



DATE: August 11, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (T-2-06), DEVELOPMENT PLAN (D-37-06) AND CONDITIONAL USE PERMITS (C-15-06 AND C-16-06) TO SUBDIVIDE A 3.1-ACRE LOT INTO SEVEN PARCELS HAVING PANHANDLE ACCESS FROM EITHER IVY ROAD OR AVOCADO ROAD. THE PROJECT LOCATION IS IN THE 1800 BLOCK OF AVOCADO ROAD AND IS SITUATED WITHIN THE RE-B DISTRICT AND THE FIRE MOUNTAIN NEIGHBORHOOD. - AVOCADO HIGHLANDS - APPLICANT: VANCE CAMPBELL**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Adopt the Mitigated Negative Declaration for Avocado Highlands, in light of the whole record that the project will not have a significant effect on the environment.
- (2) Approve Tentative Parcel Map (T-2-06), Development (D-37-06) and Conditional Use Permits (C-15-06 and C-16-06) by adopting Planning Commission Resolution 2008-P46 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On March 18, 1974, the Planning Commission approved Variance V-20-73 to allow two panhandle lots and rescinded Resolution No. 73-P132; following this action, the recording of Parcel Map 2951 on August 12, 1974 created two parcels with panhandle access from Avocado Road. Parcel 2 of Map 2951 is the subject site and Parcel 1 is owned by Mr. Donald Hensel.

On April 11, 2008, Mr. Vance Campbell and Mr. Hensel recorded a Certificate of Compliance for a lot merger and lot line adjustment number PLA-06-2006. New parcel boundaries were created for the two lots of Map 2951; these boundaries are shown on the proposed Tentative Subdivision Map T-2-06.

On April 26, 2006, the applicant, Mr. Campbell, filed application T-2-06, D-37-06, C-15-06 and C-16-06 to create an eight-lot subdivision having panhandle access to each lot. The application was revised to comply with hillside development regulations, the location of lot boundaries, and water run-off prior to the application being deemed complete. The scope of the original proposal was scaled back to a seven-lot subdivision in response to hillside development provisions.

Site Review: The subject site is 3.108 acres with approximately 167.5 feet of land fronting Avocado Road. The parcel is situated east of Avocado Road, north of Ivy Road, and south of View Street. The site is roughly "L" shaped, extending east from Avocado Road and then turning 90 degrees to the north. The site has not been previously developed. The site can be accessed from Avocado Road or from a private road to the east of the site. The project site is bordered to the west by Avocado Road and to the north, east, and south by developed residential lots.

The eastern portion of the site consists of rolling hillside terrain. In the central portion of the parcel, an approximately 2:1 gradient east facing slope extends across the site, which descends to a relatively flat drainage area that flows to the south. Ground surface elevations at the site vary from an elevation of approximately 114 feet above sea level (MSL) near the southeast corner to 175 feet MSL at the top of the slope near the central portion of the site. There is approximately a 61-foot change in elevations. Slope gradients are as steep as about 2:1 along the east facing slope in the central portion of the site, but are generally about 2.5:1 in the eastern portion of the site and 5:1 in the western portion of the site.

No archaeological resources have been identified with the subject site; therefore, future development is expected to have no effects on cultural resources.

Project Description: The project application is comprised of three components: a Tentative Subdivision Map, Development Plan, and two Conditional Use Permits.

Tentative Subdivision Map T-2-06 represents a request for the following:

To subdivide an existing 3.108-acre site and create seven lots pursuant to Article IV *Tentative subdivision maps five or more parcels* of the Subdivision Ordinance.

Development Plan D-37-06 represents a request for the following:

To allow residential development on property where portions of land have a natural gradient in excess of 20 percent with a minimum elevation differential of 25 feet pursuant to Section 3039 *Hillside development provisions* of the Zoning Ordinance.

Conditional Use Permit C-15-06 represents a request for the following:

To allow a density of 2.5 dwelling units per gross acre, which is between the base density and maximum potential density allowed within the RE-B District, on land situated in the Fire Mountain Neighborhood, based upon proposed development guidelines and pursuant to Section 1050(B) of the Zoning Ordinance and Section 1.13(H) of the Land Use Element.

Conditional Use Permit C-16-06 represents a request for the following:

To allow panhandle access in a single-unit conventional development pursuant to Section 1050(Y) of the Zoning Ordinance.

The applicant proposes to create seven residential lots and, after filing the tentative subdivision map, Mr. Campbell notified staff of his intention to phase the recording of the Final Map. The City Engineer and the applicant concur in the filing of multiple final maps with this proposed subdivision.

Each lot is designed to have panhandle access from either a private drive north of the subject site that adjoins Avocado Road or to have access from a private drive east of the subject site that adjoins Ivy Road.

All seven lots are subject to the development guidelines proposed. The applicant does not propose development at this time; rather they propose guidelines for future development. It is likely that the lots will be sold undeveloped with graded pads and landscaping limited to the slopes. Pad areas are shown on the preliminary grading plans.

The future construction of single-family homes requires either the approval of a Development Plan or an Administrative Development Plan in accordance with Article 43 *Development Plans* of the Zoning Ordinance. The project site is subject to Section 3039 *Hillside development provisions*, because the site is characterized by steep slopes and elevation differentials of more than 25 feet. The proposed development guidelines provide standards for future residential applications.

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

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

ANALYSIS

KEY PLANNING ISSUES

1. General Plan Conformance

The General Plan Land Use Map designation on the subject property is Residential Estate B (EB-R), which has a density range of 1 to 3.5 dwelling units per gross acre. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan.

A. Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.13 Neighborhood Character: To promote and reinforce the unique and positive attributes of individual neighborhoods of Oceanside while strengthening citywide goals, involvement, and identity.

Policies:

- B.** The area which includes the Fire Mountain single-family residential district shall ensure that the rustic and rural nature of the district is preserved and enhanced. A key to this objective is providing for: (1) minimum lot sizes of 10,000 square feet or greater, (2) view preservation, and (3) extensive landscaping.
- H.** For lands within the ... Fire Mountain, ... Neighborhood Planning Areas that are designated Estate B (1 - 3.5 dwelling unit/acre) and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet as defined in the Zoning Ordinance shall be considered consistent with the underlying Land Use designation of Estate B Residential.

This proposal complies with Objective 1.13 Policies B and H of the Land Use Element. The subject site is located within the Fire Mountain Neighborhood and proposes seven lots that exceed 10,000 square feet net area. As such, the lot sizes are considered consistent with the underlying Land Use designation of Estate B Residential. The applicant has voluntarily reduced the maximum height for development on Lot 1 - 4 to satisfy the view shed concerns expressed by neighbors to the north. The applicant proposes grading the building pads, planting the slopes with shrubs and trees, and mitigating for the loss of mature trees.

B. Land Use Element II. Community Development

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

Objective 2.0 Subdivision of Land or Real Property: To create legal divisions of land or real property that shall provide long-term enhancement for the community.

Policies:

- A. No proposed division of land or real property shall be created which fails to implement the General Plan, City policies and ordinances, or development standards.
- B. Any City action creating a legal division of land or real property shall identify and consider adjacent and surrounding land uses and land divisions to assure compatibility and proper integration.
- C. A subdivision of land or real property must provide adequate on-site improvements consistent with the general plan, including street design, drainage and sanitary facilities, and easements.
- D. A subdivision of land or real property must include provisions for off-site improvements or the payment of fees for off-site improvements consistent with the General Plan, including temporary and permanent school facilities, road and bridge improvements, parks, and sewers.
- E. A subdivision of land or real property must be designed to accommodate, protect, and preserve environmentally sensitive areas identified in the General Plan.

The proposal satisfies implementation of local standards and regulations, including Objective 2.0 of the General Plan. The proposed project is consistent with the EB-R designation and compatible with surrounding Single-Family Residential land use. The majority of the surrounding lots have access to the

street via a panhandle (or shared private drive), enjoy a single-family detached development type, and the surrounding lands are designated as EB-R.

The proposal includes adequate street design, panhandle access, drainage, and easements. The resolution identifies provisions for the payment off-site improvement fees that are consistent with the General Plan. The subdivision has been designed to accommodate environmentally sensitive areas (e.g. slopes) and preserve areas by mitigating non-native grass lands and chaparral.

Objective 2.02 Residential Subdivision: To assure residential subdivisions of land shall be of sufficient size, dimensions, and topography to promote overall community enhancement, and the aesthetic and efficient functioning of the particular residential unit.

Policies:

- A. Individual residential parcels shall provide building pad areas of sufficient size and dimensions to accommodate an aesthetically pleasing and efficient dwelling unit.

- C. Individual residential parcels shall provide building pad areas that are reflective of the minimum lot area established for the area.

The proposal satisfies Objective 2.02 of the Land Use Element. The preliminary grading plan identifies building pad areas of sufficient size and dimensions to accommodate a typical dwelling unit within the Fire Mountain Neighborhood. The proposed seven lots are organized with convenient access from panhandles connecting to either Avocado Road or Ivy Road. The proposed net lot sizes exceed the 10,000-square foot minimum area required for this neighborhood area.

2. Subdivision Compliance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article IV *Tentative subdivision maps - five or more parcels*). Pursuant to Section 401 of the Subdivision Ordinance, this proposed Tentative Subdivision Map has been prepared in a manner acceptable to the City Development Engineer.

Pursuant to Section 66456.1. *Multiple final maps* of the Subdivision Map Act, multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map if: (a) the subdivider, at the time the tentative map is filed, informs the advisory agency of the local agency of the subdivider's intention to file multiple final maps on such tentative map, or (b) after filing of the tentative map, the local agency and the subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider

shall not be required to define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. The right of the subdivider to file multiple final maps shall not limit the authority of the local agency to impose reasonable conditions relating to the filing of multiple final maps.

Pursuant to Section 401.I of the Subdivision Ordinance, all trees removed for grading, including the 10 trees identified in the March 28, 2007 Tree Survey, will be replaced on-site. Further, all off-site trees that may be impacted by grading or the construction of retaining walls will be protected in-place.

3. Zoning Compliance

This project is located in the Residential Estate B (RE-B) District and complies with the requirements of that zone. Tables 1 and 2 summarize the proposed and applicable development regulations for the project site. Table 2 is specific to lots that are subject to hillside development standards pursuant to Section 3039 *Hillside development provisions*.

Pursuant to Section 1050(B), the proposed lot density of 2.25 dwelling units per gross acre is allowed by Section 1.13(H) of the Land Use Element of the General Plan for the Fire Mountain Neighborhood Planning Area. While development is not proposed at this time, the applicant does proposed development guidelines to assure future development will satisfy the policies of the General Plan.

Table 1. Section 1050 Residential Development Regulations applied to Lots 1 -3

Lots 1 - 3	Required	Proposed
Minimum Lot Area	10,000 SF	Between 10,285 SF and 10,905 SF net area
Minimum Lot Width	70 feet	at least 72.32 feet
Front Yard	25 feet	25 feet
Interior Side Yard	7.5 feet	7.5 feet
Corner side yard	15 feet	15 feet
Rear Yard	20 feet	20 feet
Maximum Height	36 feet	Lot 1: 18 to 24 feet Lot 2 16 to 26 feet Lot 3: 17 to 27 feet

The applicant has recorded a deed restriction lowering the maximum structural height on lots 1 through 4. This was done to satisfy view shed concerns raised by the adjoining neighbors to the north of the subject site. The height limit varies between 24 and 30 feet depending on the lot.

Pursuant to Section 1050 *Property development regulations*, all of the proposed lots (e.g. Lots 1-7) are subject to lot coverage, site landscaping, fence and wall heights, off-street parking, vehicular access, and outdoor storage requirements. The proposed guidelines comply with these requirements and when appropriate, the project has been conditioned assure these regulations are satisfied when development applications are considered in the future.

Pursuant to Section 1050(U), the maximum height of a fence or wall, including retaining walls shall be six feet. All retaining walls over four feet in height shall be planted and irrigated. The southern boundary of the subject site (Lot 5) proposes two six-foot tall walls which raise the elevation of the proposed cul-de-sac. The six-foot walls shall be planted with four-inch pots of *Ficus pumila distictus buccinatoria*. Five gallon sized *Phormium* 'Maori maiden' will be planted between the top of one wall and the bottom of its adjacent wall. These plants should reduce the visual impact of the proposed walls. By changing the elevation in the areas of the proposed cul-de-sac and by providing a detention basin on Lots 5, 6, and 7, the project design will slow water flow and redirect runoff from the eastern portion of the site to a curb which follows the drive to a catch basin located on Ivy Road. This should reduce the impact of the sheet flow onto adjoining lots, especially those situated to the south of the subject site.

Pursuant to Section 1050(Y), access to the lots via paved panhandles with adequate widths has been proposed. The shortest lot line abutting the panhandle shall be considered the front property line. Setbacks are measured from the access easement (or detention basin easement) and not from the property line. Garages are required to be setback 20 feet to provide an adequate back-up distance. The lot areas are calculated using the net area of the lot which shall not include the area of the access panhandle or easement.

Pursuant to Section 1050(Z), lots located on a cul-de-sac shall have a minimum lot frontage of 40 feet, as measured at the front property line. By condition, Lots 5, 6, and 7 are required to satisfy this requirement. If changes to the proposed lot boundaries are required, it may be determined suitable to review these changes as substantially conforming to the original action approving this subdivision.

Table 2. Section 3039 Hillside Development Provisions applied to Lots 4 - 7

Lots 4 - 7	Required	Proposed
Minimum lot area	10,000 SF	Between 15,658 SF and 26,504 SF net area
Front yard	15 feet for residences 20 feet for garages	Lot 4: 15 feet Lot 5: 15 feet Lot 6: 15 feet Lot 7: 15 feet
Interior side yard and corner side yard	15% of width; 10 feet minimum 20 feet maximum	Lot 4: 16 feet Lot 5: 20 feet Lot 6: 20 feet Lot 7: 17 feet
Rear Yard	25% of lot depth	Lot 4: 40 feet Lot 5: 27 feet Lot 6: 49 feet Lot 7: 50 feet
Maximum height	30 feet	Lot 4: 16 to 26 feet Lot 5: 30 feet Lot 6: 30 feet Lot 7: 30 feet
Grading limitations	Section 3039(J)(Q)	recommend condition
Special streets	Section 3039(K)	not proposed
Building design	Section 3039(L)	recommend condition
Visible bulk	Section 3039(L)(M)	recommend condition
Exterior structural supports	Section 3039(O)	recommend condition
Driveways and off-street parking	Section 3039(P)	recommend condition

Pursuant to Section 3039.C, Lots 4 through 7 are subject to hillside development regulations. On these lots, the depth of required yards is more restrictive. The bulk and mass of the future structures on these lots are also regulated. Staff recommends specific project conditions to assure future compliance with these regulations.

The proposed guidelines comply with the regulations set forth in Sections 1050 *Property development regulations* and 3039 *Hillside development provisions*. Future residential developments shall be subject to the guidelines, the conditions of approval, and Article 43 *Development Plan Review*.

DISCUSSION

Issue: Existing water run-off and the proposed detention basins

Recommendation: Neighbors to the south of the subject site have historically been impacted by sheet flow from slopes on the subject site. The stormwater mitigation plan includes use of detention basins (up to three feet deep and situated in the front yards of the proposed lots) and curb and gutters that redirect water to a catch basin. Staff recommends that the detention basins be fenced, due to their depth. Staff has reviewed the proposed mitigation and finds that the rate of flow will be slowed and the water redirected to a more suitable environ.

Issue: The existing trees on-site and mature eucalyptus trees to the south of the subject site may be impacted by the proposed grading.

Recommendation: Staff recommends that the applicant replace trees removed from the subject site. Staff recommends that off-site trees be protected in-place to the maximum extent possible.

Issue: Lots 5 through 7 have panhandle access from Ivy Road. The panhandle terminates in egress easements paved as a cul-de-sac. Adjoining the boundaries of the cul-de-sac are water detention basins. As shown on the plans, lot boundaries are less than 40 feet on the cul-de-sac.

Recommendation: Staff has reviewed the proposed lot boundaries on lots 5, 6, and 7 and recommend that the edge of the detention basin or vehicle access easement (whichever is more restrictive) be the forward edge of a required front yard. By condition, the minimum length of the easement associated with the cul-de-sac shall be 40 feet.

ENVIRONMENTAL DETERMINATION

This project has been evaluated by the City Planner in accordance with Section 21080(c)(2) of the California Environmental Quality Act (CEQA). An initial study identifies potentially significant effects on the environment, but proposals made by, or agreed to by, the applicant before the proposed negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effect on the environment would occur, and there is no substantial evidence, in light of the whole record before the lead agency, that the project, as proposed, may have a significant effect on the environment.

On June 23, 2008, the City Planner determined that the project as proposed will not have a potentially significant adverse effect on the environment and issued a Notice of Intent to Adopt a Mitigated Negative Declaration. The basis for the determination is the Initial study prepared pursuant to Section 15063 of CEQA Guidelines. There is one environmental factor potentially affected by this proposal: biological resources.

The Planning Division advertised that a draft Mitigated Negative Declaration would be posted for 20 days with the Office of the San Diego County Clerk commencing on June 23, 2008 and ending on July 14, 2008. Comments were received and forwarded to the applicant. Staff's response to comments are included as an addendum to this report.

There are three proposed mitigation measures: (1) Half an acre of mixed chaparral shall be mitigated for in accordance with the City of Oceanside's draft *Subarea Conservation Plan/Natural Community Conservation Plan*. This could be achieved by purchasing credits at an approved mitigation bank, or by alternative mitigation determined in consultation with the City Planner and the resource agencies. (2) Non-native grass land shall be mitigated at a 0.5:1 ratio, requiring 0.98 acre of mitigation within the Wildlife Corridor Planning Zoning or a pre-approved mitigation area. (3) All trees removed from the site, including the 10 trees identified in the March 28, 2007 Tree Survey, shall be replaced on-site in accordance with the Subdivision Ordinance Section 401.I.

Prior to any action on August 11, 2008, it is necessary for the Planning Commission to review and act on the Mitigated Negative Declaration. Staff, in its initial study of the project, is recommending that the Mitigated Negative Declaration be approved with the attached findings and mitigation measures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of July 29, 2008, communication from four residents has been received. Three persons called and one person came in to the office (twice). Concerns expressed included redirecting sheet flow, vehicle access and impacts to existing garages, and anticipation of improved property values in the Fire Mountain area.

SUMMARY

The proposed Tentative Subdivision Map (T-2-06), Development Plan (D-27-06) and Conditional Use Permits (C-15-06 and C-16-06) are consistent with the requirements of the General Plan, the Subdivision Ordinance, the Zoning Ordinance, the Subarea Conservation Plan/Natural Community Conservation Plan, and the California Environmental Quality Act. The project meets or exceeds all applicable development standards. The project is compatible in terms of residential project type, density, architecture, and site design with the surrounding Fire Mountain Neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Subdivision Map (T-2-06), Development Plan (D-27-06) and Conditional Use Permits (C-15-06 and C-16-06) and adopt Planning Commission Resolution 2008-P46.

PREPARED BY:



Juliana von Hacht
Associate Planner

SUBMITTED BY:



Jerry Littleman
City Planner

REVIEWED BY: 

Richard Greenbauer, Senior Planner

JH/jh/fil

Attachments:

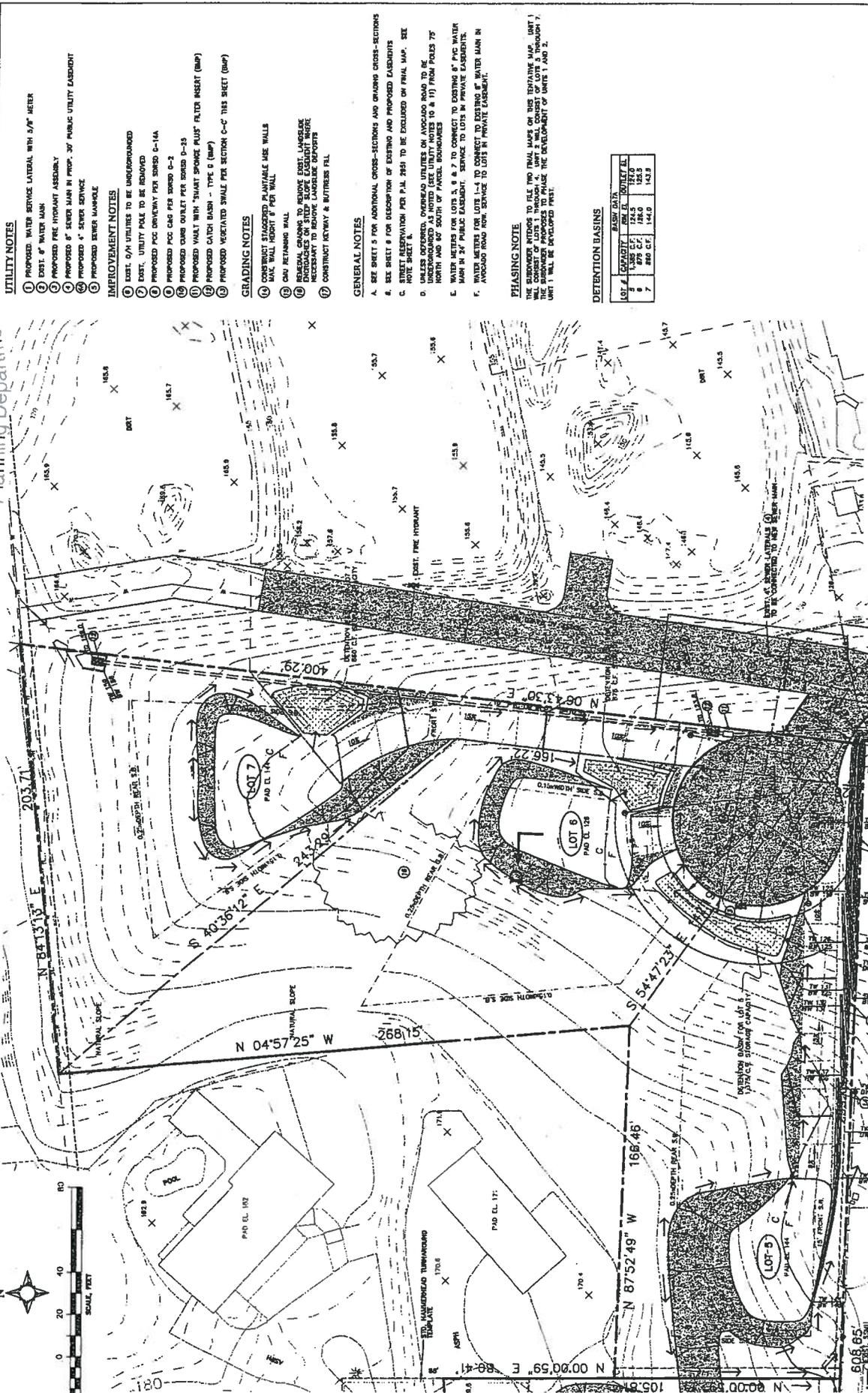
1. Plans (Tentative Subdivision Map, Development Plans, Conceptual Landscape Plan)
2. Planning Commission Resolution No. 2008-P46
3. Mitigated Negative Declaration, list of mitigation measures, Initial Study, Comment Letters, and staff reponse to comments received
4. Architectural Guidelines
5. Comment Letter

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SHEET 3 OF 6 SHEETS

Planning Department



UTILITY NOTES

- 1 PROPOSED WATER SERVICE LATERAL WITH 3/4" P" METER
- 2 EXIST. 8" WATER MAIN
- 3 PROPOSED FIRE HYDRANT ASSEMBLY
- 4 PROPOSED 8" SEWER MAIN IN PROP. 30" PUBLIC UTILITY CASING
- 5 PROPOSED 4" SEWER SERVICE
- 6 PROPOSED SEWER MANHOLE

IMPROVEMENT NOTES

- 1 EXIST. 0/1% UTILITIES TO BE UNBUNDLED
- 2 EXIST. UTILITY POLE TO BE REMOVED
- 3 PROPOSED PCC DRIVEWAY PER SENS 0-14A
- 4 PROPOSED PCC CURB PER SENS 0-3
- 5 PROPOSED CURB OUTLET PER SENS 0-35
- 6 PROPOSED VAULT WITH "SMART SPOUGE PLUS" FILTER INSERT (MFI)
- 7 PROPOSED CATCH BASIN - TYPE 2 (MFI)
- 8 PROPOSED VEGETATED SWALE PER SECTION C-C THIS SHEET (MFI)

GRADING NOTES

- 1 CONCRETE FLAGSTONE IN VARIABLE SIDE WELLS
- 2 MAX. WALL HEIGHT 8' PER WALL
- 3 GRASS RETAINING WALL
- 4 REVEAL GRADING TO REMOVE BEST PRACTICE EROSION CONTROL STRUCTURES ON STEEP SLOPE EXCEPT WHERE NECESSARY TO REMOVE LANDSCAPE DEPOSITS
- 5 CONSTRUCT RETAINMENT & BUTTRESS FILL

GENERAL NOTES

- A. SEE SHEET 5 FOR ADDITIONAL CROSS-SECTIONS AND GRADING CROSS-SECTIONS
- B. SEE SHEET 6 FOR DESCRIPTION OF EXISTING AND PROPOSED EASEMENTS
- C. STREET RESERVATION PER P.U.M. 2651 TO BE EXCLUDED ON FINAL MAP. SEE NOTE SHEET 8.
- D. UNLESS OTHERWISE SPECIFIED, ALL UTILITIES ON AVOCADO ROAD TO BE UNDERGROUND. OVERHEAD UTILITIES TO BE 10' TO 12' FROM POLES TO NORTH AND 8' TO 10' FROM POLES TO SOUTH OF PAVED BOUNDARIES
- E. WATER METERS FOR LOTS 5, 6 & 7 TO CONNECT TO EXISTING 8" P.C. WATER MAIN IN 24" PUBLIC EASEMENT. SERVICE TO LOTS 8 & 9 IN PRIVATE EASEMENT.
- F. AVOCADO ROAD NOW SERVICE TO LOTS IN PRIVATE EASEMENT.

PHASING NOTE

THE DEVELOPER PROPOSES TO FILE TWO FINAL MAPS ON THIS TENTATIVE MAP. THE DEVELOPER PROPOSES TO PHASE THE DEVELOPMENT OF LOTS 1 AND 2. LOT 1 WILL BE DEVELOPED FIRST.

DETENTION BASINS

LOT #	AREA (SQ FT)	PERCENT	DESIGN FLOW (MGD)	DESIGN VOLUME (MG)	DESIGN TIME (MIN)
5	1,200	1.0%	1.0	1.0	1.0
6	1,200	1.0%	1.0	1.0	1.0
7	1,200	1.0%	1.0	1.0	1.0

T - 2 - 06, C - 15 - 06, C - 16 - 06

PREPARED BY: TAYLOR GROUP, INC.

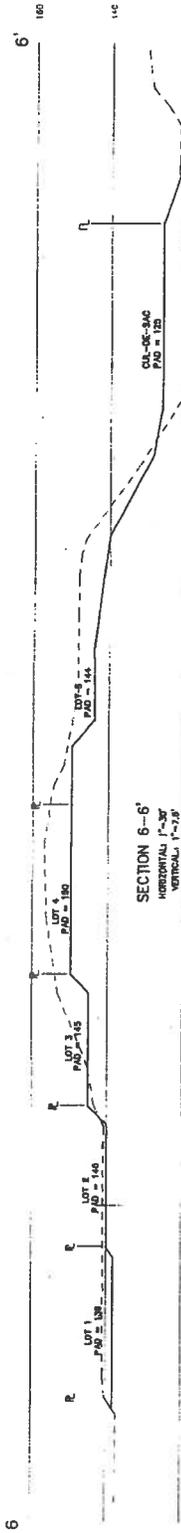
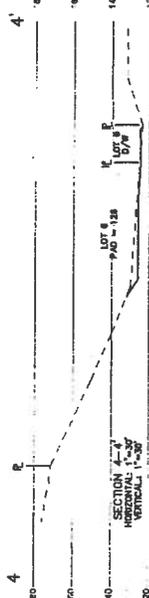
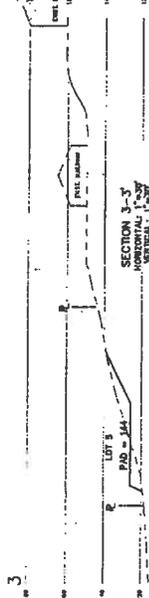
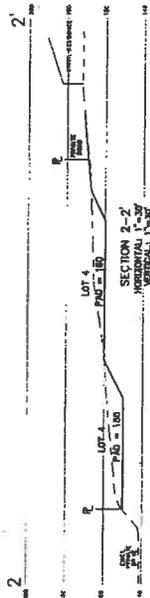
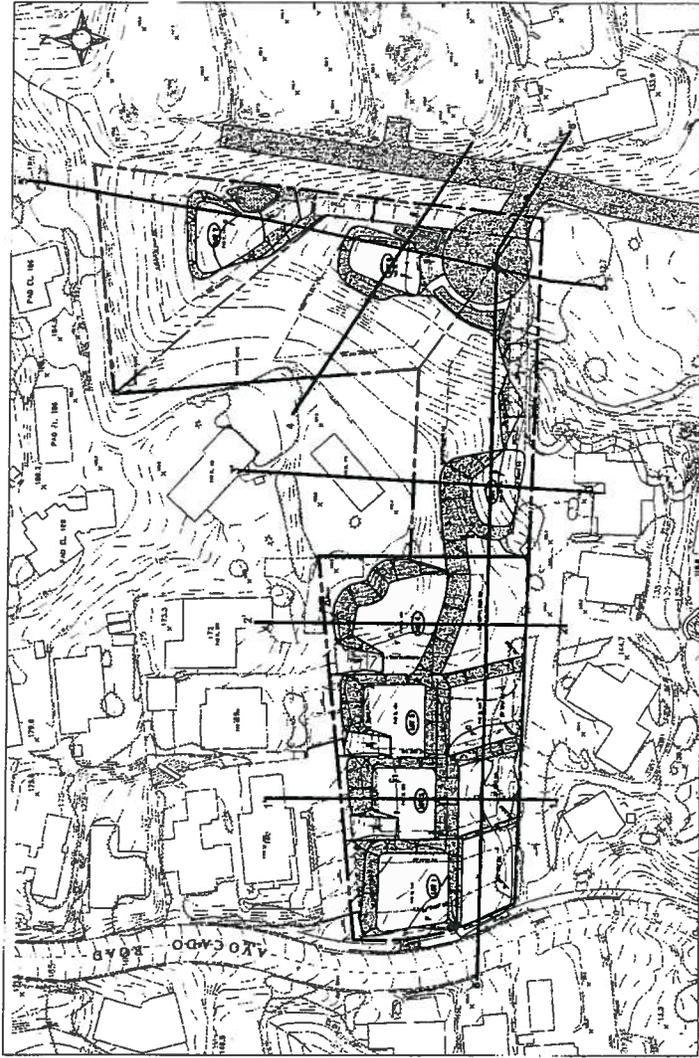
AVOCADO HIGHLANDS
PRELIMINARY GRADING AND DRAINAGE
UNIT 2 - LOTS 5 THROUGH 7

