



DATE: June 9, 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 VARIANCES (V-1-07 AND V-5-08) 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 Deceleration reflects the independent judgment of the Planning Commission; and
- (2) Adopt Planning Commission Resolution No. 2008-P34 approving Development Plan (D-23-06) and Variances (V-1-07 and V-5-08) 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 PC (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 three components; a Development Plan (D-23-06) and Variances (V-1-07 and V-5-08), 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.

Variance (V-5-08) represents a request for the following:

- (a) To permit an encroachment of 10'-0" into the required 20'-0" front yard setback for commercial structures as per the Oceanside Zoning Ordinance 1100.

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

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

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, subject to approval of the two variances from the development standards requiring a 20-foot front yard setback and providing an additional loading space. 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	20 feet	10 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 specified by the proposed 10'-0" Variance will 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 exception of the proposed variance for the reduction of the number of on-site loading spaces and the required front yard setback requirement 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. Permitting the development to construct the building at a ten foot setback would be consistent in orientation with many of the office buildings along El Camino Real. The required two loading spaces would not be compatible in terms of consistency with the adjoining office developments. Most of the surrounding offices have been developed with one loading space dimensioned at 12' x 35' x 14' and the requirement placed upon this property to provide one 12' x 35' x 14' and a second 10' x 20' x 10' loading space would for buildings greater than 20,000 square feet would not be consistent with the surrounding developments in the area and place a physical hardship to the development because of the limited developable area available on site. Requiring the developer to provide the 10' x 20' x 10' loading space will not be warrant due to the inconsistencies with surrounding developments and lot constraints, making the Variance request warrant.

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.

Issue: Encroachment of 10'-0" into the front yard setback requirement for commercial structures as specified in the Oceanside Zoning Ordinance Section 1100.

Recommendation: The proposed 10-foot front yard setback in lieu of the required 20-foot yard requirement for commercial structures can be supported due to the lot constraints, such as the existing dramatic slopes limiting development towards the rear of the property, and the required habitat buffer area. Strict application of the Habitat conservation plan requires no more than 20 percent of the property to be developed, which constrains the development on the property. The required landscaping would be implemented within the proposed ten foot front yard area and would physically help elevate any visual impacts due to the building's close proximity to the property line. Allowing the building to be constructed at a 10-foot setback would help link the pedestrian activity with the proposed development, which would help provide sustainability and promote linkages with the pedestrians along El Camino Real and the development. Staff has analyzed the lot and habitat constraints on the property and with the limitations placed on the development, the proposed variance to reduce the front yard setback to 10'-0" in lieu of the required 20'-0", is necessary to develop this property and provide a type of development that shall enhance the neighborhood, as well as, add consistency with the pattern of development on neighboring properties.

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 June 9, 2008, no communication supporting or opposing the request has been received.

SUMMARY

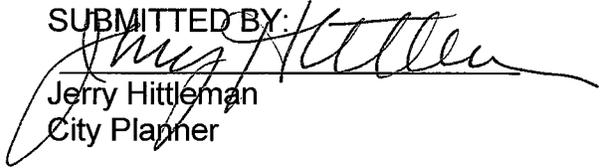
In summary, staff believes that the proposed Development Plan and Variances are consistent with the requirements of the Zoning Ordinance and the land use policies outlined in the General Plan. The project meets or exceeds all development standards with the exception of the additional loading space and reduced front yard setback, which is 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), Variances (V-1-07 and V-5-08) 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

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Attachments:

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

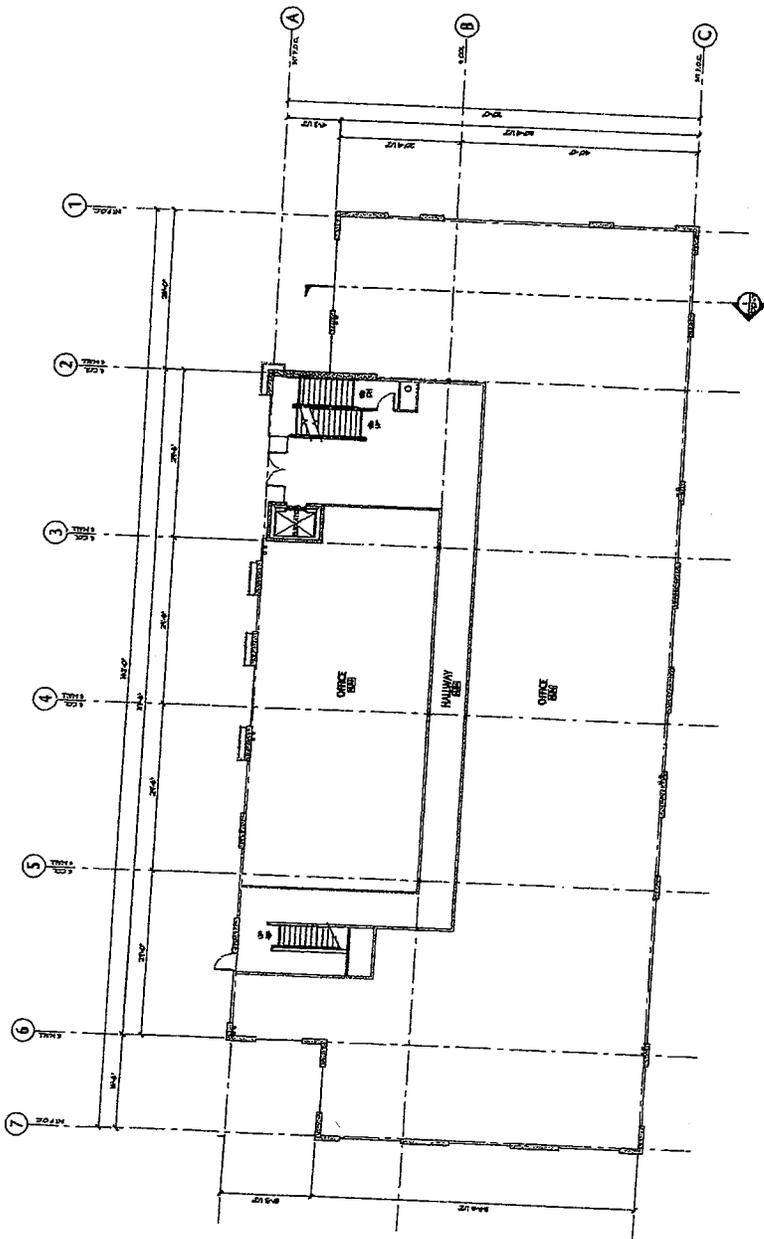


Project No.	DD-3
Client	HAWKES O-SIDE, LLC
Address	8 CAMINO REAL OCENASIDE, CALIFORNIA
Scale	AS SHOWN
Date	11/11/11
Drawn by	JWS
Checked by	JWS
Approved by	JWS

Project: **HAWKES O-SIDE, LLC**
 A New Building For
 8 CAMINO REAL
 OCENASIDE, CALIFORNIA

DD-3

SECOND FLOOR PLAN
Scale: 1/8" = 1'-0"



WALL LEGEND

---	1/2" CMU
---	1/2" CMU WITH GLASS BLOCK
---	1/2" CMU WITH GLASS BLOCK AND WOOD GRILL
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DD-6

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

EXTERIOR ELEVATIONS

SCALE: 1/4" = 1'-0"

LEGEND

1. WALLS WITH BRICK
2. WALLS WITH STUCCO
3. WALLS WITH CONCRETE
4. WALLS WITH GLASS
5. WALLS WITH METAL PANELS
6. WALLS WITH TERRAZZO
7. WALLS WITH GRANITE
8. WALLS WITH MARBLE
9. WALLS WITH SLATE
10. WALLS WITH SCHIST
11. WALLS WITH QUARTZITE
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13. WALLS WITH SLATE
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NOTES:

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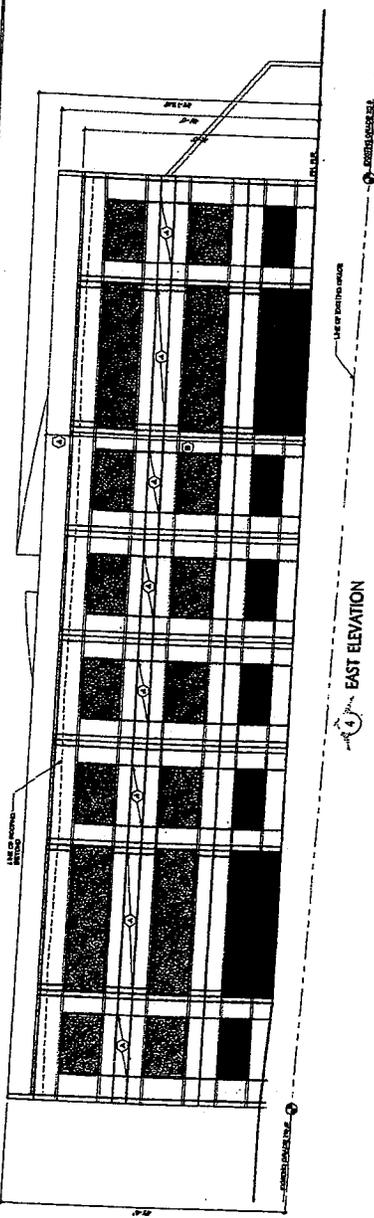
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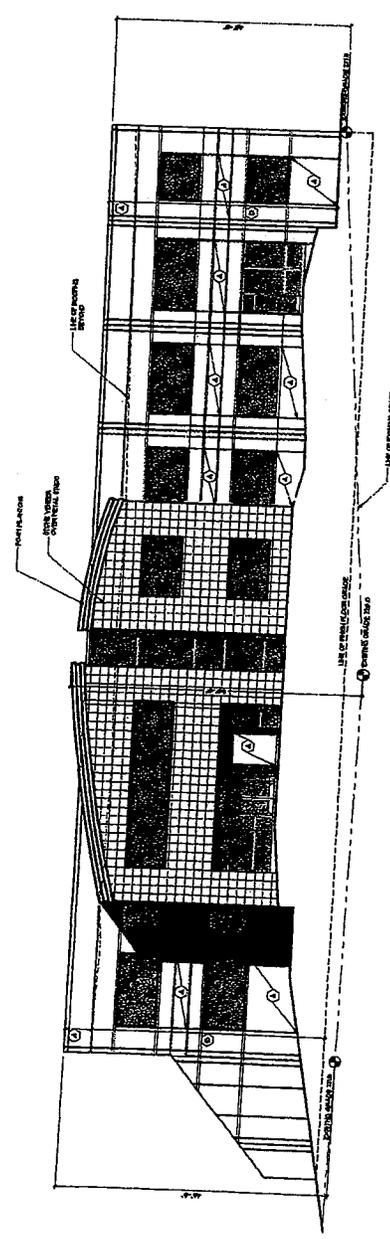
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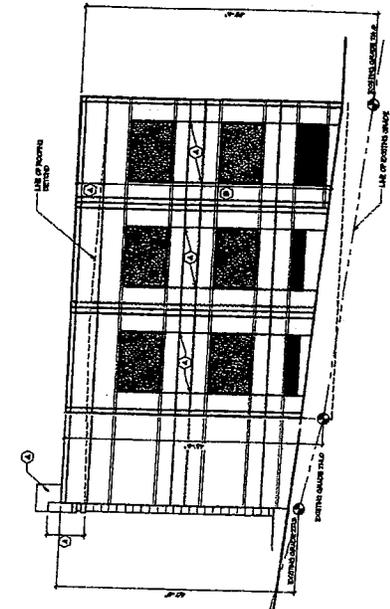
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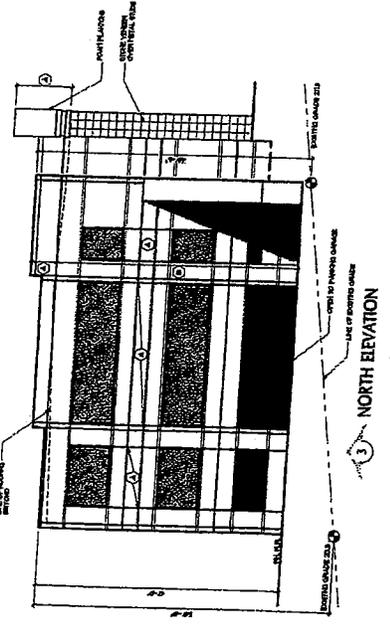
1 EAST ELEVATION



