



**San Diego County**  
**Local Agency Formation Commission**  
 Regional Service Planning | Subdivision of the State of California

# 6a

**AGENDA REPORT**  
 Public Hearing

December 7, 2020

**TO:** Commissioners

**FROM:** Keene Simonds, Executive Officer  
 Linda Heckenkamp, Analyst II

**SUBJECT:** **Proposed “Ortiz – Olive Avenue Reorganization” | Annexation to the City of Vista with Concurrent Detachment from the Vista Fire Protection District and Conforming Sphere of Influence Amendment (RO20-12 et al.)**

**SUMMARY**

The San Diego County Local Agency Formation Commission (LAFCO) will consider a reorganization proposal filed by an interested landowner with the principal action to annex approximately 5.0 acres of unincorporated territory to the City of Vista. A concurrent detachment from the Vista Fire Protection District (FPD) is also proposed. The proposal purpose is to facilitate the planned development of a 15-lot residential subdivision. Staff recommends approval of the proposed reorganization without modifications as well as a conforming sphere of influence amendment involving Vista FPD. Standard approval terms along with waiving protest proceedings are also recommended.

**BACKGROUND**

**Applicant Request**

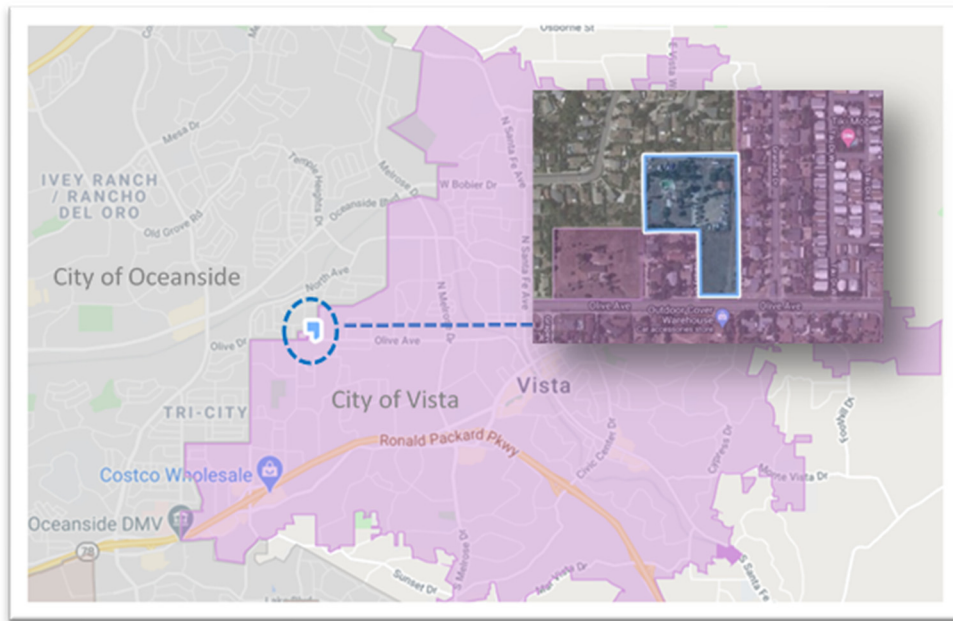
San Diego LAFCO has received a reorganization proposal from an interested landowner - Steve Ortiz - requesting approval to reorganize approximately 5.0 acres of unincorporated territory with the principal action to annex to the City of Vista. A concurrent detachment from Vista FPD is also proposed. The affected territory as submitted comprises one

<p><b>Administration</b>          Keene Simonds, Executive Officer          County Operations Center          9335 Hazard Way, Suite 200          San Diego, California 92123          T 858.614.7755 F 858.614.7766          www.sdlafco.org</p>	<p><b>Jim Desmond</b>          County of San Diego</p> <p><b>Chair Dianne Jacob</b>          County of San Diego</p> <p><b>Greg Cox, Alternate</b>          County of San Diego</p>	<p><b>Mary Casillas Salas</b>          City of Chula Vista</p> <p><b>Bill Wells</b>          City of El Cajon</p> <p><b>Paul McNamara, Alternate</b>          City of Escondido</p>	<p><b>Mark Kersey</b>          City of San Diego</p> <p><b>Chris Cate, Alternate</b>          City of San Diego</p>	<p><b>Jo MacKenzie</b>          Vista Irrigation</p> <p><b>Barry Willis</b>          Alpine Fire Protection</p> <p><b>Erin Lump, Alternate</b>          Rincon del Diablo MWD</p>	<p><b>Vice Chair Andy Vanderlaan</b>          General Public</p> <p><b>Harry Mathis, Alternate</b>          General Public</p>
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unincorporated legal flag lot that comprises two assessor parcels presently within the Vista sphere of influence. The County of San Diego Assessor’s Office identifies the subject assessor parcels as 162-493-30 and 162-493-31, respectively. The larger parcel (-30) is approximately 3.5 acres and developed with one single-family residence with a situs of 1435 Olive Avenue. The other subject parcel (-31) is vacant and totals approximately 1.5 acres.

### Affected Territory

The affected territory lies in an unincorporated corridor immediately between the City of Vista to the east and south and City of Oceanside to the north and west. Both subject parcels comprising the affected territory are accessible off Olive Drive with the larger of the two – (-30) – further connected via a private easement road. An aerial map of the affected territory relative to the adjacent Oceanside and Vista boundaries follow. Attachment One shows the affected territory relative to the proposed boundary change involving the subject agencies.



### Subject Agencies

The proposed reorganization filed with San Diego LAFCO involves two subject agencies: City of Vista and the Vista FPD.<sup>1</sup> A summary of the subject agencies in terms of governance, resident population, municipal functions, and financial standing follows.

- The City of Vista was incorporated in 1963 as a general-law municipality with an estimated resident population of 101,557. Vista spans approximately 11,500 acres or 18 square miles and bordered by the unincorporated community of Bonsall to the north, City of San Marcos to the east, City of Carlsbad to the south, and City of Oceanside to the west. Vista provides a full range of municipal services with the

<sup>1</sup> State law defines “subject agency” to mean any district or city for which a change of organization or reorganization is proposed.

notable exception of water, which is provided instead by one of two special districts overlapping the incorporated boundary: Vallecitos Water District and Vista Irrigation District. LAFCO established a sphere of influence for Vista in 1978, which was last reviewed and affirmed in 2008 with a larger-than-agency designation to include 547 non-jurisdictional acres. Vista’s audited net position is \$426.4 million as of June 30, 2019 with an undesignated fund balance of \$170.4 million. Overall, Vista’ total net position has changed by 6.5% over the prior three audited years.

- Vista FPD is an independent special district formed in 1944 with an estimated residential population of 18,736. Vista FPD spans 19,840 acres or 31 square miles and entirely unincorporated and bordered on the east by the Cities of Vista and Oceanside as well as to the south by the City of San Marcos. A five-member Board oversees Vista FPD and its fire protection and emergency medical service functions, which are provided by contract by Vista.<sup>2</sup> LAFCO established a sphere of influence for Vista FPD in 1984. The sphere was last reviewed and affirmed in 2008 with a larger-than-agency designation to include 441 non-jurisdictional acres. Vista FPD’s audited net position is \$11.43 million as of June 30, 2019 with an undesignated fund balance of \$11.23 million. Overall, Vista FPD’s total net position has changed by 7.6% over the prior three audited years.

