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RESOLUTION NO. 18-R0558-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE OVERTURNING PLANNING COMMISSION RESOLUTION NO. 2018-P40, APPROVING DEVELOPMENT PLAN (D16-00017) AND CONDITIONAL USE PERMIT (CUP16-00015) TO PERMIT THE DEVELOPMENT OF 47 APARTMENT UNITS IN SIX BUILDINGS WITHIN THE RIVERVIEW SPRINGS APARTMENT COMPLEX LOCATED ON A 23.4-ACRE SITE AT 4398 RAINIER WAY IN THE NORTH VALLEY NEIGHBORHOOD PLANNING AREA (APNs: 158-030-40/41/42)

(James A. Carter/Riverview Springs LTD – Applicant/Appellant)

WHEREAS, there was filed a verified petition on the forms prescribed by the Commission requesting a Development Plan and Conditional Use Permit request under the provisions of Articles 10, 40, 41, 43, and 45 of the Zoning Ordinance of the City of Oceanside to permit the following:

the addition of 47 apartment dwelling units in six buildings to an existing 358 dwelling unit apartment complex;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 13th day of August 2018 conduct a duly advertised public hearing as prescribed by law to consider said application; and

WHEREAS, after hearing public testimony and deliberations, the Planning Commission voted to deny Development Plan (D16-00017), and Conditional Use Permit (CUP16-00015), without prejudice, based on their findings that the proposed development would have adverse traffic, parking and emergency egress effects on the surrounding neighborhood; and

WHEREAS, on August 27, 2018, the Planning Commission adopted Planning Commission Resolution Number 2018-P40 denying Development Plan (D16-00017), and Conditional Use Permit (CUP16-00015) without prejudice;

WHEREAS, on September 6, 2018, a timely appeal of the Planning Commission's denial of said project was filed with the City Clerk; and

WHEREAS, on November 7, 2018, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties

concerning the Planning Commission's denial of the above identified Development Plan, and Conditional Use Permits; and

WHEREAS, based on such evidence and testimony, this Council finds that the decision of the Planning Commission did not establish the necessary findings to adequately justify denying the proposed project; and

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Negative Declaration was prepared and circulated for this project; and

WHEREAS, the Negative Declaration, together with any comments received, were presented to the City Council, and the City Council reviewed and considered the information contained in these documents prior to making a decision on the project; and

WHEREAS, the City Council adopted the Negative Declaration; and

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Inclusionary Housing Administration Fee	Chapter 14C.9 of the MC Resolution No. 03-R175-1 Resolution No. 11-R0483-1	\$1,000 per development plus \$100 per unit plus \$5.80 per sq. ft.
Drainage and Flood Control Fee	Ordinance No. 85-23 Resolution No. 16-R0638-1	\$467-\$6,191 per unit Residential \$.458-\$1.117 per SF Non-Res.
Public Facility Fee	Ordinance No. 91-09 Resolution No. 15-R0638-1	Residential: \$2,621 per dwelling unit. Non-Residential: \$0.902 per sq. ft. or \$902 per 1,000 sq. ft.
Parks (Residential only)	Ordinance No. 91-09 Resolution No. 15-R0638-1	\$4,431 per dwelling unit.
School District Fee (Residential)	Ordinance No. 91-34 OUSD Resolution No. 13 (12-13) CUSD Resolution No. 33-1516	\$3.20/sq. ft. Oceanside, Vista \$3.48/sq. ft. Carlsbad \$3.36/sq. ft. Fallbrook

	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
1			
2			
3	School District Fee	Ordinance No. 91-34	\$0.51/sq. ft. Oceanside, Vista
4	(Commercial/Industrial/ Senior Housing)	OUSD Resolution No. 13 (12-13)	\$0.56/sq. ft. Carlsbad \$0.54/sq. ft. Fallbrook
5		CUSD Resolution No. 33- 1516	
6	School District Fee	CUSD Resolution No. 21- 1314	\$0.29/sq. ft. Carlsbad
7	(Hotel/Motel)		
8	Traffic Signal and	Ordinance No. 87-19	\$2,405-\$4,339 per dwelling unit
9	Thoroughfare Fee	Resolution No. 16-R0324-1	
10	(Single-Family Residential)		
11	Traffic Signal and	Ordinance No. 83-01	\$2,405-\$2,893 per dwelling unit
12	Thoroughfare Fee	Resolution No. 16-R0324-1	
13	(Multi Family Residential)	Resolution No. 12-R0626-1	
14	Wastewater System	Oceanside MC §32.7.29	\$7,794
15	Capacity Buy-In Fee	Resolution No. 87-97	
16	(Single-Family Residential)	Ordinance No.15-OR0479-1	
17	Wastewater System	Oceanside MC §32.7.29	5/8" to 2" = \$7,794
18	Capacity Buy-In Fees	Resolution No. 87-97	3/4" = \$11,691
19	(Non-Residential and	Ordinance No.15-OR0479-1	1" = \$19,486
20	Multi-Family)		1 1/2" = \$38,971
21			2" = \$62,354
22			3" = \$116,914
23			4" = \$194,856
24			(see Water Utilities Dept. for other meter costs)
25			(For larger meters, see Water Utilities).
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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Water System Capacity	Oceanside MC §37.7.37	5/8" = \$5,680
Buy-In Fees (Residential and Non-Residential)	Resolution No. 87-96	3/4" = \$8,520
	Ordinance No.15-OR0480-1	1" = \$14,200
		1 1/2" = \$28,400
		2" = \$45,440
		(see Water Utilities Dept. for other meter costs)
San Diego County Water Authority Capacity Fees (Residential and Non-Residential)	SDCWA Ordinance 2017	5/8" or 3/4" = \$5,029
		1" = \$8,046
		1 1/2" = \$15,087
		2" = \$26,151
		(see Water Utilities Dept. for other meter costs)

