



DATE: November 20, 2006

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE MAP (T-9-99), DEVELOPMENT PLAN (D-24-99), CONDITIONAL USE PERMIT (C-33-99), GENERAL PLAN AMENDMENT (GPA-5-04) AND A WAIVER OF THE UNDERGROUNDING OF THE UTILITIES FOR A 44-LOT RESIDENTIAL SUBDIVISION ON AN 82.5-ACRE SITE LOCATED NORTH OF THE INTERSECTION OF SPUR AVENUE AND BELMONT PARK ROAD, SOUTH OF HIGHWAY 76 – JEFFRIES RANCH – APPLICANT: THE BREHM COMPANIES**

RECOMMENDATION

Staff recommends that the Planning Commission approve Tentative Map (T-9-99), Development Plan (D-24-99), Conditional Use Permit (C-33-99), a waiver of the undergrounding of utilities, and make a recommendation of approval to the City Council of a General Plan Circulation Element Amendment (GPA-5-04) and adopt Planning Commission Resolution No. 2006-P70 as attached. Staff also recommends that the Planning Commission adopt Planning Commission Resolution No. 2006-P69 certifying the Environmental Impact Report for the project.

PROJECT DESCRIPTION AND BACKGROUND

Background: The project proposes a 44-unit (48-Lots) single-family subdivision on an 82.5-acre site located north of the intersection of Spur Avenue and Belmont Park Road and south of Highway 76. The project also proposes to amend the General Plan Circulation Element to remove the future "Secretariat Street" connection to Mission Avenue/SR-76 from the project site.

Site Review: The subject site is vacant, however, several sensitive plant and animal species were observed on-site, which will be preserved on four open space lots. The majority of the site has been previously disturbed, dirt roads and trails extend throughout the site and are used by motorcycles and hikers.

As mentioned, the project will maintain four open space lots that totals approximately 53 acres in size. Open space Lot A is 45 acre of natural open space (54.5 percent of the total site) that supports six sensitive vegetation communities (riparian woodland, coast live oak woodland, coastal sage scrub and native and non-native grasslands). One federally listed plant and animal species occurs on-site, the San Diego ambrosia and the California gnatcatcher respectfully.

The topography of the site is characterized by a series of ridge fingers, separated by a large northwest-southwest trending drainage and several smaller drainages. The high point of the subject site is a ridge near the southwest corner, which has an elevation of 383 feet above mean sea level (MSL) and the low point is located at the northern portion of the site at 133 MSL (adjacent to Highway 76).

Section 2808 of the EQ Overlay Zone allows the Planning Commission to grant waivers from other sections of the ordinance (i.e. Hillside Development Criteria) that conflicts with the EQ Overlay Zone in terms of a project being developed at or near the designated base density, with the stipulation that the EQ regulations take precedence.

Surrounding land uses include single-family homes and multi-family (Jeffries Ranch and Rancho Rose respectfully) located west of the site, south of the site is single-family residential (Marlborough Country Estates) north and east of the site is undeveloped or agriculture land. The underlying zoning designation for the site is Residential Estate B Equestrian Overlay (RE-B-EQ; 1 to 3.5 dwelling units per acre) and the General Plan Land Use Category is Estate B Residential Equestrian Overlay. The proposed density is .53 dwelling units per acre, which is well below the base density of 1 dwelling unit per acre.

Project Description: The project application consists of several components, which include a Tentative Map, Development Plan, General Plan Amendment, and Conditional Use Permit. Each discretionary request is described as follows:

Tentative Map and Development Plan: The proposed project consists of a 44-unit, 48-lot single-family subdivision on an 82.5-acre site. The minimum lot size for the RE-B-EQ Zone is 10,000 square feet and the project proposes an average lot size of 24,738 square feet.

Due to several factors, including changing real estate market conditions and the time delay between project entitlement and delivery of the product to the market, the applicant has not yet developed a specific product for the development but will be conditioned to bring the design of the residences back before the Planning Commission for review and approval. In order to secure Development Plan entitlement, the applicant has submitted development standards to govern the future home development. Future development would also be required to meet minimum development standards for the RE-B-EQ zone. Staff believes that the ability of the Planning Commission to approve the ultimate product is sufficient to secure the Development Plan entitlements.

Vehicle and pedestrian access will be provided from Spur Avenue into the project from Jeffries Ranch. Spur Avenue has a capacity of 7,000 average daily trips (ADT) and currently there exist 1,978 ADT. The existing traffic conditions plus the 44 new residences totals 2,388 ADT on Spur Avenue which is approximately 34 percent of capacity. The public streets will allow for parking on both sides of the street.

It should be noted that staff has approved the applicant's request for exceeding the 500-foot maximum length of a cul-de-sac (proposed at 1,700 lineal feet) and for exceeding the non-standard turnarounds, which are spaced at a maximum of 300 feet (proposed at 700 feet).

The project will be landscaped with planting themes that will be consistent with the neighborhood. Specifically, the project calls for the utilization of trees such as the Canary Island Palm, Coast Live Oak and White Alder. The shrubs will include Indian Hawthorne, and Lilly and groundcover will include Dwarf Rosemary. The landscape plan also proposes to re-vegetate transitions slopes with trees such as Coast Live Oak and Sycamores and California Buckwheat and Sage as shrubs. Perimeter fencing will also be provided by the project. Depending on the location, the fence will either be a 6-foot high cedar privacy fence, tubular steel view fence, fire wall, or an equestrian fence.

The project is situated within the Equestrian Overlay Zone whose purpose is to create a trail system network around the Guajome Regional Park, provide recreational opportunities, preservation of trails and rural atmosphere and provide a visually pleasing relationship between buildings, accessory structures and "horse activities".

The development criteria for a single-family project located within an Equestrian Overlay Zone requires that 85 percent of the units (37 units) provide a minimum useable yard of 7,500 square feet. In addition, all lots fronting on streets are required to provide a 10-foot wide equestrian trail on the street frontage. The proposed project meets or exceeds all these standards.

The project also includes construction of a waterline in cooperation with the Vista Irrigation District to complete a second waterline connection source for the entire Jeffries Ranch Community.

General Plan Amendment: A General Plan Circulation Element Amendment is proposed to remove the future "Secretariat Street" connection to Mission Avenue/SR-76 from the project site. The primary purpose for deleting this connection from the Circulation Element is to protect sensitive plants known as *Ambrosia pumilla* located on the northern portion of the project site. Both the U.S. Fish and Wildlife Service and the California Department of Fish and Game have reviewed the project and required that the open space corridor be preserved without the road segment and that the property be dedicated to and managed by an open space conservancy. The elimination of the roadway will also preserve an important wildlife corridor through the site that will connect the San Luis Rey River to open space areas south of the project site.

The traffic report included in the environmental impact report concluded that elimination of this roadway connection will not have a significant effect on local traffic within the Jeffries Ranch neighborhood nor will it negatively affect the larger community-wide circulation system. Traffic assumptions used in the study included analysis both with and without the extension of Melrose Drive in the future. The study also recommended that Caltrans be consulted to seek the modification of the Jeffries Ranch intersection with Mission Avenue/SR-76 to a safer right-in/right-out configuration.

Conditional Use Permit: A Conditional Use Permit is required for the eight panhandle lots.

The applicant is also requesting a waiver of the requirement to underground some of the existing overhead utility lines located on the eastern portion of the site.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. California Environmental Quality Act (CEQA)
4. The Subdivision Ordinance

ANALYSIS

KEY PLANNING ISSUES

1. Is the proposed project consistent with the existing neighborhood in regards to the density (RE-B-EQ 1–3.5 dwelling units per acre)?
2. Is the proposed project consistent with the underlying land use designation and zoning development criteria?
3. Is the proposed use permit consistent with the regulations of the Zoning Ordinance?
4. Is the proposed project consistent with the Hillside Development regulations?
5. Is the proposed project consistent the Equestrian Overlay Zone?
6. Is the requested waiver for underground the overhead utilities consistent with the waiver provisions of the Subdivision Ordinance?
7. Are environmental issues adequately addressed through project design and mitigation measures?

DISCUSSION

In reviewing the application staff's analysis focused on the compatibility of the project with existing development patterns of the area.

The analysis centered on the project's compatibility with the existing residential patterns. The Guajome Neighborhood primary development pattern consists of tract subdivision intermixed with estate residential development. The areas steep topography has created a lot pattern of various shapes and sizes. Staff believes that the lots created by this subdivision are consistent and compatible with the development pattern within the surrounding neighborhood under the same site constraints. In addition, the project exceeds the minimum lot size of 10,000 square feet with an average lot size of 24,738 square feet.

The analysis centered on the project's compatibility with the existing residential patterns. Due to this concern staff has inventoried the adjacent single-family developments as a basis of comparison. Listed below are the areas residential square footages:

Surrounding Single-Family Residential Units			
	<u>Jeffries Ranch</u>	<u>Marlborough Est.</u>	<u>Project</u>
Lot Size:	10,000	10,000	10,000
Unit Size:	1,636	2,377	Subject to future
	1,737	2,866	Planning Commission
	2,072	2,963	Approval

A Conditional Use Permit (CUP) is required when using a panhandle access design for vehicular access. The project is proposing a panhandle access for eight lots. Article 10 of the Zoning Ordinance outlines development standards for designing a panhandle access. The proposed accesses meet all of the standards required.

The project is subject to the provisions of the Hillside Development Regulations. In an effort to conform to existing topography many design techniques have been utilized throughout the project. For instance, the rounding of graded slopes where possible to transition into existing natural slopes and benchmarks. The overall grading is anticipated to be a balanced 315,000 cubic yards of cut and fill for 35.1 graded acres, which equates to 5,665 cubic yards per graded acre, which is below the maximum allowable of 7,500 cubic yards per graded acre for hillside development.

Staff's review of the project identified an additional issue regarding the project compliance with the hillside development regulations. Since the project site maintains a variety of "qualifying" slopes the hillside development regulations are in effect. Of the applicable regulations, the criteria for the height and length of manufactured slopes warrants further discussion. The hillside regulations limit the length and height of manufactured slopes throughout a project. Manufactured slopes cannot exceed 30 feet in height nor can they exceed 400 feet in length. This slope is situated along Lots 12 – 14 (approximately 40 feet in height and 500 feet in length) and Lots 36 – 44 (approximately 40 feet in height and 1,100 feet in length).

The Planning Commission may approve the creation of the manufactured slopes greater than the maximum allowed by the Zoning Ordinance provided that the slopes are necessary to remediate any adverse geologic conditions and that no development is allowed in the area where the slopes are created. In addition, a relatively flat lot is required to meet the EQ Overlay District requirements for horse facilities necessitating the construction of some larger slopes described above. These deviations from the Hillside regulations are allowed when EQ Overlay requirements need to be met.

In staff's opinion, these increases in manufactured slope heights and length are acceptable. The Geotechnical Report indicates that creation of the manufactured slopes is due to the unstable **alluvial** soil. In addition, no feasible alternative exists to the proposed grading without creating a more substantial impact on the biological habitats being preserved in the open space and surrounding areas. Furthermore, the grading of these slopes will be rounded and contoured where feasible to simulate the existing topography and will be landscaped with native plants in further blending these slopes visually with the adjacent open space.

Undergrounding Overhead Utilities: Currently, Article IX Section 901 G., of the Subdivision Ordinance outlines the requirements for undergrounding overhead utilities. Also included within this section are the waiver and deferral provisions. Attached to the staff report is Article IX of the Subdivision Ordinance. The waiver provisions are as follows:

Waiver Provisions: The Planning Commission or City Council upon appeal, may grant a waiver to the above requirements only at the time of tentative map approval based solely on one or more of the following:

- The existing overhead electric lines are transmission lines in excess of thirty-four thousand five hundred volts (34.KV).
- The existing overhead communication lines are solely long distance/trunk facilities.
- Extreme topographic, geologic, soils or other conditions make conversion of the facilities unreasonable or impractical for the long term.

The applicant is requesting the waiver due to the high sensitivity of habitat within the transmission corridor and the high cost of undergrounding the existing utilities on-site. The applicant believes that Subsection C., of the waiver provisions is applicable to the project site.

Staff has reviewed the request and has concluded that the requirements of the waiver of the overhead utilities has been met. Staff believes that the existing slope gradients and associated sensitive biological habitat (mainly coastal sage scrub) appear to make it infeasible to underground the overhead utilities located on the eastern boundary of the subject site. The Wildlife Agencies support the waiver because it results in the protection of sensitive biological resources.

General Plan Circulation Element Amendment: The removal of the connection of Secretariat Street through the project site to Mission Avenue/SR-76 is supported by staff and the Wildlife Agencies. Removal of this connection will allow the preservation of a significant wildlife corridor through the site while maintaining and avoiding impacts to a major and critical plant species scattered throughout the northern portion of the project site. The traffic report concludes that elimination of this roadway will not significantly impact local traffic patterns and volume west of the project site.

ENVIRONMENTAL DETERMINATION

An Environmental Impact Report (EIR) has been prepared stating that if the mitigation measures/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 need to certify and consider the Environmental Impact Report during its hearing on the project. A summary of the findings of the EIR, including project alternatives is provided below.

Land Use – The project was found to be consistent with surrounding land use patterns and development.

Biological Resources – The project site is uniquely situated between the San Luis Rey River and open space areas south of the project site. The Federal and State Wildlife Agencies considered a wildlife corridor connection with a minimum width of 150 feet through the project site to be of utmost importance. The preservation of a rare plant known as San Diego Ambrosia (*Ambrosia pumilla*) that thrives on the northern portion of the site as well as preservation of wetlands, coastal sage scrub, and restoration of coastal sage scrub was determined to be important.

The proposed project design achieves these goals through preservation of 53 acres of the 82.5-acre project site. Open space Lot A includes 45 acres of natural open space and habitat. However, development on the remaining 29 acres will result in impacts to 0.02 acre of riparian woodland, 21.6 acres of coastal sage scrub, 2.5 acres of disturbed coastal sage scrub, and 6.1 acres of non-native grassland/coastal sage scrub, and 5.8 acres of non-native grassland. All of these impacts would be mitigated through on-site preservation of the remaining existing coastal sage scrub, San Diego Ambrosia, creation of 0.7 acre of coastal sage scrub, and preservation of a critical wildlife corridor as agreed upon by the Wildlife Agencies. The open space on-site will be placed under protection of a conservation easement and will be managed in perpetuity by a qualified non-profit open space management entity.

Cultural Resources – Potential impacts to buried archaeological resources could occur

Cultural Resources – Potential impacts to buried archaeological resources could occur during project grading. Therefore, a qualified archaeologist and Native American monitor will be required to monitor all grading activities. If any cultural resources are found, grading will be temporarily stopped so the resource(s) can be identified and catalogued appropriately.

Alternatives – The following three project alternatives were analyzed in the EIR: (1) No Project Alternative which assumes that no development occurs on the proposed project site; (2) Alternative Footprint Alternative that analyzes moving the developed portion of the project (with a reduction to 34 single-family lots) to the northern portion of the project site and preserves open space on the southern project site area and; (3) An Alternative that considers potential impacts/benefits of connecting Secretariat Street through the project site to Mission Avenue/SR-76. The conclusions of the analysis of these alternatives in the EIR are presented below.

No Project Alternative – Implementation of this alternative would result in no physical impacts.

Alternative Project Footprint – This alternative would slightly reduce impacts associated with air quality, traffic, and public services, but would increase impacts to the proposed wildlife corridor, the sensitive San Diego Ambrosia, and wetlands. The wildlife corridor was a critical factor in the proposed project design.

Alternative with Secretariat Street – This alternative would increase biological resource and land use impacts through construction and implementation of this road connection. It would also change traffic patterns in the existing Jeffries Ranch neighborhood although impacts would be the same as the proposed project.

SUMMARY

Staff believes that the proposed Tentative Map, Development Plan, General Plan Amendment, and Conditional Use Permit are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all development standards. The project is compatible in residential lot type, lot sizes and density with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to certify the Environmental Impact Report affirming that it has been prepared in compliance with the provisions of the California Environmental Quality Act and adopting the Findings of Fact supporting this fact and adopt Planning Commission Resolution No. 2006-P69 as attached.

- Move to approve Tentative Map (T-9-99), Development Plan (D-24-99), Conditional Use Permit (C-33-99), the waiver of a portion of the project undergrounding of utilities requirement, and recommend that the City Council approve General Plan Circulation Element Amendment (GPA-5-04), and adopt Planning Commission Resolution No. 2004-P70 as attached.

PREPARED BY:

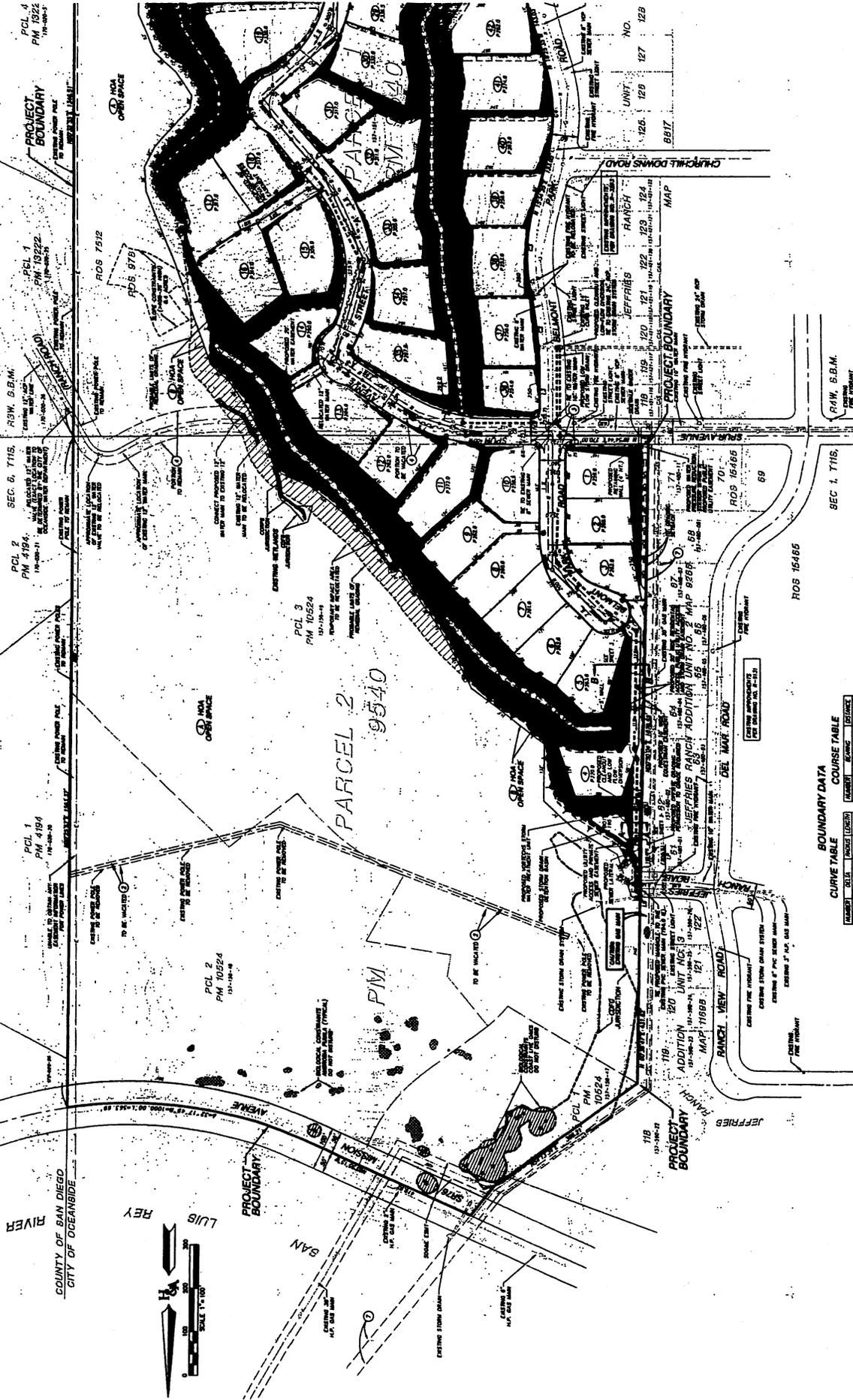


Jerry Hittleman
City Planner

JHH/fil

Attachments:

1. Tentative Map, Site Plan, Landscape Plan
2. Planning Commission Resolution Nos. 2006-P69 and 2006-P70
3. Exhibit "A"
4. Waiver of Underground Utilities Letter



FOR CONTINUATION SEE SHEET 3

SHEET
2 of **4**

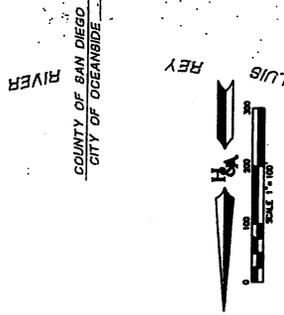
TENTATIVE TRACT MAP JEFFRIES RANCH

CITY OF OCEANSIDE, CALIFORNIA

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BOUNDARY DATA
CURVE TABLE

STATION	CHORD BEARING	CHORD DISTANCE	ARC BEARING	ARC DISTANCE
1	N 0° 00' 00" E	100.0000	0° 00' 00"	100.0000
2	N 89° 59' 59" W	100.0000	89° 59' 59"	100.0000
3	S 0° 00' 00" W	100.0000	179° 59' 59"	100.0000
4	S 89° 59' 59" E	100.0000	179° 59' 59"	100.0000
5	N 0° 00' 00" E	100.0000	0° 00' 00"	100.0000



SEC. 1, T11S,

R4W, S.B.M.