SEE SHEET 4 FOR CONTINUATION

SEE SHEET 2 FOR CONTINUATION

CONCEPTUAL GRADING CROSS-SECTIONS

SHEET 5 OF 6 SHEETS



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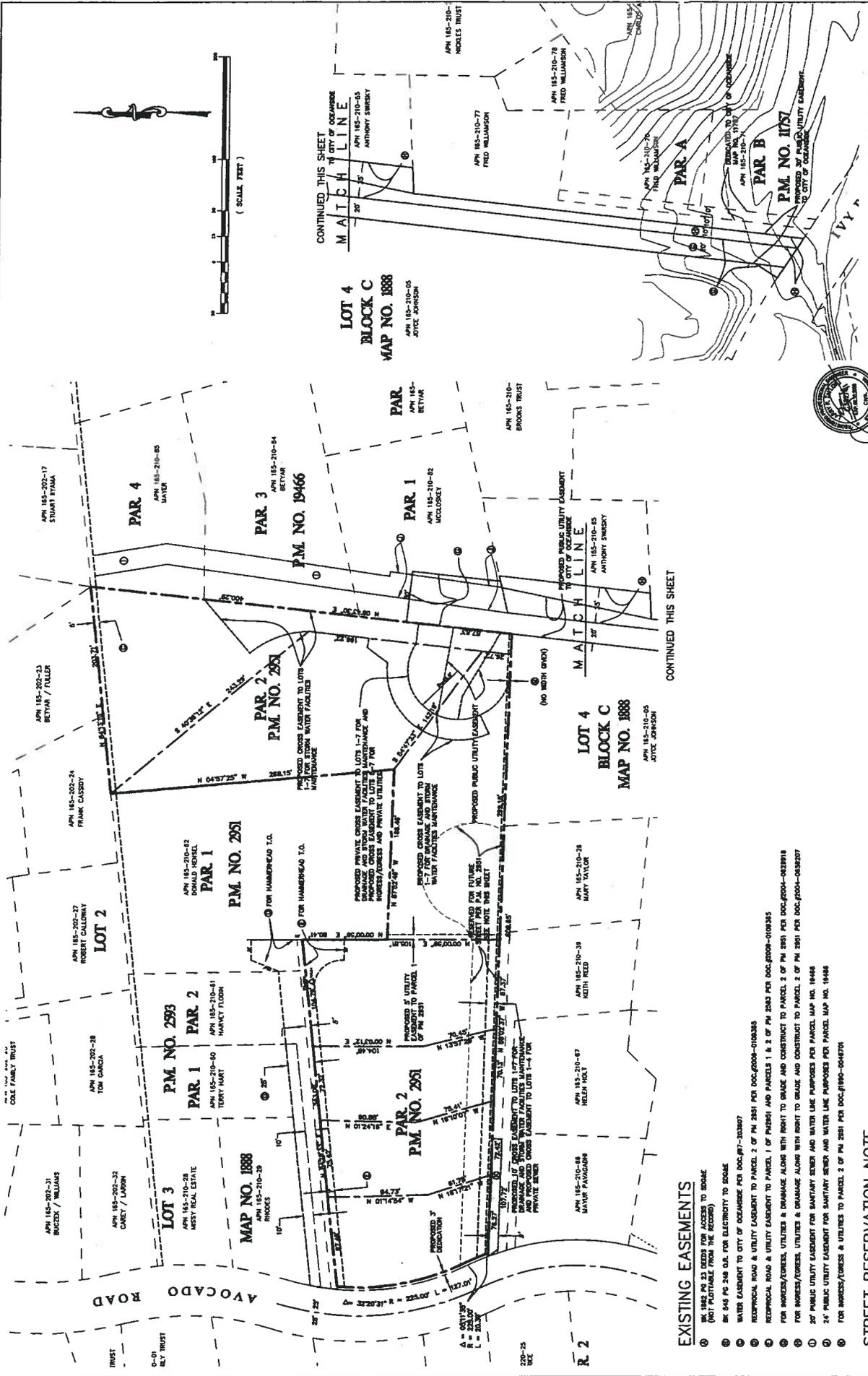
Planning Department

T - 2 - 06, C - 15 - 06, C - 16 - 06

AVOCADO HIGHLANDS
CROSS-SECTIONS

PREPARED BY:
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NO.	DATE	DESCRIPTION
1	04/24/08	ISSUED FOR PERMITTING
2	04/24/08	ISSUED FOR PERMITTING
3	04/24/08	ISSUED FOR PERMITTING
4	04/24/08	ISSUED FOR PERMITTING
5	04/24/08	ISSUED FOR PERMITTING
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7	04/24/08	ISSUED FOR PERMITTING
8	04/24/08	ISSUED FOR PERMITTING
9	04/24/08	ISSUED FOR PERMITTING
10	04/24/08	ISSUED FOR PERMITTING



CONTINUED THIS SHEET

LOT 4
BLOCK C
MAP NO. 1988

LOT 4
BLOCK C
MAP NO. 1988

CONTINUED THIS SHEET

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T-2-06, C-15-06, C-16-06

AVOCADO HIGHLANDS
EXISTING AND PROPOSED EASEMENTS

PLAT NO. 1988
SUBDIVISION OF LOT 4, BLOCK C, MAP NO. 1988
FOR THE CITY OF OCEANBEACH, TEXAS

200-25
SCE

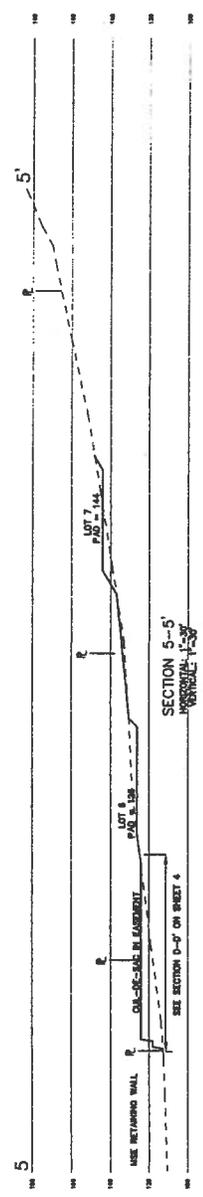
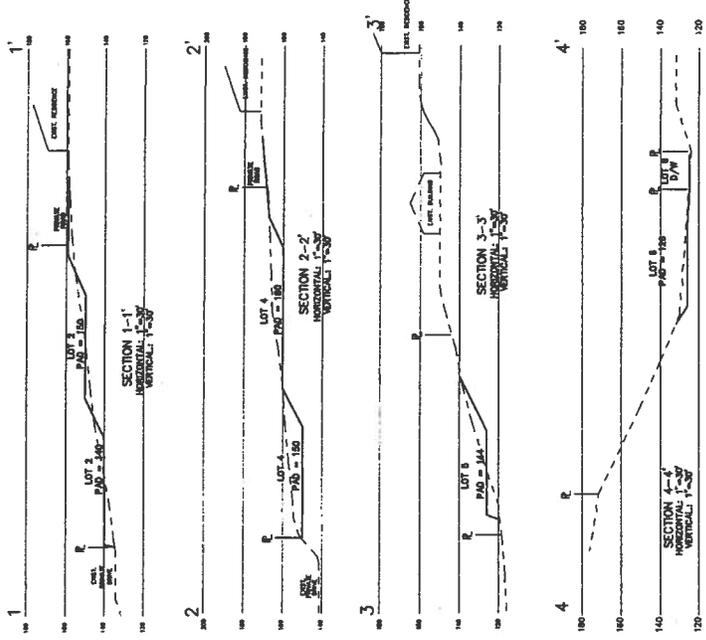
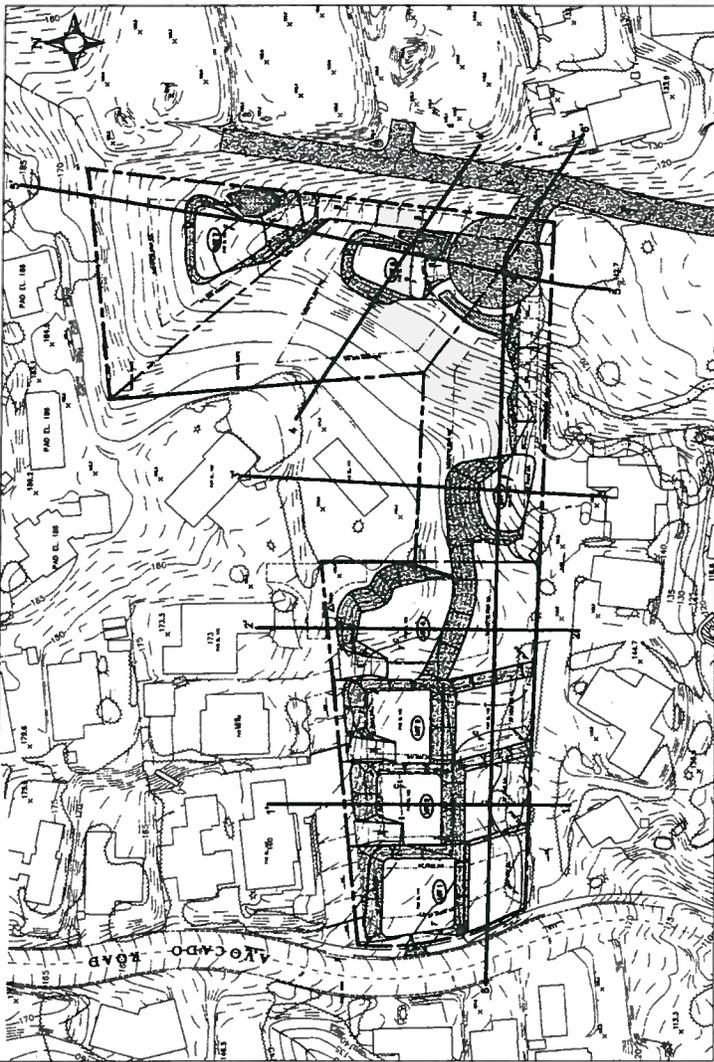
EXISTING EASEMENTS

- 1. 10' PUBLIC UTILITY EASEMENT FOR ACCESS TO SPOKE (NOT PORTIONABLE FROM THE RECORD)
- 2. 10' WATER EASEMENT TO CITY OF OCEANBEACH PER DOC.# 197-330897
- 3. 10' RECREATIONAL ROAD & UTILITY EASEMENT TO PARCELS 1 & 2 OF PM 293 PER DOC.# 2008-0108385
- 4. 10' RECREATIONAL ROAD & UTILITY EASEMENT TO PARCELS 1, 2 & 3 OF PM 293 PER DOC.# 2008-0108385
- 5. 10' FOR WINDROWS/FORENS, UTILITIES & DRAINAGE ALONG WITH RIGHT TO GRADE AND CONSTRUCT TO PARCELS 2 OF PM 293 PER DOC.# 2004-0828918
- 6. 10' FOR WINDROWS/FORENS, UTILITIES & DRAINAGE ALONG WITH RIGHT TO GRADE AND CONSTRUCT TO PARCELS 2 OF PM 293 PER DOC.# 2004-0828918
- 7. 20' PUBLIC UTILITY EASEMENT FOR SANITARY SEWER AND WATER LINE PURPOSES PER PARCEL MAP NO. 19468
- 8. 24' PUBLIC UTILITY EASEMENT FOR SANITARY SEWER AND WATER LINE PURPOSES PER PARCEL MAP NO. 19468
- 9. 10' FOR WINDROWS/FORENS & UTILITIES TO PARCEL 2 OF PM 293 PER DOC.# 1990-0048781

STREET RESERVATION NOTE

THE EXISTING STREET RESERVATION SHOWN ON P.L. 2931 IS PROPOSED TO BE ELIMINATED BY THE RECORDING OF A FINAL MAP AS A CONDITION OF FUTURE SUBDIVISION OF PARCELS 2 OF P.L. 2931. THIS FINAL MAP PROPOSES AUTOMATICALLY WAIVING OFF WINDROWS AND FORENS VIA EXISTING OFFERED EASEMENTS AS SHOWN ON THIS SHEET.

CONCEPTUAL GRADING CROSS-SECTIONS



T-2-06, C-15-06, C-16-06

PREPARED BY:
Taylor Group, Inc.
 4000 Wilshire Blvd., Suite 1000
 Los Angeles, CA 90010
 Tel: 310.771.1888
 Fax: 310.771.1889
 www.taylorgroup.com

NO.	DATE	REVISION
1	08/20/06	ISSUED FOR PERMITTING
2	08/20/06	ISSUED FOR PERMITTING
3	08/20/06	ISSUED FOR PERMITTING
4	08/20/06	ISSUED FOR PERMITTING
5	08/20/06	ISSUED FOR PERMITTING
6	08/20/06	ISSUED FOR PERMITTING
7	08/20/06	ISSUED FOR PERMITTING
8	08/20/06	ISSUED FOR PERMITTING
9	08/20/06	ISSUED FOR PERMITTING
10	08/20/06	ISSUED FOR PERMITTING

AVOCADO HIGHLANDS
 CROSS-SECTIONS



THE
LIGHTFOOT
PLANNING
GROUP

PLANNING
SITE DESIGN
LANDSCAPE
ARCHITECTURE
3330 HOLLYHURST DR.
SAN DIEGO, CA 92108
TEL: 619.594.1111
WWW.LIGHTFOOTGROUP.COM

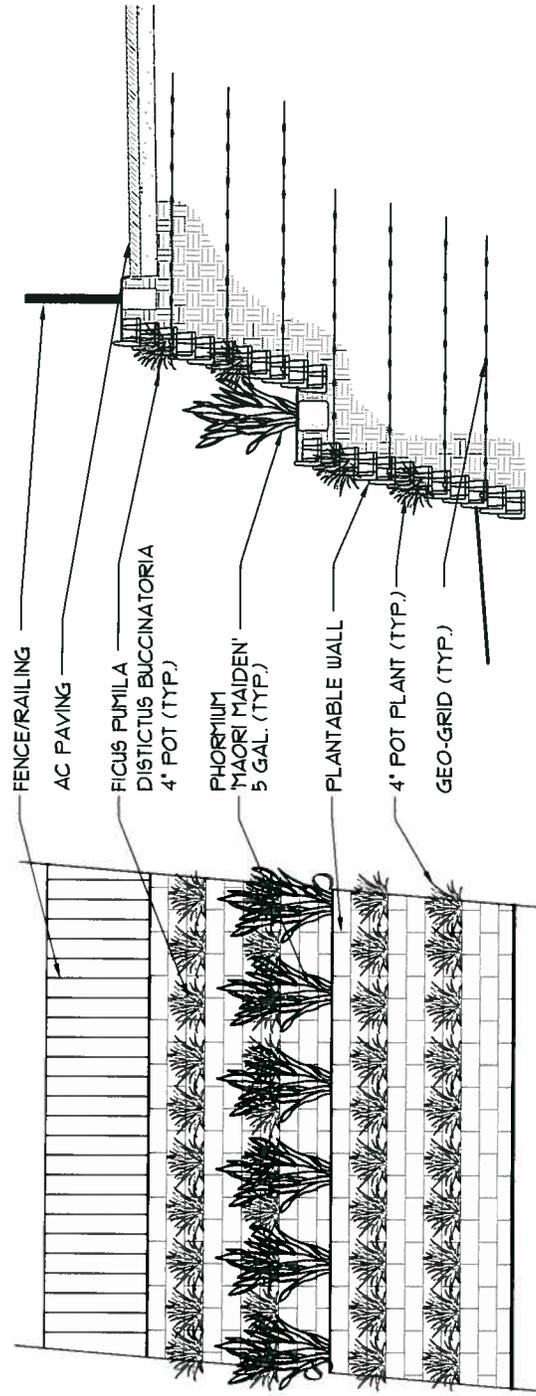
Avocado Highlands
Fire Mountain Property
Oceanside, California

DATE:	10/12/12
SCALE:	AS SHOWN
PROJECT:	AVOCADO HIGHLANDS
CLIENT:	AVOCADO HIGHLANDS
DESIGNER:	THE LIGHTFOOT PLANNING GROUP
APPROVED:	
DATE:	

880012 Fire Mountain Property

NO.	1
REV.	
DATE	
BY	
CHKD	
APP'D	
DATE	

Exhibit
Plantable Wall



FENCE/RAILING
AC PAVING
FICUS PUMILA
DISTICTUS BUCCINATORIA
4" POT (TYP.)
PHORIDIUM
"MAORI MAIDEN"
5 GAL. (TYP.)
PLANTABLE WALL
4" POT PLANT (TYP.)
GEO-GRID (TYP.)

PLANTABLE WALL ELEVATION

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

PLANTABLE WALL SECTION

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

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PLANNING COMMISSION
RESOLUTION NO. 2008-P46

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

APPLICATION NO: T-2-06, D-37-06, C-15-06, and C-16-06
APPLICANT: Vance Campbell
LOCATION: 1800 block of Avocado Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Subdivision Map, Development Plan, and Conditional Use Permits under the provisions of Articles 10, 30, 40, 41, and 43 of the Zoning Ordinance and Article IV of the Subdivision Ordinance of the City of Oceanside to permit the following:

to subdivide a 3.1-acre lot into seven parcels having panhandle access, exceeding the base density, and proposing development guidelines for lands subject to hillside development provisions;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day of August, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; a Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment

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

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

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<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area; range is \$2,843-\$15,964 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Residential is typically \$4,395 per unit
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Residential is typically \$6,035 per unit
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Residential is typically \$4,154 per unit
Inclusionary housing in lieu fees—Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

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

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

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

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

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

13 WHEREAS, the Mitigated Negative Declaration together with any comments received,
14 and Mitigation and Monitoring and Reporting Program (M.M.R.P.) incorporated into the
15 conditions of approval for the project, were presented to the Planning Commission, and the
16 Planning Commission reviewed and considered the information contained in these documents
17 prior to making a decision on the project.

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

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

27 WHEREAS, studies and investigations made by this Commission and in its behalf reveal
28 the following facts:
29

1 FINDINGS:

2 For the Tentative Parcel Map T-2-06 to create seven residential lots:

- 3 1. The proposed map is consistent with the General Plan. The proposal satisfies
4 implementation of local standards and regulations, including Objective 2.0 of the
5 General Plan. The proposed project is consistent with EB-R designation and compatible
6 with surrounding Single-Family Residential land use. The majority of the surrounding
7 lots have access to the street via a panhandle. The proposal includes adequate street
8 design, panhandle access, drainage, and easements. The resolution identifies provisions
9 for the payment off-site improvement fees that are consistent with the General Plan. The
10 subdivision has been designed to accommodate environmentally sensitive areas (e.g.
11 slopes) and preserve areas by mitigating non-native grasslands and chaparral within the
12 Wildlife Corridor Planning Zone 1 or within a pre-approved mitigation area.
- 13 2. The site is physically suitable for residential development. The proposal satisfies
14 Objective 2.02 of the Land Use Element. The preliminary grading plan identifies
15 building pad areas of sufficient size and dimensions to accommodate a typical dwelling
16 unit within the Fire Mountain Neighborhood. The proposed seven lots are organized
17 with convenient access from panhandles connecting to either Avocado Road or Ivy
18 Road. The proposed net lot sizes exceed the 10,000 square-foot minimum area required
19 for this neighborhood area. While there are lots proposed with unusable areas, these
20 areas have significant topographical features and are to be preserved.
- 21 3. The site is physically suitable for the proposed density of development. Pursuant to
22 Section 1050(B), the proposed lot density of 2.25 dwelling units per gross acre is
23 allowed by Section 1.13(H) of the Land Use Element of the General Plan for the Fire
24 Mountain Neighborhood Planning Area.
- 25 4. The design of the subdivision and proposed improvements will not cause substantial
26 environmental damage or substantially and avoidably injure fish or wildlife or their
27 habitat. Pursuant to Section 401.I of the Subdivision Ordinance, all trees removed for
28 grading, including the ten trees identified in the March 28, 2007 Tree Survey, will be
29 replaced on-site. Further, all off-site trees that may be impacted by grading or the
construction of retaining walls will be protected in-place.

1 5. The design of the subdivision and the type of improvements proposed will not conflict
2 with easements, acquired by the public at large, for access through or use of property
3 within the proposed subdivision.

4 6. The proposal complies with all other applicable ordinances, regulations, and guidelines
5 of the City of Oceanside, including but not limited to hillside regulations.

6 For the Development Plan D-37-06 to allow residential development on property where
7 portions of land have a natural gradient in excess of 20 percent with a minimum elevation
8 differential of 25 feet pursuant to Section 3039 Hillside development provisions of the Zoning
9 Ordinance:

10 1. The site plan and physical design of the proposed project is consistent with the purpose
11 of the Zoning Ordinance, including Articles 10 and 30. Pursuant to Section 3039.C, Lots
12 4 through 7 are subject to hillside development regulations. On these lots, the depth of
13 required yards is more restrictive. The bulk and mass of the future structures on these
14 lots are also regulated. Staff recommends specific project conditions to assure future
15 compliance with these regulations. The proposed guidelines comply with the regulations
16 set forth in Sections 1050 Property development regulations and 3039 Hillside
17 development provisions. Future residential developments shall be subject to the
18 guidelines, the conditions of approval, and Article 43 Development Plan Review.

19 2. The proposed Development Plan conforms to the General Plan of the City. The site plan
20 and physical design of the project is consistent with the policies contained within
21 Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development
22 Guidelines for Hillside, and Section 3039 of the Zoning Ordinance. This proposal
23 complies with Objective 1.25 Policies A and C of the Land Use Element. Portions of
24 Lots 4, 5, 6, and 7 have slopes in excess of 40%. These lots are subject to hillside
25 development regulations that are reflected in the proposed development guidelines. Lot
26 6 in particular has a slope that is greater than 40% with an elevation differential of more
27 than 25-feet. This constitutes 0.04 acres of undevelopable slope. Undevelopable slopes
28 are approximately 1.2% of the project area. While no other grading will be permitted on
29 the undevelopable slopes, the applicant does proposed grading the existing landslide to
alleviate any concerns regarding future landslide activity. This is permitted on

1 undevelopable slopes since it is necessary to remediate any adverse geological
2 condition.

3 3. The area covered by the Development Plan can be adequately, reasonably and
4 conveniently served by existing and planned public services, utilities, and public
5 facilities.

6 4. The proposed project is compatible with existing and potential development on
7 adjoining properties or in the surrounding Fire Mountain Neighborhood. The lot sizes
8 are at least 10,000 square-feet in area and have panhandle access to either Ivy Road or
9 Avocado Road. The land use proposed is single-family residential.

10 For the Conditional Use Permit C-15-06 to allow an increase in density:

11 1. The location of the proposed density, which is above the base district density of 1.0
12 dwelling unit per gross acre, is in accord with the objectives of the Zoning Ordinance
13 and the purposes of the RE-B District. Pursuant to Section 1050(B), the proposed lot
14 density of 2.25 dwelling units per gross acre is allowed by Section 1.13(H) of the Land
15 Use Element of the General Plan for the Fire Mountain Neighborhood Planning Area.
16 While development is not proposed at this time, the applicant does proposed
17 development guidelines to assure future development will satisfy the policies of the
18 General Plan.

19 2. The location of the proposed density, which is above the base district density of 1.0
20 dwelling unit per gross acre, and the proposed conditions under which it would be
21 maintained will be consistent with the General Plan; will not be detrimental to the
22 public health, safety or welfare of persons residing or working in or adjacent to the
23 neighborhood of such use; and will not be detrimental to properties or improvements in
24 the vicinity or to the general welfare of the city. This proposal complies with Objective
25 1.13 Policies G and H of the Land Use Element. The subject site is located within the
26 Fire Mountain Neighborhood and proposes seven lots that exceed 10,000 square-feet in
27 net area. As such, the lot sizes are considered consistent with the underlying Land Use
28 designation of Estate B Residential. The applicant has voluntarily reduced the maximum
29 height for development on Lot 1- 4 to satisfy the view shed concerns expressed by

1 neighbors to the north. The applicant proposes grading the building pads, planting the
2 slopes with shrubs and trees, and mitigating for the loss of mature trees.

- 3 3. The proposed density, which is above the base district density of 1.0 dwelling unit per
4 gross acre, will comply with the provisions of the Zoning Ordinance, including any
5 specific condition required for the conditional use in the RE-B District in which it
6 would be located. Section 1050(B) allows a residential density of 2.25 dwelling units
7 per gross acre in the Fire Mountain Neighborhood.

8 For the Conditional Use Permit C-16-06 to allow access via a panhandle:

- 9 1. The location of the panhandle access is in accord with the objectives of the Zoning
10 Ordinance and the purposes of the RE-B District in which the site is located. It is typical
11 in the Fire Mountain Neighborhood for access to residential lots to be oriented along
12 panhandles, as regulated by Section 1050(Y) of the Zoning Ordinance.
- 13 2. The location of the panhandle access and the proposed conditions under which it would
14 be operated and maintained will be consistent with the General Plan; will not be
15 detrimental to the public health, safety or welfare of persons residing or working in or
16 adjacent to the neighborhood of such use; and will not be detrimental to the properties
17 or improvements in the vicinity or the general welfare of the city. The proposal complies
18 with Objective 2.02 Residential Subdivision, in that the proposed residential lots are
19 organized or laid out in a fashion that promotes a functional and aesthetically pleasing
20 neighborhood.
- 21 3. The panhandle access will comply with the provision of the Zoning Ordinance,
22 including any specific condition required for the proposed conditional use in the RE-B
23 District. The proposed access complies with Section 1050(Y) of the Zoning Ordinance.

24 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does
25 hereby adopt the Mitigated Negative Declaration and adopt the mitigation measures provided
26 therein, and approve Tentative Map (T-2-06), Development Plan (D-37-06), Conditional Use
27 Permits (C-15-06 and C-16-06) subject to the following conditions:

28 **Building:**

- 29 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
Building Division plan check. (Currently the 2007 California Code of Regulations)

- 1 2. The granting of approval under this action shall in no way relieve the applicant and or
2 project from compliance with all State and Local building codes.
- 3 3. All electrical, communication, CATV, etc. service lines within the exterior lines of the
4 property shall be underground (City Code Sec. 6.30).
- 5 4. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the
6 plans.
- 7 5. The developer shall monitor, supervise and control all building construction and
8 supporting activities so as to prevent these activities from causing a public nuisance,
9 including, but not limited to, strict adherence to the following:
 - 10 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
11 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
12 work that is not inherently noise-producing. Examples of work not permitted on
13 Saturday are concrete and grout pours, roof nailing and activities of similar
14 noise-producing nature. No work shall be permitted on Sundays and Federal
15 Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving
16 Day, Christmas Day) except as allowed for emergency work under the
17 provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).
 - 18 b) The construction site shall be kept reasonably free of construction debris as
19 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
20 approved solid waste containers shall be considered compliance with this
21 requirement. Small amounts of construction debris may be stored on-site in a
22 neat, safe manner for short periods of time pending disposal.
- 23 6. Separate, unique addresses shall be required to facilitate utility releases. Verification
24 that the addresses have been assigned by the City's Planning Division must accompany
25 the Building Permit application.
- 26 7. At the time of the plan submittal to the Building Division, the applicant shall submit a
27 soils report, structural calculations, and energy documentation.
- 28 8. Documentation of properly recorded easements (for access and utilities) is required for
29 plan check review of building projects on panhandle lots.

1 **Engineering:**

- 2 9. For the demolition of any existing structures or surface improvements, grading plans
3 shall be submitted and erosion control plans be approved by the City Engineer prior to
4 the issuance of a demolition permit. No demolition shall be permitted without an
5 approved erosion control plan.
- 6 10. With the exception of the access points approved by the City Engineer, vehicular access
7 rights to Avocado Road shall be relinquished by the property owner to the City.
- 8 11. All right-of-way alignments, street dedications, exact geometrics and widths shall be
9 dedicated and improved as required by the City Engineer.
- 10 12. Design and construction of all improvements shall be in accordance with standard plans,
11 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 12 13. Prior to issuance of a building permit, unless already fully covered by an appropriately
13 binding subdivision agreement, all improvement requirements shall be covered by a
14 development agreement and secured with sufficient improvement securities or bonds
15 guaranteeing performance and payment for labor and materials, setting of monuments,
16 and warranty against defective materials and workmanship.
- 17 14. Legal access shall be provided to Avocado Road and Ivy Road prior to the filing of the
18 final map.
- 19 15. The developer shall provide public street dedication along the property's frontage on
20 Avocado Road as required to serve the property. The dedication shall bring the half
21 right-of-way width (measured from the right-of-way centerline of the road) to 28 feet on
22 the developer's side of the road.
- 23 16. Prior to approval of the final map or any increment, all improvement requirements,
24 within such increment or outside of it if required by the City Engineer, shall be covered
25 by a subdivision agreement and secured with sufficient improvement securities or bonds
26 guaranteeing performance and payment for labor and materials, setting of monuments,
27 and warranty against defective materials and workmanship.
- 28 17. Prior to approval of the first final map, a phasing plan for the construction of public and
29 private improvements including landscaping and streets shall be approved by the City
Engineer. All improvements shall be under construction to the satisfaction of the City

1 Engineer prior to the issuance of any building permits. All improvements shall be fully
2 completed prior to issuance of any certificates of occupancy.

3 18. The tract may be developed in phases. A construction-phasing plan for the construction
4 of on-site public and private improvements shall be reviewed and approved by the City
5 Engineer prior to the recordation of the first final map. Prior to the issuance of any
6 building permits all offsite improvements including landscaping, frontage
7 improvements shall be under construction to the satisfaction of the City Engineer. Prior
8 to issuance of any certificates of occupancy the City Engineer shall require the
9 dedication and construction of necessary utilities, and streets and other improvements
10 outside the area of any particular final map, if such is needed for circulation, parking,
11 access or for the welfare or safety of future occupants of the development. The
12 boundaries of any multiple final map increment shall be subject to the approval of the
13 City Engineer.

14 19. The subdivider shall provide the City of Oceanside with a certification from each public
15 utility and each public entity owning easements within the project stating that: (a) they
16 have received from the developer a copy of the proposed map; (b) they object or do not
17 object to the filing of the map without their signature; (c) in case of a street dedication
18 affected by their existing easement, they will sign a "subordination certificate" or "joint-
19 use certificate" on the map when required by the governing body. In addition, the
20 subdivider shall furnish proof to the satisfaction of the City Engineer that no new
21 encumbrances have been created that would subordinate the City's interest over areas to
22 be dedicated for public road purposes since submittal of the project.

23 20. Prior to the issuance of any permits for models, a construction-phasing plan for the
24 entire project shall be reviewed and approved by the City Planner, City Engineer and
25 Building Official. All improvements shall be under construction to the satisfaction of
26 the City Engineer prior to the issuance of any building permits. All public and private
27 improvements including landscaping and off-site streets or arterials that are found to be
28 required to serve the model complex shall be completed prior to the issuance of any
29 certificates of occupancy.

1 21. Where off-site public or private improvements, including but not limited to slopes,
2 utility facilities, and drainage facilities, or on-site public facilities are to be constructed
3 and/or maintained, the developer shall, at his own expense, obtain all necessary
4 easements or other interests in real property and, in case of public facilities, shall
5 dedicate the same to the City of Oceanside or to the appropriate utility company as
6 required. The developer shall provide documentary proof satisfactory to the City of
7 Oceanside that such easements or other interest in real property have been obtained
8 prior to the approval of the final map or issuance of appropriate grading, building or
9 improvement permit for the development. Additionally, the City of Oceanside, may at
10 its sole discretion, require that the developer obtain at his sole expense a title policy
11 insuring the necessary title for the easement or other interest in real property to have
12 vested with the City of Oceanside or the developer, as applicable.

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

17 23. Prior to the issuance of a grading permit, the developer shall notify and host a
18 neighborhood meeting with all of the area residents located within 300 feet of the
19 project site, and residents of property along any residential streets to be used as a "haul
20 route", to inform them of the grading and construction schedule, haul routes, and to
21 answer questions.

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

- 25 a) Dirt, debris and other construction material shall not be deposited on any public
26 street or within the City's stormwater conveyance system.
- 27 b) All grading and related site preparation and construction activities shall be
28 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
29 engineering related construction activities shall be conducted on Saturdays,
Sundays or legal holidays unless written permission is granted by the City

1 Engineer with specific limitations to the working hours and types of permitted
2 operations. All on-site construction staging areas shall be as far as possible
3 (minimum 100 feet) from any existing residential development. Because
4 construction noise may still be intrusive in the evening or on holidays, the City
5 of Oceanside Noise Ordinance also prohibits “any disturbing excessive or
6 offensive noise which causes discomfort or annoyance to reasonable persons of
7 normal sensitivity.”

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

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

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

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

1 or charges in effect when any increment is submitted for final map or building permit
2 approval, and to join, contribute, and/or participate in such districts.

