



DATE: May 19, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-23-06) AND VARIANCE (V-1-07) TO CONSTRUCT A 33,616-SQUARE FOOT, TWO-STORY OFFICE BUILDING LOCATED ON THE EAST SIDE OF THE 2100 BLOCK OF EL CAMINO REAL WITHIN THE MIRA COSTA NEIGHBORHOOD – EL CAMINO EXECUTIVE CENTER – APPLICANT: HAWKES OCEANSIDE I, LLC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt the Mitigated Negative Declaration for the El Camino Executive Center, in light of the whole record that the project will not have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and
- (2) Adopt Planning Commission Resolution No. 2008-P34 approving Development Plan (D-23-06) and Variance (V-1-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site consists of approximately 3.50 gross acres of vacant land fronting El Camino Real. A dramatic slope exists at the middle of the property that slopes from the northwest corner to the southeast corner. Adjoining the property to the south is an existing two-story medical professional office building, and a vacant open space lot owned by the City to the north. A utility easement for SDG&E for high tension electrical power lines runs across the rear and north portions of the property. Existing single-family homes are located to the east in the Henie Hills neighborhood.

The underlying land use designation for the subject site is (Professional Commercial) and has a zoning designation of CP (Commercial Professional). The larger neighborhood area encompassing the project site is the Mira Costa Neighborhood.

Project Description: The project application is comprised of two components; a Development Plan (D-23-06) and Variance (V-1-07), as follows:

Development Plan (D-23-06) represents a request for the following:

- (a) To develop a 3.50-gross acre parcel with a 33,616-square foot, two-story office building, and associated site improvements, pursuant to Articles 11 and 43 of the Oceanside Zoning Ordinance.

The project would consist of a two-story professional office building with a lower parking area beneath the first floor of the structure. The total building would equal 33,616 square feet and provide adequate space to include offices suites common corridor, an elevator, stairs at each end, and common restroom facilities. There would also be an outdoor patio area for employee lunches and breaks. The building has been designed in modern type architecture style, using custom windows and design accents in the design to create a unique and modern image.

Variance (V-1-07) represents a request for the following:

- (a) To allow one 12' x 35' x 14' loading space to be permitted instead of the required two loading spaces for any office or commercial structure beyond 20,000 square feet as required by the Oceanside Zoning Ordinance. The total square footage of the office structure with the lower level parking is 33,616 and the gross area of the office portion is 21,448, which exceeds the required 20,000 square feet by 1,448 square feet and requires this additional 10' x 20' x 10' loading space as per the Zoning Ordinance parking requirements section 3103.

The project is subject to the following Ordinances and City policies:

1. General Plan Land Use Element
2. Zoning Ordinance
3. Subarea Plan Compliance

ANALYSIS – KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is Professional Commercial (PC). The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

II. Land Use Element Community Development

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

Section 2.25 Professional Commercial

Policy A: This designation shall provide the community with a wide variety of professional office, administrative, and business service uses. Development intensities shall vary and shall be subject to and reflective of surrounding uses and characteristics.

The proposed office development has been designed to meet all development regulations and would be compatible with the surrounding office uses along El Camino Real. Office uses along El Camino Real and within the Fire Mountain and Mira Costa neighborhoods are encouraged for positive contribution to the City's revenue and employment generating abilities and cultural enhancements. This proposed 33,616-square foot office would meet all development regulations with the exception of the required second loading space that would help physically enhance the area with landscaping and an office development consistent with the surrounding developments area along El Camino Real and would positively contribute commercial office activity that is encouraged along this professional commercial district near El Camino Real.

Policy B: Since professional uses vary in degrees of intensity, locational requirements shall be implemented to ensure compatibility with surrounding land uses. Professional designations shall be located on secondary arterials or higher. High intensity, high traffic generating uses shall be encouraged to locate adjacent to institutions, developments, or facilities of comparable level or intensity.

The site is physically suitable for the type of uses proposed in the El Camino Real Professional Commercial district. El Camino Executive office has been designed to integrate into the existing topography and environment. The building will be located outside of the habitat environmentally sensitive habitat areas identified in the biology report.

Furthermore the proposed office development would not only be compatible with the environmental setting, but the office development would be similar in type, design and use as the surrounding and adjacent office developments within this area. The office development would incorporate upgraded design and materials. The proposed office and landscaping is consistent with the Mira Costa community.

Traffic and circulation have been analyzed and reviewed by staff for consistency with the neighborhood. The traffic report concluded that there will be limited impacts to traffic. All parking will be provided on-site within the parking structure or behind the building away from public view from El Camino Real.

2. Zoning Compliance

This project is located in the Professional Commercial (CP) District and complies with the requirements of that zoning designation. The following table summarizes proposed and applicable development standards for the project site:

| | DEVELOPMENT REGULATIONS | PROPOSED |
|--------------------|--|--|
| MINIMUM LOT SIZE | 10,000 square feet | 3.5 acres Gross Lot Area=151,406 sq. ft. Net Developable Area=27,462 sq. ft. |
| OFF-STREET PARKING | 1 per 300 sq. ft. (21,448 net/300 = 71) | 71 parking spaces |
| FRONT YARD | 15 feet | 15 feet |
| SIDE YARD | 0 feet | 320+ feet (north side) 33 feet (south side) |
| REAR YARD | 0 feet | 100+ feet |
| HEIGHT | Max. 50 feet | 50 feet |
| LOT COVERAGE | Max. 50% | 7.46% |
| LANDSCAPING | 15% | 80.38% |

3. Subarea Plan Compliance

The entire project site lies within the Wildlife Corridor Planning Zone (WCPZ) of the Oceanside Draft Subarea Plan (SAP), an area that extends south from the San Luis

Rey River to State Route 78 (SR 78). Properties within this zone must be planned to maintain and enhance wildlife habitat quality and connectivity, particularly as part of a regional north-south movement corridor for the Coast California gnatcatcher.

The project site is adjacent to the SDG&E Electric Transmission Corridor, considered the backbone of the proposed north-south preserve through central Oceanside. The SDG&E corridor will be maintained as open space in order to meet the requirements of the SAP. Projects that are adjacent to this corridor must adhere to avoidance and minimization measures as follows:

- New development within 500 feet of the SDG&E corridor must be sited as far from the wildlife corridor as is feasible, and the undeveloped portion of the property shall be designated as preserve;
- In no case shall development constrict the wildlife corridor to less than 200 feet total width; and
- Impacts to coastal sage scrub within 1,000 feet of the corridor shall be totally avoided, except where this would preclude reasonable use of the property.

2.69 acres of Coastal Sage Scrub exist on the property, which is more than 50 percent of the entire site. The project has been conditioned to permanently preserve 1.91 acres of coastal sage scrub habitat in a larger 2.43 preserve as specified in the mitigation monitoring program and prior to the issuance of building permits. A conservation easement will be recorded with the property on all areas that are not developed and protected through the mitigation monitoring program.

The proposed office development would not conflict with the adjacent or related land uses in the neighborhood area and would only develop approximately 25 percent of the subject site consistent with the Subarea Plan requirements which are that a minimum 50 percent of the property be preserved as open space and there shall be impacts to no more than 25 percent of coastal sage scrub. All environmental impacts associated with the project have been analyzed and a mitigation monitoring program will be implemented as part of the approved Mitigated Negative Declaration.

DISCUSSION

Issue: Compliance with the Draft Subarea Plan.

Recommendation: The proposed project has been designed to comply with the avoidance and minimization measures put forth in the Subarea Plan. The footprint of the proposed building only encompasses approximately 25 percent of the property (maximum potential is 50 percent coverage) and is situated as close to El Camino Real as setback regulations allow. By pushing the building to the edge of the property, it has created a distance of approximately 150 feet from the edge of the SDG&E corridor. All landscaping on-site will consist of native species. In addition, the existing trench that has been guiding the flow of the water running from the public street to the property will be reconstructed to

keep the public water within the City storm drains on El Camino Real. The existing water flow on-site, within the proposed parking lot and other areas of the parcel will be treated, filtered and released through a vegetated swale, that has native landscape species that will treat the water.

Issue: Project compatibility with existing surrounding development.

Recommendation: The proposed project meets or exceeds all of the development regulations with the exemption of the proposed variance for the reduction of the number of on-site loading spaces set forth in the Zoning Ordinance. In addition, offices are permitted within the Professional Commercial District without obtaining a conditional use permit and the proposed structure will complement the existing development in the area, in both design and intended use.

The following table lists existing land uses surrounding the project site:

| LOCATION | GENERAL PLAN | ZONING | LAND USE |
|-------------------|--------------|----------|---|
| Subject Property: | PC | CP | Proposed Professional offices |
| North: | PC | CP | Open Space lot |
| East: | EB-R | RE-B | SDG&E utility lines and Single-family homes |
| South: | PC | CP | Professional Office buildings |
| West: | PC, MDC-R | CP, RM-C | Office buildings, a vacant Commercial Professional lot and Multi-family homes |

Issue: The applicant has requested a reduction in the required onsite loading space for buildings over 20,000 square feet as specified in the Oceanside Zoning Ordinance Section 3100.

Recommendation: A total of 71 parking spaces would be provided on-site, and would be consistent with office uses in the City of Oceanside parking requirement section 3100. The applicant has requested that the one required 12' x 35' 14' loading space be allowed instead of the required two spaces for commercial buildings over 20,000 square feet. Strict application of the Zoning Ordinance requires one 12' x 35' 14' loading space for all commercial structures regardless of size, and one additional 10' x 20' x 10' loading space for commercial structures over 20,000 square feet. All useable area of the site has been dramatically restricted due to the topography constraints, such as the significant slopes on

the property, the habitat constraints and habitat buffer requirements, imposed by the wildlife agencies for development within the subarea plan. Since the site will be primarily used for office use, the demand for loading and unloading of materials from large vehicles should not be entirely needed. The proposed large loading space provides a ample amount of square footage for two small vehicles or one large distribution vehicle.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and an Initial Study and Mitigated Negative Declaration was prepared. The environmental analysis concluded that the project will not have significant effect on the environment with the implementation of project conditions and mitigation measures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of May 13, 2008, no communication supporting or opposing the request has been received.

SUMMARY

In summary, staff believes that the proposed Development Plan and Variance are consistent with the requirements of the Zoning Ordinance and the land use policies outlined in the General Plan. The project meets or exceeds all development standards with the exception of the loading spaces, which supported by staff based on the topographic and habitat constraints of the subject property. Staff has also determined that the project is compatible with development patterns and architectural styles in the surrounding area. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to approve Development Plan (D-23-06) and Variance (V-1-07) and adopt the Mitigated Negative Declaration and its language and adopt the Planning Commission Resolution No. 2008-P34 as attached.

PREPARED BY:


Scott Nightingale
Planner II

SUBMITTED BY:


Jerry Hittleman
City Planner

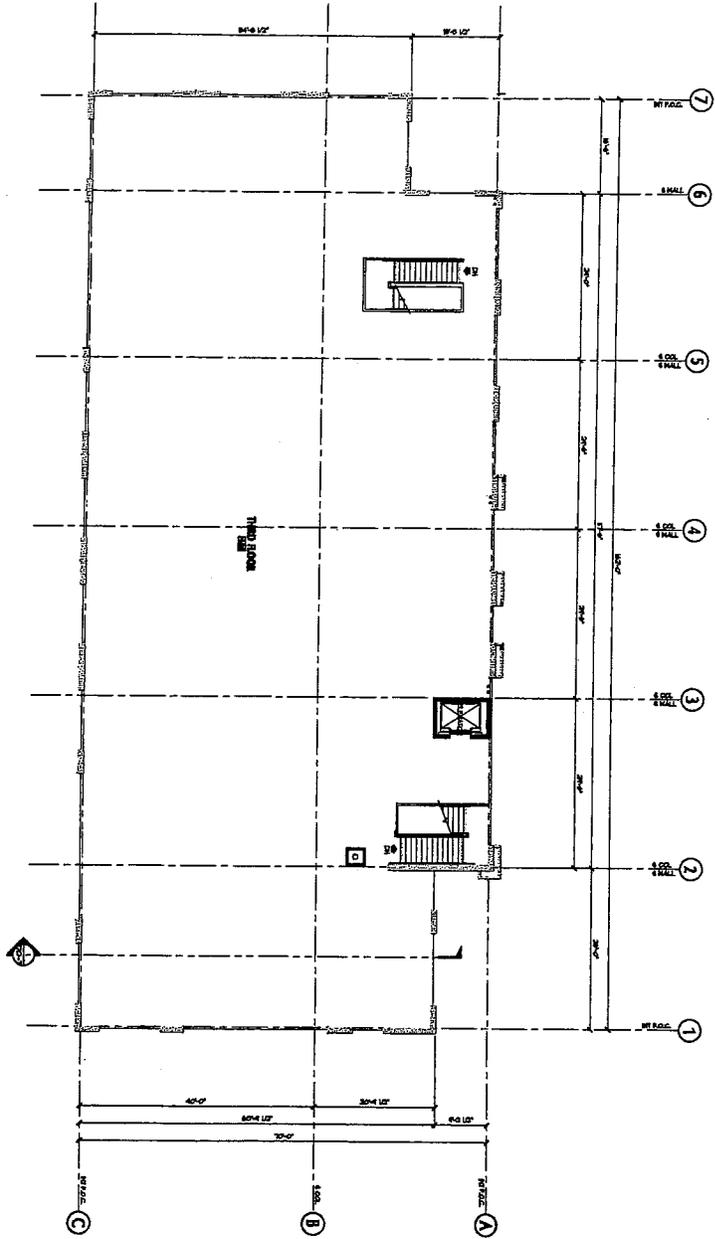
REVIEWED BY:


Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:

1. Site Map/ Architectural Plans/Conceptual Landscape Plans
2. Planning Commission Resolution No. 2008-P34
3. Mitigated Negative Declaration Report



WALL LEGEND

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| 1/2" CMU | CONCRETE MASONRY UNIT |
| 4" CMU | CONCRETE MASONRY UNIT |
| 8" CMU | CONCRETE MASONRY UNIT |
| 12" CMU | CONCRETE MASONRY UNIT |
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THIRD FLOOR PLAN

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| <p>DD-4</p> | <p>project: A New Building For: HAWKES O-SIDE-I, LLC 81 CAMINO REAL OCEANSIDE, CALIFORNIA</p> | <p>DATE: 04/25/07 DRAWN BY: [unintelligible] CHECKED BY: [unintelligible] APPROVED BY: [unintelligible]</p> | <p>FOR THE ARCHITECT: KENNETH D. SMITH ARCHITECT ASSOCIATES, INC. 1000 AVENUE OF THE STARS SUITE 1000 OCEANSIDE, CALIFORNIA 92054 TEL: 760/431-1111 FAX: 760/431-1112 WWW.KDSAS.COM</p> |
| | <p>NOT TO SCALE</p> | | |

PLOT DATE: 4/24/07

PIONEER ENGINEERING CORPORATION
 1000 PIONEER BLVD
 SUITE 100
 FORT WORTH, TEXAS 76104
 PHONE: (817) 440-7740
 FAX: (817) 440-7740
 WWW: WWW.PIONEER-ENG.COM

PROJECT ENGINEERING CORPORATION
 200 W. 10TH ST.
 FORT WORTH, TEXAS 76102
 PHONE: (817) 440-7740
 FAX: (817) 440-7740
 WWW: WWW.PIONEER-ENG.COM

APPROVED CHANGES:
 NO. DESCRIPTION APPROV. DATE
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BENCHMARK:
 BRAND CHIEFLD SQUARE ON TOP OF CURB
 CITY OF OKLAHOMA BENCHMARK #1-10
 1715 N. W. 10TH ST. OKLAHOMA CITY, OKLA.
 73102
 U.S.C. OF NORTHWEST CORNER SECTION OF MESA
 ONE AND VANILLA WAY
 OKLAHOMA CITY, OKLA. 73102
 U.S.C.

SHEET 2 OF 4
 CONCEPTUAL GRADING PLAN FOR
 HAWKES HOLDINGS
 SITE ADDRESS: EL CAMINO REAL, OKLAHOMA, OK
 APPROVED BY: [Signature]
 DATE: 4/24/07
 PROJECT NAME: [Blank]

REGISTERED PROFESSIONAL ENGINEER
 STATE OF OKLAHOMA
 NO. 12345
 DATE: 12/31/06

ENGINEER'S NAME: PIONEER ENGINEERING CORP.

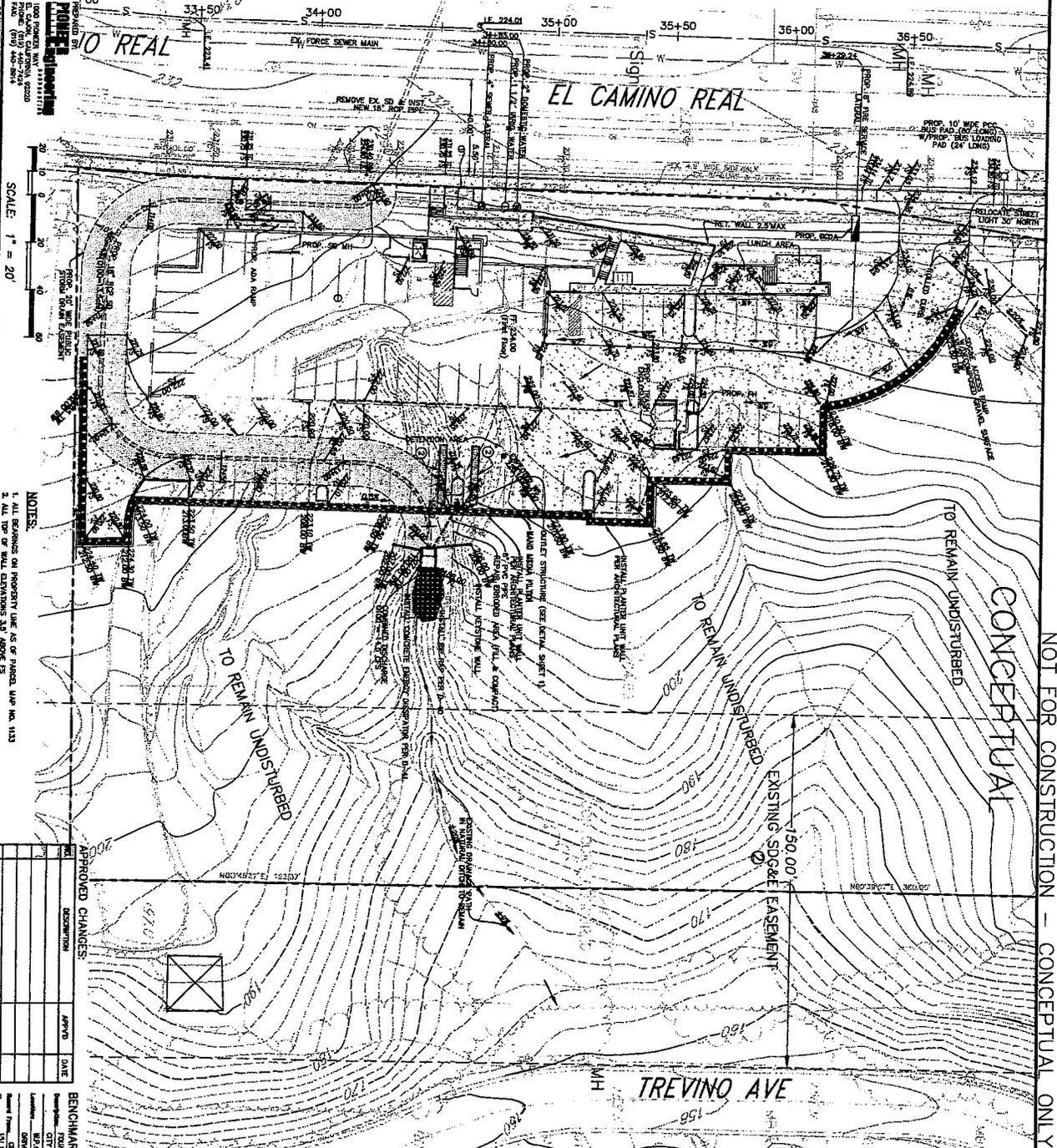
NOT FOR CONSTRUCTION - CONCEPTUAL ONLY



NOTES:
 1. STATION 1 FROM B-MOUNT A STATION PLAN

OVERVIEW MAP
 NOT FOR CONSTRUCTION - CONCEPTUAL ONLY

DATE: 04/24/07



PIEHLER ENGINEERING CORPORATION
 1000 POWER WAY, SUITE 100
 FORT WORTH, TEXAS 76104
 PHONE: (817) 440-0000
 FAX: (817) 440-0004
 WWW: WWW.PIEHLER.COM

SCALE: 1" = 20'

NOTES:
 1. ALL DIMENSIONS ON PROPERTY LINE AS OF SHEET MAP NO. 1123
 2. ALL TOP OF WALL ELEVATIONS SHOWN ABOVE FS

| NO. | DESCRIPTION | APPROVED | DATE |
|-----|-------------|----------|------|
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BENCHMARK:
 FOUND CHISEL SQUARE ON TOP OF CURB
 CITY OF OKLAHOMA BENCHMARK 40-40
 1000 N. WESTERN AVENUE, OKLAHOMA CITY, OKLAHOMA 73102
 CITY OF OKLAHOMA P.L. 100, P.L. 24
 10/1/03



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|--|-------------------------|--------------------------|
| SHEET 3 | CITY OF OKLAHOMA | SHEET 4 |
| CONCEPTUAL GRADING PLAN FOR | | |
| HANKER HOLDINGS | | |
| SITE ADDRESS: S. CAYANO REAL, OKLAHOMA, OK | | |
| DESIGNED BY: [Signature] | CHECKED BY: [Signature] | APPROVED BY: [Signature] |
| DATE: 04/24/07 | DATE: 04/24/07 | DATE: 04/24/07 |

