Noise Element.

The project's building facades were found to be above the 60 dBA CNEL threshold and therefore will require a final noise study to be prepared prior to the issuance of the first building permit. This final report would identify the interior noise requirements based upon architectural and building plans. Interior noise levels of 45 dBA CNEL can be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each unit and upgraded windows for all sensitive rooms (e.g. bedrooms, living areas and group rooms)(N-MM-1).

Implementation of this measure would reduce noise impacts to below a level of significance.

### **4.8 Traffic**

The segment of Mission Avenue between Foussat Road and El Camino Real is projected to operate at a deficient level under the existing traffic plus cumulative traffic study scenario, both with and without the project.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

As the project does not result in significant traffic impacts, no mitigation measures are required. However, consistent with policies established in the Circulation Element, project approval is conditioned upon improvements intended to alleviate a deficient level of service along that segment of Mission Avenue between Foussat Road and El Camino Real, a condition projected to exist both with and without the project. Specifically project approval is conditioned upon the following two requirements:

- Installation of a Pelco HD closed-circuit television camera (CCTV) and an Actellis switch at the intersection of Mission Avenue and Fireside Street (Figure IV.L-1), and integrate into the City's existing communication system. This is the next major intersection on Mission Avenue east of the intersection with Foussat Road, which already has a camera and switch. A CCTV allows the City to remotely

monitor the traffic flows at a given intersection in real time. The Applicant will install these prior to Certificate of Occupancy and to the satisfaction of the City Traffic Engineer.

- Contribute a fair-share toward the cost of installing approximately 3600 lineal feet of conduit along Mission Avenue between Airport Road and just east of Mesa Drive. The conduit would carry the cable for the overall system. The contribution will be done prior to Certificate of Occupancy and to the satisfaction of the City Traffic Engineer.

These improvements would fill an existing gap in the TMC infrastructure along Mission Avenue and would be consistent with the City's updated City Circulation Element.

#### **4.9 Utilities**

The project could result in potentially significant impacts to utilities.

#### **Finding**

Pursuant to CEQA Guidelines section 15091(a)(1), changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect identified in the FEIR.

#### **Facts in Support of Finding**

Water Supply The primary source of water in the project area is the Wire Mountain Reservoir. Water service is provided by the City's 320 Pressure Zone System, which has adequate capacity and pressure to serve the project. The project's water system has been designed in accordance with the City's *Water, Sewer, and Reclaimed Water Design & Construction Manual* (September 2009) to function within the overall system.

A 24-inch diameter water line extends south from the reservoir, crossing over the river in the Benet Road bridge and then under SR 76 to San Luis Rey Road. From this point a ten-inch diameter water main extends eastward in San Luis Rey Road. A ten-inch diameter water main comes off this line to run south under Mission Avenue. Additionally, there is an existing 14-inch diameter water main in Foussat Road at its intersection with Mission Avenue, just east of the project site. The proposed project will connect to the existing 14-inch diameter water line in Foussat Road east of the project, and to the existing ten-inch diameter water line on the west side of the project. This will create an on-site looped system. The system will serve fire hydrants, fire sprinkler systems, irrigation, and domestic water. The existing 14-inch water main in Foussat Road and the ten-inch diameter line at the western end of the project have sufficient capacity and pressure to serve the project.

Wastewater Collection The property is located in the Roymar Sewer Lift Station Sewer Sub-Basin; this sub-basin includes the general area south of SR 76, west of El Camino Real, north of Mesa Drive, and east of Benet Road. This gravity sewer system flows to

the west in Mission Avenue to the Roymar Sewer Lift Station, located near the western end of San Luis Rey Road. The overall gravity flow portion of the sub-basin is presently functioning adequately at this time, and the lift station is operating well within capacity.

At this time there are no wastewater facilities for the overall site. Existing residential is present along Carolyn Drive, which wraps around this property on the east, south, and west sides. There is an existing 8-inch diameter gravity sewer in Carolyn Drive, which increases to a ten-inch diameter at Manhole #30 at its western end to then pass north under Mission Avenue.

The sewer then flows to the existing twelve-inch diameter gravity sewer main in San Luis Rey Road. The sewer continues to the west in San Luis Rey Road to discharge into the Roymar Sewer Lift Station wet well. From this point sewage is pumped east in an existing twelve-inch diameter force main in Mission Avenue to a gravity sewer manhole east of Copperwood Way . Even with the addition of the project sewage flows, the lift station pumps would not have to operate at maximum design capacity, and thus the pumps have adequate capacity to accommodate the project's sewage flow.

The project is calculated to add 57,240 gallons per day to the system. The project's sewer line will connect to the existing 8-inch diameter sewer in Carolyn Circle, at the western end of the property upstream of manhole #30, at manhole #40. While the existing sewer can accommodate the addition of project sewage, flow would exceed the industry guideline for an 8-inch diameter sewer (Impact U-1).

The project will replace the existing 8-inch diameter sewer between manholes #40 and #30 with a 10-inch diameter sewer (U-MM-1). This replacement will allow the system to again flow within design guidelines, and no significant impacts would remain.

Solid Waste Disposal Service. Waste Management of North County services the entire City of Oceanside. Waste Management provides bulk bins for multi-family housing. Trash, recyclables and green waste are normally picked up weekly. Pickup services can occur more frequently, if needed. This mixed-use residential and commercial project is adjacent to other residential and commercial use, with existing waste disposal service. Other than increasing demand for solid waste disposal, which can be met, the project would have no impacts on solid waste disposal service.

**MISSION COVE PROJECT  
MITIGATION, MONITORING AND REPORTING PROGRAM**

AIR QUALITY			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<u>The following mitigation measures shall be added as notes to the grading plans:</u>			
<p><b>AQ-MM-1</b> In order to reduce construction emissions to a level below significance, the following industry-sanctioned mitigation measures will be incorporated during project construction:</p> <ul style="list-style-type: none"> <li>• Apply water during grading/grubbing activities to all active disturbed areas at least twice daily (assuming a 55% control efficiency).</li> <li>• Plant landscaping as soon as possible and keep graded areas wet.</li> <li>• Apply water to all onsite unpaved roadways at least two times daily (Assuming 55% control efficiency).</li> <li>• Reduce all construction related traffic speeds onsite to below 15 miles per hour.</li> <li>• Install wheel shakers at all ingress/egress points of access to the project site so that vehicles wheels can be cleaned of mud and debris before entering any public roadways.</li> </ul>	CM	Planning Division	During construction and grading

CM = Construction mitigation

OM = Operation mitigation

MMRP-1

BIOLOGICAL RESOURCES			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b>B-MM-1</b> Because the project site is situated within the WCPZ, the Subarea Plan requires that 50 percent of the site be preserved as biological open space. As an alternative to this requirement, the applicant has the option of preserving 7.3 acres of non-native grassland at an off-site location within the WCPZ. Prior to issuance of a grading permit, the applicant shall acquire 7.3 acres of off-site non-native grassland habitat to offset the development of 100 percent of the project site. The applicant shall be responsible for establishing an endowment or other means of funding the long-term management of the mitigation area. The applicant shall also be responsible for identifying and securing an entity to manage the off-site habitat in perpetuity, subject to the approval of both the City and the resource agencies.</p>	OM	Planning Division	Prior to Issuance of Grading Permit
<p><b>B-MM-2</b> The 7.3 acres of off-site land shall support non-native grassland habitat, to mitigate the loss of 14.5 acres of like-functioning habitat (0.5:1 ratio).</p>	OM	Planning Division	Prior to Issuance of Grading Permit

CULTURAL RESOURCES			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b>C-MM-1</b> In order to mitigate impacts to CA-SDI-5445 Locus B, a data recovery program will be developed and implemented in the significant portions of the site that will be affected by grading, trenching, and soil removal/recompaction beyond a depth of 2 ft. (60 cm). The amount of excavation will be based on the extent of potential impacts. A specific data recovery plan will be developed based on the extent and depths of grading/soil removal in the areas of concentration.</p>	CM	Engineering Division	During construction and grading
<p><b>C-MM-2</b> Due to the presence of significant cultural resources and the potential for encountering human remains, an archaeological monitoring program shall be conducted for the project; the monitoring program shall apply to the entire project site. Specifically, the program should consist of the following:</p> <ul style="list-style-type: none"> <li>• Prior to implementation of the monitoring, a pre-excavation agreement shall be developed between the appropriate Luiseño Band(s), the applicant, and the City of Oceanside.</li> <li>• The qualified archaeologist and the Native American representative shall attend the pre-grading meeting with the contractors to explain the requirements of the program.</li> <li>• An archaeologist and a Native American monitor shall be on-site during all grading, trenching, and other ground-disturbing activities.</li> <li>• If intact archaeological artifact deposits or cultural features are discovered, grading activities shall be temporarily directed away from these deposits to allow documentation and assessment of the resources.</li> </ul>	CM	Engineering Division	During construction and grading

<ul style="list-style-type: none"> <li>• If any human remains are discovered, the County Coroner shall be contacted. In the event that the remains are determined to be of Native American origin, the Most Likely Descendant, as identified by the Native American Heritage Commission (NAHC), shall be contacted by the NAHC in order to determine proper treatment and disposition of the remains.</li> <li>• Recovered artifactual materials shall be cataloged and analyzed.</li> <li>• A report shall be completed describing the methods and results of the monitoring and data recovery program.</li> <li>• Artifacts shall be curated with accompanying catalog to current professional repository standards or the collection will be repatriated to the Luiseño Band(s), as specified in the pre-excavation agreement.</li> </ul>			
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GEOLOGY / SOILS			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b>GE-MM1</b> To fully mitigate the adverse effect associated with GE-1, the following measures shall be implemented.</p> <p><b>A. GROUND IMPROVEMENTS</b></p> <p>The geotechnical report provides two options for ground improvements. The preferred method will be determined by the City Geologist and Project Geologist during rough grading. These are summarized below and detailed in the geotechnical report.</p> <p>1. <u>General Improvements for Building Areas</u></p> <p><i>Option 1:</i> This would involve removal of the existing near surface alluvial soils to a depth of seven feet below the bottom of footings and replacement with a minimum of five feet of properly compacted fill overlying two feet of compacted Crushed Miscellaneous Base (CMB). Layers of geogrid shall be placed below and above the underlying compacted CMB course prior to placement of compacted fill (See the geotechnical report for specifications)</p> <p>Over-excavations shall extend from property line to property line, or at least ten feet horizontally outside the building footprints to locate zones of overly saturated and/or loose unsuitable material of any origin. Removal of localized areas deeper than those documented may be required during grading.</p> <p>Wet soils associated with groundwater may occur at the bottom of over-excavations, resulting in difficulty in getting a firm surface. Prior to placing structural fill, coarse aggregate passing ¾ inch sieve shall be worked into the soft material.</p> <p><i>Option 2:</i> Other liquefaction remediation methods include deep in situ soil improvement methods. Vibro-compaction or vibro-floatation is not suitable for the proposed site due to high silt contents and saturated soil conditions. Vibro-replacement</p>	<p>CM</p> <p>CM</p>	<p>Engineering Division</p> <p>Engineering Division</p>	<p>During construction and grading</p> <p>During construction and grading</p>

