

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE UPHOLDING PLANNING COMMISSION RESOLUTION NO. 2024-P16 APPROVING A DEVELOPMENT PLAN AND DENSITY BONUS (D23-00009 & DB23-00004) TO ALLOW THE DEMOLITION OF AN EXISTING TWO-STORY OFFICE BUILDING AND THE CONSTRUCTION OF A SIX STORY MIXED-USE DEVELOPMENT CONSISTING OF 73 APARTMENTS, FOUR LIVE WORK UNITS, AND 688 SQUARE FEET OF GROUND FLOOR COMMERCIAL SPACE ON 1.739-ACRE SITE LOCATED GENERALLY AT 503 VISTA BELLA –**

**(Tim Barzal, Vista Bella Investments Group LLC. – Applicant)  
(Ellen Marciel -Appellant)**

WHEREAS, on October 28, 2024, the Planning Commission of the City of Oceanside, after holding a duly advertised public hearing, approved by a vote of 3 -1 (one vote against and three commissioners absent) Development Plan (D23-00009), and Density Bonus (DB23-00004), to permit a six story mixed-use development consisting of 73 apartments, four (4) live-work apartment units and 688 square feet of ground floor commercial space on a 1.739-acre site located generally at 503 Vista Bella; and

WHEREAS, pursuant to the California Environmental Quality Act (CEQA) of 1970 and State Guidelines thereto, the project qualifies for a Class 32 Categorical Exemption (In fill Development Projects); and

WHEREAS, on November 1, 2024, a timely appeal of the Planning Commission's approval of said project was filed with the City Clerk; and

WHEREAS, on January 22, 2025, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the Planning Commission's approval of the Development Plan and Density Bonus, then closed the public hearing; and

WHEREAS, the City Council of the City of Oceanside voted 5-0 to continue its consideration of the project to the meeting of April 23, 2025 to allow for the preparation of an independent study to analyze the need for requested incentives and concessions as well as to provide

1 additional information relative to the Coastline Church parking agreement, geotechnical site  
2 stability, and City emergency evacuation standards; and

3 WHEREAS, the April 23, 2025 City Council meeting agenda noted that consideration of the  
4 project was being continued to the meeting of May 21, 2025 to provide additional time for the  
5 preparation of the independent study to analyze the need for requested incentives and concessions;  
6 and

7 WHEREAS, on May 21, 2025, the City Council of the City of Oceanside, was provided new  
8 information including an independent study analyzing the need for requested incentives and  
9 concessions, the Coastline Church parking agreement, geotechnical site stability, and City  
10 emergency evacuation standards; and

11 WHEREAS, based on such evidence, testimony, and staff reports, this Council has  
12 determined that the findings of fact articulated by the Planning Commission adequately address all  
13 of the issues raised in the appeal of this project, and therefore the Council accepts the findings of  
14 fact as set forth in Planning Commission Resolution No. 2024-P16, attached hereto as Exhibit "A,"  
15 and incorporates them by reference as if fully set forth herein;

16 NOW, THEREFORE, the City Council of the City of Oceanside does resolve as follows:  
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18 1. The Council affirms the Planning Commission action of October 28, 2024, confirms the  
19 approval of the CEQA Class 32 Categorical Exemption and upholds the approval of Development Plan  
20 (D23-00009) and Density Bonus (DB23-00004), as specified by Planning Commission Resolution No.  
21 2024-P16, attached hereto as Exhibit "A" and incorporated herein by this reference.  
22

23 2. Notice is hereby given that the time within which judicial review must be sought on this decision  
24 is governed by CCP Section 1094.6(b) as set forth in Oceanside City Code Section 1.10.  
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26 PASSED and ADOPTED by the City Council of the City of Oceanside, California this  
27 \_\_\_\_ day of \_\_\_\_\_, by the following vote:  
28

AYES:

1 NAYS:

2 ABSENT:

3 ABSTAIN:

4  
5  
6 \_\_\_\_\_  
Mayor of the City of Oceanside

7 ATTEST:

8 APPROVED AS TO FORM:  
9 OFFICE OF THE CITY ATTORNEY

10 \_\_\_\_\_  
11 City Clerk

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City Attorney

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2024-P16

3 A RESOLUTION OF THE PLANNING COMMISSION OF  
4 THE CITY OF OCEANSIDE, CALIFORNIA APPROVING  
5 A DEVELOPMENT PLAN, AND DENSITY BONUS ON  
6 CERTAIN REAL PROPERTY IN THE CITY OF  
7 OCEANSIDE

8 APPLICATION NO: D23-00009, DB23-00004  
9 APPLICANT: Tim Barzal, Vista Bella Investments Group LLC  
10 LOCATION: 503 Vista Bella (APNs 160-140-02, and 06)

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

13 WHEREAS, there was filed with the City's Development Services Department a  
14 verified petition on the forms prescribed by the City requesting approval of a Development  
15 Plan, and Density Bonus under the provisions of Articles 10 (Residential Districts), 11  
16 (Commercial Districts), 30 (Site Regulations), 31 (Off-Street Parking), 40 (Environmental  
17 Review), and 43 (Development Plan Review) of the Zoning Ordinance of the City of  
18 Oceanside to permit the following:

19 a six-story mixed use building with 73 apartment units, four (4) live-work units and  
20 a 688 square foot commercial space with surface and subterranean parking lots and  
21 the demolition of an existing office building and parking lot on a 1.739-acre site  
22 on certain real property described in the project description.

23 WHEREAS, the Planning Commission, after giving the required notice, did on the  
24 28<sup>th</sup> day of October, 2024 conduct a duly advertised public hearing as prescribed by law to  
25 consider said application.

26 WHEREAS, the Applicant acknowledges and has agreed to abide by their existing  
27 parking agreement with Coastline Baptist Church and evaluate four of the mitigation options  
28 proposed by the Oceanside Community Association (Oceana) consisting of 1) the  
29 preparation of an evacuation plan for Oceana neighborhood, 2) the installation of flashing  
pedestrian beacons at Vista Campana and Vista Bella, 3) to prepare final engineered plans

1 for proposed shoring/retaining walls, and 4) to establish a \$200,000 trust fund to address the  
2 potential increase or decrease in interior temperatures for Oceana homes caused by the  
3 proposed building.

4 Whereas the applicant also agrees to work with staff on their evaluation of the four  
5 options proposed by the Oceanside Community Association in order for staff to report back  
6 to the Planning Commission on the ultimate decision for each of the four options.

7 Whereas the applicant also agrees to have robust and thorough communication with  
8 the (Oceana) community to provide updates on their evaluation of the four options.

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

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

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

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

Description	Authority for Imposition
Traffic Signal & Thoroughfare (Multi-Family Residential)	Reso. No. 16-R0324-1 Reso. No. 12-R0626-1
Drainage and Flood Control Fee	Reso. #16-R0638-1 Ord #85-23
Wastewater System Capacity Buy-In Fee (Non-Residential and Multi-Family Residential)	Reso. #87-97 Ord# 15-OR0479-1 City Code 29.11.1
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.56.1
San Diego County Water Authority (Residential and Non-Residential)	SDCWA Ord. 2017
Inclusionary Housing In-Lieu fees (Residential)	Chapter 14C of the MC Reso. No. 03-R175-1 Reso. No. 11-R0483-1

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

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

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

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

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

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

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

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14  
15 FINDINGS:

16 For the Development Plan (D23-00009):

- 17 1. The site plan and physical design of the project as proposed is consistent with the  
18 purposes of the Zoning Ordinance. The project site is located in the Limited  
19 Commercial (CL), and General Commercial (CG) districts and is subject to the land  
20 use and development standards within Article 11 of the Zoning Ordinance. Mixed  
21 Uses are permitted in both of these districts as well as residential uses as part of the  
22 mixed-use development project. Per Article 11 dwelling units shall be subject to  
23 the standards for height limits, maximum density, court provisions, and outdoor  
24 living areas for the RM-A District, as prescribed by Section 1050 of Article 10 of  
25 the Zoning Ordinance. The project proposes a mixed-use building containing 73  
26 apartments, four (4) live-work apartments, and 688 square feet of ground floor  
27 commercial space consistent with the provisions of CL and CG Districts. The  
28 project also complies with the development standards of the City's Zoning  
29 Ordinance, except where the applicant is proposing to use an incentive/concession

1 or seeking waivers of the development standards consistent with Article 30 of the  
2 Zoning Ordinance, containing the City's Density Bonus Ordinance, and State  
3 Density Bonus law. In addition, parking for the project utilizes the ratio established  
4 under Article 30 of the City's Density Bonus Ordinance and Article 31 of the City's  
5 Zoning Ordinance. Under these standards, 92 stalls are required and 87 are provided.  
6 A Density Bonus incentive/concession will be utilized to allow for the parking  
7 shortfall as allowed by Article 30 of the Zoning Ordinance.