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

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

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

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

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

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

3 FINDINGS

4 For the Development Plan (D16-00017):

5 For approval of the site development plan for the proposed 47 apartment dwelling units:

- 6 1. *That the site plan and physical design of the project as proposed is consistent with the*
7 *purposes of the Zoning Ordinance.*

8 The site plan and physical design of the project is consistent with the purposes of the Zoning
9 Ordinance in that the proposed apartment units are consistent with the proposed RM-C
10 zoning designation. The service demands of the proposed units do not exceed the
11 capacities of existing public facilities and services; and the units would mirror the design
12 of the existing apartment complex to minimize the project's impact on surrounding
13 development. In addition to being consistent with the applicable stated purposes of the
14 Zoning Ordinance, the project meets the applicable development standards of the proposed
RM-C zone including, setbacks, site landscaping, and building height.

- 15 2. *That the Development Plan as proposed conforms to the General Plan of the City.*

16 The proposed Development Plan conforms to the General Plan of the City in that the project
17 would bring the zoning into conformance with the density range of the General Plan land
18 use designation and would implement General Plan policies related to a provision of a
19 variety of housing types, the provision of affordable housing units and the incorporation of
20 Excellence of Design features.

- 21 3. *The area covered by the Development Plan can be adequately, reasonably, and*
22 *conveniently served by existing and planned public services, utilities, and public*
23 *facilities.*

24 The project site is located within an urbanized area served by existing public services,
25 utilities, and public facilities. The Negative Declaration (ND) prepared and circulated
26 for public review concluded that the project would have no significant impacts on these
services and facilities.

- 27 4. *The project as proposed is compatible with existing and potential development on adjoining*
28 *properties or in the surrounding neighborhood.*

29 The proposed project is compatible with existing surrounding development, which includes

1 single and multi-family residential development. The physical siting of the new apartment
2 units would meet all setback requirements of the Zoning Ordinance and would minimize
3 impacts on adjoining properties and the surrounding neighborhood.

- 4 5. *That the project site plan and physical design of the project is consistent with the policies*
5 *contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the*
6 *Development Guidelines for Hillside, and Section 3039 of this ordinance.*

7 The site does not contain undevelopable land or qualifying slopes for hillside development.
8 The proposed project would provide 47 apartment units in six buildings which would mirror
9 the design of the existing apartment complex and include enhanced landscaping.

10 For the Conditional Use Permit (CUP16-00015):

- 11 1. *That the proposed location of the use is in accord with the objectives of this ordinance and the*
12 *purposes of the district in which the site is located in.*

13 The proposed location of the project is in accord with the objectives of the Zoning Ordinance
14 and the purposes of RM-C district. The RM-C zone allows multifamily residential development
15 at a density of 15.1 to 20.9 du/ac. With the addition of 47 dwelling units, the Riverview Springs
16 apartment complex would have a density of 17.3 du/ac which is within the density range of the
17 RM-C zone.

- 18 2. *That the proposed location of the conditional use and the proposed conditions under which it*
19 *would be operated or maintained will be consistent with the General Plan; will not be*
20 *detrimental to the public health, safety or welfare of persons residing or working in or adjacent*
21 *to the neighborhood of such use and will not be detrimental to properties or improvements in*
22 *the vicinity or to the general welfare of the City.*

23 The project requires a Conditional Use Permit because it exceeds the 15.1 du/ac base density of
24 the RM-C zone but is below the maximum density of the zone. The project has incorporated
25 Excellence of Design features per the General Plan for project which exceed base density.

- 26 3. *That the proposed conditional use will comply with the provisions of this ordinance, including*
27 *any specific condition required for the proposed conditional use in the district in which it would*
28 *be located.*

29 The proposed project has been designed to comply with all the relevant provisions of the Zoning
Ordinance including the applicable development standards of the RM-C Zoning District and the
project conditions of approval will ensure the project is constructed and operated in a manner

1 so that it will not become a detriment to the public health, safety, or general welfare.

2 NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Oceanside
3 does hereby approve Development Plan (D16-00017), and Conditional Use Permit (CUP16-
4 00015) subject to the following conditions:

5 **Building:**

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

8 2013 Triennial Edition of CCR, Title 24

- 9 • The 2013 triennial edition of the California Code of Regulations, Title 24 (California
10 Building Standards Code) applies to all occupancies that applied for a building permit
11 on or after January 1, 2014, and remains in effect until the effective date of the 2016
12 triennial edition which will be January 1, 2017. The California Building Standards
13 Commission website at <http://www.bsc.ca.gov/codes.aspx> has links to where the
14 codes can be viewed online as well as information on where the codes can be
15 purchased; Parts 6, 11, and 12 can be directly downloaded for free.
- 16 • There are 12 parts to Title 24 and the applicable parts for most Building Division
17 permit applications are listed below.
- 18 • Part 2: The 2013 California Building Code (CBC) is based on the 2012 IBC, but
19 includes numerous State of California amendments.
- 20 • Part 2.5: The 2013 California Residential Code (CRC) is based on the 2012 IRC, but
21 includes numerous State of California amendments and does not include the
22 electrical, energy, mechanical, or, plumbing portions of the IRC, and instead parts 3
23 through 6 of Title 24 as listed below apply.
- 24 • Part 3: The 2013 California Electrical Code (CEC) is based on the 2011 NEC with
25 State of California amendments.
- 26 • Part 4: The 2013 California Mechanical Code (CMC) is based on the 2012 UMC with
27 State of California amendments.
- 28 • Part 5: The 2013 California Plumbing Code (CPC) is based on the 2012 UPC with
29 State of California amendments.
- Part 6: The 2013 California Energy Code is currently based on the 2013 Building
Energy Efficiency Standards, and please visit the California Energy Commission

website at <http://www.energy.ca.gov/title24/2013standards/> where additional information can be found and Compliance manuals can be downloaded for free.

