

**RESOLUTION NO.**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
OCEANSIDE UPHOLDING PLANNING COMMISSION  
RESOLUTION NO. 2025-P23 CERTIFYING A FINAL  
ENVIRONMENTAL IMPACT REPORT AND ASSOCIATED  
MITIGATION MONITORING AND REPORTING PROGRAM AND  
UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2025-  
P20 APPROVING A TENTATIVE MAP (T22-00004), DEVELOPMENT  
PLAN (D22-00009), AND DENSITY BONUS (DB22-00005) TO ALLOW  
THE CONSTRUCTION OF 83 SINGLE-FAMILY HOMES ON  
APPROXIMATELY 9.86 ACRES OF A 16.78-ACRE SITE LOCATED  
ALONG THE NORTH SIDE OF GUAJOME LAKE ROAD-

**(Rincon Capital Group, LLC – Applicant)  
(Jennifer Jacobs -Appellant)**

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

A subdivision for 83 single-family lots (Lots 1-83) for residential purposes and six additional lots (Lots A – F) for a private road, bio-filtration basins, recreational open space, and natural open space and the construction of 83 detached single-family homes and associated site improvements including landscaping and recreational areas on a 16.78-acre site on certain real property described in the project description.

WHEREAS, an Environmental Impact Report (EIR) was prepared and circulated for this project in accordance with the California Environmental Quality Act (CEQA) (SCH No: 2022110028) and described the potential impacts of the Proposed 83 home single family residential development; and

1        WHEREAS, the Planning Commission, after giving the required notice, did on the 11th  
2 day of August, 2025 conduct a duly advertised public hearing as prescribed by law to consider  
3 said application.

4        WHEREAS, on the 11<sup>th</sup> day of August 2025, the Planning Commission continued the public  
5 hearing and afterwards re-noticed the public hearing to the 13<sup>th</sup> day of October 2025.

6        WHEREAS, the Planning Commission, after giving the required notice, did on the 13<sup>th</sup> day  
7 of October, 2025 conduct a duly advertised public hearing as prescribed by law to consider said  
8 application.

9        WHEREAS, following consideration of all applicable testimony and evidence and  
10 deliberation, the Planning Commission, by a 5-1-1 vote (with one Commissioner abstaining),  
11 adopted Resolution No. 2025-P23 certifying the Final EIR (FEIR) and adopting the Findings of Fact  
12 and Mitigation Monitoring and Reporting Program (“MMRP”); and by a 4-2-1 vote (with one  
13 Commissioner abstaining), adopted Resolution No. 2025-P20 approving Tentative Map (T22-  
14 00004), Development Plan (D22-00009), and Density Bonus (DB22-00005).

17        WHEREAS, on October 22, 2025, a timely appeal of the Planning Commission’s approval  
18 of said project was filed with the City Clerk; and

19        WHEREAS, on January 28, 2026, the City Council of the City of Oceanside held a duly  
20 noticed public hearing and heard and considered evidence and testimony by all interested parties  
21 concerning the Planning Commission’s certification of the FEIR and approval of the Tentative Map  
22 (T22-00004), Development Plan (D22-00009), and Density Bonus (DB22-00005); and

23        WHEREAS, based on such evidence, testimony, and staff reports, this Council makes the  
24 findings of fact as set forth in Planning Commission Resolutions Nos. 2025-P23 and 2025-P20 as  
25 attached hereto as Exhibit A and Exhibit B, and incorporates them by reference as if fully set forth  
26 herein;

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

28 1.        The Council affirms the Planning Commission action of October 13, 2025 and upholds the  
certification of the FEIR and adoption of the CEQA Findings of Fact and MMRP, and upholds the

1 approval Tentative Map (T22-00004), Development Plan (D22-00009), and Density Bonus (DB22-  
2 00005). The appeal of Planning Commission Resolution Nos. 2025-P23 and 2025-P20 is denied.

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

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14 PASSED and ADOPTED by the City Council of the City of Oceanside, California  
15 this \_\_\_\_ day of \_\_\_\_\_, by the following vote:

16 AYES:

18 NAYS:

19 ABSENT:

20 ABSTAIN:

22 Mayor of the City of Oceanside

24 ATTEST: APPROVED AS TO FORM:  
25 OFFICE OF THE CITY ATTORNEY

27 City Attorney

28 City Clerk

EXHIBIT A

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2025- P23

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY  
4 OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL  
ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE  
FINDINGS OF FACT AND MITIGATION AND MONITORING  
REPORT FOR THE GUAJOME LAKE HOMES PROJECT  
5 STATE CLEARINGHOUSE NO. 2022110028

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6 APPLICATION NO: T22-00004, D22-00009, DB22-00005  
7 APPLICANT: Rincon Capital Group LLC  
LOCATION: Guajome Lake Road (APN 157-412-15)

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

10 WHEREAS, an Environmental Impact Report was prepared and circulated for public  
11 and responsible agency review and proper notification was given in accordance with the  
12 California Environmental Quality Act (CEQA); and,

13 WHEREAS, the Planning Commission, after giving the required notice, did on the 11<sup>th</sup> day  
14 of August, 2025 conduct a duly advertised public hearing as prescribed by law to consider said  
15 application.

16 WHEREAS, on the 11<sup>th</sup> day of August 2025, the Planning Commission continued the  
17 public hearing and afterwards re-noticed the public hearing to the 13<sup>th</sup> day of October 2025.

18 WHEREAS, the Planning Commission did on the 13<sup>th</sup> day of October 2025 conduct a duly  
19 advertised public hearing on the content of the Final Environmental Impact Report and the  
Mitigation Monitoring and Reporting program; and,

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

22 For the Final Environmental Impact Report:

1. The Final Environmental Impact Report was completed in compliance with the provisions  
2. of the California Environmental Quality Act (CEQA), the State CEQA Guidelines (State  
CEQA Guidelines), and City policies to implement CEQA and the State CEQA Guidelines.
2. There are certain significant environmental effects detailed in the Environmental Impact  
Report which have been avoided or substantially lessened by measures detailed in Exhibit  
“A” Findings of Fact (FINDINGS) and Exhibit “B” Mitigation Monitoring and Reporting  
Program (MM&RP).

1       3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting  
2       Program for the project were presented to the Planning Commission, and the Planning  
3       Commission reviewed and considered the information contained in these documents prior  
4       to making a decision on the project.  
5       4. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting  
6       Program for the project have been determined to be accurate and adequate documents,  
7       which reflect the independent judgment of the City.

8       NOW, THEREFORE, BE IT RESOLVED as follows:

9       1. The Planning Commission hereby certifies the Final Environmental Impact Report for the  
10      Guajome Lake Homes project.  
11      2. Pursuant to Public Resources Code Section 21081, the Planning Commission hereby  
12      adopts Exhibit "A" (FINDINGS) for Guajome Lake Homes project.  
13      3. Pursuant to Public Resources Code Section 21081.6, the Planning Commission hereby  
14      adopts Exhibit "B" (MMRP) Guajome Lake Homes project, finding that said project is  
15      designed to ensure compliance with the established mitigation measures.

16      PASSED AND ADOPTED Resolution No. 2025-P23 on October 13, 2025 by the  
17      following vote, to wit:

18      AYES: Rosales, Morrissey, Balma, Dodds, Anthony

19      NAYS: Gonzales

20      ABSENT:

21      ABSTAIN: Redgate



22      Tom Morrissey, Chairperson  
23      Oceanside Planning Commission

24      ATTEST:



25      Darlene Nicandro, Acting Secretary

26      I, Darlene Nicandro, Acting Secretary of the Oceanside Planning Commission, hereby  
27      certify that this is a true and correct copy of Resolution No. 2025-P23.

28      Dated: October 13, 2025

## **EXHIBIT “A”**

### **FINDINGS OF FACT REGARDING SIGNIFICANT EFFECTS PURSUANT TO STATE CEQA GUIDELINES SECTIONS 15090 AND 15091**

**Guajome Lake Homes Project**

**SCH No. 2022110028**

**October 2025**

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## **I. INTRODUCTION**

The City of Oceanside (“City”) Planning Commission hereby certifies that the Planning Commission has reviewed and considered the information contained in the Final Environmental Impact Report (“EIR”), identified below, for the Guajome Lake Homes Project (“project” or “proposed project”). The Planning Commission further certifies that the Final EIR has been completed in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code §§21000 et seq., the State CEQA Guidelines, California Code of Regulations, Title 14, §§15000 et seq. (“CEQA Guidelines”), and City requirements, and that the Final EIR reflects the independent judgment of the Planning Commission (Pub. Resources Code §21082.1(c)(3)). In certifying the Final EIR as adequate under CEQA, the Planning Commission hereby adopts these CEQA Findings.

These findings address the environmental effects associated with the project, which consists of development of a single 16.78-acre parcel (Assessor’s Parcel Number 157-412-1500) located in the Guajome Neighborhood Area of the City of Oceanside (City), California (Figure 3-1, Project Location). The project site is located on Guajome Lake Road southeast of Albright Street in the east-central portion of the City, adjacent to Guajome Regional Park. The City of Vista municipal boundary is located approximately 0.1 miles east of the project site. The project site is located approximately 0.5 miles south of State Route 76 and approximately 3.4 miles north of State Route 78. The project site is surrounded by residential development and open space.

These findings are made pursuant to CEQA, specifically Public Resources Code §§21081, 21081.5, and 21081.6; and the State CEQA Guidelines (Cal. Code Regs., tit. 14, §15000 et seq.), specifically §15091. The potentially significant effects of the project were identified in both the Guajome Lake Homes Draft EIR (November 2024) and Final EIR (June 2025) (collectively, “Final EIR”). Public Resources Code §21081 and State CEQA Guidelines §15091 require that the lead agency, in this case the City of Oceanside, prepare written findings for identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Specifically, State CEQA Guidelines §15091 states, in part, that:

- (a) No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:
  - (1) Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.

- (2) Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
- (3) Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

If significant impacts cannot be mitigated to less than significant levels, the decision-making agency is required to balance, as applicable, the benefits of the proposed project against its significant unavoidable environmental impacts when determining whether to approve the project. (Pub. Resources Code, §21081, CEQA Guidelines §15093.) If the benefits of a proposed project outweigh the significant unavoidable adverse environmental impacts, the adverse effects may be considered “acceptable.”

Chapter 4, Environmental Analysis, of the EIR describes the potential environmental impacts of the proposed project, and recommends mitigation measures to reduce impacts, where feasible. As discussed in the EIR, implementation of the project would result in potentially significant impacts to air quality, biological resources, cultural resources, and geology and soils, before mitigation. However, all of these impacts would be reduced to below a level of significance through mitigation. Implementation of the project would not result in any significant and unavoidable impacts. Additionally, it has been determined that the project would not result in any adverse impacts on public health or safety.

Therefore, in accordance with CEQA, Pub. Resources Code, §21081, and the CEQA Guidelines, §15091, the Planning Commission certifies the Final EIR for the Guajome Lake Homes Project, adopts these findings, and the Mitigation Monitoring and Reporting Plan (“MMRP”), and approves the Guajome Lake Homes Project. In adopting the MMRP for the project, the Planning Commission finds that the MMRP meets the requirements of Public Resources Code §21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the project.

The Planning Commission further, based on separate findings, adopts the following related project approvals to facilitate implementation and development of the Guajome Lake Homes Project: (i) Planned Development Plan; (ii) Tentative Map (iii) Density Bonus (iv).

#### **A. Project Description**

##### **1) Project Location**

The project site consists of a mostly vacant parcel (Assessor’s Parcel Number 157-412-1500) and includes approximately 16.78 acres located in the Guajome Neighborhood Area of the City of Oceanside, California. The project site is located along the north side of Guajome Lake Road

southeast of Albright Street in the east-central portion of the City. The City of Vista municipal boundary is located approximately 0.1 mile east of the project site. The project site is located approximately 0.5 miles south of State Route (SR) 76 and approximately 3.4 miles north of SR 78. The project site is surrounded by residential development and Guajome Regional Park. The General Plan designation for the project site is Single-Family Detached Residential (SFD-R), and the site's zoning designation is Single-Family Residential – Scenic Park Overlay and Equestrian Overlay (RS-SP-EQ).

## 2) Summary of Project Description

The project requests approval of a Development Plan, Tentative Map and Density Bonus to allow for the construction of 83 single-family homes on approximately 9.86 acres of a 16.78 acre project site. The project would also include approximately 31,151 square feet of private recreational and amenity area within the proposed project.

The proposed affordable homes would be distributed evenly throughout the community. In order to accommodate the project as allowed under state Density Bonus Law, the project cannot physically comply with all of the City's development standards that apply to standard single-family residential projects. Based on the proposed design to accommodate density bonus units, the project requests waivers of development standards, including reduction of lot sizes, removal of equestrian development standards, reduction or redistribution of setbacks, reduction of open space/landscape minimums, increased floor area ratio per lot, and increased retaining wall heights.

The average proposed lot sizes would be approximately 3,200 square feet, with homes ranging in size from 1,869 to 2,220 square feet. Of the 83 proposed single-family homes, four units (5% of the total) would be designated as deed-restricted affordable housing. The remaining would be sold at market rates.

The residential development would be primarily accessed from Guajome Lake Road, which would be an improvement as a part of the project. The improvements to Guajome Lake Road would include improving the length of the property frontage connecting to Albright Street.

Consistent with the City's General Plan and Zoning Ordinance, the project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Planned Development Plan, Tentative Map Approval, and a Density Bonus.

### ***Project Components***

- ***Recreation and Open Space:*** The project includes a total of approximately 35,151 square feet of private recreational and amenity area within the project site. Additionally, no development would occur in the northernmost portion of the project site along a riparian corridor, preserving approximately 6.92 acres of the 16.78-acre project site as open space. No access to this preserved open space would be permitted. The private recreational and amenity area would be located in the center of the development area, with the project's residential units around the

perimeter. The recreational and amenity area would provide a dynamic core within the community providing flexible spaces for gathering culinary experiences, play, walking, and recreation. It has been designed to include three distinct areas: a culinary component featuring barbecue grills with picnic areas and a large lawn for social gatherings, a multi-age tot lot with shade pavilion, and a passive lawn space. A walking loop stitches the three areas together.

- *Landscaping and Walls:* Proposed landscaping is designed to provide a distinct visual character and enhance the project. The landscaping on site is designed to provide an enhanced perimeter landscape that would be compatible with the visual character of Guajome Regional Park.

The proposed project would be required to comply with Article 3049, Urban Forestry Program, of the City's Zoning Ordinance. The Urban Forestry Program requires new development over 1 acre in size to provide a minimum tree canopy area of 12% and a minimum permeable surface area of 22%. The proposed project would satisfy these requirements.

Retaining walls would be softened by vegetation, creating a welcoming approach for those entering from the street. The walls range in height from 9 to 12 feet. These proposed retaining walls are not plantable or irrigated, however landscaping would be placed between wall sections. Landscaping would also be featured adjacent to the public rights-of-way along Guajome Lake Road.

- *Architectural Design:* The project residences would be built in a variety of contemporary architectural design in one of three styles, referred to as "ranch," "farmhouse," and "progressive prairie" to reflect the country and rural atmosphere of the area and surrounding development consistent with the development standards required within the Equestrian Overlay District. The architectural styles would be reinforced through massing and materials. The project incorporates the following design concepts:

- The project includes 3 elevation styles, and each style has 3 distinct color schemes, resulting in 27 possible combinations. All proposed color schemes consist of earth tones or tones that would be consistent with the surrounding area, as required within the Scenic Park Overlay Zoning District.
- Enhanced elevations would be included based on the elevations exposed to public edges.
- Three roof form variants, ranging from all gable, combination of hip and gable, and all hip, shape the massing and define individual units.
- Style-specific window grids and window and door trim, along with front door and garage door styles, would help reinforce the architectural character.

- Building material finishes would include white, grey, or beige stucco exterior walls consistent with the building material and finishes required within the Scenic Park Overlay Zoning District. The homes would include either shingle, board and batten, or lap siding.
- All outdoor lighting would meet Chapter 39 of the City Municipal Code (light pollution ordinance) and would be shielded appropriately. Street lighting featured throughout the site would be appropriately shielded to reduce lighting impacts to the surrounding residences and improve dark sky regulation compliance.
- *Vehicular Circulation and Parking:* Vehicular access to the site would be provided from two entrances to project site along the project frontage on Guajome Lake Road. A private loop road would be provided within the project site. Guajome Lake Road would be improved over the length of the property frontage, connecting to Albright Street. Road improvements would include widening the road to a 40-foot curb to curb design standard, paving this segment of road, and providing a 5-foot-wide parkway and a 5-foot-wide sidewalk. Additionally, as a condition of approval, the project would be required to incorporate traffic calming measures, such as speed cushions/tables and advisory signage, on Guajome Lake Road along the project frontage and/or in the vicinity of the project site. The design and location of such measures would be determined in coordination with City staff, subject to the satisfaction of the City Traffic Engineer. The internal private road would range from 28 to 32 feet wide with 5-foot-wide sidewalks along the internal private loop. Circulation and emergency access drives have been designed in consultation with Oceanside Fire Department staff to provide 28-foot minimum widths, with designated truck turnarounds and key staging areas throughout the project site.

The project would provide a total of 166 garage parking spaces (two spaces for each residence). The full driveway to each single-family home would accommodate parking of two additional vehicles and thus may be used for guest parking.

- *Pedestrian Circulation:* Pedestrian access within the site would be provided by 5-foot-wide sidewalks along the internal private loop. Sidewalks would also be constructed along the project frontage. Guajome Regional Park, located opposite the project site along Guajome Lake Road, includes multiple walking trails. Santa Fe Trail is located approximately 0.22 miles east of the site, off of Guajome Lake Road to the south.
- *Utilities:* Water service would be provided for the proposed project via two new connections to the existing 10-inch public water line in Guajome Lake Road. All on-site public water mains would be 8 inches in diameter. Connection to the existing public water system would provide the necessary flow and pressure for the proposed project and for fire flow available to the project site.

Sewer service would be provided via a new 3-inch sewer force main along Guajome Lake Road and private lift station to deliver flows to the existing 8-inch public sewer line in Old

Ranch Road, located approximately 2,000 feet northwest of from the Project site. All on-site sewer facilities for the project would be private.

Storm drain infrastructure would be designed to capture on-site runoff and convey it through the project site to existing drainage facilities, including two existing culverts located near the southwest and southeast corners of the site that discharge beneath Guajome Lake Road. The project also includes new stormwater treatment areas, including inlets, storm drain facilities, and a biofiltration basin, to comply with water quality requirements. Private lots would primarily drain from the rear of each property toward the front using a combination of sheet flow, swales, and private storm drain piping. To maintain peak flow rates at pre-project conditions, two on-site detention basins are proposed near the southwest and southeast corners of the site, with outflows directed to the existing culverts. All proposed hardscape within the developed area of the project would be captured and routed to the best management practices (BMPs). From there, an outlet pipe would convey treated and detained runoff to the appropriate points of discharge from the property. No expansion of drainage facilities would occur beyond what is required on site.

