

# AGENDA NO. 3

**PLANNING COMMISSION**



**STAFF REPORT**

DATE: January 28, 2013 (Continued from the January 14, 2013 Planning Commission meeting)

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A CONDITIONAL USE PERMIT (CUP12-00023) TO PERMIT A REVISION OF AN APPROVED CONDITION TO COMPLETE THE UTILITY AND UNDERGROUND WORK FOR THE ETERNAL HILLS CEMETERY LOCATED AT 1999 EL CAMINO REAL WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD – ETERNAL HILLS REVISION – APPLICANT: SCI FUNERAL SERVICES**

## **RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Approve Conditional Use Permit Revision (CUP12-00023) by adopting Planning Commission Resolution No. 2013-P03 with findings and conditions of approval attached herein.

## **PROJECT DESCRIPTION AND BACKGROUND**

**Proposed Project:** The proposed project includes a revision to Condition #40 of the previously approved Eternal Hills Memorial Park Conditional Use Permit to ensure the undergrounding of the existing utility lines, removal of a time requirement and require a form of security for the necessary improvements. Resolution 08-R0075-1 for Development Plan (D-24-06) and Conditional Use Permit (C-13-99REV) was approved on December 3, 2007 for expansions to the existing Eternal Hills Memorial Park. Condition #40 of this approved resolution required the work to be completed within five years of the above date, which will expire December 3, 2013. The applicant is committed to complete the required undergrounding and a preliminary design has been approved by the City; however, geotechnical issues and coordination with SDG&E have delayed finalization of the design. The applicant has placed a security to guarantee completion of the undergrounding improvements. With a preliminary approved design and the addition of a security in place, Engineering staff supports a modification to the original project condition to remove the respective expiration date. If the subject improvements are not completed

within the life of the security (typically two-years), Engineering staff will exercise its discretion on the use of the security and direct that the work be completed.

**Site Review and Background:** The site is located north of Fire Mountain Drive, south of the NCTD Sprinter Rail Tracks, and west of El Camino Real within the Fire Mountain Neighborhood. The previous approved Development Plan (D-24-06) was approved on December 3, 2007 to expand the cemetery operations. The operations were expanded by approximately 15.79 acres along the south western portion of the project area and 2.37 acres along the south eastern portion of the site. The property is zoned Public & Semi-Public (PS), and Residential Estate B (RE-B) on the City of Oceanside Official Zoning Map, and is designated Private Institutional (PI), and Estate B Residential (EB-R), on the General Plan Land Use Map.

**Project Description:** The project application is comprised of the following items:

Conditional Use Permit Revision (CUP12-00023)

The Conditional Use Permit revision includes the following revisions to Condition #40 as shown below:

Revised condition #40:

~~All~~ Existing overhead utility lines within the development and within the Fire Mountain ~~Road~~ Drive right-of-way abutting the 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). The developer shall complete the underground conversion per the approved utility design and secure these improvements with an amount equivalent to the total cost of the conversion. The security can be in the form of bond, Certificate of Deposit (CD), or cash. ~~There are currently nine (9) utility poles across this section of the road. Included in the conversion project would be removal of five (5) of the utility poles on both sides of Fire Mountain Drive. Four of the poles would have to remain as they serve existing utility lines that travel north and south of Fire Mountain Drive. Approximately 1700 feet of overhead lines would be converted underground (the undergrounding design shall be verified by a utilities specialist company and submitted to the City Engineer for approval). The developer shall complete the undergrounding within five years. Unless the undergrounding is completed, this Conditional Use Permit and Development Plan shall expire in five years from the date of the approval of this resolution.~~

## **ANALYSIS AND DISCUSSION**

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Oceanside Subarea Habitat Conservation Plan
4. California Environmental Quality Act (CEQA)

### **Key Planning Issues**

No change to intent of the project is proposed; therefore the revisions to condition #40 as proposed will not substantially change the project. The proposed revisions to condition #40 are consistent with the original project evaluation.

## **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) was certified with the original Development Plan (D-24-06) and Conditional Use Permit (C-13-99REV). The proposed revisions to condition #40 are consistent with the scope and intent of the initial EIR review and CEQA review; therefore, no additional environmental review is required.

## **PUBLIC NOTIFICATION**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative.

## **SUMMARY**

The revision to the approved Conditional Use Permit is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

- Move to approve Conditional Use Permit Revision (CUP12-00023) and adopt Planning Commission Resolution No. 2013-P03 as attached.

PREPARED BY:



Scott Nightingale  
Planner

SUBMITTED BY:



Marisa Lundstedt  
City Planner

ML/SN/fil

Attachments:

1. Planning Commission Resolution No. 2013-P03
2. Planning Commission Resolution No. 2007-P64
3. City Council Resolution No. 08-R0075-1
4. Planning Commission Staff Report Dated December 3, 2007
5. Utility Plan Exhibit

1 PLANNING COMMISSION  
2 RESOLUTION NO. 2013-P03

3 A RESOLUTION OF THE PLANNING COMMISSION OF  
4 THE CITY OF OCEANSIDE, CALIFORNIA APPROVING  
5 A CONDITIONAL USE PERMIT REVISION ON  
6 CERTAIN REAL PROPERTY IN THE CITY OF  
OCEANSIDE

7 APPLICATION NO: CUP12-0023  
8 APPLICANT: SCI California Funeral Services  
9 LOCATION: 1999 El Camino Real

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms  
13 prescribed by the Commission requesting a Conditional Use Permit Revision under the provisions  
14 of Articles 16, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the  
following:

15 an amendment to the previously approved CUP Resolution No. 2007-P64, for the  
16 revision to condition #40 for utility work required ;  
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 28<sup>th</sup>  
19 day of January, conduct a duly advertised public hearing as prescribed by law to consider said  
20 applications.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State  
22 Guidelines thereto; this project has no substantial changes and there is no evidence that would  
23 impact the previously adopted Environmental Impact Report (EIR) for the site as per Article 11,  
24 Section 15162, Subsequent EIRs and Negative Declarations;

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

28 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;

29 WHEREAS, there is hereby imposed on the subject development project certain fees,

1 dedications, reservations and other exactions pursuant to state law and city ordinance;

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

5 <u>Description</u>	6 <u>Authority for Imposition</u>	7 <u>Current Estimate Fee or Calculation Formula</u>
8 Parkland Dedication/Fee	9 Ordinance No. 91-10 10 Resolution No. 06-R0334-1	11 \$3,503 per unit
12 Drainage Fee	13 Ordinance No. 85-23 14 Resolution No. 06-R0334-1	15 Depends on area (range is 16 \$2,843-\$15,964 per acre)
17 Public Facility Fee	18 Ordinance No. 91-09 19 Resolution No. 06-R0334-1	20 \$.713 per square foot or 21 \$713 per thousand square 22 feet for non-residential uses 23 and \$2,072 per unit for 24 residential
25 School Facilities Mitigation 26 Fee	27 Ordinance No. 91-34	28 \$.42 per square foot non- 29 residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
30 Traffic Signal Fee	31 Ordinance No. 87-19 32 Resolution No. 06-R0334-1	33 \$15.71 per vehicle trip
34 Thoroughfare Fee 35 (For commercial and 36 industrial please note the .75 37 per cent discount)	38 Ordinance No. 83-01 39 Resolution No. 06-R0334-1	40 \$255 per vehicle trip (based 41 on SANDAG trip 42 generation table available 43 from staff and from 44 SANDAG)
45 Water System Buy-in Fees	46 Oceanside City Code 47 §37.56.1 48 Resolution No. 87-96 49 Ordinance No. 05-OR 0611-1	50 Fee based on water meter 51 size. Residential is typically 52 \$3,746 per unit; Non- 53 residential is \$19,967 for a 54 2" meter.
55 Wastewater System Buy-in 56 fees	57 Oceanside City Code § 58 29.11.1	59 Based on capacity or water 60 meter size. Non-residential

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
	Resolution No. 87-97 Ordinance No. 05-OR 0610-1	is \$24,444 for a 2" meter.

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

For the Conditional Use Permit:

1. That the proposed location of the use is in accordance with the objectives of the Zoning Ordinance Article 1 Section 130 and the purposes of the district in which the site is located per Sections 1010, 1310, and 1610 of the OZO.

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1 2. That the proposed location of the conditional use and the proposed conditions under  
2 which it would be operated or maintained will be consistent with the General Plan 2.4 to  
3 provide for and protect areas within the City for both private and public institutional type  
4 uses; will not be detrimental to the public health, safety or welfare of persons residing or  
5 working in or adjacent to the neighborhood of such use; and will not be detrimental to  
6 properties or improvements in the vicinity or to the general welfare of the City.

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

10 4. The conditional use is subject to comply with specific local conditions and additional  
11 regulations as deemed necessary by other regulatory or permit authorities.

12 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
13 approve Conditional Use Permit Revision (CUP12-00023) subject to the following and  
14 conditions:

15 **General:**

16 1. This Conditional Use Permit is subject to all conditions of approval listed in Planning  
17 Commission Resolution No. 2007-P64, unless modified by this resolution.

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1 **Engineering:**

2 2. Existing overhead utility lines within the development and within the Fire Mountain  
3 Drive right-of-way abutting the new development, and all new extension services for the  
4 development of the project, including but not limited to, electrical, cable and telephone,  
5 shall be placed underground as per Section 901.G. of the Subdivision Ordinance (R91-  
6 166). The developer shall complete the underground conversion per the approved utility  
7 design and secure these improvements with an amount equivalent to the total cost of the  
8 conversion. The security can be in the form of bond, Certificate of Deposit (CD), or  
9 cash.

10 PASSED AND ADOPTED Resolution No. 2013-P03 on January 28, 2013 by the  
11 following vote, to wit:

12 AYES:

13 NAYS:

14 ABSENT:

15 ABSTAIN:

16 \_\_\_\_\_  
17 Tom Rosales, Chairman  
18 Oceanside Planning Commission

19 ATTEST:

20 \_\_\_\_\_  
21 Marisa Lundstedt, Secretary

22 I, MARISA LUNDSTEDT, Secretary of the Oceanside Planning Commission, hereby certify  
23 that this is a true and correct copy of Resolution No. 2013-P03.

24  
25 Dated: January 30, 2013  
26  
27  
28  
29

**EXHIBIT**

B

PLANNING COMMISSION  
RESOLUTION NO. 2007-P64

A RESOLUTION OF THE PLANNING COMMISSION OF  
THE CITY OF OCEANSIDE, CALIFORNIA APPROVING  
A DEVELOPMENT PLAN AND CONDITIONAL USE  
PERMIT REVISION ON CERTAIN REAL PROPERTY IN  
THE CITY OF OCEANSIDE

APPLICATION NO:	D-24-06, C-13-99Rev
APPLICANT:	Eternal Hills
LOCATION:	1999 El Camino Real

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan and Conditional Use Permit Revision under the provisions of Articles 16, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

an amendment to the previously approved CUP Resolution No. 99-P57, for the expansion and development of the cemetery by 18.16 acres to include a maximum of seven community mausoleums, and improvements to correct drainage issues on site by creating a 1 1/2-acre sedimentation pond with engineered drainage swales, and development of a 15-foot wide access and maintenance road within the overall 130.50-acre site:

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day of December, 2007 conduct a duly advertised public hearing as prescribed by law to consider said applications.

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

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

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

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

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non- residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$3,746 per unit; Non-residential is \$19,967 for a 2" meter.
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. Non-residential is \$24,444 for a 2" meter.

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

1 For the Development Plan:

- 2 1. The site plan and physical design of the project is consistent with the Zoning Ordinance  
3 and the underlying Public & Semi-Public and Residential Estate B (RE-B) zone district.  
4 2. The Development Plan conforms to policies set forth in Sections 2.42 and 3.11 of the  
5 General Plan of the City.  
6 3. The project site can be adequately served by existing public facilities, services and  
7 utilities.  
8 4. The project, as proposed, is compatible with the existing and potential development on  
9 adjoining properties or in the surrounding neighborhood. Cemeteries are permitted  
10 subject to a conditional use permit within the Public & Semi-Public district and will  
11 complement the existing development in the area.  
12 5. The site plan and parameters for the mausoleum architecture and physical design of the  
13 project as a whole is consistent with the policies contained within Sections 1.2 of the  
14 Land Use Element of the General Plan.

15 For the Conditional Use Permit:

- 16 1. That the proposed location of the use is in accordance with the objectives of the Zoning  
17 Ordinance Article 1 Section 130 and the purposes of the district in which the site is  
18 located per Sections 1010, 1310, and 1610 of the OZO.  
19 2. That the proposed location of the conditional use and the proposed conditions under  
20 which it would be operated or maintained will be consistent with the General Plan 2.4 to  
21 provide for and protect areas within the City for both private and public institutional type  
22 uses; will not be detrimental to the public health, safety or welfare of persons residing or  
23 working in or adjacent to the neighborhood of such use; and will not be detrimental to  
24 properties or improvements in the vicinity or to the general welfare of the City.  
25 3. That the proposed conditional use will comply with the provisions of the Zoning  
26 Ordinance, including any specific condition required for the proposed conditional use in  
27 the district in which it would be located.  
28 4. The conditional use is subject to comply with specific local conditions and additional  
29 regulations as deemed necessary by other regulatory or permit authorities.

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

7 WHEREAS, the Planning Commission does hereby amend the overall project in a manner  
8 that requires final architectural design of all 7 of the approved mausoleums be reviewed and  
9 approved by the Planning Commission prior to their construction.