- Part 9: The 2013 California Fire Code (CFC) is based on the 2012 IFC with State of California amendments.
- Part 11: The 2013 California Green Building Standards Code (CALGreen Code) This Part is known as the California Green Building Standards Code, and it is intended that it shall also be known as the CALGreen Code.
- Amendments to the City of Oceanside Administrative Code for Building Regulations Ordinance No. 13-ORO752-1 Effective Date 01/01/2014 a copy of which can be downloaded from the Building Division website at <http://www.ci.oceanside.ca.us/gov/dev/bldg/codes.asp>

The 2016 California Building Standards Code (Cal. Code Regs., Tit. 24) was published as of July 1, 2016. The effective date of the 2016 Code is January 1, 2017.

2. The building plans for this project shall be prepared by a licensed architect or engineer and shall be in compliance with this requirement prior to submittal for building plan review.
3. Site development, parking, access into buildings and building interiors shall comply WITH ALL CURRENT State of California Accessibility Code where required.
4. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
5. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check.
6. The developer shall monitor, supervise and control all building construction and supportive activities so as to prevent these activities from causing a public nuisance, including, but not limited to, strict adherence to the following:
 - a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-

1 producing nature. No work shall be permitted on Sundays and Federal Holidays
2 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
3 Christmas Day) except as allowed for emergency work under the provisions of
4 the Oceanside City Code Chapter 38 (Noise Ordinance).

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

10 **Engineering:**

- 11 7. For the demolition of any existing structure or surface improvements; grading plans shall
12 be submitted and erosion control plans be approved by the City Engineer prior to the
13 issuance of a demolition permit. No demolition shall be permitted without an approved
14 erosion control plan.
- 15 8. Design and construction of all improvements shall be in accordance with the City of
16 Oceanside Engineers Design and Processing Manual, City Ordinances, and standard
17 engineering and specifications of the City of Oceanside and subject to approval by the
18 City Engineer.
- 19 9. All right-of-way alignments, street dedications, exact geometrics and width shall be
20 dedicated and constructed or replaced as required by the City Engineer.
- 21 10. Pursuant to the State Map Act, improvements shall be required at the time of development.
22 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
23 these improvement conditions and a certificate setting forth the approval shall be placed on
24 the grading and improvement plan.
- 25 11. Prior to approval of the grading plan or any increment, all improvement requirements,
26 within such increment or outside of it if required by the City Engineer, shall be covered by
27 a Development Improvement Agreement, and secured with sufficient improvement
28 securities or bonds guaranteeing performance and payment for labor and materials, setting
29 of monuments, and warranty against defective materials and workmanship.
12. The owner/developer shall provide public street dedication for Douglas Drive if required to
serve the property.

- 1 13. If a subdivider is required under this division or any other provision of law to make a
2 dedication for specified public purposes on a final map, the local agency shall specify
3 whether the dedication is to be in fee for public purposes or an easement for public
4 purposes.
- 5 14. A traffic control plan shall be prepared according to the City traffic control guidelines
6 and approved to the satisfaction of the City Engineer prior to the start of work within the
7 public right-of-way. Traffic control during construction of streets that have been opened
8 to public traffic shall be in accordance with construction signing, marking and other
9 protection as required by the Caltrans Traffic Manual and City Traffic Control
10 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
11 approved otherwise.
- 12 15. Douglas Drive shall be constructed with curbs and gutters and sidewalk along property
13 frontage. The owner/developer shall install two new ADA ramps at the intersection of
14 Douglas Drive and Ranier Way per the City of Oceanside Engineers Design Standards.
- 15 16. There shall be a minimum of 10 feet parkway between the face of curb and the right of way
16 line. Sidewalk improvements shall comply with ADA requirements. Publicly maintained
17 pedestrian ramps maintained by the City of Oceanside must be fully located within public
18 right-of-way. Minimum curb return radius shall comply with the City of Oceanside
19 Engineers Design and Processing Manual.
- 20 17. Sight distance requirements at the intersection of Ranier Way and Douglas Drive, for each
21 direction of traffic shall conform to the corner sight distance criteria as provided by the City
22 of Oceanside Engineers Design Standards.
- 23 18. Streetlights shall be maintained and installed on all onsite roads, driveways and parking
24 areas per City Standards. The system shall provide uniform lighting, and be secured prior
25 to occupancy. The owner/developer shall pay all applicable fees, energy charges, and/or
26 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall also
27 agree to the formulation of, or the annexation to, any appropriate street lighting district.
- 28 19. The project streets, driveways and parking areas shall remain private and shall be
29 maintained by the owner, a management company, or an association. The private project
street and driveway alignments and geometric layouts shall meet the City of Oceanside
Engineers Design and Processing Manual.