2 WEST ELEVATION



3 SOUTH ELEVATION



4 NORTH ELEVATION

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DATE: 10/15/2010
DRAWN BY: [Signature]
CHECKED BY: [Signature]
PROJECT: [Signature]

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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
VARIANCES ON CERTAIN REAL PROPERTY IN THE
CITY OF OCEANSIDE

APPLICATION NO: D-23-06, V-1-07 and V-5-08
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 covered parking and a request for two Variances to allow a 12-foot by 35-foot loading space rather than the required two spaces for buildings over 20,000 square feet and a reduction in the required front yard setback;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 9th day of June 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:

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
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)
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.
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.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
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

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

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 //////////

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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 For the Variance (V-5-08) (reduction in the front yard setback to 10 feet rather than the required
21 20-foot yard requirement):

22 1. The proposed 10-foot front yard setback is consistent with similar sized lots located
23 along El Camino Real. The unique topographic features, dramatic slopes on the
24 property, habitat buffer requirements and the existing easement constraints warrants
25 consideration and granting of the variance request. The strict applications of the
26 requirements of the Zoning Ordinance deprive such property of privileges enjoyed by
27 other property in the vicinity and under identical zoning classification.

28 2. The proposed 10-foot front yard setback will not be out-of-character with existing
29 developments in the vicinity. The granting of the variance will allow for the type of
development that is encouraged throughout the neighborhood. As such, granting the

1 Variance for the proposed reduced setback will not be detrimental or injurious to
2 property or improvements in the vicinity of the development site, or to the public health,
3 safety or general welfare.

- 4 3. The granting of the reduction in setbacks will not constitute a grant of special privilege
5 inconsistent with limitations on other properties in the vicinity and in the same zoning
6 district.

7 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
8 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein,
9 and approve Development Plan (D-23-06), Variance (V-1-07) and Variance (V-5-08) subject to
10 the following conditions:

11 **Building:**

- 12 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
13 Building Division plan check. (Currently the 2001 California Code of Regulations, and
14 2007 California Electrical Code)
- 15 2. The granting of approval under this action shall in no way relieve the applicant/project
16 from compliance with all State and Local building codes.
- 17 3. Site development, parking, access into buildings and building interiors shall comply with
18 the State's Disabled Accessibility Regulations. (2007 California Building Code (CBC),
19 Chapter 11B).
- 20 4. The building plans for this project are required by State law to be prepared by a licensed
21 architect or engineer and must be in compliance with this requirement prior to submittal
22 for building plan review.
- 23 5. All electrical, communication, CATV, etc. service lines within the exterior lines of the
24 property shall be underground (City Code Sec. 6.30).
- 25 6. All outdoor lighting must comply with Chapter 39 of the City Code (Light Pollution
26 Ordinance). Where color rendition is important, high-pressure sodium, metal halide or
27 other such lights may be utilized and shall be shown on building and electrical plans.
- 28 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
29 plans.

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

4 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
5 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
6 work that is not inherently noise-producing. Examples of work not permitted on
7 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
8 producing nature. No work shall be permitted on Sundays and Federal Holidays
9 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
10 Christmas Day) except as allowed for emergency work under the provisions of the
11 Oceanside City Code Chapter 38 (Noise Ordinance).

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

17 9. Separate/unique addresses will/may be required to facilitate utility releases. Verification
18 that the addresses have been properly assigned by the City's Planning Division must
19 accompany the Building Permit application

20 10. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation
21 will be required at time of plans submittal to the Building Division for plan check.

22 11. If a private sewer system is to be installed the design must be submitted to the Building
23 Division and approved prior to the construction of the sewer system. If a gravity flow
24 system is not used, an engineered mechanical system must be submitted and approved by
25 all City of Oceanside Divisions.

26 12. Building levels below grade (on all sides) shall be provided with a mechanical drainage
27 system that provides drainage to an approved location/receptor.

28 13. Tenant Improvements or other construction to the existing building requires permits
29 (including all required Inspections and approvals, and Issuance of Certificate of
Occupancy) from the Building Division.

- 1 14. Building area, height, and type of construction must meet Uniform Building Code
2 requirements of Table 5-A and Table 5B. An area analysis must be submitted with plans
3 at plan submittal.
- 4 15. If this project is submitted after Jan. 1, 2008 it must meet the requirements of the newly
5 adopted ICC codes.

6 **Fire Prevention:**

- 7 16. The size of fire hydrant outlets shall be 2 ½ "X 2 ½ x 4.
- 8 17. The fire hydrants shall be installed and tested prior to placing any combustible materials
9 on the job site.
- 10 18. Detailed plans of underground fire service mains shall be submitted to the Oceanside
11 Fire Department for approval prior to installation.
- 12 19. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
13 and Processing Manual Standard Drawing No. M-13.
- 14 20. All weather access roads shall be installed and made serviceable prior to and maintained
15 during time of construction.
- 16 21. The Fire Department turn-around, hammerhead, must be identified as a fire land and
17 marked as such with "No Parking" and red striped.
- 18 22. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A
19 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.
- 20 23. Buildings or portions of buildings more than 35 feet in height, as defined by the
21 California Building Code of the city of Oceanside, shall be provided with a street,
22 driveway, or designated fire lane not less than 35 feet wide which shall be able to
23 accommodate fire department aerial apparatus and designed in a matter so that ladder
24 truck operations can be affected on at least one side of the building which has openings
25 into its interior. Such street, alley, driveway, or designated fire lane shall be located not
26 more than 15 feet from buildings at a point adjacent to the highest building or portion
27 thereof.
- 28 24. Fire Department emergency access shall not exceed 15 percent grade.
- 29 25. A "Knox" key storage box shall be provided for all new construction. For buildings,
other than high-rise, a minimum of three complete sets of keys shall be provided. Keys

1 shall be provided for all exterior entry doors, fire protection equipment control rooms,
2 mechanical and electrical rooms, elevator controls and equipment spaces, etc. For high-
3 rise buildings, six complete sets are required.

4 26. Fire extinguishers are required and shall be included on the plans submitted for plan
5 check.

6 27. An approved fire sprinkler system must be installed throughout the building. The system
7 shall be designed per N.F.P.A. 13, and U.B.C. Standard 9-1. The sprinkler system
8 requires 24-hour supervision.

9 28. The Fire Department connection shall not be affixed to the building. The Fire
10 Department connection must be located at least 40 feet away from the building, within
11 40 feet of a fire hydrant, and on the address side of the building – unless otherwise
12 determined by the Fire Department. The hydrant shall be located on the same side of the
13 street as the Fire Department connection.

14 29. In accordance with the California Fire Code Sec. 901.4.4, approved address for
15 commercial, industrial, and residential occupancies shall be placed on the structure in
16 such a position as to be plainly visible and legible from the street or roadway fronting the
17 property. Numbers shall be contrasting with their background.

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

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

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

23 **Engineering:**

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

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

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

- 1 36. Prior to issuance of a building permit all improvement requirements shall be covered by
2 a development agreement and secured with sufficient improvement securities or bonds
3 guaranteeing performance and payment for labor and materials, setting of monuments,
4 and warranty against defective materials and workmanship.
- 5 37. Prior to issuance of a building permit a phasing plan for the construction of public and
6 private improvements including landscaping, shall be approved by the City Engineer.
- 7 38. The developer shall provide public street dedication as required to serve the property.
- 8 39. The approval of the project shall not mean that closure, vacation, or abandonment of any
9 public street, right-of-way, easement, or facility is granted or guaranteed to the
10 developer. The developer is responsible for applying for all closures, vacations, and
11 abandonments as necessary. The application(s) shall be reviewed and approved or
12 rejected by the City of Oceanside under separate process (es) per codes, ordinances, and
13 policies in effect at the time of the application.
- 14 40. Where proposed off-site improvements, including but not limited to slopes, public utility
15 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
16 expense, obtain all necessary easements or other interests in real property and shall
17 dedicate the same to the City of Oceanside as required. The applicant shall provide
18 documentary proof satisfactory to the City of Oceanside that such easements or other
19 interest in real property have been obtained prior to issuance of any grading, building or
20 improvement permit for the development. Additionally, the City of Oceanside, may at its
21 sole discretion, require that the applicant obtain at his sole expense a title policy insuring
22 the necessary title for the easement or other interest in real property to have vested with the
23 City of Oceanside or the applicant, as applicable.
- 24 41. Prior to the issuance of a grading permit, the developer shall notify and host a
25 neighborhood meeting with all of the area residents located within 300 feet of the project
26 site, and residents of property along any residential streets to be used as a "haul route", to
27 inform them of the grading and construction schedule, haul routes, and to answer
28 questions.
29

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

- 4 a) Dirt, debris and other construction material shall not be deposited on any public
5 street or within the City's stormwater conveyance system.
- 6 b) All grading and related site preparation and construction activities shall be
7 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
8 engineering related construction activities shall be conducted on Saturdays,
9 Sundays or legal holidays unless written permission is granted by the City Engineer
10 with specific limitations to the working hours and types of permitted operations.
11 All on-site construction staging areas shall be as far as possible (minimum 100
12 feet) from any existing residential development. Because construction noise may
13 still be intrusive in the evening or on holidays, the City of Oceanside Noise
14 Ordinance also prohibits "any disturbing excessive or offensive noise which
15 causes discomfort or annoyance to reasonable persons of normal sensitivity."
- 16 c) The construction site shall accommodate the parking of all motor vehicles used by
17 persons working at or providing deliveries to the site.
- 18 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
19 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
20 to 3:30 p.m. unless approved otherwise.

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

27 44. Approval of this development project is conditioned upon payment of all applicable impact
28 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
29 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,

1 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
2 prior to recordation of the map or the issuance of any building permits, in accordance with
3 City Ordinances and policies. The developer shall also be required to join into, contribute,
4 or participate in any improvement, lighting, or other special district affecting or affected by
5 this project. Approval of the project shall constitute the developer's approval of such
6 payments, and his agreement to pay for any other similar assessments or charges in effect
7 when any increment is submitted for building permit approval, and to join, contribute,
8 and/or participate in such districts.