3 27. Avocado Road, along the frontage of the subject property and this project's interior
4 private streets, including access to/from Avocado Road and Ivy Road, shall be improved
5 with portland cement concrete curb and gutter.

6 28. The subdivider shall provide a minimum of 10 feet parkway between the face of curb
7 and the right-of-way line along the project's frontage on Avocado Road. All
8 improvements, structures, including retaining wall(s), and the landscaping of the
9 unpaved portion of the parkway shall be maintained by the owner of the subject property
10 or by a Home Owners' Association in perpetuity.

11 29. The intersections the private access roads and Avocado Road and Ivy Road shall be
12 designed and constructed per appropriate public road standards to the satisfaction of the
13 City Engineer.

14 30. Sight distance and clear space easement requirements at intersections and vehicular
15 access points shall conform to the corner sight distance criteria as provided by
16 S.D.R.S.D. DS-20A and or DS-20B for each direction of traffic. The project's civil
17 engineer shall submit an appropriate "Sight Distance Letter" to the City Engineer
18 certifying compliance with this requirement.

19 31. Streetlights shall be maintained and installed on all public streets along the project's
20 frontage per City Standards. The system shall provide uniform lighting, and be secured
21 prior to occupancy. The developer shall pay all applicable fees, energy charges, and/or
22 assessments associated with City-owned (LS-2 rate schedule) streetlights and shall agree
23 to the formulation of, or the annexation to, any appropriate street lighting district.

24 32. This project's interior streets, including access to/from Avocado Road and Ivy Road,
25 shall remain private and shall be maintained by an association or an appropriate private
26 road maintenance agreement binding on the owners of all proposed lots. Such
27 agreement shall be submitted for review and approval by the City Attorney and the City
28 Engineer and shall be recorded prior to or concurrent with the final map. The pavement
29 sections, traffic indices, alignments, and all geometrics shall meet appropriate City street
standards.

- 1 33. The alignments and all geometrics for streets, alleys, and driveways shall meet the
2 City's applicable standards, unless alignment or geometric deviations are otherwise
3 specifically approved by satisfying sight distance and fire truck turning movement
4 requirements approved with the tentative map and development plan.
- 5 34. Pavement sections for all streets, alleys, driveways and parking areas within the project
6 and along the project's frontage shall be based upon approved soil tests and traffic
7 indices. The pavement design is to be prepared by the developer's soil engineer and
8 must be approved by the City Engineer, prior to paving.
- 9 35. Prior to approval of the grading plans, the developer shall contract with a geotechnical
10 engineer to perform a field investigation of the existing pavement on all streets adjacent
11 to the project boundary. The limits of the study shall be half-street (including median, if
12 any) plus 12 feet along the project's frontage. If required, the field investigation shall be
13 performed according to a specific boring plan prepared by a licensed Geotechnical
14 Engineer and approved by the City Engineer. In the absence of such approved boring
15 plan, the field investigation shall include a minimum of one pavement boring per every
16 100 linear feet of street frontage. Should the existing structural section be determined to
17 be less than the current minimum standard for AC and Class II Base as set forth in the
18 table for City of Oceanside Pavement Design Guidelines in the City of Oceanside
19 Engineers Manual, the developer shall remove and reconstruct the pavement section as
20 determined by the pavement analysis submittal process detailed below.
- 21 36. Upon review of the pavement investigation, the City Engineer shall determine whether
22 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
23 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or
24 2) Perform R-value testing and submit a study that determines if the existing pavement
25 meets current City standards/traffic indices. Should the study conclude that the
26 pavement does not meet current requirements, rehabilitation/mitigation
27 recommendations shall be provided in a pavement analysis report, and the developer
28 shall reconstruct the pavement per these recommendations, subject to approval by the
29 City Engineer.

- 1 37. All proposed and/or required street improvements shall be completed to the satisfaction
2 of the City Engineer.
- 3 38. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
4 construction of the project, shall be repaired or replaced as directed by the City
5 Engineer.
- 6 39. All existing overhead utility lines within the subdivision and within the full width street,
7 alley or right-of-way abutting the new subdivision, and all new extension services for
8 the development of the project, including but not limited to, electrical, cable and
9 telephone, shall be placed underground prior to issuance of any building permit
10 associated with the first final map (Lots 1-4) per Section 901.G. of the Subdivision
11 Ordinance (R91-166) and as required by the City Engineer and current City policy.
- 12 40. The developer shall comply with all the provisions of the City's cable television
13 ordinances including those relating to notification as required by the City Engineer.
- 14 41. Grading and drainage facilities shall be designed and installed to adequately
15 accommodate the local stormwater runoff and shall be in accordance with the City's
16 Engineers Manual and as directed by the City Engineer.
- 17 42. The developer shall obtain any necessary permits and clearances from all public
18 agencies having jurisdiction over the project due to its type, size, or location, including
19 but not limited to the U. S. Army Corps of Engineers, California Department of Fish &
20 Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality
21 Control Board (including NPDES), San Diego County Health Department, prior to the
22 issuance of grading permits.
- 23 43. The approval of the tentative map shall not mean that proposed grading or
24 improvements on adjacent properties (including any City properties/right-of-way or
25 easements) is granted or guaranteed to the developer. The developer is responsible for
26 obtaining permission to grade or to construct on adjacent properties. Should such
27 permission be denied, the resulting changes to the Tentative Map shall be subject to a
28 Substantial Conformity review. Changes not meeting substantial conformity
29 requirements shall be submitted for appropriate public hearing action.

- 1 44. Prior to any grading of any part of the subdivision/development, a comprehensive soils
2 and geologic investigation shall be conducted of the soils, slopes, and formations in the
3 project. All necessary measures shall be taken and implemented to assure slope
4 stability, erosion control, and soil integrity. No grading shall occur until a detailed
5 grading plan, to be prepared in accordance with the Grading Ordinance and Zoning
6 Ordinance, is approved by the City Engineer.
- 7 45. The extent and location of the proposed grading including "over excavation", if any,
8 should be clearly depicted on a grading plan. The consultant shall provide
9 recommendations and the means for temporary excavations for removals during
10 construction and the sequence of construction. Appropriate cross sections depicting the
11 location of adjacent structures and public ways where the excavations would remove the
12 lateral support shall be part of the excavation plans.
- 13 46. It is the responsibility of the owner/developer of the subject property to evaluate and
14 determine that all soil imported as part of this development is free of hazardous and/or
15 contaminated material as defined by the City and the County of San Diego Department
16 of Environmental Health. Exported or imported soils shall be properly screened, tested,
17 and documented regarding hazardous contamination.
- 18 47. This project shall provide year-round erosion control including measures for the site
19 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
20 control plan, designed for all proposed stages of construction, shall be reviewed, secured
21 by the developer with cash securities and approved by the City Engineer.
- 22 48. Precise grading and private improvement plans shall be prepared, reviewed, secured and
23 approved prior to the issuance of any building permits. The plan shall reflect all
24 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping,
25 and signage, footprints of all structures, walls, drainage devices and utility services.
- 26 49. Landscaping plans, including plans for the construction of walls, fences or other
27 structures at or near intersections or project entrances, must conform to intersection
28 sight distance requirements.
- 29 50. Landscape and irrigation plans must be submitted to the City Engineer prior to the
issuance of a preliminary/rough grading permit and approved by the City Engineer prior

1 to the issuance of occupancy permits. Frontage landscaping shall be installed prior to
2 the issuance of any certificates of occupancy. Any project fences, sound or privacy
3 walls and monument entry walls/signs shall be shown on, bonded for and built from the
4 landscape plans. These features shall also be shown on the precise grading plans for
5 purposes of location only. Plantable, segmental walls shall be designed, reviewed and
6 constructed by the grading plans and landscaped/irrigated through project landscape
7 plans. All plans must be approved by the City Engineer and a pre-construction meeting
8 held, prior to the start of any improvements.

9 51. The drainage design on the tentative map is conceptual only. The final design shall be
10 based upon a hydrologic/hydraulic study to be approved by the City Engineer during
11 final engineering. All drainage picked up in an underground system shall remain
12 underground until it is discharged into an approved channel, or as otherwise approved
13 by the City Engineer. All public storm drains shall be shown on City standard plan and
14 profile sheets. All storm drain easements shall be dedicated where required. The
15 developer/subdivider shall be responsible for obtaining all easements for storm drainage
16 facilities.

17 52. All storm drains shall be designed and constructed per current editions of the City's
18 Engineers Design and Processing Manual, the San Diego County Hydrology and
19 Drainage Design Manuals, and San Diego Area Regional Standard Drawings.

20 53. For any increase of stormwater flows from the development site to other properties, the
21 developer shall secure appropriate easement(s) from and maintenance agreement(s) with
22 the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon
23 approval by City Engineer and the City Attorney, the appropriate documents shall be
24 recorded prior to issuance of any permits for the development. Should the developer be
25 unable to secure such easement(s) or agreement(s), the resulting changes to the
26 Development Plan shall be subject to a Substantial Conformity review. Changes not
27 meeting substantial conformity requirements shall be submitted for appropriate public
28 hearing action.
29

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

4 55. The development shall comply with all applicable regulations established by the United
5 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant
6 Discharge Elimination System (NPDES) permit requirements for urban runoff and
7 stormwater discharge and any regulations adopted by the City pursuant to the NPDES
8 regulations or requirements. Further, the developer may be required to file a Notice of
9 Intent with the State Water Resources Control Board to obtain coverage under the
10 NPDES. General Permit for Storm Water Discharges Associated with Construction
11 Activity and may be required to implement a Storm Water Pollution Prevention Plan
12 (S.W.P.P.P.) concurrent with the commencement of grading activities. S.W.P.P.P.s
13 include both construction and post construction pollution prevention and pollution
14 control measures and identify funding mechanisms for post construction control
15 measures. The developer shall comply with all the provisions of the Clean Water
16 Program during and after all phases of the development process, including but not
17 limited to: mass grading, rough grading, construction of street and landscaping
18 improvements, and construction of dwelling units. The developer shall design the
19 Project's storm drains and other drainage facilities to include Best Management
20 Practices to minimize non-point source pollution, satisfactory to the City Engineer.

21 56. Upon acceptance of any fee waiver or reduction by the developer/subdivider, the entire
22 project will be subject to prevailing wage requirements as specified by Labor Code
23 section 1720(b)(4). The developer/subdivider shall agree to execute a form
24 acknowledging the prevailing wage requirements prior to the granting of any fee
25 reductions or waivers.

26 57. The developer/subdivider shall prepare and submit an Operations & Maintenance
27 (O&M) Plan to the City Engineer with the first submittal of engineering plans. The
28 O&M Plan shall be prepared by the developer's Civil Engineer. It shall be directly
29 based on the project's Storm Water Mitigation Plan (SWMP) previously approved by
the project's approving authority (Planning Commission/City Council). At a minimum

1 the O&M Plan shall include the designated responsible parties to manage the
2 stormwater BMP(s), employee's training program and duties, operating schedule,
3 maintenance frequency, routine service schedule, specific maintenance activities, copies
4 of resource agency permits, cost estimate for implementation of the O&M Plan and any
5 other necessary elements.

6 58. The developer/subdivider shall enter into a City-Standard Stormwater Facilities
7 Maintenance Agreement with the City obliging the developer/subdivider to maintain,
8 repair and replace the Storm Water Best Management Practices (BMPs) identified in the
9 project's approved SWMP, as detailed in the O&M Plan into perpetuity. The
10 Agreement shall be approved by the City Attorney prior to issuance of any precise
11 grading permit and shall be recorded at the County Recorder's Office prior to issuance
12 of any building permit. Security in the form of cash (or certificate of deposit payable to
13 the City) or an irrevocable, City-Standard Letter of Credit shall be required prior to
14 issuance of a precise grading permit. The amount of the security shall be equal to 10
15 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of
16 \$25,000. The developer's Civil Engineer shall prepare the O&M cost estimate.

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

22 60. The Agreement shall include a copy of executed on-site and off-site access easements
23 necessary for the operation and maintenance of BMPs that shall be binding on the land
24 throughout the life of the project to the benefit of the party responsible for the O&M of
25 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the
26 O&M Plan approved by the City Engineer.

27 61. The BMPs described in the project's approved SWMP shall not be altered in any way,
28 shape or form without formal approval by either a Substantial Conformance issued by
29 the City Planner or the project's final approving authority (Planning Commission/City

1 Council) at a public hearing. The determination of whatever action is required for
2 changes to a project's approved SWMP shall be made by the City Planner.

3 62. The developer/subdivider shall provide a copy of the title/cover page of the approved
4 SWMP with the first engineering submittal package. The appropriate document shall be
5 submitted for review and approval by the City Engineer. All stormwater documents
6 shall comply with the latest edition of submission requirements.

7 63. The approval of the tentative map shall not mean that closure, vacation, or abandonment
8 of any public street, right-of-way, easement, or facility is granted or guaranteed to the
9 developer. The subdivider is responsible for applying for all closures, vacations, and
10 abandonments as necessary. The application(s) shall be reviewed and approved or
11 rejected by the City of Oceanside under separate process(es) per codes, ordinances, and
12 policies in effect at the time of the application. The City of Oceanside retains its full
13 legislative discretion to consider any application to vacate a public street or right-of-
14 way.

15 64. In the event that conceptual plan does not match the conditions of approval, the
16 resolution of approval shall govern.

17 65. Landscape plans, shall meet the criteria of the City of Oceanside Landscape Guidelines
18 and Specifications for Landscape Development (latest revision), Water Conservation
19 Ordinance No. 91-15, Engineering criteria, City code and ordinances, including the
20 maintenance of such landscaping, shall be reviewed and approved by the City Engineer
21 prior to the issuance of building permits. Landscaping shall not be installed until bonds
22 have been posted, fees paid, and plans signed for final approval. The following special
23 landscaping requirements shall be required prior to plan approval:

24 a) Final landscape plans shall accurately show placement of all plant material such
25 as but not limited to trees, shrubs, and groundcovers.

26 b) Landscape Architect shall be aware of all utility, sewer, storm drain easement
27 and place planting locations accordingly to meet City of Oceanside
28 requirements.

29 c) All required landscape areas shall be maintained by owner. The landscape areas
shall be maintained per City of Oceanside requirements.

- 1 d) Proposed landscape species shall be native or naturalized to fit the site and meet
2 climate changes indicative to their planting location. The selection of plant
3 material shall also be based on cultural, aesthetic, and maintenance
4 considerations. In addition proposed landscape species shall be low water users
5 as well as meet all fire department requirements.
- 6 e) All planting areas shall be prepared with appropriate soil amendments,
7 fertilizers, and appropriate supplements based upon a soils report from an
8 agricultural suitability soil sample taken from the site.
- 9 f) Ground covers or bark mulch shall fill in between the shrubs to shield the soil
10 from the sun, evapotranspiration and run-off. All the flower and shrub beds
11 shall be mulched to a three-inch depth to help conserve water, lower the soil
12 temperature and reduce weed growth.
- 13 g) The shrubs shall be allowed to grow in their natural forms. All landscape
14 improvements shall follow the City of Oceanside Guidelines.
- 15 h) Root barriers shall be installed adjacent to all paving surfaces, where a paving
16 surface is located within six feet of a trees trunk. Root barriers shall extend five
17 feet in each direction from the centerline of the trunk, for a total distance of 10
18 feet. Root barriers shall be 24 inches in depth. Installing a root barrier around
19 the tree's root ball is unacceptable.
- 20 i) All fences, gates, walls, stone walls, retaining walls and plantable walls shall
21 obtain planning department approval prior to approval of working drawings.
- 22 j) For the planting and placement of trees and their distances from hardscape and
23 other utilities/structures the landscape plans shall follow the City of Oceanside's
24 (current) Tree Planting Distances and Spacing Standards.
- 25 k) An automatic irrigation system shall be installed to provide coverage for all
26 planting areas shown on the plan. Low precipitation equipment shall provide
27 sufficient water for plant growth with a minimum water loss due to water run-
28 off.
- 29 l) Irrigation systems shall use high quality, automatic control valves, controllers
and other necessary irrigation equipment. All components shall be of non-

1 corrosive material. All drip systems shall be adequately filtered and regulated
2 per the manufacturer's recommended design parameters.

3 m) All irrigation improvements shall follow the City of Oceanside Guidelines and
4 Water Conservation Ordinance.

5 n) The landscape plans shall match all plans affiliated with the project.

6 o) Landscape plans shall comply with Biological and/or Geotechnical reports, as
7 required, shall match the grading and improvement plans, comply with SWMP
8 Best Management Practices and meet the satisfaction of the City Engineer.

9 p) Existing landscaping on and adjacent to the site shall be protected in place and
10 supplemented or replaced to meet the satisfaction of the City Engineer.

11 q) The property is to be maintained for dust, weed control, and storm water run-off
12 until said property is developed and/ or until lots are transferred to new owners
13 who at the time of transfer will take over this responsibility for their property.

14 r) It will be the owner's responsibility prior to development to produce a
15 Conceptual Landscape Plan (CLP). The developer and/ or any future lot owners
16 shall be responsible to submit landscape plans for all lots/ each lot to the
17 planning department prior to the time of development.

18 66. All landscaping, fences, walls, etc. on the site, in medians within the public right-of-way
19 and within any adjoining public parkways shall be permanently maintained by the
20 owner, his assigns or any successors-in-interest in the property. The maintenance
21 program shall include: a) normal care and irrigation of the landscaping b) repair and
22 replacement of plant materials c) irrigation systems as necessary d) general cleanup of
23 the landscaped and open areas e) parking lots and walkways, walls, fences, etc. Failure
24 to maintain landscaping shall result in the City taking all appropriate enforcement
25 actions including but not limited to citations. This maintenance program condition shall
26 be recorded with a covenant as required by this resolution.

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

29 **Fire Prevention:**

68. The size of fire hydrant outlets shall be 2.5 inches by 4 inches.

- 1 69. All proposed and existing fire hydrants within 400 feet of the project shall be shown on
2 the site plan.
- 3 70. The fire hydrants shall be installed and tested prior to placing any combustible materials
4 on the job site.
- 5 71. Detailed plans of underground fire service mains shall be submitted to the Oceanside
6 Fire Department for approval prior to installation.
- 7 72. Blue hydrant identification markers shall be placed as per Oceanside's Engineers Design
8 and Processing Manual Standard Drawing No. M-13.
- 9 73. The Fire Department access roadway shall be provided with adequate turning radius for
10 Fire Department apparatus a 50-foot outside and 30-foot inside radius.
- 11 74. Fire Department emergency access shall not exceed 15 percent grade.
- 12 75. Cul-de-sacs shall be shown on the site plan with a 40-foot radius minimum.
- 13 76. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
14 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard
15 Guidelines for Emergency Access.
- 16 77. Buildings shall meet Oceanside sprinkler ordinance in effect at the time of building
17 permit application.
- 18 78. In accordance with the California Fire Code Sec. 901.4.4, approved addresses for
19 residential occupancies shall be placed on the structure in such a position as to be
20 plainly visible and legible from the street or roadway fronting the property. Numbers
21 shall be contrasting with their background.
- 22 79. Single-family dwellings require four-inch address numbers.
- 23 80. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
24 approval prior to the issuance of building permits. A site plan indicating the fire access
25 and hydrant locations must also be submitted on CD ROM.
- 26 81. Buildings shall meet Oceanside Fire Department's current codes at the time of building
27 permit application.
- 28 82. Future development of the property will require compliance with all applicable Fire
29 Department Standards.

1 **Planning:**

2 83. This Tentative Subdivision Map (T-2-06) approves only a seven-lot subdivision as
3 shown on the plans and exhibits presented to the Planning Commission for review and
4 approval. This Tentative Subdivision Map (T-2-06) approval shall lapse two years after
5 the effective date of approval, unless the subdivider requests an extension of the
6 expiration date of the approved Tentative Map pursuant to Section 409 of the
7 Subdivision Ordinance.

8 84. This Development Plan (D-37-06) approves only development guidelines for the future
9 development on each of the proposed seven lots. The Hillside Development Plan is
10 applied to lots 4 - 7.

11 a) The Planning Commission shall approve, conditionally approve, or disapprove
12 development plans for residential projects with three or more housing units or
13 exterior alterations and additions of more than 2,499 square feet of floor area.

14 b) The City Planner shall administratively approve, conditionally approve, or
15 disapprove development plans for residential projects with one or two housing
16 units, or exterior alterations and additions of less than 2,500 square feet of floor
17 area.

18 85. This Development Plan (D-37-06) approval shall lapse two years after the effective date
19 of approval unless:

20 a) A grading permit has been issued and grading has been substantially completed
21 and or a building permit has been issued, and construction diligently pursued; or

22 b) An occupancy permit has been issued; or

23 c) The approval is extended; or

24 d) The Development Plan (D-37-06) shall be effective for an additional 24 months
25 from the date of recordation of the Final Map.

26 e) In the situation where condition 85(a) and or condition 85(b) have occurred and
27 site activity commenced and completed in earlier phases of the overall
28 development plan but no site grading or building permit activity had occurred on
29 the remaining undeveloped portion of the site for a period of five years, a new
development plan must be obtained.

- 1 86. Conditional Use Permits (C-15-06 and C-16-06) approve (1) an increase in base density
2 and (2) panhandle access to each of the seven lots, as shown on the plans and exhibits
3 presented to the Planning Commission for review and approval.
- 4 87. These Conditional Use Permits (C-15-06 and C-16-06) approval shall lapse two years
5 after the effective date of approval or conditional approval unless:
6 a) A grading permit has been issued and grading has been substantially completed
7 and or a building permit has been issued, and construction diligently pursued; or
8 b) A certificate of occupancy has been issued; or
9 c) The use is established; or
10 d) The use permit is extended; or
11 e) Conditional Use Permits (C-15-06 and C-16-06) shall be effective for an
12 additional 24 months from the date of recordation of the Final Map.
- 13 88. A request for changes in conditions of approval of the tentative map, development plan,
14 or conditional use permit, or a change to the tentative map, development plan or
15 conditional use permit that would affect a condition of approval, shall be treated as a
16 new application. The City Planner may waive the requirement for a new application if
17 the changes requested are minor, do not involve substantial alterations or addition to the
18 plan or the conditions of approval, and are consistent with the intent of the project's
19 approval or otherwise found to be in substantial conformance.
- 20 89. A covenant or other recordable document approved by the City Attorney shall be
21 prepared by the property owner and recorded prior to the approval of the Final Map.
22 The covenant shall provide that the property is subject to this resolution, and shall
23 generally list the conditions of approval.
- 24 90. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
25 written copy of the applications, staff report and resolutions for the project to the new
26 owner and or operator. This notification's provision shall run with the life of the project
27 and shall be recorded as a covenant on the property.
- 28 91. Failure to meet any conditions of approval for this development shall constitute a
29 violation of the Tentative Subdivision Map, Development Plan and Conditional Use
Permits.

- 1 92. Unless expressly waived, all current zoning standards and City ordinances and policies
2 in effect at the time building permits are issued are required to be met by this project.
3 The approval of this project constitutes the property owner's and developer's agreement
4 with all statements in the Description and Justification, and other materials and
5 information submitted with this application, unless specifically waived by an adopted
6 condition of approval.
- 7 93. The developer is prohibited from entering into any agreement with a cable television
8 franchisee of the City, which gives such franchisee exclusive rights to install, operate,
9 and or maintain its cable television system in the development.
- 10 94. This project is subject to the provisions of Chapter 14C of the City Code regarding
11 Inclusionary Housing.
- 12 95. This project shall comply with all provisions of the City's Affirmative Fair Housing
13 Marketing Agreement policy. Such agreement shall be submitted to and approved by
14 the Housing and Neighborhood Services Director prior to the recordation of a Final Map
15 or the issuance of a building permit for the project, whichever comes first.
- 16 96. Pursuant to Section 1050(Z), lots located on a cul-de-sac shall have a minimum lot
17 frontage of 40 feet, as measured at the front property line. Lots 5, 6, and 7 are required
18 to satisfy this requirement.
- 19 97. Future residential units shall meet the development standards: Lots 1-7 are subject to
20 Section 1050 Residential Development Regulations and Lots 4 - 7 are additionally
21 subject to Section 3039 Hillside Development Provisions.
- 22 98. The property owner, permittee or any successor-in-interest shall defend, indemnify and
23 hold harmless the City of Oceanside, its agents, officers or employees from any claim,
24 action or proceeding against the City, its agents, officers, or employees to attack, set
25 aside, void or annul an approval of the City, concerning Tentative Subdivision Map (T-
26 2-06), Development Plan (D-37-06) and Conditional Use Permits (C-15-06 and C-16-
27 06). The City will promptly notify the property owner of any such claim, action or
28 proceeding against the city and will cooperate fully in the defense. If the City fails to
29 promptly notify the applicant of any such claim action or proceeding or fails to

1 cooperate fully in the defense, the applicant shall not, thereafter, be responsible to
2 defend, indemnify or hold harmless the City.

3 99. The Declaration of Covenants Conditions and Restrictions shall identify the following
4 condition of approval: That lots 4 - 7 are subject to the Hillside Development Provisions
5 set forth in Section 3039 of the Zoning Ordinance.

6 100. The side and rear facades of the proposed structures shall have the same architectural
7 details as the front of the structures.

8 101. Lots 1- 3 are subject to the following property development regulations:

9 a) Minimum lot width 70 feet.

10 b) The minimum front yard depth is 25 feet. The shortest lot line abutting the
11 panhandle shall be considered the front property line, provided that where the
12 two lot lines abutting the panhandle are substantially the same length, the City
13 Planner shall determine the location of the front property line.

14 c) The minimum side yard depth is 7.5 feet. The minimum corner side yard is 15
15 feet.

16 d) The minimum rear yard depth for residential structures is 20 feet.

17 e) The maximum residential height as defined by Deed Restriction 2006-0109364
18 filed February 15, 2006.

19 f) If an access easement exists, setbacks shall be measured from the easement line
20 and not the from the property line. A side property line abutting an access
21 easement shall be considered a corner side and corner side setbacks shall be met
22 and shall be measured from the easement line.

23 g) A minimum 20-foot setback for garages, as measured from the front of the
24 garage, shall be measured from the easement line and not the property line.

25 102. Lots 1 - 7 are subject to the following development regulations:

26 a) Lot coverage shall not exceed 35 percent of the lot area.

27 b) Site landscaping shall comply with Section 1050(T).

28 c) Fences and wall heights shall comply with Section 1050(U) and Section 3040.
29 Pursuant to Section 1050(U), the maximum height of a fence or wall, including
retaining walls shall be six feet. All retaining walls over four feet in height shall

1 be planted and irrigated. The southern boundary of the subject site (Lot 5)
2 proposes two six-foot tall walls; the walls will be planted with four-inch pots of
3 *Ficus pumila distictus buccinatoria*. Five gallon sized Phormium 'Maori
4 maiden' will be planted between the top of one wall and the bottom of its
5 adjacent wall.

6 d) Off-street parking shall comply with Sections 1050(V)(EE)(H).

7 e) Vehicular access shall comply with Section 3114.

8 f) Outdoor storage shall comply with Section 1050(BB).

9 103. Lots 4 - 7 are subject to Hillside Development Provisions set forth by Section 3039 and
10 the following development regulations:

11 a) A minimum required front yard depth of 15 feet is required (20 feet is required
12 for garages).

13 b) Pursuant to Section 1050(Y), access to the lots via paved panhandles with
14 adequate widths has been proposed. The shortest lot line abutting the panhandle
15 shall be considered the front property line. Setbacks are measured from the
16 access easement (or detention basin easement) and not from the property line.
17 Garages are required to be setback 20 feet to provide an adequate back-up
18 distance. The lot areas are calculated using the net area of the lot, which shall
19 not include the area of the access panhandle or easement.

20 c) The minimum side yard depth is 10 percent of the lot width and not less than 10
21 feet or more than 20 feet deep. Side yard depths are subject to Section
22 3039(D)(E).

23 d) The minimum corner side yard depth is 10 percent of the lot width and not less
24 than 10 feet or more than 15 feet deep. Side yard depths are subject to Section
25 3039(D).

26 e) The minimum rear yard depth is 25 percent of the depth of the lot and is subject
27 to Section 3039(D).

28 f) The residential height is limited on Lot 4 by a previously recorded covenant.
29 The maximum residential height on Lots 5, 6, and 7 is 30 feet and subject to
Section 3039(F)(G)(H)(I).

- 1 g) Grading shall comply with Section 3039(J)(Q).
- 2 h) Building design shall comply with Section 3039(L).
- 3 i) Visible bulk shall comply with Section 3039(L)(M).
- 4 j) Exterior structural supports shall comply with Section 3039(O).
- 5 k) Driveways and off-street parking shall comply with Section 3039(P).
- 6 l) Undevelopable lands, as defined by Section 3039, shall be preserved in their
- 7 natural state. Approval of encroachments into slopes in excess of 40 percent
- 8 (2.4:1 slope) with a minimum elevation differential of 25 feet is subject to
- 9 Section 3039(A) and Planning Commission approval.

10 **Environmental Mitigation Monitoring Measures:**

- 11 104. Prior to issuance of a grading permit or recordation of the Final Map, whichever occurs
- 12 first: Development impacts to both chaparral and non-native grassland shall be
- 13 mitigated in accordance with the City of Oceanside's Review Draft of the Final Subarea
- 14 Conservation Plan/Natural Communities Conservation Plan. The plan stipulates that
- 15 natural vegetation may be removed if mitigated within the Wildlife Corridor Planning
- 16 zone or a pre-approved mitigation area. Mitigation at a bank would not be permitted
- 17 unless it is within the Wildlife Corridor Planning Zone or a pre-approved mitigation
- 18 area. The impacts to this habitat type should be mitigated at a 0.5:1 ratio, requiring 0.98
- 19 acre of mitigation of non-native grass land and 0.5-acre of mitigation of chaparral.
- 20 105. Prior to issuance of a grading permit, the final landscape plan shall identify all trees to
- 21 be removed from the site, including the 10 trees identified in the March 28, 2007 Tree
- 22 Survey, and shall identify locations on-site for their replacement in accordance with the
- 23 Subdivision Ordinance Section 401.I.
- 24 106. In the event any subsurface archaeological resources are encountered during grading or
- 25 construction activities, such activities in the locality of the find shall be halted
- 26 immediately. An archaeologist, certified by the Society of Professional Archaeologists
- 27 (SOPA), shall be brought in to determine the significance of the archaeological
- 28 resources and implement appropriate mitigations prior to recommending earthwork.
- 29 107. If archaeological materials are encountered, their importance must be evaluated to
- assess the significance of impacts. If significant cultural resources are encountered,

1 mitigation would be accomplished through documentation and excavation of features,
2 cataloging and analysis of cultural material collected, and preparation of a report
3 detailing the methods and results of the monitoring/data recovery program.

4 108. Any cultural material recovered shall be curated at an appropriate facility, except as
5 stipulated differently in the pre-excavation agreement.

6 **Water:**

7 109. The developer will be responsible for developing all water and sewer utilities necessary
8 to develop the property. Any relocation of water and/or sewer utilities is the
9 responsibility of the developer and shall be done by an approved licensed contractor at
10 the developer's expense.

11 110. The property owner will maintain private water and wastewater utilities located on
12 private property.

13 111. 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.

15 112. All Water and Wastewater construction shall conform to the most recent edition of the
16 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
17 the Water Utilities Director.

18 113. Residential units shall be metered individually. Private utility systems for residential
19 developments are not allowed.

20 114. The following condition shall be met prior to the approval of engineering design plans.
21 A public sewer main with a 30-foot public utility easement shall be provided for the
22 development of this project. The proposed sanitary sewer main and easement shall be
23 located on a private drive off of Ivy Road near West Vista Way.

24 115. The following condition shall be met prior to the approval of engineering design plans.
25 All public water and/or sewer facilities not located within the public right-of-way shall
26 be provided with easements sized according to the Water, Sewer, and Reclaimed Water
27 Design and Construction Manual. Easements shall be constructed for all weather
28 access.
29

1 120. The following condition of approval shall be met prior to occupancy. All new
2 development of single-family residential units shall include hot water pipe insulation
3 and installation of a hot water recirculation device or design to provide hot water to the
4 tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-OR126-
5 1.