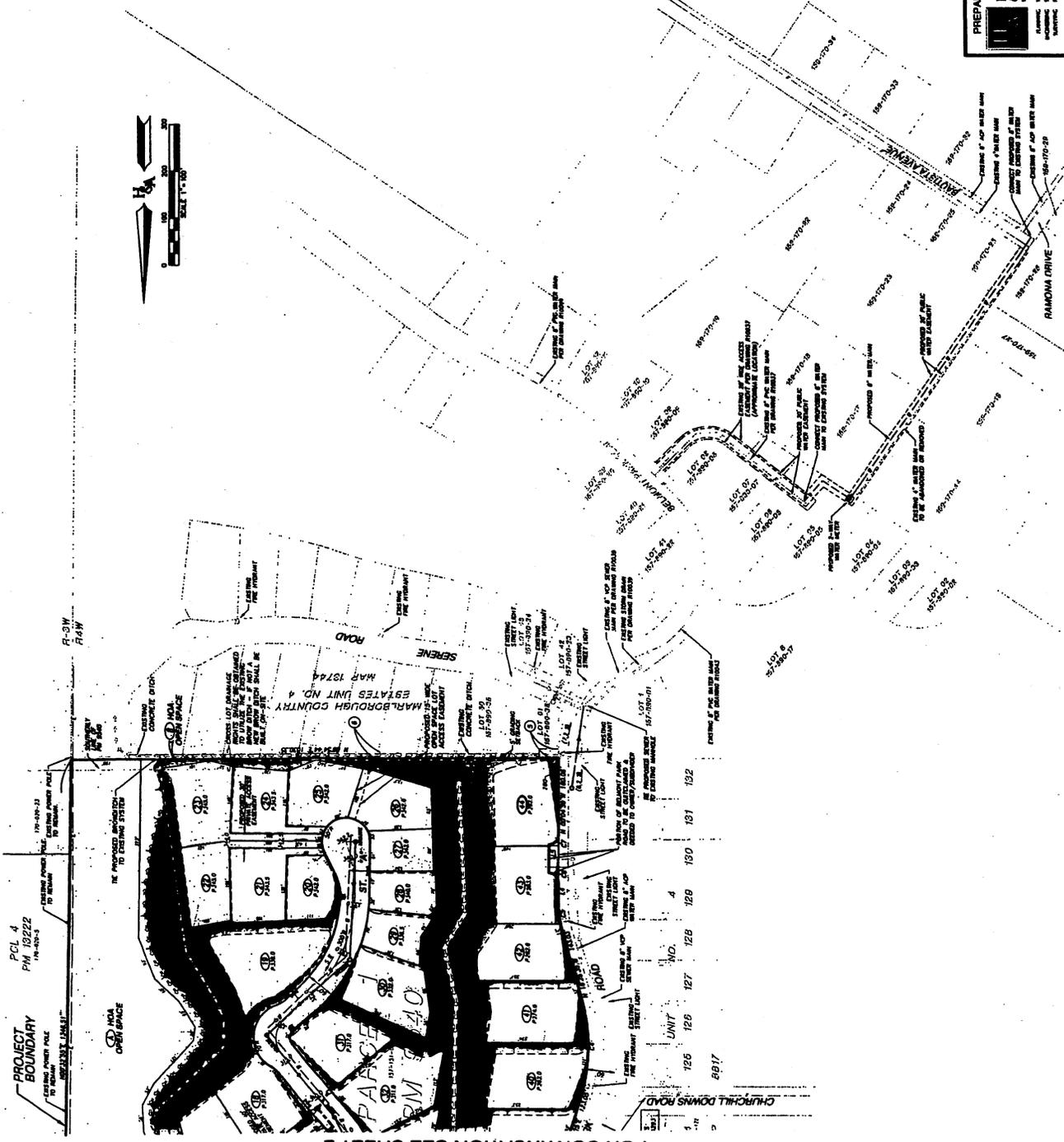
SEC. 1, T11S,

R4W, S.B.M.

FOR CONTINUATION SEE SHEET 3

EASEMENT NOTES

1. AN EXISTING EASEMENT FOR OPERATION AND MAINTENANCE OF TELEPHONE LINES IS SHOWN ON THE PRELIMINARY TITLE REPORT NO. 171571-32 DATED APRIL 29, 1996.
2. EASEMENTS SHALL BE PROVIDED, REVOKED, OR RELOCATED AS REQUIRED BY THE CITY ENGINEER, THE RESPECTIVE PUBLIC UTILITIES AND THEIR APPROPRIATE DISTRICTS.
3. AN EXISTING EASEMENT FOR OPERATION AND MAINTENANCE OF TELEPHONE LINES IS SHOWN ON THE PRELIMINARY TITLE REPORT NO. 171571-32 DATED APRIL 29, 1996.
4. AN EXISTING 17' WIDE EASEMENT FOR UTILITY POLES UNDERPROGRAMS COMBATS COMPANY, RECORDED DECEMBER 2, 1941 IN BOOK 1286, PAGE 20 OF OFFICIAL RECORDS, NOT PLOTTABLE.
5. AN EXISTING 17' WIDE EASEMENT FOR UTILITY POLES UNDERPROGRAMS COMBATS COMPANY, RECORDED AUGUST 31, 1943 AS FILE NO. 151561 OF OFFICIAL RECORDS, TO BE VACATED.
6. AN EXISTING 20' WIDE EASEMENT FOR PUBLIC HIGHWAY PURPOSES, GRANTED TO THE CITY OF OCEANSIDE, RECORDED MARCH 16, 1976 AS FILE NO. 76-1054915 OF OFFICIAL RECORDS.
7. AN EXISTING 60' WIDE EASEMENT FOR PUBLIC HIGHWAY PURPOSES, GRANTED TO THE CITY OF OCEANSIDE, RECORDED JUNE 28, 1979 AS FILE NO. 79-264784 OF OFFICIAL RECORDS.
8. AN EXISTING 20' WIDE STORM DRAINAGE EASEMENT.
9. AN EXISTING 6' WIDE PRIVATE DRAINAGE EASEMENT.
10. AN EXISTING 30' WIDE GAS EASEMENT.



PCL 4
PM 13222
14-021-5

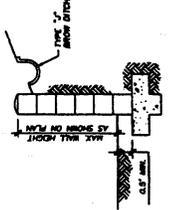
FOR CONTINUATION SEE SHEET 2

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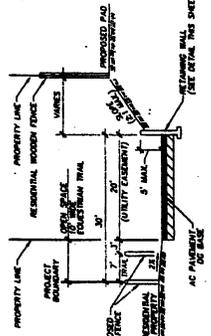
TENTATIVE TRACT MAP
JEFFRIES RANCH
CITY OF OCEANSIDE, CALIFORNIA

SHEET **3** OF **4**

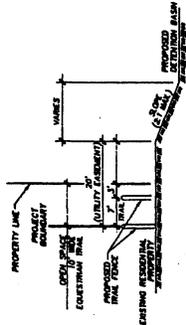
WALL DETAIL
TYPICAL RETAINING WALL SECTION

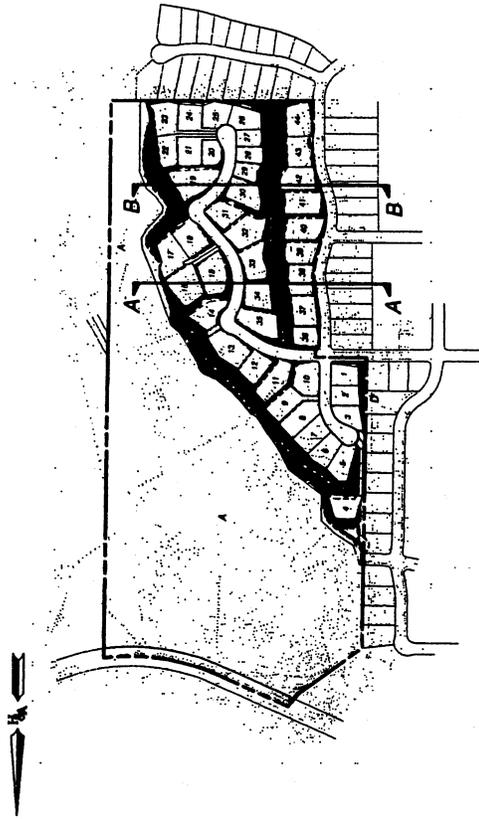
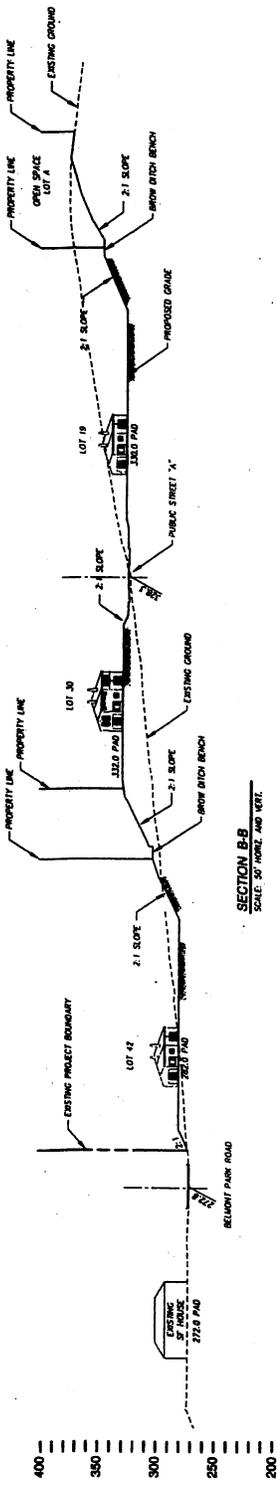
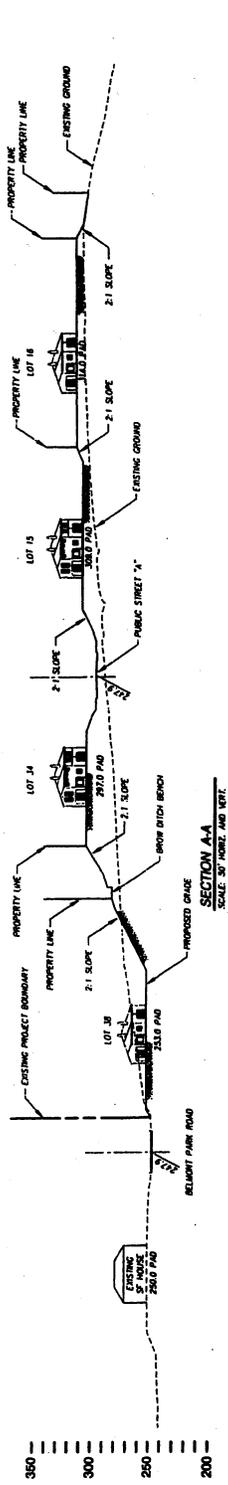


PRIVATE RESIDENTIAL DRIVEWAY
SECTION 1E-C



PUBLIC UTILITY EASEMENT
SECTION 1A-A'





CROSS SECTION PLAN
SCALE: 1"=30'

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TENTATIVE TRACT MAP
JEFFRIES RANCH
 CITY OF OCEANSIDE, CALIFORNIA

SHEET 4 OF 4



LEGEND

- UNDER 20% SLOPE - 54.71 AC.
- 20% - 40% SLOPE - 7.54 AC.
- 20% + W/50' + ELEVATION DIFFERENTIAL - 12.06 AC.
- 20% - 40% W/MIN. 25' ELEVATION DIFFERENTIAL - 5.97 AC.
- 40% + W/ LESS THAN 25' ELEVATION DIFFERENTIAL - 1.75 AC.
- 40% + W/ GREATER THAN 25' ELEVATION DIFFERENTIAL - 0.42 AC.



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 BY REGISTRATION EXPIRES ON 7/15/05
 DATE 10-31-07

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SLOPE ANALYSIS
JEFFERIES RANCH
 CITY OF OCEANSIDE, CALIFORNIA

SHEET 1 OF 1

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1 PLANNING COMMISSION
2 RESOLUTION NO. 2006-P69

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
6 JEFFRIES RANCH PROJECT ON CERTAIN REAL PROPERTY
7 IN THE CITY OF OCEANSIDE

8 APPLICATION NO: T-9-99, D-24-99, GPA-5-04 and C-33-99
9 APPLICANT: Brehm Companies
10 LOCATION: North of the intersection of Spur Avenue and Belmont Park Road,
11 south of Highway 76

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

14 WHEREAS, an Environmental Impact Report was prepared and circulated for public
15 and agency review and proper notification was given in accordance with the California
16 Environmental Quality Act; and

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th
18 day of November 2006, conduct a duly advertised public hearing on the content of the Final
19 Environmental Impact Report and the Mitigation Monitoring and Reporting program; and

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

22 For the Final Environmental Impact Report:

- 23 1. The Final Environmental Impact Report was completed in compliance with the
24 provisions of the California Environmental Quality Act (CEQA).
- 25 2. There are certain significant environmental effects detailed in the Environmental Impact
Report which have been avoided or substantially lessened by the establishment of
measures which are detailed in Exhibit "A" Environmental Findings for the Jeffries
Ranch Project.
3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting
Programs for the project (included in the Final EIR) and were presented to the Planning
Commission, and the Planning Commission reviewed and considered the information
contained in these documents prior to making a decision on the 44-lot single-family
subdivision. The Final Environmental Impact Report and Mitigation and Monitoring

1 and Reporting Program for the business park have been determined to be accurate and
2 adequate documents, which reflect the independent judgment of the City.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 CERTIFY the Final Environmental Impact Report for the Jeffries Ranch project Tentative Map (T-
5 9-99), Development Plan (D-24-99), General Plan Amendment (GPA-5-04), Conditional Use
6 Permit (C-33-99), and a waiver of the undergrounding of utilities subject to the following
7 recommendations and conditions:

- 8 1. Pursuant to Public resources Code Section 21081.6 the Planning Commission adopts the
9 Mitigation Monitoring and Reporting Program (MMRP) for the project and finds and
10 determines that said programs are designed to ensure compliance with the mitigation
11 measures during project implementation.
- 12 2. Notice is HEREBY GIVEN that the time within which judicial review must be sought on
13 this decision is governed by the provisions of the California Environmental Quality Act.

14 PASSED AND ADOPTED Resolution No. 2006-P69 on November 20, 2006 by the
15 following vote, to wit:

16 AYES:

17 NAYS:

18 ABSENT:

19 ABSTAIN:

20 _____
21 Dennis Martinek, Chairman
22 Oceanside Planning Commission

23 ATTEST:

24 _____
25 Jerry Hittleman, Secretary

26 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
27 this is a true and correct copy of Resolution No. 2006-P69.

28 Dated: _____ November 20, 2006

1 PLANNING COMMISSION
2 RESOLUTION NO. 2006-P70

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

7 APPLICATION NO: T-9-99, D-24-99, GPA-5-04 and C-33-99
8 APPLICANT: Brehm Companies
9 LOCATION: North of the intersection of Spur Avenue and Belmont Park Road,
south of Highway 76

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting a Tentative Map, Development Plan, General Plan
14 Amendment, and Conditional Use Permit under the provisions of Articles 10, 30, 41 & 43 of the
15 Zoning Ordinance of the City of Oceanside to permit the following:

16 44-lot single-family residential subdivision;
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 20th
19 day of November, 2006 conduct a duly advertised public hearing as prescribed by law to consider
20 said application.

21 WHEREAS, the Planning Commission after considering the General Plan Circulation
22 Element amendment whereby the Secreteriat Street connection to SR-76 through the project site
will be deleted, recommends to the City Council that this amendment be approved.

23 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
24 Guidelines thereto; an Environmental Impact Report has been prepared stating that if the
25 mitigation measures are met there will not be an adverse impact upon the environment;

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

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

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. R91-38	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 89-231	\$2,843 - \$15,964 depending on location
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. R91-39	\$2,072 per unit
8			
9	School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot (Vista)
10	Traffic Signal Fee	Ordinance No. 87-19	\$15.71 per vehicle trip
11	Thoroughfare Fee	Ordinance No. 83-01	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
12			
13			
14	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 02-OR-332-1	Fee based on meter size Typical fee is \$3,746
15			
16			
17	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 02-OR-333-1	Fee based on meter size Typical fee is \$4,587
18			
19			
20			
21	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2000-3	Based on meter size. Residential is typically \$4,154 per unit
22			
23	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
24			
25			

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

15 FINDINGS:

16 For the Tentative Map:

- 17 1. The proposed subdivision creates parcels that are consistent and exceed the requirements
18 of the RE-B-EQ zoning designation. The subdivision map is consistent with the General
19 Plan of the City.
- 20 2. The proposed building pads on the site will conform to the topography of the site,
21 therefore, making it suitable for residential development. The 82.5-acre site is physically
22 suitable to allow for the development of 44 residential lots.
- 23 3. The subdivision complies with all other applicable ordinances, regulations and
24 guidelines of the City.
- 25 4. The design of the subdivision or proposed improvements will not conflict with
26 easements, acquired by the public at large, for access through the use of property within
27 the subdivision.
- 28 5. That the design of the subdivision or the proposed improvements will not cause
29 substantial environment damage with the proposed mitigation or substantially and
avoidably injure fish or wildlife or their habitat.

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
3 and the underlying Estate Residential (RE-B-EQ).
- 4 2. The Development Plan conforms to the General Plan of the City.
- 5 3. The project site can be adequately served by existing public facilities, services and
6 utilities.
- 7 4. The project, as proposed, is compatible with the existing and potential development on
8 adjoining properties or in the surrounding neighborhood.
- 9 5. The site plan and parameters for the architecture and physical design of the project is
10 consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use
11 Element of the General Plan.

12 For the General Plan Amendment:

- 13 1. The proposal to eliminate the connection of Secretariat Street to SR-76 through the
14 project site is in keeping with the residential character of the area. The elimination of
15 this roadway connection will ensure that no regional traffic enters the Jeffries Ranch
16 neighborhood and existing traffic patterns are maintained and protected.
- 17 2. The elimination of this roadway connection will ensure that sensitive plant (San Diego
18 Ambrosia) and wildlife habitat is protected and a functional wildlife corridor is preserved.

19 For the Conditional Use Permit for the Panhandle Access:

- 20 1. The proposed use of a panhandle access design on 8 lots and the proposed location of the
21 access on the lots are in accord with the objectives of the Zoning Ordinance and
22 purposes of the districts in which it is located.
- 23 2. The use of panhandle access design, and the proposed conditions under which they
24 would be established or maintained will be consistent with the General Plan; will not be
25 detrimental to the public health, safety or welfare of persons residing or working in or
26 adjacent to the neighborhood of such use; and will not be detrimental to properties or
improvements in the vicinity or to the general welfare of the City.

27 ////////////////

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1 For the Waiver for the Requirement to Underground Facilities:

- 2 1. The topography of the site and sensitive biological habitat surrounding the power poles
3 and utility lines makes the conversion of the overhead utilities unreasonable and
4 impractical.

5 WHEREAS, the Environmental Impact Report and Mitigation and Monitoring and
6 Reporting Program (MMRP) have been determined to be accurate and adequate documents,
7 which reflect the independent judgment and analysis of the Planning Commission. On the basis
8 of the entire record before it, the Planning Commission finds that there is no substantial
9 evidence that the project, with implementation of the mitigation measures proposed, will have a
10 significant impact on the environment.

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

14 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
15 approve Tentative Map (T-9-99), Development Plan (D-24-99), General Plan Amendment (GPA-
16 5-04) and Conditional Use Permit (C-33-99) subject to the following conditions:

17 Building:

- 18 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
19 Building Division plan check.
- 20 2. The granting of approval under this action shall in no way relieve the applicant/project
21 from compliance with all State and local building codes.
- 22 3. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
23 property shall be underground except that portion per the waiver (City Code Sec. 6.30).
- 24 4. The building plans for this project are required by State law to be prepared by a licensed
25 architect or engineer and must be in compliance with this requirement prior to submittal
26 for building plan review.
- 27 5. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)
28 and shall be shielded appropriately. Where color rendition is important high-pressure
29 sodium, metal halide or other such lights may be utilized and shall be shown on final
building and electrical plans.

1 6. The developer shall monitor, supervise and control all building construction and supportive
2 activities so as to prevent these activities from causing a public nuisance, including, but not
3 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 **Engineering:**

18 7. All right-of-way alignments, street dedications, exact geometrics and widths shall be
19 dedicated and improved as required by the City Engineer and/or Public Works Director.

20 8. Design and construction of all improvements shall be in accordance with standard plans,
21 specifications of the City of Oceanside and subject to approval by the City Engineer
22 and/or Public Works Director.

23 9. Prior to issuance of a building permit all improvement requirements shall be covered by
24 a development agreement and secured with sufficient improvement securities or bonds
25 guaranteeing performance and payment for labor and materials, setting of monuments,
26 and warranty against defective materials and workmanship.