- 1 20. Pavement sections for all public and private streets, public and private driveways and
2 parking areas shall be based upon approved soil tests and traffic indices. The pavement
3 design is to be prepared by the owner/developer's soil engineer and must be in compliance
4 with the City of Oceanside Engineers Design and Processing Manual and be approved by
5 the City Engineer, prior to paving.
- 6 21. Prior to approval of the grading plans, the owner/developer shall contract with a
7 geotechnical engineering firm to perform a field investigation of the existing pavement on
8 Douglas Drive adjacent to the project boundary. The limits of the study shall be half-street
9 plus twelve (12) feet along the project's frontage. The field investigation shall include a
10 minimum of two pavement boring along the street frontage. Should the existing AC
11 thickness be determined to be less than the current minimum standard for AC and Class II
12 Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the City
13 of Oceanside Engineers Manual, the Owner/developer shall remove and reconstruct the
14 pavement section as determined by the pavement analysis submittal process detailed in the
condition listed below:
- 15 22. Upon review of the pavement investigation, the City Engineer shall determine whether the
16 Owner/developer shall: 1) Repair all failed pavement sections, header cut and grind per the
17 direction of the City Engineer, and construct a two (2) inch thick rubberized AC overlay; or
18 2) Perform R-value testing and submit a study that determines if the existing pavement
19 meets current City standards/traffic indices. Should the study conclude that the pavement
20 does not meet current requirements, rehabilitation/mitigation recommendations shall be
21 provided in a pavement analysis report, and the owner/developer shall reconstruct the
22 pavement per these recommendations, subject to approval by the City Engineer.
- 23 23. All damaged pavement sections on Rainier Way shall be replaced from Baker Street to
24 Douglas Drive per the City of Oceanside Engineers Design Standards, to the satisfaction of
the City Engineer.
- 25 24. There shall be easement vacation and dedication for a portion of the Emergency Access
26 Easement at the western end of the project to the satisfaction of the City Engineer.
- 27 25. Any existing public or private pavement, concrete curb, gutter, driveways, pedestrian ramps
28 and sidewalk within the project, or adjacent to the project boundary that are already
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1 damaged or damaged during construction of the project, shall be repaired or replaced as
2 directed by the City Engineer.

3 26. A precise grading and private improvement plan shall be prepared, reviewed, secured and
4 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
5 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
6 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
7 and any on site traffic calming devices shall be shown on all precise grading and private
8 improvement plans.

9 27. This project shall provide year-round erosion control including measures for the site
10 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
11 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
12 the owner/developer with cash securities or a letter of credit and approved by the City
13 Engineer.

14 28. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
15 neighborhood meeting with all of the area residents located within 300 feet of the project
16 site, to inform them of the grading and construction schedule, and to answer questions.

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

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

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

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

d) The owner/developer shall complete a haul route permit application (if required for import/export of dirt) and submit to the City of Oceanside Engineering Department forty eight hours (48) in advance of beginning of work. Hauling operations (if required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

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

32. Prior to any grading of any part of this project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations in the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Grading Ordinance and Zoning Ordinance is approved by the City Engineer.

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

34. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the owner/developer shall, at his own

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

9 35. Use of adjacent properties for construction without permission is prohibited.
10 Developer/contractors are required to obtain permission for using adjacent properties for
11 access to this site. There shall be no trespassing, grading, or construction of any kind on
12 adjacent properties without permission. "Failure to comply will result in the revocation
13 of the grading permit."

14 36. Landscaping plans, including plans for the construction of walls, fences or other structures
15 at or near intersections, must conform to intersection sight distance requirements.
16 Landscape and irrigation plans for disturbed areas shall be submitted to the City Engineer
17 prior to the issuance of a preliminary grading permit and approved by the City Engineer
18 prior to the issuance of building permits. Frontage and landscaping shall be installed and
19 established prior to the issuance of any certificates of occupancy. Securities shall be
20 required only for landscape items in the public right-of-way. Any project fences, sound or
21 privacy walls and monument entry walls/signs shall be shown on, bonded for and built from
22 the landscape plans. These features shall also be shown on the precise grading plans for
23 purposes of location only. Plantable, segmental walls shall be designed, reviewed and
24 constructed by the grading plans and landscaped/irrigated through project landscape plans.
25 All plans must be approved by the City Engineer and a pre-construction meeting held, prior
26 to the start of any improvements.

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

- 1 38. Shoring might be required for the construction of the proposed development. The
2 shoring design plans and structural calculations shall be submitted concurrently with
3 the precise grading plan.
- 4 39. The drainage design shown on the conceptual grading/site plan and the drainage report for
5 this development plan are conceptual only. The final drainage report and drainage design
6 shall be based upon a hydrologic/hydraulic study that is in compliance with the latest San
7 Diego County Hydrology and Drainage Manual to be approved by the City Engineer during
8 final engineering. All drainage picked up in an underground system shall remain
9 underground until it is discharged into an approved channel, or as otherwise approved by
10 the City Engineer. All public storm drains shall be shown on City standard plan and profile
11 sheets. All storm drain easements shall be dedicated where required. The owner/developer
12 shall be responsible for obtaining any off-site easements for storm drainage facilities.
- 13 40. All existing drainage pipes, including the 48" storm drain pipes, inlets and catch basins
14 within this proposed development shall be removed and reconstructed to another location
15 as required by the City Engineer to the City of Oceanside Engineers Design Standards.
- 16 41. Drainage facilities shall be designed and installed to adequately accommodates the local
17 storm water runoff and shall be in accordance with the San Diego County Hydrology and
18 Design Manual and in compliance with the City of Oceanside Engineers Design and
19 Processing Manual to the satisfaction of the City Engineer.
- 20 42. During final engineering design the Engineer of Record shall evaluate potential impact
21 to flood hazard areas. Elevation and flood proofing shall be in accordance with the City
22 of Oceanside Ordinance 94-03 and Federal Emergency Management Agency (FEMA)
23 requirements. Prior to issuance of a grading permit the owner/developer shall provide
24 evidence to the City of Oceanside that a Conditional Letter of Map Revision (CLOMR)
25 has been approved by the FEMA for the proposed revisions to the flood hazard areas. At
26 the conclusion of the grading activities the Owner/developer shall submit an as-built
27 grading plan to FEMA in order to process and receive a Letter of Map Revision (LOMR).
28 Prior to any building permits/release of the grading bonds owner/developer provide
29 evidence of having received a Letter of Map Revision (LOMR) from FEMA.
43. The owner/developer shall place a covenant on the title sheet of the grading plan agreeing
to the following: "The present or future owner/developer shall indemnify and save the

City of Oceanside, its officers, agents, and employees harmless from any and all liabilities, claims arising from any flooding that occurs on this site, and any flooding that is caused by this site impacting adjacent properties”.

