DATE: May 5, 2008

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-29-06), CONDITIONAL USE PERMIT (C-56-06), VARIANCE (V-19-06) AND REGULAR COASTAL PERMIT (RC-28-06) FOR THE SUBDIVISION OF AN APPROXIMATELY .55-ACRE SITE, INTO TWO LOTS, THE DEVELOPMENT OF A NEW SINGLE-FAMILY DETACHED DWELLING WITHIN THE COASTAL ZONE, A VARIANCE FOR REDUCED SETBACKS AND A TWO-CAR GARAGE, AND A CONDITIONAL USE PERMIT FOR EXCEEDING BASE DENSITY AT 2020 STEWART STREET. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE - B DISTRICT) AND IS SITUATED WITHIN THE SOUTH OCEANSIDE NEIGHBORHOOD AND THE COASTAL ZONE – LAGUNA PACIFICA – PETER AND JONI BINIAZ**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Adopt the Mitigated Negative Declaration for Laguna Pacifica, in light of the whole record that the project will not have a significant effect on the environment, and that the Mitigated Negative Declaration reflects the independent judgment of the Planning Commission; and

(2) Adopt Planning Commission Resolution No. 2008-P32 approving Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: The proposed project, Laguna Pacifica, was originally submitted for staff review in December 2006. The project was presented to Planning Commission on June 25, 2007, with a staff recommendation for approval. The project was denied without prejudice on a 5-to-2 vote. Following the Planning Commission hearing and prior to the

end of the appeal period, a call for review was filed by Councilmember Feller requesting that the application for entitlement be presented to the City Council. This call for review was subsequently withdrawn when the applicant decided to provide further environmental review of the property and to try to address the changes requested by Planning Commission. This report identifies and addresses the issues raised by the Planning Commission in its action to deny the project without prejudice.

Site Review: The project site is located along the east side and southerly terminus of Stewart Street (2020 Stewart Street). A portion of the 0.55-acre property is developed with a single-family residence. The site is just north of the Buena Vista Lagoon and is bordered by existing slopes to the east and south. The existing ground surface elevation varies from 11 feet mean sea level (MSL) at the southeasterly portion adjacent to Buena Vista Lagoon to approximately 63 feet MSL at the northerly portion of the site.

The zoning designation for the site is Residential Estate – B (RE-B). The corresponding General Plan land use designation is Estate B - Residential (EB-R) which permits 1 – 3.5 dwelling units per gross acre. The property is surrounded by single-family residential uses to the north, east, and west and the Buena Vista Lagoon to the south.

Project Description: The project application is comprised of four components: a tentative parcel map, conditional use permit, variance, and regular coastal permit.

Tentative Parcel Map No. P-29-06 represents a request for the following:

(a) To subdivide an approximately .55-acre site into two parcels pursuant to Article VI of the Oceanside Subdivision Ordinance.

Conditional Use Permit No. C-56-06 represents a request for the following:

(a) To develop the site with a total of two single-family dwellings, in excess of the applicable base density of one dwelling unit per acre.

Variance No. V-19-06 represents a request for the following:

(a) To construct a two-car garage in lieu of a three-car garage.

(b) To permit reduced side and rear yard setbacks.

Regular Coastal Permit No. RC-28-06 represents a request for the following:

(a) To develop a single-family dwelling pursuant to the Local Coastal Program (LCP) and applicable Hillside development standards.

The applicant proposes to divide an existing lot into two parcels, 10,806 square feet (Parcel 1) and 13,224 square feet (Parcel 2), and construct a new 2,868-square foot single-family dwelling on Parcel 2. The existing single-family dwelling on Parcel 1 is

proposed to remain as is. The site includes slopes in excess of 20 percent with a minimum elevation differential of 25 percent. Development on the property is subject to compliance with Hillside Development standards.

The proposed home would have two levels, which will terrace down the existing slope. The architectural design includes Cape Cod elements and detailing intended to fit the home into its surrounding coastal neighborhood. The large, open deck was designed for lagoon views and to provide useable open space for the occupants. The home would have concrete siding for fire protection and brick trim, and the roof would be constructed from heavily texture, fire-retardant compositions shingles.

The home would include three bedrooms, two and a half bathrooms, a computer/study room, a dining room, a family room, and a kitchen with nook.

The project design also includes a 100-foot habitat buffer from the edge of riparian habitat adjacent to the Buena Vista Lagoon, and a 10-foot fire buffer has been created to ensure that the biological buffer can remain natural.

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

1. General Plan Land Use Element
2. Zoning Ordinance (OZO)
3. Subdivision Ordinance
4. Local Coastal Program (LCP)
5. California Environmental Quality Act (CEQA)

ANALYSIS

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is EB-R (Estate B - Residential). The proposed project is consistent with the goals and objectives of the City's General Plan as follows:

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.

Section 1.12 Land Use Compatibility

Objective: To minimize conflicts with adjacent or related land uses.

The proposed project is consistent with the General Plan Land Use Map designation on the subject property - Estate B - Residential (EB-R) - and is compatible with surrounding residential uses. Table 1 provides comparisons between existing land uses, general plan and zoning designation on adjoining properties.

Table 1. Land Use compatibility with surrounding developments

Location	General Plan	Zoning	Land Use
Subject Property	EB-R	RE-B	SFD - Residential
North	EB-R	RE-B	SFD - Residential
East	EB-R	RE-B	SFD - Residential
South	OS City of Carlsbad	OS City Of Carlsbad	Buena Vista Lagoon
West	EB-R	RE-B	SFD - Residential

The subject proposal is consistent with applicable zoning and general plan designation and compatible with existing adjacent residential and open space land uses.

II. Community Development

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

Section 2.0 Subdivision of Land or Real Property

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

The proposed subdivision will implement General Plan goals and objectives through compliance with the applicable density range for the subject land use designation of 1-3.5 dwelling units per gross acre. Pursuant to Section 1.13 H of the General Plan, lands within the South Oceanside Neighborhood Planning Area that are designated Estate B and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet shall be considered consistent with the underlying Land Use designation of Estate B Residential. Parcel 1 shall be 10,806 square feet and Parcel 2 shall be 13, 224 square feet.

Section 2.02 Residential Subdivision

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

The design of the subject subdivision will provide two parcels with pad areas of sufficient size and dimension to accommodate the size of the existing and the newly proposed residential unit, their associated open space (private yard and deck areas) and service areas (attached garages). The proposed parcels are within the size range of 123 surrounding residential properties. The proposed single-family home would be one of the largest out of 123 surrounding residential lots. The project can be adequately, reasonably and conveniently served by public services, utilities and public facilities. In addition, the proposed home has been designed with two levels, which would terrace down the existing slope.

2. Zoning Compliance

The project is located in a RE-B (Residential Estate – B District) and is subject to compliance with Hillside Development standards. Table 2 summarizes the applicable development standards for Parcel 1, which would retain the existing single family home. Table 3 summarizes the applicable development standards for Parcel 2, which would include development of the proposed single family home.

Table 2. Development Standards for Parcel 1

	RE-B Regulations	Parcel 1
Lot Size	10,000 square feet	10,806 square feet (proposed)
Lot Width	70 feet	98 feet (average)
Front Yard	25 feet	15 feet minimum (existing)
Northerly Side Yard	7.5 feet	20 feet (existing)
Southerly Side Yard	7.5 feet	7.5 feet (proposed)
Rear Yard	20 feet	28 feet to habitable space (existing) 15 feet to edge of deck (existing)
Height	Maximum 27 feet	27 feet (existing)
Lot Coverage	Maximum 35%	24% (proposed)
Parking	2-car garage	2-car carport (existing)

Table 3. Development Standards for Parcel 2

	Hillside Regulations	Parcel 2
Lot Size	10,000 square feet	13, 224 square feet
Lot Width	70 feet	116.5 feet (average)
Front Yard	15 feet	27 feet to edge of house 19 feet to edge of deck (at grade)
Northerly Side Yard	15% width (16.94 feet)	13.7 feet minimum to garage ~28 feet minimum to habitable space
Southerly Side Yard	15% width	11 feet minimum to deck (at 2nd floor)

	Hillside Regulations	Parcel 2
	(16.94 feet)	25.7 feet minimum to habitable space (at 1st floor)
Rear Yard	25% depth (28.1 feet)	16 feet minimum to deck (at 2nd floor) 28.1 feet minimum to habitable space (at 1st floor)
Height	Maximum 27 feet (coastal zone)	Maximum 24 feet (28 feet for chimney (OZO 3018))
Lot Coverage	Maximum 35%	28.7%
Parking	3-car garage (20x30)	2-car garage (21x24)

3. Subdivision Ordinance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article VI Subdivisions of Four or Fewer Parcels).

A. Article VI Subdivisions of Four or Fewer Parcels Pursuant to Section 600 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.

4. Local Coastal Program Compliance

The proposed project is within the appeal jurisdiction of the Local Coastal Program (LCP) and complies with all provision of this zone. Projects within the Coastal Zone are required to meet the provisions of the adopted LCP and the underlying RE-B zone. Such projects must provide for sensitive development in order to promote and achieve compatibility with surrounding development. The existing and evolving character of the neighborhood within the Coastal Zone and site-specific design elements have been considered at length throughout the design and review of this project.

The proposed single-family residence is not exceeding the 27-foot height restriction within the Coastal Zone. Limited projections such as chimneys and similar architectural projections are allowed based on a maximum 10 percent overall project footprint. Such projections can extend up to 10 feet in excess of the maximum allowable height limit of 27 feet by right. This project proposes one chimney projection to extend to a maximum height of 28 feet.

5. California Environmental Quality Act (CEQA) Compliance

An Initial Study was submitted for staff review on July 31, 2007. One environmental factor was found to be potentially affected by this proposal: Biological Resources. Staff reviewed the environmental assessment and determined that no significant impacts

would result from the proposed project that could not be mitigated to a level of less than significant with proper design and mitigation. Subsequently, a Mitigated Negative Declaration was prepared pursuant to the provisions of the California Environmental Quality Act.

DISCUSSION

Issue 1: Planning Commission Resolution 2007-P33 Finding 1: The proposed project is inconsistent with the General Plan Land Use Element and Local Coastal Plan goals and objectives for the continual long term enhancement of the community through the development and use of land that is appropriate and orderly with respect to type, location, and intensity as follows:

a) The project will substantially alter or impact existing public views of the coastal zone area.

The proposed was designed with a low pitched roof to keep the peak at approximately 24 feet in height and sensitive in scale and proportion to adjacent and surrounding properties. Grading will begin near the top of the new site so that the levels can be fitted into the contours. This will help protect the views from the existing homes along Stewart Street and specifically the existing home on Parcel 1, while creating views for the new home. The garage will be positioned just below the existing home on Parcel 1. The biggest cut on the site will be between the driveway and garage, and the first level of the new house so that its rooftop will project slightly above the centerline of Stewart Street. The proposed home would give the appearance of a small single-family home from Stewart Street.

The project site is already significantly screened from southerly views by mature trees at the edge of the lagoon. Though the property can be seen from northbound Interstate 5 (I-5), the Conceptual Landscape Plan includes a row of trees along the easterly property line, which will act as screening. The new trees would be approximately six feet tall when planted and, depending on the type of tree planted, could be as tall at 80 feet once mature.

b) The site is not physically suitable for the proposed type of development. The design of the subject subdivision does not accommodate development of a 3,384-square foot single-family detached dwelling. The proposed project utilizes extensive retaining walls and is not designed to complement existing topography.

The project has been re-designed in response to Planning Commission Resolution 2007-P33. The size of the proposed home has been reduced over 500 square feet to 2,868 square feet; and, as a result, almost all of the retaining walls have been removed from the site design. Only one retaining wall remains at the northerly portion of the property adjacent to the proposed driveway and garage. This retaining wall would not exceed four feet in height and has been conditioned to be finished in a decorative

material. The project site is heavily constrained by the combination of Hillside Development Standards and environmental buffer areas. Consequently, the applicant has requested a Variance to allow for a two-car garage in lieu of a three-car garage and a reduction in side and rear yard setbacks (see item c).

c) The development plan does not comply with the land-use and development regulations of the base zoning district and the Hillside Development Provisions with respect to garage size, side and rear yard setbacks.

The applicant proposes to construct a new single-family dwelling with a two-car garage in lieu of the required three-car garage for new construction over 2,500 square feet. This requirement is based on the assumption that a larger home would incorporate more bedrooms, thus occupants, and there would be a need for provision of additional automobile storage on the property. In this case, the applicant proposes a 2,868-square foot, three-bedroom home with customized, larger than typical living areas, to serve the needs of the specific owner. A driveway, more than 70 feet in length, is proposed to provide access to the two-car garage. In addition, the proposed two-car garage, at 21 by 24 feet, is slightly larger than a typical 19 by 20-foot two-car garage.

The proposed project is located within an established neighborhood in the South Oceanside Planning Area. The majority of the existing homes in the project's immediate area range in size from approximately 1,000 square feet up to 4,523 square feet. Out of 123 surrounding properties, 14 homes are greater than 2,500 square feet. Nine (9) of these homes have two-car garages, one (1) home has a one-car garage, and four (4) of the homes have no garage at all. None of surrounding residential homes greater than 2,500 square feet provides a three-car garage. In addition, on-street parking is available along Stewart Street and no apparent parking issue exists along this segment of the road.

Table 4 summarizes the development standards for the RE-B zoning district in comparison to the development standards for Hillside Development. The proposed development for Parcel 2 is included as well.

Table 4.

	RE-B District	Hillside Regulations	Parcel 2 Proposed Development
Lot Size	10,000 sq. ft.	10,000 square feet	13, 224 square feet
Lot Width	70 feet	70 feet	116.5 feet (average)
Front Yard	25 feet	15 feet	27 feet to edge of house 19 feet to edge of deck (at grade)
Northerly Side Yard	7.5 feet	15% width (16.94 feet)	13.7 feet min. to garage ~28 feet min. to habitable space
Southerly Side Yard	7.5 feet	15% width (16.94 feet)	11 feet min. to deck (at 2nd floor) 25.7 feet min. to habitable space (at 1st floor)
Rear Yard	20 feet (10 feet for decks)	25% depth (28.1 feet)	16 feet min. to deck (at 2nd floor) 28.1 feet min. to habitable space (at 1st floor)

	RE-B District	Hillside Regulations	Parcel 2 Proposed Development
Height	Max. 27 feet (coastal zone)	Maximum 27 feet (coastal zone)	Maximum 24 feet (28 feet for chimney (OZO 3018))
Lot Coverage	Maximum 35%	Maximum 35%	28.7%
Parking (>2,500 sq. ft.)	3-car garage	3-car garage (20x30)	2-car garage (21x24)

The applicant has requested a Variance from applicable Hillside Development Standards for side and rear yard setbacks for the new single-family dwelling on Parcel 2. Development on the site is significantly constrained by hillside regulations, the provision of a 100-foot buffer from habitat adjacent to the Buena Vista Lagoon, and a 10-foot fire buffer between the development and the habitat buffer.

Due to the fact that Parcel 2 is subject to Hillside Development Standards, more restrictive side and rear yard setbacks apply to the proposed development in comparison to the underlying RE-B zoning district. Although the property would be exceeding the requirements of the Hillside Development standards (13.7 and 11 feet in lieu of 16.94 feet for side yard; 16 feet in lieu of 28.1 feet for rear yard), it would be meeting or exceeding the requirements of the underlying zoning district. In addition, out of 123 surrounding properties, this property is the only undeveloped property required to meet Hillside Development Standards. Therefore, by allowing the Variance for setback reductions, the new development would be more comparable to and consistent with the surrounding RE-B neighborhood.

Issue 2: Planning Commission Resolution 2007-P33 Finding 2: The project is not subject to an exemption pursuant to CEQA regulations section 15061 (b) (3) because the development proposal constitutes a project under CEQA. Further, the project is not exempt pursuant to section 15303 (a) because section 15300.2(a) provides that class 3 exemptions are qualified by consideration of where the project is located. In this case, the project is situated in a particularly sensitive environment and therefore, may impact an environmental resource.

Recommendation: An Initial Study was submitted for staff review on July 31, 2007. One environmental factor was found to be potentially affected by this proposal: Biological Resources. Staff reviewed the environmental assessment and determined that no significant impacts would result from the proposed project that could not be mitigated to a level of less than significant with proper design and mitigation. Subsequently, a Mitigated Negative Declaration was prepared pursuant to the provisions of the California Environmental Quality Act.
The Planning Division advertised the Mitigated Negative Declaration for thirty (30) days beginning September 5, 2007 and ending on October 5, 2007, both at the Planning Division Counter and with the Office of the San Diego County Clerk. Comments were received by the United States Fish and Wildlife Service, California Department of Fish

and Game, California Coastal Commission, Native American Heritage Commission, Mr. Mike Bateman, and Ms. Diane Nygaard on behalf of the MSCP/MHCP Task Force SD Sierra Club. Staff believes that all comments have been addressed through the revised project design and conditions of approval. A summary of the Initial Study, Mitigated Negative Declaration, and mitigation measures are attached herein.

ENVIRONMENTAL DETERMINATION

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design. Subsequently, a Mitigated Negative Declaration was prepared pursuant to the provisions of the California Environmental Quality Act.

The Planning Division advertised that a draft Mitigated Negative Declaration would be posted for 30 days with the Office of the San Diego County Clerk beginning September 5, 2007 and ending on October 5, 2007. Comments were received by United States Fish and Wildlife Service, California Department of Fish and Game, California Coastal Commission, Native American Heritage Commission, Mr. Mike Bateman, and Ms. Diane Nygaard on behalf of the MSCP/MHCP Task Force SD Sierra Club.

Prior to any action on May 5, 2008, it is necessary for Planning Commission to review and act on the Mitigated Negative Declaration. Staff, in its initial study of the project, is recommending that the Mitigated Negative Declaration be approved with findings and mitigation measures.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times and notices were sent to property owners and occupants of record within a 1500-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. A petition has been signed by 5 adjoining neighbors in support of the proposed project. As of April 30, 2008, no additional correspondence opposing or supporting the project had been received.

SUMMARY

The proposed project is consistent with the land use policies of the General Plan and with the exception of the requested variance for garage size, side and rear yard setbacks, will meet or exceed all applicable development standards. The project is

compatible in terms of density and site design within the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

-- Move to approve the Mitigated Negative Declaration with findings and mitigation measures attached herein; and

-- Move to adopt Planning Commission Resolution No. 2008-P32 approving Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06), and Regular Coastal Permit (RC-28-06) and with findings and conditions of approval attached herein.

PREPARED BY:

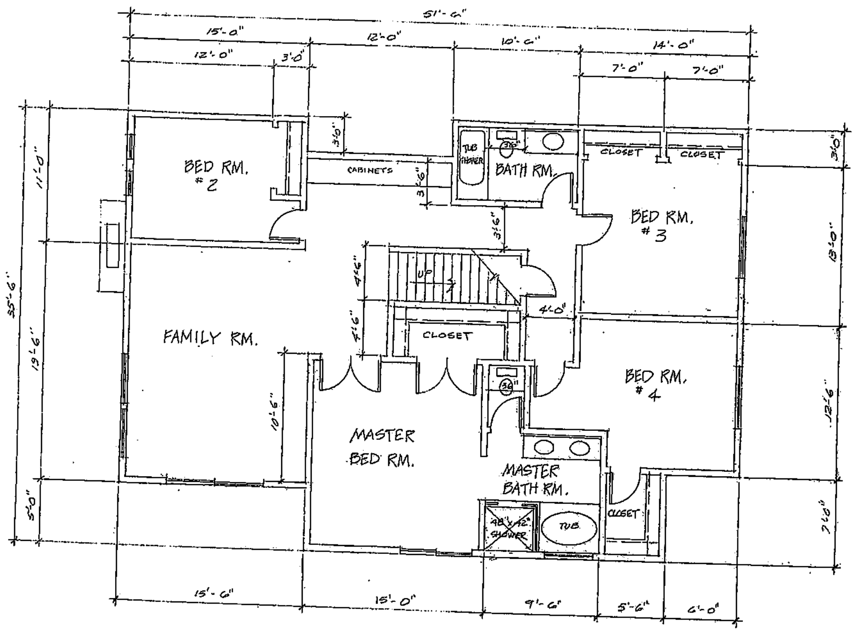
Sally Schifman
Planner II

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/SS/fil

Attachments:
1. Plans/Site Map
2. Planning Commission Resolution No. 2008-P32
3. Planning Commission Resolution No. 2007-P33
4. Mitigated Negative Declaration
5. Updated Biological Survey (dated 12/17/08)
6. Wetlands Delineation Survey (dated 10/17/07)
7. Letter from Mike Margot, Division Chief/Fire Prevention (dated 12/07/07)
8. Interpretation of Coastal Bluff (dated 08/06/07)
9. Petition of Support



FIRST FLOOR

¼" = 1'-0"

FIRST FLOOR ...... 1665 sf
SECOND FLOOR .... 1212.75 sf
TOTAL LIVING AREA ... 2867.75 sf
GARAGE .... 529 sf
DECK .... 1621.5 sf

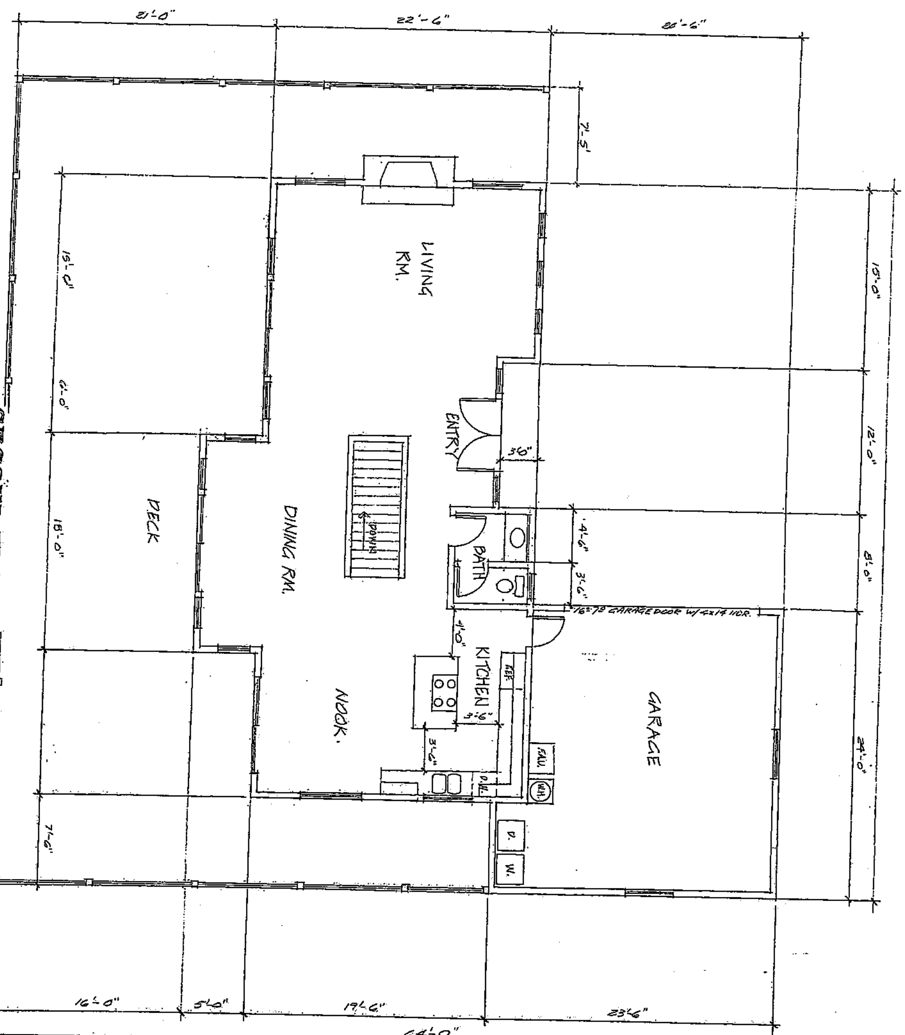
REVISIONS | BY

DRAWN BY: B.D.S.
4828 CARDIFF BAY DRIVE
OCEANSIDE, CA 92057
(760) 757-6862

LAGUNA-PACIFICA PROJECT

OWNER:
PETER BINIAZ
~~2026 STEWART ST.~~
~~OCEANSIDE, CA. 92054~~
~~760-429-6250~~

DRAWN R. BADILLO
CHECKED
DATE 5-15-08
SCALE ¼" = 1'-0"
JOB NO.
SHEET 1
OF 5 SHEETS



SECOND FLOOR

DRAWN	R. BABILLO
CHECKED	
DATE	3-15-08
SCALE	1/8"=1'-0"
JOB NO.	
SHEET	2
OF	5 SHEETS

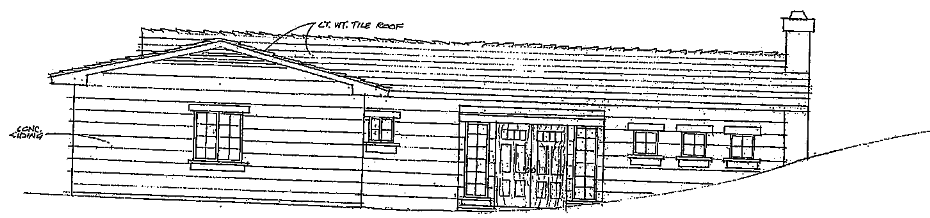
OWNER :
PETER BINIAZ
2020 STEWART ST.
OCEANSIDE, CA. 92054
760-439-6250

LAGUNA-PACIFICA
PROJECT

DESIGNED:
B.D.S.
4828 CABOT BAY DRIVE
OCEANSIDE, CA 92057
(760) 757-6862

REVISIONS	BY

SOUTH ELEVATION



NORTH ELEVATION

1/4" = 1'- 0"

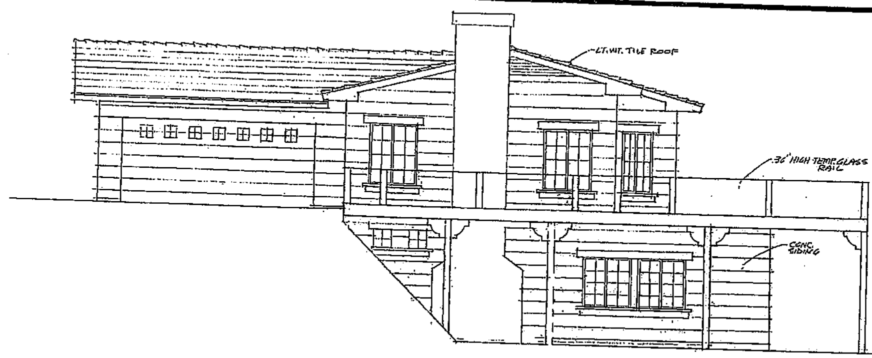
REVISIONS	BY

DRAWN BY: B.D.S.
1823 CARDIFF BAY DRIVE
OCEANSIDE, CA 92057
(760) 757-6862

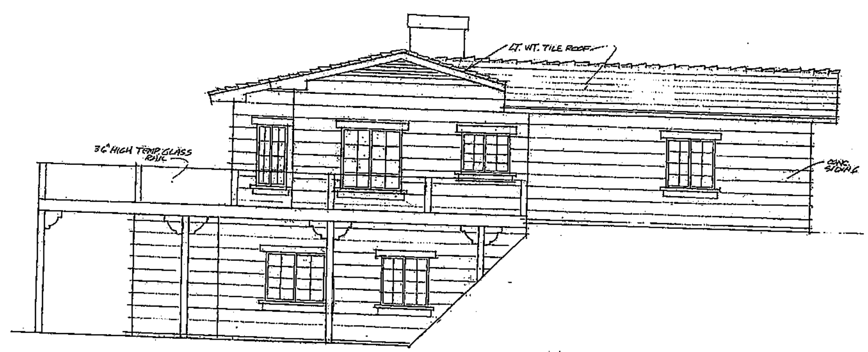
LAGUNA - PACIFICA PROJECT

OWNER:
PETER BINIAZ
2020 STEWART S
OCEANSIDE, CA. 92054
760-439-6250

DRAWN R. BADILLO
CHECKED
DATE 3-15-08
SCALE AS SHOWN
JOB NO.
SHEET 3
OF 5 SHEETS



WEST ELEVATION



EAST ELEVATION

1/4" = 1'-0"

REVISIONS	BY

DRAWN BY: B.D.S.
4523 CARDIFF BAY DRIVE
OCEANSIDE, CA 92057
(760) 757-6862

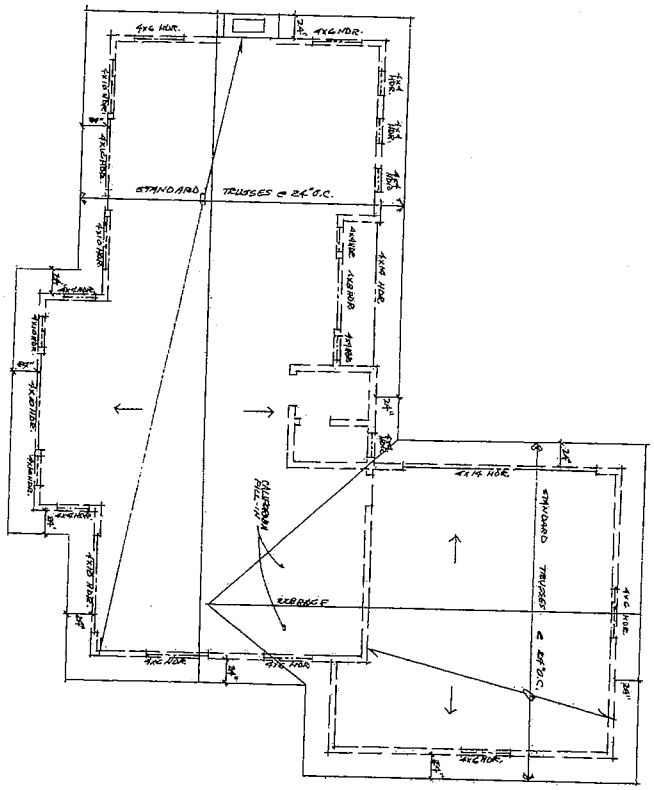
LAGUNA–PACIFICA PROJECT

OWNER:
PETER BINIAZ
2020 STEWART ST.
OCEANSIDE, CA 92054
760-439-6250

DRAWN	R. BADILLO
CHECKED	
DATE	7-15-08
SCALE	AS SHOWN
JOB NO.	
SHEET	4
OF SHEETS	5

ROOF PLAN

1/4" = 1'-0"



OWNER :
PETER BIHURI
2020 STEWART ST.
OCEANSIDE, CA. 92054
760-439-6250

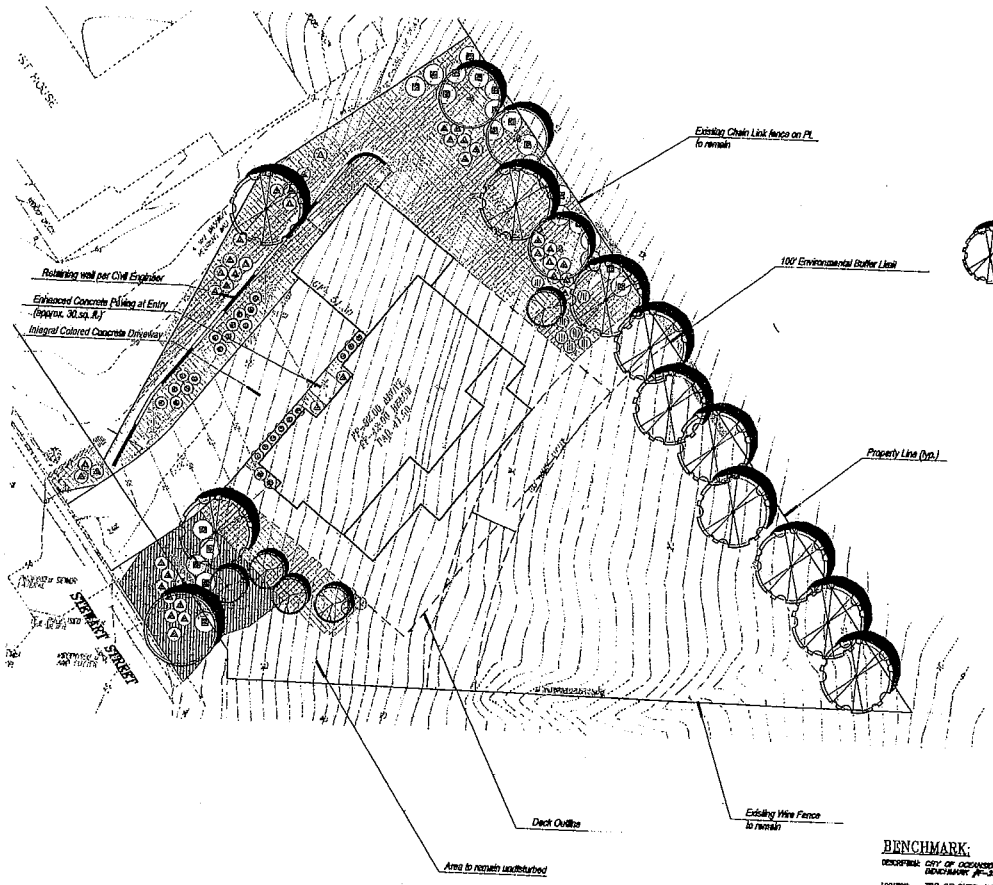
LAGUNA - PACIFICA
PROJECT

DESIGNER
R.D.S.
4528 CARDIFF BAY DRIVE
OCEANSIDE, CA. 92057
(760) 757-6882

LANDSCAPE CONCEPT PLAN

LAGUNA PACIFICA

P-29-06, C-56-06, V-19-06, RC-28-06



GENERAL NOTES

All landscaping will be in accordance with the City of Oceanside Landscape Design Guidelines.

IRRIGATION NOTES

An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off. Irrigation systems shall use high quality, automatic control valves, timers, moisture sensing devices and other necessary irrigation equipment. All components shall be of non-corrosive materials. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters. Moisture sensing devices will be installed as required to monitor soil moisture levels. PVC lateral lines shall be buried 12" minimum below finished grade. PVC class 315 pressure mainline irrigation shall be installed as per manufacturer's specifications. All landscape and irrigation improvements shall be installed as per the provisions of the City of Oceanside Zoning Ordinance section 3019 and the City of Oceanside Landscape Design Guidelines.

PLANTING NOTES

Generally, planting within the project will be a drought tolerant combination of southern California native and ornamental species. The selection of plant material is based on cultural, aesthetic, and maintenance considerations. All planting areas shall be prepared with soil conditioner, fertilizers, and appropriate supplements based upon soil samples taken from the site.

CONCEPTUAL PLANT PALETTE

Plants such as:

STREET TREES
(15 gal minimum)
Jacaranda mimosifolia (40'w x 60'h) (Jacaranda)
Tristania conferta (20'w x 60'h) (Brisbane Box)

SLOPE TREES
(15 gal minimum)
Quercus agrifolia (60'w x 60'h) (Coast Live Oak)
Platanus racemosa (40'w x 60' h) (California Sycamore)
Alnus rhombifolia (40'w x 80'h) (White alder)
Populus fremontii (30'w x 60'h) (Cottonwood)

ACCENT TREES
(15 gal minimum)
Cercis occidentalis (15'w x 15'h) (Western Redbud)
Magnolia soulangeana (10'w x 10'h) (Saucer Magnolia)

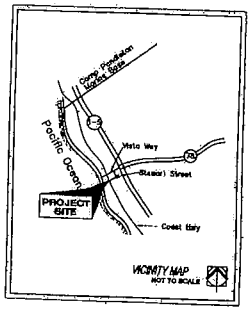
SHRUBS
(60% 1 gallon & 40% 5 gallon)
Agave attenuata (5'w x 4'h) (Foxtail agave)
Agave americana (4'w x 3'h) (Century plant)
Artemisia californica (6'w x 6'h) (Coastal Sagebrush)
Buxus japonica (3'w x 3'h) (Japanese boxwood)
Callistemon c. 'Little John' (3'w x 3'h) (Dwarf Bottlebrush)
Camellia japonica (4'w x 6'h) (Camellia)
Echium fastuosum (6'w x 6'h) (Pride of Madeira)
Encelia californica (6'w x 6'h) (Encelia)
Gardenia jasminoides (8'w x 4'h) (Gardenia)
Hemerocallis hybrids (2'w x 3'h) (Daylily)
Heteromeles arbutifolia (10'w x 10'h) (Toyon)
Muhlenbergia rigens (3'w x 3'h.) (Deer grass)
Muhlenbergia quinquiflora (5'w x 4'h) (Bush Muhley Flower)
Nerium oleander (8'w x 8'h) (Oleander)
Phormium tenax (5'w x 6'h) (New Zealand Phlax)
Pittosporum tobira (4'w x 4'h) (Evergreen)
Plumbago auriculata (8'w x 6'h) (Cape Plumbago)
Salvia clevelandii (4'w x 4'h) (Sage)

VINES AND GROUND COVER
(flats & 1 gallon minimum)
Bougainvillea species (Bougainvillea)
Gazania spp. (Gazania)
Trachelospermum jasminoides (Star jasmine)
Rosmarinus officinalis (Rosemary)

CONCEPTUAL NATIVE COASTAL SAGE SCRUB PALETTE

Plants such as:

SHRUBS
(60% 1 gallon & 40% 5 gallon)
Artemisia californica (Coastal Sagebrush)
Baccharis pilularis (Coyote Bush)
Encelia californica (Encelia)
Heteromeles arbutifolia (Toyon)
Mimulus longiflorus (Bush Monkey Flower)
Rhus integrifolia (Lemonade Berry)
Salvia clevelandii (Salvia)
Opuntia (Prickly Pear)



BENCHMARK:

DESCRIPTION: CITY OF OCEANSIDE BENCHMARK #P-34

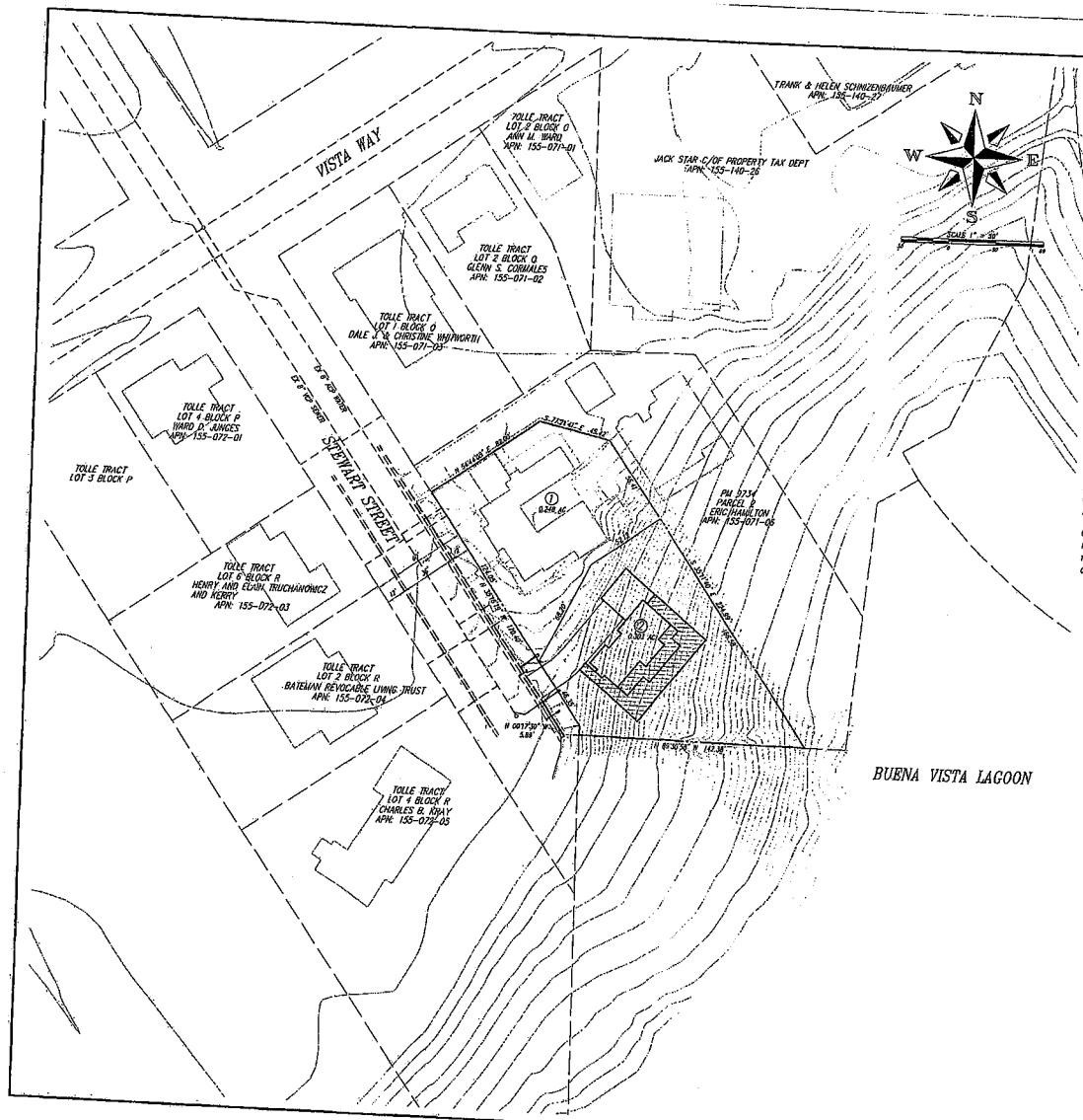
LOCATION: TOP OF CURB, NORTHERLY P.C., NORTHWESTERLY CURB RETURN STEWART AND VISTA WAY

RECORD FROM:

ELEVATION: 62.100' DATUM: MSL, 1984 ADJUSTED ELEV.

GROVE
Landscape Architecture
custom-landscape-design
2614 Bressi ranch way, Carlsbad, ca. 92009
760.672.7488

LAGUNA PACIFICA
TENTATIVE PARCEL MAP
P-29-06, C-56-06, V-19-06, RC-28-06



GEOTECHNICAL REPORT:

PRELIMINARY GEOTECHNICAL REPORT, DATED SEPTEMBER 20, 2006 PREPARED BY PACIFIC COAST LAND CONSULTING

DRAINAGE REPORT:

DRAINAGE REPORT, DATED DECEMBER 12, 2006 PREPARED BY GREG MAYER

STORM WATER MITIGATION PLAN

SWMP, REVISED MARCH 11, 2006 PREPARED BY GREG MAYER
SWMP, AMENDMENT #1, DATED MARCH 18, 2008 PREPARED BY BUCCOLA ENGINEERING INC.

