



DATE: September 10, 2007

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/Planning Division

SUBJECT: **CONSIDERATION OF A DEVELOPMENT PLAN (D-26-05) FOR THE CONSTRUCTION OF A PUBLIC ROAD THROUGH PRIVATE PROPERTY LOCATED EAST OF MELROSE DRIVE AND NORTH OF OCEANSIDE BOULEVARD. THE PROJECT IS AT THE CITY BOUNDARY OF THE CITY OF OCEANSIDE AND THE CITY OF VISTA WITHIN THE PEACOCK NEIGHBORHOOD – ADOBE ESTATES ACCESS ROAD – APPLICANT: CONCORDIA HOMES**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Adopt Planning Commission Resolution No. 2007-P45 Certifying that the Environmental Impact Report (EIR) for the Adobe Estates Access Road has been prepared in conformance with the California Environmental Quality Act (CEQA) and adopt the findings and the mitigation monitoring and reporting program.
2. Adopt Planning Commission Resolution No. 2007-P44 approving Development Plan (D-26-05) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The 1.7-acre vacant project site is located just north and east of the intersection of Melrose Drive and Oceanside Boulevard. The existing ground surface elevation varies from 460 feet MSL (mean sea level) at the southern portion of the site and sloped to an approximately 370 feet MSL at the northern portion of the site.

The zoning designation for the subject parcel is Residential Estate-B within a Scenic Park Overlay (RE-B-SP). The corresponding General Plan land use designation is Estate-B Residential (EB-R). The site is bounded to the east and north by residential properties within the City of Vista, Neighborhood Commercial (CN) to the west and south.

Background: On May 27, 2003 the residential subdivision project entitled The Adobe Estate Tentative Subdivision Map and Specific Plan was submitted to the City of Vista for review. The project consisted of a 180-unit residential single-family subdivision over approximately 53.9 acres within the City of Vista. The project and Environmental Impact Report were approved by the City of Vista City Council on November 14, 2006. As a part of the project review process through the City of Vista, it was determined that a secondary access point would be necessary for the Adobe Estates residential subdivision. This access point was designed at the southwesterly boundary of the project site at Oceanside Boulevard. The access road is in the City of Oceanside and requires approval of a Development Plan prior to construction. The approved Adobe Estates Development Plan and Tentative Map in the City of Vista is conditioned and contingent upon the connection of the residential subdivision to Oceanside Boulevard.

Project Description: The project application is comprised of a Development Plan. The Environmental Impact Report (EIR) for the Adobe Estates Residential Development Plan was initially approved by the City of Vista and requires certification by the City of Oceanside in conjunction with the proposed road connection as described below.

Development Plan No. D-26-05 represents a request for the following:

1. To develop an approximately 1.7-acre site with an approximate 40-foot wide (Curb to Curb) by 743-square foot long public road and associated site improvements, pursuant to Article 43 of the Oceanside Zoning Ordinance.

The applicant proposes to construct the Adobe Estates Access road as a local collector, which meets all required Oceanside street standards. This consists of a 69.5-foot public right-of-way that will include a 40-foot pavement section, a 10-foot Class One pedestrian path and a bicycle trail, setback four feet from the curb with a five-foot buffer from top of curb. A five-foot sidewalk located at the top of a slope will be created as part of the project. The maximum street grade will be 9.7 percent which conforms to City of Oceanside Standards and the proposed road will serve as a secondary access road for the Adobe Estates subdivision in the City of Vista as well as an access to a future City of Vista Public Park.

The maintenance of the road, slopes and retaining walls associated with the construction of the road will be the responsibility of the future Master Homeowners Association of the Adobe Estates subdivision. An Irrevocable Offer of Dedication (IOD) will be exercised requiring that the road be maintained by the Homeowners Association.

The project also includes a signalized intersection where the proposed access road connects with Oceanside Boulevard. The signalized intersection will ensure that all existing and future traffic is accommodated appropriately at this intersection.

Water and sewer installed in the street will be maintained by the City of Vista. Parking shall not be permitted along the proposed road and will be posted on the street lights. The proposed Adobe Estates access road will have fully landscaped parkways and vegetated swales for water quality purposes that shall help beautify the site and mitigate stormwater run off.

ANALYSIS

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

1. General Plan
2. Zoning Ordinance

KEY PLANNING ISSUE

1. General Plan conformance

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.

The design of the proposed access road will meet all design standards of the City of Oceanside and will provide a secondary access road for the Adobe Estates subdivision and the future City of Vista Park. This secondary access road will also provide needed vehicle, pedestrian and bicycle access between the Cities of Vista and Oceanside.

B. Circulation Element Master Transportation Plan

Goal: To provide an integrated transportation network that provides safe and efficient movement of people and goods within and through the City of Oceanside with minimal disruption to the environment.

The Adobe Estates access road will be constructed as a public collector through private property located within the City of Oceanside and will enable vehicle, pedestrian and bicycle access to the City of Vista's Adobe Estates residential subdivision and the future City Park. The subject road is not identified in the City of Oceanside's General Plan Circulation element, but will be needed for development of the adjacent property to the west in the City of Oceanside.

DISCUSSION

The proposed access road has been thoroughly reviewed by staff and the physical design meets the City of Oceanside street development standards. The road will result in a new intersection signal along Oceanside Boulevard that will help regulate existing and future traffic and maintain adequate levels of service on area roadways. The road will also provide a valuable link as required in the City of Oceanside's Bicycle Master Plan.

An Environmental Impact Report (EIR) was prepared and approved by the City of Vista for the Adobe Estates Residential Subdivision, which includes for a 180-unit residential subdivision public park site and the development of the subject access road through the City of Oceanside. The EIR identifies two main environmental issues: biology and traffic impacts. Traffic impacts were all mitigated with the exception of the intersection of Bobier and North Santa Fe in the City of Vista. An analysis of the biological impacts associated with the revised roadway design is included in Chapter 5 of this Final EIR. Based on this analysis, the revised off-site roadway design would result in impacts to the following habitat types within the City of Oceanside:

- Diegan Coastal Sage Scrub- 0.15 acres
- Non-Native Grassland- 2.10 acres
- Disturbed Habitat- 0.52 acres

Mitigation measures are included in the Final EIR to reduce impacts to biological resources to less than significant levels, including habitats within the City of Vista and those within the City of Oceanside.

ENVIRONMENTAL DETERMINATION

The proposed project has been reviewed pursuant to the California Environmental Quality Act (CEQA) and an Environmental Impact Report (EIR) was prepared. The environmental analysis concluded that the project will mitigate all potential impacts to a level below significance except traffic. Traffic at the intersection of Bobier and North Santa Fe in the City of Vista will remain significant and unmitigated. The City of Vista adopted a statement of overriding considerations to address this impact in their City.

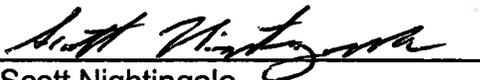
SUMMARY

The Development Plan is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards. 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. Therefore, staff recommends approval of the project. The Commission's action should be:

- Adopt Planning Resolution No. 2007-P45 Certifying the Environmental Impact Report for the Adobe Estates Residential Subdivision; and adopt the findings and mitigation monitoring and report program.

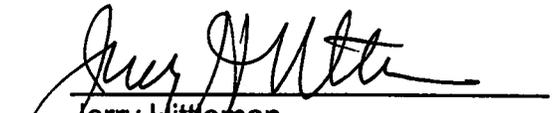
- Move to approve Development Plan (D-26-05) and adopt Planning Commission Resolution No. 2007-P44 as attached.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:



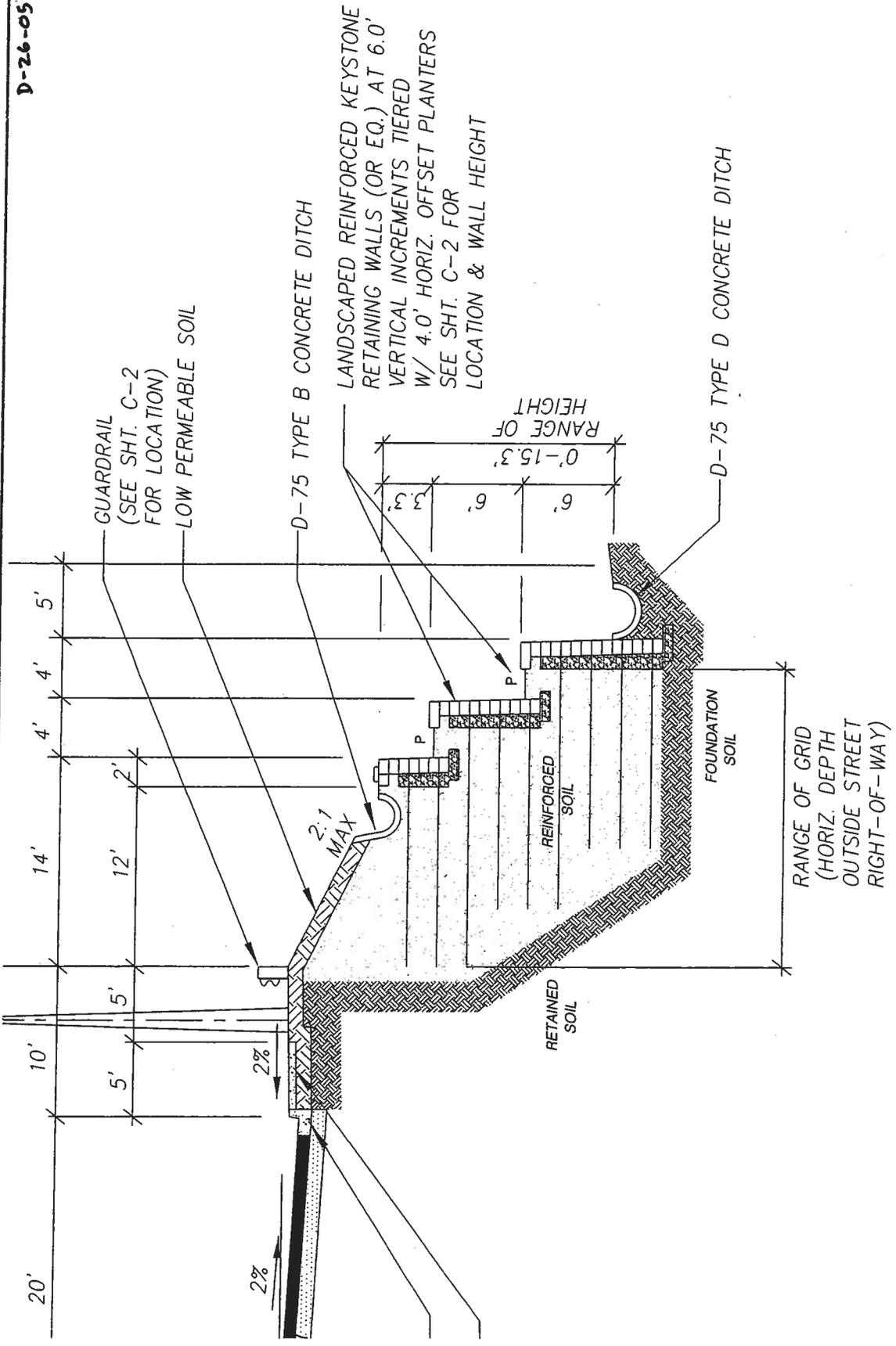
Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

1. Plans/Site Map
2. Planning Commission Resolution No. 2007-P44
3. Planning Commission Resolution No. 2007-P45
4. Exhibit A (EIR Findings)

D-26-05



PREPARED BY:

HUNSAKER & ASSOCIATES
 ENGINEERS ARCHITECTS PLANNERS
 10000 Wilshire Blvd., Suite 1000
 Beverly Hills, CA 90210
 PH: 310-276-1234 FAX: 310-276-1235

GEOGRID RETAINING WALL DETAIL

DEVELOPMENT PLAN

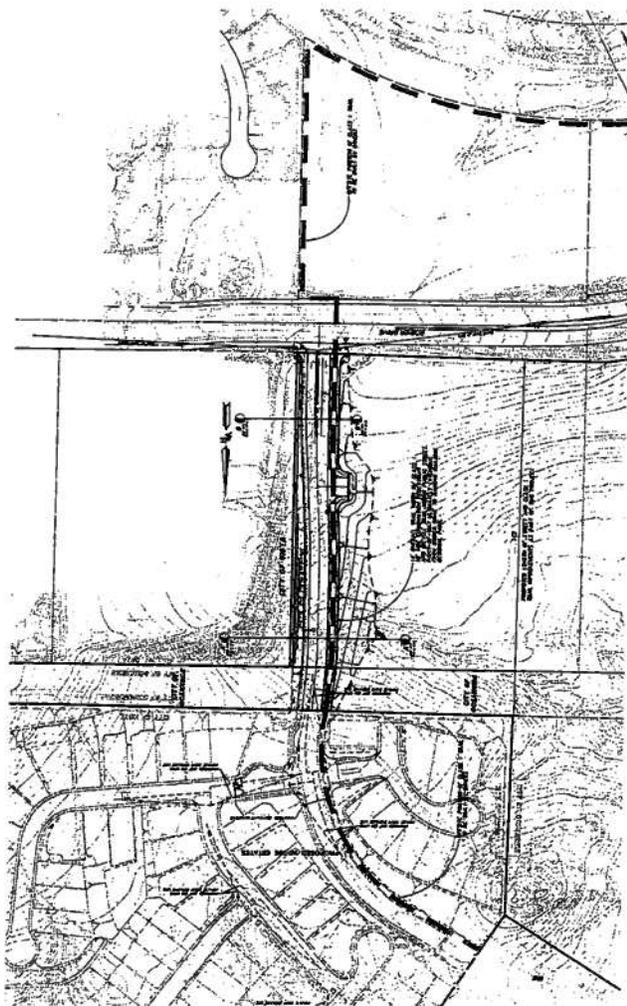
SHEET **C-4** OF **7**

ADOBE ESTATES PUBLIC STREET "B"
STREET IMPROVEMENTS
WITHIN THE CITY OF OCEANSIDE, CALIFORNIA
(FOR ACCESS TO PROPOSED ADOBE ESTATES
WITHIN CITY OF VISTA)

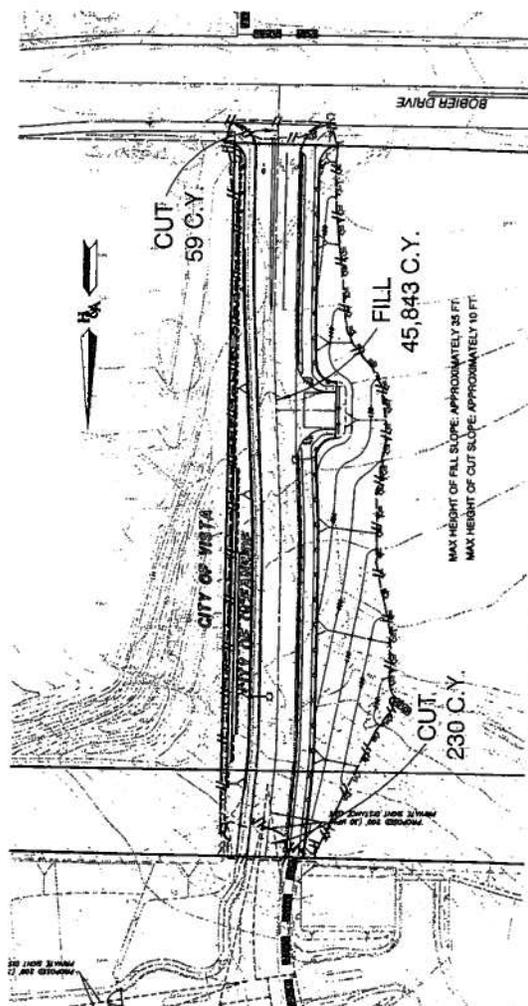
ENLARGED PORTION OF CROSS SECTION A-A AT EASTERLY SIDE OF PUBLIC STREET "B"
 SHOWING DETAIL OF REINFORCED SOIL AND CONCRETE DITCH
 ACCESS TO ADOBE ESTATES TO BE IN CITY OF VISTA
 SCALE 1" = 3' (HORIZ. & VERT.)
 NOTE: 1. SEE LANDSCAPE PLAN FOR STREET TREE LOCATIONS

10/14/04

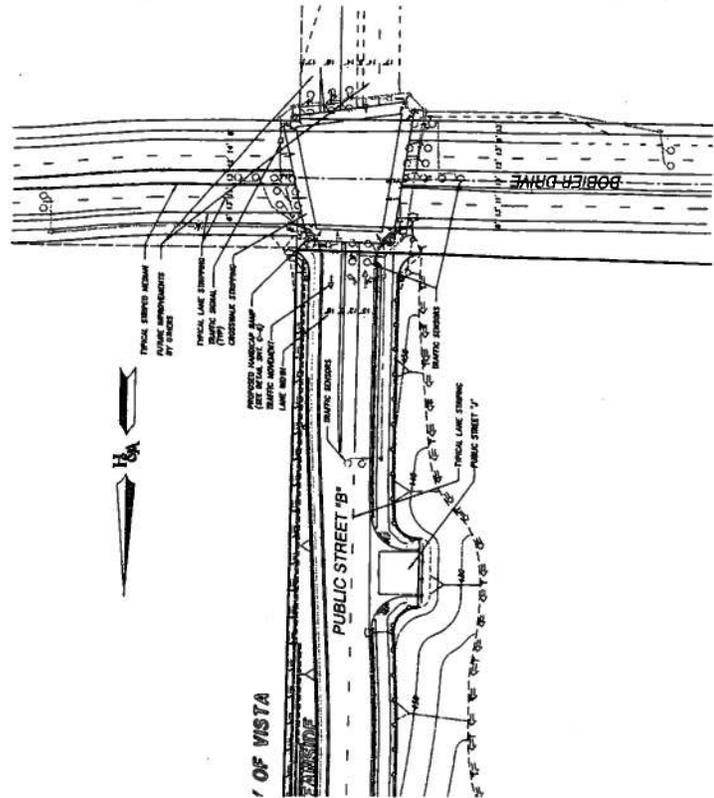
D-24-05



CLASS 1 TRAIL ALIGNMENT & INTERSECTION SIGHT DISTANCE
 MAX. CLEARANCE FROM ABOVE: 20 FT. TO THE PROPOSED ROOFTOP OF ABOVE CEILING TRAILING
 MAX. CLEARANCE FROM BELOW: 7.5 FT. TO THE PROPOSED ROOFTOP OF ABOVE CEILING TRAILING
 SCALE: 1"=20'



CUT AND FILL EXHIBIT
 SCALE: 1"=40'

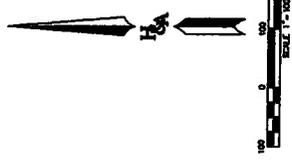
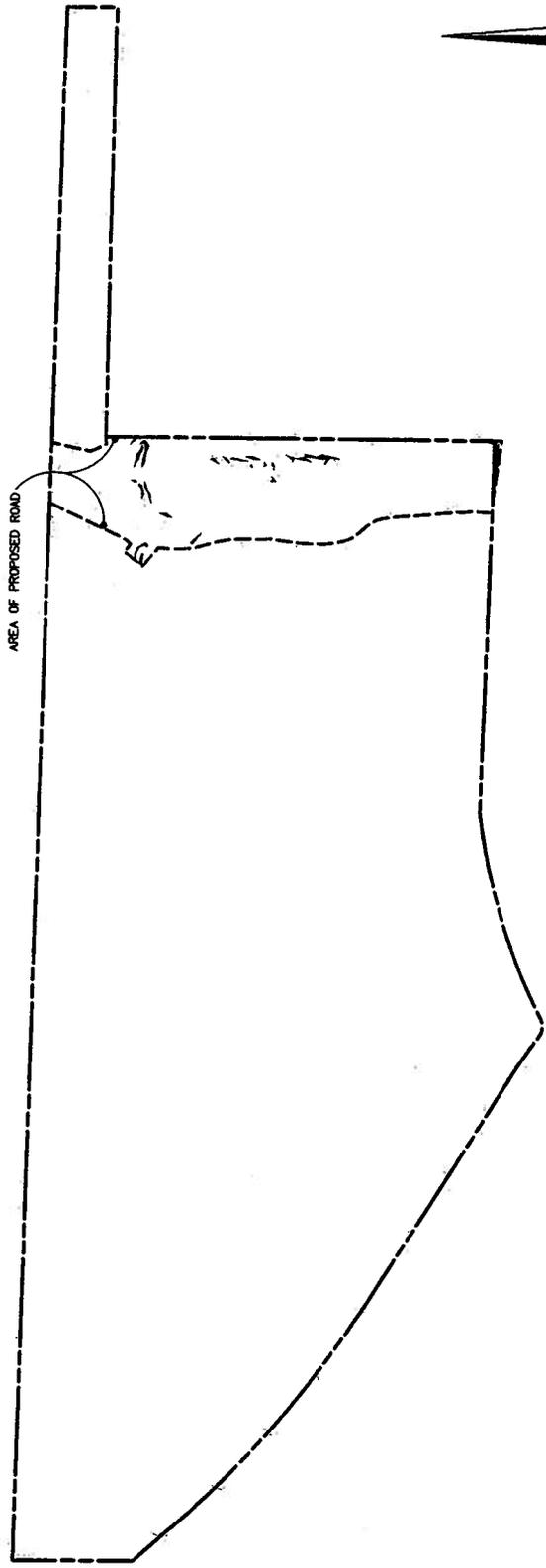


SIGNALIZED INTERSECTION AND LANE STRIPPING
 AT PUBLIC STREET 'B' AND BOBIER DRIVE INTERSECTION
 BASED ON TRAFFIC SIGNAL PLAN PROVIDED BY HP ASSOCIATES
 SCALE: 1"=20'

PREPARED BY:
 HUNSAKER & ASSOCIATES
 1000 PLYMOUTH BLVD.
 SUITE 100
 OCEANSIDE, CALIFORNIA 92054
 PHONE: (760) 431-1111
 FAX: (760) 431-1112

DETAILS
 DEVELOPMENT PLAN
 ADOBE ESTATES PUBLIC STREET 'B'
 STREET IMPROVEMENTS
 WITHIN THE CITY OF OCEANSIDE, CALIFORNIA
 (FOR ACCESS TO PROPOSED ADOBE ESTATES
 WITHIN CITY OF VISTA)

SHEET C-5 OF 7

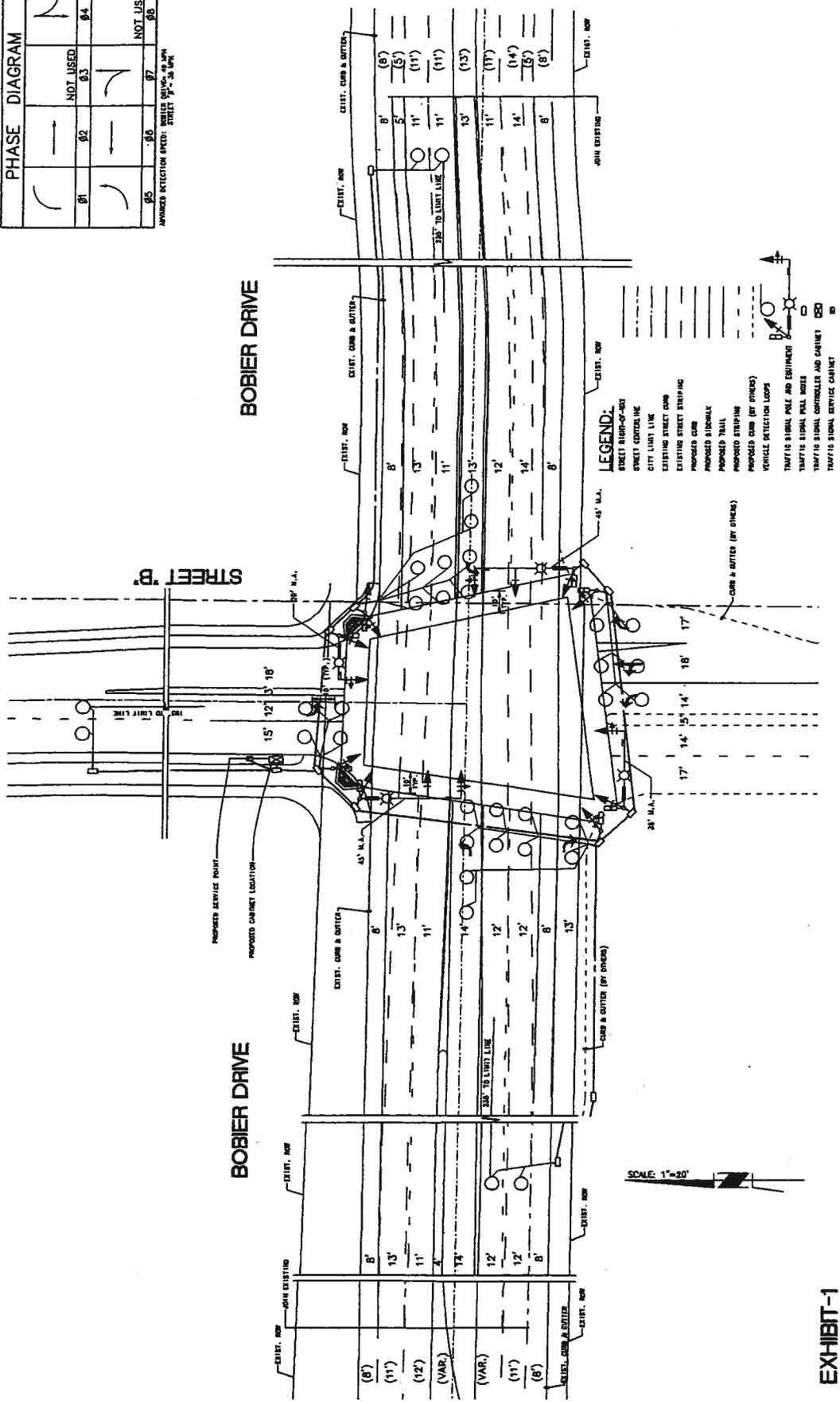


ANALYZE SLOPES REPORT

LEGEND	SLOPE RANGE (%)	PLAN AREA (ACRES)
	0 - 20%	2.4
	20 - 40%	0.2
	40 - 100%	0.1
	TOTAL	2.7
MIN. ELEV. DIFF. OF 25'		
	20 - 40%	0.0
	40 - 100%	0.0
MIN. ELEV. DIFF. OF 50'		
	OVER 20%	0.0
LESS MIN. DIFF. OF 25'		
	20 - 40%	0.0
	40 - 100%	0.1

PHASE		DIAGRAM	
β1	—	—	NOT USED
β2	—	—	β3
β3	—	—	β4
β5	—	—	NOT USED
β6	—	—	β7
β8	—	—	NOT USED

ADVANCED DETECTION EVENT: STREET LIGHTS
 STREET LIGHTS: 30' M.A.