The project would connect to existing dry utilities. Electricity would be provided by San Diego Gas & Electric. The project would connect to existing electrical lines within existing roadways adjacent to the project site.

- *Project Design Features (PDFs):*

- **Sustainability.** In addition to the project's infill location, the project would include several sustainability design features to reduce potential energy and water usage and reduce potential greenhouse gas emissions. The proposed sustainability features include: photovoltaic solar system on each residential unit, drought-tolerant landscaping, and water-efficient irrigation systems.
- **Geotechnical Report Recommendations.** The Preliminary Geotechnical Evaluation (Appendix G) includes project design recommendations pursuant to the California Building Code and the City of Oceanside Grading Ordinance. The project would be required to comply with the recommendations of the Preliminary Geotechnical Evaluation as a condition of approval. These recommendations are specified in EIR Appendix G, Section 5. In summary, the recommendations pertain to earthwork, foundations and slab design, lateral earth pressures and retaining wall design, geochemical considerations, concrete flatwork, preliminary pavement design, infiltration best management practices, control of groundwater and surface waters, construction.
- **Dust Control Strategies (SPAPCD Rule 55).** As stated in the Air Quality and Greenhouse Gas Emissions Technical Report (EIR Appendix B), the project would include various construction dust control strategies and would be required to comply with

San Diego Air Pollution Control District Rule 55 to control dust emissions generated during grading activities. These construction dust control strategies are specified in EIR Appendix B Section 1.5. Compliance with these dust control measures would be identified on grading plan approvals.

- **PDF-AQ-1.** The following dust control measures shall be identified on grading plan approvals and implemented during grading activities:
  1. Active construction areas on site shall be watered at least two times daily.
  2. Speeds on unpaved roads shall be reduced to less than 15 miles per hour.
  3. All grading and excavation operations shall be halted when wind speeds exceed 25 miles per hour.
  4. Dirt and debris spilled onto paved surfaces at the project site and on the adjacent roadways shall be swept, vacuumed, and/or washed at the end of each workday.
  5. All trucks hauling dirt, sand, soil, or other loose material to and from the construction site shall be covered and/or a minimum 2 feet of freeboard shall be maintained.
- **Fire Protection Plan PDFs.** The Fire Protection Plan Letter Report (EIR Appendix O) includes required measures pursuant to the California Building Code and the current Fire code standards to demonstrate the project would be in compliance with applicable portions of the City of Oceanside Municipal Code (Chapter 11, Fire Protection) and Oceanside Fire Department (OFD) Form 5205-17, Fire Master Plans for Commercial and Residential Development., as well as the 2019 California Building Code, Chapter 7A (or current edition at the time of construction); 2019 California Fire Code, Chapter 49 (or current edition at the time of construction); and 2019 California Residential Code, §337, as adopted by the City of Oceanside and the OFD. The project would be required to comply with the regulatory requirements specified in EIR Appendix O Section 3 and the code-exceeding measures specified in EIR Appendix O, Section 4.1, which were also included in the EIR as PDFs, to ensure adequate protection against wildfire where lots unable to achieve a full 100 feet of fuel modification or are located adjacent to the preserved natural vegetation onsite. In summary, EIR Appendix O Section 3 addresses water supply, fire access roads, gates, premises identification, fire hydrants, fire response, ignition-resistant construction and other building construction measures for wildland urban interface areas, fire protection systems, smoke alarm systems, defensible space, roadway fuel modification zones, undesirable plants, fuel modification areas vegetation management, and environmental sensitive areas/riparian areas. The code-exceeding measures address exterior glazing in windows, sheathing applied between the framing and exterior covering or cladding, and annual inspections of fuel modification zones (FMZs). The following PDFs are proposed in order to exceed the

requirements of Chapter 7A of the CBC and provide additional protection for the proposed project, including the structures most vulnerable, exterior side:

- **PDF-WF-1.** For residential structures facing the open space/naturally vegetated areas or located within reduced fuel modification zones in the northwestern portion of the development and along the western and eastern property boundaries, exterior glazing in windows (and sliding glass doors, garage doors, or decorative or leaded glass doors) shall be dual pane with both panes tempered glass.
- **PDF-WF-2.** Wildland exposed sides of the structures along the northern portion of the Project site shall include 5/8-inch Type X fire rated gypsum sheathing applied behind the exterior covering or cladding (stucco or exterior siding) on the exterior side of the framing, from the foundation to the roof for a facade facing the open space and naturally vegetated areas.
- **PDF-WF-3. Annual FMZ Inspections:** Yearly fuel modification maintenance shall be required by the Project's Homeowners Association (HOA) and each individual property owner. The community's HOA as well as individual property owners shall be responsible for obtaining an FMZ inspection and report from a qualified OFD-approved 3rd party inspector in May of each year certifying that vegetation management activities throughout the Project site and within each individual lot have been performed pursuant to the Project Fire Protection Plan (FPP) (Appendix O of EIR). The inspector will prepare a report for submittal to the OFD annually. All fuel modification area vegetation management shall occur on an annual basis no later than June 1 each year or more often as needed for fire safety, compliance with the FMZ requirements detailed in Appendix O, and as determined by the OFD. In compliance with the requirements detailed herein and OFD requirements, the HOA shall be responsible for all vegetation management within all common areas, including trees planted along driveways and interior roadways, and Zone 2 areas throughout the project site, including the perimeter of lots. The HOA shall be responsible for ensuring long-term funding and ongoing compliance with all provisions of the FPP. Each individual lot owner is responsible for ongoing Zone 1 maintenance requirements in their front and rear yards, extending from the structure to the rear property line or wall/fence. All homeowners will sign acknowledgement of maintenance requirements, and the HOA will include language in the CC&R's outlining these restrictions.

The OFD will conduct annual inspections within the community to determine FMZ and defensible space compliance. If the FMZs are not compliant, the HOA and/or individual lot owners will receive a notice of violation and have a specified period of time to correct any noted issues so that a re-inspection can occur and certification can be achieved. Annual inspection fees are subject to the current Fire Department Fee schedule.

- **Biological Resources PDFs.** The following are PDFs related to biological resources:

- **PDF-BIO-1. Fencing.** The north portion of the site's existing topographical constraints, including steep slopes, would serve as a natural deterrent to resident access and recreational use within the on-site open space areas. Regardless, the project design includes a wall along the northern development perimeter where the slope will be constructed. Fencing will be placed around the remaining interface between development and open space to deter residents from recreating in the avoidance areas. The HOA shall be responsible for removing trash and prohibiting trespassing in the fenced open space area in the northern portion of the project site.
- **PDF-BIO-2. HOA Education.** The HOA shall establish an education program for homeowners regarding responsible pet ownership. The program shall encourage a) keeping pets and pet food indoors, especially at night; b) having pets neutered or spayed to reduce unwanted reproduction and long-range wandering; c) belling of cats to reduce their effectiveness as predators; and d) prohibiting release of unwanted pets into the wild.
- **Construction Compliance.** The following PDF is related to avoiding adverse effects and minimizing nuisances to nearby land uses during project construction activities:
  - **PDF-CON-1. Construction Compliance.** The construction contractor shall designate a compliance and community relations officer. The name and contact information for the compliance and community relations officer shall be included on grading and improvement plans. The construction contractor shall post a sign along Guajome Lake Road providing:
    - The telephone number of the compliance and community relations officer.
    - The telephone number and name of a City of Oceanside staff member to contact regarding construction complaints.
    - The telephone number of the San Diego Air Pollution Control District.

The compliance and community relations officer shall respond to any complaints and take corrective action within 48 hours, document complaints and concerns regarding on-site construction activity, and document the actions taken to address those concerns.

The compliance and community relations officer shall also provide written notification of construction activities to all noise-sensitive receptors located within 500 feet of the project site. Notification shall include anticipated dates and hours during which construction activities are anticipated to occur and telephone number for the compliance and community relations officer. Recommendations to assist noise-sensitive land uses in reducing interior noise levels (e.g., closing windows and doors) shall also be included in the notification.

- *Construction:* It is anticipated that the development of the project shall occur over approximately 18 months. The anticipated sequence of construction is as follows, with some phases overlapping:
  - Site preparation (2 weeks)
  - Rough grading (4–6 weeks)
  - Building construction and architectural coating (40 weeks)
  - Paving (4 weeks)

The entire 9.86-acre project footprint would be graded. Approximately 17,500 cubic yards of fill would be required, as the project would include approximately 84,500 cubic yards of cut. Construction is proposed to occur Monday through Saturday, between 7:00 a.m. and 7:00 p.m., to comply with Section 6.25 of the City's Code of Ordinances.

- *Associated Project Approvals:* Consistent with the City's General Plan and Zoning Ordinance, the project requires certain entitlements be submitted, reviewed, and approved by the City. The requested entitlements include a Planned Development Plan, Tentative Map Approval, and Density Bonus. Because the project proposes four designated deed-restricted housing units, the Density Bonus Law requires the City to grant an incentive/concession and unlimited waivers. To accommodate the increased density allowed under the Density Bonus Law, the project cannot physically comply with all of the development standards found within the City's Zoning Ordinance.

Based on the proposed design and the densities permitted by state law, the project seeks the following waivers of development standards:

- Reduction of lot sizes
- Reduction of lot width
- Increase of lot depth to width ratio
- Reduction of building setbacks
- Increase of lot coverage percentage
- Increase of retaining wall heights
- Equestrian Overlay District residential development regulations waived
  - Minimum horse yard area
  - Usable common open space (minimum horse yard area alternative)
  - Equestrian trails

- Locational requirements
- Siting of residential structures
- Buffer requirement

Implementation of these development standards would physically preclude the construction of the project at the densities permitted by state law.

## **B. Project Objectives**

CEQA Guidelines §15124(b) requires that an environmental impact report (EIR) include a statement of the project objectives that “include[s] the underlying purpose of the project and may discuss the project benefits.” The following objectives have been identified for the project:

1. Ensure both visual and functional compatibility with other nearby land uses.
2. Provide new, high-quality for-sale residential units on an infill development site.
3. Maximize affordable and market-rate housing opportunities on a site that can be served by existing utilities, services, transit, and street access.
4. Provide new market-rate and affordable housing on a site that is consistent with the City’s General Plan, Housing Element, Zoning Ordinance, and affordable housing objectives, as well as the state Density Bonus Law, to help satisfy the City’s Regional Housing Needs Assessment current and future demand for housing.
5. Preserve the riparian corridor in the northern portion of the project site..

## **C. Environmental Impact Report**

The Draft EIR was prepared under the direction and supervision of the City. Public review of the Draft EIR is intended to focus “on the sufficiency of the document in identifying and analyzing the possible impacts on the environment and ways in which the significant effects of the project might be avoided or mitigated” (14 CCR §15204). The Notice of Completion of the Draft EIR was filed with the State Clearinghouse as required by CEQA Guidelines §15085. In addition, the Notice of Availability of the Draft EIR was distributed pursuant to CEQA Guidelines §15087. Interested parties could provide comments on the Draft EIR in written form. The EIR and related technical appendices were available for review during the extended 52-day public review period at the City of Oceanside Development Services Department, and City of Oceanside Public Library (both the Civic Center and Mission Branch locations), as well as on the City’s website.

Interested agencies and members of the public were able to submit written comments on the adequacy of the Draft EIR to the City’s Development Services Department starting on November 20, 2024 and ending on January 10, 2025.

Once the 52-day extended public review period concluded, the City reviewed all public comments on the Draft EIR and provided a written response to all written comments pertaining to environmental issues as part of the Final EIR. A total of 37 written comment letters were received on the Draft EIR from agencies, organizations, and individuals. Responses to each comment letter received have been included in the Final EIR. Each of the written comment letters have been assigned an alphanumeric label, and the individual comments within each written comment letter are bracketed and numbered. For example, Comment Letter A1 contains four comments that are numbered A1-1 through A1-5.

The responses to each comment on the Draft EIR represent a good-faith, reasoned effort to address the environmental issues identified by the comments. Under the CEQA Guidelines, the City, as lead agency, is not required to respond to all comments on the Draft EIR, but only those comments that raise environmental issues. In accordance with CEQA Guidelines §§15088 and 15204, the City has independently evaluated the comments and prepared the written responses describing the disposition of any significant environmental issues raised (see the Final EIR).

CEQA does not require the City to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters (CEQA Guidelines §15204(a)). Rather, CEQA requires the lead agency to provide a good faith, reasoned analysis supported by factual information (CEQA Guidelines §§15003(i), 15064(b)(1), and 15151). To fulfill these requirements, the City's experts in planning and environmental sciences consulted with, and independently reviewed, the analysis responding to the Draft EIR comments prepared by Dudek and other experts, each of whom has years of educational and field experience in these categories of environmental sciences; is familiar with the project and the environmental conditions in the City; and is familiar with the federal, state, and local rules and regulations (including CEQA) applicable to the proposed project. Accordingly, the final analysis provided in the responses to comments are supported by substantial evidence. Changes have been made to the Final EIR in ~~strikeout/underline~~ format in response to comments and to provide updates and clarifications to information provided therein. Consistent with CEQA Guidelines § 15088.5(b), these revisions have been made to clarify text for consistency or revise punctuation as appropriate throughout the document, and these revisions do not constitute new significant information that would require recirculation of the document.

## **II. ENVIRONMENTAL IMPACTS FOUND TO BE NOT SIGNIFICANT OR LESS THAN SIGNIFICANT**

State CEQA Guidelines § 15091 does not require specific findings to address environmental effects that an EIR evaluates and identifies as “no impact” or a “less than significant” impact. The City finds that, based upon substantial evidence in the record, the following impacts associated with the project would either have no impact or a less than significant impact without the implementation of mitigation measures in the following resource areas, pursuant to Public Resources Code §21081(a) and CEQA Guidelines § 15091(a).

<i><b>Environmental Resource Category</b></i>	<i><b>Not Significant or Less than Significant Environmental Impact</b></i>
<i><b>Aesthetics</b></i> <i>(EIR Section 4.1)</i>	<ul style="list-style-type: none"> <li>• Less than significant effect on a scenic vista.</li> <li>• No impact from substantially damage to scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway.</li> <li>• Less than significant impact related to substantially degrading the existing visual character or quality of the site and its surroundings in non-urbanized areas and related to conflicts with applicable zoning and other regulations governing scenic quality in urbanized areas.</li> <li>• Less than significant creation of a new source of substantial light or glare, which will adversely affect day or nighttime views in the area.</li> <li>• No cumulatively considerable impact on aesthetics.</li> </ul>
<i><b>Agricultural and Forest Resources</b></i> <i>(EIR Chapter 5)</i>	<ul style="list-style-type: none"> <li>• No impact from the conversion of Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural uses.</li> <li>• No impact from conflict with existing zoning for agricultural use, or a Williamson Act contract.</li> <li>• No impact from conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))</li> <li>• No impact from loss of forest land or conversion of forest land to non-forest use.</li> <li>• No impact from other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use.</li> <li>• No cumulatively considerable impact on agricultural resources.</li> </ul>
<i><b>Energy</b></i> <i>(EIR Section 4.5)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to wasteful, inefficient, or unnecessary consumption of energy resources, during project construction or operation.</li> <li>• Less than significant impact related to conflict with or obstruction of state or local plans for renewable energy or energy efficiency.</li> <li>• No cumulatively considerable impact with respect to energy.</li> </ul>
<i><b>Greenhouse Gas Emissions</b></i> <i>(EIR Section 4.7)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to the generation of greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment.</li> </ul>

<i><b>Environmental Resource Category</b></i>	<i><b>Not Significant or Less than Significant Environmental Impact</b></i>
	<ul style="list-style-type: none"> <li data-bbox="665 350 1388 435">• Less than significant impact related to conflicts with applicable plans, policies, or regulations adopted for the purpose of reducing the emissions of greenhouse gases.</li> <li data-bbox="665 456 1388 519">• No cumulatively considerable impact with respect to greenhouse gases.</li> </ul>
<i><b>Hazards and Hazardous Materials (EIR Section 4.8)</b></i>	<ul style="list-style-type: none"> <li data-bbox="665 530 1388 614">• Less than significant impact creating a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.</li> <li data-bbox="665 635 1388 751">• Less than significant impact creating a hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment.</li> <li data-bbox="665 772 1388 857">• Less than significant impact related to the emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school.</li> <li data-bbox="665 878 1388 994">• Less than significant impact from being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, will create a significant hazard to the public or the environment.</li> <li data-bbox="665 1015 1388 1153">• Less than significant impact related to project location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport, which will result in a safety hazard or excessive noise for people residing or working in the project area.</li> <li data-bbox="665 1174 1388 1258">• Less than significant impact related to impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan.</li> <li data-bbox="665 1279 1388 1364">• Less than significant impact from exposing people or structures to a significant risk of loss, injury or death involving wildland fires.</li> <li data-bbox="665 1385 1388 1427">• No cumulatively considerable impact with respect to hazards and hazardous materials.</li> </ul>
<i><b>Hydrology and Water Quality (EIR Section 4.9)</b></i>	<ul style="list-style-type: none"> <li data-bbox="665 1438 1388 1512">• Less than significant impact related to violation of any water quality standards or waste discharge requirements.</li> <li data-bbox="665 1533 1388 1649">• Less than significant impact related to the substantial decrease of groundwater supplies or interference with groundwater recharge such that the project may impede sustainable groundwater management of the basin.</li> <li data-bbox="665 1670 1388 1797">• Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will result in substantial erosion or siltation on or off site.</li> </ul>

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<ul style="list-style-type: none"> <li>• Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will substantially increase the rate or amount of surface runoff in a manner which will result in flooding on or off site.</li> <li>• Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will create or contribute runoff water which will exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.</li> <li>• Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through addition of impervious surfaces, in a manner which will impede or redirect flood flows.</li> <li>• Less than significant impact related to risk release of pollutants due to project inundation in flood hazard, tsunami, or seiche zones.</li> <li>• Less than significant impact related to conflict with or obstruction of a water quality control plan or sustainable groundwater management plan.</li> <li>• No cumulatively considerable impact with respect to hydrology or water quality.</li> </ul>
<i>Land Use and Planning (EIR Section 4.10)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to the physical division of an established community.</li> <li>• Less than significant impact related to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect.</li> <li>• No cumulatively considerable impact with respect to land use and planning.</li> </ul>
<i>Noise (EIR Section 4.11)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to the generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies.</li> <li>• Less than significant impact related to the generation of excessive groundborne vibration or groundborne noise levels.</li> <li>• Less than significant impact related to the project's proximity to a private airstrip or an airport land use plan or, where such plan has not been adopted, and would not expose people residing or working in the project area to excessive noise levels.</li> </ul>