6 PASSED AND ADOPTED Resolution No. 2008-P46 on August 11, 2008 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13 _____
14 Claudia Troisi, Chairperson
Oceanside Planning Commission

15 ATTEST:

16
17 _____
Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
19 this is a true and correct copy of Resolution No. 2008-P46.

20 Dated: August 11, 2008
21
22
23
24
25
26
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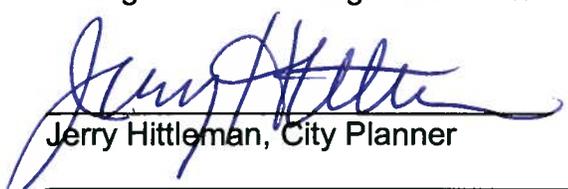
MITIGATED NEGATIVE DECLARATION

City of Oceanside, California

DATE POSTED: <mo/day/year>
REMOVE POST: <mo/day/year>
[] 20 days; or,
[] 30 day for SCH review

1. **APPLICANT:** Vance Campbell
2. **ADDRESS:** 1796 Laurel Road, Oceanside, CA 92054
3. **PHONE NUMBER:** 760-635-0940
4. **LEAD AGENCY:** City of Oceanside, 300 N. Coast Hwy., 92054
5. **PROJECT MGR.:** Juliana von Hacht, Associate Planner
6. **PROJECT TITLE:** T-2-06, D-37-06, C-15-06, C-16-06 Avocado Highlands
7. **DESCRIPTION:** A Tentative Parcel Map T-2-06, Development Plan D-37-06, and Conditional Use Permits C-15-06 and C-16-06 to subdivide a 3.1 acre lot into seven parcels having panhandle access from either Ivy Road or Avocado Road. The project location is in the 1800 block of Avocado Road and is situated within the RE-B District and the Fire Mountain Neighborhood.

CITY PLANNER DETERMINATION: This project has been evaluated by the Planning Commission of the City of Oceanside in accordance with the Section 21080(c) of the California Environmental Quality Act (CEQA). On August 11, 2008, the Planning Commission determined that this project will not have a potentially significant adverse effect on the environment and issued a Mitigated Negative Declaration (MND). The basis for the Planning Commission's determination is the Initial Study prepared pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Copies may be reviewed or obtained from the Planning Division in City Hall located at 300 N. Coast Hwy. South Building. All public comments on the negative declaration must be provided in writing to the Planning Division on or before the "Posting Removal Date" cited above.


Jerry Hittleman, City Planner

cc: County Clerk
Project file
CEQA file
Project Applicant
Posting: [x] Civic Center; [x] Public Library;

Staff response to comments received regarding the Avocado Highlands MND/IS:

Exhibit 1.

Dr. M. Koski of U.S. Fish and Wildlife Service e-mailed comments on July 11, 2008. In response, staff has recommended the mitigation and monitoring measures outlined in the Notice of Intent to Adopt a Mitigated Negative Declaration be revised.

BIO-01 is revised as follows: Mitigation at a bank would not be permitted unless it is within the Wildlife Corridor Planning Zone or a pre-approved mitigation area.

BIO-03 is added as follows: The Biological Reconnaissance Report, prepared by Affinis and dated June 8, 2004, indicates that 1.97 acres of ruderal habitat would be impacted by the project and that no mitigation would be required for this impact. However, the habitat should be classified as non-native grassland due to the dominance of mustard (*Brassica* sp.) and because it likely serves an ecological function as grassland (i.e., providing foraging habitat for raptors, etc.). Therefore, impacts to this habitat type should be mitigated at a 0.5:1 ratio, requiring 0.98 acre of mitigation.

Exhibit 2.

Mr. Dave Singleton of Native American Heritage Commission mailed comments that were received on July 14, 2008. In response, staff has recommended the mitigation and monitoring measures outlined in the Notice of Intent to Adopt a Mitigated Negative Declaration be revised to include standard conditions to capture cultural resources if they are found on-site.

CR-01 is added as follows: In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately. An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought in to determine the significance of the archaeological resources and implement appropriate mitigations prior to recommending earthwork.

CR-02 is added as follows: If archaeological materials are encountered, their importance must be evaluated to assess the significance of impacts. If significant cultural resources are encountered, mitigation would be accomplished through documentation and excavation of features, cataloging and analysis of cultural material collected, and preparation of a report detailing the methods and results of the monitoring/data recovery program.

CR-03 is added as follows: Any cultural material recovered shall be curated at an appropriate facility, except as stipulated differently in the pre-excavation agreement.

Juliana Von Hacht

From: Marci_Koski@fws.gov
Sent: Friday, July 11, 2008 3:39 PM
To: Juliana Von Hacht
Cc: Jerry Hittleman; DLawhead@dfg.ca.gov
Subject: Avocado Highlands MND Comments

Importance: High

In response refer to:
FWS-SDG-08B0609-08TA0707

Dear Ms. von Hacht:

The U.S. Fish and Wildlife Service (Service) has reviewed the City of Oceanside's Draft Mitigated Negative Declaration (MND) for the Avocado Highlands project (SCH #2008061116), received by our office June 24, 2008. The primary concern and mandate of the Service is the protection of public fish and wildlife resources and their habitats. The Service has legal responsibility for the welfare of migratory birds, anadromous fish, and endangered animals and plants occurring in the United States. The Service is also responsible for administering the Federal Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 et seq.). We offer the following comments to assist the City in avoiding, minimizing, and adequately mitigating project-related impacts to biological resources, and to ensure that any approved project is consistent with all applicable requirements of the City's draft Multiple Habitat Conservation Program (MHCP) Subarea Plan (SAP).

1. The Biological Reconnaissance Report, prepared by Affinis and dated June 8, 2004, indicates that 1.97 acres of ruderal habitat would be impacted by the project and that no mitigation would be required for this impact. However, the habitat should be classified as non-native grassland due to the dominance of mustard (*Brassica* sp.) and because it likely serves an ecological function as grassland (i.e., providing foraging habitat for raptors, etc.). Therefore, impacts to this habitat type should be mitigated at a 0.5:1 ratio, requiring 0.98 acre of mitigation.

2. Mitigation Measure Bio-01 in the draft MND states that impacts to 0.5 acre of mixed chaparral would be mitigated at a 1:1 ratio by purchasing credits at an approved mitigation bank, or by alternative mitigation determined in consultation with City staff and the resource agencies. The draft SAP states that impacts to habitat in Offsite Mitigation Zone I must be mitigated within the Wildlife Corridor Planning Zone [i.e., south of SR76 and north of SR 78], or within Pre-Approved Mitigation Areas in Offsite Mitigation Zone I. Therefore, impacts to both chaparral and non-native grassland (as defined in comment 1) should be mitigated in these areas. Mitigation at a bank would not be permitted unless it is within the Wildlife Corridor Planning Zone or a PAMA.

The Service appreciates the opportunity to comment on the Avocado Highlands MND. If you have any questions concerning the above comments, please contact me at (760) 431-9440 ext. 304.

Thank you,
Marci

Marci L. Koski, M.S., Ph.D.
Fish and Wildlife Biologist

U.S. Fish & Wildlife Service
Carlsbad Fish and Wildlife Office
6010 Hidden Valley Road, Suite 101
Carlsbad, CA 92011
760.431.9440 ext. 304
760.431.5902 fax

NATIVE AMERICAN HERITAGE COMMISSION

915 CAPITOL MALL, ROOM 364
 SACRAMENTO, CA 95814
 (916) 653-6251
 Fax (916) 657-5390
 Web Site www.nahc.ca.gov
 e-mail: ds_nahc@pacbell.net

RECEIVED

JUL 14 2008

Planning Department



July 8, 2008

Ms. Juliana von Hacht, Project Planner

CITY OF OCEANSIDE PLANNING DEPARTMENT

300 N. Coast Highway
 Oceanside, CA 92054

Re: SCH#2008061116: CEQA Notice of Completion: proposed Mitigated Negative Declaration for Avocado Highlands Project. T-2-06, C-15-06; City of Oceanside; San Diego County, California

Dear Ms. Von Hecht

The Native American Heritage Commission (NAHC) is the state agency designated to protect California's Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per the California Code of Regulations §15064.5(b)(c) (CEQA guidelines). Section 15382 of the 2007 CEQA Guidelines defines a significant impact on the environment as "a substantial, or potentially substantial, adverse change in any of physical conditions within an area affected by the proposed project, including ... objects of historic or aesthetic significance." In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

- √ Contact the appropriate California Historic Resources Information Center (CHRIS) for possible 'recorded sites' in locations where the development will or might occur.. Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ <http://www.ohp.parks.ca.gov>. The record search will determine:
 - If a part or the entire APE has been previously surveyed for cultural resources.
 - If any known cultural resources have already been recorded in or adjacent to the APE.
 - If the probability is low, moderate, or high that cultural resources are located in the APE.
 - If a survey is required to determine whether previously unrecorded cultural resources are present.
- √ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.
 - The final report containing site forms, site significance, and mitigation measures should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for public disclosure.
 - The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.
- √ Contact the Native American Heritage Commission (NAHC) for:
 - * A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section.
- The NAHC advises the use of Native American Monitors, also, when professional archaeologists or the equivalent are employed by project proponents, in order to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).
- √ Lack of surface evidence of archeological resources does not preclude their subsurface existence.
 - Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
 - A culturally-affiliated Native American tribe may be the only source of information about a Sacred Site/Native American cultural resource.
 - Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

√ Lead agencies should include provisions for discovery of Native American human remains or unmarked cemeteries in their mitigation plans.

* CEQA Guidelines, Section 15064.5(d) requires the lead agency to work with the Native Americans identified by this Commission if the initial Study identifies the presence or likely presence of Native American human remains within the APE. CEQA Guidelines provide for agreements with Native American, identified by the NAHC, to assure the appropriate and dignified treatment of Native American human remains and any associated grave liens.

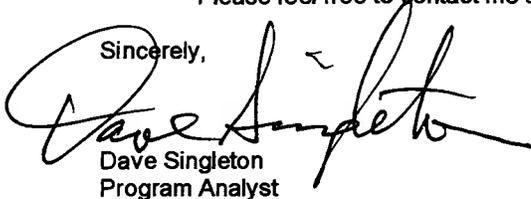
√ Health and Safety Code §7050.5, Public Resources Code §5097.98 and Sec. §15064.5 (d) of the California Code of Regulations (CEQA Guidelines) mandate procedures to be followed, including that construction or excavation be stopped in the event of an accidental discovery of any human remains in a location other than a dedicated cemetery until the county coroner or medical examiner can determine whether the remains are those of a Native American. . Note that §7052 of the Health & Safety Code states that disturbance of Native American cemeteries is a felony.

√ Lead agencies should consider avoidance, as defined in §15370 of the California Code of Regulations (CEQA Guidelines), when significant cultural resources are discovered during the course of project planning and implementation

2

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

Sincerely,



Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Cc: State Clearinghouse



NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION
City of Oceanside

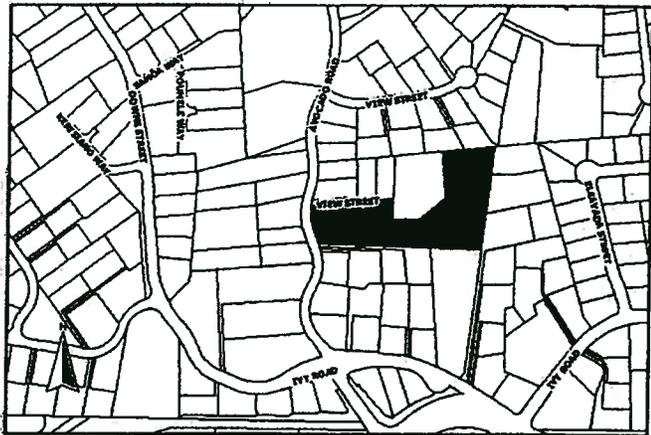
Subject: T-2-06, C-15-06, C-16-06 Avocado Highlands

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

PROJECT DESCRIPTION: Consideration of Tentative Parcel Map T-2-06 and Conditional Use Permits C-15-06 and C-16-06 to subdivide a 3.1 acre lot into seven parcels having panhandle access from either Ivy Road or Avocado Road. The project location is in the 1800 block of Avocado Road and is situated within the RE-B District and the Fire Mountain Neighborhood.

PUBLIC REVIEW PERIOD: the public review period is from Monday, June 23, 2008 to Monday, July 14, 2008.

PROJECT MANAGER: Juliana von Hacht, Associate Planner. Phone: 760-435-3520; Fax number: (760) 754-2958; mailing address: Planning Division, 300 N. Coast Hwy., Oceanside, CA 92054.



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


By order of Jerry Hittleman, City Planner



INITIAL STUDY City of Oceanside California

1. **PROJECT:** T-2-06, C-15-06, C-16-06 Avocado Highlands
2. **LEAD AGENCY:** City of Oceanside
3. **CONTACT PERSON & PHONE:** Juliana von Hacht (760) 435-3520
4. **PROJECT LOCATION:** The Avocado Highlands project consists of 3.108 acres located east of Avocado Road and north of Ivy Road. The property is situated in the Fire Mountain Neighborhood Planning Area and is surrounded by single-family residences on all sides. The project has an Assessor's Parcel Number of 165-210-63-00.

5. **APPLICANT:**

Vance Campbell
1796 Laurel Road
Oceanside, CA 92054

6. **GENERAL PLAN DESIGNATION:** Estate B Residential (EB-R)
7. **ZONING:** Residential Estate B District (RE-B)
8. **PROJECT DESCRIPTION:** The proposed Avocado Highlands project proposes a seven (7) lot, single-family residential community on 3.108 acres. The gross acreage of the residential lots ranges from 11,543 to 29,364 square feet. The average gross acreage is 19,274 square feet. Given that a portion of the property is contained in panhandles, utility easements and access easements, this acreage was subtracted from the lot sizes to create net pad sizes. The net acreage of the lots ranges from 10,285 to 26,504 square feet. The average net acreage is 15,979 square feet. The applicant has chosen to prepare Architectural Guidelines for the project in lieu of the preparation of architectural elevations and floor plans.

The four planned lots at the west portion of the site are split pads lots with the pad elevations generally increasing from west to east. The lower portions of the pads range from 138 to 150 feet MSL and the upper portions of the pads range from 144 to 160 feet MSL. Cut and fill slopes up to approximately 10 feet high will be constructed to create the pads.

The three easterly lots are stepped pads. The existing slopes in this area are steeper and therefore, are not planned to be graded as conventional flat lots. Structures constructed on these lots will likely be built into the existing grades with stepped footing construction. The minor grading that is shown on the Tentative Map is necessary in order to create a level pad for the structure footprint, provide access to the lot, and provide for construction of rear yard space.

9. **SURROUNDING LAND USE(S) & PROJECT SETTING:** The property is situated in the Fire Mountain Neighborhood Planning Area and is surrounded by single family residences on all sides. The site is currently vacant and is characterized by a natural slope to the south and east. The subject property has a General Plan land use and zoning designation of Residential Estate - B (RE-B). The proposed land use is conventional single-family detached residential as defined by the Zoning Ordinance, and is allowed in the RE-B zone. The surrounding properties on all sides are also zoned RE-B. In addition, the proposed design meets the supplemental development regulations for panhandle access. The use of panhandle lots is quite common in the Fire Mountain neighborhood, and many of the units in the area are custom

home sites utilizing this type of access design. Therefore, the design is consistent and compatible with the surrounding neighborhood.

10. OTHER REQUIRED AGENCY APPROVALS: N/A

11. PREVIOUS ENVIRONMENTAL DOCUMENTATION: N/A

12. CONSULTATION:

- City of Oceanside General Plan
- City of Oceanside Zoning Ordinance
- City of Oceanside Subdivision Ordinance
- Review Draft of the Final Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan (April 2004)
- Sight Distance Analysis (RBF Consulting, 2003)
- Biological Reconnaissance (Affinis, 2004)
- Archaeological Survey (Affinis, 2007)
- Preliminary Geotechnical Report (Taylor Group, Inc., 2004)
- Geologic Investigation Report (Michael W. Hart, 2004)
- Storm Water Mitigation Plan (Taylor Group, Inc., 2008)
- Drainage Study Report (Taylor Group, Inc., 2008)
- Preliminary Review of Air, Traffic, and Noise Constraints (ISE, 2008)

13. SUMMARY OF ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED: The project would not affect any environmental factors resulting in a Potentially Significant Impact or Potentially Significant Impact Unless Mitigated. A summary of the environmental factors potentially affected by this project, consisting of a Potentially Significant Impact or Potentially Significant Impact Unless Mitigated, include:

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

14. ENVIRONMENTAL CHECKLIST

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

1. **No Impact.** Future development arising from the project's implementation will not have any measurable environmental impact on the environment and no additional analysis is required.
2. **Less Than Significant Impact.** The development associated with project implementation will have the potential to impact the environment; these impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.

3. **Potentially Significant Unless Mitigated.** The development will have the potential to generate impacts which may be considered as a significant effect on the environment, although mitigation measures or changes to the project's physical or operational characteristics can reduce these impacts to levels that are less than significant.
4. **Potentially Significant Impact.** Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

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

- a) **Have a substantial adverse effect on a scenic vista? Less Than Significant Impact.** The applicant agreed to work with the neighbors on this issue and has since recorded a Declaration of Covenants, Conditions and Restrictions, and Grant of View Easements. This document provides very strict details regarding overall building height limits, chimney heights, and the retention of view easements across the subject property.
- b) **Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? No Impact.** No scenic resources, including trees, rock outcroppings or historic buildings are situated on-site. In addition, the project site is not situated within a state scenic highway. Impacts are not anticipated in this regard.
- c) **Substantially degrade the existing visual character or quality of the site and its surroundings? Less Than Significant Impact.** The applicant agreed to work with the neighbors on this issue and has since recorded a Declaration of Covenants, Conditions and Restrictions, and Grant of View Easements. This document provides very strict details regarding overall building height limits, chimney heights, and the retention of view easements across the subject property. In addition, no scenic resources, including trees, rock outcroppings or historic buildings are situated on-site.
- d) **Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? No Impact.** The proposed project would create no new significant source of lighting. The City of Oceanside Zoning Ordinance requires that all lighting use shielded luminaries with glare control to prevent light spillover onto adjacent areas. The project would have no impact.

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

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

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

- a) *Conflict with or obstruct implementation of the applicable air quality plan? **No Impact.*** The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego Air Pollution Control Board (SDAPCD). A consistency determination is important in local agency project review by comparing local planning projects to the Regional Air Quality Strategy (RAQS) in several ways. It fulfills the CEQA goal of fully informing local agency decision makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans and significantly unique projects need to go under a consistency review due to the RAQS being based on projections from local General Plans. Therefore, projects that are consistent with the local General Plan and do not create significant air quality impacts are considered consistent with the air quality-related regional plan. Because the proposed Project is consistent with the goals of the City of Oceanside General Plan, and would not produce long-term significant quantities of criteria pollutants or violate ambient air quality standards, the proposed Project is considered to be consistent with the RAQS and a more detailed consistency analysis is not warranted.
- b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation? **No Impact.*** The SCAQMD CEQA Air Quality Handbook contains screening tables to provide guidance to local governments regarding the various types/amounts of land uses which may exceed state or federal air quality standards and would, therefore, result in potentially significant air quality impacts. Two different screening significance thresholds are provided and include: 1) Construction thresholds; and 2) operation thresholds. The construction and operations significance thresholds, as applicable to the proposed project, are discussed below. If the use proposes development in excess of the screening threshold, a significant air quality impact may occur and additional analysis is warranted to fully assess the significance of impacts.

CONSTRUCTION EMISSIONS

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

than significant levels. Temporary construction related air quality impacts would include:

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

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

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

Due to the relatively limited scale of construction required for the proposed project, construction related emissions will not exceed SDAPCD threshold criteria for significant air quality impacts (refer to Tables 1 and Table 2 below).

Table 1: SDAPCD Construction Emission Thresholds

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

Table 2: Daily Construction Emissions

Pollutant	Total Project Emissions	SCAQMD Thresholds (lbs/day)	Threshold Exceeded? Yes/No
Carbon Monoxide (CO)	0.0	550	No
Reactive Organic Gases (ROG)	0.0	75	No
Nitrogen Oxides (NO _x)	0.0	100	No
Fine Particulate Matter (PM ₁₀)	0.0	150	No

- ❖ Emissions calculated using the URBEMIS2002 Computer Model as recommended by the SDAPCD.
- ❖ Calculations include emissions from numerous sources including: site grading, construction worker trips, stationary equipment, diesel mobile equipment, truck trips, and asphalt off gassing.
- ❖ Refer to Appendix A, *AIR QUALITY DATA*, for assumptions used in this analysis, including quantified emissions reduction by mitigation measures.

Based on this analysis, project construction will not exceed RAQS thresholds and therefore, will not violate State or Federal air quality standards or contribute to an existing air quality violation in the air basin as only minor amounts of earth movement is proposed. However, in order to further reduce construction equipment operational emissions, all vehicles and construction equipment would be required to be equipped with state-mandated emission control devices. Therefore, project implementation would not result in locally elevated levels of regulated air emissions in close proximity to sensitive receptors.

LONG-TERM OPERATIONAL EMISSIONS

Long-term air quality impacts consist of mobile source emissions generated from project-related traffic and stationary source emissions (generated directly from on-site activities and from the electricity and natural gas consumed). Following construction, the proposed project would not generate any stationary emissions or vehicular trips, and would generate insignificant and infrequent mobile emissions associated with periodic maintenance and monitoring activities. Therefore, long-term emissions are not anticipated. Due to the nature of the project, project-generated emissions from both construction activities and operations would not result in significant air quality impacts on a local or regional basis since State or Federal air quality thresholds or standards would not be exceeded.

- c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* **No Impact.** The project site is located within the San Diego Air Basin (SDAB), which is governed by the San Diego Air Pollution Control Board (SDAPCD). A consistency determination is important in local agency project review by comparing local planning projects to the Regional Air Quality Strategy (RAQS) in several ways. It fulfills the CEQA goal of fully informing local agency decision makers of the environmental costs of the project under consideration at a stage early enough to ensure that air quality concerns are addressed. Only new or amended General Plan elements, Specific Plans and significantly unique projects need to go under a consistency review due to the RAQS being based on projections from local General Plans. Therefore, projects that are consistent with the local General Plan and do not create significant air quality impacts are considered consistent with the air quality-related regional plan. Because the proposed Project is consistent with the goals of the City of Oceanside General Plan, and would not produce long-term significant quantities of criteria pollutants or violate ambient air quality standards, the proposed Project is considered to be consistent with the RAQS. In addition, the SCAQMD CEQA Air Quality Handbook contains screening tables to provide guidance to local governments regarding the various types/amounts of land uses which may exceed state or federal air quality standards and would, therefore, result in potentially significant air quality impacts. Two different screening significance thresholds are provided and include: 1) Construction thresholds; and 2) operation thresholds. The construction and operations significance thresholds, as applicable to the proposed project, have been discussed, and show that construction related emissions will not exceed SDAPCD threshold criteria for significant air quality impacts.
- d) *Expose sensitive receptors to substantial pollutant concentrations?* **No Impact.** Sensitive populations (i.e., children, senior citizens and acutely or chronically ill people) are more susceptible to the effects of air pollution than are the general population. Land uses considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. There are no sensitive receptors in proximity to the project site. Although construction and operation of the project would increase vehicle trips on area roadways and result in associated air pollutants, these increases would not significantly contribute to pollution levels.
- e) *Create objectionable odors affecting a substantial number of people?* **No Impact.** The proposed project would not create objectionable odors affecting a substantial number of people.

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

- a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS?* **No Impact.** According to the Biological Reconnaissance Report, no candidate, sensitive, or special species were observed on the project site. Therefore, the proposed project would not have a significantly adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans (including the Review Draft of the *Final Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan*), policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service.
- b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service?* **Potentially Significant Unless Mitigated.** According to the Biological Reconnaissance Report the site does not contain any federal or State jurisdictional areas. The proposed project would have no substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game or U.S. Fish and Wildlife Service, as the project site is void of riparian corridors. The area of project impact will essentially be 0.5 acres of mixed chaparral which would be mitigated for in accordance with the Review Draft of the *Final Oceanside Subarea Habitat Conservation Plan/Natural Communities Conservation Plan*. This could be achieved by purchasing credits at an approved mitigation bank, or by alternative mitigation determined in consultation with City Staff and the resource agencies.

Mitigation Measure BIO-01: 0.5 acres of mixed chaparral shall be mitigated for in accordance with the City of Oceanside's Review Draft of the *Final Subarea Conservation Plan/Natural Communities Conservation Plan*. This could be achieved by purchasing credits at an approved mitigation bank, or by alternative mitigation determined in consultation with City Staff and the resource agencies.

- c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? **No Impact.*** No wetlands, as defined by Section 404 of the Clean Water Act, exist or have been identified on-site or immediately adjoining the site. Thus, the project would not result in impacts to wetlands
- d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? **No Impact.*** As is outlined in the Biological Resources Report, compiled by Affinis Environmental Services, project implementation would not interfere with the movement of any native resident or migratory fish or wildlife species, with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, as none exist within the project area.
- e. *Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance? **Potentially Significant Unless Mitigated.*** The project site is surrounded by developed suburban or urban land uses and ornamental vegetation. Any vegetation removed during construction will be reestablished upon completion of construction.

Mitigation Measure BIO-02: All trees which may be removed for grading, including the ten trees identified in the March 28, 2007 Tree Survey, will be replaced on-site in accordance with the City Ordinance.

- f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? **No Impact.*** The project area is situated in the Offsite Mitigation Zone I of the *Final Subarea Conservation Plan/Natural Communities Conservation Plan* and is being developed in compliance with these regulations.

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

- a. *Cause a substantial adverse change in the significance of a historical resource as defined in ' 15064.5 of CEQA? **No Impact.*** The existing project area has been completely disturbed. Based on Appendix G of the State CEQA Guidelines, and the policies and regulations of the City of Oceanside, the project site and surrounding area are not designated as archaeological or historically sensitive areas.

According to a records and literature search at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton, the project area has not been previously surveyed and no cultural resources have been documented within the project site. Additionally, a field survey conducted yielded no cultural resources. Due to the highly disturbed nature of the property, there is no potential for buried resources to be present. Therefore, no cultural resource impact will occur.

- b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5 of CEQA? **No Impact.*** The existing project area has been completely disturbed. Based on Appendix G of the State CEQA Guidelines, and the policies and regulations of the City of Oceanside, the project site and surrounding area are not designated as archaeological or historically sensitive areas.

According to a records and literature search at the South Central Coastal Information Center (SCCIC) located at California State University, Fullerton, the project area has not been previously surveyed and no cultural resources have been documented within the project site. Additionally, a field survey conducted yielded no cultural resources. Due to the highly disturbed nature of the property, there is no potential for buried resources to be present. Therefore, no cultural resource impact will occur.

- c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? **No Impact.*** Due to the project site's location and the extensive disturbance which has occurred on the property, there is no potential for sub-surface resources.

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

inspection within 24 of notification by the NAHC. The MLD will have the opportunity to make recommendations to the NAHC on the disposition of the remains.

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

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

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

There are several active and potentially active fault zones that could affect the project site. The faults within these zones include the Newport-Inglewood, Whittier, San Andreas, San Jacinto, Malibu-Coast-Raymond, Palos Verdes, San Gabriel, and Sierra Madre-Santa Susana-Cucamonga faults. The proposed project would be required to be in conformance with the Uniform Building Code (UBC),

the City's Seismic Hazard Mitigation Ordinance, and other applicable standards. Conformance with standard engineering practices and design criteria would reduce the effects of seismic groundshaking to less than significant levels.

- 3) *Seismic-related ground failure, including liquefaction? **Less Than Significant Impact.*** Liquefaction is the loss of strength of cohesionless soils when the pore water pressure in the soil becomes equal to the confining pressure. Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong groundshaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of groundshaking. According to the *City of Oceanside General Plan*, dated June 2002, the project area is not susceptible to liquefaction hazards.
 - 4) *Landslides? **Less Than Significant Impact.*** Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. However, according to the *City of Oceanside General Plan*, the project site is not located within a known or highly suspected landslide area. Further, site stabilization and soil compaction requirements required by project geotechnical investigation and design parameters established by the most recent UBC and the City's Seismic Hazard Mitigation Ordinance would reduce any potential impacts to less than significant levels.
- b) *Result in substantial soil erosion or the loss of topsoil? **Less Than Significant Impact.*** Grading and trenching during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. The contractor will be required to comply with standard engineering practices for erosion control and a qualified soils engineer will monitor soil compaction during construction.
 - c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? **Less Than Significant Impact.*** No water extractions or similar practices are anticipated to be necessary that are typically associated with project-related subsidence effects. In addition, surface material that would be disrupted/displaced would be balanced and re-compacted on-site during project construction. Adherence to standard engineering practices would result in less than significant impacts related to subsidence of the land. Refer to Response 4.6a, above.
 - d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property? **Less Than Significant Impact.*** The exploratory borings conducted by Taylor Group, Inc indicate that the site is underlain by the Santiago Formation. The dominant soil association with this formation is sandstone that is characterized as fine to course grain, light gray to light brown soil. Further, adherence to standard engineering practices contained within the most recent UBC will reduce any potential impacts to less than significant levels.
 - e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? **No Impact.*** The proposed project does not include the implementation of septic tanks or alternative wastewater disposal systems.

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.7 HAZARDS AND HAZARDOUS MATERIALS. Would the project:				
a. Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Create a significant hazard to the public or the environment through reasonably foreseeable conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

- d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? **No Impact.*** According to the *Preliminary Hazardous Materials Assessment*, the proposed project site is not included on a list of sites containing hazardous materials, and would not result in a significant hazard to the public or to the environment.
- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? **No Impact.*** The proposed project site is not located within an airport land use plan or within two miles of a public airport and would not result in a safety hazard for people residing or working in the project area.
- f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? **No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.
- g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? **No Impact.*** The proposed project would have no impacts on emergency response plans or emergency evacuation plans. No revisions to adopted emergency plans would be required as a result of the proposed project.
- h) *Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? **No Impact.*** The project would not expose people or structures to a significant risk of wildland fires because the project site does not adjoin OFD-designated wildland areas.

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.8 HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
f. Otherwise substantially degrade water quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
j. Inundation by seiche, tsunami, or mudflow?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
k. Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
l. Result in significant alternation of receiving water quality during or following construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
m. Could the proposed project result in increased erosion downstream?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
n. Result in increased impervious surfaces and associated increased runoff?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
o. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
p. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
q. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
r. Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
s. Have a potentially significant adverse impact on groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
u. Impact aquatic, wetland, or riparian habitat?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
v. Potentially impact stormwater runoff from construction or post construction?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
w. Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
x. Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
y. Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
z. Create significant increases in erosion of the project site or surrounding areas?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

- a) *Violate any water quality standards or waste discharge requirements? Less Than Significant Impact.* A Standard Urban Stormwater Mitigation Plan has been prepared for the proposed project by Taylor Group, Inc. (2008) in compliance with the requirements established by the San Diego Regional Quality Control Board. Based on recommendations made in the Standard Urban Storm Water Mitigation Plan, the project would incorporate into its design measures and Best Management Practices which would lower potential impacts to water quality to less than significant levels. Specific Best Management Practices are separated into Current and Future Site Design BMPs and Current and Future Source Control BMPs. The measures are presented below:

- ❖ Current Site Design BMPs: Limit grading for building pads and maintain significant undeveloped open space on the eastern portion of the site. Protect slopes from runoff with brow ditches and down drains. Protect the drainage channel along the east boundary of the site by riprap and check dams. Protect the drainage/swale along western portion of southern

boundary of the site with vegetation. Reduce directly connected impervious areas on the eastern private driveways by intercepting flow into a detention basin on Lots 5, 6 and 7 to reduce peak discharge from upland areas. Use landscaped buffer areas and a vegetated swale to reduce peak discharge from upland Lots 1 through 4. A catch basin will be implemented with a drain insert to capture oil and grease from runoff from the private cul-de-sac on the eastern portion of the project. The hillside areas that are disturbed by the project development will be landscaped with drought tolerant plant species selected for erosion control.