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

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

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

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

17 49. Lift the section of the two curb inlets, gutter, sidewalk and street asphalt to eliminate the
18 existing low spot depressions for proper drainage flow. The developer will test the
19 runoff flows downstream of the two demolished curb inlets to make sure that there is no
20 standing water in the street or the gutter line.

21 50. Five hundred fifty (550) feet intersectional sight distance shall be required along El
22 Camino Real from the proposed project driveway for each direction of traffic. Sight
23 distance requirements at the project driveway or street shall conform to the corner sight
24 distance criteria as provided by the California Department of Transportation Highway
Design Manual or SDRSD DS-20A and/or DS-20B.

25 51. Streetlights shall be maintained and installed on all public streets per City Standards. The
26 system shall provide uniform lighting, and be secured prior to occupancy. The developer
27 shall pay all applicable fees, energy charges, and/or assessments associated with City-
28 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
29 annexation to, any appropriate street lighting district.

- 1 52. This project's streets/driveways shall remain private and shall be maintained by the
2 developer or any future successors/owner(s). The pavement sections, traffic indices,
3 alignments, and all geometrics shall meet public street standards.
- 4 53. Prior to approval of the grading plans, the developer shall contract with a geotechnical
5 engineering firm to perform a field investigation of the existing pavement on all streets
6 adjacent to the project boundary. The limits of the study shall be half-street 12 feet
7 along the project's frontage. The field investigation shall include a minimum of one
8 pavement boring per every 50 linear feet of street frontage. Should the existing AC
9 thickness be determined to be less than three inches or without underlying Class II base
10 material, the developer shall remove and reconstruct the pavement section as determined
11 by the pavement analysis submittal process detailed in Item No. 2 below.
- 12 54. Upon review of the pavement investigation, the City Engineer shall determine whether
13 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
14 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or
15 2) Perform R-value testing and submit a study that determines if the existing pavement
16 meets current City standards/traffic indices. Should the study conclude that the
17 pavement does not meet current requirements, rehabilitation/mitigation
18 recommendations shall be provided in a pavement analysis report, and the developer
19 shall reconstruct the pavement per these recommendations, subject to approval by the
20 City Engineer.
- 21 55. El Camino Real shall be improved as required the City Engineer.
- 22 56. Pavement sections for all streets, driveways and parking areas shall be based upon
23 approved soil tests and traffic indices. The pavement design is to be prepared by the
24 developer's soil engineer and must be approved by the City Engineer, prior to paving.
- 25 57. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
26 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 27 58. All existing overhead utility lines within the development and/or within any full width
28 street or right-of-way abutting a new development, and all new extension services for the
29 development of the project, including but not limited to, electrical, cable and telephone,

1 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R91-166)
2 and as required by the City Engineer and current City policy.

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

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

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

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

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

23 64. This project shall provide year-round erosion control including measures for the site
24 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
25 control plan, designed for all proposed stages of construction, shall be reviewed, secured
26 by the applicant with cash securities and approved by the City Engineer.

27 65. A precise grading and private improvement plan shall be prepared, reviewed, secured and
28 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
29 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
footprints of all structures, walls, drainage devices and utility services. Parking lot striping

1 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
2 Improvement Plans.

3 66. Landscaping plans, including plans for the construction of walls, fences or other structures
4 at or near intersections, must conform to intersection sight distance requirements.
5 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
6 of occupancy permits, and a pre-construction meeting held, prior to the start of any
7 improvements.

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

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

22 69. The drainage design on the development is conceptual only. The final design shall be
23 based upon a hydrologic/hydraulic study to be approved by the City Engineer during final
24 engineering. All drainage picked up in an underground system shall remain underground
25 until it is discharged into an approved channel, or as otherwise approved by the City
26 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
27 All storm drain easements shall be dedicated where required. The applicant shall be
28 responsible for obtaining any off-site easements for storm drainage facilities.
29

- 1 70. Storm drain facilities shall be designed and located such that the inside travel lanes on
2 streets with Collector or above design criteria shall be passable during conditions of a 100-
3 year frequency storm.
- 4 71. Sediment, silt, grease, trash, debris, and/or pollutants shall be collected on-site and
5 disposed of in accordance with all state and federal requirements, prior to stormwater
6 discharge either off-site or into the City drainage system.
- 7 72. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
8 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
9 height exceeds 20 feet or where the slope exceeds 4 feet and is adjacent to an arterial
10 street or state highway.
- 11 73. The development shall comply with all applicable regulations established by the United
12 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
13 Discharge Elimination System (NPDES) permit requirements for urban runoff and
14 stormwater discharge and any regulations adopted by the City pursuant to the NPDES.
15 regulations or requirements. Further, the applicant may be required to file a Notice of
16 Intent with the State Water Resources Control Board to obtain coverage under the
17 NPDES. General Permit for Storm Water Discharges Associated with Construction
18 Activity and may be required to implement a Storm Water Pollution Prevention Plan
19 (SWPPP) concurrent with the commencement of grading activities. SWPPPs include
20 both construction and post construction pollution prevention and pollution control
21 measures and identify funding mechanisms for post construction control measures. The
22 developer shall comply with all the provisions of the Clean Water Program during and
23 after all phases of the development process, including but not limited to: mass grading,
24 rough grading, construction of street and landscaping improvements, and construction of
25 dwelling units. The applicant shall design the Project's storm drains and other drainage
26 facilities to include Best Management Practices to minimize non-point source pollution,
27 satisfactory to the City Engineer.
- 28 74. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
29 be subject to prevailing wage requirements as specified by Labor Code section 1720(b)

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

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

13 76. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
14 Agreement with the City obliging the project proponent to maintain, repair and replace
15 the Storm Water Best Management Practices (BMPs) identified in the project's approved
16 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.
17 The Agreement shall be approved by the City Attorney prior to issuance of any precise
18 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
19 any building permit. Security in the form of cash (or certificate of deposit payable to the
20 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
21 of a precise grading permit. The amount of the security shall be equal to 10 years of
22 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
23 prepare the O&M cost estimate.

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

29 78. The Agreement shall include a copy of executed onsite and offsite access easements
necessary for the operation and maintenance of BMPs that shall be binding on the land

1 throughout the life of the project to the benefit of the party responsible for the O&M of
2 BMPs, until such time that the storm water BMP requiring access is replaced,
3 satisfactory to the City Engineer. The agreement shall also include a copy of the O&M
4 Plan approved by the City Engineer.

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

12 **Planning:**

- 13 80. This Development Plan (D-23-06), Variance (V-1-07) and Variance (V-5-08) approvals
14 shall lapse two years after the effective date of approval.

15 a) Unless a grading permit has been issued and grading has been substantially
16 completed and or a building permit has been issued, and construction diligently
17 pursued; or an occupancy permit has been issued; or

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

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

- 1 82. This Development Plan shall be called for review by the Planning Commission if
2 complaints are filed and verified as valid by the City Planner or the Code Enforcement
3 Officer concerning the violation of any of the approved conditions or the project
4 assumptions demonstrated under the application approval.
- 5 83. A covenant or other recordable documents approved by the City Attorney shall be
6 prepared by the property owner and recorded prior to the issuance of a building permit.
7 The covenant shall provide that the property is subject to this resolution, and shall
8 generally list the conditions of approval.
- 9 84. Prior to the transfer of ownership and or operation of the site the owner shall provide a
10 written copy of the applications, staff report and resolutions for the project to the new
11 owner and or operator. This notification's provision shall run with the life of the project
12 and shall be recorded as a covenant on the property.
- 13 85. Failure to meet any conditions of approval for this development shall constitute a
14 violation of the Development Plan and Variances.
- 15 86. Unless expressly waived, all current zoning standards and City ordinances and policies
16 in effect at the time building permits are issued are required to be met by this project.
17 The approval of this project constitutes the property owner's and developer's agreement
18 with all statements in the Description and Justification, and other materials and
19 information submitted with this application, unless specifically waived by an adopted
20 condition of approval.
- 21 87. The developer is prohibited from entering into any agreement with a cable television
22 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
23 and or maintain its cable television system in the development.
- 24 88. The property owner, permittee or any successor-in-interest shall defend, indemnify and
25 old harmless the City of Oceanside, its agents, officers or employees from any claim,
26 action or proceeding against the City, its agents, officers, or employees to attack, set
27 aside, void or annul an approval of the City, concerning Development Plan (D-23-
28 06), Variance (V-1-07) and Variance (V-5-08). The City will promptly notify the
29 property owner of any such claim, action or proceeding against the City and will

1 cooperate fully in the defense. If the City fails to promptly notify the applicant of any
2 such claim action or proceeding or fails to cooperate fully in the defense, the applicant
3 shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

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

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

- 19 a) Street trees shall be located 30'-0" on center and shall be maintained by the
20 owner of the property in perpetuity to meet the satisfaction of the City Engineer.
21 Street trees shall be a minimum 24" box or minimum 2" caliper, whichever is
22 greater in size and meet the approval of the City Engineer.
- 23 b) Provide details and obtain Planning Division approval for the trash enclosure,
24 walls, fencing and gates on-site.
25 Trash enclosures shall be softened with landscaping. Plantable walls shall be
26 planted and irrigated per the current City of Oceanside requirements.
- 27 c) The Landscape Architect shall field verify location of sewer and water utilities,
28 storm drain and sight distance locations: landscaping shall be planted in
29 accordance with all City of Oceanside requirements. Landscaping shall be
relocated, not omitted, to meet the satisfaction of the City Engineer.

1 d) Landscape plans shall match the Conceptual plan, Civil plan and comply with
2 SWMP Best Management Practices.

3 e) These conditions of approval are in addition to the conceptual landscape plan and
4 shall supersede any conflicts.

5 **Mitigation Measures:**

6 91. All mitigation measures identified in the approved Mitigated Negative Declaration shall
7 be complied with as stated in that document.

8 92. In the event any subsurface archaeological resources are encountered during grading or
9 construction activities, such activities in the locality of the find shall be halted
10 immediately. An archaeologist, certified by the Society of Professional Archaeologists
11 (SOPA), shall be brought in to determine the significance of the archaeological resources
12 and implement appropriate mitigations prior to recommending earthwork.

13 93. If archaeological materials are encountered, their importance must be evaluated to assess
14 the significance of impacts. If significant cultural resources are encountered, mitigation
15 would be accomplished through documentation and excavation of features, cataloging
16 and analysis of cultural material collected, and preparation of a report detailing the
17 methods and results of the monitoring/data recovery program.

18 94. Any cultural material recovered shall be curated at an appropriate facility, except as
19 stipulated differently in the pre-excavation agreement.

20 95. To protect water quality in the area the following mitigation measures shall be
21 implemented:

22 a) Material and waste Best Management Practices (BMPs) during site grading and
23 construction shall be strictly enforced.

24 b) A water quality management plan shall be prepared that addresses potential water
25 pollutant issues for the proposed project site and related areas. The report shall be
26 prepared and approved prior to the issuance of grading permits.

27 c) Permanent structural Best Management Practices (BMPs), such as infiltration
28 trenches, fossil filters, and/or oil water separators shall be installed and maintained
29 at all storm drain inlets on the site.