<p>with "stone columns" can be effective.</p> <p>Densification and/or reinforcement of the soil can be achieved with compacted granular columns or "stone columns". This method can increase the bearing capacity, reduce settlement, aid densification, mitigate liquefaction induced damage, and improve shear resistance. The geotechnical report lists the specifications for column widths and spacing. Following column construction, the upper three feet of soil shall be removed and replaced with compacted fill, and additional testing would be conducted to verify the columns' effectiveness.</p> <p><b>2. <u>Ground Improvement Measures for Pavement Area</u></b></p> <p><i>Option 1:</i> For pavement areas, the remedial measures included in Option 1 above, can be applied with following changes:</p> <p>The existing near surface alluvial soils shall be removed to a depth of five (5) feet below the existing grade and replaced with a minimum of two feet of properly compacted fill overlying two feet of compacted CMB. Layers of geogrid shall be placed below and above the underlying compacted CMB prior to placement of compacted fill. Over-excavations shall extend at least five feet horizontally outside the pavement/street areas.</p> <p><i>Option 2:</i> Remove and recompact the upper two feet below the bottom of the pavement section, extending at least five feet horizontally outside the pavement/street areas. The pavement section shall be monitored for any settlement or distress after a seismic event, and followed with necessary repair/maintenance or reconstruction.</p> <p><b>3. <u>Ground Improvement Measures for Other Landscaping Areas</u></b></p> <p>For other landscaping areas, the upper twelve inches below the existing grade shall be scarified and recompact.</p>	<p>CM</p> <p>CM</p>	<p>Engineering Division</p> <p>Engineering Division</p>	<p>During construction and grading</p> <p>During construction and grading</p>
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<p><b>4. <u>Subgrade Preparation</u></b></p> <p>For conventional spread foundations and slab-on-grade the upper 24 inches of the subgrade soils shall be non-expansive (expansion index less than 20). The expansion potential of the on-site soils ranges from 'very low' to 'low. This shall be checked and verified at the end of the grading operation.</p> <p>The upper six inches of subgrade soils underneath the slab-on-grade of the structures shall be comprised of well-drained granular soils such as sands, gravel or crushed aggregate. The subgrade soil shall be compacted in accordance with the recommendations set forth the geotechnical report, (<i>Recommended Earthwork Specifications</i>). The subgrade soils shall be moistened before placing concrete.</p>	CM	Engineering Division	During construction and grading
<p><b>5. <u>Structural Backfill</u></b></p> <p>Excavated site soils, free of vegetation and debris, may be placed as compacted fill in structural areas after proper processing. The processing may involve clearing roots and debris, removal of oversized particles larger than three inches in diameter(if any), mixing, and moisture conditioning before placing as compacted fill.</p> <p>All structural fill shall be placed on competent, uniform and non-yielding, compacted materials determined by the geotechnical engineer in accordance with the geotechnical report (<i>Recommended Earthwork Specifications</i>). To obtain a uniform subgrade, soils shall be well mixed and uniformly compacted. Prior to compaction, fill soils shall be thoroughly mixed and moisture conditioned, when necessary.</p> <p>Fill shall be placed on top of the compacted CMB as per Option 1, or improved ground as per Option 2, in loose lifts of eight inches or less. Specifications for moisture content and dry density compaction are detailed in the geotechnical report, consistent with all applicable regulations and guidelines.</p> <p>The <i>in-situ</i> moisture content of the upper ten (10) feet of native soils ranged from 12 to 36%. The optimum moisture content is 13.0 and 13.3%. Therefore, moisture</p>	CM	Engineering Division	During construction and grading

<p>conditioning will be necessary prior to the material being placed as compacted fill. Refer to the geotechnical report for details.</p> <p>Backfill behind retaining walls and footing foundations shall be placed and compacted in accordance with the recommended specifications in the geotechnical report (<i>Recommended Earthwork Specifications</i>). Heavy construction equipment shall be kept away from retaining walls and other buried structures to avoid overstressing.</p> <p><b>6. <u>Shrinkage and Subsidence.</u></b> The following shrinkage and subsidence factors shall be applied for the on-site soils in calculating earthwork quantities.</p> <p><i>Shrinkage Factor:</i> 0 to 20%, with an average of 10% shrinkage for soils removed and replaced as compacted fill, with an average relative compaction of approximately 92%.</p> <p><i>Subsidence Factor:</i> 0.2 feet of subsidence may occur. This is due to the settlement of native materials from the equipment load applied during grading. Field testing using the actual equipment and grading techniques shall be conducted.</p> <p><b>7. <u>Utility Trench Backfill.</u></b> Open cuts adjacent to existing roadways and/or adjacent structures are not recommended within a 1:1 horizontal:vertical (H:V) plane extending beyond and down from the roadway or structure perimeter. Specifications for stockpiling the spoils are detailed in the geotechnical report.</p> <p><b>8. <u>Pipe Bedding</u></b></p> <p>To provide uniform and firm support for any subsurface pipelines, free-draining granular soil shall be used as pipe bedding material. For flexible pipes, excavated sandy materials may be used as bedding material. Crushed rock or gravel may be used for rigid pipes. Bedding material for the pipes shall be free from oversized particles (greater than one (1) inch). Specifications for bedding materials including required backfill requirements are detailed in the geotechnical report.</p>	<p>CM</p> <p>CM</p> <p>CM</p>	<p>Engineering Division</p> <p>Engineering Division</p> <p>Engineering Division</p>	<p>During construction and grading</p> <p>During construction and grading</p> <p>During construction and grading</p>
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<p><b>9. <u>Trench Zone Backfill</u></b></p> <p>The trench zone is defined as the portion of the trench above the pipe bedding extending up to the final grade level of the trench surface. Excavated on-site soils after proper processing and moisture conditioning may be used to backfill the trench zone. Imported trench backfill, if used, shall be approved by the project soils consultant prior to delivery at the site. The trench zone shall be backfilled in accordance with the recommendations presented in Section A-5 above (<i>Structural Backfill</i>).</p>	CM	Engineering Division	During construction and grading
<p><b>B. DESIGN RECOMMENDATIONS</b></p> <p>The various design recommendations provided below in this section are based on the assumption during site preparation, the earthwork and ground improvement recommendations provided in the geotechnical report will be followed.</p> <p>1. <u>General Evaluation</u></p> <p>Differential settlement, not total settlement, is the primary cause of distress to structures. To reduce differential settlement, variations in the soil type, degree of compaction, and thickness of the compacted fill placed underneath the footings shall be minimized.</p> <p>Potential structural damage from seismically induced ground settlement may be significantly reduced by strengthening the structures and the foundations. Stiffened structural foundations such as slabs with grade-beams and post-tensioned slabs can reduce structural damages during earthquakes. Some damage to streets, flatwork and buried utilities may still occur due to localized ground failures.</p>	CM	Engineering Division	During construction and grading
<p>2. <u>Foundation Type and Bearing Pressures</u></p>	CM	Engineering Division	During construction and grading

<p>The proposed structures may be supported on continuous (strip) and/or isolated spread footings. See the geotechnical report for specifications regarding the width of and depth of the continuous and isolated spread fittings. The maximum allowable bearing capacity shall be limited to 3,000 pounds per sq ft (psf).</p> <p>The allowable net bearing capacity is defined as the maximum allowable net bearing pressure on the ground. The net allowable bearing values indicated above are for the dead load and frequently applied live loads and are obtained by applying a factor of safety of 3.0 to the net ultimate bearing capacity. If normal code requirements are applied for design, the above vertical bearing value may be increased by 33% for short duration loading, which will include loading induced by wind or seismic forces.</p> <p><i>Active Earth Pressures.</i> The active earth pressure behind any buried wall depends primarily on the allowable wall movement, type of backfill materials, backfill slopes, wall inclination, surcharges, and any hydrostatic pressures. These pressures assume a level ground surface behind the walls for a distance greater than the wall height, no surcharge, and no hydrostatic pressure.</p> <p>If water pressure is allowed to build up behind the walls, the active pressures shall be reduced by 50% and added to a full hydrostatic pressure to compute the design pressures against the walls.</p> <p><i>Passive Earth Pressure.</i> Resistance to lateral loads is assumed to be provided by friction acting at the base of foundations and by passive earth pressure. Passive earth pressure of 250 psf per foot of depth may be used for the sides of footings poured against recompacted native soils. A factor of safety of 1.5 was applied in calculating passive earth pressure. The maximum value of the passive earth pressure shall be limited to 2,000 psf. These lateral resistances may be increased by 33% for seismic forces.</p> <p>Vertical and lateral bearing values indicated above are for the total dead loads and frequently applied live loads. If normal code requirements are applied for design, the above vertical bearing and lateral resistance values may be increased by 33% for short duration loading, which will include the effect of wind or seismic forces.</p>			
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<p><b>3. <u>Settlement</u></b></p> <p>For static loading, total settlement of the residential footing (designed as recommended above, from structural load-induced settlements, and short-term settlement of properly compacted fill) shall be 1-inch or less. The differential settlement can be taken as equal to one half of the total settlement.</p>	CM	Engineering Division	During construction and grading
<p><b>4. <u>Slabs-on-Grade</u></b></p> <p>The design of the slab-on-grade will depend on, among other factors, the expansive potential of the pad soils. As noted above, the expansive potential is very low to low, but shall be verified at the completion of grading. Post-tensioned slabs can be used for lots with expansion index greater than 20.</p> <p>Thickness of slabs-on-grade shall be determined by the Structural Engineer as specified in the geotechnical report. Subgrade for the slab-on-grade shall be firm and uniform. The report also provides details on soil moisture conditioning and recompaction.</p>	CM	Engineering Division	During construction and grading
<p><b>5. <u>Liquefaction Mitigation Measures-Structural</u></b></p> <p>In addition to the ground improvement measures presented in this report, the liquefaction mitigation for shallow foundation design includes</p> <ul style="list-style-type: none"> <li>• Combination of spread footing with grade beams or rigid raft foundation.</li> <li>• Well-reinforced and/or post-tensioned mat foundation to provide better resistance against soil movements</li> <li>• Ductile connection of buried utilities such as pipelines to accommodate large movements and settlements</li> </ul>	CM	Engineering Division	During construction and grading

<p><b>6. <u>Preliminary Pavement Design Recommendations</u></b></p> <p>Two representative samples of site soils were tested to evaluate the Resistance (R) value. The testing indicated R-value of 49 and 62.</p> <p>Asphalt concrete pavement sections corresponding to Traffic Indices (TIs) ranging from 5.0 to 7.0, and an R-value of 35 (for conservative design) are presented for preliminary design.</p> <p>The site soils will be substantially mixed during site grading and the R-values of the final subgrade soils are likely to be different. At the completion of grading, the R-value of the subgrade soils shall be determined and the pavement structural sections shall be reevaluated. Pavement or street areas shall be founded on improved ground.</p> <p>The geotechnical report provides specifications for base materials including asphalt concrete materials and pavement subgrade, in accordance with all applicable regulations and standards.</p>	CM	Engineering Division	During construction and grading
<p><b>7. <u>Site Drainage</u></b></p> <p>Adequate positive drainage shall be provided away from the structures to prevent ponding and to reduce percolation of water into structural backfill. A desirable slope for surface drainage is two (2)% in landscaped areas and one (1)% in paved areas. Planters and landscaped areas adjacent to the building perimeter shall be designed to minimize water infiltration into the subgrade soils. Gutters and downspouts shall be installed on the roof, and runoff shall be directed to the storm drain through non-erosive devices.</p>	CM	Engineering Division	During construction and grading