### Affected Local Agencies

The affected territory presently lies within the jurisdictional boundaries and/or spheres of influence of nine local agencies directly subject to San Diego LAFCO’s planning and regulatory responsibilities. These agencies qualify as “affected agencies” relative to the proposed change of organization and listed below.<sup>3</sup>

- County Service Area No. 135 (Regional Communications)
- Metropolitan Water District of Southern California
- North County Cemetery District
- North County Transit District
- Resource Conservation District of Greater San Diego County
- San Diego County Water Authority
- Tri-City Healthcare District
- Vista FPD<sup>4</sup>
- Vista Irrigation District

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<sup>2</sup> Vista FPD was formed in 1944 to formalize volunteer fire fighting services in the then-largely rural and agrarian community. In 1970, Vista FPD and Vista entered into a joint-powers agreement (JPA) to coordinate fire protection services within their respective jurisdictions. This JPA assigned lead agency responsibility to Vista and provided that fire protection assets were to be merged with proportionate City-District ownership. In 2005, Vista purchased Vista FPD’s share of assets and the JPA was terminated and replaced with an agreement that – and among other items – ensures a uniformity of service with the City serving both jurisdictions.

<sup>3</sup> State law defines “affected local agency” as any entity that contains, or would contain, or whose sphere contains or would contain, any territory for which a change of organization is proposed or ordered. Notice of the proposal and hearing were provided to the agencies.

<sup>4</sup> Subject to the reorganization.

## DISCUSSION

This item is for San Diego LAFCO to consider approving – with or without discretionary modifications – the reorganization proposal to concurrently annex the affected territory to the City of Vista and detach from Vista FPD. The Commission may also consider applying conditions so long as it does not directly regulate land use, property development, or subdivision requirements. Additional discussion with respect to proposal purpose and Commission focus follows.

### Proposal Purpose

The purpose of the proposal is to facilitate the development of the affected territory into a 15-lot residential subdivision consistent with Vista’s General Plan, pre-zoning, and tentative subdivision map approval. The planned development of the affected territory as contemplated necessitates annexation to Vista given the need to establish public wastewater services coupled with the City’s prohibition on entering new outside service agreements. The tentative subdivision map and pre-zoning approvals made by Vista are conditioned on LAFCO approval of the reorganization.

### Development Potential

The affected territory as proposed is planned for medium low-density single-family residential under both the County of San Diego and Vista General Plans. This compatibility extends to both the County and Vista in their zoning and rezoning, respectively, with identical minimum lot sizes for the affected territory being 4.3 dwelling units per 1.0 acres. These standards provide the maximum density of the affected territory under either the land use authority of the County (baseline) or Vista (proposed) is 15-lots.<sup>5</sup>

### Commission Focus

Three central and sequential policy items underlie San Diego LAFCO’s consideration of the reorganization. These policy items ultimately take the form of new determinations and orient the Commission to consider the stand-alone merits of a (a) conforming sphere of influence amendment, (b) timing of the reorganization, and (c) whether discretionary boundary modifications or approval terms are appropriate. The Commission must also consider other relevant statutes in and outside of LAFCO law as detailed.

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<sup>5</sup> Additional intensity is also available under both land use authorities and marked by the allowance of a detached accessory dwelling unit for each lot.

## ANALYSIS

San Diego LAFCO’s analysis of the proposed reorganization is divided into two subsections. The first subsection pertains to evaluating the central issues referenced in the preceding section starting with the merits of a conforming sphere of influence amendment and the timing of the reorganization relative to the factors mandated for review by the Legislature and local policies. This also includes whether modifications and terms are appropriate. The second subsection considers other germane issues and highlighted by environmental review under the California Environmental Quality Act (CEQA).

### Central Policy Items

#### Item No. 1 | Sphere of Influence Amendment

The proposed reorganization proposal necessitates San Diego LAFCO approve a conforming sphere of influence amendment to achieve consistency with the requested boundary changes as required under statute.<sup>6</sup> The scope of the amendment involves removing the affected territory from the Vista FPD’s sphere of influence to accommodate the proposed detachment. (No amendment is needed to accommodate the proposed annexation to the City of Vista given the affected already lies within the City sphere.) Consideration of the amendment action is premised on the Commission’s statutory task to designate spheres to demarcate the affected agencies’ appropriate current and future service areas relative to community benefits and needs as determined by the membership. Staff believes it would be appropriate for the Commission, accordingly, to proceed and approve the conforming sphere amendment for the cumulative effect of recognizing the City of Vista – and not Vista FPD – as the appropriate provider of fire protection and emergency medical services for the affected territory going forward. Most notably, the amendment would facilitate the orderly synching of local governance and services by directing the affected territory away from Vista FPD as a limited purpose agency and towards Vista as a multi-purpose agency.

#### CONCLUSION | MERITS OF A SPHERE OF INFLUENCE AMENDMENT

Approval of the sphere of influence amendment to exclude the affected territory from Vista FPD is sufficiently warranted. Justification is marked by the preceding analysis and includes recognizing the social and economic communities of interests previously established between the affected territory and Vista FPD have evolved and weakened over the years in direct contrast to the strengthening ties with Vista and its expanding role in the region. Additional analysis supporting the conclusion is provided in Appendix A.

<sup>6</sup> Reference to California Government Code 56375.5.

## Item No. 2 | Reorganization Timing

The timing of the proposed reorganization – and specifically the concurrent annexation of the affected territory to the City of Vista and detachment from Vista FPD – appears appropriate. This inclusion draws from the analysis of the statutory factors required for consideration for proposed jurisdictional changes along with the proposal’s conformance with locally adopted policies. The majority of the prescribed factors and applicable policies focus on the impacts of the reorganization on the service and financial capacities of the receiving agency: City of Vista (emphasis added). No single factor is determinative and the intent is to provide a uniform baseline for LAFCOs in considering all boundary changes in context to the Commission’s own adopted policies and practices. A summary of key conclusions generated in the review of these factors follows.

- Service Needs

The affected territory is located within an urbanizing area and immediately adjacent to the City of Vista. Vista’s tentatively approved development of the affected territory to include a 15-lot residential subdivision is consistent with surrounding land uses and needs a full range of supporting municipal services. This includes municipal services directly (community development, wastewater, park and recreation, fire protection and emergency medical, etc.) or by contract from the City (law enforcement). Annexation of the affected territory would represent a logical and orderly expansion of Vista’s incorporated boundary and would not create islands or corridors. Additional details on service needs follow.

- The Commission has previously designated the City of Vista as the appropriate future land use authority and primary service provider for the affected territory through standing inclusion of the subject parcels within the City’s sphere of influence. Annexation now to Vista memorializes this standing expectation and accommodates the expressed interest of the affected landowner as evident by their initiation of the reorganization proceedings.
- The landowner’s intention to develop a 15-lot residential subdivision for the affected territory helps to quantify the timing of the reorganization and annexation therein to the City of Vista is appropriate by synching the boundary changes with a known and pending development action.
- Approval would affirmatively respond to the Commission’s policy interest to match known and specific development in urbanizing areas with municipal providers with an emphasis in facilitating connections to public wastewater systems when possible.