10 WHEREAS, the Planning Commission does hereby amend the overall project in a manner  
11 that requires that the development within the 18.16 acre expansion area be phased in increments  
12 of 5 to 7 acres.

13 WHEREAS, the Planning Commission does hereby amend the overall project in a  
14 manner that requires an approximately one acre portion of the culturally significant site referred  
15 to as CA-SDI-12262/SDM-W-140 be removed from the projects overall 18.16 acre expansion  
16 area and preserved as a culturally significant site.

17 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
18 approve Development Plan (D-24-06) and Conditional Use Permit Revision (C-13-99Rev)  
19 subject to the following and conditions:

20 Building:

- 21 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
22 Building Division plan check.
- 23 2. The granting of approval under this action shall in no way relieve the applicant/project  
24 from compliance with all State and local building codes.
- 25 3. Site development, parking, access into buildings and building interiors shall comply with  
26 Part 2, Title 24, C.C.R. (Disabled Access - Nonresidential buildings - D.S.A.).
- 27 4. All electrical, communication, CATV, etc. service lines, within the exterior lines of the  
28 property shall be underground (City Code Sec. 6.30).
- 29

- 1 5. The building plans for this project are required by State law to be prepared by a  
2 licensed architect or engineer and must be in compliance with this requirement prior to  
3 submittal for building plan review.
- 4 6. All outdoor lighting shall meet Chapter 39 of the City Code (Light Pollution Ordinance)  
5 and shall be shielded appropriately. Where color rendition is important high-pressure  
6 sodium, metal halide or other such lights may be utilized and shall be shown on final  
7 building and electrical plans.
- 8 7. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
9 plans.
- 10 8. A complete Soils Report, Structural Calculations, & Energy  
11 Calculations/documentation will be required at time of plans submittal to the Building  
12 Division for plan check of the Mausoleum and any retaining walls.
- 13 9. The developer shall monitor, supervise and control all building construction and  
14 supportive activities so as to prevent these activities from causing a public nuisance,  
15 including, but not limited to, strict adherence to the following:
  - 16 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
17 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
18 work that is not inherently noise-producing. Examples of work not permitted on  
19 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
20 producing nature. No work shall be permitted on Sundays and Federal Holidays  
21 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and  
22 Christmas Day) except as allowed for emergency work under the provisions of  
23 the Oceanside City Code Chapter 38 (Noise Ordinance).
  - 24 b) The construction site shall be kept reasonably free of construction debris as  
25 specified in Section 13.17 of the Oceanside City Code. Storage of debris in  
26 approved solid waste containers shall be considered compliance with this  
27 requirement. Small amounts of construction debris may be stored on-site in a  
28 neat, safe manner for short periods of time pending disposal.
- 29 10. Application for Building Permit will not be accepted for this project until plans indicate  
that they have been prepared by a licensed design professional (Architect or Engineer).

1 The design professional's name, address, phone number; State license number and  
2 expiration date shall be printed in the title block of the plans.

3 11. In accordance with OCC 13.3, the applicant shall manage all solid waste and identified  
4 recyclable material on private property and to recycle or dispose of all material in  
5 compliance with city code.

6 12. In accordance with OCC 13.39, the applicant shall designate adequate space for the  
7 storage of solid waste and recycling containers on private property to include  
8 appropriate bin enclosures to adequately provide for trash, green waste and other  
9 recycling containers.

10 13. In accordance with OCC 13.16(h), the applicant shall separate all recyclable material  
11 from solid waste for separate collection.

12 14. The applicant shall be responsible for the separation of all green waste from solid waste  
13 using the approved city collection service and the collection of the material in  
14 compliance with standards as identified in the city code.

15 Fire:

16 15. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A  
17 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

18 16. The cul-de-sac shown on the site plan shall have a minimum 40-foot radius minimum.

19 17. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
20 approval prior to the issuance of building permits. A site plan indicating the fire access  
21 and hydrant locations must also be submitted on CD Rom.

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

24 19. Future development of the property will require compliance with all applicable Fire  
25 Department Standards.

26 20. Prohibited species of trees (podocarpus) shall not be planted within 100 feet of any  
27 adjacent residences.

1 21. Hydroseeding within 70 feet of residential structures is not permitted. Shrubs shall be  
2 grouped in this area with 20 foot spacing in between the groups; ground cover must stay  
3 below 1 foot in height.

4 Engineering:

5 22. For the demolition of any existing structures or surface improvements, grading plans  
6 shall be submitted and erosion control plans be approved by the City Engineer prior to  
7 the issuance of a demolition permit. No demolition shall be permitted without an  
8 approved erosion control plan.

9 23. With the exception of the two existing access points to the property, vehicular access  
10 rights to Fire Mountain Rd and El Camino Real shall be relinquished by the property  
11 owner.

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

14 25. A construction-phasing plan for all public and private improvements shall be reviewed  
15 and approved by the City Engineer prior to the issuance of any grading or improvement  
16 permits. Prior to issuance of any building permits all offsite or frontage improvements  
17 including landscaping and any required street improvements shall be under construction  
18 to the satisfaction of the City Engineer. All improvements shall be completed prior to  
19 commencement of use of the property approved with this Development Plan and  
20 Conditional Use Permit.

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

25 27. Prior to issuance of permits, a phasing plan for the construction of public and private  
26 improvements including landscaping, shall be approved by the City Engineer.

27 28. The developer shall grant appropriate easement(s) to the City of Oceanside for public  
28 facilities. The acceptance of easements shall be subject to acceptance of such facilities  
29 at the sole discretion of the City.

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

11 30. All grading and improvements shall be consistent with all applicable environmental  
12 protection or open space requirements to the satisfaction of the City Planner and the City  
13 Engineer.

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

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

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

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

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

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

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

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

16 34. Approval of this development project is conditioned upon payment of all applicable  
17 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside  
18 City Code. All drainage fees, traffic signal fees and contributions, highway  
19 thoroughfare fees, park fees, reimbursements, and other applicable charges, fees and  
20 deposits shall be paid prior to commencement of use of the property approved with this  
21 Development Plan and Conditional Use Permit, in accordance with City Ordinances and  
22 policies. The developer shall also be required to join into, contribute, or participate in  
23 any improvement, lighting, or other special district affecting or affected by this project.  
24 Approval of the project shall constitute the developer's approval of such payments, and  
25 his agreement to pay for any other similar assessments or charges in effect when any  
26 increment is submitted for permit approval, and to join, contribute, and/or participate in  
such districts.

27 35. Pavement sections for all existing and proposed streets, driveways and parking areas  
28 within the project and along the project's frontage shall be based upon approved soil  
29 tests and traffic indices. The pavement evaluation and design is to be prepared by the

1 developer's soil engineer and must be approved by the City Engineer, prior to approval  
2 of the appropriate engineering plans.

3 36. Prior to approval of the grading plans, the developer shall contract with a geotechnical  
4 engineering firm to perform a field investigation of the existing pavement on Fire  
5 Mountain Road adjacent to the development site. The limits of the study shall be half-  
6 street plus 12 feet along the frontage of the development site. The field investigation  
7 shall include a minimum of one pavement boring per every 50 linear feet of street  
8 frontage. Should the existing AC thickness be determined to be less than three inches or  
9 without underlying Class II abase material, the developer shall remove and reconstruct  
10 the pavement section as determined by the pavement analysis submittal process detailed  
11 in Item No. 2 below.

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

21 38. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during  
22 construction of the project, shall be repaired or replaced as directed by the City Engineer.  
23 The integrity of curb and gutter improvements and compliance with current standards on  
24 Fire Mountain Road along the project's frontage shall be verified during final engineering  
25 design by the Engineer of Record.

26 39. Streetlights along the property's frontage shall comply with City Standards. The system  
27 shall provide uniform lighting, and be secured prior to commencement of use of the  
28 property approved with this Development Plan and Conditional Use Permit. The  
29 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

1 the annexation to, any appropriate street lighting district to the satisfaction of the City  
2 Engineer.

3 40. All existing overhead utility lines within the development and within the Fire Mountain  
4 Road right-of-way abutting the new development, and all new extension services for the  
5 development of the project, including but not limited to, electrical, cable and telephone,  
6 shall be placed underground per Section 901.G. of the Subdivision Ordinance (R9)-  
7 166). There are currently nine (9) utility poles across this section of the road. Included  
8 in the conversion project would be removal of five (5) of the utility poles on both sides  
9 of Fire Mountain Drive. Four of the poles would have to remain as they serve existing  
10 utility lines that travel north or south of Fire Mountain Drive. Approximately 1700 feet  
11 of overhead lines would be converted underground (the undergrounding design shall be  
12 verified by a utilities specialist company and submitted to the City Engineer for  
13 approval). The developer shall complete the undergrounding within five years. Unless  
14 the undergrounding is completed, this Conditional Use Permit and Development Plan  
15 shall expire in five years from the date of the approval of this resolution.

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

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

25 43. The approval of the project shall not mean that proposed grading or improvements on  
26 adjacent properties (including any City properties/right-of-way or easements) is granted  
27 or guaranteed to the developer. The developer is responsible for obtaining permission  
28 to grade to construct on adjacent properties. Should such permission be denied, the  
29 project shall be subject to going back to the public hearing or subject to a substantial  
conformity review.

- 1 44. Prior to any grading of any part of the project, a comprehensive soils and geologic  
2 investigation shall be conducted of the soils, slopes, and formations in the project. All  
3 necessary measures shall be taken and implemented to assure slope stability, erosion  
4 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
5 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved  
6 by the City Engineer.
- 7 45. At all areas proposed to be left below final grade for future fill, unsuitable native soils  
8 shall be removed and recompacted as part of the grading process. No fill can be placed  
9 in those areas until the removal and recompaction has been performed to the satisfaction  
10 of the City Engineer.
- 11 46. All fill placed as part of the grave spoil disposal and/or landscaping shall be placed at a  
12 minimum compaction of 85 percent relative density and at or above optimum moisture.  
13 This is only allowed for those areas designated as future grave site areas.
- 14 47. Once the initial grading is complete a final compaction report shall be submitted to the  
15 City of Oceanside verifying that all the recommendations of the geotechnical consultant  
16 have been satisfied.
- 17 48. During the placement of the grave site soils the fill shall be periodically tested by the  
18 Soils Engineer of Record to verify that the compaction is in compliance with the  
19 recommendations of the soils reports approved by the City. Appropriate records of the  
20 test results shall be maintained. These records of the site visits and the results of the  
21 compaction tests shall be available to the City of Oceanside engineering inspector upon  
22 request
- 23 49. All other requirements of the City of Oceanside Grading Ordinance and Engineers  
24 Manual shall be adhered to and followed.
- 25 50. This project shall provide year-round erosion control including measures for the site  
26 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
27 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
28 by the applicant with cash securities and approved by the City Engineer.
- 29 51. Precise grading and private improvement plans shall be prepared, reviewed, secured and  
approved prior to commencement of use of the property approved with this Development

1 Plan and Conditional Use Permit. The plans shall reflect all pavement, flatwork,  
2 landscaped areas, special surfaces, curbs, gutters, striping, and signage, footprints of all  
3 structures, walls, drainage devices and utility services. Parking lot striping and any on-site  
4 traffic calming devices shall be shown on all Precise Grading and Private Improvement  
5 Plans.

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

11 a) Landscape plans shall comply with the current City of Oceanside Engineers Design  
12 and Processing Manual and Guidelines and shall match and comply with the  
13 approved SWMP plans.

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

24 54. Landscaping plans, including plans for the construction of walls, fences or other structures  
25 at or near any intersection or driveway, must conform to intersection sight distance  
26 requirements. Landscape and irrigation plans for disturbed areas must be submitted to the  
27 City Engineer prior to the issuance of a preliminary grading permit and approved by the  
28 City Engineer prior to commencement of use of the property approved with this  
29 Development Plan and Conditional Use Permit. Frontage landscaping shall be installed  
prior to commencement of use of the property approved with this Development Plan and

1 Conditional Use Permit. The required 10-foot parkway width between the face of curb  
2 and the right-of-way line shall be verified by field survey during the engineering design by  
3 the Engineer of Record. Any project fences, walls and monument entry walls/signs shall  
4 be shown on, bonded for and built from the landscape plans. These features shall also be  
5 shown on the precise grading plans for purposes of location only. Plantable, segmental  
6 walls shall be designed, reviewed and constructed by the grading plans and  
7 landscaped/irrigated through project landscape plans. All plans must be approved by the  
8 City Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

16 56. Storm drain facilities shall be designed and located such that the insides travel lanes on  
17 streets with Collector or above design criteria shall be passable during conditions of a 100-  
18 year frequency storm.

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

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

26 59. The development shall comply with all applicable regulations established by the United  
27 States Environmental Protection Agency (USEPA) as set forth in the National Pollutant  
28 Discharge Elimination System (NPDES) permit requirements for urban runoff and  
29 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

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

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

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

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

1 approved by the City Attorney prior to issuance of any precise grading permit and shall  
2 be recorded at the County Recorder's Office prior to commencement of use of the  
3 property approved with this Development Plan and Conditional Use Permit. Security in  
4 the form of cash (or certificate of deposit payable to the City) or an irrevocable, City-  
5 Standard Letter of Credit shall be required prior to issuance of a precise grading permit.  
6 The amount of the security shall be equal to 10 years of maintenance costs, as identified  
7 by the O&M Plan, but not to exceed a total of \$25,000. The applicant's Civil Engineer  
8 shall prepare the O&M cost estimate.