- ❖ Future Site Design BMPs: Use porous pavement, pavers, and/or rocks for permeable driveway and parking areas. Minimize directly connected impervious areas by draining roof and hardscape areas to adjacent landscape areas. Use cisterns to detain runoff from rooftop areas.
- ❖ Current and Future Source Control BMPs: Efficient irrigation methods will be implemented to reduce water use, prevent over spray, and over watering. All catch basins and other inlets for storm drainage systems will be stenciled with prohibitive language to discourage illegal dumping. All trash receptacles used on the project site will be covered with an impervious material.

Implementation of the Best Management Practices (BMPs) identified above would reduce potential water quality impacts to less than significant levels.

- b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? **Less Than Significant Impact.*** The project would not have the potential to substantially deplete groundwater supplies or interfere with groundwater recharge. Potential dewatering activities associated with construction would be short-term in nature, and would not substantially affect the groundwater table. The project would not have the capacity to increase the amount of water consumed regionally through increased withdrawals from groundwater sources. No significant impacts are anticipated to occur.
- c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? **Less Than Significant Impact.*** Alteration of absorption rates is not considered significant, due to a less than significant replacement ratio of vacant land with impermeable surfaces. No significant changes in drainage patterns associated with the proposed project are anticipated to occur.
- d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? **Less Than Significant Impact.*** Alteration of absorption rates is not considered significant, due to a less than significant replacement ratio of vacant land with impermeable surfaces. No significant changes in drainage patterns associated with the proposed project are anticipated to occur.
- e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? **Less Than Significant Impact.*** Construction of proposed improvements may result in minor changes in the amount of runoff due to an increase in the amount of impermeable surface area within the project site. Surface runoff velocities, volumes and peak flow rates would have a minor increase due to impervious surfaces. However, due to the Best Management Practices (BMPs) listed in Response (a) above, the impacts of the proposed project will be less than significant.

- f) *Otherwise substantially degrade water quality? **Less Than Significant Impact.*** Discharge from the proposed project through stormwater facilities would consist of non-point sources. Stormwater quality is generally affected by the length of time since the last rainfall, rainfall intensity, urban uses of the area, and the quantity of transported sediment. Typical urban water quality pollutants usually result from motor vehicle operations, oil and grease residues, fertilizer/pesticide uses, and careless material storage and handling. Majority of pollutant loads are usually washed away during the first flush of the storm occurring after the dry-season period. However, due to the nature of the proposed project, project impacts in this regard are not considered to be significant.
- g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? **No Impact.*** The proposed project area is not located within a 100-year flood hazard area. Therefore, no flood related impacts would occur.
- h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows? **No Impact.*** The project site is not located within a 100-year flood hazard area.
- i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? **No Impact.*** No levees or dams surround the project area, nor would the project expose people or structures to flooding from another potential source.
- j) *Inundation by seiche, tsunami, or mudflow? **No Impact.*** There are no anticipated impacts to the proposed project from seiche, tsunami or mudflow, as no topographical features or water bodies capable of producing such events occur within the project site vicinity.
- k) *Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)? **Less Than Significant Impact.*** Anticipated storm water or urban runoff pollutants associated with the proposed project include heavy metals, trash and debris, and oil and grease. Potential pollutants include nutrients, pesticides, organic compounds, sediments, and oxygen demanding substances. Implementation of site Best Management Practices, as well as curb and gutters with catch basins, landscaping, and a filtration facility included in the project design will lower the amount of pollutants discharged to these receiving waters to less than significant levels.
- l) *Result in significant alternation of receiving water quality during or following construction? **No Impact.*** During construction, erosion control will be provided on-site to protect water quality. Operation is not anticipated to result in any water quality impacts.
- m) *Could the proposed project result in increased erosion downstream? **Less Than Significant Impact.*** Given the project's limited size, limited impervious surface, and project design Best Management Practices, the project would produce a relatively low volume of stormwater runoff that would not result in increased downstream erosion.
- n) *Result in increased impervious surfaces and associated increased runoff? **No Impact.*** The increase in impervious surface and associated runoff is below the significance threshold established by the City for determining a significant impact.
- o) *Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes? **No Impact.*** The project does not include mass site grading or substantial changes in project site drainage that would alter drainage patterns, or increase runoff flow rates or volumes.

- p) *Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired? **No Impact.*** The project site does not adjoin or discharge directly into a Federally-listed water body.
- q) *Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions? **No Impact.*** See Response (p) above.
- r) *Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters? **No Impact.*** The project would not discharge directly into surface waters nor involve operational characteristics that would result in pollutant discharges into such waters including pesticides, herbicides, fertilizers and similar chemicals.
- s) *Have a potentially significant adverse impact on groundwater quality? **No Impact.*** The project site does not involve excavation, drilling, or cuts that could intercept or affect groundwater, and does not involve sub-surface fuel tanks or similar features that could affect groundwater.
- t) *Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses? **No Impact.*** The proposed project will not result in any violation of applicable water quality standards established by the Clean Water Act and implemented by the San Diego Regional Water Quality Control Board (RWQCB) through the regional National Pollution Discharge Elimination System (NPDES) permit.
- u) *Impact aquatic, wetland, or riparian habitat? **No Impact.*** See Response to Section IV.b) of this document.
- v) *Potentially impact stormwater runoff from construction or post construction? **Less Than Significant Impact.*** Project design and implementation of Best Management Practices discussed in Response (a) of this section would prevent significant alteration of receiving water quality. Additionally, construction activities shall comply with City and County requirements calling for the preparation of a Storm Water Pollution Prevention Plan covered under the Statewide National Pollution Discharge Elimination System General Permit for Construction Activities.
- w) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? **No Impact.*** The proposed project does not include areas for such uses.
- x) *Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? **Less Than Significant Impact.*** Project design and implementation of Best Management Practices discussed in Response (a) of this section would prevent significant alteration of receiving water quality. Additionally, construction activities shall comply with City and County requirements calling for the preparation of a Storm Water Pollution Prevention Plan covered under the Statewide National Pollution Discharge Elimination System General Permit for Construction Activities.
- y) *Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm? **Less Than Significant Impact.*** Given the project's limited size, limited impervious surface, and project design Best Management Practices, the project would not result in any significant changes to velocity or volume of runoff.
- z) *Create significant increases in erosion of the project site or surrounding areas? **Less Than Significant Impact.*** Implementation of site Best Management Practices, as well as curb and gutters with catch basins, landscaping, and a filtration facility included in the project design will lower the potential for erosion to less than significant levels.

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

- a) *Physically divide an established community? **No Impact.*** The proposed project will not have an impact on the physical arrangement of an established community. Therefore, no impacts are anticipated to occur.
- b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? **No Impact.*** The proposed project is consistent with the General Plan Land Use Element's designation for the project site and with the Official Zoning Map designation of the property. Therefore, no impacts would occur in this regard.
- c) *Conflict with any applicable habitat conservation plan or natural community conservation plan? **No Impact.*** The project area is situated in the Offsite Mitigation Zone I of the Review Draft of the *Final Subarea Conservation Plan/Natural Communities Conservation Plan* and is being developed in compliance with these regulations.

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.10 MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? **No Impact.*** The City's General Plan and Zoning Ordinance would not permit any mineral extraction on or within the vicinity of the project site. Therefore, the project would have no impact.
- b) *Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? **No Impact.*** The City's General Plan and Zoning Ordinance would not permit any mineral extraction on or within the vicinity of the project site. Therefore, the project would have no impact.

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.11 NOISE. Would the project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* **Less Than Significant Impact.** Construction activity would be the only source of potentially significant noise levels associated with project implementation. The disturbance that construction-generated noise may impose would be short-term, and would cease with project completion. Construction activity would be conducted within the standards established by the City's Noise Ordinance. In compliance with the ordinance, construction-related activities would be limited to established daytime hours during the week. As the project will remain in compliance with the City's Noise Ordinance standards at all times during its construction phase, no significant impact associated with noise is anticipated.
- b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* **Less Than Significant Impact.** Construction activity would be the only potential source of groundborne vibration or noise associated with project implementation. As the project will remain in compliance with the City's Noise Ordinance regarding construction activity, as discussed above, no significant impact to groundborne vibration and noise is anticipated due to project implementation. Potential seismic ground shaking would have a peak ground acceleration of 0.25g. Conformity with structural design outlined in the Uniform Building Code would reduce these potential future impacts to less than significant levels.
- c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* **No Impact.** The proposed project would not result in a substantial permanent increase in ambient noise levels.
- d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* **Less Than Significant Impact.** The only source of potentially significant noise levels would be generated from construction-related activities. These levels would be restricted by the standards established within the City's Noise Ordinance, and would cease with project completion.

- e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** The proposed project is not located within an airport land use plan, nor is it within two miles of a public airport or public use airport; therefore no people would be exposed to associated excessive noise levels.
- f) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? **No Impact.*** The proposed project is not within the vicinity of a private airstrip, therefore no people would be exposed to associated excessive noise levels.

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

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

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

c) *Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere?* **No Impact.** The proposed project would not induce growth through the extension or expansion of major capital infrastructure. No impacts to population and housing beyond those identified within the *City's General Plan* would occur. In addition, the proposed project would not require the removal existing housing, and therefore would not necessitate the construction of replacement housing elsewhere.

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.13 PUBLIC SERVICES. Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
Fire Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police Protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

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

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

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

	Potentially Significant Impact	Potentially Significant Unless Mit.	Less than Significant Impact	No Impact
14.14 TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b. Exceed, either individually or cumulatively, a level of service standard established by the county congestion/management agency for designated roads or highways?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c. Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d. Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e. Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f. Result in inadequate parking capacity?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g. Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

- a) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?* **No Impact.** The proposed project is a seven-lot residential subdivision and would generate a maximum of 80 ADT. ISE determined the addition of daily trips by the proposed project would not significantly impact adjacent roadways.
- b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?* **No Impact.** The proposed project is a seven-lot residential subdivision and would generate a maximum of 80 ADT. ISE determined the addition of daily trips by the proposed project would not significantly impact adjacent roadways.
- c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* **No Impact.** Due to the nature and scope of the proposed project, project implementation would not have the capacity to result in a change in air traffic patterns.
- d) *Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?* **No Impact.** No public roadways are proposed as part of the project, therefore, no impacts regarding design features or incompatible uses would occur. The proposed project would use the same access point as the existing project.

- e) *Result in inadequate emergency access? **No Impact.*** Adequate emergency access shall be provided during both short-term construction and long-term operation of the proposed project. Impacts are not anticipated to be significant.
- f) *Result in inadequate parking capacity? **No Impact.*** Due to the location and nature of the proposed project, no impacts in regards to parking would occur. An adequate staging area will be provided for short-term construction equipment. No impacts are anticipated in this regard.
- g) *Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? **No Impact.*** Project implementation would not conflict with adopted policies, plans, or programs supporting alternative transportation. Impacts are not anticipated in this regard.

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

- a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? **No Impact.*** Improvements associated with the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB).
- b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No Impact.*** The nature and scope of the proposed project would not require or result in the construction of wastewater treatment facilities.
- c) *Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? **No Impact.*** The nature and scope of the proposed project would not require or result in the expansion of existing storm water drainage facilities.
- d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? **No Impact.*** No new or expanded entitlements would be required with implementation of the proposed project. No impacts are anticipated.
- e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? **No Impact.*** Improvements associated with the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB), or the capacity of existing facilities.

- f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? **No Impact.*** The demolition and removal of existing improvements would generate a minor increase in solid waste. This increase would not be significant in the context of the local Landfill's operating permit. Operational activities will result in only a nominal amount of solid waste.
- g) *Comply with federal, state, and local statutes and regulations related to solid waste? **No Impact.*** The demolition and removal of existing improvements would generate a minor increase in solid waste. This increase would not be significant in the context of the local Landfill's operating permit. Operational activities will result in only a nominal amount of solid waste.

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

a) *Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to decrease below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of major periods of California history or prehistory?* **Potentially Significant Unless Mitigated.** The proposed project will result in direct impacts to 0.5 acres of mixed chaparral. These impacts are potentially significant, however, mitigation has been provided to address potential impacts. Therefore, with the implementation of mitigation measure BIO-1, impacts will be less than significant.

The project will also result in the removal of ten trees identified in the March 28, 2007 Tree Survey. The impacts resulting from the removal of these trees are potentially significant, however, mitigation has been provided to address potential impacts. Therefore, with the implementation of mitigation measure BIO-2, impacts will be less than significant.

There are no known significant cultural resources located within the project site. Therefore no impact to known resources will occur as a result of the project.

b) *Does the project have the potential to achieve short-term, to the disadvantage of long-term, environmental goals?* **Potentially Significant Unless Mitigated.** The proposed project will not have the potential to achieve short-term, to the disadvantage of long-term environmental goals with the implementation of mitigation measures in place.

c) *Does the project have impacts which are individually limited, but cumulatively considerable (Cumulatively considerable means the project's incremental effects are considerable when compared to the past, present, and future effects of other projects)?* **Less than Significant Impact.** The project will result in

aesthetic, geology and soils, hydrology and water quality, noise, utilities and service systems cumulative impacts, however, as discussed previously, they will be less than significant. Given that project impacts are insignificant, cumulative impacts are not foreseen.

- d) *Does the project have environmental effects which will have substantial adverse effects on human beings, directly or indirectly?* **No Impact.** The project does not have effects that will cause substantial adverse effects on human beings, either directly or indirectly. The only potentially significant impacts and mitigation measures required as part of this project apply to biological resources only.

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



Rick Tavares Ph.D., Project Principal, Investigative Science & Engineering, Inc.

17. **DETERMINATION.** (To be completed by lead agency) Based on this initial evaluation:

- I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been included in this project. A **MITIGATED NEGATIVE DECLARATION** will be prepared.
- I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required.

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

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

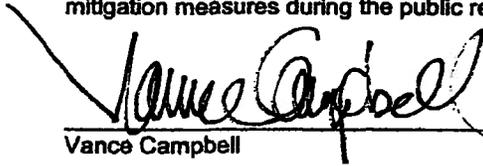
19. **ENVIRONMENTAL DETERMINATION:** The initial study for this project has been reviewed and the environmental determination, contained in Section V. preceding, is hereby approved:



Richard Greenbauer, Environmental Coordinator

20. **PROPERTY OWNER/APPLICANT CONCURRENCE:** : Section 15070(b)(1) of the California Environmental Quality Act (CEQA) Guidelines provides that Lead Agencies may issue a Mitigated Negative Declaration where *the initial study identifies potentially significant effects, but, revisions in the project plans or proposals made by, or agreed to by the applicant before a proposed mitigated negative declaration and initial study are released for public review would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur.* The property owner/applicant

signifies by their signature below their concurrence with all mitigation measures contained within this environmental document. However, the applicant's concurrence with the Draft Mitigated Negative Declaration is not intended to restrict the legal rights of the applicant to seek potential revisions to the mitigation measures during the public review process.

 AVOCADO HIGHLANDS, LLC.
Vance Campbell



June 8, 2004

Ms. Alexis Pagnotta
The Lightfoot Planning Group
5750 Fleet Street, Suite 250
Carlsbad, California 92008

RE: Biological Reconnaissance, Fire Mountain Property (Affinis Job No. 1923)

Dear Ms. Pagnotta,

This letter report has been prepared to summarize the results of a biological reconnaissance conducted on a 3.16-acre parcel between Ivy Road and Avocado Road in the City of Oceanside (Figures 1 and 2). The purpose of the reconnaissance was to identify any biological constraints to site development.

As shown on Figure 3, three habitat types/vegetative associations were observed on the property. These include:

Disturbed mixed chaparral (0.56 acre). A remnant patch of mixed chaparral occurs on a steep east-facing slope on the eastern portion of the site. Native shrubs such as lemonade berry (*Rhus integrifolia*) and toyon (*Heteromeles arbutifolia*) are present, but the habitat is heavily invaded by exotic species such as acacia, which were likely planted up-slope with adjacent residential development.

Ruderal (1.97 acre). The majority of the site is dominated by weedy species such as mustard (*Brassica* sp.) and thus was mapped as ruderal habitat. A few patches of non-native grasses (*Bromus* sp.) were also noted, but overall, the site would not be considered non-native grassland.

Disturbed (0.63 acre). A swale along the eastern site boundary and an area along the extreme north-eastern site boundary are largely devoid of vegetation and were mapped as disturbed.

Two areas were noted in the initial field visits to possibly show some characteristic of jurisdictional waters: a patch of arrow weed (*Pluchea sericea*) on the western portion of the property, and the swale along the eastern portion of the property.

The arrow weed is shown in Figures 4 and 5. Arrow weed is listed as a Facultative Wetland Plant by the USFWS, meaning it is found in both wetland and upland areas, but occurs in wetlands 66 to 99 percent of the time and in uplands 1 to 33 percent of the time. The patch was

in a gentle swale, surrounded by mustard. A few mulefat (*Baccharis salicifolia*) were also noted. The swale began below a 10-foot road slope that supports iceplant (top photo of Figure 5) and ends at a band of ornamental plantings adjacent to a row of houses (lower photo of Figure 5). A lone tree tobacco (*Nicotiana glauca*) plant shows in all of the photos.

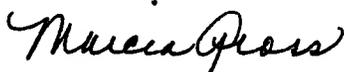
There were no hydrology markers along the swale to indicate flow occurs. There were no drains off the street above the slope with iceplant that drained onto the site. Preliminary investigation of the soil around the arrow weed and away from it showed no differences. Given the lack of hydrology and soils, the patch would not be considered a jurisdictional wetland.

As shown in the lower photo of Figure 4, the arrow weed grew only in an area of much woody debris. If this debris were dumped on the site, it may have contained arrow weed seeds. Another consideration is that the debris is thick enough and deep enough to retain sufficient moisture to allow the arrow weed to sprout, regardless of whether its seeds were brought in with the debris or if the debris is left over from brush cleared on the property.

The large swale along the eastern portion of the property is just that, a swale. It showed no channel, no evidence of hydrology in terms of flow markers, and no differences could be found in the soil. The swale is very broad and flat, but does not have much upper watershed, as shown in the top photo of Figure 6. How much it has been modified over time by agricultural practices or the adjacent stable is not known. A combination of the gentle gradient, the wideness of the swale, and porous soil fed by only a small watershed appears to not allow a channel to establish itself.

The property is within the Offsite Mitigation Zone I of the City of Oceanside's Review Draft of the *Final Subarea Conservation Plan/Natural Communities Conservation Plan*. The Plan stipulates that natural vegetation may be removed if mitigated within the Wildlife Corridor Planning Zone or a pre-approved mitigation area.

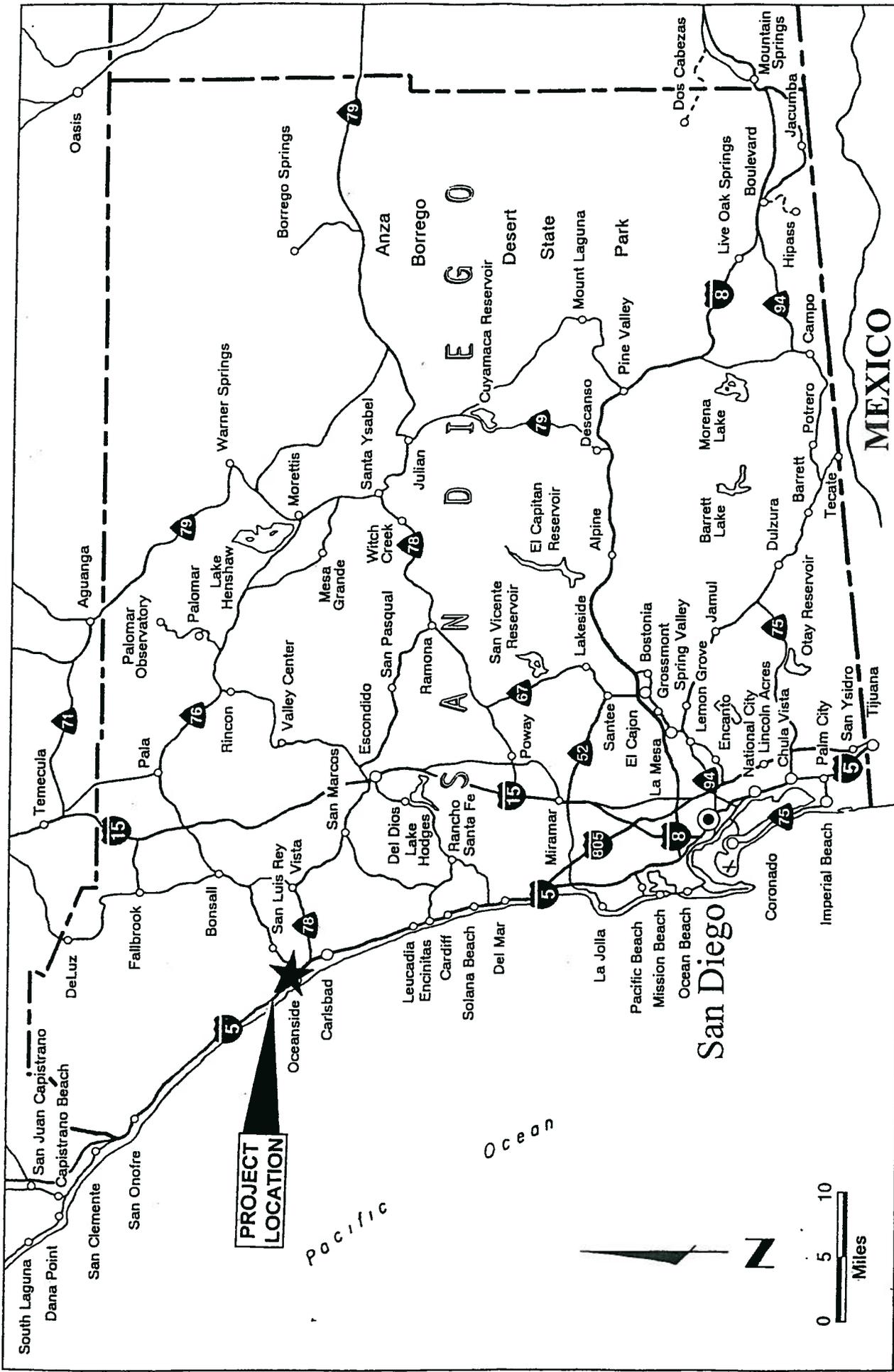
According to the Plan, impacts to mixed chaparral within Offsite Mitigation Zone I must be mitigated at a 1:1 ratio. Thus, 0.56 acre of mitigation would be required if this habitat is removed; this could be achieved by purchasing credits at an approved mitigation bank. The Plan states that impacts to disturbed land (including ruderal) may be subject to a Habitat and Development Fee. As the Plan is not yet formally adopted, this fee structure is not currently available. Alternative mitigation might be purchase of credits at a 0.5:1 ratio (1.3 acres, for impacts to 1.97 acre of ruderal and 0.63 acre of disturbed land). This would be determined in consultation with City staff and the resource agencies.



Marcia Gross
Biologist



Michael Busdosh
Biologist

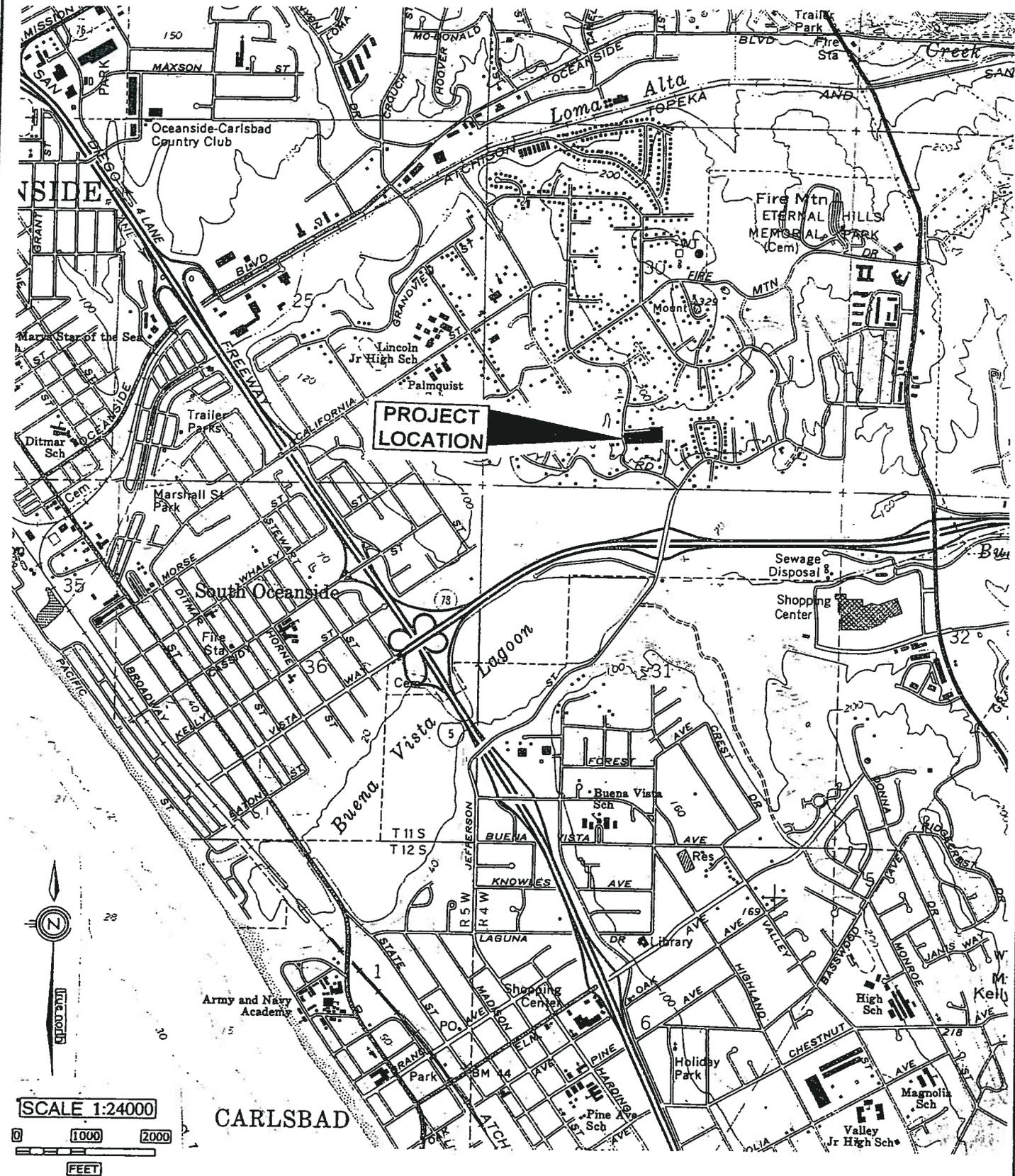


Affinis
 Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

REGIONAL LOCATION IN SAN DIEGO COUNTY

FIGURE 1





Affinis
 Shadow Valley Center
 847 Jamacha Road
 El Cajon, CA 92019

**PROJECT LOCATION ON USGS
 7.5' SAN LUIS REY QUADRANGLE**

FIGURE 2



Affinis

Shadow Valley Center
847 Jamacha Road
El Cajon, CA 92019

ARROW WEED

FIGURE 4



Affinis

Shadow Valley Center
847 Jamacha Road
El Cajon, CA 92019

ORNAMENTAL PLANTINGS

FIGURE 5



Affinis

Shadow Valley Center
847 Jamacha Road
El Cajon, CA 92019

EASTERN SWALE

FIGURE 6

RECEIVED

SEP 27 2007

Planning Department

Architectural Guidelines
for

Avocado
Highlands
Development

September 2007

Introduction

The Avocado Highlands development consists of seven single-family custom home lots. These architectural guidelines are being established to regulate future development of the lots because architecture is not being proposed for the single-family homes, in conjunction with the tentative map. With each lot being developed as a custom home, these architectural guidelines are intended to give both examples of acceptable home styles, and to set certain parameters to ensure a cohesive, and yet unique project that is compatible with the neighborhood. While the homeowner is able to choose any style of architecture, the homes must stay true to an architectural style chosen for each house design. Mixing of architectural styles or types on a single lot is prohibited.

These architectural guidelines include examples of architectural styles that complement the Avocado Highlands project and would fit well with the Fire Mountain neighborhood. Since each lot is unique and will lend itself to a variety of architectural styles the listed types are provided as suggested styles, but are not meant to restrict other design or architectural styles within the project.

It is important to note that Avocado Highlands is located on a sloping site, and all of the lots contain topographical features that should be retained. Future architecture should be designed in a respectful way to help preserve the natural hillside, in addition to creating homes that fit into the neighborhood and surrounding environment. The designs for the proposed residences on Lots 4-7 must meet all the criteria set forth in the Hillside Development section of the Zoning Ordinance. When possible, residences should be designed to nestle into the hillside to minimize grading quantities. Split level floor plans and varying wall lengths are also encouraged in order to contribute to reducing the mass and bulk of the buildings.

Approved Architectural Styles

The following architectural styles have been determined to fit within the existing character of the Fire Mountain neighborhood:

California Craftsman

The character of Craftsman architecture is established with the use of wood beams, deep overhangs with exposed plumb-cut rafters, and porches and verandas supported by large pillars. The predominant look is horizontal with wood siding, shingles, and stucco as the primary materials. Brick and stone are used as accents on columns, pillars, and wainscot. Roof materials are asphalt shingles or concrete tile. Colors are earth tones, both light and dark, with low contrasts between colors and materials.



Victorian Preservation Association
<http://www.vpa.org/magnus/index.html>



Mission View Estates, Oceanside, CA

Prairie

The Prairie architecture is characterized by horizontal expression and delicate proportions. The roof often floats with deep overhangs. Stately, strong and weighty proportions provide a massive “earthy” feel. Windows are regrouped in horizontal bands with vertical proportions. Oftentimes, 3/4 proportions are used to set up the high horizontal lines. Stucco or wood siding with horizontal emphasis predominate with brick, stone, or concrete block detailing. Roofs are typically flat tile or slate. Earth tone colors are utilized with both light and dark shades.

Art Moderne

The Art Moderne architecture originated in the Bauhaus movement. Bauhaus architects wanted to use the principles of classical architecture in their purest form, designing simple, useful structures without ornamentation or excess. Art Moderne architecture resembles the sleek, streamlined appearance of a modern machine and is characterized by features such as a horizontal orientation, flat roof, no cornices or eaves, and a cube-like, geometric-based shape. Features such as glass block windows, rounded corners highlighted by



Architectural Styles of America
<http://jan.ucc.nau.edu/~twp/architecture/artdeco/>

wraparound windows, aluminum, stainless steel window, and door trim is predominant in this style.



Spanish Mission Home in Oklahoma City, OK ca. 1910

Virginia & Lee McAlester, *A Field Guide To American Houses*
New York: Alfred A. Knopf. 2002

Spanish Style

Spanish architecture includes various offshoots such as Colonial Revival, Mission, Monterey, and Eclectic. While each style is inspired by unique characteristics, they all share common features. They generally have a low-pitched roof, red roof tiles, little or no overhanging eaves, stucco siding and arches, especially above doors, main windows, and porch entries. Other Spanish inspired homes also have patterned tile floors and wall surfaces, courtyards, decorative railings, carved doors, spiral columns and pilasters, carved stonework, and other features.

Architectural Standards

Architecture is a very important aspect of any new residential project. Residences proposed for the Avocado Highlands project will be expected to possess excellent design features that are suitable for a hillside site.

Building Facades

Long, unarticulated building facades shall be avoided by incorporating varying setbacks of the building footprint in a random fashion along the residential street. No false "Hollywood" fronts are available on custom lots. Depending on the chosen style, homes are encouraged to use features of architectural interest such as trim on the rear and sides of the homes, the use of different massing, and projecting architectural features such as porches, wood-framed windows, and columns. Houses shall create a harmonious and varied appearance of building heights, roof lines and setbacks. Detailing shall be consistent with the style chosen.