- Service Capacities and Levels

The City of Vista would directly assume most municipal service responsibilities for the affected territory upon reorganization and highlighted by providing these core functions: community planning; wastewater; fire protection and emergency medical; and law enforcement to the subject parcels. A review of existing capacities and levels indicates Vista has sufficient controls and resources to accommodate demands within the affected territory at their planned and maximum uses. Additional details on service capacities and levels follow.

- The City of Vista would assume community planning responsibilities for the affected territory from the County of San Diego as part of the reorganization. Vista has designated and rezoned the affected territory for medium residential development with the latter – Residential-1 – requiring a minimum lot size of 0.23 acres. Vista has also approved a tentative subdivision map consistent with the rezoning to subdivide the affected territory into a 15-lot single-family residential. Should the Commission approve the reorganization, Vista would be prohibited from changing the zoning and underlying allowances for the first two years unless special findings are made at a noticed hearing.
- The City of Vista would assume wastewater service responsibilities for the affected territory as part of the reorganization. An existing Vista collection main is located adjacent to the southwest corner of the affected territory within the frontage public right-of-way on Olive Avenue and accessible through a private lateral connection. Wastewater from the project would be collected and conveyed for treatment to Encina Water Pollution Control Facility. It is projected the maximum average day wastewater demand generated within the affected territory is 6,150 gallons based on the planned development of 30 residential units (15 planned single-family residences and 15 potential accessory dwelling units). This amount represents 0.15% of the existing available capacity available to Vista at the Encina facility, and as such can be readily accommodated without additional resources or infrastructure planning.
- The City of Vista would formally assume service responsibilities from the Vista FPD as part of the reorganization. This change would have no material impact on service levels given Vista is the existing contract provider for Vista FPD and the Vista Fire Department presently provides all fire protection and emergency medical field operations within the District's unincorporated service territory. First-response would continue to be provided from Vista Fire Station No. 1, which is located 1.6 miles from the affected territory at 175 N. Melrose Drive. Response times to the affected territory are estimated to be four minutes for priority calls and six minutes for non-priority calls.

- The City of Vista would formally assume law enforcement service responsibilities from the County of San Diego as part of the reorganization. This change would have no material impact on service levels given Vista contracts with County Sheriff to provide law enforcement – including patrol and a full range of other services – within the City’s incorporated boundary. The Sheriff’s substation at 340 Townsite Drive is the closest substation and is 2.5 road miles in distance to the affected territory. Analysis performed by Vista in reviewing the underlying development project identified travel time for County Sheriff from the substation to the affected territory would be approximately eight minutes and would meet the minute standard (dispatch to scene) in the City General Plan.
- Service Funding and Costs  
The City of Vista has the financial resources to assume and provide municipal services to the affected territory in support of its planned development without adverse impacts. This comment is reflected in the staff analysis of Vista’s recent audited statements which shows – among other items – the City remained profitable in each of the last three audited fiscal years with an average total margin of 11.1%. Separately, the detachment of the affected territory from Vista FPD will not produce a substantive impact on the District and its financial standing going forward.

**CONCLUSION |  
MERITS OF REORGANIZATION TIMING**

The timing of the reorganization and transfer therein of land use authority and other specified services to the City of Vista is sufficiently warranted. Justification is marked by the preceding analysis and highlighted by accommodating the planned and orderly development of the affected territory through Vista’s consolidated land use and service powers as envisioned by the Commission and its standing placement of the lands in the City sphere. Additional analysis supporting the conclusion is provided in Appendix B.

**Item No. 3 |  
Modifications and Terms**

Staff has not identified any potential boundary modifications to the proposal that merit consideration by San Diego LAFCO at this time. This includes noting all of the associated public right-of-way on Olive Avenue already lies within the Vista incorporated boundary. Applying standard terms appears appropriate.

**CONCLUSION |  
MODIFICATIONS AND TERMS**

Approval of the proposed reorganization as submitted appears warranted. Standard terms are recommended.



## Other Statutory Considerations

### Exchange of Property Tax Revenues

California Revenue and Taxation Code Section 99(b)(6) requires the adoption of a property tax exchange agreement by the affected local agencies prior to San Diego LAFCO can consider certain jurisdictional changes - including annexations and detachments – unless an applicable master agreement applies. Staff has confirmed there is an existing master property tax agreement applies to the reorganization. The application of this master tax exchange agreement specifies a transfer of 41% of the affected property taxes received by the County of San Diego to the City of Vista following annexation, totaling \$916.28 under current assessments.

### Environmental Review

CEQA requires San Diego LAFCO to assess whether impacts would result from activities approved under the Commission’s statutory authority. Accordingly, San Diego LAFCO is tasked with making two distinct determinations as lead and responsible agency under CEQA with respect to considering the reorganization filed by the City of Vista. This involves the (a) accommodating sphere of influence amendment and the (b) reorganization itself. Staff’s analysis and recommendations follow.

- San Diego LAFCO serves as lead agency under CEQA for the accommodating amendment to exclude the affected territory from the Vista FPD’s sphere of influence. Staff has determined the activity is a project under CEQA but exempt from further review under the “general rule” provision provided under State CEQA Guidelines Section 15061(b)(3). This exemption appropriately applies given it can be seen with certainty spheres are planning policies and any amendments do not make any changes to the environment or authorize any new uses or services.
- Vista serves as the lead agency under the CEQA for the reorganization and underlying action to accommodate the affected territory’s development into 15-lot residential subdivision. Vista determined the project did not qualify for an exemption and proceeded to prepare an initial study, which identified potential significant environmental impacts in the categories or biological resources, cultural resources, noise, and mandatory filing of significance.<sup>7</sup> A Mitigated Negative Declaration was subsequently prepared and approved by Vista on February 25<sup>th</sup>, 2020. Staff has independently reviewed the MND and recommends San Diego LAFCO concur with Vista’s determinations and adopt the associated findings as a responsible agency.

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<sup>7</sup> Vista also adopted a Mitigation Monitoring and Reporting Program (MMRP) to reduce identified impacts to less-than-significant levels.

## Protest Proceedings

Protest proceedings for the proposed reorganization may be waived by San Diego LAFCO should the Commission proceed with an approval under Government Code Section 56662. The recommended waiver appropriately applies under this statute given the affected territory is uninhabited as defined under LAFCO law; the subject agencies have not filed objections to the waiver; and all landowners have consented to the underlying actions.<sup>8</sup>

## RECOMMENDATION

Staff recommends San Diego LAFCO proceed with a conditional approval of the reorganization proposal as submitted based on the analysis provided in the preceding section. This recommendation also includes a conforming sphere of influence amendment for Vista FPD and is consistent with Alternative One as outlined in the proceeding section.

## ALTERNATIVES FOR ACTION

The following alternative actions are available to the Commission and can be accomplished through a single-approved motion.

Alternative One (recommended):

Adopt the attached draft resolution conditionally approving the reorganization proposal without modifications while also amending the Vista FPD to exclude the affected territory.

Alternative Two:

Continue consideration to the next regular meeting.

Alternative Three:

Disapprove the change of organization proposal with direction to staff to return at the next regular meeting with a conforming resolution for adoption.

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<sup>8</sup> LAFCO law defines uninhabited as territory in which 11 or less registered voters reside.