27 10. The approval of the tentative map shall not mean that closure, vacation, or abandonment
28 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
29 developer. The developer is responsible for applying for all closures, vacations, and
abandonments as necessary. The application(s) shall be reviewed and approved or

1 rejected by the City of Oceanside under separate process(es) per codes, ordinances, and
2 policies in effect at the time of the application.

3 11. Prior to approval of the final map all improvement requirements shall be covered by a
4 subdivision agreement and secured with sufficient improvement securities or bonds
5 guaranteeing performance and payment for labor and materials, setting of monuments, and
6 warranty against defective materials and workmanship.

7 12. Prior to approval of the final map a phasing plan for the construction of public and private
8 improvements including landscaping and streets shall be approved by the City Engineer
9 and/or Public Works Director. All improvements shall be under construction to the
10 satisfaction of the City Engineer and/or Public Works Director prior to the issuance of any
11 building permits. All improvements shall be completed prior to issuance of any certificates
12 of occupancy.

13 a) The tract shall be recorded as one. The tract may be developed in phases. A
14 construction-phasing plan for the construction of on-site public and private
15 improvements shall be reviewed and approved by the City Engineer and/or Public
16 Works Director prior to the recordation of the final map. Prior to the issuance of
17 any building permits all off-site improvements including landscaping, frontage
18 improvements shall be under construction to the satisfaction of the City Engineer
19 and/or Public Works Director. Prior to issuance of any certificates of occupancy
20 the City Engineer and/or Public Works Director shall require the dedication and
21 construction of necessary utilities and streets and other improvements outside the
22 area of any particular final map, if such is needed for circulation, parking, access or
23 for the welfare or safety of future occupants of the development.

24 13. Where proposed off-site improvements, including but not limited to slopes, public utility
25 facilities (except for the off-site waterline), and drainage facilities, are to be constructed,
26 the applicant shall, at his own expense, obtain all necessary easements or other interests
27 in real property and shall dedicate the same to the City of Oceanside as required. The
28 applicant shall provide documentary proof satisfactory to the City of Oceanside that such
29 easements or other interest in real property have been obtained prior to issuance of any
grading, building or improvement permit for the development/project. Additionally, the

1 City of Oceanside, may at its sole discretion, require that the applicant obtain at his sole
2 expense a title policy insuring the necessary title for the easement or other interest in real
3 property to have vested with the City of Oceanside or the applicant, as applicable.

4 14. Pursuant to the State Map Act, improvements shall be required at the time of
5 development. A covenant, reviewed and approved by the City Attorney, shall be
6 recorded attesting to these improvement conditions and a certificate setting forth the
7 recordation shall be placed on the map.

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

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

16 a) Dirt, debris and other construction material shall not be deposited on any public
17 street or within the City's stormwater conveyance system.

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

29 c) The construction site shall accommodate the parking of all motor vehicles used by
persons working at or providing deliveries to the site.

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

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

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

22 19. Project Streets (Belmont Park Road, Spur Avenue and "A" Street) shall be improved with
23 curbs, gutters and structural sections (traffic index) acceptable to the City of Oceanside.

24 20. A minimum of 10' parkways and equestrian easements shall be provided along the
25 project streets (Belmont Park Road, Spur Avenue and "A" Street) as shown on the
26 typical street section on the approved tentative map. All equestrian easements and trails
27 shall be maintained by an owner's association., unless annexed into the LMAD.
28
29

- 1 21. Sight distance requirements at the project driveway or street shall conform to the corner
2 sight distance criteria as provided by the California Department of Transportation Highway
3 Design Manual.
- 4 22. Streetlights shall be maintained and installed on all public streets per City Standards. The
5 system shall provide uniform lighting, and be secured prior to occupancy. The developer
6 shall pay all applicable fees, energy charges, and/or assessments associated with City-
7 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
8 annexation to, any appropriate street lighting district.
- 9 23. Pavement sections for all streets and driveways shall be based upon approved soil tests and
10 traffic indices. The pavement design is to be prepared by the developer's soil engineer and
11 must be approved by the City Engineer and/or Public Works Director, prior to paving.
- 12 24. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
13 construction of the project, shall be repaired or replaced as directed by the City Engineer
14 and/or Public Works Director.
- 15 25. The developer shall comply with all the provisions of the City's cable television ordinances
16 including those relating to notification as required by the City Engineer and/or Public
17 Works Director.
- 18 26. Grading and drainage facilities shall be designed and installed to adequately accommodate
19 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
20 and as directed by the City Engineer and/or Public Works Director.
- 21 27. The applicant shall obtain any necessary permits and clearances from all public agencies
22 having jurisdiction over the project due to its type, size, or location, including but not
23 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
24 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
25 (including NPDES), San Diego County Health Department, prior to the issuance of grading
26 permits.
- 27 28. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
28 investigation shall be conducted of the soils, slopes, and formations in the project. All
29 necessary measures shall be taken and implemented to assure slope stability, erosion
control, and soil integrity. No grading shall occur until a detailed grading plan, to be

1 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
2 the City Engineer and/or Public Works Director.

3 29. This project shall provide year-round erosion control including measures for the site
4 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
5 control plan, designed for all proposed stages of construction, shall be reviewed, secured
6 by the applicant with cash securities and approved by the City Engineer and/or Public
7 Works Director.

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

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

25 32. Open space areas and down-sloped areas visible from a collector-level or above roadway
26 and not readily maintained by the property owner, shall be maintained by a homeowners'
27 association or conservancy, or LMAD, that will insure installation and maintenance of
28 landscaping in perpetuity. These areas shall be indicated on the final map and reserved for
29 an association. Future buyers shall be made aware of any estimated monthly costs. The

1 disclosure, together with the CC&R's, shall be submitted to the City Engineer and/or
2 Public Works Director for review prior to the recordation of final map.

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

11 34. A storm drain easement acceptable to the City of Oceanside shall be dedicated across the
12 property for the continuation of the storm drain from the cul-de-sac at Belmont Park Road
13 in northerly direction to the proposed outlet structure northwesterly of lot 4. Easement and
14 access road for maintenance of the outlet structure shall be required. The proposed
15 stormwater treatment unit and the proposed filtration basin near lot 4 shall be maintained
16 by an owner's association.

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

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

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

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

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

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

27 40. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
28 Agreement with the City obliging the project proponent to maintain, repair and replace
29 the Storm Water Best Management Practices (BMPs) identified in the project's approved
Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity.

1 The Agreement shall be approved by the City Attorney prior to issuance of any precise
2 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
3 any building permit. Security in the form of cash (or certificate of deposit payable to the
4 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
5 of a precise grading permit. The amount of the security shall be equal to 10 years of
6 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
7 prepare the O&M cost estimate. The O&M cost estimate shall be approved by the City
8 Engineer and/or Public Works Director prior to approval of any engineering plans for the
9 project.

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

15 42. The Agreement shall include a copy of executed on-site and off-site access easements
16 necessary for the operation and maintenance of BMPs that shall be binding on the land
17 throughout the life of the project to the benefit of the party responsible for the O&M of
18 BMPs, until such time that the stormwater BMP requiring access is replaced, satisfactory
19 to the City Engineer and/or Public Works Director. The agreement shall also include a
20 copy of the O&M Plan approved by the City Engineer and/or Public Works Director.

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

28 44. The project applicant shall modify the intersection of SR-76 at Jeffries Ranch Road to
29 right turn access in and out only subject to Caltrans approval. Appropriate signing and

1 striping shall be installed to the satisfaction of the City Engineer. This improvement
2 shall be completed prior to certification of occupancy, or as required by the City
3 Engineer and/or Public Works Director in association with Caltrans.

4 45. The project applicant shall pay their fair share toward the future signalization of Old
5 Ranch Road at Melrose Drive. The project's fair share is 6.23 percent or \$15,584 to be
6 paid to the City prior to the issuance of building permits.

7 46. During construction, the project applicant shall keep construction truck traffic away from
8 the school on Spur Avenue. The final haul route shall be approved to the satisfaction of
9 the City Engineer prior to beginning of construction.

10 47. The project applicant shall pay all applicable traffic signal and thoroughfare fees.

11 **Fire:**

12 48. A minimum fire flow of 1,500 gallons per minute shall be provided.

13 49. The size of fire hydrant outlets shall be 2 1/2" X 4".

14 50. The fire hydrants shall be installed and tested prior to placing any combustible materials on
15 the job site.

16 51. Provide on-site fire hydrants and mains capable of supplying the required fire flow.

17 52. All-weather access roads shall be installed and made serviceable prior to and during time
18 of construction (Sec. 902 Uniform Fire Code).

19 53. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City
20 Vehicle Code Section 22500.1.

21 54. All security gates shall have a Knox-box override and as required have strobe activation
22 capability, unless otherwise approved by the Fire Marshall.

23 55. Buildings shall meet Oceanside Fire Department current adopted codes at the time of
24 building permit application.

25 56. All open areas that are not needed for biological resources shall be landscaped with
26 approved fire retardant/anti-erosion type plants with an approved permanent irrigation
27 system and maintenance program.

28 57. In accordance with the Uniform Fire Code Sec.901.4.4, approved addresses for residential
29 occupancies, shall be placed on the structure in such a position as to be plainly visible and

1 legible from the street or roadway fronting the property. Numbers shall contrast with their
2 background.

3 58. Single-Family dwellings require 4-inch address numbers (with a ¼-inch wide stroke).

4 59. A fire hydrant shall be placed near lots 15 and 18. Fire hydrants should be spread 300 feet
5 apart and 150 feet from any structure.

6 60. The residences on lots 4, 16, 17, 22 and 23 will be required to provide a 13-D Fire
7 Sprinkler System. The system should be designed per NFPA 13 D and U.B.C. Standard
8 9-3.

9 61. Blue hydrant identification markers shall be placed in the center of the street, adjacent to
10 the street hydrants.

11 62. The Fire Technical Report must be approved by the Fire Department prior to the
12 issuance of building permits and must be submitted to the Building Division with the
13 building plans to the building department for plan review.

14 63. Future development of the property will require compliance with all applicable Fire
15 Department Codes and Standards.

16 64. Fire Department Requirements shall be placed on plans in the notes section, and details
17 section.

18 65. A 100-foot fire buffer measured on a horizontal plane from the farthest projection of the
19 structures to the native habitat is required. This buffer zone does not include a native
20 habitat buffer zone, unless otherwise specified in the Fire Technical Report approved by
21 the Fire Department.

22 66. Show photographs and an aerial map showing a 1000 ft beyond the property line in a
23 360-degree view as part of the Fire Report.

24 67. All structural mitigation notes and details resulting from the wildland urban interface
25 report and Fire Department conditions shall be included on the architectural plans when
26 submitted to the Building Department for building permit.

27 68. Roof covering:

28 Roofs shall be a class A assembly. Roofs shall have a class "A" roof covering. For roof
29 coverings where the profile allows a space between the roof covering and roof decking,
the space at the eave ends shall be fire stopped to preclude entry of flames or embers.

1 **Insulation:**

2 In the urban wildland interface areas, paper faced insulation shall be prohibited in attics
3 or ventilated spaces.

4 **Protection of eaves:**

5 Eave assembly must be 1 hour fire rated construction.

6 Eaves and soffits shall be protected on the exposed underside by materials approved for
7 a minimum 1-hour fire resistance rated construction. Fascias are required and must be
8 protected on the backside by materials approved for a minimum of 1-hour fire resistance
9 rated construction or 2 inch (51mm) nominal dimension lumber.

10 **Gutters and downspouts:**

11 Gutters and downspouts shall be constructed of noncombustible material.

12 Gutters shall be designed to reduce the accumulation of leaf litter and debris that
13 contributes to roof edge ignition.

14 **Exterior walls:**

15 Exterior walls of buildings or structures shall be constructed with materials approved for
16 a minimum of 1-hour fire resistance rated construction on the exterior side or
17 constructed with approved noncombustible materials.

18 Exterior wall coverings must meet the 1-hour fire resistance requirement.

19 Exception: Heavy timber or log wall construction. Such material shall extend from the
20 top of the foundation to the underside of the roof sheathing.

21 **Unenclosed under floor protection:**

22 Buildings or structures shall have all under floor areas enclosed to the ground with
23 exterior walls with a 1-hour fire rating. Exception: Complete enclosure may be omitted
24 where the underside of all exposed floors and all exposed structural columns, beams and
25 supporting walls are protected as required for exterior 1-hour fire resistance rated
26 construction or heavy timber construction.

27 **Appendages and projections:**

28 Where fencing attached to or immediately adjacent to structures face the vegetative
29 fuels, the first 5 feet (1 524 mm) of such fencing, which connects to the structure, shall

1 be constructed of noncombustible, heavy timber or fire retardant pressure treated wood
2 or material.

3 Unenclosed accessory structures attached to buildings with habitable spaces and
4 projections such as deck assemblies shall be a minimum of a 1-hour fire rated assembly,
5 which includes railings.

6 When the attached structure is located and constructed so that the structure or any
7 portion thereof projects over a descending slope surface greater than 10 percent, the area
8 below the structure shall have all under floor areas enclosed to within 6 inches (152 mm)
9 of the ground, with exterior wall construction in accordance with Section 504.5.

10 **Exterior glazing, and skylights:**

11 Exterior glazing or other transparent, translucent or opaque glazing shall be tempered
12 glass, multilayered glass panels, or glass block each having a fire protection rating of not
13 less than 20 minutes. Glazing frames made of vinyl materials shall have welded corners,
14 metal reinforcement in the interlock area, and be certified to ANSI/AAMA/NWWDA
15 101/I.S.2-97 structural requirements. Skylights shall be tempered glass or a class "A"
16 rated assembly.

17 Exterior windows, window walls and glazed doors, windows within exterior doors, and
18 skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire
19 protection rating of not less than 20 minutes.

20 **Exterior doors:**

21 Exterior doors shall be approved noncombustible construction, solid core wood not less
22 than 1 3/4 inches thick (45mm), or have a fire protection rating of not less than 20
23 minutes. Windows within doors and glazed doors shall be in accordance with Section
24 504.8. of the ICC code. Exception: Vehicle access doors.

25 **Vents:**

26 Attic ventilation openings, foundation or under floor vents, or other ventilation openings
27 in vertical exterior walls and vents through roofs shall not exceed 144 square inches
28 (0.0929 m²) each. Such vents shall be covered with noncombustible corrosion resistant
29 mesh with openings not to exceed 1/4 inch (6.4 mm), or shall be designed and approved to
prevent flame or ember penetration into the structure.

1 Turbine attic vents shall be equipped to allow only one-way direction rotation and shall
2 not free spin in both directions.

3 Attic ventilation openings shall not be located in soffits, in eave overhangs, between
4 rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located
5 at least 10 feet (3048 mm) from property lines. Under floor ventilation openings shall be
6 located as close to grade as practical.

7 **Detached accessory structures:**

8 Detached accessory structures located less than 50 feet (15 240 mm) from a building
9 containing a habitable space shall be a minimum 1-hour fire resistance rated assembly.
10 When the detached structure is located and constructed so that the structure or any
11 portion thereof projects over a descending slope surface greater than 10 percent, the area
12 below the structure shall have all under floor areas enclosed to within 6 inches (152 mm)
13 of the ground, with exterior wall construction with a 1-hour fire resistance rating.
14 Exception: The enclosure may be omitted where the underside of all exposed floors and
15 all exposed structural columns, beams and supporting walls are protected as required for
16 exterior 1-hour fire resistance rated construction or heavy timber construction.

17 69. Trees and large shrubs must be 10 feet off of structures measured at maturity of the tree
18 from the dripline of the tree to the farthest projection of the structure.

19 70. Brush management zones shall be measured on a horizontal plane from the farthest
20 projection of the structure (including decks) outward. Brush management zone 1 is the
21 area from the structure to a point 40 feet away. This zone shall be modified and planted
22 with succulent plants. Native plants and hydro seeding will not be allowed in this zone.
23 Groundcovers must be low growing less than one foot in height. Shrubs shall not be
24 located within 20 feet of the dripline of the trees at maturity. Shrubs shall be planted in
25 small groups six feet or less, with 20 feet of clear spacing in-between the groups of
26 shrubs. Grass and other vegetation located more than 50 feet from buildings or
27 structures and less than 4 inches in height need not be removed where necessary to
28 stabilize the soil and prevent erosion, but it must be maintained at a height of 4 inches.
29 Irrigation is required for zone 1 and 2. The second zone is the area between 41 to 70 feet
from the structure. This zone shall be modified and planted with succulent plants.

1 Shrubs shall not be located within 20 feet of the dripline of the trees at maturity. Shrubs
2 shall be planted in small groups 6 feet or less, with 20 feet of clear spacing in-between
3 the groups of shrubs. Groundcovers must be low growing less than 1 foot in height. All
4 dead and dying vegetation in addition to undesirable plants and weeds listed in the Fire
5 Department plant guidelines shall be removed; this zone shall be permanently irrigated.
6 Zone three is the area between 71 and 100 feet from the building. In this zone 50 percent
7 of the native vegetation may remain, but it must be broken up. All dead and dying
8 vegetation in addition to undesirable plants species and weeds as listed in the Fire
9 Department plant guidelines shall be removed.

10 71. Zone one shall contain no habitable structures, structures that are directly attached to
11 habitable structures, or other combustible construction that provides a means for
12 transmitting fire to the habitable structures. Structures such as fences, walls, trellises,
13 and non-habitable gazebos shall be of non-combustible construction, and not plantable.

14 72. Off-site fuel modification is not recommended due to problems inherent with
15 enforcement of regulations on adjacent property and the potential for confusion
16 regarding responsibility for fuel modification on areas outside of legal ownership.
17 Proper on-site fuel modification design should determine where development can safely
18 be located and should be an integral part of the development proposal. Should off-site
19 fuel modification be deemed a necessity, appropriate legally recorded instruments must
20 be established that clearly state the responsibilities and rights of the parties involved
21 relative to the establishment and maintenance of the fuel modification area. It should be
22 understood that the allowance of off-site fuel modification by an adjacent property owner
23 may affect the rights and/or use of the off-site property. All agreements for any off-site
24 fuel modifications shall be integrated into fuel modification plans with a letter from
25 adjoining property owner giving rights to maintain fuels.

26 73. The fuel modification zones shall be located within common lettered lots owned and
27 maintained by associations representing common ownership; i.e. homeowners'
28 associations. The integrity and longevity of the fuel modification zones shall be
29 maintained with sufficient tract/project conditions and CC&Rs to specifically identify
the restrictions within the fuel modification areas. When fuel modification zones are

1 located on private property, deed restrictions are required to specifically identify the
2 restrictions on any portion of the property subject to fuel modification.

3 74. Site Inspection – site inspection may reveal conditions which have changed since the
4 plan review. When such discrepancies arise, field inspection shall take precedence.
5 Final approval is contingent upon field inspection. If the field inspection reveals that the
6 conditions have not been met, you will be required to bring the project into compliance
7 with the conditions, or your final approval will be rescinded until the project is
8 compliant.

9 75. Two-story structures must have a 30-foot setback from the top of the slope, single story
10 structures must have a 15-foot setback from the top of the slope.

11 76. The following shall be included on the conceptual fuel modification plan:

- 12 a) Trees and shrubs represented on the landscape plans must be diagrammatically
13 shown at 100 percent maturity. The distance from the structure to the dripline
14 edge of the tree at maturity must be accurate and called out on the plans. It is the
15 landscape architects responsibility to confirm that the distances of trees and large
16 shrubs are accurate on the plans and out in the field. If on final field inspection
17 the conditions are not met, you will be required to correct them.
- 18 b) Trees and large shrubs must be 10 feet off of the structure measured at maturity
19 from the dripline to the farthest projection of the structure. Landscape architects
20 are responsible for making sure that their plans are accurate. At final inspection
21 if the Fire Department conditions have not been met, the landscaping will be
22 changed in order to meet the conditions imposed upon the project, or the project
23 final will not be signed off.
- 24 c) Tree and shrub dimensions must be put in the planting legend at 100 percent
25 maturity. Shrubs with dimensions over 5 feet in height must also be called out
26 on the landscape plans, and the dimensions of that shrub must be shown. If
27 shrubs are over 5 feet in height they must also be 10 feet off of the structure
28 measured at shrub edge at maturity to the farthest projection of the structure.
- 29 d) Remove undesirable plant species in accordance with the Oceanside Fire
Department Plant List (refer to fuel modification packet).

- 1 e) Identify the design of the proposed development, showing all property lines,
2 contour lines, and the proposed location of all structures nearest to the fuel
3 modification area, if available.
- 4 f) Identify all proposed off-site fuel modification areas and appropriate legal
5 agreements with adjacent property owners.
- 6 g) Existing and new plants will be in accordance with the Oceanside Fire
7 Department's approved plant palette.

8 77. Precise fuel modification plans shall include all information required on conceptual fuel
9 modification plans and the following additional information.

- 10 a) Location and detail of permanent zone markers (refer to fuel modification
11 packet).
- 12 b) Plant palette to be installed in accordance to acceptable guidelines.
- 13 c) Irrigation plans and specifications.
- 14 d) Building footprints or statements that clearly indicates the limits of proposed
15 development.
- 16 e) All applicable maintenance requirements and assignments of responsibility.
- 17 f) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel
18 modifications (refer to fuel modification packet).