- 8 2. The Development Plan as proposed conforms to the General Plan of the City. With  
9 regard to the Land Use Element, the underlying General Plan Land Use designation  
10 of the project site is General Commercial (GC). The General Commercial  
11 designation is intended to provide retail shops, restaurants, and services which meet  
12 the "immediate" commercial needs of the community. The Mixed-Use project is  
13 consistent with this policy as it would include four (4) live work suites that could  
14 be converted to purely commercial use. The suites are of limited size typical of  
15 neighborhood commercial uses that could be used for goods and services meeting  
16 the needs of the immediate community. With respect to the Housing Element, the  
17 project would be consistent with the Regional Housing Needs Assessment  
18 (RHNA), its Goals and its Policies. Per the RHNA of the Sixth Housing Element  
19 Cycle (2021-2029) it is estimated that the City of Oceanside would experience  
20 demand for 5,443 new dwelling units, including 1,268 very low-income units, over  
21 the next eight years. By contributing 77 rental dwelling units, including eight (8)  
22 units reserved for very low-income households, to the City's existing housing  
23 stock, the proposed project would help to meet the projected housing demand and  
24 provide an opportunity for work force housing. Additionally, Goal 1 of the  
25 Housing Element calls for the City to produce opportunities for decent and  
26 affordable housing for all of citizens. The project would develop 77 new apartments  
27 through a density bonus. The City's Density Bonus Ordinance ensures quality by  
28 requiring that units must be proportional to the overall project in terms of unit mix,  
29 and square footage. There is no distinction between the design of market and



1 affordable units thus, the project will provide new decent and affordable housing  
2 for Oceanside citizens. The project would also satisfy Policy 3.7 which directs the  
3 City to encourage the disbursement of lower and moderate-income housing  
4 opportunities throughout all areas of the City. The proposed project would aid in  
5 the disbursement of lower and moderate-income housing opportunities for all age  
6 groups in the Oceana neighborhood. By proposing smaller apartments and by  
7 including affordable units, the project would provide low and moderate-income  
8 housing opportunities in an area of the City that is largely developed with market  
9 rate, age restricted, homes

10 3. The area covered by the Development Plan can be adequately, reasonably, and  
11 conveniently served by existing and planned public services, utilities, and public  
12 facilities because the project site is situated within an urbanized area and is already  
13 served by existing public services, utilities, and public facilities.

14 4. The project is compatible with existing development, as it is able to coexist with  
15 existing residential development without generating significant environmental  
16 impacts based on the determinations made in the technical environmental studies,  
17 CEQA Exemption memo, and legal opinion submitted for the project. The Noise  
18 Impact Analysis, Air Quality/ Greenhouse Gas Assessment, Storm Water Quality  
19 Management Plan, Local Transportation Assessment, CEQA Exemption Memo,  
20 and Legal Opinion determined that the project would not result in significant  
21 environmental impacts to the surrounding area, as such the project is compatible  
22 with existing development and will not result in impacts under these environmental  
23 categories.

24 5. The site plan and physical design of the project is consistent with the policies  
25 contained within Section 1.24 and 1.25 of the Land Use Element of the General  
26 Plan, and the Development Guidelines for Hillsides, of the Zoning Ordinance.  
27 Section 1.24 calls for the preservation of lands with significant natural  
28 topographical features, but acknowledges that lands designated for commercial  
29 development may require significant alterations of the terrain to ensure their

1 viability. The project site contains significant sloping and will require the use of  
2 large retaining walls to develop the site, but this is expressly allowed by Section  
3 1.24. Section 1.25 seeks to preserve undevelopable lands containing riparian  
4 corridors or vegetated areas of rivers, streams or lakes. The project does not contain  
5 any of these features and is therefore consistent with Section 1.25. The Hillside  
6 Development provisions are applicable to residential development. Because the  
7 project has a General Plan Land Use designation of General Commercial,  
8 commercial zoning and proposes a mixed-use project it is not subject to this  
9 ordinance.

10 For the Density Bonus (DB23-00004):

- 11 1. The affordable units will be reserved for tenancy by households within the Very  
12 Low Income (VLI) category and will be subject to a restrictive covenant  
13 guaranteeing affordability for the VLI households for a period of 55 years.
- 14 2. The affordable units have been designed to be proportional to the project's market  
15 rate units in terms of floor plan, square footage, and exterior design. The affordable  
16 unit consists of one (1) studio, four (4) one bedroom and three (3) two-bedroom  
17 apartments with the same design the market rate units. The affordable units will  
18 be disbursed amongst the market rate units.
- 19 3. The restrictive covenant associated with the affordable units will be for a period of  
20 55 years.
- 21 4. The maximum allowable rent for the project's affordable units will comply with  
22 the law for the Very Low-Income category.
- 23 5. The project's affordable units are intended to be part of the City's Affordable  
24 Housing rental stock, available at affordable housing costs, as defined in Health  
25 and Safety Code Section 50053.
- 26 6. The project's affordable units will be for rent. The units will be rented to  
27 individuals that meet the criteria for the specified low-income households as  
28 defined in Health and Safety Code Section 50053.
- 29 7. An Affordable Housing Regulatory Agreement that will be prepared for the project will

1 outline the reporting requirements consistent with Section 3032(M)(7) of the Zoning  
2 Ordinance.

3  
4 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does  
5 hereby approve Development Plan (D23-00009), and Density Bonus (DB23-00004),  
6 subject to the following conditions:

7  
8 **Planning:**

- 9 1. This Development Plan, and Density Bonus Approval shall expire 36 months from  
10 its approval, unless this time period is extended by the provisions of Article 1,  
11 section 150 of the Zoning Ordinance.
- 12 2. This Development Plan, and Density Bonus allows the construction of a six-story  
13 mixed use development project comprised of 73 apartment units, four (4) live-work  
14 units, and 688 square feet of commercial area located at 503 Vista Bella as shown  
15 on the plans and exhibits presented to the Planning Commission for review and  
16 approval. No deviation from these approved plans and exhibits shall occur without  
17 Planning Division approval. Substantial deviations shall require a revision to the  
18 Development Plan or a new Development Plan.
- 19 3. The applicant, permittee or any successor-in-interest shall defend, indemnify, and  
20 hold harmless the City of Oceanside, its agents, officers, or employees from any  
21 claim, action or proceeding against the City, its agents, officers, or employees to  
22 attack, set aside, void or annul an approval of the City, concerning Development  
23 Plan (D23-00009), Density Bonus (DB23-00004) and the CEQA exemption for  
24 this project. The City will promptly notify the applicant of any such claim, action  
25 or proceeding against the city and will cooperate fully in the defense. If the City  
26 fails to promptly notify the applicant of any such claim action or proceeding or fails  
27 to cooperate fully in the defense, the applicant shall not, thereafter, be responsible  
28 to defend, indemnify or hold harmless the City.

- 1 4. A covenant or other recordable document approved by the City Attorney shall be  
2 prepared by the property owner and recorded prior to the issuance of the certificate  
3 of occupancy. The covenant shall provide that the property is subject to this  
4 resolution, and shall generally list the conditions of approval.
- 5 5. Prior to the transfer of ownership and/or operation of the site the owner shall  
6 provide a written copy of the applications, staff report and resolutions for the  
7 project to the new owner and or operator. This notification provision shall run with  
8 the life of the project and shall be recorded as a covenant on the property.
- 9 6. Failure to meet any conditions of approval shall constitute a violation of the  
10 Development Plan, and Density Bonus;
- 11 7. Unless expressly waived, the project shall adhere to all current zoning standards  
12 and City ordinances and policies in effect at the time the SB330 Application was  
13 deemed complete. The approval of this project constitutes the applicant's  
14 agreement with all statements in the Description and Justification and other  
15 materials and information submitted with this application, unless specifically  
16 waived by an adopted condition of approval.
- 17 8. Prior to Building Permit issuance, the applicant shall submit and obtain final  
18 approval of the Construction Management Plan from the City Planner or their  
19 designee. The Construction Management Plan shall be implemented during the  
20 entire duration of the construction of the mixed-use project.
- 21 9. The developer's construction of all fencing and walls associated with the project  
22 shall be in conformance with the approved Development Plan. Any substantial  
23 change in any aspect of fencing or wall design from the approved Development  
24 Plan shall require a revision to the Development Plan or a new Development Plan.
- 25 10. If any aspect of the project fencing and walls is not covered by an approved  
26 Development Plan, the construction of fencing and walls shall conform to the  
27 development standards of the City Zoning Ordinance. In no case, shall the  
28 construction of fences and walls (including combinations thereof) exceed the  
29

1 limitations of the zoning code, unless expressly granted by a Density Bonus Waiver  
2 or other development approval.

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

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

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

14 14. All lighting showcasing building architecture shall be shown on the building plans.

15 15. All dwelling units shall dispose of or recycle solid waste in a manner provided in  
16 the City Code Section 13.3.

17 16. Prior to the issuance of building permits, the applicant shall submit a lighting plan  
18 for the entire site. The plan shall contain details as to the type of fixtures that will  
19 be used and placement.

20 17. All mechanical rooftop and ground equipment shall be screened from view as  
21 required by the Zoning Ordinance. The roof jacks, mechanical equipment, screen  
22 and vents shall be painted with non-reflective paint to match the roof. This  
23 information shall be shown on the building plans.

24 18. No project signage is approved with this application. All project signage shall be  
25 subject to a separate sign permit and be in compliance with Article 33, Signs, of  
26 the Zoning Ordinance.

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

- 1 20. This project shall comply with all provisions of the City's Affirmative Fair Housing  
2 Marketing Agreement policy. Such agreements shall be submitted to and approved  
3 by the Housing Neighborhood Services Director at least six (6) months before the  
4 issuance of a Certificate of Occupancy for the first unit for the project whichever  
5 comes first.
- 6 21. This project is subject to the provisions of Chapter 14C of the City Code regarding  
7 Inclusionary Housing.
- 8 22. Prior to issuance of any building or grading permit, the Director of Housing and  
9 Neighborhood Services shall certify that the proposed development has complied  
10 with the requirements for inclusionary housing and all provisions of Chapter 14C.
- 11 23. In accordance with Density Bonus requirements, fifteen (15) percent of the  
12 residential units [eight (8) housing units] shall be reserved for rental to very low-  
13 income households. These affordable units shall be provided proportional to the  
14 overall project in unit size, dispersed throughout the project, and have access to all  
15 amenities available to other residents. The city shall determine the eligibility of the  
16 very low-income households. A deed restriction, covenant, and/or other instrument  
17 enforceable by the city and approved by the City Attorney and Director of Housing  
18 and Neighborhood Services, limiting the rental of such units to eligible very low-  
19 income households shall be recorded against the title of the property. The duration  
20 of such rental restrictions shall run with the life of the project and/or a minimum of  
21 fifty-five (55) years. Additionally, the property shall be so restricted as to prohibit  
22 the conversion of the restricted units for the term of the rent restriction to a  
23 condominium, stock cooperative, community apartment, or such other form of  
24 ownership which would eliminate the restricted units as rental units.
- 25 24. The required "Affordable Housing Regulatory Agreement" shall be recorded  
26 against the project site prior to the issuance of any permits for the project.
- 27 25. Consistent with Zoning Ordinance Section 3032.(M.2) the income restricted units  
28 shall be provided in the same proportion as the market rate units. The unit mix  
29

shall consist of one (1) studio unit, four (4) one-bedroom units, and three (3) two-bedroom units.