<b>Environmental Resource Category</b>	<b><i>Not Significant or Less than Significant Environmental Impact</i></b>
<b>Mineral Resources</b> <i>(EIR Chapter 5)</i>	<ul style="list-style-type: none"> <li>• No impact related to loss of availability of a known mineral resource that will be of value to the region and the residents of the state.</li> <li>• No impact related to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan.</li> <li>• No cumulatively considerable impact to mineral resources.</li> </ul>
<b>Population and Housing</b> <i>(EIR Section 4.12)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to the direct or indirect inducement of substantial unplanned population growth.</li> <li>• Less than significant impact related to the displacement of substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere.</li> <li>• No cumulatively considerable impact related to population and housing.</li> </ul>
<b>Public Services</b> <i>(EIR Section 4.13)</i>	<ul style="list-style-type: none"> <li>• Less than significant impacts from creation of adverse physical impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: <ul style="list-style-type: none"> <li>○ Fire Protection</li> <li>○ Police Protection</li> <li>○ Schools</li> <li>○ Parks</li> <li>○ Other Public Facilities</li> </ul> </li> <li>• No cumulatively considerable impact related to fire protection, police protection, schools, parks, or other public facilities.</li> </ul>
<b>Recreation</b> <i>(EIR Section 4.14)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact from increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility will occur or be accelerated.</li> <li>• Less than significant impact from inclusion of recreational facilities or requirement of the construction or expansion of such facilities which might have an adverse physical effect on the environment.</li> <li>• No cumulatively considerable impact related to recreation.</li> </ul>
<b>Traffic and Circulation</b> <i>(EIR Section 4.15)</i>	<ul style="list-style-type: none"> <li>• Less than significant impact related to conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities</li> </ul>

<i><b>Environmental Resource Category</b></i>	<i><b>Not Significant or Less than Significant Environmental Impact</b></i>
	<ul style="list-style-type: none"> <li>• Less than significant impact related to conflicts or inconsistencies with CEQA Guidelines Section 15064.3, subdivision (b), as it is not applicable.</li> <li>• Less than significant impacts related to the substantial increase in hazards due to a geometric design features (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment).</li> <li>• Less than significant impacts related to inadequate emergency access.</li> <li>• No cumulatively considerable impact related to geometric design or emergency access.</li> </ul>
<i><b>Utilities and Service Systems</b></i> <i>(EIR Section 4.17)</i>	<ul style="list-style-type: none"> <li>• Less than significant impacts from requiring or resulting in the relocation or construction of new or expanded water, wastewater treatment, or storm drainage, electric power, natural gas, or telecommunications facilities.</li> <li>• Less than significant impact related to having sufficient water supplies available to serve the project and reasonably foreseeable future development during normal, dry and multiple dry years.</li> <li>• Less than significant impact related to determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments.</li> <li>• Less than significant impacts related to the generation of solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals.</li> <li>• Less than significant impact related to compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.</li> <li>• No cumulative impact related to utilities and service systems.</li> </ul>
<i><b>Wildfire</b></i> <i>(EIR Section 4.18)</i>	<ul style="list-style-type: none"> <li>• Less than significant impacts related to substantial impairment of an adopted emergency response plan or emergency evacuation plan.</li> <li>• Less than significant impacts related to the exposure of project occupants to pollutant concentrations from wildfire or the uncontrolled spread of a wildfire due to slope, prevailing winds, and other factors.</li> <li>• Less than significant impact from requiring the installation or maintenance of associated infrastructure (such as roads, fuel breaks, emergency water sources, power lines, or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.</li> </ul>

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<ul style="list-style-type: none"> <li>• Less than significant impacts related the exposure of people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes.</li> <li>• No cumulatively considerable impact related to wildfire.</li> </ul>

### **III. POTENTIALLY SIGNIFICANT IMPACTS THAT CAN BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES §15091(A)(1))**

Pursuant to §21081(a) of the Public Resources Code and §15091(a)(1) of the State CEQA Guidelines, the Planning Commission finds that, for each of the following significant effects identified in the Final EIR, changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the identified potentially significant effects on the environment to less than significant levels. The significant effects and mitigation measures are stated fully in the Final EIR. Analysis of the individual findings is set forth below and the record of proceedings includes the substantial evidence supporting the findings.

#### **A. Air Quality**

##### **1. Impacts associated with emissions of criteria air pollutants**

**Threshold of Significance:** *Would the project result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?*

**Description of Significant Effect:** The results of the Air Quality and Greenhouse Gas Emissions Technical Report demonstrate that the daily construction emissions for the project would exceed San Diego Air Pollution Control District's (SDAPCD's) significance thresholds for VOCs during the application of architectural coatings. Therefore, the proposed project would have a potentially significant impact related to emissions of criteria air pollutant emissions during construction. Additionally, during operations, the project would exceed the SDPACD VOC emissions threshold largely because of area source emissions from wood fireplaces, and thus mitigation is required for construction and operation of the project.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-AQ-1 and MM-AQ-2)

**Mitigation Measures:**

**MM-AQ-1** **Require Low-Volatile Organic Compound Coatings During Construction.** The project applicant and/or their contractors shall ensure that low-volatile organic compound (VOC) coatings with a VOC content of 50 grams per liter or less are used during construction.

**MM-AQ-2** **Wood Burning Stoves and Fireplaces.** No wood burning stoves or fireplaces shall be constructed as part of the project.

**Rationale:** Implementation of MM-AQ-1 and MM-AQ-2 would require the use of VOC coating during construction and would ensure that no wood burning stoves or fireplaces would be included in the project design, which would reduce VOC emissions to below the SDAPCD threshold to below a level of significance.

**B. Biological Resources**

**1. Impacts to special-status vegetation communities**

**Threshold of Significance:** *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Description of Significant Effects:** The project would result in direct impacts to 9.54 acres of sensitive vegetation communities. The project would result in the permanent loss of 1.98 acres of coastal sage scrub as well as 8.29 acres of non-native grassland.

In order to mitigate for the loss of 1.25 acres of coastal sage scrub and 8.29 acres of nonnative grassland, 2.5 acres of coastal sage scrub and 4.14 acres of non-native grassland are required. The project applicant will create 6.64 acres of coastal sage scrub at the Quarry Creek mitigation site (MM-BIO-1).

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-BIO-1).

**Mitigation Measures:**

**MM-BIO-1** **Off-Site Mitigation Credits.** In order to mitigate for the loss of 1.25 acres of coastal sage scrub and 8.29 acres of nonnative grassland, 2.5 acres of coastal sage scrub and 4.14 acres of non-native grassland are required. The project applicant will create 6.64 acres of coastal sage scrub at the Quarry Creek mitigation site.

**Rationale:** Implementation of MM-BIO-1 would mitigate for the loss of coastal sage scrub and nonnative grassland by requiring off-site preservation of the sensitive vegetation communities directly affected by the project. Implementation of the proposed project mitigation measures would reduce potentially significant impacts to sensitive vegetation communities to a level below significance.

## 2. Impacts to coastal California gnatcatcher and white-tailed kite habitat

**Threshold of Significance:** *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Description of Significant Effects:** The project would result in the permanent loss of 1.98 acres of habitat utilized by coastal California gnatcatcher as well as 8.29 acres of potential foraging habitat for white-tailed kite.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-BIO-1 through MM-BIO-11).

### Mitigation Measures:

**MM-BIO-1 (outlined above)**

**MM-BIO-2 Landscaping.** The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (CalIPC) "Invasive Plant Inventory" List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's web site or other similar sources that may evolve over the life of this plan. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to the Preserve and water runoff from landscaped areas should be directed away from the open space areas and contained and/or treated within the development footprint. Landscaping within the Subarea Plan buffers will consist of native species. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats.

**MM-BIO-3** **Temporary Installation Fencing.** The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional habitat impacts and prevent the spread of silt from the construction zone into adjacent native habitats to be preserved. Fencing shall be installed in a manner that does not impact habitats to be preserved. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.

**MM-BIO-4** **Environmental Awareness Training.** A Workers Environmental Awareness Training Program shall be implemented with the contractor and all active construction personnel prior to construction to ensure knowledge of sensitive wildlife that may occur on site, including coastal California gnatcatcher (*Polioptila californica californica*) and least Bell's vireo (*Vireo bellii pusillus*) and their habitat, and general compliance with environmental/permit regulations and mitigation measures. At a minimum, training shall include a discussion of the following topics: (1) the purpose for resource protection; (2) descriptions of coastal California gnatcatcher and least Bell's vireo and their habitat; (3) the mitigation measures outlined in this report that should be implemented during Project construction to conserve sensitive resources, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced area to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps and on the Project site by fencing); (4) environmentally responsible construction practices; (5) the protocol to resolve conflicts that may arise at any time during the construction process; and, (6) the general provisions of the federal Endangered Species Act (FESA), the need to adhere to the provisions of FESA, and the penalties associated with violating FESA.

**MM-BIO-5** **Work Hours.** Project construction shall occur during daylight hours. However, if temporary night work is required, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded, and directed away from natural habitats.

**MM-BIO-6** **Construction Best Management Practices.** The Project applicant shall ensure that the following conditions are implemented during Project construction to minimize potential impacts to sensitive vegetation and species: Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint; To avoid attracting predators of covered species, the project site shall be kept as clean of debris as possible. All food related trash items shall be

enclosed in sealed containers and regularly removed from the site; Pets of project personnel shall not be allowed on the project site; Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks; All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans. Impacts from fugitive dust shall be avoided and minimized through watering and other appropriate measures consistent with the Construction General Permit Order 2009-009-DWQ.

**MM-BIO-7 Biological Monitor Requirements and Duties.** A qualified biologist shall be on site daily during initial clearing/grubbing and weekly during grading activities within 500 feet of preserved habitat to ensure compliance with all Project-imposed mitigation measures. The biologist shall be available during pre-construction and construction phases to review grading plans, address protection of sensitive biological resources, monitor ongoing work, and maintain communications with the Project's engineer to ensure that issues relating to coastal California gnatcatcher, least Bell's vireo, and their habitat are appropriately and lawfully managed.

The qualified biological monitor shall also be responsible for the following duties:

- 1) Oversee installation of and inspect temporary fencing and erosion control measures within or up-slope of avoided and/or preserved areas a minimum of once per week during installation and daily during all rain events until established to ensure that any breaks in the fence or erosion control measures are repaired immediately.
- 2) Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust.
- 3) Halt work, if necessary, and confer with the U.S. Fish and Wildlife Service (USFWS), California Department of Fish and Wildlife (CDFW) and City of Oceanside (City) to ensure the proper implementation of species and habitat protection measures. The biologist shall report any violation to USFWS, CDFW, and the City within 24 hours of its occurrence.

- 4) Submit weekly letter reports (including photographs of impact areas) via email to the City during clearing/grubbing of potential habitat and/or Project construction resulting in ground disturbance within 500 feet of avoided potential habitat. The weekly reports shall document that authorized impacts were not exceeded and general compliance with all conditions. The reports shall also outline the duration of monitoring, the location of construction activities, the type of construction that occurred, and equipment used. These reports shall specify numbers and locations of any coastal California gnatcatchers/least Bell's vireo and nests, sex, observed behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to coastal California gnatcatchers/least Bell's vireo and nests.
- 5) Submit a final report to the City within 60 days of Project completion that includes the following: (1) as-built construction drawings for grading with an overlay of any active nests; (2) photographs of habitat areas during pre-construction and post-construction conditions; and (3) other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with the avoidance/minimization provisions and monitoring program as required by USFWS and CDFW were achieved.

**MM-BIO-8** **Breeding Season Avoidance.** The removal of vegetation from the Project impact footprint shall occur only during September 1 through February 14 to avoid the bird breeding season. Further, to the maximum extent practicable, grading activities associated with construction of the Project shall occur September 1 through February 14 to avoid the breeding season. If Project construction must occur during the breeding season, MM-BIO-9 shall be implemented.

**MM-BIO-9** **General Pre-Construction Surveys.** Within 72 hours of Project related activities, a qualified biologist with the appropriate handling permits shall conduct a survey to determine the presence of potential rare, listed, or other special status wildlife species. The qualified biologist shall survey the proposed impact areas and a 50 foot buffer. The pre-construction surveys shall incorporate appropriate methods and timing to detect these species, including individuals that could be concealed in burrows, beneath leaf litter, or in loose soil. Should a special-status species be located in the Project site during pre-activity surveys all individuals shall be documented and locations of presence recorded. If a special-status species is found, the qualified biologist shall contact the Wildlife Agencies, and the species shall be passively ushered out of harm's way to an area that is unaffected by the Project. If the Project requires special-status species to be removed, disturbed, or otherwise handled, the qualified biologist shall obtain all appropriate permits and prepare a

species-specific list (or plan) of proper handling and passive relocation protocols. The list (or plan) of protocols shall be implemented during Project construction and activities/biological construction monitoring.

**Nesting Bird Survey.** To avoid any direct and indirect impacts to raptors and/or any migratory birds, grubbing and clearing of vegetation that may support active nests and construction activities adjacent to nesting habitat will occur outside of the breeding season (February 15 to August 31). Take of birds protected under the Migratory Bird Treaty Act and California Fish and Game Code shall be avoided during the nesting season. If removal of habitat and/or construction activities is necessary adjacent to nesting habitat during the breeding season, the applicant shall retain a City of Oceanside (City)-approved biologist to conduct a pre-construction survey to determine the presence or absence of non-listed nesting migratory birds on or within 300 feet of the construction area, and federally- or State-listed birds and raptors on or within 500 feet of the construction area. The pre-construction survey must be conducted within 403 calendar days prior to the start of construction, the results of which must be submitted to the City for review and approval prior to initiating any construction activities. If nesting birds are detected by the City-approved biologist, the following buffers shall be established: (1) no work within 300 feet of a non-listed nesting migratory bird nest, and (2) no work within 500 feet of a listed bird or raptor nest. However, the City may reduce these buffer widths depending on site-specific conditions (e.g., the width and type of screening vegetation between the nest and proposed activity) or the existing ambient level of activity (e.g., existing level of human activity within the buffer distance). If construction must take place within the recommended buffer widths above, the project applicant will contact the City and Wildlife Agencies to determine the appropriate buffer.

**Crotch's Bumble Bee Pre-Construction Survey.** A pre-construction survey for Crotch's bumble bee shall be conducted within the construction footprint prior to the start of ground-disturbing construction activities occurring during the Crotch's bumble bee nesting period (February 1 through October 31). The survey shall ensure that no nests for Crotch's bumble bee are located within the construction area. The pre-construction survey shall include a habitat assessment and focused surveys, both of which shall be based on recommendations described in the Survey Considerations for California Endangered Species Act (CESA) Candidate Bumble Bee Species, released by the California Department of Fish and Wildlife (CDFW) on June 6, 2023, or the most current version at the time of construction.

The habitat assessment shall, at a minimum, include historical and current species occurrences; document potential habitat on site, including foraging, nesting, and/or overwintering resources; and identify which plant species are present. For the

purposes of this mitigation measure, nest resources are defined as abandoned small mammal burrows, bunch grasses with a duff layer, thatch, hollow trees, brush piles, and human-made structures that may support bumble bee colonies such as rock walls, rubble, and furniture. The habitat assessment shall be repeated prior to February 1 in each year ground-disturbing activities occur to determine if nesting resources are present within the on-site and/or off-site impact areas. If nesting resources are present in the on site and/or off-site impact areas, focused surveys shall be conducted.

The focused survey shall be performed by a biologist with expertise in surveying for bumble bees and include at least three survey passes that are not on sequential days or in the same week, preferably spaced 2 to 4 weeks apart. The timing of these surveys shall coincide with the colony active period (April 1 through August 31 for Crotch's bumble bee). Surveys may occur between 1 hour after sunrise and 2 hours before sunset. Surveys shall not be conducted during wet conditions (e.g., foggy, raining, or drizzling), and surveyors shall wait at least 1 hour following rain. Optimal surveys are when there are sunny to partly sunny skies and a temperature greater than 60°F. Surveys may be conducted earlier if other bees or butterflies are flying. Surveys shall not be conducted when it is windy (i.e., sustained winds greater than 8 miles per hour). Within non developed habitats, the biologist shall look for nest resources suitable for bumble bee use. Ensuring that all nest resources receive 100% visual coverage, the biologist shall watch the nest resources for up to 5 minutes, looking for exiting or entering worker bumble bees. Worker bees should arrive and exit an active nest site with frequency, such that their presence would be apparent after 5 minutes of observation. If a bumble bee worker is detected, then a representative shall be identified to species. Biologists should be able to view several burrows at one time to sufficiently determine if bees are entering/exiting them, depending on their proximity to one another. It is up to the discretion of the biologist regarding the actual survey viewshed limits from the chosen vantage point to determine which would provide 100% visual coverage; this could include a 30- to 50-foot-wide area. If a nest is suspected, the surveyor can block the entrance of the possible nest with a sterile vial or jar until nest activity is confirmed (no longer than 30 minutes).

Identification shall include trained biologists netting/capturing the representative bumble bee in appropriate insect nets, per the protocol in U.S. National Protocol Framework for the Inventory and Monitoring of Bees. The bee shall be placed in a clear container for observation and photographic documentation, if able. The bee shall be photographed using a macro lens from various angles to ensure recordation of key identifying characteristics. If bumble bee-identifying characteristics cannot be adequately captured in the container due to movement, the container shall be

placed in a cooler with ice until the bumble bee becomes inactive (generally within 15 minutes). Once inert, the bumble bee shall be removed from the container and placed on a white sheet of paper or card for examination and photographic documentation. The bumble bee shall be released into the same area from which it was captured upon completion of identification. Based on implementation of this method on a variety of other bumble bee species, they become active shortly after removal from the cold environment, so photography must be performed quickly.

If Crotch's bumble bee nests are not detected, no further mitigation would be required. The mere presence of foraging Crotch's bumble bees would not require implementation of additional minimization measures because they can forage up to 10 kilometers from their nests. If nest resources occupied by Crotch's bumble bee are detected within the construction area, no construction activities shall occur within 100 feet of the nest, or as determined by a qualified biologist through evaluation of topographic features or distribution of floral resources. The nest resources shall be avoided for the duration of the Crotch's bumble bee nesting period (February 1 through October 31). Outside of the nesting season, it is assumed that no live individuals would be present within the nest because the daughter queens (gynes) usually leave by September, and all other individuals (original queen, workers, males) die. The gyne is highly mobile and can independently disperse to outside of the construction footprint to surrounding open space areas that support suitable hibernacula resources.

A written survey report shall be submitted to the City of Oceanside and CDFW within 30 days of the pre-construction survey. The report shall include survey methods, weather conditions, and survey results, including a list of insect species observed and a figure showing the locations of any Crotch's bumble bee nest sites or individuals observed. The survey report shall include the qualifications/resumes of the surveyor(s) and approved biologist(s) for identification of photo vouchers and a detailed habitat assessment. If Crotch's bumble bee nests are observed, the survey report shall also include recommendations for avoidance, and the location information shall be submitted to the California Natural Diversity Database at the time of, or prior to, submittal of the survey report.