## PROCEDURES FOR CONSIDERATION

This item has been placed on San Diego LAFCO's agenda for action as part of a noticed public hearing. The following procedures are advised in the consideration of the item:

1. Receive verbal presentation from staff unless waived.
2. Open the public hearing and invite comments from the applicant and general public.
3. Discuss item and consider the staff recommendation.

On behalf of the Executive Officer,



Linda Heckenkamp  
Analyst II

Appendices:

- A) Sphere of Influence Factors
- B) Analysis of Boundary Change Factors

Attachments:

- 1) Map of the Affected Territory
- 2) Draft Resolution of Approval
- 3) Landowner Petition
- 4) Mitigated Negative Declaration – Environmental Review

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**APPENDIX A**  
**STATEMENT OF DETERMINATIONS**  
**SPHERE OF INFLUENCE FACTORS**

**(1) The present and planned land uses, including agricultural and open-space lands.**

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The affected territory as submitted totals 5.0 acres and anchored by the City of Vista with an estimated resident population of 101,557. The affected territory as proposed is planned for medium low-density single-family residential under both the County of San Diego and Vista General Plans. This compatibility extends to both the County and Vista in their zoning and rezoning, respectively, with identical minimum lot sizes for the affected territory being 4.3 dwelling units per 1.0 acres. These standards provide the maximum density of the affected territory under either the land use authority of the County (baseline) or Vista (proposed) is 15-lots. Detachment from Vista FPD is consistent with these present and planned land uses.

**(2) The present and probable need for public facilities and services in the area.**

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The affected territory includes an annexation to facilitate the planned development of a 15-lot residential subdivision. Approving the annexation to the City of Vista and concurrent detachment from Vista FPD reflects these present and probable needs.

**(3) The present capacity of public facilities and adequacy of public.**

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The proposed reorganization involves an extension of public wastewater service to a planned residential development and potential accessory structures to be developed on the approximate 5.0 acre subject territory. An existing City of Vista water main is located adjacent to the affected territory within the Olive Avenue public-right-of-way. The City has the financial resources coupled with administrative controls to provide retail wastewater services to the affected territory in support of its planned development without adversely impacting current ratepayers. Vista’s recent audited statements reflect the city remained profitable in each of the last three audited fiscal years with an average operating margin of 11.1%.

**(4) The existence of any social or economic communities of interest in the area if the commission determines that they are relevant to the agency.**

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Approval of the proposed reorganization of annexing the affected territory and conforming sphere of influence amendments would strengthen existing economic and social ties between the City of Vista and the affected territory.

**(5) The present and probable need for those public facilities and services of any disadvantaged unincorporated communities within the existing sphere of influence.**

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The affected territory does not lie within a census tract qualifying as a disadvantaged unincorporated community under State statute or LAFCO policy.

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**APPENDIX B**  
**Government Code Section 56668**  
**Proposal Review Factors**

- a) **Population and population density; land area and land use; per capita assessed valuation; topography, natural boundaries, and drainage basins; proximity to other populated areas; the likelihood of significant growth in the area, and in adjacent areas, during the next 10 years.**
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The affected reorganization territory includes two unincorporated parcels within the City of Vista’s sphere of influence totaling approximately 5.0 acres (APN 162-493-30 and -31) and subject to a tentatively approved 15-lot residential subdivision and development. The larger subject parcel (-30) is presently developed with one single-family residence that would be removed for the proposed development; the other subject parcel (-31) is undeveloped. The submitted proposal application materials identify the affected territory as currently unoccupied. The current assessed value of the subject parcels – including land and improvements – is \$560,543, with the last transaction recorded in December 2013. The affected territory is contiguous with the existing Vista jurisdictional boundary and is generally surrounded by small to moderate residential lots. No significant growth is anticipated in the surrounding area within the next 10-year period beyond existing residential land use and zoning designations.

- b) **The need for municipal services; the present cost and adequacy of municipal services and controls in the area; probable future needs for those services and controls; probable effect of the proposed incorporation, formation, annexation, or exclusion and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent areas.**
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Vista would assume the majority of municipal service responsibilities for the affected territory following reorganization and its anticipated development thereafter. This includes assuming service responsibility from the County involving land use and community planning, roads, and police protection with the associated change in service levels and capacities being considered minimal. Also considered minimal would be the change in fire protection and emergency medical services with Vista formally assuming responsibility from Vista FPD. Water service to the affected territory would remain the responsibility of the Vista Irrigation District and is addressed in more detail in the following paragraphs. The most notable change in municipal services should the reorganization proceed involves the establishment of wastewater services and is focus of the succeeding analysis.

- **Extending Public Wastewater to Affected Territory**  
Connection to the system is readily available through a private lateral to an existing Vista sewer main located within the adjacent public right-of-way on Olive Avenue. The projected average day wastewater flow for the affected territory at maximum buildout (30 single-family residential units divided between 15 planned primary and 15

potential accessory) would be approximately 6,150 gallons per day. This amount represents less than 0.15% of the 4.24 million gallons of available and remaining daily capacity allocated to Vista through the Encina Water Pollution Control Facility.

**c) The effect of the proposed action and of alternative actions, on adjacent areas, on mutual social and economic interests, and on local governmental structure.**

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The affected territory presently lies within Vista’s sphere of influence, and as such has established relevant economic and social ties with respect to other services provided by the City (i.e., fire, law enforcement, parks, etc.) Approving the reorganization would recognize these existing ties and formally establish Vista as the single governing body responsible for wastewater and other municipal services to the affected territory.

**d) The conformity of the proposal and its anticipated effects with both the adopted commission policies on providing planned, orderly, efficient patterns of urban development, and the policies/priorities set forth in G.C. Section 56377.**

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Approving the proposed reorganization and annexation to Vista would facilitate the extension of public municipal services to the affected territory, and in doing so support Vista’s community planning policies. Similarly, approval would be consistent with the Commission’s adopted policies to sync urbanized uses with urbanized services. The affected territory does not contain “open-space” as defined under LAFCO law and no conflicts exists under Government Code Section 56377.

**e) The effect of the proposal on maintaining the physical and economic integrity of agricultural lands, as defined by G.C. Section 56016.**

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The affected territory does not contain “prime agricultural land” or “agricultural land” as defined under LAFCO law. Specifically, the affected territory does not contain lands currently used for any of the following purposes: producing an agricultural commodity for commercial purposes; left fallow under a crop rotational program; or enrolled in an agricultural subsidy program. Approval of the reorganization proposal and annexation to Vista would have no effect on maintaining the physical and economic integrity of agricultural lands.

**f) The definiteness and certainty of the boundaries of the territory, the nonconformance of proposed boundaries with lines of assessment, the creation of islands or corridors of unincorporated territory, and other similar matters.**

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LAFCO is in receipt of a draft map and geographic description of the affected territory that details metes and bounds consistent with the standard of the State Board of Equalization and conforming with lines of assessment. LAFCO approval would be conditioned on submittal of a final map and description conforming to the referenced standards and addressing any proposal area modifications enacted by the Commission. Approval – with or without the recommended modification – would not create service islands or corridors.



**g) A regional transportation plan adopted pursuant to Section 65080.**

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A notice of the proposed reorganization to annex the affected territory to Vista and detachment from Vista FPD was provided to the San Diego Association of Governments or SANDAG. No comments were received from SANDAG and as such no conflicts have been identified with respect to its regional transportation plan, San Diego Forward.