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

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

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

29. Parking space shall be kept available and usable for the parking of tenants' vehicles at all times.

30. The parking or storage of recreational vehicles, trailers or boats within the parking spaces is prohibited.

31. The project shall comply with the requirements of Section 3048, Electric Vehicle and Charging Facilities, of the Zoning Ordinance.

32. The project shall comply with the requirements of Section 3049, Urban Forestry Program, of the Zoning Ordinance. The project must also provide a Landscape and Tree Canopy Management Plan (LTCMP). The LTCMP shall include information regarding regular, seasonal, and emergency maintenance, trash abatement, irrigation, tree/plant care, tree replacement, insect and disease infestation prevention, integrated pest management, and appropriate response process etc. Projects that do not maintain landscape in a manner consistent with the approved LTCMP shall be subject to code enforcement action.

33. The residential and commercial aspects of this project shall be developed and opened simultaneously as a single Mixed-Use project. No deferral of the commercial use shall be permitted as the project's approval was for a Mixed-Use project.

- 1 34. Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a  
2 pre-excavation agreement, otherwise known as a Tribal Cultural Resources  
3 Treatment and Tribal Monitoring Agreement with the “Traditionally and Culturally  
4 Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”.  
5 A copy of the agreement shall be included in the Grading Plan Submittals for the  
6 Grading Permit. The purpose of this agreement shall be to formalize protocols and  
7 procedures between the Applicant/Owner and the “Traditionally and Culturally  
8 Affiliated (TCA) Native American Monitor associated with a TCA Luiseño Tribe”  
9 for the protection and treatment of, including but not limited to, Native American  
10 human remains, funerary objects, cultural and religious landscapes, ceremonial  
11 items, traditional gathering areas and tribal cultural resources, located and/or  
12 discovered through a monitoring program in conjunction with the construction of  
13 the proposed project, including additional archaeological surveys and/or studies,  
14 excavations, geotechnical investigations, grading, and all other ground disturbing  
15 activities. At the discretion of the Luiseño Native American Monitor, artifacts may  
16 be made available for 3D scanning/printing, with scanned/printed materials to be  
17 curated at a local repository meeting the federal standards of 36CFR79.
- 18 35. Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading  
19 Contractor shall provide a written and signed letter to the City of Oceanside  
20 Planning Division stating that a Qualified Archaeologist and Luiseño Native  
21 American Monitor have been retained at the Applicant/Owner or Grading  
22 Contractor’s expense to implement the monitoring program, as described in the  
23 pre-excavation agreement.
- 24 36. The Qualified Archaeologist shall maintain ongoing collaborative consultation  
25 with the Luiseño Native American monitor during all ground disturbing activities.  
26 The requirement for the monitoring program shall be noted on all applicable  
27 construction documents, including demolition plans, grading plans, etc. The  
28 Applicant/Owner or Grading Contractor shall notify the City of Oceanside  
29 Planning Division of the start and end of all ground disturbing activities.



37. If any Project ground disturbance or vegetation removal activities occur during the bird nesting season (January 15th and September 15th), a pre-construction clearance survey for nesting birds shall be conducted within three (3) days of the start of any vegetation removal or ground disturbing activities. If an active nest is identified during the pre-construction surveys, construction activities shall stay outside of a no-disturbance buffer, as determined by a wildlife biologist, until the young have left the nest or the nest otherwise becomes inactive under natural conditions.

38. Prior to issuance of building permits, the applicant shall submit plans for noise attenuation at project balconies where necessary to meet City Residential Noise standards as determined by an addendum to the approved Noise Impact Analysis.

39. Prior to final occupancy of the building an avigation easement for airspace over the project site shall be recorded with the County Recorder.

40. The proposed building and temporary construction crane shall be marked and lighted in accordance with FAA procedures.

**Building:**

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

Every three years, the State adopts new model codes (known collectively as the California Building Standards Code) to establish uniform standards for the construction and maintenance of buildings, electrical systems, plumbing systems, mechanical systems, and fire and life safety systems.

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

- Part 6: The 2022 California Energy Code
- Part 9: The 2022 California Fire Code (CFC)
- Part 11: The 2022 California Green Building Standards Code (CALGreen Code)

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

- The City of Oceanside Municipal Code

42. Where mixed occupancy buildings contain incidental use areas, the following shall apply:

- a. Clearly identify on plans whether there are any incidental use areas that are separated from other portions of the building pursuant to CBC.
- b. The protection used for incidental use areas may include automatic fire sprinklers, fire-resistance rated construction, or both. Identify such protection in the incidental use areas on each floor plan.

43. Where mixed occupancy buildings contain nonseparated uses, the following shall apply:

- a. Clearly identify on plans whether nonseparated uses will be utilized pursuant to CBC 508.3.
- b. Clearly acknowledge on the plans that the use of nonseparated occupancies requires the most restrictive provisions of CBC 403 and Chapter 9 to apply to the entire building.
- c. The adjoining nonseparated uses must be clearly identified on all floor plans, including the boundary of such areas.
- d. The project must be designed to meet the requirements of the more restrictive occupancy for the following: (Area) (Height) (Egress) (Fire Sprinklers) (Other).
- e. Per Table 504.4 the Type of construction must be per 2022 CBC for each Building.
- f. Per Table 705.8 Walls 3 to 5 feet from the PL must not have opening of more than 15%, walls 5 to 10 not less than 25%, walls 10 to 15 feet not more than 45%.

- 1 44. Where mixed occupancy buildings contain separated uses, the following shall  
2 apply:
- 3 a. Clearly identify on plans the boundary of each adjoining occupancy that will be  
4 separated pursuant to CBC 508.4
- 5 b. Fire-resistance rated walls used to separate adjoining occupancies shall be  
6 constructed as fire barriers in accordance with Section 707; fire partitions shall  
7 not be allowed. (CBC 508.4.4.1)
- 8 c. Fire-resistance rated floor-ceiling assemblies used to separate adjoining  
9 occupancies shall comply with CBC 711. (CBC 711.2.4.1)
- 10 45. Where mixed occupancy buildings contain accessory areas, the aggregate area of  
11 all accessory areas within a single occupancy shall not exceed 10% of the floor area  
12 of the primary occupancy. (CBC 508.2.3).
- 13 46. Clearly label and identify on plans (fire walls, fire barriers, fire partitions, shafts,  
14 smoke barriers, and smoke partitions), along with their fire-resistance ratings.  
15 Provide a legend.
- 16 47. Submit an exit analysis plan that labels and clearly shows compliance with all  
17 required egress features such as, but not limited to, common path of travel, required  
18 number of exits, occupant load, required width, continuity, travel distance, etc. (CBC  
19 1001.1) Show the farthest distance to an Exit Access on each floor.
- 20 48. Means of egress doors shall be readily distinguishable from the adjacent  
21 construction and finishes such that the doors are easily recognizable as doors.  
22 Mirrors or similar reflecting materials shall not be used on means of egress doors.  
23 Means of egress doors shall not be concealed by curtains, drapes, decorations or  
24 similar materials. (CFC 1010.1).
- 25 49. The building plans for this project are required by State law to be prepared by a  
26 licensed architect or engineer.
- 27 50. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the  
28 plans.  
29

51. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance) and shall be shielded appropriately.
52. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
53. A form or foundation survey shall be required prior to the placement of concrete to show the location of the new structure in respect to the property lines, known easements, and known setback lines. By obtaining a form survey the location of the foundation is checked prior to the placement of concrete, and can save costly corrective measures in case of an encroachment of a property line.
54. The 2019 California Energy Code requires rooftop solar zones. Solar ready rooftop required. Low-rise and High-rise Multi-family Buildings, Hotel/Motel Occupancies, and Nonresidential Buildings. The solar zone shall be located on the roof or overhang of the building or on the roof or overhang of another structure located within 250 feet of the building or on covered parking installed with the building project and have a total area no less than 15 percent of the total roof area of the building excluding any skylight area. The requirements for solar ready buildings are all mandatory, so there are no prescriptive and performance compliance paths. Since the provisions are mandatory, there are also no tradeoffs allowed, and applicants must demonstrate compliance with each measure.
55. Exterior walls of all buildings shall comply with CBC table 705.2 **705.2 Projections**
- Cornices, eave overhangs, exterior balconies and similar projections extending beyond the exterior wall shall conform to the requirements of this section and Section 1406. Exterior egress balconies and exterior exit stairways and ramps shall comply with Sections 1021 and 1027, respectively. Projections shall not extend any closer to the line used to determine the fire separation distance than shown in Table 705.2.