44. Storm drain facilities shall be designed and located such that the inside travel lanes on streets with collector or above design criteria shall be passable during conditions of a 100-year frequency storm.

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

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

1 reports required by this General Permit, and records of all data used to complete the NOT
2 for all construction activities to be covered by the General Permit for a period of at least
3 three years from the date generated. This period may be extended by request of the
4 SWRCB and/or RWQCB.

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

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

- 1 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total
2 of \$25,000. The owner/developer's civil engineer shall prepare the O&M cost estimate.
- 3 49. At a minimum, maintenance agreements shall require the staff training, inspection and
4 maintenance of all BMPs on an annual basis. The owner/developer shall complete and
5 maintain O&M forms to document all maintenance activities. Parties responsible for the
6 O&M plan shall retain records at the subject property for at least 5 years. These
7 documents shall be made available to the City for inspection upon request at any time.
- 8 50. The Agreement shall include a copy of executed onsite and offsite access easement and
9 or access rights necessary for the operation and maintenance of BMPs that shall be
10 binding on the land throughout the life of the project to the benefit of the party responsible
11 for the O&M of BMPs, satisfactory to the City Engineer. The agreement shall also
12 include a copy of the deemed complete O&M Plan.
- 13 51. The BMPs described in the project's deemed complete SWQMP shall not be altered in
14 any way, unless reviewed and approved to the satisfaction of the City Engineer. The
15 determination of whatever action is required for changes to a project's deemed complete
16 SWQMP shall be made by the City Engineer.
- 17 52. The Owner/developer shall provide a copy of the title/cover page of a deemed complete
18 SWQMP with the first engineering submittal package. If the project triggers the City's
19 Stormwater requirements but no deemed complete Stormwater document (SWQMP)
20 exists, the appropriate document shall be submitted to the City Engineer for review. The
21 SWQMP shall be prepared by the owner/developer's Civil Engineer. All Stormwater
22 documents shall be in compliance with the latest edition of submission requirements.
- 23 53. Prior to receiving a temporary or permanent occupancy permit, the Project shall
24 demonstrate that all structural BMPs, including Storm Water Pollutant Control BMPs
25 and Hydromodification Management BMPs, are constructed and fully operational,
26 consistent with the deemed complete SWQMP and the approved Precise Grading Plan,
27 in accordance with San Diego RWQCB Order No. R9-2013-0001 §E.3.e. (1)(d).
- 28 54. Open space areas and down-sloped areas visible from a collector-level or above roadway
29 and not readily maintained by the property owner, shall be maintained by the owner, a
homeowners' association, or a management company that will insure installation and
maintenance of landscaping in perpetuity. These areas shall be indicated on the grading

1 plan and reserved for the owner, an association, or a management company. Future owners
2 shall be responsible for maintenance of open space areas. The disclosure, together with
3 the CC&R's, shall be submitted to the City Engineer for review prior to the approval of the
4 grading plan.

5 55. All existing overhead utility lines within the development/property and/or within any full
6 width street or right-of-way abutting this new development/project, and all new extension
7 services for the development of this project, including but not limited to, electrical, cable
8 and telephone, shall be placed underground per Section 3023 of the Zoning Ordinance, and
9 Section 901.G. of the Subdivision Ordinance (R91-166), as required by the City Engineer
10 and current City policy.

11 56. The owner/developer shall obtain any necessary permits and clearances from all public
12 agencies having jurisdiction over the project due to its type, size, or location, including but
13 not limited to the U. S. Army Corps of Engineers, California Department of Fish & Wildlife,
14 U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
15 (including NPDES), San Diego County Health Department, prior to the issuance of grading
16 permits.

17 57. The owner/developer shall comply with all the provisions of the City's cable television
18 ordinances including those relating to notification as required by the City Engineer.

19 58. Approval of this development project is conditioned upon payment of all applicable impact
20 fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code.
21 All traffic signal fees and contributions, highway thoroughfare fees, park fees,
22 reimbursements, and other applicable charges, fees and deposits shall be paid prior to the
23 issuance of any building permits, in accordance with City Ordinances and policies. The
24 owner/developer shall also be required to join into, contribute, or participate in any
25 improvement, lighting, or other special district affecting or affected by this project.
26 Approval of the development plan/project shall constitute the owner/developer's approval
27 of such payments, and his agreement to pay for any other similar assessments or charges in
28 effect when any increment is submitted for building permit approval, and to join, contribute,
29 and/or participate in such districts.

59. Upon acceptance of any fee waiver or reduction by the owner/developer, the entire
project will be subject to prevailing wage requirements as specified by Labor Code

1 section 1720(b) (4). The owner/developer shall agree to execute a form acknowledging
2 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

3 60. In the event that the conceptual plan does not match the conditions of approval, the
4 resolution of approval shall govern.

5 **Transportation:**

6 61. The project shall install the following hardware in the existing traffic signal on Douglas
7 Drive at Old River Street: General Electric Count Down Timer, Bosch HD CCTV
8 camera, an Alpha FXM 1100 QC battery back-up, 233 software chip, high visibility
9 continental thermoplastic crosswalks on all approaches and an Actelis 688 switch. The
10 hardware improvements specs shall be provided and shall be completed prior to issuance
11 of Building Permits and to the satisfaction of the City Traffic Engineer.

12 **Landscaping:**

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

- 26 a) Final landscape plans shall accurately show placement of all plant material such
27 as but not limited to trees, shrubs, and groundcovers.
- 28 b) Landscape Architect shall be aware of all utility, sewer, water, gas and storm
29 drain lines and utility easements and place planting locations accordingly to meet
City of Oceanside requirements.