<p>maintain an opened hole for pile installation. The design of cantilever shoring is detailed in the geotechnical report. Methods for filling any voids shall be selected by the contractor.</p> <p>In addition to the lateral earth pressure, surcharge pressures due to miscellaneous loads, such as soil stockpiles, vehicular traffic or construction equipment located adjacent to the shoring, shall be included in the design of the shoring. Specifications are detailed in the geotechnical report.</p> <p>The lagging between the soldier piles may consist of pressure-treated wood members or solid steel sheets. The steel sheeting is the preferred option. The geotechnical report provides details for the design of the lagging piles including lagging design loads.</p> <p>Excavations shall not extend below a 1:1 horizontal: vertical (H:V) plane extending from the bottom of any existing structures, utility lines or streets. Any proposed excavation shall not cause loss of bearing and/or lateral supports of the existing utilities or streets.</p> <p><b>GE-MM2</b> If corrosive soils occur in areas where steel and concrete structures would be built, a corrosion engineer shall be consulted for detailed corrosion mitigation measures</p>	<p>CM</p>	<p>Engineering Division</p>	<p>During Prior to grading and construction and grading</p>
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HAZARDOUS MATERIALS			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b>HM-MM1</b> A Phase II ESA shall be conducted on-site, consisting of the following:</p> <ul style="list-style-type: none"> <li>• Soil sampling to evaluate the potential presence of agricultural chemical residues in surface and shallow subsurface soil due to historic agricultural use of the site.</li> <li>• Soil, soil gas, and groundwater sampling of the site in the vicinity of the Moshen property to assess the potential impacts related to the off-site UST release.</li> </ul> <p>Evaluation of these conditions will consist of the following:</p> <ul style="list-style-type: none"> <li>• Shallow soil borings throughout the site</li> <li>• Laboratory analysis of soil samples collected from the borings for organochloride pesticides (OCPs) and arsenic</li> <li>• Multi-purpose borings on the portions of the site adjacent to the Moshen property</li> <li>• Laboratory analysis of soil, soil gas, and groundwater collected from the borings for total petroleum hydrocarbons (TPH) and volatile organic compounds (VOCs) including fuel oxygenates</li> </ul> <p>There are no potential exposure routes for future project residents to impacted groundwater, if any, underlying the site. Potential exposure to vapor intrusion from any soil gas impacts would be mitigated by control methods such as installation of an impermeable plastic liner and/or imported clean fill material installed under proposed structures.</p>	CM	Engineering Division	During Construction and Grading

NOISE			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b>N-MM-1</b> The project's building facades were found to be above the 60 dBA CNEL threshold and therefore will require a final noise study to be prepared prior to the issuance of the first building permit. This final report would identify the interior noise requirements based upon architectural and building plans. Interior noise levels of 45 dBA CNEL can be obtained with conventional building construction methods and providing a closed window condition requiring a means of mechanical ventilation (e.g. air conditioning) for each unit and upgraded windows for all sensitive rooms (e.g. bedrooms, living areas and group rooms).</p>	CM	Planning Division	Prior to issuance of building permit

TRANSPORTATION / TRAFFIC			
MITIGATION MEASURES	TYPE	MONITOR	SCHEDULE
<p><b><u>No mitigation measures are required. The following improvements will be made a condition of project approval in compliance with the City's updated Circulation Element:</u></b></p> <p><b>T-MM-1</b> — Install a Pelco HD closed-circuit television camera (CCTV) and an Actellis switch at the intersection of Mission Avenue and Fireside Street and integrate into the City's existing communication system. This is the next major intersection on Mission Avenue east of the intersection with Foussat Road, which already has a camera and switch. A CCTV allows the City to remotely monitor the traffic flows at a given intersection in real time. The Applicant will install these prior to Certificate of Occupancy and to the satisfaction of the City Traffic Engineer.</p> <p><b>T-MM-2</b> — Contribute a fair-share toward the cost of installing approximately 3600 lineal feet of conduit along Mission Avenue between Airport Road and just east of Mesa Drive. The conduit would carry the cable for the overall system. The contribution will be done prior to Certificate of Occupancy and to the satisfaction of the City Traffic Engineer.</p>	CM	Planning Division	Prior to issuance of building permit
	CM	Planning Division	Prior to issuance of building permit

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P49

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

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7 APPLICATION NO: GPA12-00003, ZA12-00003, T12-00001, D12-00006,  
8 CUP12-00006, CUP12-00007, CUP12-00008  
9 APPLICANT: National Community Renaissance, Community Housing Works  
10 LOCATION: South side of Mission Avenue, between Carolyn Circle and Fousat  
11 Road (APNs 160-270-12-00, 146-061-03-00)

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

13 WHEREAS, there was filed with this Commission a verified petition on the forms  
14 prescribed by the Commission requesting a General Plan Amendment, Zone Amendment,  
15 Tentative Map, Development Plan, and three Conditional Use Permits under the provisions of  
16 Articles 17, 30, 41, 43, and 45 of the Zoning Ordinance of the City of Oceanside to permit the  
17 following:

18 amendment of the existing General Plan land use designation from Light Industrial (LI) to  
19 High Density Residential (HD) and General Commercial (GC) and amendment of the  
20 existing zoning designations from Light Industrial (IL) and Single-Family Residential  
21 (SFD-R) to Planned Development (PD) to allow for 288 units of family and senior  
22 affordable housing and 10,435 square feet of commercial floor area;  
23 on certain real property described in the project description.

24 WHEREAS, the Planning Commission, after giving the required notice, did on the 16<sup>th</sup>  
25 day of December, 2013 conduct a duly advertised public hearing as prescribed by law to consider  
26 said application.

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

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

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

4 <u>Description</u>	4 <u>Authority for Imposition</u>	4 <u>Current Estimate Fee or Calculation Formula</u>
6 Drainage Fee	6 Ordinance No. 85-23 Resolution No. 06-R0334-1	6 Depends on area (range is \$2,843-\$15,964 per acre)
8 Public Facility Fee	8 Ordinance No. 91-09 Resolution No. 06-R0334-1	8 \$2,072 per thousand square feet of residential floor area and \$713 per thousand square feet of non- residential floor area
11 School Facilities Mitigation Fee	11 Ordinance No. 91-34	11 \$3.20 per square foot of residential floor area and \$0.51 per square foot of non-residential floor area for the Oceanside Unified School District
14 Traffic Signal Fee	14 Ordinance No. 87-19 Resolution No. 06-R0334-1	14 \$15.71 per vehicle trip
17 Thoroughfare Fee (Residential and non- residential)	17 Ordinance No. 83-01 Resolution No. 06-R0334-1	17 \$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
19 Water System Buy-in Fees	19 Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	19 3/4" = \$4,597 1" = \$11,492 2" = \$36,775
23 Wastewater System Buy-in Fees	23 Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	23 3/4" = \$6,313 1" = \$15,782 2" = \$50,501
26 San Diego County Water Authority Capacity Fees	26 SDCWA Ordinance No. 2005-03	26 \$4,492 (for typical dwelling) \$23,358 for 2" meter for non- residential
27 Parks	27 Ordinance No. 91-10 Resolution No 06-R0334-1	27 \$3,503 per unit

1           WHEREAS, the current fees referenced above are merely fee amount estimates of the  
2 impact fees that would be required if due and payable under currently applicable ordinances and  
3 resolutions, presume the accuracy of relevant project information provided by the applicant, and  
4 are not necessarily 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  
6 calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside  
7 City Code and the City expressly reserves the right to amend the fees and fee calculations  
8 consistent with applicable 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  
12 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction  
13 described in this resolution begins on the effective date of this resolution and any such protest  
14 must be in a manner that complies with Section 66020;

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

17           WHEREAS, the Environmental Impact Report, together with any comments received,  
18 and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the  
19 conditions of approval for the project, were presented to the Planning Commission, and the  
20 Planning Commission reviewed and considered the information contained in these documents  
21 prior to making a decision on the project.

22           WHEREAS, the Environmental Impact Report, Findings of Fact, and Mitigation and  
23 Monitoring and Reporting Program (MMRP) have been determined to be accurate and  
24 adequate documents, reflecting the independent judgment and analysis of the Planning  
25 Commission. On the basis of the entire record before it, the Planning Commission finds that  
26 there is no substantial evidence that the project, with implementation of the mitigation  
27 measures proposed, will have a significant impact on the environment.

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

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

3 FINDINGS:

4 For the General Plan Amendment:

5 To change the land use designations of portions of the project site to allow for residential,  
6 commercial, and public/semi-public land uses:

- 7 1.       The re-designation of portions of the project site from Light Industrial (LI) to High Density  
8 Residential (HD-R) and General Commercial (GC) will provide for a range of land uses  
9 consistent with housing policies and the adopted Mission Avenue Affordable Housing/  
10 Mixed-Use Development Vision and Strategic Plan. The proposed land uses will be and  
11 sensitive to and compatible with the adjoining residential neighborhood.

12 For the Zone Amendment:

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

- 15 1.       The proposed PD Plan is consistent with the General Plan Land Use Element, as the  
16 proposed development and associated land uses are allowed under the HD-R and CG land  
17 use designations. Residential densities are within the allowable density range for the HD-  
18 R land use designation (21 to 28.9 du/acre) and the total number of dwelling units in the  
19 PD Plan does not exceed the maximum number permitted for the total area of the PD Plan  
20 parcels, and commercial uses within the mixed-use building will be limited to those  
21 permitted or conditionally permitted within CG zoning districts. The land use and  
22 development standards articulated in the Planned Development Plan – including minimum  
23 setbacks from adjacent single-family residential properties, minimum landscape coverage,  
24 minimum common open space, and minimum parking requirements – ensure that  
25 development and land use on the project site will both enhance the visual quality of, and be  
26 compatible with, the surrounding area.
- 27 2.       The PD Plan will result in a superior land use design in comparison with development  
28 permitted under the base district regulations. Relative to the base district regulations, the  
29 PD Plan requires greater building setbacks and more landscape coverage, as well as a  
range of design features (*e.g.*, Mission Revival Architecture) not specified by the Zoning  
Ordinance.

- 1 3. The deviations from the base district regulations that otherwise would apply are justified  
2 by compensating benefits of the PD Plan. The mix of residential and commercial land  
3 uses allowed under the PD Plan will provide residents with a range of commercial goods  
4 and services within walking distance of their homes and create a physical environment that  
5 optimizes social interaction and organization. The development standards and design  
6 guidelines will provide for a consistent architectural theme and a unified site design that  
7 emphasizes pedestrian activity and access to both passive and active recreation areas.
- 8 4. The PD Plan and the Development Plan include adequate provisions for utilities, services,  
9 and emergency vehicle access. Furthermore, public service demands will not exceed the  
10 capacity of existing and planned services. As designed, all buildings and other site  
11 improvements will accommodate all necessary utilities and services and will provide  
12 adequate access for emergency vehicles and personnel. As demonstrated by water system  
13 and off-site sewer system analyses reviewed and accepted by the City's Water Utilities  
14 Department, adequate water and sewer capacity exist to service the proposed development.  
15 As demonstrated by a traffic analysis reviewed and accepted by the City's Transportation  
16 Engineering Division, the project would not result in categorical reductions in the level of  
17 service on Mission Avenue or other roadways in the vicinity. As indicated in the  
18 Environmental Impact Report, the project will not occasion the need for new or expanded  
19 public safety resources.

