

1 WHEREAS, following consideration of all applicable testimony and evidence and
2 deliberation, the Planning Commission adopted Resolution No. 2022-P15 certifying the SEIR and
3 adopting a Mitigation Monitoring and Reporting Program (“MMRP”) and approving CEQA
4 Findings of Fact. In addition, the Planning Commission adopted Resolution No. 2022-P16,
5 approving Tentative Map (T19-00004), Development Plan (D19-00016), and Conditional Use
6 Permit (CUP19-00021); and,

7 WHEREAS, two appeals of the Planning Commission’s action were timely filed with the
8 City Clerk of the City of Oceanside to review the Planning Commission’s decision; and,

9 WHEREAS, on October 19, 2022, the City Council of the City of Oceanside held a duly
10 noticed public hearing and heard and considered evidence and testimony by all interested parties
11 concerning the Planning Commission’s certification of the SEIR and approval of the above
12 identified Tentative Map (T19-00004), Development Plan (D19-00016), and Conditional Use
13 Permit (CUP19-00021); and,

14 WHEREAS, based on such evidence, testimony and staff reports, this Council makes the
15 findings of fact as set forth in Planning Commission Resolution Nos. 2022-P15 and 2022-P16 as
16 attached hereto as Exhibit “A” and “B”, and incorporates them by reference as if fully set forth
17 herein;

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

2 1. The City Council affirms the Planning Commission's actions of July 25, 2022 and upholds the
3 certification of the SEIR and adoption of CEQA Findings of Fact and approval of the MMRP, and
4 affirms the Planning Commission's approval of Tentative Map (T19-00004), Development Plan (D19-
5 00016), and Conditional Use Permit (CUP19-00021). The appeal of Planning Commission Resolution
6 Nos. 2022-P15 and 2022-P16 is denied.

7 2. The City Council hereby incorporates the Conditions of Approval, as they relate to Tribal
8 Cultural Resources, as depicted in Exhibit "C".

9 3. The City Council hereby adds a Condition of Approval that requires any future residential project
10 associated with the project to incorporate into their CC&Rs a prohibition on short-term rentals and a
11 provision that no unit shall be rented for less than 31 days.

12 4. Notice is hereby given that the time within which judicial review must be sought on this decision
13 is governed by Code of Civil Procedure Section 1094.6(b) as set forth in Oceanside City Code Section
14 1.10 and Public Resources Code Section 21167(c).

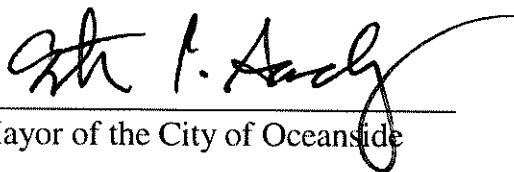
15 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
16 19th day of October, by the following vote:

17 AYES: Sanchez, Keim, Jensen, Weiss

18 NAYS: None

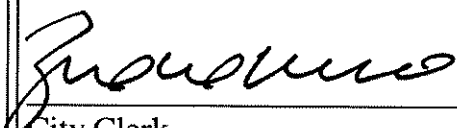
19 ABSENT: Rodriguez

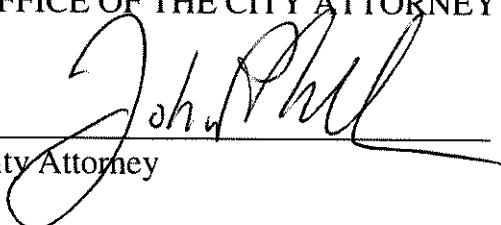
20 ABSTAIN: None

21
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23 
24 Mayor of the City of Oceanside

25 ATTEST:

26 APPROVED AS TO FORM:
27 OFFICE OF THE CITY ATTORNEY

28 
City Clerk


City Attorney

PLANNING COMMISSION
RESOLUTION NO. 2022-P15

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT AND ADOPTING THE FINDINGS OF FACT AND MITIGATION MONITORING AND REPORTING PROGRAM FOR THE OCEAN KAMP PROJECT (STATE CLEARINGHOUSE NO. 2006111033)

APPLICATION NO: T19-00004, D19-00016, CUP19-00021
APPLICANT: O'SIDE PARTNERSHIP, LLC
LOCATION: NORTHEAST CORNER OF STATE ROUTE 76 AND FOUSSAT ROAD (APNS 160-270-31, -79, and -82; 160-280-14, -48, -49, -50, -51, -53, -54, and -55; 160-290-58, -60, -63)

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

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

WHEREAS, the Planning Commission did on the 25th day of July 2022 conduct a duly advertised public hearing on the content of the Final Supplemental Environmental Impact Report and the Mitigation Monitoring and Reporting Program; and

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

For the Final Environmental Impact Report:

1. The Final Supplemental Environmental Impact Report was completed in compliance with the provisions of CEQA.
2. There are certain significant environmental effects detailed in the Final Supplemental Environmental Impact Report which have been avoided or substantially lessened by measures detailed in Exhibit "A" Findings of Fact (FINDINGS) and Exhibit "B" Mitigation Monitoring and Reporting Program (MMRP).

1 NOW, THEREFORE, BE IT RESOLVED as follows:

- 2 1. The Planning Commission hereby certifies the Final Supplemental Environmental
3 Impact Report for the Ocean Kamp Mixed-Use project.
4 2. Pursuant to Public Resources Code Section 21081, the Planning Commission hereby
5 adopts Exhibit "A" (FINDINGS) for the Ocean Kamp Mixed-Use project.
6 3. Pursuant to Public Resources Code Section 21081.6, the Planning Commission
7 hereby adopts Exhibit "B" (MMRP) for the Ocean Kamp Mixed-Use project, finding
8 that said project is designed to ensure compliance with the established mitigation
9 measures.

10 PASSED AND ADOPTED Resolution No. 2022-P15 on July 25, 2022 by the
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:



16 Tom Rosales, Chairperson
17 Oceanside Planning Commission

18 ATTEST:



19 Sergio Madera, Secretary

20 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify
21 that this is a true and correct copy of Resolution No. 2022-P15.

22 Dated: July 25, 2022

SUPPLEMENTAL FINDINGS OF FACT
PURSUANT TO
STATE CEQA GUIDELINES SECTIONS 15090, 15091, 15093 AND 15163

Ocean KAMP Project

Tentative Map (T19-00004), Conditional Use Permit (CUP19-00021),
and Development Plan (D19-00016)

SCH No. 2006111033

July 2022

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I. INTRODUCTION

The Planning Commission (“Commission”) of the City of Oceanside (“City”) hereby certifies that the Commission has reviewed and considered the information contained in the Final Supplemental Environmental Impact Report (“Final SEIR”), identified below, for the modified version of the Ocean KAMP project (“Project” or “proposed Project”). The Commission further certifies that the Final SEIR has been completed in compliance with the California Environmental Quality Act (“CEQA”), Public Resources Code §§21000 et seq., the State CEQA Guidelines, California Code of Regulations Title 14, §§15000 et seq. (“CEQA Guidelines”), and City requirements, and that the Final SEIR reflects the independent judgment of the Commission (Public Resources Code, §21082.1(c)(3)).

The purpose of this document, the Supplemental Findings of Fact (“Supplemental Findings”) is to supplement the prior Findings of Fact and Statement of Overriding Considerations (“SOC”) adopted on November 19, 2008 by the City Council (“2008 Findings/SOC”), in accordance with Section 15091 of the CEQA Guidelines. The 2008 Findings/SOC were adopted at the time of certification of the Final Program Environmental Impact Report (FEIR) prepared for The Pavilion at Oceanside project (hereafter referred to as “The Pavilion” and the “Pavilion FEIR”). In the 2008 Findings/SOC, the City Council identified significant effects of The Pavilion, including those effects which would not be mitigated to below a level of significance. As further required by the CEQA Guidelines, the City Council balanced the benefits of the project against the identified unavoidable environmental risks (CEQA Guidelines, §15093) and adopted the SOC, which states the specific reasons why the benefits of The Pavilion outweigh the unavoidable adverse environmental effects of The Pavilion and explains that the unavoidable environmental effects are considered acceptable. Litigation challenging the City Council’s certification of the Pavilion FEIR and approval of The Pavilion project was filed in 2008. The Superior Court ultimately rejected all the CEQA and other claims and found in favor of the City and the developer.

The Supplemental Findings presented herein are made relative to the specific conclusions of the Final SEIR for the proposed Project. As described in Chapter 1.0 of the Final SEIR, the SEIR is intended to serve as a supplement to the Pavilion FEIR, where the currently proposed Project involved new information of substantial importance and that the Project could have one or more significant effects not discussed in the Pavilion FEIR. Modifications particularly relate to potential changes in proposed land uses associated with the Project (i.e., mixed-use, including residential development, versus the primarily retail uses previously analyzed in the Pavilion FEIR) and/or where changes in regulations or City plans require new analysis. As demonstrated by the SEIR, the record of proceedings and the following findings, only minor additions or changes were necessary to cause the Pavilion FEIR to adequately apply to the Project. The Final SEIR was completed pursuant to Section 15163(a) of the CEQA Guidelines to provide an updated analysis necessary to make the Pavilion FEIR adequate for the Project. Likewise, these Supplemental Findings are intended to update the 2008 Findings/SOC. The following documents are incorporated by reference: 2008 Pavilion FEIR, 2008 Findings/SOC, and the Final SEIR for the proposed Project.

These Supplemental Findings are adopted pursuant to CEQA, specifically Public Resources Code Sections 21081, 21081.5, and 21081.6; and the CEQA Guidelines, specifically Sections 15091, 15093 and 15163. The potentially significant effects of the Project were identified in the Pavilion FEIR and the Project Final SEIR. Public Resources Code Section 21081 and CEQA Guidelines Section 15091 require that the lead agency, in this case the City of Oceanside, prepare written findings for the SEIR identified significant impacts, accompanied by a brief explanation of the rationale for each finding. Specifically, CEQA Guidelines Section 15091 states, in part, that:

- A. No public agency shall approve or carry out a project for which an EIR has been certified which identifies one or more significant environmental effects of the project unless the public agency makes one or more written findings for each of those significant effects accompanied by a brief explanation of the rationale for each finding. The possible findings are:
1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effects as identified in the final EIR.
 2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
 3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the final EIR.

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

The Final SEIR for the Project identified potentially significant effects that could result from Project implementation. However, the Commission finds that the inclusion of certain specified mitigation measures as part of the Project approval will reduce those effects to less-than-significant levels. Therefore, in accordance with CEQA, Public Resources Code Section 21081, and CEQA Guidelines Sections 15091 and 15092, the Commission certifies the Final SEIR for the Project and adopts these Supplemental Findings and the attached Mitigation Monitoring and Reporting Plan (“MMRP”). In adopting the MMRP for the Project, the Commission finds that the MMRP meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation and monitoring of measures intended to mitigate potentially significant effects of the Project. In certifying the Final SEIR as adequate under CEQA, the Commission hereby adopts these Supplemental Findings.

By separate resolution, concurrently adopted, the Commission adopts the following related Project approvals to facilitate implementation and development of the Project: (i) Tentative Map (T19-00004), (ii) Conditional Use Permit (CUP19-00021), and (iii) Development Plan (D19- 00016).

A. PROJECT DESCRIPTION

1) Project Location

The approximately 92.3-acre Project site is located at the former Oceanside swap meet site located at 3480 Mission Avenue, Oceanside, CA 92054. The site is located north of Mission Avenue and State Route (“SR”) 76, immediately east of Foussat Road and west of Fireside Street and encompasses approximately 92.30 acres owned by the Project Applicant. The Project site includes 14 parcels, comprised of Assessors’ Parcel Numbers (APN) 160-270-31, -79, and -82; 160-280-14, -48, -49, -50, -51, -53, -54, and -55; 160-290-58, -60, and -63. The adjacent 1.95-acre City-owned parcel (APN 160-270-77) is not included within

the Project site, however, the City parcel is addressed in the SEIR as an off-site location where underground utilities and other similar improvements may be located. Consistent with The Pavilion project and the Pavilion FEIR, the site has been largely graded.

Surrounding land uses include the San Luis Rey River located north and west of the property, Oceanside Municipal Airport to the west, Oceanside Fire Department Station No. 7 to the south (between SR 76 and Mission Avenue), the City's Mission Basin Groundwater Purification Facility located to the northeast, and a combination of single-family residential and commercial development and open space located to the east and south.

2) Summary of Project Description

The Project proposes to modify The Pavilion project by incorporating a mix of commercial (including resort), residential, and recreational uses, where The Pavilion project included primarily commercial uses, supported by improved infrastructure. The purpose of the Project is to develop a mixed-use California lifestyle resort with associated shopping, retail, commercial and recreational opportunities, interspersed with residential and open space uses. The Project has been designed to be consistent with the surrounding areas, existing development, and the City's General Plan and Zoning Ordinance. Mixed-use development is allowed under the current Community Commercial zoning, subject to approval of a Mixed-Use Development Plan and a Conditional Use Permit for the hotel use, which, if approved, would allow for and govern the development of the 92.3-acre Project site. Where a specific commercial development standard is not specified in the Project Mixed-Use Development Plan, the Community Commercial Zoning regulations of the City of Oceanside Zoning Ordinance will control.

The Project proposes approximately 35 acres of commercial uses within the central/ southwestern portion of the site and approximately 36 acres of multi-family residential uses within the northern and eastern portions of the site. The remaining approximately 20 acres of the site are proposed to be preserved as open space, including a 4-acre stepping-stone wildlife corridor located along the eastern property boundary. The proposed uses would be integrated through vehicular, pedestrian and bicycle connections. A number of parks linked by a series of trails would be provided to create an open space network of recreational areas. Project utilities would uniformly tie-in to nearby existing facilities, and would only require the limited off-site improvements addressed in the Pavilion EIR and Final SEIR. A summary of Project components is provided below.

a. Project Components

- **Commercial Uses:** Commercial uses would be located on one of multiple lots or within commercial condominium units within the central/southwestern portion of the site and are proposed to include a 300 key resort hotel, hotel conference buildings, a surf lagoon and beach club, and commercial buildings offering approximately 126,400 square feet ("SF") of office, retail and restaurants. Community/neighborhood shopping (including dining/drinking establishments), hotel, greenhouse/storage areas, assembly rooms, theaters, etc., are all allowable uses in the Community Commercial zoned areas. Total square footage of the resort, commercial, and conference facilities would total approximately 472,850 SF. This is a reduced density of commercial uses compared to the 950,000 SF of commercial uses identified in Pavilion EIR's Reduced Project/Draft Subarea Plan Alternative that the City approved as The Pavilion project. Proposed commercial uses would be consistent with the development regulations of the City's Community Commercial zoning as modified by the Mixed Use Development Plan, including standards related to building coverage,

landscaping, parking, and setbacks. Commercial lot size would be a minimum of 10,000 SF, with a maximum site coverage of 50 percent. Maximum building height would be 50 feet, and minimum front and side setbacks would be 15 feet.

- **Residential Uses:** A maximum of 700 multi-family dwelling units are proposed within nine residential lots in the northern and eastern portions of the Project site. The proposed residential lots would be located adjacent to the Project's wildlife corridor and existing single-family residential areas east and north of the Project site. Consistency with the development standards and design guidance presented in the Project Mixed-Use Development Plan would be evaluated during the City's subsequent discretionary review of the residential developments to ensure compliance with both City standards. The development potential of each residential lot is capped based on the maximum allowable density of 29 dwelling unit(s) per acre ("du/ac") per the Community Commercial zoning regulations; the average density for the Project is proposed to be 25.5 du/ac. As described in the Mixed Use Development Plan and the Final SEIR, a range of housing types may be developed including townhomes/row homes, apartments, condominiums and/or senior housing.

Recreational Amenities and Open Space: Approximately 20 acres of the site would be dedicated open space, including landscaping (e.g., approximately 15 percent in residential areas), usable open space, and biological open space. The Project would provide a number of parks linked by a series of trails to create an open space network with a variety of types and sizes of recreational opportunities. Approximately 14.7 acres would consist of non-building hardscape, lawn, pools, etc. Micro-gardens supporting on-site restaurant uses also are encouraged within the commercial areas. The Project proposes to preserve approximately four acres of biological open space along the eastern property boundary to conserve habitat for sensitive species such as the coastal California gnatcatcher. This open space would serve as a "stepping stone" corridor that would be restored to serve as a functioning wildlife movement corridor and linkage for sensitive avian species.

- **Landscaping:** Conceptual landscape palettes have been identified for street and drive, storefront, parking, and open space landscapes. Landscaping in general would consist of plants known to grow well in the San Diego coastal region, including native species. All landscape and irrigation improvements would follow City guidelines, Fire Department codes and regulations relative to tree spacing and canopy, and the Water Conservation Ordinance. Irrigation would use low volume equipment adequate to provide sufficient water for plant growth with a minimum of water loss (runoff).
- **Sustainable Planning and Design:** The Project incorporates sustainability features into its design and would comply with California Title 24 requirements and the City Climate Action Plan ("CAP"). Prior to operation, sustainable elements would include incorporation of recycled materials during construction, as feasible, and transport of unused materials that can be recycled to appropriate facilities. Recycling and/or salvage is required for reuse of a minimum of 65 percent of non-hazardous construction and demolition waste, in accordance with the Project Waste Management Plan. The Project has been designed to support the CAP and its sustainability goals by providing connection(s) for recycled water integration into the City's recycled water network when available (thereby transferring Project gray water into the City treatment system and minimizing on-site future use of potable water by allowing receipt of recycled rather than potable water for irrigation, etc.); offsetting 50 percent of Project forecasted energy demand (a minimum of 5,000 kilowatts) through photovoltaic panels or other renewable sources; prewiring 6 percent of Project parking spaces and providing fully operable electric vehicle charging stations for 50 percent of that number;

providing preferential parking spaces (12 percent of the parking spaces) for clean air vehicles; and incorporating shade trees (as additionally described under the Landscaping discussion in Section 2.4.4 of the Final SEIR). As described below, provision of sidewalks and trails would promote alternative modes of transportation.

Plantings and hardscape materials would be selected to maximize water and energy efficiency. The irrigation system would use automatic control valves and controllers, drip systems, and mulching to conserve water. Street trees would be provided along Project roadways to help manage stormwater, reduce air pollution, and provide a pleasant pedestrian experience by beautifying and cooling the streets.

- ***Pedestrian Circulation and Trails:*** A network of trails throughout the Project site would connect residential neighborhoods with easy access to the shops, dining, recreational uses, and fitness facilities at the Project's commercial center. Paseos would provide a finer pedestrian network between homes, neighborhoods, and parks. The site plan also takes advantage of its location adjacent the San Luis Rey River Trail, providing direct trail connections to/from the Project site for bicycle and pedestrian access. This system promotes alternative modes of travel and facilitates ease of access within the project site and the surrounding community without the use of automobiles.
- ***Circulation and Access:*** Access to the Project site is provided by North Foussat Road, Alex Road, and Mission Avenue. Project streets would be designed as two-lane collectors per the Circulation Element of the City General Plan. New Street "C" would connect to Mission Avenue. Together with North Foussat Road, the Project would tie into these existing facilities via Street "B" and the North and South Loop Roads. Foussat Road would provide concrete curb and gutter and Americans With Disabilities Act ("ADA") compliant sidewalk, as well as buffered bike travel lanes, on both sides of the street. The north side of Mission Avenue would be improved with Portland cement concrete curb and gutter and ADA sidewalk roughly between Fire Station No. 7 to the west of the Project site and toward Fireside Street to the east. The existing narrowed portion of Foussat Road would be widened to allow for consistent flow-through traffic.
- ***Public Transit and Ride Sharing:*** The Project site is located within the Mission Avenue commercial corridor in the City. North County Transit District bus service in Oceanside includes high-frequency headways between the Oceanside and Vista Transit Centers along the Mission Avenue commercial corridor. The closest stop for the 303 bus is located at Mission Avenue and Frontier Drive, just south of the Project site. The Oceanside Transit Center, a major railway interchange serving San Diego and Los Angeles, is located approximately 3 miles directly to the southwest and accessible by the 303, 309 & 313 buses. A Project cyclist could reach the Oceanside Transit Center in less than 15 minutes. Two mobility hubs are proposed within the Project site to provide public transit connections, first/last mile amenities, and/or ride-share options.
- ***Parking:*** Off-street parking is incorporated into the development to serve commercial and residential uses. Approximately 1,050 parking spaces would be provided in the commercial area at a ratio of 1.2 spaces per hotel room, one space per 300 SF of office/business/professional uses, one space per 250 SF of retail/restaurant uses, and parking as required by City Planning for other recreational commercial uses. Residential areas would be parked at a ratio of one to two spaces per residential unit.

- **Water:** Water service to the Project would be provided by the City's public water system via connections to existing piping in Mission Avenue and Fousat Road (320 pressure zone). There would be a portion of the 24- and 30-inch water mains that would be located offsite in the adjacent 1.95-acre City parcel directly southwest of the project site. A private fire protection system would be included within the proposed development to provide service to on-site fire hydrants located in and among the commercial buildings.
- **Sewer:** Sewer service would be supplied to the Project by the City's public sewer system. On-site sewer is proposed to be public where it provides service to the proposed residential areas, since they are expected to be constructed by several home builders with different ownerships. The commercial component of the Project would be served by a private sewer line until it reaches the south side of the Project site parallel to Mission Avenue. A portion of the sewer system would be located off-site on the 1.95-acre City parcel located directly to the southwest of the project site.
- **Solid Waste:** Solid waste service would be provided by Waste Management of North County. Commercial and residential areas would provide enclosures with adequate space for collection, storage, and separation of all recyclable materials in compliance with City standards. Waste materials not diverted would be hauled to Palomar Transfer Station in Carlsbad before traveling to the final destination of El Sobrante Landfill in Riverside County.
- **Stormwater Facilities:** Storm drain systems and connections would be designed to accommodate the proposed future development. Five vegetated biofiltration basins with impermeable liners totaling 94,000 SF are proposed across the Project site. Residential, Hotel, Commercial, and Parking areas would utilize appropriate stormwater and drainage measures as advised by the Stormwater Quality Management Program.
- **Electricity:** San Diego Gas and Electric ("SDG&E") 34.5 kilovolt high-voltage transmission lines and their underlying easement bisect the eastern portion of the Project site. These utilities and the easement would remain. Although overall Project electrical needs would be offset through installation of solar photovoltaic panels, tie into existing electrical lines would be required. The electrical system within the commercial component of the Project would be designed to provide adequate power for the intended uses, comply with applicable codes and standards, and be energy efficient.
- **Fire Safety:** The Project is designed to provide wildfire defensibility and minimize the risk of structural loss. All Project structures would be constructed in compliance with the applicable California Building Code regulations and would include installation of standard fire safety features. A private fire protection system would be included within the proposed development to provide service to on-site fire hydrants located in and among the commercial buildings. Project utilities would uniformly tie-in to existing facilities; no off-site improvements that could exacerbate wildfire risk are proposed.
- **Construction:** The Project may be phased to provide commercial elements and approximately 400 residential units as a first action. A secondary phase might consist of additional residential neighborhoods to be constructed according to market demand following completion of the resort. Project construction activities would consist of grading, installation of underground utilities, internal street and parking area paving, building construction, and architectural coatings. Proposed infrastructure, including utilities relocation, would occur early in the first phase of construction. As a

conservative assumption for modeling purposes, construction was assumed to occur over a 26-month period.

b. Associated Project Approvals

The following project approvals are being considered concurrently with the certification of the SEIR for the Project:

- **Tentative Map (T19-00004).** The Tentative Map (TM) would establish specific lot configurations and/or condominiums for the development of commercial and residential uses, open space (including landscaping, bioretention, and biological open space), streets, and utility easements.
- **Conditional Use Permit.** A Conditional Use Permit is required for the proposed hotel uses.
- **Development Plan.** Among other things more particularly described in the Development Plan, future residential development within the Project site will require the review and approval of subsequent land use applications as required for the specific development proposal for each residential lot being created. Future residential development shall require, at a minimum, site plan review consistent with Article 43 of the City's Zoning Ordinance, to present specific development projects within the Project site and to address infrastructure or facility improvements, as applicable. Specific projects shall be reviewed by the City in order to ensure consistency and substantial conformance with the development regulations and design guidelines presented in the Mixed-Use Development Plan document. All land use and development applications within the Project site shall be reviewed according to established City policies and procedures.
- **Underground Utilities Waiver Request.** Several overhead SDG&E high-voltage transmission lines traverse the Project site. In accordance with Section 901 (G)3 of the Oceanside Subdivision Ordinance, a waiver is requested for the existing transmission lines due to the finding that the existing overhead electric lines are transmission lines in excess of thirty-four thousand five hundred volts (34.5 kilovolts [kV]). All other electrical distribution lines and other public utilities within the Project would be installed underground.

Additional detail concerning development approvals required to implement the Project are identified in Section 2.6, Discretionary Actions and Approvals, of the Final SEIR's Project Description (Chapter 2.0).

c. Other Permits and Approvals

Other permits and approvals, which are known to be needed, or may be needed, in order to implement various Project components in the future, are identified in Table 2-6, Summary of Project Actions, Approvals, and Permits of the Final SEIR's Project Description (Chapter 2.0).

B. PROJECT OBJECTIVES

The purpose of the proposed Project is to develop a mixed-use California lifestyle resort with associated shopping, retail, commercial and recreational opportunities, interspersed with residential and open space uses, guided by the following project objectives:

1. Provide for the reuse and redevelopment of the project site into a vibrant and active infill mixed use community in a single locale.

2. Create a unique mixed-use project including hotel with retail, commercial and recreational uses, as well as residential uses to serve Oceanside residents, persons visiting Oceanside, and users from surrounding communities.
3. Provide for a mix of land uses that promotes the City's vision for smart growth by reducing vehicle miles travelled and contributing to improved jobs-housing balance in the area.
4. Address the City's housing supply needs by providing approximately 700 additional housing units within the City, and allow for a broader range of housing through provision of multi-family units, to support City provision of housing supporting a variety of life stages/market rates.
5. Provide a resort that will draw visitors to the City and contribute to the City's General Fund through Transit Occupancy Tax.
6. Promote efficient use of land by developing a previously disturbed, infill property with a mixed-use development that incorporates energy efficient and sustainable features in an area currently served by existing utility infrastructure.
7. Implement the General Plan's economic goals and principles by enhancing the economic vitality of the City of Oceanside by providing additional revenues from this site through increased property taxes and sales taxes, increasing the City's opportunity to recapture citizens' sales tax expenditures.
8. Implement the General Plan by creating additional employment opportunities, including temporary construction-related employment and permanent retail, office and property management-related employment, which will also contribute towards the City's achievement of a jobs/housing balance.

C. SCOPING AND NOTICE OF PREPARATION

Preliminary environmental review of the Project was conducted by the City's Development Services Department. As noted above, the Pavilion EIR addressing development of the approximately 92-acre Pavilion at Oceanside project site was prepared, circulated for public comment, and subsequently certified by the City on November 19, 2008 (State Clearinghouse No. 2006111033). Pursuant to Sections 15162 and 15163 of the CEQA Guidelines, a lead agency should limit an SEIR's discussion of environmental effects to specific issues where significant effects on the environment may deviate from those discussed in the previously certified EIR. The Final SEIR is intended to serve as a supplement to the Pavilion FEIR, focusing on issues where the currently proposed Project would result in environmental effects that are potentially greater than effects disclosed in the prior document. Modifications described in the Final SEIR largely relate to the proposed changes in land uses associated with the Project and/or where changes in regulations or City plans may require new analysis.

To initiate the public scoping process and in accordance with Section 15082 of the CEQA Guidelines, the City circulated a Notice of Preparation ("NOP") to responsible agencies, trustee agencies, regional agencies, and other agencies, organizations, and interested persons from February 14 through March 16, 2020, for the 30-day review period required under CEQA. The NOP requested that the agencies, organizations, and others provide the City with specific details about the scope and content of

the environmental information to be contained in the Draft SEIR. A total of six responses were received during the NOP public scoping period.

In addition, to facilitate local participation, the City held a scoping meeting on February 25, 2020 at the Oceanside Public Library Community Room located at 330 North Coast Highway, to present the project and to solicit suggestions from the public and other agencies on the scope and content of the Draft SEIR. Comments received during the scoping process covered a variety of topics, which are detailed in Final SEIR Section 5.6, Areas of Controversy.

D. SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

Under CEQA Guidelines Section 15105, the City was required to provide a 45-day public review period of the Draft SEIR. The Draft SEIR was made available for public comment on August 24, 2021. Copies of the Draft SEIR were available for public review at the following locations: City of Oceanside City Hall, 300 North Coast Highway, Oceanside, California 92054; and City of Oceanside Public Library – Mission Branch, 3861-B Mission Avenue, Oceanside, California 92508; and (iv) online at <https://www.ci.oceanside.ca.us/gov/dev/planning/ceqa>.

In July 2022, the Ocean KAMP draft Final SEIR was completed. The draft Final SEIR included all comments and responses to comments received on the Draft SEIR and other information and clarifications. On July 11, 2022, City staff made the draft Final SEIR available for public review by posting it on the City’s website at the link above.

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

A. NOT SIGNIFICANT OR LESS THAN SIGNIFICANT IMPACTS ADEQUATELY ADDRESSED BY THE PAVILION EIR

The Pavilion EIR evaluated the impact areas described below. The 2008 Findings/SOC, pursuant to CEQA Guidelines section 15091, documented the less than significant or no impact conclusions reached in the Pavilion EIR. The SEIR tiers to the certified Pavilion EIR. The SEIR considers the issues discussed in the first-tier document by analyzing each of the following impact areas with respect to changes proposed by the Project relative to The Pavilion project. As to the impact areas described below, consistent with CEQA, including CEQA Guidelines section 15163, and based on the Final SEIR, these Findings and the record of proceedings, the City finds that (i) the Pavilion EIR and 2008 Findings/SOC adequately address the Project impacts; and (ii) the Project results in no new significant impacts that must be addressed in a supplemental or subsequent environmental impact report.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Aesthetics (SEIR Section 4.1)</i>	<ul style="list-style-type: none"> • No impact in relation to a scenic vista. • No impact from substantial damage to scenic resources, including, but not limited to trees, rock outcroppings, and historic buildings within a state scenic highway. • No impact related to conflicts with applicable zoning or other regulations governing scenic quality.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Agricultural and Forestry Resources (SEIR Section 5.1.1)</i>	<ul style="list-style-type: none"> • Less than significant impact from creation of a new source of substantial light or glare, which would adversely affect day or nighttime views in the area. • No cumulatively considerable impact with respect to aesthetics. <ul style="list-style-type: none"> • No impact from conflict with existing zoning for agricultural use or a Williamson Act contract. • No impact from conflict with existing zoning for, or rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g)). • No loss of forest land or conversion of forest land to non-forest use. • No impact from other changes in the existing environment which, due to their location or nature, could result in conversion of farmland, to non-agricultural use or conversion of forest land to non-forest use. • No cumulatively considerable impact on agricultural resources.
<i>Air Quality (SEIR Section 5.1.2)</i>	<ul style="list-style-type: none"> • Less than significant impact from conflicts with or obstruction of implementation of an applicable air quality plan. • Less than significant impact from cumulatively considerable net increase of any criteria pollutant for which the Project region is non-attainment under an applicable federal or state ambient air quality standard. • Less than significant impact from exposure of sensitive receptors to substantial pollutant increases. • No impact associated with other emissions (such as those leading to odors) adversely affecting a substantial number of people. • Less than cumulatively considerable impact on air quality.
<i>Hydrology and Water Quality (SEIR Section 5.1.8)</i>	<ul style="list-style-type: none"> • Less than significant impact related to violation of any water quality standards or waste discharge requirements. • Less than significant impact related to substantial depletion of groundwater supplies or substantial interference with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted). • Less than significant impact related to substantial alteration of the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or through the addition of impervious surfaces, in a manner which would (i) result in substantial erosion or siltation on or off site, (ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site, (iii) create or contribute to runoff which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff, or (iv) impede flood flows.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
	<ul style="list-style-type: none"> • Less than significant impact related to substantially degrading water quality. • Less than significant impact from placing housing within a 100-year flood hazard areas as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map. • Less than significant impact related to inundation by seiche, tsunami, or mudflow. • Less than significant impact associated with conflicts with or obstruction of implementation of a water quality control plan or sustainable groundwater management plan. • No cumulatively considerable impact on hydrology or water quality.
<i>Land Use and Planning</i> <i>(SEIR Section 4.2)</i>	<ul style="list-style-type: none"> • No physical division of an established community. • Less than significant environmental impact due to a conflict with any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. • No cumulatively considerable impact related to land use and planning.
<i>Mineral Resources</i> <i>(SEIR Section 5.1.9)</i>	<ul style="list-style-type: none"> • Less than significant impact related to loss of availability of a known mineral resource that would be of value to the region and the residents of the state. • Less than significant impact related to the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan. • No cumulatively considerable impact to mineral resources.
<i>Noise</i> <i>(SEIR Section 4.3)</i>	<ul style="list-style-type: none"> • Less than significant substantial permanent increase in ambient noise levels in the Project vicinity above levels existing without the Project. • Less than significant impact related to location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, where the Project would expose people residing or working in the Project area to excessive noise levels. • No impact related to location within vicinity of a private airstrip, where the Project would expose people residing or working in the Project area to excessive noise levels. • No cumulatively considerable impact related to noise.
<i>Public Services</i> <i>(SEIR Section 4.4)</i>	<ul style="list-style-type: none"> • Less than significant impacts associated with the provision of, or need for, new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services: <ul style="list-style-type: none"> ○ Police Protection ○ Schools ○ Parks ○ Other Public Facilities • No cumulative impact related to police protection, schools, parks, or other public facilities.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Transportation and Traffic (SEIR Section 4.5)</i>	<ul style="list-style-type: none"> • No conflict with adopted policies, plans, or programs regarding public transit, bicycles, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities. • No substantial individual increase in traffic hazards related to a design feature or incompatible uses. • No inadequate emergency access. • No cumulative impact related to transportation or traffic.
<i>Utilities and Service Systems (SEIR Section 4.6)</i>	<ul style="list-style-type: none"> • Less than significant impact from exceeding wastewater treatment requirements of the applicable Regional Water Quality Control Board. • Less than significant impacts from requiring or resulting in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects. • Less than significant impact related to adequacy of water supplies available to serve the Project from existing entitlements and resources. • No significant impact related to determination by the wastewater treatment provider which serves or may serve the Project that it has adequate capacity to serve the Project's projected demand in addition to the provider's existing commitments. • No significant impact related to service by a landfill with sufficient permitted capacity to accommodate the Project's solid waste disposal needs. • No noncompliance with federal, state, and local statutes and regulations related to solid waste. • No cumulative impact related to utilities and service systems.