LEGEND:

- STREET RIGHT-OF-WAY
- STREET CENTERLINE
- CITY LIMIT LINE
- EXISTING STREET STRIP
- EXISTING STREET C&G
- PROPOSED C&G
- PROPOSED SIGNAL
- PROPOSED TRAIL
- PROPOSED STRIPING
- PROPOSED SIGN (BY OTHERS)
- VEHICLE DETECTION LOOPS
- TRAFFIC SIGNAL POLE AND EQUIPMENT
- TRAFFIC SIGNAL POLE BOXES
- TRAFFIC SIGNAL CONTROLLER AND CABINET
- TRAFFIC SIGNAL SERVICE CABINET
- SIGNAL CABINET AND SIGN

RBF CONSULTING
 PLANNING & DESIGN & CONSTRUCTION
 680 AVENIDA DIAGONAL SUITE 200
 CAYLEND, CALIFORNIA 92009
 760.791.8118 • FAX 760.791.8118 • WWW.RBF.COM

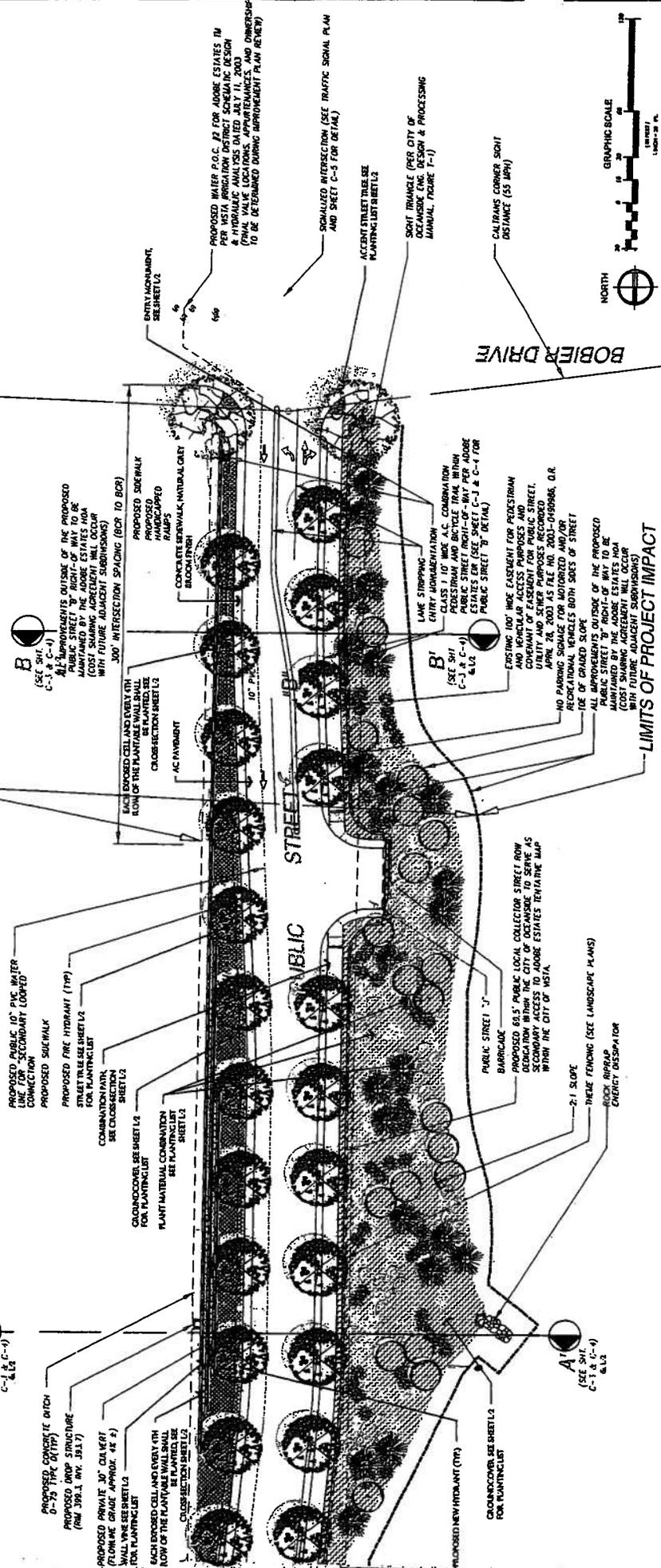
TRAFFIC SIGNAL CONCEPT PLAN	
ADOBE ESTATES	
NO.	DATE / BY
DESCRIPTION	REVISIONS

EXHIBIT-1

RECEIVED
 2007
 Planning Department

LANDSCAPE DEVELOPMENT PLAN OFFSITE STREET IMPROVEMENTS FOR ADOBE ESTATES CITY OF OCEANSIDE, CALIFORNIA

LIMITS OF PUBLIC STREET "B"
 IMPROVEMENTS WITHIN PORTION
 OF PARCEL "A" AND LOTS 3 & 4



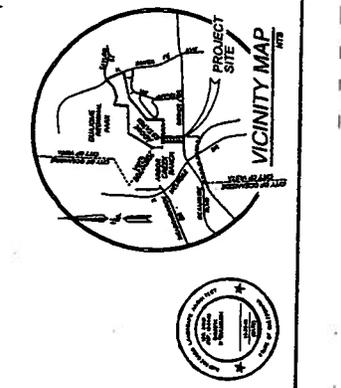
NO. REVISIONS

NO.	REVISIONS	DATE BY
1	REVISION	DATE BY
2	REVISION	DATE BY
3	REVISION	DATE BY
4	REVISION	DATE BY
5	REVISION	DATE BY
6	REVISION	DATE BY
7	REVISION	DATE BY

PREPARED BY:
MILLAS
Michelle / Design Architect, Inc.
 10100 San Marcos Blvd. #200
 San Marcos, CA 92069
 Tel: 760.329.1234 Fax: 760.329.1235
 www.millas.com

**LANDSCAPE DEVELOPMENT PLAN
 OFFSITE STREET IMPROVEMENTS FOR
 ADOBE ESTATES**
 CITY OF OCEANSIDE, CALIFORNIA

SHEET
L-1
 OF
2



WATER CONSERVATION CONCEPT STATEMENT:

WHERE CONDITIONS OF MATERIALS LISTED REQUIRE A MAINTENANCE SCHEDULE, THE FOLLOWING MAINTENANCE SCHEDULES SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED:

1. MAINTENANCE SCHEDULES SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
2. THE AREA SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
3. THE AREA SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
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8. THE AREA SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
9. THE AREA SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
10. THE AREA SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.

MAINTENANCE RESPONSIBILITY NOTE

ALL COMMON AREAS, IMPROVEMENTS, AND INFRASTRUCTURE LANDSCAPE IMPROVEMENTS SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.

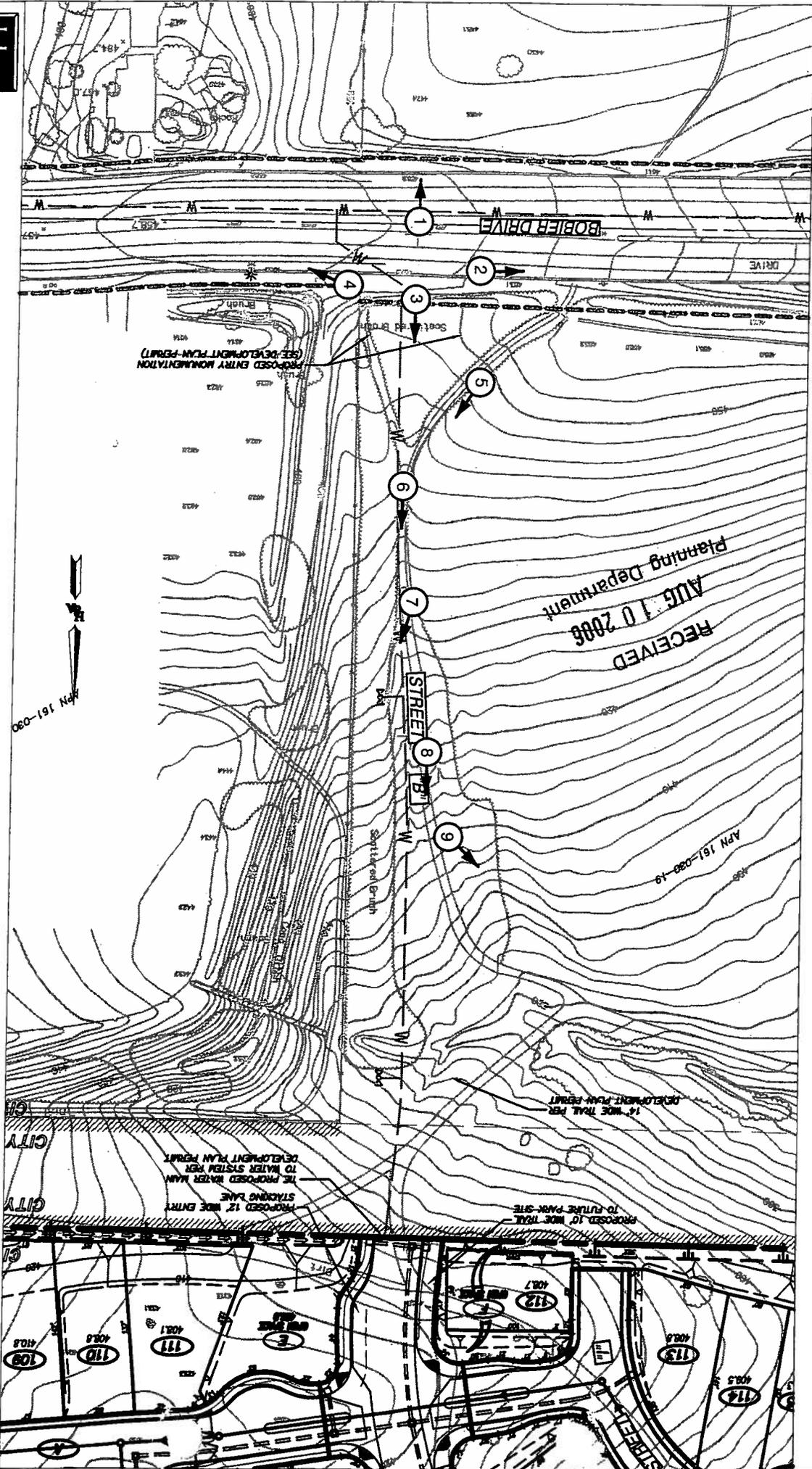
1. THE MAINTENANCE SCHEDULES SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.
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10. THE MAINTENANCE SCHEDULES SHALL BE MAINTAINED TO THE EXTENT OF THE MAINTENANCE SCHEDULES LISTED.

NOTES

1. "Notes" shall be subject to the City of Oceanside's standard specifications for landscape construction.
2. All common areas, improvements, and infrastructure shall be maintained to the extent of the maintenance schedules listed.
3. The area shall be maintained to the extent of the maintenance schedules listed.
4. The area shall be maintained to the extent of the maintenance schedules listed.
5. The area shall be maintained to the extent of the maintenance schedules listed.
6. The area shall be maintained to the extent of the maintenance schedules listed.
7. The area shall be maintained to the extent of the maintenance schedules listed.
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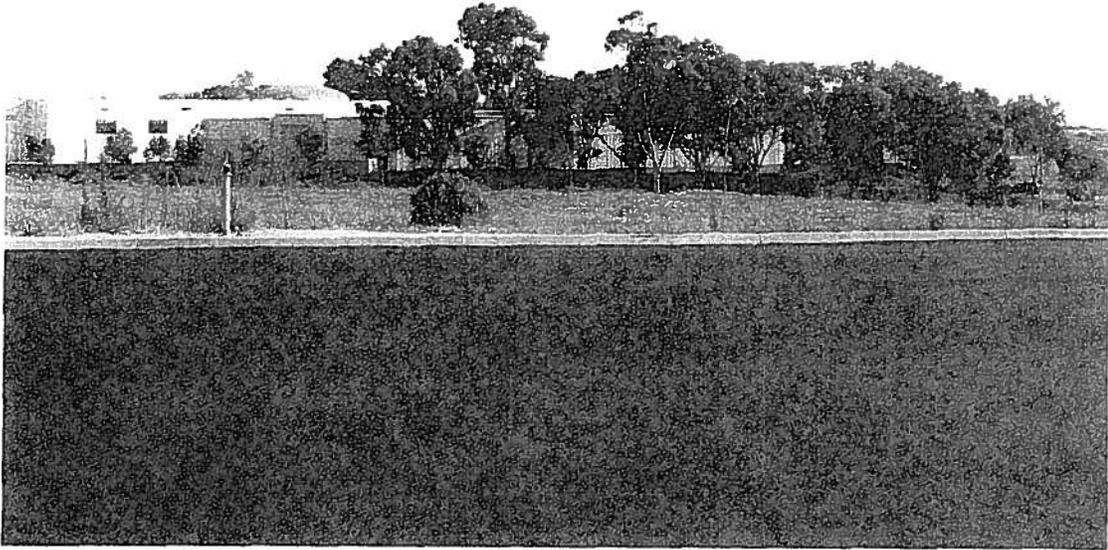


ADOBE ESTATES PHOTO KEY MAP



H&A
HUNSAKER & ASSOCIATES
 SAN DIEGO, INC.

PLANNING 10795 Hunsaker St
 ENGINEERING San Diego, CA 92121
 SURVEYING PH(619)554-4500 - FX(619)556-1414



1

Looking South across Bobier Drive from entry of
proposed road.

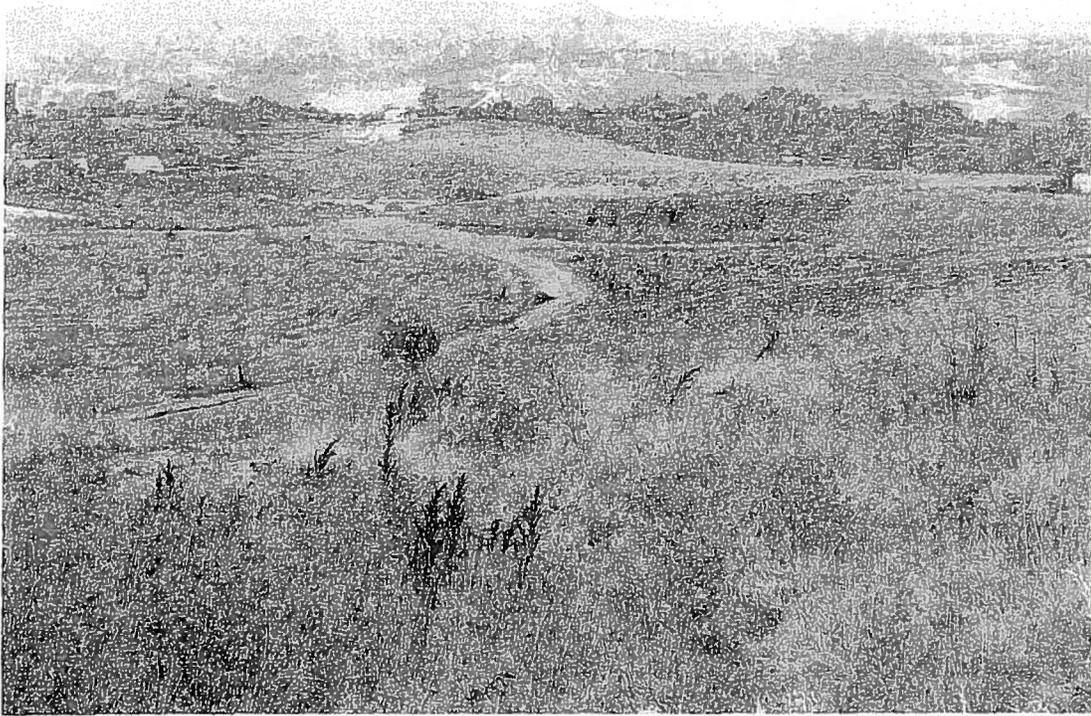
(See 8.5x11 Key Map for Graphic Location)



2

Looking West down Bobier Drive from entry of
proposed road.

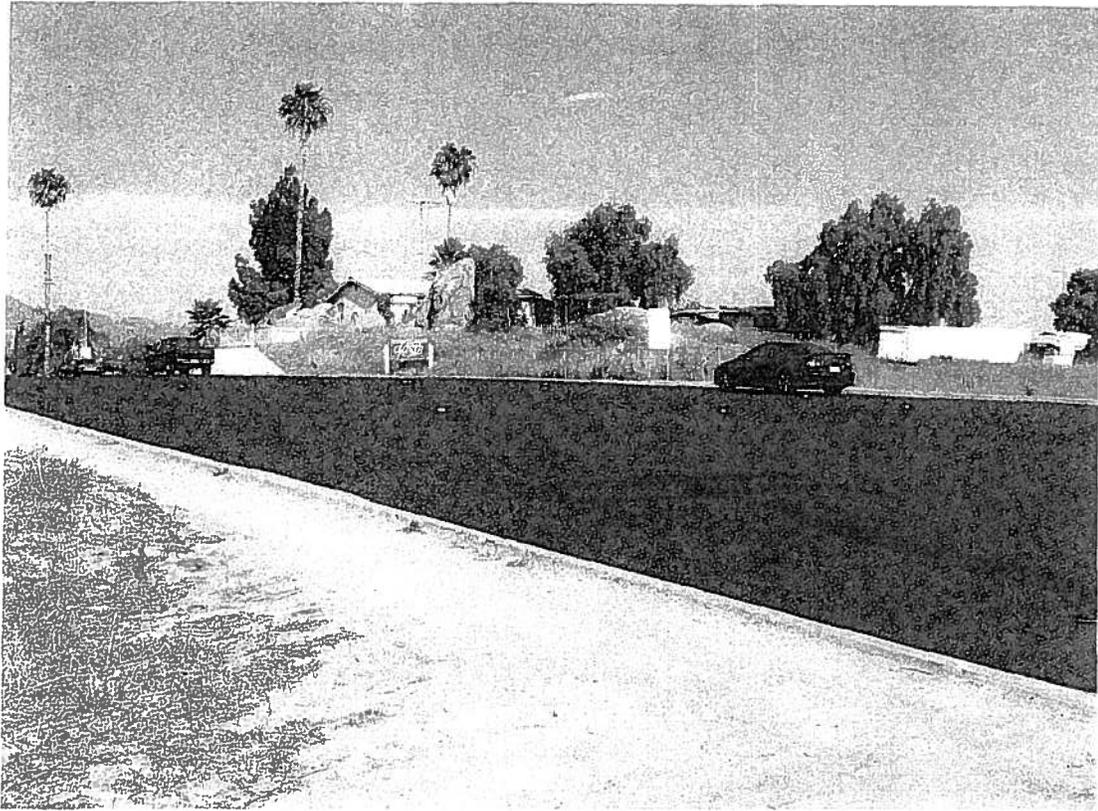
(See 8.5x11 Key Map for Graphic Location)



3

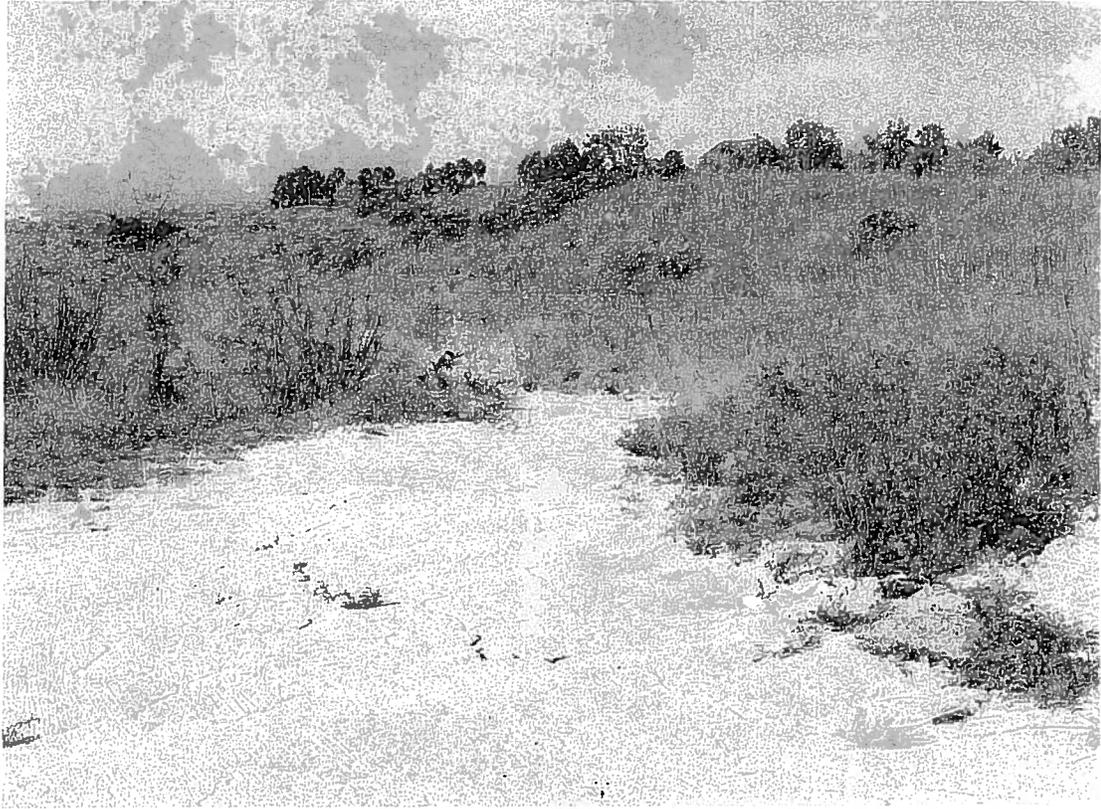
Looking North from Bobier Drive and from entry of
proposed road.

(See 8.5x11 Key Map for Graphic Location)



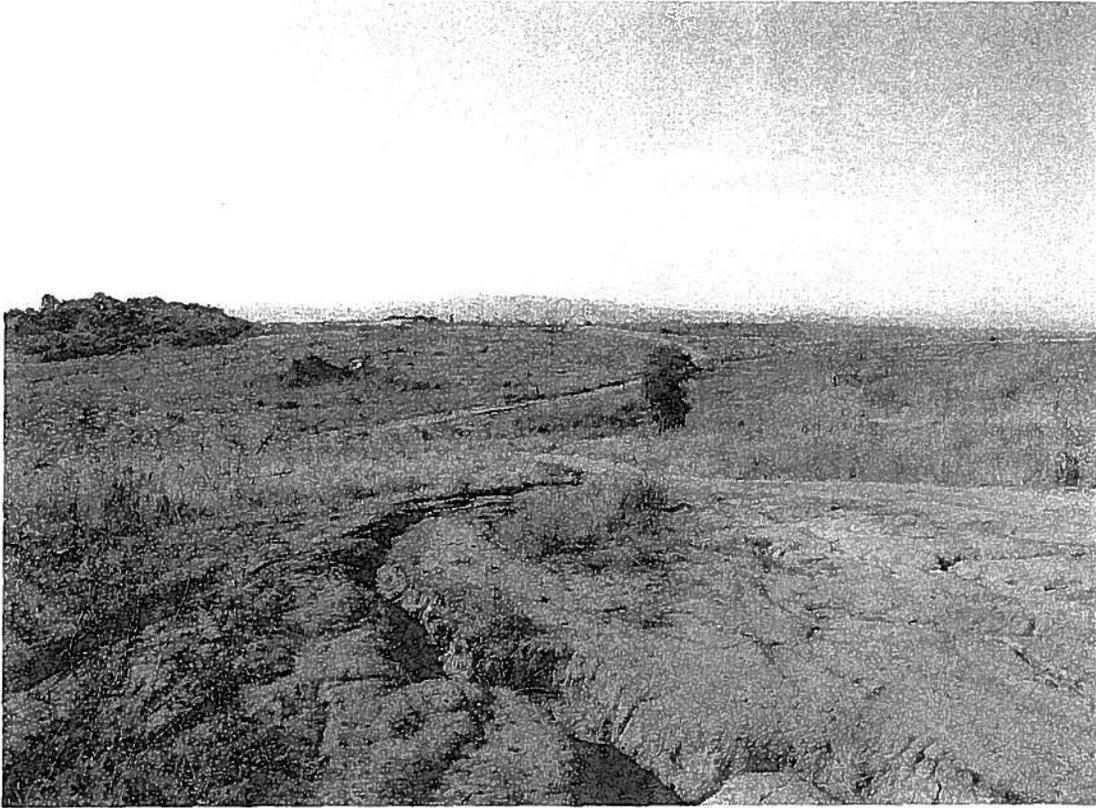
4

Looking East down Bobier Drive from entry of
proposed road.
(See 8.5x11 Key Map for Graphic Location)



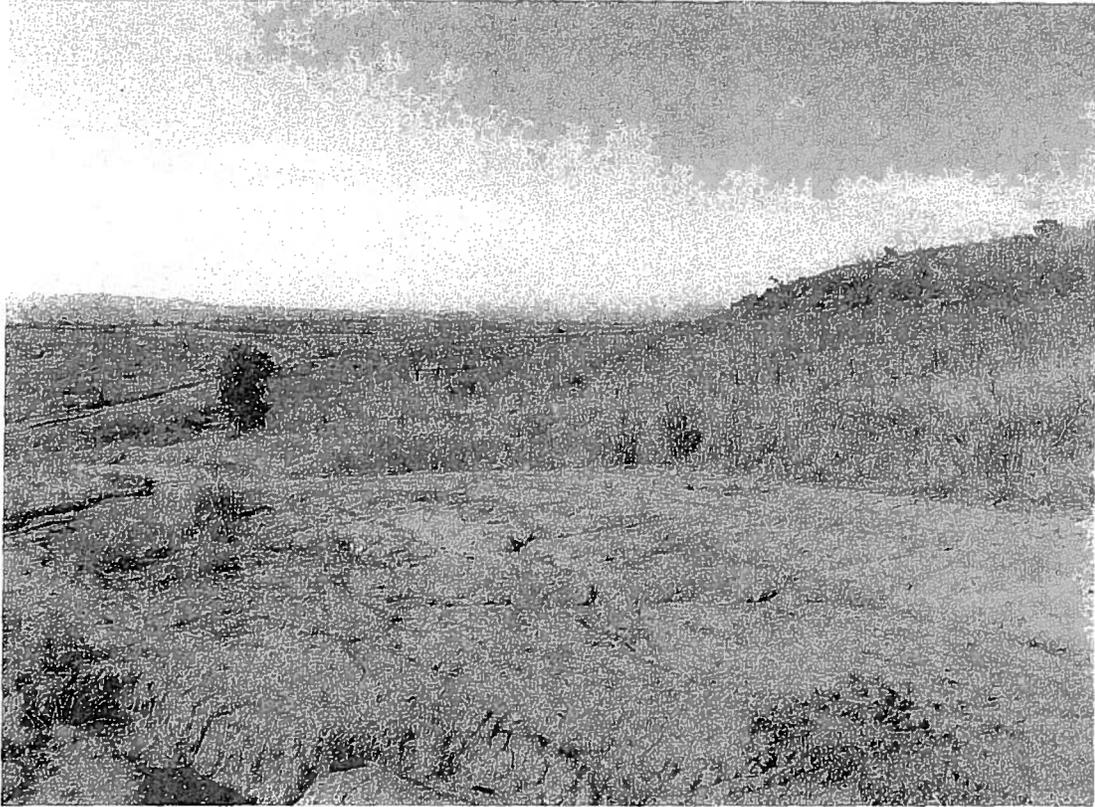
5

Looking Northwest along proposed road from a point
approx. 80' north of Bobier drive.
(See 8.5x11 Key Map for Graphic Location)



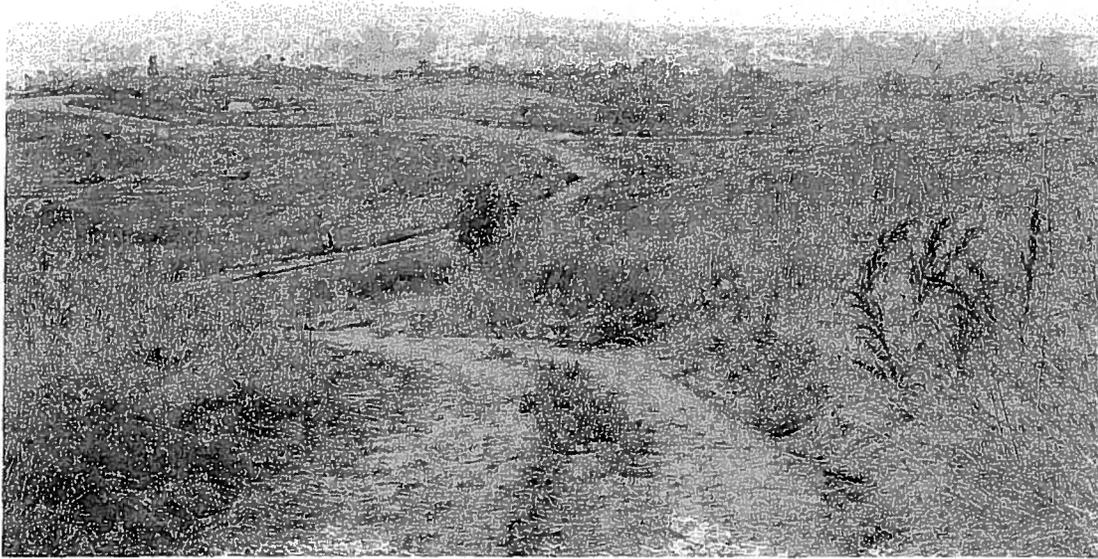
6

Looking North along proposed road from a point
approx. 170' north of Bobier Drive.
(See 8.5x11 Key Map for Graphic Location)