**h) Consistency with the city or county general and specific plans.**

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The affected unincorporated territory is presently designated under the Vista's adopted General Plan for Medium-Low Density Residential (MLD), allowing up to five dwelling units per acre, with approved rezoning as R-1 with a 10,000 square foot minimum lot size (4.3 du/ac). The proposal's purpose is to provide public wastewater to the planned 15 single-family residences. The planned residential uses and densities are consistent with the Vista General Plan designations and adopted rezoning.

**i) The sphere of influence of any local agency affected by the proposal.**

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The affected territory lies entirely within the spheres of influence designated for the City of Vista and the Vista FPD. Additional details are provided in the analysis provided on page 10.

**j) The comments of any affected local agency or other public agency.**

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Notice of the submitted reorganization proposal was distributed to all affected and interested agencies as required under LAFCO law. No written comments on the proposal were received ahead of preparing this agenda report for distribution on November 25, 2020. Additional analysis concerning conformance with germane Commission policies follows.

- San Diego LAFCO Policy L-107 requires applicants to disclose and address potential jurisdictional issues associated with their proposals and if applicable requires a consultation process with affected agencies, interested parties, or organizations to help discuss and potentially remedy concerns unless waived by the San Diego LAFCO Executive Officer. No jurisdictional disputes or related concerns were identified or disclosed by the applicant or by affected agencies or interested parties in the review of the proposal.

**k) The ability of the newly formed or receiving entity to provide the services which are the subject of the application to the area, including the sufficiency of revenues for those services following the proposed boundary change.**

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Information collected and reviewed as part of this proposal indicates Vista has sufficient and available financial resources and administrative controls therein relative to providing public wastewater to the affected territory without adversely impacting existing ratepayers. This statement is supported by the following factors.

- Vista's last audit covers 2018-2019 and shows the City finished with good liquidity levels with an agency-wide current ratio of 13.3 (i.e., \$13.30 in current assets for every \$1.00 in current liabilities).
- Vista finished 2018-2019 with high capital levels as evident by a relatively moderate debt ratio of 32% (i.e., only \$32.00 out of every \$100.00 in net assets are financed.)
- Vista has remained profitable in each of the last three audited fiscal years with an average operating margin of 11.1%. The most recent year – 2018-2019 – the operating margin was 15.7%.

The landowners of the affected territory are responsible for payment of all required fees and service charges commensurate with Vista's adopted fee ordinance in establishing wastewater services. At present, the wastewater service charge is \$680.00 per year or \$56.66 per month. The wastewater rates are fixed and are not based on flow or water usage. Extending wastewater service to affected territory following approval of the proposed annexation would not adversely impact existing ratepayers.

**l) Timely availability of adequate water supplies for projected needs as specified in G.C. Section 65352.5.**

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The affected territory's existing residential uses are presently within and connected to Vista Irrigation District's retail domestic water system with wholesale supplies provided by the San Diego County Water Authority. Approval of the proposed reorganization would not affect the timely availability of water supplies to the affected territory.

**m) The extent to which the proposal will affect a city or cities and the county in achieving their respective fair shares of the regional housing needs as determined by the appropriate council of governments.**

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The proposed reorganization would not impact any local agencies in accommodating their regional housing needs. All potential units tied to the lands are already assigned to the City of Vista by the region's council of governments, SANDAG. The boundary change would not affect this assignment.

**n) Any information or comments from the landowners, voters, or residents.**

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The affected territory is considered uninhabited as defined by LAFCO law (containing 11 registered voters or less). The landowner has initiated proceedings for the proposed reorganization and has provided written consent to the subject changes of organization.

**o) Any information relating to existing land use designations.**

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See above analysis for (h).

**p) The extent to which the proposal will promote environmental justice.**

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As used in this review factor, "environmental justice" means the fair treatment of people of all races, cultures, and incomes with respect to the location of public facilities and the provision of public services. The proposed reorganization does not include locating new public facilities and the proposed provision of public services would be limited to the existing single-family residence. Approval of the proposed reorganization is not anticipated to affect the promotion of environmental justice.

**q) Information contained in a local hazard mitigation plan, information contained in a safety element of a general plan, and any maps that identify land as a very high fire hazard zone or maps that identify land determined to be in a state responsibility area, if it is determined that such information is relevant to the affected territory.**

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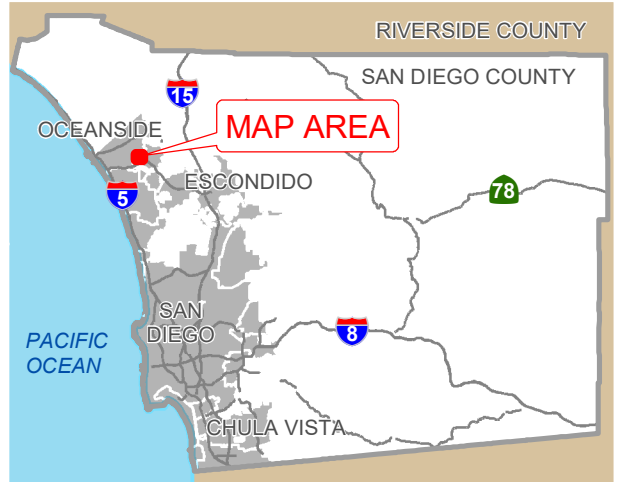
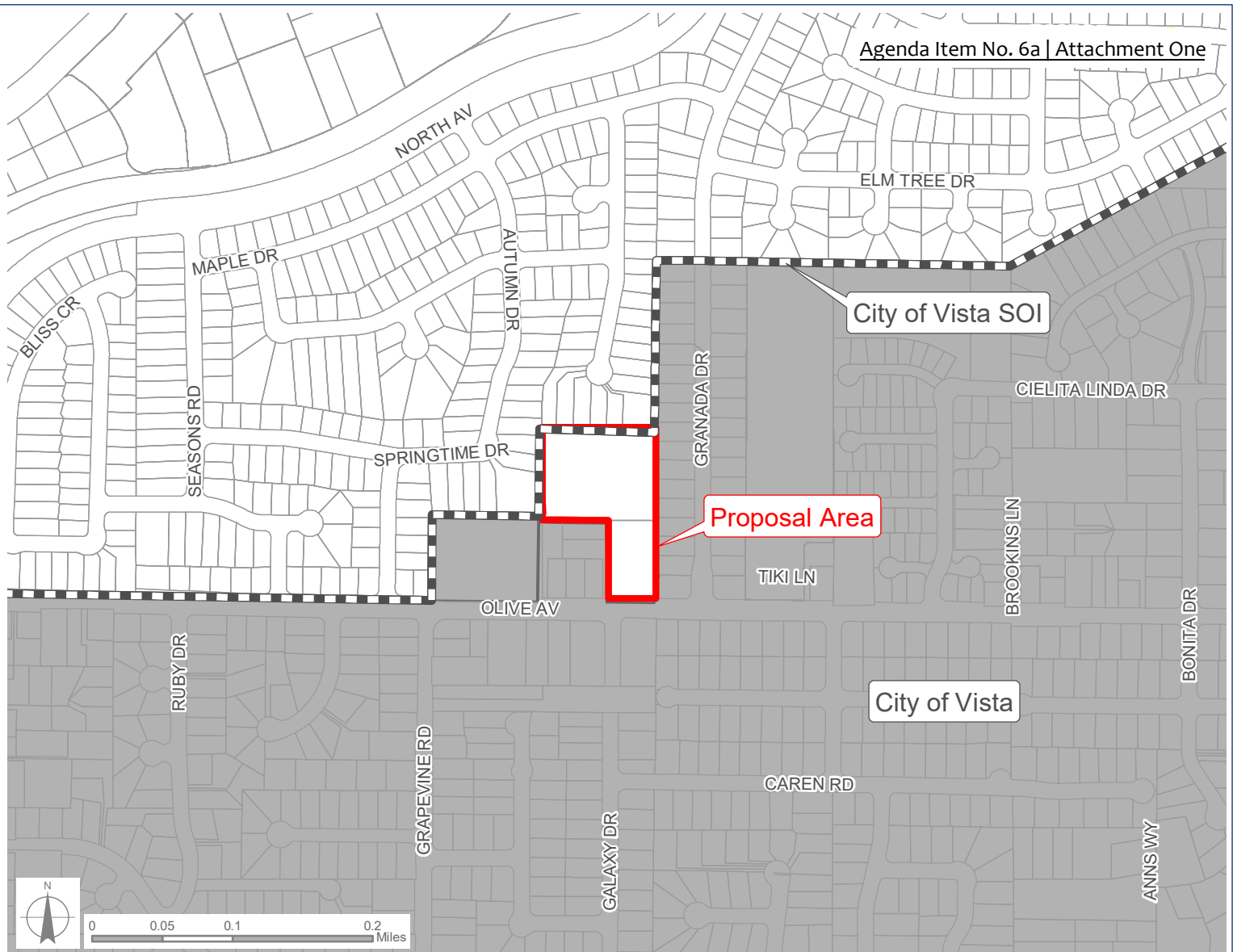
The City of Vista General Plan contains a hazard mitigation plan for potential fire, flooding and earthquakes. The affected territory lies outside any identified threat designations.