56. CBC 1023.7 Location Exterior exit stairway and Ramp shall have a minimum fire separation distance of 10 feet (3048 mm) measured at right angles from the exterior edge of the stairway or ramps, including landings, to:

1. Adjacent lot lines.
2. Other portions of the building.
3. Other buildings on the same lot unless the adjacent building exterior walls and openings are protected in accordance with Section 705 based on fire separation distance. For the purposes of this section, other portions of the building shall be treated as separate buildings.

57. 1023.7 Interior Exit Stairway and Ramp Exterior Walls

Exterior walls of the interior exit stairway or ramp shall comply with the requirements of Section 705 for exterior walls. Where nonrated walls or unprotected openings enclose the exterior of the stairway or ramps and the walls or openings are exposed by other parts of the building at an angle of less than 180 degrees (3.14 rad), the building exterior walls within 10 feet (3048 mm) horizontally of a nonrated wall or unprotected opening shall have a fire-resistance rating of not less than 1 hour. Openings within such exterior walls shall be protected by opening protectives having a fire protection rating of not less than 3/4 hour. This construction shall extend vertically from the ground to a point 10 feet (3048 mm) above the topmost landing of the stairway or ramp, or to the roof line, whichever is lower.

58. Site development, parking, access into buildings and building interiors shall comply WITH ALL CURRENT State of California Accessibility Code where required. You must clearly show compliance on the plans.

- Buildings or portions of buildings and facilities within the scope of this chapter shall be accessible to persons with disabilities. Each building on a building site shall be considered separately when determining the requirements contained in this chapter, except when calculating the number of units which must comply with Section 1102A.3.1. Dwelling units within a single structure separated by firewalls do not constitute separate buildings.
- Newly-constructed covered multifamily dwellings as defined in this chapter, include, but are not limited to, the following:

- Apartment buildings with 3 or more dwelling units including timeshare apartments not considered a place of public accommodation or transient lodging as defined in Health and Safety Code Section 19955 (a), and Chapter 2 of the California Building Code.
- Condominiums with 4 or more dwelling units including timeshare condominiums not considered a place of public accommodation or transient lodging as defined in Health and Safety Code Section 19955 (a), and Chapter 2 of the California Building Code.
- Lodging houses, as defined in Chapter 2 of the California Building Code, used as a residence with more than 3 but not more than 5 guest rooms.
- Congregate residences, as defined in Chapter 2 of the California Building Code, with 3 or more sleeping units.
- Dwellings with 3 or more efficiency units, as defined in Chapter 2 of this code, or Section 17958.1 of the California Health and Safety Code.
- Shelters for homeless persons, not otherwise subject to the disabled access provisions of the Division of the State Architect-Access Compliance (DSA-AC).
- Dormitories, as defined in Chapter 2 of this code, with 3 or more guest rooms as defined in Chapter 2 of the California Building Code.
- Timeshare dwellings with 3 or more units, not considered a place of public accommodations or transient lodging as defined in Health and Safety Code Section 19955 (a), and Chapter 2 of the California Building Code.
- Other Group R occupancies in covered multifamily dwellings which are regulated by the Office of the State Fire Marshal. See Section 1.11.
- Public housing as defined in Chapter 2 of this code is subject to provisions of the Division of the State Architect (DSA-AC) in Chapter 11B. Newly constructed covered multifamily dwellings, which can also be defined as public housing, shall be subject to the requirements of Chapter 11A and Chapter 11B.

1102A.3.2 Multistory dwelling units in buildings with one or more elevators

1 Multistory dwelling units contained in buildings with elevators shall comply with  
2 this section. For multistory dwelling units in buildings with elevators, the story of  
3 the unit that is served by the building elevator is considered a ground floor and the  
4 primary entry floor to the unit and shall comply with the following:

- 5 • At least 1 powder room or bathroom shall be located on the primary entry level.
- 6 • At least 1 kitchen shall be located on the primary entry level.
- 7 • All rooms or spaces located on the primary entry level shall be served by an  
8 accessible route and shall comply with Division IV.

9 1109A.3 Required accessible parking spaces

10 Accessible parking spaces shall be provided at a minimum rate of 2 percent of the  
11 covered multifamily dwelling units. At least one space of each type of parking  
12 facility shall be made accessible even if the total number exceeds 2 percent.

13 1109A.7 Location of accessible parking spaces

14 The location of accessible parking spaces shall comply with the following:

- 15 • Accessible parking spaces shall be located on the shortest possible accessible route  
16 to an accessible building, or covered multifamily dwelling unit entrance. All van  
17 accessible spaces may be grouped on one level of a multilevel parking facility. Please  
18 illustrate compliance on the plans.
- 19 • When parking facilities are located adjacent to a building with multiple accessible  
20 entrances, accessible parking spaces shall be dispersed and located near the  
21 accessible building entrances.
- 22 • When practical, the accessible route shall not cross lanes for vehicular traffic. When  
23 crossing vehicle traffic lanes is necessary, the accessible route shall be designated  
24 and marked as a crosswalk.
- 25 • Parking facilities that do not serve a particular building shall have accessible parking  
26 spaces located on the shortest possible accessible route to an accessible pedestrian  
27 entrance of the parking facility.
- 28 • Accessible parking spaces shall be located so that persons with disabilities are not  
29 compelled to wheel or walk behind parked cars other than their own.

Exception: When the enforcement agency determines that compliance with this section or providing equivalent facilitation would create an unreasonable hardship, parking spaces may be provided which would require a person with physical disabilities to wheel or walk behind other than accessible parking spaces.

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

60. City of Oceanside Enforces the 2022 California Green Building Standards Code. A Construction Waste Management Plan shall be required at time of plans submittal to the Building Division for plan check. 5.408.1 Construction waste diversion. Recycle and/or salvage for reuse a minimum of 65 percent of the nonhazardous construction and demolition waste in accordance with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and demolition waste management ordinance, whichever is more stringent.

5.408.1.1 Construction waste management plan. Where a local jurisdiction does not have a construction and demolition waste management ordinance that is more stringent, submit a construction waste management plan that:

- a. Identifies the construction and demolition waste materials to be diverted from disposal by efficient usage, recycling, reuse on the project or salvage for future use or sale.
- b. Indicates if construction and demolition waste materials will be sorted on-site (source-separated) or bulk mixed (single stream).
- c. Identifies diversion facilities where construction and demolition waste material collected will be taken.
- d. Specifies that the amount of construction waste and demolition materials diverted shall be calculated by weight or volume, but not by both.

61. Plans must specify, as applicable, the type of automatic sprinkler system – NFPA 13, NFPA 13R, or NFPA 13D – installed in each building.



- 1 62. San Diego County Department of Environmental Health approval is required for all  
2 new food businesses and public pools.
- 3 63. The construction documents and/or site plan should indicate the location and required  
4 number of designated parking stalls. These parking spaces should be marked  
5 "CLEAN AIR/VANPOOL/EV." The markings should be visible when a clean air  
6 vehicle is parked. In other words, if the front of the vehicle goes into the parking stall  
7 first, the markings should be visible at the back end of the vehicle. Lettering should  
8 be at least 8 inches high. The CLEAN AIR/VANPOOL/EV parking stalls may be  
9 located anywhere on the site and do not require a preferential location. Refer to Table  
10 5.106.5.2 in CAL Green to ensure that the correct number of designated parking stalls  
11 is provided. Include all parking spaces in the calculation. 2019 Cal Green Section  
12 5.106.5.2
- 13 64. All electrical, communication, CATV, etc. service lines within the exterior lines of  
14 the property shall be underground (City Code Sec. 6.30).
- 15 65. Buildings four or more stories in height must comply with City of Oceanside Mid-  
16 Rise Ordinance.
- 17 66. Elevator car must be sized to accommodate an emergency gurney sized 84 x 24 inches  
18 in the horizontal position.
- 19 67. An enclosed elevator lobby – separating the elevator shaft enclosure doors from each  
20 floor with fire partitions. – shall be provided at each floor where an elevator shaft  
21 enclosure connects more than two stories in A, E, H, I, L, R-1, R-2, and R-2.1  
22 occupancies and more than three stories in all other occupancies (CBC 3006.2, CBC  
23 3006.3).
- 24 68. Electric vehicle (EV) charging. [N] Construction shall comply with Section  
25 5.106.5.3.1 or 5.106.5.3.2 to facilitate future installation of electric vehicle supply  
26 equipment (EVSE) in compliance with California Building Code (CBC) and  
27 California Electrical Code (CEC).
- 28 Multiple charging space requirements. [N] When multiple charging spaces are  
29 required per Table 56.106.5.3.3, raceway(s) is/are required to be installed at the time

of construction and shall be installed in accordance with CEC. Construction plans and specifications shall comply with CGBSC 5.106.5.3.2

69. Construction Hours: 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:

- a. Before 7:00 a.m. and after 7:00 p.m. Monday through Saturday.
- b. All day Sunday; and
- c. 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:
  - i. Emergency work
  - ii. Adverse weather conditions
  - iii. Compatibility with store Business hours.
  - iv. When the work is less objectionable at night than during daylight hours.
  - v. Per the direction of the City Managers office for projects that have been determined that rapid completion is in the best interest of the general public.

70. Addresses for meters. The Developer must carefully submit the correct address to SDGE for meter release with addresses that are the same as what has been given for each apartment unit.

71. Area Analysis will be required to show compliance with chapter of 5 of the California Building Codes.

72. Yards Adjacent to Buildings must comply with the distance to Property line per CBC 1205.

- 1 73. Buildings must be designed for Fire resistive construction located on the same parcel  
2 with assumed Property Lines.
- 3 74. Ramps for Public Parking garages must not be greater than 1:15, 6.67 Percent per  
4 CBC 406.4.3.
- 5 75. Underground garages will be required to have ventilation per the 2022 California  
6 Mechanical Code.
- 7 76. Buildings over two stories may not use ABS or PVC piping per CPC.
- 8 77. Veneer and Siding must be installed per the Manufacturing instructions.
- 9 78. A plan must be submitted and a Demolition permit obtained for the removal of  
10 existing structures.
- 11 79. Live Work units will be classified as R-2 units and must meet all the requirements of  
12 the 2022 California Building Code section 508.