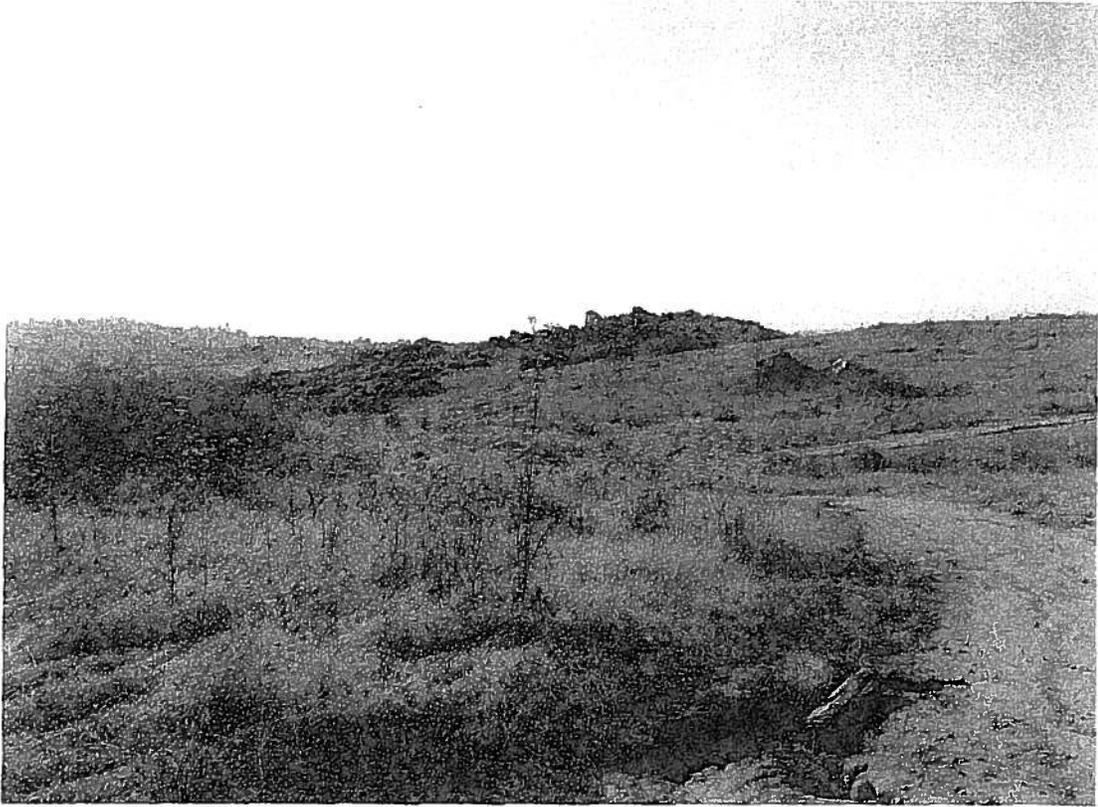
7

Looking Northeast along proposed road from a point
approx. 250' north of Bobier Drive.
(See 8.5x11 Key Map for Graphic Location)



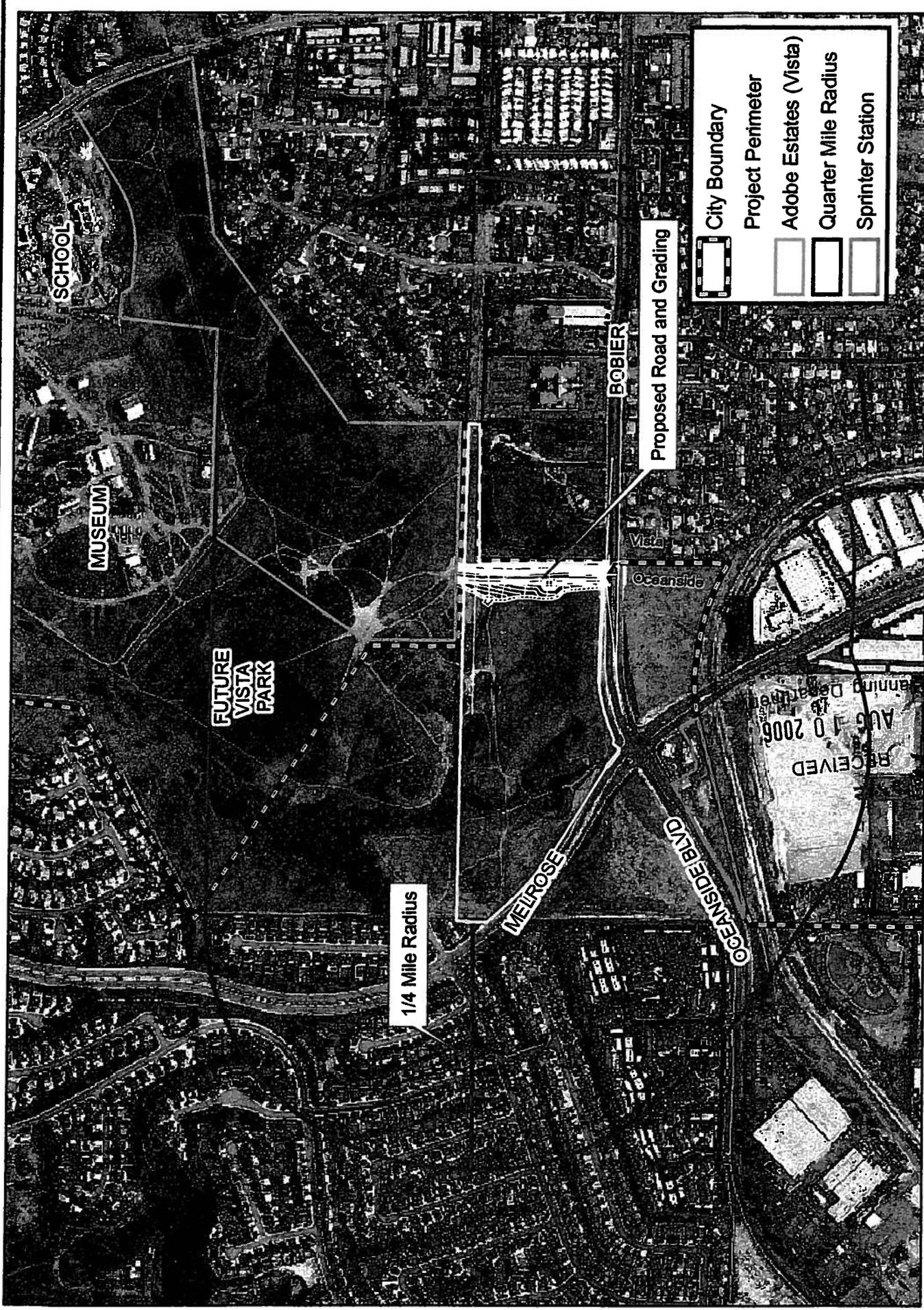
8

Looking North along proposed road from a point
approx. 380' north of Bobier Drive.
(See 8.5x11 Key Map for Graphic Location)



9

Looking Northwest along proposed road from a point
approx. 450' north of Bobier Drive.
(See 8.5x11 Key Map for Graphic Location)



Legend

- City Boundary
- Project Perimeter
- Adobe Estates (Vista)
- Quarter Mile Radius
- Sprinter Station



DB
 esajls 4-08; Imdblocr 4-04
 L:\CLIENTS\Concordia.0781
 Adobe Estate\Design\GIS

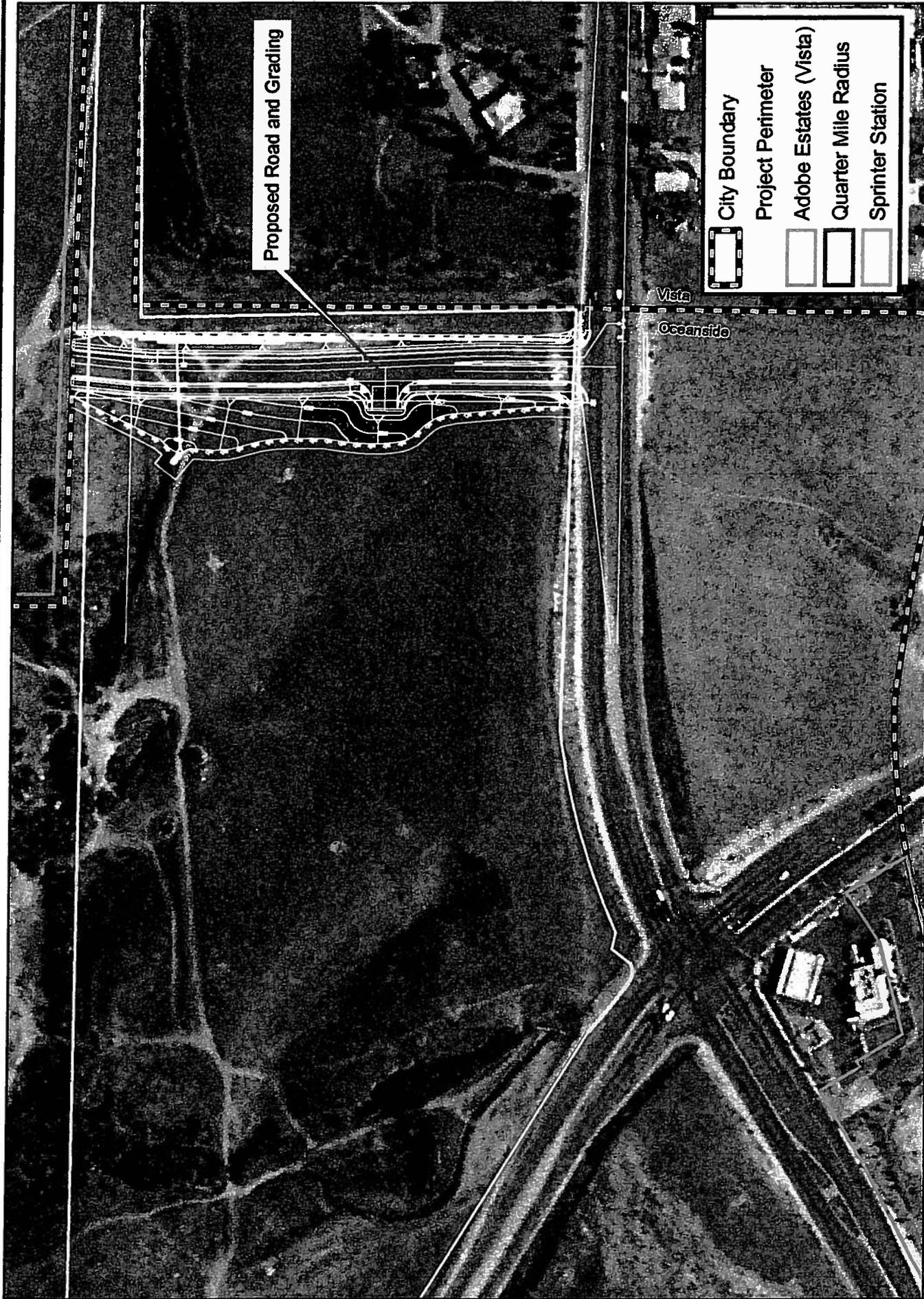


1 inch equals 700 feet

**Access Road - Adobe Estates
 Surrounding Area Exhibit
 Concordia Homes**



RECEIVED
 AUG 10 2006
 Planning Department



DB
 4/06, 1/04
 L:\CLIENTS\Concordia_0781
 Adobe Estates\DWG\CS

**Access Road Detail- Adobe Estates
 Surrounding Area Exhibit - Detail
 Concordia Homes**



1 inch equals 200 feet

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P44

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 DEVELOPMENT PLAN ON CERTAIN REAL PROPERTY IN
THE CITY OF OCEANSIDE

6 APPLICATION NO: D-26-05
7 APPLICANT: Concordia Homes
8 LOCATION: North East of the intersection of Melrose Drive and Oceanside
Boulevard.

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

11 WHEREAS, there was filed with this Commission a verified petition on the forms
12 prescribed by the Commission requesting a Development Plan under the provisions of Articles 10,
13 and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

14 a private collector road to provide secondary access to an approved subdivision in the City
15 of Vista and the future City of Vista Public Park;
16 on certain real property described in the project description.

17 WHEREAS, the Planning Commission, after giving the required notice, did on the 10th day
18 of September, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
application.

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

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

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

26 ///////////////
27 ///////////////
28 ///////////////
//////////////////

1	<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
6			
7	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
8			
9			
10	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
11			
12			
13			
14	Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
15			
16	Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
17			
18			
19	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$3,746 per unit; Non- residential is \$19,967 for a 2" meter.
20			
21			
22			
23	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$4,587 per unit; Non-residential is \$24,444 for a 2" meter.
24			
25			
26			
27	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 per unit; Non-
28			

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

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

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

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

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

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

19 FINDINGS:

20 For Development Plan:

- 21 1. The site plan and physical design of the project is consistent with the Zoning Ordinance
22 and the underlying Residential Estate District (RE-B).
- 23 2. The Development Plan conforms to the General Plan of the City.
- 24 3. The project site can be adequately served by existing public facilities, services and
25 utilities.
- 26 4. The project, as proposed, is compatible with the existing and potential development on
27 adjoining properties or in the surrounding neighborhood.
- 28 5. The site plan and physical design of the road is consistent with the policies contained
within Sections 2.71 of the Land Use Element of the General Plan.

1 An approved Environmental Impact Report from the City of Vista together with any
2 comments received, and Mitigation and Monitoring and Reporting Program (MMRP),
3 incorporated into the conditions of approval for the project, were presented to the Planning
4 Commission, and the Planning Commission reviewed and considered the information contained
5 in these documents prior to making a decision on the project.

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

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

15 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
16 approve and certify the Adobe Estates Environmental Impact Report and approve Development
17 Plan (D-26-05) and subject to the following conditions:

18 **Building:**

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

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

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

6 **Engineering:**

- 7 2. All right-of-way alignments, street dedications, exact geometrics and widths shall be
8 dedicated as an Irrevocable Offer of Dedication (IOD) and improved as required by the City
9 Engineer. No driveways are allowed onto private street "B" (IOD) at this point in time.
10 One point of access to/from the underlying parcel on the west side of the road will be
11 allowed. The exact location, right-of-way, and improvement requirements for said point
12 of access shall be reviewed and approved by the City prior to granting any development
13 entitlement for said parcel.
- 14 3. Design and construction of all improvements shall be in accordance with standard plans,
15 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 16 4. Prior to issuance of a building permit all improvement requirements shall be covered by a
17 development agreement and secured with sufficient improvement securities or bonds
18 guaranteeing performance and payment for labor and materials, setting of monuments,
19 and warranty against defective materials and workmanship.
- 20 5. Legal access shall be provided to Private Street "B" prior to approval of the grading and the
21 improvement plan.
- 22 6. The developer shall provide an IOD including slope and drainage rights to be rejected by
23 the City of Oceanside for the proposed Private Street "B" as required to serve the property.
- 24 7. The approval of the project shall not mean that closure, vacation, or abandonment of any
25 public street, right-of-way, easement, or facility is granted or guaranteed to the developer.
26 The developer is responsible for applying for all closures, vacations, and abandonments
27 as necessary. The application(s) shall be reviewed and approved or rejected by the City
28 of Oceanside under separate process (es) per codes, ordinances, and policies in effect at
the time of the application.

- 1 8. Prior to approval of the improvement plans and the grading plans or any increment, all
2 improvement requirements, within such increment or outside of it if required by the City
3 Engineer, shall be covered by a subdivision agreement and secured with sufficient
4 improvement securities or bonds guaranteeing performance and payment for labor and
5 materials, setting of monuments, and warranty against defective materials and
6 workmanship.
- 7 9. Prior to approval of the grading plan and the improvement plan, a phasing plan for the
8 construction of public and private improvements including landscaping, streets and arterials
9 shall be approved by the City Engineer. All improvements shall be under construction to
10 the satisfaction of the City Engineer prior to the issuance of any building permits. All
11 improvements shall be completed prior to issuance of any certificates of occupancy.
- 12 a) The City Engineer shall require the dedication and construction of necessary
13 utilities, streets and other improvements outside the area of any particular final map,
14 if such is needed for circulation, parking, access or for the welfare or safety of future
15 occupants of the development. The boundaries of any multiple final map increment
16 shall be subject to the approval of the City Engineer.
- 17 10. Where proposed off-site improvements, including but not limited to slopes, public utility
18 facilities, and drainage facilities, are to be constructed, the applicant shall, at his own
19 expense, obtain all necessary easements or other interests in real property and shall dedicate
20 the same to the City of Oceanside as required. The applicant shall provide documentary
21 proof satisfactory to the City of Oceanside that such easements or other interest in real
22 property have been obtained prior to issuance of any grading, building or improvement
23 permit for the development/project. Additionally, the City of Oceanside, may at its sole
24 discretion, require that the applicant obtain at his sole expense a title policy insuring the
25 necessary title for the easement or other interest in real property to have vested with the City
26 of Oceanside or the applicant, as applicable.
- 27 11. Pursuant to the State Map Act, improvements shall be required at the time of development.
28 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
these improvement conditions.

- 1 12. Prior to the issuance of a grading permit, the developer shall notify and host a
2 neighborhood meeting with all of the area residents located within 300 feet of the project
3 site, and residents of property along any residential streets to be used as a "haul route", to
4 inform them of the grading and construction schedule, haul routes, and to answer
5 questions.
- 6 13. The developer shall monitor, supervise and control all construction and construction-
7 supportive activities, so as to prevent these activities from causing a public nuisance,
8 including but not limited to, insuring strict adherence to the following:
- 9 a) Dirt, debris and other construction material shall not be deposited on any public
10 street or within the City's stormwater conveyance system.
 - 11 b) All grading and related site preparation and construction activities shall be limited
12 to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering
13 related construction activities shall be conducted on Saturdays, Sundays or legal
14 holidays unless written permission is granted by the City Engineer with specific
15 limitations to the working hours and types of permitted operations. All on-site
16 construction staging areas shall be as far as possible (minimum 100 feet) from any
17 existing residential development. Because construction noise may still be
18 intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance
19 also prohibits "any disturbing excessive or offensive noise which causes
20 discomfort or annoyance to reasonable persons of normal sensitivity."
 - 21 c) The construction site shall accommodate the parking of all motor vehicles used by
22 persons working at or providing deliveries to the site.
 - 23 d) A haul route shall be obtained at least 7 days prior the start of hauling operations
24 and must be approved by the City Engineer. Hauling operations shall be 8:00 a.m.
25 to 3:30 p.m. unless approved otherwise.
- 26 14. A traffic control plan shall be prepared according to the City traffic control guidelines and
27 be submitted to and approved by the City Engineer prior to the start of work within open
28 City rights-of-way. Traffic control during construction of streets that have been opened
to public traffic shall be in accordance with construction signing, marking and other
protection as required by the Caltrans Traffic Manual and City Traffic Control

1 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
2 approved otherwise.

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

14 16. Private Street "B" shall be improved with curbs and gutters sidewalk in accordance with the
15 requirement of the City of Oceanside Engineers Design Manual.

16 17. Private Street "B" shall provide a minimum of 10 feet parkway between the face of curb
17 and the right-of-way line. Sidewalk improvements shall comply with ADA requirements.

18 18. Five hundred fifty (550) feet sight distance shall be required for each direction of traffic
19 along Bobier Drive and Oceanside Blouvard from the proposed Private Street "B". The
20 corner sight distance criteria shall conform to the California Department of Transportation
21 Highway Design Manual or SDRSD DS-20A and DS-20-B.

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

27 20. The proposed private Street "B" shall remain private at this time and shall be maintained
28 by the Home Owners Association. The pavement sections, traffic indices, alignments,
and all geometrics shall meet public street standards.

- 1 21. Prior to approval of the grading and/or improvement plans, the developer shall contract
2 with a geotechnical engineering firm to perform a field investigation of the existing
3 pavement on all streets adjacent to the project boundary. The limits of the study shall be
4 half-street plus 12 feet along the project's frontage. The field investigation shall include a
5 minimum of one pavement boring per every 50 linear feet of street frontage. Should the
6 existing AC thickness be determined to be less than three inches or without underlying
7 Class II base material, the developer shall remove and reconstruct the pavement section as
8 determined by the pavement analysis submittal process detailed in Item No. 2 below.
- 9 22. Upon review of the pavement investigation, the City Engineer shall determine whether
10 the developer shall: 1) Repair all failed pavement sections, header cut and grind per the
11 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or
12 2) Perform R-value testing and submit a study that determines if the existing pavement
13 meets current City standards/traffic indices. Should the study conclude that the pavement
14 does not meet current requirements, rehabilitation/mitigation recommendations shall be
15 provided in a pavement analysis report, and the developer shall reconstruct the pavement
16 per these recommendations, subject to approval by the City Engineer.
- 17 23. Pavement sections for Private Street "B" (IOD) shall be based upon approved soil tests and
18 traffic indices. The pavement design is to be prepared by the developer's soil engineer and
19 must be approved by the City Engineer, prior to paving.
- 20 24. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
21 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 22 25. All existing overhead utility lines within the full width of private street "B" or right-of-
23 way of IOD abutting this new subdivision and all new extension services, including but
24 not limited to, electrical, cable and telephone, shall be placed underground per Section
25 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and
26 current City policy.
- 27 26. The developer shall comply with all the provisions of the City's cable television ordinances
28 including those relating to notification as required by the City Engineer.

- 1 27. The developer shall install two-inch PVC conduit, together with 1/4-inch pull-rope and
2 pull-boxes at 400 feet intervals for future signal interconnect cable on all arterial-level or
3 above streets.
- 4 28. Grading and drainage facilities shall be designed and installed to adequately accommodate
5 the local stormwater runoff and shall be in accordance with the City's Engineers Manual and
6 as directed by the City Engineer.
- 7 29. The applicant shall obtain any necessary permits and clearances from all public agencies
8 having jurisdiction over the project due to its type, size, or location, including but not
9 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S.
10 Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
11 (including NPDES), San Diego County Health Department, prior to the issuance of grading
12 permits.
- 13 30. Prior to any grading of any part of the project, a comprehensive soils and geologic
14 investigation shall be conducted of the soils, slopes, and formations in the project. All
15 necessary measures shall be taken and implemented to assure slope stability, erosion
16 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
17 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
18 the City Engineer.
- 19 31. This project shall provide year-round erosion control including measures for the site
20 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
21 control plan, designed for all proposed stages of construction, shall be reviewed, secured by
22 the applicant with cash securities and approved by the City Engineer.
- 23 32. A precise grading and private improvement plan shall be prepared, reviewed, secured and
24 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
25 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage,
26 footprints of all structures, walls, drainage devices and utility services. Parking lot striping
27 and any on-site traffic calming devices shall be shown on all Precise Grading and Private
28 Improvement Plans.
33. Landscaping plans, including plans for the construction of walls, fences or other structures
at or near intersections, must conform to intersection sight distance requirements.

1 Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance
2 of occupancy permits, and a pre-construction meeting held, prior to the start of any
3 improvements.

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

16 35. Open space areas and down-sloped areas visible from a collector-level or above Private
17 Street "B" roadway and not readily maintained by the property owner, shall be maintained
18 by a homeowners' association that will insure installation and maintenance of landscaping in
19 perpetuity. These areas shall be indicated on the final map and reserved for an association.
20 Future buyers shall be made aware of any estimated monthly costs. The disclosure, together
21 with the CC&R's, shall be submitted to the City Engineer for review prior to the recordation
22 of final map.

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

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

- 1 42. The developer shall prepare and submit an Operations & Maintenance (O&M) Plan to the
2 City Engineer with the first submittal of engineering plans. The O&M Plan shall be
3 prepared by the applicant's Civil Engineer. It shall be directly based on the project's
4 Storm Water Mitigation Plan (SWMP) previously approved by the project's approving
5 authority (Planning Commission/City Council/Community Development Commission).
6 At a minimum the O&M Plan shall include the designated responsible parties to manage
7 the stormwater BMP(s), employee's training program and duties, operating schedule,
8 maintenance frequency, routine service schedule, specific maintenance activities, copies
9 of resource agency permits, cost estimate for implementation of the O&M Plan and any
10 other necessary elements.
- 11 43. The developer shall enter into a City-Standard Stormwater Facilities Maintenance
12 Agreement with the City obliging the project proponent to maintain, repair and replace
13 the Storm Water Best Management Practices (BMPs) identified in the project's approved
14 Storm Water Mitigation Plan (SWMP), as detailed in the O&M Plan into perpetuity. The
15 Agreement shall be approved by the City Attorney prior to issuance of any precise
16 grading permit and shall be recorded at the County Recorder's Office prior to issuance of
17 any building permit. Security in the form of cash (or certificate of deposit payable to the
18 City) or an irrevocable, City-Standard Letter of Credit shall be required prior to issuance
19 of a precise grading permit. The amount of the security shall be equal to 10 years of
20 maintenance costs, as identified by the O&M Plan. The applicant's Civil Engineer shall
21 prepare the O&M cost estimate.
- 22 44. At a minimum, maintenance agreements shall require the staff training, inspection and
23 maintenance of all BMPs on an annual basis. The project proponent shall complete and
24 maintain O&M forms to document all maintenance activities. Parties responsible for the
25 O&M plan shall retain records at the subject property for at least five years. These
26 documents shall be made available to the City for inspection upon request at any time.
- 27 45. The Agreement shall include a copy of executed off-site access IOD necessary for the
28 operation and maintenance of BMPs that shall be binding on the land throughout the life
of the project to the benefit of the party responsible for the O&M of BMPs, until such
time that the stormwater BMP requiring access is replaced, satisfactory to the City

1 Engineer. The Agreement shall also include a copy of the O&M Plan approved by the
2 City Engineer.

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

9 **Fire:**

10 47. Fire Department requirements shall be placed on plans in the notes section.

11 48. Trees must be 20 feet apart from the dripline edge at maturity.

12 49. Submit three sets of plans prepared by a licensed landscape architect or other design
13 professional with equivalent credentials, for review.

14 50. The following shall be included on the conceptual fuel modification plan:

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

1 on the landscape plans, and the dimensions of that shrub must be shown. If
2 shrubs are over five feet in height they must also be 10 feet off of the structure
3 measured at shrub edge at maturity to the farthest projection of the structure.

- 4 d) Remove undesirable plant species in accordance with the Oceanside Fire
5 Department Plant List (refer to fuel modification packet)
- 6 e) Existing and new plants will be in accordance with the Oceanside Fire
7 Department approved plant palette.
- 8 f) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel
9 modifications. (Refer to fuel modification packet)

10 **Planning:**

11 51. This Development Plan shall expire on September 10, 2009 unless the Planning
12 Commission grants a time extension.

13 52. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
14 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
15 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
16 annul an approval of the City, concerning Development Plan D-26-05. The City will
17 promptly notify the applicant of any such claim, action or proceeding against the City and
18 will cooperate fully in the defense. If the City fails to promptly notify the applicant of
19 any such claim action or proceeding or fails to cooperate fully in the defense, the
20 applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the
21 City.

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

- 28 a) Median and parkway tree plantings along collector and arterial roads shall be a
minimum of two-inch diameter trees so as to ensure a mature landscape theme is
achieved in a reasonable amount of time.

- 1 b) To mitigate the loss of landmark and/or mature existing trees on-site the
2 determination of replacement shall be based on tree number, type and caliper
3 (caliper measured 2 ½ feet from the base of the tree at existing grade). The total
4 number of tree caliper lost shall be equal to the total number of caliper replaced.
5 Replacement trees shall be 15-gallon container stock. A field survey shall be
6 performed under the supervision of the City Landscaping Section to evaluate the
7 existing tree population and the replacement requirements. The existing trees to
8 remain or proposed for removal shall be identified on the Preliminary Grading Plan,
9 Precise Grading Plan and Landscape Plan. The existing tree type. Location and
10 caliper shall be shown on the above plans. Replacement trees shall be identified and
11 shown on the Landscape Plan and shall be subject to review and approval by the
12 City Engineer.
- 13 c) Street trees shall be located 30'-0" on center of a minimum 15-gallon container size,
14 (from the "B" list; current City of Oceanside Street Memorandum) shall be
15 maintained by the owner of the property in perpetuity to meet the satisfaction of the
16 City Engineer.
- 17 d) The Landscape Architect shall field verify location of sight lines, utility, storm drain
18 and sewer easements and adjust location of all landscape planting accordingly.
- 19 e) All landscaping, walls and fencing on-site and with in the public right-of-way shall
20 comply with the City of Oceanside Zoning Ordinance and the City of Oceanside
21 Guidelines and specifications for Landscape Developments 1985, agendas 1997.)
- 22 f) All graded slopes three feet or greater in height shall receive planting. All graded
23 slopes 5:1 or steeper and five feet or greater shall receive planting and irrigation.
- 24 g) Landscape plans shall meet the minimum requirements of the transportation
25 division, shall not obstruct sight distance, shall match the grading improvement
26 plans and meet the satisfaction off the City Engineer.
- 27 h) These conditions of approval are in addition to the conceptual landscape plan and
28 shall supersede any conflict with the landscape conceptual plan.

54. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in
any adjoining public parkways shall be permanently maintained by the owner, his assigns or

1 any successors-in-interest in the property. The maintenance program shall include normal
2 care and irrigation of the landscaping; repair and replacement of plant materials; irrigation
3 systems as necessary; and general cleanup of the landscaped and open areas, parking lots
4 and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City
5 taking all appropriate enforcement actions by all acceptable means including but not limited
6 to citations and/or actual work with costs charged to or recorded against the owner. This
7 condition shall be recorded with the covenant required by this resolution.

8 55. A covenant or other recordable document approved by the City Attorney shall be prepared
9 by the subdivider and recorded prior to the approval of the final map. The covenant shall
10 provide that the property is subject to this resolution, and shall generally list the conditions
11 of approval.

12 56. Prior to the issuance of building permits, compliance with the applicable provisions of the
13 City's anti-graffiti (Ordinance No. 93-19/Section 20.25 of the City Code) shall be reviewed
14 and approved by the Planning Division. These requirements, including the obligation to
15 remove or cover with matching paint all graffiti within 24 hours, shall be noted on the
16 Landscape Plan and shall be recorded in the form of a covenant affecting the subject
17 property.

18 57. Failure to meet any conditions of approval for this development shall constitute a violation
19 of the Development Plan.

20 58. Unless expressly waived, all current zoning standards and City ordinances and policies in
21 effect at the time building permits are issued are required to be met by this project. The
22 approval of this project constitutes the applicant's agreement with all statements in the
23 Description and Justification and other materials and information submitted with this
24 application, unless specifically waived by an adopted condition of approval.

25 59. The developer's construction of all fencing and walls associated with the project shall be in
26 conformance with the approved Development Plan. Any substantial change in any aspect of
27 fencing or wall design from the approved Development Plan shall require a revision to the
28 Development Plan or a new Development Plan.

59. If an approved Development Plan does not cover any aspect of the project fencing and
walls, the construction of fencing and walls shall conform to the development standards of

1 the City Zoning Ordinance. In no case, shall the construction of fences and walls (including
2 combinations thereof) exceed the limitations of the zoning code, unless expressly granted by
3 a Variance or other development approval.

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

6 62. If night work is necessary, night lighting shall be of the lowest illumination necessary for
7 human safety, selectively placed, shielded and directed away from natural habitats.

8 63. Dust shall be controlled through the implementation of measures required by the City's
9 grading regulations and SDAPCD Rule 51, including application of water on unpaved,
10 unvegetated surfaces during construction activities.

11 64. To avoid impacting breeding birds, construction activities should be restrictive to times
12 outside the breeding season. If construction activities are planned to occur during the
13 breeding season, a pre-construction survey should be conducted to determine the presence
14 or absence of nesting vireos or raptors within areas impacted by noise levels exceeding 60
15 dBA. Mitigation measures are the same as those found in the construction noise.

16 65. All open-space areas will be posted with signage containing information regarding habitat
17 sensitivity and citing that dumping or disturbance of habitat is prohibited.

18 66. Construction equipment staging areas shall not be located within 100 feet of any existing
19 residence.

20 67. Adjacent homeowners shall be notified of planned construction activities and times
21 approximately one week prior to the start of work.

22 68. A comprehensive report shall be produced detailing the methods and results of the
23 preservation and monitoring program.

24 69. The project shall conform to the conditions of the Environmental Impact Report and shall
25 comply with the provisions of the Mitigation Monitoring and Reporting Program.

26 ////////////////

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

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1 **Water Utilities:**

2 70. The developer will be responsible for developing all water and sewer utilities necessary to
3 develop the property. Any relocation of water and/or sewer utilities is the responsibility of
4 the developer and shall be done by an approved licensed contractor at the developer's
5 expense.

6 PASSED AND ADOPTED Resolution No. 2007-P44 on September 10, 2007 by the
7 following vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

12
13 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

14 ATTEST:

15
16 _____
Jerry Hittleman, Secretary

17 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
18 this is a true and correct copy of Resolution No. 2007-P44.

19
20 Dated: September 10, 2007

1 PLANNING COMMISSION
2 RESOLUTION NO. 2007-P45

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA CERTIFYING THE
5 FINAL ENVIRONMENTAL IMPACT REPORT FOR THE
ADOBE ESTATES SUBDIVISION PROJECT ON CERTAIN
REAL PROPERTY IN THE CITY OF OCEANSIDE

6 APPLICATION NO: D-26-05
7 APPLICANT: Concordia Homes
8 LOCATION: North east of the intersection of Melrose Drive and Oceanside
Boulevard

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

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

14 WHEREAS, the Planning Commission, after giving the required notice, did on the 10th
15 day of September 2007, conduct a duly advertised public hearing on the content of the Final
16 Environmental Impact Report that was previously approved with the City of Vista Adobe Estates
17 Subdivision; and

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

20 For the Final Environmental Impact Report:

- 21 1. The Final Environmental Impact Report was completed in compliance with the
22 provisions of the California Environmental Quality Act (CEQA).
- 23 2. There are certain significant environmental effects detailed in the Environmental Impact
24 Report which have been avoided or substantially lessened by the establishment of
25 measures which are detailed in Exhibit "A" of the environmental Findings for the Adobe
Estates Residential Subdivision allowing the construction of an approximate 180 units
on 53.9 acres with a proposed secondary access road through the City of Oceanside to
the project.
3. The Final Environmental Impact Report and Mitigation and Monitoring and Reporting
Programs for the project (included in the Final EIR) and were presented to the City of

1 Vista City Council, and the City Council reviewed and approved the information on the
2 residential subdivision and the access roads. The Final Environmental Impact Report
3 and Mitigation and Monitoring and Reporting Program for the residential subdivision
4 have been determined to be accurate and adequate documents, which reflect the
independent judgment of the City.

5 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
6 certify the Final Environmental Impact Report for the Adobe Estates Residential Subdivision
7 Project Development Plan (D-26-05), subject to the following recommendations and conditions:

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

13 PASSED AND ADOPTED Resolution No. 2007-P45 on September 10, 2007 by the
14 following vote, to wit:

15 AYES:

16 NAYS:

17 ABSENT:

18 ABSTAIN:

19 _____
Dennis Martinek, Chairman
Oceanside Planning Commission

20 ATTEST:

21 _____
22 Jerry Hittleman, Secretary

23 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
24 this is a true and correct copy of Resolution No. 2007-P45.

25 Dated: September 10, 2007

EXHIBIT A

FINDINGS REGARDING THE ENVIRONMENTAL IMPACT REPORT FOR THE PROPOSED ADOBE ESTATES RESIDENTIAL SUBDIVISION PROJECT

(State Clearinghouse (SCH) No. 2004031130)

I. INTRODUCTION

Pursuant to the California Environmental Quality Act ("CEQA," Public Resources Code §§ 21000-21178.1) and the State CEQA Guidelines (14 Cal. Code Regs., §§ 15000-15387), the City of Vista is the lead agency for the Adobe Estates Residential Subdivision Project ("Project"). The City prepared an environmental impact report ("EIR") for the Project (SCH No. 2004031130), which analyzed the potentially significant environmental impacts of the Project.

The City hereby certifies and finds that the EIR for the Project has been completed in compliance with the California Environmental Quality Act ("CEQA," Public Resources Code §§ 21000-21178.1) and the State CEQA Guidelines (14 Cal. Code Regs., §§ 15000-15387). The City further makes the following Findings, pursuant to State CEQA Guidelines § 15091: the EIR concluded that the Project will have direct significant, but mitigable environmental impacts in the following areas: land use, aesthetics, geology and soils, hazards and hazardous materials, hydrology and water quality, transportation and traffic, noise, biological resources, cultural resources, recreation, and public services and utilities. Impact controls and/or mitigation measures have also been identified to maintain or reduce all significant impacts at or below a level of insignificance. Consequently, there would be no unavoidable significant adverse effects. Individual air quality impacts have been determined to be insignificant.

It was also determined that the project would, when considered with related projects, have a cumulatively considerable (significant) traffic impact. This impact could be reduced to less than cumulatively considerable (less than significant) through applicant provision of intersection improvements, or a fair share contribution for the improvements. Because the project impact is not proportionate to the level of physical improvements needed to improve the intersection, the applicant would be responsible for a fair share contribution for implementation of the improvements. However, there is currently no program in place to ensure implementation of the improvements by the time the project would be completed and occupied. Therefore, the cumulative impact would be considered significant and unavoidable.

II. PROJECT DESCRIPTION AND PURPOSE

The proposed Adobe Estates Residential Subdivision Project would be located in northwestern San Diego County. The 53.9-acre project site is located in the northwestern portion of the City of Vista southwest of the North Santa Fe Avenue intersection with Taylor Street. There is a single-family neighborhood along the southern boundary while North Santa Fe Avenue delineates the eastern perimeter, with apartments and single-family neighborhoods beyond. Vacant land lies to the west and southwest. Guajome Park Academy and the Antique Gas & Steam Engine Museum are adjacent to the north with Rancho Guajome Adobe Park beyond. Guajome Regional Park and undeveloped Vista parkland define the northwest perimeter. The project would include a General Plan Amendment, Zone Change, Specific Plan Amendment and new Specific Plan, Site Development Plan, and Tentative Subdivision Map (EIR, Figure 3.2A). In addition to discretionary approvals certain ministerial and other permits would be necessary for project implementation.

The project site is located in the northwestern portion of the City of Vista southwest of the intersection of North Santa Fe Avenue and Taylor Street. Bobier Drive, which is the easterly extension of Oceanside Boulevard, lies a short distance to the south of the subject property while Melrose Drive is off-site to the west. The City of Oceanside abuts the southwest corner of the property (EIR, Section 3.1).

The objectives of the proposed project are to:

1. Provide a new single-family residential development of approximately 180 units in the City to fulfill regional housing needs.
2. Development of a partially disturbed site to its potential in substantial conformance with applicable City plans, policies, and objectives.

3. Provide a residential housing project that is compatible with surrounding residential development in accordance with the City's land use and planning goals and objectives.
4. Ensure attractive architecture, open space areas, and recreational amenities to be consistent with surrounding neighborhoods within the City through the application of a Specific Plan of development.
5. Widen and improve North Santa Fe Avenue to provide safer vehicular and pedestrian access to and near the project site.
6. Provide access to the future City Park site from two regional arterial roadways to enable the development of new public recreational facilities and the expansion of public recreational programs.
7. Underground existing overhead utility lines on the site to improve the aesthetics of the property.
8. Provide visual and spatial buffers between project development and the adjacent County parklands to minimize the effects of urban development on the natural open space and wildlife value of the parklands.

The project would construct 159 lots for single-family dwellings, eight open space lots, street improvements along North Santa Fe Avenue, interior private streets, off-site public streets, utility facilities and connections, a private park with children's play apparatus, drainage improvements, landscaping, and other associated site improvements. Primary vehicle access would be gained through adjacent property connecting to Bobier Drive in the City of Oceanside, with additional access from North Santa Fe Avenue in Vista. One additional access point for future street extension would be provided along the northwestern boundary (EIR, Chapter 3 and FEIR, Chapter 4).

The project would include offsite improvements to North Santa Fe Avenue and construction of an off-site public road extending from Bobier Drive to the project site. Internal private streets would be paved to 36 feet in width with gutters, curbs, and five feet wide sidewalks within 46-foot wide public access and utility easements. The internal roadways would be slightly wider at the project entrances with 16 foot wide paved travel lanes on each side of an eight foot wide landscaped median, along with gutters, curbs and sidewalks within a 60 foot wide public access and utility easement. The private access road entries to the project from N. Santa Fe Avenue and the off-site access road would be gated. (EIR, Chapter 3, FEIR, Chapter 4).

Similarly, improvements to North Santa Fe Avenue comprise the ultimate half street improvements, consisting of a 40 foot wide paved half street section (from centerline) with two travel lanes, a bike lane, gutter, curb, and five foot wide sidewalk within the 100 foot wide right-of-way along the project frontage. The centerline of North Santa Fe Avenue must be shifted to the west to accommodate the horizontal and vertical curvature of the roadway, which would require some additional widening and/or paving along the north Santa Fe Avenue frontage to facilitate the ultimate roadway alignment (EIR, Chapter 3).

Additionally, other offsite improvements would also include the extension and/or relocation of utilities, including water, sewer, storm drain, telecommunications, gas and electric facilities (EIR, Chapter 3).

The Adobe Estates Residential Subdivision project would require the approval of a number of discretionary actions. The following list indicates the various discretionary actions that would be required to implement the proposed project and the agencies that would grant discretionary approval for these actions (EIR, Chapter 3).

- City Council approval of a General Plan Amendment from Medium Density Residential (MD), Medium Low Density Residential (MLD) and Open Space (OS) to Specific Plan Area (SPA)
- City Council approval of a Zone Change from Specific Plan No. 17 / R-1-B (SP), R-1 (SP), and O (SP) to Specific Plan Implementation (SPI)
- City Council approval of a Specific Plan Amendment to remove Areas "C", "D" and "E" from Specific Plan No. 17 and adopt the Adobe Estates Specific Plan
- City Council approval of a Tentative Subdivision Map and Site Development Plan for 159 single-family residential lots, 8 open space lots, and private streets
- Vista City Staff approval of grading permits, building permits, and street improvement plans
- Regional Water Quality Control Board (RWQCB) approval of a Notice of Intent under the National Pollutant Discharge Elimination System (NPDES) Construction Activities Storm Water General Permit
- California Department of Fish and Game approval of a Streambed Alteration Agreement under Section 1600 of the Fish and Game Code
- U.S. Army Corps of Engineers approval of a Nationwide Permit under Section 404 of the Clean Water Act

- RWQCB approval of a Clean Water Act Section 401 Water Quality Certification
- California Department of Fish and Game and U.S. Fish and Wildlife Service approval of a Habitat Loss Permit

III. ENVIRONMENTAL REVIEW PROCESS

On 24 March 2004, a Notice of Preparation (NOP) was distributed by the City of Vista for the proposed project. The State of California Clearinghouse issued a project number for the EIR, SCH No. 2004031130. In accordance with State CEQA Guidelines Section 15082, the NOP was circulated to the State Clearinghouse and all responsible and trustee agencies for a period of 30 days, during which time comments were solicited pertaining to environmental issues/topics that the EIR should evaluate (EIR, Chapter 4.0). The City received thirteen written comment letters regarding the NOP, which assisted the City in narrowing the topics to be analyzed in the Draft EIR. The Draft EIR was made available for public review for a period of 45 days between May 2, 2005, and June 20, 2005 (FEIR, Section 1.3).

The Final EIR was completed and notice was sent to all public agencies and individuals that commented on the Draft EIR on February 9, 2006. On March 7, 2006, the Planning Commission held a public hearing to consider the Final EIR and the proposed project and continued the item with a request for changes in the project design. The project was then modified by the applicant, reducing the total number of proposed residential units from 180 to 159, reducing slope heights along the northern project boundary, incorporating new one-story and modified two-story architectural floor plans, increasing some lot sizes, modifying the internal access roads to meet private street standards instead of public standards, and providing gated access to the proposed community, among other minor modifications. The Final EIR was then revised to incorporate a new project alternative ("Revised Site Plan Alternative 5") addressing the revised project. Notice of the revised Final EIR was sent to all public agencies and individuals that commented on the Draft EIR on October 9, 2006.

IV. FINDINGS REGARDING IMPACTS DETERMINED TO BE INSIGNIFICANT DURING THE NOP PROCESS

As required by CEQA Guidelines, § 15128, the EIR must identify effects of the project determined to be insignificant and not discussed in detail in the EIR. The Notice of Preparation (NOP) prepared by the City (EIR, Appendix A) determined that the environmental effects of the project would not be significant in the following areas: agricultural resources, mineral resources, and population and housing.

A. Agricultural Resources

The proposed project site was used for past agricultural purposes, however, based on farmland maps prepared by the California Department of Conservation, the project site is not located in an area designated as Prime Farmland, Unique Farmland, or Farmland of Statewide Importance. In addition, the project site is no longer used for agriculture purposes or designated for agricultural uses according to the General Plan. Therefore, the project would not affect any existing or future agricultural uses (NOP, p. 3).

B. Mineral Resources

The California Department of Mines and Geology does not identify the project site as an area with high potential for aggregate or mineral resources. Further, project implementation would not result in the loss of availability of a known or locally important mineral resource. No long-term impacts to mineral resources are anticipated from project implementation (NOP, p. 3).

C. Population and Housing

The project would construct 159 lots for single-family dwellings on the proposed project site, resulting in a net gain of 159 housing units. This increase in housing units is not determined to be a substantial increase in housing that would create a direct significant impact on the environment. The EIR addresses potential impacts to public services, traffic/transportation, geology/soils and other environmental topics that are indirectly related to population growth (NOP, p. 3; FEIR, Chapter 4).

V. ISSUES ADDRESSED IN THE EIR

The EIR contains an environmental analysis of the potential impacts associated with implementing the project. The environmental issues addressed in the EIR were identified based upon the information contained in the NOP and the comments received on the NOP. The NOP identified the following issues as significant or potentially significant: Land Use, Hydrology/Water Quality, Biological Resources, Aesthetics, Transportation/Traffic, Cultural Resources,

Geology/Soils, Air Quality, Recreation, Hazards/Hazardous Materials, Noise/Vibration, and Public Services/Utilities (EIR, Chapter 4.0).

VI. FINDINGS REGARDING LESS THAN SIGNIFICANT IMPACTS

The City finds, based on substantial evidence appearing in the EIR, its supporting technical reports, and the administrative record that the following potential impacts are less than significant:

A. LAND USE AND PLANNING (Direct and Cumulative)

1. Direct

Substantial conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the Project adopted for the purpose of avoiding or mitigating an environmental effect.

Substantial physical effect on the environment or persons occupying nearby property resulting from sections that are inconsistent with established land use regulations or policies.

As proposed, the project would transform the existing open, rural undeveloped property into a single-family detached residential neighborhood. Grading would reconfigure the site topography into large terraced pads in a stepped configuration. As designed, residential lots would vary in size from 5,107sf to 24,866 sf. The street pattern would consist of loop streets and cul-de-sacs connecting to a through street. Common recreational facilities would include a small active park and landscaped open space lots. The open space lots would lie primarily along the project site perimeter creating a buffer for surrounding land uses. Landscaping would include trees, shrubs, vines and espaliers, groundcovers, and turf. Architectural plans indicate one- and two-story contemporary Spanish Mediterranean and California craftsman designs (EIR, Section 4.1.3; FEIR, Chapter 4).

Based on general plan designations (MD/MLD/OS) and zoning regulations (R-1-B [SP]/R-1 [SP]/O [SP]) for the property, residential development is expected. In addition, long-term agricultural or open space use of the site has not been formally or informally anticipated. As is noted in subsections of the EIR, there would be no significant impacts on natural or man-made resources on the site that could not be mitigated to insignificant levels. Therefore, transformation of the property from its existing condition to residential use would not be considered significant (EIR, Section 4.1.3).

With one exception, the project would be specifically compatible with the adjacent single-family neighborhood along the southern boundary. Street patterns, lot sizes, number of building stories, architectural style, and landscaping would be very similar. As indicated in subsections of the EIR, the project would not have significant effects on noise or air quality, and individual significant traffic impacts could be mitigated to insignificance. Both neighborhoods would share a quiet suburban atmosphere, with minimal night lighting, and low-key pedestrian, bicycle, and vehicle activity. Specific compatibility would be considered a less than significant impact. The exception would be alteration of landform, which is addressed through horizontal contour grading and landscaping to reduce potential General Plan inconsistencies to less than significant (EIR, Section 4.1.3).

Although a less intense residential use, the project would be generally compatible with the apartment complex across North Santa Fe Avenue south of Taylor Street to the east. Number of building stories, architectural style, landscaping, and landform alteration would be somewhat similar and both neighborhoods would be low-key in terms of noise, night lighting, and activity level. The project would not have significant effects on air quality or noise and individual traffic impacts would be mitigated to insignificance. General compatibility would be considered a less than significant impact (EIR, Section 4.1.3).

The project, with some minor differences and one major difference, would be generally compatible with the single-family neighborhood beyond the apartment complex to the east. The minor differences would be larger lot sizes for the project, two-story dwellings verses mostly one-story, and architecture where the contemporary Mediterranean style would differ from the older California ranch. Night lighting and activity levels would be essentially the same. The project would not have significant effects on air quality and noise and individually significant impacts to traffic would be mitigated to an insignificant level. These minor differences would be considered less than significant. The major difference being alteration of landform would be addressed through horizontal contour grading and landscaping, which would prevent inconsistencies with the applicable General Plan policies and reduce land use impacts to less than significant (EIR, Section 4.1.3).

Although considered a disparate use, the project would be generally compatible with the adjacent Guajome Park Academy to the north. It is not uncommon for residential neighborhoods to be situated next to schools. It is also not unusual for residential street patterns, lot sizes, number of building stories, architectural style, and landscaping to differ from that of adjacent or nearby educational uses. This also holds true of noise levels, night lighting, and pedestrian, and bicycle activity that is often greater for schools. The project landscaped open space area along the shared boundary with the academy would provide an ample buffer between these different land uses. General compatibility would be considered a less than significant impact (EIR, Section 4.1.3).

Additionally, although also considered a disparate use, the project would be generally compatible with the adjacent Antique Gas & Steam Engine Museum to the north. As with the academy, it is not unusual for residential neighborhoods to be located next to museums and to have different street patterns, lot sizes, number of building stories, architectural style, or landscaping. Disregarding special events and busy weekends, museum use would be expected to have lower noise levels, less night lighting, and lower pedestrian and bicycle activity. Again, as with the academy, the project landscaped open space area along the shared boundary would provide an ample buffer between these different land uses. General compatibility would be considered a less than significant impact (EIR, Section 4.1.3).

As proposed, the project would not be entirely consistent with Specific Plan No. 17. Although development would closely resemble R-1-B Zone classification regulations, it would not follow them in total. While the overall project density would be consistent with the density allowed by the R-1-B Zone, the project would not be consistent with the permitted land uses, minimum lot size, and setback development standards of the R-1-B Zone. The project includes a request for an amendment to the existing Specific Plan No.17 removing Areas "C", "D", and "E" from the Specific Plan, and adoption of a new Adobe Estates Specific Plan. Approval of the amendment and new Specific Plan would remove all inconsistencies with Specific Plan No.17 and thereby eliminate potential significant land use impacts (EIR, Section 4.1.3).

As proposed, the project would not be entirely consistent with applicable R-1-B [SP], R-1 [SP], and O [SP] zoning classification regulations. Although development would closely resemble R-1-B classification regulations, it would not follow them in total. In addition, project development would not be consistent with R-1 or O classification standards as conditioned by Specific Plan No.17. As identified earlier, the project includes a request for an amendment to the existing Specific Plan No.17 withdrawing the project site from the Specific Plan, and adoption of a new Adobe Estates Specific Plan. The land uses and development standards embodied in the new Specific Plan would be unique to the project site and would closely resemble regulations of the R-1-B classification. Approval of the amendment and new Specific Plan would remove all inconsistencies with the Vista Municipal Code and eliminate potential significant land use impacts (EIR, Section 4.1.3).

Finally, it was found that the project would be consistent with the San Diego Regional Air Quality Strategy, 2030 Regional Transportation Plan, Regional Comprehensive Plan, San Diego Regional Water Quality Control Board Basin Plan, Multiple Habitat Conservation Program and related Draft Vista Habitat Conservation Plan/Natural Communities Conservation Program Subarea Plan. Consequently, there would be no impact relative to consistency with regional plans and policies (EIR, Section 4.1.3).

Physically divide an established community.

Under the proposed project, the site would be developed with single-family residential uses, consistent with the existing Medium Density Residential (MD) and Medium Low Density Residential (MLD) land use designations on the site, as well as the proposed Adobe Estates Specific Plan. The new subdivision would be developed with public roadways connecting to N. Santa Fe Avenue and Bobier Drive. The project would provide public access through the site and would not physically separate neighborhoods or other similar land uses within the community. Therefore, the proposed project would be compatible with the surrounding residential land uses and would not result in the division of an established community (EIR, Section 4.1.3).

Substantial physical conflicts with existing adjacent land uses, including substantial incompatibility with significant wildlife, recreation, resource production, and hazard areas.

The project proposes the construction of single-family residential land uses on the project site, which is consistent with the proposed SPA land use designation and the Adobe Estates Specific Plan. Land uses surrounding the project site include a mixture of low to medium-low density residential land uses, a public school facility, and the Antique Gas and Steam Engine Museum. The project's consistency with these land uses is described above. No significant resource production or hazard areas are located adjacent to the proposed project. The Antique Gas and Steam Engine Museum comprises a recreational resource adjacent to the project site, but development of the project would not inhibit, restrict, or infringe upon normal operation of the museum. In addition, the vacant land west of the site and the County park property north of the site comprise wildlife areas; however, the project would not encroach upon such uses and includes several design measures and conditions to limit any indirect impacts to off-site biological resources to less than significant levels. Therefore, the project would not result in a substantial physical conflict with adjacent land uses (EIR, Section 4.1.3).

2. Cumulative

The area of projects that have been considered for the land use cumulative effects analysis is defined as the Vista community planning area, described in the Vista General Plan, as well as the eastern portion of the Oceanside planning area, described in the Oceanside General Plan. The proposed project is consistent with the major policies of these plans in that it would provide family-oriented housing in Vista; would maintain the existing semi-rural residential character of Vista, would mitigate direct traffic impacts, provide both on and off street parking, and conserve energy and water through the use of low-water plant materials. The project site would be developed with single-family residential land uses, consistent with the site's General Plan land use designation. Furthermore, the cumulative projects identified in the EIR would be consistent with the existing adopted plans, or require mitigation measures or design review to ensure consistency, in order for project approvals to occur. Therefore, the proposed project, along with the identified cumulative projects, would not result in a cumulative land use impact (EIR, Section 5.2.1).

B. AESTHETICS (Direct and Cumulative)

1. Direct

Substantially degrade and physically affect in a detrimental way the existing visual quality of the development site and its surroundings.

Substantially damage scenic resources, including but not limited to significant landforms, rock outcroppings, and historic buildings within a state scenic highway or locally designated scenic roadway.

Structurally, the project would be made up of one- and two-story single-family dwellings on lots of variable size ranging from 5,107 sf to 24,866 sf in size. Side yard setbacks would vary, but held to a minimum of five feet, resulting in at least 10 feet between buildings. In addition, large open space lots would be situated along the perimeter and throughout the interior of the site. Architecture would be contemporary Spanish Mediterranean and California craftsman utilizing stucco walls and pitched tile or shingle roofs. Landscaping would consist of mixed native and exotic shrubs, trees, and turf lawns. Common recreational amenities would include a small active park with children's play apparatus and an internal trail (EIR, Section 4.2.3, FEIR, Chapter 4).

For the most part, the project would compare favorably with the single-family neighborhood along the southern boundary. The project would be two-story with some one-story units along the northern site boundary, while the existing neighborhood has mostly two-story buildings. Project lot sizes and space between buildings would be very similar to the existing neighborhood. Architecture for both developments is principally along the same lines of contemporary Mediterranean and Spanish utilizing stucco exteriors and pitched tile roofs. Landscaping for both includes many of the same exotic plant materials. Any perceived visual contrast would be considered a less than significant impact (EIR, Section 4.2.3; FEIR, Chapter 4).

The one exception is finished topography, where the project would substantially alter the hillside landform through extensive high artificial graded banks and terracing, while the existing neighborhood maintains the distinctive rolling hillside landform. In turn, this contrast represents a substantial degradation in visual quality for the site compared to its developed surroundings. Impact controls in the form of contoured grading would reduce this impact to below a level of significance (EIR, Section 4.2.3).