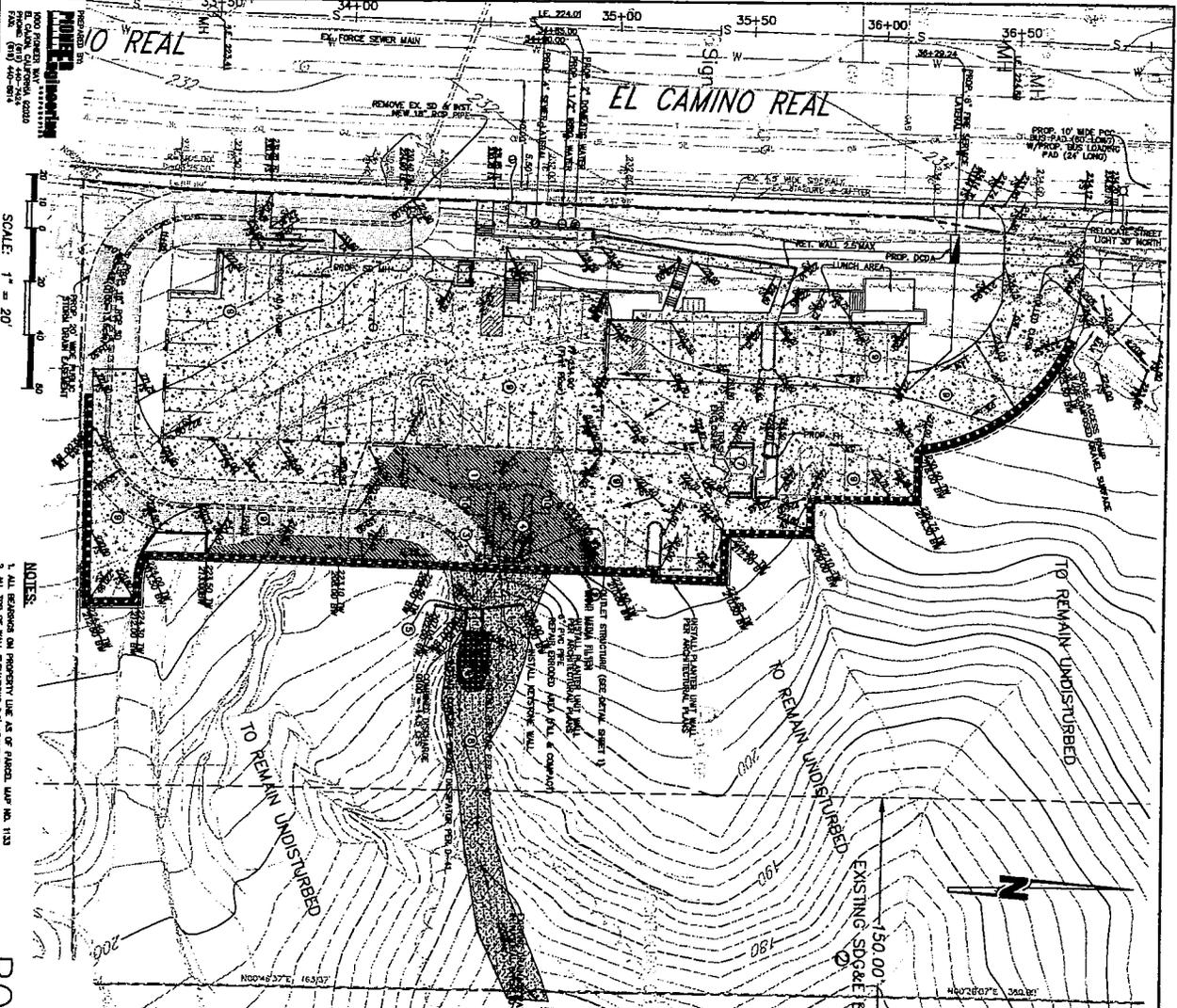
D-23-06

- LEGEND**
- PROPERTY BOUNDARY
 - RIGHT OF WAY
 - PROPOSED GRADING LIMIT
 - EXISTING CONTAINS
 - PROPOSED CONTAINS
 - PROPOSED SPOT ELEVATIONS
 - EXISTING SPOT ELEVATIONS (FS)
 - FLOW ARROWS
 - PROPOSED PERMITS # FOR WATER LANE
 - PROPOSED PERMITS # FOR WETLANDS
 - DETERMINATION AREA LIMIT (NO VEGETATION)
 - EXISTING SEWER LATERAL W/CLEAN OUT
 - PROPOSED SEWER LATERAL W/CLEAN OUT
 - EXISTING FIVE FOOTWALL
 - CATCH BASIN TYP F
 - EXISTING STORM DRAIN CLEAN OUT
 - EXISTING WATER LINE
 - EXISTING SEWER LINE
 - EXISTING STORM DRAIN
 - PROPOSED OF DCA, WITH POC & PV
 - PROPOSED DOMESTIC AND IRRIGATION METERS
 - PROPOSED FIVE FOOTWALL (1/2" x 1/2" x 4')
 - EXISTING FIVE FOOTWALL
 - EXISTING WATER 18" x 18"
 - PROPOSED WATER 18" x 18"
 - PROPOSED DOMESTIC WATER METERS
 - ELEMENTS (SEE SHEET 1 FOR DETAILS)
 - 20' x 20' SAND URSA FILTER (REPLACEMENT BAS)
 - PROPOSED POC PLANNING

NOT FOR CONSTRUCTION - CONCEPTUAL ONLY

NOT FOR CONSTRUCTION - CONCEPTUAL ONLY

PLOT DATE 04/24/07



SCALE: 1" = 20'

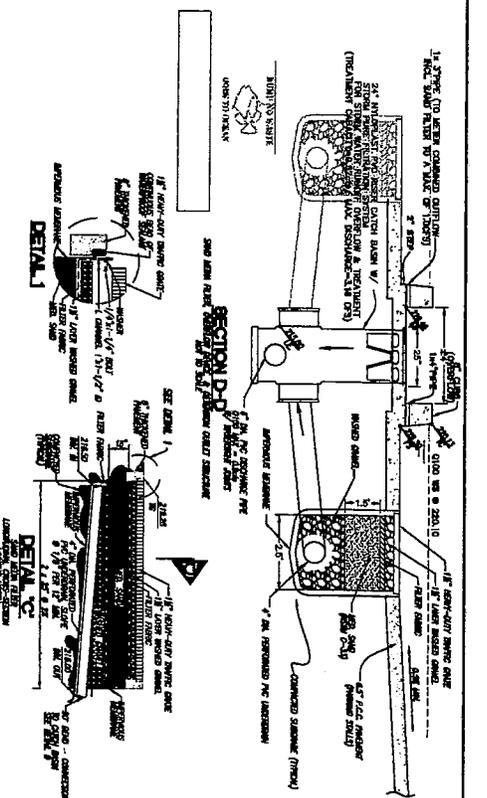
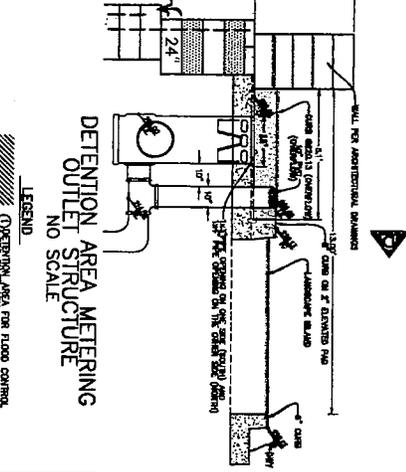
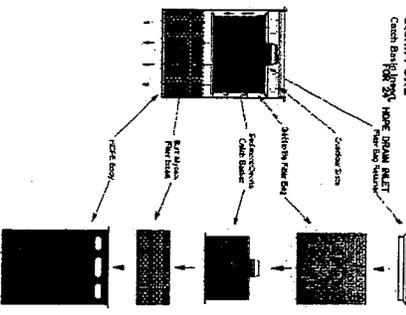
NOTES:
 1. ALL SETBACKS ON PROPERTY LINE AS OF PARCEL MAP NO. 1133
 2. ALL TOP OF WALL ELEVATIONS SHOWN ARE 75'

POST CONSTRUCTION BMP MAP

HAWKES HOLDINGS PROJECT - EL CAMINO REAL

SHEET 4 OF 4

STORM PURE
 Storm Pure™ Storm Water Treatment System
 Storm Pure™ Storm Water Treatment System is a modular, prefabricated storm water treatment system designed to remove sediment, silt, sand, and debris from storm water runoff. The system consists of a series of chambers that filter and settle the runoff before it enters the storm sewer system. Storm Pure™ is a cost-effective and easy-to-install solution for storm water management in residential and commercial areas.



DETECTION AREA METERING OUTLET STRUCTURE
 NO SCALE

LEGEND
 ① DETENTION AREA FOR RAIN CONTROL
 ② DETENTION AREA FOR SAND TRAP DETAIL
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PROPERTY BOUNDARY
 FLOW ARROWS
 FLOW DIRECTION
 FLOW DIRECTION

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PLANNING COMMISSION
RESOLUTION NO. 2008-P34

A RESOLUTION OF THE PLANNING COMMISSION OF
THE CITY OF OCEANSIDE RECOMMENDING
APPROVAL OF A DEVELOPMENT PLAN AND
VARIANCE ON CERTAIN REAL PROPERTY IN THE
CITY OF OCEANSIDE

APPLICATION NO: D-23-06 and V-1-07
APPLICANT: Hawkes Oceanside I, LLC
LOCATION: East side of the 2100 block of El Camino Real

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 Development Plan and Variances under the provisions of Articles 11, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside for the following:

to develop approximately 3.50 gross acres with a 33,616-square foot, three-story office building with first floor being covered parking and a request for a variance to allow a 12-foot by 35-foot loading space rather than the required two spaces for buildings over 20,000 square feet;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 19th day of May 2008 conduct a duly advertised public hearing as prescribed by law to consider said application;

WHEREAS, pursuant to the California Environmental Act of 1970, the Planning Commission finds that a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an significant adverse impact upon the environment;

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:

| 1 | <u>Description</u> | <u>Authority for Imposition</u> | <u>Current Estimate Fee or Calculation Formula</u> |
|----|---|---|---|
| 2 | | | |
| 3 | Parkland Dedication/Fee | Ordinance No. 91-10 Resolution No. 06-R0334-1 | \$3,503 per unit |
| 4 | | | |
| 5 | Drainage Fee | Ordinance No. 85-23 Resolution No. 06-R0334-1 | Depends on area (range is \$2,843-\$15,964 per acre) |
| 6 | | | |
| 7 | Public Facility Fee | Ordinance No. 91-09 Resolution No. 06-R0334-1 | \$2,072 per unit for residential |
| 8 | | | |
| 9 | School Facilities Mitigation Fee | Ordinance No. 91-34 | \$2.63 per square foot residential |
| 10 | | | |
| 11 | Traffic Signal Fee | Ordinance No. 87-19 Resolution No. 06-R0334-1 | \$15.71 per vehicle trip |
| 12 | | | |
| 13 | Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount) | Ordinance No. 83-01 Resolution No. 06-R0334-1 | \$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG) |
| 14 | | | |
| 15 | | | |
| 16 | Water System Buy-in Fees | Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1 | Fee based on water meter size. Residential is typically \$3,746 per unit. |
| 17 | | | |
| 18 | | | |
| 19 | Wastewater System Buy-in fees | Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1 | Based on capacity or water meter size. Residential is typically \$4,587 per unit. |
| 20 | | | |
| 21 | | | |
| 22 | San Diego County Water Authority Capacity Fees | SDCWA Ordinance No. 2005-03 | Based on meter size. Residential is typically \$4,326 per unit. |
| 23 | | | |
| 24 | | | |
| 25 | Inclusionary housing in lieu fees—Residential only. | Chapter 14-C of the City Code | \$1,000 per development project + \$100 per unit plus \$10,275 per unit |
| 26 | | | |

27 WHEREAS, the current fees referenced above are merely fee amount estimates of the
28 impact fees that would be required if due and payable under currently applicable ordinances and
29 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;

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 Oceanside
3 City Code and the City expressly reserves the right to amend the fees and fee calculations
4 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 that
8 the 90-day period to protest the imposition of any fee, dedication, reservation, or other exaction
9 described in this resolution begins on the effective date of this resolution and any such protest must
10 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 Mitigated Negative Declaration together with any comments received,
14 and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the
15 conditions of approval for the project, were presented to the Planning Commission, and the
16 Planning Commission reviewed and considered the information contained in these documents
17 prior to making a decision on the project.

18 WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and
19 Reporting Program (MMRP) have been determined to be accurate and adequate documents,
20 which reflect the independent judgment and analysis of the Planning Commission. On the
21 basis of the entire record before it, the Planning Commission finds that there is no substantial
22 evidence that the project, with implementation of the mitigation measures proposed, will have a
23 significant impact on the environment.

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

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

29 //////////

 //////////

1 FINDINGS:

2 For the Development Plan:

- 3 1. The site plan and physical design of the project is consistent with the purposes of the
4 Zoning Ordinance, including Articles 11, 31, and 43 with the exemption of the required
5 variances.
- 6 2. The Development Plan conforms to the General Plan of the City of Oceanside, including
7 the goals and objectives of Community Development Sections 2.25 of the Land Use
8 Element of the General Plan, in terms of providing professional offices developments
9 located on secondary arterials or higher to provide the community with a wide variety of
10 professional office uses, such as the El Camino Executive development proposal.
- 11 3. The site is physically suitable for the proposed type of development. The design of the
12 subject office will be incorporated within the existing topography with limited grading
13 required. The proposed project has been designed to complement the existing
14 topography and to not dramatically alter the physical environment of the area.
- 15 3. The area covered by the Development Plan can be adequately, reasonably and
16 conveniently served by existing and planned public services, utilities, and public
17 facilities.

18 For the Variance (V-1-07) (reduced in the required load spaces):

- 19 1. Because of special circumstances and conditions applicable to the development site –
20 including size, shape, topography, environmental constraints, location and surroundings
21 – strict application of the requirements of this ordinance would deprive the subject
22 property of privileges enjoyed by other properties in the vicinity and under identical
23 zoning classification. Development on the site is constrained by dramatic slope that
24 slopes to the east from the front of the property from El Camino Real. The wildlife and
25 sub area requirements placed on the land to develop no more than 25 percent of the
26 property contains the property and the existing SDG&E easements limit development and
27 placement of another loading space. In addition, in order to maintain natural habitat within
28 the habitat areas, the project has been designed to limit all development to no more than
29 approximately 25 percent, which limits all development as close to El Camino Real as
possible. Staff finds that the request to permit one loading space instead of the required

1 two spaces for commercial developments over 20,000 square feet warrant due to the
2 development, environmental, SDG&E and topographical constraints.

3 2. Granting the application will not be detrimental or injurious to property or improvements
4 in the vicinity of the development site, or to the public health, safety or general welfare.
5 Allowing the one loading space to be permitted instead of the required two loading
6 spaces, will not negatively impact the site, since the use will require limited loading
7 demands based on the fact the provided loading space shall be large enough to
8 supplement the traffic and office demands as specified in the traffic study. The project's
9 design will positively contribute in enhancing the existing neighborhood by providing a
10 consistent use and design that shall encourage commercial activity in an under-utilized
11 area.

12 3. Granting the application is consistent with the purposes of the Zoning Ordinance and
13 will not constitute a grant of special privilege inconsistent with limitations on other
14 properties in the vicinity and in the same zoning district. In this case the applicant
15 proposes a variance to permit one loading space instead of the required two loading space
16 for commercial structures above 20,000 square feet based on the development constraints
17 and existing lot constraints. Staff believes the variance can be supported based on the
18 constraints and the approval will allow the same privileges shared by the surrounding
19 development within the Professional Commercial district.

20 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
21 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein,
22 and approve Development Plan (D-23-06) and Variance (V-1-07) subject to the following
23 conditions:

24 **Building:**

- 25 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
26 Building Division plan check. (Currently the 2001 California Code of Regulations, and
27 2007 California Electrical Code)
- 28 2. The granting of approval under this action shall in no way relieve the applicant/project
29 from compliance with all State and Local building codes.

- 1 3. Site development, parking, access into buildings and building interiors shall comply with
2 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
3 Chapter 11B).
- 4 4. The building plans for this project are required by State law to be prepared by a licensed
5 architect or engineer and must be in compliance with this requirement prior to submittal
6 for building plan review.
- 7 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
8 property shall be underground (City Code Sec. 6.30).
- 9 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
10 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
11 other such lights may be utilized and shall be shown on building and electrical plans.
- 12 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
13 plans.
- 14 8. The developer shall monitor, supervise and control all building construction and
15 supporting activities so as to prevent these activities from causing a public nuisance,
16 including, but not limited to, strict adherence to the following:
 - 17 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
18 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
19 work that is not inherently noise-producing. Examples of work not permitted on
20 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
21 producing nature. No work shall be permitted on Sundays and Federal Holidays
22 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
23 Christmas Day) except as allowed for emergency work under the provisions of the
24 Oceanside City Code Chapter 38 (Noise Ordinance).
 - 25 b) The construction site shall be kept reasonably free of construction debris as
26 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
27 approved solid waste containers shall be considered compliance with this
28 requirement. Small amounts of construction debris may be stored on-site in a neat,
29 safe manner for short periods of time pending disposal.

- 1 9. Separate/unique addresses will/may be required to facilitate utility releases. Verification
2 that the addresses have been properly assigned by the City's Planning Division must
3 accompany the Building Permit application
- 4 10. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
5 will be required at time of plans submittal to the Building Division for plan check.
- 6 11. If a private sewer system is to be installed the design must be submitted to the Building
7 Division and approved prior to the construction of the sewer system. If a gravity flow
8 system is not used, an engineered mechanical system must be submitted and approved by
9 all City of Oceanside Divisions.
- 10 12. Building levels below grade (on all sides) shall be provided with a mechanical drainage
11 system that provides drainage to an approved location/receptor.
- 12 13. Tenant Improvements or other construction to the existing building requires permits
13 (including all required Inspections and approvals, and Issuance of Certificate of
14 Occupancy) from the Building Division.
- 15 14. Building area, height, and type of construction must meet Uniform Building Code
16 requirements of Table 5-A and Table 5B. An area analysis must be submitted with plans
17 at plan submittal.
- 18 15. If this project is submitted after Jan. 1, 2008 it must meet the requirements of the newly
19 adopted ICC codes.

20 **Fire Prevention:**

- 21 16. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ x 4.
- 22 17. The fire hydrants shall be installed and tested prior to placing any combustible materials
23 on the job site.
- 24 18. Detailed plans of underground fire service mains shall be submitted to the Oceanside
25 Fire Department for approval prior to installation.
- 26 19. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
27 and Processing Manual Standard Drawing No. M-13.
- 28 20. All weather access roads shall be installed and made serviceable prior to and maintained
29 during time of construction.

- 1 21. The Fire Department turn-around, hammerhead, must be identified as a fire land and
2 marked as such with "No Parking" and red striped.
- 3 22. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
4 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 5 23. Buildings or portions of buildings more than 35 feet in height, as defined by the
6 California Building Code of the city of Oceanside, shall be provided with a street,
7 driveway, or designated fire lane not less than 35 feet wide which shall be able to
8 accommodate fire department aerial apparatus and designed in a matter so that ladder
9 truck operations can be affected on at least one side of the building which has openings
10 into its interior. Such street, alley, driveway, or designated fire lane shall be located not
11 more than 15 feet from buildings at a point adjacent to the highest building or portion
12 thereof.
- 13 24. Fire Department emergency access shall not exceed 15 percent grade.
- 14 25. A "Knox" key storage box shall be provided for all new construction. For buildings,
15 other than high-rise, a minimum of three complete sets of keys shall be provided. Keys
16 shall be provided for all exterior entry doors, fire protection equipment control rooms,
17 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
18 rise buildings, six complete sets are required.
- 19 26. Fire extinguishers are required and shall be included on the plans submitted for plan
20 check.
- 21 27. An approved fire sprinkler system must be installed throughout the building. The system
22 shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler system
23 requires 24-hour supervision.
- 24 28. The Fire Department connection shall not be affixed to the building. The Fire
25 Department connection must be located at least 40 feet away from the building, within
26 40 feet of a fire hydrant, and on the address side of the building – unless otherwise
27 determined by the Fire Department. The hydrant shall be located on the same side of the
28 street as the Fire Department connection.
- 29 29. In accordance with the California Fire Code Sec. 901.4.4, approved address for
commercial, industrial, and residential occupancies shall be placed on the structure in

1 such a position as to be plainly visible and legible from the street or roadway fronting the
2 property. Numbers shall be contrasting with their background.

3 30. Commercial buildings and multi-family dwellings require 6 inch address numbers.

4 31. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
5 approval prior to the issuance of building permits.

6 32. Buildings shall meet Oceanside Fire Department's current codes at the time of building
7 permit application.

8 **Engineering:**

9 33. Vehicular access rights to El Camino Real shall be relinquished to the City from this lot,
10 except the proposed project driveway.

11 34. All right-of-way alignments, street dedications, exact geometrics and widths shall be
12 dedicated and improved as required by the City Engineer.

13 35. Design and construction of all improvements shall be in accordance with standard plans,
14 specifications of the City of Oceanside and subject to approval by the City Engineer.

15 36. Prior to issuance of a building permit all improvement requirements shall be covered by
16 a development agreement and secured with sufficient improvement securities or bonds
17 guaranteeing performance and payment for labor and materials, setting of monuments,
18 and warranty against defective materials and workmanship.

19 37. Prior to issuance of a building permit a phasing plan for the construction of public and
20 private improvements including landscaping, shall be approved by the City Engineer.

21 38. The developer shall provide public street dedication as required to serve the property.

22 39. The approval of the project shall not mean that closure, vacation, or abandonment of any
23 public street, right-of-way, easement, or facility is granted or guaranteed to the
24 developer. The developer is responsible for applying for all closures, vacations, and
25 abandonments as necessary. The application(s) shall be reviewed and approved or
26 rejected by the City of Oceanside under separate process (es) per codes, ordinances, and
27 policies in effect at the time of the application.

28 40. Where proposed off-site improvements, including but not limited to slopes, public utility
29 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
expense, obtain all necessary easements or other interests in real property and shall

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

8 41. Prior to the issuance of a grading permit, the developer shall notify and host a
9 neighborhood meeting with all of the area residents located within 300 feet of the project
10 site, and residents of property along any residential streets to be used as a "haul route", to
11 inform them of the grading and construction schedule, haul routes, and to answer
12 questions.

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

- 16 a) Dirt, debris and other construction material shall not be deposited on any public
17 street or within the City's stormwater conveyance system.
- 18 b) All grading and related site preparation and construction activities shall be
19 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
20 engineering related construction activities shall be conducted on Saturdays,
21 Sundays or legal holidays unless written permission is granted by the City Engineer
22 with specific limitations to the working hours and types of permitted operations.
23 All on-site construction staging areas shall be as far as possible (minimum 100
24 feet) from any existing residential development. Because construction noise may
25 still be intrusive in the evening or on holidays, the City of Oceanside Noise
26 Ordinance also prohibits "any disturbing excessive or offensive noise which
27 causes discomfort or annoyance to reasonable persons of normal sensitivity."
- 28 c) The construction site shall accommodate the parking of all motor vehicles used by
29 persons working at or providing deliveries to the site.

1 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
2 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
3 to 3:30 p.m. unless approved otherwise.