B. NEWLY ANALYZED NOT SIGNIFICANT OR LESS THAN SIGNIFICANT IMPACTS IMPACT AREAS

The SEIR tiers to the certified Pavilion EIR. The SEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the previous report. The City finds that the Pavilion EIR did not adequately analyze the following impacts in relation to the project, but that the Final SEIR, these Findings and the record of proceedings demonstrate that the Project impacts are less than significant pursuant to Public Resources Code Section 21081(a) and CEQA Guidelines Section 15091(a).

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Energy (SEIR Section 5.2.1)</i>	<ul style="list-style-type: none"> • Less than significant impact related to wasteful, inefficient, or unnecessary consumption of energy. • Less than significant impact related to conflict with existing energy standards and regulations. • Less than significant impact related to placing a significant demand on local energy supplies or requiring a substantial amount of additional capacity. • No cumulatively considerable impact with respect to energy.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Greenhouse Gas Emissions (SEIR Section 5.1.6)</i>	<ul style="list-style-type: none"> • Less than significant impact associated with direct or indirect impacts on the environment from generation of greenhouse gas emissions. • No impact related to conflicts with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. • No cumulatively considerable impact with respect to greenhouse gas emissions.
<i>Hazards and Hazardous Materials (SEIR Section 5.1.7)</i>	<ul style="list-style-type: none"> • Less than significant impact creating a hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. • Less than significant impact creating a hazard to the public or the environment through the reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. • Less than significant impact from emissions of hazardous emissions or handling of hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. • Less than significant impact from being located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would create a significant hazard to the public or the environment. • Less than significant impact related to Project location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, which would result in a safety hazard for people residing or working in the Project area. • No impact from Project location within the vicinity of a private airstrip, which would result in a safety hazard for people residing or working in the Project area. • Less than significant impact related to impairing implementation of or physically interfering with an adopted emergency response plan or emergency evacuation plan. • Less than significant impact from exposing people or structures to a significant risk of loss, injury or death involving wildland fires, including, where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands. • No cumulatively considerable impact with respect to hazards and hazardous materials.
<i>Population and Housing (SEIR Section 5.2.2)</i>	<ul style="list-style-type: none"> • No displacement of substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere. • No displacement of substantial numbers of people, necessitating the construction of replacement housing elsewhere. • Less than significant impact associated with unplanned growth or adverse physical changes in relation to population and housing.

<i>Environmental Resource Category</i>	<i>Not Significant or Less than Significant Environmental Impact</i>
<i>Recreation (SEIR Section 5.2.3)</i>	<ul style="list-style-type: none"> • No cumulative impact related to the displacement of people or housing. • Less than significant impact from increase in use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. • Less than significant impact from inclusion of recreational facilities or requirement of the construction or expansion of such facilities which might have an adverse physical effect on the environment. • No cumulative impact related to recreation.
<i>Wildfire (SEIR Section 5.2.4)</i>	<ul style="list-style-type: none"> • Less than significant impacts related to emergency response plans or wildland fires. • No cumulative impact related to wildfire.

III. POTENTIALLY SIGNIFICANT IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION

A. POTENTIALLY SIGNIFICANT IMPACTS FOUND TO BE LESS THAN SIGNIFICANT AFTER MITIGATION THAT ARE ADEQUATELY ADDRESSED BY THE PAVILION EIR

The Pavilion EIR determined, and the 2008 Findings/SOC documented, that the potentially significant impacts for the following described areas would be less than significant after mitigation. Specifically, the 2008 Findings/SOC demonstrated that, pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, changes or alterations have been required in, or incorporated into, The Pavilion project which mitigate or avoid the identified potentially significant effects on the environment to less than significant levels.

The SEIR tiers to the certified Pavilion EIR. The SEIR considers the issues discussed in the first-tier document and evaluates whether a significant effect has been adequately addressed or if there is an effect that was not addressed in the previous report. As to the impact areas described below, consistent with CEQA, including CEQA Guidelines section 15163, and based on the Final SEIR, these Findings and the record of proceedings, the City finds that (i) the Pavilion EIR and 2008 Findings/SOC adequately address the Project impacts; and (ii) the Project results in no new significant impacts that must be addressed in a supplemental or subsequent environmental impact report.

I. Biological Resources

1) Direct and Indirect Impacts to Sensitive Biological Resources.

Description of Significant Effect/Finding: The Pavilion FEIR and 2008 Findings/SOC identified direct and indirect impacts to sensitive habitat from implementation of The Pavilion but ultimately demonstrated that changes or alterations have been required in, or incorporated into The Pavilion project which mitigated or avoided the identified significant effects on the environment to less than significant levels. The entire upland area of the Project site has been graded and mitigation measures have been implemented pursuant to the Pavilion FEIR and the associated MMRP. As the Final SEIR and the record of proceedings reflect, no additional significant biological resources impacts beyond those identified in

the Pavilion FEIR would occur with implementation of the proposed Project; thus, the Pavilion FEIR adequately discloses the biological resource impacts of the Project. As disclosed in the Final SEIR, the Pavilion FEIR mitigation measures BIO-1, BIO-9, and BIO-13 have been modified for applicability to the proposed Project as well as current regulatory permit processing and are provided in full in this Supplemental Findings. Along with the modified mitigation measures, measures BIO-2, BIO-5 through BIO-8, BIO-10 and BIO-12 from the prior EIR apply to the activities associated with the Project and are provided below. All the measures identified below are incorporated into the Project's MMRP.

Mitigation Measures

- BIO-1 A monitoring biologist (approved by the City) shall (1) attend a preconstruction meeting; (2) be present during initial clearing and grubbing of habitat; and (3) be present during Project construction within 500 feet of preserve habitat to ensure compliance with all conservation measures. The monitoring biologist shall ensure that: the contractor and construction personnel are educated about the sensitivity of adjacent habitats, construction fencing is installed, seasonal restrictions on grading are followed, trash is removed from sensitive habitat areas or adjacent areas, vehicle fueling occurs outside sensitive areas, pets of Project personnel are not brought to the Project site, construction night lighting is minimized to avoid impacts to sensitive habitats, and violations are reported and mitigated appropriately. The biologist shall submit a letter to the City that documents compliance with mitigation measures at the conclusion of construction.
- BIO-2 Impacts will occur to 0.57 acre of wetlands (0.22 acre of potentially Corps/RWQCB jurisdiction, 0.57 acre of CDFW jurisdiction). Mitigation will be provided at a 3:1 ratio in the San Luis Rey Mitigation Bank for purchase of 1.71 acres.
- BIO-5 While the proposed plant list for the on-site 100-foot wide corridor currently consists of native species including coastal sage scrub constituents that are compatible with the City's recommended plant guidelines, the final project completion species selection will be subject to approval by the fire marshal as part of landscape work drawings.
- BIO-6 The conservation easement over the onsite 100-foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of Project approval.
- BIO-7 Landscaping within the development area shall avoid the use of invasive non- native plants, detailed in Table 5-5 of the draft HCP and/or the California Invasive Plant Inventory.
- BIO-8 No grading, grubbing, or clearing shall be allowed during the breeding season for least Bell's vireo (March 15 to September 15) or raptors (January 31 to July 31) unless preconstruction surveys are conducted to determine if these species occur within areas that would be impacted by noise levels greater than 60 dB LEQ. If these species are nesting within this area at the time, these construction activities shall either (1) be postponed until all nesting breeding behavior has ceased, or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB LEQ. If these species are nesting within this area at the time, these construction activities shall either (1) be postponed until all nesting breeding behavior has ceased, or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB LEQ.

- BIO-9** To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre- construction surveys are conducted to determine that no nesting birds are present immediately to clearing nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance and minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest in all directions (300 feet is typically recommended by CDFW for any state or federally listed passerine species and 500 feet for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.
- BIO-10** To ensure that construction activity remains within the defined limits of work, all construction and staging areas shall be grading and fenced with orange construction fencing and silt fencing or fiber rolls. Delineated areas shall be regularly inspected by the project biologist per the construction monitoring schedule.
- BIO-12** Lighting within the project area adjacent to the San Luis Rey River shall be selectively placed, directed away from the river, and of the lowest illumination possible for human safety.
- BIO-13** Mitigation for the loss of jurisdictional waters would be conditions of the permits issued by the USACE, RWQCB, and CDFW. The applicant will submit the required jurisdictional delineation to USACE as part of Clean Water Act permitting. Said permits will be obtained prior to grading in these areas.

Rationale: Mitigation measures BIO-1 through BIO-13, including those revised as noted above, would reduce Project impacts to sensitive habitats to less than significant. Wetland resources are being addressed through the permitting process and implementation of applicable mitigation measures. No additional biological resource impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project, and impacts remain less than significant with mitigation.

II. Cultural Resources

1) Direct and Indirect Impacts to Archeological and Cultural Resources.

Description of Significant Effect/Finding: The Pavilion FEIR and 2008 Findings/SOC identified direct and indirect impacts to archeological or cultural resources from implementation of The Pavilion project, but ultimately demonstrated that changes or alterations have been required in, or incorporated into The Pavilion project which mitigated or avoided the identified significant effects on the environment to less than significant levels. The entire upland area of the Project site has been graded and mitigation measures have been implemented pursuant to the Pavilion FEIR and the associated MMRP. Future

grading and ground disturbance may still occur on-site. As the Final SEIR and the record of proceedings reflect, no additional archeological resource impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project. Thus, the Pavilion FEIR adequately discloses the cultural resource impacts of the Project. The Pavilion FEIR mitigation measures CUL-1 through CUL-6 have been applied to the proposed Project and are provided in full in this Supplemental Findings as they are applicable to future grading and earthwork that may occur on-site. All the measures identified below are incorporated into the Project's MMRP.

Mitigation Measures

- CUL-1 The development of a pre-excavation agreement between the applicant and the appropriate Luiseño tribe(s) or other Native Americans as determined by the City.
- CUL-2 The presence of a qualified archaeologist and invitation to a Native American monitor at the pre-construction meeting.
- CUL-3 A Native American monitor to be invited and an archaeological monitor will be on-site during initial grading, trenching, or other ground-disturbing activities of existing soils. Monitoring will not be required during the subsequent soil import and grading operations as it will not disturb native soils.
- CUL-4 The analysis of any cultural material found.
- CUL-5 The preparation of a report detailing the methods and results of the monitoring program.
- CUL-6 The curation or repatriation of the cultural material collected.

Rationale: Mitigation measures CUL-1 through CUL-6, would reduce Project impacts to archeological and cultural resources to less than significant. Archeological and cultural resources are being addressed through implementation of applicable mitigation measures. No additional archeological and cultural resource impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project, and impacts would be less than significant.

III. Geology and Soils

1) Impacts to Liquefaction and Ground Settlement.

Description of Significant Effect/Findings: The Pavilion FEIR and 2008 Findings/SOC identified impacts to liquefaction and ground settlement from implementation of The Pavilion project. Subsurface soils on site have a moderate potential to cause ground settlement from liquefaction and dynamic compaction. An updated geotechnical report was prepared for the Project in 2019. No new soil or geologic conditions were encountered that would result in further measures than required in the Pavilion FEIR. The entire upland area of the Project site has been graded and mitigation measures have been implemented pursuant to the Pavilion FEIR and the associated MMRP. As the Final SEIR and the record of proceedings reflect, no additional liquefaction and ground settlement impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project. Thus, the Pavilion FEIR adequately discloses the geology and soils impacts of the Project. However, Pavilion FEIR mitigation measures GEO-1 through GEO-3 have been applied to the proposed Project and are provided in full in this

Supplemental Findings as they are applicable to future grading and earthwork that may occur on-site. All the measures identified below are incorporated into the Project's MMRP.

Mitigation Measures

GEO-1 Loose surficial soil in the upper 1 to 2 feet would be over-excavated prior to placement of fill or in building pad locations. The upper 5 to 10 feet of soil, which is loose to medium dense, would be over excavated in deep fill areas, and compacted as engineered fill.

GEO-2 To mitigate potential differential settlement of structures, two options may be used. One is to perform conventional grading with reduced foundation bearing capacities, and the other would be to improve the subsurface with deep dynamic compaction with higher bearing capacities for foundations.

On-site soil generated from cut areas following clearing and grubbing that is free of excess organic material (3 percent or less by weight) or debris may be suitable for use as structural fill. Imported Select Fill should be non-expansive, having a Plasticity Index of 12 or less, an R-Value greater than 40, and enough fines so the soil can bind together. Imported soil should be free of organic materials and debris, and not contain rocks or lumps greater than 3 inches in maximum size. Imported Select Fill shall be approved by the geotechnical engineer prior to delivery on-site.

GEO-3 Compaction and design requirements shall be consistent with those specified in the geotechnical report (90 to 95 percent relative compaction with 1 to 2 percent above optimum moisture content), and site grading shall be performed in accordance with these recommendations and the Grading and Earthwork Specifications. The mitigation included the Pavilion FEIR required analyzing ground settlement and ensuring that ground compaction and design requirements would be consistent with those specified in the Pavilion geotechnical reports (Eberhart Consultants 2006; United Consultants 2007). Similarly, the proposed Project would implement design and ground improvement techniques consistent with the CBC requirements to reduce impacts associated with liquefaction and settlement to less than significant.

Rationale: Mitigation measures GEO-1 through GEO-3, would reduce Project impacts to liquefaction and ground settlement to less than significant. No additional geological impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project, and impacts would be less than significant.

IV. Paleontological Resources

1) Direct or Indirect Impacts to Paleontological Resources.

Description of Significant Effect/Findings: The Pavilion FEIR and 2008 Findings/SOC identified impacts to paleontological resources from implementation of The Pavilion, but ultimately demonstrated that changes or alterations have been required in, or incorporated into, The Pavilion project which mitigated or avoided the identified significant effects on the environment to less than significant levels. The project area is entirely underlain by the Eocene Santiago Formation, which is known to be fossil bearing. The entire upland area of the Project site has been graded and mitigation measures have been implemented pursuant to the Pavilion FEIR and the associated MMRP. However, additional grading and

ground disturbance could occur as the Project develops. As the Final SEIR and the record of proceedings reflect, no additional paleontological resource impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project. Thus, the Pavilion FEIR adequately discloses the geology and soils impacts of the Project. Pavilion FEIR mitigation measures PAL-1 through PAL-4 have been applied to the proposed Project and are provided in full in this Supplemental Findings as they are applicable to future grading and earthwork that may occur on-site. All the measures identified below are incorporated into the Project's MMRP.

Mitigation Measures

- PAL-1** Prior to issuance of grading permits, the applicant shall confirm to the City that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.
- PAL-2** A paleontological monitor shall be on site during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist.
- PAL-3** When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site.
- PAL-4** Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collection such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.

Rationale: Mitigation measures PAL-1 through PAL-4, would reduce Project impacts to paleontological resources to less than significant. No additional paleontological impacts beyond those identified in the Pavilion FEIR would occur with implementation of the proposed Project, and impacts would be less than significant.

B. NEW PROJECT IMPACTS THAT ARE REDUCED TO A LESS THAN SIGNIFICANT LEVEL WITH MITIGATION

Pursuant to Section 21081(a) of the Public Resources Code and Section 15091(a)(1) of the CEQA Guidelines, the City finds that, for each of the following significant effects identified in the Final SEIR, changes or alterations have been required in, or incorporated into, the Project which mitigate or avoid

the identified significant effects on the environment to less than significant levels. The significant effects and mitigation measures are stated fully in the Final SEIR. These findings are explained below and are supported by substantial evidence in the record of proceedings.

I. Noise

1) Exposure of people to noise levels created by the Project which exceed the City's adopted noise ordinance and/or the City's Significance Determination Thresholds.

Description of Significant Effect: Future on-site residential land uses would be exposed to noise generated by vehicular traffic along SR 76 and Mission Avenue. Noise levels at the proposed residences at the southern portion of the site closest to Mission Avenue and SR 76 were estimated by modeling a scenario that included the future (Year 2035) traffic volumes specified above. Impacts related to exterior noise would be significant if future residential exterior use areas are exposed to noise levels in excess of 65 community noise equivalent level ("CNEL"). In the noise model, receivers were placed at anticipated approximate exterior use area locations, based on preliminary conceptual site plans, of residential properties planned along the southern boundary of the site. Noise levels are estimated to range between 65 and 67 CNEL at exterior use area locations of residences located along the southern boundary of the Project site west of the intersection of Mission Avenue and Ocean Pointe Drive. As such, exterior noise levels at these locations are anticipated to exceed the 65-CNEL limit under future traffic conditions, and impacts associated exposure to excessive exterior noise levels would be potentially significant.

Traditional architectural materials are conservatively estimated to attenuate noise levels by 15 CNEL; therefore, if exterior noise levels at building façades exceed 60 CNEL, interior noise levels may exceed the Title 24 45-CNEL limit for multi-family residential uses. In the noise model, receivers were placed at first-, second-, and third-story heights in anticipated approximate residential façade locations, based on preliminary conceptual site plans, of residences planned along the southern boundary of the Project site, which are the façades anticipated to be exposed to the highest traffic noise levels. Modeled exterior façade noise levels at these locations exceed 60 CNEL, with the highest noise level estimated at 67.9 CNEL at the third-story height of residences located near where SR 76 crosses Mission Avenue. As such, interior noise levels for residences located along the southern boundary of the Project site have the potential to exceed the 45-CNEL limit under future traffic conditions, and impacts associated with exposure to excessive interior noise levels would be potentially significant.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measures

NOI-1 Noise levels at private residential exterior use areas shall be reduced to 65 CNEL or below. Once specific building plan information is available, additional exterior noise analysis shall be conducted for proposed residential exterior use areas that are expected to be exposed to a noise level of 65 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site west of the intersection of Mission Avenue and Ocean Pointe Drive. The analysis shall determine the specific barrier heights and locations required to reduce exterior use area noise levels to below 65 CNEL. City review and approval of the proposed exterior use area noise compliance evaluation as well as applicable noise attenuation measures shall be completed prior to issuance of building permit.

The noise barriers must be solid. They can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. The walls can be made of composite wood with a solid lower section with a clear glass or plastic upper section to maintain views. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one inch total thickness or have a density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic 3/8 of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of one-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb.

- NOI-2 Interior noise levels for the Project's proposed residences shall be demonstrated to not exceed 45 CNEL. Once specific building plan information is available, additional exterior-to-interior noise analysis shall be conducted for all proposed residences that are exposed to an exterior noise level of 60 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site along Mission Avenue.

The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site residences. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. City review and approval of the proposed exterior-to-interior noise analysis as well as applicable noise attenuation measures shall be completed prior to issuance of building permit.

Air conditioning or mechanical ventilation systems shall be installed to allow windows and doors to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (IBC; Chapter 12, Section 1203.3 of the 2001 California Building Code).

Rationale: Mitigation measures NOI-1 and NOI-2 would require additional exterior and exterior-to-interior noise analyses once building plans are available, respectively. City review and approval of these analyses and applicable noise attenuation measures would be required prior to issuance of building permits. With incorporation of mitigation measures NOI-1 and NOI-2, exterior area noise impacts and impacts associated with exposure to excessive interior noise levels would be less than significant.

II. Transportation/Traffic

1) Conflict or be inconsistent with CEQA Guidelines Section 15064.3, subdivision (b)

Description of Significant Effect: Although the project does not exceed the vehicle miles traveled ("VMT") threshold for the commercial or hotel uses, the VMT per capita for the proposed residential use

is greater than 85 percent of the regional average, with the Project exceeding the City's significance threshold by 6.68 percent. Therefore, a significant transportation impact is calculated for the residential component of the Project.

Finding: Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.

Mitigation Measure

TRA-1 Implement the guidelines outlined in CAPCOA measure LUT-9, which is applicable to residential projects in an urban or suburban area. The proposed project shall improve the proposed design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables that differentiate pedestrian-oriented environments from auto-oriented environments.

Rationale: Mitigation measure TRA-1 would reduce the Project's residential VMT impact to less than significant.

The City's Traffic Impact Analysis Guidelines recommends the SANDAG Mobility Management Guidebook, 2019, and the California Air Pollution Control Officers Association's (CAPCOA) Quantifying Greenhouse Gas Mitigation Measures: A Resource for Local Government to Assess Emission Reductions from Greenhouse Gas Mitigation Measures, August 2010 may be utilized to determine applicable mitigation measures and to calculate the associated percent reduction in VMT.

The CAPCOA measure LUT-9: Improve Design of Development, was identified as a measure that would reduce the Project's residential VMT as calculated using the SANDAG Series 13 Year 2020 Travel Demand Model, thereby mitigating the Project's significant transportation impact. This measure was selected since the Project's mixed-use nature will allow for enhanced connectivity and walkability and meet the measure's description and applicability criteria.

Per the CAPCOA guidelines, the VMT reductions for measure LUT-9 are calculated based on a comparison of a Project's proposed intersection density versus the standard suburban intersection density in North America, which is 36 intersection per square mile. This standard density is used as a baseline to mirror the density reflected in the ITE Trip Generation Manual, which is generally one of SANDAG's baseline methodologies for determining VMT. Within the project site, the intersection density equates to 71 intersections per square mile, which exceeds the standard intersection density required to account for the VMT reduction. Based on this information, as demonstrated by the analysis included in the Final SEIR, the Project's potentially significant impacts associated with the residential VMT would be less than significant.

IV. FINDINGS REGARDING SPECIFIC MITIGATION MEASURES

With the exception of those mitigation measures set forth in the adopted Mitigation Monitoring and Reporting Plan, the City of Oceanside finds that there are no feasible mitigation measures that would substantially lessen or avoid any significant effect that the Project would have on the environment.

V. FINDINGS REGARDING ALTERNATIVES

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

Two alternatives, including the No Project - Pavilion Reduced Project/Draft Subarea Plan Alternative and the Reduced Project Alternative, were analyzed in detail in the Final SEIR, Chapter 8.0, Project Alternatives:

Alternative 1: No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative

Alternative 2: Reduced Project Alternative

These alternatives are evaluated for their ability to avoid or substantially lessen the impacts of the project identified in the Final SEIR, as well as consideration of their ability to meet the basic objectives of the project as described in the Final SEIR 2.1, Project Objectives, and above in Section I.B.

For the reasons set forth below, and in light of the analysis presented in the SEIR in Chapter 8.9, Project Alternatives, the environmentally superior alternative is Alternative 1, No Project - Pavilion Reduced Project/Draft Subarea Plan Alternative. However, this alternative would only partially fulfill some of the objectives of the Project, but would fail to meet the Project’s underlying purpose and would not provide residential housing units to address the City’s housing supply needs. CEQA also requires that, if the No Project Alternative is the environmentally superior alternative, another environmentally superior alternative must be identified, which would be Alternative 2: Reduced Project Alternative.

Alternative 2 would result in slightly less impacts related to noise and transportation and traffic than the proposed Project. While it would fulfill most of the objectives of the proposed Project (e.g., replacing an empty lot with land uses that would enhance the economic vitality of the City while reducing vehicle miles traveled in the area; Objectives 1, 2, 3, 6, 7, and 8), this alternative would provide fewer residential housing units to address the City’s housing supply needs (Objective 4). Therefore, while each alternative has benefits, neither of the alternatives is superior to the Project when balancing the avoidance of environmental impacts, the Project benefits, and policy considerations.

A. ALTERNATIVES CONSIDERED BUT NOT EVALUATED

Alternatives considered but rejected from further study for the proposed Project is limited to the Project Location Alternative. The proposed Project is located on the same lot evaluated as the prior project evaluated in the Pavilion FEIR. The Project involves the construction of a mixed- use development consisting of commercial (including resort), residential, and recreational uses on a currently vacant 92.3

acre lot. A significant residential VMT per capita impact is identified for the Project. This impact is due to the location of the Project, and the distance that residents would be expected to drive to reach various destinations including work and school. Moving the Project, specifically the residential component of the Project, to a more VMT efficient location, such as near a transit center, a Transit Priority Area (TPA), or smart growth area, could potentially result in a less than significant VMT per capita impact.

There are no known locations in the vicinity of the proposed Project that could accommodate the mixed-use nature and size of the proposed Project. Additionally, demolition and grading has already been completed at the site, resulting in ground disturbance impacts on the 92.3-acre lot consistent with the impacts analyzed in, and mitigated per, the Pavilion FEIR. Obtaining, entitling, grading, and constructing another lot would be economically infeasible and would likely result in greater impacts related to ground disturbing activities. Therefore, the proposed Project cannot feasibly be completed at another location.

The construction of new residential, resort, and commercial uses is part of the City's ongoing implementation of the General Plan to support the population of Oceanside. Specifically, the proposed Project Objective 4 identifies the need to increase the City's housing supply by providing approximately 700 additional housing units. Objectives 7 and 8 address fulfillment of the City's General Plan through the creation of employment opportunities and providing additional revenues through property taxes and sales taxes. Additionally, Objectives 1 and 6 explicitly call for the reuse and redevelopment of the currently vacant, previously-disturbed proposed Project site into a vibrant and active infill mixed-use community within a single locale, which could not be accomplished by constructing the proposed Project at another site in the area. Therefore, this alternative was rejected from further consideration because it could not feasibly achieve most of the basic Project objectives.

CEQA Guidelines Section 15126.6(a) only requires that an EIR "describe a range of reasonable alternatives to the proposed project, or to the location of the project that would feasibly attain most of the basic objectives but would avoid or substantially lessen any of the significant environmental effects of the project, and evaluate the comparative merits of the alternatives." Section 15126.6(a) also provides that an EIR need not consider every conceivable alternative to a project; rather, an EIR must consider a reasonable range of potentially feasible alternatives that will foster informed decision-making and public participation. Accordingly, the Draft SEIR presented the two alternatives listed above. The Draft EIR also considered and rejected a Project Location Alternative. Thus, the Draft SEIR considered a total of three alternatives; and those alternatives represent a reasonable range of alternatives to the proposed Project.

B. EIR ALTERNATIVE 1: NO PROJECT – PAVILION REDUCED PROJECT/DRAFT SUBAREA PLAN ALTERNATIVE

1) Description

Under the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative, since grading and demolition of the site has already occurred pursuant to the Pavilion FEIR, implementation of the No Project Alternative would likely result in the Project site being developed per its previously entitled uses. Under the Pavilion Reduced Project/Draft Subarea Plan Alternative, the Applicant would implement the Pavilion Reduced Project/Draft Subarea Plan Alternative approved by the City consistent with the Pavilion FEIR. That alternative consisted of a 950,000 SF shopping center with a variety of retail uses, including shops, a movie theater, a health club, and restaurants. Approximately 4 acres of undeveloped

space along the eastern site boundary were proposed to be revegetated to serve as a functioning habitat corridor. The Pavilion Reduced Project/Draft Subarea Plan Alternative proposed 477,150 SF more than the 472,850 SF of resort, commercial, and conference facilities proposed under the proposed Project, resulting in a higher commercial density. The prior project did not include the construction of residential units, a resort, or recreational space. The prior project also included approximately half as much landscaping space as what is proposed under the proposed Project.

2) Finding

The City rejects Alternative 1, the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative, as undesirable and infeasible as it would only partially fulfill the objectives of the proposed Project. While the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative would reduce some environmental impacts, others would remain similar compared to the Project (including those related to biological resources, cultural resources, geology and soils, and paleontological resources). Alternative 1, the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative, would not meet project Objectives 1, 2, 4, and 5 and would not meet Objectives 3, 6, 7, and 8 to the same degree as the project. Therefore, the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

In relation to the Project, the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative would have similar impacts to those of the proposed Project. This alternative would have similar transportation impacts because although it would generate a higher VMT than the proposed Project, it would avoid the significant residential VMT impact. Additionally, this alternative would avoid the significant residential noise impact associated with the proposed Project. Overall, noise impacts would be slightly less under this alternative while transportation impacts would be similar. While the Final SEIR found that the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative is the environmentally superior alternative, this Alternative would only partially fulfill some of the Project objectives.

Specifically, this alternative would replace an empty lot with land uses that would enhance the economic vitality of the City (Objectives 6, 7, and 8). However, this alternative would not provide residential housing units to address the City's housing supply needs (Objective 4). The Pavilion Reduced Project/Draft Subarea Plan Alternative would only construct a shopping center, and would not create a mixed-use community that would benefit the City by providing resort and recreational uses (Objectives 1 and 2). Therefore, the Pavilion Reduced Project/Draft Subarea Plan Alternative would accomplish some of the proposed Project objectives and to a lesser degree.

For these reasons and others detailed in the record before the City, the City rejects the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative as undesirable and infeasible.

C. EIR ALTERNATIVE 2: REDUCED PROJECT ALTERNATIVE

1) Description of Alternative

In an effort to reduce the significant residential VMT impact of the proposed Project, a Reduced Project Alternative is proposed. This alternative would include a 150-room resort hotel; approximately 126,000 SF of retail/commercial uses; a wave lagoon; and 600 multi-family residential units.

2) Finding

The City rejects Alternative 2, the Reduced Project Alternative, as undesirable and infeasible as it would only partially fulfill the objectives of the proposed Project. While the No Project – Pavilion Reduced Project/Draft Subarea Plan Alternative would reduce some environmental impacts, others would remain similar compared to the Project (including those related to biological resources, cultural resources, geology and soils, and paleontological resources).

Alternative 2, the Reduced Project Alternative, would replace an empty lot with land uses that would enhance the economic vitality of the City while reducing vehicle miles traveled in the area (Objectives 1, 2, 3, 6, 7, and 8), but would provide fewer residential housing units to address the City's housing supply needs (Objective 4). Therefore, the Reduced Project Alternative is rejected because specific economic, legal, social, technological or other considerations make the alternative infeasible.

3) Facts in Support of Finding

As discussed in Section 8.3 of the Final SEIR, Alternative 2, the Reduced Project Alternative, would result in slightly less impacts related to noise and transportation and traffic than the proposed Project. However, environmental impacts related to cultural resources, geology and soils, mineral resources, and tribal cultural resources would be similar compared to the project. Accordingly, while the Existing Zoning – Residential Alternative would reduce some environmental impacts, others would remain similar when compared to the project.

Implementation of this Alternative would fulfill most of the objectives of the proposed Project. Specifically, this alternative would replace an empty lot with land uses that would enhance the economic vitality of the City while reducing vehicle miles traveled in the area (Objectives 1, 2, 3, 6, 7, and 8). This alternative would provide fewer residential housing units to address the City's housing supply needs (Objective 4). Therefore, the Reduced Project Alternative would accomplish most of the proposed Project objectives, but to a lesser degree.