- 1 d) Non-structural post-construction Best Management Practices (BMPs), such as a
2 public education program (providing signage at all drainage inlets prohibiting
3 dumping of any kind).
- 4 96. A letter of clearance from the affected school district in which the property is located
5 shall be provided as required by City policy at the time building permits are issued.
- 6 97. A qualified biologist shall be retained by the applicant to review the final grading plans,
7 access routes and staging areas, monitor all aspects of construction, educate contractors
8 about the biological sensitivities associated with the area and ensure compliance with
9 mitigation measures.
- 10 98. The qualified biologist shall conduct a training session for all project personnel prior to
11 any grading/construction activities. At a minimum the training shall include a
12 description of the target species of concern, its habitats, the general provisions of the
13 Endangered Species Act (Act) and the MHCP, the need to adhere to the provision of the
14 Act and the MHCP, the penalties associated with violating the provisions of the Act, the
15 general measures that are being implemented to conserve the target species of concern as
16 they relate to the project, any provisions for wildlife movement, and the access routes to
17 and project site boundaries within which the project activities must be accomplished.
- 18 99. A water pollution and erosion control plan shall be developed that describes sediment
19 and hazardous materials control, dewatering or diversion structures, fueling and
20 equipment management practices and other factors as deemed necessary. Erosion
21 control measures shall be monitored on a regularly scheduled basis, particularly during
22 time or rainfall. Corrective measures shall be implemented in the event erosion control
23 strategies are inadequate. Sediment/erosion control measures shall be continued at the
24 project site until such time as the revegetation efforts are successful at soil stabilization.
- 25 100. The footprint of habitat disturbance shall be minimized to the maximum extent feasible.
26 Access to sites shall be via pre-existing access routes to the greatest extent possible.
- 27 101. The upstream and downstream limits of project disturbance plus lateral limits of
28 disturbance on either side of the stream shall be clearly defined and marked in the field
29 and reviewed by the biologist prior to initiation of work.

1 102. Placement of equipment and personnel within environmentally sensitive habitat areas
2 stream channels or on sand and gravel bars, banks and adjacent upland habitats used by
3 target species of concern shall be avoided. Activities that can not be conducted without
4 placing equipment or personnel in sensitive habitats shall be timed to avoid the breeding
5 season of the target species of concern.

6 103. When stream flows must be diverted, the diversions shall be conducted using sandbags
7 or other methods requiring minimal in stream impacts. Silt fencing or other sediment
8 trapping materials shall be installed at the downstream end of the construction activity to
9 minimize the transport of sediments off-site. Settling ponds where sediment is collected
10 shall be cleaned out in a manner that prevents the sediment from re-entering the stream.
11 Care shall be exercised when removing silt fences, as feasible, to prevent debris or
12 sediment from returning to the stream.

13 104. Equipment storage, fueling and staging areas shall be located to minimize risks of direct
14 drainage into riparian areas or other environmentally sensitive habitats. These
15 designated areas shall be located in such a manner as to prevent runoff from entering
16 sensitive habitats. All necessary precautions shall be taken to prevent the release of
17 cement or other toxic substances into surface waters. All project related spills of
18 hazardous materials shall be reported to appropriate entities including but not limited to
19 the City of Oceanside, FWS, and CDFG, SWQCB and shall be cleaned up immediately
20 and contaminated soils removed to approved disposal areas.

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

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

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

29 108. Scheduling of construction activities shall minimize potential impacts to biological
resources. Construction adjacent to drainages shall occur during periods of minimum

1 flow (i.e. summer through first rain of fall) to avoid excessive sedimentation and erosion
2 and to avoid impacts to drainage dependent species. Construction near riparian areas or
3 other sensitive habitats shall be scheduled to avoid the breeding season (March through
4 September) and potential impacts to breeding bird species.

5 109. Construction activities during the breeding season (dates to be determined depending
6 upon species of concern- some start in February - March through September) shall be
7 limited to those that will not produce significant noise impacts (i.e. noise levels greater
8 than 60 dBLEq—decibels equivalent sound level) at the edge of the habitat of concern.

9 110. Conduct preconstruction surveys at potential impact areas between mid-May and mid-
10 June.

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

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

19 113. The qualified biologist shall monitor construction activities throughout the duration of
20 the project to ensure that all practicable measures are being employed to avoid incidental
21 disturbance of habitat and any target species of concern outside the project footprint.
22 Construction monitoring reports shall be completed and provided to the City of
23 Oceanside, FWS and CDFG summarizing how the project is in compliance with
24 applicable conditions. The project biologist shall be empowered to halt work activity if
25 necessary and to confer with staff from the City of Oceanside, FWS and CDFG to ensure
26 the proper implementation of species and habitat protection measures.

27 114. The removal of native vegetation shall be avoided and minimized to the maximum
28 extent practicable. Temporary impacts shall be returned to pre-existing contours and
29 revegetated with appropriate native species. All revegetation plans shall be prepared and

1 implemented consistent with Appendix C (Revegetation Guidelines of the Final MHCP
2 Plan – Volume II) and shall require written concurrence of the FWS and CDFG.

3 115. To avoid attracting predators of the target species of concern, the project site shall be
4 kept clean of debris as possible. All food related trash items shall be enclosed in sealed
5 containers and regularly removed from the site. Pets of project personnel shall not be
6 allowed on-site where they may come in contact with any listed species.

7 116. Construction employees shall strictly limit their activities, vehicles, equipment, and
8 construction materials to the proposed footprint and designated staging areas and routes
9 of travel. The construction area(s) shall be the minimal area necessary to complete the
10 project and shall be specified in the construction plans. Construction limits shall be
11 fenced with orange snow screen. Exclusion fencing shall be maintained until the
12 completion the completion of all construction activities. All employees shall be
13 instructed that their activities are restricted to the construction areas.

14 117. Any habitat destroyed that is not in the identified project footprint shall be disclosed
15 immediately to the City of Oceanside, FWS and CDFG and shall be compensated at a
16 minimum ratio of 5:1.

17 118. If dead or injured listed species are located, initial notification must be made within three
18 working days, in writing to the Service's Division of Law Enforcement in Torrance
19 California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field
20 Office of the FWS, and CDFG.

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

25 120. Any planting stock to be brought onto the site for landscaping or ecological restoration
26 shall be first inspected by a qualified pest inspector to ensure it is free of pest species
27 that could invade natural areas, including but not limited to Argentine ants, fire ants, and
28 other insect pests. Any planting sock found to be infested with such pests shall not be
29 allowed on the project site or within 300 feet of natural habitats. The stock shall be

1 quarantined, treated or disposed of according to best management principles by qualified
2 experts in a manner that precludes invasions into natural habitats.

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

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

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

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

13 **Water Utilities:**

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

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

20 127. Water services and sewer laterals constructed in existing right-of-way locations are to be
21 constructed by approved and licensed contractors at developer's expense.

22 128. All Water and Wastewater construction shall conform to the most recent edition of the
23 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
24 the Water Utilities Director.

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

28 130. No trees, structures or building overhang shall be located within any water or wastewater
29 utility easement.

- 1 131. All lots with a finish pad elevation located below the elevation of the next upstream
2 manhole cover of the public sewer shall be protected from backflow of sewage by
3 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
4 Code (U.P.C.).
- 5 132. A separate irrigation meter and approved backflow prevention device is required and shall
6 be displayed on the plans.
- 7 133. An Inspection Manhole, described by the Water, Sewer, and Reclaimed Water Design and
8 Construction Manual, shall be installed in each building sewer lateral and the location shall
9 be called out on the approved Improvement Plans.
- 10 134. A Grease, Oil, and Sand Interceptor, described by the Uniform Plumbing Code, relating to
11 garages and wash racks shall be installed in each building sewer in an appropriate location
12 and shall be maintained by the property owner. The location shall be called out on the
13 approved Improvement Plans.
- 14 135. Subterranean parking structures shall be designed with a drainage system that conveys
15 runoff to the City's Storm Drain System and shall comply with the California Regional
16 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 June 9, 2008 by the following
5 vote, to wit:

6 AYES:

7 NAYS:

8 ABSENT:

9 ABSTAIN:

10
11 _____
12 Dennis Martinek, Chairman
13 Oceanside Planning Commission

14 ATTEST:

15
16 _____
17 Jerry Hittleman, Secretary

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: June 9, 2008
21
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29



File Number: D-23-06, V-1-07, V-5-08

Applicant: Hawkes Oceanside, LLC

Description:

DEVELOPMENT PLAN (D-23-06), VARIANCE (V-1-07) and VARIANCE (V-5-08) 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.

Application For Planning Commission Hearing

Planning Department (760) 435-3520
 Oceanside Civic Center
 300 North Coast Highway
 Oceanside, California 92054-2885

STAFF USE ONLY

ACCEPTED BY
 2/12/07 SN

RECEIVED
 FEB 12 2007
 Planning Department

Please Print or Type All Information

PART I - APPLICANT INFORMATION

1. APPLICANT <i>Hawkes O-side 1, LLC</i>	2. STATUS GPA
3. ADDRESS <i>18635 Old Coach Dr., Poway CA 92064</i>	4. PHONE/FAX <i>(658) 573-9559</i>
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) <i>Jeffrey Hawkes</i>	6. ADDRESS <i>18635 Old Coach Dr., Poway CA 92064</i>
7. PHONE/FAX <i>(658) 775-0169</i>	

HEARING	
MASTER/SP. PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	
DEV. PL.	<i>D-23-06 (Exhibit)</i>
C.U.P.	<i>1</i>
VARIANCE	<i>1/1-07</i>
COASTAL	<i>1/2-07</i>
O.H.P.A.C.	

PART II - PROPERTY DESCRIPTION

8. LOCATION <i>East side of El Camino Real, Btwn Fire Htn. # Via Las Rivas</i>	9. SIZE <i>3.3 acres / 143,748 sf</i>
10. GENERAL PLAN <i>PC</i>	11. ZONING <i>CP</i>
12. LAND USE <i>Vacant</i>	13. ASSESSOR'S PARCEL NUMBER <i>165-420-23</i>

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 <i>no change</i>	16. PROPOSED ZONING <i>no change</i>	17. PROPOSED LAND USE <i>commercial office</i>	18. NO. UNITS -	19. DENSITY -
20. BUILDING SIZE <i>33,504 sf</i>	21. PARKING SPACES <i>71</i>	22. % LANDSCAPE <i>80.57%</i>	23. % LOT COVERAGE <i>19.43%</i>	

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):
Jeff Hawkes

34. DATE
2-12-07

Sign: *Jeff Hawkes*

37. OWNER (Print):
Jeff Hawkes

38. DATE
2-12-07

Sign: *Jeff Hawkes*

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

35. APPLICANT (Print):
Jeff Hawkes

36. DATE
2-12-07

Sign: *Jeff Hawkes*

39. OWNER (Print):
Jeff Hawkes

40. DATE
2-12-07

Sign: *Jeff Hawkes*

**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

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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.

FORM NO. 6084
CALIFORNIA LAND TITLE ASSOCIATION
STANDARD COVERAGE POLICY - 1990

ORDER NO.: 3012443-98
POLICY NO.: 253501

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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.