STREET ADDRESS	2020 STEWART STREET
ASSESSOR'S PARCEL NUMBER	155-071-05
TOTAL ACREAGE	0.55
EXISTING ZONING	RC-9
PROPOSED ZONING	RC-9
GENERAL PLAN/LAND USE	RESIDENTIAL ESTATE - 9
NUMBER OF EXISTING PARCELS	1
NUMBER OF PROPOSED PARCELS	2
NUMBER OF DWELLING UNITS/PARCEL	1
SCHOOL DISTRICT	OCEANSIDE UNIFIED SCHOOL DISTRICT
WATER DISTRICT	CITY OF OCEANSIDE
SEWER DISTRICT	CITY OF OCEANSIDE
CONTOUR INTERVAL	1'
FLOOD PLAIN INFORMATION	ZONE X, FEMA MAP NO. 06073C0761 F (1-16-2004) OUTSIDE OF 500-YR FLOODPLAIN
GAS & ELECTRIC	SDG&E
FIRE PROTECTION	OCEANSIDE FIRE DEPT.
TELEPHONE	PACIFIC BELL
CABLE TELEVISION	COX CABLE

LOT TABLE

PARCEL	GROSS (sf)	NET (sf)
1	10,806	10,606
2	13,221	13,224

LEGEND:

SUBDIVISION BOUNDARY	
PARCEL LINE	
PARCEL NUMBER & ACREAGE	1 / 10.4 AC.
EXISTING CONTOURS	
EXISTING FIRE HYDRANT	
EXISTING POWER POLE	

LEGAL DESCRIPTION:

PARCEL 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN ON PAGE 9734 OF PARCEL MAPS, FILED IN THE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 29, 1980

EXCEPTING: THEREFROM, THAT PORTION HERETOFORE OR NOW LYING BELOW THE HIGH WATER MARK OF BUENA VISTA LAGOON

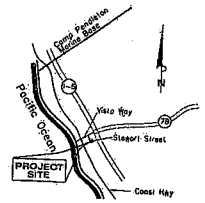
SOURCE OF TOPOGRAPHY:

TOPOGRAPHY SHOWN ON THIS MAP WAS GENERATED BY RIGHT-OF-WAY ENGINEERING JUNE 30, 2006

OWNER/DEVELOPER:

4/7/08

PETER SHAW
2020 STEWART STREET
OCEANSIDE, CA 92054
(760) 438-4250

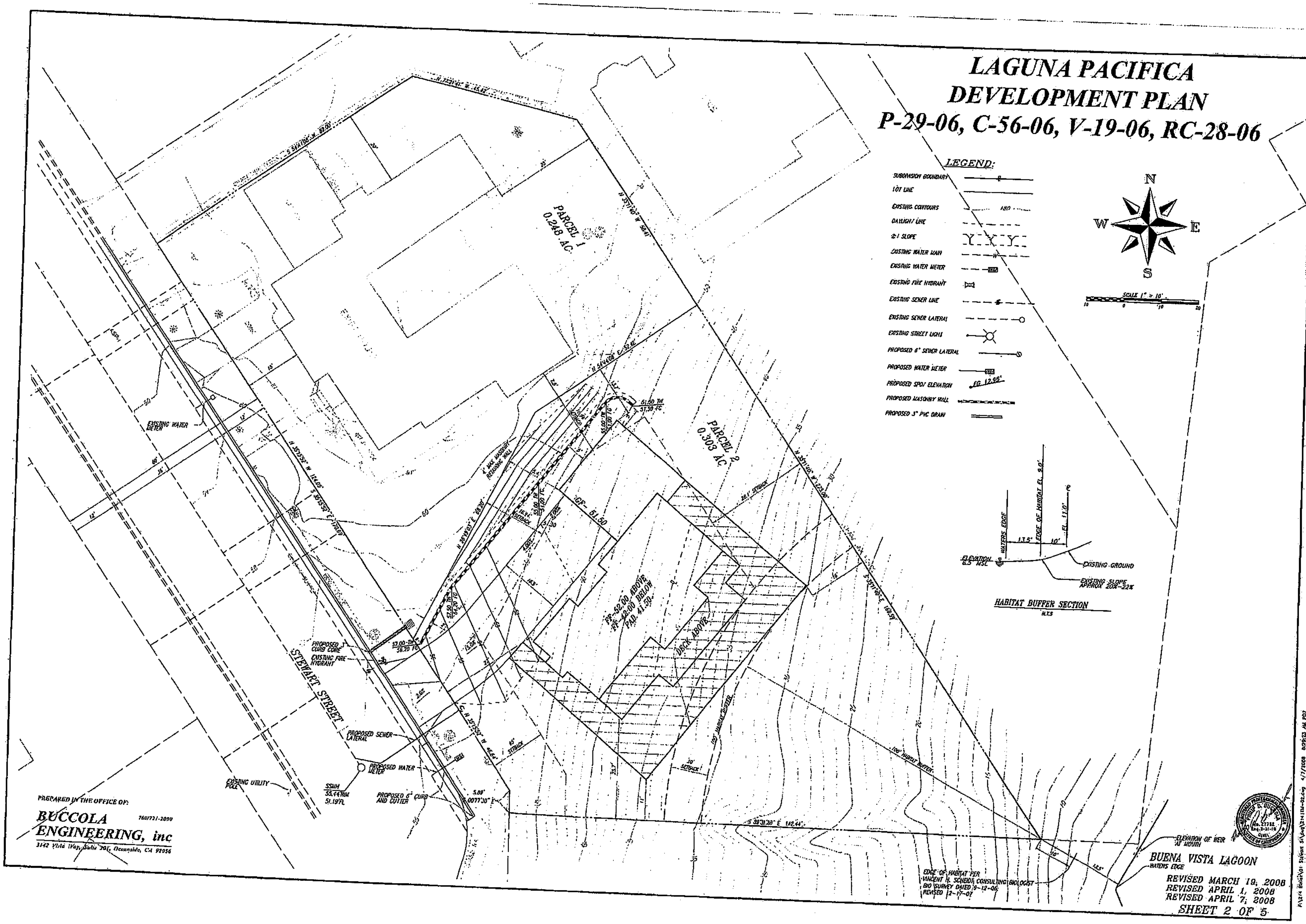


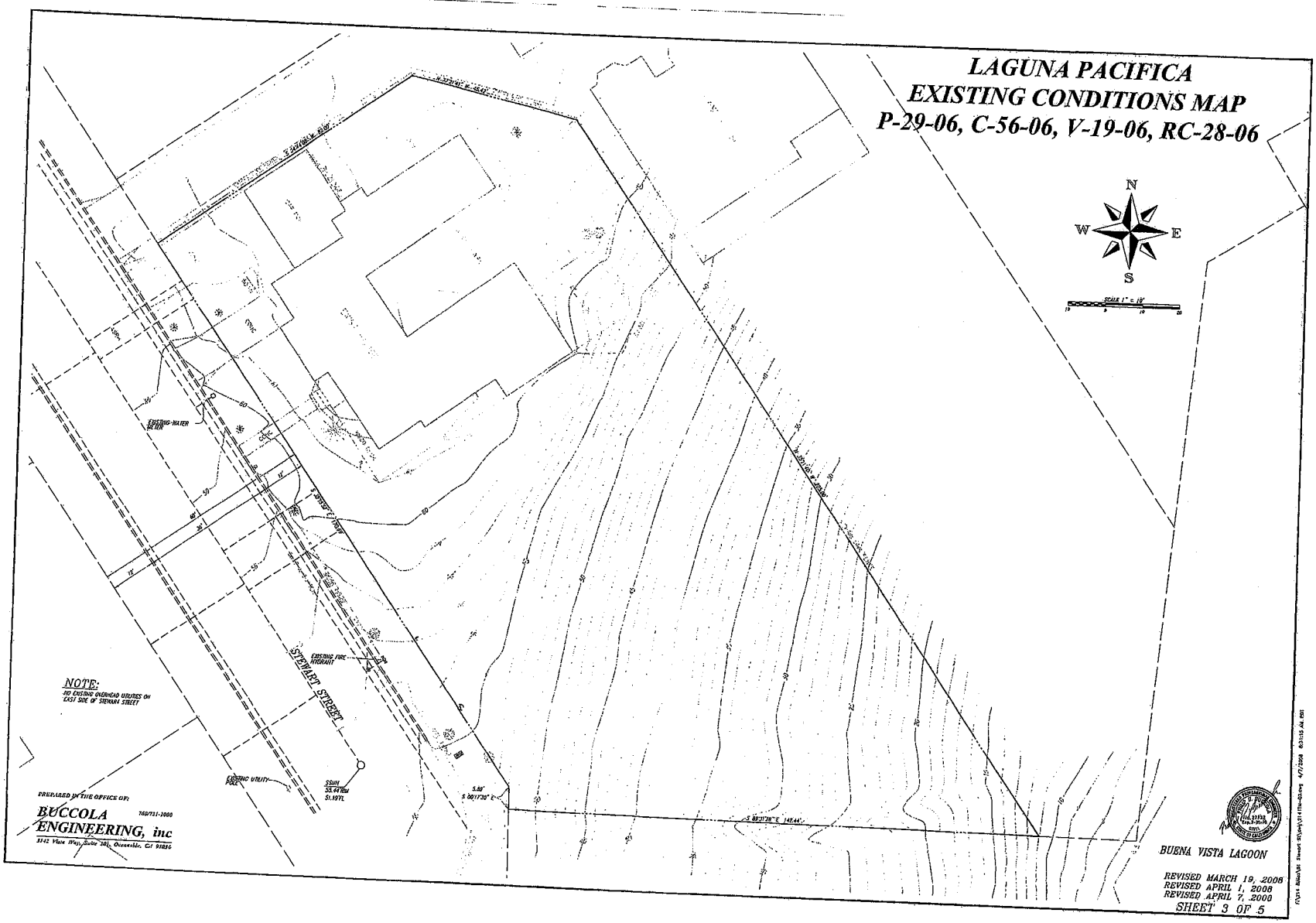
VICINITY MAP
NO SCALE

PREPARED IN THE OFFICE OF:

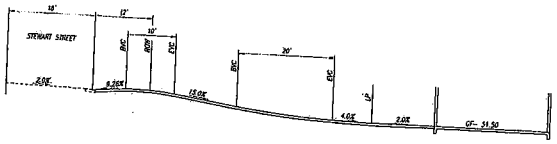
BUCCOLA ENGINEERING, inc (760)721-3800
3142 Vista Way, Suite 301, Oceanside, CA 92056
PHILIP D. BUCCOLA RCE 27132 DATE 4-7-08

REVISED MARCH 19, 2008
REVISED APRIL 1, 2008
REVISED APRIL 7, 2008

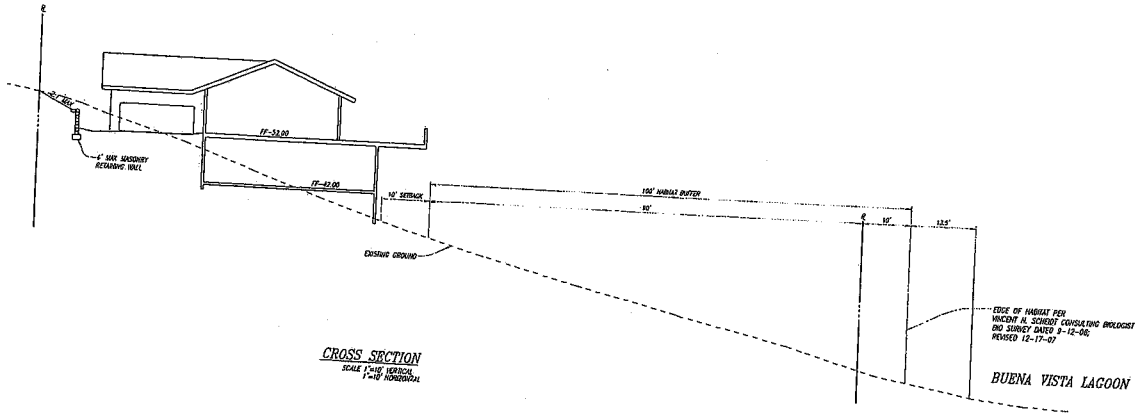

LAGUNA PACIFICA
DEVELOPMENT PLAN
P-29-06, C-56-06, V-19-06, RC-28-06
LEGEND:
SUBDIVISION BOUNDARY
LOT LINE
EXISTING CONTOURS
DAYLIGHT LINE
2:1 SLOPE
EXISTING WATER MAIN
EXISTING WATER METER
EXISTING FIRE HYDRANT
EXISTING SEWER LINE
EXISTING SEWER LATERAL
EXISTING STREET LIGHT
PROPOSED 6" SEWER LATERAL
PROPOSED WATER METER
PROPOSED SPOT ELEVATION
PROPOSED MASONRY WALL
PROPOSED 3" PVC DRAIN
N
W
E
S
PARCEL 1
0.248 AC.
PARCEL 2
0.303 AC
STEWART STREET
EXISTING WATER METER
PROPOSED CURB CORE
EXISTING FIRE HYDRANT
PROPOSED SEWER LATERAL
PROPOSED WATER METER
EXISTING UTILITY POLE
PROPOSED 6" CURB AND GUTTER
FF-52.00 ABOVE
FF-42.00 BELOW
PAD 41.50
DECK ABOVE
GF-51.50
HABITAT BUFFER SECTION
EXISTING GROUND
EDGE OF HABITAT EL 9.0'
WATERS EDGE
PREPARED IN THE OFFICE OF:
BUCCOLA ENGINEERING, inc
EDGE OF HABITAT PER VINCENT N. SCHEIDT CONSULTING BIOLOGIST
BUENA VISTA LAGOON
WATERS EDGE
ELEVATION OF WEIR AT MOUTH
REVISED MARCH 19, 2008
REVISED APRIL 1, 2008
REVISED APRIL 7, 2008
SHEET 2 OF 5


LAGUNA PACIFICA
EXISTING CONDITIONS MAP
P-29-06, C-56-06, V-19-06, RC-28-06
N
W
E
S
SCALE 1" = 10'
NOTE:
NO EXISTING OVERHEAD UTILITIES ON EAST SIDE OF STEWART STREET
STEWART STREET
EXISTING WATER METER
EXISTING FIRE HYDRANT
EXISTING UTILITY POLE
PREPARED IN THE OFFICE OF:
BUCCOLA ENGINEERING, inc
BUENA VISTA LAGOON
REVISED MARCH 19, 2008
REVISED APRIL 1, 2008
REVISED APRIL 7, 2008
SHEET 3 OF 5

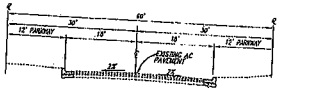
LAGUNA PACIFICA
SECTIONS & DETAILS
P-29-06, C-56-06, V-19-06, RC-28-06



DRIVEWAY PROFILE
SCALE 1"=10' VERTICAL
1"=10' HORIZONTAL



CROSS SECTION
SCALE 1"=10' VERTICAL
1"=10' HORIZONTAL



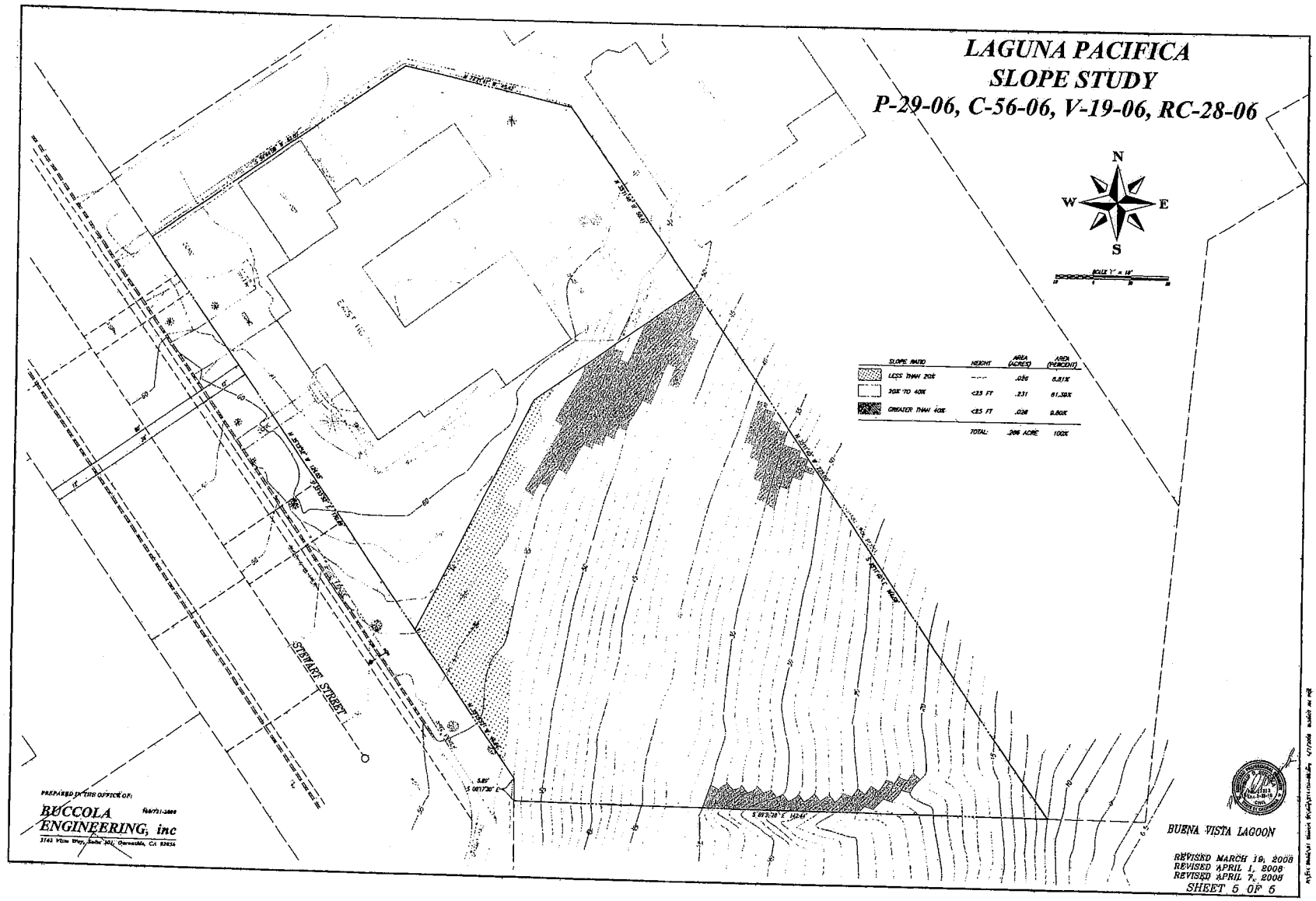
TYPICAL STREET SECTION
STEWART STREET
NO SCALE

PREPARED IN THE OFFICE OF:

BUCCOLA ENGINEERING, inc 760/731-1000

3142 Vista Way, Suite 301, Oceanside, CA 92056

REVISED MARCH 19, 2008
REVISED APRIL 1, 2008
REVISED APRIL 7, 2008


LAGUNA PACIFICA
SLOPE STUDY
P-29-06, C-56-06, V-19-06, RC-28-06
N
W
E
S
SCALE 1" = 15'
SLOPE RATIO
HEIGHT
AREA (ACRES)
AREA (PERCENT)
LESS THAN 20%

.026
6.81%
20% TO 40%
<25 FT
.231
61.38%
GREATER THAN 40%
<25 FT
.026
6.80%
TOTAL:
.286 ACRE
100%
STEWART STREET
PREPARED IN THE OFFICE OF:
BUCCOLA ENGINEERING, inc
BUENA VISTA LAGOON
REVISED MARCH 19, 2008
REVISED APRIL 1, 2008
REVISED APRIL 7, 2008
SHEET 5 OF 5

PLANNING COMMISSION
RESOLUTION NO. 2008-P32

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA APPROVING A TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, VARIANCE, AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-29-06, C-56-06, V-19-06, RC-28-06
APPLICANT: Peter and Joni Biniaz
LOCATION: 2020 Stewart Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting approval of a Tentative Parcel Map, Conditional Use Permit, Variance and Regular Coastal Permit under the provisions of Articles 10, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

subdivision of an approximately .55-acre site into two lots, construction of a single-family detached dwelling, development on the subject site at a density in excess of the base density of one dwelling unit per acre, construction of a two-car garage in lieu of a three-car garage and reduced side and rear yard building setbacks;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day of May, 2008 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is $2,843-$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	$2.63 per square foot residential for Oceanside
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	$15.71 per vehicle trip
Thoroughfare Fee	Ordinance No. 83-01 Resolution No. 06-R0334-1	$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically $4,395 per unit
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically $6,035 per unit
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically $4,326 per unit

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

WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and collected at the time and in the manner provided in Chapter 32B of the Oceanside

City Code and the City expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

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

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

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

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

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

FINDINGS:

For the Tentative Parcel Map (P-29-06):

1. The proposed parcel map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City of Oceanside. The subject subdivision creates parcels that are consistent with the requirements of the RE-B (Residential Estate B) zoning designation. Pursuant to Section 1.13 H of the General Plan, lands within the South Oceanside Neighborhood Planning Area that are designated Estate B Residential and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square foot shall be considered consistent with the underlying Land Use designation of Estate B Residential. Parcel 1 shall be 10,806 square feet and Parcel 2 shall be 13, 224 square feet.

2. The site is physically suitable for the proposed type of development. The design of the subject subdivision accommodates development of a new single-family detached dwelling. The proposed project has been designed to complement the existing topography.

3. The site is physically suitable for the proposed density of development. The two lots that are proposed are within the size range of the surrounding properties. In addition, both parcels are consistent with Section 1.13 H of the General Plan and the land use regulations of the Zoning Ordinance.

4. The design of the subdivision or the proposed improvements will not cause substantial environmental damage or substantially and avoidable injure fish or wildlife or their habitat. The proposed project incorporates a 100-foot habitat buffer from the edge of riparian habitat adjacent to the Buena Vista Lagoon and a 10-foot fire buffer has been created to ensure that the biological buffer can remain natural.

5. The design of the subdivision and type of improvements will not conflict with easements acquired by the public at large, for access through or use of property within the proposed subdivision. No public access to the Lagoon or adjacent to the Lagoon currently exists nor are there any foreseeable plans for such public access.

6. The tentative parcel map complies with all other ordinances, regulations and guidelines of the City of Oceanside including the Local Coastal Plan and Hillside regulations with the exception of the requested variance for garage size and setback deviations.

<u>For the Conditional Use Permit (C-56-06) (exceeding base density)</u>:

1. The proposed location for the subject land use is in accord with the objectives of the Zoning Ordinance and the purposes of the RE-B zoning district. The development portion of the subject property is zoned RE-B with a corresponding Land Use designation of Estate B Residential (1-3.5 dwelling units per acre). The project density is 3.6 dwelling units per acre. However, pursuant to Section 1.13 H of the General Plan, a minimum lot size of 10,000 square feet shall be considered consistent with the underlying Land Use designation of Estate B Residential for property within the South Oceanside Neighborhood Planning Area, despite the proposed project density. Parcel 1 shall be 10,806 square feet and Parcel 2 shall be 13, 224 square feet.

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

are within the size range of 123 surrounding residential properties. The proposed single-family home will be one of the largest out of 123 surrounding residential lots. The project can be adequately, reasonably and conveniently served by public services, utilities and public facilities.

3. The proposed conditional use permit will comply with the provisions of the ordinance, with the exception of the requested variance items, including any specific condition required for the proposed conditional use permit in the district in which it will be located.

For the Variance (V-19-06) (reduced parking and setback requirements):

1. Because of special circumstances and conditions applicable to the development site – including size, shape, topography, location and surroundings – strict application of the requirements of this ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. Development on the site is constrained by hillside regulations and provision of a 100-ft. habitat buffer from the edge of the riparian habitat adjacent to the Buena Vista Lagoon. In addition, in order to maintain natural habitat within the buffer area, the project has been designed with an additional 10-foot fire buffer. Staff finds that implementation of the three-car garage zoning provision would negatively affect grading on the hillside site and would shift the proposed development at least 10 feet closer to Buena Vista Lagoon, which would cause encroachment in to the habitat buffer area. In addition, based on the proposed floor plan and number of bedrooms, staff has determined that the proposed two-car garage will adequately serve the proposed development and construction of a two-car garage will be consistent with parking requirements for other properties in the vicinity.

2. Granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare. The project's design will contribute in the enhancement of the existing neighborhood by developing property that is currently vacant and often a pathway for vagrants to access the Buena Vista Lagoon. The new single-family dwelling will maintain a minimum 13.7-foot side yard setback to the garage, with a minimum 11-foot side yard setback to the edge of the proposed deck, and a minimum 28.1-foot rear yard setback to the wall of the house, with a minimum 16-foot rear yard setback to the edge of

the proposed deck. This is in compliance with the corresponding 7.5 feet side and 20 feet rear yard setback for the underlying RE-B zoning district and the setback regulations for decks over 30 inches in height as per Section 3005 of the Zoning Ordinance. As such the project will be consistent with development in the surrounding area under the same zoning classification. In addition, since this site required such a large habitat buffer, the useable yard space is diminished significantly. Allowing for a large deck, even though it encroaches into the required setback areas, provides useable open space for the residents.

3. Granting the application is consistent with the purposes of this ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district. The parking ordinance requires provision of a three-car garage for single-family dwellings that exceed 2,500 sq. ft. in area. This requirement is based on the assumption that a larger home would incorporate more bedrooms, thus occupants, and there would be a need for provision of additional automobile storage on the property. In this case the applicant proposes a 2,867.75-square foot, three-bedroom home with customized, larger than typical living areas, to serve the specific owner's needs. A driveway, more than 70 feet in length, is proposed to provide access to a two-car garage.

<u>For the Regular Coastal Permit (RC-28-06) with Hillside Development Plan</u>:

1. The project is consistent with the policies of the Local Coastal Program as implemented through the City Zoning Ordinance. The house has been designed to conform to the slope of the existing hillside and the roofline of the proposed home will be at the existing grade elevation. The home will not block coastal views from Stewart Street. In addition, the home will be set back 110 feet from the edge of the Buena Vista Lagoon and the property will continue to be partially blocked by existing trees along the edge of the lagoon. The project will not substantially alter or impact existing public views of the coastal zone area.

2. The project will not obstruct any existing or planned public beach access; therefore, the project is in conformance with the policies of Chapter 3 of the Coastal Act.

3. The development plan conforms to the General Plan. The proposed grading plan minimizes cut and fill on a Hillside property. In addition, the development is providing a 100-foot habitat buffer as well as a 10-foot fire buffer in order to protect the Buena

Vista Lagoon. The size of the lots and the size and type of development all conform to the Land Use Element of the General Plan.

4. The development plan complies with the land-use and development regulations of the base zoning district and the Hillside Development Provisions with the exception of the requested variance for garage size and setback deviations. However, the reduction in the garage size allows for less cut and fill and the setback deviations allow for development of the single-family home while still maintaining a 100-foot habitat buffer and a 10-foot fire buffer zone. A variance has been requested in order to deviate from these regulations.

5. The project can be adequately, reasonably and conveniently served by public services, utilities and public facilities. The proposed development will only add one additional home to an existing residential neighborhood.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on the date of submittal for Building Division plan check.
2. Construction plans submitted to the Building Division after January 1, 2008 must meet all requirements of the newly adopted CBC codes.
3. The granting of approval under this action shall in no way relieve the applicant/project from compliance with all State and Local building codes.
4. All electrical, communication, CATV, etc. service lines within the exterior lines of the property shall be underground (City Code Sec. 6.30).
5. Compliance with the Federal Clean Water Act (BMP's) shall be demonstrated on the plans.
6. Separate/unique addresses may be required to facilitate utility releases. Verification that the addresses have been properly assigned by the City's Planning Division shall accompany the Building Permit application.
7. A complete Soils Report, Structural Calculations, & Energy Calculations/documentation shall be required at time of plans submittal to the Building Division for plan check to

show that the hillside soil conditions are suitable to support the proposed buildings, retaining walls etc.

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

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

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

Engineering:

9. If the project involves demolition of an existing structure or surface improvements, the grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

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

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

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

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

14. Prior to approval of the parcel map or any increment, all improvement requirements, within such increment or outside of it if required by the City Engineer, shall be covered by a subdivision agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

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

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

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

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

b) All grading and related site preparation and construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may

still be intrusive in the evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity."

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

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

18. A traffic control plan shall be prepared according to the City traffic control guidelines and be submitted to and approved by the City Engineer prior to the start of work within open 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 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

20. Stewart Street shall be improved with curbs and gutters and/or as required by the City Engineer.

21. Sight distance requirements at the project driveway or street shall conform to the corner sight distance criteria as provided by the California Department of Transportation Highway Design Manual.

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

23. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet along the project's frontage. The field investigation shall include a minimum of one pavement boring per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be less than three inches or without underlying Class II base material, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in Item No. 2 below.

24. Upon review of the pavement investigation, the City Engineer shall determine whether the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or 2) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the developer shall reconstruct the pavement per these recommendations, subject to approval by the City Engineer.

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

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

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

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

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

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

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

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

33. A precise grading and private improvement plan shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures, walls, drainage devices and utility services. Parking lot striping and any on-site traffic calming devices shall be shown on all Precise Grading and Private Improvement Plans.

34. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Landscape and irrigation plans shall be approved by the City Engineer prior to the issuance

of occupancy permits, and a pre-construction meeting held, prior to the start of any improvements.

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

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

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

38. Upon acceptance of any fee waiver or reduction by the developer, the entire project will 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.

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

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

41. At a minimum, maintenance agreements shall require the developer or any future property owner(s), inspection and maintenance of all BMPs on an annual basis. The project proponent shall complete and maintain O&M forms to document all maintenance activities. The developer or any future property owner(s) is responsible for the O&M plans, shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.

42. The Agreement shall include a copy of executed on-site and off-site access easements necessary for the 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 Engineer. The agreement shall also include a copy of the O&M Plan approved by the City Engineer.

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

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

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

46. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, comply with Zoning Ordinance Article 30, Section 3019 including the maintenance of such landscaping, shall be reviewed and approved by the City Engineer prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:

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

100-foot habitat area is not required; however, if planting is proposed within the buffer area, it must be shown on the final landscape plans.

b) Landscape Architect shall verify utility, sewer, storm drain easements and place planting locations accordingly to meet City of Oceanside requirements.

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

d) Outside of the 100' habitat buffer and 10' fire buffer areas the proposed landscape species shall be native or naturalized to fit the site and meet climate changes indicative to their planting location. The selection of plant material shall also be based on cultural, aesthetic, and maintenance considerations. In addition, proposed landscape species shall be low water users as well as meet all fire department requirements.

e) Any proposed landscape species inside of the 100' habitat buffer and 10' fire buffer areas shall be native only and must meet all fire department requirements.

f) All planting areas outside of the 100' habitat buffer and 10' fire buffer areas shall be prepared with appropriate soil amendments, fertilizers, and appropriate supplements based upon a soils report from an agricultural suitability soil sample taken from the site.

g) All planted areas on-site within the 100' habitat buffer and 10' fire buffer is to remain as is and protected in place. Thinning shall only be done by hand; no machinery shall be operated or permitted within the 100' habitat buffer and 10' fire buffer areas.

h) Ground covers or bark mulch shall fill in between the shrubs to shield the soil from the sun, evapotransporation and run-off where permitted. All the flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the soil temperature and reduce weed growth where permitted.

i) The shrubs on-site shall be allowed to grow in their natural forms. All landscape improvements shall follow the City of Oceanside Guidelines.

j) Root barriers shall be installed adjacent to all paving surfaces, where a paving surface is located within six feet of a trees trunk. Root barriers shall extend five feet in each direction from the centerline of the trunk, for a total distance of 10

feet. Root barriers shall be 24 inches in depth. Installing a root barrier around the tree's root ball is unacceptable.

k) An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan. Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off.

l) All planting areas outside of the 100' habitat buffer and 10' fire buffer areas shall have a permanent irrigation system.

m) The 100' habitat buffer and 10' fire buffer shall have an on-grade temporary irrigation system to aid in vegetation growth to help stabilize the slope as well as assist in fire suppression.

n) Irrigation systems shall use high quality, automatic control valves, controllers and other necessary irrigation equipment. All components shall be of non-corrosive material. All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters.

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

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

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

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

Fire:

47. Smoke detectors are required, and detector locations must be indicated on the plans.

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

49. Single-family dwellings require 4-inch address numbers.

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

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

52. Fire Department requirements shall be placed on plans in the notes section, and details section.

53. All construction shall comply with Chapter 7A of the Wildland Urban Interface building standards.

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

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

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

57. Eave assembly shall be one-hour fire rated construction. Eaves and soffits shall be protected on the exposed underside by materials approved for a minimum one-hour fire resistance rated construction. Fascias shall be protected on the backside by materials approved for a minimum of one-hour fire resistance rated construction or 2-inch (51mm) nominal dimension lumber.

58. Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be designed to reduce the accumulation of leaf litter and debris that contributes to roof edge ignition.

59. Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of one-hour fire resistance rated construction on the exterior side or constructed with approved noncombustible materials. Exterior wall coverings shall meet the one-hour fire resistance requirement. Exception: Heavy timber or log wall construction. Such material shall extend from the top of the foundation to the underside of the roof sheathing.

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

61. Where fencing attached to or immediately adjacent to structures face the vegetative fuels, the first five feet (1,524 mm) of such fencing which connects to the structure, shall be constructed of noncombustible, heavy timber or fire retardant pressure treated wood or material.

62. Unenclosed accessory structures attached to buildings with habitable spaces and projections such as deck assemblies shall be a minimum of a one-hour fire rated assembly.

63. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within six inches (152 mm) of the ground, with exterior wall construction that meets the one-hour fire resistance rating.

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

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

66. Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 3/4 inches thick (45mm), or have a fire protection rating of not less than 20 minutes. Windows, doors and glazed doors shall be in accordance rated in accordance with the exterior glazing and skylights section. Exception: Vehicle access doors.

67. Attic ventilation openings, foundation or under floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929 m2) each. Such vents shall be covered with noncombustible corrosion resistant mesh with openings not to exceed 1/4-inch (6.4 mm), or shall be designed and approved to prevent flame or ember penetration into the structure. Turbine attic vents shall be equipped to allow only one way direction rotation and shall not free spin in both directions.

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

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

Planning:

70. Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06), and Regular Coastal Permit (RC-28-06) shall expire on May 5, 2010 unless implemented as required by the Zoning Ordinance.

71. Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) approves only the subdivision and development of a new single-family detached dwelling as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without Planning Division approval. Substantial deviations shall require a revision to the Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) or new plans.

72. Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06) is valid for a two-year period beginning on the date of approval and is subject to possible extension pursuant to the provisions of the Zoning Ordinance. The Commission may add new conditions and/or delete and/or modify existing conditions, as it deems necessary to protect the general health, safety and welfare of residents in the area or surrounding land uses.

73. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06), and Regular Coastal Permit (RC-28-06). The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

74. All mechanical rooftop and ground equipment shall be screened from public view. The roof jacks, mechanical equipment, screen and vents shall be painted with non-reflective paint to match the roof. This information shall be shown on the building plans.

75. All single-family or multi-family unit dwelling projects shall dispose of or recycle solid waste in a manner provided in City Code Section 13.3.

76. A covenant or other recordable document approved by the City Attorney shall be prepared by the applicant and recorded prior to the approval of the Final Parcel Map. The covenant shall provide that the property is subject to this resolution, and shall generally list the conditions of approval.

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

78. Failure to meet any conditions of approval for this development shall constitute a violation of Tentative Parcel Map (P-29-06), Conditional Use Permit (C-56-06), Variance (V-19-06) and Regular Coastal Permit (RC-28-06).

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

80. The developer's construction of all fencing and walls associated with the project shall be in conformance with the approved plans. Any substantial change in any aspect of fencing or wall design from the approved plans shall require a revision to the Regular Coastal Permit or a new Regular Coastal Permit.

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

82. Side and rear elevations and window treatments shall be trimmed to substantially match the front elevations. A set of building plans shall be reviewed and approved by the Planning Division prior to the issuance of building permits.

83. Elevations, siding materials, roofing materials and floor plans shall be substantially the same as those approved by the Planning Commission. These shall be shown on plans submitted to the Building and Planning Division.

84. The two-car garage area shall be kept available and useable for vehicle parking at all times.

85. The new single-family dwelling shall be limited to three bedrooms. No conversion of approved habitable areas to additional bedrooms or any building addition shall be permitted without provision of an additional enclosed parking space.

86. Existing fences within the Stewart Street right-of-way, along the property's frontage, shall be removed.

87. All retaining walls visible from public right-of-way areas shall be decorative. The type of retaining wall shall be subject to review and approval by the City Planner prior to issuance of grading permits.

88. A professional archeologist, certified by the Society of Professional Archaeologists (SOPA), shall monitor the earth movement related to construction activities for the project.

89. In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately. The archaeologist/monitor shall determine the significance of the archaeological resources and implement appropriate mitigations prior to recommending earthwork.

90. A pre-excavation agreement shall be executed between the applicant and the San Luis Rey Band of Mission Indians, specifying the disposition of human remains, grave goods, or other culturally sensitive material encountered during grading, trenching or other ground disturbance in conjunction with implementation of the proposed project.

91. An archaeologist and a Native American monitor shall be on-site during grading and trenching within the project area. The monitors shall have the power to temporarily halt or redirect grading if sensitive cultural material is found.

92. An archaeologist and a Native American monitor shall be present for a pre-grade meeting to discuss the monitoring program with the grading contractor, City staff and the developer.

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

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

95. Prior to the issuance of grading permits, the applicant shall establish a program with a qualified paleontologist to monitor grading activities. The applicant shall provide the Planning Division with a copy of the paleontological resource-monitoring program.

96. A 100-foot habitat buffer from the edge of the riparian habitat adjacent to the lagoon, which begins approximately 10 feet from the southeastern property corner, shall be put

in place to ensure that site development does not result in adverse direct impacts to the Buena Vista Lagoon. No structures, development, grading, or vegetation clearing shall be allowed within the buffer.

97. Any proposed or future landscaping of the 100-foot habitat buffer area between the proposed development area and the riparian habitat adjacent to the lagoon shall consist of 100 percent indigenous, native species. No invasive or noxious species shall be present on the project's plant palette.

98. A qualified biologist shall be retained by the applicant to review the final grading plans, access routes and staging areas, monitor all aspects of construction, educate contractors about the biological sensitivities associated with the area and ensure compliance with mitigation measures.

99. The qualified biologist shall conduct a training session for all project personnel prior to any grading/construction activities. At a minimum the training shall include a description of the target species of concern, its habitats, the general provisions of the Endangered Species Act (Act) and the MHCP, the need to adhere to the provision of the Act and the MHCP, the penalties associated with violating the provisions of the Act, the general measures that are being implemented to conserve the target species of concern as they relate to the project, any provisions for wildlife movement, and the access routes to and project site boundaries within which the project activities must be accomplished.

100. A water pollution and erosion control plan shall be developed that describes sediment and hazardous materials control, dewatering or diversion structures, fueling and equipment management practices and other factors as deemed necessary. Erosion control measures shall be monitored on a regularly scheduled basis, particularly during time or rainfall. Corrective measures shall be implemented in the event erosion control strategies are inadequate. Sediment/erosion control measures shall be continued at the project site until such time as the revegetation efforts are successful at soil stabilization.

101. The limits of project disturbance shall be clearly defined and marked in the field and reviewed by the biologist prior to initiation of work.

102. Equipment storage, fueling and staging areas shall be located to minimize risks of direct drainage into riparian areas or other environmentally sensitive habitats. These designated areas shall be located in such a manner as to prevent runoff from entering

sensitive habitats. All necessary precautions shall be taken to prevent the release of cement or other toxic substances into surface waters. All project related spills of hazardous materials shall be reported to appropriate entities including but not limited to the City of Oceanside, FWS, and CDFG, SWQCB and shall be cleaned up immediately and contaminated sails removed to approved disposal areas.

103. Erodible fill material shall not be deposited into water courses. Brush, loose soils, or other similar debris material shall not be stockpiled within the lagoon or on its banks.

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

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

106. Site brushing, grading, and/or removal of vegetation (including landscaping and trees) within 300 feet of any potential migratory songbird nesting location is not normally permitted during the spring/ summer songbird breeding season, defined as from 1 January to 31 August of each year. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the bird breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required. This survey must be conducted by a qualified biologist who must submit a summary report with findings and recommendations (such as noise abatement, seasonal restrictions on vegetation removal, etc.) to be approved by the City of Oceanside and the wildlife agencies prior to project implementation. .

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

108. The qualified biologist shall monitor construction activities throughout the duration of the project to ensure that all practicable measures are being employed to avoid incidental disturbance of habitat and any target species of concern outside the project footprint.

Construction monitoring reports shall be completed and provided to the City of Oceanside, FWS and CDFG summarizing how the project is in compliance with applicable conditions. The project biologist shall be empowered to halt work activity if necessary and to confer with staff from the City of Oceanside, FWS and CDFG to ensure the proper implementation of species and habitat protection measures.

109. The removal of native vegetation shall be avoided and minimized to the maximum extent practicable. Temporary impacts shall be returned to pre-existing contours and revegetated with appropriate native species. All revegetation plans shall be prepared and implemented consistent with Appendix C (Revegetation Guidelines of the Final MHCP Plan – Volume II) and shall require written concurrence of the FWS and CDFG.

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

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

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

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

114. Approved landscaping shall be installed immediately upon completion of construction and maintained by the property owner in good growing condition for the life of the development.

115. The use of chemical pesticides for mosquito control is prohibited (rely on biological agents).

116. Access to buffer and sensitive habitat areas is prohibited during the breeding season (see species specific guidelines for breeding season dates) except for emergency access.

117. The development area shall be securely fenced with temporary chain-link fence and silt fencing.

118. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.

Water Utilities:

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

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

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

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

123. Prior to the approval of final engineering design plans, all public water and/or sewer facilities not located within the public right-of-way shall be provided with easements sized according to the Water, Sewer, and Reclaimed Water Design and Construction Manual. Easements shall be constructed for all weather access.

124. Prior to the approval of final engineering design plans, it shall be shown that no trees, structures or building overhang are located within any water or wastewater utility easement.

125. Prior to the approval of final engineering design plans, all lots with a finish pad elevation located below the elevation of the next upstream manhole cover of the public sewer shall be protected from backflow of sewage by installing and maintaining an approved type backwater valve, per the Uniform Plumbing Code (U.P.C.).