18 **Planning:**

19 78. This Tentative Map, Development Plan and Conditional Use Permit shall expire on
20 November 20, 2008, unless the Planning Commission grants a time extension.

21 79. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
22 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
23 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
24 annul an approval of the City, concerning Tentative Map T-9-99, Development Plan D-24-
25 99 and Conditional Use Permit C-33-99. The City will promptly notify the applicant of any
26 such claim, action or proceeding against the city and will cooperate fully in the defense. If
27 the City fails to promptly notify the applicant of any such claim action or proceeding or
28 fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
29 defend, indemnify or hold harmless the City.

1 80. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water
2 Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall
3 be reviewed and approved by the City Engineer and City Planner prior to the issuance of
4 building permits. Landscaping shall not be installed until bonds have been posted, fees
5 paid, and plans signed for final approval. The following special landscaping requirements
6 shall be met:

- 7 a) Median and parkway tree plantings along collector and arterial roads shall be a
8 minimum of two-inch diameter trees so as to ensure a mature landscape theme is
9 achieved in a reasonable amount of time.
- 10 b) The developer shall be responsible for irrigating and landscaping all embankments
11 within the project, and all slopes along major streets.
- 12 c) Street/parkway trees (minimum 15-gallon) shall be planted at a minimum of one
13 tree per unit or lot and two trees per corner lot. Approved root barriers shall be
14 incorporated.
- 15 d) Arterial street trees in parkways shall be planted at a minimum of 30 feet on center,
16 each side of street, as a solitary planting. Approved root barriers shall be
17 incorporated.
- 18 e) Local street trees in parkways shall be planted at a minimum of 30 feet on center,
19 each side of street, as a solitary planting. Approved root barriers shall be
20 incorporated.
- 21 f) To mitigate the loss of landmark and/or mature existing trees on-site the
22 determination of replacement shall be based on tree number, type, and caliper
23 (caliper measured 2 1/2 feet from the base of the tree at existing grade). The total
24 number of tree caliper lost shall be equal to the total number of caliper replaced.
25 Replacement trees shall be a minimum of 15-gallon container stock. A field survey
26 shall be performed under the supervision of the City Landscaping Section to
27 evaluate the existing tree population and the replacement requirements. The
28 existing trees to remain or proposed for removal shall be identified on the
29 Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing
tree type, location, and caliper shall be shown on the above plans. Replacement

1 trees shall be identified and shown on the Landscape Plan and shall be subject to
2 review and approval by the City Engineer and City Planner.

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

12 82. Model Landscape plans and Front Yard Landscape plans, designed in compliance with
13 Water Conservation Ordinance No. 91-15 shall be submitted as schematic drawings and
14 shall be approved and signed by the Engineering Department and the Planning Division
15 prior to the issuance of building permits. No bonding shall be required. Precise Grading
16 Plans for model homes shall be prepared by a Civil Engineer and shall be approved by the
17 City Engineer prior to the issuance of building permits. Prior to the issuance of occupancy
18 permits, the City's Landscape Technician/Inspector shall review each unit requested for
19 occupancy to ensure that the installation of planting and irrigation has occurred in
20 conformance with the approved schematic drawings. The irrigation system will also be
21 tested to ensure adequate operation and coverage.

22 83. All single-family projects shall dispose of or recycle solid waste in a manner provided in
23 City Ordinance 13.3.

24 84. A covenant or other recordable document approved by the City Attorney shall be prepared
25 by the subdivider and recorded prior to the approval of the final map. The covenant shall
26 provide that the property is subject to this resolution, and shall generally list the conditions
27 of approval.

28 85. Prior to the issuance of building permits, compliance with the applicable provisions of the
29 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
and approved by the Planning Division. These requirements, including the obligation to

1 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
2 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
3 property.

4 86. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
5 written copy of the applications, staff report and resolution for the project to the new owner
6 and or operator. This notification's provision shall run with the life of the project and shall
7 be recorded as a covenant on the property.

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

10 88. Unless expressly waived, all current zoning standards and City ordinances and policies in
11 effect at the time building permits are issued are required to be met by this project. The
12 approval of this project constitutes the applicant's agreement with all statements in the
13 Description and Justification, Management Plan and other materials and information
14 submitted with this application, unless specifically waived by an adopted condition of
15 approval.

16 89. The developer's construction of all fencing and walls associated with the project shall be in
17 conformance with the approved Development Plan. Any substantial change in any aspect
18 of fencing or wall design from the approved Development Plan shall require a revision to
19 the Development Plan or a new Development Plan.

20 90. The homeowners' association shall be responsible for maintenance of the right-of-way
21 trees that will be located on-site, above the equestrian trail, unless annexed into the
22 LMAD.

23 91. The shrubs proposed for the right-of-way between back of curb and the equestrian fence,
24 (3"-0"), shall be maintained by the homeowners' association, if it is not to be maintained
25 by LMAD.

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

1 93. All rear wood fences adjacent to public right-of-way and/or visible from the public right-
2 of-way will be stained or otherwise finished with a waterproof material.

3 94. An association shall be formed and Covenants, Conditions and Restrictions (C.C. & R's)
4 shall provide for the maintenance of all common open space, medians and commonly
5 owned fences and walls and adjacent parkways. The maintenance shall include normal
6 care and irrigation of landscaping, repair and replacement of plant material and irrigation
7 systems as necessary; and general cleanup of the landscaped and open area, parking lots
8 and walkways. The C.C. & R's shall be subject to the review and approval of the City
9 Attorney prior to the approval of the final map. The C.C. & R's are required to be recorded
10 prior to or concurrently with the final map. Any amendments to the C.C. & R's in which
11 the association relinquishes responsibility for the maintenance of any common open space
12 shall not be permitted without the specific approval of the City of Oceanside. Such a
13 clause shall be a part of the C.C. & R's. The C.C. & R's shall also contain provisions for
14 the following:

- 15 a) Prohibition of parking or storage of recreational vehicles, trailers or boats.
- 16 b) Provisions regulating individual patio covers, room additions and other
17 appurtenances.
- 18 c) Maintenance of median landscaping by the association.
- 19 d) Provisions for the maintenance of all common open space and open space
20 easements on private lots, including provisions establishing mechanisms to ensure
21 adequate and continued monetary funding for such maintenance by the
22 homeowners' association.
- 23 e) Provisions that restrict any private use of open space easement areas. Restrictions
24 shall include, but are not limited to, removing retaining walls, installing structures
25 such as trellises, decks, retaining walls and other hardscape and any individual
26 landscape improvements.
- 27 f) Provisions prohibiting the homeowners' association from relinquishing its
28 obligation to maintain the common open space and open space easement areas
29 without prior consent of the City of Oceanside.

1 g) An acknowledgement that the City of Oceanside does not have a view preservation
2 ordinance and that views may be subject to change with maturing off-site landscape
3 and the potential for future off-site building.

4 95. All street names shall be approved by the Planning Division prior to the approval of the
5 final map for each phase of development.

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

8 97. The panhandle access driveway shall have a minimum of 16 feet of pavement.

9 98. Panhandle access ways shall have recorded joint maintenance agreements and cross
10 easements for use. The developer is prohibited from entering into any agreement with a
11 cable television franchisee of the City, which gives such franchisee exclusive rights to
12 install, operate, and/or maintain its cable television system in the development.

13 99. This project is subject to the provisions of Chapter 14C of the City Code regarding
14 Inclusionary Housing.

15 100. This project shall comply with all provisions of the City's Affirmative Fair Housing
16 Marketing Agreement policy. Such agreement shall be submitted to and approved by the
17 Housing and Neighborhood Services Director prior to the recordation of a final map or the
18 issuance of a building permit for the project, whichever comes first.

19 101. The Planning Commission shall view and approve the future architecture plans for the
20 project.

21 102. All required Resource Agency permits shall be obtained prior to issuance of grading
22 permits, for the subdivision or any related improvements. Hard copies of these permits
23 must be submitted to the Planning Division.

24 103. Prior to issuance of grading permits, a conservation easement shall be placed over the
25 45-acre habitat area to be preserved on-site. The habitat shall be managed in perpetuity
26 by a qualified conservation entity in conformance with the Multiple Habitat
27 Conservation Program (MHCP) Biological Monitoring and Management Plan (MHCP
28 Volume III).

29 104. Prior to issuance of grading permits, 0.7-acre of coastal sage scrub shall be created at the
disturbed old home site in the north-central portion of the site. Landscape plans shall be

1 submitted to the City for approval prior to revegetation activities. The habitat creation
2 shall meet specific success criteria and be maintained and monitored for a period of five
3 years. As an option, off-site mitigation may occur at an approved wetland mitigation
4 bank.

5 105. Prior to issuance of grading permits, a plan for creation of 0.02-acre and
6 restoration/enhancement of 0.02-acre of riparian woodland habitat for a total of 0.04-
7 acre within the preserved area shall be submitted to and approved by the City. Physical
8 work on the creation and restoration sites shall be commenced prior to the issuance of
9 building permits. The habitat creation shall meet specific success criteria and be
10 maintained and monitored for a period of five years. As an option, off-site mitigation
11 may occur at an approved wetland mitigation bank.

12 106. Prior to commencement of grading, an erosion barrier, such as silt fencing or plastic
13 tarping shall be placed on the edge of the habitat to be protected. A qualified biologist
14 shall flag the construction limits for grading in sensitive areas and shall monitor initial
15 grading activities.

16 107. If construction occurs during the raptor-breeding season of February 1 to August 30, a
17 pre-construction survey for nesting Cooper's hawks and other raptors is required to
18 avoid impacts to these species. If an active raptor nest is located on-site during
19 construction, mitigation measures to avoid impacting the nest shall include the
20 following: avoiding of the nest area during construction by allowing a 500-foot buffer
21 between the construction and the nest, having a biological monitor present to assure that
22 nesting activities are not interrupted, and consultation with CDFG.

23 108. Removal of vegetation from the site will occur outside the bird-breeding season (March
24 1 to August 1) to avoid impacts to nesting birds. Vegetation may be removed during this
25 time only if a qualified biologist conducts a survey for nesting within 24 hours of the
26 vegetation removal and ensures no nesting birds shall be impacted by the project.

27 109. Removal of coastal sage scrub, disturbed coastal sage scrub, or non-native
28 grassland/coastal sage scrub shall not occur during the coastal California gnatcatcher-
29 breeding season (February 15 through August 31). Furthermore, construction activity

1 shall not occur within 500 feet of an active gnatcatcher nest or 500 feet of an active
2 raptor nest.

3 110. Noise impacts to the California gnatcatcher shall be minimized during construction as
4 follows: From February 15 through August 31, no construction activities shall occur
5 within any portion of the site (or area off-site near the off-site water connection) where
6 they would result in noise levels exceeding 60 decibels dBA hourly average at the edge
7 of occupied gnatcatcher habitat. An analysis showing that noise generated by
8 construction would not exceed 60 dBA hourly average at the edge of occupied habitat
9 shall be completed by a qualified acoustician at least two weeks prior to the
10 commencement of construction activities during the breeding season. Areas restricted
11 from such activities shall be staked or fenced under the supervision of a qualified
12 biologist.

13 111. If construction is to occur in the vicinity of gnatcatchers during the breeding season, at
14 least two weeks prior to the commencement of construction activities, under the
15 direction of a qualified acoustician, noise attenuation measures (e.g. berms, walls,
16 limitations on construction equipment placement and/or simultaneous use of equipment)
17 shall be implemented to ensure that noise levels resulting from construction will not
18 exceed 60 dBA hourly average at the edge of occupied habitat. Noise monitoring shall
19 be conducted to ensure the limit is not exceeded. Monitoring shall occur twice weekly
20 on varying days, or more frequently depending on the construction activity. The
21 implementation of any noise attenuation measures (e.g. construction of berms, walls)
22 shall also not exceed noise levels of 60 dBA hourly average at the edge of occupied
23 habitat during the breeding season. If noise attenuation measures are not adequate, then
24 the construction activities shall be scaled back or stopped until adequate noise
attenuation is achieved or the end of the breeding season (August 31) is reached.

25 112. All lighting installed along the outer edge of the development shall be shielded to
26 prevent light over spill. Shielding shall consist of the installation of fixtures that
27 physically direct lights away from the habitat preserve area to prevent light over spill.
28
29

- 1 113. Native vegetation shall be preserved whenever feasible, all disturbed areas shall be
2 reclaimed as soon as possible after completion of grading. Native topsoil shall be
3 stockpiled and reapplied as part of the site revegetation whenever possible.
- 4 114. The on-site natural open space area shall be posted with signage containing information
5 regarding habitat sensitivity and citing dumping, vehicular activity, or disturbance of
6 habitat are prohibited. Additional measures to minimize or prohibit human activity shall
7 be included in the City and Wildlife Agency approved management plan for the on-site
8 open space.
- 9 115. A minimum 6-foot high fence shall protect all natural open space areas that border the
10 residential portions of the project. This fence shall have ¾ inch vertical picket railings
11 spaced at three inches on center, allowing a 2 ½-inch gap between railings or be a fire
12 wall as per the Fire Report.
- 13 116. All areas disturbed by removal of utility poles in the north-central part of the site shall be
14 returned to the original topography and revegetated with coastal sage scrub species.
- 15 117. Construction equipment staging areas shall not be located within 100 feet of any existing
16 residence.
- 17 118. Adjacent homeowners shall be notified of planned construction activities and times
18 approximately one week prior to the start of work.
- 19 119. All lots identified to be horse lots are subject to the requirements of Article 28 “Equestrian
20 Overlay.” Trail area shall not be modified unless approved by the City Planner.
- 21 120. To prevent the spread of non-native vegetation and noxious weeds, landscaping within the
22 development area shall avoid the use of invasive, non-native plants. Such species shall not
23 be included in any landscaping plans for the project.
- 24 121. No plant materials included on the California Invasive Plant Council’s current inventory
25 of invasive plants shall be used within the project.
- 26 122. All open space areas will be posted with signage containing information regarding habitat
27 sensitivity and citing that dumping or disturbance of habitat is prohibited.
- 28 123. Adjacent homeowners shall be notified of planned construction activities and times
29 approximately one week prior to the start of work.

- 1 124. A pre-excavation agreement shall be executed between the applicant and the San Luis Rey
2 Band of Mission Indians, specifying the treatment of any cultural resources uncovered and
3 requiring Native American monitoring for all ground-disturbing activities.
- 4 125. An archaeological monitor shall be on-site during ground-disturbing activities, such as
5 brushing, scarification, grading and trenching within the boundaries of known
6 archaeological sites due to the potential for encountering cultural features.
- 7 126. Native American monitors shall be present throughout the development during all ground-
8 disturbing activities such as brushing, scarification, grading and trenching. The powers of
9 the monitors and the details of their work shall be laid out in the pre-excavation agreement.
- 10 127. The archaeological monitors and Native American monitors shall have the authority to
11 temporarily halt or redirect grading in order to examine any finds made during the course
12 of monitoring. The monitors shall determine the need for further studies to assess
13 unexpected cultural material encountered during monitoring.
- 14 128. Any cultural material removed from the site shall be returned to the San Luis Rey Band.
15 This provision shall be addressed in the pre-excavation agreement.
- 16 129. No parties shall disclose the locations of any cultural resources located on the property.
- 17 130. A comprehensive report shall be produced detailing the methods and results of the
18 preservation and monitoring program.
- 19 131. The proposed project shall be subject to all mitigation measures contained in the
20 mitigation, monitoring and reporting program contained in the Final Environmental Impact
21 Report for the Jeffries Ranch Project dated September 2006.

22 **Water Utilities:**

- 23 132. All public water and/or sewer facilities not located within the public right-of-way shall be
24 provided with easements sized according to the Water, Sewer, and Reclaimed Water
25 Design and Construction Manual. Easements shall be constructed for all weather access
26 and provided a 30-foot turning radius at the end of easements.
- 27 133. No trees, structures or building overhang shall be located within any water or wastewater
28 utility easement.
- 29 134. The property owner will maintain private water and wastewater utilities located on private
property.

- 1 135. The developer shall construct a public reclamation water system that will serve each lot
2 and or parcels that are located in the proposed project in accordance with the City of
3 Oceanside Ordinance No. 91-15. The proposed reclamation water system shall be located
4 in the public right-of-way or in a public utility easement.
- 5 136. A final water study must be prepared by the developer at the developer's expense, and
6 reviewed and approved by the Water Utilities Department. The study must verify that
7 maximum day demand plus fire flow can be supplied to all segments of the new system
8 and prove that the City's hydraulic parameters are not exceeded.
- 9 137. A final sewer study must be prepared by the developer at the developer's expense, and
10 reviewed and approved by the Water Utilities Department. The study must show the
11 effect this project will have on the city's sewer system along Hwy 76 to North Santa Fe
12 Ave.
- 13 138. Water services and sewer laterals constructed in existing right-of-way locations are to be
14 constructed by approved and licensed contractors at developer's expense.
- 15 139. The developer will be responsible for developing all water and sewer utilities necessary to
16 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
17 the developer and shall be done by an approved licensed contractor at the developer's
18 expense.
- 19 140. All lots with a finish pad elevation located below the elevation of the next upstream
20 manhole cover of the public sewer shall be protected from backflow of sewage by
21 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
22 Code (U.P.C.).
- 23 141. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are
24 to be paid to the City and collected by the Water Utilities Department at the time of
25 Building Permit issuance.
- 26 142. All Water and Wastewater construction shall conform to the most recent edition of the
27 Water, Sewer, and Reclaimed Water Design and Construction Manual, or as approved
28 by the Water Utilities Director.
- 29 143. All new development of single-family and multi-family residential units shall include
hot water pipe insulation and installation of a hot water recirculation device or design to

1 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
2 Ordinance No. 02-OR126-1.

3 144. The construction and activation of the water line interconnection with Vista Irrigation
4 District and the pressure regulating station must be completed prior to the proposed
5 relocation of the existing 12-inch water line.

6 145. The City will secure the necessary easements for the new water line connection with the
7 Vista Irrigation District (VID). It will be the applicant's responsibility to design and
8 construct the secondary line and interconnection with VID at their expense. The
9 applicant will be entitled to 100 percent reimbursement of these costs at project
10 completion.

11 PASSED AND ADOPTED Resolution No. 2006-P70 on November 20, 2006 by the
12 following vote, to wit:

13 AYES:

14 NAYS:

15 ABSENT:

16 ABSTAIN:

17
18
19 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

20
21 ATTEST:

22
23 _____
Jerry Hittleman, Secretary

24
25 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
26 this is a true and correct copy of Resolution No. 2006-P70.

27
28 Dated: November 20, 2006
29



THE JEFFRIES RANCH PROJECT (T-9-99, D-24-99, GPA-5-04, C-33-99) STATEMENT OF FACTS AND FINDINGS

I. INTRODUCTION

The California Environmental Quality Act (CEQA) requires that a Lead Agency issue two sets of findings prior to approving a project that will generate a significant impact on the environment. The Statement of Facts and Findings is the first set of findings where the Lead Agency identifies the significant impacts, presents facts supporting the conclusions reached in the analysis, makes one or more of three findings for each impact, and explains the reasoning behind the agency's findings.

There are three finding categories available for the Statement of Facts and Findings pursuant to Section 15091 of the CEQA Guidelines.

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the Final EIR.
2. Such changes or alterations are within the responsibility and jurisdiction of another public agency and not the agency making the finding. Such changes have been adopted by such other agency or can and should be adopted by such other agency.
3. Specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for highly trained workers, make infeasible the mitigation measures or project alternatives identified in the Final EIR.

These findings are presented later in Sections VI and VII.

The Statement of Overriding Considerations is the second set of findings. Where a project will cause unavoidable significant impacts, the Lead Agency may still approve the project where its benefits outweigh the adverse impacts. Further, as provided in the Statement of Overriding Considerations, the Lead Agency sets forth specific reasoning by which benefits are balanced against effects, and approves the project.

The City of Oceanside, the CEQA Lead Agency, finds and declares that the Jeffries Ranch Final Environmental Impact Report (EIR) has been completed in compliance with CEQA and the State CEQA Guidelines. The City of Oceanside (the "City") finds and certifies that the EIR was reviewed and information contained in the EIR was considered prior to approving the Project, the No Project Alternative, the Alternate Project Footprint Alternative, or the With Secretariat Street Alternative.



**The Jeffries Ranch Project
(T-9-99, D-24-99, GPA-5-04, C-33-99)
Environmental Impact Report**

Based upon its review of the EIR, the Lead Agency finds that the EIR is an adequate assessment of the potentially significant environmental impacts of the Jeffries Ranch Project and represents the independent judgment of the City.

The Final EIR is composed of the following elements:

- a. *The Jeffries Ranch Project Environmental Impact Report*, September 2006; and
- b. *Responses to Comments*, September 2006.

The remainder of this document is organized as follows:

- II) Description Of Alternatives Analyzed In EIR;
- III) Description Of Project Proposed For Approval;
- IV) Effects Determined To Be Less Than Significant in the Initial Study/Notice of Preparation;
- V) Effects Determined To Be Less Than Significant;
- VI) Effects Determined To Be Less Than Significant With Mitigation;
- VII) Environmental Effects Which Remain Significant And Unavoidable After Mitigation;
and
- VIII) Alternatives To The Proposed Project.