This alternative would not accommodate as well the planned growth expected to occur in the City or contribute as well to the City achieving its General Plan Housing Element (i.e., Regional Housing Needs Assessment) goals to the same extent as the Project. This alternative would not generate the same extent of funding for existing and planned infrastructure and services through payment of development impact fees. Further, under CEQA (Public Resources Code, § 21159.26), a reduction in housing units as mitigation is discouraged. A public agency may not reduce the proposed number of housing units as a mitigation measure or project alternative for a particular significant effect on the environment if it determines there is another feasible mitigation measure or project alternative that would provide a comparable level of mitigation. The City considers this factor in determining to reject this project alternative. Mitigation measures proposed and adopted for the Project would reduce the environmental

effects targeted by this alternative without reducing the number of housing units. For each of these reasons, the City rejects the Reduced Project Alternative as both undesirable and infeasible.

VI. OTHER CEQA CONSIDERATIONS

A. GROWTH-INDUCING IMPACTS

Pursuant to CEQA Guidelines Sections 15126(d) and 15126.2(d), the SEIR examined ways in which the Project could foster economic or population growth, or the construction of additional development, either directly or indirectly, in the surrounding environment. As discussed in the SEIR, the Project would have growth-inducing potential because planned residential growth would increase by up to 700 units and the provision of 472,850 SF of resort, commercial, and conference facilities. The Project would create additional part-time and full-time employment. The labor pool in the Project area is likely adequate to fulfill the new employment positions, and the importation of a specialized workforce would likely not be required. Yet, there is the potential that some positions may require the relocation of new workers to the area, and thus induce growth.

The proposed residential uses would accommodate regional growth projected for the Project area and would be consistent with the San Diego Association of Governments (“SANDAG”) Regional Housing Needs Assessment, which indicates a need for an additional 5,443 units in the City of Oceanside. Because the Project proposes to provide new housing, it would not put pressure on the local housing supply or increase demand for additional housing. Moreover, the Project would not alter the overall allowable density at the Project site, thus while the Project may induce growth it would not exceed the growth assumptions of the City as presented in local and regional plans such as the General Plan or SANDAG’s Regional Transportation Plan/Sustainable Communities Strategy, which are developed based on planning periods that span multiple years.

Further, under typical conditions, extension of utility lines (e.g., water, sewer) or other infrastructure or services (e.g., police and fire protection services) may potentially induce growth, as such improvements may allow not only the development responsible for expanding the infrastructure but also accommodate future development. However, in the case of this Project, the surrounding area is already developed with residential and commercial land uses that are served by existing infrastructure and public services. Therefore, the proposed improvements would not result in the extension of existing infrastructure or the construction of new infrastructure facilities in the Project vicinity such that additional growth would be spurred. The proposed Project is not anticipated to induce growth due to new infrastructure or services.

B. SIGNIFICANT IRREVERSIBLE ENVIRONMENTAL CHANGES

Pursuant to CEQA Guidelines Sections 15126.2(c) and 15127, the Final SEIR Section 7.3 evaluated significant irreversible environmental changes that will be caused by implementation of the Project. The Project will require a commitment of nonrenewable and renewable resources that will include soils, gravel, concrete, and asphalt; lumber and other related forest products; petrochemical construction materials; steel, copper, and other metals; water; fuels; and energy. The amount and rate of consumption of these resources would not result in a large commitment or the unnecessary, inefficient, or wasteful use of resources. The use of natural resources in the form of construction materials and energy resources would not have a substantial, measurable effect on the availability of such resources,

including nonrenewable resources, such as fossil fuels (including fuel oil), natural gas, and gasoline for automobiles and construction equipment. Construction best management practices and sustainability elements will be incorporated into the Project to further reduce use of nonrenewable and renewable resources. During operation, the project will consume water for water, fuels, and electricity during long-term operation and occupancy. Overall, long-term irreversible environmental changes resulting from Project implementation would include an increase in local and regional traffic and associated air pollutant and greenhouse gas (“GHG”) emissions, noise level increases, and an increase in the volume of solid waste and/or wastewater generated in the area. Additionally, the Project would irretrievably commit building materials and energy to the construction and maintenance of the proposed buildings and infrastructure. Development of the Project would have no measurable adverse effect on the availability of such resources, including resources that may be non-renewable (e.g., fossil fuels).

The CEQA Guidelines also require a discussion of the potential for irreversible environmental damage caused by an accident associated with the Project. As described in SEIR Section 5.1.7, Hazards and Hazardous Materials, the Project could include activities associated with hazardous materials during construction and/or operation of the Project. The Project would adhere to existing mandatory federal, state, and local regulations controlling hazardous materials to ensure that long-term health and safety impacts associated with on-site hazardous materials over the long-term operation of the Project are consistent with the impacts addressed in the Pavilion FEIR. Accordingly, the Project is unlikely to result in an accident that would result in irreversible environmental damage and impacts would be less than significant.

C. POTENTIAL SECONDARY EFFECTS

Pursuant to CEQA Guidelines Section 15126.4(a)(1)(D), the Final SEIR evaluated the potential for adverse secondary impacts that could result from implementation the project and proposed mitigation measures. Potential secondary effects are addressed within the appropriate section of the SEIR and at Section II through V, above. Except for those potential secondary impacts specifically noted the City finds no adverse secondary impacts will occur as a result of implementation of project mitigation measures.

VII. GENERAL CEQA FINDINGS

A. MITIGATION MONITORING AND REPORTING PROGRAM

1) General Finding

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

The City hereby finds that the MMRP, which is incorporated into the project conditions of approval, meets the requirements of Public Resources Code Section 21081.6 by providing for the implementation

and monitoring of project conditions intended to mitigate potential environmental effects of the Project.

2) Regulatory Compliance

Federal, state, regional, and local laws contain certain regulatory compliance measures that must be adhered to in implementing the project. The Final SEIR describes the regulatory setting and details of regulatory compliance measures in Section 3.3, Local and Regional Planning Context, and as applicable within each chapter. Where regulatory compliance measures are required by law, the City has not separately proposed or adopted mitigation requiring regulatory compliance (as it would be declaratory of existing law). Nonetheless, the City finds that the Project must comply with all applicable regulatory compliance measures.

B. CEQA GUIDELINES SECTIONS 15091, 15092 AND 15163 FINDINGS

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

1. Changes or alterations have been required in, or incorporated into, the project which mitigate or avoid the significant effects on the environment.
2. Those changes or alterations are within the responsibility and jurisdiction of another public agency and such changes have been adopted by such other agency, or can and should be adopted by such other agency.

As the Final SEIR tiers off of The Pavilion FEIR, consistent with Guidelines Section 15163, the City also evaluated and made findings whether a significant effect of the Project has been adequately addressed or if there is an effect that was not addressed in The Pavilion FEIR. Based on the foregoing findings and the information contained in the record of these proceedings, and as conditioned by the foregoing:

1. All significant effects on the environment due to the Project have been eliminated or substantially lessened where feasible.

C. CITY'S PREPARATION OF THE SEIR PURSUANT TO CEQA GUIDELINES SECTION 15084(D)

CEQA Guidelines section 15084(d) provides a lead agency may choose one of the following arrangements or a combination of them for preparing a draft EIR:

- (1) Preparing the draft EIR directly with its own staff.
- (2) Contracting with another entity, public or private, to prepare the draft EIR.
- (3) Accepting a draft prepared by the Applicant, a consultant retained by the Applicant, or any other person.
- (4) Executing a third party contract or memorandum of understanding with the Applicant to govern the preparation of a draft EIR by an independent contractor.

(5) Using a previously prepared EIR.

The City has relied on Section 15084(d)(4) of the CEQA Guidelines, which allows executing a third party contract or memorandum of understanding with the applicant to govern the preparation of a EIR by an independent contractor. Subject to specific responsibilities imposed on the project Applicant and EIR consultant, the City retains the sole right and discretion to determine the adequacy of performance of the EIR consultant, and to independently review and analyze all documentation for the project. In that context, the City allowed the project applicant to select and retain a consultant to prepare the SEIR submitted to the City for independent review. The City has reviewed, revised, and clarified, as necessary, the submitted working drafts of the SEIR to ensure that the Draft SEIR, draft Final SEIR, and Final SEIR reflect the City's own independent judgment, including reliance on City experienced, technical personnel from various City departments.

D. CITY'S INDEPENDENT JUDGMENT

Before using a draft EIR prepared by another entity or through a third-party contractor, the City is required to subject the draft to its own review and analysis such that the draft EIR circulated for public review reflects the City's independent judgment (Public Resources Code Section 21082.1(c), CEQA Guidelines Section 15084(e).) The City must also certify the final EIR reflects its independent judgment (Public Resources Code Section 21082.1 (c), CEQA Guidelines Section 15090(a)(3), *Friends of La Vina v. County of Los Angeles* (1991) 232 Cal.App.3d 1446, 1455).

The City extensively reviewed the proposed project, the Draft SEIR, draft Final SEIR, and Final SEIR and its analyses to ensure the SEIR reflects the City's own independent judgment. The City's Development Services Department completes an independent evaluation of private land development applications, including this project, for compliance with applicable City, State, and Federal laws, regulations, and ordinances. City staff provided comments, clarifications, additions, revisions, and updates that were then addressed by subsequent iterations. As such, City staff is not an advocate for or against the project, but acts in its independent regulatory capacity as the lead agency to review and independently evaluate the SEIR and project.

In addition to the extensive independent review of the SEIR (including the Draft SEIR, draft Final SEIR, and Final SEIR), the City has further considered public review and input during the open, lengthy, and extensive public review process. This includes public/agency involvement and participation during the public SEIR scoping meeting, the Notice of Preparation review period, and the public/agency review and comment period on the Draft SEIR. All comments received during the Draft SEIR comment period were responded to in writing and included in the Final SEIR for presentation to the Planning Commission and the City Council prior to noticed public hearings. The City has also considered staff presentations and public hearings regarding the SEIR and project. The City has exercised independence, objectivity, and thoroughness to ensure the Final SEIR is a technically adequate environmental document that reflects the City's independent judgment.

Thus, pursuant to Public Resources Code Section 21082.1(c), and prior to certification, the City hereby finds it has independently reviewed and analyzed:

- The Draft SEIR and its technical studies;

- The draft Final SEIR, including public comments, responses to comments, revised draft SEIR pages; and
- The Final SEIR, including public comments, responses to comments, revised SEIR pages, etc.

The City hereby finds that the Draft SEIR and Final SEIR reflect the independent judgment of the City as the Lead Agency for the project.

E. NATURE OF FINDINGS

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

F. RELIANCE ON RECORD

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

- The Final SEIR (July 2022) for the Project;
- The Draft SEIR (August 2021) for the Project;
- The NOP (February 2020) for the Project and all comments received;
- The Pavilion at Oceanside FEIR (November 2008);
- The Findings and SOC for The Pavilion at Oceanside (November 2008);
- Any appendices, studies or documents cited, referenced, or relied on in the NOP, Draft SEIR, Final SEIR, Pavilion FEIR, or any document prepared for the Project SEIR and either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- Reports and technical reports, studies, and memoranda included or referenced in the NOP, Final SEIR, or City's responses to comments on the project;
- The project application materials;
- All public notices issued by the City in conjunction with the project, including notices issued by the City to comply with CEQA, the CEQA Guidelines, or any other law governing the processing and approval of the project;

- Scoping Meeting (February 25, 2020) notices and comments received at the Scoping Meeting;
- The Notice of Availability and Notice of Completion of the Draft SEIR;
- All reports, studies, memoranda, maps, or other planning or environmental documents relating to the project or its compliance with CEQA and prepared by the City, consultants to the City, or responsible or trustee agencies with respect to the project that were either made available to the public during a public review period or included in the City's non-privileged, retained files on the project;
- All written comments and attachments on the project received from agencies, organizations, or members of the public during the Draft SEIR comment period or prior to the close of the public hearing before the Council;
- All City responses to comments received from agencies, organizations, or members of the public, or otherwise transferred from the City in connection with the project or its compliance with CEQA;
- Any supplemental documents submitted to the City prior to public hearings on the project;
- Staff reports prepared by the City for any information sessions, public meetings, and public hearings relating to the project, and any exhibits or attachments thereto;
- Minutes and/or transcripts (including all presentation material used or relied upon at such sessions, meetings, and hearings) of all public information sessions, public meetings, and public hearings relating to the project, including the [July 25, 2022] Planning Commission hearing;
- Any documentary or other evidence submitted to the City at such information sessions, public meetings, and public hearings;
- Any proposed decisions or findings submitted to the City Council and made available to the public during any public review period;
- All findings, resolutions, and ordinances adopted by the Planning Commission or this City Council in connection with the project, and all documents cited or referred to therein;
- Project permit conditions;
- The Mitigation Monitoring and Reporting Program (MMRP) for the project;
- Any documents expressly cited in these findings and any documents incorporated by reference;
- The City of Oceanside General Plan and all pertinent environmental documents prepared in connection with its adoption;
- The full written record actually before the Planning Commission and/or City Council;
- The Project's Mixed-Use Development Plan and any project approval documents;
- All City website materials relating to the EIR or Project;

- Any other written materials included in the City's retained files for the SEIR or Project that are relevant to the City's compliance with CEQA or its decision on the merits of the project, and that were released for public review or relied upon in the environmental documents prepared for the project; and
- The Notice of Determination.

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

G. CUSTODIAN OF RECORDS

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

300 North Coast Highway Oceanside, CA 92054

H. RELATIONSHIP OF FINDINGS TO SEIR

These findings are based on the most current information available. Accordingly, to the extent there are any apparent conflicts or inconsistencies between the Final SEIR and these Supplemental Findings, these Findings shall control, and the Final SEIR is hereby amended as set forth in these Findings.

I. RESPONSES TO LATE COMMENTS

CEQA Guidelines Section 15105 requires that the City provide a 45-day public review and comment period on the Draft SEIR. The public comment period for the Draft SEIR began on August 24, 2021 and ended on October 8, 2021. The City accepted and responded to one comment letter on the Draft SEIR received after the close of the public comment period.

J. RECIRCULATION NOT REQUIRED

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

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

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

The City hereby finds that recirculation of the Project SEIR prior to certification is not required. In addition to providing responses to comments, the draft Final SEIR included revisions to expand upon information presented in the Draft SEIR; explain or enhance the evidentiary basis for the Draft SEIR’s findings; update information; and to make clarifications, amplifications, updates, or helpful revisions to the Draft SEIR. The Final SEIR provides further responses to comments and clarifications, as needed. As described in 1.3.4 of the Final SEIR (Final SEIR and the Public Hearing Process) and in the responses to comments on the Draft SEIR, Mitigation Measure BIO-9 has been revised. The Commission finds that these changes to the mitigation measure in the Final SEIR augment the mitigation measure as proposed in the Draft SEIR and strengthen its effectiveness, but do not cause any new or more severe environmental impacts. Therefore, in accordance with CEQA and the CEQA Guidelines, no recirculation of the SEIR is necessary based on the changes and additions to the mitigation measure in the Final SEIR. The Commission finds that these changes are of a minor, non-substantive nature and do not require recirculation of the SEIR.

K. CERTIFICATION OF THE FINAL SUPPLEMENTAL ENVIRONMENTAL IMPACT REPORT

The Commission certifies that the Final SEIR, dated [July 2022], on file with the Development Services Department, has been completed in compliance with CEQA and the CEQA Guidelines, that the SEIR was presented to the Commission, and that the Commission reviewed and considered the information contained therein before approving the Project, and that the SEIR reflects the independent judgment and analysis of the Commission (CEQA Guidelines, §15090).

VIII. STATEMENT OF OVERRIDING CONSIDERATIONS

Pursuant to Public Resources Code Section 21081(b) and CEQA Guidelines Section 15093(a) and (b), the City is required to balance, as applicable, the economic, legal, social, technological, or other benefits, including region-wide or statewide environmental benefits, of a proposed project against its unavoidable environmental risks when determining whether to approve the project. If the specific economic, legal, social, technological or other benefits of the project, including region-wide or statewide environmental benefits, outweigh the unavoidable adverse environmental effects, those effects may be considered “acceptable.” (CEQA Guidelines, §15093 (a).) CEQA requires the agency to

support, in writing, the specific reasons for considering a project acceptable when significant impacts are not avoided or substantially lessened. Those reasons must be based on substantial evidence in the final EIR or elsewhere in the administrative record. (CEQA Guidelines, §15093(b).)

Courts have upheld overriding considerations that were based on a variety of policy considerations including, but not limited to, new jobs, stronger tax base, and implementation of an agency's economic development goals, growth management policies, redevelopment plans, the need for housing and employment, conformity to community plan, and provision of construction jobs, See *Towards Responsibility in Planning v. City Council* (1988) 200 Cal App. 3d 671; *Dusek v. Redevelopment Agency* (1985) 173 Cal App. 3d 1029; *City of Poway v City of San Diego* (1984) 155 Cal App. 3d 1037; *Markley v. City Council* (1982) 131 Cal App.3d 656.

As discussed in Section 6 of the Pavilion Findings, the Pavilion FEIR concluded that, even with incorporation of all feasible mitigation measures and consideration of alternatives, the Pavilion project would have significant impacts on traffic and significant cumulative impacts on global climate change. The City had adopted all feasible mitigation measures with respect to traffic and global climate change, which may have substantially lessened the impacts, but would not have been successful in reducing them below a level of significance as there were not, at the time, established thresholds to determine significance. A Statement of Overriding Considerations was included with the Pavilion Findings providing substantial social, economic, policy and other public benefits justifying approval and implementation of the Pavilion project, notwithstanding not all environmental impacts were fully reduced below a level of significance.

As explained above, no potentially significant impacts would remain significant and unavoidable for the Project. While the Pavilion FEIR analyzed global climate change/GHG emissions as a cumulative impact and concluded that without an established threshold of measurement (in 2008) the significance of this impact could not be precisely determined, Project GHG emissions were evaluated in the Draft SEIR relative to the thresholds identified in the City's Climate Action Plan and were assessed as less than significant. Relative to potential transportation/traffic impacts, the previously identified significant and unmitigable impacts to the roadway segment of North Douglas Drive between North River Road and Pala Road and associated with trucks hauling material on the roadway segment of El Camino Real between Mesa Drive and Oceanside Boulevard are no longer applicable to the proposed Project. The Project was evaluated in the Draft SEIR pursuant to the significance criteria used to evaluate the Project impacts to traffic and circulation are based on Appendix G of the CEQA Guidelines. Although the addition of Project and cumulative traffic would result in significant transportation impacts, mitigation measure TRA-1 would be implemented to reduce the Project's residential VMT impacts to less than significant. The City finds that all feasible mitigation measures identified in the Final SEIR that are within the purview of the City will be implemented with the Project, and no Statement of Overriding Considerations must be adopted for the proposed Project.

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11.0 MITIGATION MONITORING AND REPORTING PROGRAM

11.1 INTRODUCTION

Per CEQA Guidelines Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that the mitigation measures and revisions identified in the Environmental Impact Report (EIR) are implemented. As stated in Section 21081.6 of the Public Resources Code:

“...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order in order to mitigate or avoid significant effects on the environment.”

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to certification of the EIR. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the CEQA Guidelines, Section 15097, “reporting” is suited to projects that have readily measurable or quantitative measures or which already involve regular review. “Monitoring” is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

A Supplemental EIR (SEIR) for the Ocean KAMP Project has been prepared to address the potential environmental impacts and, where appropriate, recommend measures to mitigate these impacts. As such, a mitigation monitoring plan is required to ensure that the adopted mitigation measures are successfully implemented. This document incorporates the Mitigation Measures (MM) and the Project Design Features (PDF) from both the SEIR and the completed Final EIR (FEIR) for the previously proposed Pavilion project. This plan lists each MM and PDF for both the SEIR and the FEIR, describes the methods for implementation and verification, and identifies the responsible party or parties.

11.2 MONITORING AND REPORTING PROCEDURES

The mitigation monitoring plan for the Project will be in place through all phases of the Project, including design, construction, and operation. The City of Oceanside will be responsible for administering the mitigation monitoring plan and ensuring that all parties comply with its provisions. The City may delegate monitoring activities to staff, consultants, or contractors. The City of Oceanside will also ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

The MMRP is provided in table format (see Table 1, below) which identifies the proposed mitigation measures by resource area. For each mitigation measure, the following are provided:

- Mitigation measure (number)
- Mitigation measure (text)
- Type
- Monitor
- Schedule

The MMRP allows for tracking of each mitigation measure and provides an area to identify the completion/implementation of each. The mitigation measures are organized into two types: Construction Mitigation (CM), and Operational Mitigation (OM).

Table 2 provides a list of the Project Design Features (PDFs) that are proposed for incorporation into the Project to reduce certain project effects. These PDFs will be made a Condition of Approval for the Project, as adopted by the City of Oceanside with approval of the Project.

**Table 11-1
MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY**

MM No.	Mitigation Measure	Type	Monitor	Schedule
	<i>Biological Resources</i>			
MM BIO-1	A monitoring biologist (approved by the City) shall (1) attend a preconstruction meeting; (2) be present during initial clearing and grubbing of habitat; and (3) be present during Project construction within 500 feet of preserve habitat to ensure compliance with all conservation measures. The monitoring biologist shall ensure that: the contractor and construction personnel are educated about the sensitivity of adjacent habitats, construction fencing is installed, seasonal restrictions on grading are followed, trash is removed from sensitive habitat areas or adjacent areas, vehicle fueling occurs outside sensitive areas, pets of Project personnel are not brought to the Project site, construction night lighting is minimized to avoid impacts to sensitive habitats, and violations are reported and mitigated appropriately. The biologist shall submit a letter to the City that documents compliance with mitigation measures at the conclusion of construction.	CM	City of Oceanside Planning Division (Planning Division)	Pre-Construction; During Construction and Grading; Post Construction
MM BIO-2	Impacts will occur to 0.57 acre of wetlands (0.22 acre of potentially Corps/RWQCB jurisdiction, 0.57 acre of CDFW San Luis Rey Mitigation Bank for purchase of 1.71 acres. NOTE: Wetland acreages have been updated to reflect the current permitting process outlined in BIO-13 below.	CM	Planning Division ; ACOE; RWQCB; CDFW	Planning; Pre-Construction
MM BIO-5	While the proposed plant list for the on-site 100-foot-wide corridor currently consists of native species including coastal sage scrub constituents that are compatible with the City's recommended plant guidelines, the final Project completion species selection will be subject to approval by the fire marshal as part of landscape work drawings.	OM	Planning Division; Oceanside Fire Marshal	Planning

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM BIO-6	The conservation easement over the onsite 100-foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of Project approval.	OM	Planning Division; CDFW	Planning
MM BIO-7	Landscaping within the development area shall avoid the use of invasive non-native plants, detailed in Table 5-5 of the draft HCP and/or the California Invasive Plant Inventory.	OM	Planning Division	Planning; Pre-Construction; During Construction and Grading
MM BIO-8	No grading, grubbing, or clearing shall be allowed during the breeding season for least Bell's vireo (March 15 to September 15) or raptors (January 31 to July 31) unless preconstruction surveys are conducted to determine if these species occur within areas that would be impacted by noise levels greater than 60 dB Leq. If these species are nesting within this area at the time, these construction activities shall either (1) be postponed until all nesting breeding behavior has ceased; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq.	CM	Planning Division	Pre-Construction; During Construction and Grading
MM BIO-9	To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance and minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until	CM	Planning Division; CDFW	(Should vegetation removal take place during breeding season, a nesting bird survey will be completed no more than 3 days prior to construction activities) Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
	<p>nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest in all directions (300 feet is typically recommended by CDFW for any state or federally listed passerine species and 500 feet for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.</p>	CM	Planning Division	Pre-Construction; During Construction and Grading
MM BIO-10	<p>To ensure that construction activity remains within the defined limits of work, all construction and staging areas shall be grading and fenced with orange construction fencing and silt fencing or fiber rolls. Delineated areas shall be regularly inspected by the Project biologist per the construction monitoring schedule.</p>	OM/CM	Planning Division	Planning; Pre-Construction; During Construction and Grading
MM BIO-12	<p>Lighting within the Project area adjacent to the San Luis Rey River shall be selectively placed, directed away from the river, and of the lowest illumination possible for human safety.</p>	OM/CM	Planning Division; USACE; RWQCB; CDFW	Prior to Issuance of Permits
MM BIO-13	<p>Mitigation for the loss of jurisdictional waters would be conditions of the permits issued by the USACE, RWQCB and CDFW. The applicant will submit the required jurisdictional delineation to USACE as part of Clean Water Act permitting. Said permits will be obtained prior to grading in these areas.</p>			
<i>Cultural Resources</i>				
MM CUL-1	<p>The development of a pre-excavation agreement between the applicant and the appropriate Luiseño tribe(s) or other Native Americans as determined by the City.</p>	CM	Engineering/Planning Division; San Luis Rey Band of Mission Indians	Prior to Issuance of Grading Permit
MM CUL-2	<p>The presence of a qualified archaeologist and invitation to a Native American monitor at the pre-construction meeting.</p>	CM	Engineering/Planning Division	Prior to Issuance of Grading Permit
MM CUL-3	<p>A Native American monitor to be invited and an archaeological monitor will be on-site during initial grading, trenching, or other ground-disturbing activities of existing</p>	CM	Engineering/Planning Division	Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
	soils. Monitoring will not be required during the subsequent soil import and grading operations as it will not disturb native soils.			
MM CUL-4	The analysis of any cultural material found.	CM	Engineering/Planning Division	During Construction and Grading
MM CUL-5	The preparation of a report detailing the methods and results of the monitoring program.	CM	Engineering/Planning Division	Post Construction
MM CUL-6	The curation or repatriation of the cultural material collected.	CM	Engineering/Planning Division	Pre-Construction; During Construction and Grading; Post Construction
<i>Geology and Soils</i>				
MM GEO-1	Loose surficial soil in the upper 1 to 2 feet would be over-excavated prior to placement of fill or in building pad locations. The upper 5 to 10 feet of soil, which is loose to medium dense, would be over excavated in deep fill areas, and compacted as engineered fill.	CM	Engineering Division	Pre-Construction; During Construction and Grading (prior to placement of fill)
MM GEO-2	To mitigate potential differential settlement of structures, two options may be used. One is to perform conventional grading with reduced foundation bearing capacities, and the other would be to improve the subsurface with deep dynamic compaction with higher bearing capacities for foundations. On-site soil generated from cut areas following clearing and grubbing that is free of excess organic material (3 percent or less by weight) or debris may be suitable for use as structural fill. Imported Select Fill should be non-expansive, having a Plasticity Index of 12 or less, an R-Value greater than 40, and enough fines so the soil can bind together. Imported soil should be free of organic materials and debris, and not contain rocks or lumps greater than 3 inches in maximum size. Imported Select Fill shall be approved by the geotechnical engineer prior to delivery on-site.	CM	Engineering Division	Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM GEO-3	Compaction and design requirements shall be consistent with those specified in the geotechnical report (90 to 95 percent relative compaction with 1 to 2 percent above optimum moisture content), and site grading shall be performed in accordance with these recommendations and the Grading and Earthwork Specifications.	CM	Engineering Division	Planning; During Construction and Grading
Noise				
MM NOI-1	Noise levels at private residential exterior use areas shall be reduced to 65 Community Noise Exposure Level (CNEL) or below. Once specific building plan information is available, additional exterior noise analysis shall be conducted for proposed residential exterior use areas that are expected to be exposed to a noise level of 65 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site west of the intersection of Mission Avenue and Ocean Pointe Drive. The analysis shall determine the specific barrier heights and locations required to reduce exterior use area noise levels to below 65 CNEL. City review and approval of the proposed exterior use area noise compliance evaluation as well as applicable noise attenuation measures shall be completed prior to issuance of building permit. The noise barriers must be solid. They can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. The walls can be made of composite wood with a solid lower section with a clear glass or plastic upper section to maintain views. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic 3/8 of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that	OM	Planning Division	Prior to Issuance of Building Permit; Pre-Construction

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM NOI-2	<p>it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of one-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb.</p> <p>Interior noise levels for the Project's proposed residences shall be demonstrated to not exceed 45 CNEL. Once specific building plan information is available, additional exterior-to-interior noise analysis shall be conducted for all proposed residences that are exposed to an exterior noise level of 60 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site along Mission Avenue. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site residences. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. City review and approval of the proposed exterior-to-interior noise analysis as well as applicable noise attenuation measures shall be completed prior to issuance of building permit.</p> <p>Air conditioning or mechanical ventilation systems shall be installed to allow windows and doors to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (IBC; Chapter 12, Section 1203.3 of the 2001 California Building Code [CBC]).</p>	OM	Planning Division	Prior to Issuance of Building Permit

MM No.	Mitigation Measure	Type	Monitor	Schedule
<i>Paleontological Resources</i>				
MM PAL-1	Prior to issuance of grading permits, the applicant shall confirm to the City that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.	CM	Engineering/Planning Division	Prior to Issuance of Grading Permit
MM PAL-2	A paleontological monitor shall be on site during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist.	CM	Engineering/Planning Division	During Construction and Grading
MM PAL-3	When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site.	CM	Engineering/Planning Division	During Construction and Grading
MM PAL-4	Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collection such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include	CM	Engineering/Planning Division	Post Construction

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM TRA-1	<p><i>Traffic and Transportation</i></p> <p>discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.</p> <p>Implement the guidelines outlined in California Air Pollution Control Officers Association's (CAPCOA) measure LUT-9: Improve Design of Development, which is applicable to residential projects in an urban or suburban area. The proposed Project shall improve the proposed design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables.</p>	MO/CM	Transportation Engineering Section/Planning Division; CAPCOA	Prior to Issuance of Building Permit

**Table 11-2
PROJECT DESIGN FEATURES SUMMARY**

PDF No.	Project Design Feature
	<i>Aesthetics</i>
PDF AES-1	<p>The Project shall incorporate a series of Project Design Features to assure compatibility with the surrounding existing land uses, which are summarized as follows:</p> <ul style="list-style-type: none"> • Provide a variety of architectural styles and building configurations, such as courts and clusters, to avoid a monotonous appearance. • Show sensitivity to adjacent properties, open space, and community amenity areas with appropriate setbacks and orientation of buildings and facades. • Provide for a varied streetscape and community appearance. • Blend compatible architectural styles and utilize a distinctive palette of colors and materials responsive to the overall proposed Project branding within each commercial area and residential neighborhood. • Provide varied building setbacks along the street and/or articulate each building. • Commercial structures would be limited to 50 feet tall, and the various residential components (townhomes, apartments, condominiums, and senior housing) would range from two to four stories. • Orient buildings to incorporate a relationship between indoor and outdoor space. • The commercial structure's walls shall largely be constructed with plaster or pre-cast concrete and would reduce large expenses of glare producing materials.
PDF AES-2	<p>The Project will incorporate The City of Oceanside Light Pollution Regulations (Chapter 39) within the City's Code of Ordinances. The Light Pollution Regulations require that all lighting must use shielded luminaries with glare control to prevent light spillover onto adjacent areas.</p>
	<i>Air Quality</i>
PDF AIR-1	<p>For dust control, the Project shall include the following:</p> <ul style="list-style-type: none"> • A minimum of two applications of water shall be applied during grading between dozer/grader passes. • Paving, chip sealing, or chemical stabilization of internal roadways shall be applied after completion of grading. • Grading shall be terminated if winds exceed 25 miles per hour (mph). • All exposed surfaces shall maintain a minimum soil moisture of 12 percent.

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Dirt storage piles shall be stabilized by chemical binders, tarps, fencing, or other erosion control. • Vehicle speeds shall be limited to 15 mph on unpaved roads.
	<p><i>Biological Resources</i></p>
PDF BIO-1	<p>The Project shall preserve approximately 4 acres (the "100ft corridor", see MM BIO-5, MM BIO-6 for details) of biological open space along the eastern property boundary to conserve habitat for sensitive species such as the coastal California gnatcatcher. This open space would serve as a "stepping stone" corridor that would be restored to serve as a functioning wildlife movement corridor and linkage for sensitive avian species.</p>
PDF BIO-2	<p>The Project shall incorporate applicable City of San Francisco Standards for Bird-Safe Buildings to reduce the potential for avian collisions. Proof of compliance with the building façade, glazing, and lighting conditions required to achieve a "bird safe building" consistent with the Bird-Safe Building Checklist shall be shown.</p>
	<p><i>Geology and Soils</i></p>
PDF GEO-1	<p>Conformance with the California Building Code design requirements and other applicable City ordinances and standards shall reduce the effects of seismic ground shaking.</p>
	<p><i>Greenhouse Gas Emissions</i></p>
PDF GHG-1	<p>California regulations (13 California Code of Regulations [CCR] 2449(d)(3), 2485) limit idling from both on-road and off-road diesel powered equipment and are enforced by CARB. Construction of the Project shall include the following construction practice requirements that strive to reduce diesel or gasoline use beyond typical demand:</p> <ul style="list-style-type: none"> • When more than one piece of construction equipment is available to complete a task, the contractor shall use the most fuel-efficient equipment. • The newest or most fuel-efficient equipment models shall be selected from the contractor fleet for use. • Workers shall be encouraged to carpool or use public transit to access the Project site during construction. The construction contractor shall facilitate carpooling by providing means to organize carpools or request transit center pickups. • When haul trucks are available with a haul capacity larger than 15 cubic yards but a fuel efficiency similar to a 15-cubic-yard capacity truck, the larger capacity trucks shall be used to reduce total trips.
PDF GHG-2	<p>The City CAP requires that projects located within a Smart Growth Opportunity Area (SGOA) develop uses consistent with the land use designation (commercial) and include elements consistent with the character of the SGOA type. Consistent with CAP, the Project shall incorporate:</p> <ul style="list-style-type: none"> • Providing connection(s) for recycled water integration into the City's recycled water network when available (thereby transferring Project gray water into the City treatment system and minimizing on-site future use of potable water by allowing receipt of recycled rather than potable water for irrigation, etc.)