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

14 64. The Agreement shall include a copy of executed on-site and off-site access easements  
15 necessary for the operation and maintenance of BMPs that shall be binding on the land  
16 throughout the life of the project to the benefit of the party responsible for the O&M of  
17 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the  
18 O&M Plan approved by the City Engineer.

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

26 66. The developer shall provide a copy of the title/cover page of either an approved SWMP  
27 or Runoff Assessment Report (RAR) with the first engineering submittal package. If  
28 the project triggers the City's Stormwater requirements but no approved Stormwater  
29 document (SWMP or RAR) exists, the appropriate document shall be submitted for  
review and approval by the City Engineer. The RAR or SWMP shall be prepared by the

1 applicant's Civil Engineer. All Stormwater documents shall be in compliance with the  
2 latest edition of submission requirements.

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

11 68. Prior to commencement of use of the property approved with this Development Plan and  
12 Conditional Use Permit, the developer shall design and construct the proposed  
13 sedimentation and siltation basins within the first construction phase of the project to the  
14 satisfaction of the City Engineer.

15 69. Prior to issuance of any permits for the construction of the sedimentation basin and  
16 appurtenant structures near the NCTD right-of-way, an appropriately binding document  
17 shall be secured from NCTD providing permission for any development impact to the  
18 NCTD right-of-way to the satisfaction of the City Engineer.

19 70. Prior to commencement of use of the property approved with this Development Plan and  
20 Conditional Use Permit, the developer shall design and construct appropriate all-weather  
21 road(s) for the construction of and permanent maintenance access to the proposed  
22 sedimentation and siltation basins within the first construction phase of the project to the  
23 satisfaction of the City Engineer.

24 71. The developer shall be responsible for keeping the sedimentation and siltation basins,  
25 the appurtenant structures, and the maintenance access road(s) thereto in good working  
26 order in perpetuity.

27 72. Prior to issuance of permits, the developer shall secure an appropriate easement from  
28 the owner of the "Myers Property" (APNs 165-040-13-01 & 02; 165-040-22-01 & 02  
29 a.k.a. Habitat Restoration Area) located northeasterly of the proposed expansion project.  
The easement shall secure appropriate rights on and across the Myers Property for the

1 developer to construct and permanently maintain an all-weather access road for the  
2 construction and periodic maintenance of the proposed sedimentation basin.

3 73. The developer shall be responsible for maintaining compliance with all applicable  
4 environmental regulatory requirements for any and all related construction and  
5 maintenance activities on the Myers Property. The developer shall obtain any and all  
6 applicable permits from all appropriate regulatory agencies.

7 74. The developer shall grant appropriate easement(s) to the owner of the Myers Property for  
8 emergency maintenance access to drainage, siltation, and sedimentation facilities.

9 **Planning:**

10 75. This Development Plan and Conditional Use Permit shall expire on December 3, 2009,  
11 unless implemented as required by the Zoning Ordinance.

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

14 77. A public facilities fee shall be paid as required by City policy at the time building permits  
15 are issued.

16 78. All mechanical rooftop and ground equipment shall be screened from public view as  
17 required by the Zoning Ordinance. That is, on all four sides and top. The roof jacks,  
18 mechanical equipment, screen and vents shall be painted with non-reflective paint to  
19 match the roof. This information shall be shown on the building plans.

20 79. A covenant or other recordable document approved by the City Attorney shall be prepared  
21 by the applicant prior to issuance of building permits. The covenant shall provide that the  
22 property is subject to this resolution, and shall generally list the conditions of approval.

23 80. Any graffiti shall be removed by the management or designated representative within 24  
24 hours of occurrence.

25 81. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
26 written copy of the applications, staff report and resolutions for the project to the new  
27 owner and or operator. This notification's provision shall run with the life of the project.

28 82. Failure to meet any conditions of approval for this development shall constitute a violation  
29 of Development Plan 24-06 and Conditional Use Permit Revision 13-99Rev.

- 1 83. Unless expressly waived, all current zoning standards and City ordinances and policies in  
2 effect at the time building permits are issued are required to be met by this project. The  
3 approval of this project constitutes the applicant's agreement with all statements in the  
4 Description and Justification, and other materials and information submitted with this  
5 application, unless specifically waived by an adopted condition of approval.
- 6 84. This Conditional Use Permit shall be called for review by the Planning Commission if  
7 complaints are filed and verified as valid by the Code Enforcement Office concerning the  
8 violation of any of the approved conditions or assumptions made by the application.
- 9 85. This Conditional Use Permit and Development Plan are granted for the following use  
10 only: construction of cemetery related projects as denoted on plans referred to as  
11 Alternative Plan Two and dated June 29, 2007. Any change in the use will require a  
12 revision to the Conditional Use Permit or a new Conditional Use Permit. No deviation  
13 from these approved plans and exhibits shall occur without City Planner approval.  
14 Substantial deviations shall require a revision to the Development Plan or a new  
15 Development Plan.
- 16 86. All required Resource Agency permits shall be obtained prior to issuance of grading  
17 permits, for the cemetery expansion or any related improvements. Hard copies of these  
18 permits must be submitted to the Planning Division.
- 19 87. Monuments designed for placement upon burial plots shall not contain any audible or  
20 visual messaging appurtenances, including any form of illuminating devices.
- 21 88. Prior to issuance of grading permits, a conservation easement shall be placed over the  
22 66.4-acre habitat area to be preserved on-site. The habitat shall be managed in  
23 perpetuity per the approved project Habitat Management Plan (HMP) in conformance  
24 with the Multiple Habitat Conservation Program (MHCP) Biological Monitoring and  
25 Management Plan (MHCP Volume III).
- 26 89. The project shall be subject to all mitigation measures contained in the mitigation,  
27 monitoring and reporting program for the project as referenced in Planning Commission  
28 Resolution No. 2007-P65.  
29

1 90. Prior to issuance of a any building permit for any of the 7 approved mausoleums, the  
2 applicant shall submit final architectural design plans of each mausoleum for formal  
3 review and approval by the Planning Commission.

4 91. Prior to submittal of any construction plans for review by the Engineering Division  
5 (e.g. Grading Plans, Improvement Plans, Easement Documents, etc.) for development  
6 within the 18.16 acre expansion area, the applicant shall submit a conceptual grading  
7 plan that depicts phased development in 5-7 acre increments, subject to final review and  
8 approval by the City Planner and City Engineer.

9 92. Prior to submittal of any construction plans to the City for development within the  
10 18.16 acre expansion area, the applicant shall provide a revised development plan for  
11 Alternative 2 that provides for the protection of a one acre portion of the culturally  
12 significant site referred to as CA-SDI-12262/SDM-W-140, subject to final review and  
13 approval by the City Planner.

14 **Multiple Habitat Conservation Plan:**

15 93. An environmental training session shall be conducted for all project personnel prior to  
16 any grading/construction activities. At a minimum, the training shall include a  
17 description of the target species of concern and its habitats; the general provisions of the  
18 Endangered Species Act (Act) and the MHCP; the need to adhere to the provision of the  
19 Act and the MHCP; the penalties associated with violating the provisions of the Act; the  
20 general measures that are being implemented to conserve the target species of concern  
21 as they relate to the project; any provisions for wildlife movement; and project site  
22 boundaries (within which the project activities must be accomplished). This  
23 information shall be prepared by a qualified biologist.

24 94. Equipment storage, fueling and staging areas shall be located to minimize risks of direct  
25 drainage into riparian areas or other environmentally sensitive habitats. These  
26 designated areas shall be located in such a manner as to prevent runoff from entering  
27 sensitive habitats. All project related spills of hazardous materials shall be reported to  
28 appropriate entities including, but not limited to, the City of Oceanside, FWS, and  
29 CDFG, SWQCB and shall be cleaned up immediately. Contaminated soils shall be  
removed to approved disposal areas.

- 1 95. Stockpiling of materials and other aspects of construction staging shall be limited to  
2 disturbed areas without native vegetation, areas to be impacted by project development,  
3 and areas with non-sensitive habitats.
- 4 96. Artificial lighting adjacent to the preserve area shall be eliminated except where  
5 essential for roadways, facility use, and safety and security purposes. Where use of  
6 artificial lighting is necessary, it shall be limited to low-pressure sodium sources. Use  
7 of low voltage lighting (outdoor or trail spotlights or bug lights) is prohibited. All light  
8 sources shall be shielded so that lighting is focused downward to restrict any light  
9 spillover onto sensitive habitats.
- 10 97. To avoid attracting predators of the target species of concern, the project site shall be  
11 kept clean of debris as feasible. All food related trash items shall be enclosed in sealed  
12 containers and regularly removed from the site. Pets of project personnel shall not be  
13 allowed on-site.
- 14 98. Construction employees shall strictly limit their activities, vehicles, equipment, and  
15 construction materials to the proposed footprint and designated staging areas and routes  
16 of travel. The construction area(s) shall be the minimal area necessary to complete the  
17 project and shall be specified in the construction plans. Construction area boundaries  
18 shall be fenced. Construction fencing shall be maintained until the completion of all  
19 construction activities. All employees shall be instructed that their activities are  
20 restricted to the construction areas.
- 21 99. Any habitat destroyed that is not in the identified project footprint shall be disclosed  
22 immediately to the City of Oceanside, FWS and CDFG.
- 23 100. If dead or injured listed species are located, initial notification, in writing, must be made  
24 within three working days to the Service's Division of Law Enforcement in Torrance  
25 California and by telephone and in writing to the applicable jurisdiction, Carlsbad Field  
26 Office of the FWS, and CDFG.
- 27 101. The upstream and downstream limits of project disturbance plus lateral limits of  
28 disturbance on either side of the stream shall be clearly defined and marked in the field  
29 and reviewed by the biologist prior to initiation of work.

1 102. Any planting stock to be brought onto the site for landscaping or ecological restoration  
2 shall be first inspected by a qualified pest inspector to ensure it is free of pest species  
3 that could invade natural areas, including but not limited to Argentine ants, fire ants,  
4 and other insect pests. Any planting sock found to be infested with such pests shall not  
5 be allowed on the project site or within 300 feet of natural habitats. The stock shall be  
6 quarantined, treated or disposed of according to best management principles by  
7 qualified experts in a manner that precludes invasions into natural habitats.

8 Environmental:

9 103. Prior to the issuance of a grading permit, the impact to 0.06-acre of the on-site southern  
10 willow scrub shall be mitigated by the restoration of 0.18-acre of southern willow scrub  
11 on-site, or the acquisition of 0.18-acre of southern willow scrub off-site. The restored or  
12 acquired habitat shall be placed in a conservation easement granted to the City or other  
13 entity approved by the USFWS and a Habitat Management Plan shall be prepared  
14 consistent with the MHCP guidelines and approved by the City Planner.

15 104. Prior to the issuance of a grading permit, the impact to 0.10-acre of riparian scrub,  
16 including 0.06-acre within the cemetery property and 0.04-acre within the City-owned  
17 open space property shall be mitigated by the restoration of 0.30-acre of riparian scrub  
18 on-site, or the acquisition of 0.30-acre of riparian scrub off-site. The restored or  
19 acquired habitat shall be placed in a conservation easement granted to the City or other  
20 entity approved by the USFWS. A Habitat Management Plan shall be prepared  
21 consistent with the MHCP guidelines and approved by the City Planner.

22 105. Prior to the issuance of a grading permit, the impact to 10.36 acres of Diegan coastal  
23 sage scrub (including disturbed) and 0.76-acre of baccharis scrub shall be mitigated by  
24 the preservation of 30.19 acres of on-site Diegan coastal sage scrub and 5.08 acres on-  
25 site baccharis scrub, plus restoring 13.62 acres of on-site non-native grassland to high  
26 quality Diegan coastal sage scrub. The preserved and restoration habitat area would be  
27 placed in a conservation easement granted to the City or other entity approved by the  
28 USFWS. A Habitat Management Plan shall be prepared consistent with the MHCP  
29 guidelines and approved by the City prior to the issuance of a grading permit.

- 1 106. Prior to the issuance of a grading permit, the impact to 0.90-acre of non-native  
2 grassland, including 0.82-acre in the cemetery property and 0.08-acre in the City-owned  
3 open space property shall be mitigated by the preservation of 0.45-acre of on-site non-  
4 native grassland. The preserved habitat would be placed in a conservation easement  
5 granted to the City or other entity approved by the USFWS. A Habitat Management  
6 Plan shall be prepared consistent with the MHCP guidelines and approved by the City  
7 Planner.
- 8 107. Prior to the issuance of a grading permit, the impact to 0.13-acre of non-wetland Waters  
9 of the U.S. shall be mitigated as determined through the Army Corps of Engineers  
10 wetland permitting process, and a Wetland Mitigation Plan shall be prepared and  
11 approved by the City Planner. At a minimum, 0.13-acre of non-wetland Waters of the  
12 U.S. would be created to achieve no net loss of habitat.
- 13 108. Prior to the issuance of a grading permit, the impact to 0.04-acre of wetlands, including  
14 0.01-acre of southern willow scrub and 0.02-acre of riparian scrub shall be mitigated as  
15 determined through the Army Corps of Engineers wetland permitting process. At a  
16 minimum, 0.04-acre of wetlands would be created to achieve no net loss of wetlands. A  
17 Wetland Mitigation Plan shall be prepared and approved by the City Planner.
- 18 109. Prior to the issuance of a grading permit, the impact to 0.13-acre of streambed,  
19 including 0.05-acre of ephemeral streambed and 0.08-acre of intermittent streambed  
20 shall be mitigated as determined through the California Department of Fish & Game  
21 wetland permitting process. At a minimum, 0.13-acre of streambed would be created to  
22 achieve no net loss of habitat. A Wetland Mitigation Plan shall be prepared and  
23 approved by the City Planner.
- 24 110. Prior to the issuance of a clearing or grading permit the impacts to the territory of four  
25 pairs and two individual coastal California gnatcatchers as well as one fledgling of this  
26 species, the habitat of three yellow warblers and one Coopers Hawk shall be mitigated  
27 by the implementation of mitigation measure 4.2.4.1.a, which requires the preservation  
28 of 31.02 acres of on-site Diegan coastal sage scrub and baccharis scrub, plus the  
29 restoration of 13.62 acres of non-native grassland.