126. Prior to the issuance of building permits, Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to be paid to the City and collected by the Water Utilities Department at the time of Building Permit issuance.

127. Prior to occupancy, it shall be shown that the new single-family residential unit shall include hot water pipe insulation and installation of a hot water recirculation device or design to provide hot water to the tap within 15 seconds in accordance with City of Oceanside Ordinance No. 02-OR126-1

PASSED AND ADOPTED Resolution No. 2008-P32 on May 5, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____
Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

_____
Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P32.

Dated: May 5, 2008

PLANNING COMMISSION
RESOLUTION NO. 2007-P33

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF OCEANSIDE, CALIFORNIA DENYING WITHOUT PREJUDICE A TENTATIVE PARCEL MAP, CONDITIONAL USE PERMIT, VARIANCE AND REGULAR COASTAL PERMIT ON CERTAIN REAL PROPERTY IN THE CITY OF OCEANSIDE

APPLICATION NO: P-29-06, C-56-06, V-19-06, RC-28-06
APPLICANT: Peter and Joni Biniaz
LOCATION: 2020 Stewart Street

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting approval of a Tentative Parcel Map, Conditional Use Permit, Variance and Regular Coastal Permit under the provisions of Articles 10, 40, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

subdivision of an approximately .55-acre site into two lots, construction of a single-family detached dwelling, development on the subject site at a density in excess of the base density of one dwelling unit per acre, construction of a two-car garage in lieu of a three-car garage and reduced side and rear yard building setbacks;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 25th day of June, 2007 conduct a duly advertised public hearing as prescribed by law to consider said application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State Guidelines thereto; this project has been found to be an exception to the statutory exemption pursuant to Article 19, Section 15303, "New Construction or Conversion of Small Structures" and therefore subject to further environmental review;

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

WHEREAS, the documents or other material which constitutive the record of proceedings

upon which the decision is based will be maintained by the City of Oceanside Planning Division, 300 North Coast Highway, Oceanside, California 92054.

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

FINDINGS:

1. The proposed project is inconsistent with the General Plan Land Use Element and Local Coastal Plan goals and objectives for the continual long term enhancement of the community through the development and use of land that is appropriate and orderly with respect to type, location, and intensity as follows: a) The project will substantially alter or impact existing public views of the coastal zone area; b) The site is not physically suitable for the proposed type of development. The design of the subject subdivision does not accommodate development of a 3,384-square foot single-family detached dwelling. The proposed project utilizes extensive retaining walls and is not designed to complement existing topography; and c) The development plan does not comply with the land-use and development regulations of the base zoning district and the Hillside Development Provisions with respect to garage size, side and rear yard setbacks.

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

////////////////

2. The project is not subject to an exemption pursuant to CEQA regulations section 15061 (b) (3) because the development proposal constitutes a project under CEQA. Further, the project is not exempt pursuant to section 15303 (a) because section 15300.2(a) provides that class 3 exemptions are qualified by consideration of where the project is located. In this case, the project is situated in a particularly sensitive environment and therefore may impact an environmental resource.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby deny without prejudice Tentative Parcel Map (P-29-06), Regular Coastal Permit (RC-28-06), Conditional Use Permit (C-56-06) and Variance (V-19-06).

PASSED on June 25, 2007 by the following vote, to wit:

AYES: Martinek, Horton, Troisi, Balma and Bertheaud

NAYS: Parker, Neal

ABSENT: None

ABSTAIN: None

ADOPTED Resolution No. 2007-P33 on July 9, 2007.

Dennis Martinek, Chairman
Oceanside Planning Commission

ATTEST:

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2007-P33.

Dated: July 9, 2007

NEGATIVE DECLARATION

city of oceanside, california

DATE POSTED: 9/05/2007
REMOVAL DATE: 10/8/2007
[X] 30 day for SCH review

1. **APPLICANT:** Peter Biniaz
2. **ADDRESS:** 2020 Stewart Street
3. **PHONE NUMBER:** (760) 439-6250
4. **LEAD AGENCY:** City of Oceanside, 300 N. Coast Hwy., 92054
5. **PROJECT MGR.:** Amy Volzke
6. **PROJECT TITLE:** Laguna Pacific
7. **DESCRIPTION:** A Parcel Map is proposed to allow a lot split to create two lots and construct a new 3,384 square foot residence. A variance is required to construct a 2-car garage and a conditional use permit is required since the project will exceed the base density of the RE-B zone. A Regular Coastal Permit is required as the project is in the Coastal Zone and is adjacent to Buena Vista Lagoon.

CITY PLANNER DETERMINATION: This project has been evaluated by the City Planner of the City of Oceanside in accordance with the Section 21080(c) of the California Environmental Quality Act (CEQA). On August 29, 2007, the City Planner determined that this project will not have a potentially significant adverse effect on the environment and issued a Mitigated Negative Declaration (MND). The basis for the City Planner's determination is the Initial Study prepared pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Copies may be reviewed or obtained from the Planning Division in City Hall located at 300 N. Coast Hwy. South Building. All public comments on the negative declaration must be provided in writing to the Planning Division on or before the "Posting Removal Date" cited above.

Jerry Hittleman, Acting City Planner

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

FILED
Gregory J. Smith, Recorder/County Clerk
SEP 05 2007
BY _____ DEPUTY

RECEIVED
OCT 11 2007
Planning Department

FILED IN THE OFFICE OF THE COUNTY CLERK
San Diego County on SEP 05 2007
Posted SEP 05 2007 Removed OCT 05 2007
Returned to agency on OCT 05 2007
Deputy

NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION
city of oceanside

Subject: Laguna Pacific Parcel Map, Regular Coastal Permit, Variance, and Conditional Use Permit.

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

PROJECT DESCRIPTION: A Parcel Map is proposed to allow a lot split to create two lots and construct a new 3,384 square foot residence. A variance is required to construct a 2-car garage and a conditional use permit is required since the project will exceed the base density of the RE-B zone. A Regular Coastal Permit is required as the project is in the Coastal Zone and is adjacent to Buena Vista Lagoon.

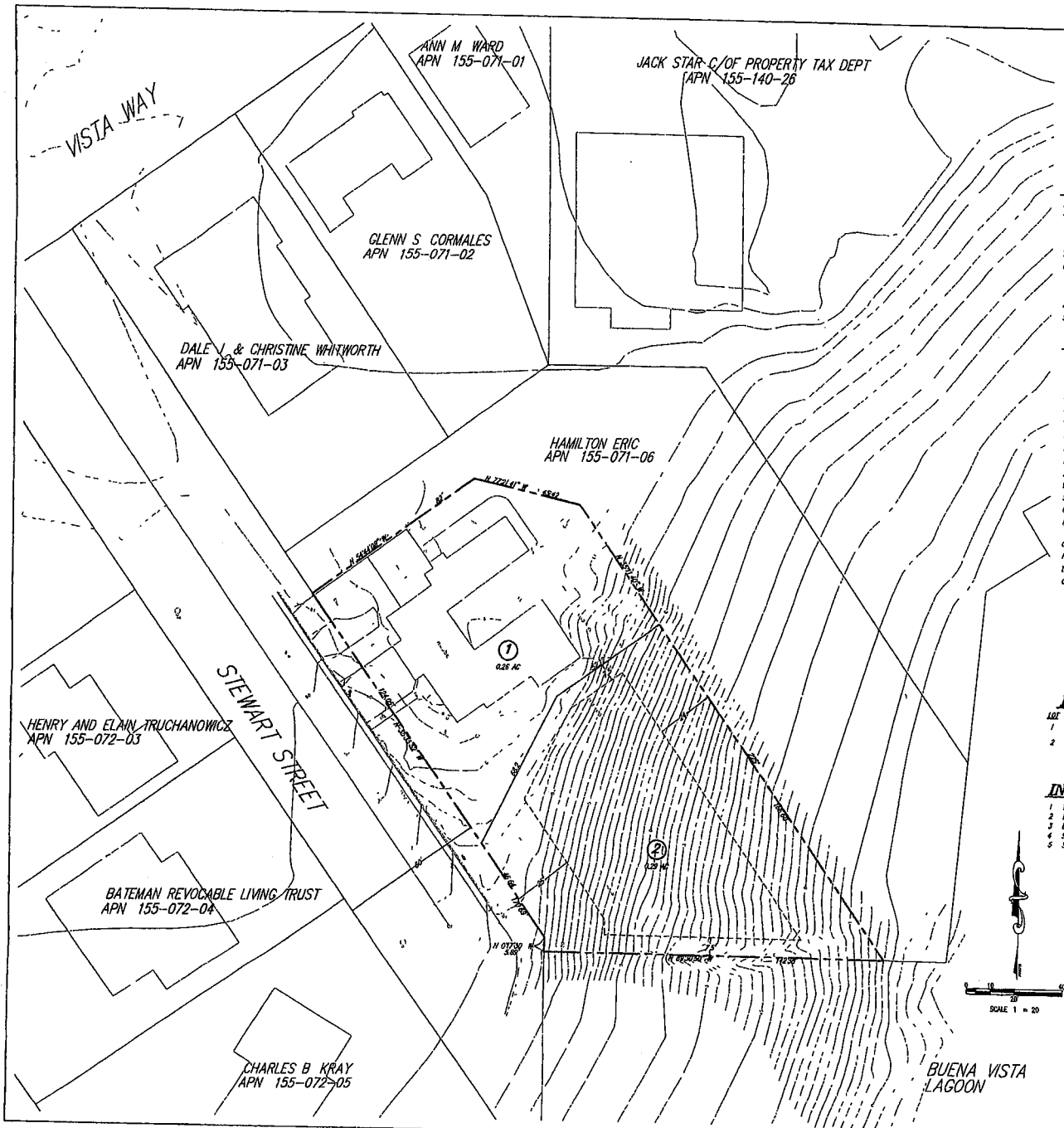
PUBLIC REVIEW PERIOD: the public review period is from **Wednesday, September 5, 2007 to Monday, October 8, 2007**.

PROJECT MANAGER: Amy Volzke, Principal Planner; (760) 435-3534: avolzke@ci.oceanside.ca.us; Fax number: (760) 754-2958; Planning Division, 300 N. Coast Hwy., Oceanside, CA 92054.

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

By order of Jerry Hittleman, City Planner

LAGUNA PACIFICA
TENTATIVE PARCEL MAP
P-29-06, C-56-06, RC-28-06



GEOTECHNICAL REPORT:

PRELIMINARY GEOTECHNICAL REPORT DATED SEPT 20, 2006 PROPOSED 2020 STEWART STREET

DRAINAGE REPORT:

PRELIMINARY DRAINAGE REPORT DATED DECEMBER 12 2006 PROPOSED 2020 STEWART STREET PARCEL MAP

STORM WATER MITIGATION PLAN

PRELIMINARY SWMP DATED FEBRUARY 7 2006 PROPOSED 2020 STEWART STREET PARCEL MAP

GENERAL NOTES

STREET ADDRESS	2020 STEWART STREET
ASSESSOR'S PARCEL NUMBER	150-071-05
TOTAL ACREAGE	0.55
EXISTING ZONING	
PROPOSED ZONING	NO CHANGE
GENERAL PLAN/LAND USE	SINGLE FAMILY
NUMBER OF EXISTING LOTS	1
NUMBER OF PROPOSED LOTS	2
NUMBER OF DWELLING UNITS/LOT	1
SCHOOL DISTRICT	OCEANSIDE UNIFIED SCHOOL DISTRICT
WATER DISTRICT	CITY OF OCEANSIDE
SEWER DISTRICT	CITY OF OCEANSIDE
CONTOUR INTERVAL	1'
FLOOD PLAIN INFORMATION	ZONE X, FEMA MAP NO 06073C0076 F (1-19-2001) OUTSIDE OF 500-YR FLOODPLAIN
GAS & ELECTRIC	SDG&E
FIRE PROTECTION	OCEANSIDE FIRE DEPT
TELEPHONE	PACIFIC BELL
CABLE TELEVISION	COX CABLE

LEGEND:

SUBDIVISION BOUNDARY	—— -E- ——
LOT LINE	——
LOT NUMBER & ACREAGE	(1) 16.4 AC
EXISTING CONTOURS	—— 100 ——
EXISTING FIRE HYDRANT	
EXISTING POWER POLE	-O-

EARTHWORK

CUT	1,823 CY
FILL	93 CY
EXPORT	1,530 CY

LEGAL DESCRIPTION:

PARCEL 1 IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO STATE OF CALIFORNIA AS SHOWN ON PAGE 9734 OF PARCEL MAPS, FILED IN THE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 25, 1980

EXCEPTING THEREFROM THAT PORTION HERETOFORE OR NOW LYING BELOW THE HIGH WATER MARK OF BEUNA VISTA LAGOON

SOURCE OF TOPOGRAPHY:

TOPOGRAPHY SHOWN ON THIS MAP WAS GENERATED BY RIGHT-OF-WAY ENGINEERING, JUNE 30, 2006

OWNER/DEVELOPER:

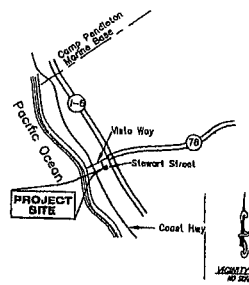
DATE

PETER BINAZ
2020 STEWART STREET
OCEANSIDE CA 92024
(760) 439-6260

LOT TABLE

LOT	GROSS (sf)	NET (sf)
1	11,554	11,554
2	12,476	12,476

INDEX TO SHEETS:



BENCHMARK:

DESCRIPTION CITY OF OCEANSIDE BENCHMARK #F-25

LOCATION TOP OF CURB, NORTHERLY P.C. NORTHWESTERLY CURB RETURN STEWART AND VISTA WAY

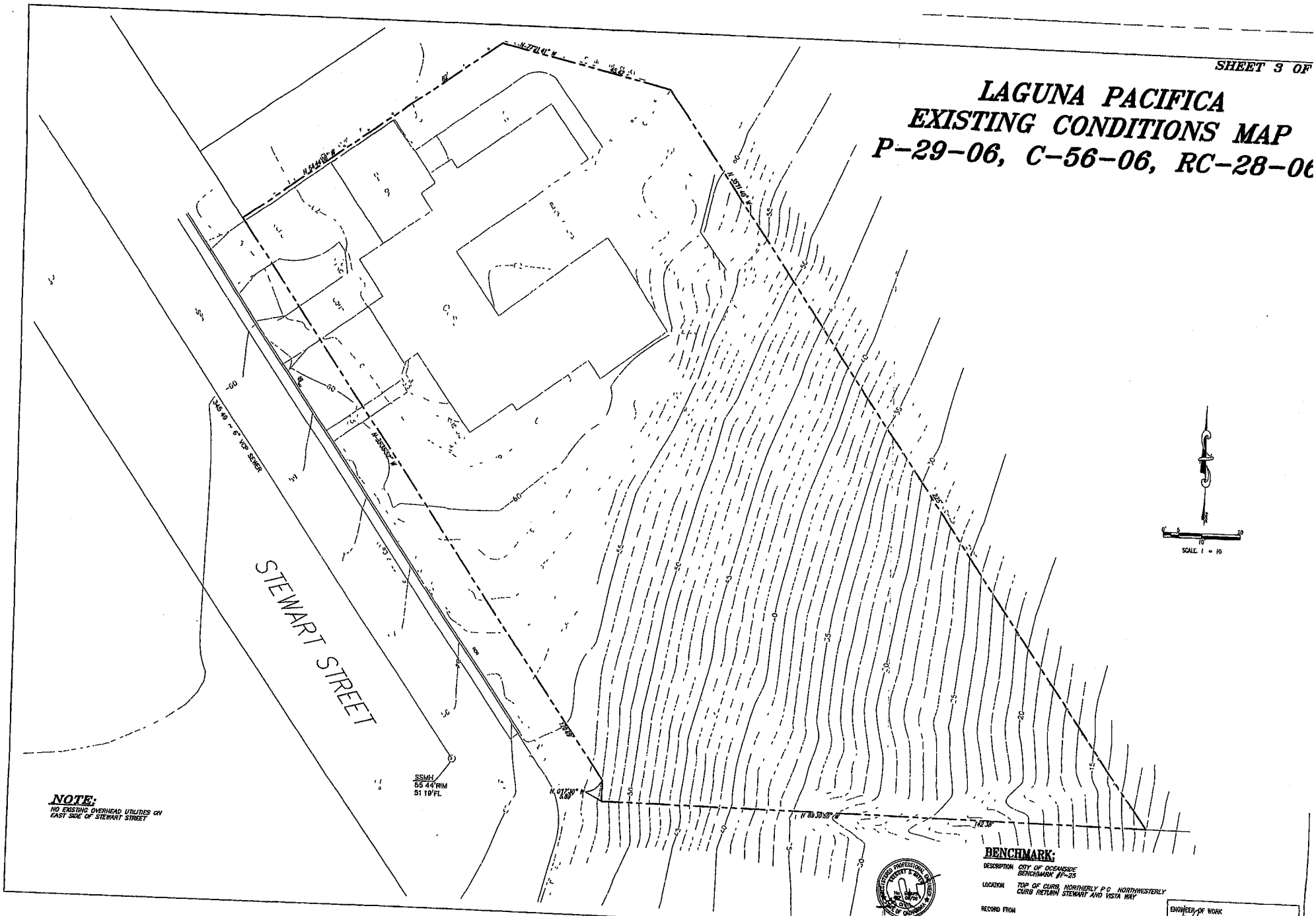
RECORD FROM

ELEVATION 50.100 DATUM MSL, 1984 ADJUSTED ELEV

REGISTERED PROFESSIONAL ENGINEER GREGORY E. MAYER No. 36758 CIVIL STATE OF CALIFORNIA

ENGINEER OF WORK
GREGORY E. MAYER
DATE 7/25/07

LAGUNA PACIFICA
EXISTING CONDITIONS MAP
P-29-06, C-56-06, RC-28-06



NOTE:
NO EXISTING OVERHEAD UTILITIES ON EAST SIDE OF STEWART STREET

BENCHMARK:

DESCRIPTION: CITY OF OCEANSIDE BENCHMARK #F-25

LOCATION: TOP OF CURB, NORTHERLY P.C. NORTHWESTERLY CURB RETURN STEWART AND VISTA WAY

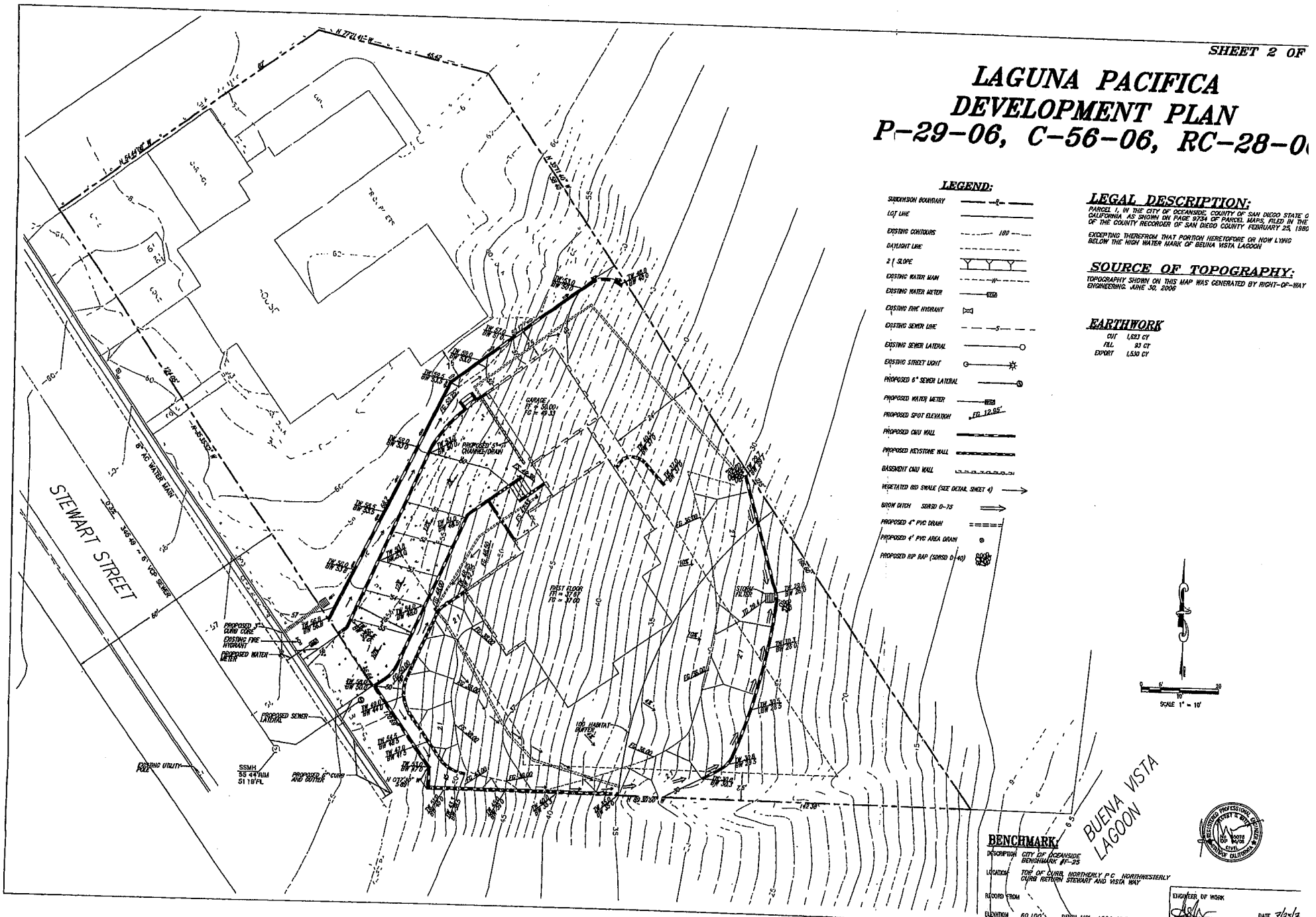
RECORD FROM:

ELEVATION: 60.100

ENGINEER OF WORK

DATE 7-25-07

LAGUNA PACIFICA
DEVELOPMENT PLAN
P-29-06, C-56-06, RC-28-0



LEGEND:

- SUBDIVISION BOUNDARY
- LOT LINE
- EXISTING CONTOURS
- DAYLIGHT LINE
- 2 (SLOPE
- EXISTING WATER MAIN
- EXISTING WATER METER
- EXISTING FIRE HYDRANT
- EXISTING SEWER LINE
- EXISTING SEWER LATERAL
- EXISTING STREET LIGHT
- PROPOSED 6" SEWER LATERAL
- PROPOSED WATER METER
- PROPOSED SPOT ELEVATION
- PROPOSED CMU WALL
- PROPOSED KEYSTONE WALL
- BASEMENT CMU WALL
- VEGETATED BIO SWALE (SEE DETAIL SHEET 4)
- BROW DITCH SDRSD D-75
- PROPOSED 4" PVC DRAIN
- PROPOSED 4" PVC AREA DRAIN
- PROPOSED RIP RAP (SDRSD D-40)

LEGAL DESCRIPTION:

PARCEL 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE O CALIFORNIA, AS SHOWN ON PAGE 9734 OF PARCEL MAPS, FILED IN THE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY FEBRUARY 25, 1980

EXCEPTING THEREFROM THAT PORTION HERETOFORE OR NOW LYING BELOW THE HIGH WATER MARK OF BEUNA VISTA LAGOON

SOURCE OF TOPOGRAPHY:

TOPOGRAPHY SHOWN ON THIS MAP WAS GENERATED BY RIGHT-OF-WAY ENGINEERING. JUNE 30, 2006

EARTHWORK

CUT	1,623 CY
FILL	93 CY
EXPORT	1,530 CY

BENCHMARK:

DESCRIPTION: CITY OF OCEANSIDE BENCHMARK #7-25

LOCATION: TOP OF CURB, NORTHERLY P.C. NORTHWESTERLY CURB RETURN STEWART AND VISTA WAY

RECORD FROM:

ELEVATION: 60.100' DATUM: MSL, 1984 ADJUSTED ELEV

REGISTERED PROFESSIONAL ENGINEER GREGORY D. MAYER No. 55075 CIVIL STATE OF CALIFORNIA

ENGINEER OF WORK

GREGORY D. MAYER

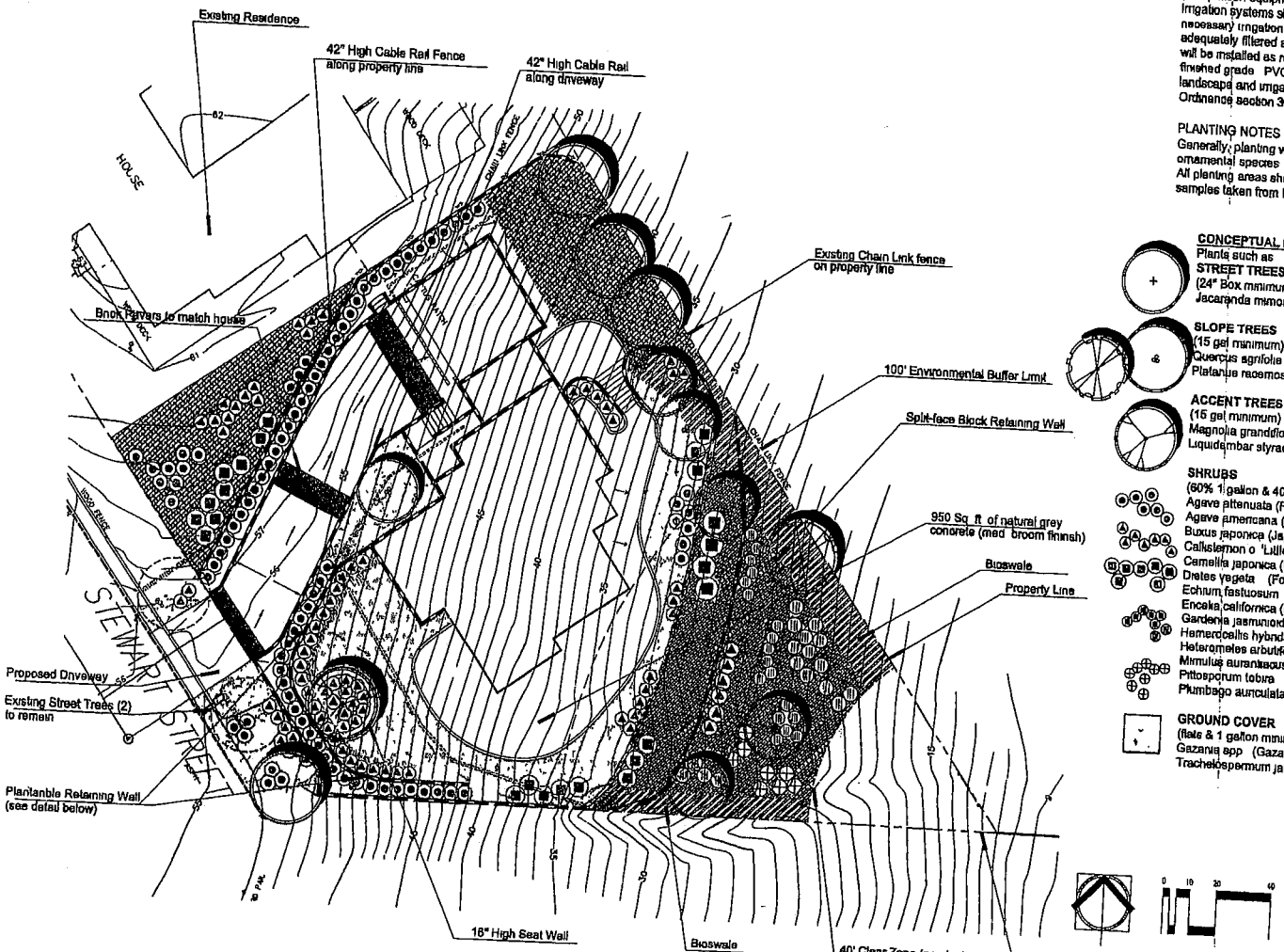
DATE 7/25/7

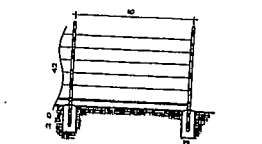
PE 55075

LANDSCAPE CONCEPT PLAN

LAGUNA PACIFICA

P- -05, D- -05, RC- -05



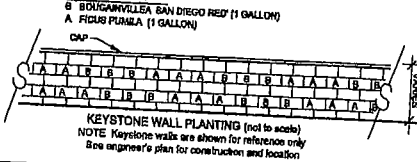


Conceptual 42" High Cable Rail Fence

PLANT LEGEND

B BOUGAINVILLEA SAN DIEGO RED' (1 GALLON)

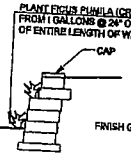
A FICUS PUMILA (1 GALLON)

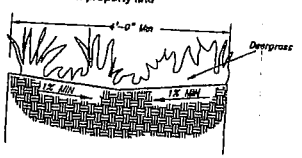


KEYSTONE WALL PLANTING (not to scale)

NOTE Keystone walls are shown for references only See engineer's plan for construction and location

PLANT FICUS PUMILA (CREEPING FIG) FROM 1 GALLONS @ 24" O.C. ALONG BASE OF ENTIRE LENGTH OF WALL





Vegetated Bio Swale Detail

GENERAL NOTES

All landscaping will be in accordance with the City of Oceanside Landscape Design Guidelines

IRRIGATION NOTES

An automatic irrigation system shall be installed to provide coverage for all planting areas shown on the plan Low precipitation equipment shall provide sufficient water for plant growth with a minimum water loss due to water run-off Irrigation systems shall use high quality, automatic control valves, timers, moisture sensing devices and other necessary irrigation equipment All components shall be of non-corrosive materials All drip systems shall be adequately filtered and regulated per the manufacturer's recommended design parameters Moisture sensing devices will be installed as required to monitor soil moisture levels PVC lateral lines shall be buried 12" minimum below finished grade PVC class 315 pressure mainline irrigation shall be installed as per manufacturer's specifications All landscape and irrigation improvements shall be installed as per the provisions of the City of Oceanside Zoning Ordinance section 3019 and the City of Oceanside Landscape Design Guidelines

PLANTING NOTES

Generally, planting within the project will be a drought tolerant combination of southern California natives and ornamental species The selection of plant material is based on cultural, aesthetic, and maintenance considerations All planting areas shall be prepared with soil conditioner, fertilizers, and appropriate supplements based upon soil samples taken from the site

CONCEPTUAL PLANT PALETTE

Plants such as

STREET TREES

(24" Box minimum)

Jacaranda mimosifolia (Jacaranda) 80'H x 40'W

SLOPE TREES

(15 gal minimum)

Quercus agrifolia (Coast Live Oak) 60'H x 60'W

Platanus racemosa (California Sycamore) 80'H x 60'W

ACCENT TREES

(15 gal minimum)

Magnolia grandiflora (Southern Magnolia)

Liquidambar styraciflua (American sweetgum) 60'H x 40'W

SHRUBS

(60% 1 gallon & 40% 5 gallon)

Agave attenuata (Foxtail agave) 4'H x 4'W

Agave americana (Century plant) 6'H x 8'W

Buxus japonica (Japanese boxwood) 4'H x 4'W

Callistemon o 'Little John' (Dwarf Bottlebrush) 3'H x 3'W

Camellia japonica (Camelia) 8'H x 6'W

Dietes vegeta (Fortnight Lily) 3'H x 3'W

Echium fastuosum (Pride of Madera) 8'H x 8'W

Encelia californica (Encelia) 4'H x 4'W

Gardenia jasminoides (Gardenia) 6'H x 4'W

Hemerocallis hybrids (Daylily) 2'H x 2'W

Heteromeles arbutifolia (Toyon) 10'H x 10'W

Mimulus aurantiacus (Bush Monkey Flower) 3'H x 6'W

Pittosporum tobira (Evergreen) 4'H x 4'W

Plumbago auriculata (Cape Plumbago) 8'H x 8'W

GROUND COVER

(flats & 1 gallon minimum)

Gazania spp (Gazania) 6"H x 2'W

Trachelospermum jasminoides (Star jasmine) 12"H x 5'W

CONCEPTUAL NATIVE COASTAL SAGE SCRUB PALETTE

Plants such as

SHRUBS

(60% 1 gallon & 40% 6 gallon)

Encelia californica (Encelia) 4'H x 4'W

Heteromeles arbutifolia (Toyon) 10'H x 10'W

Mimulus aurantiacus (Monkey Flower) 3'H x 6'W

Rhus integrifolia (Lemonade Berry) 10'H x 12'W

Opuntia (Prickly Pear) 6'H x 6'W

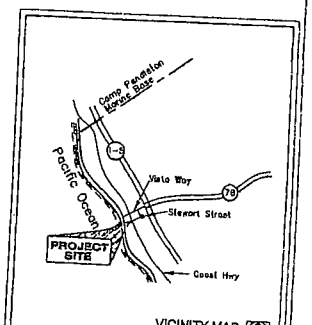
CONCEPTUAL BIOSWALE PALETTE

SHRUBS (from seed)

Muhlenbergia rigens (Deer Grass) 2'H x 2'W

LOT TABLE

total lot size	13,317sf (100%)
patio	958 sf (7 2%)
driveway	1212 sf (9 1%)
bldg coverage	2469sf (18 5%)
landscaped area	8691sf (65 2%)



VICINITY MAP

NOT TO SCALE

REGISTERED LANDSCAPE ARCHITECT 4704 STATE OF CALIFORNIA

BENCHMARK

DESCRIPTION CITY OF OCEANSIDE BENCHMARK #P-26

LOCATION TOP OF CURB, NORTHERLY P.C., NORTHWESTERLY CURB RETURN STEWART AND VISTA WAY

RECORD FROM

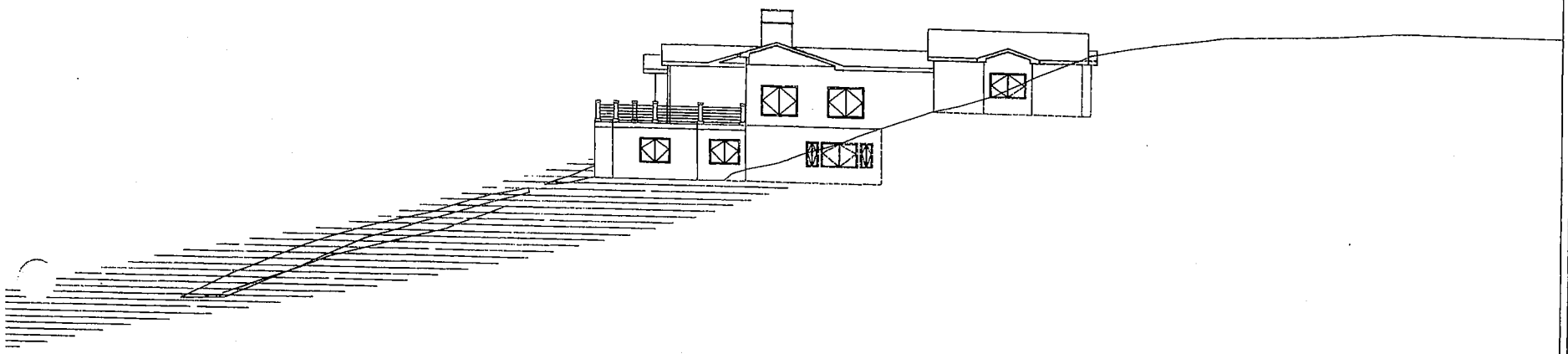
Rev 3/16/07

DESIGNED BY _____ DATE OCTOBER 2005

DRAWN BY _____ SCALE 1" = 20'

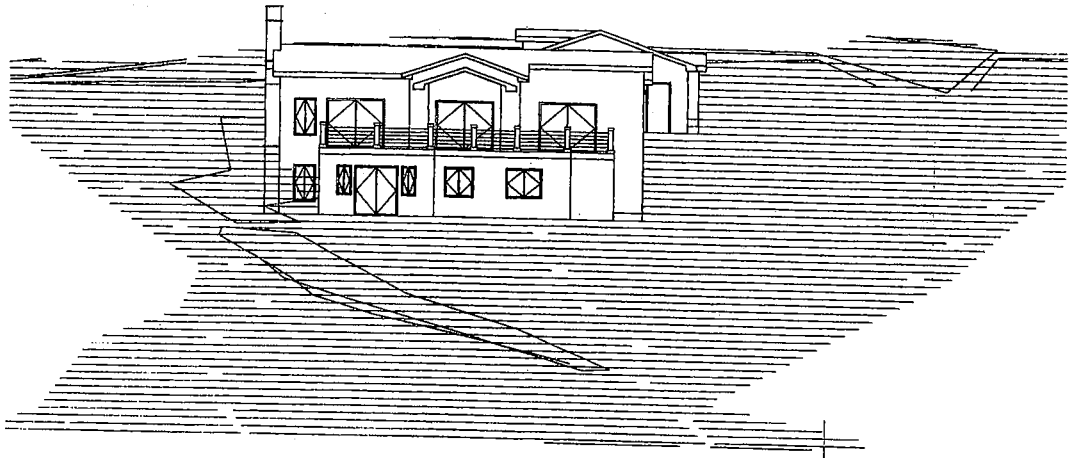
PROJECT MGR. _____ JOB NO. _____

ENGINEER OF WORK



NORTH EAST ELEV (FROM I-5)

SCALE: 1/8 = 1-0



SOUTH EAST ELEV (LAGOON)

SCALE 1/8 = 1 0

REVISIONS | BY

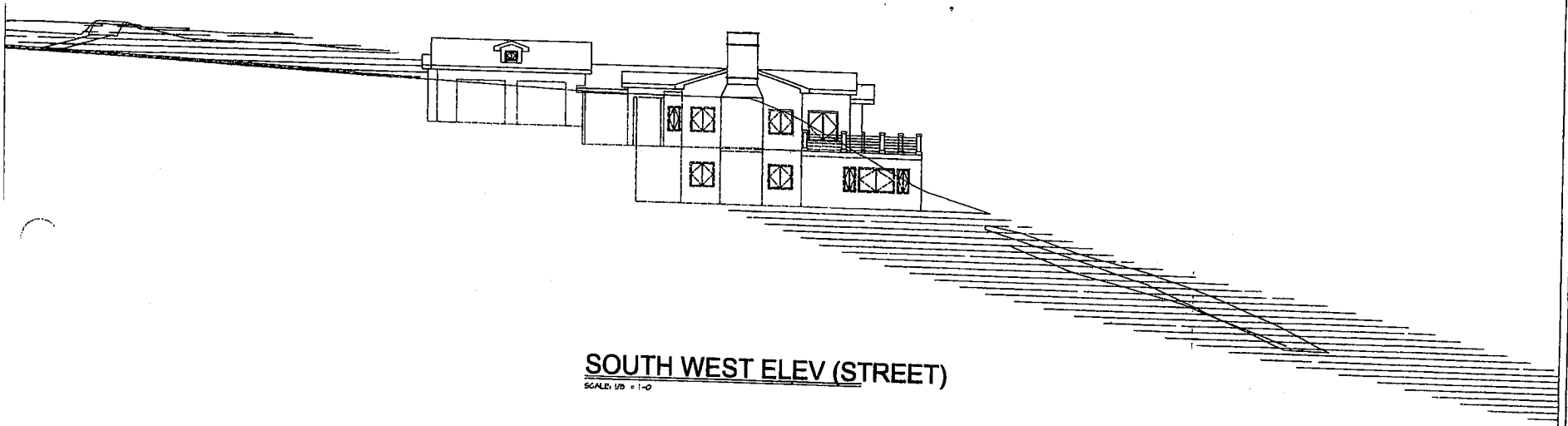
ARCHITURA

P.O. BOX 2434
CARLSBAD, CA 92018
(760) 433-1500

ELEVATIONS

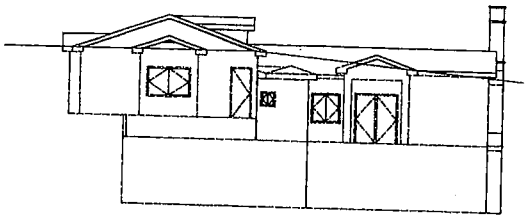
LAGUNA PACIFICA
2020 STEWARD ST
OCEANSIDE, CA 92054

Date 25 JULY 07
Scale 1/8 = 1-0
Drawn SAMUEL
Job
Sheet A 3
Of Sheets



SOUTH WEST ELEV (STREET)

SCALE: 1/8 = 1-0



NORTH WEST VIEW

SCALE 1/8 = 1-0

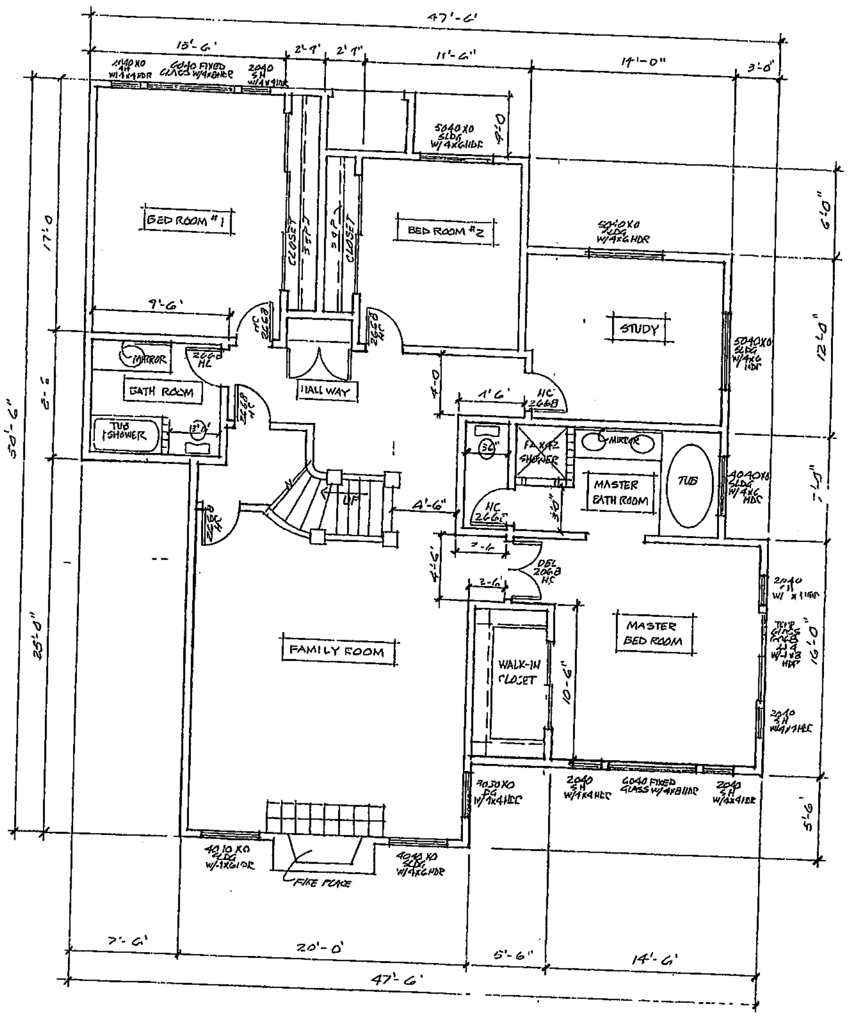
REVISIONS | BY

ARCHITURA

ELEVATIONS

LAGUNA PACIFICA
2020 STEWARD ST
OCEANSIDE, CA 92054

Date 25 JULY 07
Scale 1/8 = 1-0
Drawn SAMUEL
Job
Sheet A4
Of # Sheets



FIRST FLOOR 1816 SF
SECOND FLOOR 1568 SF
TOTAL 3384

GARAGE 624 SF
DECK 562 SF

RECEIVED
JUL 31 2007
Planning Department

GLAZING NOTES

1. INSTALL SAFETY GLAZING IN HAZADOUS LOCATIONS SUCH AS GLASS DOORS GLAZING ADJACENT TO DOORS AND GLAZING ADJACENT TO WALKING SURFACES
2. GLAZING IN SHOWERS AND TUB ENCLOSURES SHALL BE TEMPERED LAMINIATED OR APPROVED PLASTIC INCLUDING WINDOWS WITHIN 6 FEET OF TUB OR SHOWER FLOOR
3. ALL WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5 7 S F THE MINIMUM NET OPENABLE HEIGHT DIMENSION SHALL BE 24 THE NET CLEAR WIDTH DIMENSION SHALL BE 20 WHEN WINDOWS ARE PROVIDED AS MEANS OF ESCAPE OR RESCUE THEY SHALL HAVE A FINISHED SILL HEIGHT NOT MORE THAN 44 ABOVE THE FINISHED FLOOR
4. ALL NEW GLAZING SHALL BE DUAL GLAZING