13 **Engineering:**

- 14 80. Prior to the demolition of any existing structure or surface improvements on site, a  
15 demolition permit shall be submitted to the Building Division, to be accompanied by  
16 a Building Division approved erosion control plan. No demolition shall be permitted  
17 without an approved erosion control plan.
- 18 81. Design and construction of all improvements shall be in accordance with the City of  
19 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard  
20 engineering and specifications of the City of Oceanside and subject to approval by  
21 the City Engineer.
- 22 82. All right-of-way alignments, street dedications, exact geometrics and widths shall be  
23 designed, dedicated, and constructed or replaced in accordance with the City of  
24 Oceanside Engineers Design and Processing Manual, and as required by the City  
25 Engineer.
- 26 83. Owner/developer shall provide an updated Title Report dated within 6 months of the  
27 grading plan application submittal.
- 28 84. The approval of the development plan/project shall not mean that closure, vacation,  
29 or abandonment of any public street, right of way, easement, or facility is granted or

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

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

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

#### 15 **Improvement Timing**

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

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

#### 22 **Road Condition**

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

1 90. Vista Rey and Vista Bella shall be constructed with new curb and gutter and sidewalk  
2 along the project frontage. Sidewalk improvements (construct/replace) shall comply  
3 with current ADA requirements. In lieu of complete replacement of the curb & gutter  
4 and sidewalk, the applicant's Engineer of Work may make an evaluation of each  
5 panel/section that meets ADA and City requirements, is not damaged, and is not  
6 experiencing lateral separation, vertical offsets (lifting or settling), or general wear.

7 91. An ADA-compliant pedestrian ramp shall be constructed at the corner of the Vista  
8 Rey and Vista Bella intersection, and other locations as required by the City Engineer.

9 92. Minimum curb return radius at pedestrian ramp and driveway locations shall comply  
10 with the City of Oceanside Engineers Design and Processing Manual.

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

15 **Private Streets, Driveways, Parking Lots -Maintenance Condition**

16 94. Maintenance responsibilities for private driveways, parking lots, and roadways are  
17 the responsibility of the property owner.

18 **Pavement Evaluation for Onsite**

19 95. A pavement evaluation report shall be submitted for the proposed onsite pavement  
20 with the grading plan application. Pavement sections for all public and private  
21 roadways, driveways and parking areas shall be based upon approved soil test  
22 requirements and traffic indices identified within the City of Oceanside Engineers  
23 Design and Processing Manual. The pavement design is to be prepared by the  
24 owner/developer's geotechnical engineering firm and be approved by the City  
25 Engineer prior to the issuance of a grading permit. Roadway alignments and  
26 geometric layouts shall be in conformance with the City of Oceanside Engineers  
27 Design and Processing Manual.

28 **Pavement Evaluation for Offsite**

96. A pavement evaluation report shall be submitted for offsite street and/or alley pavements with the grading plan application. The owner/developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street width along the project's frontage (Vista Rey and Vista Bella). The field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer prior to the issuance of a grading permit. In the absence of an approved boring plan, the field investigation shall include a minimum of one pavement boring per every one hundred (100) linear feet of street frontage.

Should the study conclude that the existing road pavement does not meet current pavement thickness requirements set forth in the City of Oceanside Engineers Design and Processing Manual, the Owner/developer shall remove and reconstruct the existing pavement section in accordance with City requirements. Otherwise, the City Engineer shall determine whether the Owner/developer shall: 1) Repair all failed pavement sections, 2) header cut and grind per the direction of the City Engineer, or 3) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices.

#### **Street Improvement Condition**

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

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

#### **Grading Conditions**

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

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

#### 5 **Erosion Control Condition**

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

11 101. Owner/developer shall develop and submit a draft neighborhood-notification flier to  
12 the City for review. The flier shall contain information on the project, construction  
13 schedule, notification of anticipated construction noise and traffic, and contact  
14 information. Prior to the issuance of a grading permit, the approved flier shall be  
15 distributed to area residents, property owners, and business owners located within a  
16 500-foot radius area of the project.

#### 17 **Grading Condition**

18 102. Owner/developer shall monitor, supervise and control all construction and  
19 construction-supportive activities, so as to prevent these activities from causing a  
20 public nuisance, including but not limited to, ensuring strict adherence to the  
21 following:

- 22 a. Dirt, debris and other construction material shall not be deposited on any  
23 public street or into the City's storm water conveyance system.
- 24 b. All grading and related site preparation and construction activities shall be  
25 limited to the hours of 7 AM to 6 PM, Monday through Friday. No  
26 engineering-related construction activities shall be conducted on  
27 Saturdays, Sundays or legal holidays unless written permission is granted  
28 by the City Engineer with specific limitations to the working hours and  
29 types of permitted operations. All on-site construction staging areas shall

1 be located as far as possible (minimum 100 feet) from any existing  
2 residential development. As construction noise may still be intrusive in the  
3 evening or on holidays, the City of Oceanside Noise Ordinance also  
4 prohibits "any disturbing excessive or offensive noise which causes  
5 discomfort or annoyance to reasonable persons of normal sensitivity."

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

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

#### 15 **Grading Condition-Contaminated Soil**

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

#### 21 **Grading Condition – Offsite Grading**

22 104. The approval of the development plan shall not mean that proposed grading or  
23 improvements on adjacent properties (including any City properties/right-of-way or  
24 easements) is granted or guaranteed to the owner/developer. The owner/developer is  
25 responsible for obtaining written permission to grade or construct on adjacent  
26 properties prior to the issuance of a grading permit. Should such permission be  
27 denied, the development plan shall be subject to going back to public hearing or  
28 subject to a substantial conformity review.

#### 29 **Grading Conditions – Geotechnical Report**



1 105. Prior to the issuance of a grading permit, a comprehensive soil and geologic  
2 investigation shall be conducted for the project site. All necessary measures shall be  
3 taken and implemented to assure slope stability, erosion control, and soil integrity;  
4 and these measures shall be incorporated as part of the grading plan design. No  
5 grading shall occur at the site without a grading permit.

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

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

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

27 **Landscape Conditions**

28 109. Landscape and irrigation plans for disturbed areas shall be submitted to the City  
29 Engineer prior to the issuance of a grading permit and approved by the City Engineer

1 prior to the issuance of building permits. Landscaping plans, including plans for the  
2 construction of walls, fences or other structures at or near intersections, must conform  
3 to intersection sight distance requirements. Frontage and median landscaping shall be  
4 installed and established prior to the issuance of any certificates of occupancy.  
5 Securities shall be required only for landscape items in the public right-of-way. Any  
6 project fences, sound or privacy walls and monument entry walls/signs shall be shown  
7 on, bonded for and built from the approved landscape plans. These features shall also  
8 be shown on the precise grading plans for purposes of location only. Plantable,  
9 segmental walls shall be designed, reviewed and constructed from grading plans and  
10 landscape/irrigation design/construction shall be from landscape plans. All plans  
11 must be approved by the City Engineer and a pre-construction meeting held prior to  
12 the start of any improvements.

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

17 **Drainage Conditions**

- 18 111. The drainage design shown on the conceptual grading/site plan, and the drainage  
19 report for this development plan is conceptual only. The final drainage report and  
20 design shall be based upon a hydrologic/hydraulic study that is in accordance with  
21 the latest San Diego County Hydrology and Drainage Manual, and is to be approved  
22 by the City Engineer prior to the issuance of a grading permit. All drainage picked up  
23 in an underground system shall remain underground until it is discharged into an  
24 approved channel, or as otherwise approved by the City Engineer.
- 25 112. The project's drainage system shall not connect or discharge to another private  
26 stormdrain system without first obtaining written permission from the owner of the  
27 system. The written permission letter shall be provided to the City prior to the  
28 issuance of a grading permit. The owner/developer shall be responsible for obtaining  
29 any off-site easements for storm drainage facilities.

1 113. All public storm drains shall be shown on separate public improvement plans. Public  
2 storm drain easements shall be dedicated to the City where required.

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

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

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

12 **FEMA Conditions**

13 117. Elevation adjustments and flood proofing shall be in accordance with City of  
14 Oceanside Floodplain Management Regulations and Federal Emergency  
15 Management Agency (FEMA) and National Flood Insurance Program (NFIP)  
16 requirements.

17 118. The owner/developer shall submit a finished construction elevation certificate on  
18 current FEMA forms for each structure proposed in the development project. The  
19 finished construction elevation certificate(s) shall be completed with surveyed  
20 information for post construction and shall be submitted to the Engineering Division  
21 for review and acceptance prior to Occupancy or Final Building Inspection.

22 **NPDES Condition – 1>acre disturbance**

23 119. Owner/developer shall comply with the provisions of the National Pollution  
24 Discharge Elimination System (NPDES) General Permit for Storm Water Discharges  
25 Associated with Construction Activity (General Permit) Water Quality Order 2009-  
26 0009-DWQ. The General Permit continues in force and effect until a new General  
27 Permit is issued or the SWRCB rescinds this General Permit. Only those  
28 owner/developers authorized to discharge under the expiring General Permit are  
29 covered by the continued General Permit. Construction activity subject to the General

1 Permit includes clearing, grading, and disturbances to the ground such as stockpiling,  
2 or excavation that results in land disturbances of equal to or greater than one acre.