- 1 c) All required landscape areas shall be maintained by owner, project association or
2 successor of the project (including public rights-of-way). The landscape areas
3 shall be maintained per City of Oceanside requirements.
- 4 d) The As-built / Maintenance Guarantee (refundable cash deposit) shall not be
5 released until the as-built drawings have been approved on the original approved
6 Mylar landscape plan and the required maintenance period has been successfully
7 terminated.
- 8 e) Proposed landscape species shall fit the site and meet climate changes indicative
9 to their planting location. The selection of plant material shall also be based on
10 cultural, aesthetic, and maintenance considerations. In addition proposed
11 landscape species shall be low water users as well as meet all fire department
12 requirements.
- 13 f) All planting areas shall be prepared and implemented to the required depth with
14 appropriate soil amendments, fertilizers, and appropriate supplements based upon
15 a soils report from an agricultural suitability soil sample taken from the site.
- 16 g) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
17 from the sun, evapotranspiration and run-off. All the flower and shrub beds shall
18 be mulched to a 3" depth to help conserve water, lower the soil temperature and
19 reduce weed growth.
- 20 h) The shrubs shall be allowed to grow in their natural forms. All landscape
21 improvements shall follow the City of Oceanside Guidelines.
- 22 i) Root barriers shall be installed adjacent to all paving surfaces where a paving
23 surface is located within 6 feet of a tree trunk on site (private) and within 10 feet
24 of a tree trunk in the right-of-way (public). Root barriers shall extend 5 feet in
25 each direction from the centerline of the trunk, for a total distance of 10 feet. Root
26 barriers shall be 24 inches in depth minimum. Installing a root barrier around the
27 tree's root ball is unacceptable.
- 28 j) All fences, gates, walls, stone walls, retaining walls, and plantable walls shall
29 obtain Planning Division approval for these items in the conditions or application
stage prior to 1st submittal of working drawings.

- 1 k) For the planting and placement of trees and their distances from hardscape and
2 other utilities/ structures the landscape plans shall follow the City of Oceanside's
3 (current) Tree Planting Distances and Spacing Standards.
- 4 l) An automatic irrigation system shall be installed to provide coverage for all
5 planting areas shown on the plan. Low volume equipment shall provide sufficient
6 water for plant growth with a minimum water loss due to water run-off.
- 7 m) Irrigation systems shall use high quality, automatic control valves, controllers and
8 other necessary irrigation equipment. All components shall be of non-corrosive
9 material. All drip systems shall be adequately filtered and regulated per the
10 manufacturer's recommended design parameters.
- 11 n) All irrigation improvements shall follow the City of Oceanside Guidelines and
12 Water Conservation Ordinance.
- 13 o) The landscape plans shall match all plans affiliated with the project.
- 14 p) Landscape construction drawings are required to implement approved Fire
15 Department regulations, codes, and standards at the time of plan approval.
- 16 q) Landscape plans shall comply with Biological and/or Geotechnical reports, as
17 required, shall match the grading and improvement plans, comply with Storm
18 Water Management Plan (SWMP), Hydromodification Plan, or Best
19 Management Practices and meet the satisfaction of the City Engineer.
- 20 r) Trash enclosures (dumpsters) shall be shown on the landscape construction
21 drawings for reference and shall comply with the City of Oceanside trash
22 enclosure details.
- 23 s) Existing landscaping on and adjacent to the site shall be protected in place and
24 supplemented or replaced to meet the satisfaction of the City Engineer.
- 25 t) All existing landscape and irrigation on site and within the public rights-of-way
26 adjacent to Riverview Springs Apartments shall be protected in place and if
27 destroyed by construction activities shall be supplemented or replaced in-kind
28 and size to meet the satisfaction of the City Engineer.
- 29 u) All existing street trees parallel to Douglas Drive (within the public right-of-way)
shall be agreed to replace such trees in-kind and size to the satisfaction of the City
Engineer.

v) The current working irrigation system for the existing Riverview Springs Apartment complex is to be protected in place and in full working condition to produce water for the existing on site and right-of-way plant material before, through and after the construction process. Any break or disruption to this existing irrigation system is to be repaired immediately or within a 24 hour period to ensure the vitality of the existing plant material.

63. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way and within any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include:

- a) Normal care and irrigation of the landscaping.
- b) Repair and replacement of plant materials (including interior trees and street trees).
- c) Irrigation systems as necessary.
- d) General clean-up of the landscaped and open areas.
- e) Maintenance of parking lots, walkways, enhanced hardscape, trash enclosures, walls, fences, etc.
- f) Pruning standards for street trees shall comply with the International Society of Arboriculture (ISA) *Standard Practices for Tree Care Operations – ANSI A300, Appendix G: Safety Standards, ANSI Z133; Appendix H; and Tree Pruning Guidelines, Appendix F* (most current edition). Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions including but not limited to citations. This maintenance program condition shall be recorded with a covenant as required by this resolution.

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

Planning:

65. Development Plan (16-00017), and Conditional Use Permit (CUP16-00015) shall expire two (2) years from the effective date of ZA16-00009, unless implemented in accordance with the City of Oceanside Zoning Ordinance A time extension may be granted in accordance with Section 4308.C and Section 4108.B of the Zoning Ordinance.