II. DESCRIPTION OF ALTERNATIVES ANALYZED IN EIR

Alternatives Analyzed in Environmental Impact Report

Three alternatives were analyzed equally in the Environmental Impact Report: 1) the No Project Alternative; 2) the Alternate Project Footprint Alternative; and 3) the With Secretariat Street Alternative. The three alternatives are described below.

Background

The Jeffries Ranch Project proposes the development of 44 single-family detached homes within the northeast portion of Jeffries Ranch. The project would require the approval of a General Plan Circulation Element Amendment (GPA-5-04), a Tentative Map (T-9-99), Development Plan (D-24-99), Conditional Use Permit (C-23-99) and engineering waivers. The Project also proposes to retain approximately 45 acres of biologically sensitive open space on-site through establishment of a conservation easement.

Three alternatives are reviewed equally in the EIR:

- No Project Alternative: The No Project Alternative assumes that no development occurs on the proposed project site. The site would remain as an undeveloped, vacant parcel of land.
- Alternate Project Footprint Alternative: The Alternate Project Footprint Alternative would generally place residential development in the area proposed by the Project as open space, and place open space in the area proposed by the Project as residential development. In a sense, this Alternative would “swap” the development and open space areas proposed by the Project. Under this Alternative, approximately 28.9 acres would be disturbed for the development of 34 residential lots, while 53.6 acres would be preserved as natural open space. This alternative would also include undergrounding of the utility lines along the eastern boundary of the site. Undergrounding of the lines would require the construction of a 16-foot wide access road for use by San Diego Gas and Electric.
- With Secretariat Street Alternative: This Alternative considers the retention of the Secretariat Street connection through the northern portion of the project site. The Project proposes a General Plan Circulation Element Amendment to delete a secondary, future connection (“Secretariat Street”) through the proposed project site to Mission Avenue/SR-76. Under this Alternative, Secretariat Street would connect from SR-76 to the proposed extension of Belmont Park Road through the project site. Also, under this Alternative, Jeffries Ranch Road, which currently terminates at the project boundary would extend into the site and connect with the proposed Secretariat Street alignment.



III. DESCRIPTION OF PROJECT PROPOSED FOR APPROVAL

Project Proposed for Approval

The project proposed for approval in these Findings is the Jeffries Ranch Project, consisting of the following discretionary actions:

- Tentative Tract T-9-99/ Development Plan D-24-99 to subdivide 82.5 gross acres into 44 single-family residential lots, streets, and four open space lots. The open space lots would comprise 53.0 acres. Approximately 47.2 acres would remain in natural open space, while three open space lots, totaling eight acres, would consist of landscaped, manufactured slopes. Also included as part of the Project is the extension of an off-site secondary water line from the project site to the Vista Irrigation District water system.
- Conditional Use Permit C-23-99 to allow eight panhandle lot configurations on residential lots 4, 9, 16, 17, 21, 22, 23, and 24. In accordance with Section 1050(Y) of the City's Zoning Ordinance, panhandle lots are permitted with a Conditional Use Permit, subject to meeting specific development standards.
- General Plan Circulation Element Amendment GPA-05-04 to amend the City's General Plan to remove from the project site the designation for the future Secretariat Street connection to Mission Avenue/SR-76.
- Engineering Waivers 1) to not under-ground existing SDG&E power poles and lines along the site's eastern most boundary in order to prevent impacts to biological resources and topography associated with trenching and construction; and 2) an exception for a cul-de-sac street in excess of 500 feet in length with non-standard "turn-arounds" for emergency vehicle purposes at distances in excess of 300 feet apart.



IV. EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT IN THE INITIAL STUDY/NOTICE OF PREPARATION

An Initial Study was prepared for the proposed Project on August 4, 2005, to determine significant effects of the Project. In the course of this evaluation, certain impacts of the Jeffries Ranch Project were found to be less than significant due to the inability of a project of this scope to create such impacts or the absence of project characteristics producing effects of this type. The following effects for the Jeffries Ranch Project were determined not to be significant and were not analyzed in the Draft EIR (refer to Appendix A, Initial Study/Notice of Preparation, in Draft EIR).

GEOLOGY AND SOILS

- *Rupture of Earthquake Fault;*
- *Strong Seismic Ground Shaking;*
- *Seismic-Related Ground Failure, Including Liquefaction;*
- *Landslides or Mudflow;*
- *Seiche, tsunami, or volcanic hazard*
- *Substantial Soil Erosion or the Loss of Topsoil;*
- *Unstable Geologic Units or Soil;*
- *Expansive Soils; and*
- *Unique geologic or physical features*

HAZARDS AND HAZARDOUS MATERIALS

- *Hazardous Materials Transport, Use, and Disposal;*
- *Release of Hazardous Materials;*
- *Hazardous Materials Sites;*
- *Conflict with Emergency Response Plan or Emergency Evacuation Plan; and*
- *Wildland Fires.*

ENERGY AND MINERAL RESOURCES

- *Conflict with an adopted energy conservation plan*
- *Use nonrenewable resources in a wasteful or inefficient manner*
- *Loss of Mineral Resources; and*
- *Loss of Mineral Resource Recovery Sites.*

RECREATION

- *Physical Deterioration of Existing Neighborhood and Regional Parks; and*
- *Existing recreational opportunities;*



PUBLIC UTILITIES AND SERVICE SYSTEMS

- *Power or natural gas systems or supplies;*
- *Communication systems;*
- *Wastewater Treatment Requirements;*
- *Construction of New Water or Wastewater Treatment Facilities or Expansion of Existing Facilities;*
- *Construction of New Storm Water Drainage Facilities or Expansion of Existing Facilities;*
- *Available Water Supplies;*
- *Wastewater Treatment;*
- *Landfill Capacity; and*
- *Federal, state, and local statutes and regulations related to solid waste.*



V. EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT

The EIR found that the Jeffries Ranch Project would have a less than significant impact on a number of environmental topics. A less than significant environmental impact determination was made for each of the following topic areas listed below.

LAND USE AND PLANNING

1. *Conflicts with the General Plan Designation or Zoning.* The Project complies with the requirements of both the underlying zone and the Equestrian Overlay and would not conflict with the General Plan designation. The Project does not comply with the Hillside Development Provisions; however, because Ordinance 97-07 directs that the EQ Overlay provisions shall take precedence, land use impacts associated with the zoning conflict are considered to be less than significant. Finally, the traffic analysis demonstrates that Secretariat Street could be deleted without any significant impact to the levels of service of other roadway segments and intersections. Thus, deletion of this connection through the project site would remain consistent with the General Plan's goals, policies and objectives and no land use impact would result.
2. *Incompatibility with existing Land Use in the Vicinity.* The proposed Project have a less than significant impact on existing land use because the Project would be compatible with surrounding land use and existing residential development patterns within the vicinity of the project site.
3. *Agricultural Resources or Operations.* The project site is not used for agricultural pursuits, is not zoned for agriculture, and is not designated as CEQA-significant Farmland of the State; therefore, the Project would result in no impacts to agricultural resources.
4. *Divide the Physical Arrangement of an Existing Community.* The proposed Project would not divide the physical arrangement of an established community.

BIOLOGICAL REOURCES

1. *Locally Designated Species.* The City of Oceanside has no locally designated species; therefore, the proposed Project would have no impact on locally designated species.
2. *Wildlife Dispersal or Migration Corridors.* The Project would result in less than significant impacts to wildlife dispersal and migration corridors because it would preserve a large block of on-site habitat for the coastal California gnatcatcher and would allow for a 150-wide wildlife corridor through the site which is a sufficient width to provide for wildlife movement across the property.



CULTURAL REOURCES

1. *Paleontological Resources.* Because the potential for discovery of paleontological resources on the site is none to low, grading of the proposed project site would have a less than significant impact.
2. *Historic Resources.* No historic resources were identified with the proposed project site. Therefore, no impacts to historic resources would occur.
3. *Affect Unique Ethnic Cultural Values.* The site does not hold any unique ethnic or cultural values. Therefore, the proposed Project's impact would be less than significant.
4. *Restrict Religious or Sacred Uses.* The site does not support any existing religious or sacred uses. Therefore, the proposed Project's impacts would be less than significant.

AIR QUALITY

1. *Temporary Construction-Related Impacts.* The Jeffries Ranch Project would not result in significant diesel-fired toxic emission levels or non-diesel toxic emission levels (PM₁₀) associated with construction activities.
2. *Long-Term Operational Impacts.* The Jeffries Ranch Project would not result in a significant overall increase in the local and regional pollutant load from vehicle emissions.
3. *Expose Sensitive Receptors to Pollutants.* The Project would not expose sensitive receptors to air pollutants at levels greater than allowed by the San Diego Air Pollution Control District (SDAPCD).
4. *Change in Climate.* The Project would not result in the alteration of air movement, moisture, or temperature, or cause any climate change.
5. *Create Objectionable Odors.* Temporary odor generation impacts associated with Project construction would be less than significant because odors associated with paving and painting would be intermittent and temporary. No long-term odor impacts would occur.

NOISE

1. *Short-term Construction Noise.* The temporary noise level generated by Project construction would be regulated by the City's Noise Ordinance and would be less than 85 dBA; therefore, impacts are regarded as less than significant.



2. *Long-term Vehicular Noise.* Existing vehicular noise levels will increase slightly. The increase is not regarded as significant, because the Project's contribution to noise level increases would be well below 3.0 dBA.
3. *Expose People to Severe Noise Levels.* Noise levels associated with Project construction are not regarded as significant because they would be below the City's Noise Element requirement.

TRAFFIC

1. *Hazards to Safety from Design Features.* All street design on the project site will conform to the City of Oceanside Design Standards as required by the City Engineering Department; therefore, the proposed Project would result in less than significant impacts.
2. *Inadequate Emergency Access or Access to Nearby Uses.* The Fire Marshal has reviewed the proposed Project and given his approval of the design. The Project would result in less than significant impacts to emergency access.
3. *Inadequate Parking Capacity On- or Off-Street.* The proposed Project is required to conform to the City of Oceanside's Zoning Regulations and parking requirements for residential uses. Project impacts would be less than significant.
4. *Hazards for Pedestrians or Bicyclists.* The proposed Project would not present hazards or barriers for pedestrians or bicyclists. Impacts would be less than significant.
5. *Conflict with Alternative Transportation Policies.* The Project complies with the requirements of the Equeatrian Overlay Zone. No other policies pertaining to alternative transportation are applicable to the site. No impacts resulting from conflicts with adopted City policies related to alternative transportation would occur.
6. *Rail, Waterborne, or Air Traffic Impacts.* The proposed project site is not located within proximity to any rail line or water body, or within any Airport Land Use Compatibility Zone or influence area. Impacts to rail, waterborne, or air traffic are less than significant.

PUBLIC FACILITIES (SCHOOLS)

1. *New or altered services in regard to schools.* With the payment of school fees, as required by law, the proposed Project would not result in any significant impacts to school facilities.

VISUAL QUALITY/AESTHETICS



1. *Adversely Affect a Scenic Vista or Highway.* The proposed Project would not result in the obstruction of any scenic vista or view open to the public because there are no scenic vistas visible when looking towards the site from public viewing points around the property.
2. *A Demonstrable Negative Aesthetic Effect.* Project implementation would not result in a negative aesthetic effect because the proposed residential development would be compatible in terms of appearance with the surrounding neighborhood.
3. *Create Light or Glare.* The proposed Project would be required to adhere to the City of Oceanside's Light Pollution Regulations (Ord. No. 91-46, § 1, 10-9-91), which would ensure a less than significant impact associated with light and glare.

HYDROLOGY

1. *Absorption Rates, Surface Runoff or Drainage.* Project implementation would not result in significant impacts because existing drainage patterns would generally be retained on-site and the Project's drainage system is sized to accommodate increased runoff.
2. *Expose People to Water Hazards such as Flooding.* Because no floodplains or floodways are located on the site, implementation of the Project does not have the potential to expose people or property to flood hazards.
3. *Discharge into Surface Waters/Other Water Quality.* The Project's compliance with the requirements of the NPDES construction permit by implementing BMPs would reduce water quality impacts to less than significant levels.
4. *Changes in the Amount of Surface Water in Any Water Body.* Because the rate and volume of runoff discharged by the Project would not be substantively increased or decreased compared to existing conditions, the Project would have a less than significant impact on the amount of surface water in any river, or its currents or course.
5. *Change in Currents, or the Course and Direction of Water Movement.* Implementation of the proposed Project would not result in changes in currents or the course or direction of water movement.
6. *Change in the Quantity of Groundwater.* Because the proposed Project would not extract or require the extraction of groundwater, it would have a less than significant impact on the alteration of the amount and/or flow of groundwater supplies.
7. *Altered Direction or Rate of Flow of Groundwater.* The proposed Project would not use groundwater or impact a groundwater resource. Therefore, the Project would have a less significant effect the direction, rate or flow of groundwater.



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8. *Groundwater Quality.* The Project will be required to comply with the City's Urban Runoff and Discharge Control Ordinance (Ord. No. 02-OR103-1§1) as a standard condition of Project approval which would reduce potential groundwater quality impacts to less than significant.
9. *The Amount of Groundwater available for Public Supplies.* The proposed Project would not use groundwater or impact groundwater resources. Therefore, the Project would not result in a substantial reduction in the amount of groundwater otherwise available for public water supplies.



VI. EFFECTS DETERMINED TO BE LESS THAN SIGNIFICANT WITH MITIGATION

LAND USE AND PLANNING

The Jeffries Ranch Project's potential impacts in regards to land use and planning that can be mitigated or are otherwise less than significant are discussed in Section 4.1, *Land Use and Planning*, of the EIR. The identified impact is a conflict with the Oceanside Draft Subarea Plan in relation to the mitigation ratio for coastal sage scrub.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

1. *Conflict with the Draft Oceanside Subarea Plan.* The Project would conflict with the draft Oceanside Subarea Plan because the Project provides mitigation for coastal sage scrub impacts at a ratio of 1.4:1 whereas the draft Subarea Plan recommends a ratio of 2:1.

Findings

1. Changes or alterations have been required in, or incorporated into, the Project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The impact of inconsistency with the Draft Oceanside Subarea Plan has been substantially lessened to a level of less than significant by virtue of a mitigation measure identified in the EIR.

Mitigation Measures:

- 4.1-1 Prior to the approval of final engineering plans, the City shall verify that the Project design and limits of grading and disturbance conform to the provisions for biological mitigation set forth in the May 30, 2002, agreement among the U.S Fish and Wildlife Service, the California Department of Fish and Game, the County of San Diego, the City of Oceanside and the Project proponent. The agreement supercedes the Subarea Plan, and thus, the terms of agreement are binding over the Project in regards to biological mitigation. The mitigation measures for biological impacts are listed in Section 4.2.4 of the EIR.

BIOLOGICAL RESOURCES

The Jeffries Ranch Project's potential impacts in regards to biological resources that can be mitigated or are otherwise less than significant are discussed in Section 4.2, *Biological*



Resources, of the EIR. Impacts identified include impacts to sensitive species and their habitats and wetland habitat.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

1. *Loss of Upland Vegetation Communities.* Implementation of the Jeffries Ranch Project may result in impacts to plant communities identified as sensitive habitats.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The impacts to upland vegetation communities have been substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.

Mitigation Measures:

Mitigation for significant direct impacts to sensitive upland vegetation communities is based on a mitigation agreement reached with the USFWS, CDFG, the County, the City and the Project proponent on May 30, 2002.

MITIGATION FOR IMPACTS TO SENSITIVE UPLAND VEGETATIVE COMMUNITIES

VEGETATION COMMUNITY	ACREAGE			
	PRESENT ON SITE	IMPACTS	PRESERVED ON SITE	CREATION ON SITE
Coastal sage scrub	34.1	21.6	12.5	0.7
Disturbed coastal sage scrub	2.6	2.5	0.1	0.0
Annual grassland/coastal sage scrub	35.4	6.1	29.3	0.0
Annual grassland	5.8	5.8	0.0	0.0
TOTAL	77.9	36.0	41.9	0.7

SOURCE: HELIX ENVIRONMENTAL PLANNING, JANUARY 28, 2004

- 4.2-1(A) Prior to the approval of final engineering plans, the City shall verify that the Project design and limits of grading and disturbance conform to the provisions for biological mitigation set forth in the May 30, 2002, agreement among the USFWS, CDFG, the County, the City and the Project proponent. The City shall verify that the final engineering plans: a) allow for a 150-foot wide wildlife



corridor on the eastern side of the project site to provide connectivity between the on-site habitats and the San Luis Rey River and Lake Guajome; b) preserve 100 percent of the San Diego ambrosia present on site; c) preserve at least 58 percent of the disturbed and undisturbed coastal sage scrub (includes annual grassland/coastal sage scrub habitat) as a large block of habitat for coastal California gnatcatcher; and d) preserve 99 percent of the riparian habitat and 100 percent of the oak trees on-site. (In consideration of the above listed specific conservation measures, the wildlife agencies agreed that all biological and habitat preserve issues were mitigated on site and that no off-site mitigation for the Project's effects on biological resources is required).

- 4.2-1(B) Prior to the issuance of grading permits, direct impacts to 21.6 acres of coastal sage scrub shall be mitigated on-site through preservation of 12.5 acres of habitat and the creation of 0.7 acres, per the mitigation agreement.
- 4.2-1(C) Prior to the issuance of grading permits, direct impacts to 2.5 acres of disturbed coastal sage scrub shall be mitigated on-site through the preservation of 0.1-acre of habitat, per the mitigation agreement.
- 4.2-1(D) Prior to the issuance of grading permits, direct impacts to 6.1 acres of annual grassland/coastal sage scrub shall be mitigated on-site through preservation of 29.3 acres of habitat, per the mitigation agreement.
- 4.2-1(E) Prior to the issuance of grading permits, direct impacts to 5.8 acres of annual grassland shall be mitigated by the on-site preservation of 5.8 acres within the annual grassland/coastal sage scrub habitat.
- 4.2-1(F) On-site habitat preservation shall be accomplished by the following:
- i. As part of Final Map approval, the applicant shall grant an open space easement to the City of Oceanside or an open space conservation entity approved by the City, USFWS and CDFG for the 41.9 acres of habitat preserved on-site.
 - ii. The on-site preserved habitat and resources (supporting San Diego ambrosia and coastal California gnatcatcher) shall be managed by a qualified conservation entity according to a management plan. The management plan shall be approved by the City, USFWS and CDFG prior to the issuance of grading permits.
 - iii. The applicant shall provide an endowment for funding the management of the 41.9 acre on-site open space easement in order to protect it for perpetuity.
 - iv. Prior to issuance of grading permits, a habitat restoration plan and landscape plans shall be submitted and approved by the appropriate City Departments and/or USFWS and CDFG. The habitat restoration plan shall include the following:



- a. Restoration mechanisms for 0.7-acre of coastal sage scrub and wetlands and for 0.009-acre of annual grassland/coastal sage scrub, associated with removal of the utility poles.
- b. A list of plant materials, which are acceptable for landscaping of manufactured slopes and open space areas adjacent to the open space preserve. The plant materials shall consist of native species that are similar to and compatible with the preserve plant communities, and shall be inspected by a qualified pest inspector to ensure that they are 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.
- c. A fencing and signage plan that includes fencing and signage at the terminus of Jeffries Ranch Road to block unauthorized access to the open space preserve area.
- d. A plan for ripping existing trails and a prescription for reseeding ripped areas with a coastal sage scrub hydroseed mix.
- e. Removal of two stands of olive trees near the northwestern corner and near the central portion of the eastern border of the open space preserve. All olive trees shall be cut, chipped and left on-site as mulch.
- f. All habitat restoration and landscaping plans shall specify irrigation systems for approval by the City and/or USFWS and CDFG.
- g. Appropriate monitoring and success criteria.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

2. *Direct Habitat loss for California Gnatcatcher (Three Pair)*. Implementation of the Jeffries Ranch Project may result in direct impacts to habitat for the California gnatcatcher.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings



The direct impacts to habitat for the California gnatcatcher have been substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-2 Mitigation for impacts to the coastal California gnatcatcher shall consist of the on-site preservation of 46.3 acres of coastal sage scrub, disturbed coastal sage scrub, and annual grassland/coastal sage scrub as shown in Table 4-3 of the EIR. In addition, 0.7-acre of coastal sage scrub shall be created at the disturbed old home site in the north-central portion of the site.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

3. *Indirect Impacts to Riparian Area Water Quality.* Implementation of the Jeffries Ranch Project may result in impacts to plant communities identified as sensitive habitats.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The indirect impacts to riparian area water quality have been substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-3 During and after Project construction, the applicant shall implement measures to control erosion, sedimentation, and pollution that could impact water resources on and off site. Standard measures that shall apply to the proposed Project include:
- i. Surface drainage shall be designed to collect and move runoff away from the on-site drainage, and run-off water from landscaped areas shall be directed away from the on-site open space preserve or treated within the development footprint before discharged into natural open space areas.
 - ii. Erosion control measures associated with the Project shall include techniques for both short- and long-term erosion hazards. These are likely to include such measures as the short-term use of sandbags, matting, mulches, berms, hay bales, or similar devices along all pertinent graded areas to minimize sediment transport. A hydrologic or engineering consultant shall determine the exact design, location, and schedule of use for such devices.