3 The owner/developer shall obtain coverage under the General Permit by submitting a  
4 Notice of Intent (NOI) and obtaining a Waste Discharge Identification Number  
5 (WDID#) from the State Water Resources Control Board (SWRCB). In addition,  
6 coverage under the General Permit shall not occur until an adequate SWPPP is  
7 developed for the project as outlined in Section A of the General Permit. The site  
8 specific SWPPP shall be maintained on the project site at all times. The SWPPP shall  
9 be provided, upon request, to the United States Environmental Protection Agency  
10 (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of  
11 Oceanside, and other applicable governing regulatory agencies. The SWPPP is  
12 considered a report that shall be available to the public by the RWQCB under section  
13 308(b) of the Clean Water Act. The provisions of the General Permit and the site  
14 specific SWPPP shall be continuously implemented and enforced until the  
15 owner/developer obtains a Notice of Termination (NOT) for the SWRCB.

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

## 21 **SWQMP Conditions**

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

27 121. The O&M Plan shall include an approved and executed Maintenance Mechanism  
28 pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the  
29 O&M Plan shall include the designated responsible party to manage the storm water

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

9 **SWQMP-PDP Conditions**

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

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

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

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

### 3 **Shoring Conditions**

4 125. A shored condition along the southern property is required to support the construction  
5 of the proposed development, the shoring design plans shall be included within the  
6 grading plan set, and the structural design calculations shall be submitted with the  
7 grading plan application. Additionally, the consultant will evaluate the global stability  
8 of the proposed shoring wall. Based on the proposed configuration of the shoring wall  
9 immediately adjacent to the property line, the wall must be designed such that it can  
10 be constructed without encroachment on the neighboring property, or proof of  
11 easements and/or permission (for temporary or permanent encroachments) will be  
12 required from the neighboring property owner.

13 126. Due to the nature of the proposed permanent shoring wall, a building permit will be  
14 required for the permanent shoring wall. Please submit a building permit for the  
15 shoring wall in conjunction with the grading permit submittal.

### 16 **Mechanically Stabilized Earth (MSE) Wall Condition**

17 127. A mechanically stabilized earth wall is proposed along the western property  
18 boundary. The wall must be designed to avoid surcharging the existing retaining wall  
19 on the adjacent property (extended to sufficient depth to avoid surcharging the wall).  
20 The MSE wall plans shall be included in the grading plan set and a supporting  
21 calculations package (including internal, external and global stability) shall be  
22 submitted with the grading plan application.

### 23 **Airport Overflight Notification**

24  
25 128. This property is located in the vicinity of an airport, within what is known as an airport  
26 influence area. As a result, the property may be exposed to some of the common  
27 annoyances or inconveniences associated with airport operations (for example: noise,  
28 vibration, or odors). An Airport Overflight Notification or Aviation Easement shall  
29

1 be recorded for each of the residential units and a copy of either document shall be  
2 provided to the City prior to issuance of a grading permit.

3 **Payment & Fee Conditions**

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

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

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

20  
21 **Fire:**

22 **General**

23 132. Project will comply with the 2022 California Fire Code and all applicable and  
24 referenced Standards along with the currently adopted City of Oceanside Municipal  
25 Code.

26 a. This includes areas such as but not limited to:

27 i. Water Supply (hydrants, hydrant outlets, hydrant spacing, minimum fire  
28 flow required for building, fire flow report/test, etc.)  
29

1 ii. Fire Apparatus Access Roads (widths, dead end lengths, turn-arounds,  
2 etc.)

3 iii. Fire Protection Systems (automatic fire sprinkler system requirements,  
4 automatic fire alarm requirements, standpipes, FDC location, etc.

5 Plan Details

6 133. In addition to the comments provided by the Building Department, several items  
7 will be asked for on the plans to provide detail and analysis of the building  
8 including:

9 a. Egress plan with occupant load per room or space

10 b. Egress and emergency lighting must match between electrical sheets and  
11 egress sheet

12 c. Detail of the elevator to show it will allow space for a gurney

13 d. Location of fire suppression equipment:

14 i. FDC on exterior of the building (on the address side of the building  
15 within 40' of a fire hydrant)

16 ii. Standpipe connections/outlets in the stairwells and on roof

17 iii. Fire extinguisher locations throughout the building

18 e. Dwelling units will be uniformly numbered to provide continuity on each  
19 floor for first responders. (i.e. 100, 101, 102 will be roughly, directly  
20 underneath 200, 201, and 202 respectively.

21 f. Deferred submittal block will include the following but not limited to;

22 i. Fire Underground Systems per the 2019 ed. NFPA 24

23 ii. Automatic Fire Sprinkler System per the 2022 ed. NFPA 13

24 1. A standpipe will be required in each stairwell and tied into the  
25 sprinkler system

26 iii. Automatic Fire Alarm System with Voice Evacuation per the 2022  
27 ed. NFPA 72

28 iv. Fire Master Plan

29 v. Geo-Reference Building Plan



vi. Emergency Responder Radio Coverage System

vii. Tennant Improvement (as applicable)

134. Specific Requirements. If these buildings are not a "High-Rise" as defined by the California Building Code, then it will be considered a "Mid-Rise" by the City of Oceanside. This will result in a number of requirements adopted by the City to provide additional safety measures. See below for specific requirements for Mid-Rise buildings.

Mid-Rise Requirements per City of Oceanside Municipal Code Section 11.19

In addition to other applicable provisions of the California Fire Code, the City Code, other laws and regulations, and any policies of the Fire Code Official, the provisions of this article apply to every newly constructed mid-rise building of any type construction, or any mid-rise building which undergoes a complete renovation that requires the complete vacancy of the building to complete the renovation.

Exception: Vehicle parking garages, towers, steeples and other similar occupancies that are not used for continuous human occupancy.

135. Building Access. Building access must be provided and approved by the Fire Code Official.

136. Automatic fire sprinklers/sandpipes. Every mid-rise building must be protected throughout by an automatic fire sprinkler system that is designed and installed in conformance with the adopted edition of NFPA 13 and in accordance with the following:

1. A control valve and a water-flow alarm device must be provided for each floor. Each control valve and flow device must be electronically supervised.
2. Every mid-rise building must be provided with a class I standpipe system that is interconnected with the fire sprinkler system. The system must consist of two and one-half-inch (2½") hose valves that must be located in each stair enclosure on every floor level. First floor outlets are optional only with approval of the fire code official. Two (2) hose outlets must also be located on the roof, outside of each stair shaft enclosure that penetrates the

1 roof. The standpipe system must be designed, installed, and tested in  
2 accordance with the adopted edition of NFPA 14.

- 3 137. Smoke detection. Smoke detectors must be provided in accordance with this  
4 section. Smoke detectors shall be connected to an automatic fire alarm system  
5 installed in accordance with the adopted edition of NFPA 72. The actuation of any  
6 detector required by this section shall operate the emergency voice alarm signaling  
7 system and shall  
8 operate all equipment necessary to prevent the circulation of smoke through air  
9 return and exhaust ductwork. Smoke detectors must be located as follows:

- 10 1. In every mechanical equipment, electrical, transformer, telephone  
11 equipment, unmanned computer  
12 equipment, elevator machinery or similar room and in all elevator lobbies.  
13 Elevator lobby detectors  
14 must be connected to an alarm verification zone or be listed as a releasing  
15 device.  
16 2. In the main return-air and exhaust-air plenum of each air-conditioning  
17 system having a capacity  
18 greater than two thousand (2,000) cubic feet per minute. Such devices must  
19 be located in a  
20 serviceable area downstream of the last duct inlet.  
21 3. At each connection to a vertical duct or riser serving two (2) or more  
22 stories from a return-air duct or plenum of an air conditioning system. In  
23 Group R-1 and R-2 occupancies, a smoke detector is allowed to be used in  
24 each return-air riser carrying not more than five thousand (5,000) cubic feet  
25 per minute and serving not more than ten (10) air inlet openings.  
26 4. In all corridors serving as a means of egress.

- 27 138. Fire alarm system. An approved and listed, automatic and manual, fully  
28 addressable and electronically supervised fire alarm system shall be provided in  
29 conformance with the California Fire Code and California Building Code. Fire

Alarm Control and Emergency Voice Alarm Communication Panel must be located in either a dedicated Fire Alarm Control Panel room with exterior access or in the main lobby, or as approved by the fire code official.

139. Emergency voice alarm communication system. An emergency voice alarm communication system shall be designed and installed in accordance with NFPA 72 and California Building Code 907.5.2.2 and its subsections, and 11B-215 and its subsections.

140. Locking of stairway doors. All stairway doors that are locked to prohibit access from the interior of the stairway must have the capability of being unlocked simultaneously, without unlatching, upon a signal from the main fire panel area. Upon failure of normal electrical service, or activation of any fire alarm, the locking mechanism must automatically retract to the unlocked position.

#### Additional Comments and Requirements

In addition to the above notated requirements for Mid-Rise buildings, the below are items that also pertain to this project. Please refer to the 2022 California Fire Code, 2022 California Building Code, Chapter 11 of the City of Oceanside Municipal Code, and all other adopted and approved codes and standards for further explanation and requirements.

Please note that this project includes but is not limited to the following;

141. Fire Department Apparatus Access Roadways:

1. Due to the height of the building exceeding 35ft, roadways/driveways shall be a minimum of 35ft in width with no street parking. 28ft has been approved along the West side of the building that serves the sub-grade parking only. 35ft required at all other portions.

2. Roadways shall be provided within 150ft of all exterior walls of the first floor of the building. The 150ft is measured by means of unobstructed route around the exterior of the building. This measurement will be used as your hose pull distance.