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Offsetting of 50 percent of Project forecasted energy demand (a minimum of 5,000 kW) through photovoltaic panels or other renewable sources. • Implementation of a Transportation Demand Management Strategy. • Providing preferential parking spaces (12 percent of the parking spaces) for clean air vehicles, six percent of Project parking spaces pre-wired for electric charging, with 50 percent of those spaces equipped with operable charging stations. • Shade trees and planting and irrigation infrastructure that maximize energy and water conservation.
PDF GHG-3	<p>The Project shall minimize use of gas and electricity through:</p> <ul style="list-style-type: none"> • Limiting use of natural gas to food and beverage buildings, fitness center and overhead gas-fired heaters. • Use of Variable Refrigerant Flow (VRF) systems for space cooling and heating rather than a central plant (lowering CO2 emissions). • Use of instantaneous electric water heaters for domestic hot water. • Placement of photovoltaic (PV) panels on carports as well as retail areas (fitness center, conference center and office buildings) with PV substations and battery storage banks located throughout the site. • Use of High Coefficient of Performance (COP) heat pump(s), opaque thermal pool cover(s), and integration of a solar thermal system for heating for the Lazy River, Lap Pool and Climbing Wall Pool. • Recovery of heat rejection from Casitas heating, ventilation, and air conditioning (HVAC) systems for Lazy River. • Use of light emitting diode (LED) light fixtures in the parking lots (both on poles and under carport structures) for visibility and safety lighting.
PDF GHG-4	<p>Prior to operation, sustainable elements shall include incorporation of recycled materials during construction, as feasible, and transport of unused materials that can be recycled to appropriate facilities. The suite of sustainable design elements during operation includes drought tolerant landscaping, reliance on solar energy, pre-planning to allow for use of reclaimed water when available, use of low flow lavatories, infrastructure required for electric car charging, recycling.</p>
PDF HAZ-1	<p><i>Hazards and Hazardous Materials</i> The Project shall be required to comply with the City Code of Ordinances Chapter 11 (Fire Protection), which provides regulations for fire prevention measures including fire sprinklers and landscape restrictions.</p>

PDF No.	Project Design Feature
PDF HYD-1	<p><i>Hydrology and Water Quality</i></p> <p>A Stormwater Quality Management Plan (SWQMP) shall be implemented during construction to reduce stormwater runoff to receiving waters during construction activities. Provisions within the SWQMP include impervious surfaces such as parking lots, sidewalks, patios, roof top drains, rain gutters and other impervious surfaces are designed to drain to landscaping, vegetated buffer strips, or vegetated swales where practicable. In areas where runoff could not be designed to enter vegetated swales, filtration is proposed at storm drain inlets.</p>
PDF HYD-2	<p>The Project shall comply with the requirements of the Regional Water Quality Control Board (RWQCB) and National Pollutant Discharge Elimination System (NPDES) permits for stormwater runoff associated with construction activities and the Project will implement standard BMPs identified in the Stormwater Pollution Prevention Plan (SWPPP) to reduce potential impacts.</p>
PDF LU-1	<p><i>Land Use and Planning</i></p> <p>The Project would be reviewed by the Planning Commission to ensure that all City of Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.</p>
PDF LU-2	<p>The Project would be required to obtain design review approval by the City of Oceanside and is subject to the City Zoning standards that regulate building design, mass, bulk, height, etc.</p>
PDF NOI-1	<p><i>Noise</i></p> <p>The Project shall be required to comply with the City of Oceanside Code of Ordinances Chapter 38 (Noise Control).</p>
PDF NOI-2	<p>In accordance with the City's Noise Ordinance, construction activities shall be limited to daytime hours of 7:00 a.m. to 6:00 p.m. Monday through Friday or from 8:00 a.m. to 4:30 p.m. on Saturdays.</p>
PDF PS-1	<p><i>Public Services</i></p> <p>According to the Oceanside Code of Ordinances Chapter 32B (Impact Fee) and 32C (Public Facility Fee Requirements), the applicant is required to pay public facility fees. This provides the funds for additional police, fire, library, general government, park, and school services to serve future growth in the area. Prior to issuance of building permits, the applicant shall be required to pay impact fees at the rate in effect at the time of building permit issuance as determined by the City Engineer.</p>
PDF PS-2	<p>The Project shall be required to comply with the City of Oceanside Code Chapters 13.3 (requirements to manage solid waste and recyclable material), 13.39 (Design of adequate space for solid waste and recycling on site), and 13.16(h) (requirement to separate all recyclable material from solid waste) and State of California Assembly Bill 939 Solid Waste Management Diversion Mandates.</p>
PDF TRA-1	<p><i>Transportation and Traffic</i></p> <p>The Project shall incorporate several features to aide with traffic and transportation flow within the Project and the surrounding area:</p> <ul style="list-style-type: none"> • Include landscaping and provide spaces and pedestrian amenities for social interaction within internal streets such as small gathering areas, mailbox clusters, benches and seating, water features, and shaded areas.

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Provide traffic calming measures such as narrower roadways, on-street parking, bump-outs, and speedbumps along internal streets. • Design internal streets with sidewalks along a minimum of one side to promote pedestrian activity within the development. • Provide enhanced pedestrian circulation with access and connections to internal walkways, paseos, and open space systems. • Create four mobility hubs (places where various travel options converge).
PDF TRA-2	<p>Project features and conditions of approval are as follows, with implementation required at 50 percent occupancy. These strategies shall further reduce the number of automobile trips generated by residents of the Project and the distance that the residents drive:</p> <ul style="list-style-type: none"> • Provide ride share coordination services through the Project's Homeowner's Association to match residents interested in carpooling. • Coordinate with near-by schools and/or the Project's Homeowner's Association to match residents interested in carpooling to/from schools. • Provide on-site transit opportunities information. • Encourage bicycling by providing on-site bicycle infrastructure such as bike racks and public-use electric bikes.
PDF TRA-3	<p>In accordance with the California Vehicle Code, the Project applicant shall prepare a traffic control plan for use during construction. This plan shall outline flagging procedures and delivery/movement timing to avoid peak traffic periods. The plan shall also outline procedures for notifying the Oceanside Police and Fire Departments of forthcoming lane or roadway closures. This shall allow the Police and Fire Departments to modify emergency response plans and notify other public service providers of closures. The traffic control plan shall be approved by the City Engineering Department prior to issuance of a grading permit.</p>
PDF TRA-4	<p>The Project shall coordinate with the City to provide a pedestrian crosswalk across Benet Road at Airport Road. This measure will help address the lack of pedestrian facilities on the eastern side of Benet Road between Airport Road and the San Luis River Trail and will improve pedestrian and bicycle connectivity to the San Luis River Trail.</p>

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PLANNING COMMISSION
RESOLUTION NO. 2022-P16

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

APPLICATION NO: T19-00004, D19-00016, CUP19-00021
 APPLICANT: O'SIDE PARTNERSHIP, LLC
 LOCATION: NORTHEAST CORNER OF STATE ROUTE 76 AND
 FOUSSAT ROAD (APNS 160-270-31, -79, and -82; 160-280-
 14, -48, -49, -50, -51, -53, -54, and -55; 160-290-58, -60, -63)

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Map, Development Plan, and a Conditional Use Permit request under the provisions of Articles 11, 30, 31, 40, 41, and 43, of the Zoning Ordinance and Article 4 of the Subdivision Ordinance of the City of Oceanside to permit the following:

development of a horizontal mixed-use development consisting of a resort hotel with up to 300 keys that includes a surfing wave lagoon, 134,000 square feet of commercial and office space, and up to 700 residential units on a vacant approximately 92-acre site;
on certain real property described in the project description.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Supplemental Environmental Impact Report (SEIR) was prepared and circulated for this project; and

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1 WHEREAS, the Planning Commission, after giving the required notice, did on the
 2 25th day of July, 2022 conduct a duly advertised public hearing as prescribed by law to
 3 consider said application; and

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

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

Description	Authority for Imposition
Public Facility (Residential)	Ord. No. 91-09 Reso. No. 15-R0638-1
Public Facility (Commercial/Industrial)	Ord. No. 91-09 Reso. No. 15-R0638-1
Parks (Residential only)	Ord. No. 91-09 Reso. No. 15-R0638-1
School District Fee (Residential)	Ord. No. 91-34 OUSD Res. 13(12-13) CUSD Res. 21-1314
School District Fee (Commercial/Industrial)	Ord. No. 91-34 OUSD Res. 13(12-13) CUSD Res. 21-1314
Traffic Signal & Thoroughfare (Multi-Family Residential)	Reso. No. 16-R0324-1 Reso. No. 12-R0626-1
Traffic Signal & Thoroughfare (Commercial/Industrial)	Reso. No. 16-R0324-1
Drainage and Flood Control Fee	Ord. No. 85-23 Reso. No. 16-R0638-1
Wastewater System Capacity Buy-in Fee (Non-Residential and Multi-Family Residential)	Reso. No. 87-97 Ord. No. 15-OR0479-1 City Code 37.7.37
Water System Capacity Buy-in Fee (Residential and Non-Residential)	Reso. No. 87-96 Ord. No. 15-OR0480-1 City Code 37.7.37
San Diego County Water Authority (Residential and Non-Residential)	SDWA Ord. 2017
Inclusionary Housing Administration Fee	Chapter 14C.9 of the MC Reso. No. 03-R175-1 Reso. No. 11-R0483-1

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

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

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

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

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

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

18 FINDINGS:

19 For the Tentative Map:

- 20 1. The proposed Tentative Map to subdivide an approximately 92 acre site into 13
21 numbered lots and 10 lettered lots is consistent with the General Plan of the City, in
22 that the proposed subdivision will provide building pad areas of sufficient size and
23 dimensions for future commercial and residential development to accommodate an
24 aesthetically pleasing horizontal mixed-use project while conserving approximately
25 20 acres of open space and providing a four-acre open space parcel (Lot D) that will
26 serve as a stepping stone corridor for endangered species. In addition, the proposed
27 subdivision creates parcels that are consistent with and exceed the requirements of the
28 Community Commercial (CC) General Plan and Zoning designation.

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1 2. The approximately 92-acre site is physically suitable for the proposed type of
2 development, as designed. The site design will allow for proper separation between
3 the development at the project site and the existing single-family subdivisions to the
4 north and east, will provide adequate vehicle circulation and parking, common useable
5 open space; as well as, ample landscape coverage throughout all Planning Areas.
6 Furthermore, the design of the subdivision or the proposed improvements will not
7 cause substantial environmental damage or substantially and unavoidably injure fish
8 or wildlife or their habitat. The subject property is located near areas of sensitive
9 habitat, and includes a dedicated four-acre parcel that will serve as a stepping stone
10 corridor for endangered species and subject to implementation of mitigation measures
11 contained within the projects SEIR, no significant unavoidable adverse environmental
12 effects will occur as a result of the development.

13 3. That the design of the subdivision or the type of improvements meets City standards
14 and will not conflict with easements, acquired by the public at large, for access through
15 or the use of property within the proposed subdivision. Development of the project
16 site will result in better circulation options for existing residents living to the north of
17 the project site, as the project's proposed backbone circulation roads will allow for
18 connectivity to Mission Avenue without having to cross State Route 76.

19 4. That the subdivision complies with all other applicable ordinances, regulations and
20 guidelines of the City of Oceanside. The proposed tentative map exhibit accords with
21 the form and content requirements of the City's Subdivision Ordinance (Section 401)

22 For the Development Plan:

23 1. The proposed project is consistent with the Land Use Element of the General Plan and
24 the proposed mix of uses are consistent with the uses within the surrounding
25 neighborhoods. The site is designated as Community Commercial (CC) in the General
26 Plan and Zoning Ordinance. This designation and zoning allows a wide range of
27 commercial uses such as hotels, retail stores, and office space as proposed in the Ocean
28 Kamp project. In addition, residential uses are permitted at a density of up to 29
29 dwelling units per acre as part of a mixed-use development such as Ocean Kamp. At

1 a maximum density of 25.5 dwelling units per acre, the project is consistent with the
2 density limitations outlined in Section 3042 of the Zoning Ordinance. The site plan
3 and physical design of the project as proposed is consistent with the purposes of the
4 Zoning Ordinance because the project complies with all applicable development
5 standards of the Community Commercial zone. The proposed development will be
6 architecturally pleasing and provide a destination for both residents of and visitors to
7 the City of Oceanside. The project would be buffered from existing residential uses
8 to the north by the San Luis Rey River and existing residential uses to the east by the
9 combination of a 100-foot wide stepping stone corridor and 100-foot wide SDG&E
10 transmission corridor.

- 11 2. The Development Plan, as proposed, conforms to the General Plan of the City,
12 specifically Policies 2.21(A) and 2.21(B) in that the proposed development as
13 proposed would provide a mixed-use development that will contain a wide variety of
14 commercial establishments, entertainment establishments, and restaurants. The site is
15 also in excess of 30 acres that will provide revenue to the City in the form of sales and
16 transient occupancy taxes while providing a wide array of employment opportunities.
- 17 3. The site can be adequately, reasonably, and conveniently served by existing and
18 planned public services, utilities, and public facilities. The project site is located
19 within an urbanized area served by existing public services, utilities, and public
20 facilities. The environmental analysis determined there would be no significant
21 impacts on these services and facilities.
- 22 4. The project, as proposed, is compatible with existing and potential development
23 within the surrounding area because the project would constitute in-fill development
24 that will complement existing commercial development while contributing to
25 Oceanside's housing inventory and providing a destination resort for both residents
26 of and visitors to the City.

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1 For the Conditional Use Permit:

- 2 1. The Mixed-Use Development Plan is consistent with the adopted Land Use Element
3 of the General Plan and other applicable policies and is compatible with surrounding
4 development. Specifically the project is consistent with Policies 2.21(A) and 2.21(B)
5 in that the development, as proposed, would provide a mixed-use development that
6 will contain a wide variety of commercial establishments, entertainment
7 establishments, and restaurants. The site is also in excess of 30 acres that will provide
8 revenue to the City in the form of sales and transient occupancy taxes while providing
9 a wide array of employment opportunities. In addition, the project is consistent with
10 of policies from the Economic Development Element of the General Plan including
11 policies 1(a)(3) and 2(b)(2).
- 12 2. The Ocean Kamp Mixed-Use Development Plan provides for a horizontal mixed-use
13 project that results in a superior urban design in comparison with the development
14 under the base Community Commercial district regulations. The project includes an
15 active lifestyle resort community comprised of a hotel with up to 300 keys and
16 amenities such as a surf lagoon, a variety of retail and office uses, and a residential
17 component that results in a high-quality community where people can live, work, and
18 play.
- 19 3. Deviations from the base district regulations include the provision of residential
20 opportunities at the project site via a Mixed-Use Development Plan that results in a
21 well-integrated community. Mixing uses is an important component of traditional
22 neighborhood development as well as successful smart-growth communities. Mixed-
23 use development combines two or more different types of land uses in close
24 proximity, where the functions are physically and functionally integrated and provide
25 opportunities for enhanced design, pedestrian connections, and community
26 interaction. This type of development allows for convenient access between
27 residences, commercial services, employment opportunities, and other uses. While
28 additional benefits of mixed-use development include diversity, uniqueness and
29 walkability. Potential compatibility issues are addressed in the Ocean Kamp site plan

1 through focused development standards and coordinated site layout and building
2 design. The proposed Mixed-Use development will be an integrated plan, where uses
3 are sited to share parking, traffic circulation, and an alternative transportation system,
4 recreational and open space areas, and utilities and infrastructure. The proposed
5 project site would be developed in two distinct yet integrated areas – the commercial
6 component, comprised of hotel, commercial, office, and recreational uses; and the
7 residential component. Approximately 20 acres of the site would be preserved in open
8 space, including a 4-acre stepping stone wildlife corridor located along the eastern
9 property boundary.

- 10 4. The Mixed-Use Plan and Mixed-Use Development Plan includes adequate provisions
11 for utilities, services, and emergency vehicle access; and public service demands will
12 not exceed the capacity of existing and planned systems. The site can be adequately,
13 reasonably, and conveniently served by existing and planned public services, utilities,
14 and public facilities. The project site is located within an urbanized area served by
15 existing public services, utilities, and public facilities. The environmental analysis
16 determined there would be no significant impacts on these services and facilities.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
18 hereby approve the Tentative Map (T19-00004), Development Plan (D19-00016), and
19 Conditional Use Permit (CUP19-00021) subject to the following conditions:

20 **Building:**

- 21 1. The granting of approval under this action shall in no way relieve the applicant/project
22 from compliance with all Current State and local building codes.

23 The 2016 triennial edition of the California Code of Regulations, Title 24 (California
24 Building Standards Code) applies to all occupancies that applied for a building permit
25 on or after January 1, 2017, and remains in effect until the effective date of the 2019
26 triennial edition which will be January 1, 2020.

27 Beginning on January 1, 2020, Oceanside Development Services (ODS) is required
28 by State law to enforce the 2019 Edition of California Building Standards Codes
29 (a.k.a., Title 24 of the California Codes of Regulations).

1 Every three years, the State adopts new model codes (known collectively as the
2 California Building Standards Code) to establish uniform standards for the
3 construction and maintenance of buildings, electrical systems, plumbing systems,
4 mechanical systems, and fire and life safety systems. Sections 17922, 17958 and
5 18941.5 of the California Health and Safety Code require that the latest edition of the
6 California Building Standards code and Uniform Housing Code apply to local
7 construction 180 days after publication.

8 There are 12 parts to Title 24 and the applicable parts for most Building Division
9 permit applications are listed below.

- 10 • Part 2: The 2019 California Building Code (CBC).
- 11 • Part 2.5: The 2019 California Residential Code (CRC).
- 12 • Part 3: The 2019 California Electrical Code (CEC).
- 13 • Part 4: The 2019 California Mechanical Code (CMC).
- 14 • Part 5: The 2019 California Plumbing Code (CPC).Part 6: The 2019 California
- 15 Energy Code
- 16 • Part 9: The 2019 California Fire Code (CFC)
- 17 • Part 11: The 2019 California Green Building Standards Code (CALGreen Code)

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

20 All architects, engineers, designers, developers, owners and contractors MUST be
21 familiar with the codes in effect at the time of plan submittal. ODS, as required by
22 State law, CANNOT approve projects that do not comply with the codes in effect at
23 the time of plan submittal. All projects submitted before or on December 31, 2019 are
24 permitted to comply with the 2016 Edition of the California Building Standards Code.

- 25
- 26 2. The building plans for this project are required by State law to be prepared by a
27 licensed architect or engineer.
- 28 3. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the
29 plans.

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

4 5. A form or foundation survey shall be required prior to the placement of concrete to
5 show the location of the new structure in respect to the property lines, known
6 easements, and known setback lines. By obtaining a form survey the location of the
7 foundation is checked prior to the placement of concrete, and can save costly
8 corrective measures in case of an encroachment of a property line.

9 6. Site development, parking, access into buildings and building interiors shall comply
10 WITH ALL CURRENT State of California Accessibility Code where required.

11 7. All electrical, communication, CATV, etc. service lines within the exterior lines of the
12 property shall be underground (City Code Sec. 6.30).

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

16 9. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution
17 Ordinance) and shall be fully shielded.

18 10. City of Oceanside Enforces the 2016 California Green Building Standards Code. A
19 Construction Waste Management Plan shall be required at time of plans submittal to
20 the Building Division for plan check.

21 5.408.1 Construction waste diversion. Recycle and/or salvage for reuse a minimum
22 of 65 percent of the nonhazardous construction and demolition waste in accordance
23 with Section 5.408.1.1, 5.408.1.2 or 5.408.1.3; or meet a local construction and
24 demolition waste management ordinance, whichever is more stringent.

25 5.408.1.1 Construction waste management plan. Where a local jurisdiction does not
26 have a construction and demolition waste management ordinance that is more
27 stringent, submit a construction waste management plan that:

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- 1 1. Identifies the construction and demolition waste materials to be diverted from
2 disposal by efficient usage, recycling, reuse on the project or salvage for future use
3 or sale.
- 4 2. Indicates if construction and demolition waste materials will be sorted on-site
5 (source-separated) or bulk mixed (single stream).
- 6 3. Identifies diversion facilities where construction and demolition waste material
7 collected will be taken.
- 8 4. Specifies that the amount of construction waste and demolition materials diverted
9 shall be calculated by weight or volume, but not by both.
- 10 11. Short-term bicycle parking. Provide permanently anchored bicycle racks within 200
11 feet of the visitors' entrance, readily visible to passers-by, for 5% of new visitor
12 motorized vehicle parking spaces being added, with a minimum of one two-bike
13 capacity rack. CGBSC 5.106.4.1.1.
- 14 12. Selective coordination information for Emergency and Elevator systems shall be
15 provided as needed. National Electrical Code requirements for selective coordination
16 are mandatory for certain electrical systems where maximum reliability of power is
17 critical. The 2014 edition of the NEC[®] includes selective coordination requirements
18 for Elevator Circuits and Emergency Systems. NEC 240.12, 620.62, 700, 700.16,
19 700.27 and 701.18.
 - 20 • Where selective coordination is required by code, the coordination study/report
21 that identifies the exact over-current devices utilized to achieve the coordination
22 must be provided with the electrical plans.
 - 23 • "The design professional must either stamp the selective coordination report if
24 prepared by him/her or a letter attesting that the contents of the attached report have
25 been reviewed and is acceptable. The specified over-current protection devices
26 required to achieve a coordinated system must be identified on the plans and on all
27 electrical power distribution equipment that the coordination requirement applies
28 to or in a document that resides near the pertinent electrical equipment. If the
29

1 selective coordination information cannot be provided at the time of plans
2 submittal due to the distribution equipment model/type and associated over-current
3 components not yet being known, the electrical plans can be approved with a
4 deferred submittal condition whereby final approval of the electrical installation
5 will be withheld until two sets of said report, letter and revised plans have been
6 received, reviewed and approved by plans examination and the installation verified
7 by inspections". This policy will provide compliance with the code for selective
8 coordination and also ensure the Design Professional has properly reviewed and
9 approved the final system as installed. This Jurisdiction will then record the letter
10 and subsequent study into the permanent record for that project.

- 11 13. San Diego County Department of Environmental Health approval is required for all
12 new food businesses and public pools.
- 13 14. Buildings four or more stories in height must comply with City of Oceanside Mid-
14 Rise Ordinance.
- 15 15. Elevator car must be sized to accommodate an emergency gurney sized 84 x 24 inches
16 in the horizontal position.
- 17 16. An enclosed elevator lobby separating the elevator shaft enclosure doors from each
18 floor with fire partitions. – shall be provided at each floor where an elevator shaft
19 enclosure connects more than two stories in A, E, H, I, L, R-1, R-2, and R-2.1
20 occupancies and more than three stories in all other occupancies (CBC 3006.2, CBC
21 3006.3).
- 22 17. Plans must specify, as applicable, the type of automatic sprinkler system – NFPA 13,
23 NFPA 13R, or NFPA 13D – installed in the building.
- 24 18. The construction documents and/or site plan should indicate the location and required
25 number of designated parking stalls. These parking spaces should be marked
26 "CLEAN AIR/VANPOOL/EV." The markings should be visible when a clean air
27 vehicle is parked. In other words, if the front of the vehicle goes into the parking stall
28 first, the markings should be visible at the back end of the vehicle. Lettering should be
29 at least 8 inches high. The CLEAN AIR/VANPOOL/EV parking stalls may be located

1 anywhere on the site and do not require a preferential location. Refer to Table
2 5.106.5.2 in CAL Green to ensure that the correct number of designated parking stalls
3 is provided. Include all parking spaces in the calculation. 2016 Cal Green Section
4 5.106.5.2

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

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

16 b. The construction site shall be kept reasonably free of construction debris as
17 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
18 approved solid waste containers shall be considered compliance with this
19 requirement. Small Amounts of construction debris may be stored on site in a neat,
20 safe manner for short periods of time pending disposal.

21 **Engineering:**

22 20. For the demolition of any existing structure or surface improvements; grading plans
23 shall be submitted and erosion control plans be approved by the City Engineer prior to
24 the issuance of a demolition permit. No demolition shall be permitted without an
25 approved erosion control plan.

26 21. Design and construction of all improvements shall be in accordance with the City of
27 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
28 engineering and specifications of the City of Oceanside and subject to approval by the
29 City Engineer.

- 1 22. All right-of-way alignments, street dedications, exact geometrics and width shall be
2 dedicated and constructed or replaced as required by the City Engineer.
- 3 23. The project's final map may be recorded as one or separately, and development may
4 occur in phases. A construction-phasing plan for the construction of onsite and offsite
5 public and private improvements shall be reviewed and approved by the Engineering
6 Division, Water Utilities Department, and Fire Department prior to the issuance of a
7 grading permit. All improvements shall be under construction to the satisfaction of
8 the City Engineer prior to the issuance of any building permits. All improvements
9 shall be completed prior to issuance of any Certificate of Occupancy permit.
- 10 24. Prior to the issuance of any building permits, all applicable improvements including
11 landscaping, landscaped medians, frontage improvements shall be under construction
12 to the satisfaction of the City Engineer.
- 13 25. Prior to the issuance of a Certificate of Occupancy permit, all improvements, including
14 landscaping, landscaped medians, frontage improvements shall be completed to the
15 satisfaction of the City Engineer.
- 16 26. Prior to approval of each final map, provide the City of Oceanside with certification
17 from each public utility and each public entity owning easements within the proposed
18 project stating that: (a) they have received from the owner/developer a copy of the
19 proposed map; (b) they object or do not object to the filing of the map without their
20 signature; (c) in case of a street dedication affected by their existing easement, they
21 will sign a "subordination certificate" or "joint-use certificate" on the map when
22 required by the governing body. In addition, the owner/developer shall furnish proof
23 to the satisfaction of the City Engineer that no new encumbrances have been created
24 that would subordinate the City's interest over areas to be dedicated for public road
25 purposes since submittal of the project.
- 26 27. The approval of the Tentative map shall not mean that closure, vacation, or
27 abandonment of any public street, right of way, easement, or facility is granted or
28 guaranteed to the owner/developer. The owner/developer is responsible for applying
29 for all closures, vacations, and abandonments as necessary. The application(s) shall

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

5 28. Pursuant to the Subdivision Map Act, improvements shall be required at the time of
6 development. A City of Oceanside covenant, reviewed and approved by the City
7 Attorney, shall be recorded attesting to these improvement conditions prior to the
8 issuance of a grading permit. A statement setting forth the recordation shall be placed
9 on the Final Map.

10 29. All public improvement requirements, within such increment or outside of it, if
11 required by the City Engineer, shall be covered by a Subdivision Improvement
12 Agreement and secured with sufficient improvement securities or bonds guaranteeing
13 performance and payment for labor and materials, setting of survey monuments, and
14 warranties against defective materials and workmanship.

15 30. All ROW dedications to the City are to be in fee.

16 31. Prior to the issuance of a grading permit, developer is responsible for obtaining
17 approval from SDGE, Caltrans, Fallbrook Public Utility District, and other agencies
18 affected by the removal, proposal, and relocation of easements and infrastructure.

19 32. A traffic control plan shall be prepared according to the City traffic control guidelines
20 and approved to the satisfaction of the City Engineer prior to the start of work within
21 the public Right-of-Way. Traffic control during construction of streets that have been
22 opened to public traffic shall be in accordance with construction signing, marking and
23 other protection as required by the Caltrans Traffic Manual and City Traffic Control
24 Guidelines. Traffic control plan implementation and hours shall be in accordance with
25 the approved traffic control plans.

26 33. Vehicular access rights to Foussat Road and Mission Avenue shall be relinquished to
27 the City from all abutting lots except at the proposed driveway(s).

28 34. An Encroachment Removal Agreement (ERA) application shall be processed with the
29 City for the proposed private meandering sidewalk along Foussat Road and any private

1 improvements proposed within the City's ROW. The ERA shall be approved and
2 recorded at the County prior to the issuance of a grading permit.

3 35. Both sides of Foussat Road shall be constructed with new PCC curb, gutter, and
4 sidewalk, and tie into existing improvements. North side of Mission Avenue shall be
5 constructed with new PCC sidewalk that connects to the existing sidewalk in front of
6 Fire Station 7.

7 36. All sidewalk and pedestrian ramp improvements (construct/replace) shall comply with
8 current ADA requirements.

9 37. The existing sidewalk along north Mission Avenue, near the Ocean Puente
10 intersection, and along Ocean Pointe Drive are not ADA-compliant and will need to
11 be reconstructed to comply. The existing pedestrian ramps on either side of Ocean
12 Pointe Drive are not ADA compliant and will need to be constructed.

13 38. Certain sections of curb and gutter along north Mission Avenue, east of Ocean Puente,
14 need to be replaced due to poor condition and to provide positive drainage gutter flow.

15 39. Provide a pavement grind and overlay of Mission Avenue. The limits of the grind and
16 overlay activity shall be along the Mission Avenue property frontage and up to the
17 striped or raised center median.

18 40. Publicly-maintained pedestrian ramps (maintained by the City of Oceanside) must be
19 entirely located within the public Right-of-Way. If necessary, provide the ROW
20 dedication on the map or through a separate instrument. Minimum curb return radius
21 shall comply with the City of Oceanside Engineers Design and Processing Manual.

22 41. Sight distance requirements at the project driveway(s) or street shall conform to the
23 corner sight distance criteria as provided by Caltrans. The owner/developer shall
24 provide a plan and profile of the line of sight for each direction of traffic, and shall
25 provide a certified sight distance letter signed by a California-licensed Civil Engineer.

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

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

5 44. Along with the first submittal of the Grading Plan application, a pavement evaluation
6 report shall be submitted for the proposed onsite pavement. Pavement sections for all
7 public and private roadways, driveways and parking areas shall be based upon
8 approved soil tests and traffic indices. The pavement design is to be prepared by the
9 owner/developer's soils engineer, and shall follow the City of Oceanside Engineers
10 Design and Processing Manual, and be approved by the City Engineer. Roadway
11 alignments and geometric layouts shall be in conformance with the City of Oceanside
12 Engineers Design and Processing Manual.

13 45. This project's streets shall remain private and shall be maintained by the owner. The
14 pavement sections, traffic indices shall be based on approved geotechnical report and
15 in compliance with the City of Oceanside Engineers Design and Processing Manual.
16 The private streets and driveway alignments and geometric layouts shall meet the City
17 of Oceanside Engineers Design and Processing Manual.

18 46. Along with the first submittal of the Grading Plan application, the owner/developer
19 shall contract with a geotechnical engineering firm to perform a field investigation of
20 the existing Foussat Road pavement to determine if the existing street section meets
21 the City's current pavement section requirements. The field investigation shall be
22 performed according to a specific boring plan prepared by a licensed Geotechnical
23 Engineer and approved by the City Engineer. In the absence of such approved boring
24 plan, the field investigation shall include a minimum of one pavement boring per every
25 fifty linear feet (50) or one hundred (100) linear feet of street frontage.

26 Should the study conclude that the pavement does not meet current pavement
27 thickness requirements, the Owner/developer shall remove and reconstruct the
28 pavement section in accordance with City requirements. Otherwise, the City Engineer
29 shall determine whether the Owner/developer shall: 1) Repair all failed pavement

1 sections, 2) header cut and grind per the direction of the City Engineer, and construct
2 a two (2) inch thick rubberized AC overlay; or 3) Perform R-value testing and submit
3 a study that determines if the existing pavement meets current City standards/traffic
4 indices.

5 47. A Street Vacation application shall be processed with the City for the section of
6 Foussat Road that bisects the property. The street vacation shall occur prior to the
7 issuance of a grading permit or approval of the Final Map, whichever occurs first. The
8 approval of the Final Map is contingent on the approval of the Street Vacation
9 application. Should the vacation be denied, the Tentative map and Development Plan
10 shall no longer be effective.