- 1 66. The Development Plan, and Conditional Use Permit shall not become effective until ZA16-
2 00009 is in effect, and approval is contingent upon City Council approval of the Zone
3 Amendment. In the event that the Zone Amendment is not approved by the City Council,
4 the approval of the Development Plan and Conditional Use Permit shall be void.
- 5 67. This Development Plan (D16-00017) and Conditional Use Permit (CUP16-00015)
6 approves only the development of 47 apartment dwelling units in six (6) two-story buildings
7 totaling approximately 33,827 square feet, as shown on the plans and exhibits presented to
8 the Planning Commission for review and approval. No deviation from these approved plans
9 and exhibits shall occur without Planning Department approval. Substantial deviations shall
10 require a revision to the Development Plan/Conditional Use Permit or a new Development
11 Plan/Conditional Use Permit.
- 12 68. The applicant, permittee, or any successor-in-interest shall defend, indemnify, and hold
13 harmless the City of Oceanside, its agents, officers, or employees from any claim, action,
14 or proceeding against the City, its agents, officers, or employees to attack, set aside, void,
15 or annul an approval of the City, concerning (ZA16-00009), Development Plan (D16-
16 00017) and Conditional Use Permit (CUP16-00015). The City will promptly notify the
17 applicant of any such claim, action, or proceeding against the City and will cooperate
18 fully in the defense. If the City fails to promptly notify the applicant of any such claim
19 action or proceeding or fails to cooperate fully in the defense, the applicant shall not,
20 thereafter, be responsible to defend, indemnify, or hold harmless the City.
- 21 69. A covenant or other recordable document approved by the City Attorney shall be
22 prepared by the property owner and recorded prior to the issuance of grading and/or
23 building permits. The covenant shall provide that the property is subject to this
24 resolution, and shall generally list the conditions of approval.
- 25 70. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
26 written copy of the applications, staff report and resolutions for the project to the new owner
27 and or operator. This notification's provision shall run with the life of the project and shall
28 be recorded as a covenant on the property.
- 29 71. Failure to meet any conditions of approval for this development shall constitute a violation
of the Development Plan and Conditional Use Permit.

- 1 72. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time building permits are issued are required to be met by this project. The
3 approval of this project constitutes the applicant's agreement with all statements in the
4 Description and Justification Plan and other materials and information submitted with this
5 application, unless specifically waived by an adopted condition of approval.
- 6 73. This Conditional Use Permit may be called for review by the Planning Commission if
7 complaints are filed and verified as valid by the Code Enforcement Office concerning the
8 violation of any of the approved conditions or assumptions made by the application.
- 9 74. The applicant, tenants, or successors in interest shall comply with the City's business
10 license requirements as necessary.
- 11 75. Elevations, siding materials, colors, roofing materials and floor plans shall be
12 substantially the same as those approved by the Planning Commission. These shall be
13 shown on plans submitted to the Building Division and Planning Division for permit plan
14 check, and prior to issuance of any building permit.
- 15 76. The applicant, tenants, or successors in interest shall comply with the City's business
16 license requirements, as necessary.
- 17 77. A minimum of three (3) units will be reserved for households with an annual income of
18 50% of Area Median Income (AMI) and two (2) units will be reserved for households with
19 an annual income of 30% of AMI. Units may be located anywhere within the Riverview
20 Springs apartment complex. The applicant shall work with the Oceanside Housing and
21 Neighborhood Services Department and the City Planner on an affordable housing
22 regulatory agreement to reserve the units for low income households for a period of not less
23 than 55 years.
- 24 78. In the unlikely event that human remains are encountered during grading of the site, all
25 grading activities shall be halted and the County of San Diego Coroner shall be notified
26 immediately to determine the origin and disposition of the remains. If the remains are
27 determined to be prehistoric, the Coroner will notify the Native American Heritage
28 Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD).
29 The MLD may inspect the site within 24 hours of notification by the NAHC and make
recommendations on the disposition of the remains.

1 79. The applicant shall prepare a Management Plan. The Management Plan is subject to the
2 review and approval of the City Planner and the Chief of Police (or designee) prior to the
3 occupancy of the project, and shall cover the following:

4 a) Security - The Management Plan, at a minimum, shall address on-site management,
5 hours-of-operation and measures for providing appropriate security for the project
6 site.

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

16 c) Any graffiti at the project shall be removed by management or its designated
17 representative within 24 hours of occurrence. Any new paint used to cover graffiti
18 shall match the existing color scheme.

19 d) Prohibition of parking or storage of recreational vehicles, trailers or boats.

20 80. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
21 any adjoining public parkways shall be permanently maintained by the owner, his assigns
22 or any successors in interest in the property. The maintenance program shall include normal
23 care and irrigation of the landscaping; repair and replacement of plant materials; irrigation
24 systems as necessary; and general cleanup of the landscaped and open areas, parking lots
25 and walkways, walls fences, etc. Failure to maintain landscaping shall result in the City
26 taking all appropriate enforcement actions by all acceptable means including but not limited
27 to citations and/or actual work with costs charged to or recorded against the owner. This
28 condition shall be recorded with the covenant required by this Resolution.

29 81. The project shall include a total of 846 parking spaces, including 824 parking spaces shown
on the project plans plus 22 additional parking spaces identified by the applicant in an email
to the City dated November 5, 2018.

Fire:

82. Emergency access to adjacent property must be marked "no parking" per Oceanside Fire requirements.
83. Provide DCDA with fire department connection for each building.
84. Plans for the fire sprinkler service underground fire line from the DCDA into the building must be submitted to the fire department for review prior to installation.
85. Minimum six inches high building address numbers required on the building visible from the access roadway.
86. Parking is not permitted on fire access roadways. Fire access roadways must be marked per Oceanside Fire requirements.

Water Utilities:

General conditions:

87. For developments requiring new water service or increased water service to a property, the landowner must enter into an agreement with the City providing for landowner's assignment of any rights to divert or extract local groundwater supplies for the benefit of the property to receive new or increased water service, in return for water service from the City, upon such terms as may be provided by the Water Utilities Director.
88. All existing active and non-active groundwater wells must be shown on conceptual, grading, and improvement plans.
89. The developer will be responsible for developing all water and sewer utilities necessary to develop the property. Any relocation of water and/or sewer utilities is the responsibility of the developer and shall be done by an approved licensed contractor at the developer's expense.
90. All Water and Wastewater construction shall conform to the most recent edition of the Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by the Water Utilities Director.
91. The property owner shall maintain private water and wastewater utilities located on private property.
92. Water services and sewer laterals constructed in existing right-of-way locations are to be constructed by an approved and licensed contractor at developer's expense.