19 For the Tentative Map:

- 20 1. The Tentative n Map is consistent with the General Plan.
- 21 2. The project site is physically suitable for the residential, commercial, and institutional uses  
22 that it would accommodate.
- 23 3. The project site is physically suitable for the proposed density and intensity of  
24 development.
- 25 4. The design of the subdivision and associated improvements will not cause substantial  
26 environmental damage or substantially and avoidably injure fish or wildlife or their  
27 habitat.
- 28 5. The design of the subdivision and associated improvements will not conflict with  
29 easements, acquired by the public at large, for access through or use of, property within the  
proposed subdivision.

1 6. The project complies with all other applicable ordinances, regulations, and guidelines of  
2 the City of Oceanside.

3 For the Development Plan:

4 1. The proposed site plan and physical design of the project as proposed is consistent with the  
5 purposes of the zoning ordinance, in that the proposed development would contribute to  
6 the City's affordable housing stock, provide commercial amenities within walking distance  
7 of several hundred dwelling units, and ensure that the residential, commercial, and  
8 institutional land uses on the project site remain functionally and visually compatible with  
9 the adjoining residential neighborhood.

10 2. The Development Plan as proposed conforms to the General Plan of the City, in that the  
11 proposed site improvements would maintain a proper balance of commercial and  
12 residential land uses in the vicinity, improve the quality of views and vistas of the site from  
13 surrounding land uses, and avoid overburdening the City's circulation system.

14 3. The project design and its physical aspects pertaining to perimeter landscaping, site  
15 planning, and equipment location placement meets or exceeds the applicable zoning  
16 criteria and development standards, and have incorporated site layout designs which are  
17 sensitive to the adjacent land uses to the north of south of the subject site.

18 4. The area covered by the Development Plan can be adequately, reasonably, and  
19 conveniently served by existing and planned public services, utilities, and public facilities,  
20 as the development will include improvements to the City's water and wastewater facilities  
21 and a fair-share contribution to traffic control infrastructure designed to improve traffic  
22 flow on Mission Avenue.

23 5. The project as proposed is compatible with existing and potential development on  
24 adjoining properties and others in the surrounding neighborhood, in that new development  
25 will exhibit high-quality design, be substantially set back from adjoining residential  
26 properties, and significantly buffered by landscaping. Consistent with the Mission Avenue  
27 Affordable Housing/Mixed Use Development Vision and Strategic Plan, building height  
28 will step down from three and four stories at the Mission Avenue frontage to two stories in  
29 southern portions of the project site, thereby avoiding adverse massing impacts on  
adjoining residential properties.

- 1 6. The site plan and physical design of the project is consistent with the policies contained  
2 within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the  
3 Development Guidelines for Hillside, and Section 3039 of the Oceanside Zoning  
4 ordinance, as the site is relatively flat and therefore not subject to hillside development  
5 standards.

6 For the Conditional Use Permit (C12-00006):

7 To allow mixed-use development on the project site:

- 8 1. The Mixed-Use Development Plan is consistent with the adopted Land Use Element of the  
9 General Plan and other applicable policies and compatible with surrounding development.  
10 The mixed-use building will accommodate commercial and residential land uses consistent  
11 with the General Commercial (GC) land use designation of the subject property (Lot 4).  
12 The mixed-use building will be separated from the exclusively residential component of  
13 the project site by a minimum of 130 feet and buffered from exclusively residential uses by  
14 a public plaza, sidewalks, drive aisles, and landscape areas. The mixed-use building will  
15 provide safe and convenient access for residents via a secured lobby with both stairs and  
16 an elevator. The mixed-use building will be served by ample and conveniently located  
17 parking facilities and thus have no potential to create spillover parking impacts on adjacent  
18 properties.
- 19 2. The Mixed-Use Development Plan will enhance the potential for superior urban design in  
20 comparison with development under the base district regulations. The mixed-use building  
21 will contribute to a pedestrian-oriented streetscape along Mission Avenue and provide a  
22 public gathering space for residents, guests, and patrons of Mission Cove. In contrast to  
23 the types of light industrial development allowed under the project site's current land use  
24 and zoning designation, the mixed-use building will serve as a better transition, both  
25 functionally and visually, between the adjacent single-family neighborhood and  
26 commercial development sited along the north side of Mission Avenue. Commercial uses  
27 within the mixed-use building will include retail shops, restaurants, and services which  
28 meet the immediate commercial needs of residents of the project site as well as residents of  
29 nearby neighborhoods. Located adjacent to a four-lane major arterial, the mixed-use  
building will be readily accessed by pedestrians and motorists without generating pass-  
through traffic in nearby residential areas.

- 1 3. Deviations from the base district regulations that otherwise would apply are justified by  
2 compensating benefits of the Mixed-Use Development Plan. The inclusion of low-  
3 intensity, neighborhood-serving commercial uses on the project site will provide residents  
4 with ready access to essential services, along with opportunities for social interaction.
- 5 4. The Mixed-Use Plan and Mixed-Use Development Plan include adequate provisions for  
6 utilities, services, and emergency vehicle access, and public service demands will not  
7 exceed the capacity of existing and planned systems. As designed, the mixed-use building  
8 will accommodate all necessary utilities and services and will provide adequate access for  
9 emergency vehicles and personnel. As demonstrated by a water system and off-site sewer  
10 system analysis reviewed and accepted by the City's Water Utilities Department, adequate  
11 water and sewer capacity exist to service the proposed development. As demonstrated by  
12 a traffic analysis reviewed and accepted by the City's Transportation Engineering  
13 Division, the project would not result in categorical reductions in the level of service on  
14 Mission Avenue or other roadways in the vicinity. As indicated in the Environmental  
15 Impact Report, the project will not occasion the need for new or expanded public safety  
resources.

16 For the Conditional Use Permit (C12-00007):

17 To allow adult day care operations on the project site:

- 18 1. The proposed location of the adult day care facility accords with the objectives of the  
19 Zoning Ordinance and the purposes of the PD district in which the site is located. The  
20 facility will operate in conjunction with the senior housing component of the project and  
21 provide essential social services to elderly persons in need of supervision during the day  
22 due to cognitive and/or physical impairments. Adult day care activities will be  
23 accommodated within indoor and outdoor spaces expressly designed for such activities.  
24 Ample parking resources as well as safe and convenient drop-off areas will allow the  
25 facility to serve not only residents of the senior housing component but also elderly clients  
who do not reside on the project site.
- 26 2. The proposed location of the adult day care facility and the proposed conditions under  
27 which it would be operated and maintained will be consistent with the General Plan, not  
28 detrimental to the public health, safety, or welfare of persons residing or working in or  
29 adjacent to the neighborhood of such uses, and not detrimental to properties or

1 improvements in the vicinity or to the general welfare of the City. The adult day care  
2 facility will operate within portions of the project site expressly designed to accommodate  
3 this use, including an enclosed space within the senior apartment building dedicated to  
4 adult day care activities. Ample parking resources including safe and convenient drop-off  
5 areas will allow the facility to serve not only residents of the senior housing component but  
6 also elderly clients who do not reside on the project site.

- 7 3. The proposed adult day care facility will comply with the provisions of the Zoning  
8 Ordinance, including any specific conditions required for the facility in the district in  
9 which it would be located. The facility is subject to the standards and guidelines of the  
10 Mission Cove Planned Development Plan, the conditions of approval established by this  
11 resolution.

12 For the Conditional Use Permit (C12-00008):

13 To allow child day care operations on the project site:

- 14 1. The child care facility within the resident resource center will provide an essential social  
15 service to residents of the affordable housing complex, and, to the extent capacity allows,  
16 to off-site clientele. Child care activities will be accommodated within indoor and outdoor  
17 spaces expressly designed for such activities. The child care facility will be sufficiently  
18 separated and buffered from residential properties located to the west and south.
- 19 2. The proposed location of the child day care facility and the proposed conditions under  
20 which it would be operated and maintained will be consistent with the General Plan, not  
21 detrimental to the public health, safety, or welfare of persons residing or working in or  
22 adjacent to the neighborhood of such uses, and not detrimental to properties or  
23 improvements in the vicinity or to the general welfare of the City. The facility will  
24 primarily serve children who reside on the project site and thus will generate negligible  
25 vehicular traffic.
- 26 3. The proposed child day care facility will comply with the provisions of the Zoning  
27 Ordinance, including any specific condition required in the district in which the facility  
28 would be located. The facility will be subject to the standards and guidelines of the  
29 Mission Cove Planned Development Plan, the submittal requirements of the City's Child  
Care Facilities Permit, and the conditions of approval established by this resolution.

1 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
2 APPROVE Planning Commission Resolution No. 2013-P49 subject to the following conditions:

3 **Building:**

- 4 1. All buildings shall be subject to the 2013 editions of the CA Building Standards Codes as  
5 amended and adopted by the City of Oceanside.
- 6 2. All disabled access provisions for the project shall be subject to Chapter 11B provisions of  
7 the 2013 CA Building Code.
- 8 3. A recycling plan for construction waste and debris shall be required in conformance with  
9 the 2013 edition of the CA Green Building Code.
- 10 4. Site development, parking, access into buildings and building interiors shall comply with  
11 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 12 5. Site development, parking, access into buildings, building interiors, common or public use  
13 areas, and dwelling units shall comply with Part 2, Title 24, C.C.R.(CA Building Code  
Chapter 11B).
- 14 6. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
15 property shall be underground (City Code Sec. 6.30).
- 16 7. The building plans for this project are required by State law to be prepared by a licensed  
17 architect or engineer and must be in compliance with this requirement prior to submittal  
18 for building plan review.
- 19 8. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
20 and shall be shielded appropriately. Where color rendition is important high-pressure  
21 sodium, metal halide or other such lights may be utilized and shall be shown on final  
22 building and electrical plans.
- 23 9. The developer shall monitor, supervise and control all building construction and  
24 supportive activities so as to prevent these activities from causing a public nuisance,  
including, but not limited to, strict adherence to the following:
  - 25 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
26 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
27 work that is not inherently noise-producing. Examples of work not permitted on  
28 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
29 producing nature. No work shall be permitted on Sundays and Federal Holidays

1 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,  
2 Christmas Day) except as allowed for emergency work under the provisions of the  
3 Oceanside City Code Chapter 38 (Noise Ordinance).