The project would compare very favorably with the single-family enclave across North Santa Fe Avenue to the northeast. Both have two-story buildings and although not as compact as the existing development, lots would be similar in size and space between buildings would be relatively the same. Architecture and landscaping would be nearly the same and both have common recreational amenities. Any perceived visual contrast would be considered a less than significant impact (EIR, Section 4.2.3).

As to the adjacent Guajome Park Academy, there would be relatively stark contrast in terms of scale, style, and space between buildings. This holds true for all existing single-family neighborhoods in the vicinity as well as the other land uses surrounding the Academy. Similarly, there would be stark contrast in scale, style, and space between buildings, between the project and the adjacent Antique Gas & Steam Engine Museum, Guajome Adobe, and undeveloped Guajome Regional Park and Vista parkland. Again, this contrast is the same for all existing land uses surrounding the museum, adobe, and parklands. These visual contrasts would be considered less than significant impacts based on the existing residential development patterns surrounding the park (EIR, Section 4.2.3).

The project site is not within a state scenic highway corridor and lies just outside but is visible from the Vista Planning Area 6, Scenic Roadway corridor along North Santa Fe Avenue north of Taylor Street and Taylor Street extending east. With the project, the current open rural, undeveloped character of the site would be transformed to that of a landscaped single-family detached residential neighborhood. Project site hillside topography is common throughout the vicinity and region and is not in itself considered to be a significant landform. Although noticeable, rock outcroppings on the property are not prominent or particularly unusual, and there are no historical or other buildings on the site. These would be considered less than significant impacts (EIR, Section 4.2.3).

Have a substantial adverse effect on a scenic vista, which is defined as any substantial loss or obstruction of a scenic vista or view that would occur from a public area.

Three dimensional digital simulations of the project have been generated by computer utilizing data from the project site plan, architectural floor plans, architectural elevations, and landscape plan (EIR, Figures 4.2.1.2A and 4.2.1.2B). From Guajome Academy, the project would appear as a linear one- and two-story single-family development with extensive high graded and landscaped banks in the foreground and background and established single-family homes beyond along the horizon. From the Guajome Adobe, the view of the project would be nearly identical. Although the visual transformation of the site from open rural, undeveloped to residential would be initially stark, over time project landscaping would mature and the project would be seen as a direct continuation of single-family development to the south. Consequently, the visual impact would be considered less than significant (EIR, Section 4.2.3; FEIR, Chapter 4).

The project would have little effect on the view shed for distant public views along North Santa Fe Avenue near Taylor Street, Taylor Street to the east, North Santa Fe Avenue north of Guajome Adobe, and Melrose near Bobier Drive. As with existing visual conditions, because of distance, topography, buildings, and other developed conditions, the project would blend into its surroundings. Finally, due to topographic differences in elevations between project buildings and the existing back yards and homes in the neighborhood to the south, there would be no blockage of views of the lower valley and rolling hills beyond for these residents. These effects would be less than significant (EIR, Section 4.2.3).

Create a new source of substantial light or glare that would substantially and adversely affect daytime or nighttime views. "Sensitive viewers" are defined as occupants of adjacent residential properties and park users.

Have a substantial adverse effect on astronomical observation because of reflected lighting on the night sky.

As a single-family development, the project is not expected to introduce a substantial amount of new night lighting or daytime glare. In turn, the project would not have an adverse effect on astronomical observation due to reflected lighting on the night sky. Consequently, the night lighting impacts would be less than significant (EIR, Section 4.2.3).

The City of Vista Municipal Code Section 18.58.260 sets forth requirements for night lighting facilities and fixtures. Although public safety is a priority, night lighting is restricted so as not to be detrimental to the night sky environment. The requirements ensure that outdoor lighting fixtures are equipped with automatic timing devices, be

fully shielded so that light is directed toward the ground, and provide only the minimal amount of illumination necessary for the intended purpose. These controls would ensure that night lighting would not reach significant levels (EIR, Section 4.2.3).

2. Cumulative

The Adobe Estates project would not compound or increase the environmental effects of urbanization. Again, although currently rural, undeveloped in character and generally perceived as open space, the Adobe Estates property has long been designated for residential use. Further, this is essentially an in-fill extension of existing residential uses. Thus, no cumulative aesthetic impacts were identified as part of this project (EIR, Section 5.2.2).

C. GEOLOGY AND SOILS

1. Direct

Expose people or structures to geologic hazards, including rupture of a known earthquake fault, strong seismic ground shaking, or seismic-related ground failure, including liquefaction and/or landslides.

Although the project site is not located on any active or potentially active fault trace, faults in the region could cause shaking at the property. However, the site is not considered to possess a greater risk than that of surrounding developments. The risk of seismically induced soil liquefaction adversely affecting the proposed development is considered very low. The landslide debris within the site can be stabilized by generally accepted remedial grading techniques consisting of removal and recompaction. These impacts would be considered less than significant (EIR, Section 4.3.3).

Result in substantial soil erosion or the loss of topsoil.

No substantial soil erosion is anticipated from this project. Implementation of the City of Vista's Grading and Erosion Control Ordinance and San Diego Air Pollution Control District (APCD) dust control regulations would reduce this effect to below a level of significance (EIR, Section 4.3.3).

2. Cumulative

When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving geology and soils. In turn, there would be no cumulative considerable (significant) impacts (EIR, Section 5.2.3).

D. HAZARDS AND HAZARDOUS MATERIALS

1. Direct

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.

Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials.

Based on observations of, and records for surrounding properties there is no evidence to suggest that off-site properties have impacted the subject property with hazardous wastes or materials. Based on the presumed depth and flow of groundwater in the area and apparent distance and status of the listing of surrounding properties in regulatory databases, no adverse impacts from off-site properties are expected at the site (EIR, Section 4.4.3).

2. Cumulative

When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving hazards and hazardous materials. In turn, there would be no cumulative considerable (significant) impacts (EIR, Section 5.2.4).

E. HYDROLOGY AND WATER QUALITY

1. Direct

Create or contribute runoff water that would exceed the capacity of existing or planned storm water drainage systems.

Substantially alter the existing drainage pattern of the site or area, including the alteration of the course of a stream or river in a manner that would result in substantial erosion, siltation, or flooding on or off the site.

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 level.

The project proposes construction of 159 single-family residences and associated streets, sidewalks, and open spaces. The project also proposes to improve a section of North Santa Fe Avenue, as well as the construction of a primary access road. The developed site without diversion and detention would generate a 100-year flow of 91.3 cubic feet per second (cfs) or an increase of 10.1 cfs over existing conditions. This increase could result in downstream flooding, erosion, and sedimentation with related negative effects on Guajome Lake and the San Luis Rey River. In addition, improvements within Guajome Park Academy and the Antique Gas & Steam Engine Museum could suffer damage. However, the project implemented detention basins would reduce inflow of 78.3 cfs to 30.8 cfs at the discharge point, which would not exceed pre-development levels (EIR, Section 4.5.3).

Storm water runoff generated from the developed site would be collected by curb inlets and by type F catch basins. The storm drain design for the project site includes two separate eastern and western storm drain systems. For the eastern storm drain, system discharge would be into an existing 36-inch RCP stub, to the North Santa Fe Avenue storm drain system. The 36-inch RCP stub extends to the southern most tip of the project site bordering North Santa Fe Avenue. There is an established ultimate design flow of 58.3 cfs for this stub. Calculations show the proposed project would discharge a developed conditions 100-year flow of 38.2 cfs to this storm drain stub, which would be 20.1 cfs less than its design flow. Consequently, there would be no impact (EIR, Section 4.5.3).

The western storm drain system would discharge to a natural flow path to the north of the site, through the Guajome Regional Park. Prior to discharge, runoff in the western storm drain system flow would be directed through a detention basin to reduce developed peak flows to pre-developed conditions. This impact would be considered less than significant (EIR, Section 4.5.3).

Place habitable structures within the 100-year floodplain or be subject to inundation by levee or dam failure or seiche.

Developed condition drainage areas and resultant 100-year peak flow rates at discharge locations are presented in Table 4.5.3.1A. Per San Diego County rainfall isopluvial maps, the design 100-year rainfall depth for the project site area is 3.2 inches. No structures would be located within the 100-year floodplain nor would any structures be subjected to inundation by levee or dam failure or seiche (EIR, Section 4.5.3).

Violate any water quality standards or waste discharge requirements, provide substantial additional sources of polluted runoff, or otherwise substantially degrade surface water or groundwater quality (including an exceedance of water quality objectives, degradation of beneficial uses, additional impairment of a Section 303(d) listed water, and impact to aquatic, wetland, or riparian habitat, during or after construction).

Two flow-based combined BMPs/continuous deflective separation (CDS) treatment units have been planned to treat 85th percentile runoff from the proposed project site. The treatment unit located at the northeasterly portion of the site would treat storm water conveyed in the storm drain system serving the eastern portion of the project site and also treat runoff from the proposed road improvements to North Santa Fe Avenue. The second unit would be located downstream of the proposed western storm drain, treating all storm water prior to discharge into the existing natural channel (EIR, Section 4.5.3).

To determine the Design Treatment Flow for the two treatment units, the 85th percentile design runoff has been calculated using the Rational Method. Calculations show that a CDS Model PMSU 30_20 and CDS Model PSWC 40_30 (or approved equivalent treatment units) would be necessary to treat the design 85th percentile flow within the eastern and western storm drains respectively. These units are an inline system and do not require the construction of a special diversion box upstream of the treatment unit. The combination of planned construction and permanent BMP's/CDS/Detention Basin would reduce, to the maximum extent practicable, expected project runoff volume and thereby eliminate any significant negative impact to beneficial uses of receiving waters (EIR, Section 4.5.3).

2. Cumulative

Adobe Estates would have individual significant hydrology and water quality impacts involving increased peak runoff flows and urban pollutants in downstream water bodies. These impacts would be held below significant levels by impact controls in the form of a storm drain system including flow based combined BMPs/CDS units (detention basins) in compliance with City of Vista Storm Water Standards, SDRWQCB Storm Water Permit requirements, and the San Luis Rey River Watershed Management Program. In addition, mitigation measures would be required to ensure that the storm drain system and detention basins are properly maintained into the future (EIR, Section 5.2.5).

When considered together with related project individual impacts, Adobe Estates individual significant impacts would not compound or increase the environmental effects involving hydrology and water quality. With the recent advent of impact controls brought about by the City of Vista Storm Water Standards, SDRWQCB Storm Water Permit requirements, and the San Luis Rey River Watershed Management Program, cumulative hydrology and water quality impacts have been arrested in the vicinity and the region at large. Therefore, there would be no cumulatively considerable (significant) water quality impacts (EIR, Section 5.2.5).

F. TRANSPORTATION AND TRAFFIC

1. Direct

The addition of project traffic results in an intersection Level of Service dropping from LOS D or better, to LOS E or F. Under this condition, the project applicant would be responsible for direct project impact mitigation necessary to restore the intersection Level of Service to LOS D conditions or better.

An intersection is operating at LOS E or F and the project adds more than an additional two seconds of average vehicle delay. Under this condition, the project applicant would be responsible for direct project impact mitigation necessary to restore the intersection Level of Service to pre-development conditions or better.

In the long-range cumulative condition, if the addition of project traffic results in an intersection Level of Service dropping from LOS D or better, to LOS E or F, or if an intersection is operating at LOS E or F and the project contributes to the average vehicle delay, the project is determined to have a cumulatively considerable impact.

Roadway segment LOS standards are generally used as long-range planning guidelines to determine the functional classification of roadways. The actual capacity of a roadway facility varies according to its physical attributes. Typically, the performance and LOS of a roadway segment is heavily influenced by the ability of the arterial intersections to accommodate peak hour volumes. According to City of Vista traffic impact study guidelines, significant project related impacts are defined by impacts to peak hour intersection operations. Peak hour intersections are considered a better indication of true roadway operating conditions because intersections control the flow along roadway segments (EIR, Section 4.6.3).

The roadway segment of North Melrose Drive between North Santa Fe Avenue and Bobier would continue to operate at LOS F under the existing plus project scenario. All other roadway segments would operate at acceptable (insignificant) LOS A or B. All vicinity intersections would continue to operate at LOS D or better. Under the near-term base conditions without the project the roadway segment of North Melrose Drive between North Santa Fe Avenue and Bobier Drive would continue to operate at LOS F. Because these impacts would occur to roadway segments that are controlled by signalized intersections and intersection operations dictate the significance of traffic impacts, these roadway segment levels of service would be considered less than significant impacts (EIR, Section 4.6.3).

North Santa Fe Avenue at SR-76 would continue to operate "At Capacity" with unstable flows and possible delays. All other ramps would continue to operate "Under Capacity" with stable flows and acceptable (insignificant) delays during both the AM and PM peak hours. These would be considered less than significant impacts. Under the near-term scenario, the intersection of North Santa Fe Avenue at SR-76 would operate at LOS E during the AM and PM peak hours. With widening of SR-76, future operations at this intersection would improve to an acceptable (insignificant) LOS C during the AM peak hour and LOS D during the PM peak hour (EIR, Section 4.6.3).

As indicated in the tables, under the long-term scenario without the project two roadway segments are projected to operate at LOS E. They are Oceanside Boulevard between Temple Heights Drive and North Melrose Drive and Bobier Drive between North Santa Fe Avenue and Goodwin Drive. Because these impacts would occur to roadway

segments that are controlled by signalized intersections and intersection operations dictate the significance of traffic impacts, these roadway segment levels of service would be considered less than significant impacts. (EIR, Section 4.6.3).

Finally, under the long-term base conditions with the project the roadway segment of Oceanside Boulevard between Temple Heights Drive and North Melrose Drive and the roadway segment of Bobier Drive between North Santa Fe Avenue and Goodwin Drive would continue to operate at LOS E. Because these impacts would occur to roadway segments that are controlled by signalized intersections and intersection operations dictate the significance of traffic impacts, these roadway segment levels of service would be considered less than significant impacts (EIR, Section 4.6.3).

The project substantially increases hazardous due to a design feature (e.g. sharp curves, or dangerous intersections) or incompatible uses (e.g. farm equipment).

All proposed roadways serving the site are designed to meet City of Vista minimum standards for public roadway design and vehicular safety. In addition, the project does not substantially contribute to existing substandard roadways in the vicinity of the site, and thereby does not increase traffic safety hazards on off-site roadways (FEIR, p. 38). The project does not produce nor increase any hazardous design features (EIR, Section 4.6.3).

The project results in inadequate emergency access.

The project provides interior and access roadways to all residential units meeting public standards. In addition, the project would not adversely affect access to surrounding land uses and would provide adequate emergency access (EIR, Section 4.6.3).

The project results in inadequate parking capacity.

The project provides two (or optional three) car garages and two car driveways for a minimum of four parking spaces per unit in accordance with the City of Vista's parking standards for single family residential units. The project does not result in inadequate parking capacity (EIR, Section 4.6.3).

The project conflict with policies, plans, or programs supporting alternative transportation (e.g. bus turnouts, bicycle racks).

The project is conditioned to develop a bus turnout and shelter on the N. Santa Fe Avenue frontage to accommodate existing public transportation bus service serving the project area. The project does not conflict with alternative transportation programs (EIR, Section 4.6.3).

G. AIR QUALITY

1. Direct

Project emissions conflict or obstruct the implementation of the San Diego Regional Air Quality Strategy (RAQS), or applicable portions of the State Implementation Plan (SIP).

Project emissions result in violation of any air quality standard or contribute substantially to an existing or projected air quality violation.

Project emissions result in a cumulatively considerable (significant) net increase in PM10 or exceed quantitative thresholds for Ozone (O3) precursor, oxides of nitrogen (NOx), and volatile Organic Compounds (VOCs) due to the non-attainment status of the San Diego Air Basin for O3 and particulate mater less than 10 microns in size (PM10).

The project exposes sensitive receptors including schools, hospitals, resident care centers, or day-care centers to substantial pollutant concentrations.

Properties zoned and developed for residential use adjoin the project site. No sensitive receptors, as defined for the purposes of this issue, are adjacent to the site. Of the criteria pollutants that could constitute substantial concentrations of danger to sensitive receptors, PM₁₀ emissions associated with construction generally result in near-

field impacts that have rapidly diminishing effect with increasing distance from the point or points of origin. Other pollutants of concern tend to disperse rapidly into the atmosphere, so that dangerous concentrations are not likely. Most pollutant emissions are far below the standards for generation established by federal and state agencies (EIR, Section 4.7.3).

Pollutant emissions associated with the completed project, are dominated by vehicular emissions. Severe concentrations of pollutants from traffic are generally recognized as CO "hot spots." The potential for CO hot spots associated with the project was assessed in the air quality technical report according to the Caltrans Project-Level Carbon Monoxide Protocol for screening projects. Based on the evaluation of air emissions, project-related traffic would not result in CO hot spots (EIR, Section 4.7.3).

The City of Vista Grading Ordinance, Section 17.56.330E, Dust Control, requires that all graded surfaces and materials, whether filled, excavated, transported, or stockpiled, shall be wetted, protected or contained in such a manner as to reduce or minimize nuisance from dust or spillage upon adjoining property or streets. Equipment and materials on the site shall be used in a manner as to avoid excessive dust. In addition, Section 17.56.340B, Spilling Loads, requires that no person, when hauling excavated material, shall allow such materials to blow or spill over. These requirements would ensure that wetting and spillage control occurs during project construction to prevent fugitive dust from reaching excessive levels. This requirement would ensure that dust from rock crushing would not reach excessive levels (EIR, Section 4.7.3).

All identified criteria pollutants were found to be below the recommended risk level with a PM₁₀ risk probability of 0.192% (or 19.2 one-hundredths of a percent risk per 70-year exposure duration). No significant carcinogenic impact potential would be expected due to proposed grading operations. Taking into account the levels of pollutants associated with the project and the factors associated with the project's location, size, and characteristics, the project is not anticipated to result in concentrations of air pollutants that would adversely affect sensitive receptors (EIR, Section 4.7.3).

Grading operations and the export of fill material would not generate PM₁₀ emissions exceeding 100 pounds per day (FEIR, Chapter 4).

The project creates objectionable odors affecting a substantial number of people.

Project construction could result in some odors associated with diesel heavy equipment exhaust perceptible at nearby residences. However, construction equipment would operate at various locations on the site, so that any such odors would be unlikely to concentrate at any one adjoining area for a considerable length of time. In addition, construction operations near existing receptors would be temporary. Construction would also include the laying of new asphalt paving on the proposed roads in the project. When this occurs, nearby residents may be affected by the odor of hot asphalt that could persist for a day or two at any given adjoining location. This effect would be temporary and not unique to the project, since it occurs wherever roads are constructed or resurfaced. Therefore, air quality impacts associated with odors from construction operations would be less than significant (EIR, Section 4.7.3).

The project is a residential development that would not inherently be a source of nuisance odors. Nuisance odors could be generated by activities of future residents, but any such odors would be subject to applicable local regulations and would not be a result of the development of the proposed project. Therefore, the proposed project would have less than a significant impact associated with objectionable odors (EIR, Section 4.7.3).

2. Cumulative

The air quality cumulative analysis is based on air quality impacts anticipated from the build out of the general plans in the San Diego Air Basin, and the contribution from the build out from the Vista, Oceanside, and San Diego County General Plans. The air quality analysis for the proposed project was derived from the project's traffic impact analysis, which projected future traffic effects based on build out of relevant general plans. When considered together with related project individual and cumulative impacts, Adobe Estates would not compound or increase the environmental effects involving air quality. Consequently, there would be no cumulative considerable (significant) impacts (EIR, Section 5.2.7).

H. NOISE AND VIBRATION

1. Direct

A substantial increase in ambient noise levels for adjoining areas or conflict with adopted environmental plans and goals of the community where it is located.

Exceed adopted noise standards set forth in the City of Vista General Plan Noise Element or City of Vista Noise Control Ordinance (which incorporates the County of San Diego Noise Control Ordinance). The standard for residential use is 65 dBA CNEL. The standards for construction activities include prohibiting activities on Sundays and limiting activities for all other days to within the hours of 7:00 AM to 7:00 PM; and no equipment or combination of equipment allowed causing noise levels exceeding 75 dBA Leq- 8 HR during any 24-hour period measured at or within the property lines of a residential development site.

Construction within the proposed project area would typically occur between the hours of 7:00 AM and 5:00 PM Monday through Friday in accordance with City/County operational requirements and would be primarily utilized in an incremental fashion over the course of the construction period. The nearest residential receptor would be located roughly 200 feet distant from any conglomeration of construction activities. The point-source attenuation due to this separation distance would be slightly over 12 dBA. Given this, no significant construction noise impacts would be expected at nearby residential receptors (EIR, Section 4.8.3).

Exceed noise levels of 60 dBA in sensitive bird breeding and/or nesting habitat during the breeding and nesting season of March 1st to September 1st.

Additionally, it is anticipated that construction would occur in an intermittent fashion so as not to expose sensitive habitat areas to noise levels in excess of the biological habitat noise standard. In addition, off-site natural areas are 700 to 1,200 feet from the project boundary. Thus, no significant noise impacts are anticipated. If construction is required during times when there is reasonable cause to suspect impact potential due to noise, a noise mitigation monitoring contingency plan must be implemented, which is described below in Section VII (EIR, Section 4.8.3).

Noise due to potential blasting operations was based upon a representative charge weight required to rip the underlying rock structures and assumed shear wave velocity profiles. Based upon values given in the DuPont Blaster's Handbook, typical explosives ratios (powder factors) average about 0.5 pounds per ton of rock being blasted. Levels were found to be consistent with typical construction noise sources and would not be a significant impact (EIR, Section 4.8.3).

Additionally, the ground motion produced by any surface excitation (such as blasting) is in-fact a surface wave and would be classified as a Rayleigh-type wave. Overall receptor vibration levels due to blasting were found to be 0.86 inches per second and would not be deemed a significant impact to structures (EIR, Section 4.8.3).

The Caltrans Sound 32 Traffic Noise Prediction Model with California (CALVENO) noise emission factors were used to calculate future onsite vehicular traffic noise levels. The Sound 32 model was calibrated in accordance with Appendix E of the FHWA Highway Traffic Noise Prediction Manual for a normalized LOS C. This is also in accordance with Caltrans Technical Noise Supplement. As noted in the EIR, the largest project related noise increase would occur along Bobier Drive between North Melrose Drive and North Santa Fe Avenue. The noted increase would be 0.2 dBA CNEL and is below the 3.0 dBA threshold. Therefore, impacts would be considered less than significant (EIR, Section 4.8.3).

Project plans include a six-foot high masonry wall along the project site perimeter adjacent to North Santa Fe Avenue. This wall would provide noise attenuation to prevent noise levels from vehicles on the roadway reaching significant levels. Impact controls to limit or reduce noise from the addition of vehicle traffic to project vicinity roadways would not be necessary (EIR, Section 4.8.3).

2. Cumulative

When considered together with other related projects individual and cumulative impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving noise. Consequently, there would be no cumulative considerable (significant) impacts (EIR, Section 5.2.8).

I. BIOLOGICAL RESOURCES

1. Direct

Consistency with the MHCP.

The City of Vista has identified and designated a subarea as part of its contribution to the MHCP. The Vista Draft Subarea Plan is currently in preparation and is not available for review and consistency evaluations in this EIR. However, according to City Planning Division staff, the proposed project site is not located within or adjacent to the preserve areas neither identified in the Draft Subarea Plan, nor is it located within the Focused Planning Area of the MHCP. Therefore, the proposed project would not conflict with the goals and objectives of the MHCP (EIR, Section 4.9.3).

2. Cumulative

The impacts, not necessarily shared by all, involve loss of sage scrub habitat, riparian habitat and other wetlands, non-native and native grasslands, loss of particular sensitive plants and animals, and short-term excessive construction noise. All impacts are mitigated to less than significant levels through on-site preservation and/or enhancement or creation of habitat, off-site acquisition and/or creation of habitat in compliance with HCP/NCCP plans, and construction activity restrictions. No cumulative impacts are identified (EIR, Section 5.2.9).

Adobe Estates would have individual significant impacts due to loss of sage scrub habitat, wetlands, non-native and native grasslands, short-term excessive construction noise, and potential intrusion of off-site habitat by domestic pets. These impacts would be mitigated to less than significant levels through off-site acquisition in compliance with HCP/NCCP plans, construction activity restrictions, and perimeter fencing. When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving biological resources (EIR, Section 5.2.9)..

With the recent impact controls put into effect by applying mitigation standards in the Draft Vista HCP/NCCP Subarea Plan and Final Review Draft Oceanside Subarea HCP/NCCP, cumulative biological resource impacts have been arrested in the vicinity and region at large. Consequently, there would be no cumulatively considerable (significant) impacts (EIR, Section 5.2.9).

J. CULTURAL AND PALEONTOLOGICAL RESOURCES

1. Direct

Disturb any human remains, including those interred outside of formal cemeteries.

No evidence of human remains was identified during the cultural resources survey of the project site. Although unlikely, the discovery of human remains during grading and site development is always a possibility. If human remains were found on the project site, these finds would be dealt with in accordance with State of California Health and Safety Code Section 7050.5. This code section 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 the find immediately. If the human remains are determined to be prehistoric, the Coroner will notify the Native American Heritage Commission (NAHC), which will determine and notify a Most Likely Descendent (MLD). The MLD shall complete the inspection of the site within 24 hours of notification, and may recommend scientific removal and nondestructive analysis of human remains and items associated with Native American burials. Compliance with State of California Health and Safety Code Section 7050.5 would reduce the potential for significant impacts to occur in the unlikely event that human remains are found on the site (EIR, Section 4.10.3).

Cause a substantial adverse change in the significance of a historical resource.

A literature review, record search, and field survey of the 156-acre study area revealed six previously recorded archaeological sites coded as CA-SDI-6088, CA-SDI-6089, CA-SDI-6090, CA-SDI-6091, CA-SDI-6092, and CA-SDI-609. Of these, CA-SDI-6088, CA-SDI-6089, CA-SDI-6090, and CA-SDI-6091 lay within the Adobe Estates project boundaries. Site CA-SDI-6091 was tested in 2001 and found not to be significant. The other five sites were recommended for testing to determine importance and significance in accordance with CEQA Guidelines (EIR, Section 4.10.3).

For CA-SDI-6088, testing included collection of surface artifacts, excavation of 34 STP's and two 1x1-m units, and recording of nine bedrock-milling features. Recovered artifacts included one biface, one steep-edge unifacial tool, one pattered implement, 64 debitage, 1.05 grams (g) of bone, and 22.5 g of shell. The range of artifacts is representative of a Late Period temporary camp that displays evidence of food processing, flint knapping activities, and possibly hunting. Testing of CA-SDI-6089 included collection of surface artifacts and excavation of eight STP's. In total, testing produced 25 debitage. This site is a small light-density scatter (EIR, Section 4.10.3).

For CA-SDI-6090, testing included collection of surface artifacts and excavation of 11 STP's and one 1x1-m unit. In all, 41 debitage and one unifacial rejuvenation flake were produced. One bedrock-milling feature with one milling element was also recorded. The site is representative of a locality where minimal tool production and maintenance, and light milling occurred (EIR, Section 4.10.3).

All three sites have poor integrity and produced a low amount and diversity of artifacts and faunal materials to address the research questions posed. Additional testing would not substantially contribute to understanding the sites or past use of these locations, or the site occupants. Given these factors, the sites are not considered to be significant (EIR, Section 4.10.3).

It should be noted that testing of the two sites located west of Adobe Estates resulted in a determination that CA-SDI-6092 is not significant. CA-SDI-6093 contains certain unique features that resulted in a determination that portions are significant and will need to be mitigated through avoidance or completion of a more exhaustive data recovery program (EIR, Section 4.10.3). The mitigation requirements are discussed in Section VII below.

2. Cumulative

Adobe Estates would have individual significant impacts because of uncontrolled off-site grading and activities that could disturb or destroy a known nearby off-site archaeology site, and possible unknown buried human remains, archaeological resources, and paleontological resources. These impacts would be mitigated to insignificance by grading and construction restrictions and monitoring. When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving cultural resources. Therefore, there would be no cumulatively considerable (significant) impacts (EIR, Section 5.2.10).