FIRST FLOOR

1/4" = 1'-0"

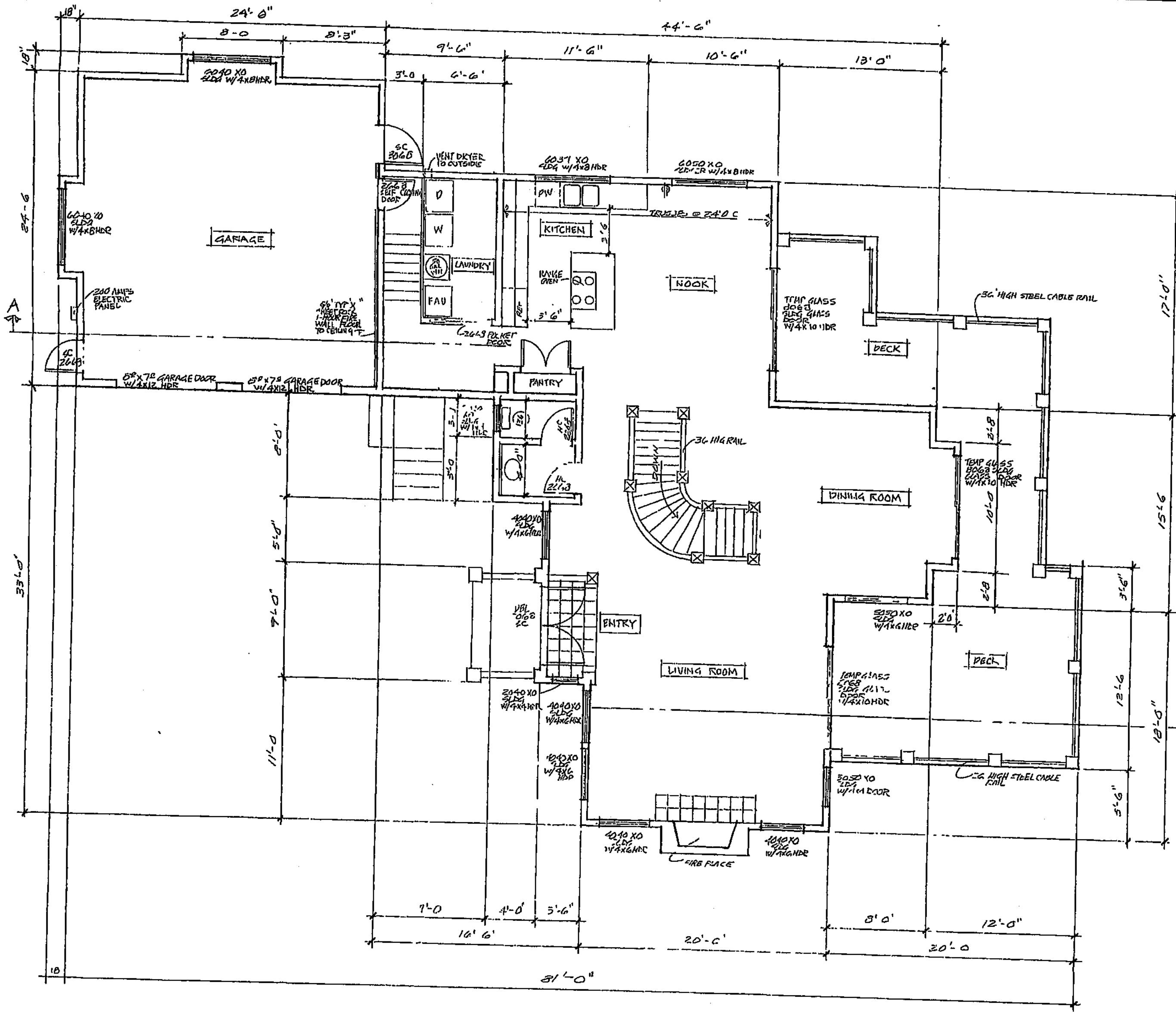
RESIDENCE

REVISIONS	BY

DRAWN BY
B.D.S
4528 CARDIFF BAY DRIVE
OCEANSIDE CA 92057
(760) 757-6862

DRAWN: R EADILLO
CHECKED
DATE: 12-7-06
SCALE
JOB NO.
SHEET: 1
OF 6 SHEETS

CT/VALUEINE 800 252 1800



SECOND FLOOR

1/4" = 1'-0"

ID	SHEAR PANEL SCHEDULE (1997 UBC Table 23-II-I-1 and Table 23-II-I-1) PANEL DESCRIPTION	5/8" dia. Anchor Bolt spacing in Concrete	16d nails in sill/floor	A35F	A35	Maximum Shear P.L.F.
1	7/8" Stucco over paper backed wire lath with 16-gage staples @ 6" o/c top, bottom and field	60" o/c	6" o/c	30" o/c	24" o/c	180 P.L.F.
2	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
3	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
4	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
5	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
6	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

7 SIMPSON STRONG WALL SW 7'x24'x4"

GLAZING NOTES

1. INSTALL SAFETY GLAZING IN HAZARDOUS LOCATIONS SUCH AS GLASS DOORS GLAZING ADJACENT TO DOORS AND GLAZING ADJACENT TO WALKING SURFACES
2. GLAZING IN SHOWERS AND TUB ENCLOSURES SHALL BE TEMPERED LAMINATED OR APPROVED PLASTIC INCLUDING WINDOWS WITHIN 5 FEET OF TUB OR SHOWER FLOOR
3. ALL WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENABLE AREA OF 5.7 S.F. THE MINIMUM NET OPENABLE HEIGHT DIMENSION SHALL BE 24 THE NET CLEAR WIDTH DIMENSION SHALL BE 20 WHEN WINDOWS ARE PROVIDED AS MEANS OF ESCAPE OR RESCUE THEY SHALL HAVE A FINISHED SILL HEIGHT NOT MORE THAN 44 ABOVE THE FINISHED FLOOR
4. ALL NEW GLAZING SHALL BE DUAL GLAZING

RESIDENCE	1568 sf
GARAGE	624 sf
DECK	562 sf

REVISIONS | BY

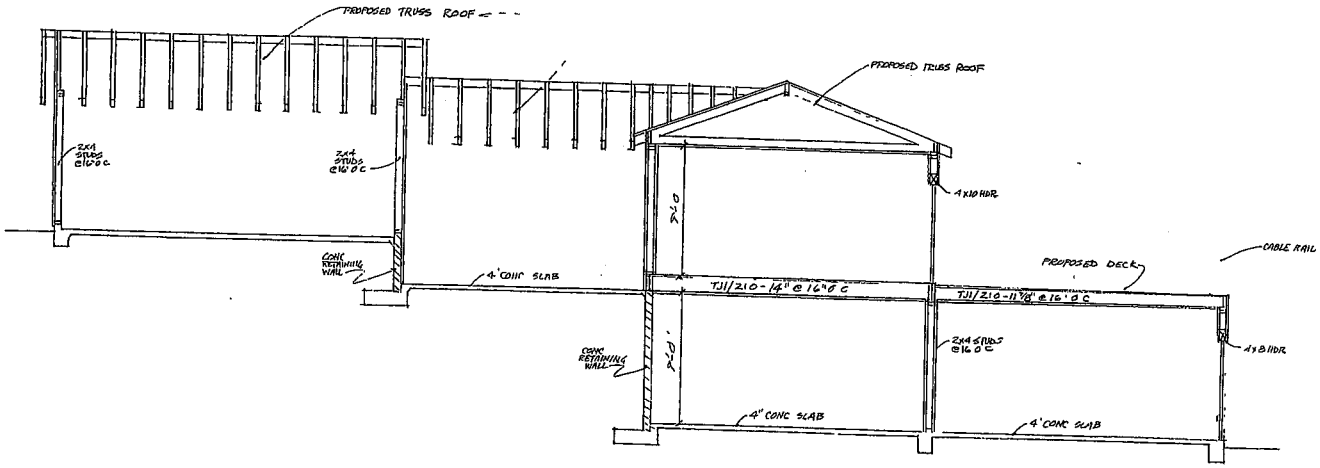
DRAWN BY
B.D.S.
4026 CARDIFF BAY DRIVE
OCEANSIDE CA 92057
(760) 757-6662

LAGUNA - PACIFICA PROJECT

OWNER
PETER SINIAZ
2020 STEWART ST
OCEANSIDE, CA 92054
760-451-6250

DRAWN: R.S.
CHECKED:
DATE: 12-7-06
SCALE: 1/4"=1'
JOB NO:
SHEET 2
OF 6 SHEETS

CTI/VALUELINE 800 262 1500



SECTION – A

REVISIONS	BY

DESIGN BY
B.D.S
4228 CLIFF BAY DRIVE
OCEANSIDE CA 92057
(760) 707 6862

LAGUNA - PACIFICA
PROJECT

OWNER
PETER BINIAZ
2020 STEWART ST
OCEANSIDE, CA 92054
760-497-0280

DRAWN	
CHECKED	
DATE	
SCALE	
JOB NO	
SHEET	6
OF	6 SHEETS

INITIAL STUDY
City of Oceanside, California

1. **PROJECT:** Laguna Pacifica

2. **LEAD AGENCY:** City of Oceanside

3. **CONTACT PERSON & PHONE:**

Amy Volzke, Principal Planner
(760) 435-3534

4. **PROJECT LOCATION:**

2020 Stewart Street
Oceanside, CA 92054

5. **APPLICANT:** Peter and Joni Biniaz

6. **GENERAL PLAN DESIGNATION:** Residential Estate-B

7. **ZONING:** RE-B (Residential Estate –B)

8. **PROJECT DESCRIPTION:**

Laguna Pacifica is the development of a .55 acre parcel at the south end of Stewart Street. The proposed project will create two parcels 11,554 and 12,476 square feet in size. The parcel slopes from a relatively flat area near Stewart Street toward the shores of the Buena Vista Lagoon.

A Hillside Development Plan is required to construct a 3,384 square foot home on the new parcel. The new residence will be designed to conform to the slope to reduce grading. A variance to allow a two-car garage (rather than the required three-car) is proposed to further minimize impacts on the slope.

This request includes a Tentative Parcel Map with a Hillside Development Plan and a Variance to implement the project. A Regular Coastal Permit and a Conditional Use Permit are required since the project will exceed the base density.

9. **SURROUNDING LAND USE(S) & PROJECT SETTING:**

The property is situated in an urbanized area which includes single family homes to the north and west, and commercial uses as well as single family homes to the east. Buena Vista Lagoon is to the south.

10. **OTHER REQUIRED AGENCY APPROVALS:** N/A

11. **PREVIOUS ENVIRONMENTAL DOCUMENTATION:** None

12. **CONSULTATION:**
    1. ASM Affiliates, Archeological Consultants
    2. Gregory D. Mayer, RPE – Drainage Study Report
    3. Gregory D. Mayer, RPE - Stormwater Mitigation Plan
    4. Vincent N. Scheidt, Certified Biological Consultant
    5. Dave Iversen, Archaeologist, ASM Affiliates – Archaeology Study
    6. Chris Lillback, Pacific Coast Land Consulting – Geology Report

7. Ralph K. Jeffery, Pacific Coast Land Consulting – Street Evaluation
8. Brian Grove, Grove Landscape Architecture – Landscape Architect
9. J. Michael Winfield, AIA - Architect

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

☐ Aesthetics	☐ Agricultural	☐ Air Quality
☒ Biological Resources	☐ Cultural Resources	☐ Geological
☐ Hazards	☐ Water	☐ Land Use & Planning
☐ Mineral Resources	☐ Noise	☐ Population & Housing
☐ Public Services	☐ Recreation	☐ Transportation
☐ Utilities Systems		

14. ENVIRONMENTAL CHECKLIST

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

1. *No Impact*. Future development arising from the project's implementation will not have any measurable environmental impact on the environment and no additional analysis is required.

2. *Less Than Significant Impact*. The development associated with project implementation will have the potential to impact the environment. These impacts, however, will be less than the levels or thresholds that are considered significant and no additional analysis is required.

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

4. *Potentially Significant Impact*. Future implementation will have impacts that are considered significant, and additional analysis is required to identify mitigation measures that could reduce these impacts to less than significant levels.

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

a) *Have a substantial adverse effect on a scenic vista?* ***No Impact.*** Short-term construction-related aesthetic impacts would consist primarily of grading activities and the presence of construction equipment. These short-term impacts are temporary and would cease upon project completion.

Physical design attributes of the project will minimize aesthetic impacts. These design attributes include siting the new home below the level of the adjoining street by building it into the hillside slope to complement the existing landform. Additionally, the incorporation of a native plant landscaping scheme will substantially minimize visual impacts to surrounding areas. Landscaping includes trees and natural vegetation, and the general enhancement of the site's aesthetics by using color selections (i.e., green) for building materials that are compatible with the surrounding environment. The proposed project design features and landscape screening would result in the project having no significant aesthetic impacts.

Additionally, the project is in substantial conformance with the Hillside Development Regulations. Setbacks have been reduced to address view issues and to ensure that the home does not encroach into the 100' buffer from lagoon wetlands required by the City of Oceanside Local Coastal Program (LCP). The LCP also requires that all homes on slopes adjacent to the lagoon meet the Hillside Regulations.

Views from I-5 North toward the project site are substantially obstructed by vegetation and the design of the freeway.

b) *Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway?* ***No Impact.*** No scenic resources, including trees, rock outcroppings or historic buildings are situated on-site. In addition, the project site is not situated within a state scenic highway.

c) *Substantially degrade the existing visual character or quality of the site and its surroundings?* ***No Impact.*** Much of the current site consists of disturbed habitat which has been cleared for weed abatement and rodent control purposes. The native landscaping included in this project will enhance the aesthetic quality of the current site and its surroundings.

d) *Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?* ***No Impact.*** The proposed project would create no new significant source of lighting. The Oceanside Zoning Ordinance requires that all lighting use shielded luminaries with glare control to prevent light spillover onto adjacent areas. As mentioned in Section 14.4-3(a), any necessary lighting will be directed away from the lagoon and shielded as necessary to prevent light pollution of the slopes below the project site. Because the lagoon is separated from the project by 100 feet, lighting impacts are anticipated

to be minimal.

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

a) *Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?* ***No Impact.*** Designated land uses within the project area do not include agricultural uses and project implementation would not result in conversion of existing farmland to non-agricultural uses. Therefore, the project does not affect an agricultural resource area and thus does not impact designated Prime Farmland, Unique Farmland, or Farmland of Statewide Importance.

b) *Conflict with existing zoning for agricultural use, or a Williamson Act contract?* ***No Impact.*** The proposed project is located in an area zoned for low-density residential uses; agricultural designations do not occur within the project area and no Williamson Act contracts apply.

c) *Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use?* ***No Impact.*** As previously stated, the proposed project area is not located within an agricultural area. Thus, implementation of this project would not result in changes in the environment, which would result in the conversion of farmland to non-agricultural use. No impacts are anticipated in this regard.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.3 AIR QUALITY. Would the project:				
a. Conflict with or obstruct implementation of the applicable air quality plan?	☐	☐	☐	☒
b. Violate an air quality standard or contribute to an existing or projected air quality violation?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
c. Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under the applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?	☐	☐	☐	☒
d. Expose sensitive receptors to substantial pollutant concentrations?	☐	☐	☐	☒
e. Create objectionable odors affecting a substantial number of people?	☐	☐	☐	☒

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

b) *Violate any air quality standard or contribute substantially to an existing or projected air quality violation?* ***No Impact.*** The SCAQMD CEQA Air Quality Handbook contains screening tables to provide guidance to local governments regarding the various types/amounts of land uses which may exceed state or federal air quality standards and would, therefore, result in potentially significant air quality impacts. Two different screening significance thresholds are provided and include: 1) Construction thresholds; and 2) operation thresholds. The construction and operations significance thresholds, as applicable to the proposed project, show that there will be no impact.

c) *Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)?* ***No Impact.*** Refer to Responses (a) and (b).

d) *Expose sensitive receptors to substantial pollutant concentrations?* ***No Impact.*** Sensitive populations (i.e., children, senior citizens and acutely or chronically ill people) are more susceptible to the effects of air pollution than are the general population. Land uses considered sensitive receptors typically include residences, schools, playgrounds, childcare centers, hospitals, convalescent homes, and retirement homes. There are no sensitive receptors in proximity to the project site.

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

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

a. *Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or the USFWS?* ***No Impact.*** A Biological Survey was completed for the proposed project by Vincent N. Scheidt, Certified Biologist, on September 12, 2006. The Survey was conducted to identify the biological resources present on the site, and to determine the potential impacts from the proposed development of the site. Biological resources are considered sensitive with respect to local, state, and federal resource agencies. The Biological Survey reports that no sensitive species and/or habitats were observed on-site. The plant communities within the project area are developed, disturbed or non-native and ornamental vegetation. No sensitive plants as recognized by the City were found within this site. No sensitive animals were detected on site. Sensitive species in the Buena Vista Lagoon to the south of the project site will be protected by a 100' buffer from the project as described in sub-section (d) below. The biological resource value of the property is low.

b. *Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Game (DFG) or U.S. Fish and Wildlife Service?* ***No Impact.*** According to the Biological Survey mentioned in 14.4(a), the proposed project will have no direct adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, and regulations by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The site does not contain any Federal or State jurisdictional areas. The 100' buffer from the lagoon wetlands required by the City of Oceanside Local Coastal Program is discussed in sub-section (d) below.

c. *Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?* ***No Impact.*** No dredged or fill material will be discharged into federally protected wetlands. Thus, the project would not result in impacts to wetlands.

d. *Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?* ***Potentially Significant Unless Mitigated.*** A 100' buffer from Buena Vista Lagoon wetlands will be provided in accordance with the City of Oceanside Local Coastal Plan. Project implementation would not interfere with the movement of any native resident or migratory fish or wildlife species, with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites, as none exist within the project area. Landscaping treatments between the home and lagoon wetlands will include plants from a San Diego Coastal Sage Scrub palette, and native trees will provide additional nesting and resting sites for the many birds of the lagoon habitat. Currently, the site contains 31 species of naturalized plants, of which 58% are non-native. The percentage of native plants and trees will increase significantly with this project, enhancing the habitat area for the Lagoon wildlife. However, the possibility that "edge effects" and construction noise and dust could adversely impact resources associated with the Buena Vista Lagoon is considered potentially significant by CEQA unless the mitigation measures below are adopted. The proposed retaining wall (3' high maximum) is needed to create a retention area to collect and clean storm water before it enters the lagoon. The retaining wall will be planted with native plants and will not have an adverse effect on the adjacent lagoon.

Mitigation Measures

In order to reduce all potentially significant project-related impacts to less than significant, as defined by CEQA, the following measures will be taken:

1. Site brushing, grading, and/or the removal of vegetation (including landscaping and trees) within 300 feet of any potential migratory songbird nesting location is not normally permitted during the spring/summer songbird breeding season, defined as from 15 March to 31 August of each year. This is required in order to ensure compliance with the California Fish and Game Code and the MBTA. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds and raptors.
2. Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the bird breeding season, a preconstruction nesting survey of all areas within 300 feet of the proposed activity will be required. This survey must be conducted by a qualified biologist who must submit a summary report with findings and recommendations (such as noise abatement, seasonal restrictions on vegetation removal, etc) to be approved by the City of Oceanside and the wildlife agencies prior to project implementation.
3. A 100-foot habitat buffer from the edge of the lagoon, which begins approximately 10 feet from the southeastern property corner, will ensure that site development does not result in adverse direct impacts to the Buena Vista Lagoon. The following measures will be implemented to minimize potential "edge effects":
    a. Any necessary lighting will be directed away from the lagoon and shielded as necessary to prevent light pollution of the slopes below the project site. Because the lagoon is separated from the proposed project area by 100 feet, lighting impacts are anticipated to be minimal.
    b. Drainage from development-related hardscape surfaces will be processed onsite and no discharge of unprocessed runoff materials will be directed into the lagoon.
    c. Landscaping of the 100-foot habitat buffer area between the proposed development area and the lagoon will consist of 100 percent indigenous, native species. No invasive or noxious species will be present on the project's plant palette. To ensure this, the project landscape palette will be reviewed for consistency by a City-approved biologist.

d. In order to prevent displaced soils and materials from entering the Lagoon the development area will be securely fenced with temporary chain-link construction fencing and silt fencing.
e. Site access exists along an improved roadway from the end of Stewart Street. Sensitive lands in Buena Vista Lagoon will thus not be affected in any way by the site access. Access into the lagoon will not be provided by the project.

e. *Conflict with any local policies or ordinances protecting biological resources, such as tree preservation policy/ordinance?* ***No Impact.*** The project site is surrounded by developed suburban or urban land uses and ornamental vegetation. There will be no conflict with local policies or ordinances.

f. *Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?* ***No Impact.*** Landscaping treatments between the project and lagoon within the 100' buffer area will include a San Diego Coastal Sage Scrub palette, and native trees that will provide additional nesting and resting sites for the many birds of the lagoon. Currently, the site contains 31 species of naturalized plants, of which 58% are non-native. The percentage of native plants and trees will increase significantly with this project, enhancing the habitat area for the Lagoon wildlife.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.5 CULTURAL RESOURCES. Would the project:				
a. Cause a substantial adverse change in the significance of a historical resource as defined in ∋ 15064.5 of CEQA?	☐	☐	☐	☒
b. Cause a substantial adverse change in the significance of an archaeological resource pursuant to ∋ 15064.5 of CEQA?	☐	☐	☐	☒
c. Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	☐	☐	☐	☒
d. Disturb any human remains, including those interred outside of formal cemeteries?	☐	☐	☐	☒

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

A field survey conducted on April 5, 2007 yielded no cultural resources. Due to the highly disturbed nature of the property, there is no potential for buried resources to be present. Therefore, no cultural resource impact will occur.

b. *Cause a substantial adverse change in the significance of an archaeological resource pursuant to ∋ 15064.5 of CEQA?* ***No Impact.*** Refer to Response to a. above.

c. *Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?* ***No Impact.*** Due to the project site's location and the extensive disturbance which has occurred on the property, there is no potential for sub-surface resources. On April 5, 2007, a field survey was conducted by the archeology firm of ASM Affiliates, which yielded no cultural resources. Due to the highly disturbed

nature of the property, there is no potential for buried resources to be present. Therefore, no cultural resource impact will occur.

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

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

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

1) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. ***No Impact.*** The project site is located within the seismically active southern California region and would likely be

subjected to groundshaking, thus exposing the proposed project to seismic hazards. No known active seismic faults traverse the City of Oceanside. Impacts are not anticipated.

2) *Strong seismic ground shaking?* ***No Impact.*** The proposed project would be required to be in conformance with the Uniform Building Code (UBC), the City's Seismic Hazard Mitigation Ordinance, and other applicable standards. Conformance with standard engineering practices and design criteria would reduce the effects of seismic ground shaking to No Impact.

3) *Seismic-related ground failure, including liquefaction?* ***No Impact.*** Liquefaction is the loss of strength of cohesionless soils when the pore water pressure in the soil becomes equal to the confining pressure. Liquefaction generally occurs as a "quicksand" type of ground failure caused by strong groundshaking. The primary factors influencing liquefaction potential include groundwater, soil type, relative density of the sandy soils, confining pressure, and the intensity and duration of groundshaking. According to the *City of Oceanside General Plan,* dated *June 2002*, the project area is not susceptible to liquefaction hazards.

4) *Landslides?* ***No Impact.*** Landslides are mass movements of the ground that include rock falls, relatively shallow slumping and sliding of soil, and deeper rotational or transitional movement of soil or rock. However, according to the *City of Oceanside General Plan*, the project site is not located within a known or highly suspected landslide area. Further, site stabilization and soil compaction requirements required by project geotechnical investigation and design parameters established by the most recent UBC and the City's Seismic Hazard Mitigation Ordinance would reduce any potential impacts to No Impact.

b) *Result in substantial soil erosion or the loss of topsoil?* ***Less than significant Impact.*** Grading and trenching during the construction phase of the project would displace soils and temporarily increase the potential for soils to be subject to wind and water erosion. The contractor will be required to comply with standard engineering practices for erosion control and a qualified soils engineer will monitor soil compaction during construction. Implementation of the following preventive measure would reduce potential soil erosion impacts to less than significant levels.

Preventive Measure:

GEO 1. An erosion and sediment control plan will be prepared and submitted for review and approval prior to issuance of grading permit. The plan will outline methods that will be implemented to control erosion from graded or cleared portions of the site, including but not limited to straw bales, sandbags, soil binders, diversion fences, desilting basins, etc. The Plan will be prepared in accordance with the City's grading ordinance, the City's water quality ordinance, the latest NPDES Permit and to the satisfaction of the City Engineer.

c) *Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?* ***No Impact.*** No water extractions or similar practices are anticipated to be necessary that are typically associated with project-related subsidence effects. In addition, surface material which would be disrupted/displaced would be balanced and re-compacted on-site during project construction.

d) *Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1997), creating substantial risks to life or property?* ***No Impact.*** Soil types encountered in the Geologic Study conducted in September 2006 consisted of naturally occurring, slightly cemented, dense, sands of the Terrace deposit material. No expansive soils are present on the lot.

e) *Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?* ***No Impact.*** The proposed project does not include the implementation of septic tanks or alternative wastewater disposal systems.

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

a) *Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?* ***No Impact.*** The proposed project would not involve the routine transport, use, or disposal of hazardous materials, and would not result in such impact.

b) *Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?* ***No Impact.*** The proposed project is not anticipated to result in a release of hazardous materials into the environment. The level of risk associated with the accidental release of any hazardous substances is not considered significant due to the small volume and low concentration of hazardous materials. The contractor will be required to use standard construction controls and safety procedures which would avoid the potential for accidental release of such substances into the environment.

c) *Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?* ***No Impact.*** No existing or proposed school facilities are located within a one-quarter mile radius of the project site.

d) *Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?* ***No Impact.*** According to the *Preliminary Hazardous Materials Assessment*, the proposed project site is not included on a list of sites containing hazardous materials, and would not result in a significant hazard to the public or to the environment.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area?* ***No Impact.*** The proposed project site is not located within an airport land use plan or within two miles of a public airport and would not result in a safety hazard for people residing or working in the project area.

f) *For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area?* ***No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not result in a safety hazard for people residing or working in the project area.

g) *Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?* ***No Impact.*** The proposed project would have no impacts on emergency response plans or emergency evacuation plans. No revisions to adopted emergency plans would be required as a result of the proposed project.

h) *Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?* ***No Impact.*** The project would not expose people or structures to a significant risk of wildland fires because the project site does not adjoin OFD-designated wildland areas.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.8 HYDROLOGY AND WATER QUALITY. Would the project:				
a. Violate any water quality standards or waste discharge requirements?	☐	☐	☒	☐
b. Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?	☐	☐	☐	☒
c. Substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?	☐	☐	☐	☒
d. Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off site?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
e. Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?	☐	☐	☐	☒
f. Otherwise substantially degrade water quality?	☐	☐	☐	☒
g. Place housing within a 100-year flood hazard area as mapped on a Federal Flood Hazard Boundary or Flood Insurance Rate map or other flood hazard delineation map?	☐	☐	☐	☒
h. Place within a 100-year flood hazard area structures which would impede or redirect flood flows?	☐	☐	☐	☒
i. Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?	☐	☐	☐	☒
j. Inundation by seiche, tsunami, or mudflow?	☐	☐	☐	☒
k. Result in an increase in pollutant discharges to receiving waters considering water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?	☐	☐	☐	☒
l. Result in significant alternation of receiving water quality during or following construction?	☐	☐	☐	☒
m. Could the proposed project result in increased erosion downstream?	☐	☐	☐	☒
n. Result in increased impervious surfaces and associated increased runoff?	☐	☐	☐	☒
o. Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?	☐	☐	☐	☒
p. Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?	☐	☐	☐	☒
q. Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?	☐	☐	☐	☒
r. Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?	☐	☐	☐	☒
s. Have a potentially significant adverse impact on groundwater quality?	☐	☐	☐	☒
t. Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?	☐	☐	☐	☒
u. Impact aquatic, wetland, or riparian habitat?	☐	☐	☐	☒

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
v. Potentially impact stormwater runoff from construction or post construction?	☐	☐	☐	☒
w. Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?	☐	☐	☐	☒
x. Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?	☐	☐	☐	☒
y. Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?	☐	☐	☐	☒
z. Create significant increases in erosion of the project site or surrounding areas?	☐	☐	☐	☒

a) *Violate any water quality standards or waste discharge requirements?* ***Less Than Significant Impact.*** Impacts related to water quality would range over three different phases of project implementation: 1) during the earthwork and construction phase, when the potential for erosion, siltation and sedimentation into on-site drainages would be the greatest; 2) following construction, prior to the establishment of ground cover, when the erosion potential may remain relatively high; and 3) following completion of the project, when impacts related to sedimentation would decrease markedly, but those associated with site runoff would increase.

Compliance with the statewide National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity would prevent stormwater pollution from impacting waters of the U.S. in the vicinity of the project site. Implementation of the BMP measures will reduce potential water quality impacts to less than significant levels.

b) *Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)?* ***No Impact.*** The project will not have the potential to substantially deplete groundwater supplies or interfere with groundwater recharge.

c) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of stream or river, in a manner which would result in substantial erosion or siltation on- or off-site?* ***No Impact.*** Alteration of absorption rates is not considered significant, due to the low replacement ratio of vacant land with impermeable surfaces. No significant changes in drainage patterns associated with the proposed project are anticipated to occur.

d) *Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site?* ***No Impact.*** Refer to Response (c), above.

e) *Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff?* ***No Impact.*** Construction of proposed improvements will not create or contribute runoff water which would exceed the capacity of

existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff.

f) *Otherwise substantially degrade water quality?* ***No Impact.*** The proposed development of the site will decrease infiltration at the Site and increase runoff from the site by approximately 0.33 c.f.s. compared to current conditions. With the use of vegetated swales and energy dissipaters, the anticipated changes to the hydrologic regime will not negatively impact downstream channels or impact habitat integrity. Also, to further capture sediment from stormwater runoff before it enters into the drain system, an Ultra-Urban filter with Smart Sponge will be utilized. The system is designed for use in storm drains that experience pollution that is accompanied by sediment and debris, including oil, grease, hydrocarbons, animal waste, and bacteria. The filter will be installed in a drop-in catch basin drain. The antimicrobial mechanism is based on the antimicrobial agent's interaction with the microorganism cell membrane, causing the microorganism disruption but no chemical or physical change in the agent. Antimicrobial activity does not reduce the agent capability or cause its depletion and, therefore, the effectiveness of the filter is maintained over a long period. Additionally, the hydrocarbon absorption capability is not inhibited by antimicrobial activity.

g) *Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map?* ***No Impact.*** The proposed project area is not located within a 100-year flood hazard area. Therefore, no flood related impacts would occur.

h) *Place within a 100-year flood hazard area structures which would impede or redirect flood flows?* ***No Impact.*** The project site is not located within a 100-year flood hazard area. Refer to Response 14.8c and Response 14.8d above, for additional discussion.

i) *Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam?* ***No Impact.*** The project does not propose any new housing or building structures within the 100-year flood plain.

j) *Inundation by seiche, tsunami, or mudflow?* ***No Impact.*** No topographical features or water bodies capable of producing such events occur within the project site vicinity.

k) *Result in an increase in pollutant discharges to receiving waters? Consider water quality parameters such as temperature, dissolved oxygen, turbidity and other typical stormwater pollutants (e.g. heavy metals, pathogens, petroleum derivatives, synthetic organics, sediment, nutrients, oxygen-demanding substances, and trash)?* ***No Impact.*** With the use of vegetated swales and energy dissipaters, the anticipated changes to the hydrologic regime will not negatively impact downstream channels or impact habitat integrity. Also, to further capture sediment from stormwater runoff before it enters into the drain system, an Ultra-Urban filter with Smart Sponge will be utilized. The system is designed for use in storm drains that experience pollution that is accompanied by sediment and debris, including oil, grease, hydrocarbons, animal waste, and bacteria. The filter will be installed in a drop-in catch basin drain. The antimicrobial mechanism is based on the antimicrobial agent's interaction with the microorganism cell membrane, causing the microorganism disruption but no chemical or physical change in the agent. Antimicrobial activity does not reduce the agent capability or cause its depletion and, therefore, the effectiveness of the filter is maintained over a long period. Additionally, the hydrocarbon absorption capability is not inhibited by antimicrobial activity. The treatment of stormwater before it enters the lagoon ensures that the project complies with the City of Oceanside Local Coastal Program.

l) *Result in significant alternation of receiving water quality during or following construction?* ***No Impact.*** During constriction, erosion control will be provided on-site to protect water quality. Operation is not anticipated to result in any water quality impacts.

m) *Could the proposed project result in increased erosion downstream?* ***No Impact.*** Given the project's limited size and limited impervious surface, the project would produce a relatively low volume of stormwater runoff that would not result in increased downstream erosion.

n) *Result in increased impervious surfaces and associated increased runoff?* ***No Impact.*** The increase in impervious surface and associated runoff is below the significance threshold established by the City for determining a significant impact.

o) *Create a significant adverse environmental impact to drainage patterns due to changes in runoff flow rates or volumes?* ***No Impact.*** The project does not include mass site grading or substantial changes in project site drainage that would alter drainage patterns, or increase runoff flow rates or volumes.

p) *Tributary to an already impaired water body, as listed on the Clean Water Act Section 303(d) list? If so, can it result in an increase in any pollutant for which the water body is already impaired?* ***No Impact.*** With the use of vegetated swales and energy dissipaters, the anticipated changes to the hydrologic regime will not negatively impact downstream channels or impact habitat integrity. Also, to further capture sediment from stormwater runoff before it enters into the drain system, an Ultra-Urban filter with Smart Sponge will be utilized. The system is designed for use in storm drains that experience pollution that is accompanied by sediment and debris, including oil, grease, hydrocarbons, animal waste, and bacteria. The filter will be installed in a drop-in catch basin drain. The antimicrobial mechanism is based on the antimicrobial agent's interaction with the microorganism cell membrane, causing the microorganism disruption but no chemical or physical change in the agent. Antimicrobial activity does not reduce the agent capability or cause its depletion and, therefore, the effectiveness of the filter is maintained over a long period. Additionally, the hydrocarbon absorption capability is not inhibited by antimicrobial activity. The project site does not discharge directly into a Federally-listed water body.

q) *Tributary to other environmentally sensitive areas? If so, can it exacerbate already existing sensitive conditions?* ***No Impact.*** See Response to p) above.

r) *Have a potentially significant environmental impact on surface water quality to either marine, fresh, or wetland waters?* ***No Impact.*** The project would not discharge directly into surface waters nor involve operational characteristics that would result in pollutant discharges into such waters including pesticides, herbicides, fertilizers and similar chemicals. Also, to further capture sediment from stormwater runoff before it enters into the drain system, an Ultra-Urban filter with Smart Sponge will be utilized. The system is designed for use in storm drains that experience pollution that is accompanied by sediment and debris. The filter will be installed in a drop-in catch basin drain. Filter is designed with an anti-microbial agent chemically and permanently bound to the filter surface, so there is no leeching, avoiding any downstream toxicity issues.

s) *Have a potentially significant adverse impact on groundwater quality?* ***No Impact.*** The project site does not involve excavation, drilling, or cuts that could intercept or affect groundwater, and does not involve sub-surface fuel tanks or similar features that could affect groundwater.

t) *Cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses?* ***No Impact.*** The proposed project will not result in any violation of applicable water quality standards established by the Clean Water Act and implemented by the San Diego Regional Water Quality Control Board (RWQCB) through the regional National Pollution Discharge Elimination System (NPDES) permit.

u) *Impact aquatic, wetland, or riparian habitat?* ***No Impact.*** See Response to Section (14.4b) of this document. The project will not negatively impact downstream habitat integrity through flooding, soil erosion, slope instability impacts, vegetative stress, or other impacts.

v) *Potentially impact stormwater runoff from construction or post construction?* ***No Impact.*** See response to 14.8(k).

w) *Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas?* ***No Impact.*** See response to 14.8(k).

x) *Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters?* ***No Impact.*** The project would not discharge directly into surface waters nor involve operational characteristics that would result in pollutant discharges into such waters including pesticides, herbicides, fertilizers and similar chemicals. Also, to further capture sediment from stormwater runoff before it enters into the drain system, an Ultra-Urban filter with Smart Sponge will be utilized. The system is designed for use in storm drains that experience pollution that is accompanied by sediment and debris. The filter will be installed in a drop-in catch basin drain. Filter is designed with an anti-microbial agent chemically and permanently bound to the filter surface, so there is no leeching, avoiding any downstream toxicity issues.

y) *Create the potential for significant changes in the flow velocity or volume of stormwater runoff to cause environmental harm?* ***No Impact.*** The project will neither increase the volume nor the velocity of stormwater flows, nor indirectly contribute to such impacts.

z) *Create significant increases in erosion of the project site or surrounding areas?* ***No Impact.*** See Response to Section 14.6(b) of this document.

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

a) *Physically divide an established community?* ***No Impact.*** The proposed project will not have an impact on the physical arrangement of an established community. Therefore, no impacts are anticipated to occur.

b) *Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect?* ***No Impact.*** The proposed project is consistent with the General Plan Land Use Element's designation for the project site and with the Official Zoning Map designation of the property. Therefore, no impacts would occur in this regard. Please see discussion under Section 14.1(a), 14.4(d) and 14.8(k), which describe the project's

conformance with the City of Oceanside Local Coastal Program. Compliance with the 100' buffer requirement, use of native vegetation, hillside regulations, and water quality measures all show that the project is in compliance with Section V(B) of the LCP'S Land Use Plan and the Buena Vista Lagoon Working Paper portion of the LCP. The low retaining wall proposed in the 100' buffer area is required to hold back water runoff for treatment prior to release into Buena Vista Lagoon. A qualified geologist has evaluated the slope proposed for the new home and has determined that it is not considered to be a coastal bluff. Therefore, no coastal bluffs will be impacted by the proposed project.

c) *Conflict with any applicable habitat conservation plan or natural community conservation plan?* ***No Impact.*** Refer to Response 14.4(f) above, which concludes the project would not conflict with any habitat conservation plan

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.10 MINERAL RESOURCES. Would the project:				
a. Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	☐	☐	☐	☒
b. Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	☐	☐	☐	☒

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

b) *Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? No Impact.* Refer to Response (a) above.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.11 NOISE. Would the project:				
a. Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	☐	☐	☒	☐
b. Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?	☐	☐	☒	☐
c. A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☐	☒
d. A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?	☐	☐	☒	☐

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
e. For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒
f. For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?	☐	☐	☐	☒

a) *Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?* ***Less than Significant Impact.*** The proposed project would create a short-term impact in terms of construction noise. Noise generated by construction and demolition equipment, including trucks, backhoes and other equipment, may temporarily impact nearby sensitive receptors. Construction noise is estimated to be approximately 92 dBA at 50 feet from the source. Pursuant to the City's Noise Ordinance standards, construction activities would be limited to daytime hours for the duration of construction. Also, all vehicles and equipment will use available noise suppression devices and be equipped with mufflers during construction activities. Due to the restricted hours, equipment restrictions, and relatively short period of construction, noise resulting from construction and demolition related activities is considered less than significant.

b) *Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels?* ***Less Than Significant Impact.*** The amounts of construction and demolition required for the proposed facility is not anticipated to generate excessive groundborne vibrations or noise levels. Additionally, this Project is not anticipated to include pile driving activities, therefore, ground borne vibration is not expected to occur. Due to the temporary nature of construction activities, impacts in this regard are considered to be less than significant. Also, refer to discussion (a) above.

c) *A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project?* ***No Impact.*** Due to the nature and scope of the proposed project a permanent increase in the ambient noise level in the project vicinity would not occur.

d) *A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project?* ***Less Than Significant.*** As noted above, the implementation of the proposed project may result in short-term increased noise levels within the project vicinity due to construction activities. This temporary condition would cease upon project completion and is subject to the City's noise mitigation guidelines.

e) *For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?* ***No Impact.*** As previously stated, the proposed project is not located within two miles of a public airport or public use airport. The nearest airport, Oceanside Municipal Airport, is located about five miles northeast and given the project's distance from that airport, no impacts are anticipated.

e) *For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?* ***No Impact.*** The proposed project site is not located within the vicinity of a private airstrip and would not expose people residing or working in the project area to excessive noise levels.

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

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

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

c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? ***No Impact.*** Refer to Response 4.12a and 4.12b, above.

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

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

2) *Police protection?* ***No Impact.*** There are no significant impacts related to police protection or service anticipated with implementation of the proposed project.

3) *Schools?* ***No Impact.*** Implementation of the proposed project would not result in the need for the construction of additional school facilities. Therefore, no impacts in this regard will occur.