- 1 111. Prior to the issuance of a clearing and/or grading permit, habitat fragmentation and edge  
2 effects shall be mitigated through the active management and monitoring of the  
3 preserved open space as specified in the Habitat Management Plan (HMP). The HMP  
4 shall be prepared by the applicant and approved by the City Planner. The HMP shall  
5 provide for restricting access to the biological open space area and prohibiting dumping  
6 in the open space. Preserved habitat shall be posted with signs every 200 feet to  
7 preclude access to the preserved area due to habitat sensitivity.
- 8 112. Grading and/or construction activity generating noise levels exceeding 60dB within 500  
9 feet of an active coastal California gnatcatcher nest or tree-nesting raptor nest (300 feet  
10 for a Cooper's hawk nest) could displace birds from their nest or interfere with breeding  
11 activity. The following mitigation measures shall be implemented:
- 12 113. All grading permits and improvement plans, shall contain the following note: "No  
13 grading, clearing, or blasting within 500 feet of occupied Diegan coastal sage scrub shall  
14 occur during the breeding season of the coastal California gnatcatcher (March through  
15 August 31) or tree-nesting raptors (December through July) unless a pre-construction  
16 survey by a qualified biologist determines that these species are not present within the  
17 areas that would be impacted by noise. If no coastal California gnatcatchers or raptors  
18 are nesting (including nest building or other breeding/nesting behavior) within 500 feet  
19 of the construction area, development shall be allowed to proceed.
- 20 114. If coastal California gnatcatchers or raptors are observed nesting or displaying  
21 breeding/nesting behavior within 500 feet of occupied Diegan coastal sage scrub, the  
22 applicant shall: (1) postpone grading until all nesting (or breeding/nesting behavior) has  
23 ceased or until after August 31; or (2) construct a temporary noise barrier or berm at the  
24 edge of the development footprint (not within the proposed open space) to ensure that  
25 noise levels are reduced to below 60 dB (A)  $L_{eq}$ . Alternatively, the use of construction  
26 equipment could be scheduled to keep noise levels below 60 dB (A)  $L_{eq}$  in lieu of, or in  
27 concert with, a wall or other noise barrier.
- 28 115. In order to ensure compliance with the Migratory Bird Treaty Act (MBTA), clearing of  
29 native vegetation shall occur outside of the breeding season of most avian species  
(March 1 through July 31). Clearing during the breeding season of MBTA covered

1 species could occur if it is determined by a qualified biologist that no nesting birds (or  
2 birds displaying breeding or nesting behavior) are present immediately prior to clearing.  
3 As described above, a pre-construction survey shall be conducted to determine if  
4 breeding or nesting avian species occur within areas impacted by noise.

5 116. The construction and construction staging area limits shall be clearly delineated with  
6 orange construction fencing and silt fencing or fiber rolls to ensure that construction  
7 activity remains within the defined limits of work. A qualified biologist shall inspect  
8 the delineated areas during regularly scheduled construction monitoring visits.

9 117. A paleontological monitoring program shall be incorporated into the project grading  
10 plans. The monitoring program will include the following elements.

11 118. A qualified paleontologist will be retained to implement a paleontological monitoring  
12 and recovery program as a condition of the project construction contract. A qualified  
13 paleontologist is defined as an individual with an MS or Ph.D. in paleontology or  
14 geology and a recognized expert in the identification and recovery of fossil materials.

15 119. The qualified paleontologist will attend the project pre-construction meeting to discuss  
16 project-grading plans with the project contractor(s). If the paleontologist determines  
17 that proposed excavation/grading will likely cut into undisturbed portions of the  
18 Santiago formation, then monitoring will be conducted as outlined below.

19 120. The project paleontologist or a paleontological monitor will be on-site during original  
20 cutting of the above noted geologic units. A paleontological monitor is defined as an  
21 individual who has experience in collection and salvage of fossil materials, and who is  
22 working under the direction of a qualified paleontologist. Monitoring of the noted  
23 geologic units will be at least half-time at the beginning of excavation, and will be  
24 increased or decreased depending on initial results (per direction of the project  
25 paleontologist).

26 121. In the event that well-preserved fossils are discovered, the project paleontologist will  
27 have the authority to temporarily halt or redirect construction activities in the discovery  
28 area to allow recovery in a timely manner (typically on the order of 1 hour to 2 days).  
29 All collected fossil remains will be cleaned, sorted and catalogued, and deposited in an  
appropriate scientific institution, such as the San Diego Museum of Natural History.

1 122. A report (with a map showing fossil site locations) summarizing the result, analyses and  
2 conclusions of the above described monitoring/recovery program will be submitted to  
3 the City of Oceanside Planning Division within three months of terminating monitoring  
4 activities.

5 123. Prior to the issuance of a grading permit, the impact to site CA-SDI-12262 shall be  
6 mitigated through the implementation of a data recovery program that includes site CA-  
7 SDI-12262 as summarized below.

8 • Pre-Excavation Agreement

9 A pre-excavation agreement shall be executed between the project proponent and  
10 the San Luis Rey Band of Mission Indians, specifying the treatment of human  
11 remains and any cultural resources uncovered and requiring Native American  
12 monitoring for all ground-disturbing activities, such as brushing, scarification,  
13 grading, and trenching. The authority of the Native American monitor and their  
14 work authorization shall be specified in the pre-excavation agreement.

15 • Monitoring

16 An archaeological monitor shall be on-site during ground-disturbing activities  
17 within the delineated boundaries of site CS-SDI-12262, such as brushing,  
18 scarification, grading, and trenching due to the potential for encountering  
19 cultural features, including human remains.

20 Native American monitors shall be on-site during ground-disturbing activities  
21 within the delineated boundaries of site CS-SDI-12262, such as brushing,  
22 scarification, grading, and trenching. The authority of the monitors and the  
23 details of their work shall be specified in the pre-excavation agreement.

24 The archaeological monitors and Native American monitors shall have the  
25 authority to temporarily halt or redirect grading in order to examine any finds  
26 made during the grading operation. The monitors shall determine the need for  
27 further studies to assess unexpected cultural material encountered during the  
28 grading operation.

29 If burials are encountered, fieldwork will cease in the immediate area of the  
burial. The archaeological monitor will contact the County of San Diego

1 Coroner, the California Native American Heritage Commission, the local agency  
2 representative, and the authorized local tribal representative to review and  
3 provide input regarding further action. Alternatives for the disposition of human  
4 remains include: (1) leaving human remains *in situ*; (2) uncovering the human  
5 remains for analysis *in situ*; (3) removing human remains for analysis and  
6 curation; (4) removing human remains for analysis and repatriation to  
7 appropriate local Native Americans; or (5) removing human remains with no  
8 analysis for repatriation to local, appropriate Native Americans.

9 • Data Recovery Program

10 The program will consist of a 5-percent hand and mechanical excavation  
11 program to be completed in 2 phases. Phase I will consist of a one-half to one  
12 percent random sample to better define site boundary and activity areas. Phase II  
13 excavation, will be based on Phase I random sampling results and will include  
14 backhoe trenching to locate prehistoric features and activity areas. All features  
15 will be completely exposed through hand excavation, and documented through  
16 photographs and illustrations. Block unit excavations (i.e., 2x2-m or 4x4-m)  
17 will be placed in areas with features and associated artifacts to expose intact  
18 living areas.

19 Block units will be excavated by hand in 10-cm levels. The soil will be dry  
20 screened through 1/8" mesh hardware cloth, and all of the material collected from  
21 each level will be sorted and placed in plastic bags. A field form recording  
22 changes in soil, and the types and quantities of materials collected will be  
23 completed for each level of each unit. Each 10-cm level will be thoroughly  
24 examined for artifacts and plant and animal remains.

25 After features are located, they will be manually excavated, photographed, and  
26 illustrated. If charcoal or shell is available, then radiocarbon dating will be  
27 conducted. Soil from select hearths may be floated for macro flora and fauna  
28 remains. Features will be compared and contrasted with other features in North  
29 County and San Diego County in general, and artifacts and ecofacts in  
association with features will be used to address the research questions. The size

1 of area excavated for each feature will vary depending on the type of feature.  
2 Anticipated within this type of site usually consist of hearths, concentrations of  
3 rock, butchering areas, and house floors/activity areas.

4 • Final Report

5 A final report shall be prepared that follows the State Office of Historic  
6 Preservation Guidelines and State of California Guidelines. The final report will  
7 be filed at the appropriate state clearinghouse. The contents of the report shall  
8 include the following:

- 9 a) An abstract, discussion of field methods, results of analyses, a synthesis  
10 of data, results of special studies conducted, description of cultural  
11 stratigraphy, an evaluation of site significance, and discussion of the  
12 results in terms of relevant research questions.
- 13 b) A site map showing the location of 1x1-m units, significant landforms  
14 and/or landmarks, surface cultural features, and surface artifact collection  
15 areas. Sidewall profiles of selected units will be included, and all  
16 features will be drawn with appropriate scales. Drawings of temporally-  
17 diagnostic artifacts will be included, as well as photographs or  
18 illustrations of sample artifact types recovered from the site.
- 19 c) Attachments will include a bibliography of references, updates of  
20 previously recorded site forms, original reports of special studies,  
21 catalogues of collected material, résumés of key personnel, and any  
22 pertinent correspondence.
- 23 d) A draft report will be submitted to the City of Oceanside within six  
24 months of completing all fieldwork and laboratory analysis. Two copies  
25 of the final report will be submitted within 30 days of receipt of City  
26 comments. The format for the final report follows Office of Historic  
27 Preservation and State of California Guidelines.

28 • Curation

29 All artifacts, ecofacts, field notes, and photographs are the property of the  
landowner, and the consultant will request that the artifacts be permanently

1            curated at a repository acceptable to the City of Oceanside (i.e., San Diego  
2            Archaeology Center). Curation at an acceptable repository will complete the  
3            data recovery program. The cost for curation will be borne by the project  
4            applicant. Interim curation during analysis and report preparation will be  
5            retained by the consulting archaeologist.

6 124. To minimize the emission of pollutants and impacts to air quality, the following  
7            conditions of approval shall apply:

- 8            a) All unpaved construction areas shall be sprinkled with water or other acceptable  
9            dust control agents during dust-generation activities.
- 10           b) Additional watering or dust-control agents shall be applied during dry weather or  
11           windy days until dust emissions are not visible.
- 12           c) Trucks hauling dirt and debris shall be properly covered to reduce windblown  
13           dust and spills.
- 14           d) A 20 mile-per-hour speed limit on unpaved surfaced shall be enforced.
- 15           e) Dirt and debris spilled onto paved surfaces shall be swept up immediately to  
16           reduce re-suspension of particulate matter cause by vehicle movement.
- 17           f) Approach routes to the site shall be cleaned daily of construction-related dirt.
- 18           g) On-site stockpiles of excavated material shall be covered or watered.
- 19           h) Disturbed areas shall be hydroseeded or landscaped as quickly as possible and as  
20           directed by the City.
- 21           i) Construction equipment with modified combustion or fuel injection systems for  
22           emission control shall be utilized during grading activities.
- 23           j) Catalytic reduction equipment shall be installed in gasoline-powered engines.
- 24           k) Construction equipment shall be equipped with prechamber diesel engines (or  
25           equivalent).
- 26           l) All grading and construction equipment shall be properly maintained.
- 27           m) SDAPCD Rules 51, 52, and 54, or subsequent rules, shall be enforced at all  
28           times.
- 29

1 **Water Utilities:**

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

6 126. The property owner will maintain private water and wastewater utilities located on private  
7 property.

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

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

13 **The following conditions shall be met prior to the approval of engineering design plans:**

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

17 130. No trees, structures or building overhand shall be located within any water or wastewater  
18 utility easement.

19 131. All lots with a finish pad elevation located below the elevation of the next upstream  
20 manhole cover of the public sewer shall be protected from backflow of sewage by  
21 installing and maintaining an approved type backwater valve, per the Uniform Plumbing  
22 Code (U.P.C.).

23 132. A separate irrigation meter and approved backflow prevention device is required and shall  
24 be displayed on the plans.

25 //////////////

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

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

28 //////////////

29 //////////////

1 **The following conditions of approval shall be met prior to building permit issuance:**

2 133. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are to  
3 be paid to the City and collected by the Water Utilities Department at the time of Building  
4 Permit issuance.