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

11 44. Approval of this development project is conditioned upon payment of all applicable impact
12 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
13 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
14 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
15 prior to recordation of the map or the issuance of any building permits, in accordance with
16 City Ordinances and policies. The developer shall also be required to join into, contribute,
17 or participate in any improvement, lighting, or other special district affecting or affected by
18 this project. Approval of the project shall constitute the developer's approval of such
19 payments, and his agreement to pay for any other similar assessments or charges in effect
20 when any increment is submitted for building permit approval, and to join, contribute,
21 and/or participate in such districts.

22 45. El Camino Real shall be improved with curbs and gutters and sidewalk.

23 46. El Camino Real shall provide a minimum of 10 feet parkway between the face of curb and
24 the right-of-way line. Sidewalk improvements shall comply with ADA requirements.

25 47. Demolish the two existing curb inlets located at: 1) East side of El Camino Real, just
26 south of the proposed project driveway. 2) West side of El Camino Real just south of
27 Basel Street.

28 48. Construct a bulk head in the easterly curb inlet. Slurry fill the two demolished curb inlet
29 boxes and the existing 18"-RCP under El Camino Real.

- 1 49. Lift the section of the two curb inlets, gutter, sidewalk and street asphalt to eliminate the
2 existing low spot depressions for proper drainage flow. The developer will test the
3 runoff flows downstream of the two demolished curb inlets to make sure that there is no
4 standing water in the street or the gutter line.
- 5 50. 550' (feet) intersectional sight distance shall be required along El Camino Real from the
6 proposed project driveway for each direction of traffic. Sight distance requirements at the
7 project driveway or street shall conform to the corner sight distance criteria as provided by
8 the California Department of Transportation Highway Design Manual or SDRSD DS-20A
9 and/or DS-20B.
- 10 51. Streetlights shall be maintained and installed on all public streets per City Standards. The
11 system shall provide uniform lighting, and be secured prior to occupancy. The developer
12 shall pay all applicable fees, energy charges, and/or assessments associated with City-
13 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
14 annexation to, any appropriate street lighting district.
- 15 52. This project's streets/driveways shall remain private and shall be maintained by the
16 developer or any future successors/owner(s). The pavement sections, traffic indices,
17 alignments, and all geometrics shall meet public street standards.
- 18 53. Prior to approval of the grading plans, the developer shall contract with a geotechnical
19 engineering firm to perform a field investigation of the existing pavement on all streets
20 adjacent to the project boundary. The limits of the study shall be half-street 12 feet
21 along the project's frontage. The field investigation shall include a minimum of one
22 pavement boring per every 50 linear feet of street frontage. Should the existing AC
23 thickness be determined to be less than three inches or without underlying Class II base
24 material, the developer shall remove and reconstruct the pavement section as determined
25 by the pavement analysis submittal process detailed in Item No. 2 below.
- 26 54. Upon review of the pavement investigation, the City Engineer shall determine whether
27 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
28 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or
29 2) Perform R-value testing and submit a study that determines if the existing pavement
meets current City standards/traffic indices. Should the study conclude that the

1 pavement does not meet current requirements, rehabilitation/mitigation
2 recommendations shall be provided in a pavement analysis report, and the developer
3 shall reconstruct the pavement per these recommendations, subject to approval by the
4 City Engineer.

5 55. El Camino Real shall be improved as required the City Engineer.

6 56. Pavement sections for all streets, driveways and parking areas shall be based upon
7 approved soil tests and traffic indices. The pavement design is to be prepared by the
8 developer's soil engineer and must be approved by the City Engineer, prior to paving.

9 57. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
10 construction of the project, shall be repaired or replaced as directed by the City Engineer.

11 58. All existing overhead utility lines within the development and/or within any full width
12 street or right-of-way abutting a new development, and all new extension services for the
13 development of the project, including but not limited to, electrical, cable and telephone,
14 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
15 and as required by the City Engineer and current City policy.

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

18 60. The developer shall install two-inch PVC conduit, together with 1/4-inch pull- rope and
19 pull-boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or
20 above, streets.

21 61. Grading and drainage facilities shall be designed and installed to adequately accommodate
22 the local storm water runoff and shall be in accordance with the City's Engineers Manual
23 and as directed by the City Engineer.

24 62. The applicant shall obtain any necessary permits and clearances from all public agencies
25 having jurisdiction over the project due to its type, size, or location, including but not
26 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
27 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
28 (including NPDES), San Diego County Health Department, prior to the issuance of grading
29 permits.

- 1 63. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
2 investigation shall be conducted of the soils, slopes, and formations in the project. All
3 necessary measures shall be taken and implemented to assure slope stability, erosion
4 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
5 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
6 the City Engineer.
- 7 64. This project shall provide year-round erosion control including measures for the site
8 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
9 control plan, designed for all proposed stages of construction, shall be reviewed, secured
10 by the applicant with cash securities and approved by the City Engineer.
- 11 65. A precise grading and private improvement plan shall be prepared, reviewed, secured and
12 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
13 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
14 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
15 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
16 Improvement Plans.
- 17 66. Landscaping plans, including plans for the construction of walls, fences or other structures
18 at or near intersections, must conform to intersection sight distance requirements.
19 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
20 of occupancy permits, and a pre-construction meeting held, prior to the start of any
21 improvements.
- 22 67. Landscaping plans, including plans for the construction of walls, fences or other structures
23 at or near intersections, must conform to intersection sight distance requirements.
24 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer
25 prior to the issuance of a preliminary grading permit and approved by the City Engineer
26 prior to the issuance of occupancy permits. Frontage and median landscaping shall be
27 installed prior to the issuance of any certificates of occupancy. Any project fences, sound
28 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built
29 from the landscape plans. These features shall also be shown on the precise grading plans
for purposes of location only. Plantable, segmental walls shall be designed, reviewed and

1 constructed by the grading plans and landscaped/irrigated through project landscape plans.
2 All plans must be approved by the City Engineer and a pre-construction meeting held,
3 prior to the start of any improvements.

4 68. Open space areas and down-sloped areas visible from El Camino Real shall be maintained
5 by the property owner or future successors or owners.

6 69. The drainage design on the development is conceptual only. The final design shall be
7 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
8 engineering. All drainage picked up in an underground system shall remain underground
9 until it is discharged into an approved channel, or as otherwise approved by the City
10 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
11 All storm drain easements shall be dedicated where required. The applicant shall be
12 responsible for obtaining any off-site easements for storm drainage facilities.

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

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

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

23 73. The development shall comply with all applicable regulations established by the United
24 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
25 Discharge Elimination System (NPDES) permit requirements for urban runoff and
26 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
27 regulations or requirements. Further, the applicant may be required to file a Notice of
28 Intent with the State Water Resources Control Board to obtain coverage under the
29 NPDES. General Permit for Storm Water Discharges Associated with Construction
Activity and may be required to implement a Storm Water Pollution Prevention Plan

1 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
2 both construction and post construction pollution prevention and pollution control
3 measures and identify funding mechanisms for post construction control measures. The
4 developer shall comply with all the provisions of the Clean Water Program during and
5 after all phases of the development process, including but not limited to: mass grading,
6 rough grading, construction of street and landscaping improvements, and construction of
7 dwelling units. The applicant shall design the Project's storm drains and other drainage
8 facilities to include Best Management Practices to minimize non-point source pollution,
9 satisfactory to the City Engineer.

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

14 75. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to
15 the City Engineer with the first submittal of engineering plans. The O&M Plan shall be
16 prepared by the applicant's Civil Engineer. It shall be directly based on the project's
17 Storm Water Mitigation Plan (SWMP) previously approved by the project's approving
18 authority (Planning Commission/City Council/Community Development Commission).
19 At a minimum the O&M Plan shall include the designated responsible parties to manage
20 the storm water BMP(s), employee's training program and duties, operating schedule,
21 maintenance frequency, routine service schedule, specific maintenance activities, copies
22 of resource agency permits, cost estimate for implementation of the O&M Plan and any
23 other necessary elements.

24 76. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
25 Agreement with the City obliging the project proponent to maintain, repair and replace
26 the Storm Water Best Management Practices (BMPs) identified in the project's approved
27 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.
28 The Agreement shall be approved by the City Attorney prior to issuance of any precise
29 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
any building permit. Security in the form of cash (or certificate of deposit payable to the

1 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
2 of a precise grading permit. The amount of the security shall be equal to 10 years of
3 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
4 prepare the O&M cost estimate.

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

10 78. The Agreement shall include a copy of executed onsite and offsite access easements
11 necessary for the operation and maintenance of BMPs that shall be binding on the land
12 throughout the life of the project to the benefit of the party responsible for the O&M of
13 BMPs, until such time that the storm water BMP requiring access is replaced,
14 satisfactory to the City Engineer. The agreement shall also include a copy of the O&M
15 Plan approved by the City Engineer.

16 79. The BMPs described in the project's approved Storm Water Mitigation Plan (SWMP)
17 shall not be altered in any way, shape or form without formal approval by either an
18 Administrative Substantial Conformance issued by the Community Development
19 Department/Planning Division or the project's final approving authority (Planning
20 Commission/Community Development Commission/City Council) at a public hearing.
21 The determination of whatever action is required for changes to a project's approved
22 SWMP shall be made by the Community Development Department/Planning Division.

23 **Planning:**

24 80. This Development Plan (D-23-06) and Variance (V-1-07) approvals shall lapse two
25 years after the effective date of approval.

26 a) Unless a grading permit has been issued and grading has been substantially
27 completed and or a building permit has been issued, and construction diligently
28 pursued; or an occupancy permit has been issued; or

29 b) Unless a time extension is granted by the Planning Commission.

1 81. This Development Plan (D-23-06) approves only the construction of a three-story
2 professional office building with a ground level parking structure below. The total
3 building will equal 32,616 square feet. This building will include offices suites common
4 corridor, an elevator, stairs at each end, and common restroom facilities. There will also
5 be an outdoor patio area for employee lunches and breaks. The building has been
6 designed in modern type architecture style, using custom windows and design accents in
7 the design to create a unique and modern image and additional improvements as shown
8 on the plans and exhibits presented to the Planning Commission for review and
9 approval. No deviation from these approved plans and exhibits shall occur without
10 Planning Division approval. Substantial deviations shall require a revision to the
11 Development Plan (D-23-06) or a new Development Plan.

12 82. This Development Plan shall be called for review by the Planning Commission if
13 complaints are filed and verified as valid by the City Planner or the Code Enforcement
14 Officer concerning the violation of any of the approved conditions or the project
15 assumptions demonstrated under the application approval.

16 83. A covenant or other recordable documents approved by the City Attorney shall be
17 prepared by the property owner and recorded prior to the issuance of a building permit.
18 The covenant shall provide that the property is subject to this resolution, and shall
19 generally list the conditions of approval.

20 84. Prior to the transfer of ownership and or operation of the site the owner shall provide a
21 written copy of the applications, staff report and resolutions for the project to the new
22 owner and or operator. This notification's provision shall run with the life of the project
23 and shall be recorded as a covenant on the property.

24 85. Failure to meet any conditions of approval for this development shall constitute a
25 violation of the Development Plan and Variance.

26 86. Unless expressly waived, all current zoning standards and City ordinances and policies
27 in effect at the time building permits are issued are required to be met by this project.
28 The approval of this project constitutes the property owner's and developer's agreement
29 with all statements in the Description and Justification, and other materials and

1 information submitted with this application, unless specifically waived by an adopted
2 condition of approval.

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

6 88. The property owner, permittee or any successor-in-interest shall defend, indemnify and
7 hold harmless the City of Oceanside, its agents, officers or employees from any claim,
8 action or proceeding against the City, its agents, officers, or employees to attack, set
9 aside, void or annul an approval of the City, concerning Development Plan (D-23-06),
10 and Variance (V-1-07). The City will promptly notify the property owner of any such
11 claim, action or proceeding against the City and will cooperate fully in the defense. If
12 the City fails to promptly notify the applicant of any such claim action or proceeding or
13 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible
14 to defend, indemnify or hold harmless the City.

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

24 90. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City
25 Engineer criteria and Water Conservation Ordinance No. 91-15, including the
26 maintenance of such landscaping, shall be approved by the City Engineer prior to the
27 issuance of building permits. Landscaping shall not be installed until bonds have been
28 posted, fees paid, and plans signed for final approval. The following special landscaping
29 requirements shall be met:

- 1 a) Street trees shall be located 30'-0" on center and shall be maintained by the
2 owner of the property in perpetuity to meet the satisfaction of the City Engineer.
3 Street trees shall be a minimum 24" box or minimum 2" caliper, whichever is
4 greater in size and meet the approval of the City Engineer.
- 5 b) Provide details and obtain Planning Division approval for the trash enclosure,
6 walls, fencing and gates on-site.
7 Trash enclosures shall be softened with landscaping. Plantable walls shall be
8 planted and irrigated per the current City of Oceanside requirements.
- 9 c) The Landscape Architect shall field verify location of sewer and water utilities,
10 storm drain and sight distance locations: landscaping shall be planted in
11 accordance with all City of Oceanside requirements. Landscaping shall be
12 relocated, not omitted, to meet the satisfaction of the City Engineer.
- 13 d) Landscape plans shall match the Conceptual plan, Civil plan and comply with
14 SWMP Best Management Practices.
- 15 e) These conditions of approval are in addition to the conceptual landscape plan and
16 shall supersede any conflicts.

17 **Mitigation Measures:**

- 18 91. All mitigation measures identified in the approved Mitigated Negative Declaration shall
19 be complied with as stated in that document.
- 20 92. In the event any subsurface archaeological resources are encountered during grading or
21 construction activities, such activities in the locality of the find shall be halted
22 immediately. An archaeologist, certified by the Society of Professional Archaeologists
23 (SOPA), shall be brought in to determine the significance of the archaeological resources
24 and implement appropriate mitigations prior to recommending earthwork.
- 25 93. If archaeological materials are encountered, their importance must be evaluated to assess
26 the significance of impacts. If significant cultural resources are encountered, mitigation
27 would be accomplished through documentation and excavation of features, cataloging
28 and analysis of cultural material collected, and preparation of a report detailing the
29 methods and results of the monitoring/data recovery program.

- 1 94. Any cultural material recovered shall be curated at an appropriate facility, except as
2 stipulated differently in the pre-excavation agreement.
- 3 95. To protect water quality in the area the following mitigation measures shall be
4 implemented:
- 5 a) Material and waste Best Management Practices (BMPs) during site grading and
6 construction shall be strictly enforced.
 - 7 b) A water quality management plan shall be prepared that addresses potential water
8 pollutant issues for the proposed project site and related areas. The report shall be
9 prepared and approved prior to the issuance of grading permits.
 - 10 c) Permanent structural Best Management Practices (BMPs), such as infiltration
11 trenches, fossil filters, and/or oil water separators shall be installed and maintained
12 at all storm drain inlets on the site.
 - 13 d) Non-structural post-construction Best Management Practices (BMPs), such as a
14 public education program (providing signage at all drainage inlets prohibiting
15 dumping of any kind).
- 16 96. A letter of clearance from the affected school district in which the property is located
17 shall be provided as required by City policy at the time building permits are issued.
- 18 97. A qualified biologist shall be retained by the applicant to review the final grading plans,
19 access routes and staging areas, monitor all aspects of construction, educate contractors
20 about the biological sensitivities associated with the area and ensure compliance with
21 mitigation measures.
- 22 98. The qualified biologist shall conduct a training session for all project personnel prior to
23 any grading/construction activities. At a minimum the training shall include a
24 description of the target species of concern, its habitats, the general provisions of the
25 Endangered Species Act (Act) and the MHCP, the need to adhere to the provision of the
26 Act and the MHCP, the penalties associated with violating the provisions of the Act, the
27 general measures that are being implemented to conserve the target species of concern as
28 they relate to the project, any provisions for wildlife movement, and the access routes to
29 and project site boundaries within which the project activities must be accomplished.

- 1 99. A water pollution and erosion control plan shall be developed that describes sediment
2 and hazardous materials control, dewatering or diversion structures, fueling and
3 equipment management practices and other factors as deemed necessary. Erosion
4 control measures shall be monitored on a regularly scheduled basis, particularly during
5 time or rainfall. Corrective measures shall be implemented in the event erosion control
6 strategies are inadequate. Sediment/erosion control measures shall be continued at the
7 project site until such time as the revegetation efforts are successful at soil stabilization.
- 8 100. The footprint of habitat disturbance shall be minimized to the maximum extent feasible.
9 Access to sites shall be via pre-existing access routes to the greatest extent possible.
- 10 101. The upstream and downstream limits of project disturbance plus lateral limits of
11 disturbance on either side of the stream shall be clearly defined and marked in the field
12 and reviewed by the biologist prior to initiation of work.
- 13 102. Placement of equipment and personnel within environmentally sensitive habitat areas
14 stream channels or on sand and gravel bars, banks and adjacent upland habitats used by
15 target species of concern shall be avoided. Activities that can not be conducted without
16 placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding
17 season of the target species of concern.
- 18 103. When stream flows must be diverted, the diversions shall be conducted using sandbags
19 or other methods requiring minimal in stream impacts. Silt fencing or other sediment
20 trapping materials shall be installed at the downstream end of the construction activity to
21 minimize the transport of sediments off-site. Settling ponds where sediment is collected
22 shall be cleaned out in a manner that prevents the sediment from re-entering the stream.
23 Care shall be exercised when removing silt fences, as feasible, to prevent debris or
24 sediment from returning to the stream.
- 25 104. Equipment storage, fueling and staging areas shall be located to minimize risks of direct
26 drainage into riparian areas or other environmentally sensitive habitats. These
27 designated areas shall be located in such a manner as to prevent runoff from entering
28 sensitive habitats. All necessary precautions shall be taken to prevent the release of
29 cement or other toxic substances into surface waters. All project related spills of
hazardous materials shall be reported to appropriate entities including but not limited to

1 the City of Oceanside, FWS, and CDFG, SWQCB and shall be cleaned up immediately
2 and contaminated soils removed to approved disposal areas.

3 105. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or
4 other similar debris material shall not be stockpiled within the stream channel or on its
5 banks.

6 106. Stockpiling of materials and other aspects of construction staging shall be limited to
7 disturbed areas without native vegetation, areas to be impacted by project development
8 or in non sensitive habitats.

9 107. "No-fueling zones" shall be established within a minimum of 10 meters (33 feet) from
10 all drainages and fire sensitive areas.

11 108. Scheduling of construction activities shall minimize potential impacts to biological
12 resources. Construction adjacent to drainages shall occur during periods of minimum
13 flow (i.e. summer through first rain of fall) to avoid excessive sedimentation and erosion
14 and to avoid impacts to drainage dependent species. Construction near riparian areas or
15 other sensitive habitats shall be scheduled to avoid the breeding season (March through
16 September) and potential impacts to breeding bird species.

17 109. Construction activities during the breeding season (dates to be determined depending
18 upon species of concern- some start in February - March through September) shall be
19 limited to those that will not produce significant noise impacts (i.e. noise levels greater
20 than 60 dBL_{eq}-decibels equivalent sound level) at the edge of the habitat of concern.

21 110. Conduct preconstruction surveys at potential impact areas between mid-May and mid-
22 June.

23 111. Human and pet access to preserve areas shall be limited to designated trails by use of
24 natural vegetation, topography, signs and limited fencing.

25 112. Artificial lighting adjacent to the preserve area shall be eliminated except where essential
26 for roadway, facility use and safety and security purposes. Where use of artificial
27 lighting is necessary it shall be limited to low-pressure sodium sources. Use of low
28 voltage outdoor or trail lighting, spotlights or bug lights is prohibited. All light sources
29 shall be shielded so that lighting is focused downward to restrict any light spillover onto
sensitive habitat.

- 1 113. The qualified biologist shall monitor construction activities throughout the duration of
2 the project to ensure that all practicable measures are being employed to avoid incidental
3 disturbance of habitat and any target species of concern outside the project footprint.
4 Construction monitoring reports shall be completed and provided to the City of
5 Oceanside, FWS and CDFG summarizing how the project is in compliance with
6 applicable conditions. The project biologist shall be empowered to halt work activity if
7 necessary and to confer with staff from the City of Oceanside, FWS and CDFG to ensure
8 the proper implementation of species and habitat protection measures.
- 9 114. The removal of native vegetation shall be avoided and minimized to the maximum
10 extent practicable. Temporary impacts shall be returned to pre-existing contours and
11 revegetated with appropriate native species. All revegetation plans shall be prepared and
12 implemented consistent with Appendix C (Revegetation Guidelines of the Final MHCP
13 Plan – Volume II) and shall require written concurrence of the FWS and CDFG.
- 14 115. To avoid attracting predators of the target species of concern, the project site shall be
15 kept clean of debris as possible. All food related trash items shall be enclosed in sealed
16 containers and regularly removed from the site. Pets of project personnel shall not be
17 allowed on-site where they may come in contact with any listed species.
- 18 116. Construction employees shall strictly limit their activities, vehicles, equipment, and
19 construction materials to the proposed footprint and designated staging areas and routes
20 of travel. The construction area(s) shall be the minimal area necessary to complete the
21 project and shall be specified in the construction plans. Construction limits shall be
22 fenced with orange snow screen. Exclusion fencing shall be maintained until the
23 completion the completion of all construction activities. All employees shall be
24 instructed that their activities are restricted to the construction areas.
- 25 117. Any habitat destroyed that is not in the identified project footprint shall be disclosed
26 immediately to the City of Oceanside, FWS and CDFG and shall be compensated at a
27 minimum ratio of 5:1.
- 28 118. If dead or injured listed species are located, initial notification must be made within three
29 working days, in writing to the Service's Division of Law Enforcement in Torrance

1 California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field
2 Office of the FWS, and CDFG.

3 119. The City of Oceanside shall have the right to access and inspect any sites of approved
4 projects including any restoration/enhancement area for compliance with project
5 conditions and BMPs. The FWS and CDFG may accompany the City representatives on
6 this inspection.

7 120. Any planting stock to be brought onto the site for landscaping or ecological restoration
8 shall be first inspected by a qualified pest inspector to ensure it is free of pest species
9 that could invade natural areas, including but not limited to Argentine ants, fire ants, and
10 other insect pests. Any planting sock found to be infested with such pests shall not be
11 allowed on the project site or within 300 feet of natural habitats. The stock shall be
12 quarantined, treated or disposed of according to best management principles by qualified
13 experts in a manner that precludes invasions into natural habitats.

14 121. New utility lines or towers or modification of existing utility lines or towers shall
15 implement designs that preclude or minimize harm to wildlife due to collisions or
16 electrocution. Information on such designs is available at
17 www.migratorybirds.fws.gov/issues/towers.

18 122. All mitigation sites shall be conserved through fee title acquisition or conservation
19 easement, and proof of recordation shall be provided to the City of Oceanside prior to
20 land disturbance.

21 123. Existing natural drainages and watersheds shall be maintained. The project shall restore
22 or minimize changes to natural hydrological processes.