If Crotch's bumble bee is detected within the project site, the project applicant shall consult with CDFW regarding the need to obtain an Incidental Take Permit. Any measures determined to be necessary through the Incidental Take Permit process to offset impacts to Crotch's bumble bee may supersede measures provided in this document and shall be incorporated into the habitat mitigation and monitoring plan. In the event that an Incidental Take Permit is needed, mitigation for direct impacts to Crotch's bumble bee shall be fulfilled through compensatory mitigation at a minimum 1:1 nesting habitat replacement of equal or better functions and values to

those impacted by the project, or as otherwise determined through the Incidental Take Permit process.

**MM-BIO-10 California Gnatcatcher Nest Avoidance and Minimization Measures.** If an active coastal California gnatcatcher (*Polioptila californica californica*) nest is found on site or within 500 feet of Project grading activities, the biologist shall postpone work within 500 feet of the nest and contact the U.S. Fish and Wildlife Service (USFWS) and the City of Oceanside to discuss (1) the best approach to avoid/minimize impacts to nesting coastal California gnatcatchers (e.g., sound walls, noise monitoring); and (2) a nest monitoring program acceptable to USFWS. Subsequent to these discussions, work may be initiated subject to implementation of the agreed-upon avoidance/minimization approach and monitoring program. If the biologist determines that bird breeding behavior is being disrupted, the Project applicant shall stop work and coordinate with USFWS to review the avoidance/minimization approach. Upon agreement as to any necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued monitoring. Success or failure of an active nest shall be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the wildlife agencies. Monitoring of an active nest shall continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by USFWS.

**MM-BIO-11 Section 10 Consultation.** All terms and conditions developed as part of the Section 10 consultation process with the U.S. Fish and Wildlife Service (USFWS) and provided in the project's Habitat Conservation Plan (HCP) shall be implemented. Terms and conditions shall apply to federally listed species that may be impacted by the project.

**Rationale:** Implementation of MM-BIO-1 would mitigate any potential impacts of substantial adverse effects on special status species by requiring off-site preservation of the types of habitat directly affected by the project. In addition, the City requires that project applicants adhere to the landscaping requirements outlined in MM-BIO-2 which includes prohibiting use of invasive plant species in site landscaping and restricting use of intensive irrigation, fertilizers, or pesticides adjacent to preserved habitat. To further ensure that special-status wildlife are not impacted by initial clearing/grubbing, MM-BIO-3 through MM-BIO-10 would be implemented, which would involve temporary construction fencing, environmental awareness training, breeding season avoidance, BMPs for construction, and nesting bird surveys and avoidance measures. Because the Oceanside Subarea has not be adopted, take of habitat for coastal California gnatcatcher would need to be granted through the Section 10 consultation process with the USFWS (MM-BIO-11). Implementation of MM-BIO-1 through MM-BIO-11 would reduce impacts to special-status species, and impacts would be less than significant with mitigation incorporated.

### 3. Indirect impacts to vegetation during construction

**Threshold of Significance:** *Would the project have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service?*

**Description of Significant Effects:** Indirect impacts to vegetation during construction may include dust, which could disrupt plant vitality in the short term; construction-related soil erosion; and runoff. Implementation of industry standard construction and stormwater best management practices (BMPs), including dust control, erosion control, and water quality protection, would be required for the project to obtain a grading permit. Implementation of these dust, erosion control, and water quality protection measures during construction, including consistency with the Construction General Permit Order 2009-009-DWQ, would reduce any potential short-term indirect impacts on adjacent vegetation communities to a level that is less than significant. In addition, the City requires that project applicants adhere to the landscaping requirements outlined in MM-BIO-2.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-BIO-2).

**Mitigation Measures:**

**MM-BIO-2 (outlined above)**

**Rationale:** The City requires that project applicants adhere to the landscaping requirements outlined in MM-BIO-2. Implementation of MM-BIO-2 would mitigate any potential indirect impacts on special-status vegetation communities by prohibiting the use of invasive plant species in site landscaping, restricting the use of intensive irrigation, fertilizers, or pesticides adjacent to preserved habitat. Implementation of the proposed project mitigation measures would reduce potentially significant impacts to special-status vegetation communities to a level below significance and ensure the project's compliance with City landscaping requirements

### 4. Impacts to sensitive biological resources

**Threshold of Significance:** *Would the project conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?*

**Description of Significant Effects:** General Plan Policy 3.11C requires the preservation of biological resources or, where vegetation and habitat modification is inevitable, appropriate mitigation for potential impacts. As described above, the proposed project would have potentially significant impacts to sensitive biological resources. Appropriate mitigation measures consistent with the Subarea Plan and in compliance with applicable federal, state, and local codes are required. With

implementation of MM-BIO-1 through MM-BIO-11 outlined above, the project would be in compliance with General Plan Policy 3.11C

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-BIO-1 through MM-BIO-11).

**Mitigation Measures:**

**MM-BIO-1 through MM-BIO-11 (outlined above)**

**Rationale:** With implementation of proposed mitigation, the proposed project would not conflict with any local policies or ordinances protecting biological resources. The existing house located within the Subarea Plan buffer will be demolished as a part of project construction. Per Subarea Plan requirements, all areas of non-native vegetation and developed areas within the buffer will be landscaped with native vegetation (MM-BIO-2). All terms and conditions developed as part of the Section 10 consultation process with the U.S. Fish and Wildlife Service (USFWS) and provided in the project's Habitat Conservation Plan (HCP) shall be implemented. Terms and conditions shall apply to federally listed species that may be impacted by the project. Implementation of the proposed project mitigation measures would reduce potentially significant impacts to sensitive biological resources to a level below significance and ensure the project does not conflict with any local policies or ordinances protecting biological resources.

**C. Cultural Resources and Tribal Cultural Resources**

**Impacts to cultural resources and/or tribal cultural resources**

**Threshold of Significance:** *Would the project cause a substantial adverse change in the significance of an archaeological resource pursuant to CEQA Guidelines Section 15064.2?*

**Description of Significant Effect:** Appendix D to the EIR indicates there are alluvial soils present within the project area of potential effect (APE), and due to the presence of natural drainage swales, reoccurring alluvial action and flooding serve to support the development and presence of cultural deposits in the area. The South Coastal Information Center records search did not identify any resources within the project APE; however, 23 previously recorded resources were identified within one mile of the APE. A Sacred Lands File search was requested from NAHC, and results were positive. Although the pedestrian survey did not identify artifacts or features within the APE, 90% of the ground surface during the survey was obscured by dense vegetation. Therefore, as recommended in Appendix D of the EIR, in the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, potential impacts could occur, and mitigation would be required. The project would implement the City's standard cultural mitigation measures, as presented in mitigation measures MM-CUL-1 through MM-CUL-9.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-CUL-1 through MM-CUL-9).

**Mitigation Measures:**

**MM-CUL-1** Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-excavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement with the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe. A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the Traditionally and Culturally Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities. Through consultation with the Tribes that consulted on the project and with their consent, certain artifacts may be made available for 3D scanning/printing, with scanned/printed materials to be curated at a local repository meeting the federal standards of 36CFR79.

**MM CUL-2** Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and Luiseño Native American Monitor have been retained at the Applicant/Owner or Grading Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement.

**MM CUL-3** The Qualified Archaeologist shall maintain ongoing collaborative consultation with the Luiseño Native American Monitor during all ground disturbing activities. The requirement for the monitoring program shall be noted on all applicable construction documents, including demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activities.

**MM CUL-4** The Qualified Archaeologist and Luiseño Native American Monitor shall attend all applicable preconstruction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and Luiseño Native American monitor shall be present on-site full-time during grubbing, grading and/or other ground altering activities, including the

placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or Tribal Cultural Resources. All fill materials shall be absent of any and all Tribal Cultural Resources.

**MM CUL-5** In order for potentially significant archaeological artifact deposits and/or cultural resources to be readily detected during mitigation monitoring, a written “Controlled Grade Procedure” for CA-SDI5345 shall be prepared by a Qualified Archaeologist, in consultation with the other TCA Luiseño Tribes that have participated in the state-prescribed process for this project, and the Applicant/Owner, subject to the approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeologist and Luiseño Native American Monitor determine to be sensitive through the cultural resource mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

**MM CUL-6** The Qualified Archaeologist or the Luiseño Native American Monitor may halt ground disturbing activities if unknown Tribal Cultural Resources, or non-Tribal unique archaeological resources as defined in CEQA Guidelines section 15064.5 (artifact deposits or cultural features or artifacts) are discovered. Ground disturbing activities shall be directed away from these deposits to allow a determination of potential importance. Isolates and clearly non-significant deposits shall be minimally documented in the field, and before grading proceeds these items shall be secured until they can be repatriated. If items cannot be securely stored on the project site, they may be stored in off-site facilities located in San Diego County. If the Qualified Archaeologist and Luiseño Native American monitor determine that the unearthed tribal cultural resource, or non-Tribal unique archaeological resources (artifact deposits, or cultural features or artifacts) are considered potentially significant TCA Luiseño Tribes that have participated in the state prescribed consultation process for this project shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the lead agency under CEQA, TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant Tribal Cultural Resources, or non-Tribal unique archaeological resources (artifact deposits, or cultural features

or artifacts) artifact deposits or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the TCA Luiseño Tribes that have participated in the state-prescribed consultation process for this project. If the Qualified Archaeologist collects such resources, the Luiseño Native American monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the Tribal Cultural Resources that are unearthed during the ground disturbing activities, the Luiseño Native American monitor, may at their discretion, collect said resources and provide them to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the Luiseño Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected. Non-Tribal unique archaeological resource materials shall be collected and stored by the Qualified Archaeologist in offsite facilities located in San Diego County until the non-Tribal unique archaeological resources are curated at an appropriate qualified repository in San Diego County that meets federal standards per 36 CFR Part 79.

**MM CUL-7** The landowner shall relinquish ownership of all Tribal Cultural Resources unearthed during the cultural resource mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the appropriate TCA Luiseño Tribe, as determined through the appropriate process, for respectful and dignified treatment and disposition, including reburial at a protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No Tribal Cultural Resources shall be subject to curation.

**MM CUL-8** Prior to the release of the grading bond, a monitoring report and/or evaluation report, if appropriate, which describes the results, analysis and conclusions of the archaeological monitoring program (e.g., data recovery plan) shall be submitted by the Qualified Archaeologist, along with the Luiseño Native American monitor's notes and comments, to the City of Oceanside Planning Division for approval.

**MM CUL-9** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized

representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in-situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a Luiseño Native American monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendant.

**Rationale:** Given the sensitivity of the area of potential effect (APE), there is potential for subsurface cultural resources. Implementation of MM-CUL-1 through MM-CUL-9 will further ensure project development would not result in a significant impact to cultural resources including tribal cultural resources, or non-tribal unique archaeological resources as defined in CEQA Guidelines § 15064.5 (artifact deposits, or cultural features or artifacts) by requiring that a qualified archaeologist and Luiseño Native American Monitor be present during initial ground-disturbing activities within the project. Should resources be identified, or if undisturbed sedimentary deposits that have the potential to contain archaeological resources are identified, monitoring may need to be increased, as determined by the archaeologist, the City, and in consultation with the tribe that is monitoring. If disturbed sediments (e.g., fill) or other sediment formations are identified that do not have the potential to contain archaeological resources, then monitoring may be reduced or terminated.

Further, in the event that archaeological resources (sites, features, or artifacts) are exposed during construction activities for the project, all construction work occurring within 100 feet of the find shall immediately stop until a qualified archaeologist meeting the Secretary of the Interior's Professional Qualification Standards can evaluate the significance of the find. Construction activities would be redirected to a safe distance from the find. If the new discovery is evaluated and found to be significant under CEQA and avoidance is not feasible, additional work such as data recovery may be warranted. In such an event, a data recovery plan would be developed by the qualified archaeologist in consultation with the City and Native American representatives, if applicable. In

addition, implementation of mitigation measures would ensure the project's compliance with California Health and Safety Code Section 7050.5, in the event human remains are found.

#### **D. Geology and Soils**

##### **Impacts to Paleontological Resources**

**Threshold of Significance:** *Would the project directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?*

**Description of Significant Effect:** Direct impacts related to geology and soils as a result of project implementation are determined to be less than significant, with the exception of potential impacts to paleontological resources. The project could result in potential damage to paleontological resources during construction. Impacts to paleontological resources occur when earthwork activities, such as mass grading operations, cut into the geological deposits (formations) within which fossils are buried. These direct impacts are in the form of physical destruction of fossil remains. Impacts to paleontological resources are typically rated from high to zero depending upon the resource sensitivity of impacted formations. Based on the survey and records search results, map, and literature review (Appendix F), the project site has high potential to produce paleontological resources during planned construction activities in areas underlain by Eocene deposits and Holocene deposits at depth. In the event that intact paleontological resources are discovered on the project site, ground-disturbing activities associated with construction of the project, such as grading and augering during site preparation and trenching for utilities, have the potential to destroy a unique paleontological resource or site.

**Finding:** Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment (MM-GEO-1).

##### **Mitigation Measures:**

**MM-GEO-1 Paleontological Resources Impact Mitigation Program and Paleontological Monitoring.** Prior to commencement of any grading activity on site, the applicant shall retain a qualified paleontologist per the Society of Vertebrate Paleontology (2010) guidelines. The qualified paleontologist shall prepare a Paleontological Resources Impact Mitigation Program (PRIMP) for the project that shall be consistent with the SVP (2010) guidelines and outline requirements for preconstruction meeting attendance and worker environmental awareness training, where paleontological monitoring is required within the project site based on construction plans and/or geotechnical reports, procedures for adequate paleontological monitoring and discoveries treatment, and paleontological methods (including sediment sampling for microinvertebrate and microvertebrate fossils), reporting, and collections management. The PRIMP shall also include a statement that any fossil lab or curation costs (if necessary due to fossil recovery) are the

responsibility of the project proponent. A qualified paleontological monitor shall be on site during initial rough grading and other significant ground-disturbing activities in areas underlain by the Santiago Formation and below a depth of five feet below the ground surface in areas underlain by Holocene alluvium to determine if they are old enough to preserve scientifically significant paleontological resources. In the event that paleontological resources (e.g., fossils) are unearthed during grading, the paleontological monitor will temporarily halt and/or divert grading activity to allow recovery of paleontological resources. The area of discovery will be roped off with a 50-foot radius buffer. Once documentation and collection of the find is completed, the monitor will allow grading to recommence in the area of the find.

**Rationale:** With implementation of MM-GEO-1, potential impacts related to paleontological resources would be less than significant, considering any fossils discovered would be properly excavated and the associated paleontological research information would be preserved to the extent feasible. No other mitigation related to geology and soils would be required.

**IV. POTENTIALLY SIGNIFICANT IMPACTS THAT CANNOT FEASIBLY BE MITIGATED BELOW A LEVEL OF SIGNIFICANCE (CEQA GUIDELINES §15091(A)(3))**

CEQA Guidelines §15126.2(b) requires that an EIR describe any significant impacts that cannot be avoided, including those impacts that can be mitigated but not reduced to a less-than-significant level. Chapter 4, Environmental Analysis, of the EIR describes the potential environmental impacts of the proposed project, and recommends mitigation measures to reduce impacts, where feasible. As discussed in the Final EIR, implementation of the proposed project would result in potentially significant impacts to air quality, biological resources, cultural and tribal cultural resources, and geology and soils before mitigation. All of these impacts would be reduced to below a level of significance through mitigation. Implementation of the proposed project would not result in any significant and unavoidable impacts.

**V. FINDINGS REGARDING ALTERNATIVES**

CEQA Guidelines §15126.6(a) requires the discussion of “a reasonable range of alternatives to a project, or the location of a project, which will feasibly attain most of the basic objectives of the project but will avoid or substantially lessen any of the significant effects of the project, and evaluate the comparative merits of the alternatives.”

Three alternatives, including the No Project (No Build) Alternative, were analyzed in the Final EIR, Chapter 7, Alternatives:

**Alternative 1: No Project (No Build) Alternative**

**Alternative 2: Reduced Footprint Alternative**

**Alternative 3: Townhome (Coastal Sage Scrub Impact Avoidance) Alternative**

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the project identified in the EIR, as well as consideration of their ability to meet the basic objectives of the project as described in the EIR Chapter 3, Section 3.1 Project Objectives, and above in Section I.B.

For the reasons set forth below, and in light of the analysis presented in the EIR Chapter 8, Alternatives, the environmentally superior alternative is Alternative 3, Townhome (Coastal Sage Scrub Impact Avoidance). This alternative is considered the environmentally superior alternative because it would provide a reduced level of impact in some environmental analysis areas, including biological resources, cultural resources, and geology and soils. However, under this alternative, impacts to biological resources, cultural resources, and geology and soils would still remain less than significant with mitigation incorporated, similar to the proposed project.

The Townhome Alternative would meet many of the proposed project objectives with the exception of Objectives 1 and 4, because this alternative would not be consistent with the existing single-family land use and zoning designation of the site and surrounding land uses.

Nevertheless, because this alternative would slightly reduce potentially significant impacts in comparison to the project, this alternative is considered the environmentally superior alternative.

**Alternatives Considered but Rejected**

The EIR considered three additional alternatives that were not carried forward for detailed analysis, and were deemed considered but rejected:

**1) Alternative Location:**

In accordance with CEQA Guidelines §15126.6(f)(2), an EIR may consider an alternative location for the proposed project but is only required to do so if significant project effects would be avoided or substantially lessened by moving the project to another site. The project impacts are all site specific, thus the intent of an Alternative Location Alternative would be to identify an alternative site within the urban area of the City that has General Plan and zoning designations that allow development of single-family residential uses and would avoid or substantially lessen one or more of the project's potentially significant impacts related to air quality, biological resources, cultural and tribal cultural resources, and geology and soils. This alternative is assumed to include the same components as the project and would require a site similar to the project's 16.78-acre site (or 12.45-acre developable area).

There may be sites within the City of an approximately equivalent size to the project site or development footprint area that could be redeveloped with a single-family development project; however, the project applicant does not own another site within the City of comparable land area

that is available for development of the project. One of the factors for feasibility of an alternative is “whether the proponent can reasonably acquire, control or otherwise have access to the alternative site.” It is unlikely and speculative to assume the feasibility of assembling another site similar to the proposed project that meets most of the project objectives and avoids or substantially lessens the project’s potential significant impacts. The Alternate Location Alternative was considered but rejected due to infeasibility.

## 2) Reduced Density Alternative

Under the Reduced Density Alternative, the project’s proposed density was considered in response to community concerns associated with the number of units proposed to be developed on site. However, a developer may acquire the right to develop at a specific density under the State of California Density Bonus Law (Government Code §§65915–65918). The State of California’s Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development-standard waivers, reductions or incentives, and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these state requirements. The project would involve construction of 83 total single-family homes, 4 of which would be designated as deed-restricted affordable housing.

With approval of the density bonus, the City may not legally require reducing the number of units the applicant is permitted to construct below the 83 single-family units proposed. The Reduced Density Alternative would impede implementation of the state Density Bonus Law and conflict with goals and policies of the City’s General Plan Housing Element. Additionally, without the requested density bonus, the project would not provide affordable housing on site to help satisfy the City’s current and future demand for housing. The reduced density alternative is not a feasible alternative and would not meet most of the project objectives.