11 48. Street Vacation applications shall be reviewed and approved or rejected by the City of
12 Oceanside under a separate process; and per codes, ordinances, and policies in effect
13 at the time of the application. The City of Oceanside retains its full discretion to
14 consider any application to vacate a public street or Right-of-Way.

15 49. A precise grading plan, which includes proposed onsite improvements, shall be
16 prepared, reviewed, secured and approved prior to the issuance of any building
17 permits. The plan shall reflect all pavement, flatwork, landscaped areas, special
18 surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures,
19 walls, drainage devices and utility services. Parking lot striping and any on site traffic
20 calming devices shall be shown on all precise grading plans.

21 50. Prior to the issuance of a grading permit, owner/developer shall develop and distribute
22 a neighborhood-notification flier to area residents, property owners, and business
23 owners located within a 300-foot radius of the project site, to inform them of the
24 grading and construction schedule, and to answer questions. Developer shall provide
25 a copy of the notification flier sheet for the project file.

26 51. Where proposed off-site improvements, including but not limited to slopes, public
27 utility facilities, and drainage facilities, are to be constructed, the owner/developer
28 shall, at his own expense, obtain all necessary easements or other interests in real
29 property and shall dedicate the same to the City of Oceanside as required. The

1 owner/developer shall provide documentary proof satisfactory to the City of
2 Oceanside that such easements or other interest in real property have been obtained
3 prior to the approval of a map (or) /issuance of any grading, building or improvement
4 permit for this development/project. Additionally, the City of Oceanside, may at its
5 sole discretion, require that the owner/developer obtain at his sole expense a title policy
6 insuring the necessary title for the easement or other interest in real property to have
7 vested with the City of Oceanside or the owner/ developer, as applicable.

8 52. Use of adjacent properties for construction without permission is prohibited.

9 Developer/contractors are required to obtain written permission from adjacent
10 property owners allowing access onto their site. There shall be no trespassing, grading,
11 or construction of any kind on adjacent properties without permission. "Failure to
12 comply will result in the revocation of the grading permit." This written permission
13 shall be provided to the City prior to the issuance of a grading permit.

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

- 17 a. Dirt, debris and other construction material shall not be deposited on any public
18 street or within the City's storm water conveyance system.
- 19 b. All grading and related site preparation and construction activities shall be limited
20 to the hours of 7 AM to 6 PM, Monday through Friday. No engineering-related
21 construction activities shall be conducted on Saturdays, Sundays or legal holidays
22 unless written permission is granted by the City Engineer with specific limitations
23 to the working hours and types of permitted operations. All on-site construction
24 staging areas shall be as far as possible (minimum 100 feet) from any existing
25 residential development. Because construction noise may still be intrusive in the
26 evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
27 disturbing excessive or offensive noise which causes discomfort or annoyance to
28 reasonable persons of normal sensitivity."

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

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

9 54. It is the responsibility of the owner/developer to evaluate and determine that all soil
10 imported as part of this development is free of hazardous and/or contaminated material
11 as defined by the City and the County of San Diego Department of Environmental
12 Health. Exported or imported soils shall be properly screened, tested, and documented
13 regarding hazardous contamination.

14 55. The approval of the Tentative map shall not mean that proposed grading or
15 improvements on adjacent properties (including any City properties/right-of-way or
16 easements) is granted or guaranteed to the owner/developer. The owner/developer is
17 responsible for obtaining written permission to grade to construct on adjacent
18 properties. Should such permission be denied, the Tentative map shall be subject to
19 going back to the public hearing or subject to a substantial conformity review.

20 56. Prior to any grading of any part of the tract or project, a comprehensive soil and
21 geologic investigation shall be conducted of the soils, slopes, and formations in the
22 project. All necessary measures shall be taken and implemented to assure slope
23 stability, erosion control, and soil integrity. No grading shall occur until a detailed
24 grading plan, to be prepared in accordance with the Grading Ordinance is approved by
25 the City Engineer. The soils report shall be submitted as part of the first submittal
26 package.

27 57. This project shall provide year-round erosion control including measures for the site
28 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
29 control plan, designed for all proposed stages of construction, shall be reviewed.

1 secured by the owner/developer with cash securities or a letter of credit and approved
2 by the City Engineer; Certificates of Deposit will not be accepted for this security.

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

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

21 60. The drainage design shown on the tentative parcel map, site plan or grading plan, and
22 the drainage report for this tentative parcel map/development plan is conceptual only.
23 The final drainage report and design shall be based upon a hydrologic/hydraulic study
24 that is in accordance with the latest San Diego County Hydrology and Drainage
25 Manual, and is to be approved by the City Engineer during the Final Engineering
26 phase. All drainage picked up in an underground system shall remain underground
27 until it is discharged into an approved channel, or as otherwise approved by the City
28 Engineer.

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- 1 61. The project's drainage system shall not connect or discharge to another private
2 stormdrain system without first obtaining written permission from the owner of the
3 system. The written permission letter shall be provided to the City prior to the issuance
4 of a grading permit. The owner/developer shall be responsible for obtaining any off-
5 site easements for storm drainage facilities.
- 6 62. All public storm drain, water, and sewer pipe designs shall be shown on City standard
7 plan and profile sheets.
- 8 63. All public storm drain, water, and sewer infrastructure shall be provided access
9 easements, and shall be shown on all plans as reference. The easement dedications
10 shall not be processed on a map but as a separate instrument.
- 11 64. Drainage facilities shall be designed and installed to adequately accommodate the
12 local storm water runoff; and shall be in accordance with the San Diego County
13 Hydrology Manual and the City of Oceanside Engineers Design and Processing
14 Manual to the satisfaction of the City Engineer.
- 15 65. Storm drain facilities shall be designed and constructed to allow inside travel lanes of
16 streets classified as a Collector or above, to be passable during a 100-year storm event.
- 17 66. Sediment, silt, grease, trash, debris, and pollutants shall be collected on-site and
18 disposed of in accordance with all state and federal requirements, prior to discharging
19 of stormwater into the City drainage system.
- 20 67. Elevation adjustments and flood proofing shall be in accordance with City of
21 Oceanside Floodplain Management Regulations and Federal Emergency Management
22 Agency (FEMA) and National Flood Insurance Program (NFIP) requirements.
- 23 68. At the conclusion of grading activities, the owner/developer shall submit an
24 application, as-built grading plan, and any other documents required to FEMA in
25 order to process and receive a Letter of Map Revision-Fill (LOMR-F) or Letter of Map
26 Revision (LOMR). Prior to release of the grading bonds, the owner/developer shall
27 provide a copy of the FEMA-approved LOMR-F or LOMR to the City of Oceanside.
- 28 69. Due to FEMA's ongoing litigation regarding the processing of CLOMR-F and
29 LOMR-F applications and the temporary suspension of CLOMR-F and LOMR-F

1 application reviews by FEMA, applicant may submit a CLOMR-F or LOMR-F
2 application to the City for review and ensure conformance with the City of Oceanside
3 Floodplain Management Regulations. The review and approval of the CLOMR-F or
4 LOMR-F application by the City is independent of FEMA's application review and
5 approval process and does not guarantee that the proposed project will be eligible to
6 be removed from a flood hazard area for insurance purposes.

7 70. The owner/developer shall submit a finished construction elevation certificate on
8 current FEMA forms for each structure proposed in the development project. The
9 finished construction elevation certificate(s) shall be completed with surveyed
10 information for post construction and shall be submitted to the Engineering Division
11 for review and acceptance prior to Occupancy or Final Building Inspection.

12 71. The owner/developer shall comply with the provisions of the National Pollution
13 Discharge Elimination System (NPDES) General Permit for Storm Water Discharges
14 Associated with Construction Activity (General Permit) Water Quality Order 2009-
15 0009-DWQ. The General Permit continues in force and effect until a new General
16 Permit is issued or the SWRCB rescinds this General Permit. Only those
17 owner/developers authorized to discharge under the expiring General Permit are
18 covered by the continued General Permit. Construction activity subject to the General
19 Permit includes clearing, grading, and disturbances to the ground such as stockpiling,
20 or excavation that results in land disturbances of equal to or greater than one acre.

21 The owner/developer shall obtain coverage under the General Permit by submitting a
22 Notice of Intent (NOI) and obtaining a Waste Discharge Identification Number
23 (WDID#) from the State Water Resources Control Board (SWRCB). In addition,
24 coverage under the General Permit shall not occur until an adequate SWPPP is
25 developed for the project as outlined in Section A of the General Permit. The site
26 specific SWPPP shall be maintained on the project site at all times. The SWPPP shall
27 be provided, upon request, to the United States Environmental Protection Agency
28 (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of
29 Oceanside, and other applicable governing regulatory agencies. The SWPPP is

1 considered a report that shall be available to the public by the RWQCB under section
2 308(b) of the Clean Water Act. The provisions of the General Permit and the site
3 specific SWPPP shall be continuously implemented and enforced until the
4 owner/developer obtains a Notice of Termination (NOT) for the SWRCB.

5 The owner/developer is required to retain records of all monitoring information, copies
6 of all reports required by this General Permit, and records of all data used to complete
7 the NOT for all construction activities to be covered by the General Permit for a period
8 of at least three years from the date generated. This period may be extended by request
9 of the SWRCB and/or RWQCB.

10 72. The project is categorized as a stormwater-Priority Development Project (PDP). A
11 final Storm Water Quality Management Plan (SWQMP) and Operation &
12 Maintenance (O&M) Plan shall be submitted to the City for review at the final
13 engineering phase. Approval of both documents are required prior to the issuance of
14 a grading permit.

15 73. The O&M Plan shall include an approved and executed Maintenance Mechanism
16 pursuant to the City of Oceanside BMP Design Manual (BDM). At a minimum, the
17 O&M Plan shall include the designated responsible party to manage the storm water
18 BMP(s), employee training program and duties, operating schedule, maintenance
19 frequency, routine service schedule, specific maintenance activities, copies of resource
20 agency permits, cost estimate for implementation of the O&M Plan, a non-refundable
21 cash security to provide maintenance funding in the event of noncompliance to the
22 O&M Plan, and any other necessary elements. The owner/developer shall provide the
23 City with access to site for the purpose of BMP inspection and maintenance by
24 entering into an Access Rights Agreement with the City. The owner/developer shall
25 complete and maintain O&M forms to document all operation, inspection, and
26 maintenance activities. The owner/developer shall retain records for a minimum of 10
27 years. The records shall be made available to the City upon request.

28 74. The owner/developer shall enter into a City-Standard Stormwater Facilities
29 Maintenance Agreement (SWFMA) with the City, obliging the owner/developer to

1 maintain, repair and replace the Storm Water Best Management Practices (BMPs)
2 structures identified in the project's approved SWQMP, as detailed in the O&M Plan
3 into perpetuity. The Agreement shall be approved by the City Attorney's Office and
4 recorded at the County Recorder's Office prior to the issuance of a precise grading
5 permit. A non-refundable **Security in the form of cash** shall be required prior to
6 issuance of a precise grading permit. The amount of the non-refundable security shall
7 be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to
8 exceed a total of \$25,000. The owner/developer's civil engineer shall prepare the
9 O&M cost estimate.

10 75. The BMPs described in the project's approved SWQMP shall not be altered in any
11 way, unless reviewed and approved by the City Engineer. The determination of
12 whatever action is required for changes to a project's approved SWQMP shall be made
13 by the City Engineer.

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

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

25 This requirement does not apply to existing overhead utility lines and appurtenances
26 located within an existing SDGE corridor.

27 78. All new extension services for the development of the project, including but not
28 limited to, electrical, cable and telephone, shall be placed underground as required by
29 the City Engineer and current City policies.

1 79. The owner/developer shall obtain all necessary permits and clearances from public
2 agencies having jurisdiction over the project due to its type, size, or location, prior to
3 the issuance of a grading permit. The list of public agencies may include, but is not
4 limited to, the California Department of Transportation (Caltrans), the City of
5 Carlsbad, the U. S. Army Corps of Engineers, the California Department of Fish &
6 Game, the U. S. Fish and Wildlife Service and/or the San Diego Regional Water
7 Quality Control Board (including NPDES), and the San Diego County Health
8 Department

9 80. The owner/developer shall comply with all the provisions of the City's cable television
10 ordinances, including those relating to notification as required by the City Engineer.

11 81. As part of the City's Opportunistic Beach Fill Permit, this project has been conditioned
12 to test proposed excavated material to determine suitability for deposit on city beaches
13 as part of the Beach Sand Replenishment program. Test results shall be provided as
14 part of the project geotechnical report which is required prior to approval of the grading
15 plan and issuance for the grading permit.

16 Suitable beach replenishment material shall be at least 75% sand with no more than a
17 10% difference in sand content between material at the source and discharge site.

18 Replenishment material shall contain only clean construction materials suitable for
19 use in the oceanic environment; no debris, silt, soil, sawdust, rubbish, cement or
20 concrete washings, oil or petroleum products hazardous/toxic/radioactive/munitions
21 from construction or dredging or disposal shall be allowed to enter into or be placed
22 where it may be washed by rainfall or runoff into waters of the United States. Any and
23 all excess or unacceptable material shall be completely removed from the site/work
24 area and disposed of in an appropriate upland site.

25 If the soil to be exported is determined to be suitable beach replenishment material,
26 the developer's contractor will coordinate with the City's Public Works Department
27 to determine the location for acceptance of the excavated material for spreading by
28 Public Works staff. **Coordination is required to occur a minimum of two weeks in**
29 **advance** of the need to place approved excavated material on the beach.

- 1 82. If shoring is required for the construction of the proposed development, the shoring
2 design plans and structural calculations shall be submitted concurrently with the
3 precise grading plan submittal and approved prior to the issuance of a grading permit.
- 4 83. This property is located in the vicinity of an airport, within what is known as an airport
5 influence area. For that reason, the property may be subject to some of the annoyances
6 or inconveniences associated with proximity to airport operations (for example: noise,
7 vibration or odors). An Airport Overflight Notification or Aviation Easement shall
8 be recorded for each of the residential units.
- 9 84. All proposed work and improvements in Caltrans ROW shall require a permit from
10 Caltrans. Developer will be responsible to obtain all necessary easements on behalf
11 of the City for the maintenance and use of proposed public improvements in Caltrans
12 ROW.
- 13 85. Stormdrain pipe connections and discharges into an existing Caltrans stormdrain
14 system will require approval from Caltrans beforehand, and a grading permit cannot
15 be issued until written approval from Caltrans is provided.
- 16 86. Approval of this development project is conditioned upon payment of all applicable
17 impact fees and connection fees in the manner provided in chapter 32B of the
18 Oceanside City Code. All traffic signal fees and contributions, highway thoroughfare
19 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall
20 be paid prior to recordation of the map or the issuance of any building permits, in
21 accordance with City Ordinances and policies. Payment of drainage impact fees are
22 required prior to docketing the map for City Council hearing and the recording of the
23 Final Map. The owner/developer shall also be required to join into, contribute, or
24 participate in any improvement, lighting, or other special district affecting or affected
25 by this project.
- 26 87. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
27 project will be subject to prevailing wage requirements as specified by Labor Code
28 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
29 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

1 88. In the event that there are discrepancies in information between the conceptual plan
2 and the conditions set forth in the project's Planning Commission Resolution, the
3 project's Planning Commission Resolution shall prevail.

4 **Fire:**

5 89. Buildings four or more stories in height must meet the requirements of Oceanside
6 Mid-Rise Ordinance.

7 90. Prior to delivery of combustible materials or start of combustible construction, paved
8 vehicle access roads capable of supporting vehicle loading (78,000 lbs) must be
9 installed. In addition, the approved, permanent water supply (fire hydrants) must be
10 installed, tested and placed in service prior to delivery of combustible materials or
11 start of combustible construction.

12 91. In buildings required to have standpipes, not less than one standpipe shall be
13 provided for use during construction. Standpipes shall be installed when the
14 progress of construction is not more than 40 feet in height above the lowest level of
15 fire department vehicle access. Fire department hose connections shall be provided
16 at accessible locations adjacent to usable stairs. Standpipes shall be extended as
17 construction progresses to within one floor of the highest point of construction
18 having secured decking or flooring.

19 92. All power operated vehicular gates installed across fire access roadways shall be
20 equipped with Knox electronic override and Opticom strobe activated opening
21 devices.

22 93. Knox boxes required to be located at building entrances in locations required by the
23 fire department.

24 94. Fire flow shall be determined at the time of building permit application.

25 95. Fire department connections shall be located on the address side of the building
26 unless otherwise determined by the Fire Department. A fire hydrant shall be located
27 within 40 feet of and on the same side of the street as the fire department connection.

28 96. Fire sprinklers required in buildings per California Fire Code Section 903.

29 97. Fire alarm systems required in buildings per California Fire Code Section 907.

- 1 98. Elevators must be sized to accommodate an emergency gurney.
- 2 99. In mid-rise buildings, the fire alarm control panel must be located in a main lobby or
3 in a designated room with an exterior access door as approved by the fire
4 department.
- 5 100. Fire sprinkler riser must be located in a room with exterior access door.
- 6 101. Project must support adequate radio coverage for City emergency service workers
7 operating on the 800MHz Countywide Coordinated Communication System, or the
8 current radio system in use. Ownership must maintain a reasonable standard of
9 reliable radio communication within the buildings and structures once a Certificate
10 of Occupancy is issued. The BDA (bi-directional amplifier) coverage
- 11 102. Enhancers must be maintained as a condition of occupancy and tested annually.
12 When tested, if the 800MHz signal strength readings (RSSI) fall below 65 in any
13 portion of the building, either above or below grade as measured by an 800 MHz
14 portable radio, the purchase and installation of one or more bidirectional amplifier
15 radio coverage enhancers is required. A minimum signal strength of (-95dBm) in 90
16 percent of the area of each floor building from both the 800 MHz Countywide
17 Communications Systems and from within the building is required.
- 18 103. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
19 Vehicle Code Section 22500.1. Any markings, signs and/or fire lane identification
20 shall be in accordance with the Fire Department Standard Guidelines for Emergency
21 Access.
- 22 104. Provide address directory board at a location approved by the fire department.
- 23 105. Provide a Fire Master Plan for review prior to Building permit application.
- 24 106. The City is in the process of implementing a citywide Community Facilities District
25 (CFD) for Public Safety. The CFD would place an annual per unit fee on projects
26 which meet the criteria for inclusion. The project you are submitting appears to meet
27 the criteria for inclusion in the proposed Public Safety CFD. It is expected that your
28 project will be required to annex into the CFD as a condition of approval. For the
29 purposes of determining the applicability of the Citywide Public Safety Community

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

9 **Landscaping:**

- 10 107. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
11 and Specifications for Landscape Development (latest revision), Water Conservation
12 Ordinance No.(s) 91-15 and 10-Ordinance 0412, Engineering criteria, City code and
13 ordinances, including the maintenance of such landscaping shall be submitted,
14 reviewed and approved by the City Engineer prior to the issuance of building permits.
15 Landscaping shall not be installed until bonds have been posted, fees paid, and plans
16 signed for final approval. In addition, a refundable cash deposit for the preparation of
17 the final As-built/ Maintenance Guarantee shall be secured with the City prior to the
18 final approval of the landscape construction plan. A landscape pre-construction
19 meeting shall be conducted by the landscape architect of record, Public Works
20 Inspector, developer or owner's representative and landscape contractor prior to
21 commencement of the landscape and irrigation installation. The following landscaping
22 items shall be required prior to plan approval and certificate of occupancy:
- 23 a. Final landscape plans shall accurately show placement of all plant material such
24 as but not limited to trees, shrubs, and groundcovers.
 - 25 b. Landscape Architect shall be aware of all utility, sewer, water, gas and storm
26 drain lines and utility easements and place planting locations accordingly to meet
27 City of Oceanside requirements.
 - 28

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- 1 c. Final landscape plans shall be prepared under the direct supervision of a
2 Registered Landscape Architect (State of California), with all drawings bearing
3 their professional stamp and signature.
- 4 d. All required landscape areas both public and private (including trees and palms in
5 the public rights-of-way) shall be maintained by owner, project association or
6 successor of the project (including public rights-of-way along North Foussat
7 Road, Loop Road North, Loop Road South, Street 'A', Street 'B' and Street 'C').
8 The landscape areas shall be maintained per City of Oceanside requirements.
- 9 e. The As-built/ Maintenance Guarantee (refundable cash deposit) shall not be
10 released until the as-built drawings have been approved on the original approved
11 Mylar landscape plan and the required maintenance period has been successfully
12 terminated.
- 13 f. Proposed landscape species shall fit the site and meet climate changes indicative
14 to their planting location. The selection of plant material shall also be based on
15 cultural, aesthetic, and maintenance considerations. In addition proposed
16 landscape species shall be low water users as well as meet all fire department
17 requirements.
- 18 g. All planting areas shall be prepared and implemented to the required depth with
19 appropriate soil amendments, fertilizers, and appropriate supplements based upon
20 a soils report from an agricultural suitability soil sample taken from the site.
- 21 h. Ground covers or bark mulch shall fill in between the shrubs to shield the soil
22 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall
23 be mulched to a 3" depth to help conserve water, lower the soil temperature and
24 reduce weed growth.
- 25 i. The shrubs shall be allowed to grow in their natural forms. All landscape
26 improvements shall follow the City of Oceanside Guidelines.
- 27 j. Root barriers shall be installed adjacent to all paving surfaces where a paving
28 surface is located within 6 feet of a tree trunk on site (private) and within 10 feet
29 of a tree trunk in the right-of-way (public). Root barriers shall extend 5 feet in

1 each direction from the centerline of the trunk, for a total distance of 10 feet.
2 Root barriers shall be 24 inches in depth. Installing a root barrier around the
3 tree's root ball is unacceptable.

- 4 k. All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
5 obtain Planning Division approval for these items in the conditions or application
6 stage prior to 1st submittal of working drawings.
- 7 l. The project has a large visual exposure adjacent to Highway 76 and the Cal Trans
8 ROW. The wall/ fencing side facing the 76 Highway shall be maintained to
9 provide a pleasant visual experience by adding vines and shrubs where possible.
10 All graffiti shall be removed from any wall/ fencing within 24 hours of
11 occurrence.
- 12 m. For the planting and placement of trees and their distances from hardscape and
13 other utilities/ structures the landscape plans shall follow the City of Oceanside's
14 (current) Tree Planting Distances and Spacing Standards.
- 15 n. An automatic irrigation system shall be installed to provide coverage for all
16 planting areas shown on the plan. Low volume equipment shall provide
17 sufficient water for plant growth with a minimum water loss due to water run-off.
- 18 o. Irrigation systems shall use high quality, automatic control valves, controllers and
19 other necessary irrigation equipment. All components shall be of non-corrosive
20 material. All drip systems shall be adequately filtered and regulated per the
21 manufacturer's recommended design parameters.
- 22 p. All irrigation improvements shall follow the City of Oceanside Guidelines and
23 Water Conservation Ordinance.
- 24 q. The landscape plans shall match all plans affiliated with the project.
- 25 r. Landscape construction drawings are required to implement approved Fire
26 Department regulations, codes, and standards at the time of plan approval.
- 27 s. Landscape plans shall comply with Biological and/or Geotechnical reports, as
28 required, shall match the grading and improvement plans, comply with Storm
29

1 Water Management Plan (SWMP), Hydromodification Plan, or Best Management
2 Practices and meet the satisfaction of the City Engineer.

3 t. Existing landscaping on and adjacent to the site shall be protected in place and
4 supplemented or replaced to meet the satisfaction of the City Engineer.

5 u. All pedestrian paving (both decorative and standard) shall comply with the most
6 current edition of the American Disability Act

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

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

23 110. The project has a large visual exposure adjacent to Highway 76 and the Cal Trans
24 ROW. The wall/ fencing side facing the 76 Highway shall be maintained to provide
25 a pleasant visual experience by adding vines and shrubs where possible. All graffiti
26 shall be removed from any wall/ fencing within 24 hours of occurrence.

27 ///////////////
28 ///////////////
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1 **Planning:**

2 111. This Tentative Map, Development Plan, and Conditional Use Permit, shall expire 36
3 months from its approval, unless this time period is extended by the provisions of
4 Article 1 of the Zoning Ordinance and Article IV of the Subdivision Ordinance.

5 112. This Tentative Map, Development Plan, and Conditional Use Permit approves a
6 horizontal mixed-use development consisting of a resort hotel with up to 300 keys that
7 includes a surfing wave lagoon, 134,000 square feet of retail commercial and office
8 space, and up to 700 residential units on a vacant +/-92-acre site as shown on the plans
9 and exhibits presented to the Planning Commission for review and approval. No
10 substantial deviation from these approved plans and exhibits shall occur without
11 Planning Division approval. Substantial deviations shall require a revision to the
12 Development Plan or a new Development Plan.

13 113. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
14 harmless the City of Oceanside, its agents, officers or employees from any claim,
15 action or proceeding against the City, its agents, officers, or employees to attack, set
16 aside, void or annul an approval of the City, concerning Tentative Map T19-00004,
17 Development Plan D19-00016, and Conditional Use Permit CUP19-00021. The City
18 will promptly notify the applicant of any such claim, action or proceeding against the
19 City and will cooperate fully in the defense. If the City fails to promptly notify the
20 applicant of any such claim action or proceeding or fails to cooperate fully in the
21 defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold
22 harmless the City.

23 114. Development of the project, including both the commercial and residential
24 components, shall be consistent with the adopted Ocean Kamp Mixed-Use
25 Development Plan document attached hereto as Exhibit "A".

26 115. The residential component of the project shall be limited to 700 dwelling units, for a
27 maximum residential density of 25.54 dwelling units per acre combined for the nine
28 residential lots proposed in the Tentative Map.

- 1 116. Future development of each individual residential lot or lots will require the review
2 and approval of a Tentative Map (if applicable) and Development Plan application by
3 the City's Planning Commission.
- 4 117. An application for Determination of Consistency with the adopted Airport Land Use
5 Compatibility Plan for the Oceanside Municipal Airport shall be submitted to the San
6 Diego County Airport Land Use Authority for review and approval for each of the
7 residential lots prior to the City taking action on subsequent Tentative Map and
8 Development Plan applications.
- 9 118. Development of each residential zone (ie, north zone and east zone) shall include a
10 neighborhood park linked via a network of trails as outlined in the adopted Ocean
11 Kamp Mixed-Use Development Plan document. The required park and
12 interconnecting trail shall be depicted on future Tentative Map and Development Plan
13 applications and associated exhibits.
- 14 119. No building permit shall be issued for the 351st residential unit until:
- 15 a. The precise grading permit for the resort hotel site, as described in the mixed use
16 development plan document and conditional use permit, has been issued;
- 17 b. Substantial work, as defined herein, has been completed;
- 18 c. The construction loan and applicable equity investment and mezzanine financing
19 have closed; and
- 20 d. A completion guarantee is in place guaranteeing the lien free construction of the
21 completion of the approved hotel to the satisfaction of the City Attorney.
22 Substantial Work for purposes of this condition shall be defined as the
23 commencement of precise grading and underground utility installation to
24 accommodate the primary hotel building as depicted in the Mixed-Use
25 Development Plan document and Conditional Use Permit. Furthermore, no
26 building permit for the 351st residential unit shall be issued until developer has
27 completed circulation roads, brought all commercial pad sites to grade with utilities
28 stubbed into each respective commercial pad for the intended use, and developer
29 has recorded deed restrictions, to the satisfaction of the City Attorney, which

1 restrict the use of the commercial pads to the uses approved by the Planning
2 Commission.

3 120. No building permit shall be issued for the 525th residential unit until the foundation for
4 the resort hotel, consistent with the plans for the approved building permit, has been
5 constructed and passed inspection to the satisfaction of the City Building Official.

6 121. Each of the three Mobility Hubs shown on the Pedestrian and Bike Path plan (Sheet
7 L3.0) shall include a minimum level of amenity including, but not limited to, a
8 combination of the following facilities for bikeshare, carshare, scootershare, on-
9 demand rideshare, package delivery, mobile retail services, microtransit, smart
10 parking, wireless EV charging, neighborhood electric vehicle (NEVs), rideables, and
11 or shared, connected and autonomous vehicles. The details of each of the three
12 Mobility Hubs shall be depicted on final engineering and construction documents and
13 approved by the City Planner and City Traffic Engineer prior to issuance of permits
14 for vertical construction within each of the planning areas where each Mobility Hub is
15 located.

16 122. A Comprehensive Sign Program (CSP) shall be submitted to and approved by the
17 Planning Division prior to application for any on-site signage.

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

22 124. A covenant or other recordable document, approved by the City Attorney, shall be
23 prepared by the subdivider and recorded prior to the approval of the final map. The
24 covenant shall provide that the property is subject to this resolution, and shall generally
25 list the conditions of approval. The project shall prepare a Management Plan. The
26 Management Plan is subject to the review and approval of the City Planner and the
27 Police Chief prior to issuance of building permit, and shall be recorded as CC&R's
28 against the property. The Management Plan shall cover the following:
29

1 a. Security - The Management Plan, at a minimum, shall address on-site
2 management, hours-of-operation and measures for providing appropriate security
3 for the project site.

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

13 c. Any graffiti within the development shall be removed by the property management
14 or its designated representative within 24 hours of occurrence. Any new paint used
15 to cover graffiti shall match the existing color scheme.

16 125. Prior to the transfer of ownership and/or operation of the site the owner shall provide
17 a written copy of the applications, staff report and resolutions for the project to the
18 new owner and or operator. This notification's provision shall run with the life of the
19 project and shall be recorded as a covenant on the property.

20 126. Failure to meet any conditions of approval for this development shall constitute a
21 violation of the Tentative Map, Development Plan, and Conditional Use Permit.

22 127. Unless expressly waived, all current zoning standards and City ordinances and policies
23 in effect at the time building permits are issued are required to be met by this project.
24 The approval of this project constitutes the applicant's agreement with all statements
25 in the Description and Justification, Management Plan, and other materials and
26 information submitted with this application, unless specifically waived by an adopted
27 condition of approval.

28 128. The Conditional Use Permit shall be called for review by the Planning Commission if
29 complaints are filed and verified as valid by the Code Enforcement Office concerning

1 the violation of any of the approved conditions or does not conform with the
2 information contained in or representations made in the application, any supporting
3 material submitted to the City or during any hearing on the application.

4 129. The developer's construction of all fencing and walls associated with the project shall
5 be in conformance with the approved Development Plan. Any substantial change in
6 any aspect of fencing or wall design from the approved Development Plan shall require
7 a revision to the Development Plan or a new Development Plan.

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

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

- 27 a. Prohibition of parking or storage of recreational vehicles, trailers or boats.
 - 28 b. Maintenance of median landscaping by the Association.
- 29

- c. Provisions for the maintenance of all common open space and open space easements on private lots, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the association.
- d. Provisions prohibiting the association from relinquishing its obligation to maintain the common open space and open space easement areas without prior consent of the City of Oceanside.

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

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

134. The developer, the San Luis Rey Band of Mission Indians and the City of Oceanside have agreed in concept to a Memorandum of Agreement regarding the development and incorporation of a Luiseño cultural element into the Ocean Kamp project. The formal approval of the Memorandum of Agreement shall be documented prior to submittal of the landscape working drawings, and approval of the design for the cultural element by the Band shall be finalized prior to City approval of the landscape working drawings or issuance of any building permits for the commercial component of the project.

135. The developer shall comply with all measures in the attached Mitigation Monitoring Program (Exhibit B). All mitigation measures, required monitors, and monitoring schedule milestones shall have the same status and enforceability as the conditions of approval in this resolution.

136. The resort/commercial component of the project shall comply with the conditions imposed by the Airport Land Use Commission in their Consistency Determination dated July 11, 2022 and included hereto as Exhibit "C".

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1 **Police Department:**

2 137. CPTED (Crime Prevention Through Environmental Design) concepts should be an
3 integral piece to every new and redeveloped property in the City of Oceanside. The
4 Oceanside Police Department's role within Planning is to provide a safe environment
5 for all users of the space and that of the surrounding communities. The following
6 items shall be addressed prior to approval of a building permit for the
7 resort/commercial component of the project to meet security concerns for OPD:

- 8 a. Mechanical Site Security / Surveillance (As applicable)
- 9 i. Exterior & Interior Camera Types with storage capability
 - 10 ii. Direction of intended view of exterior cameras
 - 11 iii. Alarm type
 - 12 iv. Security Guard(s)
- 13 b. Site Signage (Location and positioning) As applicable
- 14 i. Operating Hours
 - 15 ii. Parking Type / Hours
 - 16 iii. Trespassing
 - 17 iv. City Code Violations
- 18 c. Fencing
- 19 i. Include both interior fencing and outer perimeter fencing as applicable.
- 20

21 **Transportation Engineering:**

22 138. The project shall be responsible for the fair share payment to the City, which shall be
23 \$560,000 to be paid to the City's Thoroughfare and Signal Account. The funds will be
24 used at the City's discretion for projects that will improve traffic safety and mobility
25 in the City of Oceanside. The \$560,000 shall be paid in full prior to issuance of any
26 permit (precise grading, building or otherwise) for any phase or any component of the
27 project. The \$560,000 fair share payment only satisfies the offsite improvement
28 obligations. All other onsite improvements such as roadway, sidewalk, bike trail/lane,
29

1 etc, that is contiguous to the project, or needed to provide access to the project shall be
2 done at the project developer's cost.