23 124. Detention basins shall incorporate earthen berms to allow growth of natural vegetation.

24 **Water Utilities:**

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

29 126. The property owner will maintain private water and wastewater utilities located on private
property.

- 1 127. Water services and sewer laterals constructed in existing right-of-way locations are to be
2 constructed by approved and licensed contractors at developer's expense.
- 3 128. All Water and Wastewater construction shall conform to the most recent edition of the
4 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
5 the Water Utilities Director.
- 6 129. All public water and/or sewer facilities not located within the public right-of-way shall be
7 provided with easements sized according to the Water, Sewer, and Reclaimed Water
8 Design and Construction Manual. Easements shall be constructed for all weather access.
- 9 130. No trees, structures or building overhang shall be located within any water or wastewater
10 utility easement.
- 11 131. 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 Uniform Plumbing
14 Code (U.P.C.).
- 15 132. A separate irrigation meter and approved backflow prevention device is required and shall
16 be displayed on the plans.
- 17 133. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
18 Construction Manual, shall be installed in each building sewer lateral and the location shall
19 be called out on the approved Improvement Plans.
- 20 134. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to
21 garages and wash racks shall be installed in each building sewer in an appropriate location
22 and shall be maintained by the property owner. The location shall be called out on the
23 approved Improvement Plans.
- 24 135. Subterranean parking structures shall be designed with a drainage system that conveys
25 runoff to the City's Storm Drain System and shall comply with the California Regional
26 Water Quality Control Board Order No. 2001-01.

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1 136. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to
2 be paid to the City and collected by the Water Utilities Department at the time of Building
3 Permit issuance.

4 PASSED AND ADOPTED Resolution No. 2008-P34 on May 19, 2008 by the
5 following vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

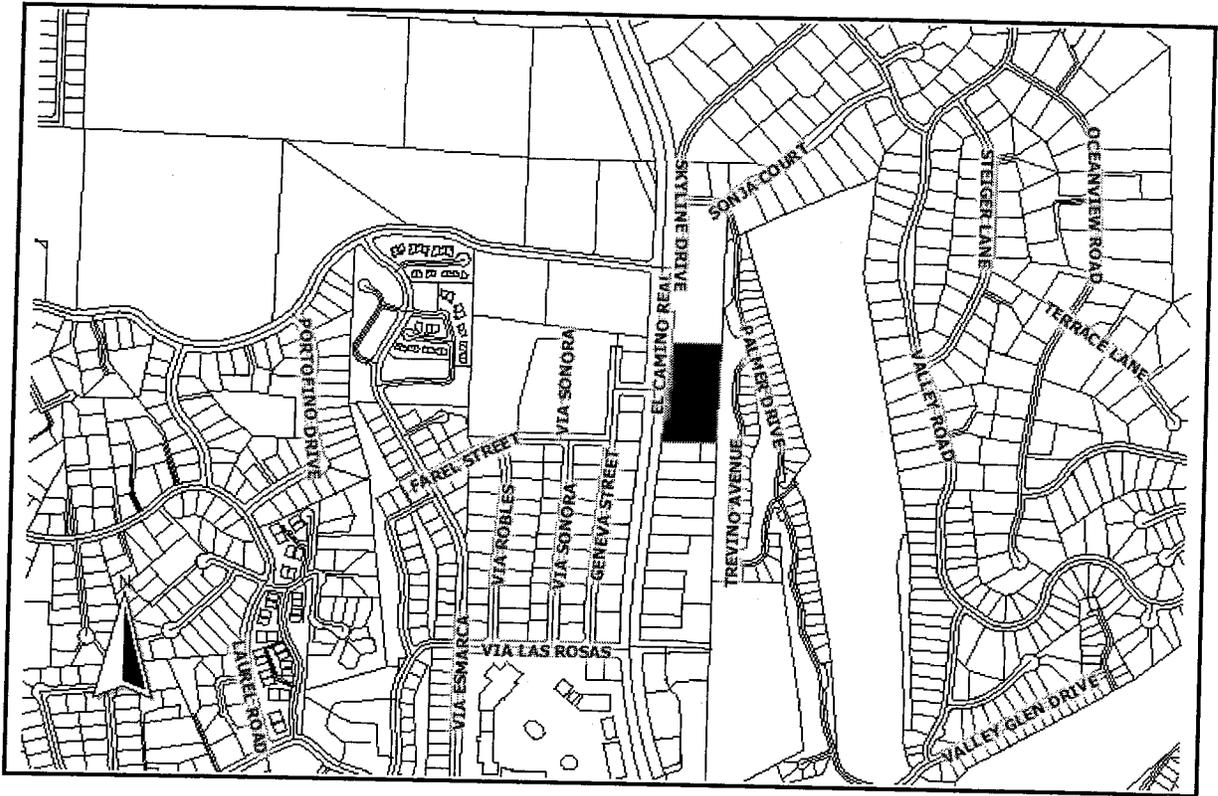
10
11
12 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

13 ATTEST:

14
15
16 _____
Jerry Hittleman, Secretary

17
18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2008-P34.

20 Dated: May 19, 2008
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28
29



File Number: D-23-06, V-1-07

Applicant: Hawkes Oceanside, LLC

Description:

DEVELOPMENT PLAN (D-23-06) and VARIANCE (V-1-07) for the development of a 32,616-square foot office building located east of El Camino Real and south of Skyline Drive. The project site is zoned CP (Professional Commercial) and is situated within the Mira Costa Neighborhood – **El Camino Executive Center**

Environmental Determination:

A Mitigated Negative Declaration has been prepared stating that if the conditions of approval are implemented, there will not be a significant adverse impact upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will consider the Mitigated Negative Declaration during its hearing on the project.

City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92054 (760) 435-3520



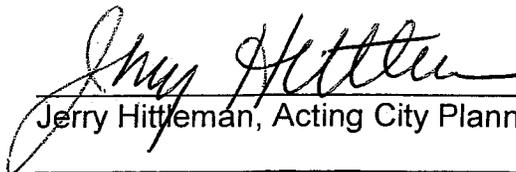
NEGATIVE DECLARATION

City of Oceanside, California

DATE POSTED: Aug./9/2007
REMOVE POST: Sept./8/2007>
 20 days; or,
 30 day for SCH review

1. **APPLICANT:** Mr. Jeff Hawkes (Hawkes Holdings, LLC)
2. **ADDRESS:** 16935 West Bernardo Dr. Suite 112, San Diego, CA. 92127
3. **PHONE NUMBER:** (858) 673-0202
4. **LEAD AGENCY:** City of Oceanside, 300 N. Coast Hwy., 92054
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** El Camino Executive Center
7. **DESCRIPTION:** The project consists of two entitlement components, the Development Plan (D-23-06) and Variance (V-1-07), for the development of a two-story 32,616 square foot commercial office building, with one level of parking below the first story. A total of 71 parking spaces (both surface parking and the below-building parking) will accommodate the building. The proposed development will be clustered entirely in the southern corner of the site in order to avoid impacts to the native habitat on the property. Approximately three quarters of the site will be preserved as open space in association with the proposed project.

CITY PLANNER DETERMINATION: This project has been evaluated by the City Planner of the City of Oceanside in accordance with the Section 21080(c) of the California Environmental Quality Act (CEQA). On August 9, 2007, the City Planner determined that this project will not have a potentially significant adverse effect on the environment and issued a Mitigated Negative Declaration (MND). The basis for the City Planner's determination is the Initial Study prepared pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Copies may be reviewed or obtained from the Planning Division in City Hall located at 300 N. Coast Hwy. South Building. All public comments on the negative declaration must be provided in writing to the Planning Division on or before the "Posting Removal Date" cited above.


Jerry Hittleman, Acting City Planner

cc: County Clerk
Project file (project manager)
CEQA file
Project Applicant
Posting: Civic Center; Public Library;

**Notice of Completion
Environmental Document Transmittal Form**

SCH No.: _____

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 (916) 445-0613

- 1. PROJECT TITLE:** El Camino Executive Center
2. Lead Agency: City of Oceanside
3a. Address: 300 N. Coast Hwy.
3c. County: San Diego
3. Contact: Scott Nightingale, Planner II
3b. City: Oceanside, CA
3d. Zip Code: 92054
3e. Phone: (760) 435-3519

PROJECT LOCATION:

- 4. County:** San Diego
4a. City/community: Oceanside/Mira Costa
4b. Assessor's Parcel No.: 165-430-23
4c. Section/Township/Range:
5a. Cross Streets: EL Camino Real & Via Blanca
6. Within 2 miles of: **a. State highway #:** 5 Freeway
b. Airport: Oceanside Airport
c. Railways
d. Waterways: Loma Alta Creek

7. DOCUMENT TYPE:

- CEQA**
- | | |
|---|--|
| a. <input type="checkbox"/> Notice of Preparation | e. <input type="checkbox"/> Sup./Sub. EIR (Prior SCH No.): |
| b. <input type="checkbox"/> Early Consultation | f. <input type="checkbox"/> Notice of Exemption |
| c. <input checked="" type="checkbox"/> Negative Declaration | g. <input type="checkbox"/> Notice of Completion |
| d. <input type="checkbox"/> Draft EIR | h. <input type="checkbox"/> Notice of Determination |

NEPA

- | | |
|--|--|
| i. <input type="checkbox"/> NOI | m. <input type="checkbox"/> Joint Document |
| j. <input type="checkbox"/> FONSI (Finding of No Significant Impact) | n. <input type="checkbox"/> Final Document |
| k. <input type="checkbox"/> Draft EIS (Environmental Impact Statement) | o. <input type="checkbox"/> Other: |
| l. <input type="checkbox"/> EA (Environmental Assessment) | |

8. LOCAL ACTION:

- | | | |
|--|--|---|
| a. <input type="checkbox"/> General Plan Update | f. <input type="checkbox"/> PUD | k. <input type="checkbox"/> Land Division (tract/tentative map) |
| b. <input type="checkbox"/> General Plan Amend | g. <input checked="" type="checkbox"/> Site Plan | l. <input type="checkbox"/> Annexation |
| c. <input type="checkbox"/> General Plan Element | h. <input type="checkbox"/> Rezone | m. <input type="checkbox"/> Redevelopment |
| d. <input type="checkbox"/> Specific Plan | i. <input type="checkbox"/> Prezone | n. <input type="checkbox"/> Coastal Permit |
| e. <input type="checkbox"/> Master Plan | j. <input type="checkbox"/> Use Permit | o. <input type="checkbox"/> Other: |

9. DEVELOPMENT TYPE:

- | | | | |
|--|---|--|--|
| <input type="checkbox"/> Residential | <input type="checkbox"/> Water Facilities | <input type="checkbox"/> Hazardous Waste | <input type="checkbox"/> Waste Treatment |
| <input checked="" type="checkbox"/> Office | <input type="checkbox"/> Transportation | <input type="checkbox"/> Recreational | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Mining | <input type="checkbox"/> Other | <input type="checkbox"/> Power |
| <input type="checkbox"/> Educational | | | |

10. Total acres: 3.5

11. Total jobs created: 100 (+)

12. ISSUES DISCUSSED:

- | | | | |
|--|--|--|--|
| <input type="checkbox"/> Aesthetic | <input type="checkbox"/> Forest/fire | <input checked="" type="checkbox"/> Sewer capacity | <input type="checkbox"/> Floodplain |
| <input checked="" type="checkbox"/> Agricultural | <input type="checkbox"/> Geo/seismic | <input checked="" type="checkbox"/> Soils/grading | <input type="checkbox"/> Septic systems |
| <input checked="" type="checkbox"/> Air Quality | <input checked="" type="checkbox"/> Minerals | <input type="checkbox"/> Solid waste | <input type="checkbox"/> Growth Inducing |
| <input type="checkbox"/> Archeo/History | <input checked="" type="checkbox"/> Noise | <input type="checkbox"/> Toxic/hazardous | <input type="checkbox"/> Land use |
| <input type="checkbox"/> Coastal zone | <input checked="" type="checkbox"/> Population | <input checked="" type="checkbox"/> Traffic | <input type="checkbox"/> Cumulative |
| <input checked="" type="checkbox"/> Drainage | <input type="checkbox"/> Public facilities | <input type="checkbox"/> Vegetation | <input type="checkbox"/> Other |
| <input type="checkbox"/> Economic/jobs | <input type="checkbox"/> Parks/recreation | <input type="checkbox"/> Water resources | |
| <input type="checkbox"/> Fiscal | <input type="checkbox"/> Schools/University | <input type="checkbox"/> Wildlife | |

13. Funding (approx.) Federal \$: 0 State\$: 0 Total \$: 0

14. PRESENT LAND USE & ZONING: Commercial Professional (CP)

15. PROJECT DESCRIPTION: The project consists of two entitlement components, the Development Plan (D-23-06) and Variance (V-1-07), for the development of a two-story 32,616 square foot commercial office building, with one level of parking below the first story. A total of 71 parking spaces (both surface parking and the below-building parking) will accommodate the building. The proposed development will be clustered entirely in the southern corner of the site in order to avoid impacts to the native habitat on the property. Approximately three quarters of the site will be preserved as open space in association with the proposed project.

There is no land use change or General Plan Amendment proposed with the project. The project is in compliance with the development standards contained in the City of Oceanside Zoning Code and is

consistent with the commercial designation in the City's General Plan Land Use Element, except for the variance request to allow one 12-foot by 35-foot loading space rather than the required 2 spaces for buildings over 20,000 square feet.

The building will be sited approximately ten feet below El Camino Real and ten to sixteen feet above the surrounding open space. The grade differential between the building and the street will be taken care of by the face of the building and a small bank. The grade differential between the parking lot and the surrounding open space will be taken care of with a plant-able, grid-block style wall. Landscaping of the project has been designed to meet City planning standards and fire department regulations and will avoid the use of invasive species. Staging of all materials and equipment will occur only on the disturbed portion of the lot or with the permission of SDG&E on the SDG&E access easements. Construction of the project would take approximately 8 months to complete and is tentatively scheduled to begin January 2008.

Reviewing Agencies/Distribution:

- | | |
|--|--|
| <ul style="list-style-type: none"> <input type="checkbox"/> Resources Agency <input type="checkbox"/> Boating & Waterways <input type="checkbox"/> Coastal Commission <input type="checkbox"/> Coastal Conservancy <input type="checkbox"/> Colorado River Board <input type="checkbox"/> Conservation <input checked="" type="checkbox"/> Fish & Game <input type="checkbox"/> Forestry & Fire Protection <input type="checkbox"/> Office of Historic Preservation <input type="checkbox"/> Parks & Recreation <input type="checkbox"/> Reclamation Board <input type="checkbox"/> S.F. Bay Conservation & Dev. Commission <input type="checkbox"/> Water Resources (DWR) Business, Transportation & Housing <input type="checkbox"/> Aeronautics <input type="checkbox"/> California Highway Patrol <input type="checkbox"/> CALTRANS District # _____ <input type="checkbox"/> Department of Transportation Planning (HQs) <input type="checkbox"/> Housing & Community Development <input type="checkbox"/> Food & Agriculture Health & Welfare <input type="checkbox"/> Health Services | <ul style="list-style-type: none"> State & Consumer Services <input type="checkbox"/> General Service <input type="checkbox"/> OLA (Schools) Environmental Protection Agency <input type="checkbox"/> Air Resources Board <input type="checkbox"/> California Waste Management Board <input type="checkbox"/> SWRCB: Clean Water Grants <input type="checkbox"/> SWRCB: Delta Unit <input checked="" type="checkbox"/> SWRCB: Water Quality <input type="checkbox"/> SWRCB: Water Rights <input checked="" type="checkbox"/> Regional WQCB # _____ Youth & Adult Corrections <input type="checkbox"/> Corrections Independent Commissions & Offices <input type="checkbox"/> Energy Commission <input type="checkbox"/> Native American Heritage Commission <input type="checkbox"/> Public Utilities Commission <input type="checkbox"/> Santa Monica Mountains Conservancy <input type="checkbox"/> State Lands Commission <input type="checkbox"/> Tahoe Regional Planning Agency <input type="checkbox"/> Other _____ |
|--|--|

Public Review Period (to be filled in by lead agency)

Starting Date _____

Ending Date _____

Signature _____

Date _____

Lead Agency (Complete if applicable):

Consulting Firm: Foothill Associates
Address: 10509 Vista Sorrento Parkwy, Ste. 120
City/State/Zip San Diego, CA. 92121
Contact: Mike Howard
Phone: (858) 552-8885

Applicant: Mr. Jeff Hawkes

(Hawkes Holdings, LLC)

Address: 16935 West Bernardo Dr. Suite 112
City/State/Zip: San Diego, CA. 92127
Phone: (858) 673-0202
Signature (optional) _____

For SCH Use Only:

Date Received at SCH _____

Date Review Starts _____

Date to Agencies _____

Date to SCH _____

Clearance Date _____

Notes:

Revised October 1989



NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION City of Oceanside

Subject: Development Plan (D-23-06) and Variance Request (V-1-07), El Camino Executive Center for the construction of an approximate 32,616 square foot two story commercial office on a 3.5 acre site, located east of El Camino Real and North of Tevino Avenue. APN: (165-430-23)

NOTICE IS HEREBY GIVEN that the City of Oceanside has prepared and intends to adopt a Negative Declaration in connection with the subject project. The Negative Declaration identifies potential effects with respect to <list areas of potential impact>. The Negative Declaration also includes proposed mitigation measures that will ensure that the proposed project will not result in any significant, adverse effects on the environment. The City's decision to prepare a Negative Declaration should not be construed as a recommendation of either approval or denial of this project.

PROJECT DESCRIPTION: The project consists of two entitlement components, the Development Plan (D-23-06) and Variance (V-1-07), for the development of a two-story 32,616 square foot commercial office building, with one level of parking below the first story. A total of 71 parking spaces (both surface parking and the below-building parking) will accommodate the building. The proposed development will be clustered entirely in the southern corner of the site in order to avoid impacts to the native habitat on the property. Approximately three quarters of the site will be preserved as open space in association with the proposed project.

PUBLIC REVIEW PERIOD: the public review period is from August 9, 2007 to September 8, 2007.

PROJECT MANAGER: Scott Nightingale, Planner II, Phone: (760) 435-3520, E-mail: Snightingale@ci.oceanside.ca.us, Fax Number: (760) 754-2958; mailing address: Planning Division, 300 N. Coast Hwy., Oceanside, CA 92054.

NOTICE IS FURTHER GIVEN that the City invites members of the general public to review and comment on this environmental documentation. Written comments may be mailed, e-mailed, or faxed to the project manager. Copies of the Negative Declaration and supporting documents are available for public review and inspection at the Planning Division located in City Hall at, 300 N. Coast Hwy., Oceanside, CA 92054. The City's Planning Commission and City Council will conduct public hearings at future dates to be determined. You will receive a separate public notice for those hearings. If you challenge this project in court, you may be limited to raising only those issues you or someone else raised during the public review period on the proposed Mitigated Negative Declaration (MND) or at the future public hearings.


By order of Jerry Hittleman, City Planner



INITIAL STUDY

city of oceanside california

1. **PROJECT:** El Camino Executive Center (D-23-06) (V-1-07)
2. **LEAD AGENCY:** City of Oceanside
3. **CONTACT PERSON & PHONE:** Scott Nightingale, (760) 435-3520
4. **PROJECT LOCATION:** Vacant 3.5-acre parcel (APN 165-430-23-00) located on the east side of El Camino Real and north of Via Los Rosas in Oceanside, California
5. **APPLICANT:** Hawkes O-Side I, LLC; Jeff Hawkes; 16935 West Bernardo Dr. Suite 112 San Diego, CA 92127; (858) 673-0202
6. **GENERAL PLAN DESIGNATION:** Professional Commercial (PC)
7. **ZONING:** Commercial Professional (CP)
8. **PROJECT DESCRIPTION:** The project consists of two entitlement components, the Development Plan (D-23-06) and Variance (V-1-07), for the development of a two-story 32,616 square foot commercial office building, with one level of parking below the first story. A total of 71 parking spaces (both surface parking and the below-building parking) will accommodate the building. The proposed development will be clustered entirely in the southern corner of the site in order to avoid impacts to the native habitat on the property. Approximately three quarters of the site will be preserved as open space in association with the proposed project.

There is no land use change or General Plan Amendment proposed with the project. The project is in compliance with the development standards contained in the City of Oceanside Zoning Code and is consistent with the commercial designation in the City's General Plan Land Use Element, except for the variance request to allow one 12-foot by 35-foot loading space rather than the required 2 spaces for buildings over 20,000 square feet.

The building will be sited approximately ten feet below El Camino Real and ten to sixteen feet above the surrounding open space. The grade differential between the building and the street will be taken care of by the face of the building and a small bank. The grade differential between the parking lot and the surrounding open space will be taken care of with a plant-able, grid-block style wall. Landscaping of the project has been designed to meet City planning standards and fire department regulations and will avoid the use of invasive species. Staging of all materials and equipment will occur only on the disturbed portion of the lot or with the permission of SDG&E on the SDG&E access easements. Construction of the project would take approximately 8 months to complete and is tentatively scheduled to begin January 2008.
9. **SURROUNDING LAND USE(S) & PROJECT SETTING:** The approximate 3.5-acre site is comprised of a single undeveloped parcel bounded on the east by residential development, on the west by a major roadway, on the south by medical office buildings, and on the north by an undeveloped city-owned parcel. The site slopes gradually west to east, with an elevation difference of approximately 60 feet.

10. OTHER REQUIRED AGENCY APPROVALS: ACOE Nationwide Permit, RWQCB Water Quality Certification, DFG Streambed Alteration Agreement, and USFWS Biological Opinion. Applications for these approvals submitted.