5 PASSED AND ADOPTED an amendment to Resolution No. 2007-P64 requiring final  
6 architectural design of all 7 of the approved mausoleums be reviewed and approved by the  
7 Planning Commission prior to their construction, on December 3, 2007 by the following vote,  
8 to wit:

- 9 AYES: Martinek, Troisi, Balma, Horton and Bertheaud  
10 NAYS: None  
11 ABSENT: Neal  
12 ABSTAIN: Parker

13 PASSED AND ADOPTED an amendment to Resolution No. 2007-P64 requiring that  
14 the development within the 18.16-acre expansion area be phased in increments of 5 to 7 acres, on  
15 December 3, 2007 by the following vote, to wit:

- 16 AYES: Martinek, Troisi, Balma, Horton and Bertheaud  
17 NAYS: None  
18 ABSENT: Neal  
19 ABSTAIN: Parker

20 PASSED AND ADOPTED an amendment to Resolution No. 2007-P64 requiring an  
21 approximately one-acre portion of the culturally significant site referred to as CA-SDI-  
22 12262/SDM-W-140 be removed from the projects overall 18.16-acre expansion area and  
23 preserved as a culturally significant site, on December 3, 2007 by the following vote, to wit:

- 24 AYES: Martinek, Troisi, Balma and Bertheaud  
25 NAYS: Horton  
26 ABSENT: Neal  
27 ABSTAIN: Parker

28  
29

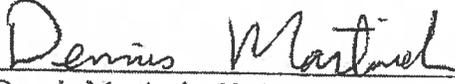
1 PASSED AND ADOPTED Resolution No. 2007-P64 on December 3, 2007 by the  
2 following vote, to wit:

3 AYES: Martinek, Troisi, Balma and Bertheaud

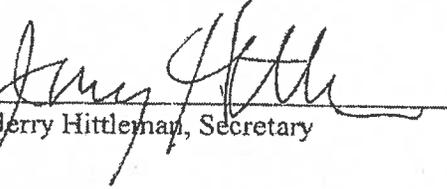
4 NAYS: Horton

5 ABSENT: Neal

6 ABSTAIN: Parker

7  
8   
9 Dennis Martinek, Chairman  
Oceanside Planning Commission

10 ATTEST:

11   
12  
13 Jerry Hittleman, Secretary

14 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
15 this is a true and correct copy of Resolution No. 2007-P64.

16 Dated: December 3, 2007  
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RECEIVED  
APR 16 2008  
Planning Department

RESOLUTION NO. 08-R0075-1

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE DENYING THE APPEAL OF CONDITION OF APPROVAL NO.'S 90 AND 92, AND AFFIRMING THE PLANNING COMMISSIONS ACTION TO ADD CONDITION OF APPROVAL NO.'S 90 AND 92, SUBJECT TO MINOR AMENDMENTS TO PLANNING COMMISSION RESOLUTION NO. 2007-P64 ASSOCIATED WITH DEVELOPMENT PLAN (D-24-06) AND CONDITIONAL USE PERMIT REVISION (C-13-99) FOR THE EXPANSION AND DEVELOPMENT OF THE ETERNAL HILLS CEMETARY BY 18.16 ACRES WITHIN THE OVERALL 130.50 ACRE SITE LOCATED AT 1999 EL CAMINO REAL

(Eternal Hills Memorial Park—Applicant)

(Eternal Hills Memorial Park—Appellant)

WHEREAS, an application was filed for a Development Plan and Conditional Use Permit Revision for the expansion and development of the cemetery by 18.16 acres to include a maximum of seven community mausoleums, and improvements to correct drainage issues on site by creating a 1½-acre sedimentation pond with engineered drainage swales, and development of a 15-foot wide access and maintenance road within the overall 130.50-acre site located at 1999 El Camino Real, to which such real property is more particularly described in Exhibit "A", attached hereto and incorporated herein by reference;

WHEREAS, the Planning Commission, after giving the required notice, did on the 3rd day of December, 2007 conduct a duly advertised public hearing and adopted Resolution No. 2007-P64, approving said Development Plan (D-24-06) and Conditional Use Permit Revision (C-13-99) subject to conditions;

WHEREAS, on February 20, 2008, the City Council of the City of Oceanside held a duly noticed public hearing and heard and considered evidence and testimony by all interested parties concerning the appeal of Condition of Approval Nos. 90 and 92, requiring the project to have final architectural designs of all 7 of the approved mausoleums be reviewed and approved by the Planning Commission prior to their construction, and amending the overall project in a manner that requires an approximately one acre portion of the culturally significant site referred to as CA-SDI-12262/SDM-W-140 be removed from the projects overall 18.16 acre expansion area and preserved as a culturally significant site, both of which are associated with the project; and

1           WHEREAS, based on such evidence, testimony and staff reports, this Council adopts the  
2 findings of fact as set forth in Planning Commission Resolution No. 2007-P64 as attached hereto as  
3 Exhibit "B", and incorporates them by reference as if fully set forth herein;

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

7           WHEREAS, the Planning Commission found that the Environmental Impact Report and  
8 Mitigation Monitoring and Reporting Program had been prepared in accordance with requirements of  
9 the California Environmental Quality Act (CEQA), the State CEQA Guidelines, and the Environmental  
10 Review Procedures of the City of Oceanside, and on December 3, 2007 adopted Planning Commission  
11 Resolution No. 2007-P65 certifying the Environmental Impact Report and Mitigation Monitoring and  
12 Reporting Program for the subject project; and,

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

16           WHEREAS, based on such evidence and testimony, including but not limited to the report of the  
17 Planning Division, the City Council of the City of Oceanside finds that the decision of the Planning  
18 Commission to add Conditions of Approval 90 and 92 to the projects overall approval is reasonable,  
19 subject to minor amendments to the two conditions of approval, because the two conditions would ensure  
20 consistency with the policies and objectives contained within the Land Use Element of the City's General  
21 Plan, and more specifically Sections 1.23 and 3.2.

22           NOW, THEREFORE, the City Council of the City of Oceanside DOES RESOLVE as follows:

23           1.       The appeal of the Planning Commissions Action of December 3, 2007, to remove  
24 Condition of Approval Nos. 90 and 92 associated with Development Plan (D-24-06) and Conditional  
25 Use Permit Revision (C-13-99) is denied.

26           2.       Conditions No. 90 and 92 in Planning Commission Resolution No. 2007-P64 are hereby  
27 replaced in their entirety with the conditions contained within herein as Exhibit "C".

28           3        The decision of the Planning Commission to amend and condition the project to review  
and approve the final architectural designs of all seven of the approved mausoleums prior to their  
construction, and amending the overall project in a manner that requires that the culturally significant site

1 referred to as CA-SDI-12262/SDM-W-140 be removed from the project's overall 18.16 acre expansion  
2 area and preserved as a culturally significant site is consistent with the policies and objectives  
3 contained within Sections 1.23 and 3.2 of the Land Use Element of the General Plan.

4 4. All other Conditions of Approval pursuant to Planning Commission Resolution No.  
5 2007-P64 remain in full force and effect.

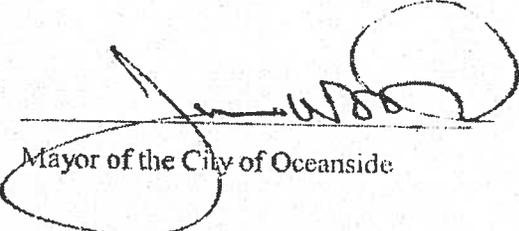
6 5. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within which  
7 judicial review must be sought on this decision is governed by CCP Section 1094.6 as set forth in  
8 Oceanside City Code Section 1.10, and Public Resources Code Section 21167.

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

13 7. Pursuant to Oceanside Zoning Ordinance §4606, this resolution becomes effective on the  
14 date of its adoption.

15 PASSED AND ADOPTED by the City Council of the City of Oceanside, California this 20th day  
16 of February, 2008 by the following vote:

- 17 AYES: WOOD, CHAVEZ, FELLER, KERN, SANCHEZ  
18 NAYS: NONE  
19 ABSENT: NONE  
20 ABSTAIN: NONE

21   
22 Mayor of the City of Oceanside

23 ATTEST:

24 APPROVED AS TO FORM:  
25 OFFICE OF THE CITY ATTORNEY

26  
27   
28 City Clerk

26  
27   
28 City Attorney



**DATE:** December 3, 2007

**TO:** Chairman and Members of the Planning Commission

**FROM:** Development Services Department/Planning Division

**SUBJECT:** **CONSIDERATION OF A DEVELOPMENT PLAN (D-24-06) AND REVISION TO CONDITIONAL USE PERMIT (C-13-99REV) FOR THE EXPANSION OF THE ETERNAL HILLS CEMETERY AND DEVELOPMENT OF SEVEN MAUSOLEUM LOCATED AT 1999 EL CAMINO REAL WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD – ETERNAL HILLS CEMETERY EXPANSION – APPLICANT: ETERNAL HILLS MEMORIAL PARK**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Approve Development Plan (D-24-06) and Conditional Use Permit Revision (C-13-99 Rev.) for Alternative Plan Two by adopting Planning Commission Resolution No. 2007-P64 with findings and conditions of approval attached herein
- (2) Adopt Planning Commission Resolution No. 2007-P65 certifying the Environmental Impact Report for the project.

**PROJECT DESCRIPTION AND BACKGROUND**

**Proposed Project:** Please note that Alternative Plan 2 “Habitat Conservation Plan Strict Compliance Alternative” in the Final Environmental Impact Report is the staff supported project and will be referred to as the “Proposed Project” throughout the staff report.

**Site Review:** The site is located north of Fire Mountain Drive, south of the NCTD Sprinter Rail Tracks, and west of El Camino Real., within the Fire Mountain Neighborhood. Cemetery operations currently occupy approximately 42.2 acres of the sites 130.50 acres. The proposed project is a request to expand the cemetery operations by approximately 15.79 acres along the south western portion of the project area and 2.37 acres along the south eastern portion of the site. Proposed Improvements on-site and outside the boundaries of the revised CUP area include the creation of a 15-foot wide maintenance/access road, engineered drainage swales, and one 1 ½-acre detention/

sedimentation pond along the northwestern portion of the property. The proposed expansion of the south east portion of the project site is being included to allow for additional cemetery activities in the previously developed area that is approximately 2.37 acres in size.

The property is zoned Public & Semi-Public (PS), and Residential Estate B (RE-B) on the City of Oceanside Official Zoning Map, and is designated Private Institutional (PI), and Estate B Residential (EB-R), on the General Plan Land Use Map. The 18.16-acre expansion would be solely located within the (PS) zoned portion of the Eternal Hills Memorial Park property. The original approval to establish and operate a cemetery on the subject property was granted on October 6, 1958 by Planning Commission Resolution No. 58-P64, and required that the Conditional Use Permit (CUP) remain in effect for as long as the property continued to operate a cemetery on the property. On September 13, 1999 the Planning Commission approved an amendment to the original CUP (C-13-99) through PC Resolution No. 99-P57, allowing approximately 41.87 acres of additional land to be included in the Eternal Hills Memorial Park overall cemetery operations. The approved amendment to the CUP required that proposals to develop in previously undeveloped areas be permitted only with the approval of a CUP amendment.

Surrounding land uses include a land locked 35-acre City owned parcel maintained as a habitat conservation area within the central portion of project site, single family residential neighborhoods to the south, east, and west, NCTD Sprinter Rail Line and General Industrial to the north, and a City owned Open Space parcel located immediately adjacent to the southwest portion of the site and used for water reservoir purposes. The total area dedicated to the cemetery expansion represents approximately 15 percent of the sites total area.

**Project Description:** The project application is comprised of the following required entitlements:

Development Plan (D-24-06) represents a request for the following:

- (a) To expand the existing Eternal Hills Memorial Park approximately 18.16 acres in order to provide an approximately 17,800 additional burial spaces/internments on site. Burials/Internments would occur either in land gardens or within one of seven proposed community mausoleum, and would be developed in multiple phases based upon the needs of the community.
- (b) Site design improvements to correct historical drainage issues and scouring/erosion of the environment leading to sedimentation flow into Loma Alta Creek and over the rail road tracks onto properties to the north. Proposed improvements include the establishment of two retention and sedimentation ponds, drainage swales with appropriately designed energy dissipaters, and an improved 15'-0" access and maintenance road to the City owned "Myers Property" and northern boundary sedimentation pond.

Conditional Use Permit Revision (13-99 Rev) represents a request for the following:

- (a) To permit the expansion and continued operation of the Eternal Hills Memorial Park cemetery and related activities in the "previously undeveloped areas" of the site located within the Public and Semi-Public (PS) zoned areas of the Eternal Hills Memorial Park located at 1999 El Camino Real.

The applicant proposes to bring an existing 2.37-acre developed area located on the south east portion of the property into good legal standing, expand the existing cemetery operation into previously undeveloped areas totaling 15.79 and located along the south west portion of the project area, and create a conservation easement over approximately 64.08 acres of restored habitat consistent with the Subarea Habitat Conservation Plan.

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

1. Zoning Ordinance
2. General Plan Land Use Element
3. Oceanside Subarea Habitat Conservation Plan
4. California Environmental Quality Act (CEQA)

## **ANALYSIS**

### **KEY PLANNING ISSUES**

#### **1. General Plan conformance**

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

##### **A. Land Use Element**

###### **Goal 1.11: Balanced Land Use**

**Objective:** To develop and use lands for the long-term provision of balanced, self-sufficient and efficient community.

**Policy B:** The City shall analyze proposed land uses for assurance that the land use will contribute to the proper balance of land uses within the community or provide a significant benefit to the community.

Eternal Hills Memorial Park cemetery operations currently operate at a 97 percent occupancy rate and is expected to be out of space for continued burials within a couple of years. In order to provide burial space and interment options to the public, a request to expand the current cemetery operations has been submitted. Surrounding

land uses include a land locked 35-acre City owned parcel maintained as a habitat conversation area within the central portion of project site, single-family residential neighborhoods to the south, east, and west, NCTD Sprinter Rail Line and General Industrial to the north, and a City owned Open Space parcel located immediately adjacent to the southwest portion of the site. Continued operation and expansion of the cemetery service type use has been determined by staff to provide an overall balance of land use distribution for the City of Oceanside, and that provides public benefits for the residents as a whole. Maintaining non-private burial facilities for the residents of Oceanside would ensure that the service demands of the public does not exceed the capacity of existing public facilities, and would result in a continued sense of community for persons residing in Oceanside and the North County.