3 139. Project shall design and construct roundabouts and Rectangular Rapid Flashing
4 Beacons (RRFB) on all crosswalks on Foussat Road at Alex Road, Foussat Road at
5 Old Foussat Road, and Foussat Road at Street A. This improvement shall be
6 completed prior to the issuance of occupancy and to the satisfaction of the City Traffic
7 Engineer.

8 140. Minimum 6-foot bike lanes and 2-foot buffer shall be installed on Foussat Road
9 between State Highway 76 and the T intersection east side of the project site. This
10 improvement shall be completed prior to the issuance of occupancy and to the
11 satisfaction of the City Traffic Engineer.

12 **Water Utilities:**

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

18 142. All existing active and non-active groundwater wells must be shown on conceptual,
19 grading, and improvement plans.

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

24 144. All Water and Wastewater construction shall conform to the most recent edition of the
25 *Water, Sewer, and Recycled Water Design and Construction Manual* or as approved
26 by the Water Utilities Director.

27 145. The property owner shall maintain private water and wastewater utilities located on
28 private property.
29

- 1 146. Water services and sewer laterals constructed in existing right-of-way locations are to
2 be constructed by an approved and licensed contractor at developer's expense.
- 3 147. The Ocean Kamp development proposed to construct a combination of resort and
4 residential development. The commercial portion consists of 300-room hotel, a wave
5 pool and amenities, and 126,000 square feet of commercial space. The residential area
6 will include 700 multi-family residential dwelling units, and designated lots identified
7 in the Tentative Map may be developed by several different home builders. On-site
8 sewer systems to serve separate commercial and residential areas that are intended to
9 have different builders or property ownerships within the Ocean Kamp development
10 shall be private. It shall be designed without radii and conform to the most recent
11 edition of the *Water, Sewer, and Recycled Water Design and Construction Manual* or
12 as approved by the Water Utilities Director.
- 13 148. Provide a separate irrigation water meter with reduced pressure principle backflow
14 device for common area landscaping. Meter shall be managed and paid for by the
15 property owner or Homeowner's Association for the development. Irrigation meter
16 shall have a dedicated water service and meter.
- 17 149. Per the latest approved California Fire Code, all new residential units shall be equipped
18 with fire sprinkler system.
- 19 150. Buildings requiring an NFPA 13 or NFPA 13R automatic sprinkler system for fire
20 protection shall have a dedicated fire service connection to a public water main with a
21 double check detector backflow assembly. Location of the backflow assembly must
22 be approved by Fire Department.
- 23 151. The City operates the Mission Basin Groundwater Purification Facility located
24 adjacent to the proposed residential area at north end of the Ocean Kamp property.
25 The facility operates outdoor pumps that face the development. Any sound proofing
26 modifications required at the City facility to mitigate noise will be designed, permitted,
27 and installed at the developer's expense.
- 28
29

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

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

6 153. Any water and/or sewer improvements required to develop the proposed property will
7 need to be included in the improvement plans and designed in accordance with the
8 *Water, Sewer, and Recycled Water Design and Construction Manual*.

9 154. No trees within 10 feet of utilities, structures, or building overhang shall be located
10 within any water or wastewater utility easement.

11 155. All lots with a finish pad elevation located below the elevation of the next upstream
12 manhole cover of the public sewer shall be protected from backflow of sewage by
13 installing and maintaining an approved type backwater valve, per the latest adopted
14 California Plumbing Code.

15 156. As per Army Corp correspondence of January 11, 2022, they expressed concerns
16 regarding the maintenance and repair of levee in the event a transmission main should
17 fail. City facilities shall not be located within the levee. Construction of any proposed
18 improvements shall not impact the levee. The City is not responsible for the
19 ownership, repair, or maintenance of the levee.

20 157. Developer shall prioritize submittal of improvement plans for the relocation of the 16"
21 recycled water, 18"-24" potable water transmission main, and 20" groundwater line to
22 the Water Utilities Department for review and approval. Relocation of these
23 transmission mains must be completed prior to construction of any on-site utilities for
24 the Ocean Kamp development, unless otherwise approved by the Water Utilities
25 Department.

26 158. All water or sewer mains not located within the public right-of-way shall be provided
27 with a minimum 20-foot wide water casement. Where water and sewer mains are
28 located within the same easement, the minimum easement size shall be 30 feet wide.
29

- 1 159. The proposed relocation of water, sewer, and recycled water mains currently high-
2 lined as part of mass grading plans for the development (G19-00003) shall not be
3 installed in the SDG&E corridor.
- 4 160. The recycled water main shall be extended to all portions of common landscaped areas
5 of each commercial or residential area to provide irrigation service.
- 6 161. The City's 16" recycled water main (former Fallbrook Land Outfall line) that will be
7 relocated as part of this project shall supply recycled water to the Ocean Kamp
8 development. On-site irrigation systems shall be designed and constructed for recycled
9 water. Landscape and recycled water plans for this property shall be submitted to the
10 Water utilities Department, in addition to Development Services, for review and
11 approval.
- 12 162. Developer shall prepare and submit recycled water irrigation plans to the Water
13 Utilities Department for an independent review and pay a separate recycled water
14 review fee. The review shall include the processing, plan submittal, permitting,
15 inspection, and testing of the proposed irrigation system for approval by the State
16 Water Resources Control Board / San Diego County Department of Environmental
17 Health and Quality for on-site recycled water use. The irrigation or maintenance of
18 landscaping in the right-of-way by the Developer will require a separate dedicated
19 recycled irrigation meter and service. Local regulations do not permit a single
20 irrigation meter to service landscaping areas across property lines.
- 21 163. The private on-site fire protection system to serve the Ocean Kamp development
22 commercial area shall be looped with two connections to the City's water system. One
23 tee-connection shall be off the existing 12" steel main in Foussat Road and second off
24 the existing 18" ductile iron pipe (DIP) water main in Mission Avenue. Each
25 connection shall be protected with an approved backflow assembly.
- 26 164. All utilities in Old Foussat Street (8" PVC Mar Lado force main, 12" steel water (320),
27 24" DIP water (511), 30" DIP water (320), 16" recycled water) shall be relocated into
28 New Foussat Road. Any utility mains located near the bike lane shall avoid any valve
29 lids or appurtenances that would create a potentially uneven surface within the bike

1 lane. Proposed mains in New Foussat Road shall tie into mains at intersection of Old
2 Foussat Road & Highway 76, with the exception of the 16" recycled water main. This
3 main will connect to a new 16" recycled water main that runs along the westerly
4 property line of residential areas north of the internal Loop Road. The replacement of
5 16" recycled water main in New Foussat Road shall extend to south property line at
6 Mission Avenue.

7 165. At southwesterly corner of the Ocean Kamp development at New Foussat Road,
8 extend the proposed 8" Mar Lado force main, 12" steel water (320), 24" DIP water
9 (511), 30" DIP water (320) mains east along southern portion of Ocean Kamp, in a
10 minimum 40-ft wide dedicated public water and sewer easement. Provide a minimum
11 14-ft wide access road to the Mission Ave lift station constructed of turf block or
12 pavement that can support H-20 loading. The segment of 8" Mar Lado force main
13 crossing State Route 76 (SR-76) shall be abandoned-in-place. The Mar Lado force
14 main shall continue east along southern portion of Ocean Kamp, and break to gravity
15 in a minimum 20-ft wide public sewer easement, and flow into a manhole located in
16 the southern portion of property.

17 166. The existing 16" recycled water, 18" water main (511), and 20" ground water mains
18 were abandoned and high-lined to allow for mass grading and soil conditioning under
19 previously approved plans (G19-00003) from the original entitlement submittal. The
20 existing mains must all be replaced with new mains and designed to meet current
21 standards. They are to be located along the westerly edge of the residential area to the
22 north of the Ocean Kamp development within existing easements and any proposed
23 easement necessary to accommodate the repair and maintenance of all three (3)
24 pipelines or to an alignment within residential streets acceptable to the Water Utilities
25 Department. The existing public utility easement Instrument No. 2007-0160216
26 referenced on Sheet three and four of the tentative map, as easement Note 53 may be
27 vacated if an alternative alignment is found acceptable by the Water Utilities
28 Department. Provide a minimum 14-ft wide access road constructed of turf block or
29

1 pavement that can support H-20 loading, with a turnaround, hammer head, or
2 secondary access

3 167. The proposed drainage basin on Lot B and shown on Sheet 7 of the Tentative Map,
4 may conflict with the original locations of the transmission mains mentioned above,
5 and would likely need to be relocated or redesigned for proposed public mains
6 mentioned in the above item. The proposed alignment, location, and easement widths
7 required will be finalized with the Water Utilities Department during final
8 improvement plan design. Submittals shall display the boundaries of all governing
9 agencies impacted by the development and proposed relocations, as well as, all
10 encroachments. The Ocean Kamp Development will be required to obtain permitting
11 or approval from each impacted Agency before the Water Utilities Department will
12 approve the proposed relocations.

13 168. Improvement plans shall propose a 12" tee off of the 30" water main (320) at the
14 intersection of Foussat Rd and Alex Rd. Extend a 12" PVC main off this tee to the end
15 of the curb return or proposed pavement improvement. Relocate and reconnect the
16 Alex Road Skate Park water meter and backflow at Foussat Street to the 12" PVC
17 extension. Abandon the existing public water supply line running north-south along
18 easterly boundary serving the skate park.

19 169. Improvement plans must show location of existing connections to each of the three
20 major water mains that were high-lined as part of the mass grading plans (G19-00003).
21 Developer must submit and coordinate with Water Utilities Department on the
22 construction sequencing for the disconnection and removal of existing high-line and
23 replacement of these new mains.

24 170. The proposed 16" recycled water, 18" water main (511), and 20" ground water main
25 shall be located within the Ocean Kamp development's property boundary unless an
26 alternative alignment is accepted and provide adequate separation on improvement
27 plans to allow for proper maintenance and repairs. Provide a minimum 45-ft wide
28 dedicated public water and sewer easement. Show proposed access road constructed
29

1 of turf block or pavement that can support H-20 loading with a turnaround, hammer
2 head, or secondary access.

3 171. The existing 24" trunk sewer main in Mission Avenue, has been identified by the City
4 to be upsized to a 30". If construction for the City's capital improvement project has
5 not begun or been completed by the time Ocean Kamp has submitted plans for final
6 design, Ocean Kamp shall enter into a reimbursement agreement during final
7 engineering with the City to complete the improvements for the portions of the sewer
8 main impacted by the proposed development. The Ocean Kamp development will be
9 responsible for their fair-share percentage of the design and construction cost.

10 172. Reimbursement agreement between the City and the Developer will require an
11 approved cost estimate, City Council approval, prevailing wage requirements, and
12 adherence to the City's procurement policy.

13 173. Based on a comparison of peak sewer flows between the General Plan and proposed
14 land use (Community Commercial) for the Ocean Kamp development in the *Sewer*
15 *Study for the Ocean Kamp Project in the City of Oceanside* dated July 21, 2021 by
16 Dexter Wilson Engineering, Inc., the proposed development is approximately double
17 the estimated flows than the General Plan. Off-site sewer improvements will not be
18 required to accommodate the increased flows for this development, however, the
19 developer will be responsible for a fair-share percentage for future upsized of the 30"
20 sewer main entering the splitter box of the Mission Avenue Lift Station, as determined
21 by the City. This fair-share fees must be paid prior to approval of the final
22 improvement plans.

23 174. A concrete masonry unit (CMU) block wall enclosure with double swing gates shall
24 be provided around the existing air-release valves impacted by the proposed bike path
25 and "Street B" in the SDG&E corridor. Details shall be addressed in final
26 improvement plan design. Access for required maintenance vehicles shall be provided
27 at all times.

28 175. An inspection or private manhole for commercial waste as described by the *Water,*
29 *Sewer, and Recycled Water Design and Construction Manual*, shall be required before

1 a private system connects to the City's public wastewater collection system. The
2 location shall be called out on the approved grading and improvement plans.

3 176. Connections to public sewer main with 6-inch or larger sewer lateral will require a
4 new sewer manhole for connection to main per Section 3.3 of *Water, Sewer, and*
5 *Recycled Water Design and Construction Manual*.

6 177. Show on improvement plans, the dedicated City water meter(s) and backflow
7 assemblies for hotel resort, associated buildings, and commercial businesses. Water
8 supply lines, including the backflow assemblies, after the City's meters to each
9 building shall be privately maintained and shown on grading and building plans. If the
10 water supply lines are under traffic paved roadways, then call out design on grading
11 plans. Otherwise, show lines screened back reference the design in the building plans.

12 178. Show on improvement plan, a separate City water meter for outdoor water play areas
13 maintained by resort hotel, such as the wave pool, lazy river, adult pool, children's
14 splash, etc.

15 179. Maximum fire hydrant spacing is 300 feet and all portions of commercial or industrial
16 buildings shall be within 150 feet of an approved fire hydrant accessible to the fire
17 department vehicles per Section 2.6 of the *Water, Sewer, and Recycled Water Design*
18 *and Construction Manual*.

19 180. A separate irrigation meter and connection to main with an approved backflow
20 assembly is required to serve common landscaped areas and shall be displayed on the
21 improvement plans.

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

24 182. A grease interceptor, as required per City of Oceanside Ordinance 07-OR0021-1 &
25 18-OR0021-1 relating to food service establishments shall be on each building sewer
26 when deemed necessary in an appropriate outside location and shall be maintained by
27 the property owner. The location and footprint of a grease interceptor shall be shown
28 on grading plans with reference to Building Plans for sizing, make, model, and
29 plumbing.

- 1 183. All existing and proposed public sewer mains on site shall show on improvement plans
2 an access road, turf block, or pavement that can support H-20 loading for sewer vector
3 truck. Access road or pavement must have a minimum turning radius of 46-feet (outer
4 wheel) for curb clearance and a wall clearance of 46'-11". Truck length is 41'-6". No
5 parking spaces shall be designated around a public manhole such that it would impede
6 the maintenance of the sewer main by a City vector truck.
- 7 184. Provide stationing and offsets for existing and proposed water service connections and
8 sewer laterals on plans.
- 9 185. Where private sewer system is shared with other tenants, a property owner or property
10 management company designated by the owner is responsible for the maintenance,
11 repair, and replacement of private facilities. If there are multiple owners, then a
12 maintenance agreement and CC&Rs must address the shared maintenance of private
13 sewer system. The same shall apply to private water systems.
- 14 186. Any unused water services or sewer laterals by the proposed development or
15 redevelopment, shall be abandoned in accordance with Water Utilities requirements.
- 16 187. Proposed public water mains to serve the future multi-family residential areas within
17 the Ocean Kamp development must be looped with two separate connections to the
18 City's water system for reliability purposes. Public mains must be located within
19 paved roadways and outside of parking lanes or within easements of private streets.
20 They shall not be located within a public easement through residential lots. The actual
21 location and alignment shall be determined during future entitlement of each specific
22 residential area or final improvement plan design, whichever comes first. The
23 proposed water mains along the easterly property boundaries of residential areas, Lot
24 5 on Sheet 5 and Lot 1 of Sheet 14 in the Tentative Map is not acceptable.
- 25 188. Developer to provide profile of proposed road across the SDG&E corridor and City
26 utility mains on improvement plans to verify minimal to no impacts to existing utilities
27 will be required. Additional protection of public mains may be required in final design.
- 28 189. Relocated major public transmission mains may require special design that is not
29 addressed in the *Water Utilities Water, Sewer, and Recycled Water Design &*

1 *Construction Manual*. This includes access manways, minimum 5-ft cover, and valve
2 spacing requirements. This will be addressed during final improvement plan design.

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

4 190. Show location and size of existing and proposed water meter(s) on site plan of building
5 plans. Show waterline from proposed meter to connection point to building or
6 residence.

7 191. Show location and size of existing and proposed sewer lateral(s) from property line or
8 connection to sewer main to connection point at building or residence.

9 192. Provide table of fixture count and flow calculations per the latest adopted California
10 Plumbing Code to size each City water meter and service lines on site plan and
11 plumbing sheets of building plans.

12 193. Provide drainage fixture count to verify size of each building sewer lateral.

13 194. The total proposed and existing water meter sizes and type for the Ocean Kamp
14 development will determine the water and sewer buy-in fees. Developer will be
15 credited for any existing water meters that will be abandoned as part of this
16 development. Credit can be applied toward the purchase of any new water meters.
17 Should the total credit exceed proposed fees for new meters, the Developer will not be
18 reimbursed the credit monetarily.

19 195. Provide drainage fixture unit count per the latest adopted California Plumbing Code
20 to size sewer lateral for property.

21 196. Beach sand is proposed throughout portions of development. Oil and sand
22 interceptor(s) shall be designed and installed, as described by the latest adopted
23 California Plumbing Code Chapter 10. Interceptor(s) shall be maintained in
24 accordance with the Fats, Oil, and Grease permit. The location, design, model and type
25 shall be shown on the approved Building Plans.

26 197. If a Grease Interceptor is required per City of Oceanside Ordinance 07-OR0021-1,
27 then building plans must show sizing calculations per the latest California Plumbing
28 Code. Show the location, make, model, and plumbing schematic on the building sewer
29 lateral. Shared grease interceptors are not acceptable, unless the Waste Discharge

1 Permit from the Water Utilities Department is with the property owner or property
2 management company. A shared grease interceptor must not be permitted by one of
3 multiple tenants discharging into the same interceptor.

4 198. If a Sand and Oil Separator is required, then building plans must show drainage fixture
5 unit count and calculations per the latest California Plumbing Code to size oil and sand
6 separator and show on plans the location, make and model of separator, inlet/outlet
7 piping, and a plumbing schematic of the separator along with the required
8 appurtenances at each building sewer lateral.

9 199. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees
10 are to be paid to the City at the time of Building Permit issuance per City Code Section
11 32B.7.

12 //////////////

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1 **Water Utilities (Solid Waste):**

2 200. The City of Oceanside reserves the right to review program and services levels and
3 request increases if deemed necessary. The City of Oceanside Municipal Code Chapter
4 13 requires that Oceanside residents, businesses and multifamily projects are to
5 separate all recyclable material from other solid waste. Additionally, the State of
6 California regulations requires all California businesses participate in Mandatory
7 Recycling (AB 341) and Mandatory Commercial Organics Recycling (AB 1826 & SB
8 1383) as outlined in the Oceanside Solid Waste code.

9 PASSED AND ADOPTED Resolution No. 2022-P16 on July 25, 2022 by the following
10 vote, to wit:

11 AYES:

12 NAYS:

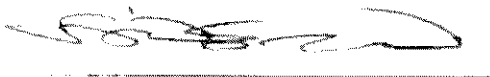
13 ABSENT:

14 ABSTAIN:

15 

16 Tom Rosales, Chairperson
17 Oceanside Planning Commission

18 ATTEST:

19 

20
21 Sergio Madera, Secretary

22
23 I, SERGIO MADERA, Secretary of the Oceanside Planning Commission, hereby certify
24 that this is a true and correct copy of Resolution No. 2022-P16.

25
26 Dated: July 25, 2022

OCEAN KAMP

OCEANSIDE, CALIFORNIA

Ocean KAMP Project – Mixed-Use Development Plan

Prepared by O'Side Partnership, LLC

May 4, 2022

Introduction

O'Side Partnership, LLC proposes to construct the Ocean KAMP Project (Project) at the former Oceanside swap meet site located at 3480 Mission Avenue, Oceanside, CA 92054 (Site). The project site is currently zoned as Community Commercial (CC) under the City of Oceanside (City) Zoning Ordinance, with a Community Commercial (CC) General Plan Land Use Designation. Mixed-use development is allowed under the current Community Commercial zoning, subject to approval of a Mixed-Use Development Plan and Conditional Use Permit.

The Ocean KAMP Project is designed to deliver high quality places for people to live, work, and play. Proposed commercial uses would be located within the central/southwestern portion of the site, and would include up to a 300-key hotel with associated facilities, a surf lagoon, and up to 11 commercial buildings (retail, office, medical office, dining, fitness, etc.) consisting of up to 134,400 square feet. Proposed single-family and multi-family residential uses include the development of approximately 700 dwelling units located within the northern and eastern portions of the project site to create distinct neighborhoods connected to the commercial center via a loop road and multi-use trail. Neighborhood parks would provide recreational amenities including a pool, clubhouse, outdoor seating, dining areas, and tot lots, all linked via a network of trails to bring residents together, reinforce community and provide an active outdoor California lifestyle. Approximately 20 acres of the site would be preserved as open space to provide rich habitat and a corridor for local wildlife.

In accordance with Article 11, *Commercial Districts*, Section 1120, and Article 30, *Site Regulations (Citywide)*, Section 3042, *Mixed-use Plans*, of the Zoning Ordinance, any mixed-use development with commercial and residential land uses combined on one site requires the submittal of a "Mixed-Use Development Plan" and Conditional Use Permit. Base District Regulations and Property Development Regulations for Residential Districts and Commercial Districts serve as the guideline for a mixed-use development. Any deviations from the development regulations are evaluated based upon the merits of the development plan. The Zoning Ordinance states that a Mixed-Use Development Plan can be used to provide flexibility in land use regulations and site development standards "where flexibility will enhance the potential for superior urban design in comparison with development under the regulations as they exist if no development plan were approved." The specific purposes of the Mixed-Use Development Plan are to:

- A. Establish a procedure for the development of parcels as a mixed-use development.
- B. Ensure orderly and thorough planning and review procedures that will result in quality urban design.
- C. Encourage variety and avoid monotony in developments by allowing greater freedom in selecting the means to provide access, light, open space, and amenities.
- D. Provide a mechanism whereby the City may authorize desirable developments consistent with the General Plan without inviting speculative rezoning applications, which, if granted, often could deprive other owners of development opportunities without resulting in construction of the proposed facilities.
- E. Encourage the preservation of serviceable existing structures of historic value or artistic merit by providing the opportunity to use them imaginatively for purposes other than that for which they were originally intended.
- F. Encourage the assembly of properties that might otherwise be developed in unrelated increments to the detriment of surrounding neighborhoods.

This document serves as the Mixed-Use Development Plan for the Project, creating opportunity for flexibility in the mix of hotel, commercial and residential uses. Consistency of the proposed project with the applicable development regulations, as well as specific development standards to be implemented under the Mixed-Use Plan, are detailed in the section below.

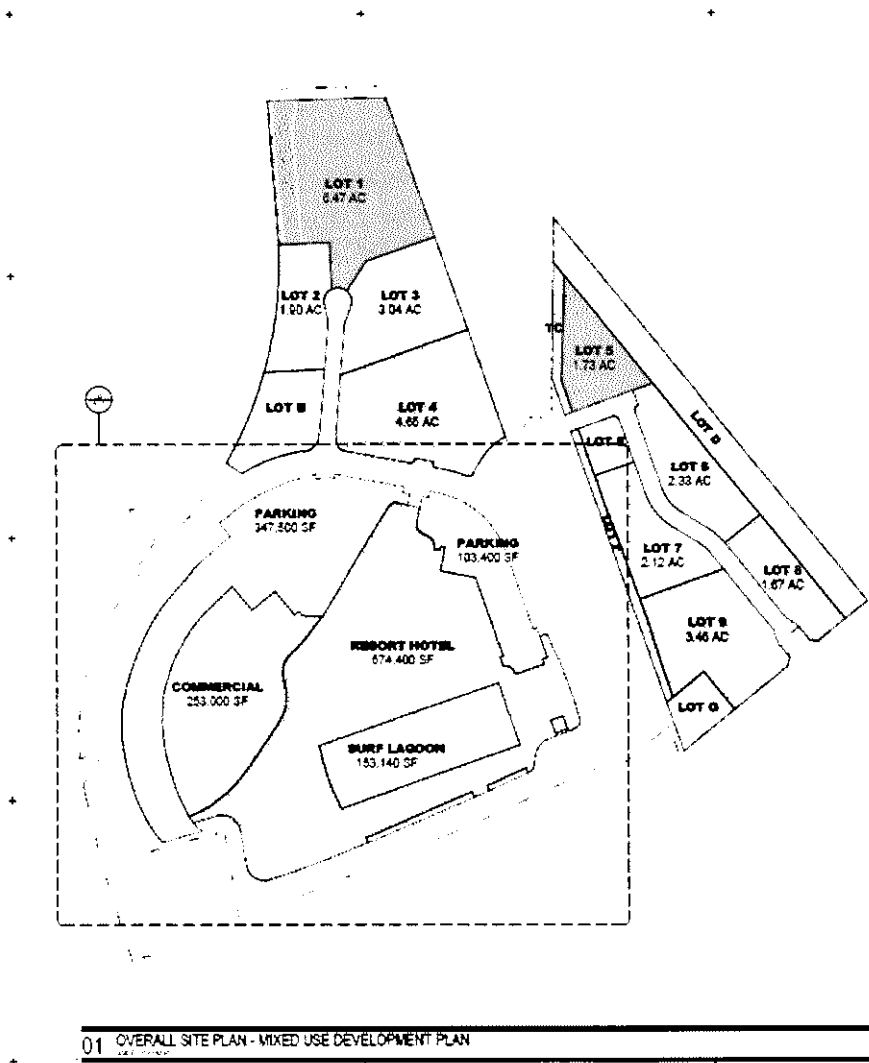


Mixed-Use Plan

Mixing uses is an important component of traditional neighborhood development as well as successful smart-growth communities. Mixed-use development combines two or more different types of land uses in close proximity, where the functions are physically and functionally integrated and provide opportunities for enhanced design, pedestrian connections, and community interaction. This type of development allows for convenient access between residences, commercial services, employment opportunities, and other uses. While additional

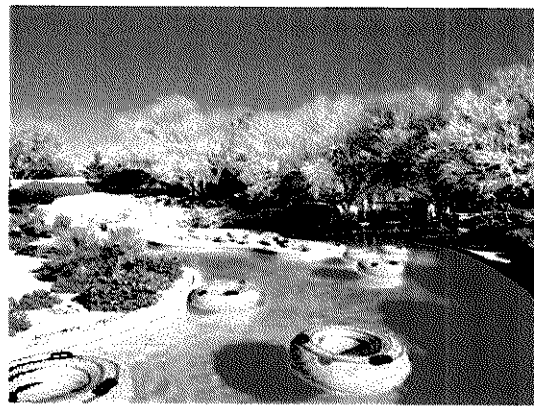
benefits of mixed-use development include diversity, uniqueness and walkability, land use conflicts may arise. Potential compatibility issues will be addressed in the Ocean KAMP site plan through focused development standards and coordinated site layout and building design.

The proposed Mixed-Use Development Plan will be an integrated plan, where uses would be sited to share parking, traffic circulation and an alternative transportation system, recreational and open space areas, and utilities and infrastructure. The proposed project site would be developed in two distinct but integrated areas – the commercial component, comprised of hotel, commercial, office, and recreational uses; and the residential component. Approximately 20 acres of the site would be preserved in open space, including a 4-acre stepping stone wildlife corridor located along the eastern property boundary. The Mixed-Use Plan for each of these areas is described below.



Hotel, Commercial, and Recreational

The approximately 35-acre hotel/commercial area is located in the central/southwestern portion of the project site, with access off Foussat Road. This component of the project would include up to 300 hotel rooms, approximately 134,400 SF of commercial space (retail, dining and office, fitness, etc.), and recreational opportunities available to hotel guests, members of the community and the general public. These recreational opportunities are envisioned to include a surf lagoon, rock climbing walls, bike path/trails, plazas, and fitness center. If constructed to its maximum allowable density, approximately 1,055 parking spaces would accommodate the commercial uses, in addition to 106 short- and long-term bicycle parking spaces (53 short-term and 53 long-term spaces within the commercial area, including 14 long-term spaces for the hotel).





The City's regulatory ordinances provide flexibility with respect to whether mixed-use development may be vertical or horizontal. For the proposed project, there are a number of advantages to a horizontal mixed-use development design. The project site is constrained by the 200-foot-wide easement corridor containing San Diego Gas & Electric (SDG&E) overhead transmission lines and other utilities, which traverses the eastern portion of the site. General Plan Policy 2.25 provides that locational requirements should be considered that ensure compatibility with surrounding land uses. Based on these considerations, the project proposes a horizontal and vertical mixed-use design in order to allow for the incorporation of project design elements such as pedestrian and bicycle access, visual elements, and adjacent land use considerations. Additionally, the project will integrate vertical mixed-use via second floor office space over ground floor retail. The project incorporates the following into the Mixed-Use Development Plan:



- Efficient vehicular circulation that serves all uses and complements the on-site pedestrian and bicycle circulation system;

- Access to modes of transportation other than automobile, including electric bikes and mobility hubs to discourage car use and promote a pedestrian environment;
- Easy connectivity for residents and visitors to access amenities within the project site and to access existing adjacent neighborhoods and transit networks;
- Attractive and highly visible street/monument signage and other identification elements to provide both sense of place and enable visitors to navigate their surroundings;
- Architectural and site design that exemplifies the proposed "California lifestyle;" A network of trails and walkways that connect the varying on-site uses and off-site areas;
- Street plantings that unify the Ocean KAMP community while defining different uses or neighborhoods; and
- The creation of a true and vibrant live, work, play community.

Residential

The approximately 36-acre residential component of the project would be developed in the northern and eastern areas of the site, with a loop road and pedestrian trail connection between the two neighborhoods and the hotel/commercial area. Pursuant to the City's Zoning Ordinance, Mixed-Use Plans, Section 3042, *Development Regulations*, the residential component of a mixed-use project can achieve densities up to 29 dwelling units per gross acre (du/ac); additional density is granted for projects that exhibit superior design and meet quality characteristics established by General Plan policy. Up to 700 multi-family residential units are proposed to be developed within nine lots, with an average density of 25.5 du/ac. The proposed density would be below the maximum 29 du/ac density allowed under the Zoning Ordinance (i.e., up to 1,015 dwelling units for the 35-acre residential portion of the site).

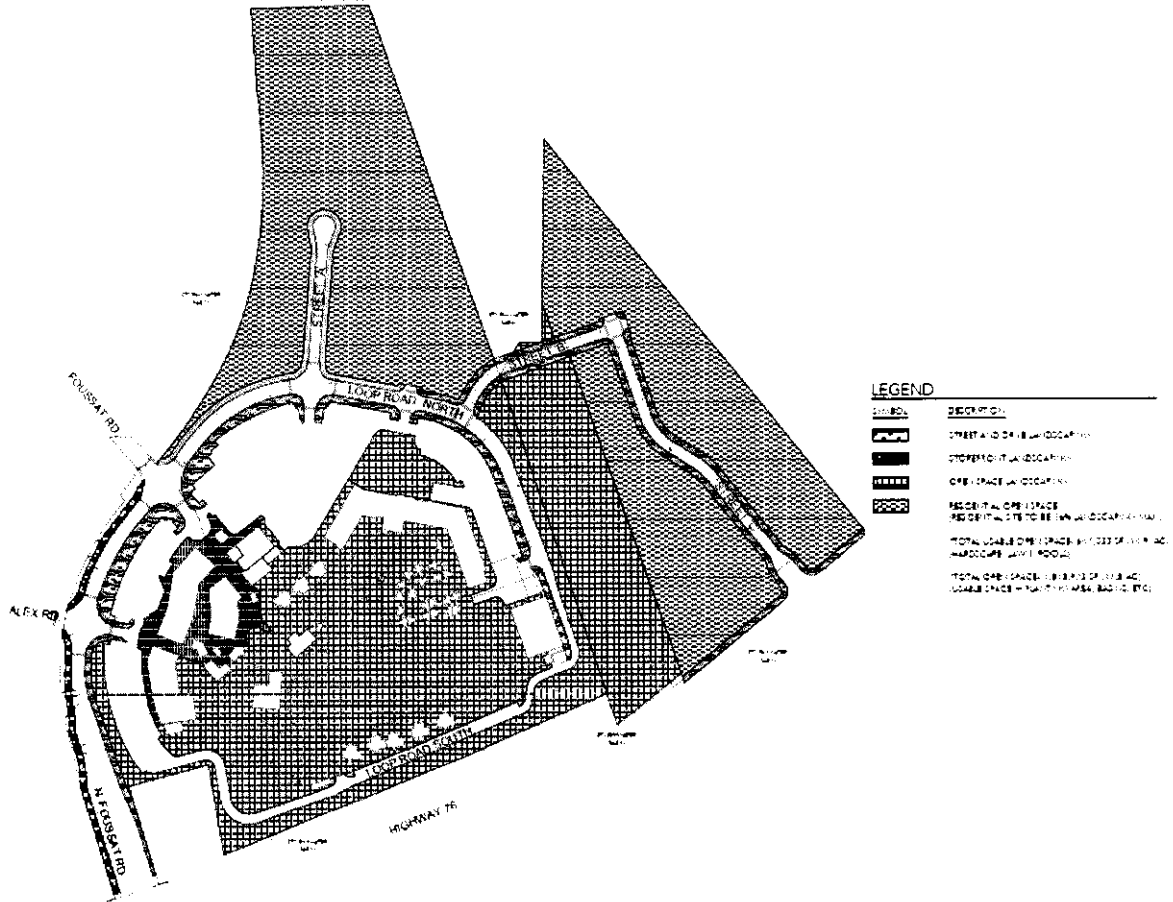
A comprehensive network of trails throughout Ocean KAMP connect residential neighborhoods with easy access to the local shops, dining, recreational, and fitness facilities at the projects commercial center, while also providing additional recreational opportunity with access to the regional San Luis Rey River Trail. Paseos create a finer pedestrian network between homes, neighborhoods and parks.