**Section 56668.3(a)(1) Whether the proposed annexation will be for the interest of the landowners or present or future inhabitants within the district and within the territory proposed to be annex to the district.**

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Approval of the reorganization would be in the best interest of the current and future landowners and/or residents of the affected territory by providing access to reliable public wastewater service going forward. Approval would also benefit adjacent landowners and/or residents by eliminating the operation of a private septic system and the potential therein for failures.

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RO20-12  
SA20-12

**"ORTIZ - OLIVE AVENUE REORGANIZATION" TO THE CITY OF VISTA AND CONCURRENT DETACHMENT FROM VISTA FIRE PROTECTION DISTRICT**

-  Proposal Area
-  City of La Mesa
-  City of Vista SOI
- SOI = Sphere of Influence



**San Diego County**  
**Local Agency Formation Commission**  
Regional Service Planning | Subdivision of the State of California

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G:\GIS\Vicinity\_Maps\legendamaps2020\20-12 City Vista Vicinity.mxd

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**RESOLUTION NO. \_\_\_\_\_**

**SAN DIEGO COUNTY LOCAL AGENCY FORMATION COMMISSION**

**MAKING DETERMINATIONS, APPROVING, AND ORDERING A REORGANIZATION**

**“ORTIZ – OLIVE AVENUE REORGANIZATION”  
CONCURRENT ANNEXATION TO THE CITY OF VISTA AND  
DETACHMENT FROM THE VISTA FIRE PROTECTION DISTRICT  
LAFCO FILE NO. RO20-12**

**WHEREAS**, on June 18, 2020, landowner Steve Ortiz filed a petition with the San Diego County Local Agency Formation Commission, hereinafter referred to as “Commission,” pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

**WHEREAS**, the petition seeks approval of a reorganization to annex approximately 4.94 acres of unincorporated territory to the City of Vista with a concurrent detachment of the affected territory from the Vista Fire Protection District; and

**WHEREAS**, the affected territory as proposed includes two unincorporated assessor parcels one developed with an existing single-family residence as 162-493-30; and one undeveloped parcel as 162-493-31 both identified by the County of San Diego Assessor’s Office; and

**WHEREAS**, an applicable master property tax transfer agreement applies to the proposed reorganization dated March 11, 1988, and December 2, 1982 and

**WHEREAS**, the Commission’s Executive Officer has reviewed the proposed reorganization and prepared a report with recommendations; and

**WHEREAS**, the Executive Officer’s report and recommendations on the proposal have been presented to the Commission in the manner provided by law; and

**WHEREAS**, the Commission heard and fully considered all the evidence presented at a noticed public meeting on the proposal on December 7, 2020; and

**WHEREAS**, the Commission considered all the factors required by law under Government Code Section 56668 and adopted local policies and procedures.

**NOW, THEREFORE, THE COMMISSION DOES HEREBY RESOLVE, DETERMINE, AND ORDER** as follows:

1. The public meeting was held on the date set therefore, and due notice of said meeting was given in the manner required by law.

2. At the public meeting, the Commission considered the Executive Officer's report.
3. The Commission serves as both a lead and responsible agency for different actions underlying the proposed reorganization under the California Environmental Quality Act (CEQA) as detailed in the Executive Officer's report. The Commission's findings specific to both roles follow.
  - a) The Commission serves as the lead agency for the conforming sphere of influence amendment and finds the proposed sphere action qualifies as a project but is exempt under State CEQA Guidelines Section 15061(b)(3) - the "general rule" provision. This exemption appropriately applies given it can be seen with certainty spheres are planning policies and any amendments do not make any changes to the environment or authorize any new uses or services.
  - b) The City of Vista serves as the lead agency for the reorganization proposal given it has primary responsibility to carry out the underlying activity to develop the affected territory and ancillary actions. This latter category includes annexation to the City of Vista and represents the "project." Vista determined the project was subject to CEQA and proceeded to prepare an initial study, which identified potential significant environmental impacts in the categories of biological resources, cultural resources, noise, and mandatory filing of significance. A Mitigated Negative Declaration was subsequently prepared and approved by Vista on February 25th, 2020. Staff has independently reviewed the MND and recommends San Diego LAFCO concur with Vista's determinations and adopts the associated findings as a responsible agency.
4. The Commission APPROVES the reorganization as described below and subject to conditions as provided. Approval involves all of the follow:
  - a) Annexation of the affected territory to the City of Vista as shown in "Exhibit A-1" and described in "Exhibit A-2."
  - b) Detachment of the affected territory from the Vista Fire Protection District as shown in "Exhibit B-1" and described in "Exhibit B-2."
5. The Commission CONDITIONS all approvals on the following terms being satisfied by December 7, 2021 unless an extension is requested in writing and approved by the Executive Officer:
  - a) Completion of the 30-day reconsideration period provided under Government Code Section 56895.
  - b) Submittal to the Commission of final map and geographic description of the affected territory as approved by the Commission conforming to the requirements of the State Board of Equalization – Tax Services Division.
  - c) Submittal to the Commission of the following payments:



- A check made payable to LAFCO in the amount of \$50.00 for the County of San Diego-Clerk Recorder to reimburse for filing a CEQA Notice of Exemption consistent with the findings in the resolution.
  - A check made payable to the State Board of Equalization for processing fees in the amount of \$350.00.
6. The Commission assigns the proposal the following short-term designation:
- “Ortiz–Olive Avenue Reorganization”
7. The affected territory as designated by the Commission is uninhabited as defined in Government Code Section 56046.
8. The Commission waives conducting authority proceedings under Government Code Section 56662.
9. The Vista Fire Protection District is a registered-voter district.
10. The Vista Fire Protection District utilizes the County of San Diego assessment roll.
11. The affected territory will be liable for any existing bonds, contracts, and/or obligations of the City of Vista as provided under Government Section 57328.
12. The effective date of the approval shall be the date of recordation but not before the completion of a 30-day reconsideration period and only after all terms have been completed as attested by the Executive Officer.
13. As allowed under Government Code Section 56107, the Commission authorizes the Executive Officer to make non-substantive corrections to this resolution to address any technical defects, errors, irregularities, or omissions.
14. The Executive Officer is hereby authorized and directed to mail copies of this resolution as provided in Sections 56880-56882 of the Government Code.
15. The Executive Officer is further authorized and directed to prepare, execute, and record a Certificate of Completion, make the required filings with the County Assessor, County Auditor, and the State Board of Equalization as required by Section 57200, et seq., of the Government Code.