Final
MITIGATED NEGATIVE DECLARATION
for the
El Camino Executive Center

Prepared for:

Hawkes O-side I, LLC

16935 West Bernardo Drive, Suite 112
San Diego, CA 92127

Submitted to:

City of Oceanside

300 N. Coast Highway
Oceanside, CA 92054
Attn: Scott Nightingale

Prepared By:

DUDEK

605 Third Street
Encinitas, CA 92024

May 2008

Table of Contents

Section	Page
1.0 RESPONSES TO COMMENTS	1-1
2.0 FINAL NEGATIVE DECLARATION.....	2-1
3.0 MITIGATION MONITORING AND REPORT PROGRAM.....	3-1
4.0 INITIAL STUDY	4-1

Section 1.0 Responses to Comments

Comment Letter A

STATE OF CALIFORNIA

Arnold Schwarzenegger, Governor

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
SACRAMENTO, CA 95814
(916) 653-6251
Fax (916) 657-5890
Web Site www.nahc.ca.gov
e-mail: ds_nahc@pacbell.net



August 22, 2007

RECEIVED

AUG 23 2007

Planning Department

Mr. Scott Nightingale; Project Manager

CITY OF OCEANSIDE

300 N. Coast Highway
Oceanside, CA 92054

Re: SCH#2007081046; CEQA Notice of Completion; Negative Declaration for El Camino Executive Center (D-23-06) (V-1-07); City of Oceanside; San Diego County, California

Dear Mr. Nightingale:

- The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:
- ✓ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf>. The record search will determine:
 - if a part or the entire APE has been previously surveyed for cultural resources.
 - if any known cultural resources have already been recorded in or adjacent to the APE.
 - if the probability is low, moderate, or high that cultural resources are located in the APE.
 - if a survey is required to determine whether previously unrecorded cultural resources are present.
 - ✓ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
 - ✓ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
 - The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
 - ✓ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.
 - ✓ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.
 - * CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

A-1

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A-3

A-4

A-5

A-6

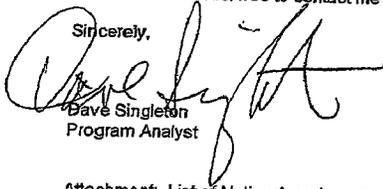
Section 1.0 Responses to Comments

√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the CEQA Guidelines mandate procedures to be followed in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery.
√ Lead agencies should consider avoidance, as defined in § 15370 of the CEQA Guidelines, when significant cultural resources are discovered during the course of project planning.

] A-7

Please feel free to contact me at (916) 653-6251 if you have any questions.

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Section 1.0 Responses to Comments

Native American Contacts San Diego County August 22, 2007

Rincon Band of Mission Indians
Angela Veltrano, Rincon Culture Committee
P.O. Box 68 Luiseno
Valley Center, CA 92082
council@rincontribe.org
(760) 749-1051
(760) 749-8901 Fax

San Luis Rey Band of Mission Indians
Mark Mojado, Cultural Resources
1889 Sunset Drive Luiseno
Vista, CA 92081 Cupeno
(760) 724-8505
(760) 586-4858 (cell)

San Luis Rey Band of Mission Indians
Henry Contreras, Most Likely Descendent
1763 Chapulin Lane Luiseno
Fallbrook, CA 92028
(760) 728-6722 - Home
(760) 207-3618 - Cell

Cupa Cultural Center (Pala Band)
Shasta Gaughen, Assistant Director
35008 Pala-Temecula Rd. PMB Box 445 Luiseno
Pala, CA 92059
cupa@palatribe.com
(760) 742-1590
(760) 742-4543 - FAX

San Luis Rey Band of Mission Indians
Russell Romo, Chairman
12064 Old Pomerado Road Luiseno
Poway, CA 92064
(858) 748-1586

La Jolla Band of Mission Indians
ATTN: Rob Roy, Environmental Director
22000 Highway 76 Luiseno
Pauma Valley, CA 92061
lajolla-sherry@aol.com and
(760) 742-3790
(760) 742-1704 Fax

San Luis Rey Band of Mission Indians
Carmen Mojado, Co-Chair
1889 Sunset Drive Luiseno
Vista, CA 92081
(760) 724-8505

Charles Devers, Chair
Cultural Committee; Pauma & Yuima Reservation
P.O. Box 369 Luiseno
Pauma Valley, CA 92061
(760) 742-1289
(760) 742-4543 FAX

This list is current only as of the date of this document.

Distribution of this list does not relieve any person of statutory responsibility as defined in Section 7050.5 of the Health and Safety Code, Section 5097.94 of the Public Resources Code and Section 5097.98 of the Public Resources Code.

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2007081046; CEQA Notice of Completion; Negative Declaration for El Camino Executive Center (D-23-06) (V-1-07); City of Oceanside; San Diego County, California.

Section 1.0 Responses to Comments

Response to Letter A Native American Heritage Commission August 22, 2007

- A-1** The Comment is acknowledged and does not raise any issues related to the adequacy of the MND.
- A-2** The California Historic Resources Information Center was contacted regarding this property. Based on the results of research related to the property, a site specific survey was determined to be necessary. A Cultural Resources Testing and Evaluation Report was prepared for the site (ASM Affiliates 2008).
- A-3** The final report was prepared and submitted consistent with the recommendations provided in this comment.
- A-4** As documented in the Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008), the Native American Heritage Commission was contacted prior to conducting site surveys consistent with the recommendation provided in this comment.
- A-5** The Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008), recommends archaeological and Native American monitoring during ground disturbance, consistent with the recommendation provided in this comment. Mitigation Measure CULT 1 from the draft MND required this monitoring; therefore no change to the MND is required to respond to this comment.
- A-6** The Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008), recommends for the proper treatment of remains should they be identified during project construction. Mitigation Measure CULT 1 from the draft MND included these provisions; therefore no change to the MND is required to respond to this comment.
- A-7** The Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008), recommends for the proper treatment of remains should they be identified during project construction. Mitigation Measure CULT 1 from the draft MND included these provisions; therefore no change to the MND is required to respond to this comment.

Section 1.0 Responses to Comments

Comment Letter B

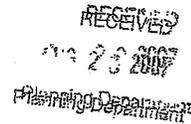
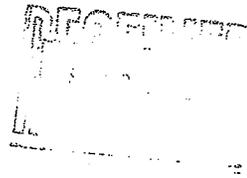


San Diego County Archaeological Society, Inc.

Environmental Review Committee

16 August 2007

To: Mr. Scott Nightingale, Planner
Planning Division
City of Oceanside
300 North Coast Highway
Oceanside, California 92054



Subject: Draft Mitigated Negative Declaration
El Camino Executive Center
D-23-06, V-1-07

Dear Mr. Nightingale:

I have reviewed the subject DMND on behalf of this committee of the San Diego County Archaeological Society.

Based on the information contained in the DMND and initial study for the project, we have the following comments:

1. Page 10 of the initial study, under 14.5.a, states that there was "one survey that covered a portion of the property", which suggests that the full parcel has not been surveyed for cultural resources. The City must require completion of a survey by a qualified archaeologist and make the resulting impact analysis and mitigation measures available for public review prior to project approval. The same section of the initial study refers to an ASM report that the list of references refers to as "Due Diligence". It may be that the recommendations of that report were misunderstood by the applicant.
2. The monitoring of grading and excavation by archaeological and Native American monitors is appropriate. However, the conditions need to be expanded to address various contingencies as well as curation requirements. We recommend that wording similar to the County's archaeological monitoring conditions be utilized. They can be found on the County's website, at http://www.sdcounty.ca.gov/dplu/Resource/docs/3~pdf/Cultural_Report_Format.pdf, beginning on page 54. Wording for curation requirements is also included, on page 48. The contact person at the County's Department of Planning and Land Use is Donna Beddow (858-694-3656, or donna.beddow@sdcounty.ca.gov). The San Diego Archaeological Center (a separate organization from SDCAS), working with Ms. Beddow, has developed a generic version of the County's mitigation conditions. If you would like a copy, either she or I (fwroyle@cts.com) can

B-1

B-2

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Section 1.0 Responses to Comments

provide an electronic copy, or you may contact the Center's Director, Cindy Stankowski, at cstankowski@sandiegoarchaeology.org.

SDCAS appreciates being included in the City's environmental review process for this project.

Sincerely,


James W. Royle, Jr., Chairperson
Environmental Review Committee

cc: ASM Affiliates
SDCAS President
File

P.O. Box 81106 • San Diego, CA 92138-1106 • (858) 538-0935

Section 1.0 Responses to Comments

Response to Letter B San Diego County Archaeological Society August 16, 2007

- B-1** A Cultural Resources Testing and Evaluation Report was prepared for the site (ASM Affiliates 2008).
- B-2** Mitigation Measure CULT 1 addresses contingencies and curation. In response to this comment, CULT 1 has been revised to require implementation of the measure consistent with the Mitigation Recommendations in the Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008).

Section 1.0 Responses to Comments

Comment Letter C



U. S. Fish and Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road
Carlsbad, California 92011
(760) 431-9440
FAX (760) 431-5901



California Department of Fish and Game
South Coast Region
4949 Viewridge Avenue
San Diego, California 92123
(858) 467-4201
FAX (858) 467-4299

In Reply Refer To:
FWS-SDG-CDFG-5379.3

SEP 14 2007

Mr. Jerry Hittleman, Acting City Planner
City of Oceanside Planning Department
300 North Coast Highway
Oceanside, California 92054

Subject: Comments on the Mitigated Negative Declaration for the El Camino Executive Center,
City of Oceanside, San Diego County, California (SCH#2007081046)

Dear Mr. Hittleman:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Mitigated Negative Declaration (MND) dated August 8, 2007. On August 27, 2007, in an email to Christine Beck of the Department, you granted the Wildlife Agencies an extension for submitting comments regarding the MND until September 14, 2007. The comments provided herein are based on information provided in the MND, the Biological Resources Assessment Letter Report (Foothill Associates April 2007), a site visit with the applicant and the Wildlife Agencies April 5, 2007, a letter provided to the Service on August 27, 2007, from Dudek describing avoidance and minimization measures of the project, our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*). The Department is a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA; Sections 15386 and 15381, respectively) and is responsible for ensuring appropriate conservation of the state's biological resources, including rare, threatened, and endangered plant and animal species, pursuant to the California Endangered Species Act (CESA) and other sections of the Fish and Game Code. The Department also administers the Natural Community Conservation Planning (NCCP) Program. The City of Oceanside (City) is currently participating in the NCCP program through the preparation of a Multiple Habitat Conservation Program (MHCP) Subarea Plan (SAP).

TAKE PRIDE
IN AMERICA 

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Page 2

The 3.5-acre project site is located just east of El Camino Real and west of residential development and Trevino Avenue, and is bounded to the north by an undeveloped city-owned parcel, and to the south by medical office buildings. The property is within the Wildlife Corridor Planning Zone of the City's draft SAP. The proposed project is the construction 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 below-building parking, will be provided. The project proposes to use no invasive species in landscaping, and 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. According to the Biological Resources Assessment ~~Letter Report~~, the project will not require fuel modification activities beyond the retaining wall along ~~the eastern~~ edge of the development area.