11. PREVIOUS ENVIRONMENTAL DOCUMENTATION: None.

12. CONSULTATION:

United States Fish & Wildlife Service (USFWS) – Met onsite with USFWS staff (Marci Koski) on April 5, 2007

California Department of Fish & Game (DFG) – Met onsite with DFG staff (Warren Wong) on April 5, 2007

13. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: A summary of the environmental factors potentially affected by this project with a Potentially Significant Impact Unless Mitigated include:

- | | | |
|--|--|--|
| <input type="checkbox"/> Aesthetics | <input type="checkbox"/> Agricultural | <input type="checkbox"/> Air Quality |
| <input checked="" type="checkbox"/> Biological Resources | <input checked="" type="checkbox"/> Cultural Resources | <input checked="" type="checkbox"/> Geological |
| <input checked="" type="checkbox"/> Hazards | <input checked="" type="checkbox"/> Water Quality | <input type="checkbox"/> Land Use & Planning |
| <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Noise | <input type="checkbox"/> Population & Housing |
| <input type="checkbox"/> Public Services | <input type="checkbox"/> Recreation | <input type="checkbox"/> Transportation |
| <input type="checkbox"/> Utilities Systems | | |

14. ENVIRONMENTAL CHECKLIST

This section analyzes the potential environmental impacts which may result from the proposed project. For the evaluation of potential impacts, the questions in the Initial Study Checklist (Section 2) are stated and answers are provided according to the analysis undertaken as part of the Initial Study. The analysis considers the project's short-term impacts (construction-related), and its operational or day-to-day impacts. For each question, there are four possible responses. They include:

- No Impact.** Future development arising from the project's implementation will not have any measurable environmental impact on the environment and no additional analysis is required.
- Less Than Significant Impact.** The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.
- Potentially Significant Unless Mitigated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
- Potentially Significant Impact.** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

| | | | | |
|--|-------------------------|-------------------------------------|-----------------------|-----------|
| | Potentially Significant | Potentially Significant Unless Mit. | Less than Significant | No Impact |
|--|-------------------------|-------------------------------------|-----------------------|-----------|

| | Potentially Significant | Potentially Significant Unless Mit. | Less than Significant | No Impact |
|--|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.1 AESTHETICS. Would the project: | | | | |
| a. Have a substantial adverse effect on a scenic vista? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially damage scenic resources, including, but not limited to trees, rock outcroppings, and historic building along a State-designated scenic highway? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Substantially degrade the existing visual character or quality of the site and its surroundings? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Have a substantial adverse effect on a scenic vista? Less than Significant.* The site is not considered to be a scenic vista or interfere with a the view of a surrounding scenic vista. Short-term construction-related aesthetic impacts would consist primarily of grading activities, the presence of construction equipment, and temporary flagging and markers on the property. No valuable aesthetic resources would be destroyed as a result of construction-related activities. These short-term impacts are temporary and would cease upon project completion.

Physical design attributes of the project will minimize aesthetic impacts. The incorporation of landscape screening would substantially minimize visual impacts to surrounding areas. Landscape screening includes, but is not limited to, trees and natural vegetation. Additionally, the scale of the proposed building, the building materials, and the style are consistent with surrounding development. The proposed project design features and landscape screening would result in the project having no significant aesthetic impacts. Additionally, see the discussion in 14.1 c.

- b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No Impact.* No scenic resources, including trees, rock outcroppings or historic buildings are situated on-site. In addition, the project site is not situated within a state scenic highway.
- c) *Substantially degrade the existing visual character or quality of the site and its surroundings? Less than Significant.* The visual impact of a project on the existing visual character or quality of the site and its surroundings is based on viewer perception and is by nature subjective. The potential impact of a project on visual character or quality depends on the potentially affected viewers, the distance away from the project, frequency and duration of view, and the surrounding context. The proposed project is considered to be consistent in style, size, and building materials to surrounding commercial and office developments on El Camino Real. Additionally, the project has incorporated landscape features consistent with City of Oceanside guidelines, which provides for screening and blending of the proposed project into the landscape. Therefore, the visual impact of the project as perceived from El Camino Real is considered to be less than significant.

Due to slope constraints on the property and the requirement for fire protection, the project proposes a wall along the eastern edge of the development area that varies in height between 10 and 15 feet above existing grade. In order to assess the potential of this project feature to cause a visual impact on the site and its surroundings, a story pole visual assessment was conducted on the property (Hawkes Holdings 2007). The assessment erected temporary story poles at the location and height of the proposed wall on the property and evaluated the potential visual impact on the viewscape. The proposed wall along the eastern

edge of the development would only be viewable from properties to the northeast, east, and southeast. Due to the presence of existing tall, mature eucalyptus along the eastern property line, view of the project site and proposed project is substantially screened. Additionally, the site slopes up significantly from east to west, which blocks the view of the top of the property from the nearest adjacent properties in the east. Furthermore, the base of the proposed wall would not be viewable by any viewers due to the preservation of the existing vegetation on the eastern portion of the site, which consists of a coastal sage scrub community with plant species 3 to 4 feet high. The proposed wall also incorporates plantable cells that would provide landscaped screening of the wall to offset visual effects.

The visual assessment evaluated the view of the proposed wall from numerous locations east of the property. From Trevino Avenue (approximately 200 feet away from the development), the top 5 to 8 feet of the northern end of the wall would be viewable from several houses. The remainder of the wall and the view from the remainder of the homes on Trevino Avenue would be blocked by the existing eucalyptus trees and existing slope. From Palmer Drive (approximately 300 to 400 feet away from the development), the proposed development would be somewhat screened from public view at street level. At the intersection of Palmer Drive and Skyline Drive (approximately 1,000 feet away from the development), the development would be viewable in the distance; however there are no homes in this area. From Valley Road (approximately 1,200 to 1,600 feet away from the development), the wall would be viewable from several houses across the valley and golf course. The development as viewed from Valley Road is partially blocked by numerous trees and is at a substantial distance away.

The visual assessment revealed that the proposed wall would be viewable by surrounding properties; however nearest the properties would have no view or a limited view of the development. Properties farther away would be capable of viewing the wall, but at greater distance and partially screened by existing trees, structures, and/or landscape features. The blocking of the lower wall by existing onsite vegetation and proposed plantable wall further screen the proposed wall. Based on this evaluation, the proposed project is considered to result in a less than significant impact on the existing visual character and quality of the site and the surroundings.

- d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* **No Impact.** The proposed project would create no new significant source of lighting. All lighting would use shielded luminaries with glare control to prevent light spillover onto adjacent areas. The project would have no impact.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.2 AGRICULTURAL RESOURCES. Would the project: | | | | |
| a. Convert Prime Farmland, Unique Farmland, Farmland of Statewide Importance as depicted on maps prepared pursuant to the Farmland Mapping and Monitoring Program of the CA. Resources Agency? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with existing zoning for agricultural use, or a Williamson Act Contract? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? **No Impact.*** Designated land uses within the project area do not include agricultural uses and project implementation would not result in conversion of existing farmland to non-agricultural uses. Therefore, the project does not affect an agricultural resource area and thus does not impact designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.
- b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract? **No Impact.*** The proposed project is located in an area zoned for commercial uses; agricultural designations do not occur within the project area and no Williamson Act contracts apply. Therefore, implementation of the project would not result in any conflicts with existing zoning for agricultural use or a Williamson Act Contract. No impacts are anticipated in this regard.
- c) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? **No Impact.*** As previously stated, the proposed project area is not located within an agricultural area. Thus, implementation of this project would not result in changes in the environment, which would result in the conversion of farmland to non-agricultural use. No impacts are anticipated in this regard.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.3 AIR QUALITY. Would the project: | | | | |
| a. Conflict with or obstruct implementation of the applicable air quality plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Violate an air quality standard or contribute to an existing or projected air quality violation? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under the applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Expose sensitive receptors to substantial pollutant concentrations? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Create objectionable odors affecting a substantial number of people? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Conflict with or obstruct implementation of the applicable air quality plan? **No Impact.*** The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego Air Pollution Control Board (SDAPCD). A consistency determination is important in local agency project review by comparing local planning projects to the Regional Air Quality Strategy (RAQS) in several ways. It fulfills the CEQA goal of fully informing local agency decision makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans and significantly unique projects need to go under a consistency review due to the RAQS being based on projections from local General Plans. Therefore, projects that are consistent with the local General Plan and do not create significant air quality impacts are considered consistent with the air quality-related regional plan. Because the proposed Project is consistent with the goals of the City of Oceanside General Plan, and would not produce long-term significant quantities of criteria pollutants or violate ambient air quality standards, the proposed Project is considered to be consistent with the RAQS and a more detailed consistency analysis is not warranted.

- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation? Less than Significant Impact.* The SCAQMD CEQA Air Quality Handbook contains screening tables to provide guidance to local governments regarding the various types/amounts of land uses which may exceed state or federal air quality standards and would, therefore, result in potentially significant air quality impacts. Two different screening significance thresholds are provided and include: 1) construction thresholds; and 2) operation thresholds. The construction and operations significance thresholds, as applicable to the proposed project, are discussed below.

CONSTRUCTION EMISSIONS

Short-term minor impacts associated with the construction phase may result in local nuisances associated with increased dust/particulate levels. Construction activities would result in criteria pollutant emissions from stationary and mobile equipment, including material delivery trucks and worker vehicles to and from the project site. This would be a temporary construction impact, which would exist on a short-term basis during construction and would cease upon completion of construction. Adherence to standard dust control procedures would reduce potential construction-related air quality impacts to less than significant levels. Temporary construction related air quality impacts would include:

- ❖ Particulate (fugitive dust and PM₁₀) emissions from clearing and grading activities on-site;
- ❖ Off-site air pollutant emissions at the power plant(s) serving the site, while temporary power lines are needed to operate construction equipment and provide lighting;
- ❖ Exhaust emissions and potential odors from the construction equipment used on-site as well as the vehicles used to transport materials to and from the site; and
- ❖ Exhaust emissions from the motor vehicles of the construction crew.

Construction emissions (PM₁₀, ROG, and NO_x) are estimated for the following types of emissions:

- ❖ Site grading equipment exhaust and fugitive dust;
- ❖ Demolition;
- ❖ Asphalt paving;
- ❖ Stationary equipment; and
- ❖ Mobile equipment

Table 14.1 provides the SDAPCD construction emission thresholds that would apply.

Table 14.1 SDAPCD Construction Emission Thresholds

| Pollutant | Construction Emissions Threshold | |
|----------------------------|----------------------------------|------------|
| | Quarterly | Daily |
| Reactive Organic Compounds | 2.5 tons | 75 pounds |
| Nitrogen Oxides | 2.5 tons | 100 pounds |
| Carbon Monoxide | 24.75 tons | 550 pounds |
| Fine Particulate Matter | 6.75 tons | 150 pounds |

Table 14.2 Daily Construction Emissions

| Pollutant | Total Project Emissions | SCAQMD Thresholds (lbs/day) | Threshold Exceeded? Yes/No |
|---|-------------------------|-----------------------------|----------------------------|
| Carbon Monoxide (CO) | 65.25 | 550 | No |
| Reactive Organic Gases (ROG) | 78.45 ¹ | 75 | No ¹ |
| Nitrogen Oxides (NO _x) | 65.81 | 100 | No |
| Fine Particulate Matter (PM ₁₀) | 14.93 | 150 | No |

- ❖ Emissions calculated using the URBEMIS2002 Computer Model as recommended by the SDAPCD.
- ❖ Calculations include emissions from numerous sources including: site grading, construction worker trips, stationary equipment, diesel mobile equipment, truck trips, and asphalt off gassing.
- ¹ The bulk of this modeled emission is generated from architectural off-gassing. Removal of this factor in the model reduces this emission to well below the threshold. The SDAPCD Rule 67.0 (revision effective 1/1/2003) requires 150g/l for non-flat coatings and 100 g/l for flat. Adhering to this rule, which is standard practice by all contractors, would ensure the project is well under the threshold.

Due to the limited scale of construction (less than 1.5 acres total) required for the proposed project, and the limited construction period (less than a year) construction related emissions would not be expected to exceed SDAPCD threshold criteria for significant air quality impacts. The project would not violate State or Federal air quality standards or contribute to an existing air quality violation in the air basin as only minor amounts of earth movement over a short period is proposed. However, in order to further reduce construction equipment operational emissions, all vehicles and construction equipment would be required to be equipped with state-mandated emission control devices. Therefore, project implementation would not result in locally elevated levels of regulated air emissions in close proximity to sensitive receptors.

LONG-TERM OPERATIONAL EMISSIONS

Long-term air quality impacts consist of mobile source emissions generated from project-related traffic and stationary source emissions (generated directly from on-site activities and from the electricity and natural gas consumed). Following construction, the proposed project would not generate any stationary emissions but would result in emissions from vehicle trips. Based on the URBEMIS model run for the project's operational phase, emissions are nearly negligible and would not exceed thresholds. Due to the nature of the project (32,616 sq. ft. commercial office non-medical), project-generated emissions from both construction activities and operations would not result in significant air quality impacts on a local or regional basis since State or Federal air quality thresholds or standards would not be exceeded.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* **No Impact.** Refer to Responses 14.3 a and b.
- d) *Expose sensitive receptors to substantial pollutant concentrations?* **No Impact.** Sensitive populations (i.e., children, senior citizens and acutely or chronically ill people) are more susceptible to the effects of air pollution than are the general population. Land uses considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. There are residential land uses in proximity to the project site. Although construction and operation

of the project would increase vehicle trips on area roadways and result in associated air pollutants, these increases would not significantly contribute to pollution levels.

- e) *Create objectionable odors affecting a substantial number of people?* **No Impact.** The proposed project would not create objectionable odors affecting a substantial number of people.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.4 BIOLOGICAL RESOURCES. Would the project: | | | | |
| a. Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS?* **Potentially Significant Unless Mitigated.** The proposed project would permanently impact a total of approximately 0.78 acres of coastal sage scrub that is considered habitat for the federally threatened coastal California gnatcatcher (*Polioptila californica*). Additionally, 0.04 acres of temporary impacts to coastal sage scrub habitat would result from utility infrastructure improvements (Foothill Associates 2007). Implementation of the following mitigation measures would reduce impacts to special status species habitat to less than significant levels.

Mitigation Measure:

- BIO 1. Prior to the issuance of building permits, the proposed project shall permanently preserve 1.91 acres of coastal sage scrub habitat in a 2.43-acre onsite habitat preserve. The onsite habitat preserve shall be permanently protected from future development through the establishment of a perpetual conservation easement or other legal mechanism. Additionally, the 0.04 acres of temporary impacts within the onsite preserve shall be restored to coastal sage scrub habitat. Additionally, the proposed project shall restore approximately 0.11 acres of ruderal and dirt road

areas within the preserve to coastal sage scrub. See the Biological Resources Assessment Letter Report (Foothill Associates 2007).

BIO 2. A conceptual restoration plan and 5-year monitoring plan shall be submitted to and approved by the City and the Wildlife Agencies prior to the issuance of grading permits.

BIO 3. A non-profit biological management organization or other mechanism for long-term maintenance of the preserved open space shall be approved and implemented prior to the issuance of the certification of occupancy for the project.

- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service? **Potentially Significant Unless Mitigated.*** According to the Biological Resources Assessment Letter Report (Foothill Associates 2007), the site does contain U.S. Army Corps of Engineers (Corps) and California Department of Fish and Game (CDFG) jurisdictional areas. Approximately 0.03 acres of non-wetland waters of the U.S. considered jurisdictional under the Clean Water Act occur on the property. Approximately 0.08 acres of southern willow scrub and unvegetated streambed considered jurisdictional under the California Fish and Game Code occur on the property. The proposed project would impact approximately 0.02 acres of non-wetland waters of the U.S./unvegetated streambed. The CDFG jurisdictional southern willow scrub will be avoided completely. Implementation of the following mitigation measures would reduce impacts to jurisdictional habitat to less than significant levels.

Mitigation Measure:

BIO 4. Mitigation for the impacts to Corps/CDFG jurisdictional areas includes 0.01 acres of streambed preservation and enhancement (exotic removal and streambed stabilization through velocity reduction), 0.05 acres of southern willow scrub preservation, and 2.37 acres of upland buffer preservation. Exotic removal shall be implemented prior to the issuance of a certificate of occupancy for the project. Monitoring of the streambed enhancement area shall be conducted annually in association with site maintenance, as required in BIO 3 above.

BIO 5. All agency permits required shall be obtained prior to the issuance of grading permits for the project.

- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **No Impact.*** No wetlands, as defined by Section 404 of the Clean Water Act, exist or have been identified on-site or immediately adjoining the site. Thus, the project would not result in impacts to wetlands. See discussion in 14.4 b above related to other jurisdictional areas identified on the site.
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **Less than Significant Impact.*** The project site occurs within an area designated as the wildlife corridor planning zone. Areas of natural habitat within this zone are known to be used by special status bird species to move between patches of larger habitat. The City of Oceanside has established planning guidelines for this zone to ensure the preservation of corridor habitat. The proposed project has been developed consistent with these planning guidelines; therefore, impacts to the wildlife corridor are considered less than significant. The proposed project would preserve 1.91 acres of coastal sage scrub and restore 0.11 acres of coastal sage scrub for a total of 2.02 acres of coastal sage scrub habitat on the site, which equates to 75% of coastal sage scrub maintained on the property in perpetuity.

- e. *Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance? **No Impact.*** The project is being developed consistent with City guidelines protecting biological resources (see 14.4 a-c above). Therefore, the proposed project would not impact or conflict with local policies or ordinances.
- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **No Impact.*** The project area is situated in the Multiple Habitat Conservation Plan (MHCP) subregion and within the City of Oceanside's Subarea Plan area. Although the City's Subarea Plan has not yet been approved, the City uses the plan as planning guidelines. The proposed project has been developed consistent with the planning guidelines of the Subarea Plan (see 14.4 a-c above); therefore, the proposed project would have no impact on regional habitat conservation plans.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.5 CULTURAL RESOURCES. Would the project: | | | | |
| a. Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5 of CEQA? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5 of CEQA? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| d. Disturb any human remains, including those interred outside of formal cemeteries? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5 of CEQA? **Potentially Significant Unless Mitigated.*** According to a records and literature search at the South Coastal Information Center (SCIC) located in San Diego, California, no cultural resources have been documented within the project site (ASM Affiliates 2007). Based on the record search, 49 cultural resources surveys have been conducted within a mile of the site, including one survey that covered a portion of the property. The previous survey of the site did not identify any archaeological resources on the project site. A field survey of the entire project site has not been conducted. In order to reduce potential impacts to historical resources below a level of significance, the following mitigation measures would be implemented.

CULT 1. A qualified archaeologist and a Native American monitor shall be present full-time during grading/excavation of native soils to conduct construction monitoring. Archeological construction monitoring reports shall be submitted to the City monthly and at the completion of monitoring to document compliance with this measure. In the event of discovery, ground disturbance activities shall be halted or diverted away from the area of discovery to allow for preliminary evaluation of any potentially significant archaeological or Native American resources. If a discovery is deemed significant, a research design and data recovery program shall be prepared, approved by the City, and carried out to mitigate impacts before ground disturbance activities in the area of the discovery will be allowed to resume.

- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to ' 15064.5 of CEQA? **Potentially Significant Unless Mitigated.*** Refer to Response to 14.5 a above. Mitigation Measure Cult 1 would be implemented to mitigate this potential impact below a level of significance.

- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **Potentially Significant Unless Mitigated.*** Although significant paleontological resources are not anticipated on the project site, the property is predominantly undisturbed and sub-surface paleontological resources may occur. In order to reduce potential impacts to paleontological resources below a level of significance, the following mitigation measures would be implemented.

CULT 2. A qualified paleontologist shall be present full-time during initial cutting of previously undisturbed formations. Paleontological construction monitoring reports shall be submitted to the City monthly and at the completion of monitoring to document compliance with this measure. In the event of discovery, ground disturbance activities shall be halted or diverted away from the area of discovery to allow for preliminary evaluation of any potentially significant paleontological resources. If a discovery is deemed significant, the discovery shall be prepared to a point of curation and accepted by a qualified curation facility. Any significant site shall also be recorded with the San Diego Natural History Museum.

- d. *Disturb any human remains, including those interred outside of formal cemeteries? **No Impact.*** There are no known grave sites within the project limits. Therefore, the disturbance of human remains is not anticipated. However, in the unlikely event that human remains are encountered, State Health and Safety Code Section 7050.5 states that no further disturbance shall occur until the County Coroner has made a determination of origin and disposition pursuant to Public Resources Code Section 5097.98. The County Coroner must be notified of any human remains find immediately. If the remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC) which will determine and notify a Most Likely Descendant (MLD). With the permission of the landowner or his/her authorized representative, the MLD may inspect the site of the discovery, and shall complete the inspection within 24 of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.6 GEOLOGY AND SOILS. Would the project: | | | | |
| a. Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving (i.) rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist, or based on other substantial evidence of a known fault (Refer to DM&G Pub. 42)?; or, (ii) strong seismic ground shaking?; or, (iii) seismic-related ground failure, including liquefaction?; or, (iv) landslides? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Result in substantial soil erosion or the loss of topsoil? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| c. Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on-site or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| d. Be located on expansive soil, as defined in Table 18- 1-B of the 1994 UBC, creating substantial risks to life or property? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| e. Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:*

- 1) *Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. **Less Than Significant Impact.*** The project site is located within the seismically active southern California region and would likely be subjected to groundshaking, thus exposing proposed water transmission and storage facilities to seismic hazards. No known active seismic faults traverse the City of Oceanside (Ninyo & Moore 2006). Impacts are not anticipated to be significant.
- 2) *Strong seismic ground shaking? **Less Than Significant Impact.*** Southern California is a seismically active region likely to experience, on average, one earthquake of Magnitude 7.0, and ten (10) earthquakes of Magnitude 6.0 over a period of 10 years. Active faults are those faults that are considered likely to undergo renewed movement within a period of concern to humans. These include faults that are currently slipping, those that display earthquake activity, and those that have historical surface rupture. The California Geological Survey (CGS) defines active faults as those which have had surface displacement within Holocene times (about the last 11,000 years). Such displacement can be recognized by the existence of sharp cliffs in young alluvium, un-weathered terraces, and offset modern stream courses. Potentially active faults are those believed to have generated earthquakes during the Quaternary period, but prior to Holocene times.

There are several active and potentially active fault zones that could affect the project site. The faults within these zones include the Newport-Inglewood, Whittier, San Andreas, San Jacinto, Malibu-Coast-Raymond, Palos Verdes, San Gabriel, and Sierra Madre-Santa Susana-Cucamonga faults. The proposed project would be required to be in conformance with the Uniform Building Code (UBC), the City's Seismic Hazard Mitigation Ordinance, and other applicable standards. Conformance with standard engineering practices and design criteria would reduce the effects of seismic groundshaking to less than significant levels.

- 3) *Seismic-related ground failure, including liquefaction? **Less Than Significant Impact.*** Liquefaction is the loss of strength of cohesionless soils when the pore water pressure in the soil becomes equal to the confining pressure. Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong groundshaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of groundshaking. According to the *City of Oceanside General Plan*, dated June 2002, the project area is not susceptible to liquefaction hazards. The geotechnical report for the project concludes that the potential for liquefaction on the site to be low (Ninyo & Moore 2007).
 - 4) *Landslides? **Less Than Significant Impact.*** Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. No landslide or indications of landsliding were noted on the site during field investigations (Ninyo & Moore 2007). Additionally, site stabilization and soil compaction requirements required by project geotechnical investigation and design parameters established by the most recent UBC and the City's Seismic Hazard Mitigation Ordinance would reduce any potential impacts to less than significant levels.
- b) *Result in substantial soil erosion or the loss of topsoil? **Potentially Significant Impact Unless Mitigated.*** Grading and trenching during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. The contractor will be required to comply with standard engineering practices for erosion control and a qualified soils engineer will monitor soil

compaction during construction. Implementation of the following mitigation measures would reduce potential soil erosion impacts to less than significant levels.