4) *Parks?* ***No Impact.*** Implementation of the proposed project will not affect any existing park facilities nor increase the demand for additional recreational facilities. Therefore, no impacts to parks are anticipated as a result of this project.

5) *Other public facilities?* ***No Impact.*** No significant impacts to other public facilities are anticipated to occur with project implementation.

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

a) *Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?* ***No Impact.*** Implementation of the proposed project will not generate an increase in demand on existing public or private parks or other recreational facilities that would either result in or increase physical deterioration of the facility.

b) *Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?* ***No Impact.*** Implementation of the proposed project does not include recreational facilities.

	Potentially Significant Impact	Potentially Significant Unless Mitigated	Less than Significant Impact	No Impact
14.14 TRANSPORTATION/TRAFFIC. Would the project:				
a. Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?	☐	☐	☐	☒

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

a) *Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)?* ***No Impact.*** Staff calculated the project trip generation as follows Based on Institute of Transportation Engineers (ITE) surveys, staff has calculated the project trip generation to be approximately 10 trips per day.

b) *Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways?* ***No Impact.*** Refer to Response 4.15a, above.

c) *Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks?* ***No Impact.*** Due to the nature and scope of the proposed project, project implementation would not have the capacity to result in a change in air traffic patterns.

d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? ***No Impact.*** No public roadways are proposed as part of the project, therefore, no impacts regarding design features or incompatible uses would occur. The proposed project would use the same access point as the existing project.

e) *Result in inadequate emergency access?* ***No Impact.*** Adequate emergency access shall be provided during both short-term construction and long-term operation of the proposed project. Impacts are not anticipated to be significant.

f) *Result in inadequate parking capacity?* ***No Impact.*** Due to the location and nature of the proposed project, no impacts in regards to parking would occur. An adequate staging area will be provided for short-term construction equipment. No impacts are anticipated in this regard.

Proposed Use	Total SF	Exempt Area	Gross SF	Standard (# of spaces per 1000 SF)	Required parking
Single Family Home	3,384				2

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

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

a) *Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?* ***No Impact.*** Improvements associated with the proposed project would not exceed wastewater treatment requirements of the Regional Water Quality Control Board (RWQCB).

b) *Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* ***No Impact.*** The nature and scope of the proposed project would not require or result in the construction of wastewater treatment facilities (refer to Response 4.16a, above).

c) *Require or result in the construction of new stormwater drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects?* ***No Impact.*** The nature and scope of the proposed project would not require or result in the expansion of existing storm water drainage facilities.

d) *Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed?* ***No Impact.*** No new or expanded entitlements would be required with implementation of the proposed project. No impacts are anticipated.

e) *Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?* ***No Impact.*** Refer to Response 4.16a, above.

f) *Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs?* ***No Impact.*** The project will not require demolition or removal of existing improvements.

g) Comply with federal, state, and local statutes and regulations related to solid waste? ***No Impact.*** Refer to Response 14.16f, above.

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

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

Elizabeth J. Graff, AICP

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

[ ] I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

[X] I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described herein have been included in this project. A MITIGATED NEGATIVE DECLARATION will be prepared.

[ ] I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

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

[ ] It is hereby found that this project involves no potential for any adverse effect, either individually or cumulatively, on wildlife resources and that a "Certificate of Fee Exemption" shall be prepared for this project.

[ ] It is hereby found that this project could potentially impact wildlife, individually or cumulatively, and therefore fees shall be paid to the County Clerk in accordance with Section 711.4(d) of the Fish and Game Code.

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

Jerry Hittleman

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

Peter Biniaz

VINCENT N. SCHEIDT
Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-457-1650 fax • email: vince@san.rr.com

Mr. Peter Biniaz
2020 Stewart St.
Oceanside, CA 92054

September 12, 2006

RE: Results of an updated Biological Survey of the 2020 Stewart Street property in the City of Oceanside

Dear Mr. Biniaz:

This report presents the results of an updated baseline biological resources field study of the 2020 Stewart Street property in Oceanside. As you know, I had previously surveyed this property in 1994. The purpose of this new study, therefore, is to update and verify the older findings with regards to project impacts and potential mitigation requirements. As before, the proposed project is subject to evaluation under provisions of the California Environmental Quality Act (CEQA), which requires that "significant" impacts, including impacts to biological resources, be reduced to "less than significant". This study is intended to address potential adverse impacts to sensitive biological resources, including sensitive species and habitats. It is further intended to ensure that any required mitigation is consistent with the goals and objectives of the Multiple Habitat Conservation Program (MHCP) and the City's draft Subarea MHCP Plan.

PROJECT DESCRIPTION

Development of the 2020 Stewart Street property will require grading to establish a pad and associated improvements. This constitutes your "project", as defined by CEQA. Site development will result in the removal of vegetation and the construction of a second single-family structure on proposed Parcel "B" with associated landscaping, etc. As you know, proposed Parcel "A" is fully developed with an older single family home. For analysis purposes, it is assumed that the entirety of this small property could therefore be affected by site development.

GOALS OF STUDY

The purpose of this study is to provide a baseline biological inventory of the site, delineate the onsite habitats, and search for signs of rare, endangered, threatened, or otherwise sensitive plants, animals, or habitats which have a potential to occur here. A plant and animal inventory was compiled during the fieldwork. The survey data were then used to assess the biological "resource values" of the site insofar as they could be affected by project approval and implementation.

METHODS

Vincent N. Scheidt, Certified Biological Consultant, conducted an updated, baseline field survey of the 2020 Stewart Street property on 31 August 2006. Shannon M. Allen, Biological Consultant, and Julia L. Groebner, Field Biologist, assisted in the field work. Weather conditions were conducive to field surveying, with clear skies, temperatures in the

high 70°s F, and a light northwesterly breeze. The property was slowly walked and all areas of the property were examined during the survey. Naturalized plants and animals identified in association with the site were recorded and are listed in Table 1.

Plants were identified *in situ* or based on samples collected in the field and later keyed to the most reasonably definitive taxonomic level. A number of additional species would probably have been detected in the winter months, although at least 70% of the plants occurring on this site were likely recorded. Horticultural species associated with existing improvements on proposed Parcel "A" were generally not inventoried. Floral nomenclature used in this report follows Hickman (1993) and others. Plant communities follow Holland (1996, as amended).

Wildlife observations were made opportunistically. Binoculars were used to aid in observations and all wildlife species detected were recorded. Animal nomenclature used in this report is taken from American Ornithologist's Union (1983, as updated) for birds, and Jones, *et. al* (1992) (mammals).

RESULTS

Plant Communities

The entire 2020 Stewart Street property appears to currently support developed, disturbed, or non-native, ornamental vegetation. Clearing for weed abatement appears to have taken place shortly prior to the site survey (discussed below). The site is framed by development on the north and west, while offsite to the south and east is undeveloped land, some of which is associated with the Buena Vista lagoon. The lagoon's hydric soils, which delineate its edge, begin approximately ten feet from the southeastern-most property corner. The onsite habitats include the following:

Urban/Developed (Holland Code 12000)
An older single family home is located on the northern portion of the property. This is surrounded by landscape plantings and associated improvements. The biological resource value of this habitat-type is low.

Disturbed Habitat (Holland Code 11300)
Much of the site supports Disturbed Habitat. Indicators include ruderal species, such as Castor Bean *(Ricinus communis)*, Ripgut Brome *(Bromus diandrus)*, and numerous other non-native weeds. During the field survey, we noted signs that a small stand of Flat-top Buckwheat (*Eriogonum fasciculatum)* shrubs some small California Sagebrush (*Artemisia californica)* seedlings had been removed but these were likely growing amongst non-native forbs and grasses as part of a larger disturbed habitat system. The clearing was presumably for weed abatement purposes. In any case, the biological resource value of this habitat-type is considered low.

Non-native Vegetation (Holland Code 11000)
Non-native Vegetation is found on portions of the south-facing slope in the form of large stands of Indian Fig *(Opuntia ficus-indica),* Smooth Agave *(Agave attenuata),* and other non-native horticultural plants. This vegetation has undoubtedly naturalized from landscaping and old plantings adjacent to the slope. The biological resource value of this habitat is low.

Plants

Thirty-one species of naturalized plants were detected during the survey - many of these (58%) are non-native. A complete list of the plants observed is presented in Table 1. The plants observed onsite are typical of disturbed habitats, including ruderal areas and older developed areas.

Animals

Fourteen species of animals were detected onsite or in the immediate vicinity during the field survey. The animals detected are all common forms, abundant in the site's vicinity, and tolerant of urban settings. All animals detected during the field survey are listed in Table 1, attached.

SENSITIVE RESOURCES

Sensitive Vegetation Communities

Vegetation communities (habitats) are generally considered "sensitive" if; *(a)* they are recognized by the City as being generally depleted; *(b)* they are considered rare within the region by local experts; *(c)* if they are known to support sensitive plant or animal species, and/or; *(d)* they are known to serve as important wildlife corridors or habitat linkages. These sensitive habitats are typically depleted throughout their known ranges, or are highly localized and/or fragmented.

Neither of the two onsite habitat-types (Disturbed Habitat and Non-native Vegetation) are considered sensitive in the City of Oceanside or in the MHCP Subregional Planning area.

Sensitive Plants

No sensitive plants were detected on the subject property during the field survey. Sensitive plants are those listed as "Rare", "Endangered", "Threatened", "of Special Concern", or otherwise noteworthy by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the California Native Plant Society (CNPS), or other conservation agencies, organizations, or local botanists.

Numerous sensitive plants are known to occur in Oceanside, some in the general vicinity of this site. These include Thread-leaf Brodiaea and Orcutt's Brodiaea *(Brodiaea filifolia, B. orcuttii)*, Palmer's Grapplinghook *(Harpagonella palmeri)*, Small-flowered Morning-glory *(Convolvulus simulans)*, and others. Most of these are either associated with habitats not found here (such as native grasslands or vernal pools) or are large and distinctive perennials that would not have been missed if encountered onsite. Given the disturbed/non-native nature of the site, no sensitive plants are expected.

Sensitive Animals

No sensitive animals were detected onsite during the field survey. Sensitive animals are those listed as "Rare", "Endangered", "Threatened", "of Special Concern" or otherwise noteworthy by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Audubon Society, or other conservation agencies, organizations, or local zoologists.

It is anticipated certain sensitive animals may utilize resources provided by this property, at least on an occasional basis. These might include various wide-ranging sensitive raptors known from the area, such as Red-shouldered Hawk *(Buteo lineatus)* and Cooper's Hawk (*Accipiter cooperii*), any number of rare bat species, rare reptiles, and possibly others. Because of the nature of the onsite habitat, no critical populations of sensitive animal species would be anticipated to depend on this site in any case.

WETLANDS AND WATERS

Wetlands and jurisdictional "waters" are not present on the project site. However, Buena Vista lagoon, which adjoins the site, is clearly a jurisdictional wetland area. As mentioned previously, the lagoon's hydric soils, which delineate its boundary, begin approximately ten feet beyond the southeastern property corner. A small amount of willow scrub vegetation is found paralleling the eastern side of the property. However, this is entirely offsite.

PROJECT-RELATED IMPACTS

Development of a second structure on the 2020 Stewart Street property could result in the following direct and indirect impacts:

1. Impacts to Urban/Developed Habitat are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

2. Impacts to Disturbed Habitat are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

3. Impacts to Non-native Vegetation are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

4. Potential displacement impacts to nesting raptors or migratory songbirds are considered potentially **significant**, as defined by CEQA. The federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5 and 3513 of the California Fish and Game Code protect the nests of essentially all native birds. Although no active bird nests or nesting behaviors were detected during the site survey, nesting in some of the trees or larger shrubs on or adjacent to the site is possible. Any disturbance, either direct or indirect, that would cause abandonment of active nests containing eggs or young would be a violation of the MBTA and/or the California Fish and Game Code.

5. The possibility that "edge effects" could adversely impact resources associated with the Buena Vista Lagoon is considered potentially **significant**, as defined by CEQA.

RECOMMENDATIONS

In order to reduce all potentially **significant** project-related impacts to **less than significant**, as defined by CEQA, the following measures are recommended:

1. Site brushing, grading, and/or the removal of vegetation (including landscaping and trees) within 300 feet of any potential migratory songbird nesting location is not normally permitted during the spring/summer songbird breeding season, defined as from 1 January to 31 August of each year. This is required in order to ensure compliance with the California Fish and Game Code and the MBTA. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds or raptors.

   Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the bird breeding season, a preconstruction **nesting survey** of all areas within 300 feet of the proposed activity will be required. This survey must be conducted by a qualified biologist who must submit a summary report with

findings and recommendations (such as noise abatement, seasonal restrictions on vegetation removal, etc) to be approved by the City of Oceanside and the wildlife agencies prior to project implementation.

2. A 100-foot habitat buffer from the edge of the lagoon, which begins approximately 10 feet from the southeastern property corner, is recommended to ensure that site development does not result in adverse direct impacts to the Buena Vista Lagoon. The following measures should be implemented to minimize potential "edge effects":
   a. Any necessary lighting shall be directed away from the lagoon and shielded as necessary to prevent light pollution of the slopes below the project site. Because the lagoon is separated from the proposed project area by 100 feet, lighting impacts are anticipated to be minimal.
   b. Drainage from development-related hardscape surfaces shall be processed onsite and no discharge of unprocessed runoff materials shall be directed into the lagoon.
   c. Landscaping of the 100-foot habitat buffer area between the proposed development area and the lagoon shall consistent of 100 percent indigenous, native species. No invasive or noxious species shall be present on the project's plant palette. To ensure this, the project landscape palette shall be reviewed for consistency by a City-approved biologist.
   d. Grading associated with this project has a potential to displace soil and other materials into the lagoon. In order to prevent this, the development area shall be securely fenced with temporary chain-link construction fencing and silt fencing.
   e. Site access exists along an improved roadway from the end of Stewart Street. Sensitive lands in Buena Vista lagoon will thus not be affected in any way by site access. Access into the lagoon, *per se*, will not be provided by the project.

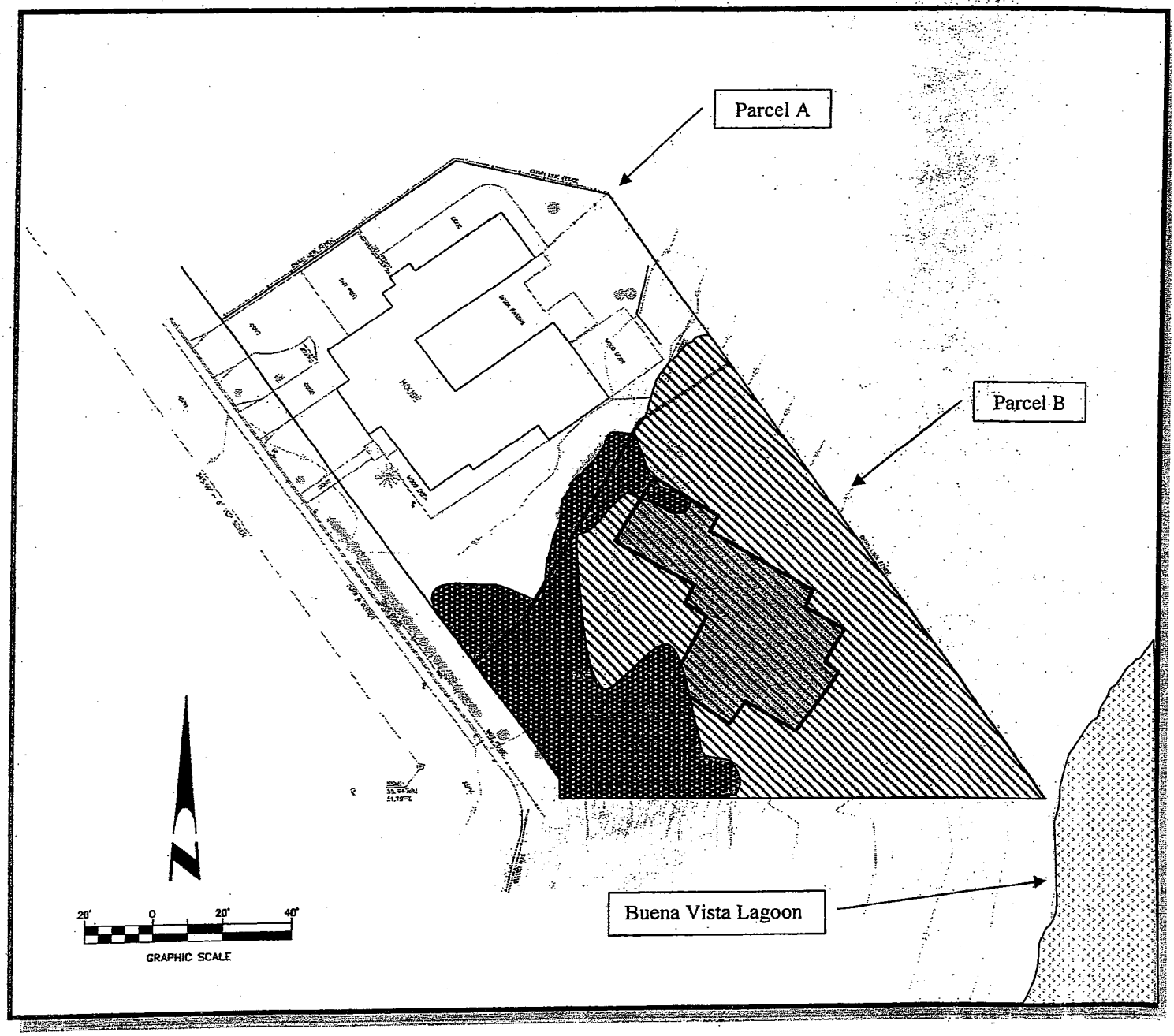
Thank you for the opportunity to provide this biological survey and report. Please contact me if you have any questions.

Very truly yours,

Vincent N. Scheidt
Certified Biological Consultant

Figure 1. Aerial Photograph showing Property Boundaries - 2020 Stewart Street Project, Oceanside

Figure 2. Site Plan showing Habitats - 2020 Stewart Street Project, Oceanside



- Non-native Vegetation
- Urban/Developed Habitat
- Disturbed Habitat

Bibliography

American Ornithologists' Union, committee on classification and nomenclature. 1983. A.O.U. *Checklist of North American Birds*. Updated every 3 years.

California Department of Fish and Game. 1994. Designated endangered, threatened or rare plants and candidates with official listing dates. California Department of Fish and Game, January 1994

Emmel, T.C. and J.F. Emmel. 1973. The Butterflies of Southern California. Los Angeles County Natural History Museum.

Hickman, J. C. (Ed.). 1993. The Jepson Manual, Higher Plants of California. University of California Press, Berkeley, 1400 pp.

Holland, R.F. 1986 (as amended; 1996). Preliminary descriptions of the terrestrial natural communities of California. State of California, Nongame-Heritage Program. 156p.

Jones, J. K., *et al.* 1992. Revised checklist of North American mammals north of Mexico. Occas. Papers Mus., Texas Tech University, 146:1-23.

Scheidt, V.N. 1980. Status of the amphibians of San Diego County. San Diego County Fish and Wildlife Committee (Unpublished) 36p.

Skinner, M.W. and B.M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. CNPS, Special Publication No. 1. 5th Edition.

Stebbins, R. 1985. Western Reptiles and Amphibians. Peterson Field Guide Series, Houghton-Mifflin.

United States Fish and Wildlife Service. 1990. Endangered and threatened wildlife and plants; review of plant taxa for listing as endangered or threatened species; notice of review. Federal Register 50 CFR Part 17.

Table 1. Plants and Animals Detected – 2020 Stewart Street, Oceanside

Scientific Name	Common Name
Plants	
Agave americana *	American Agave
Agave attenuata *	Smooth Agave
Ambrosia psilostachya	Western Ragweed
Aptenia cordifolia *	Red Apple Iceplant
Artemisia californica	California Sagebrush
Bromus diandrus *	Ripgut Brome
Chamaesyce maculata *	Spotted Spurge
Conyza canadensis *	Common Horseweed
Conyza bonariensis *	Horseweed
Crassula argentea *	Jade Plant
Croton californicus	California Croton
Datura meteloides	Jimsonweed
Eriogonum fasciculatum	Flat-top Buckwheat
Gnaphalium bicolor	Bicolor Cudweed
Haplopappus squarrosus	Hazardia
Jacaranda sp. *	Jacaranda
Lantana sp.	Lantana
Lotus scoparius	Deerweed
Lycopersicon esculentum *	Tomato
Malacothamnus fasciculatus	Bushmallow
Marrubium vulgare *	Horehound
Mesembryanthemum edule *	Hottentot Fig
Opuntia ficus-indica *	Indian Fig
Pluchea sericea	Arrowweed
Plumbego capensis *	Cape Plumbego
Portulaca sp.	Pigweed
Raphanus sativus *	Wild Radish
Ricinus communis *	Castor Bean
Sarcostemma cynanchoides	Milkvine
Silybum marianum *	Milk Thistle
Tribulus sp.*	Puncture Vine
Birds	
Aphelocoma coerulescens	Scrub Jay
Carduelis psaltria	Lesser Goldfinch
Carpodacus mexicanus	Housefinch
Sturnus vulgaris	Starling
Zenaida macroura	Mourning Dove
Mammals	
Spermophilus beecheyi	California Ground Squirrel
Thomomys bottae	Valley Pocket Gopher
Reptiles	
Sceloporus occidentalis	Western Fence Lizard
Butterflies	
Adelpha bredowii californica	California Sister
Brephidium exile	Pygmy Blue
Leptotes marina	Marine Blue
Nymphalis antiopa	Mourning Cloak
Papilio rutulus	Western Tiger Swallowtail
Pontia protodice	Common White

* = non-native taxon

Pacific Coast Land Consulting Inc.
Engineering Geologic Services

Mr. Jerry Hittleman
Planning Director
City of Oceanside
300 N. Coast Highway

F.N.2054.07.03
August 6, 2007

Subject: Subsurface Investigation for 2020 Stewart Street Oceanside, CA APN 155-071-05

Dear Mr. Hittleman,

On September 20 of 2006 per the request of Mr. Peter Biniaz, I conducted a Geologic Investigation on the subject property. Since then, Mr. Biniaz has requested that I expand on the definition of coastal bluff as it pertains to his property. I have also reviewed excerpts from the City of Oceanside's Coastal Plan.

The coastal plan defines a bluff as *"a scarp or steep face of rock, decomposed rock sediment or soil resulting from erosion, faulting, or excavation of land or it may be step like in section. For purposes of this manual cliff is limited to those features having vertical relief of ten feet or more."*

If this definition is strictly interpreted, then many existing homes, shopping centers, roads, and other improvements violate this condition, as the definition includes steep and excavated conditions. This of course would eliminate all split-level homes in the entire city.

Geologically, a bluff is a well-recognized geomorphic landform that is typically steep (40 degrees or more). The book Dictionary of Geologic Terms describes a bluff as 1) any high steep headland or bank presenting a precipitous front, 2) in America, the name given to high vertical banks of certain rivers.

These features may be formed geologically by a variety of processes that include erosion by water and uplift of land by tectonic forces. The end result is a steep hillside, one that an individual would not consider traversing. The bluffs up and down the Coast of San Diego County are good examples of this.

The lot where Mr. Biniaz wishes to build is not a bluff. The steepness of the ground is an angle about 3:1, H:V (horizontal to vertical) or 14 degrees. This is much flatter than even local graded slopes, which are typically 2:1 (horizontal to vertical about 26.5 degrees). And this is much, much flatter than the bluffs along the coast. The bluffs along the San Diego Coastline are typically near vertical where the bedrock is exposed near the base of the bluffs in Encinitas and

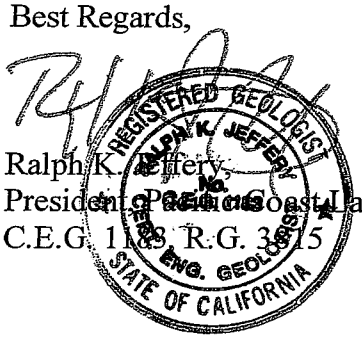
440 Sandalwood Court-Encinitas-CA 92024
TEL (760) 473-4117 FAX (760) 753-2904
Email Rnkjeffery@SBCGlobal.net

southward; and about 45 degrees where the terrace deposits are exposed from Carlsbad northward and the top portion of the southern coast line.

Now to take bluff analysis one-step further, the terrace deposits, which form the bluffs in Oceanside, are typically 40 to 45 degrees in angle. These same terrace deposits underlie Mr. Biniaz's lot and form only a slope of angle of 14 – 16 degrees. This is because these deposits are not geomorphically a bluff, but are a natural slope similar to the other natural slopes that form localities such as Fire Mountain, and other areas of the city. The lot on which Mr. Biniaz wishes to build contains no vertical sections, no stepped sections, is not formed by the process that forms bluffs, and is geomorphically inconsistent with a bluff. Therefore, it cannot be considered a bluff. The development of this lot would not violate the city of Oceanside's definitions that I reviewed nor would it present a hazard to safety of the occupants or the public.

Thank you for the opportunity to be of service. If you have any questions, please do not hesitate to contact me.

Best Regards,



Ralph K. Jeffery,
President, Pacific Coast Land Consulting, Inc.
C.E.G. 1188, R.G. 3815

440 Sandalwood Court-Encinitas-CA 92024
TEL (760) 473-4117 FAX (760) 753-2904
Email Rnkjeffery@SBCGlobal.net

Pacific Coast Land Consulting
Engineering Geologic Services

Engineering Geologic Investigation
Proposed New Residence
2020 Stewart Street
Oceanside, CA 92054

September 20. 2006

F.N. 2054.06.11

440 Sandalwood Court • Encinitas • CA 92024

Pacific Coast Land Consulting

Engineering Geologic Services

Mr. Peter Biniaz
2020 Stewart Street
Oceanside CA 92024

F.N. 2054.06.11
September 20. 2006

Engineering Geologic Investigation
Proposed New Residence
2020 Stewart Street
Oceanside, CA 92054

Dear Mr. Biniaz,

The subsurface investigation for the proposed new home on lower portion of the lot at 2020 Stewart Street in Oceanside is complete. The site is underlain by soils derived from the terrace deposits. There are no indications of instability and no expansive soils onsite. There are no signs or indications or any gross instabilities. The site is feasible for development provided the recommendations as discussed herein are followed. The site is to be constructed such that a series of cut fill transitions will be created these will require over-excavation in the form of remedial grading will be required to prepare the lot for construction.
If you have any questions please do not hesitate to contact me.

Best regards,

Ralph K. Jeffery
President C.E.G.1183, R.G.3815
Pacific Coast Land Consulting, Inc.

Chris Lillback
R.C.E. 35007

F.N.2054.06.11
SEPTEMBER 2006

1.0 INTRODUCTION

1.1 Purpose

Pursuant to your request, an engineering geologic investigation for the proposed new home has been completed. The purpose of the investigation is to provide foundation recommendations and engineering geologic parameters for the proposed new structure. The location of the project is shown on figure 1.

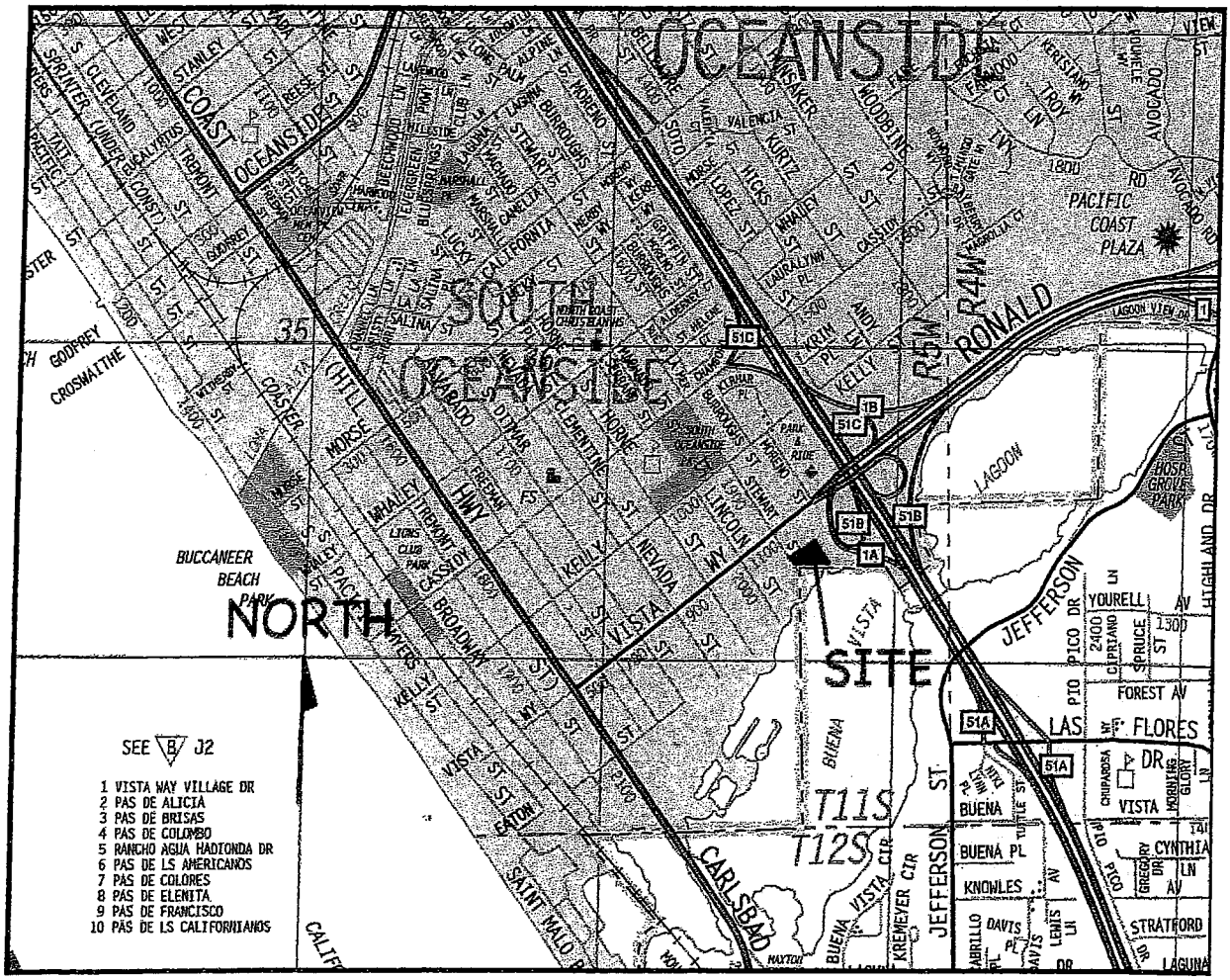


Figure 1 Site Location Map

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

1.2 Proposed Structure

The proposed construction will consist of a new home on a now vacant lot. Some grading is anticipated to be required to prepare the lot for construction. The expected construction is to be wood frame construction with conventional slab on grade foundations.

1.3 Scope of Services

The scope of services consists of the following items:

- Review of appropriate regional geologic maps.
- Excavation of 2 test pits to determine depth to suitable soils
- Logging and mapping of test pits
- Laboratory testing of soils collected onsite
- Research at the city of Oceanside
- Recommendations new foundation and slab
- Recommendations for grading
- Seismic analysis for design parameters.
- Preparation of this report providing findings and recommendations.

2.0 INVESTIGATION

2.1 Site Conditions

The site has about 40 feet of fall over the width of the lot. Currently the grounds are occupied with sparse vegetation including cactus and weeds. The lot naturally slopes towards the south to the Buena Vista Lagoon. The slope angle is about 3: 1 (H:V).

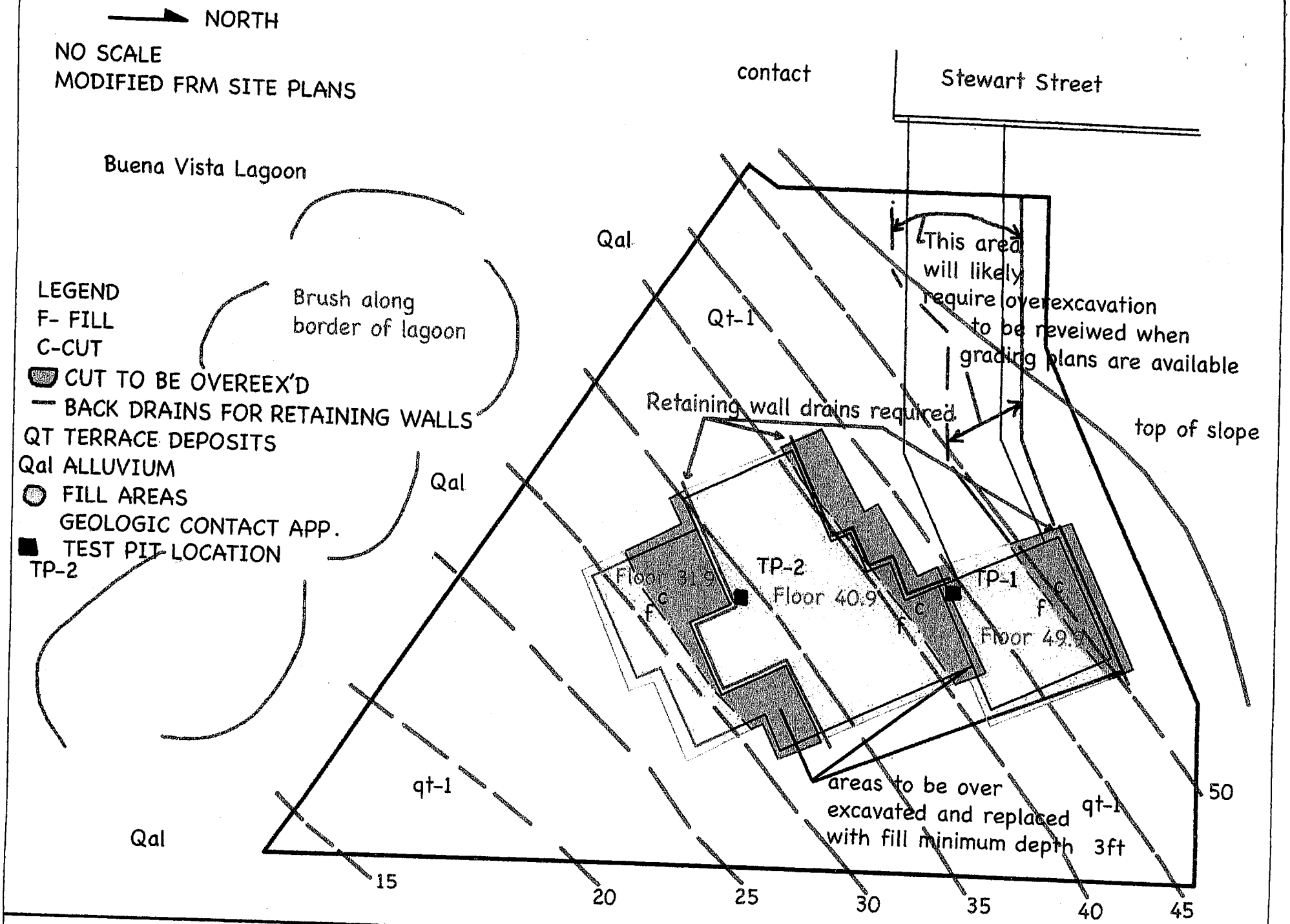
2.2 Subsurface Investigation

Two test pits were excavated to a depth of 5 feet and 4 feet. The test pits were then logged and backfilled. The locations of the test pits are shown on the site plan. Logs of the test pits and lab test results are presented in the appendix. Soil classifications were assigned in accordance with visual and manual classifications, ASTM D-2488. The material exposed was dense sand at depth with silty sand topsoil overlying the sand. Locally there were cobbles present in the pits. This

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

material has been identified as Terrace deposits QT-1. The topsoils were locally porous and fairly dry to about 2 and ½ feet. The locations of the excavations are shown on the accompanying site plan figure 2. Representative samples from the test pit were collected and analyzed. The soils were very sandy with no clay present and are considered non expansive in nature.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904



SITE INVESTIGATION PLAN

PACIFIC COAST LAND CONSULTING INC

3.0 ENGINEERING GEOLOGY

The site was geologically reviewed for structure, lithologic make up, failures, and other significant features. Natural materials consisting of terrace deposits underlie the site. There was no fill apparent on site and none was noted in the excavations.

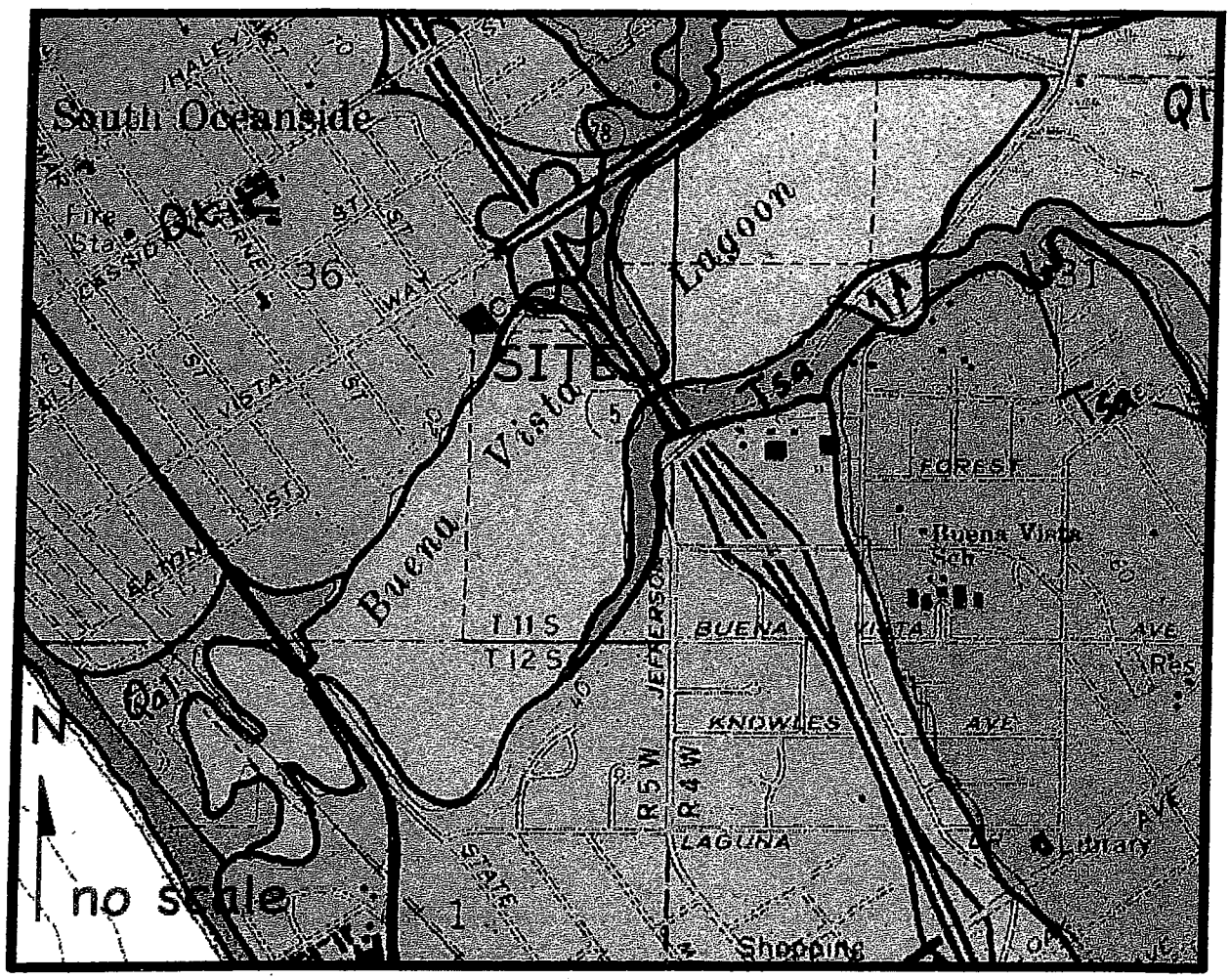


Figure 3 Geologic Map adapted from DMG open file report 96-02

The site is located in an area of California, which is prone to ground shaking from regional earthquakes. Numerous faults including the San Andreas, Ellsinore, San Jacinto, and several offshore faults will produce earthquakes of sufficient magnitude to cause serious ground shaking at the site. The distance to the closest mapped active or potentially active faults is shown in the

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

chart below. The Rose Canyon Fault Zone is capable of producing a magnitude 7.0 earthquake. Given the nature of faulting in Southern California, it should be considered likely that the site will experience shaking due to a seismic event during the design of the proposed structure.

Distance to Active Faults	
Rose Canyon	**15.5 km**
Elsinore Fault	**29 km**
San Jacinto	**81.5 km**

Other seismic related factors that could possibly impact a site include: surface rupture, liquefaction, dynamic dry settlement, tsunamis, seiches or flooding and landsliding. Based on our review of maps and a review of the site, it is our opinion that the possibility of the above listed factors is remote. The proposed lower floor of the house is about 30 feet above sea level. The site is located about ¾ of a mile form the open ocean with a barrier beach sand bar, Pacific Coast Highway, and a Railroad track between it and the open ocean. For these reasons it is considered unlikely that even if a tsunami were to occur it would impact the site in a serious manner. Certainly this site has no more elevated exposure to tsunami impact than any of the other low lying coastal homes in San Diego County.

4.0 CONCLUSIONS

The site is suitable for the proposed improvements. The following conclusions are presented:

- **Soil types encountered consisted of naturally occurring, slightly cemented, dense, sands of the Terrace deposit material which are locally dry to damp and slightly porous in the upper 2 and ½ feet (topsoil).**
- **No expansive soils were present on the lot.**
- **Grading is anticipated to be required as a part of the preparation of this lot. A minimum of 3 feet of over excavation will be required in areas where terrace**

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

deposits are not exposed. Due to locally deeper pockets of soil this depth may increase while in the field.

- **The lot is stable, but may be locally subject to small-scale erosion and as such lot drainage and landscaping must be addressed.**
- **There were no signs of gross instability on the lot and it is considered unlikely that any will develop.**
- **The potential for liquefaction, ground rupture, and ground cracking due to a major seismic event is nil.**
- **Planting, irrigation and drainage will be significant factors in the final design of the new improvements. These issues should be addressed by a landscape architect in accordance with the considerations outlined herein.**
- **All foundation systems and /or retaining walls systems should be designed by the structural engineer in accordance with the parameters presented herein. Where applicable the Oceanside standard drawings may be used.**
- **All foundations shall bear in similar materials I.E fill or firm natural ground as determined by the engineering geologist,**

The accompanying construction parameters should be incorporated into the design of the proposed improvements. All criteria presented herein Sections 5.0 should be incorporated into the plans and specifications for the project.