## 3) Existing Land Use Designation Alternative

Under the Existing Land Use Designation Alternative, the project would develop 73 single-family homes, as allowed under the existing General Plan and zoning designation for the site. The General Plan designation for the project site is Single-Family Detached Residential (SFD-R), with a zoning designation of Single-Family Residential – Scenic Park Overlay zone and Equestrian Overlay zone (RS-SP-EQ). The General Plan designation and consistent zoning designation for the site allow for a maximum potential density of up to 5.9 units per acre. This alternative would not require waivers of development standards, including reduction of lot sizes, removal of equestrian development standards, reduction or redistribution of setbacks, reduction of open space/landscape minimums, increase of floor area ratio per lot, and increases in retaining wall heights, as requested by the proposed project. No affordable units would be developed under this alternative. Although this alternative would develop 10 fewer units than that of the proposed project and would not require any waivers of development standards, in Section 8.3.2, a developer may acquire the right

to develop at a specific density under the State of California Density Bonus Law (Government Code §§65915–65918). The State of California’s Density Bonus Law was established to promote the construction of affordable housing units and allows projects to exceed the maximum designated density and to use development-standard waivers, reductions or incentives, and concessions in exchange for providing affordable housing units in compliance with all current density bonus regulations. The City implements these state requirements. Additionally, due to the development of 73 single-family homes with a similar development footprint under this alternative, it is expected to result in the same or similar impacts to that of the proposed project.

CEQA Guidelines §15126.6(a) requires that an EIR “describe a range of reasonable alternatives to the proposed project, or to the location of the project, that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives.” CEQA Guidelines §15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that would foster informed decision-making and public participation. Accordingly, the Draft EIR presented three alternatives listed below and considered and rejected two potential alternatives outlined above.

## **B. EIR Alternative 1: No Project Alternative**

### **1) Description**

Under the No Project Alternative, the proposed project and associated improvements would not be implemented, and the project site would remain undeveloped. However, this alternative does not preclude future development on site because future development of the site under the existing Single-Family Detached Residential (SFD-R) General Plan land use designation would still be possible. For purposes of this analysis, no development would occur under this alternative.

### **2) Finding**

Since the No Project Alternative would not provide any development, overall impacts would be reduced compared to the proposed project. However, as the No Project Alternative would not develop the site or allow for housing, this alternative would not fulfill any of the proposed project objectives.

### **3) Facts in Support of Finding**

In relation to the project, the No Project Alternative would reduce or avoid all significant impacts. However, this Alternative would not achieve the basic project objectives. More specifically, this alternative would not meet project objectives considering new affordable and market-rate housing opportunities to help satisfy the City’s Regional Housing Needs Assessment or promote infill

development to reduce urban sprawl. For these reasons and others detailed in the record before the City, the City rejects the No Project Alternative as both undesirable and infeasible.

### **C. EIR Alternative 2: Reduced Development Footprint Alternative**

#### **1) Description of Alternative**

Reducing the proposed development footprint was considered in response to U.S. Fish and Wildlife Service (USFWS) concerns associated with impacts to biological resources on site as presented in USFWS's comments regarding the Notice of Preparation for the Draft EIR. The Reduced Development Footprint Alternative consists of 72 single-family homes, which is 11 fewer units than the proposed project. This alternative layout would minimize impacts to coastal sage scrub on site by pushing the development footprint south by approximately 30 feet from the limits of coastal sage scrub. However, the Reduced Development Footprint Alternative would encroach into the proposed open space area and hillside. Under this alternative, an approximately 25-foot shoring wall would be required, which could result in some permanent impacts to coastal sage scrub, although substantially reduced in comparison to the proposed project. The reconfiguration of this alternative would also require all proposed recreation/open space area to be removed. Similar to the proposed project, this alternative would be responsible for park impact fees and could require additional potential park impact mitigation as a result of not providing usable open space area. This alternative would require a tentative map, development plan, and a request for density bonus with waivers for development standards such as net lot area, lot width, and front, side, and rear yard setbacks. Similar to the proposed project, 4 of the proposed 72 single-family homes (5% of the total) under this alternative would be designated as deed-restricted affordable housing. The remaining 68 homes would be sold at market rate. Similar to the proposed project, in order to accommodate this alternative as allowed under the Density Bonus Law, this alternative cannot physically comply with all of the development standards included in the City's Zoning Ordinance. Based on the proposed design to accommodate density bonus units, this alternative anticipates seeking similar or additional waivers of development standards, including reduction of lot sizes, removal of equestrian development standards, reduction or redistribution of setbacks, reduction of open space/landscape minimums, increase of floor area ratio per lot, and increased retaining wall heights.

#### **2) Finding**

The Reduced Footprint Alternative would meet many of the proposed project objectives, but to a lesser extent than the proposed project. Although this alternative would develop infill housing on an urbanized site and assist the City to implement its housing goals, it would include fewer affordable and market-rate units, limiting the creation of housing opportunities and failing to meet project Objectives 3 and 4.

### **3) Facts in Support of Finding**

The Reduced Footprint Alternative would meet most of the project objectives and potentially reduce the severity of impacts related to air quality, cultural resources, and geology and soils in comparison to the proposed project due to the reduced unit count and reduced development footprint. However these impacts would remain potentially significant and require implementation of mitigation measures to reduce impacts to less-than-significant levels , similar to the proposed project.

Similarly, this alternative layout would reduce impacts to biological resources by reducing the extent of disturbance to Coastal Sage Scrub habitat and reduce the area needed for mitigation. However, impacts would still occur, and this alternative is expected to require mitigation measures similar to MM-BIO-1 through MM-BIO-5 proposed for the project to reduce significant impacts to biological resources.

Further, this alternative would potentially result in impacts related to recreational resources because accommodating the reduced development footprint would not allow for development of recreational amenities on site. Additionally, as discussed above, a shoring wall would be required for this alternative site plan, which would require review and approval by the City's Engineering Department.

## **D. EIR Alternative 3: Townhome (Coastal Sage Scrub Impact Avoidance) Alternative**

### **1) Description of Alternative**

The Townhome (Coastal Sage Scrub Impact Avoidance) Alternative (Townhome Alternative) presents a revised development plan for the 16.78-acre site, offering a reduced environmental footprint compared to the proposed project. This alternative involves a townhome development on approximately 5.98 acres of the site, including 90 townhome units, each ranging from approximately 1,400 to 1,800 square feet and extending up to three stories. Unlike the proposed project, which covers approximately 9.86 acres of the site and includes 83 single-family homes with recreational amenities, the Townhome Alternative significantly decreases the disturbance area on site from 8.96 acres to 5.98 acres and does not include any recreational amenities on site.

Under this alternative, 14 of the 90 townhome units (15%) would be affordable (low- and moderate-income) units, as required by the City's Inclusionary Housing Ordinance. Under this alternative, approximately 2.98 additional acres of open space would be incorporated north of the proposed disturbance limits, maintaining the natural state of the surrounding environment and enhancing the buffer area between development and coastal sage scrub. The Townhome Alternative maintains fencing between the project and adjacent open space. The road improvements and off-site improvements would remain consistent with those of the proposed project, ensuring continuity in access and infrastructure. This alternative emphasizes a smaller

footprint and greater preservation of natural open space. However, this alternative increases the density on site to approximately 15 dwelling units per acre.

Similar to the proposed project, this alternative would require a tentative map, development plan, and a request for a density bonus, with waivers for development standards such as lot area, lot width, and front, side, and rear yard setbacks. This alternative would designate 14 of the 90 townhome units (15%) as deed-restricted affordable housing. The remaining 76 homes would be sold at market rate. Similar to the proposed project, in order to accommodate this alternative as allowed under the Density Bonus Law, this alternative cannot physically comply with all of the development standards included in the City's Zoning Ordinance. Thus, it is anticipated this alternative would require similar or additional waivers of development standards, including reduction of lot sizes, removal of equestrian development standards, reduction or redistribution of setbacks, reduction of open space/landscape minimums, increased floor area ratio per lot, and increased retaining wall heights.

## **2) Finding**

The Townhome (Coastal Sage Scrub Impact Avoidance) Alternative (Townhome Alternative) would meet project objectives to a lesser extent compared to the proposed project. Although this alternative would avoid impacts to coastal sage scrub and increase open space area on site as a result of the substantially reduced development footprint, the increase in density to 15 dwelling units per acre with the townhome product may conflict with project Objective 1 (Ensure both visual and functional compatibility with other nearby land uses) by introducing townhomes in an area primarily developed with single-family residences.

## **3) Facts in Support of Finding**

Air pollutant emissions associated with construction of this alternative would be similar or slightly reduced in comparison to the proposed project and the same or similar mitigation measures would be needed to ensure the impacts are less than significant. During operation, air pollutant emissions would be slightly greater than the proposed project due to the increase in unit count from 83 to 90, however impacts would be expected to remain less than significant.

This alternative would incorporate approximately 2.98 additional acres of open space north of the proposed disturbance limits, maintaining the natural state of the surrounding environment and enhancing the buffer area between development and coastal sage scrub. The Townhome Alternative maintains fencing between the project and adjacent open space. Thus, this alternative would result in reduced direct impacts to biological resources, by avoiding removal of coastal sage scrub and avoiding take of the federally listed coastal California gnatcatcher (*Polioptila californica californica*).

Because reduced ground disturbance would occur under this alternative, there would be less potential to impact cultural resources that may be encountered during construction. However,

although this alternative would potentially reduce impacts to cultural resources on site, impacts would still occur, and this alternative is expected to require implementation of the City's standard cultural mitigation measures, MM-CUL-1 through MM-CUL-9, to reduce significant impacts to cultural resources, consistent with the mitigation requirements for the proposed project. Similarly, this alternative is expected to require implementation of mitigation measures similar to MM-GEO-1 under the proposed project, in order to reduce potentially significant impacts to paleontological resources. Therefore, this alternative would result in similar paleontological resource impacts compared to the proposed project.

Similar to the proposed project, this alternative would provide new market-rate and affordable housing on an infill site that would be served by existing utilities, services, and street access. However, the City of Oceanside General Plan identifies the site as Single-Family Detached Residential (SFD-R), and the project site is zoned Single-Family Residential – Scenic Park Overlay and Equestrian Overlay (RS-SP-EQ). The existing land use designation and zoning allows for single-family residential uses. This alternative would not be consistent with the underlying land use and zoning for the project site with the introduction of townhomes and would require a General Plan Amendment and Rezone in addition to the request for density bonus waivers.

This alternative would increase the density on site to approximately 15 dwelling units per acre and would construct 3-story townhomes compared to the 25-foot-tall single-family residences under the proposed project. While it is likely that the townhomes would comply with the City's 36-foot maximum building height for the RS zone district, the buildings would be substantially taller than the proposed residences and the existing development in the area. Thus, this alternative could increase aesthetic impacts compared to the proposed project and may conflict with project Objective 1 (Ensure both visual and functional compatibility with other nearby land uses).

Additionally, this alternative would not include any recreational amenities on site. The reconfiguration of this alternative would require all proposed recreational/open space area to be removed, resulting in greater impacts to recreational resources than the proposed project.

## **VI. OTHER CEQA CONSIDERATIONS**

### **A. Growth-Inducing Impacts**

CEQA Guidelines §15126.2(e) mandates that the growth-inducing nature of the proposed Guajome Lake Homes Project (project or proposed project) be discussed. This CEQA Guideline states the growth-inducing analysis is intended to address the potential for a project to "foster economic or population growth, or the construction of additional housing, either directly or indirectly, in the surrounding environment." Further, the CEQA Guidelines Appendix G Checklist (Population and Housing) also mandates that a CEQA document speak to a proposed project's likelihood to induce substantial population growth in an area, either directly (e.g., by

proposing new homes or businesses) or indirectly (e.g., through extension of roads or other infrastructure).

A project may be distinguished as either facilitating planned growth or inducing unplanned growth. Facilitating growth is relating to the establishment of direct employment, population, or housing growth that would occur within a project site. Inducing growth is related to lowering or removing barriers to growth or by creating an amenity or facility that attracts new population/economic activity. This section contains a discussion of the growth-inducing factors related to the proposed project as defined under CEQA Guidelines §15126.2(e). A project is defined as growth inducing when it directly or indirectly does any of the following:

1. Fosters population growth
2. Fosters economic growth
3. Includes the construction of additional housing in the surrounding environment
4. Removes obstacles to population growth
5. Taxes existing community service facilities, requiring construction of new facilities that could cause significant environmental effects
6. Encourages or facilitates other activities that could significantly affect the environments, either individually or cumulatively

Pursuant to CEQA Guidelines §15126.2(e), it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment.

As discussed in Section 4.12, Population and Housing, the proposed project would directly facilitate growth through development of 83 single-family residential units, which would introduce new residents or relocate residents within the area. The project's service population is based on the City of Oceanside (City) Housing Element, which estimates an average household size of 2.86 persons per dwelling unit (City of Oceanside 2021). The project's service population, defined as the number of residents, is approximately 233 people. Construction of the proposed project would generate economic stimulus from activities such as the use of building materials, employment of construction workers, and the introduction of new or relocated consumer demand in the area. The proposed project would not introduce a population beyond what is planned for the City and the region.

The most recent Regional Housing Needs Assessment from the San Diego Association of Governments (SANDAG) stated that the City needs to build 5,443 units from 2021 through 2029 (SANDAG 2020). The City has a projected deficit of 1,268 very-low income units, 718 low-income units, 883 moderate income units, and 2,574 above-moderate income units (SANDAG 2020). The project is expected to bring 164 units to market in 2024/2026, all of which would be within SANDAG's growth projection for housing during the 6th Cycle planning horizon (i.e., April 2021–April 2029). Therefore, the project would not conflict with SANDAG's regional growth forecast for the City. Although the project would directly lead to additional growth within

the City, and the increase in population growth at the project site was not accounted for in the City's Housing Element or General Plan, the increase in units would be within SANDAG's growth projection and would not conflict with the regional growth forecast for the City.

The project would not lead to indirect growth, as the project would not provide for additional infrastructure improvements that would allow for additional unplanned growth in the area. The project does not remove obstacles to growth by extending infrastructure to new areas, nor would it result in significant adverse environmental impacts beyond those analyzed in this EIR. The project does not include expansion of infrastructure such as water supply facilities, wastewater treatment plants, roads, or freeways. While the project will involve utility and roadway improvements, including an offsite sewer line extension, these upgrades will be limited to the proposed project connection points and will only serve the project site. Refer to Section 7.1 of the EIR for a full discussion of potential growth-inducing impacts.

#### **B. Significant Irreversible Effects**

CEQA Guidelines §15126.2(d) requires that an EIR identify any significant irreversible environmental changes associated with a proposed project. That section describes irreversible effects as:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. Also irreversible damage can result from environmental accidents associated with the project. Irretrievable commitments of resources should be evaluated to assure that such current consumption is justified. (See Public Resources Code §21100.1 and Title 14, California Code of Regulations, §15127 for limitations to applicability of this requirement.)

Per §15127, irreversible changes are only required to be addressed in EIRs when connected with the adoption or amendment of a local plan, policy, or ordinance; adoption by a local agency formation commission of a resolution making determinations; or when the project is subject to National Environmental Policy Act and requires an environmental impact statement. This project does not involve any of those activities, and as such this analysis is not required and is appropriately not provided herein.

## **VII. OTHER CEQA FINDINGS**

### **A. Mitigation Monitoring and Reporting Program**

#### **1) General Finding**

Pursuant to §21081.6 of the Public Resources Code, the City, in adopting these Findings, also adopts the MMRP for the Guajome Lake Homes Project. The MMRP is designed to ensure that, during project implementation, the City and other responsible parties will comply with the mitigation measures adopted in these Findings. The City hereby binds itself to cause the various feasible mitigation measures described in the MMRP to be implemented in accordance with the Final EIR and MMRP. The mitigation measures constitute a binding set of obligations upon the City's certification and approvals identified herein.

The City hereby finds that the MMRP, which is incorporated into the project conditions of approval, meets the requirements of Public Resources Code §21081.6 by providing for the implementation and monitoring of project conditions intended to mitigate potentially significant environmental effects of the project.

#### **2) Regulatory Compliance**

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the project. The Final EIR describes the regulatory setting within each chapter, which includes the details of regulatory compliance measures. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the project must comply with all applicable regulatory compliance measures.

### **B. CEQA Guidelines §§15091 and 15092 Findings**

Based on these findings and the information contained in the administrative record, the City has made one or more of the following findings with respect to each of the significant effects of the project:

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Specific economic, legal, social, technological, or other considerations, including considerations for the provision of employment opportunities for highly-trained workers, make infeasible the mitigation measures or alternatives identified in the Final EIR.

Based on these findings and the information contained in the administrative record, and as conditioned by the foregoing:

1. All significant effects on the environment due to the project have been eliminated or substantially lessened where feasible.
2. There are no significant unavoidable impacts identified; therefore, no overriding considerations are required

#### **C. Nature of Findings**

Any finding made by the City shall be deemed made, regardless of where it appears in this document. All of the language included in this document constitutes findings by the City, whether or not any particular sentence or clause includes a statement to that effect. The City intends that these findings be considered as an integrated whole and, whether or not any part of these findings fail to cross-reference or incorporate by reference any other part of these findings, that any finding required or committed to be made by the City with respect to any particular subject matter of the Final EIR, shall be deemed to be made if it appears in any portion of these findings.

#### **D. Reliance on Record**

Each and all of the findings and determinations contained herein are based on substantial evidence, both oral and written, contained in the administrative record relating to the project. In accordance with Public Resources Code §21167.6(e), the record of proceedings (i.e., administrative record) for the Planning Commission's decision on the project is comprised of the following documents:

- The Final EIR (June 2025) for the project, including appendices;
- The Draft EIR (November 2024) for the project, including appendices;
- Notice of Preparation (NOP) (November 2, 2022) for the project;
- Any appendices, studies or documents cited, referenced, or relied on in the NOP, Draft EIR, Final EIR, or any document prepared for the project's EIR and either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- Reports and technical reports, studies, and memoranda included or referenced in the NOP, Draft EIR, Final EIR, or City's responses to comments on the project;
- The project application materials;
- All public notices issued by the City in conjunction with the project, including notices issued by the City to comply with CEQA, the CEQA Guidelines, or any other law governing the processing and approval of the project;
- Scoping Meeting notices and comments received at Scoping Meeting;
- The Notice of Availability and Notice of Completion of the Draft EIR;
- Comments received on the NOP;

- All reports, studies, memoranda, maps, or other planning or environmental documents relating to the project or its compliance with CEQA and prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the project that were either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- All written comments and attachments on the project received from agencies, organizations, or members of the public during the Draft EIR comment period or prior to the close of the public hearing before the Planning Commission;
- All City responses to comments received from agencies, organizations, or members of the public, or otherwise transferred from the City in connection with the project or its compliance with CEQA;
- Any supplemental documents submitted to the City prior to public hearings on the project;
- Staff reports prepared by the City for any information sessions, public meetings, and public hearings relating to the project, and any exhibits or attachments thereto;
- Minutes and/or transcripts of all public information sessions, public meetings, and public hearings relating to the project;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Any proposed decisions or findings submitted to the Planning Commission and made available to the public during any public review period;
- All findings, resolutions, and ordinances adopted by this City Council in connection with the project, and all documents cited or referred to therein;
- Project permit conditions;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- Any documents expressly cited in these findings and any documents incorporated by reference;
- The City of Oceanside General Plan and all pertinent environmental documents prepared in connection with its adoption;
- The full written record actually before the Planning Commission;
- The project's approval documents;
- All City website materials relating to the EIR or project;
- Any other written materials included in the City's retained files for the EIR or project that are relevant to the City's compliance with CEQA or its decision on the merits of

the project, and that were released for public review or relied upon in the environmental documents prepared for the project; and

- The Notice of Determination.