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

9 **Engineering:**

- 10 10. For the demolition of any existing structure or surface improvements; grading plans shall  
11 be submitted and erosion control plans be approved by the City Engineer prior to the  
12 issuance of a demolition permit. No demolition shall be permitted without an approved  
13 erosion control plan.
- 14 11. Vehicular access rights to Mission Avenue shall be relinquished to the City from all  
15 abutting lots except for the proposed private driveway "A" and proposed driveway "E".
- 16 12. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
17 dedicated and constructed or replaced as required by the City Engineer.
- 18 13. Design and construction of all improvements shall be in accordance with the City of  
19 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
20 engineering and specifications of the City of Oceanside and subject to approval by the City  
21 Engineer.
- 22 14. Prior to approval of the final map or any increment thereof, all public improvement  
23 requirements, within such increment or outside of it as required by the City Engineer, shall  
24 be covered by a subdivision agreement and secured with sufficient improvement securities  
25 or bonds guaranteeing performance and payment for labor and materials, setting of  
26 monuments, and warranty against defective materials and workmanship.
- 27 15. The tract shall be recorded as one, and may be developed or constructed in phases. A  
28 construction-phasing plan for the construction of on-site public and private improvements  
29 shall be reviewed and approved by the City Engineer prior to the recordation of the final  
map. Prior to the issuance of any building permits all offsite improvements including  
landscaping, landscaped medians, frontage improvements shall be under construction to

1 the satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the  
2 City Engineer shall require the dedication and construction of necessary utilities, arterials  
3 and streets and other improvements outside the area of any particular phase, if such is  
4 needed for circulation, parking, access or for the welfare or safety of future occupants of  
5 the development.

6 16. Prior to approval of the final map (or engineering drawing for a site development plan) a  
7 phasing plan for the construction of public and private improvements including  
8 landscaping, streets and arterials shall be approved by the City Engineer. All  
9 improvements shall be under construction to the satisfaction of the City Engineer prior to  
10 the issuance of any building permits. All improvements shall be completed prior to  
11 issuance of any certificates of occupancy.

12 17. The owner/developer shall provide public street dedication on Mission Avenue prior to  
13 approval of the final map. The public street dedication shall be shown on the grading and  
14 improvement plan, prior to issuance of any grading permit, and prior to approval of the  
15 improvement plan.

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

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

- 1 20. Prior to the issuance of a rough or precise grading permit, the developer/lessee shall notify  
2 and host a neighborhood meeting with all of the area residents located within 300 feet of  
3 the project site, to inform them of the grading and construction schedule, and to answer  
4 questions.
- 5 21. The developer/lessee shall monitor, supervise and control all construction and  
6 construction-supportive activities, so as to prevent these activities from causing a public  
7 nuisance, including but not limited to, insuring strict adherence to the following:
- 8 a) Dirt, debris and other construction material shall not be deposited on any public  
9 street or within the City's stormwater conveyance system.
- 10 b) All grading and related site preparation and construction activities shall be limited  
11 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering  
12 related construction activities shall be conducted on Saturdays, Sundays or legal  
13 holidays unless written permission is granted by the City Engineer with specific  
14 limitations to the working hours and types of permitted operations. All on-site  
15 construction staging areas shall be as far as possible (minimum 100 feet) from the  
16 adjacent single family homes. Because construction noise may still be intrusive in  
17 the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits  
18 "any disturbing excessive or offensive noise which causes discomfort or  
19 annoyance to reasonable persons of normal sensitivity."
- 20 c) The construction site shall accommodate the parking of all motor vehicles used by  
21 persons working at or providing deliveries to the site. An alternate parking site can  
22 be considered by the City Engineer in the event that the lot size is too small and  
23 cannot accommodate parking of all motor vehicles.
- 24 d) The developer/lessee shall complete a haul route permit application (if required for  
25 import/export of dirt) and submit to the City of Oceanside Engineering Department  
26 forty eight hours (48) in advance of beginning of work. Hauling operations (if  
27 required) shall be 8:00 a.m.. to 3:30 p.m. unless approved otherwise.
- 28 22. It is the responsibility of the developer/lessee to evaluate and determine that all soil  
29 imported as part of this development is free of hazardous and/or contaminated material as  
defined by the City and the County of San Diego Department of Environmental

1 Health. Exported or imported soils shall be properly screened, tested, and documented  
2 regarding hazardous contamination.

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

9 24. Mission Avenue shall be constructed with curbs and gutters and sidewalk in accordance  
10 with the City of Oceanside Engineers Design Standards to the satisfaction of the City  
11 Engineer.

12 25. Mission Avenue shall provide a minimum of 10 feet parkway between the face of curb and  
13 the right of way line. Sidewalk improvements shall comply with ADA requirements.  
14 Publicly maintained pedestrian ramps to be constructed at the intersection of Mission  
15 Avenue with private driveway 'A' and private driveway "E" must be fully located within  
16 public right-of-way. Minimum curb return radius shall comply with the City of Oceanside  
17 Engineers Design and Processing Manual.

18 26. The existing cross gutter on middle of Carolyn Circle (west side of property) shall be  
19 removed and reconstructed in accordance with the City of Oceanside Design Standards.

20 27. Sight distance requirements on Mission Avenue at the intersection of proposed driveway  
21 "A" and driveway 'E' shall conform to the corner sight distance criteria as provided by  
22 San Diego County Regional Standard Drawings (SDRSD), DS-20A and or DS-20B.

23 28. Streetlights shall be maintained and installed on Mission Avenue along the project frontage  
24 and private driveways per City Standards. The system shall provide uniform lighting, and  
25 be secured prior to occupancy. The developer/lessee shall pay all applicable fees, energy  
26 charges, and/or assessments associated with City-owned (LS-2 rate schedule) streetlights  
27 and shall also agree to the formulation of, or the annexation to, any appropriate street  
28 lighting district. The lessee is fully responsible for quality and maintenance of all street  
29 lighting within this development.

29 29. The project driveways shall remain private and shall be maintained by the lessee. The  
pavement sections, traffic indices shall be based on approved geotechnical report and in

1 compliance with the City of Oceanside Engineers Design and Processing Manual. The  
2 proposed private project driveway alignments, geometric layouts, and pavement sections  
3 shall meet the City of Oceanside Engineers Design and Processing Manual and as shown  
4 on the conceptual site plan to the satisfaction of the City Engineer.

5 30. Pavement sections for all public and private streets, driveways and parking areas shall be  
6 based upon approved soil tests and traffic indices. The pavement design is to be prepared  
7 by the developer/lessee's soil engineer and must be in compliance with the City of  
8 Oceanside Engineers Design and Processing Manual and be approved by the City  
9 Engineer, prior to paving.

10 31. Prior to approval of the grading plans, the developer/lessee shall contract with a  
11 geotechnical engineering firm to perform a field investigation of the existing pavement on  
12 Mission Avenue adjacent to the project boundary. The limits of the study shall be half-  
13 street plus 12 feet along the project's frontage. The field investigation shall include a  
14 minimum of one pavement boring per every one hundred (100) linear feet of street  
15 frontage. Should the existing AC thickness be determined to be less than the current  
16 minimum standard for AC and Class II Base as set forth in the table for City of Oceanside  
17 Pavement Design Guidelines in the City of Oceanside Engineers Manual, the  
18 developer/lessee shall remove and reconstruct the pavement section as determined by the  
19 pavement analysis submittal process detailed in the condition listed below:

20 32. Upon review of the pavement investigation, the City Engineer shall determine whether the  
21 developer/lessee shall: 1) Repair all failed pavement sections, header cut and grind per the  
22 direction of the City Engineer, and construct a two (2) inch thick rubberized AC overlay;  
23 or 2) Perform R-value testing and submit a study that determines if the existing pavement  
24 meets current City standards/traffic indices. Should the study conclude that the pavement  
25 does not meet current requirements, rehabilitation/mitigation recommendations shall be  
26 provided in a pavement analysis report, and the developer/lessee shall reconstruct the  
27 pavement per these recommendations, subject to approval by the City Engineer.

28 33. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian  
29 ramps and sidewalk within the project, or adjacent to the project boundary that are already  
damaged or damaged during construction of the project, shall be repaired or replaced as  
directed by the City Engineer.

- 1 34. All existing overhead utility lines on Mission Avenue, and within the subdivision/  
2 development and/or within any full width street or right-of-way abutting this new  
3 subdivision/development, and all new extension services for the development of the  
4 project, including but not limited to, electrical, cable and telephone, shall be placed  
5 underground per Section 901.G. of the Subdivision Ordinance (R91-166) and as required  
6 by the City Engineer and current City policy.
- 7 35. The developer/ lessee shall install 3 inch PVC conduit, together with 1/4-inch pull- rope  
8 and pull-boxes at 400 feet intervals for future signal interconnect cable on the Mission  
9 Avenue frontage.
- 10 36. The approval of the tentative map/development plan shall not mean that proposed grading  
11 or improvements on adjacent properties (including any City properties/right-of-way or  
12 easements) is granted or guaranteed to the developer/lessee. The developer/lessee is  
13 responsible for obtaining permission to grade to construct on adjacent properties. Should  
14 such permission be denied, the tentative map/project shall be subject to going back to the  
15 public hearing or subject to a substantial conformity review.
- 16 37. Prior to any grading of any part of this tract or development, a comprehensive soils and  
17 geologic investigation shall be conducted of the soils, slopes, and formations in the project.  
18 All necessary measures shall be taken and implemented to assure slope stability, erosion  
19 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
20 prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by  
21 the City Engineer.
- 22 38. 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/lessee with securities and approved by the City Engineer.
- 26 39. 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, and signage,  
29 footprints of all structures, walls, drainage devices and utility services. Parking lot striping  
and any on site traffic calming devices shall be shown on all precise grading and private  
improvement plans.

- 1 40. Landscaping plans, including plans for the construction of walls, fences or other structures  
2 at or near intersections of Mission Avenue and private driveways "A" AND "E", must  
3 conform to intersection sight distance requirements. Landscape and irrigation plans for  
4 disturbed areas shall be submitted to the City Engineer prior to the issuance of a precise  
5 grading permit and approved by the City Engineer prior to the issuance of building  
6 permits. Frontage and median landscaping shall be installed and established prior to the  
7 issuance of any certificates of occupancy. Securities shall be required only for landscape  
8 items in the public right-of-way. Any project fences, sound or privacy walls and  
9 monument entry walls/signs shall be shown on, bonded for and built from the landscape  
10 plans. These features shall also be shown on the precise grading plans for purposes of  
11 location only. Plantable, segmental walls shall be designed, reviewed and constructed by  
12 the grading plans and landscaped/irrigated through project landscape plans. All plans must  
13 be approved by the City Engineer and a pre-construction meeting held, prior to the start of  
14 any improvements.
- 15 41. Open space areas and down-sloped areas visible from a collector-level or above roadway  
16 shall be maintained by the lessee in perpetuity. These areas shall be indicated on the final  
17 map.
- 18 42. The drainage design shown on the site plan or preliminary grading plan, and the drainage  
19 report for this development plan and tentative map is conceptual only. The final drainage  
20 report and drainage design shall be based upon a hydrologic/hydraulic study that is in  
21 compliance with the latest San Diego County Hydrology and Drainage Manual to be  
22 approved by the City Engineer during final engineering. All drainage picked up in an  
23 underground system shall remain underground until it is discharged into an approved  
24 channel, or as otherwise approved by the City Engineer. All public storm drains shall be  
25 shown on City standard plan and profile sheets. All storm drain easements shall be  
26 dedicated where required. The lessee shall be responsible for obtaining any off-site  
27 easements for storm drainage facilities.
- 28 43. Drainage facilities shall be designed and installed to adequately accommodates the local  
29 storm water runoff and shall be in accordance with the San Diego County Hydrology and  
Design Manual and in compliance with the City of Oceanside Engineers Design and  
Processing Manual to the satisfaction of the City Engineer.