Mitigation Measures:

- GEO 1. An erosion and sediment control plan shall be prepared and submitted for review and approval prior to issuance of grading permit. The plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site, including but not limited to straw bales, sandbags, soil binders, diversion fences, desilting basins, etc. The Plan shall be prepared in accordance with the City's grading ordinance, the City's water quality ordinance, the latest NPDES Permit and to the satisfaction of the City Water Quality Engineer.
- c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* **Less Than Significant Impact.** No water extractions or similar practices are anticipated to be necessary that are typically associated with project-related subsidence effects. In addition, surface material which would be disrupted/displaced would be balanced and re-compacted on-site during project construction. Adherence to standard engineering practices would result in less than significant impacts related to subsidence of the land. Additionally, the standard earthwork recommendations provided in the Geotechnical Report for the project (Ninyo & Moore 2007) will be followed during project implementation. Refer to Response 14.6 a, above.
- d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?* **Potentially Significant Impact Unless Mitigated.** Based on the geotechnical investigation of the site, the soils on the property are characterized as sandstones, siltstones, and claystones of the Santiago formation (Ninyo & Moore 2007). Due to the expansive potential of the soils onsite, the geotechnical study recommends the use of soils with low to very low expansion be used in structural areas. Further, adherence to standard engineering practices contained within the most recent UBC will reduce any potential impacts to less than significant levels.

Mitigation Measures:

- GEO 2. Soils with low to very low expansion (Expansion index less than 50) shall be placed in structural areas on the site to a depth of 3 feet below the bottom of the foundations or 5 feet below finish grade, whichever is deeper. Where necessary, existing expansive materials should be removed and replaced with low to very low expansive materials. The low expansive material shall extend beyond the structural footprint a distance of 8 feet. Additionally, geotechnical construction monitoring shall be conducted to perform the needed observation and testing services during construction operations.
- e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?* **No Impact.** The proposed project does not include the implementation of septic tanks or alternative wastewater disposal systems.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.7 HAZARDS AND HAZARDOUS MATERIALS. Would the project: | | | | |
| a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| b. Create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Be 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 it create a significant hazard to the public or the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. For a project located 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, would the project result in safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Expose 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? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? **No Impact.*** The proposed project would not involve the routine transport, use, or disposal of hazardous materials, and would not result in such impact.
- b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? **No Impact.*** The proposed project is not anticipated to result in a release of hazardous materials into the environment. However, during the short-term period of project construction, there is the possibility of accidental release of hazardous substances such as spilling of hydraulic fluid or diesel fuel associated with construction equipment maintenance. The level of risk associated with the accidental release of these hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials. The contractor will be required to use standard construction controls and safety procedures which would avoid and minimize the potential for accidental release of such substances into the environment.
- c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? **No Impact.*** No existing or proposed school facilities are located within a one-quarter mile radius of the project site.
- d) *Be 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 it create a significant hazard to the public or the environment? **No Impact.*** Based on a review of the database maintained by the California Department of

Toxic Substances Control, the proposed project site is not included on a list of sites containing hazardous materials, and would not result in a significant hazard to the public or to the environment.

- e) *For a project located 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, would the project result in a safety hazard for people residing or working in the project area? **No Impact.*** The proposed project site is not located within an airport land use plan or within two miles of a public airport and would not result in a safety hazard for people residing or working in the project area.
- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.
- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **No Impact.*** The proposed project would have no impacts on emergency response plans or emergency evacuation plans. No revisions to adopted emergency plans would be required as a result of the proposed project.
- h) *Expose 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? **Potentially Significant Unless Mitigated.*** In order to comply with competing site constraints on the property, the project proposes to deviate from the standard 100-foot-wide, 3-zone fuel modification system typically recommended for projects in the City of Oceanside. The project proposes to maintain Zone 1 fuel modification around the structure. In order to reduce potentially significant impacts associated with wildfire risk, the project would be required to implement the following structural firewall mitigation measure. Based on the Fire Protection Plan prepared for the project (Firewise 2007), the City Fire Department has approved this deviation with the inclusion of the following mitigation measure.

Mitigation Measures:

HAZ 1. In order to compensate for the lack of fire buffer typically provided by Fuel Modification Zones 2 and 3, the proposed project would be required to construct a minimum of a 9-foot-tall non-combustible, contiguous fire wall extending along the entire eastern boundary of the development area that bounds the wildland interface. A minimum of 3.5 feet of the wall shall be above the level of the proposed parking lot.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.8 HYDROLOGY AND WATER QUALITY. Would the project: | | | | |
| a. Violate any water quality standards or waste discharge requirements? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Substantially deplete groundwater supplies or interfere substantially 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)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| c. Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Otherwise substantially degrade water quality? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| j. Inundation by seiche, tsunami, or mudflow? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| k. Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| l. Result in significant alternation of receiving water quality during or following construction? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| m. Could the proposed project result in increased erosion downstream? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| n. Result in increased impervious surfaces and associated increased runoff? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| o. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| p. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| q. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| r. Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| s. Have a potentially significant adverse impact on groundwater quality? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| u. Impact aquatic, wetland, or riparian habitat? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| v. Potentially impact stormwater runoff from construction or post construction? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| w. Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| x. Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| y. Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| z. Create significant increases in erosion of the project site or surrounding areas? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

- a) *Violate any water quality standards or waste discharge requirements? **Potentially Significant Unless Mitigated.*** A Storm Water Management Plan (SWMP) was prepared for the project consistent with the guidelines of the City of Oceanside's Standard Urban Storm Water Mitigation Plan (SUSMP) and in compliance with the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activities (Order No. 2001; NPDES No. CA 0108758; Pioneer 2007). Implementation of the mitigation measures identified below would reduce potential water quality impacts to less than significant levels.

Mitigation Measures:

WQ 1. Refer to Mitigation Measure GEO 1, above.

WQ 2. The Storm Water Management Plan (SWMP) emphasizes structural and non-structural Best Management Practices (BMPs) in compliance with NPDES Program requirements. Specific measures include:

- ❖ A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project that includes construction BMPs, which could include silt fencing, fiber rolls, street sweeping and vacuuming, storm drain inlet protection, desilting basins, gravel bag berms, sandbag barriers, material delivery and storage guidelines, stockpile management, solid waste management, stabilized construction entrance/exit, revegetation of all disturbed undeveloped areas, vehicle and equipment maintenance, erosion control mats, spill prevention and control, concrete waste management, and water conservation practices. Construction BMPs for this project will

be selected, constructed, and maintained in order to comply with all city, regional, and state applicable ordinances.

- ❖ Post construction Site Design BMPs will be required for the project. These include the use of an onsite detention basin and a Storm Pure Filtration System as detailed in the SWMP (Pioneer 2007). Additional site design BMPs include minimizing surface parking area, reducing the development area to approximately 25% of the total property acreage, adequate properly maintained onsite landscaping. These BMPs shall be implemented as specified in the SWMP.
 - ❖ Post construction Source Control BMPs will be required for the project. These include trash storage areas, site usage restrictions, landscape and irrigation design, building and grounds maintenance, and roof runoff controls. These BMPs shall be implemented as specified in the SWMP.
 - ❖ Post construction Treatment Control BMPs will be required for the project. This includes implementation of the Storm Pure Filtration System on the site. This BMP shall be implemented as specified in the SWMP.
 - ❖ Post construction Non-structural BMPs will be required for this project. These include employee training, good housekeeping practices, preventative maintenance practices, self inspection, and spill response planning. These BMPs shall be implemented as specified in the SWMP.
- b) *Substantially deplete groundwater supplies or interfere substantially 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)?* **No Impact**. The project would not have the potential to substantially deplete groundwater supplies or interfere with groundwater recharge. The project would not have the capacity to increase the amount of water consumed regionally through increased withdrawals from groundwater sources. No impacts are anticipated to occur.
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* **No Impact**. The proposed project is considered to result in a beneficial effect to erosion and siltation on- and off- site. The current storm drain outfall structure has resulted in substantial channel downcutting and sedimentation downstream. The project's runoff will be reduced to below pre-construction runoff in the project area. The project would stabilize the drainage and energy dissipaters will be employed to reduce flow velocities. The extreme deep eroded area in the flow path just east of the project will be repaired and stabilized as part of the project. No significant changes in drainage patterns associated with the proposed project are anticipated to occur.
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* **No Impact**. Refer to Response 14.8 c, above.
- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* **No Impact**. Refer to Response 14.8 c, above.
- f) *Otherwise substantially degrade water quality?* **Potentially Significant Unless Mitigated**. Stormwater quality is generally affected by the length of time since the last rainfall, rainfall intensity, urban uses of the area, and the quantity of transported sediment. Typical urban water quality pollutants usually result from motor vehicle operations, oil and grease residues, fertilizer/pesticide uses, and careless material storage

and handling. Majority of pollutant loads are usually washed away during the first flush of the storm occurring after the dry-season period. The primary pollutants of concern for this project are sediments and nutrients. The Storm Water Management Plan for the project has been developed to address this. Implementation of the mitigation measures in 14.8 a. would mitigate this potential impact below a level of significance.

- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **No Impact.*** The proposed project is not a housing project and is not located within a 100-year flood hazard area. Therefore, no flood related impacts would occur.
- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **No Impact.*** The project site is not located within a 100-year flood hazard area. Refer to Response 14.8 c and Response 14.8 d, above, for additional discussion.
- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **No Impact.*** As previously stated, the project does not propose any new housing or building structures within the 100-year flood plain and would not be subject to risk of loss, injury, or death resulting from the failure of a levee or dam.
- j) *Inundation by seiche, tsunami, or mudflow? **No Impact.*** There are no anticipated impacts to the proposed project from seiche, tsunami or mudflow, as no topographical features or water bodies capable of producing such events occur within the project site vicinity.
- k) *Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? **Potentially Significant Unless Mitigated.*** The proposed project site is within the Buena Vista Creek Watershed that ultimately drains to the Buena Vista Lagoon, which is a CWA Section 303 (d) list impaired waters for Nutrients and Sediments. Implementation of the mitigation measures required in 14.8 a would mitigate this potential impact below a level of significance.
- l) *Result in significant alternation of receiving water quality during or following construction? **Potentially Significant Unless Mitigated.*** During construction, erosion control and other measures will be provided on-site to protect water quality. Implementation of the mitigation measures required in 14.8 a would mitigate this potential impact below a level of significance.
- m) *Could the proposed project result in increased erosion downstream? **Potentially Significant Unless Mitigated.*** See discussion in 14.8 a, c, and f above. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.
- n) *Result in increased impervious surfaces and associated increased runoff? **No Impact.*** The increase in impervious surface and associated runoff is below the significance threshold established by the City for determining a significant impact. Although the project would result in small increase in impervious surfaces (less than 1 acre), the Q_{100} will be reduced from 1.3 cfs prior to the project to 0.9 cfs after the project through onsite detention (Pioneer 2007). As a result the project would have no impact on increased runoff resulting from impervious surfaces.
- o) *Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? **No Impact.*** The proposed project would have a beneficial impact on runoff and drainage stability. See discussion in 14.8 c and n.

- p) *Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? **Potentially Significant Unless Mitigated.*** See discussion in 14.8 a, f, and k. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.
- q) *Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? **Potentially Significant Unless Mitigated.*** See discussion in 14.8 a, f, and k. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.
- r) *Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters? **Potentially Significant Unless Mitigated.*** See discussion in 14.8 a, f, and k. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.
- s) *Have a potentially significant adverse impact on groundwater quality? **No Impact.*** The project would not have the potential to impact groundwater quality.
- t) *Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? **Potentially Significant Unless Mitigated.*** The proposed project will not result in any violation of applicable water quality standards established by the Clean Water Act and implemented by the San Diego Regional Water Quality Control Board (RWQCB) through the regional National Pollution Discharge Elimination System (NPDES) permit. See discussion in 14.8 a, f, and k. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.
- u) *Impact aquatic, wetland, or riparian habitat? **Potentially Significant Unless Mitigated.*** See Response to Section 14.4 b and c. Implementation of Mitigation Measure BIO 2 would mitigate this potential impact below a level of significance.
- v) *Potentially impact stormwater runoff from construction or post construction? **No Impact.*** See Measures in 14.8 a.
- w) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? **No Impact.*** See Measures in 14.8 a.
- x) *Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? **No Impact.*** See Measures in 14.8 a.
- y) *Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm? **No Impact.*** See discussion in 14.8 n.
- z) *Create significant increases in erosion of the project site or surrounding areas? **Potentially Significant Unless Mitigated.*** See discussion in 14.8 a, c, and f above. Implementation of the mitigation measures required in 14.8 a. would mitigate this potential impact below a level of significance.

| | | | | |
|--|--------------------------------|-------------------------------------|------------------------------|-----------|
| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-----------|

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.9 LAND USE AND PLANNING. Would the project: | | | | |
| a. Physically divide an established community? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the General Plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Conflict with any applicable habitat conservation plan or natural community conservation plan? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Physically divide an established community? **No Impact.*** The proposed project will not have an impact on the physical arrangement of an established community. Therefore, no impacts are anticipated to occur.
- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **No Impact.*** The proposed project is consistent with the General Plan Land Use Element's designation for the project site and with the Official Zoning Map designation of the property. Therefore, no impacts would occur in this regard.
- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan? **No Impact.*** Refer to Response 14.4 f above, which concludes the project would not conflict with any habitat conservation plan

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.10 MINERAL RESOURCES. Would the project: | | | | |
| a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Result in 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **No Impact.*** The City's General Plan and Zoning Ordinance would not permit any mineral extraction on or within the vicinity of the project site. Therefore, the project would have no impact.
- b) *Result in 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 Impact.*** Refer to Response 14.10a, above.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.11 NOISE. Would the project: | | | | |
| a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| e. For a project located 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, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* **Less than Significant Impact.** The proposed project would create a short-term impact in terms of construction noise. Noise generated by construction and demolition equipment, including trucks, backhoes and other equipment, may temporarily impact nearby sensitive receptors. Pursuant to the City's Noise Ordinance standards, construction activities would be limited to daytime hours for the duration of construction. Also, all vehicles and equipment will use available noise suppression devices and be equipped with mufflers during construction activities. Due to the restricted hours, equipment restrictions, and relatively short period of construction, noise resulting from construction and demolition related activities is not considered a significant impact. Standard measures to be implemented by the project to reduce construction noise include:

- Noise sources associated with construction, repairs, remodeling, or the grading of any real property, shall be exempt from the provisions of the City's noise code if conducted from 7:00 a.m. to 6:00 p.m. on Monday through Friday, or from 8:30 a.m. to 4:30 p.m. on Saturday. Construction is prohibited at any time on Sunday or a Federal holiday.
- Equipment will use available noise suppression devices and properly maintained mufflers. Construction noise will be reduced by using quiet or "new technology", equipment, particularly the quieting of exhaust noises by use of improved mufflers where feasible. All internal combustion engines used at the Project site will be equipped with the type of muffler recommended by the vehicle manufacturer. In addition, all equipment will be maintained in good mechanical condition so as to minimize noise created by faulty or poorly maintained engine, drive-train and other components.
- During all site preparation, grading and construction, contractors shall minimize the staging of construction equipment and unnecessary idling of equipment in the vicinity of residential land uses.

- The equipment staging area will be situated so as to provide the greatest distance separation between construction-related noise sources and noise-sensitive receptors nearest the Project site during all Project construction.
 - Temporary walls/barriers/enclosures will be erected around stationary construction equipment when such equipment will be operated for an extended period of time and where there are noise sensitive receptors substantially affected. Noise barriers and enclosures will consist of absorptive material in order to prevent impacts upon other land uses due to noise reflection. In addition, complete enclosure structures will close or secure any openings where pipes, hoses or cables penetrate the enclosure structure.
 - Notification will be given to residences within 91 meters (300 feet) of planned construction activities thirty (30) days prior to commencement of demolition activity, and will include a brief description of the project, the overall duration of the various construction stages, noise abatement measures that will taken, and the name and phone number of the construction site supervisor or his designee to report any violation of a noise or mitigation standard.
- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? **Less Than Significant Impact.*** The amounts of construction and demolition required for the proposed facility is not anticipated to generate excessive groundborne vibrations or noise levels. Additionally, this project is not anticipated to include pile driving activities, therefore, ground borne vibration is not expected to occur. Due to the temporary nature of construction activities, impacts in this regard are considered to be less than significant. Also, refer to discussion 14.11a, above.
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? **No Impact.*** Due to the nature and scope of the proposed project a permanent increase in the ambient noise level in the project vicinity would not occur.
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? **Less Than Significant.*** As noted above, the implementation of the proposed project may result in short-term increased noise levels within the project vicinity due to construction activities. This temporary condition would cease upon project completion and is subject to the City's noise mitigation guidelines.
- e) *For a project located 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, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** As previously stated, the proposed project is not located within two miles of a public airport or public use airport.
- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| 14.12 POPULATION & HOUSING. Would the project: | | | | |
| a. Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses or indirectly (for example, through extension of roads or other infrastructure)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b. Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

a) *Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)?* **Less Than Significant Impact.** The proposed project would not induce growth through the extension or expansion of major capital infrastructure. No impacts to population and housing beyond those identified within the *City's General Plan* would occur.

b) *Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere?* **No Impact.** The proposed project would not require the removal existing housing, and therefore would not necessitate the construction of replacement housing elsewhere.

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **No Impact.** Refer to Response 14.12a and 14.12b, above.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.13 PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, 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: | | | | |
| Fire Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Police Protection? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Schools? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Parks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| Other public facilities? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

1) *Fire protection?* **No Impact.** Proposed project implementation would not result in substantial adverse physical impacts associated with the provision of new or physically altered fire protection facilities.

- 2) *Police protection? **No Impact.*** There are no significant impacts related to police protection or service anticipated with implementation of the proposed project.
- 3) *Schools? **No Impact.*** Implementation of the proposed project would not result in the need for the construction of additional school facilities. Therefore, no impacts in this regard will occur.
- 4) *Parks? **No Impact.*** Implementation of the proposed project will not affect any existing park facilities nor increase the demand for additional recreational facilities. Therefore, no impacts to parks are anticipated as a result of this project.
- 5) *Other public facilities? **No Impact.*** No significant impacts to other public facilities are anticipated to occur with project implementation.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.14 RECREATION. Would the project: | | | | |
| a. Would the project increase the use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facility would occur or be accelerated? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Does the project include recreational facilities or require the construction or expansion of recreational facilities, which might have an adverse physical effect on the environment? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? **No Impact.*** Implementation of the proposed project would not generate an increase in demand on existing public or private parks or other recreational facilities that would either result in or increase physical deterioration of the facility.
- b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? **No Impact.*** Implementation of the proposed project does not include recreational facilities.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|-------------------------------------|--------------------------|
| 14.14 TRANSPORTATION/TRAFFIC. Would the project: | | | | |
| a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|--|--------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|
| b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways? | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Result in inadequate emergency access? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Result in inadequate parking capacity? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? **Less than Significant Impact.** The following table summarizes the trip generation rates and project generated trips for the proposed project based on the traffic impact analysis report (RBF 2006).

Table 14.3 Trip Generation Rates and Project Generated Trips

| Land Use | Daily Rate | AM Peak Hour | | | PM Peak Hour | | |
|---------------------------------|------------|--------------------|-----------|------------|--------------------|-----------|------------|
| | | Total (% of daily) | In (% AM) | Out (% AM) | Total (% of daily) | In (% PM) | Out (% PM) |
| SANDAG Trip Rate (Comm. Office) | 20k sq ft | 14% | 90% | 10% | 13% | 20% | 80% |
| Project Trips (20k sq ft) | 400 | 56 | 50 | 6 | 52 | 10 | 42 |

Although the project trip generation falls below the City's established thresholds for a typical traffic study, a traffic study was conducted for the project. The traffic report evaluated service levels at potentially affected intersections including the following:

- El Camino Real / Fire Mountain Drive
- El Camino Real / Via Las Rosas
- El Camino Real / Camino Town Access
- El Camino Real / Vista Way

All project study area intersections were evaluated under three scenarios including existing condition, existing plus project, and existing plus project plus cumulative. The level of service analysis was conducted using the highway capacity manual (HCM) delay method.

The project would result in a minor increase in vehicular trips. Anticipated traffic impacts would be minor based on the results above. Therefore, less the significant impacts are anticipated. In addition, as the project area is currently not experiencing level-of-service (LOS) deficiencies, no impacts to traffic capacity or volume would occur with implementation of the proposed project.

Table 14.4 Intersection Operating Conditions

| Intersection | Peak | Existing (LOS) | Existing plus Project (LOS) | Existing plus Project plus Cum.(LOS) | (4) Project Impact (Exist / Cum.) | (5) Signif. Project Impact Y/N | (6) Sig. Cum. Impact Y/N |
|--------------------------------------|------|----------------|-----------------------------|--------------------------------------|-----------------------------------|--------------------------------|--------------------------|
| El Camino Real / Fire Mountain Drive | AM | 19.0 (B) | 19.0 (B) | 19.4 (B) | 0.0/0.0 | N | N |
| | PM | 17.9 (B) | 18.1 (B) | 18.0 (B) | 0.2/0.2 | | |
| El Camino Real / Via Las Rosas | AM | 14.6 (B) | 14.7 (B) | 14.7 (B) | 0.1/0.0 | N | N |
| | PM | 17.3 (B) | 17.2 (B) | 17.4 (B) | 0.0/0.0 | | |
| El Camino Real / Camino Town Access | AM | 9.0 (A) | 9.0 (A) | 8.6 (A) | 0.0/0.0 | N | N |
| | PM | 16.6 (B) | 16.6 (B) | 16.1 (B) | 0.0/0.0 | | |
| El Camino Real / Vista Way | AM | 23.6 (C) | 23.5 (C) | 23.6 (C) | -0.1/0.0 | N | N |
| | PM | 29.2 (C) | 29.3 (C) | 35.4 (D) | 0.1/0.1 | | |

- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? **Less than Significant Impact.*** The traffic study evaluated roadway LOS along El Camino Real in three segments: (1) North of Fire Mountain Drive, (2) Fire Mountain Drive to Via Los Rosas, and (3) Via Los Rosas to Vista Way. Existing LOS for Segment (1) is A, for Segment (2) is B, and for Segment (3) is B. Existing plus project LOS for Segment (1) is B, for Segment (2) is B, and for Segment (3) is B. Cumulative without the project LOS for Segment (1) is B, for Segment (2) is B, and for Segment (3) is C. Cumulative with the project LOS for Segment (1) is B, for Segment (2) is B, and for Segment (3) is C (RBF 2006). Based on this analysis, the project would have a less than significant impact, both individually and cumulatively, on LOS for area roadways. Also refer to Response 14.14 a, above.
- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? **No Impact.*** The proposed project would develop a single, relatively small commercial office building along El Camino Real consistent with existing zoning for the property. Based on the analysis above, the proposed project would have no impact on traffic levels or locations that would result in substantial safety risks.
- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? **No Impact.*** The proposed project does not include hazardous design features or incompatible uses.
- e) *Result in inadequate emergency access? **No Impact.*** Adequate emergency access shall be provided during both short-term construction and long-term operation of the proposed project. Impacts are not anticipated to be significant.
- f) *Result in inadequate parking capacity? **No Impact.*** Based on the size and type of the proposed project, the City would require a total of 71 parking spaces. The project proposes to provide a total of 71 parking spaces, which is consistent with the City requirements. During construction of the project, adequate off-

street parking will be provided on the project site. As such, the project would not result in inadequate parking capacity.

- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?* **No Impact.** Project implementation would not conflict with adopted policies, plans, or programs supporting alternative transportation. Impacts are not anticipated in this regard.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.15 UTILITIES AND SERVICE SYSTEMS. Would the project: | | | | |
| a. Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b. Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| e. Result in a 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? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| f. Be served by a landfill with sufficient permitted capacity to accommodate the project=s solid waste disposal needs? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| g. Comply with federal, state, and local statutes and regulations related to solid waste? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **No Impact.*** Improvements associated with the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB).
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No Impact.*** The nature and scope of the proposed project would not require or result in the construction of wastewater treatment facilities (refer to Response 14.15 a, above).
- c) *Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No Impact.*** The proposed project would replace and existing storm drain outfall and replace it with a new one. The new storm drain outfall is part of the overall project and impacts associated with it are assessed with the overall projects. No other new facilities or expansion of existing facilities would be necessary; therefore, no impacts to this utility would occur from the proposed project.
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **No Impact.*** Sufficient water supplies are available; therefore, no impacts are anticipated.
- e) *Result in a 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 Impact.*** Refer to Response 14.15 a, above.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **No Impact.*** The proposed project would be served by a landfill with sufficient permitted capacity.
- g) Comply with federal, state, and local statutes and regulations related to solid waste? **No Impact.** Refer to Response 14.15 f, above.

| | Potentially Significant Impact | Potentially Significant Unless Mit. | Less than Significant Impact | No Impact |
|---|--------------------------------|-------------------------------------|------------------------------|-------------------------------------|
| 14.16 MANDATORY FINDINGS OF SIGNIFICANCE. Would the project: | | | | |
| a. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to decrease below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory? | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| b. Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| c. Does the project have impacts which are individually limited, but cumulatively considerable (Cumulatively considerable means the project's incremental effects are considerable when compared to the past, present, and future effects of other projects)? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| d. Does the project have environmental effects which will have substantial adverse effects on human beings, directly or indirectly? | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

The project would result in impacts to coastal sage scrub habitat, which is known to provide habitat for the federally threatened coastal California gnatcatcher. The site is located within a designated wildlife corridor for this species. Additionally, the project would result in impacts to a small section of an unvegetated, non-wetland ephemeral drainage. These impacts would be considered potentially significant unless mitigated. In order to mitigate the loss of coastal sage scrub resulting from the project, 1.91 acres of coastal sage scrub will be permanently preserved on the project site within a 2.43 acre preserve. The preserve will be perpetually protected by a conservation easement or other legal restriction and long-term maintenance will be provided. Additionally, approximately 0.11 acres of disturbed habitat will be restored to coastal sage scrub, which will be implemented as described in the mitigation and monitoring plan to be prepared for the project. In order to avoid potentially significant impacts to wildlife movement through the property, the project has been designed to place all development in the southwestern corner, leaving approximately 75 percent of the site in natural open space for wildlife habitat and movement. Prior to construction of the project, all regulatory agency permits and authorizations will be obtained for the project. Implementation of these measures will mitigate impacts described in 14.16a below a level of significance. No impacts under 14.16b-d are considered to result from the project.

16. **PREPARATION.** The initial study for the subject project was prepared by:



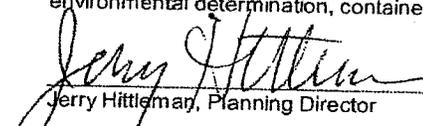
Mike Howard, Foothill Associates

17. **DETERMINATION.** (To be completed by lead agency) Based on this initial evaluation:
- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been included in this project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

18. **DE MINIMIS FEE DETERMINATION** (Chapter 1706, Statutes of 1990-AB 3158)

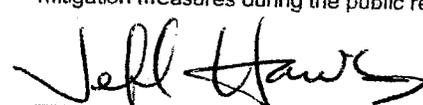
- It is hereby found that this project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.
- It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore fees shall be paid to the County Clerk in accordance with Section 711.4(d) of the Fish and Game Code.

19. **ENVIRONMENTAL DETERMINATION:** The initial study for this project has been reviewed and the environmental determination, contained in Section V. preceding, is hereby approved:



Jerry Hittleman, Planning Director

20. **PROPERTY OWNER/APPLICANT CONCURRENCE:** Section 15070(b)(1) of the California Environmental Quality Act (CEQA) Guidelines provides that Lead Agencies may issue a Mitigated Negative Declaration where *the initial study identifies potentially significant effects, but, revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.* The property owner/applicant signifies by their signature below their concurrence with all mitigation measures contained within this environmental document. However, the applicants concurrence with the Draft Mitigated Negative Declaration is not intended to restrict the legal rights of the applicant to seek potential revisions to the mitigation measures during the public review process.



Jeff Hawkes, Hawkes O-Side I, LLC

REFERENCES:

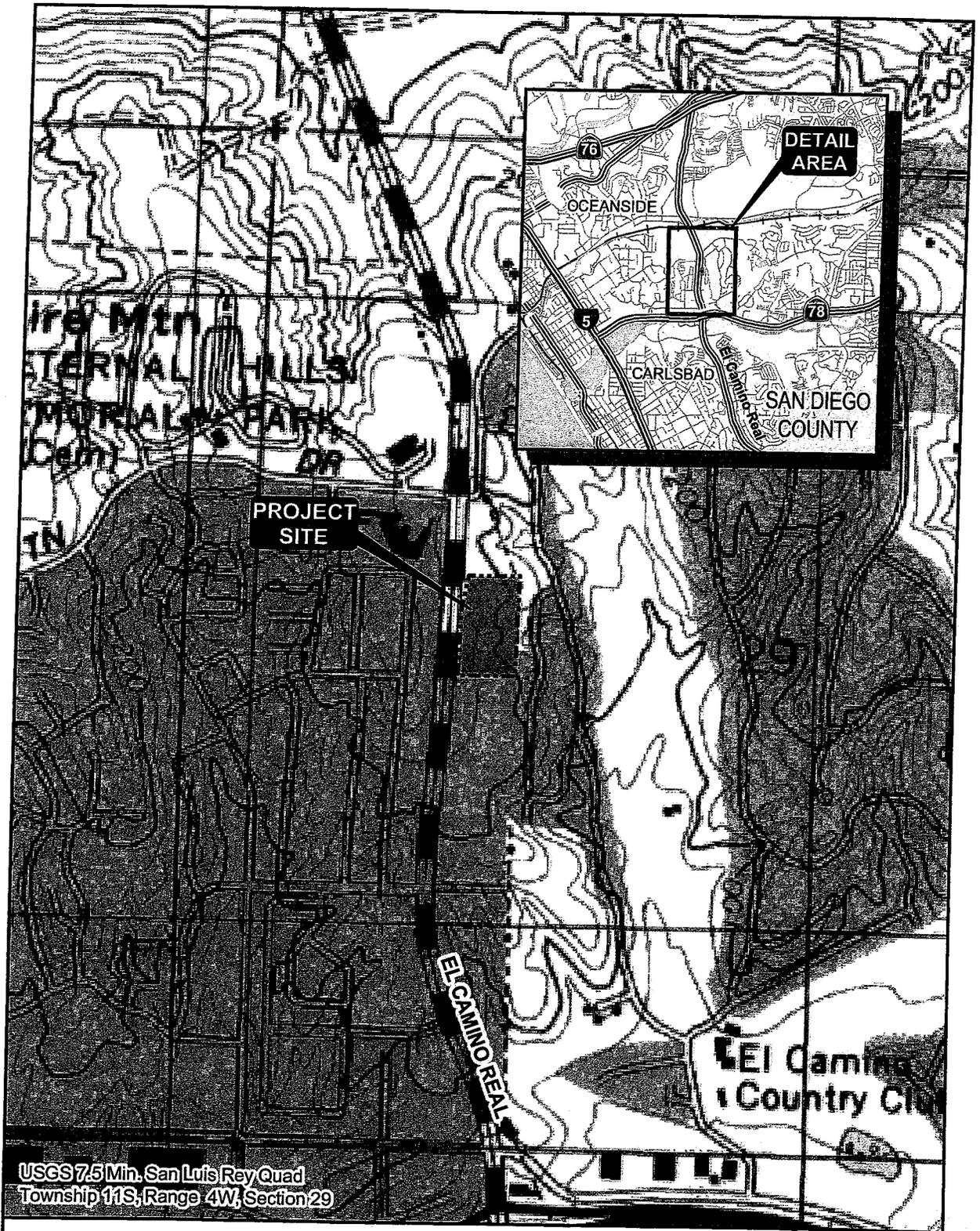
- ASM Affiliates. 2007. City of Oceanside Project Due Diligence, Cultural Resources. April 23.
- Firewise 2000, Inc. 2007. Fire Protection Plan, El Camino Real Office Building, Oceanside Fire Department. Prepared for Jeff Hawkes. February 1.
- Foothill Associates. 2007. Biological Resources Assessment Letter Report for the Oceanside El Camino Real Property. Prepared for Hawkes-Holdings, LLC. April 17.
- Hawkes Holdings. 2007. Story Pole Visual Assessment for the El Camino Executive Center.
- Ninyo & Moore. 2006. Geotechnical Evaluation, Proposed Commercial Development, Basel Street and El Camino Real, Oceanside, California. Prepared for Ames-Hawkes Holdings LLC. January 19.
- Pioneer Engineering Corporation. 2007. Storm Water Management Plan for Hawkes Holdings Project, City of Oceanside. January 22.
- Pioneer Engineering Corporation. 2007. Hawkes Holdings Drainage Study. Hydrology & Hydraulics Report Prepared for the City of Oceanside. January 22.
- RBF Consulting. 2006. El Camino Real Commercial Office Project Traffic Impact Analysis Report. Prepared for McCullough-Ames Development Corporation. June 5.

FIGURES:

- Figure 1. Site and Vicinity Map
Figure 2. Site Plan

TECHNICAL APPENDICES:

Plan Set
Cultural Resources Letter Report
Fire Protection Plan
Biological Resources Assessment
Visual Assessment
Geotechnical Evaluation
Storm Water Management Plan
Drainage Study
Traffic Impact Analysis Report



SITE AND VICINITY

FOOTHILL ASSOCIATES
 ENVIRONMENTAL CONSULTING • PLANNING • LANDSCAPE ARCHITECTURE



0 375 750
 SCALE IN FEET

Drawn By: LCA 01/04/06
 Revised: EME 01/15/07

FIGURE 1

OCEANSIDE ECR PROPERTY

site_and_vicinity.mxd
 © 2007

**El Camino Executive Center (D-23-06; V-1-07)
Mitigation Monitoring and Reporting Program**

| Number | Mitigation Measure | | Reporting Milestone | Reporting/ Responsible Party | Verification of Compliance | |
|-----------------------------|--|--|---|---|----------------------------|------|
| | Description | | | | Name | Date |
| Biological Resources | | | | | | |
| BIO 1 | The proposed project shall permanently preserve 1.91 acres of coastal sage scrub habitat in a 2.43-acre onsite habitat preserve. The onsite habitat preserve shall be permanently protected from future development through the establishment of a perpetual conservation easement or other legal mechanism. Additionally, the 0.04 acres of temporary impacts within the onsite preserve shall be restored to coastal sage scrub habitat. Additionally, the proposed project shall restore approximately 0.11 acres of ruderal and dirt road areas within the preserve to coastal sage scrub. | | Prior to issuance of building permits. | Hawkes-Holdings | | |
| BIO 2 | A conceptual restoration plan and 5-year monitoring plan shall be submitted to and approved by the City and the Wildlife Agencies prior to the issuance of grading permits. | | Prior to issuance of grading permits. | Hawkes-Holdings | | |
| BIO 3 | A non-profit biological management organization or other mechanism for long-term maintenance of the preserved open space shall be approved and implemented. | | Prior to issuance of certification of occupancy. | Hawkes-Holdings or Designated Management Organization | | |
| BIO 4 | Mitigation for the impacts to Corps/CDFG jurisdictional areas includes 0.01 acres of streambed preservation and enhancement (exotic removal and streambed stabilization through velocity reduction), 0.05 acres of southern willow scrub preservation, and 2.37 acres of upland buffer preservation. Exotic removal shall be implemented prior to the issuance of a certificate of occupancy for the project. Monitoring of the streambed enhancement area shall be conducted annually in association with site maintenance. | | Prior to issuance of certification of occupancy. Monitoring to be conducted annually. | Hawkes-Holdings or Biological Monitor | | |
| BIO 5 | All agency permits required shall be obtained. | | Prior to issuance of grading permits. | Hawkes-Holdings | | |

| Cultural Resources | | | | |
|---------------------------|--|--|---|--|
| CULT 1 | A qualified archaeologist and a Native American monitor shall be present full-time during grading/excavation of native soils to conduct construction monitoring. Archeological construction monitoring reports shall be submitted to the City monthly and at the completion of monitoring to document compliance with this measure. In the event of discovery, ground disturbance activities shall be halted or diverted away from the area of discovery to allow for preliminary evaluation of any potentially significant archaeological or Native American resources. If a discovery is deemed significant, a research design and data recovery program shall be prepared, approved by the City, and carried out to mitigate impacts before ground disturbance activities in the area of the discovery will be allowed to resume. | Full-time during grading/excavation of native soils. | Hawkes-Holdings or Qualified Archaeologist | |
| CULT 2 | A qualified paleontologist shall be present full-time during initial cutting of previously undisturbed formations. Paleontological construction monitoring reports shall be submitted to the City monthly and at the completion of monitoring to document compliance with this measure. In the event of discovery, ground disturbance activities shall be halted or diverted away from the area of discovery to allow for preliminary evaluation of any potentially significant paleontological resources. If a discovery is deemed significant, the discovery shall be prepared to a point of curation and accepted by a qualified curation facility. Any significant site shall also be recorded with the San Diego Natural History Museum. | Full-time during initial cutting of previously undisturbed formations. | Hawkes-Holdings or Qualified Paleontologist | |
| Geology/Soils | | | | |
| GEO 1 | An erosion and sediment control plan shall be prepared and submitted for review and approval prior to issuance of grading permit. The plan shall outline methods that shall be implemented to control erosion from graded or cleared portions of the site, including but not limited to straw bales, sandbags, soil binders, diversion fences, desilting basins, etc. The Plan shall be prepared in accordance with the City's grading ordinance, the City's water quality ordinance, the latest NPDES Permit and to the satisfaction of the City Water Quality Engineer. | Prior to issuance of grading permit. | Hawkes-Holdings | |

| | | | | | |
|--|---|---|--|--|--|
| GEO 2 | Soils with low to very low expansion (Expansion index less than 50) shall be placed in structural areas on the site to a depth of 3 feet below the bottom of the foundations or 5 feet below finish grade, whichever is deeper. Where necessary, existing expansive materials should be removed and replaced with low to very low expansive materials. The low expansive material shall extend beyond the structural footprint a distance of 8 feet. Additionally, geotechnical construction monitoring shall be conducted to perform the needed observation and testing services during construction operations. | During construction operations. | Hawkes-Holdings or Geotechnical Construction Monitor | | |
| Hazards and Hazardous Materials | | | | | |
| HAZ 1 | In order to compensate for the lack of fire buffer typically provided by Fuel Modification Zones 2 and 3, the proposed project would be required to construct a minimum of a 9-foot-tall non-combustible, contiguous fire wall extending along the entire eastern boundary of the development area that bounds the wildland interface. A minimum of 3.5 feet of the wall shall be above the level of the proposed parking lot. | After wall construction. | Hawkes-Holdings | | |
| Hydrology and Water Quality | | | | | |
| WQ 1 | Implement Mitigation Measure GEO 1. | Prior to issuance of grading permit. | Hawkes-Holdings | | |
| WQ-2 | <p>The Storm Water Management Plan (SWMP) emphasizes structural and non-structural Best Management Practices (BMPs) in compliance with NPDES Program requirements. Specific measures include:</p> <ul style="list-style-type: none"> A Storm Water Pollution Prevention Plan (SWPPP) will be prepared for the project that includes construction BMPs, which could include silt fencing, fiber rolls, street sweeping and vacuuming, storm drain inlet protection, desilting basins, gravel bag berms, sandbag barriers, material delivery and storage guidelines, stockpile management, solid waste management, stabilized construction entrance/exit, revegetation of all disturbed undeveloped areas, vehicle and equipment maintenance, erosion control mats, spill prevention and control, concrete waste management, and water conservation practices. Construction BMPs for this project will be selected, constructed, and maintained in order to comply with all city, regional, and state applicable ordinances. Post construction Site Design BMPs will be required for the project. | SWPPP shall be prepared prior to issuance of grading permit. Other measures implemented following construction. | Hawkes-Holdings | | |

| | | | | | | |
|--|---|--|--|--|--|--|
| | <p>These include the use of an onsite detention basin and a Storm Pure Filtration System as detailed in the SWMP (Pioneer 2007). Additional site design BMPs include minimizing surface parking area, reducing the development area to approximately 25% of the total property acreage, adequate properly maintained onsite landscaping. These BMPs shall be implemented as specified in the SWMP.</p> <ul style="list-style-type: none"> • Post construction Source Control BMPs will be required for the project. These include trash storage areas, site usage restrictions, landscape and irrigation design, building and grounds maintenance, and roof runoff controls. These BMPs shall be implemented as specified in the SWMP. • Post construction Treatment Control BMPs will be required for the project. This includes implementation of the Storm Pure Filtration System on the site. This BMP shall be implemented as specified in the SWMP. • Post construction Non-structural BMPs will be required for this project. These include employee training, good housekeeping practices, preventative maintenance practices, self inspection, and spill response planning. These BMPs shall be implemented as specified in the SWMP. | | | | | |
|--|---|--|--|--|--|--|

AILES LANDSCAPE ARCHITECTURE INC.
 1000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90017
 310.206.1000
 310.206.1001

LANDSCAPE PLANS FOR
HAWKES HOLDINGS
 EL CAMINO REAL
 OCEANSIDE, CALIFORNIA

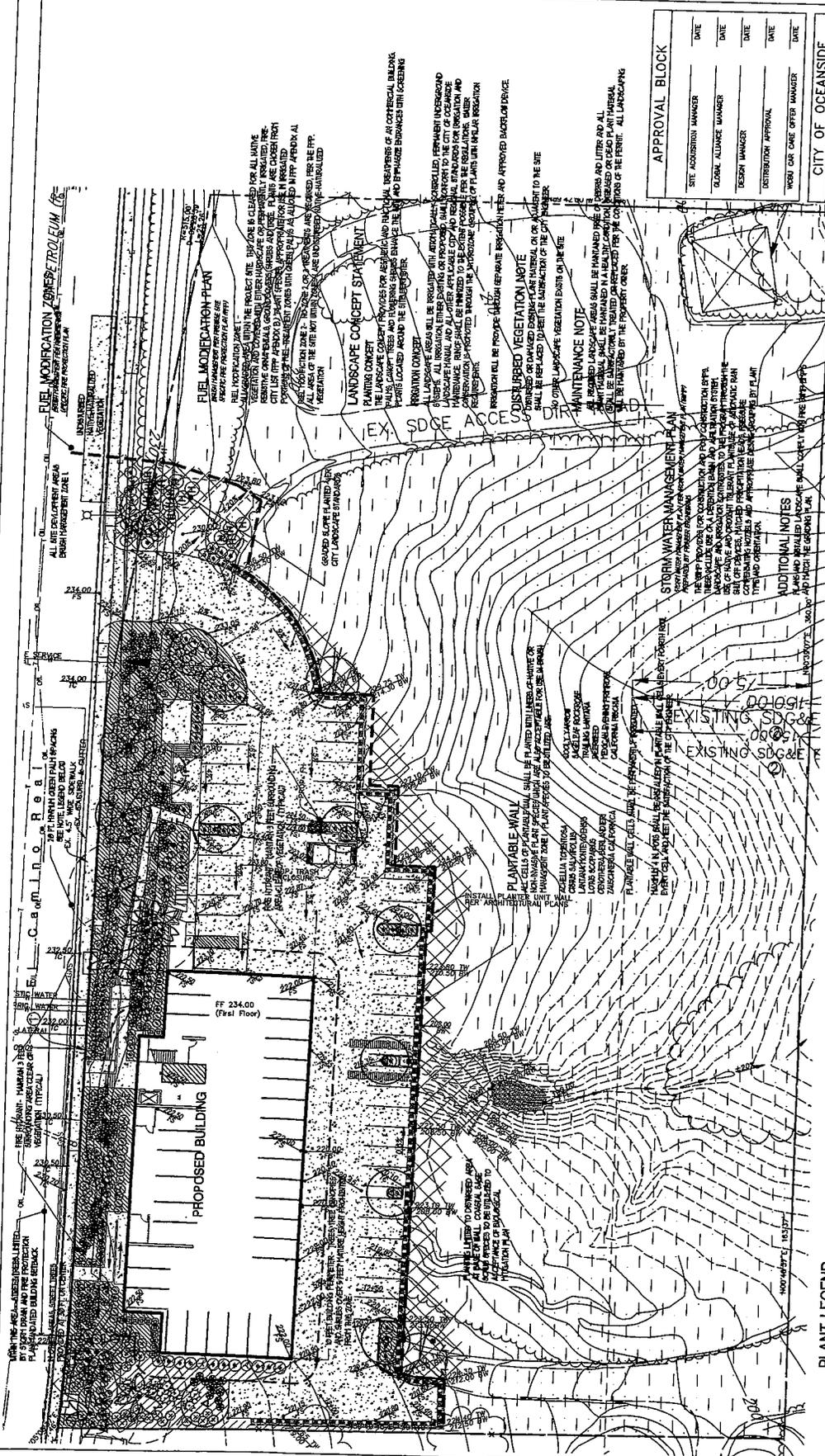
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CLP-1

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|-------|-----------------------------|-----------------------|
| SHEET | CITY OF OCEANSIDE | 7 |
| 1 | ENGINEERING DEPARTMENT | SHEETS |
| 1 | FOR CITY USE ONLY: FILE NO. | D-028-006 |
| 1 | CITY ENGINEER | HAWKES HOLDINGS |
| 1 | DATE | OCEANSIDE, CALIFORNIA |
| 1 | CITY ENGINEER | |
| 1 | DATE | |
| 1 | CITY ENGINEER | |
| 1 | DATE | |



APPROVAL BLOCK

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CITY OF OCEANSIDE

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DROUGHT TOLERANT PLANTING NOTE
 ALL PLANTS MUST BE DROUGHT TOLERANT AND SHALL BE MAINTAINED AND PROTECTED TO REMAIN IN PLACE UNLESS OTHERWISE NOTED OTHERWISE. ALL PLANTS MUST BE DROUGHT TOLERANT AND SHALL BE MAINTAINED AND PROTECTED TO REMAIN IN PLACE UNLESS OTHERWISE NOTED OTHERWISE. ALL PLANTS MUST BE DROUGHT TOLERANT AND SHALL BE MAINTAINED AND PROTECTED TO REMAIN IN PLACE UNLESS OTHERWISE NOTED OTHERWISE.