The Planning Commission intends that only those documents relating to the project and its compliance with CEQA and prepared, owned, used, or retained by the City and listed above shall comprise the administrative record for the project. Only that evidence presented to, considered by, and ultimately before the Planning Commission prior to reviewing and reaching its decision on the EIR and project shall comprise the administrative record. The Planning Commission does not intend that any drafts of any study, findings, or environmental document (or portions thereof), that were not released for public review or otherwise made available to the public be included in the administrative record.

#### **E. Custodian of Records**

The custodian of the documents or other material that constitute the record of proceedings upon which the City's decision is based is identified as follows:

Planning Division  
300 North Coast Highway  
Oceanside, California 92054

#### **F. Responses to Late Comments Not Required**

CEQA Guidelines §15105 requires that the City provide a 45-day public review period. The City provided an extended 52-day comment period on the Draft EIR which began on November 20, 2024 and ended January 10, 2025.

To date the City has not received any comments on the Draft EIR after the close of the public comment period. The City is not required to provide a written response to any late letters received. (Pub. Resources Code, §21091(d); CEQA Guidelines, §15088(a).)

#### **G. Recirculation Not Required**

CEQA Guidelines §15088.5 provides the criteria that a lead agency is to consider when deciding whether it is required to recirculate an EIR. Recirculation is required when "significant new information" is added to the EIR after public notice of the availability of the Draft EIR is given, but before certification. (CEQA Guidelines §15088.5(a).) "Significant new information," as defined in CEQA Guidelines §15088.5(a), means information added to an EIR that changes the EIR so as to deprive the public of a meaningful opportunity to comment on a "substantial adverse environmental effect" or a "feasible way to mitigate or avoid such an effect (including a feasible project alternative) that the project's proponents have declined to implement."

An example of significant new information provided by the CEQA Guidelines is a disclosure showing that a “new significant environmental impact will result from the project or from a new mitigation measure proposed to be implemented;” that a “substantial increase in the severity of an environmental impact will result unless mitigation measures are adopted to reduce the impact to a level of insignificance;” or that a “feasible project alternative or mitigation measure considerably different from others previously analyzed will clearly lessen the significant environmental impacts of the project, but the project’s proponents decline to adopt it.” (CEQA Guidelines, §15088.5(a)(1)-(3).)

Recirculation is not required where “the new information added to the EIR merely clarifies or amplifies or makes insignificant modifications in an adequate EIR.” (CEQA Guidelines, §15088.5(b).) Recirculation also is not required simply because new information is added to the EIR — indeed, new information is oftentimes added given CEQA’s public/agency comment and response process and CEQA’s post-Draft EIR circulation requirement of proposed responses to comments submitted by public agencies. In short, recirculation is “intended to be an exception rather than the general rule.” (*Laurel Heights Improvement Assn. v. Regents of University of California* (1993) 6 Cal.4th 1112, 1132.)

In this legal context, the City finds that recirculation of the Draft EIR prior to certification is not required. In addition to providing responses to comments, the Final EIR includes revisions to expand upon information presented in the Draft EIR; explain or enhance the evidentiary basis for the Draft EIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft EIR. The Final EIR’s revisions, clarifications and/or updates do not result in any new significant impacts or increase the severity of a previously identified significant impact.

In sum, the Final EIR demonstrates that the project will not result in any new significant impacts or increase the severity of a significant impact, as compared to the analysis presented in the Draft EIR. The changes reflected in the Final EIR also do not indicate that meaningful public review of the Draft EIR was precluded in the first instance. Accordingly, recirculation of the EIR is not required as revisions to the EIR are not significant as defined in §15088.5 of the CEQA Guidelines.

#### **H. CERTIFICATION OF THE FINAL ENVIRONMENTAL IMPACT REPORT, CEQA GUIDELINES §15090**

The Planning Commission certifies that the Final EIR, dated June 2025, on file with the Development Services Department (SCH # 2022110028), has been completed in compliance with CEQA and the State CEQA Guidelines, that the Final EIR reflects the independent judgment and analysis of the Planning Commission. (State CEQA Guidelines §15090.)

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## EXHIBIT B

**PLANNING COMMISSION  
RESOLUTION NO. 2025-P20**

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

**APPLICATION NO:** T22-00004, D22-00009, DB22-00005  
**APPLICANT:** Rincon Capital Group LLC  
**LOCATION:** Guajome Lake Road (APN 157-412-15)

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

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

A subdivision for 83 single-family lots (Lots 1-83) for residential purposes and six additional lots (Lots A – F) for a private road, bio-filtration basins, recreational open space, and natural open space and the construction of 83 detached single-family homes and associated site improvements including landscaping and recreational areas on a 16.78-acre site on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day of August, 2025 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, on the 11<sup>th</sup> day of August 2025, the Planning Commission continued the public hearing and afterwards re-noticed the public hearing to the 13<sup>th</sup> day of October 2025.

1            WHEREAS, the Planning Commission, after giving the required notice, did on the  
2            13<sup>th</sup> day of October, 2025 conduct a duly advertised public hearing as prescribed by law to  
3            consider said application.

4            WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
5            Guidelines thereto; an environmental impact report (EIR) has been prepared pursuant to the  
6            CEQA Guidelines;

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

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

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

15	Description	Authority for Imposition
16	Public Facility (Residential)	Ord. No. 91-09 Reso. No. 15-R0638-1
17	Parks (Residential only)	Ord. No. 91-09 Reso. No. 15-R0638-1
18	Schools (Residential)	OUSD Reso. # 30(19-20) VUSD Reso # 21-04 CUSD Reso. # 33-1516 Ord # 91-34 Education Code section 17620
19	School District Fee (Commercial/Industrial)	Ord. No. 91-34 OUSD Res. 13(12-13) CUSD Res. 21-1314
20	Traffic Signal & Thoroughfare (Multi-Family Residential)	Reso. No. 16-R0324-1 Reso. No. 12-R0626-1

1	Description	Authority for Imposition
2	Drainage and Flood Control Fee	Reso. #16-R0638-1 Ord #85-23
3	Wastewater System Capacity	Reso. #87-97
4	Buy-In Fee (Non-Residential and Multi-Family Residential)	Ord# 15-OR0479-1 City Code 29.11.1
5	Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.56.1
6	San Diego County Water Authority (Residential and Non-Residential)	SDCWA Ord. 2017
7	Inclusionary Housing In-Lieu fees (Residential)	Chapter 14C of the MC Reso. No. 03-R175-1 Reso. No. 11-R0483-1
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16        WHEREAS, the fees listed above have been identified by the City as being applicable  
 17 to the project as proposed. Failure by the City to list an applicable fee above does not alleviate  
 18 the developer from paying all applicable fees at the time when such fees become due;

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

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

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

29

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

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

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

10            **FINDINGS:**

11            **For Tentative Map (T22-00004):**

- 12            1. The proposed Tentative Tract Map is consistent with the General Plan of the City  
13            as the underlying General Plan Land Use designation of Single-Family Detached  
14            (SFD-R) allows single-family residential development as proposed with the  
15            project. In addition, the project is consistent with Goals 1.12 (Land Use  
16            Compatibility), 1.16 (Housing), 1.21 (Common Open Space), 1.22 (Landscaping)  
17            and 1.37 (Guajome Regional Park Sphere of Influence/Special Management Area)  
18            of the Land Use Element and Policies 1.3 and 3.7 of the Housing Element as it  
19            relates to home ownership and the provision of affordable housing.
- 20            2. The site is physically suitable for the type of development because the project is  
21            designed to avoid sensitive or protected habitat by setting aside 6.92 acres of open  
22            space including the avoidance of the northernmost portion of the site containing  
23            the riparian corridor. A landscaped manufactured slope would be located between  
24            the developed area and the open space to provide a buffer. In addition, a wall and  
25            fencing would separate the open space and the development to deter residents from  
26            recreating in the avoidance areas. The northernmost portion of the site would be  
27            maintained as open space with a 50-foot-wide biological buffer and a 50-foot-wide  
28            planning buffer from the southern edge of the riparian forest and southern willow  
29            riparian forest. The site of the proposed single-family residential subdivision is

1       located within a residential area and is in the vicinity of other residential land uses  
2       to the north, northwest, and east. Additionally, the subdivision design would align  
3       with the site's existing topography with finished pads that step down towards  
4       Guajome Lake Road.

5       3. The site is physically suitable for the proposed density of development. The project  
6       is located in the Single-Family Residential (RS) District. Base density was  
7       calculated by multiplying the allowable density in the RS District (5.9 du/acre) by  
8       the net acreage of developable land (12.45 acres) as defined in the Land Use  
9       Element of the General Plan for a total of 74 units. By reserving five (5) percent  
10       of the housing units (4 units) as affordable to very-low income households, the  
11       project is entitled to a density bonus of 20 percent (15 units). The project will  
12       develop 83 dwelling units, although up to 89 dwelling units are allowed per State  
13       Density Bonus Law (SDBL). Thus, the project is physically suitable for the  
14       proposed density of development.

15       4. The design of the subdivision or the proposed improvements will not cause  
16       substantial environmental damage or substantially and avoidably injure fish or  
17       wildlife or their habitat. As stated in Finding 2 the project is designed to avoid  
18       sensitive or protected habitat by setting aside 6.92 acres of open space including  
19       the avoidance of the northernmost portion of the site containing the riparian  
20       corridor. In addition, the northernmost portion of the site would be maintained as  
21       open space with a 50-foot-wide biological buffer and a 50-foot-wide planning  
22       buffer from the southern edge of the riparian forest and southern willow riparian  
23       forest, as such substantial environmental damage will not occur.

24       5. The design of the subdivision or the type of improvements meet City standards and  
25       will not conflict with easements, acquired by the public at large, for access through  
26       or the use of property within the proposed subdivision. The project provides new  
27       roadway improvements along Guajome Lake Road between the project boundary  
28       and Albright Street and will improve the Guajome Lake Road frontage adjacent to

29

1 the project site. In addition, all roadway improvements for public and private  
2 streets are subject to City review and approval thus, City standards will be met.  
3 6. The subdivision complies with all other applicable ordinances, regulations and  
4 guidelines of the City of Oceanside because the proposed tentative tract map  
5 conforms to the applicable requirements of the City's Subdivision Ordinance  
6 (Section 401).

7 **For the Development Plan (D22-00009):**

8 1. The site plan and physical design of the project as proposed is consistent with the  
9 purposes of the Zoning Ordinance. The project site is located in the Single-Family  
10 Residential – Scenic Park Overlay – Equestrian Overlay (RS-SP-EQ) and is subject  
11 to the land use and development standards within Article 10, 22, and 28 of the  
12 Zoning Ordinance. Residential uses are permitted in the Single-Family Residential  
13 (RS) district. The project also complies with the development standards of the  
14 City's Zoning Ordinance, except where the applicant is proposing to use an  
15 incentive/concession or seeking waivers of the development standards consistent  
16 with Article 30 of the Zoning Ordinance, containing the City's Density Bonus  
17 Ordinance, and SDBL.

18 2. The Development Plan as proposed conforms to the General Plan of the City. With  
19 regard to the Land Use Element, the underlying General Plan Land Use designation  
20 of the project site is Single-Family Detached Residential (SFD-R) and the proposed  
21 use of detached single-family homes is consistent with this designation. With  
22 respect to the Housing Element, the project would be consistent with the Regional  
23 Housing Needs Allocation (RHNA), its Goals and its Policies. Per the RHNA of  
24 the Sixth Housing Element Cycle (2021-2029) it is estimated that the City of  
25 Oceanside would experience demand for 5,443 new dwelling units, including 1,268  
26 very low-income units. By contributing 83 dwelling units, including four units  
27 reserved for very low-income households, to the City's existing housing stock, the  
28 proposed project would help to meet the projected housing demand. The project is  
29 consistent with the Goals and Policies of the Housing Element. Goal 1 of the

1       Housing Element calls for the City to produce opportunities for decent and  
2       affordable housing for all of citizens and Policy 1.3 calls for the promotion of a  
3       high, stable rate of homeownership in Oceanside. The project would offer a for-  
4       sale housing project that would increase the rate of homeownership in Oceanside.  
5       In addition, Goal 3 of the Housing Element calls for protecting, encouraging and  
6       providing housing opportunities for persons of low and moderate income and  
7       Policy 3.7 calls for the encouraging the disbursement of lower and moderate-  
8       income housing opportunities throughout all areas of the City. The project would  
9       reserve four single-family dwellings as affordable to very low-income area in an  
10      area of the City that otherwise may be unattainable for lower income households.  
11      All of the 83 dwelling units, including the affordable units, would include four  
12      bedrooms which would be ideal for the needs of large families.

13     3. The area covered by the Development Plan can be adequately, reasonably, and  
14      conveniently served by existing and planned public services, utilities, and public  
15      facilities because the area surrounding project site is already served by existing  
16      public services, utilities, and public facilities.

17     4. The project is compatible with existing development, as it is able to coexist with  
18      existing residential development without generating unmitigable significant  
19      environmental as determined through the analysis found in the EIR.

20     5. The plan and physical design of the project is consistent with the policies contained  
21      within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the  
22      Development Guidelines for Hillsides, of this ordinance as the project site is  
23      relatively flat and does not contain any qualifying slopes or topographic features  
24      that would be considered undevelopable. In addition, approximately 6.92 acres of  
25      the 16.78-acre site would be designated as open space, including the preservation  
26      of an existing riparian corridor. Furthermore, the California Department of Fish &  
27      Wildlife, has determined that the project would adequately mitigate the loss of  
28      habitat by creating 6.64 acres of coastal sage scrub at the Quarry Creek mitigation  
29      site.

1      **For the Density Bonus (DB22-00005):**

2      1. The affordable units will be reserved for tenancy by households within the Very  
3      Low Income (VLI) category and will be subject to a restrictive covenant  
4      guaranteeing affordability for the VLI households for a period of 55 years.

5      2. The affordable units have been designed to be proportional to the project's market  
6      rate units in terms of floor plan, square footage, and exterior design. The affordable  
7      units consists of Plan 1 units with four bedrooms that are 84% of the size of the  
8      largest Plan 3 units. The affordable units will be disbursed amongst the market rate  
9      units.

10     3. The restrictive covenant associated with the affordable units will be for a period of  
11     55 years.

12     4. The maximum allowable sale price for the project's affordable units will comply  
13     with the law for the Very Low-Income category.

14     5. The project's affordable units will be available at affordable housing costs, as  
15     defined in Health and Safety Code Section 50053.

16     6. Public subsidies are not being provided for the project, therefore an equity sharing  
17     agreement is not applicable.

18     7. An Affordable Housing Regulatory Agreement that will be prepared for the project will  
19     outline the reporting requirements consistent with Section 3032(M)(7) of the Zoning  
20     Ordinance.

21     NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does  
22     hereby approve Tentative Map (T22-00004), Development Plan (D22-00009), and  
23     Density Bonus (DB22-00005), subject to the following conditions:

24     **Planning:**

25     1. This Tentative Map, Development Plan, and Density Bonus Approval shall expire  
26     36 months from its approval, unless this time period is extended by the provisions  
27     of Section 408 or 409 of the Subdivision Ordinance.

1       2. This Tentative Map, Development Plan, and Density Bonus approves the  
2 subdivision of 16.78 acres into 83 single-family residential lots and six common  
3 lots as shown on the plans and exhibits presented to the Planning Commission for  
4 review and approval. No deviation from these approved plans and exhibits shall  
5 occur without Planning Division approval. Substantial deviations shall require a  
6 revision to the Development Plan or a new Development Plan.

7       3. The proposed project shall comply with all mitigation measures identified in the  
8 Final Environmental Impact Report (SCH No.2022110028) and associated  
9 Mitigation, Monitoring, and Reporting Program for the subject development.

10      4. The applicant, permittee or any successor-in-interest shall defend, indemnify, and  
11 hold harmless the City of Oceanside, its agents, officers, or employees from any  
12 claim, action or proceeding against the City, its agents, officers, or employees to  
13 attack, set aside, void or annul an approval of the City, concerning Tentative Map  
14 (T22-00004), Development Plan (D22-00009), Density Bonus (DB22-00009) and  
15 the environmental determination for this project. The City will promptly notify the  
16 applicant of any such claim, action or proceeding against the city and will cooperate  
17 fully in the defense. If the City fails to promptly notify the applicant of any such  
18 claim action or proceeding or fails to cooperate fully in the defense, the applicant  
19 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

22      6. All wood gates adjacent to public right-of-way and/or visible from the public right-  
23 of-way will be stained or otherwise finished with a waterproof material.

24      7. Adjacent homeowners shall be notified of planned construction activities and times  
25 approximately two weeks prior to the start of work.

26      8. A covenant or other recordable document approved by the City Attorney shall be  
27 prepared by the property owner and recorded prior to the approval of the final map.  
28 The covenant shall provide that the property is subject to this resolution, and shall  
29 generally list the conditions of approval.

1       9. Prior to the transfer of ownership and/or operation of the site the owner shall  
2       provide a written copy of the applications, staff report and resolutions for the  
3       project to the new owner and or operator. This notification provision shall run with  
4       the life of the project and shall be recorded as a covenant on the property.

5       10. Failure to meet any conditions of approval shall constitute a violation of the  
6       Tentative Map, Development Plan, and Density Bonus;

7       11. Unless expressly waived, the project shall adhere to all current zoning standards  
8       and City ordinances and policies in effect at the time the SB330 Application was  
9       deemed complete. The approval of this project constitutes the applicant's  
10      agreement with all statements in the Description and Justification and other  
11      materials and information submitted with this application, unless specifically  
12      waived by an adopted condition of approval.

13      12. Prior to Building Permit issuance, the applicant shall submit and obtain final  
14      approval of the Construction Management Plan from the City Planner or their  
15      designee. The Construction Management Plan shall be implemented during the  
16      entire duration of the construction of the single-family residential project.