K. RECREATION

1. Direct

Increased use of existing neighborhood and regional parks or other recreational facilities, such that substantial physical deterioration of the facilities would occur or be accelerated.

Proposed recreational facilities or required construction or expansion of recreational facilities that might have an adverse physical effect on the environment.

Disruption or prevention of public access to parks.

Based on the Vista General Plan Housing Element 1998 average household size of three persons, the project could increase City population by 540 people. Vista's population is projected at 94,109 (Year 2005). Based on the combined total of existing and proposed park acreage in Vista (500.28 ac; 3-4 ac/1,000 persons for 150,000) and the overall standard for parks in the city (4 ac/1,000 persons), this increase would not result in additional use of recreational facilities causing or accelerating substantial deterioration. The impact would be considered less than significant (EIR, Section 4.11.3).

Guajome Municipal Park is presently without pedestrian or vehicle access, which discourages its development and use. There would be no negative impact to recreational resources (EIR, Section 4.11.3); however, the project would provide access to the site, which is presently not available. The project would therefore benefit recreation by providing new recreational opportunities at the City of Vista future park site.

2. Cumulative

Adobe Estates would have individual significant impacts because it did not provide an adopted trail, as well as aesthetic and human activity level conflicts with the Rancho Guajome Adobe Park and the Antique Gas & Steam Engine Museum (EIR, Section 5.2.11). The trail impact has been eliminated by including the trail in final project

plans (FEIR, p. 144). The park and museum impacts would be partially held below significant levels by impact controls in the form of a project landscaped open space perimeter and individual lot fencing. Mitigation measures including addition of selected plant materials and perimeter fencing to the final project landscape plan would reduce the remaining impacts to an insignificant level (EIR, Section 5.2.11). Mitigation measures are discussed in Section VII below.

When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects on recreation. In turn, there would be no cumulatively considerable (significant) impacts (EIR, Section 5.2.11).

L. PUBLIC SERVICES AND UTILITIES (Direct and Cumulative)

1. Direct

Substantial adverse physical impacts associated with the provision of 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 police protection.

The proposed project would result in an increase in the demand for police services in the City of Vista, which is provided under contract by the San Diego County Sheriff Department (SDCSD). In order to maintain adequate service levels, one sworn officer must be added for each 1,000 residents. According to the SDCSD, the current average family size in the City of Vista is approximately 2.7 persons. At the service level of one officer for every 1,000 residents, the proposed development of 159 new single-family residences would require an additional 0.42 officer (SDCSD 2005). This small increase would not require the provision of new or physically altered governmental facilities, such as an expanded police station. Therefore, the proposed project would not result in a physical impact to the environment from the construction of new or physically altered police facilities in order to maintain adequate police protection to the City of Vista. The existing SDCSD facilities would be adequate to serve the project (EIR, Section 4.12.3).

Substantial adverse physical impacts associated with the provision of 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 fire protection.

The proposed project would result in an increase in the demand for fire protection in the City of Vista, which is provided by the Vista Fire Department (VFD). The VFD is in the very early stages of developing a Standard of Cover that will address adequate levels of service as well as staffing, apparatus and station needs. This information is not currently available. According to the VFD, the proposed project is anticipated to generate 10 to 15 calls for fire service per year (VFD 2005). This incremental increase in demand for fire services would not require the construction of new or expanded fire facilities, such as a new fire station, in order to maintain an adequate level of service. The existing VFD facilities would be adequate to serve the proposed project (EIR, Section 4.12.3).

Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios or other performance objectives for public schools.

The proposed project would create additional demand for local public school seating capacity, which is provided by the Vista Unified School District (District). According to the District, the current student generation rate for new single-family residences is approximately 0.499 students per household. Therefore, the 159 proposed residences would generate a demand for approximately 79 to 80 additional seats at local public schools. According to the District, there is adequate classroom capacity available to serve the proposed project (Vista Unified School District 2005). Therefore, the proposed project would not result in the need for new or physically altered school facilities in order to maintain adequate public school services (EIR, Section 4.12.3).

Have sufficient water supplies to serve the project from existing entitlements and resources, or would new or expanded entitlements be needed.

Require or result in the construction of new water facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.

The project site is 53.9 acres, which equates to 54,978 gpd as the planned water allocation for the property. Based on VID calculations, an average single-family dwelling in the vicinity uses approximately 0.3 acre-foot per year, which equates to about 268 gpd. Thus, at 159 single-family dwelling units, the project would require a water usage of approximately 42,612 gpd. Given the amount of water allocated to the subject property (54,978 gpd), there would be sufficient water supply available to serve the site. Therefore, no new or expanded water facilities would be needed to serve the project. The impact would be considered less than significant (EIR, Section 4.12.3; FEIR, Chapter 4).

Exceed wastewater treatment requirements of the Regional Water Quality Control Board.

Result in a determination by the wastewater treatment provider, which serves the project that it has adequate capacity to serve the project's projected demand in addition to its existing commitments.

Require or result in the construction of new wastewater treatment facilities or the expansion of existing facilities, the construction of which could cause significant environmental effects.

Due to the positive difference in average flow from the City of Vista Sewer Basin OV-5 into the Oceanside system (0.404 MGD), the City of Vista is presently in a position to provide sewer service to the project. The impact would be considered less than significant (EIR, Section 4.12.3).

Require or result in the construction of new storm water facilities, the construction of which could cause significant environmental effects.

Development of the proposed project would increase impervious surfaces on the project site, which would increase the peak volume of storm water discharged from the site. The project would include the construction of a detention system whereby the majority of the storm water runoff from the project site would be directed to two onsite detention basins to reduce peak flows before they are discharged offsite. The proposed onsite improvements would maintain peak volumes onsite, thereby reducing the potential for overflow considering the capacity of the 30-inch storm drain receiving the flows. Therefore, it is not anticipated that the project would require the construction of new offsite storm drain facilities to serve the proposed new development (EIR, Section 4.12.3).

Energy consumption exceeds the capacity of existing facilities such that additional transmission or distribution lines must be installed and/or electrical substations upgraded.

Require or result in the construction or expansion of telecommunications facilities, the construction of which could have an adverse physical effect on the environment.

San Diego Gas & Electric has the ability to provide electricity and natural gas to residences and common areas of the project site upon request in accordance with requirements of, and at the rates and charges specified in its tariffs, which are on file with the California Public Utilities Commission. The impact would be considered less than significant.

SBC Pacific Bell is in the position to provide telephone service to residences and common areas of the project site upon request in accordance with requirements of, and at the rates and charges specified in its tariffs, which are on file with the California Public Utilities Commission. The impact would be considered less than significant.

Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs.

EDCO reports that there is adequate disposal capacity in the region to accommodate 180 single-family homes as proposed. The impact would be considered less than significant (EIR, Section 4.12.3).

2. Cumulative

Adobe Estates would have limited individual impacts because of inadequate police and fire protection and an incremental contribution to over crowded schools. These impacts would be held below significant levels by impact controls. For police protection, the controls involve security design measures and the contract renewal process for law enforcement services between the Sheriff's Department and City of Vista. For fire protection, project plans

include a landscaped buffer around the perimeter of the site. School impacts would be controlled by provisions of SB 50 which require development provided fees for land (EIR, Section 5.2.12).

When considered together with related project individual impacts, Adobe Estates individual significant impacts would be site and project specific, and not compound or increase the environmental effects involving public services. In turn, there would be no cumulatively considerable (significant) impacts (EIR, Section 5.2.12).

VII. FINDINGS REGARDING IMPACTS THAT CAN BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(1) and CEQA Guidelines §15091(a)(1), that changes or alterations have been required in, or incorporated into, the Project which would mitigate, avoid, or substantially lessen to below a level of significance the following potentially significant environmental effects identified in the EIR in the following categories: Hazards and Hazardous Materials (direct), Hydrology and Water Quality (direct), Transportation and Traffic (direct and cumulative), Noise and Vibration (direct), Biological Resources (direct), Cultural and Paleontological Resources (direct), and Recreation (direct).

A. HAZARDS AND HAZARDOUS MATERIALS (Direct)

Impact: Past Use of Pesticides Associated with Agricultural Use

The project could have the potential for impact due to past pesticide use associated with agricultural applications (EIR, Section 4.4.3).

Facts in Support of Finding: Information obtained during evaluation of the site indicates that the property has been used for agricultural crop production from at least the early 1960's through the 1970's. Consequently, residual concentrations of pesticides and herbicides may be present in soil on the property. If such concentrations exceed federal, state, and/or local standards, they would present a significant hazard to the public or the environment. The proposed **Mitigation Measures 4.4.4a through 4.4.4e** were found to reduce this impact to below a level of significance (EIR, Section 4.4.3).

Mitigation 4.4.4a: Prior to issuance of a grading permit the applicant (or subsequent controlling party) shall provide a report of a phase II environmental site assessment by a qualified environmental site assessor, which includes soil sampling and analysis for agricultural chemicals, an evaluation of potential human health risk for future residents, and any necessary remediation measures. The applicant shall also implement any necessary remediation prior to issuance of the building permit (i.e., during the grading operations) (EIR, Section 4.4.4).

Mitigation Measure 4.4.4b: Prior to clearing, grubbing, and grading the contractor shall remove and properly dispose of trash and debris found on the project site (EIR, Section 4.4.4).

Mitigation Measure 4.4.4c: If septic tanks, underground piping, utility systems, or other subsurface anomalies are encountered during grading they shall be evaluated by a qualified hazardous wastes and materials professional and handled in accordance with applicable laws, regulations, and procedures (EIR, Section 4.4.4).

Mitigation Measure 4.4.4d: During grading the contractor shall employ dust suppression techniques and storm water Best Management Practices (BMP's) to control release of air and water pollutants in accordance with applicable laws, regulations, and procedures. Containers of chemical products such as fuels, grease, waste oils, etc., that may be utilized during grading and construction shall be stored in tightly sealed containers (EIR, Section 4.4.4).

Mitigation Measure 4.4.4e: If soil is to be exported during site grading or construction it shall be evaluated by a qualified hazardous wastes and materials professional and handled or disposed of in accordance with applicable laws, regulations, and procedures (EIR, Section 4.4.4).

Level of Significance After Mitigation: Less than significant.

B. HYDROLOGY AND WATER QUALITY (Direct)

Impact: Long-Term Maintenance of BMP's to Control Water Quality

The project could have the potential for impact due to long-term maintenance issues associated with Best Management Practices (BMP's) to control water quality levels leaving the site (EIR, Section 4.5.3).

Facts in Support of Finding: Post-construction BMP's, which refer to specific storm water management techniques that are applied to manage construction and post-construction site runoff and minimize erosion, include source control, aimed at reducing the amount of sediment and other pollutants, and treatment controls that keep soil and other pollutants on-site once they have been loosened by storm water erosion (EIR, Section 4.5.3). All structural BMPs must be located to infiltrate, filter, or treat the required runoff volume or flow (based on the 85th percentile rainfall) prior to its discharge to any receiving watercourse supporting beneficial uses. However, there are no assurances that residents of the project would be aware of, and/or abide by RWQCB Order regulations pertaining to landscaping, housekeeping activities, and automotive use activities. This would be considered a significant impact. The proposed **Mitigation Measures 4.5.4a** through **4.5.4d** are recommended to address potential significant effects related to implementation and long-term maintenance of BMPs/CDS units. **Mitigation Measures 4.5.4e** through **4.5.4h** are recommended to address long-term compliance with RWQCB Order regulations.

Mitigation Measure 4.5.4a: The project final map and associated plans shall be consistent with the developed conditions map (EIR, Figure 4.5.3.1A) and related construction specifications (EIR, Section 4.5.4).

Mitigation Measure 4.5.4b: Inspection and maintenance of the site BMPs/CDS units shall be the responsibility of the Adobe Estates Homeowners Association. The Home Owners Association shall provide funding costs for maintaining the units. The units shall be inspected regularly and inspection visits shall be completely documented. Flow-based storm water treatment devices shall be inspected periodically to assure their condition to treat anticipated runoff. Inspection shall include a visual observation to ascertain whether the unit is functioning properly and measuring the amount of deposition in the unit. Floatables shall be removed and sumps cleaned when the sump storage exceeds 85 percent of capacity specifically, or when the sediment depth has accumulated within six inches of the dry-weather water level (EIR, Section 4.5.4).

Mitigation Measure 4.5.4c: A maintenance plan shall be developed which includes: (1) Specification of routine and non-routine maintenance activities to be performed; (2) A schedule for maintenance activities; and (3) Name, qualifications, and contact information for the parties responsible for maintaining the BMPs/CDS units. Maintenance of the units shall include inspection and maintenance one to four times per year. Maintenance of the units shall utilize a "vacator truck" or similar equipment, which clears the grit chamber of the treatment unit of all the grit, oil and grease, and water from the sump (EIR, Section 4.5.4).

Mitigation Measure 4.5.4d: The operational and maintenance of the BMPs/ CDS units shall include: (1) Inspection of structural integrity and screen for damage; (2) Animal and vector control; (3) Periodic sediment removal to optimize performance; and (4) Scheduled trash, debris, and sediment removal to prevent obstruction. Preventive maintenance activities to be instituted for the units are (EIR, Section 4.5.4):

(1) Trash and debris accumulation monitored during both the dry and wet season and after every large storm event (rainfall events in excess of one inch). Trash and debris removed from the CDS unit annually (at the end of the wet season). Trash and debris also removed when material accumulates to 85% of CDS unit's sump capacity, or when the floating debris is 12 inches deep (whichever occurs first).

(2) Sediment accumulation monitored during both the wet and dry season, and after every large storm (1.0 inch). Sediment removed from the CDS unit annually (at the end of the wet season). Sediment also removed when material accumulates to 85% of CDS unit's sump capacity, or when the floating debris is 12 inches deep (whichever occurs first). Disposal of sediment in compliance with applicable local, county, state or federal requirements.

(3) Corrective maintenance conducted on an emergency or non-routine basis to correct problems and to restore the intended operation and safe function of the CDS units. Corrective maintenance activities to include removal of debris and sediment and structural repairs to be completed within 30 working days by qualified individuals (i.e., the manufacturer representatives).

Mitigation Measure 4.5.4e: The Homeowners Association shall make all homeowners aware of RWQCB regulations through a homeowners' education program, such as periodic workshops and/or an issued manual. A monitoring program shall also be developed and implemented to insure compliance (EIR, Section 4.5.4).

Mitigation Measure 4.5.4f: As part of the program homeowners shall be educated as to the proper routine maintenance to landscaped areas including trimming, pruning, weeding, mowing, and replacement or substitution of vegetation in ornamental and required landscapes. Homeowners shall also be educated as to the proper application of fertilizers and herbicides to lawns and gardens. Per the RWQCB Order, the following landscaping activities are deemed unlawful and are thus prohibited: (1) Discharges of sediment; (2) Discharges of pet waste; (3) Discharges of vegetative clippings; and (4) Discharges of other landscaping or construction-related wastes (EIR, Section 4.5.4).

Mitigation Measure 4.5.4g: Also as part of the program homeowners shall also be educated as to the proper use, storage, and disposal of household items such as oil/grease, antifreeze, paint, cleaners, and solvents. Per the RWQCB Order, the following housekeeping activities are deemed unlawful and are thus prohibited: (1) Discharges of wash water from the cleaning or hosing of impervious surfaces including parking lots, streets, sidewalks, driveways, patios, plazas, and outdoor eating and drinking areas (landscape irrigation and lawn watering, as well as non-commercial washing of vehicles in residential zones, is exempt from this restriction); (2) Discharges of pool or fountain water containing chloride, biocides, or other chemicals; (3) Discharges or runoff from material storage areas containing chemicals, fuels, grease, oil, or other hazardous materials; and (4) Discharges of food-related wastes (grease, food processing, trash bin wash water, etc.) (EIR, Section 4.5.4).

Mitigation Measure 4.5.4h: Finally as part of the program homeowners shall be educated as to the proper use, storage, and disposal of automobile related oil, grease, antifreeze, hydraulic fluids, copper from brakes, and various fuels. Per the RWQCB Order, the following automobile use activities are deemed unlawful and are thus prohibited: (1) Discharges of wash water from the hosing or cleaning of gas stations, auto repair garages, or other types of automotive service facilities; (2) Discharges resulting from the cleaning, repair, or maintenance of any type of equipment, machinery, or facility including motor vehicles, cement-related equipment, port-a-potty servicing, etc.; and (3) Discharges of wash water from mobile operations such as mobile automobile washing, steam cleaning, power washing, and carpet cleaning (EIR, Section 4.5.4).

Level of Significance After Mitigation: Less than significant.

C. TRANSPORTATION AND TRAFFIC (Direct)

Impact: Direct Impact to Southern Project Roadway at Bobier Drive

The project would produce a direct impact at the intersection of Bobier Drive/Southerly Project Access Road due to unacceptable level of service conditions. This impact would be considered significant (EIR, Section 4.6.3).

Facts in Support of Finding: The traffic impact assessment within the EIR identified a level of service failure for this intersection due to the project trip generation (EIR, Section 4.6.3). The proposed **Mitigation Measure 4.6.4a** was found to reduce this impact to below a level of significance.

Mitigation Measure 4.6.4a: Prior to project occupancy the applicant shall provide a traffic signal for the intersection of the southern project roadway at Bobier Drive (EIR, Section 4.6.4).

Level of Significance After Mitigation: Less than significant.

D. NOISE AND VIBRATION (Direct)

Impact: Biological Habitat Noise Impact Potential

The project could generate potential noise impacts to sensitive biological habitat areas during breeding periods. This would be considered a significant impact (EIR, Section 4.8.3).

Facts in Support of Finding: The acoustical impact assessment and subsequent EIR section identified the extent of the 60-dBA Leq-h contour as encroaching on habitat area (EIR, Section 4.8.3). The proposed **Mitigation Measure 4.8.4a** was found to reduce this impact to below a level of significance.

Mitigation Measure 4.8.4a: Project construction activity within or adjacent to occupied gnatcatcher habitat shall be scheduled outside of the gnatcatcher breeding season (Feb 15 to August 30) or remain at least 300 feet from occupied habitat. If construction is necessary within 300 feet of occupied habitat during the breeding season a noise contingency plan shall be prepared and implemented which includes the use of temporary noise barriers and onsite noise monitoring by an acoustical engineer to maintain compliance with applicable standards (EIR, Section 4.8.4).

Level of Significance After Mitigation: Less than significant.

Impact: Excessive Noise Exposure due to Rock Crushing Activities

The project could generate potential noise impacts due to extractive and rock processing activities onsite. This would be considered a significant impact (EIR, Section 4.8.3).

Facts in Support of Finding: The acoustical impact assessment and subsequent EIR section identified the that noise exposure due to rock crushing operations could exceed the City's construction noise ordinance and could exceed the 60 dBA Leq-h habitat noise thresholds if performed within a specified distance to sensitive uses (EIR, Section 4.1.3). The proposed **Mitigation Measure 4.8.4b** was found to reduce this impact to below a level of significance.

Mitigation Measure 4.8.4b: For strict compliance under the City's construction noise ordinance, any rock crusher (should it be ultimately necessary) shall be placed at least 150 feet from any existing sensitive residential areas and at least 840 feet from any sensitive avian habitat areas (or implement the aforementioned contingency plan) (EIR, Section 4.8.4).

Level of Significance After Mitigation: Less than significant.

Potential Impact: Excessive Interior Noise Exposure due to Traffic Activity

The project could be subject to excessive interior noise levels within the developed units as a result of traffic activity along North Santa Fe Avenue. Specifically, this was identified for Lots 8 through 12 as shown on the project site plan. This would be considered a significant impact (EIR, Section 4.8.3).

Facts in Support of Finding: The acoustical impact assessment and subsequent EIR section identified façade noise levels for these lots in excess of 60 dBA CNEL as required under the State's CCR Title 24 regulations (EIR, Section 4.1.3). The proposed **Mitigation Measure 4.8.4c** was found to reduce this impact to below a level of significance.

Mitigation Measure 4.8.4c: Prior to issuance of a building permit the applicant shall conduct and submit an interior noise analysis in compliance with California Code of Regulations Title 24, Noise Insulation Standards, to the satisfaction of the City Engineer. The analysis shall demonstrate that under worst case existing and future noise levels, the proposed building design for Lots 8 through 12 near North Santa Fe Avenue will limit noise levels within the dwellings to 45 dBA CNEL or less (EIR, Section 4.8.4).

Level of Significance After Mitigation: Less than significant.

E. BIOLOGICAL RESOURCES (Direct)

Impact: Vegetation Communities

The proposed project would result in direct impacts to 50.63 acres of vegetation within the City of Vista and 5.82 acres of vegetation within the City of Oceanside. Impacts to non-native grassland are significant per the City of Vista Draft MHCP Subarea Plan, as non-native grassland provides foraging for raptors (EIR, Section 4.9.3; FEIR, Chapter 4).

Facts in Support of Finding: The biological technical report for the project identified that to preserve vegetative habitat and mitigate the impacts by the proposed project, 25.97 acres within the City of Vista and 3.13 acres within the City of Oceanside of off-site area should be perpetually conserved and maintained. Implementation of **Mitigation Measure 4.9.4a** and **4.9.4b** below would reduce the impact to nonnative grasslands vegetation to a less than significant level (EIR, Section 4.9.3; FEIR, Chapter 4).

Mitigation Measure 4.9.4a: Prior to issuance of a grading permit, the applicant shall submit a vegetation community mitigation plan(s) and binding implementation agreement(s) to the satisfaction of the Cities of Vista and Oceanside Community Development Directors and pertinent state and federal regulatory and resource agencies. The plan(s) and agreement(s) mitigation ratios and acreage shall comply with the Vegetation Community Mitigation Ratios and Acreages provided in the Final EIR (EIR, Section 4.9.4; FEIR, Chapter 4).

Mitigation Measure 4.9.4b: The project final landscape plan, as reviewed by the City Planner, shall limit those plant materials along the northern and western perimeter to non-invasive species, avoiding those species listed by the California Exotic Plant Pest Council (CalEPPC) as the “exotic pest plants of greatest concern.” In addition, any future project development or improvements requiring City permits, including landscaping maintenance and/or replacement, shall be reviewed for consistency with CalEPPC “exotic plants of greatest concern,” or any other updated list of invasive plant species and such species avoided (EIR, Section 4.9.4).

Level of Significance After Mitigation: Less than significant.

Impact: Wetland Areas

The proposed project would result in direct impacts to 0.07 acres of wetland within the City of Vista and 0.01 acres of wetland within the City of Oceanside (EIR, Section 4.9.3; FEIR, Chapter 4).

Facts in Support of Finding: The biological technical report for the project identified that to preserve sensitive wetlands and mitigate the impacts by the proposed project, a commensurate acreage (0.07 + 0.01) of off-site area should be perpetually conserved and maintained. Implementation of **Mitigation Measure 4.9.4c** below would reduce the impacts to jurisdictional wetlands to a less than significant level. (EIR, Section 4.9.3; FEIR, Chapter 4)

Mitigation Measure 4.9.4c: Prior to issuance of a grading permit, the applicant shall submit a wetland habitat mitigation plan(s) and binding implementation agreement(s) to the satisfaction of the Cities of Vista and Oceanside Community Development Directors and pertinent state and federal regulatory and resource agencies. The plan(s) and agreement(s) mitigation ratios and acreage shall comply with the Jurisdictional Wetland Mitigation Ratios and Acreages provided in the Final EIR (EIR, Section 4.9.4; FEIR, Chapter 4).

Level of Significance After Mitigation: Less than significant.

F. CULTURAL AND PALEONTOLOGICAL RESOURCES (Direct)

Impact: Archaeological Resources

Although no evidence of human remains was found during cultural resource surveys and testing at the subject property, because of the known relatively intensive use by prehistoric people, such potentially significant remains could be unearthed during grading activities. In addition, there is the possibility that unknown buried archaeological resources exist which could be encountered during grading. This would be considered a significant impact (EIR, Section 4.10.3).

Facts in Support of Finding: Because of the potential to uncover artifacts, construction monitoring by a City-approved archaeologist and Native American monitor, as indicated in **Mitigation Measure 4.10.4a**, would reduce the impacts to buried archaeological and Native American resources to below a level of significance.

Mitigation Measure 4.10.4a: Prior to movement of equipment onto or near the project site for clearing, grubbing, and grading the contractor shall install temporary orange fencing along the western property boundary grading limit line and instruct equipment operators as to the general location of the off-site archaeological resource coded CA-SDI-6093 and to not encroach beyond such fencing onto adjacent property (EIR, Section 4.10.4).

Level of Significance After Mitigation: Less than significant.

Impact: Paleontological Resources

Although no paleontological resources have been found on the property, there is the possibility that potentially important buried fossils could be encountered during grading activities. This would be considered a significant impact. (EIR, Section 4.10.3).

Facts in Support of Finding: Because of the potential to uncover paleontological resources, construction monitoring by a City-approved paleontologist, as indicated in **Mitigation Measures 4.10.4b** and **4.10.4c**, would reduce the impacts to buried archaeological and Native American resources to below a level of significance.

Mitigation Measure 4.10.4b: Prior to issuance of a grading permit, the applicant (or subsequent controlling party) shall provide written evidence to the City Planner that a qualified archaeologist has been retained to observe clearing, grubbing, and grading activities. If buried archaeological resources are encountered, the archaeologist shall have the authority to temporarily halt or redirect such activities in order to examine and evaluate the resources and determine a course of action for any further exploration and/or salvage. If human remains are found, the archaeologist shall be empowered to follow the specific procedures outlined by the California Native Heritage Commission, and fulfill the requirements of the Health and Safety Code [Sec.7050.5], Public Resources Code [Sec. 5097.98] (EIR, Section 4.10.4).

Mitigation Measure 4.10.4c: Prior to issuance of a grading permit, the applicant (or subsequent controlling party) shall provide written evidence to the City Planner that a qualified paleontologist has been retained to observe clearing, grubbing, and grading activities. If buried fossil resources are encountered, the paleontologist shall have the authority to temporarily halt or redirect such activities in order to examine and evaluate the resources and determine a course of action for any further exploration and/or salvage (EIR, Section 4.10.4).

Level of Significance After Mitigation: Less than significant.

G. RECREATION (Direct)

Impact: Compatibility with Surrounding Recreational Uses

According to the recreational resources survey, although the occupants of the project are not expected to cause overuse of parks in the surroundings, the project is situated adjacent to the Antique Gas and Steam Engine Museum and Rancho Guajome Adobe Park beyond. This close proximity between two different land uses could result in potentially significant conflicts related to aesthetics and activity levels, as well as human encroachment. These would be considered significant impacts (EIR, Section 4.11.3).

Facts in Support of Finding: There is no barrier other than landscaping and the slope to discourage pedestrians using the project trail from straying onto museum and adobe grounds. Therefore, **Mitigation Measure 4.11.4a** and **4.11.4b** were found to reduce impacts to below a level of significance.

Mitigation Measure 4.11.4a: Final project plans shall include plant materials for the open space buffer adjacent to the Antique Gas and Steam Engine Museum property that are primarily native, naturalized, and representative of those introduced in rural settings in the late 1800's through early 1900's, in consultation with the County Department of Parks and Recreation and City Planner. The selected plant materials shall be of a density and mature height to provide adequate visual screening between the project and museum (EIR, Section 4.11.4).

Mitigation Measure 4.11.4b: Final project plans shall include a split rail or similar suitable fence along the project boundary shared with the Antique Gas and Steam Engine Museum in consultation with the County Department of Parks and Recreation. Informational signs should be installed identifying the area as a Regional Park. All individual lot and perimeter fencing facing or along the shared boundary shall also be designed and installed to restrict access to domesticated pets (including cats) in consultation with the County of San Diego, and a qualified biologist as well as reviewed by the City Planner (EIR, Section 4.11.4).

Level of Significance After Mitigation: Less than significant.

VIII. FINDINGS REGARDING SIGNIFICANT IMPACTS THAT CANNOT BE MITIGATED TO BELOW A LEVEL OF SIGNIFICANCE (CALIFORNIA PUBLIC RESOURCES CODE §21081(a)(3))

The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR, and the administrative record, finds, pursuant to California Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), that (i) certain impacts cannot be mitigated to below a level of significance, and that (ii) specific economic, legal, social, technological, or other considerations, including provision of employment opportunities for

highly trained workers, make infeasible the mitigation measures identified in the EIR. Specifically, no measures are available to fully mitigate the significant impacts associated with transportation/traffic (cumulative). The mitigation measure identified in the EIR mitigates this impact as much as feasible.