PLANT LEGEND

| SYMBOL | PLANT NAME | SIZE | APPROXIMATE QUANTITY |
|--------|------------------|-----------|----------------------|
| ○ | ALBINO DICKENSIA | 14" BOX | 30 X 10 |
| ○ | ALBINO DICKENSIA | 24" BOX | 25 X 10 |
| ○ | ALBINO DICKENSIA | 36" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 48" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 60" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 72" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 84" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 96" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 108" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 120" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 132" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 144" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 156" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 168" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 180" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 192" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 204" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 216" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 228" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 240" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 252" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 264" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 276" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 288" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 300" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 312" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 324" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 336" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 348" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 360" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 372" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 384" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 396" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 408" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 420" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 432" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 444" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 456" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 468" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 480" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 492" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 504" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 516" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 528" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 540" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 552" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 564" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 576" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 588" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 600" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 612" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 624" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 636" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 648" BOX | 10 X 10 |
| ○ | ALBINO DICKENSIA | 660" BOX | 10 X 10 |
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**AHLES
LANDSCAPE
ARCHITECTURE INC.**
P.O. Box 1803
17000 Via Arroyo, California 92007
95176-1803
SAN DIEGO, CALIFORNIA

CIVIL 2808
PROJECT NO. 6675

LANDSCAPE PLANS FOR

**HAWKES
HOLDINGS**

EL CAMINO REAL
OCEANSIDE, CALIFORNIA

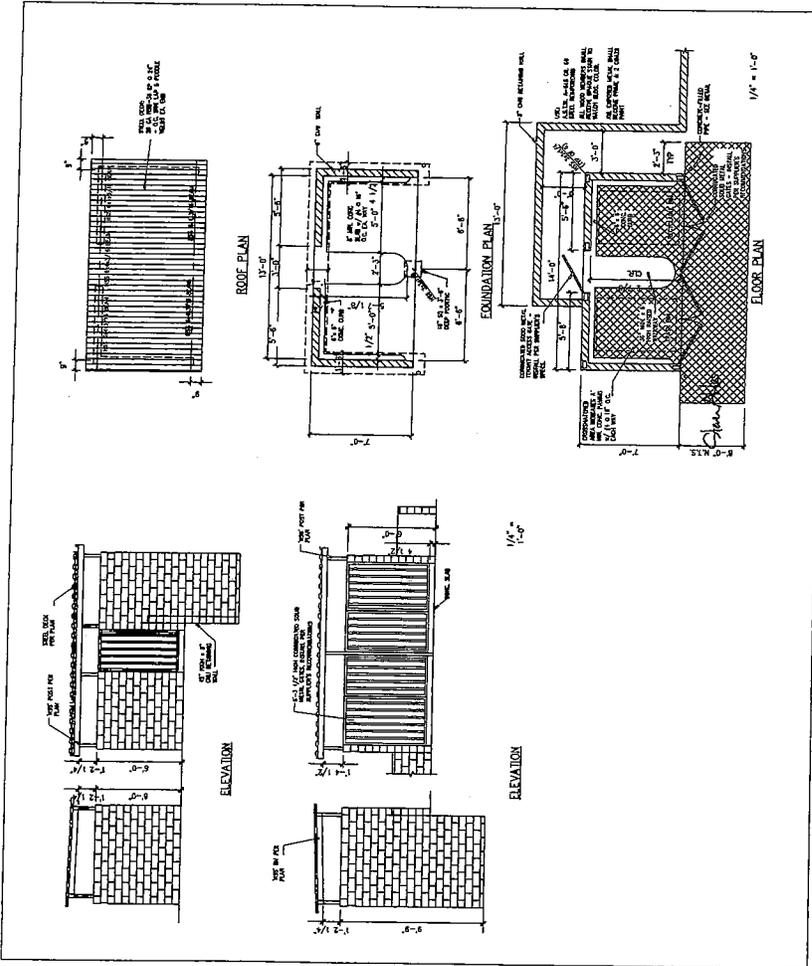
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| ISSUES | NO. DATE BY |
| | 1 20 JAN 87 |
| | 2 10 APR 87 |
| | 3 20 MAY 87 |
| | 4 10 JUN 87 |
| | 5 10 JUL 87 |

REFERENCE
SHEET:

| APPROVAL BLOCK | |
|--------------------------------|------|
| SITE ACQUISITION MANAGER | DATE |
| GENERAL ALLIANCE MANAGER | DATE |
| DESIGN MANAGER | DATE |
| DISTRIBUTION APPROVAL | DATE |
| WORK FOR CARE OF OTHER MANAGER | DATE |

| CITY OF OCEANSIDE | |
|-------------------|---------------|
| DATE RECEIVED | DATE RECEIVED |
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| CITY ENGINEER | CITY ENGINEER |
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**LANDSCAPE CONCEPT PLAN
CONCEPTUAL FUEL MODIFICATION PLAN**

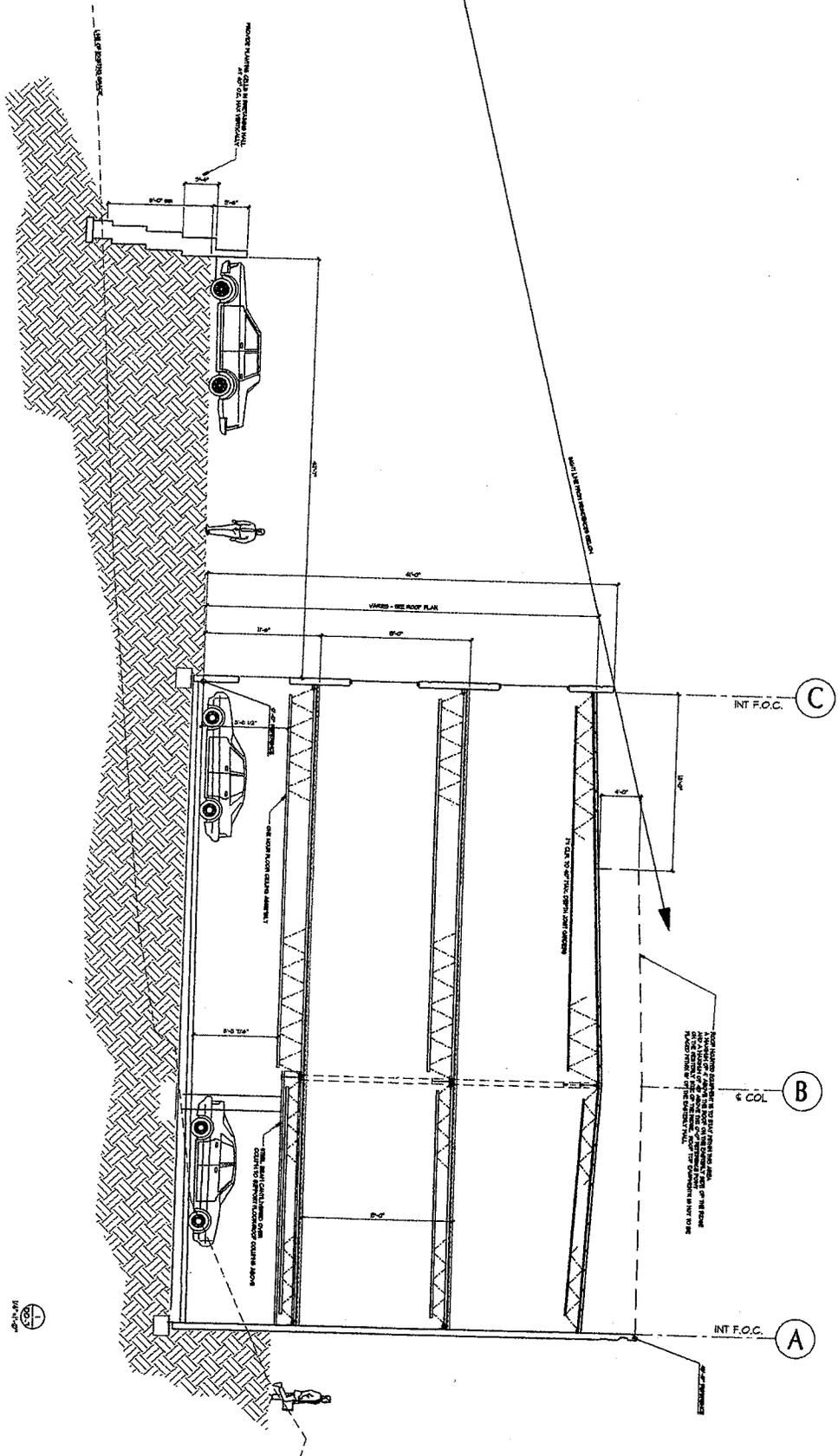


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|-----------------------------|---|---|---|
| SHEET | 2 | CITY OF OCEANSIDE ENGINEERING DEPARTMENT | 7 |
| FOR CITY USE ONLY: FILE NO. | | D-23-08 | |
| CITY ENGINEER | | HAWKES HOLDINGS OCEANSIDE, CALIFORNIA | |
| DESIGNER | | | |
| PROJECT NO. | | | |

| APPROVAL CHANGES | |
|------------------|-------------|
| NO. | DESCRIPTION |
| | |
| | |
| | |

APPROVED BY: _____ DATE: _____

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DD-7

project: A New Building for
HAWKES O-SIDE-I, LLC
 8. CAMINO REAL
 OCEANSIDE, CALIFORNIA

▶▶▶▶▶▶▶▶▶▶

DATE: 08/14/08
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 PROJECT: [Name]



SMITH
 ARCHITECTS
 10000 CAMINO REAL, SUITE 100
 OCEANSIDE, CALIFORNIA 92054
 (760) 434-1111
 www.smitharchitects.com

| Application For Planning Commission Hearing | | | | STAFF USE ONLY | |
|---|------------|---------------------------|--|---|----|
| Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885 Please Print or Type All Information | | | | ACCEPTED | BY |
| | | | | 2/12/07 | SN |
| PART I - APPLICANT INFORMATION | | | | HEARING | |
| 1. APPLICANT | | 2. STATUS | | GPA | |
| Hawkes O-side 1, LLC | | | | MASTER/SP.PLAN | |
| 3. ADDRESS | | 4. PHONE/FAX | | ZONE CH. | |
| 18635 Old Coach Dr., Poway CA 92064 | | (658) 572-9559 | | TENT. MAP | |
| 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) | | | | PAR. MAP | |
| Jeffrey Hawkes | | | | DEV. PL. D-23-06 (Existing) | |
| 6. ADDRESS | | 7. PHONE/FAX | | C.U.P. | |
| 18635 Old Coach Dr., Poway CA 92064 | | (658) 775-0169 | | VARIANCE W-1-07 W-2-07 | |
| PART II - PROPERTY DESCRIPTION | | | | COASTAL | |
| 8. LOCATION | | | | O.H.P.A.C. | |
| East side of El Camino Real, Btwn Fire Mtn. & Via Las Rivas | | | | 9. SIZE | |
| | | | | 3.3 acres / 143,748 sf | |
| 10. GENERAL PLAN | 11. ZONING | 12. LAND USE | | 13. ASSESSOR'S PARCEL NUMBER | |
| PC | CP | Vacant | | 165-420-23 | |
| PART III - PROJECT DESCRIPTION | | | | | |
| 14. GENERAL PROJECT DESCRIPTION | | | | | |
| REV - 2/12/07, 4/27/07. DPR/Variance Application for commercial office/professional building. See attached Project Description & Justification. | | | | | |
| 15. PROPOSED GENERAL PLAN | | 16. PROPOSED ZONING | | 17. PROPOSED LAND USE | |
| no change | | no change | | Commercial Office | |
| 20. BUILDING SIZE | | 21. PARKING SPACES | | 18. NO. UNITS | |
| 33,504 sf | | 71 | | - | |
| | | 22. % LANDSCAPE | | 19. DENSITY | |
| | | 80.57% | | - | |
| | | 23. % LOT COVERAGE | | 19.43% | |
| PART IV - ATTACHMENTS | | | | | |
| ALL APPLICATIONS | | | | DEV. PLANS, C.U.P.s & TENT. MAPS | |
| 24. DESCRIPTION/JUSTIFICATION | | 25. LEGAL DESCRIPTION | | 30. FLOOR PLANS AND ELEVATIONS | |
| 26. 300-FT. RADIUS MAP | | 27. PROPERTY OWNERS' LIST | | 31. CONSTRUCTION SCHEDULE | |
| 28. ENVIRONMENTAL ASSESSMENT | | 29. PLOT PLANS | | 32. OTHER | |
| PART V - SIGNATURES | | | | | |
| THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION. | | | SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY). | | |
| 33. APPLICANT OR REPRESENTATIVE (Print): | | 34. DATE | | 37. OWNER (Print) | |
| Jeff Hawkes | | 2-12-07 | | Jeff Hawkes | |
| Sign: <i>Jeff Hawkes</i> | | | | 38. DATE | |
| | | | | 2-12-07 | |
| I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE. | | | | | |
| 35. APPLICANT (Print): | | 36. DATE | | 39. OWNER (Print): | |
| Jeff Hawkes | | 2-12-07 | | Jeff Hawkes | |
| Sign: <i>Jeff Hawkes</i> | | | | 40. DATE | |
| | | | | 2-12-07 | |
| Sign: <i>Jeff Hawkes</i> | | | | Sign: <i>Jeff Hawkes</i> | |

**ATTACHMENT
PROJECT DESCRIPTION AND JUSTIFICATION**

PROJECT APPLICANT: Hawkes O-Side I, LLC

PROJECT REPRESENTATIVE: Jeffrey Hawkes

PROJECT NAME: El Camino Real Office Building

PROJECT LOCATION: Vacant lot, east side of El Camino Real, south of Fire Mountain Drive, north of Via Los Rosas
APN 165-430-23

EXISTING ZONING: Commercial Professional (CP)

EXISTING GENERAL PLAN: Commercial

PROJECT APPLICATION: Development Plan Review (DPR)/Variance Request

RECEIVED
FEB 12 2007
Planning Department

There is no zone change or General Plan Amendment requested for this proposed project. A Variance is requested for the following:

A Variance for the number of required loading spaces for this project.

The ordinance requires one 12'x35'x14' loading space for the first 20,000 square feet and an additional 10'x20'x10' loading space for any square footage of office space beyond the 20,000 square feet. This office building project has a gross area of 21,448 square feet. Strict application of the ordinance would require two loading spaces. The useable area of the site has been greatly restricted and for the following reasons, the findings for the variance can be made to justify deviation from the code requirement for the second loading space:

1. This property has significant slopes, is located in the Wildlife Corridor, and has sensitive habitat. Because of this, the privilege of developing the entire site is constrained. The developable area of the site is limited to 25%, in contrast to similarly zoned properties outside of the Wildlife Corridor boundaries.
2. The granting of this variance will not be detrimental or injurious to property or improvements in the vicinity of the development or to the public healthy, safety, and general welfare. This project has been designed to preserve most of the lot as open space. It has

been designed with great sensitivity to the natural habitat. Further, the proposed building has been designed and located to preserve and maximize the views through the site.

3. The granting of this application is consistent with the purposes of the ordinance and will not constitute a grant of special privilege inconsistent with the limitations on other properties in the vicinity and in the same zoning district. The square footage of the proposed project is only 7% over the requirement for only one loading space. The building has been designed with interior hallways because it is felt that this presents a higher class of office building than if we had used exterior access balconies. If the proposed project had been designed with exterior access balconies this space would not have counted towards the gross square footage and therefore would only have been required to provide one loading space. The project will not have a higher ratio of office space to loading space than similar projects in the City.
4. The project and requested variance will not conflict with the General Plan and will preserve open space land.

A deviance from OZO 3039(E) for building height limitations is also requested, as follows:

A meeting was held with Jerry Hittleman on November 8, 2006 to discuss this comment and regulation. Per Mr. Hittleman, justification for the additional height should be provided. The following is provided as suggested:

The subject property is uniquely constrained because of its location within the City's designated Wildlife Corridor. As such, the property development is limited to a total of 25% of the area. Further, the property is situated such that the developable portion is below the street grade because of existing slopes. As designed, the project provides twice as much protection of the views (see Exhibit A) by limiting the development to a small corner of the southwest portion of the property. If held to the 30' height limit, the view from El Camino Real is compromised to a much greater extent because the project would be significantly widened to accommodate the same amount of square footage.

The proposed project is in compliance with the remaining development standards contained in the City of Oceanside Zoning Code and is consistent with the commercial designation in the City's General Plan Land Use Element.

The 3.3 acre property is presently unimproved vacant land with steep weathered slopes covered with natural vegetation. Total lot coverage will be as follows:

| | |
|-----------------------------|--------|
| Paving | 12.04% |
| Buildings | 7.39% |
| Landscaping and Open Space: | 80.57% |

Proposed is the development of a 33,504 square foot two-story commercial office building, with one level of parking below the first story. A total of 71 parking spaces (both surface parking and the below-building parking) will accommodate the building.

The subject site is located within the City's designated Wildlife Corridor. As such, the environmental protections contained in the Multi Species Conservation Plan (MSCP) impose specific limitations on development as mitigation for impacts to protected and threatened species and their environment. In support of and compliance with these environmental protections, the proposed project will result in the disturbance of less than 25% of the property.

PROJECT IMPACTS AND BENEFITS

Environmental – The development will be restricted to no more than 25% of the site. The remaining 75+% will remain undisturbed and in its natural condition. Protection of this open space by execution of a conservation easement will ensure that the area remain in its natural condition in perpetuity.

Further, revised access for San Diego Gas and Electric Company (SDG&E) for maintenance of the two large transmission towers located along the easterly boundary of the property will result in the discontinued use of an existing unpaved maintenance road, thus supporting the natural re-growth of vegetation in an area where no vegetation currently exists.

Temporary impacts to surrounding vegetation caused by construction activity will be restored by the developer upon the project's completion. Significant care has been taken to ensure that the onsite landscaping includes only non-invasive plant material.

Traffic – A comprehensive analysis of the vehicular traffic to be generated by the proposed project has been completed pursuant to the City's guidelines. The applicant's representatives consulted with City staff prior to completing the study to ensure that the focus of the analysis was accurate and useful.

Using the accepted trip generation numbers and modeling programs, the proposed project will not detrimentally or noticeably impact the present and/or cumulative level of service at any of the intersections studied pursuant to the City's directions.

The project has been designed for "right-turn-in" and "right-turn-out" ingress and egress, which further provides for safe transitions to and from the project on El Camino Real, which is a fully improved major arterial roadway.

Drainage – The project site is located on the eastern side of El Camino Real, which is at a lower elevation than the properties along the western side of the street. Currently, the surface runoff from the upstream westerly properties purposefully follows a drainage path leading directly onto the site and into an existing unimproved drainage ditch or ravine and continues its erosive travel downhill in an uncontrolled and untreated manner, transporting with it sediment and other environmentally damaging toxins and pollutants.

The proposed project will greatly improve the existing condition and thereby providing a valuable public benefit. The drainage improvements for the proposed project have been designed to capture this current surface drainage along with the drainage generated on the project site. This runoff will be managed in a controlled manner to eliminate the erosive conditions that exist today and through newly constructed onsite treatment improvements that will filter the combined surface water prior to its continued travel to nearby tributaries and waterways.

Fire Hazards – A Fire Technical Study has been completed with concurrence from the City of Oceanside Fire Department for the mitigation measures that are proposed. Brush Management Zone buffers, a fire wall, use of fire safe construction materials, and appropriate non-flammable landscaping materials have all been incorporated into the development proposal. The Fire Technical Study consultant, project biologist, and landscape architect worked cooperatively to ensure that the fire protection elements were coordinated with the project's habitat preservation objectives and the onsite landscaping requirements.

SUMMARY

The proposed project is significantly consistent with the development standards and has been designed to provide a community benefit through the preservation and conservation of almost two and a half acres of open space, as well as through the construction of drainage improvements that will manage surface water runoff generated offsite from a drainage basin that includes several properties surrounding the proposed project location. The requested variance for reduction in the number of required loading zone spaces and deviation from the 30' height restriction will actually preserve the intention of the development standards to ensure that the project serves as a benefit to the community and to the protection of wildlife species.

The professional office building has been designed to accommodate the needs of the "niche" clientele who has a desire for high quality office space with nearby freeway access at a reasonable price. Analysis of the commercial office market

has identified the lack of inventory in this type of small space office availability, yet an ever increasing demand.

The project applicant will recognize an acceptable return on his investment with the development project as it is proposed. No variance or zone change is requested to achieve this objective.

**APPLICATION ATTACHMENT
LEGAL DESCRIPTION**

Parcel 2 of Parcel Map No. 1133, in the City of Oceanside, County of San Diego, State of California, Filed in the Office of the County Recorder of San Diego County, December 4, 1972.

RECEIVED
SEP 15 2006
Planning Department

SCHEDULE A

TOTAL FEE FOR TITLE SEARCH,
EXAMINATION AND TITLE
INSURANCE \$1,049.00

POLICY AMOUNT: \$255,000.00

POLICY DATE: DECEMBER 30, 2005 AT 1:39 P.M.

1. NAME OF INSURED:

AMES HAWKES HOLDINGS, LLC.

2. THE ESTATE OR INTEREST IN THE LAND WHICH IS COVERED BY THIS POLICY IS:

A FEE

3. TITLE TO THE ESTATE OR INTEREST IN THE LAND IS VESTED IN:

AMES HAWKES HOLDINGS, LLC.

4. THE LAND REFERRED TO IN THIS POLICY IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO, AND IS DESCRIBED AS FOLLOWS:

PARCEL 2 OF PARCEL MAP NO. 1133, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, DECEMBER 4, 1972.