- iii. Native vegetation shall be preserved whenever feasible and all disturbed areas shall be reclaimed as soon as possible after completion of grading. Native topsoil shall be stockpiled and reapplied as part of the site revegetation whenever possible.
- iv. Use of energy dissipating structures (e.g., detention ponds, riprap, or drop structures) as deemed necessary by a hydrologic or engineering consultant shall be used at storm drain outlets, drainage crossings, and/or downstream of all culverts, pipe outlets, and brow ditches to reduce velocity and prevent erosion.
- v. A maintenance plan for temporary erosion control facilities shall be established. This will typically involve inspection, cleaning, repair operations being conducted after runoff-producing rainfall.
- vi. Removal and disposal of ground water (if any) encountered during construction activities shall be coordinated with the Regional Water Quality Control Board to ensure proper disposal methods and locations under a General Dewatering Permit. This may involve specific measures such as removing excess sediment (through the use of desilting basins, etc.) and limiting discharge velocity.
- vii. Specified fueling and maintenance procedures shall be designated to preclude the discharge of hazardous materials used during construction (e.g., fuels, lubricants, solvents). Such designations shall include specific measures to preclude spill including proper handling and disposal techniques.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

4. *Indirect Impact to Sensitive Habitats from Human Activity.* Implementation of the Jeffries Ranch Project may result in indirect impacts to sensitive habitats from human activity.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect impacts to sensitive habitats from human activity have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measures identified in the EIR.



Mitigation Measures:

- 4.2-4(A) Prior to issuance of the first occupancy permit, the applicant shall post the on-site open space with signage containing information regarding habitat sensitivity and citing that dumping, vehicular activity, equestrian use, or disturbance of habitat are prohibited. The size, location and content of the signs shall be approved by the City and included in the Project's CC&R's to be enforced by the homeowner's association. Also, the applicant shall be required to comply with any additional measures to minimize or prohibit human activity that shall be included in the wildlife agency-approved management plan for the on-site open space.
- 4.2-4(B) No gates or other openings allowing human access shall be permitted in the perimeter fence separating the residential lots and the open space. The fence design shall be approved by the City of Oceanside prior to the issuance of building permits, and the fence shall be installed prior to the issuance of occupancy permits. The prohibition of gates and other openings in the perimeter fence shall be specified in the Project's CC&R's and enforced by the Project's homeowners association.
- 4.2-4(C) The Project's CC&R's shall specify a list of plant materials which are acceptable for landscaping on private lots adjacent to the open space preserve. Exotic and invasive plant species shall be prohibited adjacent to natural open space areas.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

5. *Indirect Impact to Nesting California Gnatcatcher and Raptors.* Implementation of the Jeffries Ranch Project may result in indirect impacts to nesting California gnatcatchers and raptors.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect impacts to nesting California gnatcatchers and raptors have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-5(A) No grading or clearing of coastal sage scrub, disturbed coastal sage scrub, and annual grassland/coastal sage scrub on site shall occur during the gnatcatcher breeding season (February 15 through August 31).



- 4.2-5(B) No construction activity shall occur within 300 feet of occupied gnatcatcher habitat during the gnatcatcher breeding season (February 15 through August 31). If construction were to occur during the gnatcatcher breeding season:
- i. A pre-construction survey for the gnatcatcher shall be conducted by a qualified biologist (i.e., possesses a section 10(a)(1)(A) gnatcatcher recovery permit from the USFWS) to determine if the gnatcatcher is still present on site.
 - ii. If present, the biologist shall delineate the area in which construction is restricted until the end of the breeding season.
- 4.2-5(C) No construction activity shall occur within 500 feet of an active gnatcatcher nest or within 300 feet of raptor or other active sensitive bird nests. If construction were to begin during the breeding season:
- i. A pre-construction survey for active gnatcatcher nests, raptor nests and other bird nests shall be conducted by a qualified biologist (i.e., holds a section 10(a)(1)(A) gnatcatcher recovery permit from the USFWS) to determine the location of any active nests.
 - ii. The biologist shall clearly define the area in which construction is restricted as long as the nest is active. The biologist shall also determine when the nest becomes inactive and construction can move back into the restricted area.
 - iii. If construction begins outside the breeding season (September 1 and February 14) and does not stop for more than three days during the breeding season, then no nest-locating survey shall be required. If construction stops during the breeding season for a period of more than three days, then a nest-locating survey shall be required and subsequent work area restrictions may have to take effect to protect breeding.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

6. *Indirect Impacts to Wildlife from Domestic Animal Predation.* Implementation of the Jeffries Ranch Project may result in indirect impacts to wildlife from domestic animal predation.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.



2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect impacts to wildlife from domestic animal predation have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-6(A) Prior to issuance of the first occupancy permit, the applicant shall construct a 6-foot tall ornamental iron fence along the rear yards of view lots that face the on-site open space. The fence shall have ¾-inch vertical picket railings or other fence type that prevents or discourages domestic pets from escaping the yards and entering the open space. No gates shall access the open space preserve from any private lot.
- 4.2-6(B) Per the wildlife agency-approved management plan for the on-site open space, the applicant shall be required to educate the residents of the development as to the sensitivity of the open space. The management plan shall be approved prior to the issuance of grading permits.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

7. *Indirect Impacts to Wildlife from Artificial Lighting.* Implementation of the Jeffries Ranch Project may result in indirect impacts to wildlife from artificial lighting.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect impacts to wildlife from artificial lighting have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-7 All construction and subsequent development lighting within 100 feet of the open space preserve shall be confined to areas necessary to ensure public safety and shall be limited



to low pressure sodium fixtures directed down and away from the on-site open space preserve.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

8. *Indirect and Short-Term Noise Impact to California Gnatcatcher.* Implementation of the Jeffries Ranch Project may result in indirect and short-term noise impacts to the California gnatcatcher.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect and short-term impacts to noise impacts to the California gnatcatcher have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

Mitigation measures 4.2-8(A) to (D) apply only if construction would occur between February 15 and August 31.

- 4.2-8(A) From February 15 through August 31, no construction activities shall occur on any portion of the site (or area off site near the off-site sewer connection) where such activities would result in noise levels exceeding 60 dB(A) hourly average at the edge of occupied gnatcatcher habitat.
- 4.2-8(B) An analysis showing that noise generated by construction would not exceed 60 dB(A) hourly average at the edge of occupied habitat shall be completed by a qualified acoustician (possessing current noise engineer license or registration with monitoring noise level experience with list animal species) at least two weeks prior to the commencement of construction activities during the breeding season.
- 4.2-8(C) Areas restricted from such activities shall be staked or fenced under the supervision of a qualified biologist, OR,
- 4.2-8(D) At least two weeks prior to the commencement of construction activities, under the direction of a qualified acoustician, noise attenuation measures (e.g., berms, walls, limitations on construction equipment placement and/or simultaneous use of equipment)



shall be implemented to ensure that noise levels resulting from construction will not exceed 60dB(A) hourly average at the edge of occupied habitat.

- i. Noise monitoring shall be conducted to ensure the limit is not exceeded. Monitoring shall continue twice weekly on varying days, or more frequently depending on the construction activity.
- ii. The implementation of any noise attenuation measures (e.g., construction of berms, walls) shall also not exceed noise levels of 60 dB(A) hourly average at the edge of occupied habitat during the breeding season. If the noise attenuation measures are not adequate, then construction activities shall be scaled back or stopped until adequate noise attenuation is achieved or the end of the breeding season (August 31) is reached.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

9. *Indirect and Short-Term Errant Construction Impacts.* Implementation of the Jeffries Ranch Project may result in indirect and short-term noise errant construction impacts.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential indirect and short-term errant construction impacts have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.2-9(A) Prior to the commencement of construction, the applicant shall clearly delineate the construction and construction staging area limits with orange construction fencing and silt fencing or fiber rolls to ensure that construction activity remains within the defined impact area evaluated in this analysis.
- 4.2-9(B) During construction, a qualified biologist shall inspect the delineated areas and shall monitor all coastal sage scrub clearing and grubbing, and all construction activities within 500-feet of the open space preserve in accordance with City, USFWS and CDFG requirements to avoid unauthorized impacts.



- 4.2-9(C) The applicant shall ensure that the construction supervisor and monitoring biologist implement the following conditions during Project construction:
- i. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced Project disturbance footprint.
 - ii. To avoid attracting predators to the gnatcatcher, the Project site shall be kept as clean of debris as possible during construction. All food-related trash items shall be enclosed in sealed containers and regularly removed from the site.
 - iii. Pets of construction personnel shall not be allowed on the Project site.
 - iv. Disposal or temporary placement of excess fill, brush or other debris shall not be allowed in Waters of the United States or their banks.
 - v. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities, shall occur in designated areas outside waters of the United States within the fenced Project impact limits. These designated areas shall be located in previously compacted or disturbed areas to the maximum extent practicable in such a manner as to prevent any run-off 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 shall be repaired a necessary. "No-fueling zones" shall be designated on the construction plans.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

10. *Direct Impacts to Jurisdictional Waters.* Implementation of the Jeffries Ranch Project would result in direct impacts to jurisdictional waters.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The direct impacts to jurisdictional waters have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.



Mitigation Measures:

4.2-10(A) Prior to the issuance of grading permits, the ACOE, via the Section 404 permit, shall determine final mitigation for impacts to Waters of the U.S. Compensatory mitigation for the Project's effects on 0.02-acre of Waters of the U.S. is based upon typical ACOE ratios. A total of 0.06-acre of riparian woodland habitat is proposed as compensatory mitigation. Creation of 0.02-acre and restoration/enhancement of 0.04-acre of riparian woodland habitat would occur within the preserved area where disturbed habitat is present adjacent to riparian woodland in the northern end of the property.

- i. In the event that on-site mitigation is not possible, off-site mitigation shall be provided within an approved mitigation bank or at a location acceptable to the Corps and the City to mitigate riparian woodland impacts.
- ii. The habitat creation shall be maintained and monitored for five years. Detailed maintenance and monitoring requirements and success criteria will be specified in the Project's Section 404 Permit.

4.2-10(B) Prior to issuance of grading permits, the California Department of Fish and Game (CDFG), via the 1603 Streambed Alteration Agreement, shall determine final mitigation for impacts to CDFG jurisdictional areas. Compensatory mitigation for the Project's effects on 0.04-acre of CDFG jurisdictional area is based on typical CDFG ratios. A total of 0.12-acre of riparian woodland habitat is proposed as compensatory mitigation. Creation of 0.04-acre and restoration/enhancement of 0.08-acre of riparian habitat would occur within the preserved area, where disturbed habitat is present adjacent to riparian woodland in the northern end of the property.

CULTURAL RESOURCES

The Jeffries Ranch Project's potential impacts in regards to cultural resources that can be mitigated or are otherwise less than significant are discussed in Section 4.3, *Cultural Resources*, of the Draft EIR. Impacts identified include impacts to sensitive species and their habitats and wetland habitat.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

1. *Potential Disturbance of Buried Archaeological Resources.* Implementation of the Jeffries Ranch Project may result in impacts to Buried Archaeological Resources.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.



2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The potential impacts to buried cultural resources have been eliminated or substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the Draft EIR.

Mitigation Measures:

4.3-1 A qualified archaeologist and Native American monitor shall conduct an archaeological monitoring program as follows:

- i. A qualified archaeologist and Native American monitor approved by the City of Oceanside shall attend pre-grading meetings with the Project's grading and construction contractors to explain and ensure the understanding of monitoring program requirements.
- ii. A City-approved archaeologist and Native American monitor shall be on-site during clearing, grading, trenching, and other ground-disturbing activities until the project archaeologist determines that resources are not likely to be encountered.
- iii. If archaeological artifact deposits or cultural features are discovered, grading activities shall be temporarily directed away from these deposits to allow a determination of potential importance. The archaeological monitor shall coordinate with City Oceanside staff regarding assessment of significance and the need for further data recovery in the event that cultural material is encountered.
- iv. Recovered materials shall be catalogued and analyzed.
- v. A report shall be completed describing the methods and results of the monitoring and data recovery program.
- vi. Artifacts shall be removed and curated with accompanying catalogue to current professional repository standards, such as at the San Diego Archaeological Center.

TRAFFIC

The Jeffries Ranch Project's potential impacts in regards to traffic that can be mitigated or are otherwise less than significant are discussed in Section 4.6, *Traffic*, of the Draft EIR. Impacts



identified include: a short-term, direct impact to the unsignalized intersection of SR-76 and Jeffries Ranch Road and a short-term construction related impact to neighborhood roads.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

1. *Increased Vehicular Trips or Traffic Congestion.* Implementation of the Jeffries Ranch Project would result in short-term, direct traffic impacts to the unsignalized intersection of SR-76 and Jeffries Ranch Road.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which substantially lessen the significant environmental effect as identified in the EIR.
2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The short-term, direct traffic impact to the unsignalized intersection of SR-76 and Jeffries Ranch Road has been substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

- 4.6-1 If the intersection of SR-76 and Jeffries Ranch Road is not restricted to right-turns only by Caltrans prior to issuance of the first building permit, the applicant shall install signage at the intersection of SR-76 and Jeffries Ranch Road restricting left-turns from Jeffries Ranch Road onto SR-76 (west bound) during peak hours (7AM to 9AM and 4PM to 6PM, Monday through Friday), subject to the approval of Caltrans and in consultation with the City of Oceanside. The signage shall be removed at the time Caltrans improves the intersection and physically prohibits the left-turn movement.

LESS THAN SIGNIFICANT IMPACT WITH MITIGATION INCORPORATED

2. *Short-term, construction-related traffic impact to neighborhood roads.* Implementation of the Jeffries Ranch Project would result in short-term, construction-related traffic impacts to neighborhood roads.

Findings

1. Changes or alterations have been required in, or incorporated into, the project which avoid or substantially lessen the significant environmental effect as identified in the EIR.



2. The effects identified in the EIR have been determined not to be significant.

Facts in Support of Findings

The short-term, construction-related traffic impacts to neighborhood roads has been substantially lessened to a level of less than significant by virtue of the mitigation measure identified in the EIR.

Mitigation Measures:

4.6-2 Prior to the issuance of grading permits, the applicant shall submit a construction truck routing plan to the City of Oceanside, Department of Planning for approval. Trucks covered by the provisions of the plan shall include those vehicles which are used primarily for construction activities (such as delivery trucks and construction equipment. (This would not include personal or company vehicles used for construction-worker commuting to and from the site.) The construction truck routing plan shall be based on recommendations set forth in the Jeffries Ranch Traffic Study, included as *Appendix J* of the EIR. The plan shall adhere to the following recommendations:

- i. Construction trucks shall be restricted from traveling on Spur Avenue during the grading and construction phase of the proposed Project.
- ii. Construction trucks shall use the routes depicted on Figure 4-14 for travel to and from the project site. Trucks shall approach on SR-76 and enter the existing Jeffries Ranch neighborhood via Melrose Drive or Jeffries Ranch Road. Trucks entering from Melrose Drive shall turn left on Old Ranch Road, travel to Jeffries Ranch Road and turn right, then travel the length of Jeffries Ranch Road to a temporary construction entrance at the eastern terminus of Jeffries Ranch Road. Trucks entering from Jeffries Ranch Road shall travel the length of Jeffries Ranch Road to the construction entrance. The exit route shall be the same, in the reverse sequence, with one exception. Construction trucks exiting the neighborhood and traveling west shall be required to travel to Melrose Drive and turn left at the signal.
- iii. Construction trucks shall not be permitted to make left turns at the intersection of Jeffries Ranch Road and SR-76.



VII. ENVIRONMENTAL EFFECTS WHICH REMAIN SIGNIFICANT AND UNAVOIDABLE AFTER MITIGATION

The Jeffries Ranch Project would not result in impacts which remain significant and unavoidable after mitigation.



VIII. ALTERNATIVES TO THE PROPOSED PROJECT

The proposed project defined in the EIR includes three project alternatives evaluated at an equal level of detail: the No Project Alternative, the Alternate Project Footprint Alternative, and the With Secretariat Street Alternative. CEQA requires the review of a No Project Alternative. The second alternative is the Alternate Project Footprint Alternative and the third is the With Secretariat Street Alternative. No additional feasible alternatives are available or would warrant environmental review in the EIR. The three analyzed represent a reasonable range, as defined under CEQA.

The proceeding section provides a comparison of the No Project Alternative, the Alternate Project Footprint Alternative, and the With Secretariat Street Alternative with the Jeffries Ranch Project. The City's findings are listed below.

A. NO PROJECT ALTERNATIVE

Under the No Project Alternative, the site would remain vacant and undeveloped. The residential lots, on-site circulation system and on-site trails proposed by the Project would not be constructed. The site would remain in private ownership. There would be no permanent open space easement applied to the property and no open space management plan for the property would be developed. The property owner, could, at its discretion, fence the site to deter illegal trespassing.

Findings

As stated in Section 7.0, *CEQA Project Alternatives*, of the EIR, if implemented, the No Project Alternative would result in one "Less Than Significant Impact," seven "No Impacts" and one potentially "Significant and Unavoidable Impact". The one potential "Significant and Unavoidable Impact" pertains to biological resources. If the property owner were to elect to fence the property to prohibit trespassing/unauthorized use, then impacts to non-avian wildlife movement would be significant and unavoidable. In comparison, if implemented, the Jeffries Ranch Project would result in nine "Less Than Significant Impacts," (both with and without mitigation).

B. THE ALTERNATE PROJECT FOOTPRINT ALTERNATIVE

The Alternate Project Footprint Alternative would place residential development in the area proposed by the Project as open space, and place open space in the area proposed by the Project as residential development. In a sense, this Alternative would "swap" the development and open space areas proposed by the Project. Under this Alternative, approximately 28.9 acres would be disturbed for the development of 34 residential lots, while 53.6 acres would be preserved as natural open space. This alternative would also include undergrounding of the utility lines along the eastern boundary of the site. Undergrounding of the lines would require the construction of a 16-foot wide access road for use by San Diego Gas and Electric.



Findings

As stated in Section 7.0, *CEQA Project Alternatives*, of the EIR, if implemented, the Alternate Project Footprint Alternative would result in seven "Less Than Significant Impacts," (both with and without mitigation) and two "Significant and Unavoidable Impacts." The Alternate Project Footprint Alternative would not be in compliance with the formal agreement (hereafter, "Agency Agreement") that was made among the City of Oceanside, USFWS, CDFG, the County of San Diego and the Jeffries Ranch project proponent regarding biological resource preservation on the project site. Non-compliance with this agreement would result in a significant and unavoidable land use and planning impact. Also, non-compliance with the agreement would create impacts to San Diego ambrosia, resulting in a significant and unavoidable biological impact. In comparison, if implemented, the Jeffries Ranch Project would result in nine "Less Than Significant Impacts," to both Land Use and Planning and Biological Resources due to compliance with the agreement. The Jeffries Ranch Project would not result in any significant and unavoidable impacts.

C. THE WITH SECRETARIAT STREET ALTERNATIVE

This Alternative considers the retention of the Secretariat Street connection through the northern portion of the project site. The Project proposes a General Plan Circulation Element Amendment to delete a secondary, future connection ("Secretariat Street") through the proposed project site to Mission Avenue/SR-76, as shown in Figure 3-6, General Plan Amendment Exhibit. Under this Alternative, Secretariat Street would connect from SR-76 to the proposed extension of Belmont Park Road through the project site. Also, under this Alternative, Jeffries Ranch Road, which currently terminates at the project boundary would extend into the site and connect with the proposed Secretariat Street alignment.

Findings

As stated in Section 7.0, *CEQA Project Alternatives*, of the EIR, if implemented, the With Secretariat Street Alternative would result in seven "Less Than Significant Impacts," (both with and without mitigation) and two "Significant and Unavoidable Impacts". Similar to the Alternate Project Footprint Alternative, the With Secretariat Street Alternative would not be in compliance with the formal Agency Agreement. Non-compliance with the agreement would result in significant and unavoidable land use and planning and biological impacts.

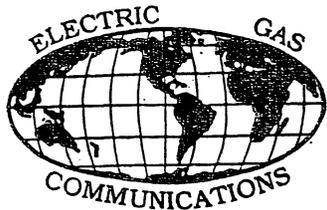
Environmentally Preferred Alternative

The proposed Jeffries Ranch Project is selected as the environmentally preferred alternative when comparing the proposed Project to the three alternatives analyzed, given that it would result in the fewest significant and unavoidable impacts other than the No Project Alternative which is not permitted to be selected as the environmentally superior alternative under CEQA. A



**The Jeffries Ranch Project
(T-9-99, D-24-99, GPA-5-04, C-33-99)
Environmental Impact Report**

Statement of Overriding Considerations is not required for approval of the Jeffries Ranch Project because all identified impacts would be reduced to below a level of significance after the implementation of recommended mitigation measures.