17      13. The developer's construction of all fencing and walls associated with the project  
18      shall be in conformance with the approved Development Plan. Any substantial  
19      change in any aspect of fencing or wall design from the approved Development  
20      Plan shall require a revision to the Development Plan or a new Development Plan.

21      14. If any aspect of the project fencing and walls is not covered by an approved  
22      Development Plan, the construction of fencing and walls shall conform to the  
23      development standards of the City Zoning Ordinance. In no case, shall the  
24      construction of fences and walls (including combinations thereof) exceed the  
25      limitations of the zoning code, unless expressly granted by a Density Bonus Waiver  
26      or other development approval.

27      15. Prior to the issuance of building permits, compliance with the applicable provisions  
28      of the City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall  
29      be reviewed and approved by the Planning Division. These requirements, including

1 the obligation to remove or cover with matching paint all graffiti within 24 hours,  
2 shall be noted on the Landscape Plan and shall be recorded in the form of a covenant  
3 affecting the subject property.

4 16. Elevations, siding materials, colors, roofing materials and floor plans shall be  
5 substantially the same as those approved by the Planning Commission. These shall  
6 be shown on plans submitted to the Building Division and Planning Division.

7 17. This project is subject to the provisions of Chapter 14C of the City Code regarding  
8 Inclusionary Housing.

9 18. The applicant, permittee, or any successor-in-interest shall be responsible for the  
10 payment of the In-lieu fee alternative, as described in Section 14C.7 of the  
11 Municipal Code, to satisfy the City's Inclusionary Housing requirement.

12 19. An association shall be formed and Covenants, Conditions and Restrictions  
13 (CC&Rs) shall provide for the maintenance of all common open space and  
14 commonly owned fences and walls. The maintenance shall include normal care  
15 and irrigation of landscaping; repair and replacement of plant material and  
16 irrigation systems as necessary; and general clean-up of the landscaped and open  
17 area, parking lots and walkways. The CC&Rs shall be subject to review and  
18 approval of the City Attorney prior to the approval of the Final Map. The CC&Rs  
19 are required to be recorded prior to, or concurrently with, the Final Map. Any  
20 amendments to the CC&Rs in which the association relinquishes responsibility for  
21 the maintenance of any common open space shall not be permitted without the  
22 specific approval of the City of Oceanside. Such a clause shall be a part of the  
23 CC&Rs. The CC&Rs shall also contain provisions for the following:  
24 a. Prohibition of parking or storage of recreational vehicles, trailers or boats.  
25 b. Provision that garages shall be kept available and useable for the parking of  
26 tenant's automobiles at all times.  
27 c. Provisions regulating individual patio covers, prohibiting room additions or  
28 other appurtenances.

29

- 1       d. Provisions for the maintenance of all common open space including provisions
- 2                establishing mechanisms to ensure adequate and continued monetary funding
- 3                for such maintenance by the homeowners' association.
- 4       e. Provisions that restrict any private use of open space areas. Restrictions shall
- 5                include, but are not limited to, removing retaining walls, installing structures
- 6                such as trellises, decks, retaining walls and other hardscape and any individual
- 7                landscape improvements.
- 8       f. Provisions prohibiting the homeowners' association from relinquishing its
- 9                obligation to maintain the common open space areas without prior consent of
- 10               the City of Oceanside.
- 11       g. An acknowledgement that the City of Oceanside does not have a view
- 12                preservation ordinance and that views may be subject to change with maturing
- 13                off-site landscape and the potential for future off-site building.
- 14       20. Prior to issuance of any building permit, the Director of Housing and
- 15                Neighborhood Services shall certify, except for the payment of inclusionary
- 16                housing fees, that the proposed development has complied with the requirements
- 17                for inclusionary housing and all provisions of Chapter 14C.
- 18       21. No project signage is approved with this application. All project signage shall be
- 19                subject to a separate sign permit and be in compliance with Article 33, Signs, of
- 20                the Zoning Ordinance.
- 21       22. Garages shall be kept available and useable for the parking of tenant's automobiles at
- 22                all times.
- 23       23. The developer is prohibited from entering into any agreement with a cable television
- 24                franchisee of the City, which gives such franchisee exclusive rights to install, operate,
- 25                and or maintain its cable television system in the development.
- 26       24. In accordance with Density Bonus requirements, four (4) single-family dwelling
- 27                units shall be reserved for sale to very low-income households. These affordable
- 28                units shall be provided proportional to the overall project in unit size, dispersed
- 29                throughout the project, and have access to all amenities available to other residents.

1        The city shall determine the eligibility of the very low-income households. A deed  
2        restriction, covenant, and/or other instrument enforceable by the city and approved  
3        by the City Attorney and Director of Housing and Neighborhood Services, limiting  
4        the sale of such units to eligible very low-income households shall be recorded  
5        against the title of the property. The duration of such sale restrictions shall be in  
6        effect for a minimum of fifty-five (55) years.

7        25. The required "Affordable Housing Regulatory Agreement" shall be recorded  
8        against the project site prior to the recordation of any final or parcel map or issuance  
9        of a building permit for the first dwelling unit of the Project, whichever occurs first.

10       26. All units proposed as part of this project shall be rented for no less than 31-days.

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

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

18       **Building:**

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

21       30. The 2022 triennial edition of the California Code of Regulations, Title 24 (California  
22       Building Standards Code) applies to all occupancies that applied for a building permit  
23       on or after January 1, 2020, and remains in effect until the effective date of the 2022  
24       triennial edition which will be January 1, 2023.

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

28       32. Every three years, the State adopts new model codes (known collectively as the  
29       California Building Standards Code) to establish uniform standards for the

1 construction and maintenance of buildings, electrical systems, plumbing systems,  
2 mechanical systems, and fire and life safety systems.

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

6 34. There are 12 parts to Title 24 and the applicable parts for most Building Division  
7 permit applications are listed below.

8

- 9 • Part 2: The 2022 California Building Code (CBC).
- 10 • Part 2.5: The 2022 California Residential Code (CRC).
- 11 • Part 3: The 2022 California Electrical Code (CEC).
- 12 • Part 4: The 2022 California Mechanical Code (CMC).
- 13 • Part 5: The 2022 California Plumbing Code (CPC).
- 14 • Part 6: The 2022 California Energy Code
- 15 • Part 9: The 2022 California Fire Code (CFC)
- 16 • Part 11: The 2022 California Green Building Standards Code (CALGreen Code)

17 This Part is known as the California Green Building Standards Code, and it is  
18 intended that it shall also be known as the CALGreen Code.

- 19 • The City of Oceanside Municipal Code

20 35. All architects, engineers, designers, developers, owners and contractors MUST be  
21 familiar with the codes in effect at the time of plan submittal. ODS, as required by  
22 State law, CANNOT approve projects that do not comply with the codes in effect  
23 at the time of plan submittal. All projects submitted before or on December 31,  
24 2022 are permitted to comply with the 2022 Edition of the California Building  
25 Standards Code. The building plans for this project are required to be prepared by  
26 a licensed designer, architect or engineer.

27 36. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on  
28 the plans.

1       37. Separate/unique addresses may be required to facilitate utility releases. Verification  
2       that the addresses have been properly assigned by the City's Planning Division shall  
3       accompany the Building Permit application.

4       38. All electrical, communication, CATV, etc. service lines within the exterior lines of  
5       the property shall be underground (City Code Sec. 6.30).

6       39. A complete set of Soil Reports, Structural Calculations, Energy Calculations, &  
7       California Title 24 Energy Form(s) shall be required at time of plans submittal to the  
8       Building Division for plan check.

9       40. A form or foundation survey shall be required prior to the placement of concrete to  
10      show the location of the new structure in respect to the property lines, known  
11      easements, and known setback lines. By obtaining a form survey the location of the  
12      foundation is checked prior to the placement of concrete, and can save costly  
13      corrective measures in case of an encroachment of a property line.

14      41. Construction waste management. Recycle and/or salvage for reuse a minimum of  
15      65% of the nonhazardous construction and demolition waste in accordance with  
16      either CAL Green Section 4.408.2 Waste Management Plan, 4.408.3 Waste  
17      Management Company or 4.408.4 Waste Stream Reduction Alternative. A City  
18      approved waste management company/hauler shall be used for recycling of  
19      construction waste. Documentation of compliance with Section 4.408.1 shall be  
20      provided to the Authority Having Jurisdiction prior to project final approval.

21      42. Electric Vehicle Charging for New Construction. For one- and two-family dwellings,  
22      install electric vehicle charging wiring and panels per the requirements found in CGC  
23      4.106.4.

24      43. Water conserving plumbing fixtures. Plumbing fixtures (water closets and urinals)  
25      shall comply with the following:  
26           10) 1. The effective flush volume of all water closets shall not exceed 1.28  
27           gal/flush (CGC 403.1.1).

11) 2. The effective flush volume of wall-mounted urinals shall not exceed 0.125 gal/flush. The effective flush volume for all other urinals shall not exceed 0.5 gal/flush (CGC 403.1.2).

44. Bathroom exhaust fans. ENERGY STAR compliant exhaust fans shall be provided in every bathroom per CGC 4.506.1. Fans shall be ducted to the outside and must be controlled by a humidity control, unless functioning as part of a whole house ventilation system.

45. New PV solar electric generation requirement for all single-family buildings. § 150.1(c)14

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

a) Building construction Per City of Oceanside Municipal Code section 6.25.

It shall be unlawful to operate equipment or perform any construction in the erection, demolition, alteration, or repair of any Building or structure or the grading or excavation of land during the following hours:

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

## 2. All day Sunday; and

**3. On any federal holiday.**

## Exceptions.

a. An owner/occupant or resident/tenant of residential property may engage in a home

improvement project between the hours of 9:00 a.m. and 5:00 p.m. on Sundays and holidays provided the project is for the benefit of said residential property and is personally carried out said owner/occupant or resident/tenant.

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

12 | Engineering:

13 48. Prior to the demolition of any existing structure or surface improvements on site, a  
14 grading plan application shall be submitted to the Engineering Division and erosion  
15 control plans shall be approved by the City Engineer. No demolition shall be  
16 permitted without an approved erosion control plan.

17 49. Design and construction of all improvements shall be in accordance with the City of  
18 Oceanside's Engineers Design and Processing Manual, City Ordinances, standard  
19 engineering and specifications of the City of Oceanside, and subject to approval by  
20 the City Engineer.

21 50. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
22 designed, dedicated, and constructed or replaced in accordance with the City of  
23 Oceanside Engineers Design and Processing Manual, and as required by the City  
24 Engineer.

25 51. Owner/developer shall provide an updated Title Report dated within 6 months of the  
26 grading plan application submittal.

27 52. The approval of the tentative map shall not mean that closure, vacation, or  
28 abandonment of any public street, right of way, easement, or facility is granted or  
29 guaranteed to the owner/developer. The owner/developer is responsible for applying

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

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

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

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

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

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

27 58. The project's final map shall be recorded as one, and development may occur in  
28 phases. A construction-phasing plan for the construction of onsite and offsite public  
29 and private improvements shall be reviewed and approved by the Engineering

1       Division, Water Utilities Department, and Fire Department prior to the issuance of a  
2       grading permit. All improvements shall be under construction to the satisfaction of  
3       the City Engineer prior to the issuance of any building permits. All improvements  
4       shall be completed prior to issuance of any Certificate of Occupancy permit.

5       59. Prior to the issuance of any grading, improvement or building permits for a model  
6       complex, a construction-phasing plan for the entire project shall be reviewed and  
7       approved by the Engineering Division, Water Utilities Department, and Fire  
8       Department. All public and private improvements including landscaping and offsite  
9       streets or arterials required to serve the model complex shall be completed prior to  
10      the issuance of any Certificate of Occupancy permit.

11      60. Owner/developer shall provide a (10)-foot ROW dedication along Guajome Lake  
12      Road on the map and shown on the improvement plans. All ROW dedications are to  
13      be in fee, and the application shall be approved prior to the issuance of a grading  
14      permit.

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

20      62. Vehicular access rights to Guajome Lake Road shall be relinquished to the City from  
21      all abutting lots except at the proposed driveway(s). Process an access relinquishment  
22      application with the City prior to the issuance of a grading permit, and record the  
23      approved document prior to the grading plan As-Builts.

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

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

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

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

10      66. Guajome Lake Road shall be constructed with new curb and gutter and sidewalk.  
11      Sidewalk improvements (construct/replace) shall comply with current ADA  
12      requirements.

13      67. Publicly-maintained pedestrian ramps (maintained by the City of Oceanside) must be  
14      located entirely within the public right-of-way (ROW). Pedestrian ramps not located  
15      entirely within the City's ROW shall be provided with a ROW dedication on the final  
16      map and shown on the improvement plans and grading plans. The ROW dedication  
17      shall be submitted prior to the approval of the grading plans and recorded prior to the  
18      grading plan As-Builts.

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

21      69. Guajome Lake Road shall be provided with a 10-foot minimum parkway between the  
22      face of curb and Right-of-Way line, and the design shall be displayed on the  
23      improvement plans.

24      70. Sight distance requirements at the project driveway(s) or street shall conform to the  
25      sight distance criteria as provided by Caltrans. The owner/developer shall provide a  
26      plan and profile of the line of sight for each direction of traffic at each proposed  
27      driveway on the grading plans.

28      71. A precise grading plan, which includes proposed onsite private improvements, shall  
29      be prepared, reviewed, secured and approved prior to the issuance of any building

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

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

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

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

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

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

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

20      78. Owner/developer shall place a covenant on the non-title sheet of the grading plan  
21      agreeing to the following: "The present or future owner/developer shall indemnify  
22      and save the City of Oceanside, its officers, agents, and employees harmless from any  
23      and all liabilities, claims arising from any landslide on this site".

24      79. Owner/developer shall develop and submit a draft neighborhood-notification flier to  
25      the City for review. The flier shall contain information on the project, construction  
26      schedule, notification of anticipated construction noise and traffic, and contact  
27      information. Prior to the issuance of a grading permit, the approved flier shall be  
28      distributed to area residents, property owners, and business owners located within a  
29      500-foot radius area of the project.

1       80. The project shall provide and maintain year-round erosion control for the site. Prior  
2       to the issuance of a grading permit, an approved erosion control plan, designed for all  
3       proposed stages of construction, shall be secured by the owner/developer with cash  
4       securities or a Letter-of-Credit and approved by the City Engineer; a Certificate of  
5       Deposit will not be accepted for this security.

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

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

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

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

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

82. Landscape and irrigation plans for disturbed areas shall be submitted to the City  
Engineer prior to the issuance of a grading permit and approved by the City Engineer  
prior to the issuance of building permits. Landscaping plans, including plans for the  
construction of walls, fences or other structures at or near intersections, must conform  
to intersection sight distance requirements. Frontage and median landscaping shall be

1       installed and established prior to the issuance of any certificates of occupancy.  
2       Securities shall be required only for landscape items in the public right-of-way. Any  
3       project fences, sound or privacy walls and monument entry walls/signs shall be shown  
4       on, bonded for and built from the approved landscape plans. These features shall also  
5       be shown on the precise grading plans for purposes of location only. Plantable,  
6       segmental walls shall be designed, reviewed and constructed from grading plans and  
7       landscape/irrigation design/construction shall be from landscape plans. All plans  
8       must be approved by the City Engineer and a pre-construction meeting held prior to  
9       the start of any improvements.

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

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

21      85. Prior to issuance of a grading permit, the applicant shall conduct a field investigation  
22       to assess whether the leach lines associated with the off-site septic system at 5497  
23       Albright Street are functioning as intended. The results of the investigation shall be  
24       submitted to the City of Oceanside for inclusion in the project file. If the leach lines  
25       are found to be malfunctioning, the applicant shall coordinate with the owner of the  
26       property located at 5497 Albright Street to address the necessary repairs, subject to  
27       review and approval by the Department of Environmental Health (DEH).

28      86. The project's drainage system shall not connect or discharge to another private  
29       stormdrain system without first obtaining written permission from the owner of the

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

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

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

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

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

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

27 The discharger shall obtain a Waste Discharge Identification (WDID) number prior  
28 to the commencement of construction activity by electronically certifying and  
29 submitting the Permit Registration Documents from Section III of the General Permit

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

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

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

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

1 noncompliance to the O&M Plan, and any other necessary elements. The  
2 owner/developer shall complete and maintain O&M forms to document all operation,  
3 inspection, and maintenance activities. The owner/developer shall retain records for  
4 a minimum of 10 years. The records shall be made available to the City upon request.

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

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

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

27 97. Open space areas, down-sloped areas visible from a collector-level or above roadway  
28 classification, and improvements within the common areas that are not maintained by  
29 the property owner, shall be maintained by a homeowners' association that will ensure

1       operation and maintenance of these items in perpetuity. These areas shall be indicated  
2       on the map and reserved for an association. Future buyers shall be made aware of any  
3       estimated monthly maintenance costs. The CC&R's shall be submitted and approved  
4       by the City prior to the recordation of the map.

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

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

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

18      101. Prior to the approval of plans and the issuance of a grading permit, owner/developer  
19       shall obtain all necessary permits and clearances from public agencies having  
20       jurisdiction over the project due to its type, size, location, or infrastructure impact.  
21       The list of public agencies includes, but is not limited to, Public Utility Companies,  
22       the California Department of Transportation (Caltrans), the City of Carlsbad, the City  
23       of Vista, Fallbrook, the County of San Diego, the U. S. Army Corps of Engineers, the  
24       California Department of Fish & Game, the U. S. Fish and Wildlife Service, the San  
25       Diego Regional Water Quality Control Board, and the San Diego County Health  
26       Department.

27      102. Owner/developer shall comply with all the provisions of the City's cable television  
28       ordinances, including those relating to notification as required by the City Engineer.

29

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

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

16      105. In the event that there are discrepancies in information between the conceptual plan  
17      and the conditions set forth in the project's entitlement resolution (Conditions of  
18      Approval), the project's entitlement resolution shall prevail.

19  
20      Traffic:

21      106. Prior to the issuance of the final certificate of occupancy the project shall incorporate  
22      traffic calming measures, such as speed cushions/tables & advisory signage, on  
23      Guajome Lake Road along the project frontage and/or in the vicinity of the project  
24      site. The design and location of such measures shall be determined in coordination  
25      with city staff, subject to the satisfaction of the City Traffic Engineer.

26      Fire:

27      107. For the purposes of determining the applicability of the Citywide Public Safety  
28      Community Facilities District (CFD) to residential occupancies, any new  
29      development or change in occupancy classified as an R occupancy in the most

1 recently adopted California Building and/or California Fire codes with 16 or more  
2 dwelling or sleeping units (not intended for use as a hotel or motel where Transient  
3 Occupancy Taxes [TOT] will be collected) will be required to annex into the CFD  
4 as a condition of development. Additionally, for properties converted from a  
5 facility where TOT has been previously collected, the property will be required to  
6 annex into the CFD as a condition of development.

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

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

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

13 109. The applicant shall provide and maintain 100-foot -fire/fuel breaks in accordance with  
14 the Government Code 51182. Provide the fire department a site plan showing areas of  
15 fuel responsibility areas of home owner and HOA.