## **2. Zoning Compliance**

The proposed cemetery expansion is located within the Public and Semipublic (PS) Zone District portions of the site, and in accordance with Section 1630 of the OZO, development regulations shall be as specified by the use permit. The subject use permit CUP (C-13-99) was approved on September 13, 1999 by PC Resolution No. 99-P57, and based upon the regulations specified by the use permit. Staff has determined that the proposed project complies with the requirements of that zoning designation and the previously approved CUP.

The applicant's project includes seven community mausoleum buildings divided into niches with single and tandem crypts. All mausoleums would be of a typical design consistent with already established mausoleum found on site, and would be based upon the buildings foot print denoted on the development plans submitted for review and approval.

The proposed seven community mausoleum would range in size from 1,440 to 4,830 gross square feet and would total approximately 21,060 square feet in size. Overall height of the structures would not exceed the maximum height of 24'-0" as measured from finish grade, and would be designed in an architectural style consistent with the existing mausoleum located throughout the Eternal Hills Memorial Park. Architectural design elements to be carried throughout the mausoleums include white stucco walls, red mission tile roofs, and offset columns provided to define the structures form and location of alter areas. In order to enhance the visual perspective of the proposed structures as seen from Fire Mountain Road, the overall site design has been modified in a manner that provides significant setbacks from the southerly property line to the mausoleum (198'-0"min.), that orients the structures perpendicular and down slope approximately 13.5 feet below the finish grade of Fire Mountain Road, and enhanced landscaping immediately adjacent to the proposed structures. Incorporation of these site design elements would assist in establishing unimpeded visual corridors to the north, while providing additional softening of the perceived massing associated with new construction.

Beyond the request to expand the Memorial Parks operations by approximately 18.16 acres, the development plan also includes site design proposals that would establish two retention and sedimentation ponds, drainage swales with appropriately designed energy dissipaters, and an improved 15'-0" access and maintenance road to the City owned "Myers Property" and northern boundary sedimentation pond. Historical drainage patterns of the site and drainage from properties adjacent to the site have resulted in the degradation of the natural environment through intense scouring and excessive sedimentation flow into Loma Alta Creek and onto properties to the north. In order to provide corrective actions and preserve the surrounding natural habitat, the applicant has conceptually designed a long term ravine erosion control plan for review and approval.

### **3. Subarea Habitat Conservation Plan Compliance**

The entire project site lies within the Wildlife Corridor Planning Zone (WCPZ) of the Oceanside Draft Subarea Habitat Conservation Plan, an area that extends south from the San Luis Rey River to State Route 78 (SR 78). Properties within this zone must be planned to maintain and enhance wildlife habitat quality and connectivity, particularly as part of a regional north-south movement corridor for all wildlife.

The project site is adjacent to the SDG&E Electric Transmission Corridor, considered the backbone of the proposed north-south preserve through central Oceanside. The SDG&E corridor will be maintained as open space in order to meet the requirements of the Subarea Plan. Projects that are adjacent to this corridor must adhere to avoidance and minimization measures as follows:

- New development within 500 feet of the SDG&E corridor must be sited as far from the wildlife corridor as is feasible, and the undeveloped portion of the property shall be designated as preserve;
- In no case shall development constrict the wildlife corridor to less than 200 feet total width; and,
- Impacts to coastal sage scrub within 1,000 feet of the corridor shall be totally avoided, except where this would preclude reasonable use of the property.

## **DISCUSSION**

***Issue:*** *Compliance with the Draft Subarea Habitat Conservation Plan.*

***Recommendation:*** The original project has been determined to be inconsistent with the Section 5.3.1 of the Subarea Plan "avoidance and minimization standards" within the Wildlife Corridor Planning Zone because the project would result in the loss of 30.4 percent of the on-site Diegan coastal sage scrub and baccharis scrub, where the Subarea Plan provides for a maximum net loss not to exceed 25 percent. Staff along with the resource agencies "CDFG & USFWS" have determined that the proposed project would result in significant and unavoidable impacts to biological resources. Staff has further

determined that the necessary findings to be made for Statements of Overriding Considerations necessary to approve the original project cannot be made in lieu of Alternative 2 "Habitat Conservation Plan Strict Compliance Alternative" that limits take to 24.9 percent, and that has been designed to comply with the avoidance and minimization measures put forth in the Subarea Plan.

As part of the overall projects approval, the applicant would provide biological impact mitigation as outlined in the Mitigation and Monitoring Program identified within the EIR, and would result in approximately 64.08 acres of habitat being preserved by means of a conservation easement maintained and managed in perpetuity by Eternal Hills Memorial Park. In addition, the northwest portion of the site, which is adjacent to the NCTD Sprinter Rail Line, has been designated as a stormwater detention/sedimentation pond. This area will be landscaped with species that enhance the native species found in the corridor, and would incorporate energy dissipating drainage swales in a manner that would prevent continued habitat destructive erosion throughout the canyon areas and the ultimate sedimentation loading of Loma Alta Creek.

In conclusion staff reiterates the recommendation to proceed with Alternative 2 "Habitat Conservation Plan Strict Compliance Alternative".

**4. Land Use Compatibility with surrounding developments**

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	Private Institutional (PI) & Estate B Residential (EB-R)	Public & Semi-Public (PS) & Residential Estate B (RE-B)	Cemetery & Natural Habitat
North of Subject Property	General Industrial (GI)	General Industrial (IG)	NCTD Sprinter Rail Line /Industrial
East of Subject Property:	Light Industrial (LI) & Estate B Residential (EB-R)	Limited Industrial (IL) & Residential Estate B (RE-B)	SDG&E Transmission Line Corridor Residential
South of Subject Property:	Estate B Residential (EB-R) & Medium Density Residential (MDA-R)	Residential Estate B (RE-B) & Medium Density Residential (RM)	Residential
West of Subject Property:	Open Space (OS) & Single Family Residential (RS)	Open Space (OS) & Single Family Residential (RS)	City Reservoir & Residential

## **DISCUSSION**

### **Issue: Project Compatibility with the Existing Uses in the Surrounding Community**

The primary issue is derived from the fact that most cemetery type uses require reduced on-site parking and generate less daily trips associated with day to day operations. The subject project would assist in providing for a balanced distribution of land uses necessary to sustain and benefit the local neighborhood and surrounding communities as a whole, and that is consistent with the City's General Plan objective to provide for and protect areas within the City for both private and public institutional type uses such as: cemeteries and memorial parks which may include mortuaries, mausoleums, and other ancillary structures.

The Eternal Hills Memorial Park develops its burial facilities in phases and as dictated by market/ density needs. The existing cemetery facility is the only non-private type cemetery within the City of Oceanside and will occupy less than 15 percent of the overall site area known as Eternal Hills Memorial Park.

Currently, Eternal Hills has a total of 90 parking spaces to accommodate persons utilizing the Administration and Mortuary Buildings, and provides undefined parking along the internal driveways for actual burial processions. Based upon the fact that expansion would proceed in phases and the day to day operations would not be intensified beyond an acceptable level as identified within the traffic study, parking needs for the existing and proposed facilities would not dictate increased parking on site.

**Recommendation:** Staff concludes that expansion of the cemetery operations over a phased period of time would not negatively impact the surrounding neighborhood, and proposed improvements to remediate historically noted drainage issues would not significantly alter the nature of the Public & Semipublic land use, and supports Alternative 2 "Habitat Conservation Plan Strict Compliance Alternative" project as submitted on development plans.

## **ENVIRONMENTAL DETERMINATION**

An Environmental Impact Report (EIR) has been prepared stating that implementation of Alternative 2 "Habitat Conservation Plan Strict Compliance Alternative", with all mitigation measures/conditions of approval as outlined in the EIR (Table ES.1) would not result in significant adverse impacts upon the environment. Under the provisions of the California Environmental Quality Act, the Planning Commission will need to certify and consider the Environmental Impact Report during its hearing on the project. A summary of the findings of the EIR for Alternative 2 is provided below.

### **Aesthetics**

The off-site visual characteristics of this alternative would be nearly identical to the proposed project because the additional 2.38 acres retained in open space occurs on

an east facing slope that is visible only from the existing cemetery area. Views of the proposed expansion area from El Camino Real are blocked by intervening topography (see Photographs D and E in Section 4.1). The existing visual character of the proposed cemetery expansion area is illustrated in Photograph F (Section 4.1), and motorists on Fire Mountain Road, as well as the residences along the south side of the road, will have views of the Alternative 2 cemetery expansion area. These views will be screened by landscaping that would be planted along Fire Mountain Road similar to that of proposed project (see Figures 3.3.4, 3.3.5, and 3.3.8.a). The view of the expansion area would change to a landscaped turf area, similar to the existing cemetery, with seven mausoleums dispersed throughout the cemetery expansion area.

Motorists on El Camino Real would not see the expansion area. Photographs D and E and Figure 4.1.1 (see Section 4.1) illustrate that intervening topography would block views of the expansion area. No significant visual impacts were identified for the development of the Eternal Hills expansion area for Alternative 2.

The proposed expansion of the cemetery area would not damage any scenic resources such as rock outcroppings or historic buildings because none are present on-site. Trees now located within the cemetery area (see Photograph F) would be retained and additional trees would be planted within the cemetery expansion area similar to the trees shown in Figure 3.3.8.a.

Alternative 2 would not result in a substantial adverse effect on any scenic vista. The site is not within a state or local scenic highway corridor and the expansion would be consistent with General Plan designation of "Visual Open Space." No prominent long-range views would be obscured by the proposed structures within the cemetery. Extending the cemetery to the west would not result in significant aesthetic (visual) impacts to the surrounding area, and no mitigation measures would be required.

### **Biological Resources**

Alternative 2 will impact 0.06-acre of southern willow scrub, 0.06-acre of mule fat scrub, 0.10-acre of riparian scrub, 0.01-acre of disturbed wetland, 10.36 acres of Diegan coastal sage scrub (DCSS), 0.76 acres of baccharis scrub, and 0.90-acre of non-native grassland (see Figure 6.2.3 and Tables 6.2.3 and 6.2.5). Compared to the proposed project, DCSS and baccharis scrub impacts are reduced by 18 percent, and non-native grassland impacts are increased by one percent, and impacts to southern willow scrub, mule fat scrub, riparian scrub, and disturbed wetland habitats are increased by 0.17 acres (383 percent).

Impacts to DCSS and baccharis scrub would be mitigated by preserving 33.79 acres of DCSS and baccharis scrub in a conservation easement plus restoring 0.62-acre of non-native grassland or disturbed habitat to DCSS that would also be placed within the conservation easement (see Table 6.2.5). Impacts to non-native grassland would be mitigated by preserving 0.45-acre of non-native habitat in a conservation easement.

Impacts to southern willow scrub, mule fat scrub, riparian scrub, and disturbed wetland habitats would be mitigated by preserving 0.69-acre of on-site or off-site habitat in a conservation easement.

Impacts to sensitive animal species resulting from Alternative 2 would be the same as the proposed project, except that one less pair, and one less individual, of coastal California gnatcatcher would be adversely affected (see Table 6.2.7). Preservation of 34.41 acres of on-site DCCS and baccharis scrub habitat would reduce these impacts to a less than significant level.

This alternative would impact 0.04-acre of Army Corps of Engineers (ACOE) jurisdictional wetlands and 0.13-acre of Non-wetland Waters of the U.S., as well as 0.23-acre of California Department of Fish and Game (CDFG) jurisdictional wetlands and 0.13-acre of streambed (see Table 6.2.4). Impacts to 0.17-acre of ACOE wetlands and Non-wetland Waters of the U.S. would be mitigated as determined through the wetland permitting process. At a minimum, 0.27-acre of wetlands would be created to achieve a no net loss of habitat (see Table 6.2.9). Impacts to 0.32-acre of CDFG wetlands and streambed would be mitigated as determined through the wetland permitting process. At a minimum, 0.70-acre of wetlands and streambed would be created to achieve a no net loss of habitat (see Table 6.2.10).

Alternative 2 complies with the criterion for development within the Wildlife Corridor Planning Zone as specified in the HCP except for the criteria concerning development on slopes exceeding 20 percent with a height differential of 25 feet. Alternative 2 would impact 6.19 acres of slopes exceeding 20 percent with a height differential of 25 feet. Eliminating impacts to these slopes would limit the use of the property to 21.2 percent which would preclude reasonable use of the project site as stated in the criteria. This alternative would also maintain visual continuity between areas of coastal sage scrub along the coastal California gnatcatcher corridor.

### **Geology and Soils**

The Alternative 2 cemetery expansion would be located west of the existing cemetery where two "questionable" landslide areas are located (see Figure 4.3.2, Section 4.3). As noted in Section 4.3.3.3, Christian Wheeler's review of available reference documents indicates that no definite landslides have been identified on the Eternal Hills property. Their opinion is that the potential for slope failure or deep-seated landsliding is low. Removal and recompaction of soils would be required as a condition of approval which would eliminate potential soil settlement problems under this alternative. Potentially significant paleontological impacts could also occur as a result of cut grading and the mitigation measures would be the same as described in Section 4.3.4.7.