The vegetation communities and land types on the project site include coastal sage scrub (CSS, 2.69 ac), southern willow scrub (0.06 ac), unvegetated streambed (0.02 ac), nonnative vegetation (0.03 ac), disturbed land (0.16 ac), ornamental (0.06 ac), dirt road (0.41 ac), and developed (0.05 ac). Although protocol surveys for the federally threatened coastal California gnatcatcher (*Poliopitila californica californica*; gnatcatcher) were not conducted on the project site, one pair of gnatcatchers was regularly observed onsite during the biological surveys.

While the development footprint is proposed in the southwest corner of the site, which is largely devoid of sensitive habitat, the project would result in the loss of 0.76 acre of CSS, all of the unvegetated streambed, and a portion of the other non-sensitive land types. Impacts to CSS are proposed to be mitigated through onsite preservation of 1.91 acres of CSS and the onsite restoration of 0.11 acre of disturbed habitat/dirt road to CSS. Impacts to unvegetated streambed are proposed to be mitigated through 0.01 acre of streambed preservation and enhancement (i.e., exotic species removal) and 0.05 acre of southern willow scrub preservation. Preserved CSS and southern willow scrub would be within the 2.43-acre onsite preserve, which would be protected with a conservation easement and managed in perpetuity.

The Wildlife Agencies appreciate the opportunity to comment on the draft MND for the El Camino Executive Center Project. We offer the following comments and recommendations to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that the project is consistent with all applicable requirements of the City's draft SAP.

1. The City's draft SAP (page 5-19) states that development on properties larger than 2 acres located in the Wildlife Corridor Planning Zone may remove no more than 25 percent of the onsite coastal sage scrub. As currently proposed, the project will permanently impact 29 percent (0.78 of 2.69) of the onsite CSS. While the applicant proposes to restore 0.11 acre CSS in the dirt access road that will no longer be used by SDG&E to help satisfy this requirement, the project currently impacts more than 25 percent of the onsite CSS, and does not meet the standards of the City's draft SAP. The Wildlife Agencies would like to meet with the project applicant and the City to discuss how the project can achieve this standard of the City's draft SAP.
2. The City's draft SAP (page 5-19) states that for projects located within the Wildlife Corridor Planning Zone, impacts to CSS habitat within 1,000 feet of the SDG&E Electric

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Page 3

Transmission Corridor (corridor) shall be totally avoided, ~~except~~ where this would preclude reasonable use of the property (e.g., allowing less than 25 percent use of parcel). Based on Figure 6 of the Biological Resources Assessment Letter Report, impacts to CSS appear to be within 200 feet of the corridor. According to the August 27, 2007, letter to the Service, adhering to this requirement would preclude reasonable use of the property as the entire project falls within 1000 feet of the corridor. We appreciate the applicant's efforts to design the project to avoid and minimize impacts to sensitive habitats. However, the project as proposed does not meet the requirements of the City's draft SAP. The Wildlife Agencies would like to meet with the project applicant and the City to discuss how the project can achieve this standard of the City's draft SAP.

C-5
(CONT.)

3. Based on Table 5-2 (page 5-9) in the City's draft SAP, projects located in the Wildlife Corridor Planning Zone that impact CSS are required to mitigate at a 3:1 conservation to impact ratio. However, the draft MND states that the applicant will mitigate at a 2:1 conservation to impact ratio. The final MND should be updated with the correct ratio and the appropriate mitigation to satisfy the required 2.34 acres of CSS mitigation. Further, while the project proposes to preserve 2.02 acres of CSS on-site (1.91 acres preserved plus 0.11 acre restored), this still leaves 0.32 acre of CSS mitigation required for project impacts. Further restoration of the road or nonnative vegetation to CSS within the preserve may be used to fulfill this requirement. It should be noted, however, that any conversion of the unpaved SDG&E road to CSS should only occur after receiving confirmation from SDG&E that the proposed restoration area will no longer be needed or used by SDG&E.

C-6

The Service's standard recommendations to further minimize and mitigate impacts to biological resources are enclosed. We appreciate the opportunity to comment on the draft MND for this project and to assist the City in further minimizing and mitigating project impacts to biological resources. If you have any questions or comments pertaining to this letter, please contact Christine Beck of the Department at (858) 637-5511 or Marci Koski (Service) at (760) 431-9440.

Sincerely,



Therese O'Rourke
Assistant Field Supervisor
U.S. Fish and Wildlife Service -



Michael J. Mulligan
Deputy Regional Manager
California Department of Fish and Game

cc: State Clearinghouse (by fax only)
Scott Nightingale, City Planning Department

Section 1.0 Responses to Comments

ENCLOSURE

U.S. Fish and Wildlife Service's Standard Recommendations

The following conditions should be added to the final MND:

1. The applicant shall submit final upland habitat creation/restoration/enhancement plans to the Wildlife Agencies for review and approval at least 30 days prior to initiating project impacts. These plans shall be based on the MND and the comments provided by the Wildlife Agencies. In addition to the measures proposed in the MND, the final plans shall include the following information and conditions:
 - a. All final specifications and topographic-based grading, planting and irrigation plans (with 10-foot contours). All upland habitat creation/restoration/enhancement sites shall be prepared for planting by decompacting the top soil in a way that mimics natural upland habitat topsoil to the maximum extent practicable while maintaining slope stability. Topsoil and plant materials salvaged from the upland habitat areas to be impacted shall be transplanted to, and/or used as a seed/cutting source for, the upland habitat restoration/creation areas to the maximum extent practicable as approved by the Wildlife Agencies. Planting and irrigation shall not be installed until the Wildlife Agencies have approved of upland habitat restoration/creation site grading. All planting shall be installed in a way that mimics natural plant distribution, and not in rows;
 - b. Planting palettes (plant species, size and number/acre) and seed mix (plant species and pounds/acre). The upland plant palette proposed in the draft plans shall include native species specifically associated with the habitat type(s). Unless otherwise approved by the Service, only locally native species (no cultivars) obtained from as close to the project area as possible shall be used. The source and proof of all native plant material and seed shall be provided;
 - c. Container plant survival shall be 80% of the initial plantings for the first 5 years. At the first and second anniversary of plant installation, all dead plants shall be replaced unless their function has been replaced by natural recruitment;
 - d. A final implementation schedule that indicates when all upland habitat impacts, as well as creation/restoration/enhancement grading, planting and irrigation shall begin and end. Upland habitat creation/restoration/enhancement grading, planting and irrigation shall be completed during the concurrent or next planting season (i.e., late fall to early spring) after finishing grading within the creation/restoration/enhancement area. Any temporal loss of upland habitat caused by delays in creation/restoration/enhancement shall be mitigated through upland habitat preservation/creation/restoration/enhancement at a 0.5:1 ratio for every 6 months of delay (i.e., 1:1 for 12 months delay, 1.5:1 for 18 months delay, etc.). In the event that the project applicant is wholly or partly prevented from performing obligations under the final plans (causing temporal losses due to delays) because of unforeseeable circumstances or causes beyond the reasonable control, and without the fault or negligence of the project applicant, the project applicant shall be

C-7

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 2

excused by such unforeseeable cause(s);

- e. Five years of success criteria for upland creation/restoration/enhancement areas including: a total of 40-65 percent absolute cover; evidence of natural recruitment of multiple species; 0 percent coverage for Cal-IPC List A and B species, and no more than 10 percent coverage for other exotic/weed species;
 - f. A qualitative and quantitative vegetation monitoring plan with a map of proposed sampling locations. Photo points shall be used for qualitative monitoring and stratified-random sampling shall be used for all quantitative monitoring;
 - g. Contingency measures in the event of creation/restoration/enhancement failure;
 - h. Annual mitigation maintenance and monitoring reports shall be submitted to the Wildlife Agencies after the maintenance and monitoring period and no later than December 1 of each year; and
 - i. If maintenance of a coastal sage scrub creation/restoration/enhancement area is necessary between February 15 and August 31, a biologist permitted by the Service will survey for gnatcatchers within the creation/restoration/enhancement area, access routes to it, and other areas susceptible to disturbances by site maintenance. Surveys will consist of three visits separated by two weeks starting March 1 of each maintenance/monitoring year. Work will be allowed to continue on the site during the survey period. However, if gnatcatchers are found during any of the visits, the applicant will notify and coordinate with the Wildlife Agencies to identify measures to avoid and/or minimize effects to the gnatcatcher (e.g., nests and an appropriate buffer will be flagged by the biologist and avoided by the maintenance work).
2. The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional upland habitat impacts and prevent the spread of silt from the construction zone into adjacent habitats to be avoided. Fencing shall be installed in a manner that does not impact habitats to be avoided. The applicant shall submit to the Wildlife Agencies for approval, at least 30 days prior to initiating project impacts, the final plans for initial clearing and grubbing of upland habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas (including riparian/wetland or coastal sage scrub) to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any riparian/wetland or upland habitat impacts that occur beyond the approved fenced shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.
 3. Impacts from fugitive dust will be avoided and minimized through watering and other appropriate measures.
 4. The clearing and grubbing of, and construction adjacent to, coastal sage scrub shall occur outside of the gnatcatcher breeding season (February 15 to August 31, or sooner if a

C-7
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Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 3

qualified biologist demonstrates to the satisfaction of the ~~Wildlife Agencies~~ that all nesting is complete).

5. A monitoring biologist approved by the Wildlife Agencies ~~shall be used during~~ a) initial clearing and grubbing of habitat; and b) project construction ~~within 500 feet~~ of preserved habitat to ensure compliance with all conservation measures. ~~The biologist must be knowledgeable of gnatcatcher biology and ecology. The applicant shall submit the biologist's name, address, telephone number, and work schedule on the project to the Service at least 30 days prior to initiating project impacts. The biologist shall perform the following duties:~~
- a. To allow salvage and transplant of live plants to the ~~mitigation sites~~ as practicable and approved by the Wildlife Agencies, ensure that ~~clearing and grubbing~~ of upland habitat is done above ground in a way that precludes ~~potential~~ nesting but does not cause soil and/or root disturbance;
 - b. Perform a minimum of three focused surveys, on ~~separate days~~, to determine the presence of gnatcatchers in the project impact footprint ~~not outside the gnatcatcher breeding season~~. Surveys will begin a maximum of ~~seven days~~ prior to performing vegetation clearing/grubbing and one survey will be ~~conducted the day~~ immediately prior to the initiation of remaining work. If any ~~gnatcatchers are found~~ within the project impact footprint, the biologist will direct ~~construction personnel~~ to begin vegetation clearing/grubbing in an area away from ~~the gnatcatchers~~. In addition, the biologist will walk ahead of clearing/grubbing equipment to ~~flush birds~~ towards areas of CSS to be avoided. It will be the responsibility of the biologist to ensure that gnatcatchers will not be injured or killed by ~~vegetation clearing/grubbing~~. The biologist will also record the number and location of ~~gnatcatchers~~ disturbed by vegetation clearing/grubbing. The applicant will ~~notify the Service~~ at least seven days prior to vegetation clearing/grubbing to allow ~~the Service~~ to coordinate with the biologist on bird flushing activities;
 - c. Perform a minimum of three focused surveys, on ~~separate days~~, to determine the presence of birds, nest building activities, egg incubation activities, or brood rearing activities in or within 500 feet of the project impact ~~limits of any~~ vegetation clearing/grubbing or project construction proposed ~~within the bird breeding season~~. The surveys will begin a maximum of seven days prior to vegetation clearing/grubbing or project construction and one survey will be conducted the day immediately prior to the initiation of work. Additional surveys will be done once a week during project construction in the breeding season. These additional surveys may be suspended as approved by the Service. The applicant will notify the Service at least seven days prior to the initiation of surveys, and within 24 hours of locating any gnatcatchers;
 - d. If a gnatcatcher nest is found in or within 500 feet of initial vegetation clearing/grubbing or project construction, the biologist will postpone work within 500 feet of the nest and contact the Service to discuss: 1) the best approach to avoid/minimize impacts to nesting birds (e.g., sound walls); and 2) a nest

C-7
(CONT.)