A. TRANSPORTATION/TRAFFIC (Cumulative)

Impact:

The project would result in a cumulatively considerable (significant) traffic impact at the intersection of N. Santa Fe Avenue/Bobier Drive due to the project's contribution to failing Level of Service (LOS E) in the future condition.

Facts in Support of Finding: The traffic impact assessment within the EIR identified a cumulative level of service failure under the future traffic condition scenario. Improvements have been identified that are found to reduce this impact to below a level of significance, which consist of constructing a second westbound dedicated left turn lane at the N. Santa Fe Avenue/Bobier Drive intersection. It is not feasible for the applicant to be the sole party responsible for implementation of the recommended improvements. The project impact is not proportionate to the level of physical improvements needed to mitigate the intersection. Consequently, the applicant is responsible for a fair-share payment for implementation of the recommended improvements as feasible mitigation, **Mitigation Measure 4.6.4b**. However, there is currently no program in place to ensure implementation of the improvements by the time the project would be completed and occupied. Therefore, the cumulative impact would be considered significant and unavoidable (EIR, Section 4.6.3).

Mitigation Measure 4.6.4b: Prior to project occupancy the applicant shall add a second dedicated left-turn lane for a minimum of 150 feet in length along the westbound Bobier approach to the intersection of North Santa Fe Avenue at Bobier Drive; or the applicant shall contribute a fair-share to this improvement (EIR, Section 4.6.4).

Level of Significance After Mitigation:

Significant and unavoidable; the impact cannot be fully mitigated by the applicant's fair share contribution.

IX. ALTERNATIVES TO THE PROJECT

CEQA requires that an EIR describe a range of reasonable alternatives to the project, or to the location of the project, which could feasibly attain most of the basic objectives of the project but would avoid or substantially lessen the project's significant impacts, and that it evaluate the comparative merits of the alternatives. The City, having reviewed and considered the information contained in the EIR, the appendices to the EIR and the administrative record, pursuant to California Public Resources Code §21081(a)(3) and CEQA Guidelines §15091(a)(3), finds that specific economic, legal, social, technical, or other conditions, including provision of employment opportunities for highly trained workers, make infeasible the following alternatives: "No Project" and "Reduced Footprint."

In considering and rejecting certain alternatives, the Project objectives must be weighed against the ability of the various alternatives to meet most of the objectives. The Project's objectives ("Objectives") that were identified in the EIR and considered in these Findings are:

1. Provide a new single-family residential development of approximately 180 units in the City to fulfill regional housing needs.
2. Development of a partially disturbed site to its potential in substantial conformance with applicable City plans, policies, and objectives.
3. Provide a residential housing project that is compatible with surrounding residential development in accordance with the City's land use and planning goals and objectives.
4. Ensure attractive architecture, open space areas, and recreational amenities to be consistent with surrounding neighborhoods within the City through the application of a Specific Plan of development.
5. Widen and improve North Santa Fe Avenue to provide safer vehicular and pedestrian access to and near the project site.
6. Provide access to the future City Park site from two regional arterial roadways to enable the development of new public recreational facilities and the expansion of public recreational programs.
7. Underground existing overhead utility lines on the site to improve the aesthetics of the property.
8. Provide visual and spatial buffers between project development and the adjacent County parklands to minimize the effects of urban development on the natural open space and wildlife value of the parklands.

A. Alternative 1 & 2: No Project / Existing General Plan

1. Description

Consistent with Section 15126.6 of the CEQA Guidelines, the No Project Alternative is the existing condition of the Project site at the time that the NOP was published. This alternative assumes the site would remain in its present state and the proposed project would not be implemented. The property carries Vista General Plan designations of Medium Density [MD], Medium Low Density Residential [MLD], and Open Space [OS]. It is also within Specific Plan No. 17 and is divided into three portions with distinct zoning including R-1-B [SP], R-1 [SP], and O [SP]. Allowed uses with conditions are single-family subdivisions, mobile home parks, condominium housing, and open space (EIR, Section 6.3.1).

2. Attainment of Project Objectives

This alternative would not meet any of the five project objectives identified for the proposed project (EIR, Sections 6.3.2/6.4.2). Single-family homes would not be constructed and the No Project Alternative assumes that the project site could be developed with General Plan compatible uses. New single-family residential housing would not be provided in this area, and access the site would not be improved.

3. Impacts

Land Use: The existing General Plan/Specific Plan alternative would, as with the project, be individually incompatible with surrounding development due to a substantial alteration of landform. The calculated density (260 du's vs. 180 du's) would involve mass grading into terraced pads leaving little room for common open space around the perimeter. Consequently, impact control in the form of planned perimeter landscaped open space would probably be less effective than with the project. It is therefore uncertain whether further control by contour grading could hold the impact to less than significant (EIR, Sections 6.3.2/6.4.2).

Unlike the project, this alternative would be individually consistent with General Plan designated lot sizes and densities. If the alternative design did not include a trail it would, like the project, be inconsistent with the General Plan trail system. However, as with the project, this impact could be mitigated to insignificance by inclusion of a trail in final plans. Again, unlike the project, this alternative would be consistent with the Specific Plan zone classifications and Municipal Code zoning classification regulations (EIR, Sections 6.3.2/6.4.2).

Aesthetics: The existing General Plan/Specific Plan alternative would, like the project, individually result in a substantial degradation of visual quality due to its substantial alteration of landform. As noted above, mass grading into terraced pads would leave little room for common open space around the perimeter, and impact control through planned perimeter landscaped open space would probably be less effective than with the project. Consequently, it is uncertain whether contour grading could hold the impact to less than significant (EIR, Sections 6.3.2/6.4.2).

Geology and Soils: Individual geologic and soils conditions would affect the existing General Plan/Specific Plan alternative in the same way as with the project. Likewise, these impacts could be controlled to insignificance (EIR, Sections 6.3.2/6.4.2).

Hazards and Hazardous Materials: Individual hazards and hazardous materials conditions would affect the existing General Plan/Specific Plan alternative in the same way as with the project. These impacts could be mitigated to less than significant by the same methods (EIR, Sections 6.3.2/6.4.2).

Hydrology and Water Quality: The existing General Plan/Specific Plan alternative would have greater individual hydrology and water quality impacts than with the project. The calculated density (260 du's vs. 180 du's) would result in more impervious surfaces and higher peak runoff volumes. Further, there would be higher urban pollutant levels in downstream water bodies. Even so, these impacts could be controlled to less than significant by the same restrictions and regulations as for the project. Because BMPs/CDS units would probably take up more developed site area, there could be a consequent reduction in density to accommodate them (EIR, Sections 6.3.2/6.4.2).

It is uncertain the extent to which such a reduction would affect other resource issue impacts such as traffic. As with the project, lack of assurances for long-term BMPs/CDS units maintenance and operational compliance could be mitigated to less than significant through a unit maintenance plan and resident education and monitoring plan (EIR, Sections 6.3.2/6.4.2).

Transportation and Traffic: The existing General Plan/Specific Plan alternative would have the same or greater individual and cumulative traffic impacts than the project. Based on calculated density (260 du's vs. 180 du's) this alternative could generate up to 2,600 ADT, which equates to 800 more vehicle trips than the project. The individual impacts could probably be mitigable to insignificant levels. However, with this alternative there might be additional cumulatively considerable (significant) effects, and it is certain that there would be a cumulatively considerable (significant) impact to the intersection of North Santa Fe Avenue and Bobier Drive that would be unavoidable for the same reason as with the project (EIR, Sections 6.3.2/6.4.2).

Air Quality: Individual air quality impacts for the existing General Plan/Specific Plan alternative would be the same or greater than those of the project. Although the alternative density would be greater (260 du's vs. 180 du's), it is unlikely that the magnitude of the increase in units and related vehicle trips would represent a measurable difference in air pollutant generation in the air basin or result in hot spots along the traffic circulation system in the vicinity. This alternative could individually generate greater wood-burning fireplace emissions. However, mitigation restrictions could reduce such emissions to less than significant (EIR, Sections 6.3.2/6.4.2).

Noise and Vibration: Individual noise impacts for the existing General Plan/Specific Plan alternative would be the same or greater than those of the project. Although the alternative density would be greater (260 du's vs. 180 du's), it is unlikely that the magnitude of the increase in units and related vehicle trips would represent a measurable difference in off-site noise levels. There would be the same excessive exterior and interior noise levels for certain residences fronting North Santa Fe Avenue. However, the same impact controls and mitigation measures as for the project could reduce these impacts to insignificance (EIR, Sections 6.3.2/6.4.2).

The alternative would, like the project, result in possible excessive construction noise for nearby off-site sensitive biological habitat. This impact would be partially controlled by a noise ordinance and could be fully mitigated to less than significant through construction activity restrictions during the bird breeding and nesting season and/or a noise attenuation plan during the breeding season. Finally, this alternative would, like the project, result in possible excessive rock crusher noise for nearby sensitive receptors. This impact would be partially controlled by a noise ordinance and could be fully mitigated to insignificance by buffer zones (EIR, Sections 6.3.2/6.4.2).

Biological Resources: The existing General Plan/Specific Plan alternative would have the same individual impacts on biological resources as would the project. Due to the calculated density, the entire site would be graded into terraced pads. Consequently, there would be the same loss of sensitive habitat, non-wetland waters, and possible sensitive species, as well as human, pet, and invasive plant species intrusion into off-site habitat. The same impact controls and mitigation measures as for the project could hold or reduce these impacts to a less than significant levels (EIR, Sections 6.3.2/6.4.2).

Cultural and Paleontological Resources: Individual cultural resource impacts for the existing General Plan/Specific Plan alternative would be the same as for the project. The entire site would be graded resulting in possible disturbance or destruction of unknown buried archaeological and paleontological resources. The nearby off-site archaeology site could be damaged during construction. These impacts could be mitigated to less than significant through the same measures as for the project (EIR, Sections 6.3.2/6.4.2).

Recreation: The existing General Plan/Specific Plan alternative could, like the project, be inconsistent with the General Plan trail system if the alternative design did not include a trail. However, as with the project, this impact could be controlled to less than significant by inclusion of a trail in final plans (per land use mitigation). This alternative would, like the project, individually result in possible conflicts with the adjacent Museum and nearby off-site Adobe Park due to appearance, activity levels, and human encroachment (EIR, Sections 6.3.2/6.4.2).

As previously noted, mass grading into terraced pads would leave little room for common open space around the perimeter, and impact control through planned perimeter landscaped open space might not be as effective as with the project. Consequently, it is uncertain whether residual impacts could be mitigated to less than significant by required northern perimeter native, naturalized, or historically correct plant materials and fencing in the final landscape plan as would be the case with the project (EIR, Sections 6.3.2/6.4.2).

Public Services and Utilities: The existing General Plan/Specific Plan alternative would have greater impacts on public services and utilities than those of the project. The alternative density would be higher (260 du's vs. 180 du's), by 80 du's. This would equate to a greater demand for police and fire protection, schools, electricity and natural gas, telephone, water, and wastewater and solid waste disposal than with the project. Impact controls identified for the project could hold police and school impacts to less than significant, and it is unlikely that the magnitude of the increase in units would preclude provision of other necessary services. It is expected that such services would be available under current capacities or improvements made for such provision under existing impact controls (EIR, Sections 6.3.2/6.4.2).

4. Summary:

The No Project Alternative does not meet any of the Project objectives because the site would remain vacant under this alternative, there would be no impacts to the aforementioned issue areas.

B. Alternative 2: Reduced Intensity Plan 'A'

1. Description

A reduced intensity Alternative 3, shown as EIR Figure 6.5.1A, has been prepared by Hunsaker & Associates (2004). The intent of this alternative is to reduce the number of dwelling units while at the same time, avoid coastal sage scrub and non-wetland drainages throughout the property. The plan includes 76 single-family dwellings, open space lots, street improvements along North Santa Fe Avenue, interior and off-site public streets and utilities, probable recreational facilities, drainage improvements, probable landscaping, and other associated site improvements (EIR, Section 6.5.1).

Grading would alter the site topography into four large terraced pads in a stepped configuration in conformance with the existing topography of the property. There would be manufactured slopes of varying heights while all graded bank slope ratios would be expected to be held at 2:1 or flatter. Retaining walls might be utilized in various locations. All utilities would be under grounded (EIR, Section 6.5.1).

The plan indicates open space lots along most of the perimeter and throughout the interior creating buffers for adjacent land uses and between neighborhoods within the site itself. The perimeter buffer would vary in width. Landscaping would be expected to consist of trees, shrubs, vines, groundcovers, and turf. Common recreational amenities might include a passive park site, and an active recreational area with a swimming pool and Jacuzzi. There would probably be a pedestrian pathway through open space along the northern perimeter (EIR, Section 6.5.1).

There would be two unconnected access points, one being Taylor Street connecting to North Santa Fe Avenue at the eastern site boundary, and the other an off-site extension of a street connecting to Bobier Drive south of the property. One street connection would be provided to the adjacent municipal parkland (EIR, Section 6.5.1).

2. Attainment of Project Objectives

The reduced intensity Alternative 3 would meet all but three of the project objectives. The missed objective includes a provision of access to the future City Park site from two regional arterial roadways, with the alternative providing only one access point from Bobier Drive. Additionally, this alternative would not provide a new single-family residential development of approximately 180 units to fulfill housing needs. In addition, this alternative would not develop the partially disturbed site to its potential in conformance with applicable rules as it only includes 76 dwelling units on an almost 54 acre site (EIR, Section 6.5.2).

3. Impacts

Land Use: Reduced intensity Alternative 3 would be considerably less individually incompatible with surrounding development than the project due to reduced alteration of hillside landform. In addition, this impact could, like the project, be controlled to less than significant by planned perimeter landscaped open space and contour grading of artificial banks. The alternative would, like the project, be individually inconsistent with General Plan designated lot sizes and densities. This impact could, as with the project, be controlled to less than significant by a General Plan Amendment (EIR, Section 6.5.2).

This alternative would, as does the project, be individually inconsistent with the General Plan designated trail system if it did not include a trail. This impact could, like the project, be mitigated to insignificance by inclusion of a trail in final project plans. Reduced intensity would, as does the project, be even more individually inconsistent with Specific Plan zone classifications regulations and Municipal Code zoning classification regulations. Further, this alternative would be substantially inconsistent with the minimum density requirements imposed by the Specific Plan. A Specific Plan Amendment and new Specific Plan could like the project, control these impacts to less than significant (EIR, Section 6.5.2).

Aesthetics: Reduced intensity Alternative 3 would individually result in substantially the same degradation of visual quality compared to the project, although this alternative would result in reduced alteration of the hillside landform. This impact could, as with the project, be controlled to less than significant by planned perimeter landscaped open space and contour grading of artificial banks (EIR, Section 6.5.2).

Geology and Soils: Individual geologic and soils conditions would affect the reduced intensity Alternative 3 in the same way as with the project. Likewise, these impacts could be controlled to insignificance (EIR, Section 6.5.2).

Hazards and Hazardous Materials: Individual hazards and hazardous materials conditions would affect the reduced intensity Alternative 3 in the same way as with the project. These impacts could be mitigated to less than significant by the same methods (EIR, Section 6.5.2).

Hydrology and Water Quality: Reduced intensity Alternative 3 would have less individual hydrology and water quality impacts than the project. Unlike the project, drainages on the property would be left in their natural state. The lower density (76 du's vs. 180 du's) would result in less impervious surfaces and lower peak runoff volumes. Further, there would be considerably lower urban pollutant levels in downstream water bodies. Even so, these impacts would still be potentially significant and need to be controlled to less than significant by the same restrictions and regulations as for the project. As with the project, two BMPs/CDS units would probably be necessary, and there would still be lack of assurances for long-term maintenance and operational compliance. Like the project, these impacts could be mitigated to less than significant through a unit maintenance plan and resident education and monitoring plan (EIR, Section 6.5.2).

Transportation and Traffic: Reduced intensity Alternative 3 might not individually create congested conditions at the intersection of the access road and Bobier Drive as does the project. There would be a substantial reduction in ADT at this point (300 ADT vs. 1,350 ADT) with this alternative. If congestion were to occur, the impact could like the project, be mitigated to insignificance by an applicant provided traffic signal. The alternative would, like the project, contribute to cumulative traffic congestion at the intersection of North Santa Fe Avenue and Bobier Drive. This intersection is projected to operate at an unacceptable (significant) LOS under base conditions and any increase in traffic volumes would exacerbate this condition. As with the project, after a fair-share contribution to improvements to the intersection the impact would remain considerable (significant) because there is no program in place to ensure completion of the improvements in a timely manner (EIR, Section 6.5.2).

Air Quality: Individual air quality impacts for the reduced intensity Alternative 3 would be less than those of the project. Although not significant for the project, the alternative density (76 du's vs. 180 du's), and fewer vehicle trips (760 ADT vs. 1,800 ADT) might result in a slightly difference in air pollutant generation in the air basin. This alternative would also individually generate less wood-burning fireplace emissions (EIR, Section 6.5.2).

Noise and Vibration: Individual noise impacts for the reduced intensity Alternative 3 would be the same as those of the project. The alternative density would be less (76 du's vs. 180 du's), and it is certain that related vehicle trips, as with the project, would not result in significant off-site noise levels. There would be the same excessive exterior and interior noise levels for certain residences fronting North Santa Fe Avenue. However, the same impact controls and mitigation measures as for the project could reduce these impacts to insignificance (EIR, Section 6.5.2).

The alternative would, like the project, result in possible excessive construction noise for nearby off-site sensitive biological habitat. This impact would be partially controlled by a noise ordinance and could be fully mitigated to less than significant through construction activity restrictions during the bird breeding and nesting season and/or a noise attenuation plan during the breeding season. Finally, this alternative would, like the project, result in possible

excessive rock crusher noise for nearby sensitive receptors. This impact would be partially controlled by a noise ordinance and could be fully mitigated to insignificance by buffer zones (EIR, Section 6.5.2).

Biological Resources: Reduced intensity Alternative 3 would result in substantially less impacts to biological resources. All Diegan Coastal Sage Scrub and Native Grassland on the property would be preserved, and all Non-wetland Waters on the site would be left in their natural condition. However, large blocks of Non-native Grassland in the eastern and western sectors would be lost with this alternative. In addition, the same Diegan Coastal Sage Scrub, Non-native Grassland, and Non-wetland Waters in Oceanside, as with the project, would be lost. Like the project, these impacts could be partially controlled by a Federal Endangered Species Act required Section 4(d) Habitat Loss Permit, Federal Clean Water Act required ACOE 404 permit, and CDFG 1602 streambed alteration agreement. The residual impacts could also be mitigated to less than significant by vegetation community and wetland habitat off-site mitigation plans for Vista and Oceanside (EIR, Section 6.5.2).

Reduced intensity could, like the project, individually cause a possible loss of Thread Leaved Brodiaea and San Diego Fairy Shrimp in Vista. These impacts could, as with the project, be partially controlled by Federal and state Endangered Species Act required USFWS and CDFG consultation for mitigation. The residual impacts could also be mitigated to insignificance through surveys under suitable rainfall conditions and off-site acquisition or creation of habitat as necessary (EIR, Section 6.5.2).

The alternative would, as with the project, individually result in possible encroachment of landscape plant materials in off-site habitat. Like the project, this impact could be mitigated to less than significant by requiring non-invasive plant materials in final landscape plans and any future landscape efforts. The alternative, like the project, would also individually cause indirect effects on nearby off-site habitat due to possible excessive construction noise, and long-term lighting and human and pet intrusion. These impacts, as with the project, could be controlled to less than significant by the City Noise Ordinance, construction activity restrictions during the bird breeding season (per noise mitigation), the City Municipal Code lighting restrictions, project perimeter landscaped open space, and northern perimeter fencing in the final landscape plan (per recreation mitigation) (EIR, Section 6.5.2).

Cultural and Paleontological Resources: Individual cultural resource impacts for the reduced intensity Alternative 3 would be the same as for the project. The site would be graded resulting in possible disturbance or destruction of unknown buried archaeological and paleontological resources. The nearby off-site archaeology site could be damaged during construction. These impacts could be mitigated to less than significant through the same measures as for the project (EIR, Section 6.5.2).

Recreation: Reduced intensity Alternative 3 could, like the project, be inconsistent with the General Plan trail system if the alternative design did not include a trail. However, as with the project, this impact could be controlled to less than significant by inclusion of a trail in final plans (per land use mitigation). The alternative, like the project, would individually result in possible conflicts with the adjacent Museum and nearby off-site Adobe Park due to appearance, activity levels, and human encroachment. As with the project, these impacts could be partially controlled by planned perimeter landscaped open space and individual lot fencing. Required northern perimeter native, naturalized, or historically correct plant materials and fencing could mitigate residual impacts to less than significant in the final landscape plan. The reduced intensity alternative would have substantially greater recreation impacts that cannot be mitigated to insignificance because it would result in, 1) only one point of access to the Community Park proposed for the property to the west of the site, 2) no access to the proposed Community Park from the City of Vista, and, 3) no private recreational amenities onsite (EIR, Section 6.5.2).

Public Services and Utilities: Reduced intensity Alternative 3 would have less impact on public services and utilities than those of the project. The alternative density would be lower (76 du's vs. 180 du's), by 104 du's. This would equate to less demand for police and fire protection, schools, electricity and natural gas, telephone, water, and wastewater and solid waste disposal than with the project. However, the same impact controls identified for the project would be necessary to hold police and school impacts to less than significant (EIR, Section 6.5.2).

4. Summary

The reduced intensity Alternative 3 would meet all but three of the project objectives. The missed objective includes a provision of access to the future City Park site from two regional arterial roadways, with the alternative providing only one access point from Bobier Drive. Additionally, this alternative would not provide a new single-family

residential development of approximately 180 units to fulfill housing needs. In addition, this alternative would not develop the partially disturbed site to its potential in conformance with applicable rules as it only includes 76 dwelling units on an almost 54 acre site (EIR, Section 6.5.2).

C. Alternative 4: Reduced Intensity Plan 'B'

1. Description

A second reduced intensity Alternative 4 has also been prepared by Hunsaker & Associates (2004). The intent of this alternative is to preserve most of the coastal sage scrub and non-wetland drainages throughout the property, eliminate impacts on steep slopes and eliminate excessive exterior and interior noise impacts for units fronting on North Santa Fe Avenue. The plan includes 92 single-family dwellings, open space lots, street improvements along North Santa Fe Avenue, interior and off-site public streets and utilities, drainage improvements, probable landscaping, and other associated site improvements (EIR, Section 6.6.2).

Site topography would be altered into four large terraced pads in a stepped configuration in conformance with the existing topography of the property. Heights of manufactured slopes would vary while all graded bank slope ratios would be expected to be held at 2:1 or flatter. Retaining walls might be utilized in various locations. All utilities would be undergrounded (EIR, Section 6.6.2).

Open space lots are situated along most of the perimeter and throughout the interior creating buffers for adjacent land uses and between neighborhoods within the site itself. The perimeter buffer would vary in width. Landscaping would be expected to consist of trees, shrubs, vines, groundcovers, and turf. Unlike the project, this alternative would not provide common recreational amenities such as a passive park site, and an active recreational area with a swimming pool and Jacuzzi. A pedestrian pathway would probably be provided through open space along the northern perimeter (EIR, Section 6.6.2).

Two unconnected access points are planned, one being Taylor Street connecting to North Santa Fe Avenue at the eastern site boundary, and the other an off-site extension of a street connecting to Bobier Drive south of the property. One street connection would be provided to the adjacent municipal parkland (EIR, Section 6.6.2).

2. Attainment of Project Objectives

All but one of the project objectives would be met with the reduced intensity Alternative 4. The missed objective is provision of access to the future City Park site from two regional arterial roadways, with the alternative providing only one access point from Bobier Drive (EIR, Section 6.6.2).

3. Impacts

Land Use: Reduced intensity Alternative 4 would be the same or greater in terms of potential land use impacts. This alternative would be less individually incompatible with surrounding development than the project due to the avoidance of steep slopes and reduced alteration of hillside landform. This impact could, like the project, be controlled to less than significant by planned perimeter landscaped open space and contour grading of artificial banks. The alternative would, like the project, be individually inconsistent with General Plan designated lot sizes and densities. Although greater for this alternative than the project, this impact could, as with the project, be controlled to less than significant by a General Plan Amendment (EIR, Section 6.6.2).

If it did not include a trail, this alternative would, as does the project, be individually inconsistent with the General Plan designated trail system. This impact could, like the project, be mitigated to insignificance by inclusion of a trail in final project plans. Reduced intensity would, as does the project, be individually inconsistent with Specific Plan zone classifications regulations and Municipal Code zoning classification regulations. Further, this alternative would be substantially inconsistent with the minimum density requirements imposed by the Specific Plan. These impacts could, like the project, be controlled to less than significant by a Specific Plan Amendment and new Specific Plan (EIR, Section 6.6.2).

Aesthetics: Reduced intensity Alternative 4 would individually result in substantially the same degradation of visual quality compared to the project, although the alternative would avoid steep slopes and result in reduced alteration of the hillside landform. This impact could, as with the project, be controlled to less than significant by planned perimeter landscaped open space and contour grading of artificial banks (EIR, Section 6.6.2).

Geology and Soils: Individual geologic and soils conditions would affect the reduced intensity Alternative 4 in the same way as with the project. Likewise, these impacts could be controlled to insignificance (EIR, Section 6.6.2).

Hazards and Hazardous Materials: Individual hazards and hazardous materials conditions would affect the reduced intensity Alternative 4 in the same way as with the project. These impacts could be mitigated to less than significant by the same methods (EIR, Section 6.6.2).

Hydrology and Water Quality: Reduced intensity Alternative 4 would have substantially the same individual hydrology and water quality impacts than the project. Unlike the project, many of the drainages on the property would be disturbed. The lower density (92 du's vs. 180 du's) would result in less impervious surfaces and lower peak runoff volumes. Further, there would be lower urban pollutant levels in downstream water bodies. Even so, these impacts would need to be controlled to less than significant by the same restrictions and regulations as for the project. As with the project, two BMPs/CDS units would probably be necessary, and there would still be lack of assurances for long-term maintenance and operational compliance. Like the project, these impacts could be mitigated to less than significant through a unit maintenance plan and resident education and monitoring plan (EIR, Section 6.6.2).

Transportation and Traffic: Reduced intensity would possibly not individually create congested conditions at the intersection of the access road and Bobier Drive as does the project. There would be a considerable reduction in ADT at this point (680 ADT vs. 1,350 ADT) with this alternative. If congestion were to occur, the impact could like the project, be mitigated to insignificance by an applicant provided traffic signal. The alternative would, like the project, contribute to cumulative traffic congestion at the intersection of North Santa Fe Avenue and Bobier Drive. This intersection is projected to operate at an unacceptable (significant) LOS under base conditions and any increase in traffic volumes would exacerbate this condition. As with the project, after a fair-share contribution to improvements to the intersection the impact would remain considerable (significant) because there is no program in place to ensure completion of the improvements in a timely manner (EIR, Section 6.6.2).

Air Quality: Individual air quality impacts for the reduced intensity Alternative 4 would be less than those of the project. Although not significant for the project, the alternative density (92 du's vs. 180 du's), and fewer vehicle trips (920 ADT vs. 1,800 ADT) might result in a slight difference in air pollutant generation in the air basin. This alternative would also individually generate less wood-burning fireplace emissions (EIR, Section 6.6.2).

Noise: Individual noise impacts for the reduced intensity Alternative 4 would be significantly less than those of the project. The alternative density would be less (92 du's vs. 180 du's), and it is certain that related vehicle trips, as with the project, would not result in significant off-site noise levels. Because of setbacks, there would not be the same excessive exterior and interior noise levels for certain residences fronting North Santa Fe Avenue (EIR, Section 6.6.2)..

The alternative would, like the project, result in possible excessive construction noise for nearby off-site sensitive biological habitat. This impact would be partially controlled by a noise ordinance and could be fully mitigated to less than significant through construction activity restrictions during the bird breeding and nesting season and/or a noise attenuation plan during the breeding season. Finally, this alternative would, like the project, result in possible excessive rock crusher noise for nearby sensitive receptors. This impact would be partially controlled by a noise ordinance and could be fully mitigated to insignificance by buffer zones (EIR, Section 6.6.2).