5.0 RECOMMENDATIONS

The following recommendations have been prepared to assist the builder, other professionals, and the contractor in the completion of their duties. Conditions have been anticipated that will likely be encountered during the project have been addressed. If certain conditions are encountered which are not provided for herein then this office should be immediately contacted for further assessment.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

5.1 Seismic Considerations

Seismic design considerations are presented in accordance with Chapter 16 of the 1997 Uniform Building Code. The seismic design considerations are as follows:

Seismic Design Zone	4
Seismic Source Type	B
Soil Profile Type	S_D
Seismic Coefficient C_V	$0.64N_V$
Near Source Factor N_a	1.0

5.2 Soil Bearing Parameters

The Chapters, 18 and 19 of the Uniform Building Code provide parameters which are appropriated for use in design of new foundations. The analysis of the soils encountered during the investigation indicates that these parameters are appropriate for use in the design of the structure as described. The site will require grading therefore the footings shall be founded in compacted fills derived from the onsite soils. These parameters are summarized in the tables below:

Table 18-1-A

- Allowable Bearing Capacity of sands..... 1,500 psf
- Coefficient of friction 0.25

Table 18-1-C

- Minimum Depth of Footings 2 story ..... 24 inches*

*24 inches is required to be uniformly into firm competent materials. This office should verify the embedment of the footings. Footings need to bear on firm competent material. The field verification may require deepening of the footing. A structural engineer should design the footings if deeper than 24". Footings shall have a minimum depth to attain a distance of 7 feet from the bottom outer edge of the footing to daylight.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

- Minimum Width of Continuous Footings..... 15 inches

5.3 Concrete Design

The project structural engineer shall design all concrete in accordance with the seismic parameters. The requirements shall in no case be less that the outlined parameters below:

Section 1900.4.4

- Minimum Thickness of Slab on Grade..... 4 inches

Section 1907.12.2.2

- Minimum Slab Reinforcement..... #4 rebar at 18" on center each way
- Minimum Footing Reinforcement..... 4 #4 rebar, 2 top and 2 bottom

Table 19-A-2*(to be designed by the structural engineer)

- Water to Cement ratio.....0.5

The slab shall be underlain with 2 inches of sand a plastic vapor retarder and then an additional 6 inches of coarse sand or gravel that shall have no expansive characteristics. The vapor retarder should consist of a minimum of a 10-mil product. In order to prevent punctures to this retarder it may be necessary to place either two layers of 10-mil plastic or to overlay the gravel with a light non-woven filter fabric. The vapor retarder should be properly lapped or otherwise sealed at all splices and properly sealed at all penetrations.

5.4 Concrete and Other Considerations

The slab concrete should have a maximum water/cementatious materials ratio of 0.5. This will help to minimize the potential for shrinkage cracks and moisture vapor migration through the floor slab. It should be understood that by nature concrete cracks and the appearance of a few finer cracks may appear in the slab and that this will not necessarily indicate a problem. Concrete cracks should be expected. These cracks can vary from sizes that are essentially unnoticed to more than 1/8 inch in width. Most cracks in concrete while unsightly do not significantly impact long-term performance. While it is possible to take measures (proper concrete mix, placement, curing, control joints, etc.) to reduce the extent and size of cracks that occur, some cracking will

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

occur despite the best efforts to minimize it. Concrete undergoes chemical processes that are dependent on a wide range of variables, which are difficult, at best, to control. Concrete while seemingly a stable material also is subject to internal expansion and contraction due to external changes over time

Additionally, if the slab is to be covered with moisture-sensitive floor coverings, the slab should be tested for the level of moisture vapor emission. Each type of flooring has a manufacturer's recommended maximum allowable level of moisture vapor emission. If the slab tests are above the maximum levels specified by the flooring manufacturer, it may be necessary to seal the floor slab prior to placing some types of flooring. The most moisture sensitive flooring types are typically vinyl and wood. Other types may also be susceptible. This consultant or another can be contacted to provide consulting services to determine the level of moisture vapor emission from the floor slab.

One of the simplest means to control cracking is to provide weakened joints for cracking to occur along. This may not be practical for interior slabs however it is an effective method for exterior concrete. Again in no instances should water be added to the mix from the plant or exceed a ratio of .5 (water to cement). These do not prevent cracks from developing; they simply provide a relief point for the stresses that develop. These joints are widely accepted means to control cracks but are not always effective.

One a similar note in an effort to mitigate the natural tendency of concrete to crack fiber mesh may be used an additive. For all reentrant corners 2, # 3 bars 3 feet in length should be placed at 6-inch increments away from the corner and tied into the reinforcing pattern.

Control joints are more effective the more closely spaced. We would suggest that control joints be placed in two direction spaced the numeric equivalent of two times thickness of the slab in inches changed to feet (e.g. a 4 inch slab would have control joints at 8 feet centers). As a practical matter this is not always possible nor is it a widely applied standard.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

5.5 Retaining walls

The City of Oceanside has standard drawings that depict retaining wall construction practices. These details may be used on site where appropriate, with the following amendments. Backfill must consist of a clean washed gravel around the perforated pipe. The wall shall be waterproofed and protection board must be used to prevent damage to the waterproofing material. The architect shall specify the waterproofing material however recent products by Mirafi and others that have had very good performance (corrugated plastic sheets) or similar should be used. The backdrain shall be at or below the level of the footing of the retaining wall and is not permitted to be black corregated plastic pipe. Wherever the walls have a level back fill the design shall be for an equivalent fluid pressure or 45 lbs per cubic ft. If the back fill is sloping then the equivalent fluid pressure shall be increased to 64 lbs per cubic foot. If the walls are to be used as a part of the foundation of the house then the walls shall be design as restrained. For restrained conditions 64 lbs /per cubic foot should be used as a design load.

5.5.1 Retaining Wall Water Proofing

The site plans reviewed indicated that there are to be three step down levels to the proposed house. Each of these levels will create a cut/fill transition which will require over-excavation and a retaining wall condition that will require water proofing on the up hill side. Experience has shown that this type of design unless treated properly during the construction process can have problematic moisture intrusion problems. It is very important that the architect use a well-tested method for watering proofing the retaining walls. This should include provisions for protection board and drains.

Back drains shall be constructed so that the top of the pipe drain is below the bottom of the slab by at least 6 inches. He pipe used shall be schedule 40 PVC, ABS, or equivalent 3 or 4 inch perforated pipe with perforation facing downward at 120 and 240 degrees relative a vertical orientation of 0/360 degrees. The pipe shall be bedded in clean wash rock ½ inch or 1 inch 6 ices below the flow line of the pipe. The gravel backfill shall be of the same material and extend to with 6 inches of the ground surface.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2004

5.6 Grading Requirements

Upon completion of a grading plan it should be forwarded to this office for review.

5.7 Grading Recommendations

The contractor shall adhere to the grading guidelines as attached in the appendix of this report. The following steps are a general summation of those guidelines as they affect this proposed work.

1. All unsuitable topsoil and fills are to be removed prior to placing any fill.
2. If slopes are planned then a fill key is to be constructed along the toe of the slope measuring approximately 10 feet by the length of the slope.
3. All areas of cut where a foundation is proposed are to be over-excavated to a depth of at least 3 feet.
4. In areas that are a cut to fill transition the cut and shallow fills, shall be over-excavated to a uniform 3 feet.
5. All soils to be compacted are to be moistened properly to near-optimum moisture content as determined by the maximum dry density test results as shown in the appendix to this report.
6. Prior to placement of any fill the exposed keyway bottom or exposed area to receive fill shall be reviewed by an engineering geologist or a geotechnical engineer and approved to receive fill. Prior to placing any fill in the keyway, the bottom shall scarify to a depth of approximately 4 inches.
7. Soils shall be compacted to a minimum of 90% of the maximum dry density at near-optimum moisture content. Soils shall be compacted in thin horizontal lifts, not measuring any thicker than 6 inches in an un-compacted state.
8. As fill elevation rises, the existing fill-suitable natural soils shall be benched into a stair-step manner.
9. The soils shall be tested for compaction as the fill is placed.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

The site is underlain by sands, which are derived from the terrace deposits as described in section 2. The site will require remedial grading which is anticipated to consist of removal and replacement of a minimum of 3 feet of soil in the building areas including any planned appurtenances such as patios, driveways walkways etc. The area of removal may be limited to 7 feet beyond the proposed outline of the combined building areas as described above. Additional recommendations are provided in the enclosed grading specifications. However this office should be notified prior to the start of grading and be on site to confirm the bottom of the over-excavation is founded on suitable soils, and to test for the soil during compaction procedures. It is anticipated that a portion of the foundation will be below the current level of the lot. If this area of the foundation is such that the base of the foundation is founded in natural soils then that area will require over excavation to provide a uniform bearing condition for the foundation system, In other words all of the foundation system must bear on similar conditions, i.e. fill composed of onsite soils or all in cut.

5.8 Construction Review

It is required that all footing excavations and grading be reviewed by this office. A review will be performed to determine if the intent of the report has been adequately carried forth. This office should be notified at least two working days in advance of any reviews of this nature so that staff personnel may be made available.

6.0 DRAINAGE

6.1 Drainage Recommendations

Good irrigation practices are very important to the performance of any site. A well thought out and planned drainage system is important because buildup of water can cause many problems including triggering latent or concealed problems and contributing to mold. A comprehensive drainage system should be designed and incorporated into the final plans. In addition, any pads or slopes must be maintained and planted in a way that will allow this drainage system to function as intended. The following recommendations provide the basic criteria for the drainage system on site. The site should be well drained.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

6.2.1 Structure drainage

The roof should be fitted with gutters and downspouts, which are to be tied via a tight- line system to an enclosed suitable outlet. **No drains or downspouts are permitted to empty into soils adjacent to the foundation. No drains or down spouts are permitted to empty over any slopes.** Drains and down spouts should empty to a tight-line subsurface drain, which empties to Pacific Street or other controlled egress point.

6.2.2 Surface drainage

No drains or down spouts are permitted to empty over any slopes. All surface yard drains should be treated in the same manner. Numerous surface drain inlets should be used in landscaped areas. In planter areas the drain inlets should consist of birdcage style inlets. In areas where drains are impractical, yard gradients should be directed away from the house at not less than 5%. On hard-scape surfaces such as concrete patios, drains should also be installed. These drains should be treated in a similar fashion as landscaped area and empty to the street via a tight-line. Drainpipes should be 3 or 4-inch abs or PVC schedule 40 or similar. **In no instances is the black (corrugated) flex pipe suitable for drainpipes.** All inlets should be fitted with an appropriate grate. Inlets for the drains shall be spaced such that there is sufficient capacity for water collection during heavy down pours. As a suggestion drains should cover about 200 square feet of collection area. Several curb outlets may be useful in accommodating the drainage plan.

6.2.3 Pad Drainage

Positive pad drainage should be incorporated into the final plans. All drainage from the roof and pad should be directed so that water does not pond adjacent to the foundations or flow toward them. All drainage from the site should be collected and directed via non- erosive devices to a location approved by the building official. **No alteration of this system should be allowed.**

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 472-4117 • Fax (760) 753-2804

Planters placed adjacent to the structures should be designed to drain away from the structure. Care should be taken to not saturate the soils (i.e. leaking irrigation lines or excessive landscape watering). In no case should any drainage flow over the bluff face.

6.2.4 Landscaping

It is recommended that a landscape architect be consulted regarding planting adjacent to the development. Plants surrounding the development should be of a variety that requires a minimum of watering. It will be the responsibility of the property owner to maintain the planting. The landscape architect should review alterations of planting schemes.

6.2.5 Irrigation

An adequate irrigation system will be required to sustain landscaping. Any leaks or defective sprinklers should be repaired immediately. To mitigate erosion and saturation, automatic sprinkling systems shall be adjusted for rainy seasons. A landscape irrigation specialist should be consulted to determine the best times for landscape watering and the maximum amount of water usage.

7.0 GEOTECHNICAL DISCLOSURES

Owners and Buyers should be informed that any proposed buildings, appurtenant structures and improvements may be subject to City or County building permit requirements and could be subject to geotechnical review and possibly special foundation requirements. The consultant for this remodel did not construct the site originally and there fore has no liability for the performance of the site related to the original development of the lot and tract.

Positive drainage should not be blocked by homeowner improvements. Homeowners should be aware of the potential problems that could develop when drainage is altered through construction of retaining walls, pools, spas, paved walkways, patios, gazebos, or other improvements. Ponded water, incorrect drainage, water flowing over slope faces, leaky irrigation and water systems, overwatering or other conditions that could lead to ground saturation should be avoided.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

It should be the homeowner's responsibility to maintain and clean drainage devices on or contiguous to their lot as well as proper irrigation, landscape maintenance and control of burrowing animals. In order to be effective, the maintenance should be conducted on a routine

schedule, and necessary corrections made prior to each rainy season. Plans for construction of any proposed underground structures such as pools and spas should consider geotechnical conditions. This is due to the potential of ground water conditions and/or expansive soils underlying portions of the site.

8.0 CLOSURE AND LIMITATIONS

This is a limited investigation for the purpose of providing a report for the new construction. This site was not graded nor constructed by Pacific Coast Land Consulting Inc., Ralph K. Jeffery, and/or Chris Lillback and/or any combination of these entities. None of these entities assumes nor accepts any liability whatsoever for work done on this project, not done by these entities.

As a practical matter soils and geologic investigations and studies are considered an inexact science and earth conditions have been known to vary from location to location and with depth. The recommendations contained in this report are considered to be both practical and appropriate for the soils encountered. Typically risk of damage due to soils movement decreases with increased foundation depths, slab thickness, and steel reinforcement schedules. However cost also goes up dramatically with such increases. It is possible to provide much more rigid recommendations, however the cost could go up dramatically and such recommendations would be beyond the standard of practice in the industry. Other professionals could come to differing recommendations and opinions. No warranty or guarantee is implied nor given as a result of this work.

440 Sandalwood Court • Encinitas • CA 92024
Tel (760) 473-4117 • Fax (760) 753-2904

TEST PITS

TEST PIT 1

0.0-18" TOPSOIL: silty SAND-med grey brown, dry, loose, porous A horizon.

18"-30" Residual Soil: Silty SAND- medium grey grading to orange brown, dry, v.hard some carbonate staining with local cobbles 2-4 inches in dia. B/C horizon.

30"-48" TERRACE DEPOSITS: SAND- orange brown, damp, dense, with cobles 2-4 inches, local carbonate stringers.

No Caving No Ground water

TEST PIT 2

0.0-24" TOPSOIL: silty SAND-med grey brown, dry, loose, porous A horizon.

24"-33" Residual Soil: Silty SAND- medium grey grading to orange brown, dry, v hard some carbonate staining with local cobbles 2-4 inches in dia. (B horizon).

33"-35" Weathered Terrace Deposits: SAND- orange brown dry to damp, dense, with occasional cobbles. (C-horizon)

35"-60" TERRACE DEPOSITS: SAND- orange brown, damp, dense, with cobles 2-4 inches, local carbonate stringers.

No caving No Ground water

GRADING AND EARTHWORK GUIDELINES

I GENERAL

A. These guidelines present general procedures and requirements for earthwork and grading as shown on the approved grading plans, including preparation of areas to be filled, placement of fill, installation of subdrains and excavations. The recommendations contained in the geotechnical report are part of the earthwork and grading guidelines and would supersede the provisions contained hereafter in the case of conflict. Evaluations performed by the consultant during the course of grading may result in new recommendations, which could supersede these guidelines, or the recommendations contained in the geotechnical report.

B. The contractor is responsible for the satisfactory completion of all earthworks in accordance with provisions of the project plans and specifications. The project soil engineer and engineering geologist (geotechnical consultant) or their representatives should provide observation and testing services, and geotechnical consultation during the duration of the project.

II. EARTHWORK OBSERVATIONS AND TESTING

A. Geotechnical Consultant

Prior to the commencement of grading, a qualified geotechnical consultant (soil engineer and/or engineering geologist) should be employed for the purpose of observing earthwork procedures and testing the fills for conformance with the recommendations of the geotechnical report, the approved grading plans, and applicable grading codes and ordinances.

The geotechnical consultant should provide testing and observation so that determination may be made that the work is being accomplished as specified. It is the responsibility of the contractor to assist the consultants and keep them apprised of anticipated work schedules and changes, so that they may schedule their personnel accordingly.

All cleanouts, prepared ground to receive fill, key excavations, and subdrains should be observed and documented by the project engineering geologist and/or soil engineer prior to placing any fill. It is the contractor's responsibility to notify the engineering geologist and soil engineer when such areas are ready for observation.

B. Laboratory and Field Tests

Maximum dry density tests to determine the degree of compaction should be performed in accordance with American Standard Testing Materials test method ASTM designation D-1557-91.

Random field compaction tests should be performed in accordance with test method ASTM designations D-1556-91, D-2937 or D-2922 & D-3017, at intervals of approximately two (2) feet of fill height or every 1000 cubic yards of fill placed. These criteria would vary depending on

the soil conditions and the size of the project. The location and frequency of testing would be at the discretion of the geotechnical consultant.

C. Contractor's Responsibility

All clearing, site preparation, and earthwork performed on the project should be conducted by the contractor, with observation by geotechnical consultants and staged approval by the governing agencies. It is the contractor's responsibility to prepare the ground surface to receive the fill, to the satisfaction of the soil engineer, and to place, spread, moisture condition, mix, and compact the fill in accordance with the recommendations of the soil engineer. The contractor should also remove all major non-earth material considered unsatisfactory by the soil engineer.

It is the sole responsibility of the contractor to provide adequate equipment and methods to accomplish the earthwork in accordance with applicable grading guidelines, codes or agency ordinances, and approved grading plans. Sufficient watering apparatus and compaction equipment should be provided by the contractor with due consideration for the fill material, rate of placement, and climatic conditions. If, in the opinion of the geotechnical consultant, unsatisfactory conditions such as questionable weather, excessive oversized rock, or deleterious material, insufficient support equipment, etc., are resulting in a quality of work that is not acceptable, the consultant will inform the contractor, and the contractor is expected to rectify the conditions, and if necessary, stop work until conditions are satisfactory.

During construction, the contractor should properly grade all surfaces to maintain good drainage and prevent ponding of water. The contractor should take remedial measures to control surface water and to prevent erosion of graded areas until such time as permanent drainage and erosion control measures have been installed.

III. SITE PREPARATION

A. All major vegetation, including brush, trees, thick grasses, organic debris, and other deleterious material should be removed and disposed of offsite. These removals must be concluded prior to placing fill. Existing fill, soil, alluvium, colluvium, or rock materials determined by the soil engineer or engineering geologist as being unsuitable in-place should be removed prior to fill placement.

Depending upon the soil conditions, these materials may be reused as compacted fills. Any materials incorporated as part of the compacted fills should be approved by the soil engineer.

B. Any underground structures such as cesspools, cisterns, mining shafts, tunnels, septic tanks, wells, pipelines, or other structures not located prior to grading are to be removed or treated in a manner recommended by the soil engineer. Soft, dry, spongy, highly fractured, or otherwise unsuitable ground extending to such a depth that surface processing cannot adequately improve the condition should be over-excavated down to firm ground and approved by the soil engineer

before compaction and filling operations continue. Over-excavated and processed soils, which have been properly mixed and moisture-conditioned, should be recomputed to the minimum relative compaction as specified in these guidelines.

C. Existing ground, which is determined to be satisfactory for support of the fills, should be scarified to a minimum depth of six (6) inches or as directed by the soil engineer. After the scarified ground is brought to optimum moisture or greater and mixed, the materials should be compacted as specified herein. If the scarified zone is greater than 6 inches in depth, it may be necessary to remove the excess and place the material in lifts restricted to about six (6) inches in compacted thickness.

D. Existing ground, which is not satisfactory to support compacted fill, should be over-excavated as required in the geotechnical report or by the onsite soils engineer and/or engineering geologist. Scarification, discing, or other acceptable form of mixing should continue until the soils are broken down and free of large lumps or clods, until the working surface is reasonably uniform and free from ruts, hollows, hummocks, or other uneven features which would inhibit compaction as described in Item III, C, above.

E. Where fills are to be placed on ground with slopes steeper than 5:1 (horizontal to vertical), the ground should be stepped or benched. The lowest bench, which will act as a key, should be a minimum of 15 feet wide and should be at least two (2) feet deep into firm material, and approved by the soil engineer and/or engineering geologist.

In fill over cut slope conditions the recommended minimum width of the lowest bench or key is also 15 feet with the key founded on firm material, as designated by the Geotechnical Consultant. As a general rule, unless specifically recommended otherwise by the Soil Engineer, the minimum width of fill keys should be approximately equal to one-half (1/2) the height of the slope.

F. Standard benching is generally four feet (minimum) vertically, exposing firm, acceptable material. Benching may be used to remove unsuitable materials, although it is understood that the vertical height of the bench may exceed four feet.

Pre-stripping may be considered for unsuitable materials in excess of four feet in thickness.

G. All areas to receive fill, including processed areas, removal areas, and toe of fill benches should be observed and approved by the soil engineer and/or engineering geologist prior to placement of fill. Fills may then be properly placed and compacted until design grades are attained.

IV. COMPACTED FILLS

A. Any earth materials imported or excavated on the property may be utilized in the fill provided that each material has been determined to be suitable by the soil engineer. These materials should be free of roots, tree branches, other organic matter, or other deleterious materials. All unsuitable materials should be removed from the fill as directed by the soil engineer. Soils of poor gradation, undesirable expansion potential, or substandard strength characteristics may be designated by the consultant as unsuitable and may require blending with other soils to serve as a satisfactory fill material.

B. Fill materials derived from benching operations should be dispersed throughout the fill area and blended with other bedrock-derived material. Benching operations should not result in the benched material being placed only within a single equipment width away from the fill/bedrock contact.

C. Oversized materials defined as rock or other irreducible materials with a maximum dimension greater than 12 inches should not be buried or placed in fills unless the location of materials and disposal methods are specifically approved by the soil engineer. Oversized material should be taken offsite or placed in accordance with recommendations of the soil engineer in areas designated as suitable for rock disposal. Oversized material should not be placed within 10 feet vertically of finish grade or within 20 feet horizontally of slope faces.

To facilitate trenching, rock should not be placed within the range of foundation excavations, future utilities, or underground construction unless specifically approved by the soil engineer and/or the developer's representative.

D. If import material is required for grading, representative samples of the material to be utilized as compacted fill should be analyzed in the laboratory by the soil engineer to determine its physical properties. If any material other than that previously tested is encountered during grading, an appropriate analysis of this material should be conducted by the soil engineer as soon as possible.

E. Approved fill material should be placed in areas prepared to receive fill in near-horizontal layers that when compacted should not exceed six (6) inches in thickness.
The soil engineer may approve thicker lifts if testing indicates the grading procedures are such that adequate compaction is being achieved with lifts of greater thickness. Each layer should be spread evenly and blended to attain uniformity of material and moisture suitable for compaction.

F. Fill layers at a moisture content less than optimum should be watered and mixed, and wet fill layers should be aerated by scarification or should be blended with drier material. Moisture conditioning, blending, and mixing of the fill layers should continue until the fill materials have a uniform moisture content at or above optimum moisture.

G. After each layer has been evenly spread, moisture-conditioned and mixed, it should be uniformly compacted to a minimum of 90 percent of maximum density as determined by ASTM test designation, D 1557, or as otherwise recommended by the soil engineer. Compaction equipment should be adequately sized and should be specifically designed for soil compaction or of proven reliability to efficiently achieve the specified degree of compaction.

Where tests indicate that the density of any layer of fill, or portion thereof, is below the required relative compaction, or improper moisture is in evidence, the particular layer or portion should be reworked until the required density and/or moisture content has been attained.

No additional fill should be placed in an area until the last placed lift of fill has been tested and found to meet the density and moisture requirements, and is approved by the soil engineer.

H. Compaction of slopes should be accomplished by over-building a minimum of three (3) feet horizontally, and subsequently trimming back to the design slope configuration. Testing should be performed as the fill is elevated to evaluate compaction as the fill core is being developed.

Special efforts may be necessary to attain the specified compaction in the fill slope zone. Final slope shaping should be performed by trimming and removing loose materials with appropriate equipment.

A final determination of fill slope compaction should be based on observation and/or testing of the finished slope face. Where compacted fill slopes are designed steeper than 2:1, specific material types, a higher minimum relative compaction, and special grading procedures, may be recommended.

I. If an alternative to over-building and cutting back the compacted fill slopes is selected, then special effort should be made to achieve the required compaction in the outer 10 feet of each lift of fill by undertaking the following:

1) An extra piece of equipment consisting of a heavy short-shanked sheepsfoot should be used to roll (horizontal) parallel to the slopes continuously as fill is placed. The sheepsfoot roller should also be used to roll perpendicular to the slopes, and extend out over the slope to provide adequate compaction to the face of the slope.

2) Loose fill should not be spilled out over the face of the slope as each lift is compacted. Any loose fill spilled over a previously completed slope face should be trimmed off or be subject to re-rolling.

3) Field compaction tests will be made in the outer (horizontal) two (2) to eight (8) feet of the slope at appropriate vertical intervals, subsequent to compaction operations.

4) After completion of the slope, the slope face should be shaped with a small tractor and then re-rolled with a sheepsfoot to achieve compaction to near the slope face. Subsequent

the slope face. Final testing should be used to confirm compaction after grid rolling.

5) Where testing indicates less than adequate compaction, the contractor will be responsible to rip, water, mix, and recompose the slope materials as necessary to achieve compaction. Additional testing should be performed to verify compaction.

6) Erosion control and drainage devices should be designed by the project civil engineer in compliance with the ordinances of the controlling governmental agencies, and/or in accordance with the recommendations of the soil engineer or engineering geologist.

V. SUBDRAIN INSTALLATION

Subdrains should be installed in approved ground in accordance with the approximate alignment and details indicated by the geotechnical consultant. Subdrain locations or materials should not be changed or modified without approval of the geotechnical consultant. The soil engineer and/or engineering geologist may recommend and direct changes in subdrain line, grade and drain material in the field, pending exposed conditions. The location of constructed subdrains should be recorded by the project civil engineer.

VI. EXCAVATIONS

A. Excavations and cut slopes should be examined during grading by the engineering geologist. If directed by the engineering geologist, further excavations or over-excavation and refilling of cut areas should be performed and/or remedial grading of cut slopes should be performed. When fill over cut slopes are to be graded, unless otherwise approved, the cut portion of the slope should be observed by the engineering geologist prior to placement of materials for construction of the fill portion of the slope.

B. The engineering geologist should observe all cut slopes and should be notified by the contractor when cut slopes are started.

C. If, during the course of grading, unforeseen adverse or potentially adverse geologic conditions are encountered, the engineering geologist and soil engineer should investigate, evaluate, and make recommendations to treat these problems. The need for cut slope buttressing or stabilizing, should be based on in-grading evaluations by the engineering geologist, whether anticipated previously or not.

D. Unless otherwise specified in soil and geological reports, no cut slopes should be excavated higher or steeper than that allowed by the ordinances of controlling governmental agencies. Additionally, short-term stability of temporary cut slopes is the contractor responsibility.

E. Erosion control and drainage devices should be designed by the project civil engineer and should be constructed in compliance with the ordinances of the controlling governmental agencies, and/or in accordance with the recommendations of the soil engineer or engineering geologist.

VII. COMPLETION

A. Observation, testing and consultation by the geotechnical consultant should be conducted during the grading operations in order to state an opinion that all cut and filled areas are graded in accordance with the approved project specifications.

B. After completion of grading and after the soil engineer and engineering geologist have finished their observations of the work, final reports should be submitted subject to review by the controlling governmental agencies. No further excavation or filling should be undertaken without prior notification of the soil engineer and/or engineering geologist.

C. All finished cut and fill slopes should be protected from erosion and/or be planted in accordance with the project specifications and/or as recommended by a landscape architect. Such protection and/or planning should be undertaken as soon as practical after completion of grading.

D. This report is intended for design purposes and may be used in preparation of construction bids.

E. Geotechnical engineering is characterized by uncertainty. It is often difficult to define, in precise terms, the subsurface environment of a given site area. This is especially true with only limited exploration. Hence, geotechnical engineering is often described as an inexact science or art. Conclusions and recommendations presented herein are partly based upon the evaluations of technical information gathered, partly on experience, and partly on professional judgment. The conclusions and recommendations presented should be considered "advice". Other consultants could arrive at different conclusions and recommendations. Although some risk will always remain, lower risk of future problems would usually result if more restrictive criteria were adopted. Final decision on matters presented is the responsibility of the client and/or the governing agencies. No warranties in any respect are made as to the performance of the project

STATE OF CALIFORNIA -- THE RESOURCES AGENCY
ARNOLD SCHWARZENEGGER, Governc

CALIFORNIA COASTAL COMMISSION
SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370

November 7, 2007

RECEIVED
NOV - 9 2007
Planning Department

Amy Volzke
City of Oceanside – Planning Dept.
300 N. Coast Hwy.
Oceanside, Ca 92054

Re: Mitigated Negative Declaration (MND) for Laguna Pacifica Project, City of Oceanside

Dear Ms. Volzke:

Thank you for providing Commission staff the opportunity to comment on the Laguna Pacifica Project. Due to high work load and lack of staff time the comments provided will be brief. The project, as proposed, includes a lot split and the development of a second home on a lagoon fronting lot. Given the slope of the property, the development will include grading of the site and stepping down the development. The development is located within the City of Oceanside's permit jurisdiction; however, because of its close proximity to wetlands, the project is also located within the Coastal Commission's appealable area. As such the standard of review will be the City of Oceanside's Certified LCP and the public access policies of the Coastal Act. A number of issues need to be considered when developing adjacent to sensitive habitat, and the Mitigated Negative Declaration addresses a number of these. Below are the remaining areas of concern for Commission staff regarding the impacts associated with the proposed development:

1. View Impacts. Because the lot is being split into near and far shore lagoon sites, the lot closest to the lagoon (currently vacant) will be located lower and closer to the lagoon edge than other adjacent or neighboring development. The location of the proposed development may result in view impacts while looking westward from other portions of the lagoon east of the proposed site (development encroaching down closer to the lagoon edge). The impacts from these locations were not addressed in the environmental document.

2. Buffers and Fuel Modification. It is unclear how the proposed development will affect the required buffers and brush management for the existing structure (resource agencies indicated that the proposed development will be located within the existing building's required fuel modification zones). No site plans were included indicating the location of required buffers and fuel modifications for the existing house or the proposed development. The site plans would need to make it apparent that both residences would have their own lagoon buffer and brush management, and that these areas would not be overlapped by adjacent

development. Further, any fuel modifications must be located outside the biological buffer.

3. Development within the Lagoon Buffer. As proposed the development includes the construction of riprap and retaining wall within the required biological buffer. The Commission has historically allowed limited passive uses within the upper half of a biological buffer; however, a retaining wall and riprap would not be considered appropriate uses within a buffer. The project should be redesigned to eliminate or relocate (out of the buffer) these structures.

4. Wetland Delineation. The biological component of the MND states that the boundary of the wetlands was determined by surveying the extent of hydric soils. The Commission has historically required that any development adjacent to wetlands (or with wetlands located onsite) conduct a thorough analysis for identifying the extent or boundary of the wetlands. The Commission has detailed what and how to determine if the habitat would fit the Coastal Commission's definition of a wetland. The Commission requires that vegetation type and extent of pooling water also be considered when assessing wetland boundaries. As such, the environmental document has not appropriately delineated the boundary of the wetlands.

5. Storm Water Collection. The MND states that the stormwater associated with this site will be collected, filtered through vegetation onsite, collected again and transported within the proposed riprap and discharged into the lagoon. As stated above, development such as riprap is not permissible within a biological buffer, as such the method by which stormwater is collected, filtered and discharged would have to be accomplished without the inclusion of the riprap or retaining wall, or any other substantial structure located within the buffer.

These comments are based on the information available at this time. Thank you for the opportunity to comment on the MND. If you have any questions, please feel free to give me a call.

Sincerely,

Toni Ross
Coastal Planner

(C:\Documents and Settings\tross\Desktop\TLR Reports\Comments for EIR\Laguna Pacifica EIR Comments.doc)

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

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

In Reply Refer To:
FWS/CDFG-SDG-5500.1

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

Subject: Comments on the Mitigated Negative Declaration for the Laguna Pacifica Project, City of Oceanside, San Diego County, California (SCH# 2007091028)

Dear Mr. Hittleman:

The U.S Fish and Wildlife Service (Service) and the California Department of Fish and Game (Department), hereafter collectively referred to as the Wildlife Agencies, have reviewed the above-referenced Mitigated Negative Declaration (MND) dated September 7, 2007. The comments provided herein are based on information provided in the MND, a site visit with the applicant and City of Oceanside (City) staff on September 20, 2007, the Biological Survey Report (Scheidt 2006), the Geologic Investigation (Pacific Coast Land Consulting 2006), our knowledge of sensitive and declining vegetation communities in the County of San Diego, and our participation in regional conservation planning efforts.

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

The proposed project is a lot split of a 0.55-acre parcel that currently supports one single family residence. The lot is located at the end of a cul-de-sac overlooking Buena Vista Lagoon, which the Department owns and manages as an Ecological Reserve. The property is also located within the Coastal Zone of the City's SAP. The resulting two parcels will be 11,554 and 12,476 square feet in size, and a new 3,384 square foot residence has been proposed for the vacant lot closest to the

Lagoon. A Hillside Development Plan is required by the City prior to construction of the new residence as a large portion of the site has slopes greater than 20 percent and a minimum elevation change of 25 feet. The proposed project is bordered by Buena Vista Lagoon to the east and south and single family residences to the north and west. A 100-foot biological buffer has been proposed between the new residence and the Lagoon. The buffer will be planted with native species and no irrigation has been proposed. The project has incorporated the use of Class I construction materials in an effort to reduce the area of required fuel modification.

According to the Biological Survey Report, the site does not support any native vegetation communities, although some evidence of coastal sage scrub species including California sagebrush (*Artemisia californica*) and flat-top buckwheat (*Eriogonum fasciculatum*) were observed in the "disturbed" habitat. During the September 20, 2007, site visit, the applicant stated that he regularly brushes the site per a requirement by the City's Fire Marshall. Therefore, no vegetation communities have been allowed to recover or persist on the site.

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

1. According to the draft SAP, properties within the Coastal Zone shall have a minimum buffer width of 100 feet from wetlands (p. 5-30), separate from any required fuel modification zones. As described above, the 0.55-acre lot currently supports a single family residence, and the vacant portion of the lot currently provides the residence with the required fuel modification zone and 100-foot biological buffer to Buena Vista Lagoon. As proposed, the development of the additional house would be within the fuel modification zone and 100-foot biological buffer that currently exists for the building presently located on site. This use within the existing buffer is inconsistent with the draft SAP and counters the standards for development within the Coastal Zone by encroaching on sensitive and rare habitats adjacent to Buena Vista Lagoon.

2. The draft SAP states that "For wetlands and riparian areas possessing an unvegetated bank or steep slope (greater than 25 percent), the buffer shall be measured from the top of the bank or steep slope rather than the edge of habitat, unless there is at least 50 feet between the riparian or wetland area and the toe of slope. If the toe of the slope is less than 50 feet from the wetland or riparian area, the buffer shall be measured from the top of the slope." Based on the Laguna Pacifica Tentative Parcel Map, the majority of the site possesses slopes between 20 and 40 percent. Based on this map and our site visit, it also appears that the toe of the slope for this property is located in the wetland area adjacent to Buena Vista Lagoon. Therefore, based on requirements in the City's LCP and draft SAP, the 100-foot buffer zone for the proposed project should begin at the top of the slope of the vacant parcel and not from the edge of the adjacent wetland as was proposed in the draft MND.

3. According to the City's Local Coastal Permit (LCP), projects adjacent to Buena Vista Lagoon must include a 100-foot buffer between the development and the Lagoon and no structures shall be allowed within the buffer (p. 3; Appendix B). The proposed project

includes a wall and riprap within the buffer to collect storm water runoff from the project site. The Wildlife Agencies were told by the applicant at the site visit that the storm water would be filtered, piped under the wall, and allowed to run down the remainder of the property into the Lagoon. According to the LCP, the wall is not an allowable use in the buffer. We are also concerned that funneling the runoff will cause erosion of the steep slope and sedimentation will occur in the wetland/riparian area and/or the Department's Ecological Reserve adjacent to the site.

4. The City's draft SAP also states that no development, grading or alterations, including clearing of vegetation, shall occur in the buffer area except for trails and public pathways. As proposed, the 100-foot buffer is also serving as the fuel modification zone for the new residence. This is incompatible with the intent of the biological buffer zone; the fuel modification zone must occur outside of the 100-foot buffer.

For the above reasons, we believe that the proposed lot split and construction of an additional residence, which would lack sufficient distance to accommodate the fuel modification zone and the 100-foot biological buffer zone, is inconsistent with the City's draft SAP and LCP. The additional encroachment on Buena Vista Lagoon represents a cumulative impact on an already highly constrained ecosystem, and therefore we recommend against approving the project as proposed.

If a revised project design can be identified which meets the above-described requirements, we recommend that any approval by the City be conditioned to incorporate the Grading and Landscaping Requirements for new developments within the Coastal Zone (p. 5-31). These include seasonal restrictions on grading, landscape requirements, and erosion control measures that must be incorporated into the project description.

If you have any questions or comments pertaining to this letter, please contact Christine Beck of the Department at (858) 637-5511 or Marci Koski (Service) at (760) 431-9440.

Sincerely,

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

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

Enclosure

cc: State Clearinghouse (by fax only)
Amy Volzke, City of Oceanside Planning Department
Toni Ross, California Coastal Commission

ENCLOSURE

U.S. Fish and Wildlife Service Standard Recommendations

In addition to the comments presented in the accompanying letter, we recommend that the final MND include the conditions in the following list that pertain to this project.

1. The project applicant shall temporarily fence (with silt barriers) the limits of project impacts (including construction staging areas and access routes) to prevent additional upland habitat impacts and to prevent the spread of silt from the construction zone into adjacent habitats. Fencing shall be installed in a manner that does not impact habitats to be avoided. The applicant shall submit to the Wildlife Agencies for approval, at least 60 days prior to initiating project impacts, the final plans for initial clearing and grubbing of habitat and project construction. These final plans shall include photographs that show the fenced limits of impact and all areas (including riparian/wetland or coastal sage scrub) to be impacted or avoided. If work occurs beyond the fenced or demarcated limits of impact, all work shall cease until the problem has been remedied to the satisfaction of the Wildlife Agencies. Any upland habitat impacts that occur beyond the approved fence shall be mitigated at a minimum 5:1 ratio. Temporary construction fencing shall be removed upon project completion.

2. The applicant shall ensure that the following conditions are implemented during project construction.

   a. Employees shall strictly limit their activities, vehicles, equipment, and construction materials to the fenced project footprint.

   b. To avoid attracting predators of sensitive wildlife, the project site shall be kept as clean of debris as possible. All food related trash items shall be enclosed in sealed containers and regularly removed from the site.

   c. Pets of project personnel shall not be allowed on the project site.

   d. Disposal or temporary placement of excess fill, brush, or other debris shall not be allowed in waters of the United States or their banks.

   e. All equipment maintenance, staging, and dispensing of fuel, oil, coolant, or any other such activities shall occur in designated areas outside of waters of the United States within the fenced project impact limits. These designated areas shall be located in previously compacted and disturbed areas to the maximum extent practicable in such a manner as to prevent any runoff from entering waters of the United States, and shall be shown on the construction plans. Fueling of equipment shall take place within existing paved areas greater than 100 feet from waters of the United States. Contractor equipment shall be checked for leaks prior to operation and repaired as necessary. "No-fueling zones" shall be designated on

construction plans.

3. The applicant shall install permanent protective fencing along any interface with developed areas and/or use other measures approved by the Wildlife Agencies to deter human and pet entrance into on- or off-site habitat. Fencing should be designed to prevent intrusion by pets, especially cats. Signage for areas within conservation easements shall be posted and maintained at conspicuous locations. Plans for fencing and/or other preventative measures shall be submitted to the Service for approval at least 30 days prior to initiating project impacts. Fencing shall be installed prior to completion of project construction.

4. The applicant shall ensure that development landscaping does not include exotic plant species that may be invasive to native habitats. Exotic plant species not to be used include any species listed on the Invasive Plant Inventory list of the California Invasive Plant Council (Cal-IPC). This list includes such species as pepper trees, pampas grass, fountain grass, ice plant, myoporum, black locust, capeweed, tree of heaven, periwinkle, sweet alyssum, English ivy, French broom, Scotch broom, and Spanish broom. A copy of the complete list can be obtained from Cal-IPC's web site at http://www.cal-ipc.org. In addition, landscaping should not use plants that require intensive irrigation, fertilizers, or pesticides adjacent to preserve areas, and water runoff from landscaped areas should be contained and/or treated within the development footprint and directed away from the areas within conservation easements. The applicant shall submit a draft list of species to be included in the landscaping to the Service for approval at least 30 days prior to initiating project impacts. The applicant shall submit to the Service the final list of species to be included in the landscaping within 30 days of receiving approval of the draft list of species.

5. Any planting stock to be brought onto the project site for landscape or habitat creation/restoration/enhancement shall be first inspected by a qualified pest inspector to ensure it is free of pest species that could invade natural areas, including but not limited to, Argentine ants (*Iridomyrmex humil*), fire ants (*Solenopsis invicta*) and other insect pests. Any planting stock found to be infested with such pests shall not be allowed on the project site or within 300 feet of natural habitats unless documentation is provided to the Agencies that these pests already occur in natural areas around the project site. The stock shall be quarantined, treated, or disposed of according to best management principles by qualified experts in a manner that precludes invasions into natural habitats. The applicant shall ensure that all temporary irrigation will be for the shortest duration possible, and that no permanent irrigation will be used, for landscape or habitat creation/restoration/enhancement.

6. The applicant shall ensure that proposed exterior lighting adjacent to all on- or off-site habitat shall be directed away from and/or shielded so as not to illuminate native habitats. The applicant shall submit a lighting plan to the Service at least 30 days prior to initiating project impacts.

7. To reduce the frequency of avian collisions with the proposed buildings, non-reflective glass should be used on all windows within avian flight paths. Avian collisions also occur when birds are attracted to or disoriented by indoor lighting shining out through

windows at dusk and after dark. Therefore, we recommend that windows also be treated to prevent indoor light from shining through them. We can provide information on technology available to meet these requests.