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 4

monitoring program acceptable to the Service. Subsequent to these discussions, work may be initiated subject to implementation of the agreed upon avoidance/minimization approach and nest monitoring program. Nest success or failure will be established by regular and frequent trips to the site, as determined by the biologist and through a schedule approved by the Service. The biologist will determine whether bird activity is being disrupted. If the biologist determines that bird activity is being disrupted, the applicant will stop work and coordinate with the Service to review the avoidance/minimization approach. Coordination between the applicant and Service to review the avoidance/minimization approach will occur within 48 hours. Upon agreement as to the necessary revisions to the avoidance/minimization approach, work may resume subject to the revisions and continued nest monitoring. Nest monitoring will continue until fledglings have dispersed or the nest has been determined to be a failure, as approved by the Service;

- e. Be on site during all vegetation clearing/grubbing and project construction in sensitive habitats to be impacted or within 500 feet of habitat to be avoided;
- f. Oversee installation of and inspect the fencing and erosion control measures within or up-slope of upland habitat restoration and/or preservation areas a minimum of once per week and daily during all rain events to ensure that any breaks in the fence or erosion control measures are repaired immediately;
- g. Periodically monitor the work area to ensure that work activities do not generate excessive amounts of dust;
- h. Train all contractors and construction personnel on the biological resources associated with this project and ensure that training is implemented by construction personnel. At a minimum, training will include: 1) the purpose for resource protection; 2) a description of the gnatcatcher and its habitat; 3) the conservation measures given in the MND that should be implemented during project construction to conserve the gnatcatcher, including strictly limiting activities, vehicles, equipment, and construction materials to the fenced project footprint to avoid sensitive resource areas in the field (i.e., avoided areas delineated on maps or on the project site by fencing); 4) environmentally responsible construction practices as outlined in measure 7 below; 5) the protocol to resolve conflicts that may arise at any time during the construction process; 6) the general provisions of the Act, the need to adhere to the provisions of the Act, the penalties associated with violating the Act;
- i. Halt work, if necessary, and confer with the Wildlife Agencies to ensure the proper implementation of species and habitat protection measures. The biologist will report any violation to the Wildlife Agencies within 24 hours of its occurrence;
- j. Submit weekly letter reports (including photographs of impact areas) to the Service during clearing of upland habitat and/or project construction within 500 feet of avoided habitat. The weekly reports will document that authorized impacts were

C-7
(CONT.)

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 5

not exceeded, work did not occur within the 500-foot setback except as approved by the Wildlife Agencies, and general compliance with all conditions. The reports will also outline the duration of gnatcatcher monitoring, the location of construction activities, the type of construction which occurred, and equipment used. These reports will specify numbers, locations, and sex of gnatcatchers (if present), observed gnatcatcher behavior (especially in relation to construction activities), and remedial measures employed to avoid, minimize, and mitigate impacts to gnatcatchers. Raw field notes should be available upon request by the Wildlife Agencies; and

- k. Submit a final report to the Wildlife Agencies within 60 days of project completion that includes: as-built construction drawings with an overlay of habitat that was impacted and avoided, photographs of habitat areas that were to be avoided, and other relevant summary information documenting that authorized impacts were not exceeded and that general compliance with all conditions of the MND was achieved.
6. The applicant shall ensure that the following conditions are implemented during project construction:
- a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint;
 - b. To avoid attracting predators of sensitive wildlife, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site;
 - c. Pets of project personnel shall not be allowed on the project site;
 - d. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in waters of the United States or their banks;
 - e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on construction plans.
7. The applicant shall post a performance bond or letter of credit for grading, planting, irrigation, and 5 years of maintenance and monitoring of for upland mitigation (including a 20% contingency to be added to the total costs). This bond or letter of credit is to guarantee the successful implementation of mitigation construction, maintenance and monitoring.

C-7
(CONT.)

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 6

The applicant shall submit a draft bond or letter of credit with an itemized cost list to the Service for approval at least 30 days prior to initiating project impacts. The applicant shall submit the final bond or letter of credit for the amount approved by the Service within 60 days of receiving Service approval of the draft bond.

8. The project applicant shall execute and record a perpetual biological conservation easement over the habitat to be avoided/preserved on- or off-site (including any creation/restoration/enhancement areas) by the project. The easement shall be in favor of the City or an agent approved by the Wildlife Agencies. The Wildlife Agencies shall be named as third party beneficiaries. The easement shall be approved by the Wildlife Agencies prior to its execution and should follow a Wildlife Agency-approved template. There should be no active trails in the easement areas. The project applicant shall submit a draft easement to the Wildlife Agencies for review and approval at least 30 days prior to initiating project impacts. The project applicant shall submit the final easement and evidence of its recordation to the Wildlife Agencies within 60 days of receiving approval of the draft easement.
9. The applicant shall prepare and implement a perpetual management, maintenance and monitoring plan for all on- or off-site biological conservation easement areas. The applicant shall also establish a non-wasting endowment for an amount approved by the Wildlife Agencies based on a Property Analysis Record (PAR) (Center for Natural Lands Management ©1998) or similar cost estimation method to secure the ongoing funding for the perpetual management, maintenance and monitoring of the biological conservation easement area by an agency, non-profit organization, or other entity approved by the Wildlife Agencies. The applicant shall submit a draft plan including: 1) a description of perpetual management, maintenance and monitoring actions and the PAR or other cost estimation results for the non-wasting endowment; 2) proposed land manager's name, qualifications, business address, and contact information, to the Wildlife Agencies for approval at least 30 days prior to initiating project impacts. The applicant shall submit the final plan to the Wildlife Agencies and a contract with the approved land manager, as well as transfer the funds for the non-wasting endowment to a non-profit conservation entity, within 60 days of receiving approval of the draft plan.
10. The applicant shall install permanent protective fencing along any interface with developed areas and/or use other measures approved by the Wildlife Agencies to deter human and pet entrance into on- or off-site habitat. Fencing should have no gates and be designed to prevent intrusion by pets, especially cats. Signage for the biological conservation easement area shall be posted and maintained at conspicuous locations. Plans for fencing and/or other preventative measures shall be submitted to the Service for approval at least 30 days prior to initiating project impacts. Fencing shall be installed prior to completion of project construction.
11. The applicant shall ensure that development landscaping adjacent to on- or off-site habitat does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the California Invasive Plant Council's (Cal-IPC) "Invasive Plant Inventory" List. This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven,

(-7
(CONT.)

Section 1.0 Responses to Comments

Mr. Jerry Hittleman (FWS-SDG-CDFG-5379.3)

Enclosure, Page 7

periwinkle, sweet alyssum, English ivy, French broom, ~~Scott's broom, and Spanish broom.~~
A copy of the complete list can be obtained from Cal-IPC's web site at <http://www.cal-ipc.org>. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas should be directed away from the biological conservation ~~conservation area~~ and contained and/or treated within the development footprint. The applicant shall submit a draft list of species to be included in the landscaping to the Service for approval at least 30 days prior to initiating project impacts. The applicant shall submit to the Service the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species. We also recommend that the applicant include in the project CC&Rs a requirement that invasive plant species shall not be allowed in private landscaping and that the HOA provide the residents a copy of the Cal-IPC inventory.

12. The applicant shall ensure that development lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats. The applicant shall submit a lighting plan to the Service at least 30 days prior to initiating project impacts.
13. If night work is necessary, night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.
14. Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Wildlife Agencies that these pests already occur in natural areas around the project site. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.

C-7
(CONT.)

Section 1.0 Responses to Comments

Response to Letter C U.S. Fish and Wildlife Service California Department of Fish and Game September 14, 2007

- C-1** The Comment is acknowledged and does not raise any issues related to the adequacy of the MND.
- C-2** The Comment is acknowledged and does not raise any issues related to the adequacy of the MND.
- C-3** The Comment is acknowledged and does not raise any issues related to the adequacy of the MND.
- C-4** The Comment addresses the proposed impacts to CSS and consistency with the City's draft Subarea Plan. The comment recommends meeting with the Wildlife Agencies to determine how the project can achieve the standards. The applicant met with Wildlife Agency staff and worked iteratively with the agencies to avoid, minimize, and mitigate impacts to CSS in order to achieve consistency with the Subarea Plan standards. On April 1, 2008, the Biological Opinion for the project was issued, which includes the measures that the project has incorporated to address this comment. In response to this comment and the measures in the Biological Opinion, the biological resources mitigation measures have been revised in the Final MND.
- C-5** The Comment addresses the proposed impacts within the City's wildlife corridor and consistency with the City's draft Subarea Plan. The comment recommends meeting with the Wildlife Agencies to determine how the project can achieve the standards. The applicant met with Wildlife Agency staff and worked iteratively with the agencies to avoid, minimize, and mitigate impacts to the wildlife corridor in order to achieve consistency with the Subarea Plan standards. On April 1, 2008, the Biological Opinion for the project was issued, which includes the measures that the project has incorporated to address this comment. In response to this comment and the measures in the Biological Opinion, the biological resources mitigation measures have been revised in the Final MND.
- C-6** The Comment addresses CSS mitigation ratios and the required CSS mitigation ratios. The project will be mitigating at a 3:1 ratio, per the recommendations in this comment. Additionally, additional CSS restoration will be conducted on site to provide sufficient

Section 1.0 Responses to Comments

CSS mitigation acreage. The Biological Opinion for the project address these requirements. In response to this comment and the measures in the Biological Opinion, the biological resources mitigation measures have been revised in the Final MND.

- C-7** The Comment includes 14 of the USFWS's Standard Recommendations that would apply to a project of this nature. These recommendations were incorporated into the Biological Opinion as Conditions for the project. Mitigation Measure BIO 5 requires obtaining and complying with agency permits, which would include compliance with these Standard Recommendations (Biological Opinion Conditions).