Building Height

Proposed structures must comply with the height standards set forth in Section 1050 of the City of Oceanside Zoning Ordinance. In addition, the Declaration of Covenants, Conditions and Restrictions, and Grant of View Easements recorded on February 15, 2006 set forth height restrictions for the proposed lots in order to protect the view sheds currently enjoyed by adjacent residents. In order to protect the scenic views of the surrounding neighbors, the maximum height of any structure shall not exceed as indicated in the following table:

**Table 1
Height Limitations**

Lot Number	Finished Grade Elevation (AMSL)	Maximum Building Height Elevation (AMSL)	Maximum Building Height (feet)
Lot 1	138 - 144	162	18 - 24
Lot 2	140 - 150	166	16 - 26
Lot 3	145 - 155	172	17 - 27
Lot 4	150 - 160	176	16 - 26
Lot 5	140	176	30*

* Under the Hillside Development Ordinance, all structures built on lots with "qualifying slopes" are restricted to a maximum height of 30 feet. Lot 4 is also subject to this regulation, however, the height specified by the Grant of View Easements is more restrictive.

Per Section 3017(A) of the City of Oceanside Zoning Ordinance, height shall be measured from the finished grade elevation as shown on the approved Tentative Subdivision Map.

The height shall be measured at all points on the site to a warped plane an equal height above all points on the site.

Height limitations were not specified for Lots 6 and 7. Since these lots are subject to the Hillside Development Ordinance, structures may achieve a maximum height of 30-feet.

Setbacks

The setbacks for the project differ from lot to lot. Lots 1 through 3 must comply with the setback requirements for properties located in the RE-B zone. Lots 4 through 7 must comply with the standards set forth by the Hillside Development Criteria in Section 3039 of the Oceanside Zoning Ordinance. The setbacks for each lot are listed below:

**Table 2
Setback Requirements**

Lot Number	Setbacks (in feet)			
	Front	Side	Side Corner	Rear
1	25	7.5	15	20
2	25	7.5	N/A	20
3	25	7.5	N/A	20
4	15	16*	N/A	40**
5	15	20*	N/A	27**
6	15	20*	N/A	49**
7	15	17*	N/A	50**

* Setback measurement is equal to 15% of the lot width. Setback is a minimum of 10 feet, and a maximum of 20 feet. Numbers shown are based on the Tentative Map.

** Setback measurement is equal to 25% of the depth of the lot. Numbers shown are based on the Tentative Map.

Garages

All garages must comply with the off-street parking standards set forth in Article 31 of the City of Oceanside Zoning Ordinance. Every residence shall have an attached or detached two- or three-car garage. The size of the garage is dependant upon the square footage of the proposed residence. Garage space for three cars is required for all new single family residential units in excess of 2,500 square feet, while residences smaller than 2,500 square feet may incorporate a two-car garage. However, all parking spaces in the garage shall measure at least 10-feet by 19-feet, and must meet the size requirements set forth in Section 3110 of the Zoning Ordinance.

Garages shall not dominate the street scene and shall be consistent with the architectural style of the house. The proportion of frontage devoted to the garage face shall be minimized as much as possible, and side-loaded garages are encouraged. All garages shall incorporate roll-up doors.

In addition to the above mentioned standards for garages, future homeowners shall be required to meet the adopted City of Oceanside off-street parking provisions for RV and/or Trailer parking.

Roofs

Development regulations for all projects classified as "Hillside Developments" are required to meet roofing standards set forth in Section 3039 of the Oceanside Zoning Ordinance. These standards will apply to Lots 5 through 7, and include the following:

- The dominant roof slope should substantially follow the slope of the natural grade.
- Flat roofs should be avoided.
- No roof plane shall exceed 600 square feet in area, measured parallel to the roof plane, and a change in pitch of 3 in 12 or greater, or a vertical offset of 2 feet or more shall separate each roof plane.
- The area of offset roof plane or change in roof plane shall not be less than 150 square feet.

Walls

All walls must comply with the existing standards set forth in the City of Oceanside Zoning Ordinance. No visible portion of a structure shall exceed 40 feet in length measured parallel to the surface of the structure, unless there is an off-set of 4 feet or more in depth and 6 feet or more in width. The off-set area shall be unoccupied and unobstructed by structures from the ground upward to the sky, provided that roof eaves may project two feet into the off-set area.

Section 1050 (U) of the City of Oceanside Zoning Ordinance requires retaining walls to be restricted to a maximum height of six (6) feet. Retaining walls over four (4) feet in height must be planted and irrigated.

Fences

All fences must comply with Sections 1050(U) and 3040 of the City of Oceanside Zoning Ordinance. Fences shall be designed and constructed of materials harmonious with the architectural style of the residence. Fences shall be a maximum of six (6) feet in height and may be constructed from ornamental iron, wood, or decorative block. Fencing required in the front yard abutting a street is limited to a maximum 42-inches in height. Wood privacy fencing is allowed between individual lots and as fencing for lots with rear and/or side yards adjacent to roadways or driveways. Rear yard "view fencing" for lots adjacent to open space slopes may be ornamental iron, wood, decorative block, or a

combination wall/"glass" or a wall/ornamental iron fence. Decorative block might include stucco finish, split-face block, or block wall with "cultured stone" veneer.

Fire Prevention Requirements

All buildings shall meet Oceanside Fire Departments current codes at the time of building permit application. In addition, the following standards must also be met:

- In accordance with the California Fire Code Sec. 901.4.4, approved address for commercial, industrial, and residential occupancies shall be placed on the structure in such a position as to be plainly visible and legible from the street or roadway fronting the property. Numbers shall be contrasting with their background.
- Single family dwellings require 4 inch address numbers.

Landscape Styles

All residents will be required to develop a Landscape Plan for their lot that must be approved by the City of Oceanside Planning Department prior to installation. All plans must conform to the City of Oceanside Guidelines and Specifications for Landscape Development 1985, addenda 1997.

Landscaping should be consistent with the style of architecture. Following is a list of suggested styles that would complement each of the above architectural types.

- Landscapes for the **California Craftsman** might include Contemporary, Xeriscape, Cottage, or a softened Formal style.
- Landscapes for the **Prairie Style** might include Contemporary, Xeriscape or Cottage style. Because of the emphasis on the horizontal planes, the Formal landscape style could be adapted with the use of key vertical accents that are not too bold or overpowering.
- Landscapes styles that would be suited for the **Art Moderne** style might include Tropical, Formal, Contemporary or Xeriscape Style.
- **Spanish Style** homes might make use of the traditional Spanish style landscape, Tropical landscape or combine elements of the Xeriscape style with the Tropical or Spanish style landscape.

Tropical Style

Tropical landscapes play off the clean lines and geometric shapes of the modern architecture. Tropical landscapes are characterized by bold silhouettes, large-leaved plants, intense flower or foliage color, and a layering of strongly contrasting plant material with different visual textures. Tropical landscapes might include bold vertical elements using fire-resistant plant material such as King Palm, Queen Palm, Kentia Palm, tree ferns and Giant Bird of Paradise. Ginger, Canna, Bird of Paradise, Banana, Sago Palm, Aloes, Gardenia, Jasmine, Impatiens, Begonias, Geraniums and other colorful bedding plants would also be good accompaniments to the tropical landscape style.

Formal Style

Formal landscapes offer a style that is in unison with the sleek lines of modern architecture. Formal landscapes might include: Camellias, Azaleas, Euonymous, Myrtus, formal hedges, layered drifts of contrasting-textured plant material, formal turf areas, radial curves, straight or geometric lines, and bold architectural accents at entry ways and corners. Potted topiary plants, and perennial bedding plants or colorful groundcover helps to soften the formality of this landscape style. Hardscapes tend to be grid-oriented concrete, brick or cut stone.

Contemporary Style

Contemporary landscape style offers a structured landscape with an organic flavor. The landscapes tend to be simple and clean and characterized by the use of simple hardscape, boulders, cobble and gravel groundcover. This style has Japanese influences but is highly westernized to include the use of sculptural plantings such as Euphorbias. Planting seems to be minimalist yet provides bold or vertical accents in key places. The simplicity is often zen-like in the way it contrasts geometric elements against organic curves. The planting design seems to be more concerned with form and texture combinations than with any one particular plant material itself.

Xeriscape Style

Xeriscape-style planting with drought-tolerant perennials. This style is characterized by gray and gray-green foliage plants with a loose or casual form. Although the foliage texture may not offer much visual contrast except for their leaf color, many of these plants do have colorful flowers. The style is reminiscent of cottage style gardens with loose drifts of layered plant material which may even include some rose varieties such as 'Iceberg.' Subtle tones, grass-like plants, mounding shrubs, "spikey accent plants," stepping stones and an informal layout make this a very relaxed landscape style that can be adapted to a number of different styles of architecture. This is a landscape style that lends itself to native California plants and drip irrigation.

Spanish Style

Spanish style landscapes have a distinctive flavor that combines intense flower colors, large rosette succulents, and sculptural plants which provide bold silhouettes and shadows. Trees are often wispy with an open growth habit, or drooping in form. Flower colors often tend to be in the white, red, orange, or purple range. Signature plant material might include Agaves, Yuccas, Aloes, Hesperaloes, Euphorbia, Lantana, Bird of Paradise, Banana, and Nolina, Dasylyrion, Lavandula, Kniphofia and succulent-type groundcover. The style can tend towards either the desert type of landscape or the tropical style, depending on preference.

Cottage Style

Cottage style landscapes have a loose, lush, casual elegance to them. Although the plant material itself may be loosely structured, the style is highly manicured to keep the dead flowers from making the garden wild or "woody." This style combines manicured shrubs such as Hydrangea, Azaleas, Camellias, Pittosporum, Rhapsiolepis and rose bushes with loose perennials such as Agapanthus, Hemerocallis, Kniphofia, Dietes, Dianella. Low, spreading perennials or groundcover round out the look of this soft and informal planting style.

Erosion Control

The slopes onsite will be planted for erosion control and soil retention in conjunction with grading for the overall subdivision.

Fire

It is important to have the landscape designer be aware that fire-defense is a fundamental consideration in the selection of plant material for any one of the landscape design styles mentioned in this document. The plant palette will need to conform to guidelines set forth by the Oceanside Fire Department Fire Prevention Division.

Individual Lot Development

The developer shall provide all purchasers with a copy of the Architectural Guidelines and Development Regulations, and the Resolution of Approval for the project as part of the initial sales package and prior to the commitment of escrow on the property. The purchasers are required to be informed that these guidelines and regulations will be administered by City Staff as part of the approval process for building and grading permits on each lot. The following procedures are required:

1. Property owners must submit an Administrative Development Plan to the City of Oceanside that includes architectural floor plans and elevations, a landscape concept plan, and all other standard items required by the City of Oceanside for the processing of an Administrative Development Plan.
2. After approval of the Administrative Development Plan, the applicant will be required to submit to the City, and have approved, all final grading and building plans as deemed necessary by the various departments.
3. Administrative Development Plan can be appealed to the Planning Commission should the project not conform to the Design Guidelines and/or if the City Planner determines that a Planning Commission review is required.

Law Offices of
Harvey C. Flodin
1844 Avocado Road, Oceanside, CA 92054
760-757-2453 • FAX 760-757-1003
E-Mail hflodin@aol.com

August 4, 2008

City of Oceanside Planning Commission
300 North Coast Hwy.
Oceanside, CA 92054

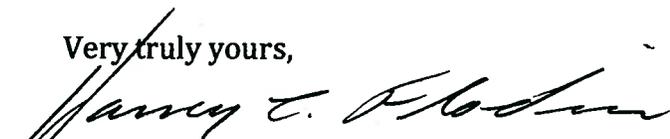
Re: Project T-2-06, D-37-06, C-15-06, C-16-06 Avocado Highlands

Dear Sirs:

Please be advised that the Avocado Highlands project which is the subject of the attached Notice of Hearing is subject to the terms and conditions of a Private Real Property Agreement. A copy of this Agreement is attached hereto for reference.

You are hereby requested to make this Agreement a part of the public record provided to the Planning Commission in connection with this matter. All rights and claims under this Agreement are hereby expressly reserved.

Very truly yours,


HARVEY C. FLODIN

RECEIVED

AUG 04 2008

Planning Department

REAL PROPERTY AGREEMENT

This Real Property Agreement ("Agreement") is made and entered into on the date set forth below in the City of Oceanside, County of San Diego, State of California, by and between JV, a Joint Venture consisting of Avocado Highlands, LLC, a California Limited Liability Company, and Mayur Pavagahdi, an individual (hereafter "JV") and Harvey Flodin, Trustee of the Harvey C. Flodin Trust dated February 2, 2000, and Joan Wallberg, his wife ("Flodin").

RECITALS:

A. WHEREAS, JV is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 2 as shown on Parcel Map filed in Book of Parcel Maps at page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 1888, filed in the Office of the County Recorder of San Diego County, March 1, 1926. (hereafter referred to as the "JV Property").

B. WHEREAS, Flodin is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows

Parcel No. 2, in the City of Oceanside, County of San Diego, State of California, as shown at Page 2593 of Parcel Maps, filed in the office of the County Recorder of San Diego County, May 1, 1974 (hereafter referred to as the "Flodin Property").

C. WHEREAS, Donald Hensel ("Hensel"), Ted L. Rhodes and Edith M. Rhodes ("Rhodes") and Terry A. Hart and Susan N. Hart ("Hart") each own and control certain other real property near and/or adjacent to the Flodin Property and the JV Property.

D. WHEREAS, JV intends to subdivide the JV Property into eight (8) lots ("Lots") and develop and improve each such Lot with a detached single family residence (or sell some or all of

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said lots for such development or improvement), and is in the process of seeking and obtaining the approval of proposed subdivision by the City of Oceanside (hereafter "the JV Project")

E. WHEREAS, JV and Flodin desire to benefit and improve their respectively owned real property and to establish certain rights and restrictions relative to the use and enjoyment of each other's real property, including without limitation the establishment of mutual and reciprocal road easements, road maintenance obligations, view easements and building height restrictions, as more fully set forth in this Agreement and attached exhibits, Further, JV and Flodin are informed and believe that Hart, Rhodes and Hensel have similar intentions and desires with respect to their property in relation to the JV Property and the Hart Property.

NOW THEREFORE, IN CONSIDERATION of the mutual terms and conditions set forth below, the parties agree as follows:

1. RECITALS.

Each and every recital set forth above is hereby expressly set forth herein and is made a part of this Agreement.

2. DECLARATION OF RESTRICTIONS

Concurrently with the execution of this Agreement, JV shall execute the "Declaration of Covenants, Conditions and Restrictions and Grant of View Easements (hereafter the "Declaration") set forth in attached Exhibit "1" incorporated herein by reference. JV shall cause the Declaration to be recorded in the Official Records of the County of San Diego forthwith after the Road Easement Agreement, described in paragraph 3 below, has been fully executed by JV, Hart, Flodin, Rhodes and Hensel. Upon recordation of the Declaration, JV shall deliver to Flodin a conformed copy of the Declaration bearing the official instrument number given to the document by the County Recorder. Upon the approval of the final parcel map for the JV Project by the City of Oceanside, an amendment to the Declaration shall be recorded, at JV's sole cost and expense, to reflect the then existing legal descriptions of the newly created Lots. Such amendment may be made by a document signed and acknowledged by JV, certifying the correctness of such amendment, which such amendment shall be approved in a writing by Hart, Flodin and Hensel prior to recording.

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3. ROAD EASEMENT AGREEMENT

Concurrently with the execution of this Agreement, JV and Flodin shall execute and deliver to each other the "Agreement for Granting and Maintaining Mutual and Reciprocal Road Easements" (hereafter "the Road Easement Agreement") set forth in attached Exhibit "2" incorporated herein by reference. Thereafter, JV shall use its best efforts to seek and obtain the execution of the Road Easement Agreement by Hensel, Rhodes and Hart. The Road Easement Agreement shall not be binding or enforceable unless and until the Declaration has been recorded and delivered to Flodin and the Road Easement Agreement has been executed by JV, Hart, Flodin, Rhodes and Hensel. Upon recordation of the Declaration and the execution of the Road Easement Agreement by all parties, and only upon the recordation of the Declaration and the execution of the Road Easement by all parties, JV shall cause the Road Easement Agreement to be recorded in the Official Records of the County of San Diego. Upon the approval of the final subdivision map for the JV Project by the City of Oceanside, an amendment to the Road Easement Agreement shall be recorded, at JV's sole cost and expense, to reflect the existing legal descriptions of the newly created Lots as well as the metes and bounds description of the Hammerhead Turn-Around located on the east end of the easement. Such amendment may be made by a document signed and acknowledged by JV, certifying the correctness of such amendment, which such amendment shall be approved in writing by Hart, Flodin, Rhodes and Hensel prior to recording.

4. COOPERATION OF THE PARTIES

Each party agrees to execute and deliver such further documents, and to take such further actions, as may be reasonably required to accomplish the intent and purposes of this Agreement. Further, in the event the City of Oceanside requires lot configurations, elevations or other elements of the JV Project to change from existing plans and configurations, the parties shall cooperate and work in good faith to modify and/or amend the JV Project, this Agreement and/or the above referenced Road Easement Agreement and Declaration in order to achieve equivalent access, view protection (in compliance with and in satisfaction of all height restrictions and view easements set forth in the Declaration) and other rights and obligations set forth in this Agreement.

5. MODIFICATION AND AMENDMENT

No term or provision of this Agreement shall be modified or amended, except upon written agreement of JV and Flodin.

6. WAIVER

No waiver of any term, condition or provision of this Agreement shall be valid or enforceable unless said waiver is made in writing and executed by the party to be charged.

7. SEVERABILITY

In the event any term or provision of this Agreement is determined void, invalid or unenforceable, the remaining terms and provisions of this Agreement shall be deemed severable and shall remain in full force and effect.

8. EQUITABLE RELIEF

Each party acknowledges and agrees that, due to the unique nature of the subject matter of this Agreement, the other party would be irreparably damaged in the event of breach of the Agreement, which damage could not be adequately compensated in damages. In the event of breach of this Agreement, the parties agree the non-breaching party shall be entitled to equitable relief, including without limitation temporary and permanent injunctive relief and/or specific performance of this Agreement, without any showing of actual damage or inadequacy of legal remedy, in any proceeding brought to enforce the terms and provisions of this Agreement.

9. ASSIGNMENT

This Agreement shall not be assigned by JV without the prior written consent of Flodin, which consent shall not be unreasonably withheld. Any assignment of this Agreement in violation of this provision is void and of no force or effect. Upon a valid and enforceable assignment of this Agreement, the terms and provisions of this Agreement shall bind and benefit the party's respective assignee. The restriction on Assignment of this paragraph 9 shall terminate when the road construction is completed and the lot development is completed. The consent to assignment required under this paragraph 9 is personal to the current owners of the Flodin property and shall not inure to their successors or assigns.

10. GOVERNING LAW / VENUE

This Agreement shall be construed and interpreted in accordance with the law of the State of California. If any litigation is commenced between the parties to this Agreement, the proper court for adjudicating such is the Superior Court of California for the County of San Diego, North County Divisions, located at 325 South Melrose Drive, Vista, California.

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11. ATTORNEY'S FEES, COSTS AND EXPENSES

In the event of any litigation or arbitration arising from or relating to this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, expert witness fees and expenses and costs.

12. ENTIRE AGREEMENT

This Agreement is an integrated agreement, and is the final, complete and exclusive statement of the agreement of the parties on the subject matter stated herein. This Agreement supersedes any and all prior agreements, promises, covenants, inducements, representations, warranties and understandings, whether written or oral, if any, made by any party to this Agreement regarding the subject matter of this Agreement.

13. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and together shall constitute one and the same instrument.

14. LEGAL COUNSEL

Flodin understands, acknowledges, represents, warrants and agrees that Feist, Vetter, Knauf and Loy, a professional corporation and attorney Alan H. Burson solely and exclusively represents JV in the negotiation, preparation, execution and performance of this Agreement, the Road Easement Agreement and the Declaration. Flodin understands, acknowledges, represents, warrants and agrees that neither Feist, Vetter, Knauf and Loy nor Alan Burson has advised them or represented their interests in this matter and that they have the obligation to seek and obtain their own separate and independent legal counsel in connection with the negotiation, preparation, execution and performance of these documents.

15. WARRANTY OF AUTHORITY

Any officer, partner, member, manager, agent or employee executing this Agreement on behalf of a corporation, partnership, joint venture, limited liability company or other legal entity (hereafter "the entity") hereby represents and warrants that he or she has been duly authorized by such entity to execute this Agreement, that such entity has reviewed, approved, accepted and agreed to the terms and provisions of this Agreement and that the obligations and liabilities assumed by such entity under this Agreement are binding and enforceable against such entity.

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16. INTERPRETATION

This Agreement is deemed drafted by all parties, and therefor it shall not be construed as against any party.

17. TERMINATION OF AGREEMENT

Flodin may terminate this Agreement, and cancel any and all rights and obligations thereunder, in the event (1) JV has not executed or recorded the Declaration in a timely manner (2) JV is unable to obtain the approval for the JV Project from the City of Oceanside or (3) JV is unable to obtain the execution of the Road Easement Agreement by Hensel, Rhodes and Hart.

18. MANDATORY ARBITRATION

Any and all claims, disputes and/or controversies relating to and/or arising from this Agreement shall be submitted to binding arbitration by the American Arbitration Association in the County of San Diego, State of California, and judgment upon the award of the arbitrator(s) may be entered in any court having jurisdiction thereof.

Date: 1-27-06

JV (a Joint Venture)

By: [Signature]
MAYUR PAVAGADHI, an individual

AVOCADO HIGHLANDS, LLC
a California Limited Liability Company

By: [Signature]
VANCE D. CAMPBELL, JR.
Managing Member

Date: 11/11/05

FLODIN

[Signature]
HARVEY FLODIN, Trustee

[Signature]
JOAN WALLBERG, an individual

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RECORDING REQUESTED BY:

AND WHEN RECORDED, MAIL TO:

Avocado Highlands, LLC
Suite 206
171 Saxony Road
Encinitas, CA 92024

(Space Above for Recorder's Use Only)

**DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS,
AND GRANT OF VIEW EASEMENTS**

This Declaration of Covenants, Conditions and Restrictions and Grant of View Easements ("Declaration") is made and entered into on the date set forth below in the City of Oceanside, County of San Diego, State of California, by JV, a Joint Venture consisting of Avocado Highlands, LLC, a California Limited Liability Company, and Mayur Pavagahdi, an individual, with respect to the following described real property.

Parcel 2 as shown on Parcel Map filed in Book of Parcel Maps at Page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 1888, filed in the Office of the County Recorder of San Diego County, March 1, 1926. (hereafter described as the "JV Property").

Hereinafter, JV shall be referred to as "Declarant";

RECITALS

A. WHEREAS, Declarant is the owner of record of the JV Property located in the City of Oceanside, County of San Diego, State of California, more particularly described above.

B. WHEREAS, Terry A. Hart and Susan N. Hart, Trustees of the Hart Living Trust dated November 18, 2004 (hereafter "Hart"), are owners of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 1 of Parcel Map No. 2593, in the City of Oceanside, County of San Diego, State of California filed in the Office of the County Recorder of San Diego County, May 1, 1974 (hereafter describes as the "Hart Property").

C. WHEREAS, Harvey Flodin, Trustee of the Harvey C. Flodin Trust dated February 2, 2000 and Joan Wallberg, his wife (hereafter "Flodin") are owners of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

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Parcel 2 of Parcel Map NO. 2593, in the City of Oceanside, County of San Diego, State of California filed in the Office of the County Recorder of San Diego County, May 1, 1974 (hereafter the "Flodin Property").

D. WHEREAS, Donald Hensel (hereafter "Hensel") is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 1 as shown on Parcel Map filed in Book of Parcel Maps at page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 1888, filed in the Office of the County Recorder of San Diego, County, March 1, 1926 (hereafter the "Hensel Property").

E. WHEREAS, the Hart Property, the Flodin Property and the Hensel Property are adjacent to and abut the JV Property. "Protected View Lot Owners"

F. WHEREAS, Declarant intends to subdivide the JV Property into eight (8) lots (hereafter referred to herein as "Lots") and develop and improve each such Lot with a detached single family residence (or sell some or all of said Lots for such development or improvement), and is in the process of seeking and obtaining approval of the proposed subdivision by the City of Oceanside (hereafter "the JV Project").

G. WHEREAS, in connection with the subdivision and development of the JV Property, Declarant intends to impose upon the JV Property and/or the Lots within the JV Property mutually beneficial and reasonable covenants, conditions and restrictions under a general plan of improvement for the benefit of all Lots within the JV Property, the Hart Property, the Flodin Property, and the Hensel Property, and to convey and/or transfer the JV Property and/or the Lots within the JV Property subject to said covenants, conditions and restrictions as hereinafter set forth. Any and all parcels, subparcels and Lots created in furtherance of the subdivision of the JV Property shall be subject to such covenants, conditions and restrictions and such covenants, conditions and restrictions shall inure to and run with each and every parcel, subparcel and Lot and shall bind and apply to any and all owners and their respective successors in interest of the JV Property and the Lots within the JV Property.

H. WHEREAS, pursuant to the general plan of development and improvement of the JV Property, Declarant intends to establish reasonable height limitations for any and all buildings, structures, landscaping and other improvements located on and to be located on the JV Property and/or the Lots within the Property for the benefit of Hart, Flodin and Hensel and their respective successors in interest as hereinafter set forth.

I. WHEREAS, pursuant to the general plan of development and improvement of the JV Property, Declarant also intends to create and grant to Hart, Flodin and Hensel and their respective successors in interest in their properties described above, view easements over, above and across the JV Property and/or the Lots within the JV Property appurtenant to their respective real property as hereinafter set forth. For purposes of the view easement, the Hart Property, the Flodin Property, and the Hensel Property shall be the dominant tenements and the JV Property and the Lots within the JV Property shall be the servient tenements.

NOW THEREFORE, IN CONSIDERATION of the mutual terms and conditions set forth below, the parties agree as follows:

1. RECITALS.

Each and every recital set forth above is hereby expressly set forth herein and is made a part of this Declaration.

2. BUILDING HEIGHT LIMITATION

Without the prior, express written authorization of the Protected View Lot Owners, no construction, development, residence, building, structure, tent, shed, shack, container, alteration, addition, modification, landscaping, tree, shrub, hedge, plant material, vegetation, wall, patio cover, fence, pole, wires or other improvement (including without limitation any and all utility appliances, fixtures, equipment and/or apparatus for air-conditioning, gas, electricity, water, telephone, television, solar panel, satellite dish, transmitter, cell tower, antennae, etc.) mast, flagpole, basketball hoop, play structure, holiday decoration or other improvement and/or fixture (whether prefabricated, temporary or permanent in nature), motor vehicle, trailer and/or mobilehome shall be erected, constructed, installed, located, placed, affixed, attached, kept or maintained on any part or portion of the JV Property or any Lot or portions of any Lot within the JV Property as designated on attached Exhibit "A" incorporated herein by reference which exceeds the following height above mean sea level ("AMSL"):

"Area 1"	162 feet AMSL
"Area 2"	166 feet AMSL
"Area 3"	172 feet AMSL
"Area 4"	176 feet AMSL
"Area 5"	176 feet AMSL

Notwithstanding the foregoing, and as an additional and superseding limitation, no fence, wall or similar structure shall be erected, installed, kept or maintained in or on Area 4 or Area 5 that is higher than 173 feet AMSL without the express written authorization of the owner of the Hensel Property and/or Hensel's successors in interest, or in or on Area 4 adjacent to the east boundary of the "Hammerhead Turn-Around" shown on Exhibit "B", attached hereto and incorporated herein by reference.

Furthermore, notwithstanding any of the foregoing, and as additional and superseding limitations, in no event shall the height of any structure on the JV property, relative to Eye Level on the Hart, Flodin and Hensel properties, be greater than as listed below. "Eye Level" is defined as being five feet (5') above the existing finished floor level at the front of the homes on the Hart, Flodin and Hensel properties.

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- (a) Areas 1 of the JV Property shall not exceed a height that is more than 12 feet below Eye Level of the existing residence on the Hart Property [Existing Eye Level on the Hart Property is 174 ASML, existing finished floor level on the Hart Property is 169 ASML].
- (b) Areas 2 of the JV Property shall not exceed a height that is more than eight feet (8') below Eye Level of the existing residence on the Hart Property.
- (c) Area 3 of the JV Property shall not exceed a height that is more than 6.9 feet below Eye Level of the existing residence on the Flodin Property [Existing Eye Level on the Flodin Property is 178.9 ASML, existing finished floor level on the Flodin Property is 173.9ASML].
- (d) Area 4 of the JV Property shall not exceed a height that is more than 2.9 feet below Eye Level of the existing residence on the Flodin Property.
- (e) Area 5 of the JV Property shall not exceed a height that is more than 11 feet below Eye Level of the existing residence on the Hensel Property [Existing Eye Level on the Hensel Property is 187 ASML, existing finished floor level on the Hensel Property is 182 ASML,].

And, notwithstanding any of the foregoing, not more than one (1) chimney per Lot of dimensions not exceeding 30" x 30" and of a height not exceeding 36" above the building height limitation as defined herein, as well as vent pipes of an ordinary and usual nature extending not more than two (2) feet above the foregoing height limits, shall be exempt from the foregoing, but must meet City of Oceanside requirements.

In order to ensure compliance with the building height limitations set forth above, prior to the commencement of construction of any of the residences on the JV Property and/or the Lots within the JV Property, JV and/or its successors in interest shall install "viewing stakes" that clearly indicate to Hart, Flodin and Hensel the maximum finished height of all residences and related structures to be located on the JV Property and Lots within the JV Property. The viewing stakes will be placed by a surveyor/engineer in accordance with the terms of the agreement of the parties certified to be correct by the surveyor/engineer. Hart, Flodin and Hensel shall, within ten (10) days of receipt of such certification approve the viewing stakes, in writing, unless they have a reasonable belief, based upon the opinion of another survey or engineer that the view stakes are not in accordance with this Declaration.

3. ADJUSTMENT OF AREA LOCATIONS

The boundaries of Areas 1 through 5, inclusive, as shown on Exhibit A, shall be adjusted upon the approval of a final Map by the City of Oceanside to correspond to the boundaries of the separate Lots and/or parcels as shown on the map.

4. GRANT OF VIEW EASEMENTS

Declarant hereby grants to Hart, Flodin and Hensel, and to each of them, and to each of their respective successors in interest

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easement over, above and across the JV Property and/or the Lots within the JV Property for the purposes of enjoying a view from any and all parts of their respective real properties consistent with the foregoing building height limitations.

5. COOPERATION OF DECLARANT

Declarant agrees to execute and deliver such further documents, and to take such further actions, as may be reasonably required to accomplish the intent and purposes of this Declaration.

6. MODIFICATION AND AMENDMENT

No term or provision of this Declaration shall be modified or amended, except upon the written agreement of all owners of record of Lots within the JV Property and all owners of record of the Hart Property, the Flodin Property, and the Hensel Property and/or their respective successors in interest. Upon approval of the final map for the JV Project by the City of Oceanside, an amendment to this Declaration shall be recorded, at Declarant's sole cost and expense, to reflect the description of the Lots within the JV Property. Signature of any one owner of any lot shall bind all owners of that lot.

7. WAIVER

No waiver of any term, condition or provision of this Declaration shall be valid or enforceable, unless said waiver is made in writing and executed by the party to be charged.

8. SEVERABILITY

In the event any term or provision of this Declaration is determined void, invalid or unenforceable, the remaining terms and provisions of this Declaration shall be deemed severable and shall remain in full force and effect.