Open Space and Play Areas

Ocean KAMP will provide a number of parks linked by a series of trails to create an open space network of play areas. The intent is to offer recreational opportunities for all ages while creating places for people. For places to be well used and loved, they must be safe, attractive and distinctive while offering variety and fun. A pop jet water feature will serve as a focal point for the urban plaza within the commercial area. In addition, approximately 20 acres of the 92-acre project site will be dedicated open space, offering opportunities for walking, hiking, running and



biking. Additionally, opportunities for micro-gardens supporting onsite restaurant uses are encouraged.



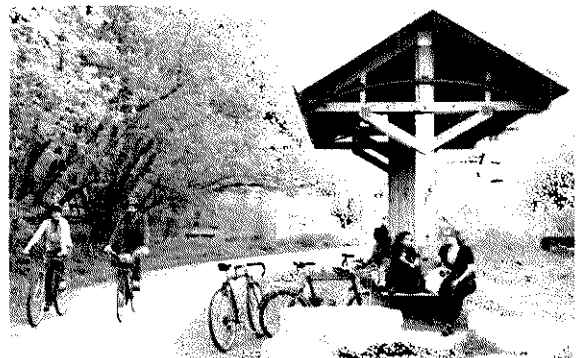
A plant palette for street trees and plantings will be developed to create continuity within the project site, with designated trees and accent planting to define the unique identity of a street, neighborhood or place.



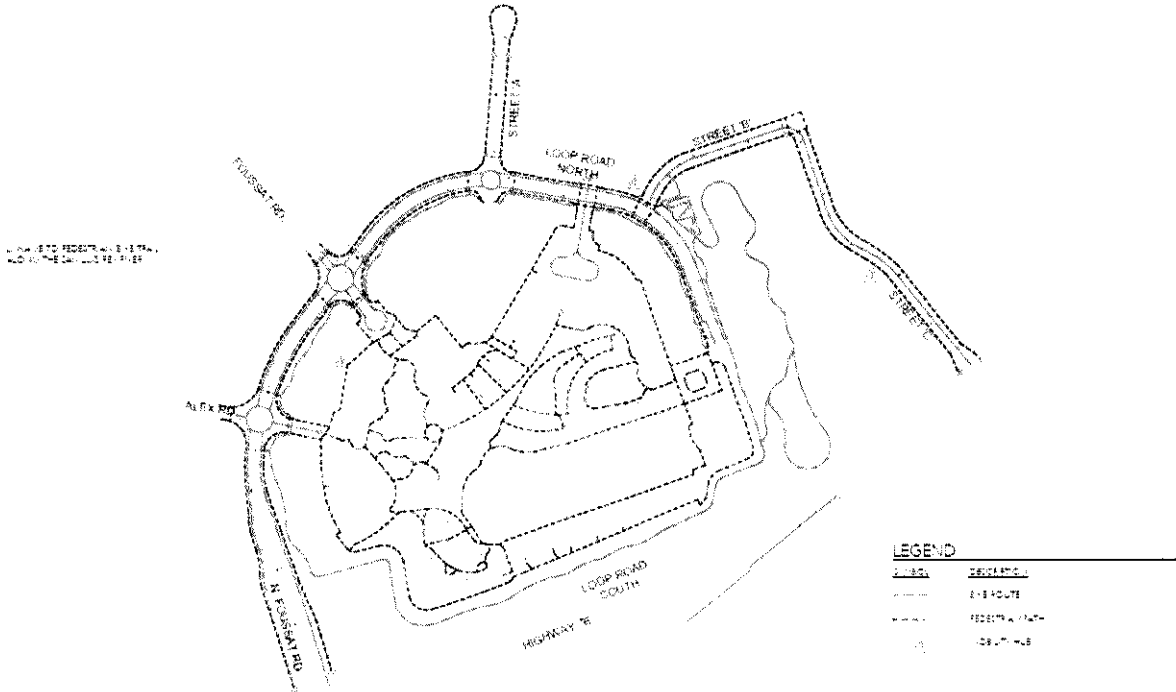


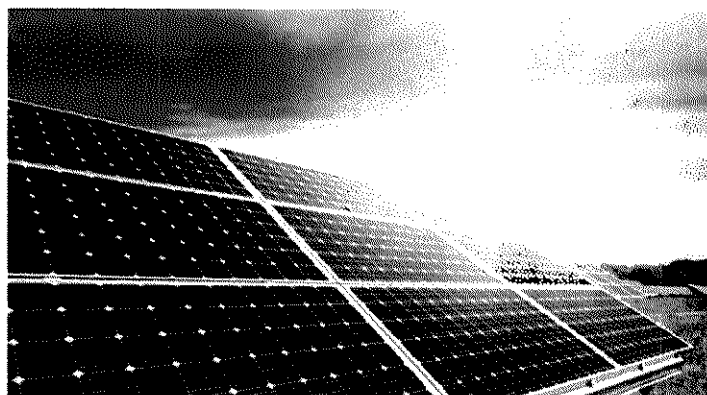
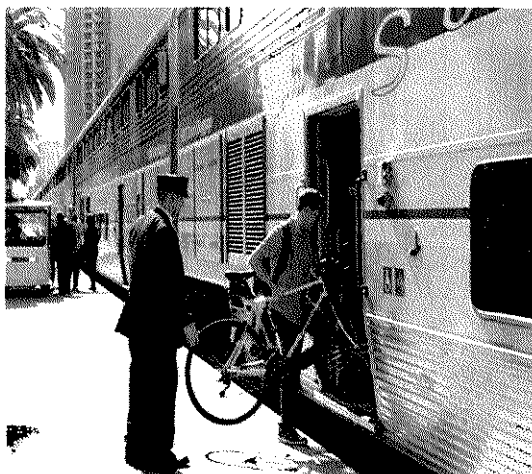
Bicycle and Pedestrian Connectivity

Ocean KAMP's site plan takes advantage of its location adjacent to the San Luis Rey River Trail, providing direct trail connections to/from the project site for bicycle and pedestrian user convenience. In less than 15 minutes a cyclist can reach the Oceanside Transit Center, a major railway interchange serving both San Diego and Los Angeles.



Bike and Pedestrian Paths Exhibit





Sustainability

The project aims to minimize effects to the environment by incorporating sustainability measures into the Project's design. Provision of a network of sidewalks and trails would promote cycling and walking as alternative modes of local travel, reducing vehicle miles and promoting a healthier lifestyle for visitors and residents. Three mobility hubs – places where various travel options converge, have been designed into the Ocean KAMP site plan.

Plantings and building materials would be selected to maximize water and energy efficiency. Drought tolerant landscaping, recycled materials, solar energy, reclaimed water, low flow lavatories, electric car charging, and other sustainable measures are highly encouraged throughout the project. Street trees are essential components in helping manage stormwater, reducing air pollution and providing a pleasant pedestrian experience by beautifying and cooling the streets.



Development at Ocean KAMP would also lead to the preservation of approximately 20 acres of open space, conserving habitat for local species including the gnatcatcher.



Mixed-Use Development Standards

Development regulations applicable to the proposed Mixed-Use Development Plan are provided in the following sections. These regulations are complemented by the Site Plan and Landscape Plans prepared for the project, which present the site, building, and landscape design elements applicable to the project.

The development standards presented in Table 1, *Mixed-Use Plan Development Standards*, are based on the development regulations established in the 1992 Zoning Ordinance; specific sections of the Zoning Ordinance are referenced as applicable for applicable development standards. These regulations are intended to allow for flexibility with specific development proposals while providing reliable base standards and criteria to ensure appropriate mixed-use development. The standards support flexibility in site design and promote a mixed-use community development pattern and scale that is compatible with adjacent areas. Site plan flexibility also provides opportunity to refine and improve specific development proposals. Development standards are provided for the commercial and residential components of the project.

The following standards are based on the Base District Regulations and Property Development Regulations for Commercial Districts (Article 11 of the 1992 Zoning Ordinance), as well as applicable standards for Residential Districts (Article 10 of the 1992 Zoning Ordinance). Where this Mixed-Use Development Plan does not address a particular development standard, the applicable standards of the 1992 Zoning Ordinance for the underlying Community Commercial zoning of the project site shall apply. Section 3042 of the 1992 Zoning Ordinance states that the development standards of an existing overlay district may be modified by the Mixed-Use Plan if demonstrated to promote superior design; deviations from the development regulations shall be evaluated based upon the merits of the development plan. If there is discrepancy between the provisions of the Zoning Ordinance and the regulations set forth in this Mixed-Use Development Plan, the Mixed-Use Development Plan shall prevail.

Table 1
MIXED-USE PLAN DEVELOPMENT STANDARDS

Standard	Mixed-Use Development Plan
Minimum Lot Area – Commercial	10,000
Minimum Lot Area –Residential	5,000
Minimum Lot Width – Commercial	No minimum
Minimum Lot Width – Residential	50 ft
Maximum Site Coverage ¹	50%
Minimum Building Setbacks	15 ft from front- and side-facing bldgs
Maximum Building Height ²	50 ft
Maximum Vertical Wall Dimension	50 ft
Maximum Horizontal Wall Dimension	200 ft
Maximum Base FAR	1.0
Maximum FAR Bonus	0.5
Minimum Site Landscaping	15%
Maximum Permitted Fence and Wall Heights	See Section 3040
<i>Fence within front yard setback area abutting street</i>	3.5 ft
<i>Fence within other yard setback areas</i>	6 ft
<i>Retaining wall</i>	3.5/6ft – 3.5 feet in front yard/6 ft in other yard areas
<i>Wall abutting a residential district</i>	8 ft - solid, decorative masonry wall
<i>Outdoor storage/work area screening wall</i>	8 ft
Maximum dwelling units per gross acre	29
Vehicular Access	See Section 3114
Signs	See Article 33
Outdoor Facilities	See Section 3020
Views into Buildings Screening of Mechanical Equipment	See Section 3021
Refuse Storage Areas	See Section 3022
Underground Utilities	See section 3023
Performance Standards	See Section 3024

1 Site coverage to be based on the overall development site area, not individual dwelling unit lot areas.

2 Building height shall be measured from finished grade, exclusive of all architectural and structural features per Section 3018 of the Zoning ordinance "Exceptions to Height Limits."

Residential Development Standards

Specific to the residential component of the project, the Housing Element of the General Plan and Section 3042 of the Zoning Ordinance prescribe that residential unit types included in a Mixed-Use Plan shall not exceed 29 du/ac for the total area of parcels designated for mixed-use. So as to not maximize the total buildout of residential, a cap of 700 dwelling units would be provided within the 35-acre portion of the site designated for residential development. As shown in Table 2, *Residential Lot Density and Development Regulations*, a total of nine residential lots are proposed to be developed with a maximum of 700 dwelling units and an average density of 25.5 du/ac.

Table 2 RESIDENTIAL LOT DENSITY AND DEVELOPMENT REGULATIONS		
Lot No.	Area (acres)	Dwelling Unit Cap¹
R-1	6.5	188
R-2	1.9	55
R-3	3.0	87
R-4	4.7	136
R-5	1.7	49
R-6	2.3	66
R-7	2.1	60
R-8	1.7	47
R-9	3.5	101
TOTAL	27.4	700²

¹ The development potential of each lot is capped based the maximum allowable density of 29 du/ac per the Community Commercial zoning regulations; the average density would be 25.5 du/ac. The final distribution of dwelling units between each lot will be coordinated as part of the development application(s) for the residential component of the project such that the overall maximum cap of 700 dwelling units is not exceeded.

² This is the maximum allowable dwelling unit total. Lower unit counts and densities may be proposed with future development application(s). Gross developable acreage and dwelling unit distribution will be determined in conjunction with detailed project development plan for each residential lot.

The specific site layout and product typology for the residential component of the project would be identified as part of the residential development plan. The residential development plan would conform to the applicable City development regulations for a Community Commercial zone, including standards related to building coverage, landscaping, parking, and setbacks described above (refer to Table 1). The project also would be designed in consideration of the existing development standards in place for the property, as documented in the Pavilion at Oceanside Environmental Impact Report (EIR) that was certified by the City in 2008 (State Clearinghouse No. 2006111033). The residential component would be developed with a range of housing types within appropriately scaled medium- to high-density developments. The buildings proposed to be constructed along the project's eastern boundary would be approximately 200 feet from existing single-family residential development. Building types may include attached or detached condominiums/apartments, townhomes, and various other product configurations that comply with development standards.

Residential Product Typology

Development within the residential areas of the Project is envisioned to consist of a variety of residential developments reflective of Ocean KAMP's California lifestyle aesthetic. Specific site layout and product typology will be identified as part of the residential development plans proposed for each residential planning area. A list of product types allowed within the residential planning area is shown in Table 3, *Residential Product Typology*, followed by brief descriptions of each typology.

**Table 3
RESIDENTIAL PRODUCT TYPOLOGY**

Product Typology	Residential Area
Townhomes	R1 through R9
Apartments	R5 through R9
Condominiums	R1 through R9
Senior Housing	R1 through R9

- Variations of these residential product typologies may be considered through review of individual development plans for each residential planning area.

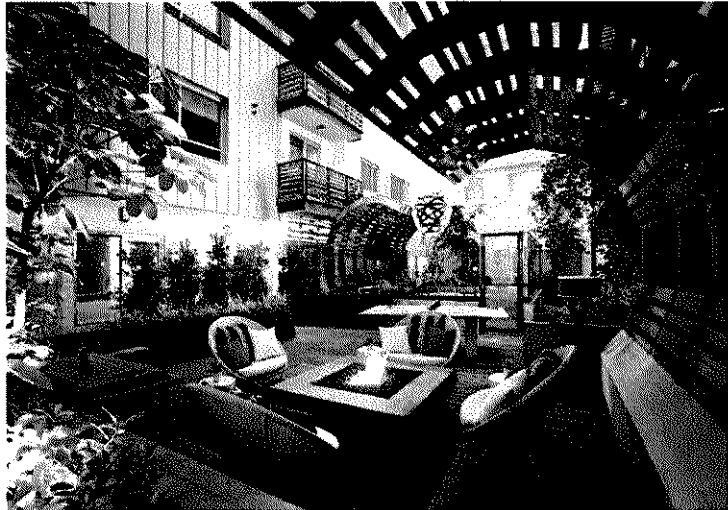
Townhomes/Rowhomes

Detached and attached homes featuring 2 and 3-story floorplans with typical building configurations ranging from 2 to 8 units but may be up to 12 units in size. Townhomes will be integrated with common open space with paseos providing attractive landscaped areas and connections between buildings. A selection of floorplans will provide potential buyers with a range of financial options for homes with well-designed living areas on upper floors, private patio and balcony areas, and attached garages.



Apartments

Attached apartments may be 2 to 4 stories in height, ranging in size between 10 to 350 units. Buildings will be configured to include or be integrated with common amenities and open space such as a community pool, public gathering space, and clubhouses. Buildings will be articulated to provide architectural relief and include private patio and balcony areas. Parking requirements will be met with a common parking area.



Condominiums

Detached or attached residential condominiums will offer 2, 3 and 4 story options with floorplans ranging in size and price. Condominiums will offer units with private balconies, covered parking and be integrated with landscape amenities such as parks and paseos.



Senior Housing

Attached senior housing consisting of 2 and 3-story buildings of single level flats will range between 10 and 50 units in size. Buildings will be suitable for the needs of an aging population, with a design focus on safety, accessibility, health and activity.



Residential Design Guidelines

The purpose of the design guidelines is to provide direction for future development of the residential component of the project. The development criteria provided herein will be used during the design review process to ensure that the appearance of the development will be compatible and integrated within the overall site design. The design guidelines are not “regulations” but are enforceable by city planning staff as a component of the Ocean KAMP project.

The residential component of Ocean KAMP will be fully integrated within the masterplan both visually and physically through architectural styling, branding and vehicular, pedestrian and bicycle connections. The residential guidelines serve as the framework for the built environment to create both a cohesive vision for the project and consistent visual identity. Design guidelines include architectural style as well as open space, landscape and neighborhood character. They allow for variation within neighborhoods to create distinct character through quality design.

Ocean KAMP will include residential neighborhoods that offer an identifiable place with distinct character. The creation of socially mixed communities with varied lifestyles to which Ocean KAMP aspires, requires a range of housing choices and settings.

Serving as a backdrop to lush native landscaping, the Ocean KAMP’s overall design takes advantage of Southern California’s unique climate and allows the natural environment to permeate through the project informing both the architecture and the space between. This seamless transition creates a welcoming arrival and encourages pedestrians to flow between interior and exterior. By activating the building frontages and ground plane through visual and physical transparency, an inherent sense of place is established rooted in southern California’s culture of outdoor living. Envisioning the project as a canvas, a rich pallet of terracing, deep overhangs, void spaces and the careful composition of warm and natural materials, break the volumes down creating a variety of scales which enhance the pedestrian experience and compliment the surrounding context. These strategies shall be implemented with an emphasis on the clean modern lines indicative of classic California coastal modernism which is rooted in tradition and endeavors to blend ecological sensitivity with an architectural style that emphasizes minimal form and a richness of materiality

Residential Affordable Housing

Pursuant to the City of Oceanside Affordable Housing Ordinance, the Project is required to deliver 10% of the residential units as affordable units to consumers earning no more than 80% of the median income of the City of Oceanside. As such, the maximum affordable units required would be 70 units. The Project Sponsor shall satisfy this requirement by constructing 10% of the total residential units on the project site pursuant to an Affordable Housing Agreement between the City and the Project Sponsor. The Agreement shall be consistent with Chapter 14C of the Oceanside Municipal Code and shall be approved by the City Council prior to or concurrent with the approval of the Development Plan for the first residential phase. The ultimate number of required affordable units shall be 10% of the residential units physically constructed within the Project.

Community Design and Site Planning

- Provide a variety of architectural styles and building configurations, such as courts and clusters, to avoid a monotonous appearance.

- Show sensitivity to adjacent properties, open space, and community amenity areas with appropriate setbacks and orientation of buildings and facades.



- Provide for a varied streetscape and community appearance
- Neighborhood designs should blend compatible architectural styles and utilize a distinctive palette of colors and materials responsive to the overall Ocean KAMP project branding.
- Provide varied building setbacks along the street or articulate each building.
- Design internal streets to include landscaping and provide spaces and pedestrian amenities for social interaction such as small gathering areas, mail box clusters, benches and seating, water features, and shaded areas.
- Provide traffic calming measures such as narrower roadways, on-street parking, bump-outs, and speedbumps along internal streets.
- Design internal streets with sidewalks along a minimum of one side to promote pedestrian activity within the development.
- Orient buildings to incorporate a relationship between indoor and outdoor space.

- Provide enhanced pedestrian circulation with access and connections to internal walkways, paseos, and open space systems.
- Provide comprehensive interconnected trail network and community parks.
- Incorporate landscape areas to enhance the appearance of structures, define site functions of outdoor spaces, and screen undesirable views of parking areas and utilities.
- Integrate appropriate landscaping that includes a variety of trees, shrubs, and other plantings.
- Design landscaping to be compatible with building design. Use trellises, arbors, cascading landscaping, vines and perimeter garden walls where suitable.

Massing and Scale

- The scale and mass of residential structures should be compatible with the overall Ocean KMAP development and vary based on character, scale, and edge conditions of surrounding existing developments.

- Use varied roof forms, mass, shape, and materials to create variations in building facades.

- Articulate building walls, projections, offset wall planes and recesses to provide shadow and depth, variable rooflines, and a combination of diversified building heights.

- Create varying front setbacks, staggered roof planes, and variety in orientation for units clustered into one structure.



- Avoid large expanses of wall surface, repetition in design, or 'box-like' structures lacking horizontal and vertical articulation.

- Vary orientation of buildings to avoid monotony of facades and to minimize the length of garage door corridors.

- Provide varied setbacks between building elements (i.e. recessed or side/rear facing garages, porches, second floor elements, etc.).

- Integrate balconies, decks, and exterior stairs with building elevations to provide articulation and minimize large wall masses.

- Stagger setbacks between adjacent buildings to enhance variation and quality of streetscapes.

Community Lighting

- Site lighting should incorporate a scale and aesthetic that best complements the overall character of the Ocean KAMP development.



- Street lighting should be utilized to provide a safe community, but also to enhance neighborhood character. All lighting standards should be hooded and designed to prevent light spillover.

- Lighting along roadways should be designed to emphasize pedestrian scale and orientation.
- Ensure safe pedestrian lighting is incorporated with interior paths and community walkways.

Residential Development Review

Future residential development within Ocean KAMP will require the review and approval of subsequent land use applications as required for the specific development proposal. Implementing development proposals shall require, at a minimum, review of a Development Plan, as outlined in Article 43 of the City of Oceanside Zoning Ordinance, to present specific development projects within the Project area and to address any necessary infrastructure or facility improvements. Specific projects shall be reviewed by the City in order to ensure consistency and substantial conformance with the development regulations and design guidelines presented in this Plan. All land use and development applications within Ocean KAMP shall be reviewed according to established City of Oceanside policies and procedures.

Permitted Uses

Development within the Project is envisioned to allow for a horizontal mix of residential dwellings accompanied by neighborhood and regional serving commercial uses including retail, office, hotel, entertainment, and dining. The commercial uses anticipated for the Project are consistent with those currently allowed within the Community Commercial (CC) zoning district. The list of permitted uses for the project is provided in in Table 4, *Permitted Uses*.

Table 4
PERMITTED USES

Land Use	Regulation
Government Offices	Permitted
Health Care/Medical Offices	Permitted
Park & Recreation Facilities	Permitted
Banks and Savings & Loans	Permitted
Self Service ATMs	Permitted
Building Materials & Service	Permitted
Commercial Recreation & Entertainment	Permitted
Communication Facilities	Permitted
Day Care	Subject to approval of a Child Care Facility Permit
Food & Beverage Kiosk	Permitted
Food & Beverage Sales	Permitted
Horticulture, Limited	Conditional Use Permit Required
Maintenance & Repair Services	Conditional Use Permit Required
Nurseries	Conditional Use Permit Required
Offices, Business & Professional	Permitted
Personal Improvement Services	Permitted
Tattooing Establishments	Subject to Administrative Regulated Use Permit as outlined in Article 36 of the City of Oceanside Zoning Ordinance
Residential	Permitted – Maximum Density of 29 DU/Acre
Restaurants – Full Service	Permitted
Restaurants – Full Service w/ Full Alcohol	Conditional Use Permit Required
Restaurants – Full Service w/ Live Entertainment	“Small-scale” facilities allowed. All others require the approval of an Administrative Use Permit.
Restaurants – Fast Food	Permitted
Retail Sales	Permitted
Travel Services	Permitted
Visitor Accommodations – Hotel, Motels and Timeshares	Permitted
Mixed Uses	Permitted

Mixed-Use Parking

Off-street parking shall be incorporated into the development to serve the proposed mix of uses. Parking associated with the proposed development shall be provided per the standards listed in Table 5, *Mixed-Use Plan Parking Standards*.

Table 5
MIXED-USE PLAN PARKING STANDARDS

Proposed Use	Required Parking Spaces
Residential (See Also Footnotes 1 & 2)	1.5/unit (including 1 covered ¹) for studios and one-bedroom units 2/unit (including 1 covered) for units with two bedrooms or more
Guest Parking	Minimum amount equal to 20% of the total dwelling units
Parking Space Dimensions	8.5-ft x 18 ft minimum
Garage Dimensions	20-ft wide x 19 ft deep (two-car garage) 10ft wide x 19 ft deep (one-car-garage)
Food and Beverage Sales	1 per 250 sq. ft.
Offices, Business and Professional	1 per 300 sq. ft.
Restaurants Full Service <i>With Live Entertainment</i>	1 per 250 sq. ft. 1 per 250 sq. ft.
Retail Sales	1 per 250 sq. ft.
Other Commercial Recreation and Entertainment	As specified by City Planner
Hotels	1.2 per guest room

1 Covered parking shall be provided within garages.

2 Residential two-car garages may include "tandem," "staggered", or "split" space designs.

Conclusion

Ocean KAMP project will have a positive social and financial impact for the City of Oceanside and its residents. It will provide new and much needed housing, employment opportunities, recreational amenities and tax revenue.

The site plan has been designed to deliver high quality places for people to live, work and enjoy. Working with the City, the developers of Ocean Kamp will transform this key site at the former drive-in into a distinct and dynamic mixed-use community.

11.0 MITIGATION MONITORING AND REPORTING PROGRAM

11.1 INTRODUCTION

Per CEQA Guidelines Section 15097, public agencies are required to adopt a monitoring or reporting program to assure that the mitigation measures and revisions identified in the Environmental Impact Report (EIR) are implemented. As stated in Section 21081.6 of the Public Resources Code:

“...the public agency shall adopt a reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order in order to mitigate or avoid significant effects on the environment.”

Pursuant to Section 21081(a) of the Public Resources Code, findings must be adopted by the decision-maker coincidental to certification of the EIR. The Mitigation Monitoring and Reporting Program (MMRP) must be adopted when making the findings (at the time of approval of the project).

As defined in the CEQA Guidelines, Section 15097, “reporting” is suited to projects that have readily measurable or quantitative measures or which already involve regular review. “Monitoring” is suited to projects with complex mitigation measures, such as wetland restoration or archaeological protection, which may exceed the expertise of the local agency to oversee, are expected to be implemented over a period of time or require careful implementation to assure compliance. Both reporting and monitoring would be applicable to the proposed project.

A Supplemental EIR (SEIR) for the Ocean KAMP Project has been prepared to address the potential environmental impacts and, where appropriate, recommend measures to mitigate these impacts. As such, a mitigation monitoring plan is required to ensure that the adopted mitigation measures are successfully implemented. This document incorporates the Mitigation Measures (MM) and the Project Design Features (PDF) from both the SEIR and the completed Final EIR (FEIR) for the previously proposed Pavilion project. This plan lists each MM and PDF for both the SEIR and the FEIR, describes the methods for implementation and verification, and identifies the responsible party or parties.

11.2 MONITORING AND REPORTING PROCEDURES

The mitigation monitoring plan for the Project will be in place through all phases of the Project, including design, construction, and operation. The City of Oceanside will be responsible for administering the mitigation monitoring plan and ensuring that all parties comply with its provisions. The City may delegate monitoring activities to staff, consultants, or contractors. The City of Oceanside will also ensure that monitoring is documented through periodic reports and that deficiencies are promptly corrected. The designated environmental monitor will track and document compliance with mitigation measures, note any problems that may result, and take appropriate action to rectify problems.

The MMRP is provided in table format (see Table 1, below) which identifies the proposed mitigation measures by resource area. For each mitigation measure, the following are provided:

- Mitigation measure (number)
- Mitigation measure (text)
- Type
- Monitor
- Schedule

The MMRP allows for tracking of each mitigation measure and provides an area to identify the completion/implementation of each. The mitigation measures are organized into two types: Construction Mitigation (CM), and Operational Mitigation (OM).

Table 2 provides a list of the Project Design Features (PDFs) that are proposed for incorporation into the Project to reduce certain project effects. These PDFs will be made a Condition of Approval for the Project, as adopted by the City of Oceanside with approval of the Project.