Section 2.0 Final Negative Declaration

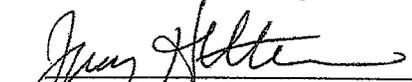


FINAL NEGATIVE DECLARATION City of Oceanside, California

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), Variance (V-1-07) and Variance (V-5-08) 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, City Planner

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

Section 3.0 Mitigation Monitoring and Reporting Program

El Camino Executive Center (D-23-06; V-1-07; V-5-08) Mitigation Monitoring and Reporting Program					
Number	Mitigation Measure Description	Reporting Milestone	Reporting/ Responsible Party	Verification of Compliance	
				Name	Date
Biological Resources					
BIO 1	The proposed project shall permanently preserve 2.00 acres of coastal sage scrub habitat in a 2.49-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 0.22 acres of ruderal and dirt road areas within the preserve to coastal sage scrub. Additionally, the proposed project shall preserve and manage 0.1 acres of coastal sage scrub offsite.	Prior to the issuance of building permits	Hawkes O-side I, LLC		
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	Hawkes O-side I, LLC		
BIO 3	A perpetual management, maintenance, and monitoring plan shall be prepared for the project that identifies the funding assurances and management entity for the habitat preserve. The City, a non-profit biological management organization, or other entity shall be approved and take responsibility for long-term maintenance of the preserved open space.	Prior to the issuance of the certification of occupancy	Hawkes O-side I, LLC 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.	Prior to the issuance of the certification of occupancy. Monitoring	Hawkes O-side I, LLC or biological monitor		

El Camino Executive Center (D-23-06; V-1-07; V-5-08) Mitigation Monitoring and Reporting Program					
Number	Mitigation Measure Description	Reporting Milestone	Reporting/Responsible Party	Verification of Compliance	
				Name	Date
Remarks					
	Monitoring of the streambed enhancement area shall be conducted annually in association with site maintenance.	conducted annually			
BIO 5	All agency permits required shall be obtained prior to the issuance of grading permits for the project. Implementation of all conditions and requirements in these permits shall be implemented by the project.	Prior to the issuance of grading permits	Hawkes O-side I, LLC		
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. Implementation of this measure shall be consistent with the Mitigation Recommendations provided in the Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008).	Full-time during grading/excavation of native soils	Hawkes O-side I, LLC 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	Full-time during initial cutting of previously undisturbed	Hawkes O-side I, LLC or Qualified Paleontologist		

El Camino Executive Center (D-23-06; V-1-07; V-5-08) Mitigation Monitoring and Reporting Program						
Number	Mitigation Measure		Reporting Milestone	Reporting/ Responsible Party	Verification of Compliance	
	Description				Name	Date
	<p>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.</p>		formations			
Geology/Soils						
GEO 1	<p>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.</p>		Prior to issuance of grading permit	Hawkes O-side I, LLC		
GEO 2	<p>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.</p>		During construction operations	Hawkes O-side I, LLC or Geotechnical Construction Monitor		

El Camino Executive Center (D-23-06; V-1-07; V-5-08) Mitigation Monitoring and Reporting Program						
Mitigation Measure Description		Reporting Milestone	Reporting/ Responsible Party	Verification of Compliance		
Number	Description			Name	Date	Remarks
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 O-side I, LLC			
Hydrology and Water Quality						
WQ 1	Implement Mitigation Measure GEO 1.	Prior to issuance of grading permit	Hawkes O-side I, LLC			
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	SWPPP shall be prepared prior to issuance of grading permit. Other measures implemented following construction	Hawkes O-side I, LLC			

El Camino Executive Center (D-23-06; V-1-07; V-5-08) Mitigation Monitoring and Reporting Program					
Number	Mitigation Measure Description	Reporting Milestone	Reporting/ Responsible Party	Verification of Compliance	
				Name	Date
Remarks					
	<p>to comply with all city, regional, and state applicable ordinances.</p> <ul style="list-style-type: none"> ❖ 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. <p>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.</p>				

Section 4.0 Initial Study / Environmental Checklist



INITIAL STUDY City of Oceanside, California

1. **PROJECT:** El Camino Executive Center (D-23-06) (V-1-07, V-5-08)
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 Description has been revised following the Public Review period to incorporate the additional variance request.* The project consists of two entitlement components, the Development Plan (D-23-06) and two Variances (V-1-07, V-5-08), 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 two variance requests. V-1-07 would allow for one 12-foot by 35-foot loading space rather than the required 2 spaces for buildings over 20,000 square feet, and V-5-08 would allow for a front yard setback of 10 feet in lieu of the standard 20 foot setback as specified in Section 1100 of the Oceanside Zoning Ordinance.

The building will be sited approximately 10 feet below El Camino Real and ten to sixteen feet below 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-lock 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:

1. **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.
2. **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.
3. **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.
4. **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
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"/>

The impacts to biological resources have been reduced and the compensatory mitigation has been increased following public review. The analysis below has been revised to incorporate the changes.

- 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 0.69 acres of coastal sage scrub that is considered habitat for the federally threatened coastal California gnatcatcher (*Poliophtila californica*). Additionally, 0.04 acres of temporary impacts to coastal sage scrub habitat would result from utility infrastructure improvements (Foothill Associates 2007; USFWS 2008). 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 2.00 acres of coastal sage scrub habitat in a 2.49-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 0.22 acres of ruderal and dirt road areas within the preserve to coastal sage scrub. Additionally, the proposed project shall preserve and manage 0.1 acres of coastal sage scrub offsite.

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 perpetual management, maintenance, and monitoring plan shall be prepared for the project that identifies the funding assurances and management entity for the habitat preserve. The City, a non-profit biological management organization, or other entity shall be approved and take responsibility for long-term maintenance of the preserved open space 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. Implementation of all conditions and requirements in these permits shall be implemented by 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 2.00 acres of coastal sage scrub and restore 0.22 acres of coastal sage scrub for a total of 2.22 acres of coastal sage scrub habitat on the site, which equates to 75% of coastal sage scrub maintained on the property in perpetuity. Additionally, 0.1 acres of offsite coastal sage scrub would be preserved by the project.

- 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 site-specific archaeological survey has been conducted to respond to comments received during public review. The analysis below has been revised to incorporate the changes.

- 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 had been documented within the project site (ASM Affiliates 2007). A field survey of the project site has been conducted. Artifacts were observed on the site, but these artifacts were not determined to be historically significant under CEQA based on the site evaluation and analysis (ASM Affiliates 2008). 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. Implementation of this measure shall be consistent with the Mitigation Recommendations provided in the Cultural Resources Testing and Evaluation Report (ASM Affiliates 2008).

- 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"/>

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
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"/>
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:				

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
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"/>
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"/>

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
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"/>
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 by including a detention area 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 a 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
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
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	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"/>
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"/>

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

<i>Intersection</i>	<i>Peak</i>	<i>Existing (LOS)</i>	<i>Existing plus Project (LOS)</i>	<i>Existing plus Project plus Cum.(LOS)</i>	<i>(4) Project Impact (Exist / Cum.)</i>	<i>(5) Signif. Project Impact Y/N</i>	<i>(6) Sig. Cum. Impact Y/N</i>
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 an 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 impacts to biological resources have been reduced and the compensatory mitigation has been increased following public review. The analysis below has been revised to incorporate the changes.

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, 2.00 acres of coastal sage scrub will be permanently preserve on the project site within a 2.49-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 0.22 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:



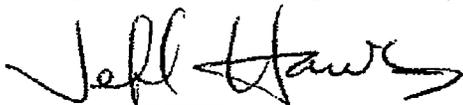
Mike Howard, Foothill Associates

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 Hittelman, 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:

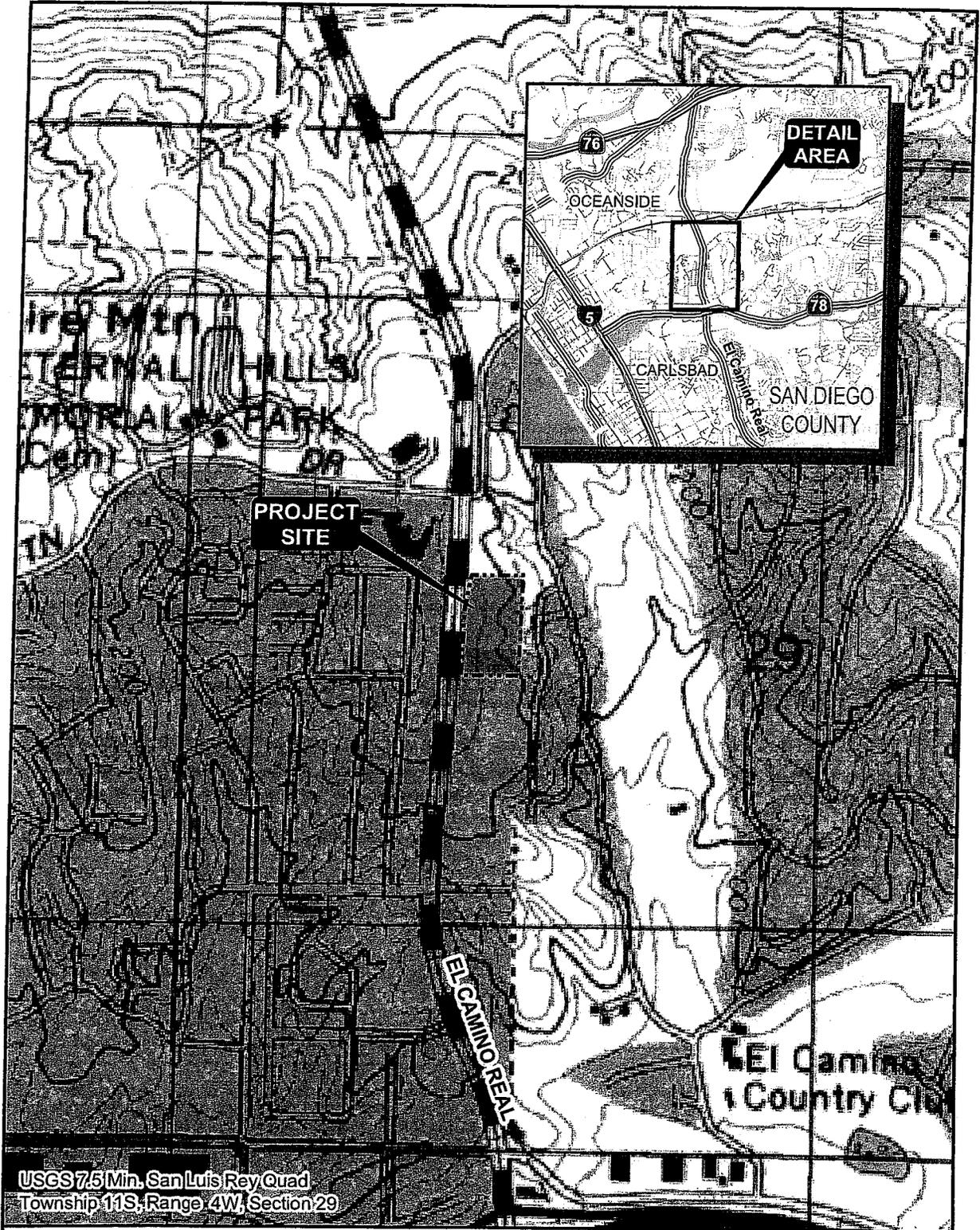
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- Ninyo & Moore. 2006. Geotechnical Evaluation, Proposed Commercial Development, Basel Street and El Camino Real, Oceanside, California. Prepared for Ames-Hawkes Holdings LLC. January 19.
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- RBF Consulting. 2006. El Camino Real Commercial Office Project Traffic Impact Analysis Report. Prepared for McCullough-Ames Development Corporation. June 5.
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FIGURES:

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

TECHNICAL APPENDICES:

Plan Set
Cultural Resources Testing and Evaluation 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