16 110. Dwellings or structures that are unable to comply with 100 feet of defensible space shall  
17 comply with California Residential Code (CRC) R337.

18 111. An Automatic Fire Sprinkler System shall be installed in compliance with most current  
19 edition of the CRC and the most current edition of NFPA 13D and any Oceanside Fire  
20 Department requirements. At least one fire sprinkler shall be installed in the attic to  
21 protect any fuel fired appliance.

22 112. Fire apparatus access roads shall have an unobstructed improved width of not less than  
23 28 feet; curb line to curb line, and an unobstructed vertical clearance of not less than 13  
24 feet 6 inches. Access roads shall be all weather surface and designed to support imposed  
25 loads of not less than 78,000 pounds.

26 113. Install residential style fire hydrants. Minimum GPM shall be per CFC Appendix B.  
27 Residential fire hydrant shall have One 4-inch port and one 2.5-inch port. Installation  
28 shall be as per Oceanside Water Department specifications. Maximum spacing from one  
29 hydrant to another cannot exceed 600 feet.

1 114. Signs reading "NO PARKING FIRE LANE" are required. The number of, placement,  
2 and wording for all fire lane signs and/or red curbs shall be as required by CA. Vehicle  
3 Code, section 22500.1, 22658(a) and Oceanside Fire Department Standards.  
4 115. Fire master plan shall be approved during the building permit process.

5  
6 **Housing:**

7 116. Inclusionary Housing Requirements: In order to satisfy in full or in part the  
8 requirements to reserve a minimum of 10 percent of the dwelling units or 7.3  
9 dwelling units within the Project as affordable and occupied by low or moderate-  
10 income households under Oceanside City Code Chapter 14C, Project shall make  
11 payment of the applicable Inclusionary Housing In-Lieu fees at \$8.92 per square  
12 foot of livable space of all of the unrestricted dwelling units within the Project upon  
13 the issuance of the first certificate of occupancy for the Project.  
14 117. In order to obtain the density bonus, incentives/concessions, and waivers under the  
15 City's Comprehensive Zoning Ordinance § 3032 and California Government Code  
16 § 65915 (collectively known as "Density Bonus" law) and to satisfy the reserved  
17 affordable housing requirements for low and moderate-income households under  
18 Oceanside City Code (OCC) Chapter 14C, the occupancy of four (4) of the 83  
19 ownership units shall be restricted for sale to and as the primary residence for Very  
20 Low-Income Households, as defined in California Health and Safety Code (CA  
21 HSC) § 50105 and at an Affordable Housing Cost for a household size appropriate  
22 for the unit size, as set forth in CA HSC § 50052.5 for a period of not less than 55  
23 years.  
24 118. In accordance with City's Comprehensive Zoning Ordinance Section 3032 M.2,  
25 four (4) dwelling units reserved for ownership to Very Low-Income Households.  
26 Units shall be provided proportional to the overall project in unit size, dispersed  
27 throughout the project, and have access to all amenities available to other residents  
28 based upon the same terms. Specifically, of the 83 dwelling units, four 4-

bedroom/2.5 bath units shall be reserved and affordable to Very Low-Income Households and sited on Lots 8, 41, 53 and 59.

3 119. To demonstrate compliance with Density Bonus law, Chapter 14C, and any  
4 housing and occupant protection obligations under Housing Element law, Density  
5 Bonus law, the Housing Crisis Act of 2019 or the Mello Act, an Affordable  
6 Housing Agreement and a deed of trust securing such covenants, as approved by  
7 the City Attorney and the Housing and Neighborhood Services Director, shall be  
8 recorded against the title of the property and the relevant terms and conditions  
9 recorded as a deed restriction, regulatory agreement or other enforceable  
10 instrument. The Agreement will be recorded prior to the recordation of any final or  
11 parcel map or issuance of a building permit for the first dwelling unit of the Project,  
12 whichever occurs first. The Agreement shall be binding to all future owners and  
13 successors in interest.

14 120. In compliance with State laws, any proposed housing development in which  
15 residential units are proposed for demolition, have been demolished with five years,  
16 or have been withdrawn from rent or lease pursuant to the Ellis Act is subject to  
17 affordable housing replacement obligations and applicable occupant protections.  
18 Therefore, as a condition of development, as required by State Housing Element  
19 law, Density Bonus law and the Housing Crisis Act of 2019, the proposed housing  
20 development project must demonstrate to the satisfaction of the Housing and  
21 Neighborhood Services Director that the project:  
22 a. Creates at least as many residential units as demolished (one residential unit)  
23 (CA Govt Code § 66300.6 (a));  
24 b. Creates as many restricted affordable units of equivalent or greater size  
25 (2bdrm/1ba) and of the same or lower income category as will be demolished  
26 (one very low-income residential unit) (CA Govt Code § 66300.6 (b)(1));  
27 Replacement units may be counted towards satisfaction of set-aside units for the  
28 purposes of meeting the State Density Bonus (California Govt Code § 65915) or  
29 Oceanside City Code Chapter 14C requirements.

1 121. Affirmatively Furthering Fair Housing: An Affirmative Fair Housing Marketing  
2 Plan (AFHMP) shall be submitted for review and acceptance by the Housing and  
3 Neighborhood Services Department at least 6 months before issuance of the  
4 Certificate of Occupancy for the first dwelling unit of the Project utilizing Form  
5 HUD-935.2B -Affirmative Fair Housing Marketing Plan (Single Family Housing).  
6 The purpose of this affirmative fair housing marketing program is to target and  
7 outreach to specific groups who may need differing efforts in order to be made  
8 aware of and apply for the available affordable housing opportunities. The  
9 affirmative fair housing marketing program should Identify the demographic  
10 groups within the housing market area which are least likely to apply for housing  
11 without special outreach efforts and an outreach program which includes special  
12 measures designed to attract those groups, in addition to other efforts designed to  
13 attract persons from the total population. All marketing materials must include the  
14 applicable fair housing logos, including the Equal Housing Opportunity and  
15 Accessibility logos.

16 **Solid Waste:**

17 122. Each single-family residential property unit must have landfill, recycling, and  
18 organics services (residential carts). The carts must be stored on private property  
19 and screened from public view by a solid fence, wall or garage. The plans need to  
20 show where the storage for each stream of residential carts will be located. Label  
21 the three carts in their storage area to ensure service and proper storage for all three  
22 streams for each single-family residence.  
23  
24 123. The plans must demonstrate where servicing will occur for the residential carts to  
25 ensure adequate access by service vehicles. For cart dimensions and service vehicle  
26 requirements, including street turning radius and minimum road lengths, the City  
27 of Oceanside Enclosure Guidelines is attached.  
28  
29 124. The City of Oceanside reserves the right to review program and services levels and  
request increases if deemed necessary. The City of Oceanside Municipal Code

1                   Chapter 13 requires that Oceanside residents, businesses and multifamily projects  
2                   are to separate all recyclable material from other solid waste.

3                   Landscaping:

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

18                   a) Final landscape plans shall accurately show placement of all plant material  
19                   such as but not limited to trees, shrubs, and groundcovers.

20                   b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm  
21                   drain lines and utility easements and place planting locations accordingly to  
22                   meet City of Oceanside requirements.

23                   c) Final landscape plans shall be prepared under the direct supervision of a  
24                   Registered Landscape Architect (State of California), with all drawings  
25                   bearing their professional stamp and signature.

26                   d) All required landscape areas both public and private (including trees and  
27                   palms in the public rights-of-way) shall be maintained by owner, project  
28                   association or successor of the project (including public rights-of-way along  
29

Guajome Lake Road.) The landscape areas shall be maintained per City of Oceanside requirements.

- e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be released until the as-built drawings have been approved on the original approved Mylar landscape plan and the required maintenance period has been successfully terminated.
- f) Proposed landscape species shall fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition, proposed landscape species shall be low water users as well as meet all fire department requirements.
- g) All planting areas shall be prepared and implemented to the required depth with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.
- h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth.
- i) The shrubs shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.
- j) Root barriers shall be installed adjacent to all paving surfaces where a paving surface is located within 6 feet of a tree trunk on site (private) and within 10 feet of a tree trunk in the right-of-way (public). Root barriers shall extend 5 feet in each direction from the centerline of the trunk, for a total distance of 10 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

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

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

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

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

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

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

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

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

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

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

28       126. All landscaping, fences, walls, etc. on the site, in medians within the public right-  
29       of-way and within any adjoining public parkways shall be permanently maintained

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

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

15 **Water Utilities:**

16 **General Conditions:**

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

23 129. All existing active and non-active groundwater wells must be shown on conceptual,  
24 grading, and improvement plans.

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

29

1       131. All Water and Wastewater construction shall conform to the most recent edition of  
2       the *Water, Sewer, and Recycled Water Design and Construction Manual* or as  
3       approved by the Water Utilities Director.

4       132. The Homeowner's Association and property owner(s) shall maintain private water  
5       and wastewater utilities located on private property. This shall be included in the  
6       CC&Rs.

7       133. Minimum separation between water services and sewer laterals shall be 10 feet.

8       134. Water services and sewer laterals constructed in existing right-of-way locations are  
9       to be constructed by an approved and licensed contractor at Developer's expense.

10      135. Each new residential dwelling unit shall be equipped with a separate individual  
11      water meter, and a separate sewer lateral connection.

12      136. There shall be an agreement for the shared private water and sewer facilities  
13      amongst the Owners. The Home Owner's Association shall be responsible for the  
14      shared water and sewer systems including the ownership, maintenance, repair and  
15      replacement of private on-site water and sewer mains, fire hydrants, sub-meters,  
16      sewer laterals and all other water and sewer appurtenances. This shall be included  
17      in the CC&Rs.

18      137. Provide a dedicated irrigation water meter for on-site common area landscaping.  
19      Meters shall be managed and paid for by the Homeowner's Association for the  
20      development. An address assignment will need to be completed for the meters, and  
21      can be processed through the City Planning Department.

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

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

28      140. Alternatively, a DC backflow device is not required if the fire protection system is  
29      constructed using piping materials certified to meet NSF/ANSI Standard 61, and the

1 fire protection system is designed as a passive purge system with looped piping within  
2 the structure and connected to one or more routinely used fixture(s) (e.g., water closet,  
3 clothes washer) to prevent stagnant water.

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

8  
9 **The following conditions shall be met prior to the approval of engineering design  
10 plans.**

11 142. Any water and/or sewer improvements required to develop the proposed property will  
12 need to be included in the improvement plans and designed in accordance with the  
13 *Water, Sewer, and Recycled Water Design and Construction Manual*.  
14 143. All public water and/or sewer facilities not located within the public right-of-way  
15 shall be provided with easements sized according to the *Water, Sewer, and Recycled  
16 Water Design and Construction Manual*. Easements shall be constructed for all  
17 weather access.  
18 144. No trees, structures or building overhang shall be located within any water or  
19 wastewater utility easement.  
20 145. All lots with a finish pad elevation located below the elevation of the next upstream  
21 manhole cover of the public sewer shall be protected from backflow of sewage by  
22 installing and maintaining an approved type backwater valve, per the latest adopted  
23 California Plumbing Code.  
24 146. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a  
25 recycled water impact fee since the proposed project is not within 75 feet of a recycled  
26 water main. The impact fee shall be established by submitting a formal letter  
27 requesting the City to determine this fee, which is based on 75% of the design and  
28 construction cost to construct a recycled water line fronting the property in Guajome  
29 Lake Road.

1       147. The *Guajome Lake Road — Water System Analysis* dated March 30, 2023 was  
2       reviewed by the Water Utilities Department. The results of the water analysis showed  
3       that the existing water system and proposed improvements for the development will  
4       provide adequate domestic and fire protection service to the site.

5       148. A public water main shall be constructed within the private road to serve the  
6       residences. The public water main shall be looped with a connection to the existing  
7       10" AC water main in Guajome Lake Road at each entry road into the development.  
8       The Developer shall provide a 20-foot wide easement for the waterline.

9       149. Water and sewer services and mains shall have a minimum 10 feet separation (wall  
10      to wall).

11      150. A separate irrigation meter and connection with an approved backflow prevention  
12      device is required to serve common landscaped areas and shall be displayed on the  
13      plans.

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

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

21      153. The *Guajome Lake Road — Sewer System Analysis* dated March 30, 2023 was  
22      reviewed by the Water Utilities Department. The results of the sewer analysis showed  
23      that the existing sewer collection system does not meet the City's current standards  
24      for minimum slopes and velocities. If there are any changes to the lift station design  
25      flows during engineering plan review, then a revised sewer study and additional off-  
26      site improvements may be required.

27      154. Based on the sewer study provided by the Developer and the City's field  
28      investigation, existing deficiencies exist in the sewer system and off-site sewer  
29      improvements will be required for the Development to connect to the existing

1 sewer main in Old Ranch Rd. The Developer shall be responsible for the design,  
2 permitting, and construction of the required off-site sewer improvements.. The City  
3 will reimburse the Developer a fair-share percentage of the total construction cost  
4 as specified in the *Offsite Sewer Repair Fair Share Cost Analysis for the Guajome*  
5 *Lake Road Project* dated October 25, 2024. The Developer shall execute a  
6 reimbursement agreement with the City prior to the start of the sewer main  
7 construction. The required off-site sewer improvements outlined below shall be  
8 completed prior to occupancy.

9 a. The City performed CCTV inspection of the downstream sewer mains and  
10 identified sags along the 183-ft length of existing 8-inch VCP sewer main in Old  
11 Ranch Rd located between Tenderfoot Lane and Bridle Path Way. In addition to  
12 the sags, the sewer main does not meet the current design standards for minimum  
13 material, slope, and velocity. Additional flows from the development will  
14 exacerbate the existing deficiencies and introduce flow issues in this sewer. The  
15 Developer shall replace the existing 8" VCP sewer main in Old Ranch Rd from  
16 manhole to manhole between Tenderfoot Lane and Bridle Path Way with new  
17 minimum 8" PVC sewer main. The manholes at the upstream and downstream  
18 end of this sewer segment shall be rehabilitated per City requirements. The City  
19 will reimburse the Developer a fair-share percentage of 31.4% of the total  
20 construction cost for this work as specified in the *Offsite Sewer Repair Fair Share*  
21 *Cost Analysis for the Guajome Lake Road Project* dated October 25, 2024. The  
22 Developer shall execute a reimbursement agreement with the City prior to the start  
23 of the sewer main construction.

24 b. The existing 8-inch PVC sewer main located within a public easement adjacent to  
25 the cul-de-sac at Hitching Post Way was constructed through an abandoned  
26 manhole, resulting in the restriction of flow that will be exacerbated by the  
27 additional flows from the Development. The developer shall remove the defective  
28 portion of sewer pipe and manhole, and replace with new 8" PVC sewer main.  
29 Per the as-built record, this work may include replacement of the drainage

1 channel per City requirements and replacement of the PVC main through the  
2 extent of the casing. Sewer bypassing may be required. The City will reimburse  
3 the Developer a fair-share percentage of 52.3% of the total construction cost for  
4 this work as specified in the *Offsite Sewer Repair Fair Share Cost Analysis for*  
5 *the Guajome Lake Road Project* dated October 25, 2024. The Developer shall  
6 execute a reimbursement agreement with the City prior to the start of the sewer  
7 construction.

8 155. Provide stationing and offsets for existing and proposed water service connections  
9 and sewer laterals on plans.

10 156. The on-site sewer collection system (mains, manholes, laterals etc.) shall be private  
11 and designed in accordance with the Water, Sewer, and Recycled Water Design and  
12 Construction Manual. The Homeowner's Association would be responsible for the  
13 ownership, maintenance, and replacement of the sewer collection system.

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

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

22 159. For the private sewer lift station; provide calculations outlining capacity of the  
23 pumps, dwelling units served, capacity of the wet well, detention times, length and  
24 size of the force main, and provision of any odor control equipment shall be  
25 submitted for review to the Water Utilities Department. It shall be the responsibility  
26 of the design engineer to ensure that lift station is adequately sized, has sufficient  
27 redundant measures (dual pumps that will each handle estimated peak sewer flows,  
28 back-up power supply, emergency by-pass connection for portable pump, alarm  
29

1 systems, high water alarms, etc.), and complies with all applicable local, state, and  
2 federal regulations.

3 160. The proposed lift station and sewer force main shall send the Development's sewer  
4 flows west to a new public gravity sewer in Guajome Lake Road. The gravity sewer  
5 will convey flows to the existing sewer system at Old Ranch Road. The proposed  
6 private sewer force main in Guajome Lake Road shall be installed within the public  
7 right-of-way and located out of the driveable area. The Developer shall process an  
8 Encroachment Removal Agreement with the City. The private force main shall be  
9 marked out with permanent above-ground staking to indicate the location of the force  
10 main.

11 161. Connection to an existing sewer manhole will require rehabilitation of the manhole  
12 per City standards. Rehabilitation may include, but not be limited to, re-channeling  
13 of the manhole base, surface preparation and coating the interior of the manhole,  
14 and replacing the manhole cone with a 36" opening and double ring manhole frame  
15 and lid.

16 162. Homeowner's Association must be financially responsible in perpetuity for the  
17 operation and maintenance of the on-site private lift station, force main, and gravity  
18 mains.

19 163. Any unused water services or sewer laterals by the proposed development or  
20 redevelopment, shall be abandoned in accordance with Water Utilities  
21 requirements. If an existing water meter is abandoned then a credit will be applied  
22 towards future buy-in fees in the amount of the current buy-in fee of the existing  
23 meter.

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

25 164. Show location and size of proposed water meter(s) on site plan of building plans.  
26 Show waterline from proposed meter to connection point at residence.  
27 165. Show location and size of proposed sewer lateral(s) from property line or connection  
28 to sewer main to connection point at residence.

29

1 166. Provide a fixture unit count table and supply demand estimate per the latest adopted  
2 California Plumbing Code (Appendix A) to size the water meter(s) and service line(s).  
3 167. Provide drainage fixture unit count per the latest adopted California Plumbing Code  
4 to size sewer lateral for property.  
5 168. Water and Wastewater buy-in fees and the San Diego County Water Authority Fees  
6 are to be paid to the City at the time of Building Permit issuance per City Code Section  
7 32B.7.

8 //

9 //

10 //

11 //

12 PASSED AND ADOPTED Resolution No. 2025-P20 on October 13, 2025, by the  
13 following vote, to wit:

14 AYES: Rosales, Morrissey, Balma, Dodds

15 NAYS: Anthony, Gonzales

16 ABSENT:

17 ABSTAIN: Redgate

*Tom Morrissey*

18 Tom Morrissey, Chairperson  
19 Oceanside Planning Commission

20 ATTEST:

21   
22 Darlene Nicandro, Acting Secretary

23 I, Darlene Nicandro, Acting Secretary of the Oceanside Planning Commission, hereby  
24 certify that this is a true and correct copy of Resolution No. 2025-P20.

25  
26 Dated: October 13, 2025

27 //

28 //