1 44. The developer/lessee shall place a covenant on the non-title sheet of the final map and the  
2 grading plan agreeing to the following: "The present or future lessee/business  
3 owners/operators shall indemnify and save the City of Oceanside, its officers, agents, and  
4 employees harmless from any and all liabilities, claims arising from any flooding that  
5 occurs on this site."

6 45. Storm drain facilities shall be designed and located such that the inside travel lanes on all  
7 on-site driveways shall be passable during conditions of a 100-year frequency storm.  
8 There shall be no drainage discharge from this development into Mission Avenue to flood  
9 the inside travel lanes along property frontage.

10 46. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and  
11 disposed of in accordance with all state and federal requirements, prior to stormwater  
12 discharge either off-site or into the City drainage system.

13 47. The developer/ lessee shall comply with the provisions of National Pollution Discharge  
14 Elimination System (NPDES) General Permit for Storm Water Discharges Associated  
15 with Construction Activity (General Permit) Water Quality Order 2009-0009-DWQ. The  
16 General Permit continues in force and effect until a new General Permit is issued or the  
17 SWRCB rescinds this General Permit. Only those authorized to discharge under the  
18 expiring General Permit are covered by the continued General Permit. Construction  
19 activity subject to the General Permit includes clearing, grading, and disturbances to the  
20 ground such as stockpiling, or excavation that results in land disturbances of equal to or  
21 greater than one acre. The developer/ lessee shall obtain coverage under the General  
22 Permit by submitting a Notice of Intent (NOI) and obtaining a Waste Discharge  
23 Identification Number (WDID#) from the State Water Resources Control Board  
24 (SWRCB). In addition, coverage under the General Permit shall not occur until an  
25 adequate SWPPP is developed for the project as outlined in Section A of the General  
26 Permit. The site specific SWPPP shall be maintained on the project site at all times. The  
27 SWPPP shall be provided, upon request, to the United States Environmental Protection  
28 Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of  
29 Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered  
a report that shall be available to the public by the RWQCB under section 308(b) of the  
Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall

1 be continuously implemented and enforced until the developer/lessee obtains a Notice of  
2 Termination (NOT) for the SWRCB. The developer/lessee is required to retain records of  
3 all monitoring information, copies of all reports required by this General Permit, and  
4 records of all data used to complete the NOI for all construction activities to be covered by  
5 the General Permit for a period of at least three years from the date generated. This period  
6 may be extended by request of the SWRCB and/or RWQCB.

7 48. Following the City Engineer's determination that the Storm Water Mitigation Plan  
8 (SWMP) is deemed complete and prior to issuance of precise grading permits, the  
9 developer/lessee shall submit and obtain approval of an Operation & Maintenance (O&M)  
10 Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an  
11 approved and executed Maintenance Mechanism pursuant to Section 5 of the Standard  
12 Urban Storm Water Mitigation Plan (SUSMP). The O&M shall satisfy the minimum  
13 Maintenance Requirements pursuant to Section 5 of the SUSMP. At a minimum the O&M  
14 Plan shall include the designated responsible party to manage the storm water BMP(s),  
15 employee training program and duties, operating schedule, maintenance frequency, routine  
16 service schedule, specific maintenance activities, copies of resource agency permits, cost  
17 estimate for implementation of the O&M Plan, a non-refundable **cash security** to provide  
18 maintenance funding in the event of noncompliance to the O&M Plan, and any other  
19 necessary elements. The developer/lessee shall provide the City with access to site for the  
20 purpose of BMP inspection and maintenance by entering into an Access Rights Agreement  
21 with the City. The developer/lessee shall complete and maintain O&M forms to document  
22 all operation, inspection, and maintenance activities. The developer/lessee shall retain  
23 records for a minimum of 5 years. The records shall be made available to the City upon  
24 request.

25 49. The developer/lessee shall enter into a City-Standard Stormwater Facilities Maintenance  
26 Agreement (SWFMA) with the City obliging the developer/lessee to maintain, repair, and  
27 replace the Storm Water Best Management Practices (BMPs) identified in the project's  
28 deemed complete SWMP, as detailed in the O&M Plan into perpetuity. The Agreement  
29 shall be approved by the City Attorney prior to issuance of any precise grading permit and  
shall be recorded at the County Recorder's Office prior to issuance of any building permit.  
A non-refundable security in the form of cash shall be required prior to issuance of a

1 precise grading permit. The amount of the non-refundable security shall be equal to 10  
2 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of  
3 \$25,000. The developer/lessee's civil engineer shall prepare the O&M cost estimate.

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

9 51. The Agreement shall include a copy of executed onsite and offsite access easement and or  
10 access rights necessary for the operation and maintenance of BMPs that shall be binding  
11 on the land throughout the life of the project to the benefit of the party responsible for the  
12 O&M of BMPs, satisfactory to the City Engineer. The agreement shall also include a copy  
13 of the deemed complete O&M Plan.

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

18 53. The developer/lessee shall provide a copy of the title/cover page of a deemed complete  
19 SWMP with the first engineering submittal package. If the project triggers the City's  
20 Stormwater requirements but no deemed complete Stormwater document (SWMP) exists,  
21 the appropriate document shall be submitted to the City Engineer for review. The SWMP  
22 shall be prepared by the developer/lessee's Civil Engineer. All Stormwater documents  
23 shall be in compliance with the latest edition of submission requirements.

24 54. During final engineering design the Engineer of Record shall evaluate potential impact to  
25 flood hazard areas. Elevation and flood proofing shall be in accordance with the City of  
26 Oceanside Ordinance 94-03 and Federal Emergency Management Agency (FEMA)  
27 requirements. Prior to issuance of a grading permit the developer/ lessee shall provide  
28 evidence to the City of Oceanside that a Conditional Letter of Map Revision (CLOMR)  
29 has been approved by the FEMA for the proposed revisions to the flood hazard areas. At  
the conclusion of the grading activities the developer/lessee shall submit an as-built  
grading plan to FEMA in order to process and receive a Letter of Map Revision (LOMR).

1 Prior to any building permits/release of the grading bonds developer/lessee provide  
2 evidence of having received a Letter of Map Revision (LOMR) from FEMA.

3 55. The approval of the tentative map/development plan shall not mean that closure, vacation,  
4 or abandonment of any public street, right-of-way, easement, or facility is granted or  
5 guaranteed to the developer/lessee. The developer/lessee is responsible for applying for all  
6 closures, vacations, and abandonments as necessary. The application(s) shall be reviewed  
7 and approved or rejected by the City of Oceanside under separate process(es) per codes,  
8 ordinances, and policies in effect at the time of the application. The City of Oceanside  
9 retains its full legislative discretion to consider any application to vacate a public street or  
10 right of way.

11 56. If a subdivider is required under this division or any other provision of law to make a  
12 dedication for specified public purposes on a final map or parcel map, the local agency  
13 shall specify whether the dedication is to be in fee for public purposes or an easement for  
14 public purposes.

15 57. Provide the City of Oceanside with certification from each public utility and each public  
16 entity owning easements within the proposed project stating that: (a) they have received  
17 from the developer/lessee a copy of the proposed map; (b) they object or do not object to  
18 the filing of the map without their signature; (c) in case of a street dedication affected by  
19 their existing easement, they will sign a "subordination certificate" or "joint-use certificate"  
20 on the map when required by the governing body. In addition, the developer/lessee shall  
21 furnish proof to the satisfaction of the City Engineer that no new encumbrances have been  
22 created that would subordinate the City's interest over areas to be dedicated for public road  
23 purposes since submittal of the project.

24 58. The developer/lessee shall comply with all the provisions of the City's cable television  
25 ordinances including those relating to notification as required by the City Engineer.

26 59. Approval of this development project is conditioned upon payment of all applicable impact  
27 fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
28 Code. All traffic signal fees and contributions, highway thoroughfare fees, park fees,  
29 reimbursements, and other applicable charges, fees and deposits shall be paid prior to  
recordation of the map or the issuance of any building permits, in accordance with City  
Ordinances and policies. The lessee shall also be required to join into, contribute, or

1 participate in any improvement, lighting, or other special district affecting or affected by  
2 this project. Approval of the tentative map (project) shall constitute the lessee's approval  
3 of such payments, and his agreement to pay for any other similar assessments or charges in  
4 effect when any increment is submitted for final map or building permit approval, and to  
5 join, contribute, and/or participate in such districts.

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

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

15 62. A digital file of the map in a format consistent with the City's requirements for digital  
16 submittals, detailed in the Engineers Design and Processing Manual shall be submitted to  
17 the City of Oceanside concurrently with the final submittal of the map for recordation."

18 63. A digital file of the as-built grading plan, and as-built improvement plan in a format  
19 consistent with the City's requirements for digital submittals, detailed in the Engineers  
20 Design and Processing Manual shall be submitted to the City of Oceanside prior to  
21 occupancy permit.

22 64. In the event that the conceptual plan does not match the conditions of approval, the  
23 resolution of approval shall govern.

24 **Traffic:**

25 65. The project shall install a Pelco HD CCTV camera and Actelis switch at the intersection of  
26 Mission Avenue at Fireside Street prior to certificate of Occupancy and to the satisfaction  
of the City Traffic Engineer.

27 66. The project shall pay the City its fair share of 10.9 percent (\$11,804) toward the cost of the  
28 future installation of approximately 3,600 lineal feet of conduit along Mission Avenue  
29

1 between Airport Road and just east of Mesa Drive prior to Certificate of Occupancy and to  
2 the satisfaction of the City Traffic Engineer.

3 **Landscape:**

4 67. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines  
5 and Specifications for Landscape Development (latest revision), Water Conservation  
6 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and  
7 ordinances, including the maintenance of such landscaping, shall be reviewed and  
8 approved by the City Engineer prior to the issuance of building permits. Landscaping shall  
9 not be installed until bonds have been posted, fees paid, and plans signed for final  
10 approval. A landscape pre-construction meeting shall be conducted by the landscape  
11 architect of record, City Public Works Inspector, developer or lessee's representative and  
12 landscape contractor prior to commencement of the landscape and irrigation installation.  
13 The following landscaping requirements shall be required prior to certificate of occupancy:

- 14 a) Final landscape plans shall accurately show placement of all plant material such as  
15 but not limited to trees, shrubs, and groundcovers.
- 16 b) Landscape Architect shall be aware of all utility, sewer, gas and storm drain lines  
17 and utility easements and place planting locations accordingly to meet City of  
18 Oceanside requirements.
- 19 c) All required landscape areas shall be maintained by the lessee (including public  
20 rights-of-way along Mission Ave. and Carolyn Circle). The landscape areas shall  
21 be maintained per City of Oceanside requirements.
- 22 c) Proposed landscape species shall be consistent with the approved Conceptual  
23 Landscape Plan. The selection and placement of plant material shall also be based  
24 on cultural, aesthetic, and maintenance considerations. In addition proposed  
25 landscape species shall be low water users as well as meet all fire department  
26 requirements.
- 27 d) 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.
- e) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from  
the sun, evapotranspiration and run-off. All the flower and shrub beds shall be

1 mulched to a 3" depth to help conserve water, lower the soil temperature and  
2 reduce weed growth.