8. If night construction is necessary, exterior night lighting shall be of the lowest illumination necessary for human safety, selectively placed, shielded and directed away from natural habitats.

STATE OF CALIFORNIA — Arnold Schwarzenegger, Governor

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

September 12, 2007

RECEIVED
SEP 17 2007
Planning Department

Mr. Jerry Hittleman, Acting City Planner
CITY OF OCEANSIDE
300 N. Coast Highway
Oceanside, CA 92054

Re: SCH#2007091028; CEQA Notice of Completion; Mitigated Negative Declaration for Laguna Pacific Project; City of Oceanside; San Diego County, California

Dear Mr. Hittleman:

The Native American Heritage Commission is the state's Trustee Agency for Native American Cultural Resources. The California Environmental Quality Act (CEQA) requires that any project that causes a substantial adverse change in the significance of an historical resource, that includes archaeological resources, is a 'significant effect' requiring the preparation of an Environmental Impact Report (EIR) per CEQA guidelines § 15064.5(b)(c). In order to comply with this provision, the lead agency is required to assess whether the project will have an adverse impact on these resources within the 'area of potential effect (APE)', and if so, to mitigate that effect. To adequately assess the project-related impacts on historical resources, the Commission recommends the following action:

√ Contact the appropriate California Historic Resources Information Center (CHRIS). Contact information for the Information Center nearest you is available from the State Office of Historic Preservation (916/653-7278)/ http://www.ohp.parks.ca.gov/1068/files/IC%20Roster.pdf The record search will determine:

- If a part or the entire APE has been previously surveyed for cultural resources.
- If any known cultural resources have already been recorded in or adjacent to the APE.
- If the probability is low, moderate, or high that cultural resources are located in the APE.
- If a survey is required to determine whether previously unrecorded cultural resources are present.

√ If an archaeological inventory survey is required, the final stage is the preparation of a professional report detailing the findings and recommendations of the records search and field survey.

- The final report containing site forms, site significance, and mitigation measurers should be submitted immediately to the planning department. All information regarding site locations, Native American human remains, and associated funerary objects should be in a separate confidential addendum, and not be made available for pubic disclosure.
- The final written report should be submitted within 3 months after work has been completed to the appropriate regional archaeological Information Center.

√ Contact the Native American Heritage Commission (NAHC) for:

* A Sacred Lands File (SLF) search of the project area and information on tribal contacts in the project vicinity that may have additional cultural resource information. Please provide this office with the following citation format to assist with the Sacred Lands File search request: USGS 7.5-minute quadrangle citation with name, township, range and section: .

- The NAHC advises the use of Native American Monitors to ensure proper identification and care given cultural resources that may be discovered. The NAHC recommends that contact be made with Native American Contacts on the attached list to get their input on potential project impact (APE). In some cases, the existence of a Native American cultural resources may be known only to a local tribe(s).

√ Lack of surface evidence of archeological resources does not preclude their subsurface existence.

- Lead agencies should include in their mitigation plan provisions for the identification and evaluation of accidentally discovered archeological resources, per California Environmental Quality Act (CEQA) §15064.5 (f). In areas of identified archaeological sensitivity, a certified archaeologist and a culturally affiliated Native American, with knowledge in cultural resources, should monitor all ground-disturbing activities.
- Lead agencies should include in their mitigation plan provisions for the disposition of recovered artifacts, in consultation with culturally affiliated Native Americans.

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

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

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

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

Sincerely,

Dave Singleton
Program Analyst

Attachment: List of Native American Contacts

Native American Contacts
San Diego County
September 12, 2007

Pauma & Yuima
Christobal C. Devers, Chairperson
P.O. Box 369 Luiseno
Pauma Valley , CA 92061
paumareservation@aol.com
(760) 742-1289
(760) 742-3422 Fax

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

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

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

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

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

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

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

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

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

This list is only applicable for contacting local Native American with regard to cultural resources for the proposed SCH#2006091028; CEQA Notice of Completion; Mitigated Negative Declaration for Laguna Pacific Project; City of Oceanside; San Diego County, California.

TO: Amy Volzke, Project Manager, City of Oceanside. 24 SEP 07

FROM: Mike Bateman
2021 Stewart St.
Oceanside, CA 92054-6514
bateman737@cox.net

SUBJ: Applicant, Peter Biniaz, 2020 Stewart St.

Dear Amy,

Peter received a Negative Declaration regarding the splitting of his lot and the subsequent development of his property. The CEQA Guidelines prohibited it. I believe there is a great disparity between reality and idealism regarding his case and his request should be approved.

The Buena Vista Lagoon use to be a wildlife sanctuary worth guarding. I have lived in the same house for exactly 50 years and swam and fished in the lagoon as a boy. The lagoon has evolved into a mosquito, reed, and homeless infested eyesore due to some irrational environmental laws. Peter's property extension toward the shoreline will begin to mitigate and hopefully begin to reverse the above mess. Our lagoon is turning into a marsh and eventual bog if left as is.

I ask you to see the reality of our dying lagoon protected by absurdity in this case. Peter respects the environment and should be allowed to enhance it. Please help us champion his request.

Sincerely,

Mike

October 2. 2007

Amy Volzke, Principal Planner
City of Oceanside, Planning Division
300 N. Coast Highway
Oceanside, CA 92056

Subject :Comments on MND and LCP
Laguna Pacifica

Dear Ms.Volzke :

The following comments on the Laguna Pacifica project are submitted on behalf of the MSCP/MHCP Task Force of the San Diego Chapter of the Sierra Club.

Aesthetics

- public views are adversely effected by the project

Public views of this steep slope area adjacent to Buena Vista Lagoon are not just visible from I-5- they are visible from several public locations around the perimeter of the lagoon, for example from along S. Coast Highway and from the public trails near the Buena Vista Audubon Nature Center. Furthermore, the analysis seems to assume that a view of development is preferred to views of disturbed slopes, a questionable conclusion at best. It also states " The proposed project design features and landscape screening would result in the project having no significant aesthetic impacts."

However there is not one project condition that would assure any landscape screening. The Concept Landscape Plan is not binding. MM 3c specifies landscaping for the native plant buffer, but this coastal sage scrub plant mix, while an appropriate upland plant palette, will not provide screening because of the relatively low height of the plants on a steep slope. Furthermore the north side of the site, the area most visible from public locations, there is bioswale along most of it- with plants specified as 2' high deergrass. It also looks like the closest trees are over 20 feet from the house and over 5 feet downslope. How many years will it take for a 15 gal quercus agrofolia to provide any significant cover for a two story house on a slope with understory plants that are only 2' high?

If landscaping is required to provide screening to reduce visual impacts then this must be addressed as a project condition.

Biological resources

- wetlands delineation

There is no basis for the determination of the boundary of the lagoon and the 100' buffer. There is no wetland delineation in the file- and the recent delineation done for the Boardwalk project was found to be faulty (see CA Coastal Commission comments on Boardwalk delineation). There must be a current delineation to verify the boundary for the 100' buffer.

- violation of 100' buffer

The Landscape Concept Plan shows the 100' buffer right up to the edge of the house. This provides no space to even walk around the house without impacting the buffer. Furthermore it appears that part of this buffer is patio as no landscape material is shown in this area and part is not proposed for the designated coastal sage scrub native plant palette. The buffer as described does not comply with requirements for a minimum 100' native plant buffer from the edge of the wetlands.

- no discussion of fire safety

It is standard practice for Fire Department review of all projects. This is of particular concern where there is an interface between natural habitat and development. For the Boardwalk project on the lagoon the Fire Department initially required thinning of plants within the 100' buffer. Then they later removed all such conditions (presumably the perimeter wall was considered adequate for fire protection). There needs to be some discussion of fire safety conditions to assure there are no adverse impacts from things like plant thinning/pruning or walls. Furthermore, the fire buffer area cannot be considered part of the required habitat buffer as there will be impacts within this area.

- failure to adequately evaluate indirect impacts

The bio report mentions this as a concern- but the proposed MM's fail to address all of the issues in MHCP Vol. I Section 6.2 Adjacent Land Uses, Vol. III Section 3.3 Lagoons, and Vol. III Appendix E Estuarine Species. The following MHCP issues have not been adequately addressed: lighting conditions are not fully consistent; restriction on activities within 200' of important foraging, breeding and roosting areas; seasonal restriction on any human activity in buffer zone during breeding season; restriction on feeding of wildlife; pet control- particularly cat predation; control of trash and debris; restrictions on pesticides, fertilizers, oil and other pollutants; use of chemical pesticides for mosquito control; barriers to restrict human access; and public education programs.

- Temporary and permanent impacts of proposed retaining walls

The earlier plan had 3 retaining walls in the 100' buffer- this one has one. However no impacts were identified for this wall. Walls can easily create erosion problems, and they will require periodic maintenance. Construction and maintenance of the wall will impact the buffer- for the life of this project. This needs to be identified as a project impact and appropriate mitigation must be provided.

- buffer maintenance

This really seems to be a huge issue for all of the development around the lagoon. As far as we can tell the responsibility for buffer maintenance rests with individual property owners- and there has been no enforcement of these conditions- even where maintenance of the buffer was made a mitigation condition for the development. There needs to be much better protection of the required minimum buffer. We recommend that the entire 100' buffer be considered hardline preserve- with a requirement for endowment like all other hardline preserve areas.

Geology and Soils

- Geotechnical study appears to not have been updated to reflect changes to project

The Geotechnical study for the project is dated September 2006. Since then the project plan was revised to reconfigure retaining walls and replace three walls with one wall on the lagoon side. There was no update to the geotechnical study associated with this change. The additional letter from the consultant dated August 6, 2007 is just a definition of "bluff" and indicates no review of changed project design. Furthermore the initial geotechnical evaluation included seven and a half pages of "recommendations." Yet the MND includes only a single MM for geology and soils. This single MM is boilerplate for an erosion and sediment plan that is required for all projects that include grading- it does not address the majority of the seven and one half pages of project specific recommendations. Without complying with all of the recommendations in the technical report this project clearly could have significant impacts. Therefor a MM is required to fully address all of the geotechnical issues identified in the technical report.

- erosion potential of wall

Retaining walls often result in erosion- at wall ends and along the face of the wall. There are no provisions for regular inspection and maintenance of the wall or corrective action to address any erosion problem that might occur- for the life of this project.

Hydrology

- maintenance of BMP's

To assure that the lagoon is adequately protected from project run-off, all BMP's must be maintained in perpetuity. A MM needs to be added to require a maintenance agreement that is a deed restriction that would carry forward to any future owners of the project. Such a condition was included with the Firtel residence project on the lagoon. There is no justification for excluding it here.

Land Use and Planning

- Violation of LCP

The MND states the proposed project is in conformance with the LCP because the slope where the house and retaining wall will be built is not a bluff. It further states that this conclusion is based on an evaluation by a qualified geologist. In fact, the project is clearly in violation of LCP Appendix B Section C.5. The letter of August 6, 2007 from Pacific Coast Land Consulting Inc. includes a very interesting technical explanation of what constitutes a "bluff." It is a very interesting discussion- but is not relevant. The determination should be based upon reasonable interpretation of the intent of the LCP. We believe it is clear that the intent was to protect this entire area of steep slopes next to the lagoon. The findings in Appendix B.5.b state " The slopes above the lagoon between I-5 and Alvarado St are generally undevelopable under the terms of the city's Hillside development ordinance." Then under section C.5 Policies it states " In the area between Interstate 5 and Alvarado St, the City shall prohibit encroachment of development beyond the bluff line of the lagoon." Using the consultants proposed definition of bluffs there are no bluffs around the lagoon so what was the point of this prohibition? We believe a common sense interpretation is that the prohibition was intended to protect the steep slopes- regardless what you call them.

The conditions of the LCP also need to be considered in total, ie what was to be protected and what could be developed. One can't piecemeal allow development where it was restricted by the LCP, without adding to cumulative impacts on the lagoon.

- Hillside Development regulations

The checklist under aesthetics states " the project is in substantial conformance with the Hillside Development Regulations." "Substantial conformance" means it is not in full conformance. The MND should fully disclose those areas that are not in full conformance and discuss the basis upon which it was determined that this lack of conformance results in "no impact."

- Conditional use permit

The Subject of the Notice includes that the project will require a Conditional Use Permit. The discussion of land use should identify all areas where the project will require such permits, and the specific conditions associated with such conditional uses. The only reference we could find to this was that a variance would be allowed for only a two car garage while the Zoning Ordinance would require three. During testimony at the Planning Commission there was also discussion of variances for rear and side yard setbacks. Does the project now conform to setback requirements or not? Please clearly indicate where the project is not in conformance and a variance is being proposed.

- findings by Planning Commission

The following is the statement of findings from the Planning Commission project denial on June 25, 2007 : "The proposed project is inconsistent with the General Plan Land Use Element and Local Coastal Plan goals and objectives for the continual long term enhancement of the community through the development

and use of land that is appropriate and orderly with respect to type, location, and intensity as follows: a) The project will substantially alter or impact existing public views of the coastal zone area; b) The site is not physically suitable for the proposed type of development. The design of the subject subdivision does not accommodate development of a 3,384-square foot single-family detached dwelling. The proposed project utilizes extensive retaining walls and is not designed to complement existing topography; and c) The development plan does not comply with the land-use and development regulations of the base zoning district and the Hillside Development Provisions with respect to garage size, side and rear yard setbacks."

The project changes still do not address the land use issues raised by the Planning Commission. It will still impact public views, the site is not suitable for the proposed development, and it does not comply with development regulations of the base zoning district and Hillside Development. The discussion in the MND is insufficient to determine that these issues have been addressed.

Recreation

- public trails

One of the issues raised during discussion by the Planning Commission was the potential impact of the project on future public trails. This issue was not addressed in the MND. Public trails are an important element of coastal access. Although trail planning around the perimeter of the lagoon has not progressed very far, the project as proposed would preclude any public trails in this area. This is a significant recreation issue that should be discussed in the MND.

Cumulative Impacts

The checklist indicates there are no cumulative impacts associated with this project. We disagree with this conclusion. Failure to address all of the issues identified above would have a cumulative impact on Buena Vista Lagoon. The lagoon is a 303 (d) listed impaired waterbody. This should result in an extra level of care in both assessing, and mitigating for potential project impacts.

Conclusions

The proposed project is in violation of a key provisions of the city's Local Coastal Plan. The environmental analysis has failed to identify all of the potential adverse impacts of the project. The proposed MMs fail to assure that the priceless resources of this lagoon have been protected. The proposed MND and LCP should be denied.

Thank you for your consideration of these comments.

Sincerely,

Diane Nygaard
MSCP/MHCP Task Force SD Sierra Club

Cc: Marci Koski USFWS, Christine Beck DFG

VINCENT N. SCHEIDT
Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-457-1650 fax • email: vince@san.rr.com

Revised December 17, 2007
~~September 12, 2006~~

Mr. Peter Biniaz
2020 Stewart St.
Oceanside, CA 92054

RE: Results of an updated Biological Survey of the 2020 Stewart Street property in the City of Oceanside

Dear Mr. Biniaz:

This report presents the results of an updated baseline biological resources field study of the 2020 Stewart Street property in Oceanside. As you know, I had previously surveyed this property in 1994. The purpose of this new study, therefore, is to update and verify the older findings with regards to project impacts and potential mitigation requirements. As before, the proposed project is subject to evaluation under provisions of the California Environmental Quality Act (CEQA), which requires that "significant" impacts, including impacts to biological resources, be reduced to "less than significant". This study is intended to address potential adverse impacts to sensitive biological resources, including sensitive species and habitats. It is further intended to ensure that any required mitigation is consistent with the goals and objectives of the Multiple Habitat Conservation Program (MHCP) and the City's draft Subarea MHCP Plan.

PROJECT DESCRIPTION

Development of the 2020 Stewart Street property will require grading to establish a pad and associated improvements. This constitutes your "project", as defined by CEQA. Site development will result in the removal of vegetation and the construction of a second single-family structure on proposed Parcel "B", with associated landscaping, etc. As you know, proposed Parcel "A" is fully developed with an older single family home. The project includes a 100-foot lagoon buffer, which begins at the edge of the lagoon and separates the lagoon from the development area of the site. A 10-foot permanently-irrigated landscaped zone will be located between the proposed residence and the lagoon buffer. According to a letter from the City of Oceanside's Fire Marshal, dated 6 December 2007 (Attachment A), fire clearing will not be required within the 100-foot lagoon buffer, as long as the proposed residence incorporates the structural mitigation features included in Attachment A.

GOALS OF STUDY

The purpose of this study is to provide a baseline biological inventory of the site, delineate the onsite habitats, and search for signs of rare, endangered, threatened, or otherwise sensitive plants, animals, or habitats which have a potential to occur here. A plant and animal inventory was compiled during the fieldwork. The survey data were then used to assess the biological "resource values" of the site insofar as they could be affected by project approval and implementation.

METHODS

Vincent N. Scheidt, Certified Biological Consultant, conducted an updated, baseline field survey of the 2020 Stewart Street property on 31 August 2006. Shannon M. Allen, Biological Consultant, and Julia L. Groebner, Field Biologist, assisted with the field work. Weather conditions were conducive to field surveying, with clear skies, temperatures in the high 70°s F, and a light northwesterly breeze. The property was slowly walked and all areas of the property were examined during the survey. Naturalized plants and animals identified in association with the site were recorded and are listed in Table 1.

A directed, follow-up study was completed by Mr. Scheidt and Ms. Groebner in October/November of 2007. This study focused on wetlands and waters, and resulted in the preparation of a focused survey report (*Additional Information - WETLANDS AND WATERS - 2020 Stewart Street, Oceanside)*, which assessed the limits of jurisdictional lands in association with this project site. A copy of this document is attached (Attachment B).

Plants were identified *in situ* or based on samples collected in the field and later keyed to the most reasonably definitive taxonomic level. A number of additional species would probably have been detected in the winter months, although at least 70% of the plants occurring on this site were likely recorded. Horticultural species associated with existing improvements on proposed Parcel "A" were generally not inventoried. Floral nomenclature used in this report follows Hickman (1993) and others. Plant communities follow Holland (1996, as amended).

Wildlife observations were made opportunistically. Binoculars were used to aid in observations and all wildlife species detected were recorded. Animal nomenclature used in this report is taken from American Ornithologist's Union (1983, as updated) for birds, and Jones, *et. al* (1992) (mammals).

RESULTS

Plant Communities

The entire 2020 Stewart Street property appears to currently support developed, disturbed, or non-native, ornamental vegetation. Clearing for weed abatement appears to have taken place shortly prior to the initial site field survey (discussed below). The site is framed by development on the north and west, while offsite to the south and east is undeveloped land, some of which is associated with the Buena Vista lagoon. The lagoon's hydric soils, which delineate its edge, begin approximately ten feet from the southeastern-most property corner. The onsite habitats include the following:

Urban/Developed (Holland Code 12000)
An older single family home is located on the northern portion of the property. This is surrounded by landscape plantings and associated improvements. The biological resource value of this habitat-type is low.

Disturbed Habitat (Holland Code 11300)
Much of the site supports Disturbed Habitat. Indicators include ruderal species, such as Castor Bean *(Ricinus communis)*, Ripgut Brome *(Bromus diandrus)*, and numerous other non-native weeds. During the field survey, we noted signs that a small stand of Flat-top Buckwheat (*Eriogonum fasciculatum)* shrubs and some small California Sagebrush (*Artemisia californica)* seedlings had been removed, but these were likely growing amongst non-native forbs and

grasses as part of a larger disturbed habitat system. The clearing was presumably for weed abatement purposes. In any case, the biological resource value of this habitat-type is considered low.

Non-native Vegetation (Holland Code 11000)
Non-native Vegetation is found on portions of the south-facing slope in the form of large stands of Indian Fig *(Opuntia ficus-indica),* Smooth Agave *(Agave attenuata),* and other non-native horticultural plants. This vegetation has undoubtedly naturalized from landscaping and old plantings adjacent to the slope. The biological resource value of this habitat is low.

Plants

Thirty-one species of naturalized plants were detected during the survey; many of these (58%) are non-native. A complete list of the plants observed is presented in Table 1. The plants observed onsite are typical of disturbed habitats, including ruderal areas and older developed areas.

Animals

Fourteen species of animals were detected onsite or in the immediate vicinity during the field survey. The animals detected are all common forms, abundant in the site's vicinity, and tolerant of urban settings. All animals detected during the field survey are listed in Table 1, attached.

SENSITIVE RESOURCES

Sensitive Vegetation Communities

Vegetation communities (habitats) are generally considered "sensitive" if; *(a)* they are recognized by the City as being generally depleted; *(b)* they are considered rare within the region by local experts; *(c)* if they are known to support sensitive plant or animal species, and/or; *(d)* they are known to serve as important wildlife corridors or habitat linkages. These sensitive habitats are typically depleted throughout their known ranges, or are highly localized and/or fragmented.

Neither of the two onsite habitat-types (Disturbed Habitat and Non-native Vegetation) are considered sensitive in the City of Oceanside or in the MHCP Subregional Planning area.

Sensitive Plants

No sensitive plants were detected on the subject property during the field survey. Sensitive plants are those listed as "Rare", "Endangered", "Threatened", "of Special Concern", or otherwise noteworthy by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the California Native Plant Society (CNPS), or other conservation agencies, organizations, or local botanists.

Numerous sensitive plants are known to occur in Oceanside, some in the general vicinity of this site. These include Thread-leaf Brodiaea and Orcutt's Brodiaea *(Brodiaea filifolia, B. orcuttii)*, Palmer's Grapplinghook *(Harpagonella palmeri)*, Small-flowered Morning-glory *(Convolvulus simulans)*, and others. Most of these are either associated with habitats not found here (such as native grasslands or vernal pools) or are large and distinctive perennials that

would not have been missed if encountered onsite. Given the disturbed/non-native nature of the site, no sensitive plants are expected.

Sensitive Animals

No sensitive animals were detected onsite during the field survey. Sensitive animals are those listed as "Rare", "Endangered", "Threatened", "of Special Concern" or otherwise noteworthy by the California Department of Fish and Game, the U.S. Fish and Wildlife Service, the National Audubon Society, or other conservation agencies, organizations, or local zoologists.

It is anticipated certain sensitive animals may utilize resources provided by this property, at least on an occasional basis. These might include various wide-ranging sensitive raptors known from the area, such as Red-shouldered Hawk *(Buteo lineatus)* and Cooper's Hawk (*Accipiter cooperii*), any number of rare bat species, rare reptiles, and possibly others. Because of the nature of the onsite habitat, no critical populations of sensitive animal species would be anticipated to depend on this site in any case.

WETLANDS AND WATERS

Wetlands and jurisdictional "waters" are not present on the project site. However, the Buena Vista lagoon, which adjoins the site, is clearly a jurisdictional wetland area. As mentioned previously, the lagoon's hydric soils, which delineate its boundary, begin approximately ten feet beyond the southeastern property corner. A small amount of willow scrub vegetation is found paralleling the eastern side of the property. However, this is entirely offsite.

PROJECT-RELATED IMPACTS

Development of a second structure on the 2020 Stewart Street property could result in the following direct and indirect impacts:

1. Impacts to Urban/Developed Habitat are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

2. Impacts to Disturbed Habitat are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

3. Impacts to Non-native Vegetation are considered **less than significant**, as defined by CEQA. No specific mitigation is recommended in conjunction with this loss.

4. Potential displacement impacts to nesting raptors or migratory songbirds are considered potentially **significant**, as defined by CEQA. The federal Migratory Bird Treaty Act (MBTA) and Sections 3503, 3503.5 and 3513 of the California Fish and Game Code protect the nests of essentially all native birds. Although no active bird nests or nesting behaviors were detected during the site survey, nesting in some of the trees or larger shrubs on or adjacent to the site is possible. Any disturbance, either direct or indirect, that

would cause abandonment of active nests containing eggs or young would be a violation of the MBTA and/or the California Fish and Game Code.

5. The possibility that "edge effects" could adversely impact resources associated with the Buena Vista Lagoon is considered potentially **significant**, as defined by CEQA.

RECOMMENDATIONS

In order to reduce all potentially **significant** project-related impacts to **less than significant**, as defined by CEQA, the following measures are recommended:

1. Site brushing, grading, and/or the removal of vegetation (including landscaping and trees) within 300 feet of any potential migratory songbird nesting location is not normally permitted during the spring/summer songbird breeding season, defined as from 1 January to 31 August of each year. This is required in order to ensure compliance with the California Fish and Game Code and the MBTA. Limiting activities to the non-breeding season will minimize chances for the incidental take of migratory songbirds or raptors.

   Should it be necessary to conduct brushing, grading, or other habitat-removal activities during the bird breeding season, a preconstruction **nesting survey** of all areas within 300 feet of the proposed activity will be required. This survey must be conducted by a qualified biologist who must submit a summary report with findings and recommendations (such as noise abatement, seasonal restrictions on vegetation removal, etc) to be approved by the City of Oceanside and the wildlife agencies prior to project implementation.

2. A 100-foot habitat buffer from the edge of the lagoon, which begins approximately 10 feet from the southeastern property corner, shall be put in place to ensure that site development does not result in adverse direct impacts to the Buena Vista lagoon. No structures, development, grading, or vegetation clearing shall be allowed within the buffer. The home design illustrated in Figure 2 has been modified to pull the proposed structure further from the lagoon. The following measures should be implemented to minimize potential indirect impacts, or "edge effects":
   a. Any necessary lighting shall be directed away from the lagoon and shielded as necessary to prevent light pollution of the slopes below the project site. Because the lagoon is separated from the proposed project area by 100 feet, lighting impacts are anticipated to be minimal.
   b. Drainage from development-related hardscape surfaces shall be processed onsite and no discharge of unprocessed runoff materials shall be directed into the lagoon.
   c. Landscaping of the 100-foot habitat buffer between the proposed development area and the lagoon shall consistent of 100 percent indigenous, native species. No invasive or noxious species shall be present on the project's plant palette. To ensure this, the project landscape palette shall be reviewed for consistency by a City-approved biologist.
   d. Grading associated with this project has a potential to displace soil and other materials into the lagoon. In order to prevent this, the development area shall be securely fenced with temporary chain-link construction fencing and silt fencing.
   e. Site access exists along an improved roadway from the end of Stewart Street. Sensitive lands in Buena Vista lagoon will thus not be affected in any way by site access. Access into the lagoon, *per se*, will not be provided by the project.

Thank you for the opportunity to provide this biological survey and report. Please contact me if you have any questions.

Very truly yours,

Vincent N. Scheidt
Certified Biological Consultant

Figure 1. Aerial Photograph showing Property Boundaries - 2020 Stewart Street Project, Oceanside

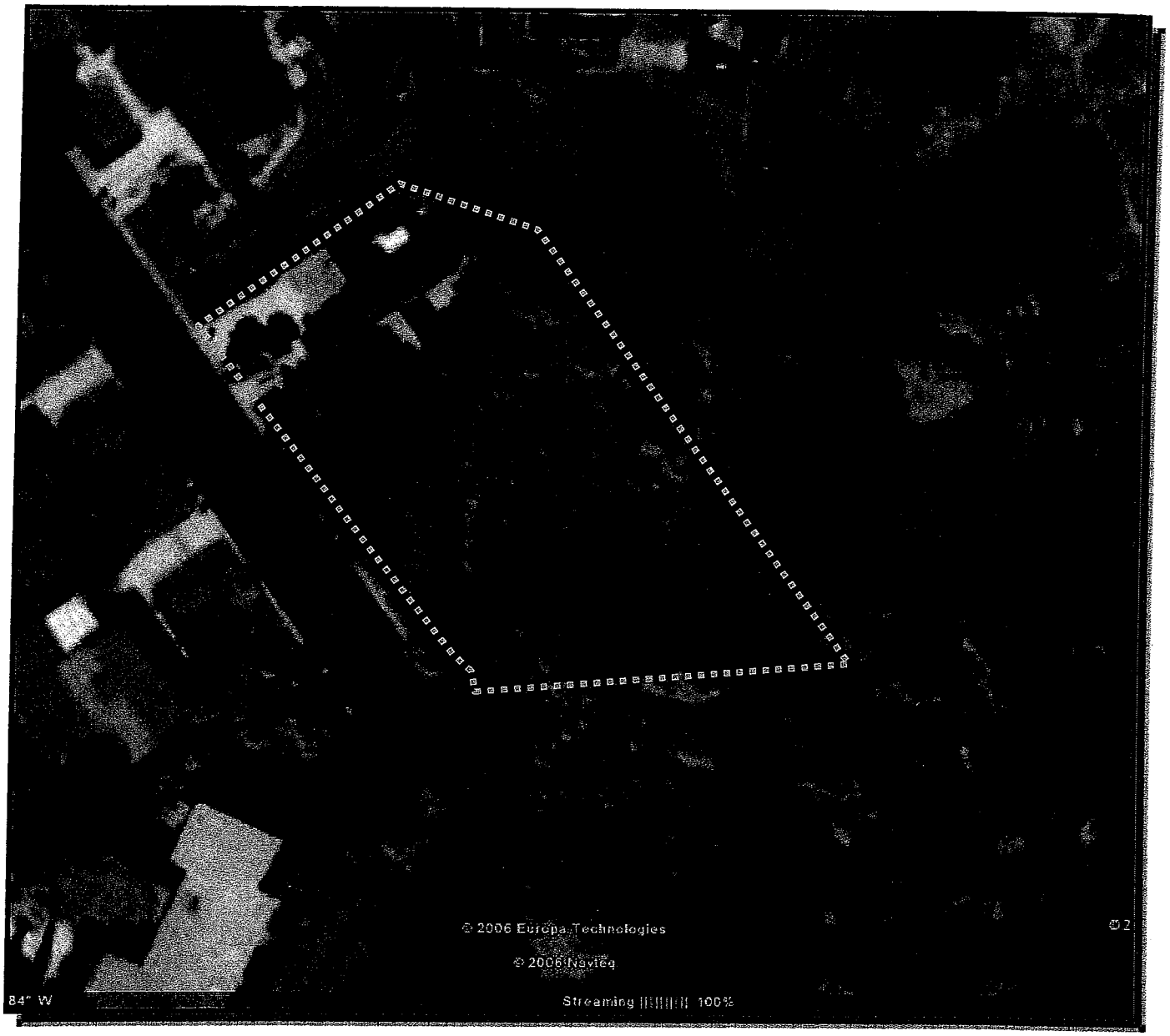
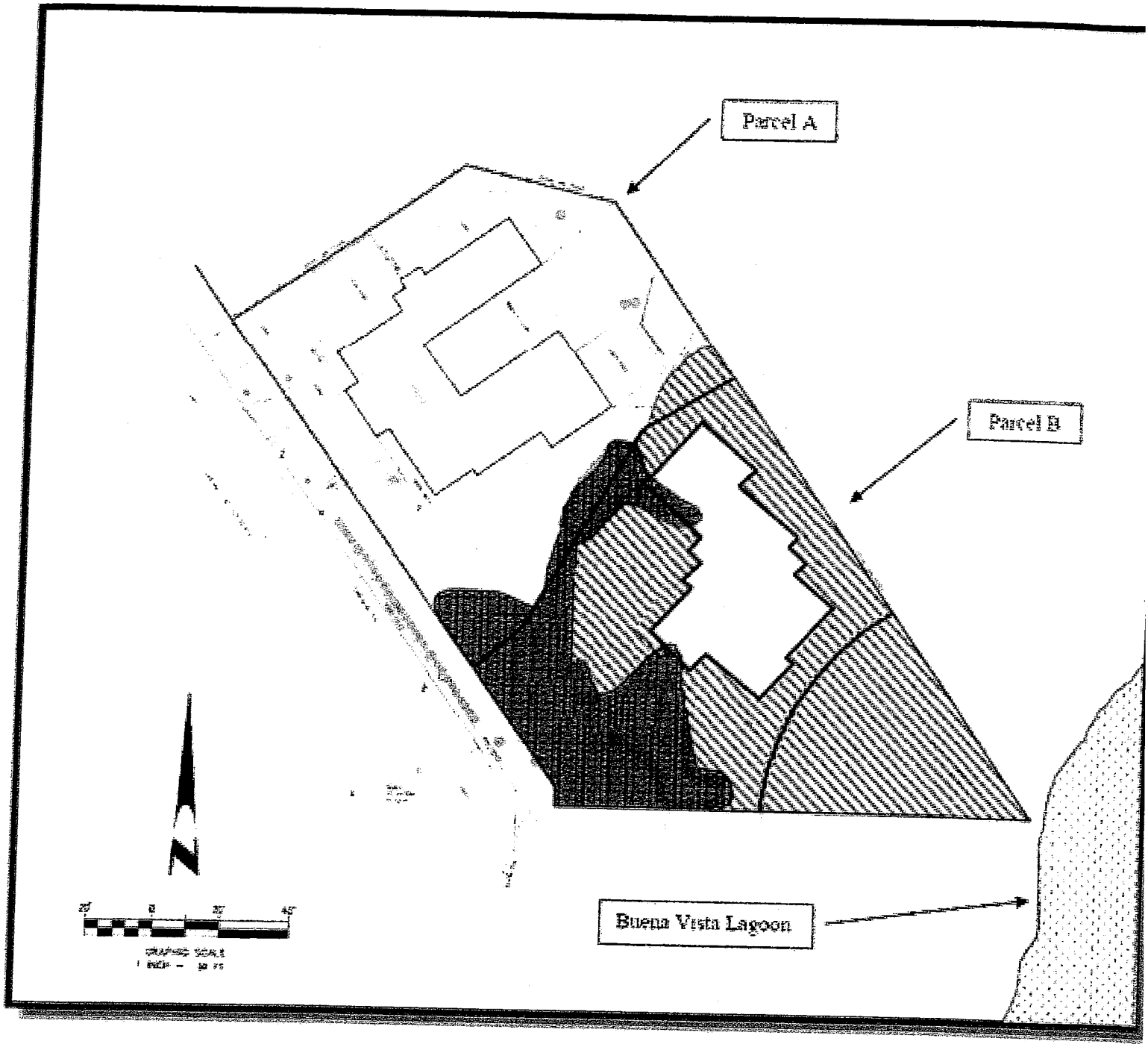


Figure 2. Site Plan showing Habitats - 2020 Stewart Street Project, Oceanside



Bibliography

American Ornithologists' Union, committee on classification and nomenclature. 1983. A.O.U. *Checklist of North American Birds*. Updated every 3 years.

California Department of Fish and Game. 1994. Designated endangered, threatened or rare plants and candidates with official listing dates. California Department of Fish and Game, January 1994

Emmel, T.C. and J.F. Emmel. 1973. The Butterflies of Southern California. Los Angeles County Natural History Museum.

Hickman, J. C. (Ed.). 1993. The Jepson Manual, Higher Plants of California. University of California Press, Berkeley, 1400 pp.

Holland, R.F. 1986 (as amended; 1996). Preliminary descriptions of the terrestrial natural communities of California. State of California, Nongame-Heritage Program. 156p.

Jones, J. K., *et al.* 1992. Revised checklist of North American mammals north of Mexico. Occas. Papers Mus., Texas Tech University, 146:1-23.

Scheidt, V.N. 1980. Status of the amphibians of San Diego County. San Diego County Fish and Wildlife Committee (Unpublished) 36p.

Skinner, M.W. and B.M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. CNPS, Special Publication No. 1. 5th Edition.

Stebbins, R. 1985. Western Reptiles and Amphibians. Peterson Field Guide Series, Houghton-Mifflin.

United States Fish and Wildlife Service. 1990. Endangered and threatened wildlife and plants; review of plant taxa for listing as endangered or threatened species; notice of review. Federal Register 50 CFR Part 17.

Table 1. Plants and Animals Detected – 2020 Stewart Street, Oceanside

Scientific Name	Common Name
Plants	
Agave americana *	American Agave
Agave attenuata *	Smooth Agave
Ambrosia psilostachya	Western Ragweed
Aptenia cordifolia *	Red Apple Iceplant
Artemisia californica	California Sagebrush
Bromus diandrus *	Ripgut Brome
Chamaesyce maculata *	Spotted Spurge
Conyza canadensis *	Common Horseweed
Conyza bonariensis *	Horseweed
Crassula argentea *	Jade Plant
Croton californicus	California Croton
Datura meteloides	Jimsonweed
Eriogonum fasciculatum	Flat-top Buckwheat
Gnaphalium bicolor	Bicolor Cudweed
Haplopappus squarrosus	Hazardia
Jacaranda sp. *	Jacaranda
Lantana sp.	Lantana
Lotus scoparius	Deerweed
Lycopersicon esculentum *	Tomato
Malacothamnus fasciculatus	Bushmallow
Marrubium vulgare *	Horehound
Mesembryanthemum edule *	Hottentot Fig
Opuntia ficus-indica *	Indian Fig
Pluchea sericea	Arrowweed
Plumbego capensis *	Cape Plumbego
Portulaca sp.	Pigweed
Raphanus sativus *	Wild Radish
Ricinus communis *	Castor Bean
Sarcostemma cynanchoides	Milkvine
Silybum marianum *	Milk Thistle
Tribulus sp. *	Puncture Vine
Birds	
Aphelocoma coerulescens	Scrub Jay
Carduelis psaltria	Lesser Goldfinch
Carpodacus mexicanus	Housefinch
Sturnus vulgaris	Starling
Zenaida macroura	Mourning Dove
Mammals	
Spermophilus beecheyi	California Ground Squirrel
Thomomys bottae	Valley Pocket Gopher
Reptiles	
Sceloporus occidentalis	Western Fence Lizard
Butterflies	
Adelpha bredowii californica	California Sister
Brephidium exile	Pygmy Blue
Leptotes marina	Marine Blue
Nymphalis antiopa	Mourning Cloak
Papilio rutulus	Western Tiger Swallowtail
Pontia protodice	Common White

* = non-native taxon

Attachment A

Letter from the Fire Marshal, City of Oceanside

CITY OF OCEANSIDE

FIRE DEPARTMENT

TERRY A. GARRISON
FIRE CHIEF

Date: 12/07/2007

To: Jerry Hittleman, Planning Division

From: Mike Margot, Division Chief/Fire Prevention

Subject: Biniaz Property, 2020 South Stewart Street

Due to the property not being designated as situated in direct Wildland Interface, I am not requiring 100' of fire buffer on the property. The following conditions still apply:

Roof Covering:

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

Insulation:

Paper-faced insulation shall be prohibited in attics or ventilated spaces.

Protection of Eaves:

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

Gutters and downspouts:

Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be designed to minimize the accumulation of leaf litter and debris that contributes to roof edge ignition.

Exterior walls:

Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1 hour fire resistance rated construction on the exterior side or constructed with approved noncombustible materials. Exterior wall coverings must meet the 1 hour fire resistance requirement.

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

Unenclosed Under Floor Protection:

Buildings or structures shall have all under floor areas enclosed to the ground with exterior walls with a 1 hour fire rating.

> Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1 hour fire resistance rated construction or heavy timber construction.

Appendages and Projections:

Where fencing attached to or immediately adjacent to structures face the vegetative fuels, the first 5 feet (1,524mm) of such fencing which connects to the structure, shall be constructed of noncombustible, heavy timber or fire retardant pressure treated wood or material.

Unenclosed accessory structures attached to building with habitable spaces and projections such as deck assemblies shall be a minimum of a 1 hour fire rated assembly, which includes railings. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152mm) of the ground, with exterior wall construction in accordance with Section 504.5.

Exterior Glazing and Skylights:

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

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

Exterior Doors:

Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 ¾ inches thick (45mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8 of the ICC code.

Exception: Vehicle access doors.

Vents:

Attic ventilation openings, foundation or under floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929m2) each. Such vents shall be covered with noncombustible corrosion resistant mesh with openings not to exceed ¼ inch (6.4mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

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

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3,048mm) from property lines. Under floor ventilation openings shall be located as close to grade as practical.

Detached Accessory Structures:

Detached accessory structures located less than 50 feet (15,240mm) from a building containing a habitable space shall be a minimum of 1 hour fire resistance rated assembly. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152mm) of the round, with exterior wall construction with a 1 hour fire resistance rating.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1 hour fire resistance rated construction or heavy timber construction.

With construction as proposed, we will not require any fire clearing into the 100-foot lagoon buffer. The proposed 10 feet of permanently-irrigated landscaped zone between the top of the lagoon buffer and the proposed new structure will provide adequate fire protection. We understand that the 100-foot lagoon buffer

will be revegetated with native species. However, no clearing or thinning of brush will be required in this area, which is beyond the landscaped zone.

Mike Margot
Division Chief/Fire Prevention
435-47306
801-0459

Attachment B

Additional Information - WETLANDS AND WATERS - 2020 Stewart Street, Oceanside

VINCENT N. SCHEIDT

Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-457-1650 fax • email: vince@san.rr.com

Mr. Peter Biniaz
2020 Stewart St.
Oceanside, CA 92054

October 17, 2007

RE: Additional Information - WETLANDS AND WATERS - 2020 Stewart Street, Oceanside

Dear Mr. Biniaz:

You have asked for additional information regarding the presence of wetlands and/or jurisdictional "waters" on your 2020 Stewart Street property in Oceanside. As you know, we completed a biology study of this property on 12 September 2006. The conclusions of that study were as follows: Although Buena Vista lagoon, which is near the site's property edge to the south, is clearly a jurisdictional wetland area, no wetlands or jurisdictional waters are present on the subject property. As mentioned in the report, the lagoon's hydric soils, which delineate its boundary, begin approximately ten feet beyond the southeastern property corner. A small amount of willow scrub vegetation is found paralleling the eastern side of the property. However, this is also entirely offsite.