9. EQUITABLE RELIEF

Declarant acknowledges and agrees that, due to the unique nature of the subject matter of this Declaration, parties in interest would be irreparably damaged in the event of breach of the Declaration, which damage could not be adequately compensated in damages. In the event of breach of this Declaration by Declarant and/or Declarant's successors in interest, Declarant agrees that the parties in interest entitled to enforce this Declaration shall be entitled to equitable relief, including without limitation temporary and permanent injunctive relief and/or specific performance of this Declaration, without any showing of actual damage or inadequacy of legal remedy, in any proceeding brought to enforce the terms and provisions of this Declaration.

10. ASSIGNMENT

No right or obligation under this Declaration shall be assigned by Declarant without the prior written consent of all owners of record of the Hart Property, the Flodin Property, and the Hensel Property, and/or their respective successors in interest, which consent shall not be unreasonably withheld. Any assignment in violation of this provision is void and of no force or effect. Upon a valid and enforceable assignment of this Declaration, the terms and provisions of this Declaration shall bind and benefit said assignees. The restriction on Assignment of this paragraph shall terminate when the road construction is completed and the

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development is completed. The consent to assignment required under this paragraph 10 is personal to the current owners of the Flodin, Hart and Hensel properties and shall not inure to their successors or assigns.

11. GOVERNING LAW / VENUE

This Declaration shall be construed and interpreted in accordance with the law of the State of California. If any litigation is commenced between the parties to this Declaration, the proper court for adjudicating such is the Superior Court of California for the County of San Diego, North County Divisions, located at 325 South Melrose Drive, Vista, California.

12. ATTORNEY'S FEES, COSTS AND EXPENSES

In the event of any litigation or arbitration arising from or relating to this Declaration, the prevailing party shall be entitled to reasonable attorney's fees, expert witness fees and expenses and costs.

13. ENTIRE AGREEMENT

This Declaration is an integrated agreement, and is the final, complete and exclusive statement of the agreement of Declarant on the subject matter stated herein. This Declaration supersedes any and all prior agreements, promises, covenants, inducements, representations, warranties and understandings, whether written or oral, if any, made by Declarant regarding the subject matter of this Declaration.

14. LEGAL COUNSEL

Declarant understands, acknowledges, represents, warrants and agrees that attorney A. David Puzo solely and exclusively represents Hart in the negotiation, preparation, execution and performance of this Declaration. Declarant understands, acknowledges, represents, warrants and agrees that Mr. Puzo has not advised Declarant or represented its interests in this matter and that Declarant has the obligation to seek and obtain its own separate and independent legal counsel in connection with the negotiation, preparation, execution and performance of this Declaration.

15. WARRANTY OF AUTHORITY

Any officer, director, partner, member, manager, agent or employee executing this Declaration on behalf of a corporation, partnership, limited liability company or joint venture (hereafter "entity") hereby represents and warrants that he or she has been duly authorized by such entity to execute this Declaration, that such entity has reviewed, approved, accepted and agreed to the terms and provisions of this Declaration and that the obligations and liabilities assumed by such entity under this Declaration are binding and enforceable against such entity.

16. INTERPRETATION

This Declaration is deemed drafted by all affected parties, and therefor it shall not be construed as against any such party.

17. ENFORCEMENT

The within Declaration, and any and all terms and provisions thereof, shall be enforceable by any owner of a Lot within the JV Property, and/or said owner's successors in interest, by any owner of record of the Hart

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Property, the Flodin Property and the Hensel Property, and/or said owner's successors in interest, and by the City of Oceanside.

Following the completion of residential dwellings upon the JV property, no person may file an enforcement action regarding this Declaration, other than in Small Claims Court or where temporary injunctive relief is necessary, unless and until the person seeking enforcement has given written notice of the alleged violation to the owner of the real property allegedly in violation and demanding its correction. If, within 30 days of the giving of such notice the alleged violation is corrected, no action shall lie. If within 10 days of receipt of such notice the alleged violator requests the parties participate in mediation concerning the matter, the matter shall be submitted to mediation through North County Lifeline or the National Conflict resolution Center or other mediator acceptable to both parties prior to any arbitration or lawsuit being filed. To the extent not inconsistent with this provision, the provisions of Civil Code section 1369.510 - 1369.580 are incorporated herein and shall be applicable to such alternative dispute resolution procedure. Any mediation shall be conducted in the County of San Diego, State of California.

18. MANDATORY ARBITRATION

Any and all claims, disputes and/or controversies relating to and/or arising from this Declaration shall be submitted to binding arbitration by the American Arbitration Association in the County of San Diego, State of California, and judgment upon the award of the arbitrator(s) may be entered in any court having jurisdiction thereof.

19. TERM

Each of the covenants, conditions and restrictions set forth herein shall run with the land and bind any and all owners of the JV Property and the Lots within the JV Property for a term of sixty (60) years from the date that this Declaration is recorded, and after which date they shall be automatically extended for successive periods of ten (10) years each, unless the Owners of the JV Property and the Lots within the JV Property and the owners of record of the Hart Property, Flodin Property and Hensel Property have executed and recorded at any time within six (6) months prior to the end of the sixty (60) year period or within six (6) months prior to the end of any such ten (10) year extension period, in the manner required for a conveyance of real property, a written instrument in which it is agreed that said covenants, conditions and restrictions shall terminate at the end of the sixty (60) year period or the end of any such ten (10) year extension period.

Date: _____

JV, a Joint Venture

By: _____
Mayur Pavagadhi, an individual

AVOCADO HIGHLANDS, LLC
a California Limited Liability Company

By: _____
Vance D. Campbell, Jr., Managing Member

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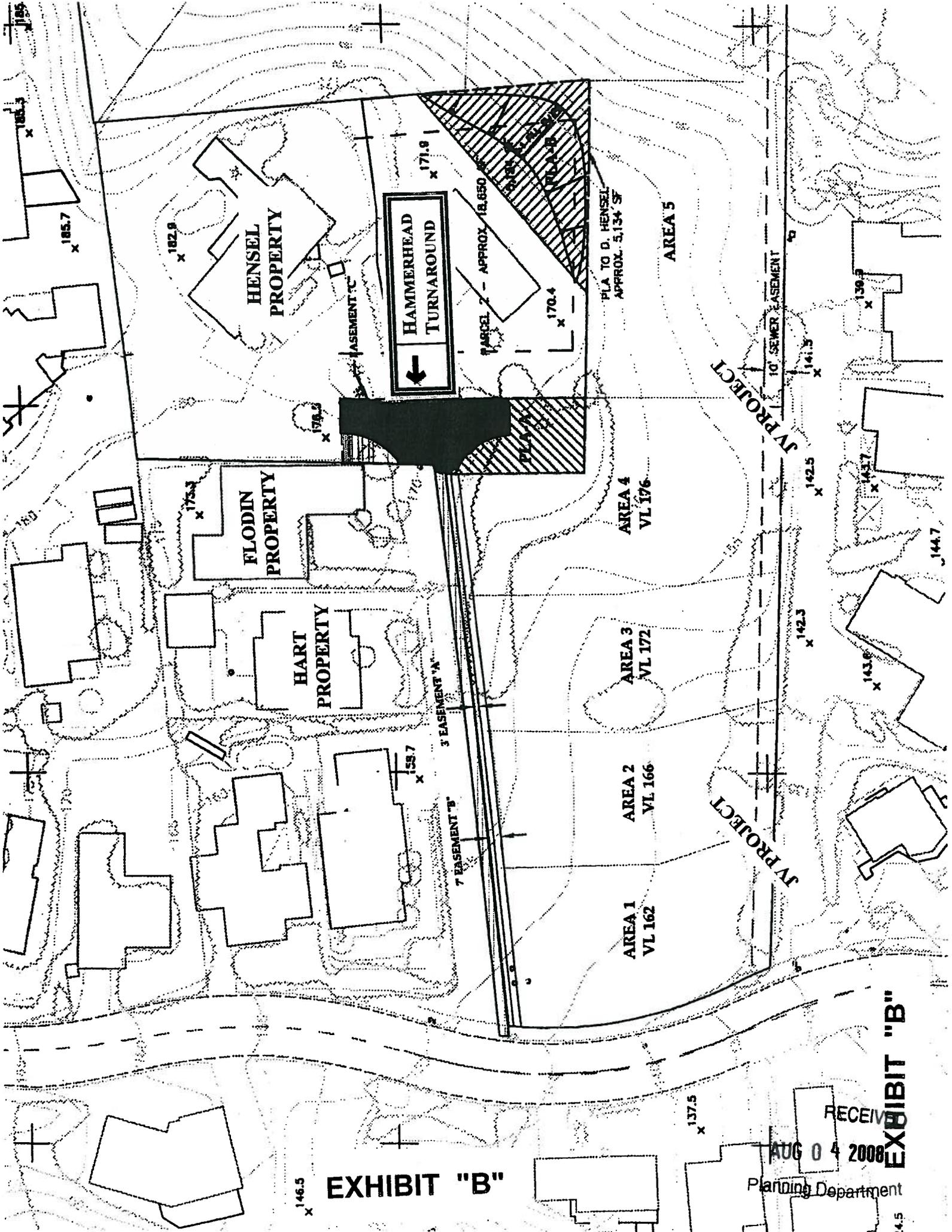


EXHIBIT "B"

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EXHIBIT "B"

ACKNOWLEDGMENTS

State of California :

:ss.

County of San Diego :

On _____, before me _____ a Notary Public in and for said State, personally appeared **MAYUR PAVAGAHDI**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said State

State of California :

:ss.

County of San Diego :

On _____, before me _____ a Notary Public in and for said State, personally appeared a Notary Public in and for said State, personally appeared **VANCE D. CAMPBELL, Jr.**, personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument, the person or the entity on behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said State

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Exhibit 2

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RECORDING REQUESTED BY:

AND WHEN RECORDED, MAIL TO:

Avocado Highlands, LLC
171 Saxony Road, Suite 206
Encinitas, CA 92024

(Space Above for Recorder's Use Only)

AGREEMENT FOR GRANTING AND MAINTAINING MUTUAL AND RECIPROCAL ROAD EASEMENTS

This Agreement for Granting and Maintaining Mutual and Reciprocal Road Easements ("Agreement") is made and entered into on the date set forth below in the City of Oceanside, County of San Diego, State of California, by and between JV, a Joint Venture consisting of Avocado Highlands, LLC, a California Limited Liability Company, and Mayur Pavagahi, an individual (hereafter "JV"), Terry A. Hart and Susan M. Hart, Trustees of the Hart Living Trust dated November 18, 2004 (hereafter "Hart"), Harvey Flodin Trustee of the Harvey C. Flodin Trust dated February 2, 2000 and Joan Wallberg, his wife (hereafter "Flodin"), Ted L. Rhodes and Edith M. Rhodes (hereafter "Rhodes") and Donald Hensel (hereafter "Hensel").

RECITALS:

A. WHEREAS, JV is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 2 as shown on Parcel Map filed in Book of Parcel Maps at page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 1888, filed in the Office of the County Recorder of San Diego County, March 1, 1926 (hereafter the "JV Property").

B. WHEREAS, Hart is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 1, in the City of Oceanside, County of San Diego, State of California, as shown at page 2593 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, May 1, 1974 (hereafter the "Hart Property").

C. WHEREAS, Flodin is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 2, in the City of Oceanside, County of San Diego, State of California, as shown at page 2593 of Parcel Maps, filed in the Office of the County Recorder of San Diego County, May 1, 1974 (hereafter the "Flodin Property").

D. WHEREAS, Rhodes is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

All that portion of Lot 3 of Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 888, filed in the Office of the County Recorder of San Diego County, March 1, 1926, described as follows:

Commencing at the northwest corner of lot 3; thence north 84 degrees 18'33" east 143 feet along the northerly line of said lot 3; thence south 1 degree 02'00" east 70.23 feet to the true point of beginning; thence continuing south 1 degree 02'00" east 70.23 feet; thence south 84 degrees 18'33" west 165.30 feet to a point on a 225.00 foot radius curve, as said curve is described in a deed recorded August 8, 1968 as file no. 135287 official records, a radial line to said point bears north 77 degrees 58'06" west; thence northerly along the arc of said curve 24.08 feet through a central angle of 6 degrees 07'52" to a point of cusp with the westerly line of lot 3 being also a point on a 294.63 foot radius curve concave westerly, a radial line to which bears south 70 degrees 50'14" east; thence northerly along said curve 50.29 feet through a central angle of 9 degrees 46'47" to a point, to which a radial line bears south 81 degrees 37'01" east, thence north 84 degrees 18'33" east 146.14 feet to the true point of beginning (hereafter the "Rhodes Property").

E. WHEREAS, Hensel is the owner of record of certain real property located in the City of Oceanside, County of San Diego, State of California, more particularly described as follows:

Parcel 1 as shown on Parcel Map filed in Book of Parcel Maps at page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California according to Map thereof No. 1888, filed in the Office of the County Recorder of San Diego County, March 1, 1926 (hereafter the "Hensel Property").

F. JV, Hart, Flodin, Rhodes and Hensel (and/or their respective successors in interest) may be referred to herein as "Owners" and their respectively owned real property may be referred to herein as "Lots".

G. WHEREAS, the Hart Property, Flodin Property, Rhodes Property and Hensel Property abut and lie adjacent to the JV Property.

H. WHEREAS, JV intends to subdivide the JV Property into eight (8) lots and/or parcels (hereafter also referred to herein as "Lots") and develop and improve each such Lot with a detached single family residence (or sell some or all of said Lots for such development or improvement), and is in the process of seeking and obtaining the approval of the proposed subdivision by the City of Oceanside (hereafter "the JV Project"). The owners of record and their successors in interest of the JV Property and the Lots created by the subdivision of the JV Property shall also be referred to herein as "Owners".

I. WHEREAS, JV, Hart, Flodin, Rhodes and Hensel desire to benefit and improve their respectively owned real property and to establish certain rights and restrictions relative to the use and enjoyment of each other's real property by granting, acquiring, establishing and creating mutual and reciprocal easements over, above and across each other's real property for the purpose of creating an improved thirty-two (32) foot wide private roadway for ingress, egress, road and utility purposes and incidents thereto, between Avocado Road, a public roadway and each of the properties subject to this Agreement which shall hereafter be referred to herein as the "Private Roadway". A diagram of the Private Roadway and the location of the adjacent properties owned by the parties is set forth in Exhibit A, attached hereto and incorporated herein by reference.

NOW THEREFORE, IN CONSIDERATION of the mutual terms and conditions set forth below the parties agree as follows:

1. RECITALS

Each and every recital set forth above is hereby expressly set forth herein and is made a part of this Agreement.

2. GRANTS OF EASEMENT

JV, Hart, Flodin and Hensel hereby grant to each other and to Rhodes mutual and reciprocal easements for ingress, egress, road and utility purposes and incidents thereto, as more fully set forth below, subject to the terms and provisions of this Agreement.

3. CHARACTER OF EASEMENTS

Each of the easements granted hereby is nonexclusive in nature and appurtenant to each of the real properties owned by the other parties. Subject to the provisions of section 10 of this Agreement, each party hereby retains and reserves the right to make any use of their servient estates that does not unreasonably and substantially interfere with the free use and enjoyment of the easements granted to other parties under this Agreement.

4. SUBDIVISION OF JV PROPERTY

In connection with the subdivision of the JV Property, no more than four (4) Lots in the subdivision shall abut and use the Private Roadway. Each of the four (4) Lots abutting the Private Roadway shall have the right to use the easement subject to the terms and provisions of this Agreement. From and after the recording of the final map establishing the subdivision of the JV Property, the Owner or Owners of the four (4) Lots abutting and having the right to use the Private Roadway shall be responsible to share in the costs and expenses of maintaining and repairing the Private Roadway as hereinafter set forth in paragraph 9, below.

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5. SUBDIVISION OF HENSEL PROPERTY

In the event of a subdivision or lot-split of the Hensel Property, each and every legal parcel and/or lot created by such subdivision shall be a "Lot" for purposes of this Agreement, and the owner thereof and all successors in interest shall have the benefits and burdens of the easements described herein and the right to use the Private Roadway. The owner of any such Lot, and his successors in interest shall be an "Owner" for purposes of this Agreement and shall be obligated to share in the costs and expenses of maintenance and repair of the Private Roadway as set forth in this Agreement.

6. LOCATION AND DIMENSION OF EASEMENTS

JV hereby grants to each Owner an easement, as described above, over, above and across the northerly seven (7) feet of the JV Property. Hart hereby grants to each Owner an easement, as described above, over, above and across the southerly ten (10) feet of the Hart Property, which includes the ten (10) foot wide strip that is included within the presently existing roadway to the junction of Avocado Road. Flodin hereby grants to each Owner an easement, as described above, over, above and across the southerly twenty (20) feet of the Flodin Property, which includes the ten (10) foot wide strip that is included within the presently existing roadway to the junction of Avocado Road. Hensel hereby grants to each Owner an easement, as described above, over, above and across (i) the five (5) foot wide strip of land lying immediately south of the Flodin Property and immediately north of the JV Property that is included within the presently existing roadway to the junction of Avocado Road and (ii) the area designated as the "Hammerhead Turnaround" as shown on Exhibit A.

7. RESERVATION OF RIGHTS

In the event a portion of a Lot containing any portion of any easement within the Private Roadway is conveyed, there shall be deemed a reservation of an easement over that portion of such conveyed Lot for the benefit of the portion of the Lot not conveyed, whether or not such reservation is expressed in the deed of conveyance.

8. IMPROVEMENT OF EASEMENTS

At JV's sole cost and expense, JV shall design, engineer, construct and complete construction and improvements on the easement so as to create a Private Roadway of the design, construction and standards shown on Exhibit "B" attached hereto, to the extent not prohibited by the City of Oceanside. JV shall additionally comply with any and all applicable rules, regulations, requirements, standards, ordinances, permits, approvals and/or conditions issued, promulgated, granted and/or imposed by the City of Oceanside relative to construction of the Private Roadway, including without limitation, Sections 1401(d) and (e) for "Drives and Areas Subject to Heavy Truck Use." The Private Roadway shall meet or exceed all City of Oceanside requirements for a roadway serving an eight lot subdivision regardless of whether the actual subdivision of the JV property results in the creation of eight (8) lots.

A. JV shall execute a written construction contract for the work with a contractor having a valid class "A" license in good standing, and shall provide each Owner, upon request, with a fully executed copy of said contract.

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B. The contract shall require the contractor to acquire and/or maintain from commencement through completion of the work commercial general liability insurance with an insurance company acceptable to each Owner which provides for the minimum coverage in the amount of \$2,000,000 per claim and naming each party to this Agreement as an additional insured under such policy of insurance and shall provide satisfactory evidence of such insurance to any Owner upon request. Said contractor shall also provide satisfactory evidence of adequate workers compensation insurance to each Owner upon request.

C. Such contract shall also provide a minimum of two (2) year guarantee on the Contractor's work.

D. Construction of said improvements shall commence prior to or concurrently with the commencement of any work on the JV property pursuant to any tentative or final map for the JV Project. Construction of the roadway shall be diligently pursued to completion in 120 days or less, excluding delays caused by acts of God and delays caused by acts beyond the control of JV. "Completion" for the foregoing provisions of this paragraph 8, shall mean construction to the point where there is a hard surfaced roadway open and available for routine ingress and egress to the lots of Hart, Flodin, Hensel and Rhodes. Final surfacing of the roadway and final setting of utility covers shall occur within 60 days of the issuance of the first certificate of occupancy on a home constructed on the JV Property which will use the roadway or within 120 days of substantial completion of such a home, whichever first occurs.

E. Prior to commencement of construction of the Private Roadway, JV shall obtain a construction performance bond guaranteeing the timely completion of the Private Roadway in accordance with the design, construction and standards set forth in this paragraph 8, and shall provide each Owner, upon request, with a fully executed copy of said bond. A bond required and posted in a form and amount as required by the City of Oceanside shall be sufficient, but if the City does not require such bond, then such a bond in the amount of the full estimated cost to construct such Private Roadway shall be obtained by JV in favor of Hart, Flodin, Hensel and Rhodes.

F. JV shall give written notice to Hart, Flodin, Rhodes and Hensel of the date that the roadway construction will commence not less than thirty (30) days prior to the commencement of any roadway construction. In the course of such construction of the roadway easement improvements, JV shall use all reasonable efforts to maintain access to and minimize disruption of ingress and egress to the Hart, Flodin, Rhodes and Hensel properties.

G. JV shall obtain, and provide to each Owner, a release of any and all mechanic's lien rights promptly upon payment of Contractor for said improvements. During the period from the commencement through completion of work, JV shall indemnify and hold each of the other parties to this Agreement, and their respective successors in interest, free and harmless of and from any and all claims, demands, causes of action, obligations, liabilities, damages, judgments, costs, expenses and/or losses of every nature whatsoever (including reasonable attorney's fees and costs) relating to and/or arising from the execution of the contract, the performance of work under the contract and/or the construction of said improvements.

H. Neither JV nor the contractor shall be an agent or employee of, nor shall they have authority to represent or bind, any other party to this Agreement.

9. MAINTENANCE AND REPAIR OF EASEMENTS

During the four (4) year period commencing from the beginning of the roadway easement improvements any and all costs and expenses for maintenance and repair of the Private Roadway shall be borne exclusively by the Owner or Owners of the four (4) Lots on the JV property abutting the Private Roadway, individually and collectively. During this period, JV and the Owners of the four (4) Lots within the JV Property that abut the Private Roadway, individually and collectively, shall indemnify and hold each of the other parties to this Agreement, and their respective successors in interest, free and harmless of and from any and all claims, demands, causes of action, obligations, liabilities, damages, judgments, costs, expenses and/or losses of every nature whatsoever (including reasonable attorney's fees and costs) relating to and/or arising from the maintenance and repair, and the costs and expenses of maintenance and repair, of the Private Roadway. Provided, however, if any maintenance or repair is necessary as a result of negligent act or omission of any Owner and/or such Owner's family members, tenants, licensees, independent contractors, agents or invitees or damage caused by the installation or repair of utilities serving such Owner's Lot, such Owner shall be responsible for the entire cost and expense of such maintenance or repair. Upon expiration of said four (4) year period, all Owners of Lots abutting or entitled to use the private easement roadway shall share equally in the costs and expenses for all maintenance and repair of the private Roadway.

10. LIABILITY FOR INJURY DAMAGE AND LOSS

Commencing from the beginning of the roadway easement improvements to the Private Roadway by JV, and terminating at the earlier of four (4) years from that date or upon the completion of the homes on the four (4) Lots abutting the easement on the JV Property, JV shall have the exclusive liability for personal injury, property damage and other loss relating to and arising from the design, construction, and use of the roadway in connection with construction activity on the JV lots, construction, maintenance and/or repair of the Private Roadway. During this period, JV shall indemnify and hold each of the other parties to this Agreement, and their respective successors in interest, free and harmless of and from any and all claims, demands, causes of action, obligations, liabilities, damages, judgments, costs, expenses and/or losses of every nature whatsoever (including reasonable attorney's fees and costs) relating to and/or arising from the design, construction, use, maintenance and/or repair of the Private Roadway. In furtherance of the obligation of JV under this paragraph, JV shall obtain and maintain, at its sole cost and expense, a policy of general liability insurance insuring against such risks, in a minimum single limit amount of two million dollars naming each party to this Agreement as an additional insured under such policy of insurance and shall provide satisfactory evidence of such insurance to any Owner upon request. After expiration of said four (4) year period, or upon the completion of the homes on the four (4) Lots abutting the easement on the JV Property, whichever earlier occurs, all Owners of Lots abutting or entitled to use the private easement roadway shall share equally in responsibility for any such injury, damage and loss.

11. UTILITY EASEMENTS

Subject to and without waiver of the provisions of this Agreement or the Declaration of Covenants, Conditions and Restrictions and Grant of View Easements executed and recorded by JV as Declarant, at the request of any Owner, any other Owner from time to time shall grant to any utility company or provider usual, reasonable and customary utility easements required by the utility

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company or provider across that portion of the Owner's Lot that lies within the Private Roadway for the purpose of providing utilities to any of the Lots.

12. USE RESTRICTIONS

No party to this Agreement, or their respective successor in interest, shall park any recreational vehicle, mobilehome, boat, trailer or commercial motor vehicle on the Private Roadway at any time. No permanent or overnight parking of any vehicle shall be allowed on the Private Roadway.

13. COOPERATION OF THE PARTIES

Each party agrees to execute and deliver such further documents, and to take such further actions, as may be reasonably required to accomplish the intent and purposes of this Agreement.

14. MODIFICATION AND AMENDMENT

Except as specifically provided in this paragraph, no term or provision of this Agreement shall be modified or amended, except upon written agreement of all parties. Upon approval of the final map for the JV Project by the City of Oceanside, an amendment to this Agreement shall be recorded, at JV's sole cost and expense, to reflect the metes and bounds description of the Hammerhead Turnaround, which such amendment shall be approved in writing by Hart, Flodin, Rhodes and Hensel prior to recording. Such amendment may be made by a document signed and acknowledged by JV, certifying the correctness of the legal descriptions of the roadway and the Hammerhead Turnaround.

15. WAIVER

No waiver of any term, condition or provision of this Agreement shall be valid or enforceable unless said waiver is made in writing and executed by the party to be charged.

16. SEVERABILITY

In the event any term or provision of this Agreement is determined void, invalid or unenforceable, the remaining terms and provisions of this Agreement shall be deemed severable and shall remain in full force and effect.

17. EQUITABLE RELIEF

Each party acknowledges and agrees that, due to the unique nature of the subject nature of this Agreement, the other party would be irreparably damaged in the event of breach of the Agreement, which damage could not be adequately compensated in damages. In the event of breach of this Agreement, the parties agree the non-breaching party shall be entitled to equitable relief, including without limitation temporary and permanent injunctive relief and/or specific performance of this Agreement, without any showing of actual damage or inadequacy of legal remedy, in any proceeding brought to enforce the terms and provisions of this Agreement.

18. ASSIGNMENT

This Agreement shall not be assigned by JV without the prior written consent of the other parties, which consent may be withheld in the absolute discretion of the other parties. Any assignment of this Agreement in violation of this provision is void and of no force or effect. Upon

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a valid and enforceable assignment of this Agreement, the terms and provisions of this Agreement shall bind and benefit the parties' respective assignees.

19. GOVERNING LAW / VENUE

This Agreement shall be construed and interpreted in accordance with the law of the State of California. If any litigation is commenced between the parties to this Agreement, the proper court for adjudicating such is the Superior Court of California for the County of San Diego, North County Divisions, located at 325 South Melrose Drive, Vista, California.

20. ATTORNEY'S FEES, COSTS AND EXPENSES

In the event of any litigation or arbitration arising from or relating to this Agreement, the prevailing party shall be entitled to reasonable attorney's fees, expert witness fees and expenses and costs.

21. ENTIRE AGREEMENT

This Agreement is an integrated agreement, and is the final, complete and exclusive statement of the agreement of the parties on the subject matter stated herein. Except as stated below, this Agreement supersedes any and all prior agreements, promises, covenants, inducements, representations, warranties and understandings, whether written or oral, if any, made by any party to this Agreement regarding the subject matter of this Agreement. The Real Property Agreements executed by JV and Hart, Flodin and Hensel shall survive this Agreement, and shall remain in full force and effect between the parties.

22. COUNTERPARTS

This Agreement may be executed in one or more counterparts, each of which will be deemed an original, and together shall constitute one and the same instrument.

23. LEGAL COUNSEL

All parties understand, acknowledge, represent, warrant and agree that attorney A. David Puzo solely and exclusively represents Hart in the negotiation, preparation, execution and performance of The Real Property Agreement executed by JV and Hart, this Agreement and the Declaration of Covenants, Conditions and Restrictions and Grant of View Easements executed by JV. Further, JV, Flodin, Rhodes and Hensel understand, acknowledge, represent, warrant and agree that Mr. Puzo has not advised them or represented their interests in this matter and that they have the obligation to seek and obtain their own separate and independent legal counsel in connection with the negotiation, preparation, execution and performance of these documents.

24. WARRANTY OF AUTHORITY

Any officer, director, partner, member, manager, agent or employee executing this Agreement on behalf of a corporation, partnership, limited liability company or joint venture (hereafter "entity") hereby represents and warrants that he or she has been duly authorized by such entity to execute this Agreement, that such entity has reviewed, approved, accepted and agreed to the terms and provisions of this Agreement and that the obligations and liabilities assumed by such entity under this Agreement are binding and enforceable against such entity.

25. INTERPRETATION

This Agreement shall be deemed drafted by all parties, and therefor it shall not be construed against any party.

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26. EFFECTIVE DATE

This Agreement shall not be binding on or enforceable by any party unless and until (a) JV executes and records that certain Declaration of Covenants, Conditions and Restrictions and Grant of View Easements attached as Exhibit 1 to the Real Property Agreement executed by JV and Hart and (b) this Agreement is executed by all parties.

27. MANDATORY ARBITRATION

Any and all claims, disputes and/or controversies relating to and/or arising from this Agreement shall be submitted to binding arbitration by the American Arbitration Association in the County of San Diego, State of California, and judgment upon the award of the arbitrator(s) may be entered in any court having jurisdiction thereof.

JV, a Joint Venture

Date: _____

By: _____
MAYUR PAVAGADHI, an individual

AVOCADO HIGHLANDS, LLC
a California Limited Liability Company

By: _____
VANCE D. CAMPBELL, JR.
Managing Member

Date: _____

TERRY A. HART, Trustee

Date: _____

SUSAN M. HART, Trustee

Date: _____

HARVEY FLODIN, Trustee

Date: _____

JOAN WALLBERG, an individual

Date: _____

TED L. RHODES, an individual

Date: _____

EDITH M. RHODES, an individual

Date: _____

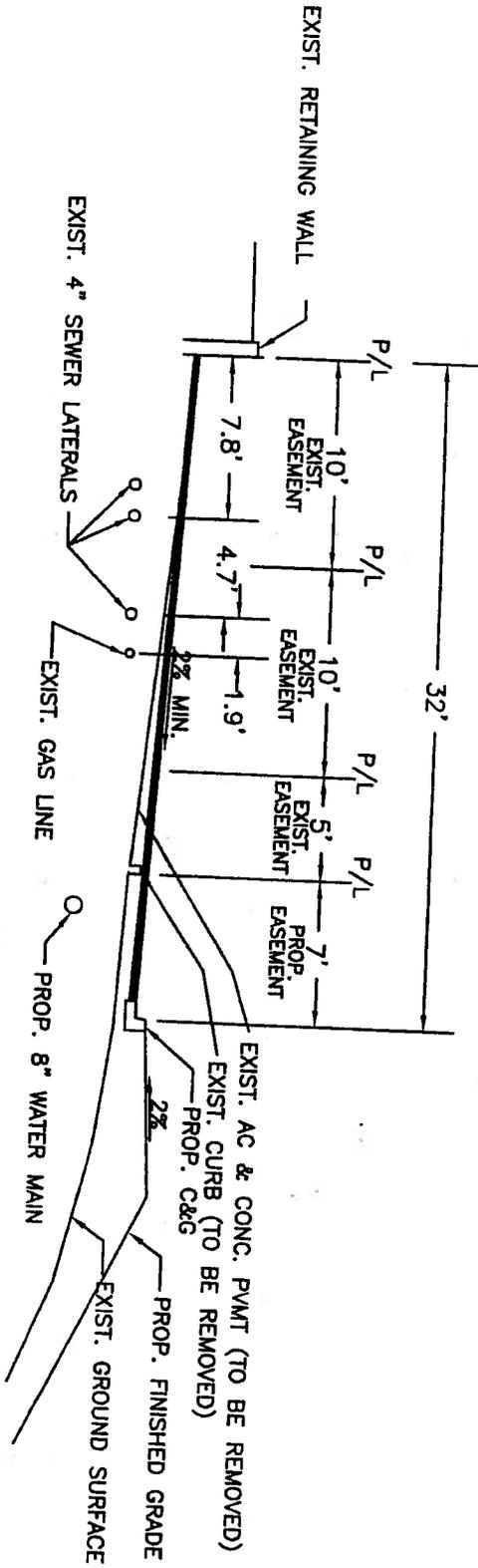
DONALD HENSEL, an individual

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EXHIBIT 'B'



NOTES:

1. PAVEMENT DESIGN SHALL COMPLY WITH CITY OF OCEANSIDE PAVEMENT DESIGN GUIDELINES FOR PRIVATE STREETS.
2. STREET DESIGN CRITERIA SHALL COMPLY WITH THE REQUIREMENTS FOR PRIVATE STREETS AS SPECIFIED IN THE "STREET DESIGN TABLE" INCLUDED IN SECTION 3.0 OF CHAPTER 2 OF THE CITY OF OCEANSIDE ENGINEERS DESIGN AND PROCESSING MANUAL, (excerpts attached).