**GEODANLIS
CONSULTANTS
INCORPORATED**

September 1, 2004

Mr. Chris Harrison
The Lightfoot Planning Group
702 Civic Center Drive
Oceanside, CA 92054

RECEIVED
NOV 15 2006
Planning Department

Subject: Jeffries Ranch

Dear Mr. Harrison:

The existing electric facilities consist of an overhead pole line that extends from off-site to the south along the eastern project boundary approximately 2,850 feet to the north through the project site to Mission Avenue. From that point, it extends east and west along Mission Avenue. The line also continues to the north, crossing the San Luis Rey River. The river crossing is one long span of 1,470 feet as poles cannot be set within the riverbed. The overhead system consists of four wires with three 4/0 and one 1/0 copper conductors and is a 12KV system. It provides power to customers to the east along Hutchison Street as well as along Mission Avenue and the area north of the river. SDGE has a switching system in this pole line. No other utilities are currently attached to these poles.

A review of the area development and the SDGE circuit and operating system maps indicates that there is no alternate feed to this area. The subject lines can not be abandoned or re-routed. In order to underground the utility lines extending through this project site, it would require at least four new pole installations with related stub poles and one pad mount transformer. Six additional substructures along the existing route of the under grounding will be needed to pull wire as required by SDGE. The three-pole structure at the North boundary of the development at Mission Avenue will have to remain to provide the long crossing of the river. Two new poles will have to be set on Mission Avenue to provide the transition from overhead to underground.

The number of poles that would be removed is seven. There will be four new poles plus two related stub poles and two additional poles on Mission Avenue to accomplish the conversion. The result would be a net addition of one new pole. In addition, an all weather access road the entire length of this line will be required to provide vehicular access to the new SDGE facilities which would be very problematic in the existing

habitat. This process is further complicated by the wetland habitat of the San Luis Rey River.

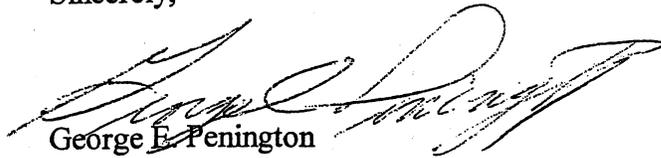
The under grounding of this line will not provide power to the proposed development.

The current cost estimate for under grounding is \$550.00 per linear foot. Based on the footage of the on-site line to be under grounded, the cost would be approximately \$1,567,500. This figure does not take into account the all weather access road design, installation, and any environmental permits and mitigation costs that would be required.

Because of the fact that the existing pole line can not be re-routed or relocated, the negative benefit of removing the existing poles and adding additional poles, the topographical and environmental constraints of the site, the known improvement costs and the unknown costs relative to environmental permitting, it is recommended that the existing lines remain in place.

Should you have any questions, please do not hesitate to contact me.

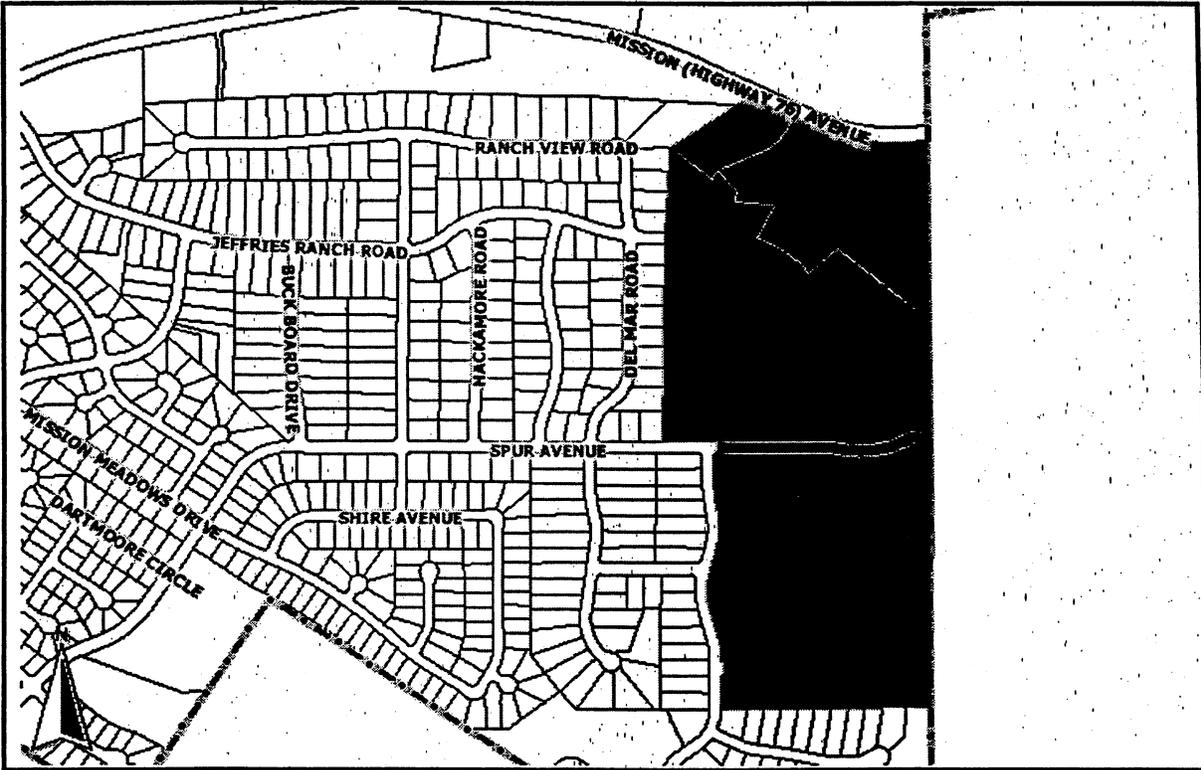
Sincerely,



George E. Penington

GEP: sc

cc: Brehm Communities
File



File Number: GPA-5-04, T-9-99, D-24-99, and C-33-99

Applicant: The Brehm Companies

Description:

GENERAL PLAN AMENDMENT (GPA-5-04), TENTATIVE MAP (T-9-99), DEVELOPMENT PLAN (D-24-99), and CONDITIONAL USE PERMIT (C-33-99) to develop 44 single family detached homes on 82.5 acres located within the northeast portion of Jeffries Ranch. The General Plan Circulation Element Amendment is to delete a secondary future connection ("Secretariat Street") from the proposed development to Mission Avenue and State Route 76. The project site is situated within the Guajome Neighborhood. **JEFFRIES RANCH**

Environmental Determination:

An Environmental Impact Report has been prepared for the proposed project. The accuracy and adequacy of the Environmental Impact Report will be considered, and if appropriate, the document will be certified for compliance with the California Environmental Quality Act.

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

APPLICATION FOR PLANNING COMMISSION HEARING
 PLANNING DEPARTMENT (760) 966-4770
 OCEANSIDE CIVIC CENTER

300 NORTH COAST HIGHWAY, OCEANSIDE, CA 92054-2885

STAFF USE ONLY

ACCEPTED

BY

PLEASE PRINT OR TYPE ALL INFORMATION

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT The Brehm Companies	2. STATUS Applicant
3. ADDRESS 1935 Camino Vida Roble, Suite 200 Carlsbad, CA 92008	4. PHONE 760-448-2420
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING) The Lightfoot Planning Group	
6. ADDRESS 702 Civic Center Drive Oceanside, CA 92054	7. PHONE (760) 722-1924

VAR.	
C.U.P.	C-33-99
DEV.PL.	D-24-99
SP.PL.	
ZONE CH.	
G.P.A.	GPA-5-04
PAR.MAP	
TENT.MAP	T-9-99
O.H.P.A.C.	
COASTAL	

RECEIVED
 NOV 12 2003
 Planning Department

PART II - PROPERTY DESCRIPTION

8. LOCATION Property located immediately south of Mission Avenue, approximately 3600' west of Jeffries Ranch Road, immediately east of the City/County of San Diego boundary.	9. SIZE 82.45 acs.
10. GENERAL PLAN Residential Estate B	11. ZONING RE-B-E
12. LAND USE Vacant	13. ASSESSOR'S PAR. NO. 157-150-47,48,49 & 157-151-06

PART III - PROJECT DESCRIPTION **REV-10/28/04, 3/16/05**

14. GENERAL PROJECT DESCRIPTION Tentative subdivision map and development plan for 44 detached single family dwelling units within the EQ Overlay, and a CUP for 8 pan handle lots (lots 4, 9, 16, 17, 21, 22, 23 & 24).				
15. PROPOSED GEN. PLAN No Change	16. PROPOSED ZONING No Change	17. PROPOSED LAND USE Residential	18. # UNITS 44	19. DENSITY 1.04 du/ac
20. BUILDING SIZE N/A	21. PARKING SPACES 3 per d.u.	22. % LANDSCAPING N/A	23. % LOT COVERAGE N/A	

PART IV - ATTACHMENTS

ALL APPLICATIONS				DEV. PLANS, CUP & TENT. MAPS*	
<input checked="" type="checkbox"/>	24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	25. LEGAL DESCRIPTION	<input checked="" type="checkbox"/>	30. FLOOR PLANS & ELEVATIONS
<input checked="" type="checkbox"/>	26. 300 FT. RADIUS MAP	<input checked="" type="checkbox"/>	27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE
<input checked="" type="checkbox"/>	28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/>	29. PLOT PLANS	<input checked="" type="checkbox"/>	32. OTHER Color/Material Board

PART V - SIGNATURES

THE APPLICANT OR HIS 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 INFORMATION AS NECESSARY)			
33. APPLICANT OR REPRESENTATIVE <i>Leon Canoy</i> The Brehm Companies	34. DATE <i>9/2/03</i>	37. OWNER <i>Dan S. Allred, Dan S. Allred</i> American Realty Trust Vice President		38. DATE <i>9/2/03</i>	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE		39. OWNER <i>American Realty Trust</i> By: <i>Dan S. Allred</i> DAN S. ALLRED, Vice President		40. DATE <i>9/2/03</i>	
35. APPLICANT <i>Leon Canoy</i> The Brehm Companies	36. DATE <i>9/2/03</i>	41. OWNER		42. DATE	

* TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

JEFFRIES RANCH

General Plan Circulation Element Amendment,
Tentative Map, Development Plan,
Conditional Use Permit & Waivers
(GPA-5-04, T-9-99, D-24-99, C-23-99)

RECEIVED
NOV 15 2006
Planning Department

DESCRIPTION and JUSTIFICATION

Rev. October 10, 2005

This application is for a General Plan Circulation Element Amendment, a Tentative Tract Map, Development Plan and Conditional Use Permit to develop 44 single family detached homes within the northeast portion of Jeffries Ranch. The General Plan Circulation Element Amendment is to delete a secondary future connection ("Secretariat Street") from the proposed development to Mission Avenue/SR-76. The Conditional Use Permit is required to allow the development of eight panhandle lots within the subdivision. In addition, a Waiver from the Hillside Development Regulations is also requested. Also, an engineering Waiver is being requested to permit a portion of the existing on-site overhead utility lines to remain above ground and for a cul-de-sac length in excess of 500 feet in length with non-standard "turn-arounds". In conjunction with this project, the applicant will work with the City of Oceanside Water Utilities Department on the installation of a secondary water line to connect with the Vista Irrigation District that will serve the entire Jeffries Ranch area.

The property consists of 82.5 gross acres and is located immediately south of Mission Avenue, at the eastern terminus of Jeffries Ranch Road and also Spur Avenue, immediately west of the City of Oceanside/County of San Diego boundary and north of Marlborough Country Estates Unit #4. The project is located within the Guajome Neighborhood Planning Area.

The property has a general plan land use designation of Residential Estate B, and a zoning designation of Residential Estate B and is located within the Equestrian Overlay District (RE-B-EQ). Base density for this designation is 1 dwelling unit per acre, with a maximum potential density of 3.5 dwelling units per acre. The underlying zoning for the property requires a minimum lot size of 10,000 square feet. The Equestrian Overlay designation requires that 85 percent of the lots be designed to contain a minimum of 7,200 square feet of usable horse yard area. The project complies with the requirements of both the underlying zone and the Equestrian Overlay.

BACKGROUND & SETTLEMENT AGREEMENT

A tentative tract map for 154 single family detached units on minimum 15,000 square foot lots was previously filed on this property and approved on September 25, 1989. During the processing of the final map for the approved project, the City of Oceanside adopted the Equestrian Overlay, and it was intended that the project would incorporate the additional restrictions of the EQ Overlay. The then-owners of the property filed suit against the City challenging application of the EQ Overlay.

The dispute centered around the ability of the property to be developed at a density consistent

with the general plan, while incorporating the requirements of both the Equestrian Overlay and the Hillside Ordinance. The court decided in favor of the owners, finding that the City's adoption of the Equestrian Overlay, as applied to this property, violated the owners' constitutional rights to substantive due process and equal protection, and that the City had, in effect, taken the property without just compensation.

The City of Oceanside appealed, and in 1998, the Court of Appeals overturned the lower court's decision, finding in favor of the City. This decision was made primarily because the owners had never actually filed a project application which attempted to comply with the new requirements. In order to preempt further litigation, the City and the property owners negotiated a Settlement Agreement. The terms of that agreement, in part, stipulated that if an application was filed on the property which complied with the provisions of the Equestrian Overlay, was consistent with the Oceanside Subdivision and Zoning Ordinances, and was conscientious in attempting to fulfill requirements of the Hillside Ordinance, then the City would waive project application fees (except fees associated with environmental review) and process that application as expeditiously as possible. That agreement specifically anticipated application for a tentative map, a development plan and a conditional use permit.

In addition, the City recognized that full compliance with both the EQ Overlay and the Hillside provisions of the Ordinance may not be practical and that the EQ requirements should take precedence over the Hillside criteria (or any other zoning criteria that may be in conflict with the EQ Overlay). In recognition of the inherent conflicts between the EQ Overlay Zone and the Hillside Development Guidelines (and to facilitate the implementation of the Settlement Agreement), the City adopted Ordinance 97-07 which created Section 2808 of the EQ Overlay Zone.

The purpose of Section 2808 was to "restate and codify the intention of the City Council to assure that the provisions of the Zone are not applied to preclude development of the property at a density consistent with the provisions of the General Plan.". Section 2808 allows the Planning Commission to grant waivers from other Sections of the Ordinance (i.e the Hillside Development Criteria) that conflict with the EQ Overlay Zone in terms of a project being developed "at or near" the designated base density, with the stipulation that the EQ regulations shall take precedence. This project conforms to the Settlement Agreement and meets the criteria established in Section 2808 of the Zoning Ordinance. Section 2808 serves to re-enforce (at the General Plan level) Section 2804 of the EQ District Guidelines which relates to Zoning Ordinance conflicts and reads:

"Development regulations of the underlying base district shall be modified by the designation of an EQ Overlay District to accomplish the stated purpose of the EQ Overlay. Where conflict occurs between the provisions of the EQ Overlay District and base district regulations or any other section of the Zoning Ordinance, the EQ Overlay District shall control".

GENERAL PLAN CIRCULATION ELEMENT AMENDMENT

A General Plan Circulation Element Amendment is proposed as part of this application to remove the future "Secretariat Street" connection to Mission Avenue/SR-76 from the project site. This request is made as an alternative to the placement of a 'future roadway' easement over the affected portion of the site, as the easement alternative would not meet state and federal agency concerns (discussed below).

The primary purpose and rationale behind the request is based upon environmental preservation needs and centers specifically on a sensitive plant species and wildlife habitat corridor that exist on the project site. The proposed project represents the best cooperative planning efforts for environmental sensitivity and protection.

This request is also supported by traffic analysis that demonstrates that this link could be deleted without any significant impact to the levels of services within the vicinity, and would thus remain consistent with the General Plan's goals, policies and objectives.

As a result of these environmental constraints and with the clear direction of the resource agencies, the proposed project design has been developed in consultation with the City to maximize the protection of these key environmental features of the site. The project impact footprint has been located adjacent to the existing Jeffries Ranch neighborhood off of existing "stub streets" as previously planned, while preserving over 50% of the site in natural open space including the 100% preservation of the ambrosia and the wildlife habitat corridor. The residential portion of the site is focused on the Spur Avenue and Belmont Park Road frontages where existing units have already been built. This allows for greater continuity between the existing and proposed homes within the Jeffries Ranch area while preserving the largest and most functional habitat area. Extending the future Secretariat Street through this wildlife habitat corridor and open space preserve would create unnecessary and permanent impacts to the preserve and would be detrimental to the long-term viability of the wildlife habitat corridor.

Environmental Considerations:

Environmental considerations on the project site, as identified by the U.S. Fish and Wildlife Service (USFWS) and the California Department of Fish and Game (CDFG) include a provision for a wildlife corridor to connect adjacent wildlife areas and the 100% protection of a critical population of the federally listed San Diego ambrosia. The agencies have also found that the linkage through the site is essential for preservation of local area biodiversity as well as protection of the coastal California gnatcatcher population on-site.

There is an existing wildlife habitat corridor in the project area that extends from Guajome Regional Park to the San Luis Rey River. This corridor connects to the project site at the southeastern corner. The project site provides the link of connectivity between the San Luis Rey River on the north to this corridor. Because the corridor connection had been previously established at the southeastern corner of the site by the adjacent Marlborough Country Estates, the Agencies wanted the corridor to extend from this location northerly through the site. The location of the existing corridor, therefore, restricted the design options for the project and

caused it to be focused on the westerly side of the site. In fact, the width of the Marlborough Country Estates corridor is only 125 feet wide and the proposed minimum width of the corridor provided by the project is 150 feet wide, with most of it being significantly larger. Because of the desirability of conserving this corridor, however, any future Secretariat Street connection to Mission Avenue/SR-76 (and future residential units) would need to be restricted to the sites western boundary as well.

There also have been eighteen (18) strands of San Diego ambrosia documented on-site consistently since 1998 which translates into approximately 2,000 to 3,000 individual plants. The plants are located along the northwesterly property line of the project site and cover approximately 0.17 acre. Any future road connection through this portion of the site would conflict with the preservation goals for the ambrosia, as any grading impacts of the potential road link would be restricted to a minimum of 500 feet from the nearest ambrosia plant. Further complicating a road connection in this portion of the site is a 1.9 acre Riparian woodland habitat and 0.4 acre Coast live oak woodland habitat.

There have been several meetings with the wildlife agencies (The U.S. Fish and Wildlife Service and the California Department of Fish and Game), the City of Oceanside and the County of San Diego regarding several iterations of the Jeffries Ranch project and required conservation and mitigation since 2001. The Service and Department also formally commented on a previous Mitigated Negative Declaration (MND) on March, 2002. Consistently throughout these meetings, all subsequent conversations and negotiations and within the most-recent comment letter, the wildlife agencies have emphasized the importance of the on-site conservation of the critical population of San Diego ambrosia, a wildlife corridor to provide connectivity between the on-site creek and upland habitats to the nearby San Luis Rey River and Guajome Lake Regional Park; and a block of on-site habitat for the coastal California gnatcatcher. This cooperative effort has shaped the ultimate project that meets all of these agencies' goals.

The meetings and discussions have resulted in a comprehensive mitigation package agreement that was reached on May 30, 2002 to allow the project to proceed. The negotiations also resulted in several reductions in the project and finally agreed on a revised project that involved an almost 50% reduction in the number of previously proposed residences. The signatures of the various agency representatives on a project map, dated May 30, 2002, memorialized the mitigation agreement. As a result of that agreement the project was redesigned again to provide the preservation and mitigation wanted by the wildlife agencies and the City.

The U.S. Fish and Wildlife Service/California Department of Fish and Game (USFWS/CDFG) comment letter of March 16, 2004 on the current MND identifies "*a proposed undefined access easement [within the open space]*" as their number one issue of concern with the proposed project. The wildlife agencies have indicated in the previous meetings that a road through the open space preserve is incompatible with its purpose of protecting the San Diego ambrosia, providing a wildlife corridor and protecting the coastal California gnatcatcher.

Recent conversations and written communication with the USFWS and CDFG has re-affirmed their opposition to the undefined easement through the open space preserve is clearly and unequivocally as stated in their March 16, 2004 comment letter. The wildlife agencies have repeatedly indicated that they will not approve the proposed project (issue permits) as long as the undefined easement is a part of the tentative Tract Map because, it does not provide the conservation and mitigation agreed to by them, the City, the County and the applicant.

Traffic Considerations:

As a result of these design restrictions, the applicant commissioned a *Traffic and Neighborhood Impact Study*, prepared by Kimley-Horn and Associates, Inc. dated November 2003, to examine the necessity of the Secretariat Street connection. The traffic impact portion of the study specifically analyzed the need for this secondary connection through the neighborhood to Mission Avenue/SR-76 under buildout traffic conditions. The results of that analysis indicates that the Secretariat Street connection is not necessary to maintain adequate levels of service for local roadway segments and intersections at buildout, if the SR-76/Mission Avenue/Jeffries Ranch Road intersection is restricted to right turns in and out only. That evidence further supports the proposed General Plan Amendment.

Currently, there are three ingress/egress points into the Jeffries Ranch Neighborhood east of Melrose Drive. Those access points are Jeffries Ranch Road (which connects to Mission Avenue/SR-76), Spur Avenue and Old Ranch Road (both of which connect to Melrose Drive). It was previously believed that the Jeffries Ranch Road connection to Mission Avenue/SR-76 would be closed when the SR-76 Expressway was constructed. This closure of the Jeffries Ranch Road connection to Mission/SR-76 would have made the Secretariat Street connection more necessary as an alternative "emergency exit" from the neighborhood should Melrose Drive be closed temporarily.