**Table 11-1
 MITIGATION MONITORING AND REPORTING PROGRAM SUMMARY**

MM No.	Mitigation Measure	Type	Monitor	Schedule
<i>Biological Resources</i>				
MM BIO-1	A monitoring biologist (approved by the City) shall (1) attend a preconstruction meeting; (2) be present during initial clearing and grubbing of habitat; and (3) be present during Project construction within 500 feet of preserve habitat to ensure compliance with all conservation measures. The monitoring biologist shall ensure that: the contractor and construction personnel are educated about the sensitivity of adjacent habitats, construction fencing is installed, seasonal restrictions on grading are followed, trash is removed from sensitive habitat areas or adjacent areas, vehicle fueling occurs outside sensitive areas, pets of Project personnel are not brought to the Project site, construction night lighting is minimized to avoid impacts to sensitive habitats, and violations are reported and mitigated appropriately. The biologist shall submit a letter to the City that documents compliance with mitigation measures at the conclusion of construction.	CM	City of Oceanside Planning Division (Planning Division)	Pre-Construction; During Construction and Grading; Post Construction
MM BIO-2	Impacts will occur to 0.57 acre of wetlands (0.22 acre of potentially Corps/RWQCB jurisdiction, 0.57 acre of CDFW jurisdiction). Mitigation will be provided at a 3:1 ratio in the San Luis Rey Mitigation Bank for purchase of 1.71 acres. NOTE: Wetland acreages have been updated to reflect the current permitting process outlined in BIO-13 below.	CM	Planning Division ; ACOE; RWQCB; CDFW	Planning; Pre-Construction
MM BIO-5	While the proposed plant list for the on-site 100-foot-wide corridor currently consists of native species including coastal sage scrub constituents that are compatible with the City's recommended plant guidelines, the final Project completion species selection will be subject to approval by the fire marshal as part of landscape work drawings.	OM	Planning Division; Oceanside Fire Marshal	Planning

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM BIO-6	The conservation easement over the onsite 100-foot corridor will be provided for review and approval by the Wildlife Agencies as a condition of Project approval.	OM	Planning Division; CDFW	Planning
MM BIO-7	Landscaping within the development area shall avoid the use of invasive non-native plants, detailed in Table 5-5 of the draft HCP and/or the California Invasive Plant Inventory.	OM	Planning Division	Planning; Pre-Construction; During Construction and Grading
MM BIO-8	No grading, grubbing, or clearing shall be allowed during the breeding season for least Bell's vireo (March 15 to September 15) or raptors (January 31 to July 31) unless preconstruction surveys are conducted to determine if these species occur within areas that would be impacted by noise levels greater than 60 dB Leq. If these species are nesting within this area at the time, these construction activities shall either (1) be postponed until all nesting breeding behavior has ceased; or (2) a temporary noise barrier or berm is constructed at the edge of the development footprint to ensure that noise levels are reduced to below 60 dB Leq.	CM	Planning Division	Pre-Construction; During Construction and Grading
MM BIO-9	To ensure compliance with the Migratory Bird Treaty Act and the California Fish and Game Code, clearing of any vegetation shall be done outside of the avian breeding season (raptor nesting season is January 15 through September 15; and migratory bird nesting season is February 15 through August 31), unless pre-construction surveys are conducted to determine that no nesting birds are present immediately to clearing nor are in areas which could be impacted by noise. Should vegetation removal take place during this period, a qualified biologist shall conduct a nesting bird survey no more than 3 days prior to construction activities to ensure that birds are not engaged in active nesting within 100 feet of the project site. If nesting birds are discovered during preconstruction surveys, then avoidance and minimization measures shall be undertaken in consultation with the California Department of Fish and Wildlife (CDFW) and prior to issuance of any grading or construction permits. Measures shall include establishment of an avoidance buffer until	CM	Planning Division; CDFW	(Should vegetation removal take place during breeding season, a nesting bird survey will be completed no more than 3 days prior to construction activities) Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
	<p>nesting has been completed. The width of the buffer will be determined by the project biologist. Typically, this is a minimum of 100 feet from the nest in all directions (300 feet is typically recommended by CDFW for any state or federally listed passerine species and 500 feet for raptors), until the juveniles have fledged and there has been no evidence of a second attempt at nesting. The monitoring biologist will monitor the nest(s) during construction and document any findings. A report will be made available to CDFW upon request.</p>	CM	Planning Division	Pre-Construction; During Construction and Grading
MM BIO-10	<p>To ensure that construction activity remains within the defined limits of work, all construction and staging areas shall be grading and fenced with orange construction fencing and silt fencing or fiber rolls. Delineated areas shall be regularly inspected by the Project biologist per the construction monitoring schedule.</p>	OM/CM	Planning Division	Planning; Pre-Construction; During Construction and Grading
MM BIO-12	<p>Lighting within the Project area adjacent to the San Luis Rey River shall be selectively placed, directed away from the river, and of the lowest illumination possible for human safety.</p>	OM/CM	Planning Division; USACE; RWQCB; CDFW	Prior to Issuance of Permits
MM BIO-13	<p>Mitigation for the loss of jurisdictional waters would be conditions of the permits issued by the USACE, RWQCB and CDFW. The applicant will submit the required jurisdictional delineation to USACE as part of Clean Water Act permitting. Said permits will be obtained prior to grading in these areas.</p>			
<i>Cultural Resources</i>				
MM CUL-1	<p>The development of a pre-excavation agreement between the applicant and the appropriate Luiseño tribe(s) or other Native Americans as determined by the City.</p>	CM	Engineering/Planning Division; San Luis Rey Band of Mission Indians	Prior to Issuance of Grading Permit
MM CUL-2	<p>The presence of a qualified archaeologist and invitation to a Native American monitor at the pre-construction meeting.</p>	CM	Engineering/Planning Division	Prior to Issuance of Grading Permit
MM CUL-3	<p>A Native American monitor to be invited and an archaeological monitor will be on-site during initial grading, trenching, or other ground-disturbing activities of existing</p>	CM	Engineering/Planning Division	Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
	soils. Monitoring will not be required during the subsequent soil import and grading operations as it will not disturb native soils.			
MM CUL-4	The analysis of any cultural material found.	CM	Engineering/Planning Division	During Construction and Grading
MM CUL-5	The preparation of a report detailing the methods and results of the monitoring program.	CM	Engineering/Planning Division	Post Construction
MM CUL-6	The curation or repatriation of the cultural material collected.	CM	Engineering/Planning Division	Pre-Construction; During Construction and Grading; Post Construction
<i>Geology and Soils</i>				
MM GEO-1	Loose surficial soil in the upper 1 to 2 feet would be over-excavated prior to placement of fill or in building pad locations. The upper 5 to 10 feet of soil, which is loose to medium dense, would be over excavated in deep fill areas, and compacted as engineered fill.	CM	Engineering Division	Pre-Construction; During Construction and Grading (prior to placement of fill)
MM GEO-2	To mitigate potential differential settlement of structures, two options may be used. One is to perform conventional grading with reduced foundation bearing capacities, and the other would be to improve the subsurface with deep dynamic compaction with higher bearing capacities for foundations. On-site soil generated from cut areas following clearing and grubbing that is free of excess organic material (3 percent or less by weight) or debris may be suitable for use as structural fill. Imported Select Fill should be non-expansive, having a Plasticity Index of 12 or less, an R-Value greater than 40, and enough fines so the soil can bind together. Imported soil should be free of organic materials and debris, and not contain rocks or lumps greater than 3 inches in maximum size. Imported Select Fill shall be approved by the geotechnical engineer prior to delivery on-site.	CM	Engineering Division	Pre-Construction; During Construction and Grading

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM GEO-3	Compaction and design requirements shall be consistent with those specified in the geotechnical report (90 to 95 percent relative compaction with 1 to 2 percent above optimum moisture content), and site grading shall be performed in accordance with these recommendations and the Grading and Earthwork Specifications.	CM	Engineering Division	Planning; During Construction and Grading
<i>Noise</i>				
MM NOI-1	Noise levels at private residential exterior use areas shall be reduced to 65 Community Noise Exposure Level (CNEL) or below. Once specific building plan information is available, additional exterior noise analysis shall be conducted for proposed residential exterior use areas that are expected to be exposed to a noise level of 65 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site west of the intersection of Mission Avenue and Ocean Pointe Drive. The analysis shall determine the specific barrier heights and locations required to reduce exterior use area noise levels to below 65 CNEL. City review and approval of the proposed exterior use area noise compliance evaluation as well as applicable noise attenuation measures shall be completed prior to issuance of building permit. The noise barriers must be solid. They can be constructed of masonry, wood, plastic, fiberglass, steel, or a combination of those materials, as long as there are no cracks or gaps, through or below the walls. The walls can be made of composite wood with a solid lower section with a clear glass or plastic upper section to maintain views. Any seams or cracks must be filled or caulked. If wood is used, it can be tongue and groove and must be at least one-inch total thickness or have a density of at least 3.5 pounds per square foot. Where architectural or aesthetic factors allow, glass or clear plastic 3/8 of an inch thick or thicker may be used on the upper portion, if it is desirable to preserve a view. Sheet metal of 18-gauge (minimum) may be used if it meets the other criteria and is properly supported and stiffened so that	OM	Planning Division	Prior to Issuance of Building Permit; Pre-Construction

MM No.	Mitigation Measure	Type	Monitor	Schedule
MM NOI-2	<p>it does not rattle or create noise itself from vibration or wind. Any door(s) or gate(s) must be designed with overlapping closures on the bottom and sides and meet the minimum specifications of the wall materials described above. The gate(s) may be of one-inch thick or better wood, solid-sheet metal of at least 18-gauge metal, or an exterior-grade solid-core steel door with prefabricated doorjamb.</p>	OM	Planning Division	Prior to issuance of Building Permit
	<p>Interior noise levels for the Project's proposed residences shall be demonstrated to not exceed 45 CNEL. Once specific building plan information is available, additional exterior-to-interior noise analysis shall be conducted for all proposed residences that are exposed to an exterior noise level of 60 CNEL or greater. Residences requiring analysis are those along the southern boundary of the Project site along Mission Avenue. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site residences. If predicted noise levels are found to be in excess of 45 CNEL, the report shall identify architectural materials or techniques that could be included to reduce noise levels to 45 CNEL in habitable rooms. City review and approval of the proposed exterior-to-interior noise analysis as well as applicable noise attenuation measures shall be completed prior to issuance of building permit.</p> <p>Air conditioning or mechanical ventilation systems shall be installed to allow windows and doors to remain closed for extended intervals of time so that acceptable interior noise levels can be maintained. The mechanical ventilation system would meet the criteria of the International Building Code (IBC; Chapter 12, Section 1203.3 of the 2001 California Building Code [CBC]).</p>			

MM No.	Mitigation Measure	Type	Monitor	Schedule
<i>Paleontological Resources</i>				
MM PAL-1	Prior to issuance of grading permits, the applicant shall confirm to the City that a qualified paleontologist has been retained to carry out the mitigation program. (A qualified paleontologist is defined as an individual with an M.S. or Ph.D. in paleontology or geology who is familiar with paleontological procedures and techniques.) The paleontologist shall attend pre-grade meetings to consult with grading and excavation contractors.	CM	Engineering/Planning Division	Prior to Issuance of Grading Permit
MM PAL-2	A paleontological monitor shall be on site during grading operations to evaluate the presence of fossils within previously undisturbed sediments of the Santiago Formation to inspect cuts for contained fossils. (A paleontological monitor is defined as an individual who has experience in the collection and salvage of fossil materials.) The paleontological monitor shall work under the direction of a qualified paleontologist.	CM	Engineering/Planning Division	During Construction and Grading
MM PAL-3	When fossils are discovered, the paleontologist (or paleontological monitor) shall recover them. In most cases, this fossil salvage can be completed in a short period of time. Some fossil specimens (such as a complete whale skeleton) may require an extended salvage time. In these instances, the paleontologist (or paleontological monitor) shall be allowed to temporarily direct, divert, or halt grading. To allow recovery of small fossil remains such as isolated mammal teeth, it may be necessary in certain instances to set up a screen-washing operation on the site.	CM	Engineering/Planning Division	During Construction and Grading
MM PAL-4	Prepared fossils along with copies of all pertinent field notes, photos, and maps shall be deposited (with the applicant's permission) in a scientific institution with paleontological collection such as the San Diego Natural History Museum. A final summary report shall be completed and distributed to the City and other interested agencies which outlines the results of the mitigation program. This report shall include	CM	Engineering/Planning Division	Post Construction

MM No.	Mitigation Measure	Type	Monitor	Schedule
	discussions of the methods used, stratigraphy exposed, fossils collected, and significance of recovered fossils.			
	<i>Traffic and Transportation</i>			
MM TRA-1	Implement the guidelines outlined in California Air Pollution Control Officers Association's (CAPCOA) measure LUT-9: Improve Design of Development, which is applicable to residential projects in an urban or suburban area. The proposed Project shall improve the proposed design elements to enhance walkability and connectivity. Improved street network characteristics within a neighborhood include street accessibility, usually measured in terms of average block size, proportion of four-way intersections, or number of intersections per square mile. Design is also measured in terms of sidewalk coverage, building setbacks, street widths, pedestrian crossings, presence of street trees, and a host of other physical variables.	MO/CM	Transportation Engineering Section/Planning Division; CAPCOA	Prior to Issuance of Building Permit

Table 11-2
PROJECT DESIGN FEATURES SUMMARY

PDF No.	Project Design Feature
PDF AES-1	<p data-bbox="342 1535 367 1654"><i>Aesthetics</i></p> <p data-bbox="375 216 435 1654">The Project shall incorporate a series of Project Design Features to assure compatibility with the surrounding existing land uses, which are summarized as follows:</p> <ul data-bbox="456 216 971 1602" style="list-style-type: none"> <li data-bbox="456 216 516 1602">• Provide a variety of architectural styles and building configurations, such as courts and clusters, to avoid a monotonous appearance. <li data-bbox="537 216 597 1602">• Show sensitivity to adjacent properties, open space, and community amenity areas with appropriate setbacks and orientation of buildings and facades. <li data-bbox="618 216 643 1602">• Provide for a varied streetscape and community appearance. <li data-bbox="664 216 724 1602">• Blend compatible architectural styles and utilize a distinctive palette of colors and materials responsive to the overall proposed Project branding within each commercial area and residential neighborhood. <li data-bbox="745 216 769 1602">• Provide varied building setbacks along the street and/or articulate each building. <li data-bbox="790 216 850 1602">• Commercial structures would be limited to 50 feet tall, and the various residential components (townhomes, apartments, condominiums, and senior housing) would range from two to four stories. <li data-bbox="872 216 896 1602">• Orient buildings to incorporate a relationship between indoor and outdoor space. <li data-bbox="917 216 977 1602">• The commercial structure's walls shall largely be constructed with plaster or pre-cast concrete and would reduce large expanses of glare producing materials.
PDF AES-2	<p data-bbox="995 216 1089 1654">The Project will incorporate The City of Oceanside Light Pollution Regulations (Chapter 39) within the City's Code of Ordinances. The Light Pollution Regulations require that all lighting must use shielded luminaries with glare control to prevent light spillover onto adjacent areas.</p>
PDF AIR-1	<p data-bbox="1105 1535 1130 1654"><i>Air Quality</i></p> <p data-bbox="1138 216 1162 1654">For dust control, the Project shall include the following:</p> <ul data-bbox="1187 216 1357 1602" style="list-style-type: none"> <li data-bbox="1187 216 1211 1602">• A minimum of two applications of water shall be applied during grading between dozer/grader passes. <li data-bbox="1232 216 1256 1602">• Paving, chip sealing, or chemical stabilization of internal roadways shall be applied after completion of grading. <li data-bbox="1278 216 1302 1602">• Grading shall be terminated if winds exceed 25 miles per hour (mph). <li data-bbox="1323 216 1347 1602">• All exposed surfaces shall maintain a minimum soil moisture of 12 percent.

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Dirt storage piles shall be stabilized by chemical binders, tarps, fencing, or other erosion control. • Vehicle speeds shall be limited to 15 mph on unpaved roads.
	<p><i>Biological Resources</i></p>
PDF BIO-1	<p>The Project shall preserve approximately 4 acres (the "100ft corridor", see MM BIO-5, MM BIO-6 for details) of biological open space along the eastern property boundary to conserve habitat for sensitive species such as the coastal California gnatcatcher. This open space would serve as a "stepping stone" corridor that would be restored to serve as a functioning wildlife movement corridor and linkage for sensitive avian species.</p>
PDF BIO-2	<p>The Project shall incorporate applicable City of San Francisco Standards for Bird-Safe Buildings to reduce the potential for avian collisions. Proof of compliance with the building façade, glazing, and lighting conditions required to achieve a "bird safe building" consistent with the Bird-Safe Building Checklist shall be shown.</p>
	<p><i>Geology and Soils</i></p>
PDF GEO-1	<p>Conformance with the California Building Code design requirements and other applicable City ordinances and standards shall reduce the effects of seismic ground shaking.</p>
	<p><i>Greenhouse Gas Emissions</i></p>
PDF GHG-1	<p>California regulations (13 California Code of Regulations [CCR] 2449(d)(3), 2485) limit idling from both on-road and off-road diesel-powered equipment and are enforced by CARB. Construction of the Project shall include the following construction practice requirements that strive to reduce diesel or gasoline use beyond typical demand:</p> <ul style="list-style-type: none"> • When more than one piece of construction equipment is available to complete a task, the contractor shall use the most fuel-efficient equipment. • The newest or most fuel-efficient equipment models shall be selected from the contractor fleet for use. • Workers shall be encouraged to carpool or use public transit to access the Project site during construction. The construction contractor shall facilitate carpooling by providing means to organize carpools or request transit center pickups. • When haul trucks are available with a haul capacity larger than 15 cubic yards but a fuel efficiency similar to a 15-cubic-yard capacity truck, the larger capacity trucks shall be used to reduce total trips.
PDF GHG-2	<p>The City CAP requires that projects located within a Smart Growth Opportunity Area (SGOA) develop uses consistent with the land use designation (commercial) and include elements consistent with the character of the SGOA type. Consistent with CAP, the Project shall incorporate:</p> <ul style="list-style-type: none"> • Providing connection(s) for recycled water integration into the City's recycled water network when available (thereby transferring Project gray water into the City treatment system and minimizing on-site future use of potable water by allowing receipt of recycled rather than potable water for irrigation, etc.).

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Offsetting of 50 percent of Project forecasted energy demand (a minimum of 5,000 kW) through photovoltaic panels or other renewable sources. • Implementation of a Transportation Demand Management Strategy. • Providing preferential parking spaces (12 percent of the parking spaces) for clean air vehicles, six percent of Project parking spaces pre-wired for electric charging, with 50 percent of those spaces equipped with operable charging stations. • Shade trees and planting and irrigation infrastructure that maximize energy and water conservation.
PDF GHG-3	<p>The Project shall minimize use of gas and electricity through:</p> <ul style="list-style-type: none"> • Limiting use of natural gas to food and beverage buildings, fitness center and overhead gas-fired heaters. • Use of Variable Refrigerant Flow (VRF) systems for space cooling and heating rather than a central plant (lowering CO2 emissions). • Use of instantaneous electric water heaters for domestic hot water. • Placement of photovoltaic (PV) panels on carports as well as retail areas (fitness center, conference center and office buildings) with PV substations and battery storage banks located throughout the site. • Use of High Coefficient of Performance (COP) heat pump(s), opaque thermal pool cover(s), and integration of a solar thermal system for heating for the Lazy River, Lap Pool and Climbing Wall Pool. • Recovery of heat rejection from Casitas heating, ventilation, and air conditioning (HVAC) systems for Lazy River. • Use of light emitting diode (LED) light fixtures in the parking lots (both on poles and under carport structures) for visibility and safety lighting.
PDF GHG-4	<p>Prior to operation, sustainable elements shall include incorporation of recycled materials during construction, as feasible, and transport of unused materials that can be recycled to appropriate facilities. The suite of sustainable design elements during operation includes drought tolerant landscaping, reliance on solar energy, pre-planning to allow for use of reclaimed water when available, use of low flow lavatories, infrastructure required for electric car charging, recycling.</p>
<i>Hazards and Hazardous Materials</i>	
PDF HAZ-1	<p>The Project shall be required to comply with the City Code of Ordinances Chapter 11 (Fire Protection), which provides regulations for fire prevention measures including fire sprinklers and landscape restrictions.</p>

PDF No.	Project Design Feature
<i>Hydrology and Water Quality</i>	
PDF HYD-1	A Stormwater Quality Management Plan (SWQMP) shall be implemented during construction to reduce stormwater runoff to receiving waters during construction activities. Provisions within the SWQMP include impervious surfaces such as parking lots, sidewalks, patios, roof top drains, rain gutters and other impervious surfaces are designed to drain to landscaping, vegetated buffer strips, or vegetated swales where practicable. In areas where runoff could not be designed to enter vegetated swales, filtration is proposed at storm drain inlets.
PDF HYD-2	The Project shall comply with the requirements of the Regional Water Quality Control Board (RWQCB) and National Pollutant Discharge Elimination System (NPDES) permits for stormwater runoff associated with construction activities and the Project will implement standard BMPs identified in the Stormwater Pollution Prevention Plan (SWPPP) to reduce potential impacts.
<i>Land Use and Planning</i>	
PDF LU-1	The Project would be reviewed by the Planning Commission to ensure that all City of Oceanside-required design parameters are met. Design parameters include street widths, access improvements, landscape standards, streetlights, lighting requirements, architectural design, etc.
PDF LU-2	The Project would be required to obtain design review approval by the City of Oceanside and is subject to the City Zoning standards that regulate building design, mass, bulk, height, etc.
<i>Noise</i>	
PDF NOI-1	The Project shall be required to comply with the City of Oceanside Code of Ordinances Chapter 38 (Noise Control).
PDF NOI-2	In accordance with the City's Noise Ordinance, construction activities shall be limited to daytime hours of 7:00 a.m. to 6:00 p.m. Monday through Friday or from 8:00 a.m. to 4:30 p.m. on Saturdays.
<i>Public Services</i>	
PDF PS-1	According to the Oceanside Code of Ordinances Chapter 32B (Impact Fee) and 32C (Public Facility Fee Requirements), the applicant is required to pay public facility fees. This provides the funds for additional police, fire, library, general government, park, and school services to serve future growth in the area. Prior to issuance of building permits, the applicant shall be required to pay impact fees at the rate in effect at the time of building permit issuance as determined by the City Engineer.
PDF PS-2	The Project shall be required to comply with the City of Oceanside Code Chapters 13.3 (requirements to manage solid waste and recyclable material), 13.39 (Design of adequate space for solid waste and recycling on site), and 13.16(h) (requirement to separate all recyclable material from solid waste) and State of California Assembly Bill 939 Solid Waste Management Diversion Mandates.
<i>Transportation and Traffic</i>	
PDF TRA-1	<p>The Project shall incorporate several features to aid with traffic and transportation flow within the Project and the surrounding area:</p> <ul style="list-style-type: none"> • Include landscaping and provide spaces and pedestrian amenities for social interaction within internal streets such as small gathering areas, mailbox clusters, benches and seating, water features, and shaded areas.

PDF No.	Project Design Feature
	<ul style="list-style-type: none"> • Provide traffic calming measures such as narrower roadways, on-street parking, bump-outs, and speedbumps along internal streets. • Design internal streets with sidewalks along a minimum of one side to promote pedestrian activity within the development. • Provide enhanced pedestrian circulation with access and connections to internal walkways, paseos, and open space systems. • Create four mobility hubs (places where various travel options converge).
PDF TRA-2	<p>Project features and conditions of approval are as follows, with implementation required at 50 percent occupancy. These strategies shall further reduce the number of automobile trips generated by residents of the Project and the distance that the residents drive:</p> <ul style="list-style-type: none"> • Provide ride share coordination services through the Project's Homeowner's Association to match residents interested in carpooling. • Coordinate with near-by schools and/or the Project's Homeowner's Association to match residents interested in carpooling to/from schools. • Provide on-site transit opportunities information. • Encourage bicycling by providing on-site bicycle infrastructure such as bike racks and public-use electric bikes.
PDF TRA-3	<p>In accordance with the California Vehicle Code, the Project applicant shall prepare a traffic control plan for use during construction. This plan shall outline flagging procedures and delivery/movement timing to avoid peak traffic periods. The plan shall also outline procedures for notifying the Oceanside Police and Fire Departments of forthcoming lane or roadway closures. This shall allow the Police and Fire Departments to modify emergency response plans and notify other public service providers of closures. The traffic control plan shall be approved by the City Engineering Department prior to issuance of a grading permit.</p>
PDF TRA-4	<p>The Project shall coordinate with the City to provide a pedestrian crosswalk across Benet Road at Airport Road. This measure will help address the lack of pedestrian facilities on the eastern side of Benet Road between Airport Road and the San Luis River Trail and will improve pedestrian and bicycle connectivity to the San Luis River Trail.</p>

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July 11, 2022

Mr Sergio Madera
City of Oceanside
300 North Coast Highway
Oceanside, California 92054

Re: Airport Land Use Commission Consistency Determination – Construction of a Resort with Lodging, Commercial, Assembly, and Recreational Uses at State Route 76 and Fousat Road, City of Oceanside

Dear Mr Madera:

As the Airport Land Use Commission (ALUC) for San Diego county, the San Diego County Regional Airport Authority (SDCRAA) acknowledges receipt of an application for a determination of consistency for the project described above. The area covered by this project lies within the Airport Influence Area (AIA) for the Oceanside Municipal Airport - Airport Land Use Compatibility Plan (ALUCP).

ALUC staff has reviewed your application and accompanying materials and has determined that it meets our requirements for completeness. In accordance with SDCRAA Policy 8.30 and applicable provisions of the State Aeronautics Act (Cal. Pub. Util. Code §21670-21679.5), ALUC staff has determined that the proposed project is **conditionally consistent** with the Oceanside Municipal Airport ALUCP based upon the facts and findings summarized below:

- (1) The project involves construction of 312,650 square foot of lodging spaces, 134,400 square feet of community/neighborhood shopping center with retail sales and recreation facilities, 18,000 square feet of indoor small assembly (up to 300 people), and 8,000 square feet of eating and drinking establishment all totaling 473,050 square feet on a property of approximately 47 acres. Future phases of the project on adjoining properties will add residential uses, to be reviewed under a separate consistency determination at the time they are proposed.
- (2) The proposed project lies outside the 60 decibel Community Noise Equivalent Level (dB CNEL) noise exposure contour. The ALUCP identifies all uses located outside the 60 dB CNEL noise contour as compatible with airport uses.

- (3) The maximum height of all proposed project structures will be the resort hotel at approximately 97 feet above mean sea level (50 feet above ground level). The maximum height of the two commercial buildings (indicated as C1 and C2 on the project plans) nearest the airport will be approximately 69 feet above mean sea level (25 feet above ground level). The proposed project would be compatible with the ALUCP airspace protection surfaces, provided that the buildings are marked and lighted in accordance with a determination of no hazard to air navigation issued by the Federal Aviation Administration (FAA) and an aviation easement for airspace is recorded over the property with the County Recorder. Therefore, as a condition of project approval, the structures must be marked and lighted in accordance with FAA procedures and an aviation easement for airspace must be recorded over the property with the County Recorder.
- (4) The proposed project is located within Safety Zones 2, 3, and 4.

The ALUCP identifies hotels and community/neighborhood shopping centers located within Safety Zone 2 as conditionally compatible with airport uses, provided that the project complies with an intensity of 60 people per acre and a maximum lot coverage of 50 percent. The project site of 10.57 acres within Safety Zone 2 could thus have a maximum compatible limit of 634 people. The shopping center portion of 29,240 square feet at 120 square feet per person would yield 242 people, and the hotel portion of 35,500 square feet at 200 square feet per person would yield 178 people, for a total of 421 people, and therefore the project does not exceed the maximum compatible limit of 634 people. The project proposes a lot coverage of 10 percent within Safety Zone 2 and therefore does not exceed the maximum lot coverage limit of 50 percent. Therefore, the project complies with the Safety Zone 2 limitations.

The ALUCP identifies hotels, eating and drinking establishments, and community/neighborhood shopping centers located within Safety Zone 3 as conditionally compatible with airport uses, provided that the project complies with an intensity of 100 people per acre and a maximum lot coverage of 60 percent. The project site of 15.99 acres within Safety Zone 3 could thus have a maximum compatible limit of 1,599 people. The shopping center portion of 105,160 square feet at 120 square feet per person would yield 876 people. The eating and drinking establishment of 8,000 square feet

at 60 square feet per person would yield 133 people. The hotel portion of 66,600 square feet at 200 square feet per person would yield 333 people. The sum of all people within Safety Zone 3 would be 1,342 people, and therefore the project does not exceed the maximum compatible limit of 1,599 people. The project proposes a lot coverage of 16 percent within Safety Zone 3 and therefore does not exceed the maximum lot coverage limit of 60 percent. Therefore, the project complies with the Safety Zone 3 limitations.

The ALUCP identifies indoor small assembly room (up to 300 people) and hotel uses located within Safety Zone 4 as conditionally compatible with airport uses, provided that the project complies with an intensity of 100 people per acre and a maximum lot coverage of 70 percent. The project site of 17.68 acres within Safety Zone 4 could thus have a maximum compatible limit of 1,768 people. The indoor small assembly room of 18,000 square feet at 60 square feet per person would yield 300 people. The hotel of 210,550 square feet at 200 square feet per person would yield 1,053 people. The sum of all people within Safety Zone 4 would be 1,353 people, and therefore the project does not exceed the maximum compatible limit of 1,768 people. The project proposes a lot coverage of 13 percent within Safety Zone 4 and therefore does not exceed the maximum lot coverage limit of 70 percent. Therefore, the project complies with the Safety Zone 4 limitations.

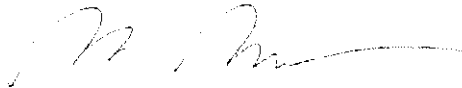
Additionally, ancillary eating and drinking establishment uses of 7,000 square feet within the 237,000 square foot resort hotel within Safety Zones 3 and 4 would not exceed 10 percent of the area of the resort hotel, and therefore these ancillary uses as defined by the ALUCP do not constitute separate uses with additional intensity.

- (5) The proposed project is located within the overflight notification area, but does not involve any new residential use subject to overflight notification requirements.
- (6) Therefore, if the proposed project contains the above-required conditions, the proposed project would be consistent with the Oceanside Municipal Airport ALUCP.
- (7) This determination of consistency is not a "project" as defined by the California Environmental Quality Act (CEQA), Cal. Pub. Res. Code §21065.

This determination will be reported to the ALUC at its public meeting on September 1, 2022. Any determination rendered by the ALUC is limited to the project plans and descriptions submitted with the application and is not transferable to any revision of this or any similar, future project involving a change in land use, in building or crane height, or in building area in excess of 10 percent (provided area increase does exceed ALUCP standards) of any prior ALUC determination. Any change or exceedance in these characteristics requires a new consistency determination prior to decision-making consideration by the local agency.

Please contact Ed Gowens at (619) 400-2244 or egowens@san.org if you have any questions regarding this letter.

Yours truly,



Ralph Redman
Manager, Airport Planning

cc: Amy Gonzalez, SDCRAA General Counsel
Brendan Reed, SDCRAA Director, Planning and Environmental Affairs

Exhibit "C"

Tribal Cultural Resources Conditions of Approval

CUL-1: Prior to the issuance of a Grading Permit, the Applicant/Owner shall enter into a pre-ex cavation agreement, otherwise known as a Tribal Cultural Resources Treatment and Tribal Monitoring Agreement, with the San Luis Rey Band of Mission Indians (San Luis Rey Band). A copy of the agreement shall be included in the Grading Plan Submittals for the Grading Permit. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant/Owner and the San Luis Rey Band for the protection and treatment of, including but not limited to, Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and tribal cultural resources, located and/or discovered through a monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, grading, and all other ground disturbing activities.

CUL-2: Prior to the issuance of a Grading Permit, the Applicant/Owner or Grading Contractor shall provide a written and signed letter to the City of Oceanside Planning Division stating that a Qualified Archaeologist and San Luis Rey Band Native American Monitor have been re-tained at the Applicant/Owner's or Grading Contractor's expense to implement the monitor-ing program, as described in the pre-excavation agreement.

CUL-3: The Qualified Archaeologist shall maintain ongoing collaborative consultation with the San Luis Rey Band Native American monitor during all ground disturbing activities. The require-ment for the monitoring program shall be noted on all applicable construction documents, in-cluding demolition plans, grading plans, etc. The Applicant/Owner or Grading Contractor shall notify the City of Oceanside Planning Division of the start and end of all ground disturbing activ-ities.

CUL-4: The Qualified Archaeologist and San Luis Rey Band Native American Monitor shall at-tend all applicable pre-construction meetings with the General Contractor and/or associated Subcontractors to present the archaeological monitoring program. The Qualified Archaeologist and San Luis Rey Band Native American Monitor shall be present on-site full-time during grub-bing, grading, and/or other ground altering activities, including the placement of imported fill materials or fill used from other areas of the project site, to identify any evidence of potential archaeological or tribal cultural resources. All fill materials shall be absent of any and all tribal cultural resources.

CUL-5: In order for potentially significant archaeological artifact deposits and/or cultural re-sources to be readily detected during mitigation monitoring, a written "Controlled Grade Proce-dure" shall be prepared by a Qualified Archaeologist, in consultation with the San Luis Rey Band Native American Monitor, the San Luis Rey Band, and the Applicant/Owner, subject to the

approval of City representatives. The Controlled Grade Procedure shall establish requirements for any ground disturbing work with machinery occurring in and around areas the Qualified Archaeological Monitor and San Luis Rey Band Native American Monitor determine to be sensitive through the cultural resources mitigation monitoring process. The Controlled Grade Procedure shall include, but not be limited to, appropriate operating pace, increments of removal, weight and other characteristics of the earth disturbing equipment. A copy of the Controlled Grade Procedure shall be included in the Grading Plan Submittals for the Grading Permit.

CUL-6: The Qualified Archaeologist or the San Luis Rey Band Native American Monitor may halt ground disturbing activities if unknown tribal cultural resources, archaeological artifact deposits, or cultural features are discovered. Ground disturbing activities shall be directed away from these depositions to allow a determination of potential importance. Isolates and clearly non-significant deposits will be minimally documented in the field, and, before grading proceeds, these items shall be given to the San Luis Rey Band so that they may be repatriated at the site on a later date. If the Qualified Archaeologist and San Luis Rey Band Native American Monitor determine that the unearthened tribal cultural resource, artifact deposits, or cultural features are considered potentially significant, the San Luis Rey Band shall be notified and consulted regarding the respectful and dignified treatment of those resources. The avoidance and protection of the significant tribal cultural resource and/or unique archaeological resource is the preferable mitigation. If, however, it is determined by the City that avoidance of the resource is infeasible, and it is determined that a data recovery plan is necessary by the City as the Lead Agency under CEQA, the San Luis Rey Band shall be notified and consulted regarding the drafting and finalization of any such recovery plan. For significant tribal cultural resources, artifact deposits, or cultural features that are part of a data recovery plan, an adequate artifact sample to address research avenues previously identified for sites in the area will be collected using professional archaeological collection methods. The data recovery plan shall also incorporate and reflect the tribal values of the San Luis Rey Band. If the Qualified Archaeologist collects such resources, the San Luis Rey Band Native American Monitor must be present during any testing or cataloging of those resources. Moreover, if the Qualified Archaeologist does not collect the tribal cultural resources that are unearthened during ground disturbing activities, the San Luis Rey Band Native American Monitor may, at their discretion, collect said resources and provide them to the San Luis Rey Band for respectful and dignified treatment in accordance with the Tribe's cultural and spiritual traditions. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the San Luis Rey Band Native American Monitor, deems the cultural resource or feature has been appropriately documented and/or protected.

CUL-7: The landowner shall relinquish ownership of all tribal cultural resources unearthened during the cultural resources mitigation monitoring conducted during all ground disturbing activities, and from any previous archaeological studies or excavations on the project site to the San Luis Rey Band for respectful and dignified treatment and disposition, including reburial at the protected location on-site, in accordance with the Tribe's cultural and spiritual traditions. All cultural materials that are associated with burial and/or funerary goods will be repatriated

to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98. No tribal cultural resources shall be subject to curation.

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

CUL-9: As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Office of the Medical Examiner by telephone. No further excavation or disturbance of the site or any nearby area reasonably suspected to overlie adjacent remains shall occur until the Medical Examiner has made the necessary findings as to origin and disposition pursuant to Public Resources Code Section 5097.98. If such a discovery occurs, a temporary construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected, and consultation and treatment could occur as prescribed by law. If suspected Native American remains are discovered, the remains shall be kept in situ, or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of a San Luis Rey Band Native American Monitor. By law, the Medical Examiner will determine within two working days of being notified if the remains are subject to his or her authority. If the Medical Examiner identifies the remains to be of Native American ancestry, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC shall make a determination as to the Most Likely Descendent.