\*\*

PASSED AND ADOPTED by the Commission on December 7, 2020 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\*\*

Attest:

---

Keene Simonds  
Executive Officer

**EXHIBIT A-1**  
**MAP OF ANNEXATION TO CITY OF VISTA**

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**EXHIBIT A-2**  
**GEOGRAPHIC DESCRIPTION OF ANNEXATION TO CITY OF VISTA**

-Placeholder-

**Blank for Photocopying**

**EXHIBIT B-1**  
**MAP OF DETACHMENT FROM VISTA FIRE PROTECTION DISTRICT**

-Placeholder-

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**EXHIBIT B-2**  
**GEOGRAPHIC DESCRIPTION OF DETACHMENT FROM VISTA FIRE PROTECTION DISTRICT**

-Placeholder-

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**PETITION FOR PROCEEDINGS PURSUANT TO THE CORTESE-KNOX-HERTZBERG LOCAL GOVERNMENT REORGANIZATION ACT OF 2000**

**Part I: NOTICE OF INTENT TO CIRCULATE PETITION**


Proponents are required to file a NOTICE OF INTENT TO CIRCULATE PETITION with the Executive Officer of the San Diego Local Agency Formation Commission before a petition to initiate a change of organization or reorganization can be circulated (Govt. Code § 56700.4).

1. Notice is hereby given to circulate a petition proposing to: Annex into the City of Vista and detach from the Vista Fire

Protection District \_\_\_\_\_

2. The reason(s) for the proposal are: Sewer Service

\_\_\_\_\_

Steve Ortiz  
Proponent's Name (print)  Signature of proponent or representative

235 Market Street, San Diego, CA 92101  
Proponent's Address City, State, Zip

Pursuant to Section 56700.4 of the California Government Code, this NOTICE OF INTENT TO CIRCULATE PETITION was filed with me on \_\_\_\_\_

Date

Executive Officer (Print and Sign)

**PART II: DISCLOSURE REQUIREMENTS**

The Political Reform Act prohibits a person appointed to the Local Agency Formation Commission from soliciting or accepting campaign contributions of more than \$250 within the preceding 12 months from parties, participants, or their agents while a proceeding is pending before LAFCO and for three months following the decision. LAFCO commissioners who receive such contributions are required to disqualify themselves from participating in the proceedings. Both commissioners and contributors who are parties to the proceeding are required to disclose the contributions received or made. Names of current LAFCO commissioners and LAFCO disclosure forms are available at <http://www.sdlafco.org>; or by calling 858/614-7755.

Pursuant to Government Code Section 56700.1, any person or combination of persons who, for political purposes, directly or indirectly contributes \$1,000 or more, or expend \$1,000 or more in support of, or in opposition to a proposal for a change of organization or reorganization that will be submitted to the Commission, shall disclose and report to the Commission to the same extent and subject to the same requirements of the Political Reform Act (Title 9 [commencing with Section 81000]) as provided for local initiative measures.

Pursuant to Government Code Section 57009, any person or combination of persons who directly or indirectly contributes \$1,000 or more, or expends \$1,000 or in support of, or in opposition to, the conducting authority proceedings for a change of organization or reorganization, must comply with the disclosure requirements of the Political Reform Act of 1974, (Government Code section 81000 et seq.). Applicable reports must be submitted to the Secretary of State and the appropriate city or county clerk. Copies of the reports must also be filed with the Executive Officer of San Diego LAFCO.

Part III: PETITION FOR CHANGE OF ORGANIZATION OR REORGANIZATION

This proposal is made pursuant to Part 3, Division 3, Title 5 of the California Government Code, Section 56000 et seq. of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.

(a) The specific change(s) of organization proposed is/are: Annex to the City of Vista and detach from the Vista Fire Protection District

(b) The boundary of the territory included in the proposal is as described in the attached legal description and map and is by this reference incorporated herein.

(c) The proposed action(s) will be subject to the following terms and conditions:

(d) The reason(s) for the proposal is/are: Sewer Service

(e) Signers of this petition have signed as (select one): [checked] landowner; [ ] registered voter.

(f) The name(s) and mailing address(s) of the chief petitioner(s) (not to exceed three) is/are:

1. Steve Ortiz 235 Market Street, San Diego, CA 92101
Name of chief proponent (print) mailing address

2.
Name of chief proponent (print) mailing address

3.
Name of chief proponent (print) mailing address

(g) It is requested that proceedings for this proposal be taken in accordance with Section 56000 et seq. of the Government Code.

(h) This proposed change of organization (select one) [checked] is [ ] is not consistent with the sphere-of-influence of any affected city or district.

(i) The territory included in the proposal is (select one) [ ] inhabited (12 or more registered voters) [checked] uninhabited (11 or less registered voters).

(j) If the formation of a new district(s) is included in the proposal: N/A

1. The principal act under which said district(s) is/are proposed to be formed is/are:

2. The proposed name(s) of the new district(s) is/are:

3. The boundary(ies) of the proposed new district(s) is/are described in the attached legal description and map and are by this reference incorporated herein.

(k) If an incorporation is included in the proposal: N/A

1. The name of the proposed city is:

2. Provisions are requested for appointment of: [ ] city manager [ ] city clerk [ ] city treasurer


(l) If the proposal includes a consolidation of special districts, the proposed name of the consolidated district is:

**Part IVb: LANDOWNER PETITION**

Petitions must meet minimum signature requirements (see Part V). Signatures must be secured within six months of the date on which the first signature was affixed. Petitions must be submitted to the LAFCO Executive Officer within 60 days after the last signature is affixed (Govt. Code § 56705).

**Each of the undersigned states:**

- I personally signed this petition.
- I am a landowner of the affected territory.
- I personally affixed hereto the date of my signing this petition and the Assessor's Parcel Number(s), or a description sufficient to identify the location of my land.