### **Hydrology and Water Quality**

Compared to the proposed project, the volume of runoff for Alternative 2 will be approximately 2 percent higher at nodes 123, 205, and 119 (see Figure 4.4.2). This increase would not be significant because the volume of runoff would be less than the existing condition. The detention and sedimentation ponds, and drainage system,

included in the proposed project would also be constructed if Alternative 2 were to be implemented (see Figure 4.4.3). Consequently, Alternative 2 would not result in on-site or off-site flooding, or result in runoff that exceeds the capacity of downstream drainage systems. No mitigation measures are required because the proposed drainage improvements and implementation of the SWMP would reduce hydrology and water quality impacts to a less than significant level.

### **Land Use and Planning**

The land use and planning effects of Alternative 2 would be the same as those described in Section 4.5.3 for the proposed project. No mitigation measures are required because no significant impacts have been identified.

### **Traffic**

Alternative 2 would reduce the amount of cemetery expansion traffic by 20 ADT (11 percent). However, this reduction would not materially affect the level of service and volume-to-capacity ratios on the local roadways and intersections. As shown in Table 4.6.2, the El Camino Real/Fire Mountain Road/Skyline Drive intersection operates at LOS "B" with or without the proposed project. Table 4.6.5 shows that the proposed project increases the delay time at the intersection by 0.2-second. Table 4.6.3 shows that El Camino Real and Fire Mountain Road operate at LOS "A" with or without the proposed project. Table 4.6.6 shows that the volume-to-capacity ratio increases by 0.003 or less with the project. No significant traffic impacts were identified for the proposed project, and Alternative 2 would not result in any significant impacts because fewer trips would be generated. No mitigation measures are required.

### **Cultural Resources**

Under Alternative 2, expansion of the Eternal Hills cemetery would result in an impact to cultural resource site CA-SDI-12262, which has been determined to be historically significant in accordance with the standards of Section 15064 of the State CEQA Guidelines. Implementation of a data recovery program as identified in Section 4.7.4 would reduce this impact to a less than significant level.

### **Air Quality**

Significant short-term air quality impacts would result from the grading operation for Alternative 2; however, these impacts would be less than the proposed project. The mitigation measures described in Section 4.8.4 of this EIR would be applicable to Alternative 2. No long-term air quality effects would result because of the relatively small amount of traffic (172 ADT) associated with Alternative 2.

## **PUBLIC NOTIFICATION**

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, to individuals/organizations requesting

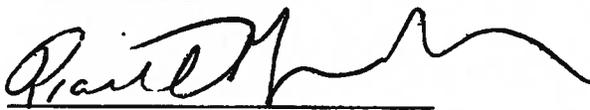
notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative.

**SUMMARY**

The request for approval of a Development Plan and Conditional Use Permit Revision to allow the expansion of the Etemal Hills Memorial Park, and establish drainage remediation improvements on site is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets all applicable development standards and will not impact existing land uses in the immediate area. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached resolution. Staff recommends that the Planning Commission:

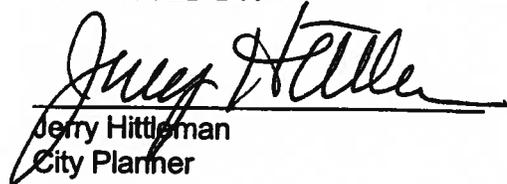
- Move to certify the Environmental Impact Report affirming that it has been prepared in compliance with the provisions of the California Environmental Quality Act and adopting the Findings of Fact supporting this fact and adopt Planning Commission Resolution No. 2007-P65 as attached.
  
- Move to approve Development Plan (D-24-06) and Conditional Use Permit Revision (C-13-99Rev) and adopt Planning Commission Resolution No. 2007-P64 as attached.

PREPARED BY:



Richard Greenbauer  
Senior Planner

SUBMITTED BY:

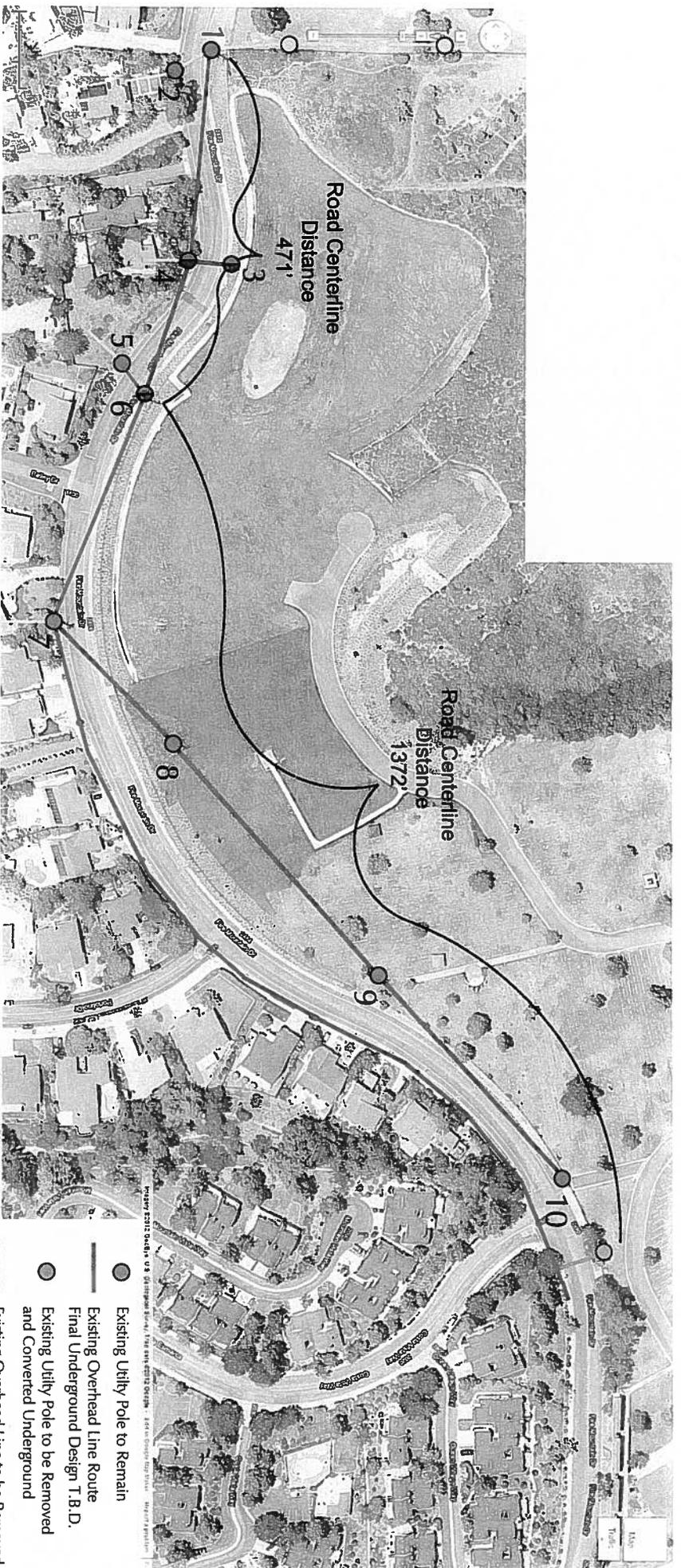


Jerry Hittleman  
City Planner

JH/RG/fil

**Attachments:**

1. Large Scale "Alternative Plan Two" Development Plans/Grading and Drainage Plans/Landscape Plans
2. Planning Commission Resolution No.'s 2007-P64 and 2007-P65
3. Correspondence from community



**PROPOSED UTILITY DESIGN FOR CONDITION NO.40 SATISFACTION**  
**ETERNAL HILL MEMORIAL PARK**  
 OCEANSIDE, CALIFORNIA



**Application for Discretionary Permit**

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

**STAFF USE ONLY**

ACCEPTED

12/4/12

BY

SN  
JD.

Please Print or Type All Information

HEARING

**PART I - APPLICANT INFORMATION**

GPA

1. APPLICANT: *Darryl Bowden - sci Calif. Fun. Santos Cemetery Development*  
 2. STATUS: *Director of*  
 3. ADDRESS: *10621 Victory Blvd, North Hollywood, CA 91606*  
 4. PHONE/FAX/E-mail: *909 825 9247 Darryl.Bowden@sci-us.com*  
 5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): *MICHAEL GREEN Clark & Green Associates*  
 6. ADDRESS: *150 Pantarino Ave Ste 140, Costa Mesa, CA 92626*  
 7. PHONE/FAX/E-mail: *714 434 9003 mgreen@clarkgreen.com*

MASTER/SP.PLAN

ZONE CH.

TENT. MAP

PAR. MAP

DEV. PL.

C.U.P.

*CUP12-20023*

VARIANCE

COASTAL

O.H.P.A.C.

**PART II - PROPERTY DESCRIPTION**

9. SIZE

8. LOCATION: *eternal Hills Memorial Park*  
*1999 El Camino Real, Oceanside, CA 92054*  
 10. GENERAL PLAN: *Priv. Inst. / Res. Estate B*  
 11. ZONING: *Public / Semi Pub. Estate B*  
 12. LAND USE: *Cemetery*  
 14. LATITUDE: *33° 11' 36" North*  
 15. LONGITUDE: *117° 19' 43" West*

13. ASSESSOR'S PARCEL NUMBER

*165-430-12-00*

**PART III - PROJECT DESCRIPTION**

16. GENERAL PROJECT DESCRIPTION: *Request for time extension for up to 2 years to complete utility undergrounding work required per condition 40 of Dev Plan D-24-06 and CUP C-13-99 Rev.*

17. PROPOSED GENERAL PLAN: *Same*  
 18. PROPOSED ZONING: *Same*  
 19. PROPOSED LAND USE: *Same*  
 20. NO. UNITS: *Same*  
 21. DENSITY: *Same*  
 22. BUILDING SIZE: *Same*  
 23. PARKING SPACES: *Same*  
 24. % LANDSCAPE: *Same*  
 25. % LOT COVERAGE or FAR: *Same*

**PART IV - ATTACHMENTS**

26. DESCRIPTION/JUSTIFICATION:

27. LEGAL DESCRIPTION:

28. TITLE REPORT:

29. NOTIFICATION MAP & LABELS:

30. ENVIRONMENTAL INFO FORM:

31. PLOT PLANS:

32. FLOOR PLANS AND ELEVATIONS:

33. CERTIFICATION OF POSTING:

34. OTHER (See attachment for required reports):

**PART V - SIGNATURES**

SIGNATURES FROM 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).

35. APPLICANT OR REPRESENTATIVE (Print): *Michael Green*  
 36. DATE: *11/19/12*  
 37. OWNER (Print): *Kepton Woods*  
 38. DATE: *11/20/12*  
 Sign: *Michael Green*  
 Sign: *Kepton Woods*

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT. FURTHER, I UNDERSTANDING THAT SUBMITTING FALSE STATEMENTS OR INFORMATION IN THIS APPLICATION MAY CONSTITUTE FRAUD, PUNISHABLE IN CIVIL AND CRIMINAL PROCEEDINGS.  
 I HAVE READ AND AGREE TO ABIDE BY THE CITY OF OCEANSIDE DEVELOPMENT SERVICES DEPARTMENT AND ECONOMIC AND COMMUNITY DEVELOPMENT DEPARTMENT POLICY NO. 2011-01/POLICY AND PROCEDURE FOR DEVELOPMENT DEPOSIT ACCOUNT ADMINISTRATION.

SCI CALIFORNIA FUNERAL SERVICES, INC.  
(a California corporation)

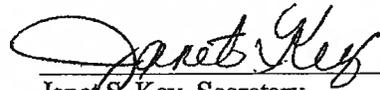
CERTIFICATE OF INCUMBENCY

I, Janet S. Key, hereby certify that I am the duly elected and qualified Secretary of SCI CALIFORNIA FUNERAL SERVICES, INC. (the "Company"), and that the following individuals, having the authority to act on behalf of the Company, are duly elected and qualified officers of the Company:

Ken C. Woods	President
Curtis G. Briggs	Vice President
Michael F. Ross	Vice President
John M. Head	Vice President
Jeff McLaughlin	Vice President
Roxan M. Schwab	Vice President
Dann Narveson	Vice President
Lori E. Spilde	Vice President
Michael L. Decell	Vice President
Adrian Robles	Vice President
Janet S. Key	Secretary
Susan L. Garrett	Assistant Secretary
Myrtle L. Jones	Treasurer
Carol Clenney	Assistant Treasurer
Michael Triesch	Assistant Treasurer

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the Company this 8th day of February, 2011.

[corporate seal]

  
Janet S. Key, Secretary

I, Lori E. Spilde, hereby certify that I am the duly elected and qualified Vice President of the Company and that Janet S. Key is the duly elected and qualified Secretary of the Company, and that the signature affixed to the within and foregoing Certificate of Incumbency is her genuine signature.

IN WITNESS WHEREOF, the undersigned has duly executed this Certificate of Incumbency on this 8th day of February, 2011.

  
Lori E. Spilde, Vice President

## **PROJECT JUSTIFICATION**

The Project Owner requests a time extension to complete the work required to place the overhead utility lines along a portion of Fire Mountain Drive underground as required in Condition 40 of Development Plan D-24-06 and Conditional Use Permit C-13-99REV adopted by City Council Resolution 08-R0075-1 on February 20, 2008. This condition required the work to be completed within five years of the above date which would expire on February 20, 2013.