3 f) The shrubs shall be allowed to grow in their natural forms. All landscape  
4 improvements shall follow the City of Oceanside Guidelines.

5 g) At the "garden plots," install a 3-inch depth of orchard or landscape mulch or  
6 decomposed granite with stabilizer between the proposed garden plots and citrus  
7 orchard.

8 h) Include a minimum of four of the "garden plots" as raised planter beds. The  
9 accessibility to these garden plots will require a surface that would be compliant  
10 with ADA or California Accessibility Act.

11 i) The decomposed granite pathways shall include a stabilizer.

12 j) Root barriers shall be installed adjacent to all paving surfaces, where a paving  
13 surface is located within 6 feet of a trees trunk on site (private) and within 10 feet  
14 of a trees trunk in the right-of-way (public). Root barriers shall extend 5 feet in  
15 each direction from the centerline of the trunk, for a total distance of 10 feet. Root  
16 barriers shall be 24 inches in depth. Installing a root barrier around the tree's root  
17 ball is unacceptable.

18 k) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall  
19 obtain Planning Division approval for these items in the conditions or application  
20 stage prior to 1<sup>st</sup> submittal of working drawings.

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

24 69. An automatic irrigation system shall be installed to provide coverage for all planting areas  
25 shown on the plan. Low volume equipment shall provide sufficient water for plant growth  
26 with a minimum water loss due to water run-off.

27 70. Irrigation systems shall use high quality, automatic control valves, controllers and other  
28 necessary irrigation equipment. All components shall be of non-corrosive material. All  
29 drip systems shall be adequately filtered and regulated per the manufacturer's  
recommended design parameters.

1 71. All irrigation improvements shall follow the City of Oceanside Guidelines and Water  
2 Conservation Ordinance.

3 72. The landscape plans shall match all plans affiliated with the project.

4 73. Landscape plans shall comply with Biological and/or Geotechnical reports, as required,  
5 shall match the grading and improvement plans, comply with SWMP Best Management  
6 Practices and meet the satisfaction of the City Engineer.

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

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

22 76. Landscape Improvement Plan set and installation are required to implement approved Fire  
23 Department regulations, codes, and standards at the time of project approval.

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

26 **Fire:**

27 78. Fire Department requirements shall be placed on construction plans in the notes section.

28 79. Fire flow shall be determined at the time of building permit application.

29 80. The size of fire hydrant outlets shall be 2 ½ "X 4".

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

- 1 82. The developer shall supply the Fire Department with updated map and hydrant locations  
2 in a digital format compatible with the Fire Department's mapping program upon  
3 approval of final improvements plans.
- 4 83. Blue hydrant identification markers shall be placed as per Oceanside's Engineers  
5 Design and Processing Manual Standard Drawing No. M-13.
- 6 84. Standpipe system connected to the fire sprinkler system required in buildings with floor  
7 areas used for occupancy which are higher than 30 feet above lowest level of fire  
8 department vehicle access.
- 9 85. All weather access roads shall be installed and made serviceable prior to and maintained  
10 during time of construction.
- 11 86. Buildings or portions of buildings more than 35 feet in height, as defined by the Fire  
12 Code of the City of Oceanside, shall be provided with a street, driveway, or designated  
13 fire lane not less than 35 feet wide which shall be able to accommodate fire department  
14 aerial apparatus and designed in a matter so that ladder truck operations can be affected  
15 on at least one side of the building which has openings into its interior. Such street,  
16 alley, driveway, or designated fire lane shall be located not more than 15 feet from  
17 buildings at a point adjacent to the highest building or portion thereof.
- 18 87. All streets shall be posted "NO PARKING FIRE LANE" per Vehicle Code Section  
19 22500.1. Any markings, signs and/or fire lane identification shall be in accordance with  
20 the Fire Department Standard Guidelines for Emergency Access.
- 21 88. A "Knox" key storage box shall be provided for all new construction.
- 22 89. Fire extinguishers are required and shall be included on the plans submitted for plan  
23 check.
- 24 90. An approved fire sprinkler system complying with NFPA 13 must be installed in the  
25 senior housing building.
- 26 91. An approved fire sprinkler system must be installed in multi-family residential building.
- 27 92. An approved fire sprinkler system complying with NFPA 13 must be installed in  
28 mixed-use housing.
- 29 93. The Fire Department connection shall be located on the address side of the building and  
within 40 feet of a public hydrant located on the same side of the street or driveway as  
the Fire Department connection.

- 1 94. A manual and automatic fire alarm system is required in the senior housing building,  
2 multi-family building and the mixed-use building.
- 3 95. A manual fire alarm system is required for the residence resource and leasing office  
4 building.
- 5 96. Approved addresses numbers shall be placed on the structures in such a position as to  
6 be plainly visible and legible from the street or roadway fronting the property.  
7 Numbers shall be a minimum of six inches in height and contrasting with their  
8 background.
- 9 97. Multiple-unit complexes require address directory boards that are visible from the main  
10 entrance.
- 11 98. Multiple-tenant buildings that have alternate vehicular or passageway access shall have  
12 numbers or addresses that are legible from the alternate access/egress or tenant space  
13 per Oceanside Fire Code Section 505.3
- 14 99. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
15 approval prior to the issuance of building permits.
- 16 100. Fire apparatus access roads shall be designed and maintained to support the imposed  
17 loads of fire apparatus not less than 75,000 lbs and shall be provided with an approved  
18 paved surface to provide all-weather driving capabilities.
- 19 101. A lighted directory map shall be installed at each driveway entrance to multi-unit  
20 residential projects in excess of 15 units.
- 21 102. Except as otherwise provided, no person shall own, erect, construct or occupy any  
22 building or structure, or any part thereof, or cause the same to be done, which fails to  
23 support adequate radio coverage for City emergency service workers operating on the  
24 800MHz Countywide Coordinated Communication System, or the current radio system  
25 in use. Further, owners must maintain a reasonable standard of reliable radio  
26 communication within their buildings and structures once a Certificate of Occupancy is  
27 issued. The BDA coverage enhancers must be maintained as a condition of occupancy  
28 and tested annually. When tested, if the 800MHz signal strength readings (RSSI) fall  
29 below 65 in any portion of the building, either above or below grade as measured by an  
800 MHz portable radio, the purchase and installation of one or more bidirectional  
amplifier radio coverage enhancers is required. A minimum signal strength of (-95dBm)

1 in 90 percent of the area of each floor building from both the 800 MHz Countywide  
2 Communications Systems and from within the building is required.

3 103. Cul-de-sacs shall not exceed 500 feet in length without special approval and shall have  
4 a 40-foot minimum curb line radius at the turn around. For cul-de-sacs exceeding 500  
5 feet in length, approved turn around shall be provided at 300 feet intervals.

6 104. In residential buildings provided with an elevator, at least one elevator car shall extend  
7 to all floors and be of such size and arrangement to accommodate a 24 inch by 84 inch  
8 ambulance gurney or stretcher with not less than 5 inch radius corners in the horizontal,  
9 open position. Elevator must be designated as a medical emergency elevator by the  
10 international symbol (Star of Life) for emergency medical services. Fire flow shall be  
11 determined at the time of building permit application.

**Planning:**

12 105. All lighting showcasing building architecture and landscaping shall be shown on the  
13 building plans.

14 106. The Tentative Map shall expire two years from the effective date of approval unless  
15 implemented as required by the Subdivision Ordinance.

16 107. The Development Plan and Conditional Use Permits shall expire two years from the  
17 effective date of approval unless implemented as required by the Zoning Ordinance.

18 108. The Tentative Map, Development Plan, and Conditional Use Permits shall not become  
19 effective until GPA12-00003 and ZA12-00003 are effective.

20 109. The Development Plan approves only 288 units of family and senior affordable housing,  
21 10,435 square feet of commercial floor area, and associated improvements and  
22 landscaping as shown on the plans and exhibits presented to the Planning Commission for  
23 review and approval. No deviation from these approved plans and exhibits shall occur  
24 without Planning Division approval. Substantial deviations shall require amendment of  
the Development Plan.

25 110. The Conditional Use Permits approve only a mixed-use building, a child care facility in  
26 conjunction with the family residential resource center, and a senior day care facility in  
27 conjunction with the senior housing complex as shown on the plans and exhibits presented  
28 to the Planning Commission for review and approval. No deviation from these approved  
29

1 plans and exhibits shall occur without Planning Division approval. Substantial deviations  
2 shall require a revision to the Conditional Use Permits or new Conditional Use Permits.

3 111. The applicant shall construct and maintain a shelter at the Mission Avenue frontage for  
4 patrons of NCTD Breeze bus service. The shelter shall comply with the design standards  
5 established in the NCTD Bus Stop Development Handbook (2003), unless an alternative  
6 design is approved by NCTD. The precise location of the shelter shall be subject to  
7 approval by NCTD and the City of Oceanside.

8 112. Prior to or concurrent with occupancy of any dwelling units within the family apartment  
9 buildings (both walk-up and courtyard), the Family Resident Resource Center shall obtain  
10 a certificate of occupancy from the Building Division.

11 113. The applicant, permittee, or any successor-in-interest shall defend, indemnify, and hold  
12 harmless the City of Oceanside, its agents, officers, or employees from any claim, action,  
13 or proceeding against the City, its agents, officers, or employees to attack, set aside, void,  
14 or annul an approval of the City, concerning Tentative Map T12-00001, Development  
15 Plan D12-00006, Conditional Use Permit C12-00006, Conditional Use Permit C12-  
16 00007, and Conditional Use Permit C12-00008. The City will promptly notify the  
17 applicant of any such claim, action, or proceeding against the city and will cooperate  
18 fully in the defense. If the City fails to promptly notify the applicant of any such claim  
19 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,  
20 thereafter, be responsible to defend, indemnify, or hold harmless the City.

21 114. A Comprehensive Sign Program shall be submitted to the Planning Department and  
22 approved prior to the issuance of sign permits. This CSP may be more restrictive than the  
23 standards outlined in the Sign Ordinance.

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

28 116. All dwelling units, commercial operations, and other uses on the project site shall  
29 dispose of or recycle solid waste in a manner provided in City Code Section 13.3.