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EXHIBIT "B"

ARTICLE XIV - ASPHALT PAVING

SECTION 1401. ASPHALT CONCRETE PAVEMENT.

(a) Requirements

For the purpose of this section, asphalt concrete (A.C.), aggregate base (A.B.), prime coat, tack coat, seal coat shall meet the current standards of the City of Oceanside for public road construction and/or the approval of the City Engineer.

Asphalt concrete is classified as a secondary drainage device when used for roadway and parking lot surfacing and other similar uses. Accordingly, plan check and permit fees, as outlined in Article VI, Fees, are applicable.

(b) Subgrade Compaction

Compaction of subgrade earth materials shall comply with the requirements of Section 901(d) of this ordinance..

(c) Soil Sterilization

Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

EXHIBIT "B" (Continued) RECEIVED

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(d) Pavement Structural Section

EXHIBIT "B" (Continued)

The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots/service roads, private streets, and dedicated streets for residential developments based on (1) soil tests of the subgrade soil(s) performed in accordance with the latest revision of Test Method No. Calif. 302, and (2) anticipated traffic and/or loading conditions. Design shall be in accordance with the CalTrans Highway Design Manual or by alternate methods acceptable to the City Engineer.

e) Alternative Design Method for Parking Lots/Service Roads and Private Streets

In lieu of a recommended structural section from the soil engineer or civil engineer for parking lots/service roads and private streets, the following minimum standards may be utilized:

<u>Main Parking Lot Industrial and Commercial</u>	<u>Minimum Pavement Structural Section</u>
Parking area less Driveways and Perimeter Drives	3"AC/4"AB
Driveways and Perimeter Drive Industrial Developments	3"AC/10"AB
Driveways and Perimeter Drive Commercial Developments	3"AC/8"AB
<u>High-Density Residential</u>	
Parking Areas and Access Lanes	3"AC/4"AB
→ Drives and Areas Subject to Heavy Truck Use	3"AC/8"AB

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EXHIBIT "B" (Continued)

(f) Structural pavement sections for dedicated streets for residential development shall be determined in accordance with 1401(d) above.

Exception:

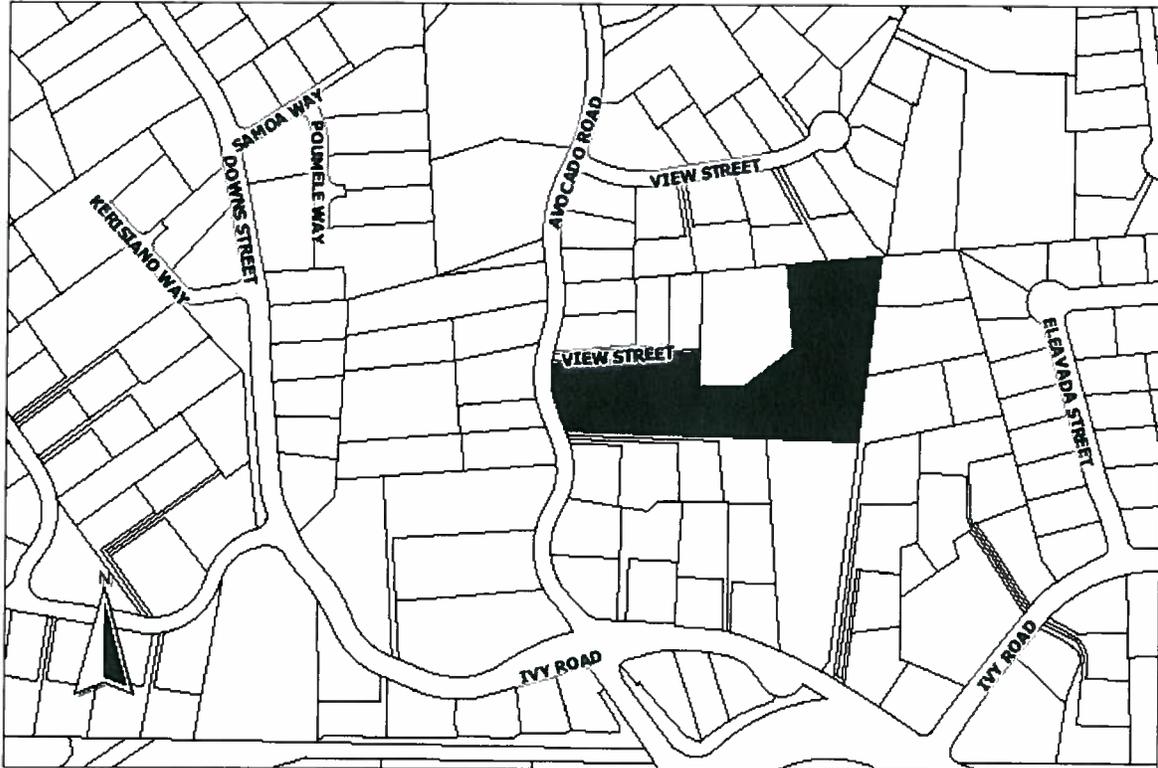
The provisions of this section shall not apply when a private asphalt concrete driveway providing access to not more than two single-family residences is proposed in conjunction with a project subject to a grading permit.

EXHIBIT "B" (Continued)

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Project: T-2-06, D-37-06, C-15-06, C-16-06 Avocado Highlands

Applicant: Vance Campbell

Description:

Tentative Parcel Map T-2-06, Development Plan D-37-06, and Conditional Use Permits C-15-06 and C-16-06 to subdivide a 3.1 acre lot into seven parcels having panhandle access from either Ivy Road or Avocado Road. The project location is in the 1800 block of Avocado Road and is situated within the RE-B District and the Fire Mountain Neighborhood. – **AVOCADO HIGHLANDS**

Environmental Determination:

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

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

Please Print Or Type All Information

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HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Vance Campbell	2. STATUS Applicant	GPA	
		MASTER/SP.PLAN	
		ZONE CH.	
3. ADDRESS 101 Coastal Investors LLC 1796 Laurel Road Oceanside CA, 92054	4. PHONE / FAX 760-635-0940 760-635-0970	TENT. MAP	T-2-06
		PAR. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) The Lightfoot Planning Group (Brenna Corson)		DEV. PL	
		C.U.P.	C-15-06, C
6. ADDRESS 5750 Fleet Street, Suite 250 Carlsbad, CA 92008	7. PHONE (760) 692-1924 phone (760) 692-1935 fax	VARIANCE	
		COASTAL	

PART II - PROPERTY DESCRIPTION

8. LOCATION 1892 Avocado Road North of Ivy Street in the Fire Mountain Neighborhood.	9. SIZE 3.108 acres		
10. GENERAL PLAN Residential Estate - B	11. ZONING RE-B	12. LAND USE Vacant	13. ASSESSOR'S PARCEL NUMBER 165-210-63

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION *REV-10/30/06, 4/30/07, 9/12/07, 2/27/08, 4/30/08*
Tentative Map and Development Plan for eight single family lots in the Fire Mountain neighborhood.

15. PROPOSED GENERAL PLAN No Change	16. PROPOSED ZONING No Change	17. PROPOSED LAND USE Single Family Residential	18. NO. UNITS 8	19. DENSITY 2.56 du/ac
20. BUILDING SIZE Not Applicable	21. PARKING SPACES Not Applicable	22. % LANDSCAPE Not Applicable	23. % LOT COVERAGE Not Applicable	

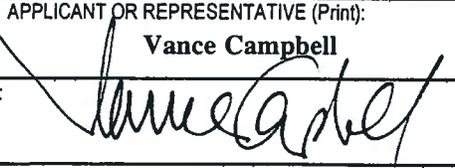
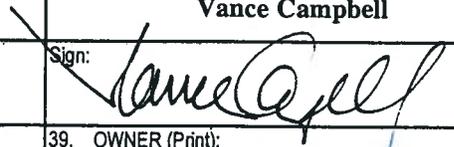
PART IV - ATTACHMENTS

ALL APPLICATIONS

DEV. PLANS, C.U.P.s & TENT. MAPS

<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION:	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION	<input type="checkbox"/> 30. FLOOR PLANS & ELEVATIONS
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST	<input type="checkbox"/> 31. CONSTRUCTION SCHEDULE
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS	<input checked="" type="checkbox"/> 32. OTHER (Arch Guidelines)

PART V - SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.		SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).	
33. APPLICANT OR REPRESENTATIVE (Print): Vance Campbell	34. DATE 4/21/06		
Sign: 	37. OWNER (Print) Vance Campbell	38. DATE 4/21/06	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.		Sign: 	
35. APPLICANT (Print): Vance Campbell	36. DATE	39. OWNER (Print):	40. DATE

Avocado Highlands
 Tentative Subdivision Map, Hillside Development Plan
 and Conditional Use Permits

Description and Justification
 February 2008 (rev)

The Avocado Highlands project consists of 3.108 acres located east of Avocado Road and north of Ivy Road. The property is situated in the Fire Mountain Neighborhood Planning Area and is surrounded by single family residences on all sides. The site is currently vacant and is characterized by a natural slope to the south and east. The subject property has a General Plan land use and zoning designation of Residential Estate - B (RE-B). The proposed land use is conventional single-family detached residential as defined by the Zoning Ordinance, and is allowed in the RE-B zone. The surrounding properties on all sides are also zoned RE-B.

This application includes a Tentative Map and Development Plan for a seven lot single family residential subdivision. In addition, two Conditional Use Permits for exceeding the base density and the use of panhandle access are being requested. This project has a development pattern that is consistent with the Fire Mountain Neighborhood and neighboring properties.

TENTATIVE MAP - RESIDENTIAL

The proposed Avocado Highlands project proposes a seven lot, single-family residential community on 3.108 acres. The gross acreage of the residential lots ranges from 11,543 to 29,364 square feet. The average gross acreage is 19,274 square feet. Given that a portion of the property is contained in panhandles, utility easements and access easements, this acreage was subtracted from the lot sizes to create net pad sizes. The net acreage of the lots ranges from 10,285 to 26,504 square feet. The average net acreage is 15,979 square feet.

Table 1
Parcel Sizes

Lot #	Size (Gross sq. ft.)	Size (Net sq. ft.)
1	12,335	10,905
2	11,543	10,285
3	12,123	10,900
4	18,121	15,658
5	25,158	16,170
6	29,364	26,504
7	26,275	21,432

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The proposed project density is 2.28 dwelling units per acre (du/ac) which is above the base density of 1.0 du/ac allowed in the RE-B zone. However, the proposed density is below the maximum density of 3.5 du/ac allowed in this zone. A Conditional Use permit has been requested for exceeding the base density and is discussed below. The density calculation is based on the 3.068 net developable acres.

The four planned lots at the west portion of the site are split pads lots with the pad elevations generally increasing from west to east. The lower portions of the pads range from 138 to 150 feet MSL and the upper portions of the pads range from 144 to 160 feet MSL. Cut and fill slopes up to approximately 10 feet high will be constructed to create the pads.

The three easterly lots are stepped pads. The existing slopes in this area are steeper and therefore, are not planned to be graded as conventional flat lots. Structures constructed on these lots will likely be built into the existing grades with stepped footing construction. The minor grading that is shown on the Tentative Map is necessary in order to create a level pad for the structure footprint, provide access to the lot, and provide for construction of rear yard space.

The applicant has cooperated with adjacent property owners throughout the planning stages of the Avocado Highlands project. A Real Property Agreement was executed in order to address concerns about future development on the site. The Real Property Agreement for the site is included as Exhibit B.

Access

Access to the majority of the lots will be provided from one of two existing private driveways. Only Lot 1 will not be accessed from a private driveway, and will be accessed directly from Avocado Road via a driveway with a 10% grade. Lots 2- 4 will be accessed from an existing private drive located off Avocado Road. Driveways for each of these lots have been predetermined. The grades of these three driveways range from 12% to 15%.

The existing 24 foot wide driveway located off Avocado Road currently provides access to four homes. The project applicant proposes to widen the driveway to a 30 foot width to serve the existing and proposed residences. A hammerhead will be constructed at the eastern terminus of the driveway to ensure compliance with the fire departments provisions. The maximum grade of this driveway will be 10%. The Agreement for Granting and Maintaining Mutual and Reciprocal Road Easements is included as Exhibit C.

Three feet of property will be dedicated along the Avocado Road frontage in order to address sight distance concerns identified in the Site Distance Analysis of Avocado Road. Furthermore, the existing monument located on the subject site will be removed.

Lots 5-7 will be accessed from an existing 28-foot wide private driveway that extends northward from Ivy Road. This private driveway currently serves nine residences, and has a maximum grade of 13%. Grant deeds for the easements have been included as Exhibits D and E. At the northwestern terminus of the existing private driveway, and in the southeastern corner of the subject property, a cul-de-sac will be constructed to accommodate emergency vehicles and fire

trucks. This cul-de-sac will be constructed per City of Oceanside standards, with a radius of 40-feet.

Access to the individual lots will be provided from the new cul-de-sac. Lot 6 will be accessed directly from the street, via a driveway with a 10% grade. Lots 5 and 7 have been configured with a panhandle access. A Conditional Use Permit is being requested for this type of access and is discussed below. The maximum grade of these panhandles is 15%.

No access is provided between lots 1 - 4 and lots 5 - 7.

Utilities

With the expansion of the existing driveway located off Avocado Road, a new six-inch water line will be constructed in this location in order to provide service to Lots 1 through 4. New four-inch private sewer laterals will be constructed along the southern property boundary to service these same lots.

Water service to Lots 5, 6 and 7 will be provided via a new eight-inch water line that will extend into the project site from the existing eight-inch public line located in the private driveway. Laterals will provide service to the individual lots. In addition, an eight inch public sewer line will be constructed within the entire length of the private driveway, and will connect to an existing eight-inch line located in Ivy Road. Sewer service to the lots will be provided through the construction of sewer laterals on the subject site.

Drainage

Existing drainage at the site generally flows to the south with several points of concentration. Surface water flow on the eastern portion of the site flows to the south, with flow concentrated at the southeast corner of the site. Surface water flow from the western portion of the site flows southwesterly to Avocado Road. Surface water flow on the central and west-central portion of the site is concentrated at two locations in the south-central portion of the site.

The project proposes to reduce the peak flows by detaining runoff using a combination of rainfall harvesting on all lots, and the use of detention basins on Lots 5, 6 and 7. In addition, specific pervious pavements have been recommended for low traffic areas.

Storm Water Management

A Storm Water Management Plan has been prepared for this project. The report discusses a number of methods that will be used to treat the water onsite before it travels into public storm drains. First, a rainfall harvesting system will be installed on each lot. Second, water draining from the western portion of the site will travel across a proposed vegetated swale (located along the southern boundary), into a catch basin, through a vault with a filter insert, and through a sets of pipes to a curb outlet to be located on Avocado Road. This system allows the water to be treated before being released into the public storm drain system. In the eastern portion of the site, individual detention basins will be constructed on Lots 5, 6 and 7. These basins range in size, from 860 - 1,385 cubic feet.

Additional BMP's such as the protection of slopes from runoff with brow ditches and down drains, and limiting the grading for building pads, have been incorporated into the Storm Water Management Plan.

DEVELOPMENT PLAN - RESIDENTIAL

No architecture is currently proposed for this project. The applicant has chosen to prepare Architectural Guidelines for the project in lieu of the preparation of architectural elevations and floor plans. The Architectural Guidelines ensure that future homes 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 homes will be compatible with that of the surrounding neighborhoods. One and/or two story models may be proposed for this project.

The Architectural Guidelines also address other design standards such as parking and landscaping. Future residences will comply with all development standards for the RE-B zone, as well as the Hillside Development Standards.

Height Restrictions

During the design phase of the proposed project, adjacent neighbors to the north raised concerns regarding the possible loss of their view sheds due to the construction of the future residences. Given that the lots would be sold as custom lots, the neighbors worried that future owners would not take their view sheds into consideration. The applicant agreed to work with the neighbors on this issue and has since recorded a Declaration of Covenants, Conditions and Restrictions, and Grant of View Easements. This document, included as Exhibit F, provides very strict details regarding overall building height limits, chimney heights, and the retention of view easements across the subject property.

HILLSIDE DEVELOPMENT PLAN

The project site is subject to the Hillside Development Provisions as set forth in Section 3039 of the City of Oceanside Zoning Ordinance and substantially complies with those provisions. The Ordinance stipulates that the Hillside Development Provisions apply to all residential development proposals where portions of the property have a natural gradient in excess of 20% with a minimum elevation differential of 25 feet. This project includes 1.07 acres (34% of project site) of such qualifying slopes, which are located on Lots 4, 5, 6 and 7. These four lots have complied with all development standards set forth by Section 3039 of the Zoning Ordinance, while Lots 1 - 3 have complied with the standards established for the underlying zone, RE-B.

The project site also includes 0.04 acres of slopes that are over 40% and higher than 25 feet and defined as "undevelopable". These undevelopable slopes cover approximately 1.2% of the project site, and are located in the eastern portion of the site, on Lot 6. Remedial grading in this area is necessary in order to buttress an existing slide that was identified as part of the preliminary geotechnical investigation. The proposed grading will remove the existing landslide and will alleviate any concerns regarding future landslide activity. Per Section 3039(E)(A)(4), this activity

is permitted in this area since it is necessary to remediate an adverse geologic condition. No other grading will be permitted in this area.

Section 3039 of the Zoning Ordinance also restricts development in “lands that are considered to possess significant natural topographical features”. This includes natural slopes with a gradient of 20% or more and 50 feet or greater in height. Two areas that meet this criteria have been identified on the Avocado Highlands project site, on proposed Lot 5. These two areas combine for a total of 0.15 acres, or 4.8% of the total site. Development in these areas has been restricted as much as possible, although grading for the cul-de-sac and panhandle access to Lot 5, as well as construction of the detention basin required for storm water treatment, is proposed within these areas. Section 3039(E)(A)(3) states that grading within undevelopable lands may be permitted for “...private streets or driveways which are necessary for access to the more developable portions of the site on slopes equal to or less than a 40% grade”. Furthermore, the construction of the detention basin on Lot 5 has been proposed at the request of the Engineering Department, and is necessary in this location in order to provide enough detention volume to maintain pre-development peak discharge rates on Lot 5.

The grading quantities proposed for this project are in conformance with the Hillside Development provisions. Section 3039(E)(Q) limits the amount of grading that can take place on hillside projects. All grading within hillside areas shall not exceed a maximum of 7,500 cubic yards per graded acre. The Avocado Highlands project will require a total of 3,900 cubic yards of grading for development purposes on a total of 2.697 graded acres. Based on the methodology outlined in the Hillside Development regulations, this equates to 1,446 cubic yards per graded acre (3,900 yards of cut volume divided by 2.697 of the total acres that will be graded), which is less than 20% of the maximum allowable amount of 7,500 cubic yards per graded acre. This project is designed with a minimal amount of grading that addresses the inherent constraints on-site.

Through the use of split pad lots and promoting the use of hillside appropriate architecture, the applicant has minimized grading quantities and taken advantage of the natural contours of the site. Furthermore, building design regulations and the minimum front, side, corner side, and rear yard setbacks established in Section 3039 of the Zoning Ordinance have been addressed in the Architectural Guidelines. The Architectural Guidelines document also discusses architectural designs that are appropriate in a hillside setting such as this.

CONDITIONAL USE PERMIT - EXCEEDING BASE DENSITY

This application includes a Use Permit to allow the project to exceed the base density of 1 dwelling unit per acre (du/ac). The project is designed at a density of 2.28 du/ac, which is above the base density, yet similar to the density achieved by adjacent development and less than the maximum density of 3.5 du/ac. Throughout the project extreme care was taken in designing a project which provided the large lots, while trying to achieve a density consistent with the intent of the General Plan. The project density achieved is still below the maximum density for the site established by the General Plan.

Furthermore, Section 1.13(H) of the City of Oceanside Land Use Element states, “For lands within the Loma Alta, Fire Mountain and South Oceanside Neighborhood Planning Areas that are designated Estate B (1 - 3.5 dwelling unit/acre) and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet as defined in the Zoning Ordinance shall be considered consistent with the underlying Land Use designation of Estate B residential”. Therefore, given that the subject site has RE-B zoning and has proposed lots greater than 10,000 square feet in size, the project is considered consistent with the underlying Land Use designation.

To further bolster the case for the increase in density over the base density, the project has complied with Section 2.32 of the City of Oceanside General Plan Land Use Element. The applicant has taken great care to meet the following policies:

1. *Infrastructure improvements beyond what is necessary to serve the project and its population.*

The project has incorporated a number of infrastructure improvements that will enhance the Fire Mountain neighborhood. First, Avocado Road will be widened three (3) feet along the project frontage to improve site distance along the street. This increases the safety for motorists traveling along the street. Second, individual detention basins for each lot have been incorporated into the project design in order to address stormwater quality issues that have long existed in the neighborhood.

2. *Lot standards (i.e. lot area, width, depth, etc.) Which exceed the minimum standards established by City policy.*

The lots created by the Avocado Highlands project will exceed the minimum lot sizes set forth by the RE-B zone. Lots range in size from 11,543 to 29,364 square feet, while the required minimum lot size is only 10,000 square feet. In addition, the minimum lot width in this zone is 70 feet, and the proposed lots are at least 72 feet in width.

3. *Development standards (i.e. parking, setbacks, lot coverage, etc.) Which exceed the standards established by City policy.*

The development standards for the RE-B zone have been incorporated into the Design Guidelines. Although we are not able to determine if the residences will exceed these standards, it is anticipated that many of the future residences will exceed the minimum standards given the sizes of the proposed lots.

The applicant has also taken great care to avoid development on land that is considered to have significant topographical features. The two areas that fall into this category are located in the southeastern portion of the site. All development, except for that which is necessary to provide access and address storm water concerns, will be prohibited in these areas.

4. *Superior architectural design and materials.*

Although the specific unit design has not been determined at this time, the Design Guidelines ensure that the future residences will blend with the existing neighborhood. The Fire Mountain neighborhood is a very desirable part of Oceanside and the residents pride themselves on the design and maintenance of their residences and home sites. In keeping with the existing neighborhood character, four architectural styles have been recommended. These styles are California Craftsman, Prairie, Art Moderne and Spanish. In addition, an example of superior hillside architecture have been included in the Design Guidelines.

5. *Superior landscape/hardscape design and materials.*

Once again, the specific landscape design for the individual lots has not yet been determined and will ultimately be provided by the future residents. However, landscape styles have been suggested to ensure that future landscaping blends with the existing character of the Fire Mountain neighborhood.

6. *Superior recreation facilities or other amenities.*

No common recreation facilities are proposed as part of the Avocado Highlands project. However, the project has been designed to provide future homeowners with large lots that will accommodate private backyards and amenities. In addition, the future homes will have nice views, and view easements have been preserved for adjacent homeowners.

7. *Superior private and/or semi-private open space areas.*

No common recreation facilities are proposed as part of the Avocado Highlands project. However, the project has been designed to provide future homeowners with large lots that will accommodate private backyards and amenities. In addition, the future homes will have nice views, and view easements have been preserved for adjacent homeowners.

8. *Floor areas that exceed the norm established by existing or approved development in the surrounding area.*

Although individual floor plans have not yet been established, the sizes of the proposed lots will ensure that future homes are in keeping with the size and character of the existing neighborhood. The proposed lots range in size from 11,543 to 29,364 square feet, and are all larger than the 10,000 square foot lot minimum.

9. *Consolidation of legal lots to provide unified site design.*

No legal lots have been consolidated with the design of this project. However, in order to create a unified site design, the proposed plans show two access points - one off Avocado Road and one off an existing panhandle that extends north from Ivy Road.

10. *Initiation of residential development in areas where nonconforming commercial or industrial uses are still predominant.*

This policy does not apply to the Avocado Highlands project given that it is an infill project in an established residential neighborhood.

11. *Participation in the City's Redevelopment, Housing, or Historical Preservation programs.*

The proposed project is not located in the Redevelopment District and no historical structures are located on the site. Furthermore, the project complies with the City of Oceanside Housing Element and is therefore in compliance with this policy.

12. *Innovative design and/or construction methods that further the goals of the General Plan.*

Although architecture has not been proposed for the individual units, the split level pads that are proposed allow potential architects to use innovative techniques when designing houses that will work on the lots. Furthermore, the Design Guidelines that have been submitted as part of this project application ensure that future homes will comply with all applicable development and construction standards.

CONDITIONAL USE PERMIT - USE OF PANHANDLE ACCESS

This Conditional Use Permit is necessary in order to permit Lot 7 to use a panhandle design. In accordance with Section 1050(Y) of the Zoning Ordinance, panhandle lots are permitted with a Use Permit subject to meeting specific development standards. The Avocado Highlands project has met these standards and is compatible to the existing development in the Fire Mountain neighborhood.

The use of a panhandle design is proposed for these lots due to the configuration of the existing private street, located to the north of Ivy Road, that will be used to access these lots. A cul-de-sac will be constructed at the southeastern corner of the site, and Lots 5, 6 and 7 will be accessed from this location. The panhandle access provides a creative design for a more efficient use of the eastern portion of the property. While Lots 5 and 6 can be accessed directly from the cul-de-sac, Lot 7 cannot be accessed without a panhandle. The use of panhandle lots is quite common in the Fire Mountain neighborhood, and many of the units in the area are custom home sites utilizing this type of access design. Therefore, the design is consistent and compatible with the surrounding neighborhood.

In addition, the proposed design meets the supplemental development regulations for panhandle access. The Architectural Guidelines ensure that the net pad area for all lots meets the requirements for setbacks, as well as lot and depth ratios. In addition, a minimum 20 foot set back for garages, as measured from the front of the garage, will be provided to allow adequate vehicle back-up distance. The project exhibits an effective development density that is similar to other development in the Fire Mountain.

SUMMARY

The proposed Tentative Map and Development Plan present a well designed project. The proposed Tentative Parcel Map and Development Plan will create eight legal parcels which are consistent with the size and configuration of other parcels in the surrounding neighborhood. The unique location of property, and the outstanding design of the lots, has allowed the applicant to present a project which complies with the requirements of the Zoning Ordinance, including the Hillside Development Regulations. There are several existing factors that were taken into account, including the natural topography of the parcel, boundary lines, view shed and the panhandle access. It is these same features that contribute to the rustic and rural nature of the Fire Mountain Neighborhood, which through the Zoning Ordinance and General Plan, the City has endeavored to preserve.

Furthermore, the installation of the new hammerhead turnaround for emergency access and the widening of Avocado Road along the site's frontage will greatly improve the public safety of the homes in the area. The proposed project is not detrimental or injurious to property or improvements in the vicinity. Your approval is respectfully requested.

EXHIBIT A REQUIRED FINDINGS

Development Plan

The City of Oceanside Zoning Ordinance stipulates that five special 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 as it meets the development regulations and design standards that apply to the site. Through the use of Architectural Guidelines, the applicant has ensured that all future custom residences will comply with desired architectural styles, height restrictions, setbacks, off-street parking regulations and fencing.

In addition, the proposed project has complied with the Hillside Development Ordinance (Section 3039 of the Zoning Ordinance). The grading quantities are significantly less than allowed and the Architectural Guidelines will assure that all setbacks, height and bulk restrictions are adhered to.

- 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 use is consistent with the Land Use Element requirements established for the site. The proposed project will not conflict with adjacent land uses, and the rustic and rural nature of the neighborhood has been taken into account through the use of architectural guidelines and lot sizes that will compliment the Fire Mountain neighborhood.

- 3. That the area covered by the Development Plan can be adequately, reasonably 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 as public services, utilities and facilities are currently located near the site. Provisions have been successfully incorporated into the proposed project to allow for the expansion of these facilities to serve the future residents. Specifically, the applicant has proposed to widen the access driveway located off Avocado Road and will construct a hammerhead at the eastern terminus of this driveway to provide adequate access for emergency vehicles. In addition, Avocado Road will be widened three feet along the project frontage to alleviate concerns regarding site distance. Finally, water and sewer lines and/or laterals will be constructed to ensure that utility service is available to future residents.

- 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 previously established for the site. Future development will meet all setbacks and height restrictions, and many other developments in the surrounding neighborhood have been developed in a similar fashion. In addition, the applicant has worked closely with adjacent land owners to protect their view sheds in perpetuity.

- 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 the Zoning 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 as it has been designed to be sensitive to the existing constraints of the site. The Architectural Guidelines will ensure that future residences are constructed with all hillside design criteria in mind.

Hillside Development Plan

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

- 1. Conforms to the General Plan.**

The project conforms to the City's General Plan because the proposed use is consistent with the Land Use Element requirements established for the site. The proposed project will not conflict with adjacent land uses, and the rustic and rural nature of the neighborhood has been taken into account through the use of architectural guidelines and lot sizes that will compliment the Fire Mountain neighborhood.

- 2. Complies with the land use and development regulations of the base zoning district, the Hillside Development Provisions of the Zoning Ordinance, and any other overlay districts applied to the property.**

The proposed project meets the intent for hillside development by limiting the required grading quantities, utilizing the natural contours of the land, and providing Architectural Guidelines which will ensure the use of appropriate building design and setbacks. The site design and proposed lots are similar to the existing conditions in the neighborhood and will further compliment the community and the project has incorporated excellent design features sensitive to hillside issues.

3. **Can be adequately, reasonably and conveniently served by public services, utilities and public facilities.**

The project area can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities since public services, utilities and facilities are currently located near the site. Provisions have been successfully incorporated into the proposed project to allow for the expansion of these facilities to serve the future residents.

Conditional Use Permit - Exceeding Base Density

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. This proposal meets those conditions as follows:

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 location of the proposed 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. The proposed density is below the maximum density of 3.5 du/ac, and the Land Use Element of the General Plan states that all projects in the Fire Mountain neighborhood which provide for 10,000 square foot lots are found to be consistent with the underlying Land Use designation.

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.**

Although the proposed project exceeds the base density of 1 du/ac, it is consistent with the Land Use Element of the City's General Plan which requires lots which are a minimum of 10,000 square feet in size. The single family home lots in this project exceed 10,000 square feet, and are consistent with the development pattern within Fire Mountain. As previously mentioned the City's Land Use General Plan contains a policy that indicates such lots are consistent with the RE-B designation and zone. The proposed project is also consistent with the existing development patterns throughout the Fire Mountain neighborhood.

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 density conforms to the provisions of the Zoning Ordinance.

Conditional Use Permit - Use of Panhandle Access

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be adopted. This proposal meets those conditions as follows:

- 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 use of panhandle access is consistent with the development pattern within Fire Mountain, and all panhandle lots meet the additional development regulations of the Zoning Ordinance. Panhandle access driveways are commonly found in this older Fire Mountain Neighborhood where properties are comprised of larger lots. The subject panhandles will be consistent with the purposes of the underlying district and the objectives of the Zoning Ordinance.

- 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 design will continue to provide safe and adequate access to the existing parcels which it serves. Each neighbor within the panhandle has been notified of and supports the proposed project which is not injurious to their property or improvements, or those in the vicinity. The panhandles are consistent with the General Plan and will not be detrimental to the public health, safety or welfare.

- 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 panhandle access design conforms to the provisions of the Zoning Ordinance and the design is similar to other lots in the surrounding neighborhood.

Legal Description
Avocado Highlands Development
1892 Avocado Road

RECEIVED
APR 26 2006
Planning Department

ALL THAT CERTAIN REAL PROPERTY SITUATED IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL 2, PARCEL MAP NO. 2951, IN THE CITY OF OCEANSIDE, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, AUGUST 12, 1974.