1 93. Each new residential building shall be metered individually. Each residential unit shall be
2 designed with a private sub-meter that can be read and maintained without entering the
3 premises.

4 94. Provide a separate irrigation water meter with reduced pressure principle backflow device
5 for common area landscaping. Meter shall be managed and paid for by the owner/manager
6 of the development.

7 95. Per the latest approved California Fire Code, all new residential units shall be equipped with
8 fire sprinkler system. Each building shall have a dedicated fire service connection with
9 double check detector assembly.

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

11 96. All public water and/or sewer facilities not located within the public right-of-way shall be
12 provided with easements sized according to the Water, Sewer, and Reclaimed Water Design
13 and Construction Manual. Easements shall be constructed for all weather access.

14 97. Any water and/or sewer improvements required to develop the proposed property will need
15 to be included in the improvement plans and designed in accordance with the Water, Sewer,
16 and Reclaimed Water Design and Construction Manual.

17 98. No trees, structures or building overhang shall be located within any water or wastewater
18 utility easement.

19 99. A separate irrigation meter and approved backflow prevention device is required to serve
20 common landscaped areas and shall be displayed on the plans. New irrigation service and
21 meter shall be off of Douglas Drive.

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

24 101. Overall Site Plan by Alidade Engineering did not clearly show where the proposed private
25 sewer main connects to existing private sewer and private sewer connection to public sewer
26 main. This will need to be adequately addressed to satisfaction of Water Utilities during
27 engineering plan submittal review.

28 102. On-site sewer shall be private up to and including connection to public sewer main.
29 Connection point to public sewer main shall be stationed and called out on plans. One sewer
lateral per parcel is acceptable.

- 1 103. Private force main shall not be located in a public water or sewer easement. Relocate
2 proposed force main outside of public easement.
- 3 104. For the private sewer lift station; provide calculations outlining capacity of the pumps,
4 existing and proposed number of dwelling units served, capacity of the wet well, detention
5 times, length and size of the force main, and provision of any odor control equipment shall
6 be submitted for review to the Water Utilities Department. It shall be the responsibility of
7 the design engineer to ensure that lift station is adequately sized, has sufficient redundant
8 measures (dual pumps, back-up power supply, by-pass connection, alarm systems, etc.), and
9 complies with all applicable local, state, and federal regulations.
- 10 105. If the development will be keeping the existing sewer lift station and not adding a new one
11 for the new buildings, then provide calculations to demonstrate the existing sewer lift station
12 can handle the increase flows from the new development. The existing sewer lift station is
13 deficient in backup pump, generator, and alarms. It is recommended that the existing sewer
14 lift station be rehabilitated for improved redundancy and reliability as part of this project. If
15 each building will be designed to have a new sewer pump and force main that will connect
16 to an existing force main, provide calculations to Water Utilities to show the new force
17 mains will be designed to avoid damaging or impacting the pumping capacity and design
18 point of the existing private sewer lift station.
- 19 106. Provide sewer calculations to show downstream private gravity sewer main to connection
20 point to existing 30" public sewer main in North River Road can adequately handle the
21 increased sewer flows from the new residential expansion Project.
- 22 107. There is an existing PRIVATE 8" VCP sewer main in North River Road from the Riverview
23 Springs residential complex to connection to 30" public sewer main. Obtain an
24 Encroachment Removal Agreement from Engineering Department through Development
25 Services for this private 8" sewer main in the public right-of-way. If this has already been
26 obtained and recorded, then provide copy of document.
- 27 108. Any unused water services or sewer laterals in right-of-way that will not be used by the
28 development shall be abandoned in accordance to Water Utilities requirements.

29 **The following conditions of approval shall be met prior to building permit issuance:**

- 1 109. Show location and size of existing and proposed water meter on site plan of building plans.
2 Show location and size of proposed sewer laterals from new residential buildings to
3 connection to private sewer main.
4 110. Provide table of fixture count and flow calculations per the latest adopted California
5 Plumbing Code to size water meter and service lines on building plans. Size of water service
6 and meter sizes shall be consistent with those proposed in engineering plans.
7 111. Provide table of fixture count and flow calculations for sizing private sub-meters for each
8 type of residential floor plan in building plan submittal.
9 112. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
10 be paid to the City at the time of Building Permit issuance per City Code Section 32B.7.

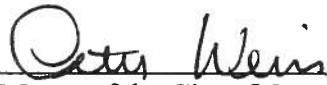
11 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
12 7th day of November, 2017, by the following vote:

13 AYES: Weiss, Feller, Kern

14 NAYS: Lowery, Sanchez

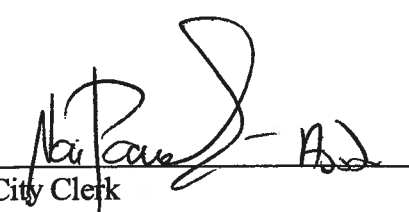
15 ABSENT: None

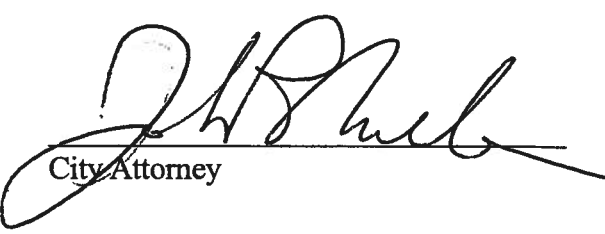
16 ABSTAIN: None

17 
18 Mayor of the City of Oceanside

19 ATTEST:

20 APPROVED AS TO FORM:
21 OFFICE OF THE CITY ATTORNEY

22 
23 City Clerk

24 
25 City Attorney
26
27
28
29