3. A minimum vertical clearance of 13'6" shall be provided and maintained.

4. Access roadways shall be provided with a 50 foot outside and 30 foot inside turning radius.
  5. Grade shall not exceed 12%.
  6. An approved turnaround shall be provided for all access roadways exceeding 150' in length.
  7. All fire department access roadways shall be painted/striped as Fire Lanes.
142. Fire Underground Systems:
1. Fire hydrants shall be within 400' of all exterior walls of all structures. This is measured by means of unobstructed route around the exterior of the building.
  2. All hydrants will need to be identified as Public or Private.
  3. Due to private hydrants being installed, the fire underground system shall be looped. Final determination of the secondary connection point will be discussed during grading/fire underground plan review (this may be conducted prior to those plan submittals).
  4. Each FDC shall be located within 40' of a hydrant and be located on the same side of the street.
143. Building Access:
1. The building shall have its respective address posted on the street side. Addressing shall be 12in tall with 1in stroke and be posted on a contrasting background.
  2. An address directory board shall be provided at the main entrance inside and at the elevators.
  3. All units, business suites, etc., shall have numbered/lettered identification.
  4. A Knox Box shall be provided on the building at all main entrances and stairwells.
  5. All utility rooms, such as mechanical, electrical, fire sprinkler riser, etc., shall be labeled accordingly. Keys to these rooms shall be provided inside of the Knox box on the building.

1 6. Elevator(s) shall meet the requirements for Fire Fighter operations as listed in  
2 Chapter 30 of the California Building Code.

3 7. At least one stairwell shall provide access to the roof. The stairwell(s) serving  
4 the roof shall be labeled.

5 144. General:

6 1. Fire extinguishers are required to be installed in accordance with the 2022  
7 California Fire Code.

8 2. Each dwelling unit is required to have Smoke Alarms and Carbon Monoxide  
9 Alarms.

10 3. Emergency egress requirements and emergency egress lighting shall be  
11 provided and maintained in accordance with the 2022 California Fire Code and  
12 2022 California Building Code.

13 Additional Documentation

14 145. A "Fire Master Plan" will be required as a deferred submittal. Contact Fire  
15 Department for details.

16 146. Any new development, which necessitates updating of emergency response maps  
17 by virtue of new structures, hydrants, roadways or similar features, shall be  
18 required to provide map updates.

19 a. Provide geo-referenced building plan in CAD (.dwg) format using the  
20 following coordinate system:

21 NAD\_1983\_StatePlan\_California\_VI\_FIPS\_0406\_Feet. Produce a fire  
22 preplan in (ESRI) GIS format. A completed fire preplan shall include the  
23 GIS data and output PDF. Data deliverables (CAD and GIS) shall  
24 specifically include a site plan, building plan, all Utility shut-offs, fire  
25 sprinkler risers and shut-off valves, the fire department connection for  
26 sprinkler and class-I standpipe, all standpipe hose outlets, all stairwells,  
27 retail spaces, living units -numbers /locations, fire alarm panels, elevators,  
28 fire hydrants and all Knox boxes and key switch locations.

29 Community Facilities District

1 Please be aware that this project will be in the CFD. See below for more information.  
2 Otherwise, there are no comments at this time as the revision did not affect our water  
3 supply or access to the buildings in this project.

4 147. For the purposes of determining the applicability of the Citywide Public Safety  
5 Community Facilities District (CFD) to residential occupancies, any new  
6 development or change in occupancy classified as an R occupancy in the most  
7 recently adopted California Building and/or California Fire codes with 16 or more  
8 dwelling or sleeping units (not intended for use as a hotel or motel where Transient  
9 Occupancy Taxes [TOT] will be collected) will be required to annex into the CFD  
10 as a condition of development. Additionally, for properties converted from a  
11 facility where TOT has been previously collected, the property will be required to  
12 annex into the CFD as a condition of development.

13 These projects include residential projects over 16 units in size that meet the  
14 following criteria:

- 15 • Projects which are subject to a General Plan Amendment necessary to  
16 accommodate residential uses
- 17 • Mixed-Use projects proposed on commercially-zoned land, including  
18 mixed-use projects in the Downtown District
- 19 • Residential projects exceeding base density allowances
- 20 • Assisted Living or Skilled Nursing facilities of any size

21 Note: The list of the above conditions is not meant to be complete. Additional fire  
22 and building code requirements may apply and be issued based on formal plan  
23 submittal, intended use of building and occupancy classification.

#### 24 **Housing:**

25 148. Density Bonus/Inclusionary Housing Requirements: In order to obtain the density  
26 bonus, incentives/concessions, and waivers under the City's Comprehensive  
27 Zoning Ordinance Section 3032 and California Government Code Section 65915  
28 (collectively known as "Density Bonus" law) and to satisfy the reserved affordable  
29 housing requirements for low and moderate-income households under Oceanside

1 City Code Chapter 14C, the occupancy of eight (8) of the seventy-seven rental  
2 apartment units (1 studio, 4 one-bedroom, and 3 two-bedroom units) shall be  
3 restricted for occupancy by Very Low-Income Households, as defined in California  
4 Health and Safety Code Section 50105, at an Affordable Housing Cost, as set forth  
5 in Section 50053 of the California Health and Safety Code for a period of not less  
6 than 55 years. To demonstrate compliance with Density Bonus law, Chapter 14C,  
7 and any housing and occupant protection obligations under Housing Element law,  
8 Density Bonus law, the Housing Crisis Act of 2019 or the Mello Act, an Affordable  
9 Housing Agreement, along with the approved site development plan and a deed of  
10 trust securing such covenants, as approved by the City Attorney and the Housing  
11 and Neighborhood Services Director, shall be recorded against the title of the  
12 property and the relevant terms and conditions recorded as a deed restriction,  
13 regulatory agreement or other enforceable instrument. The Agreement will be  
14 recorded prior to the approval of any final or parcel map or issuance of a building  
15 permit for the first dwelling unit of the Project. The Agreement shall be binding to  
16 all future owners and successors in interest.

17 149. Occupancy & Monitoring of Affordability Covenants: Compliance with the  
18 applicable restrictions of the Affordable Housing Agreement and/or the Regulatory  
19 Agreement will be subject annually to a regulatory audit and such restrictions must  
20 be maintained for the full applicable compliance period. A monitoring fee will be  
21 required for the total number of restricted units. An initial set up fee of \$500 will  
22 be required at the time of the Certificate of Occupancy is issued for the first housing  
23 unit and \$80 per affordable unit for the first year, with a minimum of \$1,000 for  
24 the project, and increased annually by one percent (1%). Such fee covers the costs  
25 of software, third-party vendors, execution and recordation of the Agreement, Deed  
26 of Trust, and for monitoring of compliance with the applicable restrictions on an  
27 annual basis. The City also reserves the right to periodically inspect the restricted  
28 units to ensure compliance with the health and safety standards associated with the  
29 restricted units.

1 150. 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-935.2A -Affirmative Fair Housing Marketing Plan (Multifamily 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 Mixed Plans should include separate enclosure or storage areas for commercial tenants  
18 and residential tenants to ensure proper use of services and mitigate dumping. Plans should  
19 also label service bins for each stream.

20 151. The plans must include an area for storage of landfill, recycling, and food  
21 scraps/organics within an enclosure and/or storage area screened from public view.  
22 Plans should include separate enclosure or storage areas for commercial tenants  
23 and residential tenants to ensure proper use of services and mitigate dumping. Plans  
24 should also label service bins for each stream. For additional information or  
25 questions on bin/cart dimensions and servicing please refer to the City of Oceanside  
26 Enclosure Guidelines and the City's website.

27 \* In Oceanside, food scraps and green waste are collected separately. All customers  
28 must subscribe and store for landfill, recycling, and food scraps. Green waste  
29 recycling may be accommodated through the franchise provider, by a third party,



or waived for green waste only if there is no green waste onsite. Documentation is required by the city annually for management of green waste services.

152. The City of Oceanside Enclosure Guidelines establish a minimum number of enclosures required based on the number of dwelling units or square footage in order to establish adequate service levels. Adjustments to the amount of enclosures required may be permitted if the applicant can indicate adequate servicing (same cubic yard requirements) through increased frequency of service.

153. Enclosure location(s) cannot block the alleyway, public right of way, or create public nuisance. Plans should provide the traffic pathway for service vehicles to ensure adequate access. Refer to the City of Oceanside Enclosure Guidelines for enclosure location and hauler access requirements. Projects with underground collection services must provide unobstructed pull out access without curbs, rolled curbs or pavement gaps that would limit hauler access of the dumpster(s) from the street. Additional service fees may apply for pull out service.

154. If trash chutes are planned for the residential/rental units on each floor, a trash chute for each stream (landfill, recycling, and food scraps) will need to be demonstrated on the plans for each floor. Label each chute for its appropriate stream. Chute room design and projects must comply with fire code regulations.

155. 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 Chapter 13 requires that Oceanside residents, businesses and multifamily projects are to separate all recyclable material from other solid waste. Additionally, the State of California regulations requires all California businesses participate in Mandatory Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB 1383) as outlined in the Oceanside Solid Waste code.