The Project Owner engaged Marty Peterson with Utility Specialists, Inc. in January of 2012 to coordinate this work with the affected utility companies and the City. This would allow twelve months to complete the design and installation work, however there have been various technical and legal issues that have arisen with undergrounding parts of the required frontage length plus unanticipated delays in response time from the various parties involved. This has extended the probable date of completion significantly past the five year requirement. The technical and legal issues are currently being coordinated with the City, various affected homeowners and the utility companies. The proposed time extension would require an amendment to Condition 40 and the addition of a performance bond to be purchased by the Project Owner in favor of the City for the estimated cost of the undergrounding work. The proposed language is included below:

### **Revised Condition 40**

40. All existing overhead utility lines within the development and within the Fire Mountain Drive right-of-way abutting the 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). There are currently nine (9) utility poles across this section of the road. Included in the conversation project would be removal of five (5) of the utility poles on both sides of Fire Mountain Drive. Four of the poles would have to remain as they serve existing utility lines that travel north or south of Fire Mountain Drive. Approximately 1,700 feet of overhead lines would be converted underground (undergrounding design shall be verified by a utilities specialist company and submitted to the City Engineer for approval). The developer shall complete the undergrounding within five years. Unless the undergrounding is completed, this Conditional Use Permit and Development Plan shall expire in five years from the date of the approval of this resolution.

*The City Engineer may extend the completion date an additional two years if a performance bond, equivalent to the cost of required above undergrounding is provided by the developer to the City. In this event, the Conditional Use Permit and Development Plan shall remain active and shall expire at the end of the two year extension period if the undergrounding has not been completed.*

## EXHIBIT A

## LEGAL DESCRIPTION

THE LAND REFERRED TO HEREIN IS SITUATED IN THE STATE OF CALIFORNIA, COUNTY OF SAN DIEGO AND IS DESCRIBED AS FOLLOWS:

## PARCEL A:

PARCEL 1 OF PARCEL MAP NO. 7455, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY, JUNE 16, 1978 AS FILE NO. 78-251775 OF OFFICIAL RECORDS.

## PARCEL B:

AN EASEMENT FOR INGRESS, EGRESS AND ROAD PURPOSES OVER THAT PORTION OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

A STRIP OF LAND 80.00 FEET IN WIDTH, LYING 40.00 FEET, WHEN MEASURED AS RIGHT ANGLES ON EACH SIDE OF THE FOLLOWING DESCRIBED CENTER LINE:

COMMENCING AT A POINT IN THE NORTHERLY LINE OF SAID SECTION 29, DISTANT THEREON 342.48 FEET EASTERLY OF THE NORTHWEST CORNER OF SAID SECTION 29, SAID POINT BEING THE POINT OF INTERSECTION OF SAID NORTHERLY LINE OF SECTION 29 WITH THE CENTER LINE OF THAT CERTAIN 75.00 FOOT WIDE GRANT OF RIGHT OF WAY TO SAN DIEGO GAS AND ELECTRIC COMPANY, A CORPORATION, DATED MAY 6, 1953, AND RECORDED JUNE 2, 1953 IN BOOK 4875, PAGE 525 OF OFFICIAL RECORDS OF SAID COUNTY OF SAN DIEGO; THENCE FROM SAID POINT OF COMMENCEMENT SOUTH 22°57'45" EAST ALONG THE CENTER LINE OF SAID RIGHT OF WAY, A DISTANCE OF 132.63 FEET; THENCE AT RIGHT ANGLES TO SAID CENTER LINE, SOUTH 67°02'14" WEST, A DISTANCE OF 112.50 FEET TO A POINT OF INTERSECTION WITH THE SOUTHWESTERLY LINE OF THE LAND DESCRIBED ABOVE IN PARCEL 1 TO THE SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED APRIL 13, 1967 AS FILE NO. 50782 OF OFFICIAL RECORDS, BEING THE TRUE POINT OF BEGINNING OF THE CENTER LINE OF THE 80.00 FOOT ROAD EASEMENT HEREIN DESCRIBED; THENCE FROM SAID TRUE POINT OF BEGINNING RETRACING NORTH 67°02'14" EAST A DISTANCE OF 190.00 FEET, MORE OR LESS, TO A POINT OF INTERSECTION WITH THE CENTER LINE OF SAID SAN DIEGO COUNTY ROAD SURVEY NO. 626.

## PARCEL C:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 20, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE AND MERIDIAN, IN THE CITY OF SAN DIEGO, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY, APPROVED DECEMBER 27, 1870, BEING DESCRIBED

## AS FOLLOWS:

BEGINNING AT THE CORNER COMMON TO SECTIONS 19, 20, 29 AND 30 OF SAID TOWNSHIP AND RANGE; THENCE ALONG THE NORTHERLY LINE OF SAID SECTION 29, SOUTH  $89^{\circ}24'55''$  EAST, 220.12 FEET TO THE SAME WESTERLY CORNER OF LAND DESCRIBED IN PARCEL 1 OF A DEED TO THE SAN DIEGO GAS AND ELECTRIC COMPANY, RECORDED APRIL 13, 1967 AS FILE NO. 50782 OF OFFICIAL RECORDS OF THE COUNTY OF SAN DIEGO; THENCE ALONG THE NORTHWESTERLY PROLONGATION OF THE SOUTHWESTERLY LINE OF SAID PARCEL 1, NORTH  $23^{\circ}01'18''$  WEST (RECORD NORTH  $22^{\circ}57'46''$  WEST), 550.26 FEET TO A POINT OF INTERSECTION WITH THE EASTERLY LINE OF SAID SECTION 19, THENCE SOUTHERLY ALONG SAID SECTION LINE, SOUTH  $00^{\circ}33'30''$  WEST 504.21 FEET TO THE POINT OF BEGINNING.

## PARCEL D:

THAT PORTION OF THE NORTH HALF OF NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO BASE MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED DECEMBER 27, 1870 LYING WITHIN THE FOLLOWING DESCRIBED PARCEL OF LAND; BEGINNING AT A CONCRETE MONUMENT MARKING THE SOUTHEAST CORNER OF THE NORTH ONE-HALF OF THE NORTHEAST ONE QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN; THENCE NORTH  $86^{\circ}35'00''$  WEST ALONG THE SOUTHERLY LINE OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE-QUARTER OF SECTION 30, A DISTANCE OF 660.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING NORTH  $86^{\circ}35'00''$  WEST ALONG THE SAID SOUTHERLY LINE OF SAID NORTH ONE-HALF OF THE NORTHEAST ONE QUARTER, A DISTANCE OF 615.10 FEET TO THE NORTHEAST CORNER OF LOT 19 OF NORTH CARLSBAD, ACCORDING TO MAP THEREOF NO. 1807 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE NORTH  $89^{\circ}43'03''$  WEST ALONG THE NORTH LINE OF SAID LOT 19 A DISTANCE OF 830.98 FEET; THENCE NORTH  $0^{\circ}04'00''$  WEST, A DISTANCE OF 660.40 FEET; THENCE SOUTH  $89^{\circ}43'03''$  EAST, A DISTANCE OF 845.79 FEET; THENCE SOUTH  $86^{\circ}35'00''$  EAST, A DISTANCE OF 608.97 FEET TO THE NORTHWEST CORNER OF THE 10 ACRE PARCEL SHOWN ON RECORD OF SURVEY NO. 1889 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY; THENCE SOUTH  $0^{\circ}14'15''$  WEST, ALONG THE WEST LINE OF SAID 10 ACRE PARCEL, A DISTANCE OF 660.75 FEET TO THE TRUE POINT OF BEGINNING.

## PARCEL E:

THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED DECEMBER 27, 1870.

## PARCEL F:

ALL THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO THE UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 5, 1881, AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER; THENCE ALONG THE EAST LINE OF SAID SECTION 30, SOUTH  $0^{\circ}36'55''$  WEST 476.61 FEET, MORE OR LESS TO THE CENTERLINE OF COUNTY ROAD SURVEY NO. 438; THENCE WESTERLY ALONG SAID CENTERLINE OF ROAD SURVEY NO. 438 TO STATION 10 PLUS 95.92 WHICH POINT IS THE END OF A CURVE CONCAVE TO THE SOUTH, HAVING A RADIUS OF 300 FEET AND A CENTRAL ANGLE OF  $20^{\circ}04'$ ; THENCE NORTHWESTERLY TO THE NORTHWEST CORNER OF THE SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30; THENCE SOUTH  $86^{\circ}37'08''$  EAST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER 1273.03 FEET TO THE POINT OF BEGINNING. ALSO THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH  $89^{\circ}58'38''$  EAST 400.00 FEET; THENCE SOUTH  $0^{\circ}36'55''$  WEST TO THE CENTER LINE OF COUNTY ROAD SURVEY NO. 438; THENCE WESTERLY ALONG SAID CENTER LINE TO ITS INTERSECTION WITH THE WEST LINE OF SAID SECTION 29; THENCE NORTH  $0^{\circ}36'55''$  EAST ALONG THE SAID WEST LINE OF SECTION 29, 476.61 FEET MORE OR LESS TO THE POINT OF BEGINNING.

## PARCEL G:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 5, 1881, LYING NORTHWESTERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 438, AS SAID ROAD IS SHOWN ON MAP ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING NORTHEASTERLY OF A STRAIGHT LINE THAT BEGINS AT STATION 10 PLUS 95.92 OF SAID SURVEY AND RUNS NORTHWESTERLY TO THE NORTHWEST CORNER OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30.

## PARCEL H:

THAT PORTION OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE

OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED APRIL 5, 1881, LYING NORTHERLY OF THE CENTER LINE OF COUNTY ROAD SURVEY NO. 438 AS SAID ROAD IS SHOWN ON MAP ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR AND LYING WESTERLY OF THE CENTER LINE OF ROAD SURVEY NO. 626 AS SAID ROAD IS DESCRIBED IN DEED TO THE COUNTY OF SAN DIEGO, RECORDED JUNE 17, 1942, IN BOOK 1368, PAGE 77 OF OFFICIAL RECORDS.

EXCEPTING THEREFROM THAT PORTION THEREOF LYING WESTERLY OF A LINE DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTH LINE OF SAID SOUTHWEST QUARTER OF THE NORTHWEST QUARTER DISTANT THEREON NORTH  $89^{\circ}58'38''$  EAST 400 FEET FROM THE NORTHWEST CORNER OF SAID QUARTER QUARTER; THENCE SOUTH  $0^{\circ}36'55''$  WEST TO THE CENTER LINE OF SAID ROAD SURVEY NO. 438.

ALSO EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN DEED RECORDED DECEMBER 15, 1967 AS FILE NO. 197237 OF OFFICIAL RECORDS.

PARCEL I:

THAT PORTION OF THE SOUTHERLY 660.75 FEET OF THE NORTH HALF OF THE NORTHWEST QUARTER OF SECTION 29, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED DECEMBER 27, 1870 LYING WEST OF THE CENTER LINE OF SAN DIEGO COUNTY ROAD SURVEY 626 ON FILE IN THE OFFICE OF THE COUNTY SURVEYOR OF SAID COUNTY, THE CENTER LINE OF SAID ROAD SURVEY NO. 626 AS SET OUT IN CONVEYANCE FROM THE WM. G. KERCKHOFF COMPANY TO THE CITY OF OCEANSIDE BY DEED RECORDED MAY 11, 1942 IN BOOK 1352, PAGE 22 OF OFFICIAL RECORDS DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT IN THE NORTHERLY LINE OF SECTION 29 DISTANT THEREON SOUTH  $89^{\circ}14'20''$  EAST 428.61 FEET FROM THE NORTHWEST CORNER OF SAID SECTION; THENCE SOUTH  $22^{\circ}46'$  EAST 1190.53 FEET TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 1000 FEET; THENCE SOUTHEASTERLY ALONG SAID CURVE A DISTANCE OF 245 FEET MORE OR LESS TO THE SOUTHERLY LINE OF SAID NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 29 THE SIDE LINES OF SAID ABOVE DESCRIBED STRIP OF LAND SHALL BE PROLONGATED OR SHORTENED SO AS TO TERMINATE THE NORTHERLY AND SOUTHERLY LINES OF SAID NORTHWEST QUARTER OF NORTHWEST QUARTER OF SECTION 29, SAID SOUTHERLY 660.75 FEET BEING MEASURED ALONG THE WESTERLY LINE OF SAID NORTHWEST QUARTER.

EXCEPTING THEREFROM THAT PORTION THEREOF DESCRIBED IN DEED RECORDED DECEMBER 15, 1967 AS FILE NO. 197237 OF OFFICIAL RECORDS.

## PARCEL J:

THAT PORTION OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN BERNARDINO MERIDIAN, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO UNITED STATES GOVERNMENT SURVEY APPROVED DECEMBER 27, 1870, DESCRIBED AS FOLLOWS:

BEGINNING AT AN INTERSECTION OF THE WESTERLY LINE OF SAID SOUTHEAST QUARTER OF THE NORTHEAST QUARTER WITH THE SOUTHERLY RIGHT-OF-WAY LINE OF COUNTY ROAD SURVEY NO. 438; THENCE EASTERLY ALONG SAID SOUTHERLY LINE TO THE NORTHERLY LINE OF THE REALIGNED 66 FOOT RIGHT-OF-WAY LINE OF FIRE MOUNTAIN DRIVE; THENCE WESTERLY ALONG SAID NORTHERLY LINE TO THE WEST LINE OF THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 30; THENCE NORTHERLY ALONG SAID WEST LINE TO THE POINT OF BEGINNING IN THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 30, TOWNSHIP 11 SOUTH, RANGE 4 WEST.