Biological Resources: Reduced intensity Alternative 4 would result in less impacts to biological resources. Most of the Diegan Coastal Sage Scrub and all Native Grassland on the property would be preserved, while some of the Non-wetland Waters on the site would be left in their natural condition. However, large blocks of Non-native Grassland in the eastern and western sectors would be lost with this alternative. In addition, the same Diegan Coastal Sage Scrub, Non-native Grassland, and Non-wetland Waters in Oceanside, as with the project, would be lost. Like the project, these impacts could be partially controlled by a Federal Endangered Species Act required Section 4(d) Habitat Loss Permit, Federal Clean Water Act required ACOE 404 permit, and CDFG 1602 streambed alteration agreement. The residual impacts could also be mitigated to less than significant by vegetation community and wetland habitat off-site mitigation plans for Vista and Oceanside (EIR, Section 6.6.2).

Reduced intensity could, like the project, individually cause a possible loss of Thread Leaved Brodiaea and San Diego Fairy Shrimp in Vista. These impacts could, as with the project, be partially controlled by Federal and state Endangered Species Act required USFWS and CDFG consultation for mitigation. The residual impacts could also be mitigated to insignificance through surveys under suitable rainfall conditions and off-site acquisition or creation of habitat as necessary (EIR, Section 6.6.2).

The alternative would, as with the project, individually result in possible encroachment of landscape plant materials in off-site habitat. Like the project, this impact could be mitigated to less than significant by requiring non-invasive plant materials in final landscape plans and any future landscape efforts. The alternative, like the project, would also individually cause indirect effects on nearby off-site habitat due to possible excessive construction noise, and long-term lighting and human and pet intrusion. These impacts, as with the project, could be controlled to less than significant by the City Noise Ordinance, construction activity restrictions during the bird breeding season (per noise mitigation), the City Municipal Code lighting restrictions, project perimeter landscaped open space, and northern perimeter fencing in the final landscape plan (per recreation mitigation) (EIR, Section 6.6.2).

Cultural Resources: Individual cultural resource impacts for the reduced intensity Alternative 4 would be the same as for the project. The site would be graded resulting in possible disturbance or destruction of unknown buried archaeological and paleontological resources. The nearby off-site archaeology site could be damaged during construction. These impacts could be mitigated to less than significant through the same measures as for the project (EIR, Section 6.6.2).

Recreation: Reduced intensity Alternative 4 could, like the project, be inconsistent with the General Plan trail system if the alternative design did not include a trail. However, as with the project, this impact could be controlled to less than significant by inclusion of a trail in final plans (per land use mitigation). The alternative, like the project, would individually result in possible conflicts with the adjacent Museum and nearby off-site Adobe Park due to appearance, activity levels, and human encroachment. As with the project, these impacts could be partially controlled by planned perimeter landscaped open space and individual lot fencing. Required northern perimeter native, naturalized, or historically correct plant materials and fencing could mitigate residual impacts to less than significant in the final landscape plan. The reduced intensity alternative would have substantially greater recreation impacts that cannot be mitigated to insignificance because it would result in, 1) only one point of access to the Community Park proposed for the property to the west of the site, 2) no access to the proposed Community Park from the City of Vista, and, 3) no private recreational amenities onsite (EIR, Section 6.6.2).

Public Services and Utilities: Reduced intensity would have less impact on public services and utilities than those of the project. The alternative density would be lower (92 du's vs. 180 du's), by 104 du's. This would equate to less demand for police and fire protection, schools, electricity and natural gas, telephone, water, and wastewater and solid waste disposal than with the project. However, the same impact controls identified for the project would be necessary to hold police and school impacts to less than significant (EIR, Section 6.6.2) (EIR, Section 6.6.2).

4. Summary

All but one of the project objectives would be met with the reduced intensity Alternative 4. The missed objective is provision of access to the future City Park site from two regional arterial roadways, with the alternative providing only one access point from Bobier Drive (EIR, Section 6.6.2).

D. Environmentally Superior Alternative

CEQA requires an EIR to identify the environmentally superior alternative. If the environmentally superior alternative is the No Project Alternative, CEQA requires that the EIR identify an environmentally superior alternative among the other alternatives (CEQA Guidelines Section 15126.6[e][2]).

Pursuant to the discussion in the previous section, the environmentally superior alternative is the Reduced Intensity Plan B. Impacts from this alternative are overall less severe than the impacts from the proposed project. Further, all of the impacts are mitigable to below a level of significance. While this project would not develop the project to its full potential, this alternative would meet all but one of the project objectives.

X. FINDINGS REGARDING OTHER CEQA CONSIDERATIONS

A. Growth-Inducing Impacts of the Project

As required by the CEQA Guidelines, an EIR must include a discussion of the ways in which the proposed project could directly or indirectly foster economic development or population growth, or the construction of additional housing and how that growth would, in turn, affect the surrounding environment (CEQA Guidelines Section 15126.2[d]). Growth can be induced in a number of ways, including the elimination of obstacles to growth, or through the stimulation of economic activity within the region. The discussion of removal of obstacles to growth relates directly to the removal of infrastructure limitations or regulatory constraints that could result in growth unforeseen at the time of project approval. According to CEQA Guidelines Section 15126.2(d), "it must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." (EIR, Section 7.2).

The proposed project would directly influence population in the Vista community by providing 180 new single-family residences on the project site. As stated in Section 4.11 of the EIR, the proposed project site would increase the Vista population by approximately 630 persons. This relatively small increase, slightly greater than one-fifth of one percent of the population, would not substantially affect the overall City of Vista population, which U.S. Census Bureau 2003 estimates identify as approximately 91,813 persons. The estimated 182 residents that would be added on the project site would incrementally increase activity in nearby retail establishments and may generate demand for such services as landscaping, gardening, and home cleaning and maintenance. Project residents are expected to draw on existing retail and commercial services already available in the area rather than inducing new service providers to relocate to the area. As a result, no significant physical effects are expected to result from population or economic growth generated by the proposed project. The project is expected to have minor beneficial economic effects on local retailers and service providers (EIR, Section 7.3).

The proposed project does not meet other criteria for being considered growth inducing because it would not remove obstacles to growth or encourage growth through the provision of new and essential public services or access opportunities. Nor would it result in urbanization of land in a remote location, resulting in "leapfrog" development. The proposed project site is located in an urbanized area that is served by an existing network of electricity, water, sewer, storm drain, communications, roadways, and other infrastructure sized to accommodate or allow existing and planned future growth (EIR, Section 7.3).

B. Significant Irreversible Environmental Effects

Section 15126.2(c) of the CEQA Guidelines requires a discussion of any significant irreversible environmental changes that would be caused by the proposed project. Specifically, Section 15126.2(c) states:

Uses of nonrenewable resources during the initial and continued phases of the project may be irreversible, since a large commitment of such resources makes removal or nonuse thereafter unlikely. Primary impacts and, particularly, secondary impacts (such as highway improvement which provides access to a previously inaccessible area) generally commit future generations to similar uses. In addition, irreversible damage can result from environmental accidents associated with the project. Irrecoverable commitments of resources should be evaluated to assure that such current consumption is justified.

The project would not result in any significant irreversible commitments of nonrenewable resources. There are no commercially extractable rock or mineral materials on the property. There are also no unusual or unique geological or topographic features on the site. Although soils on the property are of a series used elsewhere in the region for various crops, its small size and surrounding urban setting are not conducive to economically successful agricultural production. Loss of the limited sensitive habitat on the site would be adequately mitigated in compliance with regional habitat preservation plans. There are no historical resources on the property and archaeological sites have been tested and found not to be significant. Provisions would be made to recover any paleontological resources should they be encountered during site preparation and construction (EIR, Section 7.2).

Development of the site would result in a loss of open rural, undeveloped land adjacent to regional park facilities. However, the property has long been designated and classified for residential development and has not been formally or informally considered to be open space to be preserved now or in the future. Finally, the use of nonrenewable resources from outside sources for initial project construction and continued maintenance and operation, would be nominal from the local, regional, and statewide perspective.

XI. CERTIFICATION OF THE EIR

Pursuant to Public Resources Code § 21081 and State CEQA Guidelines § 15090, the City of Vista certifies that:

1. The EIR is an accurate and objective statement that fully complies with CEQA and the State CEQA Guidelines;
2. As the decision making body for the City, the EIR was presented to the City Council and the City Council reviewed it and considered the information in the EIR prior to approving the Project; and
3. The EIR reflects the City Council's independent judgment and analysis.

The City of Vista further finds that no comments or responses to comments made during or after the review period for the EIR, and received prior to the adoption of these Findings, or made during any other public hearing on the Project, rise to the level of significant new information requiring recirculation or additional environmental review pursuant to State CEQA Guidelines § 15088.5.

XII. FINDINGS REGARDING MITIGATION MONITORING AND REPORTING PLAN

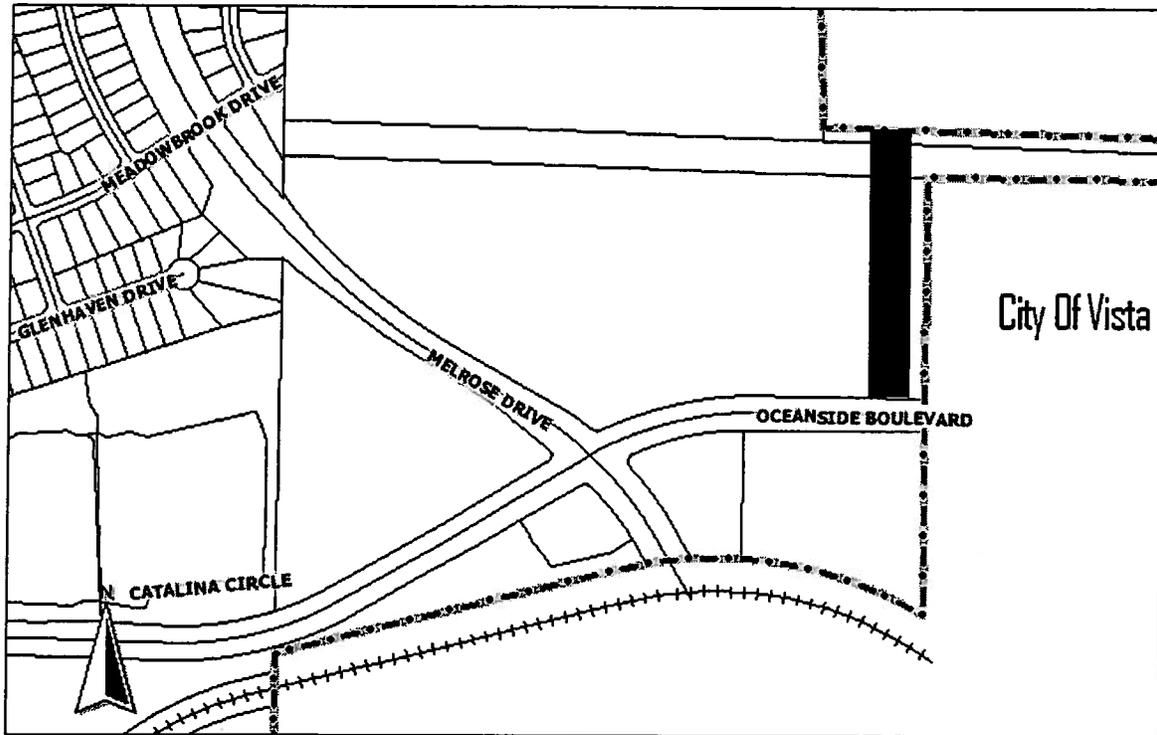
As required by Public Resources Code § 21081.6, the City, in adopting these Findings, also adopts a Mitigation Monitoring and Reporting Plan. The Plan is designed to ensure that, during the Project, the City and all other responsible parties will comply with the mitigation measures adopted in these Findings. The City Council hereby find that the Mitigation Monitoring and Reporting Plan, which is incorporated herein by reference, meets the requirements of Public Resources Code § 21081.6.

XIII. CUSTODIAN OF RECORDS

The location of the documents or other materials, which constitute the record of proceedings upon which the City's decision is based, is the City of Vista Planning Division office located at 600 Eucalyptus Avenue, Vista. The custodian for such records is the Community Development Director at the same address.

XIV. STAFF DIRECTION

City staff is directed to file a Notice of Determination with the County of San Diego within five working days of final Project approval.



File Number: D-26-05

Applicant: Concordia Homes

Description:

DEVELOPMENT PLAN (D-26-05) to construct a private collector road through private property located east of Melrose Drive and North of Oceanside Boulevard. The project is at the City Boundary between the City of Oceanside and the City of Vista and is situated within the Peacock Neighborhood. – **ADOBE ESTATES ACCESS ROAD**

Environmental Determination:

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

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

APPLICATION FOR PLANNING COMMISSION HEARING

PLANNING DEPARTMENT (760) 966-4770

OCEANSIDE CIVIC CENTER

300 NORTH COAST HIGHWAY, OCEANSIDE, CA 92054-2885

STAFF USE ONLY

ACCEPTED

BY

PLEASE PRINT OR TYPE ALL INFORMATION

HEARING

PART I - APPLICANT INFORMATION

1. APPLICANT Concordia Homes; Attn: Manuel Nieto	2. STATUS Developer	VAR.	
3. ADDRESS 3655 Nobel Drive, Suite 330 San Diego, CA 92122	4. PHONE 858-875-7375	C.U.P.	
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING) The Lightfoot Planning Group, Registered Lobbyists		DEV.PL.	D-26-05
6. ADDRESS 5750 Fleet Street, Suite 250 Carlsbad, CA 92008	7. PHONE 760-692-1924	SP.PL.	
		ZONE CH.	
		G.P.A.	
		PAR.MAP	
		TENT.MAP	
		O.H.P.A.C.	
		COASTAL	

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PART II - PROPERTY DESCRIPTION

8. LOCATION North of Oceanside Boulevard, east of Melrose Drive.	9. SIZE 31.2 gross acres 1.7 acraa easement area		
10. GENERAL PLAN EB-R No Change	11. ZONING RE-B-SP No Change	12. LAND USE Vacant	13. ASSESSOR'S PAR. NO. Portion of 161-030-19 Portion of 161-030-01

PART III - PROJECT DESCRIPTION *REV - 8/10/06, 11/8/06, 5/10/07*

14. GENERAL PROJECT DESCRIPTION Development Plan for an access road in an existing easement to serve future uses within Oceanside and to serve as a secondary access to the Adobe Estates subdivison in the City of Vista for public safety purposes.				
15. PROPOSED GEN. PLAN No Change	16. PROPOSED ZONING No Change	17. PROPOSED LAND USE N/A	18. # UNITS N/A	19. DENSITY N/A
20. BUILDING SIZE N/A	21. PARKING SPACES N/A	22. % LANDSCAPING 33% (w/in easement area)	23. % LOT COVERAGE 40% Street (w/in easement area)	

PART IV - ATTACHMENTS

ALL APPLICATIONS			DEV. PLANS, CUP & TENT. MAPS*		
<input checked="" type="checkbox"/>	24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/>	25. LEGAL DESCRIPTION	<input 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 type="checkbox"/>	29. PLOT PLANS	<input checked="" type="checkbox"/>	32. OTHER - Bio; Geo; SWMP; Hydro

PART V - SIGNATURES

THE APPLICANT OR HIS REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION		SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL INFORMATION AS NECESSARY)			
33. APPLICANT OR REPRESENTATIVE <i>Manuel Nieto</i> Manuel Nieto, Concordia Homes	34. DATE 8/03/06	37. OWNER <i>Robert DeLuca</i> Robert DeLuca, DRAS REALTY, LP	38. DATE		
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE		39. OWNER	40. DATE		
35. APPLICANT <i>Manuel Nieto</i> Manuel Nieto, Concordia Homes	36. DATE 8/03/06	41. OWNER RECEIVED AUG 10 2006 Planning Department	42. DATE		

* TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

ADOBE ESTATES ACCESS ROAD

Development Plan

Description and Justification

Rev. August 28, 2007

This application is for a Development Plan to construct a private “collector” road through private property located east of Melrose Drive, north of Oceanside Boulevard at the City boundary between the City of Oceanside and the City of Vista. The project site is located within the Peacock Neighborhood Planning Area. The project site has a General Plan Land Use designation of EB-R (Estate B - Residential) and the corresponding Zoning Designation of RE-B-SP (Residential Estate - B, Scenic Park Overlay). There is no change to either of these designations being proposed.

The proposed road will be constructed along the eastern edge of two contiguous properties that total 31.2 gross acres (project site). The road and associated grading will largely be within an existing access easement that totals 1.7 acres across the project site. The total land area that will be impacted by the road construction is 2.7 gross acres. There is no development proposed at this time on the remaining 28.5 acres of the project site. The road will be a secondary access point into a future subdivision known as “Adobe Estates” within the City of Vista and a future planned City of Vista park. It also provides a “stub street” 300 feet north of Oceanside Boulevard (to meet intersection spacing requirements) that will serve the remaining vacant land of the project site when/if a development is proposed in the future.

BACKGROUND

The Adobe Estates Tentative Subdivision Map and Specific Plan (“project”) covers 53.9 total acres within the City of Vista. The project proposes a total of 159 single-family dwelling units on two standard lot configurations that measure a minimum of 5,000 square feet and 10,000 square feet respectively with associated recreational amenities. The project is located entirely within the City of Vista, with an adjoining boundary to the City of Oceanside. The project is located on the west side of North Santa Fe Avenue, north of Bobier Drive/Oceanside Boulevard and south of Guajome Regional Park. The site is currently vacant. The main access to the project will be from North Santa Fe Avenue via Taylor Road.

The project was originally filed with the City of Vista on May 27, 2003. The application was deemed complete by the City of Vista on December 1, 2003 and it included 180 units. Since that time, the applicant worked with the City of Vista Staff, the public and the Environmental Resource Agencies to refine the plan for approval. As part of that process, an Environmental Impact Report (EIR) was prepared and circulated for review and comment. After all of the public comments were received and addressed to the satisfaction of Staff, the project was scheduled for public hearing before the Vista Planning Commission on March 7, 2006. At that hearing, the Planning Commission requested that the applicant look at modifications to the site layout and, therefore, took no action. After the hearing the applicant worked with Staff to modify the layout accordingly and those changes were officially ref-filed with the City of Vista and subsequently approved by the City on November 14, 2006.

As part of the review process through the City of Vista, it was determined that a secondary access point would be required to adequately protect the public health, safety and welfare of the new community. This access point would need to be from the projects southwesterly boundary and would need to connect to Bobier Drive through the City of Oceanside. As part of the approval for the Adobe Estates project, the City of Vista conditioned that this connection be approved by the City of Oceanside prior to the issuance of a grading permit for the project in Vista. This application has been prepared to meet this Condition of Approval. The applicant has worked with the subject property landowner within the City of Oceanside to align the road and to define the access stub street alignment to properly serve the rest of the vacant subject property.

DEVELOPMENT PLAN - ACCESS ROAD

The subject road is not an identified roadway in the City's General Plan Circulation Element. The proposed road (street "B") will extend approximately 743 lineal feet in a north to south direction across the site. It will be designed to local collector street standards with a 69.5-foot public right-of-way (R-O-W). The right-of-way for the new road will consist of a 40-foot pavement section curb to curb with an additional 19.5 feet of R-O-W on one side of the street and 10 feet of additional R-O-W on the other side of the street. The 19.5-foot area will accommodate a 4-foot setback from top of curb, a 10-foot Class 1 combination pedestrian and bicycle trail and a 5-foot buffer from the edge of the trail to the top of a 2:1 down slope being created as part of the road construction. The 10-foot area on the opposite side of the street will accommodate a 5-foot sidewalk and a 5-foot buffer area from the top of a slope also being created as part of the project. The road will also include a stub street (street "J") located 300 feet north of Oceanside Boulevard that will ultimately provide access to the remainder of the subject site should it develop at some point in the future. The maximum street grade will be 9.7% which conforms to City standards. In the near and long term, it will also serve as a secondary access road for the Adobe Estates subdivision in the City of Vista as well as a future City of Vista Public Park which is currently in design stage.

There is an existing 100-foot wide pedestrian and vehicular access easement through the subject site that the road will mostly be developed within. As part of the design process, the applicant has worked with the underlying landowner to align the road and design the "stub street" that will serve the remainder of the vacant subject property. This collaborative design effort has resulted in the road and associated grading which occurs outside of the existing easement area. Initially, the maintenance of the road and all slopes and retaining walls associated with the construction of the road will be the responsibility of the future Master Homeowners Association of the Adobe Estates subdivision. If at some point in the future (most likely when the City of Vista Park opens and Oceanside residents need access to it), the City exercises the IOD, the road would become a public road and maintenance would fall under the City's purview.

Signalized Intersection:

This project will also result in a new signalized intersection where proposed street "B" connects with Oceanside Boulevard. This signalized intersection is spaced appropriately (distance wise)

from the Melrose Drive and Oceanside Boulevard intersection. In addition, the applicant has worked with City Engineering Staff and the property owner to the south who owns vacant commercial land, to design the signal to accommodate future growth in the area. This new signalized intersection will ensure that all existing and future traffic is accommodated appropriately and that no significant impacts to levels of service on the area roadways will occur.

Water & Sewer System Components:

This project proposes no water or sewer system components that would be part of the City of Oceanside systems. There will be a water line installed through the street section that will be a component of the City of Vista system. This line will provide a looped system for the Adobe Estates subdivision that will tie into Bobier Drive in the City of Vista. No sewer service is proposed in the road. At the time the remaining vacant portion of the subject site develops, the appropriate utilities required for that project can be accommodated within the road right-of-way, subject to review and approval by the Water Utilities Department and the City Engineer.

Parking:

No Street Parking will be allowed.

Hillside Development Provisions:

The overall 31.2 acre project site does contain slopes that could qualify a future residential project (under the current General Plan and Zoning classifications) as a hillside project. Per Section 3039 C of the Zoning Ordinance, "The Hillside Development Provisions shall be applicable to all residential development proposals on property, portions of which have a natural gradient in excess of 20 percent with a minimum elevation differential of 25 feet". The proposed access road, however, is not a residential project and the actual development site area (impact area of the road) does not contain any slopes of 20 percent or greater with a minimum elevation differential of 25 feet. The project, therefore, is not subject to the Hillside Development Provisions of the Zoning Ordinance. The Development Plan does not propose grading in any slope areas that are subject to the Hillside Development Provisions, or any grading on any slopes that are "undevelopable" by definition, or any grading on slopes that may otherwise require special treatments. The project, therefore, conforms to, but is not subject to, the Hillside Development Provisions of the Zoning Ordinance.

Any future residential development on the remainder of the project site would be subject to the Hillside Development Provisions of the Zoning Ordinance in effect at that time.

LANDSCAPE CONCEPT PLAN

All landscape and irrigation improvements for this project will be installed per Section 3019 of the Zoning Ordinance and the City's Landscape Design Guidelines. The selection of plant material is based on cultural, aesthetic, and maintenance considerations. All planting areas will be prepared with soil conditioners, fertilizers, and appropriate supplements based on soil samples. Special consideration was given to the general edge conditions throughout the project. The manufactured slopes will be planted with a hydroseed mix for erosion control purposes. These slope plantings

will meet current City standards and may be revised in the future when the remaining portion of the subject site develops.

Retaining Wall System:

The project also proposes a 3-tier plantable retaining wall system on the east side of the road. This retaining wall system allows the roadway to be constructed within the existing easement as much as feasible, while meeting the needs of a future development on the remainder of the subject site. These walls would “tier down”, away from the road and would not be visible from the public right-of-way. By utilizing this tiered system, no Variance for wall heights is required.

The longest of the walls (the lower wall) would be approximately 648 feet long and would be a maximum of 6-foot high. The second longest wall (the middle wall) would be approximately 305 feet long and would be a maximum of 6-foot high. The shortest of the three walls (the upper wall) would be approximately 189 feet long and would also be a maximum of 6-foot high. All walls will comply with City of Oceanside standards and will be plantable as required.

Recreational Bike Trail:

The project includes a combination pedestrian-bicycle trail which is accommodated within the proposed right-of-way, on the western side of the street. This trail is identified on the “Bicycle Circulation Master Plan” contained in the Recreational Trails Element (“Element”) of the City’s General Plan. The Bicycle Circulation Master Plan illustrates this trail as extending from Oceanside Boulevard north through the project site, to Guajome Regional park and areas north. This trail will also be a link with the planned regional system that should tie into the proposed trail from the south (the “rail trail” associated with the east-west Sprinter line) once the vacant parcels to the south develop.

The Element establishes that this trail shall be a Class I bike trail. Section 6.1.1 of the Element establishes that Class I bikeways (bike paths) are for the exclusive use of bicycles and pedestrians. In order to accommodate this dual use purpose, the minimum design width for a Class I trail is 8 feet for a two-way path and 5 feet for a one-way path. In working with the City’s Parks and Recreation Department, it was determined that the proposed trail would be a two-way path with a design width of 10 feet which exceeds the minimum standard. This trail will also tie into the Adobe Estates project to the north, a planned future City of Vista Park (via the Adobe Estates subdivision), and eventually into Guajome Regional Park in Oceanside. As proposed, the project satisfies the trail requirement per the Element.

SCENIC PARK OVERLAY

The subject site is also located within the Scenic Park Overlay (SP) of the City. The general purpose of the SP is to conserve and protect valuable natural resources of recreational and scenic areas in and adjacent to the Guajome Regional Park and other public parks. At the time in the future when the remainder of the subject site is proposed for development, that project must comply with the provisions of the Scenic Park Overlay in effect at the time.

SUMMARY

The proposed road meets all design standards and will serve multiple functions. In the near term, it will provide a secondary access point to the Adobe Estates subdivision to the north. It will also construct a key link in the City and the regional Bicycle Master Plan. In addition, the project will result in a new signalized intersection that will accommodate current traffic flows, and the future traffic flows from the vacant adjoining parcels to insure adequate levels of service on area streets. In the long term, it will provide access to a future development in Oceanside as well as an access to the future City of Vista Park planned to the north of the project site. No other improvements or entitlements are being sought at this time. No Variances are required. Any future development on the remaining vacant portions of the site will be subject to a discretionary review process through the City of Oceanside. The project meets all of the goals, intents and objectives of the City's General Plan and Zoning Ordinance.

JUSTIFICATION

Highlights:

- The proposed roadway is a well thought out physical design that results in a needed secondary access to a residential project in Vista, provides a logical access point to a future project in Oceanside.
- This project will result in a new intersection signal along Oceanside Boulevard that will help regulate existing and future traffic to maintain adequate levels of service on area roadways.
- The project was designed to be sensitive to the existing site conditions and "fits" within the logical development footprint of the site and it will not negatively impact the surrounding neighborhoods.
- The project will construct a key link in the City and the regional Bicycle Master Plan to a design standard greater than required.

Your favorable consideration is appreciated.

REQUIRED FINDINGS

Development Plan:

The City of Oceanside Zoning Ordinance stipulates that the five specific findings of Article 43 must be made and the project must meet the 3 criteria established by Section 3039 H, 3. A. B. and C. before a Hillside Development Plan can be adopted. This proposal meets all of these conditions as follows:

1. The site plan and physical design of the proposed project is consistent with the purposes of the Zoning Ordinance because it meets the intent of the development regulations and design standards over the entire site, and it does not require a variance from those regulations.
2. The Development Plan as proposed conforms to the City's General Plan because the proposed road does not prohibit future land uses that would be inconsistent with the Land Use Element requirements established for the site.
3. The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities because said provisions have been successfully incorporated into the proposed design.
4. The proposed development is compatible with existing surrounding land uses because the project does not propose any changes to it's land use designation and the road will be developed under the regulations the City previously established for the site and it will permit future development consistent with those provisions and it will not impact adjoining properties in a negative manner.
5. The site plan and physical design of the proposed project is consistent with Section 1.24 and 1.25 of the General Plan Land Use Element because it was designed to be sensitive to the existing topographic and habitat constraints of the site and it results in maximum avoidance and minimum impacts.

LEGAL DESCRIPTION

*PORTIONS OF PARCELS A OF PARCEL MAP 17266, FILED
IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO
COUNTY ON DECEMBER 3, 1993, AND PORTIONS OF LOT 5
OF THE RANCHO GUAJOME PARTITION, SCC 10201, IN THE
CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF
CALIFORNIA.*

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OCT 14 2005
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