117. Facilities for trash and recyclable material disposal shall be provided as required by  
Chapter 13 of the City Code and as shown on the Site Development Plan. Recycling is

1 required by City Ordinance. Enclosures for trash and recyclable materials shall be built in  
2 a flat, accessible location as determined by the City Engineer. Enclosures shall meet City  
3 standards, including being constructed of concrete block, reinforced with rebar and filled  
4 with cement. Concrete slabs shall be poured with a berm on the inside of the enclosures to  
5 prevent bins from striking the block walls. Slabs must extend out of the enclosures to  
6 allow bins to roll into and out of the enclosures. Steel posts must be set in front of the  
7 enclosures to support solid metal gates. All driveways and service access areas must be  
8 designed to sustain the weight of a 50,000-pound service vehicle. Trash and recyclable  
9 enclosures and driveways and service access areas shall be shown on both the  
10 improvement and landscape plans submitted to the City Engineer. The specifications shall  
11 be reviewed and approved by the City Engineer. The City's waste disposal contractor is  
12 required to access private property to service the trash and recyclable enclosures; a service  
13 agreement allowing access to private property must be signed by the property owner and  
14 shall remain in effect for the life of the project. Trash and recyclable enclosures shall be  
15 designed to provide user access without the use and opening of the service doors for the  
16 bins. Trash and recyclable enclosures shall have design features such as materials and trim  
17 consistent with the project architecture. The design of trash and recyclable enclosures  
18 shall be shown on the landscape plans and shall be subject to the review and approval of  
19 the City Planner.

20 118. A covenant or other recordable document approved by the City Attorney shall be prepared  
21 by the applicant and recorded prior to the approval of the Final Map. The covenant shall  
22 provide that the property is subject to this Resolution, and shall generally list the  
23 conditions of approval.

24 119. The project shall prepare a management plan. The management plan is subject to the  
25 review and approval of the City Planner and the Police Chief prior to the occupancy of the  
26 project, and shall be recorded as CC&R's against the property. The management plan shall  
27 cover the following:

- 28 a) Security - The management plan, at a minimum, shall address on-site management,  
29 hours-of-operation and measures for providing appropriate security for the project  
site.

1 b) Maintenance - The management plan shall cover, but not be limited to, anti-graffiti  
2 and site and exterior building, landscaping, parking lots, sidewalks, walkways, and  
3 overall site maintenance measures and shall ensure that a high standard of  
4 maintenance at all times. The maintenance portion of the management plan shall  
5 include a commitment for the sweeping and cleaning of parking lots, sidewalks,  
6 and other concrete surfaces at sufficient intervals to maintain a "like new"  
7 appearance. Wastewater, sediment, trash or other pollutants shall be collected on  
8 site and properly disposed of and shall not be discharged off the property or into  
9 the City's storm drain system. The management plan shall also address  
10 maintenance of the bus shelter at the Mission Avenue frontage.

11 c) Graffiti Removal - Any graffiti within the development shall be removed by the  
12 management or designated representative within 24 hours of occurrence. Any new  
13 paint used to cover graffiti shall match the existing color scheme.

14 d) Parking - The management plan shall indicate how on-site parking resources will  
15 be allocated among tenants. The allocation scheme shall accord with the parking  
16 requirements established in the PD Plan (i.e., the requisite number of parking  
17 spaces shall be allocated to each dwelling unit based on the bedroom count). The  
18 management plan shall explicitly establish that enclosed garages are to be used for  
19 parking and that storage therein will be limited to those areas outside of the  
20 minimum required clear space for vehicles.

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

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

- 1 122. Failure to meet any conditions of approval for this development shall constitute a violation  
2 of the Development Plan and Conditional Use Permits.
- 3 123. Unless expressly waived, all current zoning standards and City ordinances and policies in  
4 effect at the time building permits are issued are required to be met by this project. The  
5 approval of this project constitutes the applicant's agreement with all statements in the  
6 description and justification, management plan, and other materials and information  
7 submitted with this application, unless specifically waived by an adopted condition of  
8 approval.
- 9 124. The Conditional Use Permits shall be called for review by the Planning Commission if  
10 complaints are filed and verified as valid by the Code Enforcement Office concerning the  
11 violation of any of the approved conditions or if the implemented project does not conform  
12 with the information contained in or representations made in the application, or with any  
13 supporting material submitted to the City or during any hearing on the application.
- 14 125. A six-foot to eight-foot high fence shall be constructed on the property line adjacent to the  
15 existing single-family neighborhood as shown on the Development Plan. The fencing  
16 details shall be shown on the landscape and improvement or grading plans.
- 17 126. The developer's construction of all fencing and walls associated with the project shall be in  
18 conformance with the approved Development Plan. Any substantial change in any aspect  
19 of fencing or wall design from the approved Development Plan shall require a revision to  
20 the Development Plan or a new Development Plan.
- 21 127. If any aspect of the project fencing and walls is not covered by an approved Development  
22 Plan, the construction of fencing and walls shall conform to the development standards of  
23 the Planned Development Plan and City Zoning Ordinance. In no case shall the  
24 construction of fences and walls (including combinations thereof) exceed the limitations of  
25 the Zoning Ordinance, unless expressly granted by a Variance or other development  
26 approval.
- 27 128. Covenants, Conditions, and Restrictions (C.C. & R's) shall provide for the maintenance of  
28 all common open space, medians, fences, walls, and adjacent parkways by the Lessee. The  
29 maintenance shall include normal care and irrigation of landscaping, repair and  
replacement of plant material and irrigation systems, and general cleanup of landscape and  
open space areas, parking lots, and walkways. The C.C. & R's shall be subject to the

1 review and approval of the City Attorney prior to the approval of the Final Map. The C.C.  
2 & R's are required to be recorded prior to or concurrently with the Final Map. Any  
3 amendments to the C.C. & R's in which the lessee relinquishes responsibility for the  
4 maintenance of any common open space shall require the specific approval of the City of  
5 Oceanside. Such a clause shall be a part of the C.C. & R's. The C.C. & R's shall also  
6 contain provisions for the following:

- 7 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 8 b) Provisions regulating the use of private open space areas.
- 9 c) Maintenance of median landscaping by the lessee.
- 10 d) Maintenance of an NCTD bus shelter on the Mission Avenue frontage by the  
11 lessee.
- 12 e) 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 lessee.
- 15 f) Provisions that restrict any private use of open space easement areas. Restrictions  
16 shall include, but are not limited to, removing retaining walls, installing structures  
17 such as trellises, decks, retaining walls, and other hardscape and any individual  
18 landscape improvements.
- 19 g) Provisions prohibiting the lessee from relinquishing its obligation to maintain the  
20 common open space and open space easement areas without prior consent of the  
21 City of Oceanside.
- 22 h) An acknowledgement that the City of Oceanside does not have a view preservation  
23 ordinance and that views may be subject to change with maturing off-site  
24 landscape and the potential for future off-site development.

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

27 130. The subdivision map is for sale or financing purposes only. No development rights  
28 (except those associated with the approved Development Plan) are attached to these  
29 parcels. A note to this effect shall be recorded with, and referenced on, the Final Map.

131. Elevations, siding materials, exterior colors, roofing materials, exterior lighting, and  
other exterior finish materials shall be substantially the same as those approved by the

1 Planning Commission. These features shall be shown on plans submitted to the  
2 Building Department and Planning Division.

3 132. This project shall comply with all provisions of the City's Affirmative Fair Housing  
4 Marketing Agreement Policy as required in the project's Affirmative Fair Housing  
5 Marketing Agreement. Such agreement shall be submitted to and approved by the Housing  
6 and Neighborhood Services Director prior to the issuance of a building permit for the  
7 project.

8 133. All mitigation measures identified in the approved Environmental Impact Report (EIR)  
9 shall be complied with as stated in the EIR.

10 134. Storefronts within the Mixed Use Building facing the Mission Avenue frontage shall  
11 function in a manner which enhances the visual appearance of the streetscape, as  
12 determined by the City Planner. Utilization of these areas shall be reviewed by the  
13 Planning Division prior to issuance of building permits for tenant improvements to  
14 those commercial units with entry doors facing the Mission Avenue frontage.

14 **Water Utilities:**

15 135. All public water and/or sewer facilities not located within the public right-of-way shall  
16 be provided with easements sized according to the Engineers Manual. Easements shall  
17 be constructed for an all-weather access and paved with either asphalt or concrete.  
18 Within private drives, all water and sewer easements shall provide the minimum turning  
19 radius for the City's maintenance vehicles.

20 136. No trees or structures or building overhangs shall be located within any water or  
21 wastewater utility easement.

22 137. The developer shall construct a public reclamation water system that will serve each lot  
23 and or parcels that are located in the proposed project in accordance with the City of  
24 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be  
25 located in the public streets or in a public utility easement.

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

28 139. Water services and sewer laterals constructed in existing right-of way locations are to be  
29 constructed by approved and licensed contractors at the developer's expense.

- 1 140. The developer shall be responsible for developing all water and sewer facilities necessary  
2 to develop the property. Any relocation of water and/or sewer lines is the responsibility of  
3 the developer and shall be done by an approved licensed contractor at the developer's  
4 expense.
- 5 141. Apartment units in the family residential buildings (Buildings 1-3, 7, and 9-14) and the  
6 mixed-use building (Building 5) shall be sub-metered by a private company to comply  
7 with the Water Conservation Master Plan or as approved by the Water Utilities Director.  
8 The senior apartments (Building 4) are excluded from this sub-metering requirement.
- 9 142. The proposed water main shall have two off-site connections to the public distribution  
10 system. The first connection shall be to the 10-inch main within Carolyn Circle and  
11 Mission Avenue. The second connection shall be to the 14-inch AC main located on  
12 Foussat Road near Mission Avenue.
- 13 143. Improvement plans shall be submitted and approved by the Water Utilities Department  
14 prior to building permit issuance.
- 15 144. The off-site sewer study determined one segment of gravity sewer main must be upsized to  
16 accommodate the additional sewer demand from this development. The gravity sewer  
17 main from Manhole 600820008 to Manhole 600820002 shall be upsized from 8-inch VCP  
18 to 10-inch PVC, in accordance with the sewer study finding.
- 19 145. The water study for this development has been approved except for the sections involving  
20 the sizing of the potable water meters. The sizing of the water meters has been deferred  
21 until Engineering plans are submitted and a final building layout is complete.
- 22 146. Public fire hydrants shall be spaced every 300-feet along streets, driveways, and  
23 designated fire lanes per the City of Oceanside Water Design Manual.
- 24 147. All lots with a finish pad elevation located below the elevation of the next upstream  
25 manhole cover of the public sewer shall be protected from backflow of sewage by  
26 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
27 Code.
- 28 148. If a restaurant or food service tenant occupies the property, a grease, oil, and sand  
29 interceptor shall be installed in each building sewer in an appropriate location and shall be  
maintained by the property owner, in accordance with City of Oceanside Ordinance 07-  
OR0021-1. The location shall be called out on the approved building plans.



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

5 PASSED AND ADOPTED Resolution No. 2013-P49 on December 16, 2013 by the following  
6 vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

11  
12  
13 \_\_\_\_\_  
14 Robert Neal, Chairperson  
Oceanside Planning Commission

15 ATTEST:

16  
17  
18 \_\_\_\_\_  
19 Marisa Lundstedt, Secretary

20 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
21 that this is a true and correct copy of Resolution No. 2013-P49.

22  
23 Dated: \_\_\_\_\_

24 Applicant accepts and agrees with all conditions of approval and acknowledges impact fees  
25 may be required as stated herein:

26  
27 \_\_\_\_\_ Date: \_\_\_\_\_  
28  
29