All current California Department of Transportation planning studies however, as indicated in dialogue with the City, indicate that the Jeffries Ranch Road connection will remain regardless of if, or when, the SR-76 expansion occurs. This connection will remain, but it will most likely be restricted to a right-in, right-out access point for the long term when the extension of Mission Avenue/SR-76 is completed. Because this access point will remain, the need for a secondary connection point to Mission Avenue/SR-76 for "emergency purposes" (in essence a fourth access point out of the neighborhood) is unnecessary. The deletion of the Secretariat Street connection would not result in a significant change in the existing local circulation pattern.

The traffic analysis examined both the short-term (current) and long-term (build-out) repercussions the deletion would have on the local streets and intersections. The project would only generate 440 Average Daily Trips (ADT) with 35 trips in the AM peak hour and 44 trips in the PM peak hour. That analysis showed that with or without the Secretariat Street

connection, the project ADT would not result in an unacceptable level of service (LOS) on any of the study area roadway segments or intersections in the short-term or long-term condition. In fact, the traffic impacts from the project are so minor, with or without the Secretariat Street connection, that no project specific traffic mitigation measures are recommended. Because the deletion of the Secretariate Street road connection from the Circulation Element will not result in any negative impacts to the City's circulation system, it will not be detrimental to the public health, safety or welfare, and the importance of preserving 100% of the ambrosia and the wildlife habitat corridor, it is respectfully requested that the Secretariat Street connection be deleted from the General Plan Circulation Element.

Summary:

The deletion of this segment of Secretariat Street will not impact traffic levels of service, and it will not compromise safety or emergency access to the existing or proposed neighborhood. The deletion will, however, ensure the long-term protection of this critical population of San Diego ambrosia as well as provide for a wildlife corridor connection between two existing open space areas.

TENTATIVE TRACT MAP

The proposed Jeffries Ranch project includes 44 residential lots within 82.5 gross acres with a net developable area of 77.8 acres. There are 53 total acres in open space lots. The minimum gross lot size for the project is 11,315 square feet with an average lot size of 24,693 square feet. The largest single-family residential lot is 46,478 square feet in size. The project density is 0.6 dwelling units per acre which is well below the base density of 1.0 dwelling unit per acre. The project density is based on the net developable area of 77.8 acres. The 3.6 acres of land considered undevelopable are comprised of 3.2 acres of riparian area and 0.4 acres of slope area that is in excess of 40 percent with a minimum elevation differential of 25 feet.

The main access to the project will be from the extension of Spur Avenue into the project from existing phases of Jeffries Ranch. The residential streets within the project will have 60 feet of total right-of-way width which will include 40 feet of pavement from curb to curb, 3 feet of parkway for locating utilities and a 7-foot horse trail on each side of the street. This street section will accommodate parking on both sides of the street.

Utility Undergrounding Waiver Request:

An engineering waiver is also requested with the Tentative Map for not under-grounding the SDG&E power poles along the sites eastern most boundary. This request is the result of the existing biological and topographic constraints. The sites eastern boundary is largely undeveloped and is required by the resource agencies to remain as an open space wildlife corridor in it's current natural condition. This corridor will be a linkage between the San Luis Rey River to the north and other habitat areas to the south. These same lines were permitted to remain above ground when the property adjacent to the south (Marlborough Country Estates Unit #4) was developed for this same purpose. All other utility lines will be undergrounded on site per City Code.

The project site qualifies for a waiver under Section 901 G; 3; C. There are extreme topographic conditions including steep hillsides with some slopes of over 40% and 25 feet in height and biological constraints that will result in a wildlife corridor preserve as required by the resource agencies for long-term biological purposes, through which the undergrounding would have to occur. Disturbing the habitat the entire length of the wildlife corridor preserve (north to south along the eastern property line), including through hillside areas, is impractical from a biological and engineering perspective. All other utility lines on-site will be underground per City requirements.

Length of Cul-De-Sac & Non-Standard Turn-Arounds Waiver Request:

Also requested with this application is an exception for a cul-de-sac street in excess of 500 feet in length with non-standard "turn-arounds" for emergency vehicle purposes at distance in excess of 300 feet apart. The proposed cul-de-sac extension of Spur Avenue is approximately 1,700 lineal feet from the Belmont Park Road intersection. This cul-de-sac will serve 25 residential units (lots 11-35). The proposed street section is per City code with a 60-foot right-of-way and a 40-foot pavement section curb-to-curb. The cul-de-sac ends in a 50-foot radius cul-de-sac bulb. The proposed non-standard turn-arounds are spaced at a distance greater than every 300 feet. As proposed, there are three turn-arounds. These turn-arounds are provided at the 20-foot wide water utility easement between lot 13 and lot 14 (noted as "1" on Exhibit A attached), the 30+ foot panhandle at lots 15, 16, and 17 (noted as "2" on Exhibit A attached) and the 50-foot radius cul-de-sac bulb at the end of "B" Street (noted as "3" on Exhibit A attached). The Fire Marshal has reviewed this plan and given his approval of the design as evidenced by his signature on Exhibit A and the attached letter of concurrence dated December 24, 2003.

The proposed street is very comparable to the cul-de-sac extension of Belmont Park Road to the south. That cul-de-sac extends over 1,700 lineal feet from Serene Road with only one non-standard turn-around and the cul-de-sac bulb at the end of the street. As proposed, the first turn around is within 500 feet of Belmont Park Road and this turn-around was designed as a plantable "tuff track" surface to accommodate water and fire vehicles only (at 20 feet in width). That leaves approximately 1,200 feet for the remainder of the cul-de-sac with one turnaround and the cul-de-sac bulb. This condition closely mirrors the existing condition of Belmont Park Road. The proposed turnaround #2 (a 40-foot wide paved panhandle access point) is approximately 500 feet from turnaround #1 which is consistent with a standard 500-foot cul-de-sac. The distance from turnaround #2 and the cul-de-sac bulb is approximately 700 lineal feet, which again, is very comparable to the condition that exists on Belmont Park Road. This waiver will not negatively impact public safety in this area.

DEVELOPMENT PLAN

Architecture:

The Jeffries Ranch project does not propose architectural plans at this time. The applicant agrees to have a condition placed on the project requiring the proposed project architecture be brought before the Planning Commission for review and approval prior to the issuance of building permits through the Substantial Conformity process. In addition, a "typical lot layout" has been placed on the map for reference to the minimum setback standards within the EQ Overlay.

Future homes proposed for this project will comply with all applicable requirements of the Residential Estate - B (RE-B) and the Hillside Development Provisions. In keeping with City design review policies, it is anticipated that the architectural style for future home construction will be compatible with that of the surrounding neighborhoods. One and/or two story models will be proposed for this project, providing diversity and variation in the street scene developed for the project. As required by the Hillside Development Guidelines, the homes will not have flat roofs. Roof lines will incorporate changes in pitch of 3:12 or greater and/or provide vertical offsets which separate roof planes. In order to provide for a varied streetscape, the architectural design should include a variety of garage configurations which may include standard, side load, tandem and split garage configurations.

Landscaping and Open Space:

When completed, the project will be landscaped in conformance with the approved Landscape Concept Plan and environmental permits. Project fencing will comply with City of Oceanside standards for the RE-B District, the EQ Overlay and Resource Agency requirements. Depending upon location, fencing will consist of either ornamental iron "predation fence", traditional view fence or 6-foot wood privacy fence. The equestrian trail fencing will be a polymer lumber spilt-rail type fence which replicates the appearance of wood, but has a longer life expectancy and fewer maintenance requirements. This equestrian trail fencing will be 42" high on both sides of the seven-foot wide trail, along both sides of all project streets to match the surrounding neighborhoods. All slope banks will be vegetated with a quality design and blend of plantings which are compatible with the surrounding natural vegetation. These slope banks will be maintained by the homeowners' association.

The project includes 53 acres, or 64% of the total site area, of open space. Of this amount there are 44.6 acres, or 54% of the total site area, that will be left in it's existing natural condition (lot "A"). Lot "A" will be offered in fee to a nature conservancy for maintenance and management purposes. There are also two riparian areas that exist on the property. The slope banks between these riparian areas and the development will be planted with species which match or are compatible with the existing vegetation and are also fire resistant. This will provide a more natural vegetative transition between the riparian area, which is being preserved, and the developed portions of the site. This re-vegetation will help to provide a protective buffer for wildlife and fire protection for the residents.

There are areas of sensitive habitat on the property, much of which will be preserved. Some habitat will be impacted however, which will require appropriate mitigation in consultation with the appropriate natural resource agencies. Affected agencies are being consulted regarding mitigation requirements and agreements will be negotiated with these agencies prior to site development.

EQUESTRIAN OVERLAY

The project is subject to requirements of the City's Equestrian (EQ) Overlay District. This project complies with the additional review criteria and regulations set forth in Section 2806 of the Zoning Ordinance. Thirty-eight of the forty-four lots (86%) will accommodate a minimum of 7,200 square feet of useable horse yard area necessary for pens, storage, exercise and access facilities associated with the keeping of horses. These lots are lots 1 - 19, 21 - 25, 30 - 35, and 37 - 44. As required in the EQ guidelines, seven-foot wide equestrian trails (within a 10-foot equestrian easement) have been included on both sides of the streets throughout the project. These trails will be fenced on both sides, with a three-foot parkway adjacent to the curb to match the surrounding, existing development.

In addition and as discussed earlier in this document in the "Background & Settlement Agreement" section, Article 28, Equestrian Overlay District, has two sections that allow for "modifications" or "exceptions or alterations" to design standards of other Zoning Ordinance Articles that conflict with the Article 28, Equestrian Overlay District standards. Those two sections are Section 2804 for the "modifications" and Section 2808 for the "exceptions or alterations". To conform to the Equestrian Overlay guidelines, the project requires one exception from the Hillside Development Provision that restricts manufactured slope height and length. The details of that exception, as well as other hillside regulations, are discussed next in the Hillside Development Regulations section of this document.

HILLSIDE DEVELOPMENT REGULATIONS

The project is also subject to the Hillside Development provisions of the zoning ordinance, and the project substantially complies with those provisions as required by the Settlement Agreement. Numerous land use studies were prepared for this property prior to preparation of this tentative tract map which looked at different options as they related to biological, equestrian, hillside and transportation issues. Throughout that process, extreme care was taken in designing a project which provided the large lots required by the EQ Overlay, a desired biological preserve area with wildlife habitat corridor, and preservation of hillside features, while trying to achieve a density consistent with the intent of the General Plan. The project density achieved, however, is still well below the base density for the site established by the General Plan.

The property has 0.4 acres that qualify as "undevelopable slopes" (slopes of at least of 40 percent which have an elevation differential of 25 feet or greater). The proposed project design does not encroach into these slopes and much of the sensitive hillside areas are being preserved within open space lots. Manufactured slopes were designed to be consistent with the natural topography wherever possible.

Grading Quantity:

Section 3039 (Q) of the Zoning Ordinance establishes the guideline for maximum grading quantities for Hillside projects at 7,500 cubic yards per graded acre (cy/gac). This Section also establishes that "The Planning Commission may approve a Hillside Development Plan application which proposes hillside grading in amount greater than 7,500 cy/gac" provided that one or more of three specific findings can be made. The project meets Finding 1 because there are existing soil and geologic conditions that require remedial work (alluvium, colluvium, and bedrock). No "waiver" is required under the terms of this provision.

The total earthwork proposed is 8,974 cy/gac which includes 3,309 cy/gac of remedial earthwork. If the remedial earthwork is excluded from the overall grading quantity, the project grading is 5,665 cy/gac which does meet the standard. Even without this Hillside Provision allowance for grading in excess of 7,500 cy/gac, the proposed grading would be allowable under Section 2808 (exception) of the Ordinance due to the amount of grading required to create the large, flat, equestrian lots required in the EQ zone. It is important to note that the proposed project grading will "balance" on-site.

Exception - Slope Height and Length:

Despite the efforts to totally comply with all of the applicable Sections of the Zoning Ordinance, an "exception" from the Hillside Development Provision for manufactured slope height and length is required in order to meet all of the Equestrian Overlay standards per Section 2808 as discussed earlier in this document. The exception is to Hillside Section 3039 E (J) criteria to allow manufactured slopes in excess of 30 feet in height and 400 feet in length. Because the EQ Overlay takes precedence over other Ordinance Sections, the exception is allowable because the project must meet the EQ Overlay minimum standards for lot sizes.

This project proposes two manufactured slopes which exceed the ordinance established maximums of 30 feet in height and 400 feet in length. The slopes have been designed to retain as much of the natural topography as possible while providing coherent design and protection of resources. The slope which exists along the northern edge of the development footprint (Open Space Lot B; below lots 4-23) follows the natural slope of the existing topography. The proposed slope allows for access to the units that "line-up" (to the north) with the existing units on Belmont Park Road (lots 1-10) and the height of the slope is dictated by the lot sizes (i.e. if the lot sizes could be reduced or "pulled back", the slope could be "pulled back"). The height and length of the slope is dictated by the natural terrain as it "follows" the existing topography which also accommodates the extension of Spur Avenue into the proposed cul-de-sac. The height and length of the slope is required to allow those pads to meet the EQ Overlay size standards and will safeguard the protected resources to the north including the wetlands. This slope will largely be screened from off site vantage points due to the other hillside features being preserved as part of the project. As will be required by the resource agencies, this slope will be planted with native, fire tolerant, plant species and will serve as a transition zone into the habitat preserve area and fire buffer for the residents.

The slope which exists between lots 26-35 and 36-44 (Open Space Lot C) will allow retention of the hilltop and wildlife corridor in the southeastern corner area of the property, while allowing the lower lots (36-44) to be built with access off of Belmont Park Road as originally planned for the buildout of this community. By developing the units with frontage on Belmont Park Road it creates a continuous, logical, relationship with the adjoining existing neighborhood to the west, thus allowing the project to better transition with the adjoining and surrounding Jeffries Ranch neighborhoods as a whole. The maintenance of this slope will be the responsibility of the HOA to insure that it is neatly maintained. The preservation of the wildlife corridor was a major factor in the design of the project and the existing location of the off-site corridor helped to dictate it's location as shown on the plans.

As identified in Section 2808 of the Zoning Ordinance, the Planning Commission may grant one or more exception to a zoning ordinance provision when that provision is in conflict with a provision of the EQ Overlay (in this case Hillside vs. EQ Overlay) or if a provision would preclude a project to develop at or near the base density identified in the General Plan. While this project proposes compliance with all EQ requirements and underlying requirements of the RE-B zoning designation, the exception is required from the Hillside Development standards as allowed through the Settlement Agreement and Section 2808 of the Zoning Ordinance to meet the EQ standards.

In addition, Section 2808 of the EQ Overlay District allows for the exception from other Zoning Ordinance criteria where development at or near the base density is precluded by that criteria as long as the EQ Overlay Criteria are met. Specifically, the proposed project has a density of 0.6 dwelling units per acre which is significantly below the allowable base density of 1.0 dwelling unit per acre. As proposed, the project density is barely half of the allowable base density and just 17% of the maximum density allowed (3.5 dwelling units per acre). If the project met the Hillside Criteria for manufactured slope height and length and the EQ Overlay, the density would be reduced even further. Clearly, the proposed project meets the criteria for this exception from the hillside standard as established through the Settlement Agreement, Section 2804 and Section 2808 of the Equestrian Overlay District.

CONDITIONAL USE PERMIT - PANHANDLE LOTS

The project design includes the use of eight panhandles on lots 4, 9, 16, 17, 21, 22, 23 and 24. These lots are located in areas where slopes and habitat do not allow for more typical lot patterns. In accordance with Section 1050(Y) of the Zoning Ordinance, panhandle lots are permitted with a Conditional Use Permit, subject to meeting specific development standards. Each of the panhandle lots meets the supplemental development regulations for panhandle access including lot size, panhandle length and width, pavement width and setbacks for property lines and garages. The use of the panhandles does not afford a density above the base density and will allow for the preservation of more open space.

Lot 4 is accessed from a panhandle (with the appropriate 20-foot wide residential access easement) that extends from Bel Mont Park Road. This panhandle also serves as access to the storm drain detention basin and is encumbered with the appropriate Public Utility Access and Storm Drain Easement. This lot sits approximately 43 feet below the next closest residential lot (Lot 5). The finished pad elevation for Lot 4 is 220 feet and Lot 5 is 263 feet. It is no different than the other 7 panhandle lots proposed as part of this subdivision. It is anticipated that Lot 4 will be one of the most sought after lots in the project due to it's large separation from neighboring lots.

SECONDARY WATER LINE

At the request of the City of Oceanside Water Utilities Department, the applicant has agreed to provide design and construction services for the installation of a secondary water line to connect to the Vista Irrigation District (VID). This connection will provide both Cities with a much needed second source of water in these service areas in case of an emergency. The line will improve existing water pressure in the surrounding area while serving the entire Jeffries Ranch neighborhood. The City will provide 100% reimbursement to the applicant for the cost of this line. The need for this line is a system wide issue and not dictated by this project.

The City will be responsible for siting, improvement and construction documents and obtaining the necessary access rights or easements for the line. The projected location for this line is along the route of an existing 4" VID line in Ramona Drive (Vista) adjacent to existing graded property to the south (Marlborough Country Estates Unit #4). The line will ultimately connect into Belmont Park Road in the City of Oceanside. There would be no biological impacts associated with this proposed location.

SUMMARY

The proposed project has been thoughtfully designed to provide attractive, large equestrian lot housing opportunities within the City of Oceanside. This proposal is a combination of environmental sensitivity and jurisdictional cooperation in conjunction with a viable development plan. The project meets the objectives of the City, the resource agencies and the applicant.

These homes will provide a high quality, semi-rural living environment with generous open space and recreational opportunities. The project provides eighty-six percent (86%) of the lots with the area necessary for horse-keeping facilities which add greatly to their appeal. The project complies substantially with provisions set forth in the General Plan, the Zoning Ordinance, the Equestrian Overlay District and the Hillside Development Regulations and is in conformance with the Settlement Agreement.

REQUIRED FINDINGS

Development Plan:

The City of Oceanside Zoning Ordinance stipulates that five specific findings must be made before a Development Plan can be adopted. This proposal meets those conditions as follows:

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

The site plan and physical design of the proposed project is consistent with the purposes of the Zoning Ordinance because it meets the intent of the development regulations and design standards over the entire site, it does not require a variance from those regulations and it provides amenities far in excess of those required.

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

The Development Plan as proposed conforms to the City's General Plan because the proposed residential product type (lots) and density are consistent with the Land Use Element requirements established for the site and the design and amenities far exceed the City minimum requirements.

3. **That the area covered by the Development Plan can be adequately, reasonable and conveniently served by existing and planned public services, utilities and public facilities.**

The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities because said provisions have been successfully incorporated into the proposed design. The secondary water line will improve service to the larger community of Jeffries Ranch.

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

The proposed development is compatible with existing surrounding land uses because the site is proposed to be developed under the regulations the City previously established for the site which are more restrictive than those the surrounding area were developed with.

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

The site plan and physical design of the proposed project is consistent with Section 1.24 and 1.25 of the General Plan Land Use Element because it was designed to be sensitive to the habitat constraints with over 64% of project site being left in open space and all "undevelopable slopes" being preserved.

Hillside Grading:

The City of Oceanside Zoning Ordinance stipulates that one or more of three specific findings must be made before approving a hillside grading quantity greater than 7,500 cubic yards per graded acre of earthwork. This proposal meets Finding 1 as follows:

1. **The site possesses adverse geologic conditions that necessitate remedial work that may require significant amounts of grading.**

The site contains alluvium, colluvium and bedrock that requires 3,309 cubic yards per graded acre of earthwork to properly remediate. If this amount of remedial earthwork is excluded from the overall grading plan, the grading quantity would be 5,665 cubic yards per graded acre of earthwork which is in compliance with the base standard.

Conditional Use Permit:

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. The following findings are for the Conditional Use Permit allowing the use of 8 panhandle lots within the subdivision.

- 1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.**

The proposed location of the Jeffries Ranch subdivision is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the district because it is a residential project on property designated for residential development by the General Plan and Zoning Ordinance, and the project is similar in use to surrounding, existing residential uses. The proposed project is below the base density, exceeds the City's Zoning Ordinance requirement of minimum 10,000 square-foot lots, and meets General Plan criteria. The use of panhandle access is consistent with the development pattern on similar properties, and all the panhandle lots meet the additional development regulations of the Zoning Ordinance and Hillside Development Provisions. The panhandles do not afford additional density on-site and allow for the preservation of additional open space.

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

The panhandle lots will provide safe and adequate access, meeting the additional development regulations for panhandle access per the Zoning Ordinance. This development pattern is common within similar projects, allows for additional protection of hillside topography and sensitive habitat, while not affording a density above the base density established for this property. The project is consistent with the General Plan, and these lots will not be detrimental to property and improvements in the area, or the public's health, safety, and welfare as all lot's exceed the minimum standards in this district.

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

The proposed project will comply with the Zoning Ordinance because the proposed use will substantially meet Hillside Development Provisions, Equestrian Overlay and RE-B-EQ development standards as outlined above. Each of the proposed panhandle lots conform to the design provisions of the Zoning Ordinance and they do not afford any special privilege to the project.