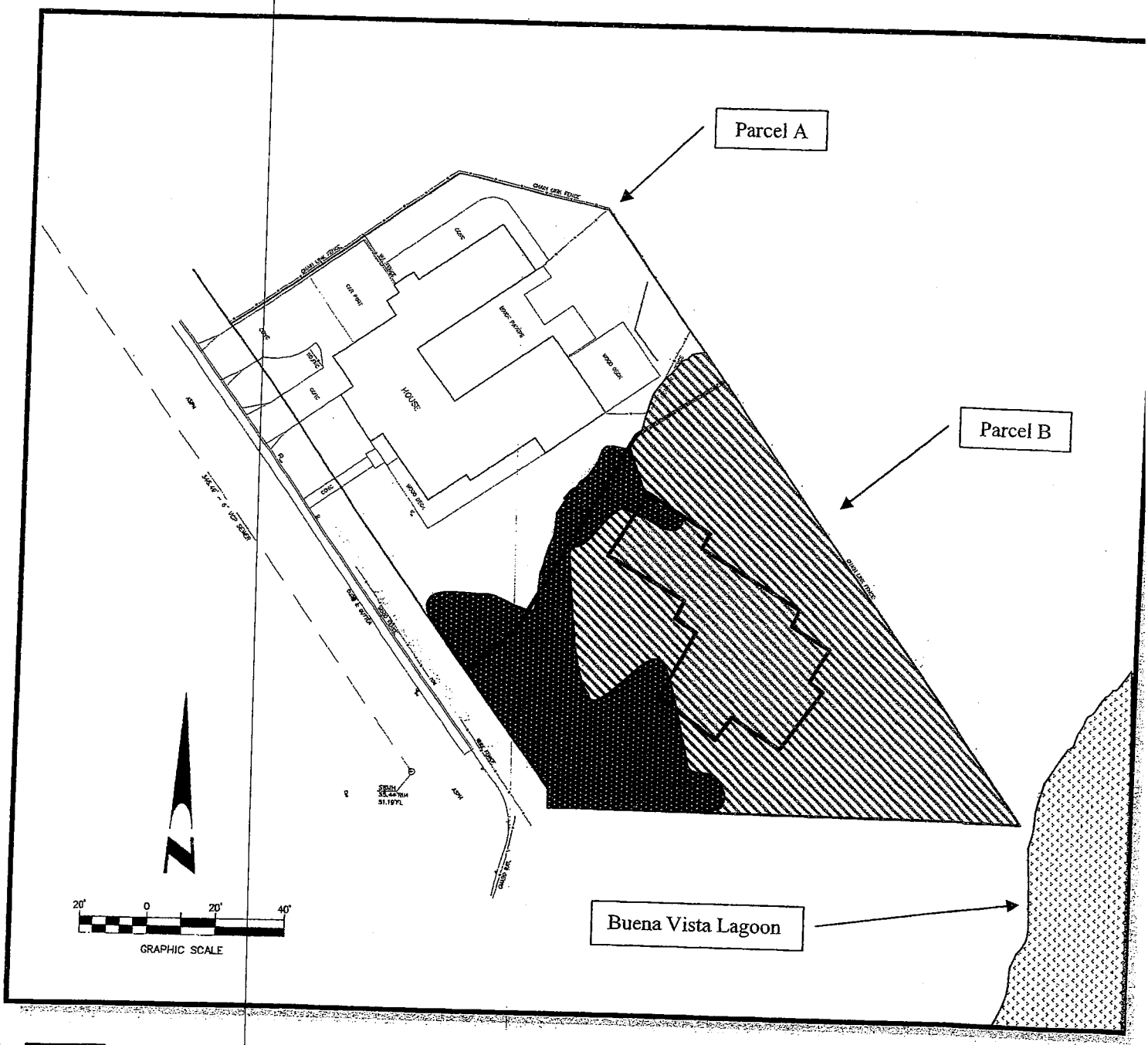
The regulatory agencies, which include the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, the California Coastal Commission, and others all define "wetlands" on the basis of certain indicator criteria. These include wetlands hydrology, a predominance of hydrophytes (wetlands plants), and/or the presence of undrained hydric soils. Each of the agencies defines these terms in a slightly different manner, although they all share similar concerns about avoiding impacts to wetlands to the maximum extent feasible. When completing the biology study of your site last year, we considered all three of these factors (hydrology, hydrophytes, hydric soils) and determined that none are present on the property, although they are present a short distance offsite.

Thank you for the opportunity to provide this clarification. Please contact me if you have any questions.

Sincerely

Vince Scheidt
Certified Biological Consultant

Figure 2. Site Plan showing Habitats - 2020 Stewart Street Project, Oceanside



- Non-native Vegetation
- Urban/Developed Habitat
- Disturbed Habitat

Bibliography

American Ornithologists' Union, committee on classification and nomenclature. 1983. A.O.U. *Checklist of North American Birds*. Updated every 3 years.

California Department of Fish and Game. 1994. Designated endangered, threatened or rare plants and candidates with official listing dates. California Department of Fish and Game, January 1994

Emmel, T.C. and J.F. Emmel. 1973. The Butterflies of Southern California. Los Angeles County Natural History Museum.

Hickman, J. C. (Ed.). 1993. The Jepson Manual, Higher Plants of California. University of California Press, Berkeley, 1400 pp.

Holland, R.F. 1986 (as amended; 1996). Preliminary descriptions of the terrestrial natural communities of California. State of California, Nongame-Heritage Program. 156p.

Jones, J. K., *et al.* 1992. Revised checklist of North American mammals north of Mexico. Occas. Papers Mus., Texas Tech University, 146:1-23.

Scheidt, V.N. 1980. Status of the amphibians of San Diego County. San Diego County Fish and Wildlife Committee (Unpublished) 36p.

Skinner, M.W. and B.M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. CNPS, Special Publication No. 1. 5th Edition.

Stebbins, R. 1985. Western Reptiles and Amphibians. Peterson Field Guide Series, Houghton-Mifflin.

United States Fish and Wildlife Service. 1990. Endangered and threatened wildlife and plants; review of plant taxa for listing as endangered or threatened species; notice of review. Federal Register 50 CFR Part 17.

Table 1. Plants and Animals Detected – 2020 Stewart Street, Oceanside

Scientific Name	Common Name
Plants	
Agave americana *	American Agave
Agave attenuata *	Smooth Agave
Ambrosia psilostachya	Western Ragweed
Aptenia cordifolia *	Red Apple Iceplant
Artemisia californica	California Sagebrush
Bromus diandrus *	Ripgut Brome
Chamaesyce maculata *	Spotted Spurge
Conyza canadensis *	Common Horseweed
Conyza bonariensis *	Horseweed
Crassula argentea *	Jade Plant
Croton californicus	California Croton
Datura meteloides	Jimsonweed
Eriogonum fasciculatum	Flat-top Buckwheat
Gnaphalium bicolor	Bicolor Cudweed
Haplopappus squarrosus	Hazardia
Jacaranda sp. *	Jacaranda
Lantana sp.	Lantana
Lotus scoparius	Deerweed
Lycopersicon esculentum *	Tomato
Malacothamnus fasciculatus	Bushmallow
Marrubium vulgare *	Horehound
Mesembryanthemum edule *	Hottentot Fig
Opuntia ficus-indica *	Indian Fig
Pluchea sericea	Arrowweed
Plumbego capensis *	Cape Plumbego
Portulaca sp.	Pigweed
Raphanus sativus *	Wild Radish
Ricinus communis *	Castor Bean
Sarcostemma cynanchoides	Milkvine
Silybum marianum *	Milk Thistle
Tribulus sp.*	Puncture Vine
Birds	
Aphelocoma coerulescens	Scrub Jay
Carduelis psaltria	Lesser Goldfinch
Carpodacus mexicanus	Housefinch
Sturnus vulgaris	Starling
Zenaida macroura	Mourning Dove
Mammals	
Spermophilus beecheyi	California Ground Squirrel
Thomomys bottae	Valley Pocket Gopher
Reptiles	
Sceloporus occidentalis	Western Fence Lizard
Butterflies	
Adelpha bredowii californica	California Sister
Brephidium exile	Pygmy Blue
Leptotes marina	Marine Blue
Nymphalis antiopa	Mourning Cloak
Papilio rutulus	Western Tiger Swallowtail
Pontia protodice	Common White

* = non-native taxon

VINCENT N. SCHEIDT
Biological Consultant

3158 Occidental Street • San Diego, CA • 92122-3205 • 858-457-3873 • 858-457-1650 fax • email: vince@san.rr.com

Mr. Peter Biniaz
2020 Stewart St.
Oceanside, CA 92054

October 17, 2007

RE: Additional Information - WETLANDS AND WATERS - 2020 Stewart Street, Oceanside

Dear Mr. Biniaz:

You have asked for additional information regarding the presence of wetlands and/or jurisdictional "waters" on your 2020 Stewart Street property in Oceanside. As you know, we completed a biology study of this property on 12 September 2006. The conclusions of that study were as follows: Although Buena Vista lagoon, which is near the site's property edge to the south, is clearly a jurisdictional wetland area, no wetlands or jurisdictional waters are present on the subject property. As mentioned in the report, the lagoon's hydric soils, which delineate its boundary, begin approximately ten feet beyond the southeastern property corner. A small amount of willow scrub vegetation is found paralleling the eastern side of the property. However, this is also entirely offsite.

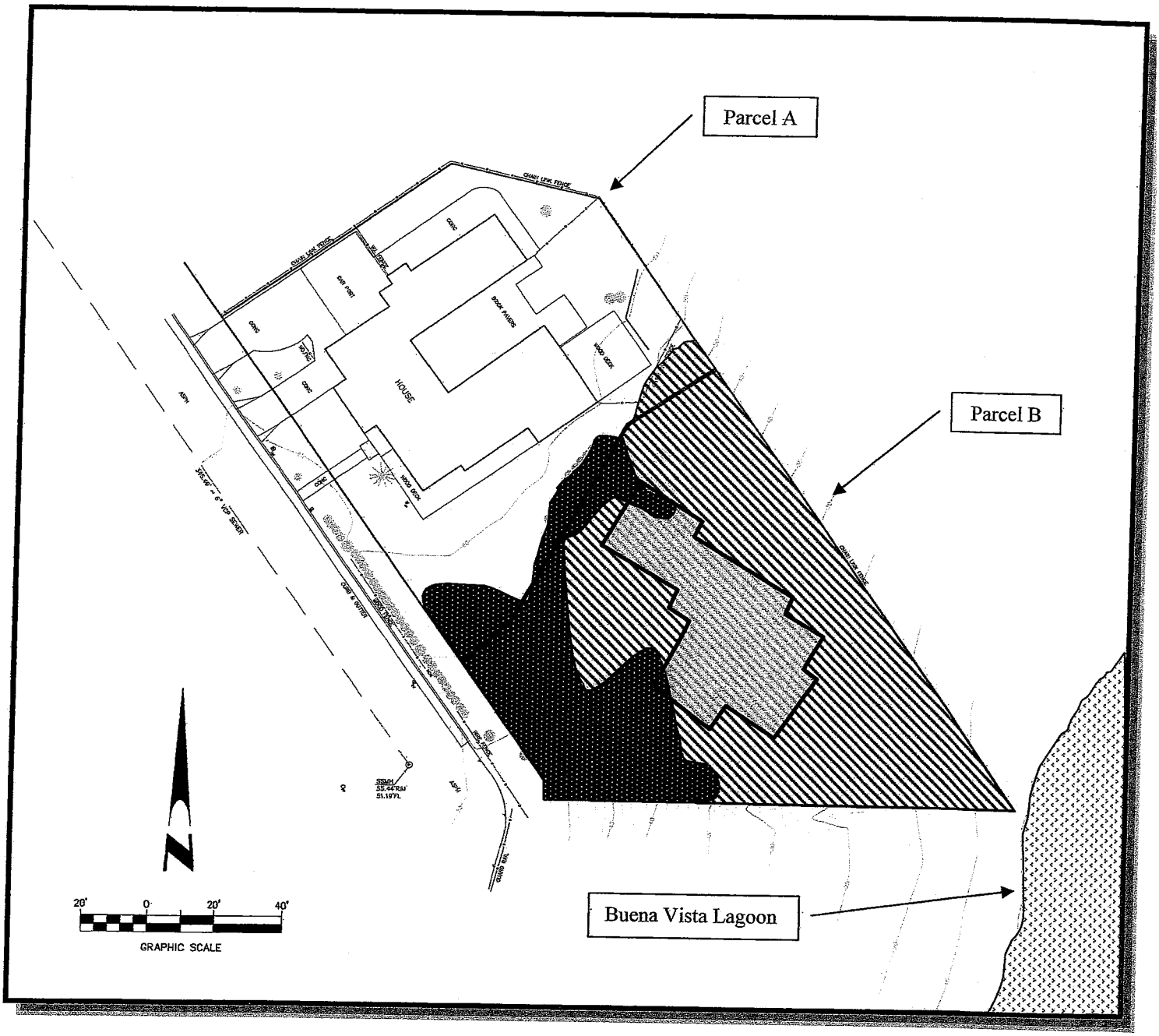
The regulatory agencies, which include the California Department of Fish and Game, the U.S. Army Corps of Engineers, the California Regional Water Quality Control Board, the California Coastal Commission, and others all define "wetlands" on the basis of certain indicator criteria. These include wetlands hydrology, a predominance of hydrophytes (wetlands plants), and/or the presence of undrained hydric soils. Each of the agencies defines these terms in a slightly different manner, although they all share similar concerns about avoiding impacts to wetlands to the maximum extent feasible. When completing the biology study of your site last year, we considered all three of these factors (hydrology, hydrophytes, hydric soils) and determined that none are present on the property, although they are present a short distance offsite.

Thank you for the opportunity to provide this clarification. Please contact me if you have any questions.

Sincerely,

Vincent N. Scheidt
Certified Biological Consultant

Figure 2. Site Plan showing Habitats - 2020 Stewart Street Project, Oceanside



- Non-native Vegetation

- Urban/Developed Habitat

- Disturbed Habitat

Bibliography

American Ornithologists' Union, committee on classification and nomenclature. 1983. A.O.U. *Checklist of North American Birds*. Updated every 3 years.

California Department of Fish and Game. 1994. Designated endangered, threatened or rare plants and candidates with official listing dates. California Department of Fish and Game, January 1994

Emmel, T.C. and J.F. Emmel. 1973. The Butterflies of Southern California. Los Angeles County Natural History Museum.

Hickman, J. C. (Ed.). 1993. The Jepson Manual, Higher Plants of California. University of California Press, Berkeley, 1400 pp.

Holland, R.F. 1986 (as amended; 1996). Preliminary descriptions of the terrestrial natural communities of California. State of California, Nongame-Heritage Program. 156p.

Jones, J. K., *et al.* 1992. Revised checklist of North American mammals north of Mexico. Occas. Papers Mus., Texas Tech University, 146:1-23.

Scheidt, V.N. 1980. Status of the amphibians of San Diego County. San Diego County Fish and Wildlife Committee (Unpublished) 36p.

Skinner, M.W. and B.M. Pavlik. 1994. Inventory of Rare and Endangered Vascular Plants of California. CNPS, Special Publication No. 1. 5th Edition.

Stebbins, R. 1985. Western Reptiles and Amphibians. Peterson Field Guide Series, Houghton-Mifflin.

United States Fish and Wildlife Service. 1990. Endangered and threatened wildlife and plants; review of plant taxa for listing as endangered or threatened species; notice of review. Federal Register 50 CFR Part 17.

Table 1. Plants and Animals Detected – 2020 Stewart Street, Oceanside

Scientific Name	Common Name
Plants	
Agave americana *	American Agave
Agave attenuata *	Smooth Agave
Ambrosia psilostachya	Western Ragweed
Aptenia cordifolia *	Red Apple Iceplant
Artemisia californica	California Sagebrush
Bromus diandrus *	Ripgut Brome
Chamaesyce maculata *	Spotted Spurge
Conyza canadensis *	Common Horseweed
Conyza bonariensis *	Horseweed
Crassula argentea *	Jade Plant
Croton californicus	California Croton
Datura meteloides	Jimsonweed
Eriogonum fasciculatum	Flat-top Buckwheat
Gnaphalium bicolor	Bicolor Cudweed
Haplopappus squarrosus	Hazardia
Jacaranda sp. *	Jacaranda
Lantana sp.	Lantana
Lotus scoparius	Deerweed
Lycopersicon esculentum *	Tomato
Malacothamnus fasciculatus	Bushmallow
Marrubium vulgare *	Horehound
Mesembryanthemum edule *	Hottentot Fig
Opuntia ficus-indica *	Indian Fig
Pluchea sericea	Arrowweed
Plumbego capensis *	Cape Plumbego
Portulaca sp.	Pigweed
Raphanus sativus *	Wild Radish
Ricinus communis *	Castor Bean
Sarcostemma cynanchoides	Milkvine
Silybum marianum *	Milk Thistle
Tribulus sp.*	Puncture Vine
Birds	
Aphelocoma coerulescens	Scrub Jay
Carduelis psaltria	Lesser Goldfinch
Carpodacus mexicanus	Housefinch
Sturnus vulgaris	Starling
Zenaida macroura	Mourning Dove
Mammals	
Spermophilus beecheyi	California Ground Squirrel
Thomomys bottae	Valley Pocket Gopher
Reptiles	
Sceloporus occidentalis	Western Fence Lizard
Butterflies	
Adelpha bredowii californica	California Sister
Brephidium exile	Pygmy Blue
Leptotes marina	Marine Blue
Nymphalis antiopa	Mourning Cloak
Papilio rutulus	Western Tiger Swallowtail
Pontia protodice	Common White

* = non-native taxon

CITY OF OCEANSIDE

FIRE DEPARTMENT

TERRY A. GARRISON
FIRE CHIEF

Date: 12/07/2007

To: Jerry Hittleman, Planning Division

From: Mike Margot, Division Chief/Fire Prevention

Subject: Biniaz Property, 2020 South Stewart Street

Due to the property not being designated as situated in direct Wildland Interface, I am not requiring 100' of fire buffer on the property. The following conditions still apply:

Roof Covering:

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

Insulation:

Paper-faced insulation shall be prohibited in attics or ventilated spaces.

Protection of Eaves:

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

Gutters and downspouts:

Gutters and downspouts shall be constructed of noncombustible material. Gutters shall be designed to minimize the accumulation of leaf litter and debris that contributes to roof edge ignition.

Exterior walls:

Exterior walls of buildings or structures shall be constructed with materials approved for a minimum of 1 hour fire resistance rated construction on the exterior side or constructed with approved noncombustible materials. Exterior wall coverings must meet the 1 hour fire resistance requirement.

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

Unenclosed Under Floor Protection:

Buildings or structures shall have all under floor areas enclosed to the ground with exterior walls with a 1 hour fire rating.

> Exception: Complete enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1 hour fire resistance rated construction or heavy timber construction.

Appendages and Projections:

Where fencing attached to or immediately adjacent to structures face the vegetative fuels, the first 5 feet (1,524mm) of such fencing which connects to the structure, shall be constructed of noncombustible, heavy timber or fire retardant pressure treated wood or material.

Unenclosed accessory structures attached to building with habitable spaces and projections such as deck assemblies shall be a minimum of a 1 hour fire rated assembly, which includes railings. When the attached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152mm) of the ground, with exterior wall construction in accordance with Section 504.5.

Exterior Glazing and Skylights:

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

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

Exterior Doors:

Exterior doors shall be approved noncombustible construction, solid core wood not less than 1 ¾ inches thick (45mm), or have a fire protection rating of not less than 20 minutes. Windows within doors and glazed doors shall be in accordance with Section 504.8 of the ICC code.

Exception: Vehicle access doors.

Vents:

Attic ventilation openings, foundation or under floor vents, or other ventilation openings in vertical exterior walls and vents through roofs shall not exceed 144 square inches (0.0929m2) each. Such vents shall be covered with noncombustible corrosion resistant mesh with openings not to exceed ¼ inch (6.4mm), or shall be designed and approved to prevent flame or ember penetration into the structure.

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

Attic ventilation openings shall not be located in soffits, in eave overhangs, between rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located at least 10 feet (3,048mm) from property lines. Under floor ventilation openings shall be located as close to grade as practical.

Detached Accessory Structures:

Detached accessory structures located less than 50 feet (15,240mm) from a building containing a habitable space shall be a minimum of 1 hour fire resistance rated assembly. When the detached structure is located and constructed so that the structure or any portion thereof projects over a descending slope surface greater than 10 percent, the area below the structure shall have all under floor areas enclosed to within 6 inches (152mm) of the round, with exterior wall construction with a 1 hour fire resistance rating.

Exception: The enclosure may be omitted where the underside of all exposed floors and all exposed structural columns, beams and supporting walls are protected as required for exterior 1 hour fire resistance rated construction or heavy timber construction.

With construction as proposed, we will not require any fire clearing into the 100-foot lagoon buffer. The proposed 10 feet of permanently-irrigated landscaped zone between the top of the lagoon buffer and the proposed new structure will provide adequate fire protection. We understand that the 100-foot lagoon buffer

will be revegetated with native species. However, no clearing or thinning of brush will be required in this area, which is beyond the landscaped zone.

Mike Margot
Division Chief/Fire Prevention
435-47306
801-0459

Pacific Coast Land Consulting Inc.
Engineering Geologic Services

Mr. Jerry Hittleman
Planning Director
City of Oceanside
300 N. Coast Highway

F.N.2054.07.03
August 6, 2007

Subject: Subsurface Investigation for 2020 Stewart Street Oceanside, CA APN 155-071-05

Dear Mr. Hittleman,

On September 20 of 2006 per the request of Mr. Peter Biniaz, I conducted a Geologic Investigation on the subject property. Since then, Mr. Biniaz has requested that I expand on the definition of coastal bluff as it pertains to his property. I have also reviewed excerpts from the City of Oceanside's Coastal Plan.

The coastal plan defines a bluff as *"a scarp or steep face of rock, decomposed rock sediment or soil resulting from erosion, faulting, or excavation of land or it may be step like in section. For purposes of this manual cliff is limited to those features having vertical relief of to feet or more."* If this definition is strictly interpreted, then many existing homes, shopping centers, roads, and other improvements violate this condition, as the definition includes steep and excavated conditions. This of course would eliminate all split-level homes in the entire city.

Geologically, a bluff is a well-recognized geomorphic landform that is typically steep (40 degrees or more). The book Dictionary of Geologic Terms describes a bluff as 1) any high steep headland or bank presenting a precipitous front, 2) in America, the name given to high vertical banks of certain rivers.

These features may be formed geologically by a variety of processes that include erosion by water and uplift of land by tectonic forces. The end result is a steep hillside, one that an individual would not consider traversing. The bluffs up and down the Coast of San Diego County are good examples of this.

The lot where Mr. Biniaz wishes to build is not a bluff. The steepness of the ground is an angle about 3:1, H:V (horizontal to vertical) or 14 degrees. This is much flatter than even local graded slopes, which are typically 2:1 (horizontal to vertical about 26.5 degrees). And this is much much flatter than the bluffs along the coast. The bluffs along the San Diego Coastline are typically near vertical where the bedrock is exposed near the base of the bluffs in Encinitas and southward; and about 45 degrees where the terrace deposits are exposed from Carlsbad northward and the top portion of the southern coast line.

440 Sandalwood Court-Encinitas-CA 92024
TEL (760) 473-4117 FAX (760) 753 -2904
Email Rnkjeffery@SBCGlobal.net

Now to take bluff analysis one-step further, the terrace deposits, which form the bluffs in Oceanside, are typically 40 to 45 degrees in angle. These same terrace deposits underlie Mr. Biniaz's lot and form only a slope of angle of 14 – 16 degrees. This is because these deposits are not geomorphically a bluff, but are a natural slope similar to the other natural slopes that form localities such as Fire Mountain, and other areas of the city. The lot on which Mr. Biniaz wishes to build contains no vertical sections, no stepped sections, is not formed by the process that forms bluffs, and is geomorphically inconsistent with a bluff. Therefore, it cannot be considered a bluff. The development of this lot would not violate the city of Oceanside's definitions that I reviewed nor would it present a hazard to safety of the occupants or the public.

Thank you for the opportunity to be of service. If you have any questions, please do not hesitate to contact me.

Best Regards,

Ralph K. Jeffery,
President, Pacific Coast Land Consulting, Inc.
I.E. 1183, RAG. 3815

440 Sandalwood Court-Encinitas-CA 92024
TEL (760) 473-4117 FAX (760) 753 -2904
Email Rnkjeffery@SBCGlobal.net

Dear Mr. Hittleman,

We, the undersigned, are residents of Oceanside and live on Stewart Street south of Vista Wa
As you know, Stewart Street ends near the north of the Buena Vista Lagoon. Some of the are
fronting the lagoon is owned by Peter and Joni Biniaz and has historically supported numerou
transients, who have discharged debris and waste directly into the lagoon waters. At various
times, the vagrants have stored stolen items, they have lit fires and have set up camps All of th
has threatened the safety of the lagoon and the neighborhood. People have stopped their cars a
the barricades at the end of the street and disposed garbage, clothing, construction debris, and
appliances behind the barricades in the thick vegetation around the lagoon. The houses are too
far from the lagoon to provide any deterrent effect in this regard.

We believe that the presence of a house on the vacant portion of the Biniaz property north of th
lagoon would discourage these unsafe and illegal activities on the lagoon shores. In addition, w
have seen the proposed plans for the house, and believe it will enhance our property values and
improve our neighborhood. We fully support their efforts and urge the City to approve Peter an
Joni Biniaz's application. Thank you.

Mike & Vicki Bateman

Vickie and Mike Bateman
2021 S. Stewart Street

Henry & Elaine Truchanowicz

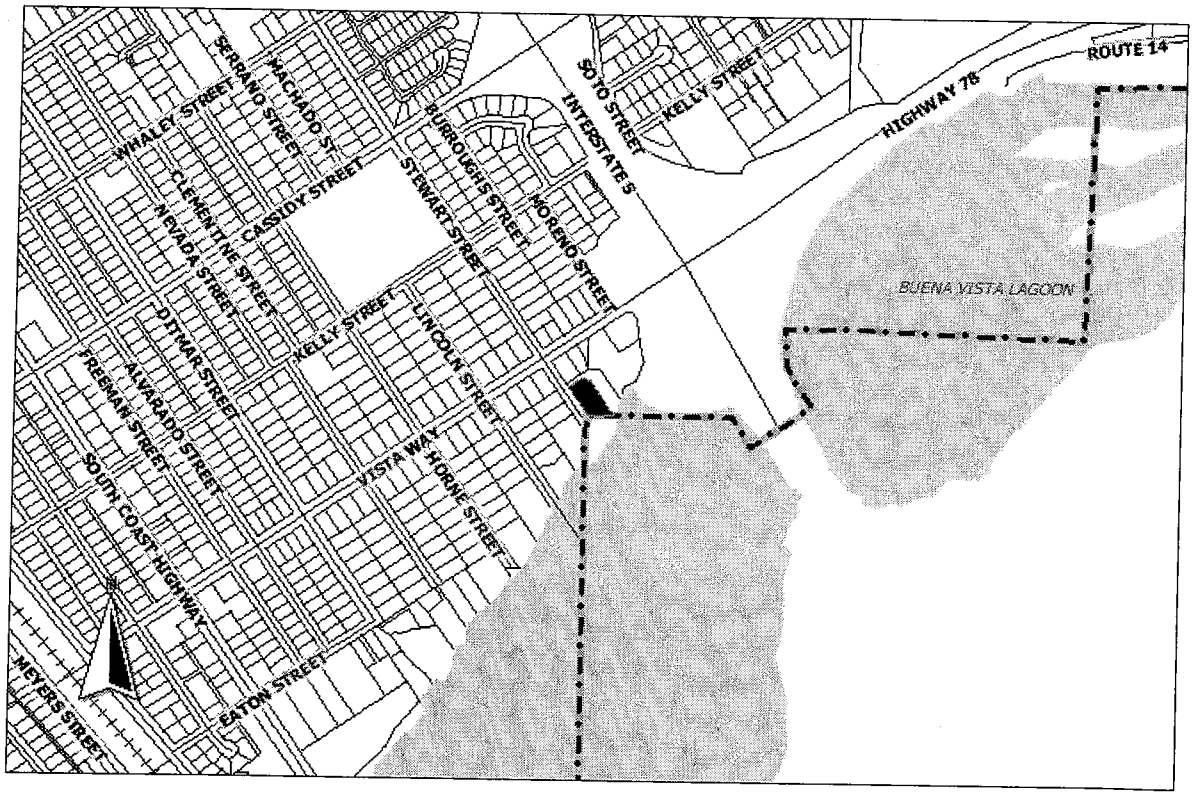
Elaine and Henry Truchanowicz
2015 S. Stewart Street

Christine and Dale Whitworth
2008 S. Stewart Street

Charles B. Kray

Charles Kray
2025 S. Stewart Street

Mary and Ward Jungers



File Number: **P-29-06, RC-28-06, V-19-06, C-08-06**

Applicant: **Peter and Joni Biniaz**

Description:

PARCEL MAP (P-29-06), REGULAR COASTAL PERMIT (RC-28-06), VARIANCE (V-19-06) and CONDITIONAL USE PERMIT (C-8-06) for the subdivision of an approximately 0.55-acre site into two lots, the development of a new single-family detached dwelling (for a total of two) within the coastal zone, a variance for reduced setbacks and a two-car garage, and a use permit for exceeding base density at 2020 Stewart Street. The project site is zoned RE-B (Residential Estate – B) and is situated within the South Oceanside Neighborhood and the Coastal Zone – **LAGUNA PACIFICA**

Environmental Determination:

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

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

Application For Planning Commission Hearing

Planning Department (760) 435-3520
Oceanside Civic Center
300 North Coast Highway
Oceanside, California 92054-2885
Please Print or Type All Information

RECEIVED
JUL 31 2007
Planning Department

STAFF USE ONLY	
ACCEPTED	BY
7/26/07	SN

HEARING	
GPA	
MASTER/SP PLAN	
ZONE CH.	
TENT. MAP	
PAR. MAP	P-29-06
DEV. PL.	
C.U.P.	C-56-06
VARIANCE	V-19-06
COASTAL	RC-28-06
O.H.P.A.C.	

PART I - APPLICANT INFORMATION

1. APPLICANT	2. STATUS
Peter and Joni Biniaz	Owner
3. ADDRESS	**4. PHONE/FAX**
2020 Stewart Street, Oceanside, CA 92054	760-439-6250
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)	
6. ADDRESS	**7. PHONE/FAX**

PART II – PROPERTY DESCRIPTION

8. LOCATION:	9. SIZE:
2020 Stewart Street, Oceanside, CA	.55 Acre

10. GENERAL PLAN	111. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
Residential Estate-B	RE-B	Single Family Home	155-071-05

PART III - PROJECT DESCRIPTION

14. GENERAL PROJECT DESCRIPTION: Tentative Parcel Map, Coastal Permit, Conditional Use Permit, and a Hillside Development Plan (with a related Variance for a two-car garage) for two, 10,000 square foot parcels and one new home in the RE-B Zone between Stewart Street and the Buena Vista Lagoon at 2020 Stewart Street – Laguna Pacifica REV - 3/25/08

15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
N/A	N/A	Single Family	2 (one existing, one new)	4.3
20. BUILDING SIZE	**21. PARKING SPACES**	**22. % LANDSCAPE**	**23. % LOT COVERAGE**	
3,384 sq ft plus 624 sq ft for garage	Two-car garage for new home	65.2% for new parcel	18.5% for new parcel	

PART IV - ATTACHMENTS

ALL APPLICATIONS		DEV. PLANS, C.U.P.s &. TENT. MAPS
24. DESCRIPTION/JUSTIFICATION	25. LEGAL DESCRIPTION	30. FLOOR PLANS AND ELEVATIONS
26. 300-FT. RADIUS MAP	27. PROPERTY OWNERS' LIST	31. CONSTRUCTION SCHEDULE
28. ENVIRONMENTAL ASSESSMENT	29. PLOT PLANS	32. OTHER

PART V - SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.

33. APPLICANT OR REPRESENTATIVE (Print): 34. DATE

Sign: 7/26/07

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

35. APPLICANT (Print): 36. DATE

7/27/07

Sign:

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).

37. OWNER (Print): 138. DATE

Sign: RECEIVED JUL 31 2007 Planning Department

39. OWNER (Print): 140. DATE

Sa

Sign:

RECEIVED JUL 26 2007 Planning Department

48

Laguna Pacifica
Description and Justification
Revised April, 2008

Laguna Pacifica is the development of a .55 acre residential parcel at the south end of Stewart Street into two parcels 10,806 and 13,224 square feet in size. One home now exists on the site. The new home will face the Buena Vista Lagoon.

Part of the new property, (near the top on the north east side) is subject to the City's hillside regulations and the new home has been designed to minimize grading in those areas. A Hillside Development Plan has been prepared to guide the development of the new parcel fitting the home into the slope to reduce grading. A two-car garage (rather than the normally required three-car garage) is proposed to further minimize grading impacts on the sloped portion of the site.

This request includes the following discretionary actions for the Planning Commission:

- A Tentative Parcel Map with a Hillside Development Plan
- A setback variance to carry out the intent of the Hillside Development Plan by reducing grading for the garage
- A Coastal Permit because of its location in the Coastal Zone.
- A Conditional Use Permit for projects above the base density.

The project is located at 2020 Stewart Street in the Residential Estate B (RE-B) Zone. The underlying General Plan Land Use Element Designation is Estate B. It is in the South Oceanside Neighborhood. The site now contains one older home at the top of the site facing Stewart Street.

The new lot is bounded on the south by the edge of the lagoon-owned property, which is adjacent. A 110-foot buffer from the edge of lagoon is being provided. A biological report was prepared on the site and the buffer area reflects the recommendations of that report.

The existing parcel will be divided into two lots, 10,806 and 13,224 square feet in size, in conformance with the zoning and general plan; and the home has been designed for the new parcel to assure that the structures and grading preserve the natural appearance of the hillsides as required by Article 3039 of the Zoning Ordinance. The existing home will remain on one of the parcels.

History

In June of '07, during a public hearing, the project was "denied without prejudice". This was based on a request for additional environmental and design reviews. Since then, a 110-foot natural buffer area with no drainage structures or retaining walls has been provided. The house has also been redesigned to complement the existing topography. The new design has been reviewed and approved by the Oceanside Fire Department and by the Storm Water Management consultants

A Mitigated Negative Declaration was prepared and circulated as required by the California Environmental Quality Act.

Development Standards for the RE-B Zone (with Hillside Development Regulations)

STANDARDS	REQUIRED	PROVIDED	NOTE
Lot size	10,000 sq. ft.	10,806 and 13,224	Meets requirements
Front Yard	15 (20 ft. for garage)	27	Meets requirements
Garage	Three-car	Two car	Size reduced to reduce grading
Side yard	15 % of width 10 ft. min or 16.9 per the Hillside Development Standards ---- --would be 7.5 in the RE-B Zone without Hillside Overlay	13.7	Reduced setback for garage to reduce grading
Rear yard	25 % of the depth or 28.1 per the Hillside Development Standards -- 20 is required in the RE-B without Hillside Overlay	28.1	Meets requirements

In order to accomplish this subdivision and the high-quality new home that the REB Zone demands, several factors have been balanced. The requirements for property in the Coastal Zone and its location next to a portion of the Buena Vista Lagoon property required a 100-foot buffer to be created on its lower (southern portion.) The Hillside Development regulations mandate that new structures to conform to the topography and that grading be reduced. Carrying out these requirements has led to the applicant asking for a variance for a reduced garage size and for reduced setbacks for a corner of the garage.

With two parcels of greater than 10,000 square feet in size, this project results in a density of 3.6 dwelling units per acre. The General Plan Land Use Category of Estate B indicates an

allowed density of 1 to 3.5 dwelling units per acre with a Special Policy for this neighborhood and Fire Mountain lots which makes 10,000 square foot lots consistent with this category.

The Hillside Development Plan includes a site plan and an architectural plan which minimize grading.

The house is designed with a low pitched roof to keep the top at approximately 24 feet in height and sensitive in scale and proportion to adjacent and surrounding properties. The grading will begin near the top of the new site so that the levels can be fitted into the contours. Thus protecting the views from the existing home, and creating views for the new home. The garage will be positioned just below the existing home. The biggest cut on the site will be between the driveway and garage and the first level of the new home so that its rooftop will barely project above the centerline of Stewart Street.

The new home will have two levels which will terrace down the existing slope. The architectural design has Cape Cod elements and detailing to fit it into its surrounding coastal ambience and to reflect some of the other newer construction near the lagoon in Oceanside and Carlsbad. The home will have open decks for lagoon views. The home will have concrete siding for fire protection and brick trim The roof will be constructed from heavily textured fire-retardant composition shingles.

The home, as befits the age of the computer and internet, will feature a computer/study tech center located on the lower level. There will be three bedrooms, a dining room, a family room and kitchen with a nook.

The storm water management plan was designed to eliminate any structures or walls in the lagoon buffer area while providing a landscaped area.

Hillside and Density Issue Discussions

1. Hillside Overlay District, setback and garage.

   The applicant's goal has been to have a home that will fit into the character of the neighborhood and be of superior design as required by the Land Use Element of the General Plan (see density discussion below.) However, the City's requirements for a three car garage for a home of this size would make it necessary to increase a much larger flat pad for the site therefore increasing the amount of grading and potential blocking views of the lagoon area. That increase in grading would create a conflict with the basic assumptions of the Hillside Overlay District.

   A variance to the three car garage requirement to reduce the amount of grading is requested. The home has been designed with three bedrooms and a two-car garage instead of the three–car garage that the zoning ordinance requires for a home larger than 2500 square feet. Reduced side yard from those required in the Hillside Development Standards are also requested to fit the two car garage onto the slope.

2. Density – 3.6 DU/AC

The Land Use Element, page 6 under the Policies for Neighborhood Character States under "H" that:

" For lands within the Loma Alta, Fire Mountain and South Oceanside Neighborhood Planning areas which are designated Estate B (1-3.5 dwelling unit/acre) and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet as defined in the Zoning Ordinance shall be considered consistent with the underlying Land Use Designation of Estate B Residential."

This project is within the South Oceanside neighborhood and meets these requirements.

The zoning ordinance requires that several findings be met in a Conditional Use Permit to insure the quality of development when a project is above the base density of any of the land use categories. The findings for this project, which the Planning Commission can make in approving it, generally relate to the superior quality of the site design to minimize grading, the high quality of the proposed home which will fit into the neighborhood, add to its value and not block any views.

Findings for the Tentative Parcel Map, the Hillside Development Plan and related Variance for the Garage, the Regular Coastal Permit, and the Conditional Use Permit for density.

For the Tentative Map or Tentative Parcel Map:

1. That the proposed map is consistent with the General Plan of the City or any applicable specific plan or other provisions of the Zoning Ordinance and the Subdivision Ordinance.

   --The project's size and design are consistent with the underlying RE-B Zone. The requirements of the Subdivision Ordinance are being met.

2. That the site is physically suitable for the type and proposed density of development.

   --One single family home is proposed for this hillside site which is designed to be fit into the slopes in a sensitive manner.

3. That the design of the subdivision and the proposed improvements will not cause substantial environment damage and avoidably injure fish or wildlife or their habitat.

--A biological study was completed; and a buffer designed to protect the adjacent lagoon. A Mitigated Negative Declaration was prepared and circulated as required by the California Environmental Quality Act.

4. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision.

--There are no such public easements.

5. That the subdivision complies with all other applicable ordinances, regulations and guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan, Hillside regulations and the Local Floodplain Ordinance.

--The project is in the Local Coastal Plan area and has a Hillside Development Plan. It has been designed using the provisions and requirements of these ordinance sections.

<u>For the Hillside Development Plan:</u>

1. That the Hillside Development Plan as proposed conforms to the General Plan of the City.

--The grading plan minimizes the disturbance to a sensitive site facing the lagoon. A 110-foot buffer from the lagoon is provided. The size of the lot and the size and type of home both conform to the Land Use Element of the General Plan.

2. That the Hillside Development Plan as proposed complies with the land use and development regulations of the base zoning district, the Hillside Development Overlay District, and any other overlay districts applied to the property.

--The Hillside Development Plan has been designed to minimize grading. The reduced setback requested in the related variance request to reduce the size of the garage and the setback will contribute to the ability to minimize disturbance to the site. The setback will remain in conformance with the underlying RE-B Zone.

3. That the project site can be adequately, reasonably and conveniently served by public services, utilities and public facilities.

--Adequate public facilities already exist in the neighborhood for this project.

For the Variance (related to the Hillside Development Plan) for the garage size and reduced setbacks to reduce grading:

1. That because of special circumstances or conditions applicable to the development site-including size, shape, topography, location or surroundings-strict application of the requirements of the Zoning Ordinance deprive such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

   --The special circumstances of this project relate to its hillside configuration, the size of homes that are seen as desirable in the RE-B Zone, and the sensitivity of its design to reduce grading and protect views. A three-car garage would cause additional site disturbance and view blockage.

2. That granting the application will not be detrimental or injurious to property or improvements in the vicinity of the development site, or to the public health, safety or general welfare.

   --There are no improvements which will be injured by this site. The public health, safety and general welfare are protected by the superior design proposed and the increased property values which will result.

3. That granting the application is consistent with the purposes of the Zoning Ordinance and will not constitute a grant of special privilege inconsistent with limitations on other properties in the vicinity and in the same zoning district.

   --The project is in an older neighborhood with many other homes having no garage or a single car garage. Many of these homes are smaller than the new one proposed and are not on hillside lots.

For the Regular Coastal Permit:

1. That the project conforms to the Local Coastal Plan, including the policies of that plan.

   --The design has created a 110-foot buffer from the adjacent Buena Vista Lagoon.

2. That all development within the appealable area as identified in the Local Coastal Plan conforms to the public access and recreation policies of Chapter 3 of the Coastal Act.

   --There is no development in the appealable area proposed by this project.

For the Conditional Use Permit for the density of 3.6 dwelling units per acre:

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

--The project is a large, well-designed single family home on a lot larger than 10,000 square feet in size in the RE-B (Residential Estate B Zone) which, in the South Oceanside Neighborhood allows parcels of 10,000 square feet in size.

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

--The site and the new home have been designed to minimize the impacts on the views of the surrounding property owners. The new home will increase the property values in the neighborhood.

3. For projects above the base density:

--As outlined in the General Plan Policy in Section 2.32 of the Land Use Element the base density may be exceeded for projects which posess "an excellence of design features" and lists a number of characteristics which can be used to measure this feature.

The ones which are applicable to this project include those related to "superior architectural design and materials" and "floor areas which exceed the norm established by existing or approved development in the surrounding area."

This project's superior design relates to the care that has been taken to minimize the impacts on surrounding properties and views with the reduced grading proposed and the low roof lines. The cape code elements in the home's design will serve to fit it into the surrounding areas and match some of the other buildings around the lagoon both in Carlsbad and Oceanside.

The floor area of 2,868 square feet exceeds the norm established by the existing development in the surrounding area.

Summary

To summarize, the project meets the requirements of the Land Use Element of the General Plan, the Hillside Development Guidelines and the Local Coastal Plan. It has been sensitively designed to fit into the slope and not block any views. The architecture will enhance the area and the new project will increase property values in the neighborhood.

LEGAL DESCRIPTION
Laguna Pacifica

For the property located at:

2020 Stewart Street
Oceanside, California 92054

APN: 155-071-05

The land referred to in this report is situated in the State of California, County of San Diego and is described as follows:

PARCEL 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AS SHOWN AT PAGE 9734 OF PARCEL MAPS, FILE IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, FEBRUARY 25, 1980.

EXCEPTING THEREFROM THAT PORTION HERETOFORE OR NOW LYING BELOW THE HIGH WATER MARK OF BUENA VISTA LAGOON.