#### **Landscaping:**

156. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines and Specifications for Landscape Development (latest revision), Water Conservation Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and ordinances, including the maintenance of such landscaping shall be submitted, reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. In addition, a refundable cash deposit for the preparation of the final As-built/ Maintenance Guarantee shall

1 be secured with the City prior to the final approval of the landscape construction  
2 plan. A landscape pre-construction meeting shall be conducted by the landscape  
3 architect of record, Public Works Inspector, developer or owner's representative  
4 and landscape contractor prior to commencement of the landscape and irrigation  
5 installation. The following landscaping items shall be required prior to plan  
6 approval and certificate of occupancy:

- 7 a) Final landscape plans shall accurately show placement of all plant material  
8 such as but not limited to trees, shrubs, and groundcovers.
- 9 b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm  
10 drain lines and utility easements and place planting locations accordingly to  
11 meet City of Oceanside requirements.
- 12 c) Final landscape plans shall be prepared under the direct supervision of a  
13 Registered Landscape Architect (State of California), with all drawings  
14 bearing their professional stamp and signature.
- 15 d) All required landscape areas both public and private (including trees and  
16 palms in the public rights-of-way) shall be maintained by owner, project  
17 association or successor of the project (including public rights-of-way along  
18 Vista Bella and Vista Rey). The landscape areas shall be maintained per  
19 City of Oceanside requirements.
- 20 e) The As-built/ Maintenance Guarantee (refundable cash deposit) shall not  
21 be released until the as-built drawings have been approved on the original  
22 approved Mylar landscape plan and the required maintenance period has  
23 been successfully terminated.
- 24 f) Proposed landscape species shall fit the site and meet climate changes  
25 indicative to their planting location. The selection of plant material shall  
26 also be based on cultural, aesthetic, and maintenance considerations. In  
27 addition proposed landscape species shall be low water users as well as  
28 meet all fire department requirements.  
29

- 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.
- k) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall obtain Planning Division approval for these items in the conditions or application stage prior to 1st submittal of working drawings.
- l) For the planting and placement of trees and their distances from hardscape and other utilities/ structures the landscape plans shall follow the City of Oceanside's (current) Tree Planting Distances and Spacing Standards.
- m) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low volume equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.
- n) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall

- 1 be of non-corrosive material. All drip systems shall be adequately filtered  
2 and regulated per the manufacturer's recommended design parameters.
- 3 o) All irrigation improvements shall follow the City of Oceanside Guidelines  
4 and Water Conservation Ordinance.
- 5 p) The landscape plans shall match all plans affiliated with the project.
- 6 q) Landscape construction drawings are required to implement approved Fire  
7 Department regulations, codes, and standards at the time of plan approval.
- 8 r) Landscape plans shall comply with Biological and/or Geotechnical reports,  
9 as required, shall match the grading and improvement plans, comply with  
10 Storm Water Management Plan (SWMP), Hydromodification Plan, or Best  
11 Management Practices and meet the satisfaction of the City Engineer.
- 12 s) Existing landscaping on and adjacent to the site shall be protected in place  
13 and supplemented or replaced to meet the satisfaction of the City Engineer.
- 14 t) All pedestrian paving (both decorative and standard) shall comply with the  
15 most current edition of the American Disability Act.
- 16 157. All landscaping, fences, walls, etc. on the site, in medians within the public right-  
17 of-way and within any adjoining public parkways shall be permanently maintained  
18 by the owner, his assigns or any successors-in-interest in the property. The  
19 maintenance program shall include: a) normal care and irrigation of the landscaping  
20 b) repair and replacement of plant materials (including interior trees and street  
21 trees) c) irrigation systems as necessary d) general cleanup of the landscaped and  
22 open areas e) maintenance of parking lots, walkways, enhanced hardscape, trash  
23 enclosures, walls, fences, etc. f) pruning standards for street trees shall comply with  
24 the International Society of Arboriculture (ISA) Standard Practices for Tree Care  
25 Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix  
26 H; and Tree Pruning Guidelines, Appendix F (most current edition). Failure to  
27 maintain landscaping shall result in the City taking all appropriate enforcement  
28 actions including but not limited to citations. This maintenance program condition  
29 shall be recorded with a covenant as required by this resolution.

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

3 **Water Utilities:**

4 **General Conditions:**

5 159. The developer will be responsible for developing all water and sewer utilities  
6 necessary to develop the property. Any relocation of water and/or sewer utilities is  
7 the responsibility of the developer and shall be done by an approved licensed  
8 contractor at the developer's expense.

9 160. All Water and Wastewater construction shall conform to the most recent edition of  
10 the Water, Sewer, and Recycled Water Design and Construction Manual or as  
11 approved by the Water Utilities Director.

12 161. The property owner shall maintain private water and wastewater utilities located on  
13 private property.

14 162. Water services and sewer laterals constructed in existing right-of-way locations are  
15 to be constructed by an approved and licensed contractor at developer's expense.

16 163. Minimum separation between water services and sewer laterals shall be 10 feet.

17 164. Water facilities, backflows or meters, shall have a minimum 10' separation from  
18 trees. Palm tree minimum separation is lowered to 5' from water facilities.

19 165. Each new residential dwelling unit shall be metered individually.

20 166. For new buildings with multiple residential dwelling units; the City has accepted,  
21 as an alternative, a public master meter for each building provided there is a  
22 private sub-meter for each individual dwelling unit. The Building Owner would  
23 be responsible for the ownership, maintenance, reading, and replacement of the  
24 private sub-meters.

25 167. The commercial spaces that are associated with and support the residential units  
26 may be served by the residential domestic water meter(s). Any commercial space  
27 that will operate as a separate business and serve the public shall have it's own  
28 separate dedicated commercial water meter.  
29

1 168. Provide a separate irrigation water meter with reduced pressure principle  
2 backflow device for common area landscaping. Meter shall be managed and paid  
3 for by the Property Owner of the development. An address assignment will need  
4 to be completed for the meter, and can be processed through the City Planning  
5 Department.

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

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

12 171. Due to site constraints, the private on-site fire main shall be a single feed system  
13 to serve the proposed on-site fire hydrants. The fire main shall be sized and  
14 designed to provide the necessary fire flows and pressures to the on-site hydrants.  
15 If the single feed system is unable to provide adequate fire service, then the  
16 system shall be looped with two connections to the public water mains in Vista  
17 Bella and Vista Rey. Each connection shall have a double check detector  
18 assembly for backflow protection.

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

23  
24 **The following conditions shall be met prior to the approval of engineering design**  
25 **plans.**

26 173. Any water and/or sewer improvements required to develop the proposed property will  
27 need to be included in the improvement plans and designed in accordance with the  
28 *Water, Sewer, and Recycled Water Design and Construction Manual*.  
29

- 1 174. All public water and/or sewer facilities not located within the public right-of-way  
2 shall be provided with easements sized according to the *Water, Sewer, and Recycled*  
3 *Water Design and Construction Manual*. Easements shall be constructed for all  
4 weather access.
- 5 175. No trees, structures or building overhang shall be located within any water or  
6 wastewater utility easement.
- 7 176. Per City of Oceanside Ordinance No. 14-OR0565-1, the developer shall pay a  
8 recycled water impact fee since the proposed project is not within 75 feet of a  
9 recycled water main. The impact fee shall be established by submitting a formal  
10 letter requesting the City to determine this fee, which is based on 75% of the design  
11 and construction cost to construct a recycled water line fronting the property in  
12 Vista Bella.
- 13 177. A sewer study must be prepared by the developer at the developer's expense and  
14 approved by the Water Utilities Department. The sewer study shall demonstrate  
15 that the collection system on-site and off-site has adequate capacity for the  
16 development, and will analyze the City's collection system from the project site to  
17 the 24-inch sewer trunk main just north of Mission Ave. Sewer flow monitoring  
18 downstream of the proposed development may be required by a City approved flow  
19 monitoring company for at least a one-week period to confirm existing sewer  
20 capacity. Off-site improvements may be required as a result of the studies and flow  
21 monitoring. Off-site improvements may include replacing sewer infrastructure that  
22 is in poor condition that would be exacerbated by the development.
- 23 178. Connections to public sewer main with 6-inch or larger sewer lateral will require a  
24 new sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and*  
25 *Recycled Water Design and Construction Manual*.
- 26 179. Connection to an existing sewer manhole will require rehabilitation of the manhole  
27 per City standards. Rehabilitation may include, but not be limited to, re-channeling  
28 of the manhole base, surface preparation and coating the interior of the manhole, and  
29

1 replacing the manhole cone with a 36" opening and double ring manhole frame and  
2 lid.

3 180. A separate irrigation meter and connection with an approved backflow prevention  
4 device is required to serve common landscaped areas and shall be displayed on the  
5 plans.

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

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

10 183. Subterranean parking structures shall be designed with a drainage system that  
11 conveys runoff to the City's Storm Drain System and shall comply with the  
12 California Regional Water Quality Control Board Order No. 2013-0001.

13 184. City records indicate the property has a single 6-inch sewer lateral, and a 1.5-inch  
14 commercial water meter. Any unused water services or sewer laterals by the  
15 proposed development or redevelopment, shall be abandoned in accordance with  
16 Water Utilities requirements. If an existing water meter is abandoned then a credit  
17 will be applied towards future buy-in fees in the amount of the buy-in fee of the  
18 existing meter.

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

20 185. Show location and size of existing and proposed water meter(s) on site plan of  
21 building plans. Show waterline from proposed meter to connection point to building.

22 186. Indicate the size and location of the private water sub-meters.

23 187. Show location and size of existing and proposed sewer lateral(s) from property line  
24 or connection to sewer main to connection point at building.

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

27 189. Provide drainage fixture unit count per the latest adopted California Plumbing Code  
28 to size sewer lateral for property.  
29



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

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PASSED AND ADOPTED Resolution No. 2024-P16 on October 28, 2024, by the following vote, to wit:

AYES: Malik, Rosales, Anthony

NAYS: Balma

ABSENT: Morrissey, Dodds, Ogden

ABSTAIN:



Jay Malik, Vice Chair  
Oceanside Planning Commission

ATTEST:



Sergio Madera, Secretary

I, Sergio Madera, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2024-P16.

Dated: October 28, 2024

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