Name of Signer	Assessor's Parcel Number(s)	Date Signed	Official Use
Sign <u></u> Print <u>Steve Ortiz</u>	162-493-30 & 31		
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			
Sign _____ Print _____			

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**RESOLUTION NO. 2020-33**

**A RESOLUTION OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, APPROVING A MITIGATED NEGATIVE DECLARATION FOR A 15 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION LOCATED IMMEDIATELY NORTH OF OLIVE AVENUE, BETWEEN WINTER ROAD TO THE WEST AND GRANADA DRIVE TO THE EAST (APNS 162-493-30 & 31)**

**The City Council of the City of Vista does resolve as follows:**

**1. Findings. The City Council hereby makes the following findings:**

A. The applicant, Olive Avenue, LLC, has submitted an application for an Annexation/Reorganization, Tentative Subdivision Map, General Plan Amendment (land use designation change from Rural Residential (RR) to Medium Low Density Residential (MLD) and Zoning Change (pre-zoning R-1) to create 15 residential lots located immediately north of Olive Avenue, between Winter Road to the west and Granada Drive to the east (APNs 162-493-30 & 31).

B. A notice describing the proposed project and the intent to adopt a Mitigated Negative Declaration was duly mailed to all property owners within 500 feet of the boundary of project site and published in the "Union Tribune", a newspaper of general circulation, more than 30 days prior to the City Council public hearing in order to provide an opportunity for public comment on the Mitigated Negative Declaration.

C. The Planning Commission is an advisory body to the City Council with respect to annexation requests, and any associated actions related to the project may be addressed at a combined proceeding.

D. The Planning Commission recommended approval of the Mitigated Negative Declaration at a duly noticed public hearing on January 21, 2020, with the approval of Planning Commission Resolution No. 2020-02.

E. The City Council held a duly noticed public hearing to consider the Annexation/Reorganization, Tentative Subdivision Map, General Plan Amendment, and Zone Change applications and proposed Mitigated Negative Declaration on February 25, 2020.

F. At said public hearing, staff reports, both written and oral were received in evidence and all persons desiring to speak on the proposed project were heard. At the conclusion of said hearing, after consideration of all evidence presented, the City Council reached a decision on the matter as set forth.

G. In accordance with the California Environmental Quality Act and the State CEQA Guidelines, the City Council has reviewed and considered said applications and Mitigated Negative Declaration, all written comments received and all comments presented at the public hearing in reaching its decision on the applications.

[Continued on page 2.]

RESOLUTION NO. 2020-33  
CITY COUNCIL OF THE CHARTERED CITY OF VISTA  
PAGE 2

**2. Action.**

A. The above recitations are true and correct.

B. For the reasons discussed below, the City Council finds that the Mitigated Negative Declaration was prepared in the manner required by law and that there is no substantial evidence in the record of proceedings that the approval of the Project, with the imposition of the proposed mitigation measures, would result in a significant adverse effect upon the environment that would require the preparation of an environmental impact report.

C. Based upon the complete environmental record, the City Council finds that there is no substantial evidence that the project will have a significant effect on the environment and that the Mitigated Negative Declaration reflects the City Council's independent judgment and analysis.

D. The City Council, pursuant to Section 15074 of the California Environmental Quality Act Guidelines, hereby adopts the Mitigated Negative Declaration, including any mitigation monitoring and reporting program, a copy of which is attached hereto as Exhibit A.

E. The City Council hereby authorizes and directs the City Planner to prepare and file a Notice of Determination with respect to said Mitigated Negative Declaration in the office of the County Clerk of the County of San Diego, as provided in the California Environmental Quality Act.

**3. Adoption. PASSED AND ADOPTED** at a meeting of the City Council of the City of Vista held on February 25, 2020, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

APPROVED AS TO FORM:  
DAROLD PIEPER, CITY ATTORNEY

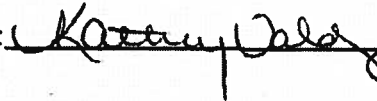
By: \_\_\_\_\_



  
\_\_\_\_\_  
JUDY RITTER, MAYOR

ATTEST:  
KATHY VALDEZ, CITY CLERK

By: \_\_\_\_\_



Exhibits:

A. Mitigated Negative Declaration

APPROVED  
Darold Pieper  
20200211081849



**RESOLUTION NO. 2020-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, MAKING APPLICATION TO THE LOCAL AGENCY FORMATION COMMISSION FOR ANNEXATION/REORGANIZATION OF ASSESSOR'S PARCEL NUMBERS 162-493-30 & 31**

**The City Council of the City of Vista does resolve as follows:**

**1. Findings.** The City Council hereby makes the following findings:

**A.** The applicant, Olive Avenue, LLC, has made an application for an 15-lot single-family residential subdivision and has requested that the City of Vista make application to the Local Agency Formation Commission (LAFCO) for the reorganization of Assessor's Parcel Numbers APN 162-493-30 & 31.

**B.** The properties described above have a General Plan Land Use Designation of RR (Rural Residential).

**C.** The proposed General Plan Amendment involves a change in land use designation from RR to Medium Low Density (MLD).

**D.** The proposed pre-zoning designation for the properties of R-1 is consistent with the proposed MLD General Plan Land Use Designation.

**E.** The proposed reorganization is consistent with City Council Policy 300-10 regarding annexations.

**F.** The reorganization consists of the following actions:

**i.** For Assessor's Parcel Number 162-493-22, annex the property into the City of Vista and the Vista Sanitation District, and detach the property from the Vista Fire Protection District, as shown in Exhibit A.

**ii.** The property shall be incorporated into, and subject to assessment by, the City's Lighting and Landscape Maintenance and Street Maintenance Districts.

**G.** This proposal is made pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, as amended commencing with Section 56000 of the Government Code of the State of California.

**H.** The reorganization will not require that a deficit offset payment be made by Olive 1505, LLC, since a fiscal impact analysis identified a net annual surplus in General Fund revenues.

**I.** The Planning Commission is an advisory body to the City Council with respect to annexation requests.

**J.** The Planning Commission recommended that the City Council make an application to LAFCO at a duly noticed public hearing on January 21, 2020, with approval of

RESOLUTION NO. 2020-34  
CITY COUNCIL OF THE CHARTERED CITY OF VISTA  
PAGE 2

Planning Commission Resolution No. 2020-03.

K. The City Council held a duly noticed public hearing to consider the Annexation/Reorganization and Tentative Subdivision Map applications and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program on February 25, 2020.

L. At said hearing the City Council adopted Resolution No. 2020-33, approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the project.

M. At said public hearing, staff reports, both written and oral were received in evidence and all persons desiring to speak on the proposed project were heard. At the conclusion of said hearing, after consideration of all evidence presented, the City Council reached a decision on the matter as set forth.

**2. Action.**

A. The above recitations are true and correct.

B. The City Manager or his designee is directed to prepare all application materials, with assistance of the property owner, that are necessary for the Local Agency Formation Commission of the County of San Diego to undertake proceedings for the annexation proposed herein.

C. The City Clerk is hereby authorized and directed to file a certified copy of this Resolution with the applicable fees required by Section 54902.5 of the California Government Code, in the form of a check from the property owner, to the executive officer of the Local Agency Formation Commission of the County of San Diego.

**3. Adoption. PASSED AND ADOPTED** at a meeting of the City Council of the City of Vista held on February 25, 2020, by the following vote:

AYES: Mayor Ritter, Rigby, Franklin, Green, Contreras

NOES: None

ABSTAIN: None

APPROVED AS TO FORM:  
DAROLD PIEPER, CITY ATTORNEY

By:  \_\_\_\_\_

  
JUDY RITTER, MAYOR

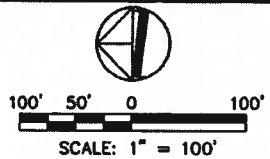
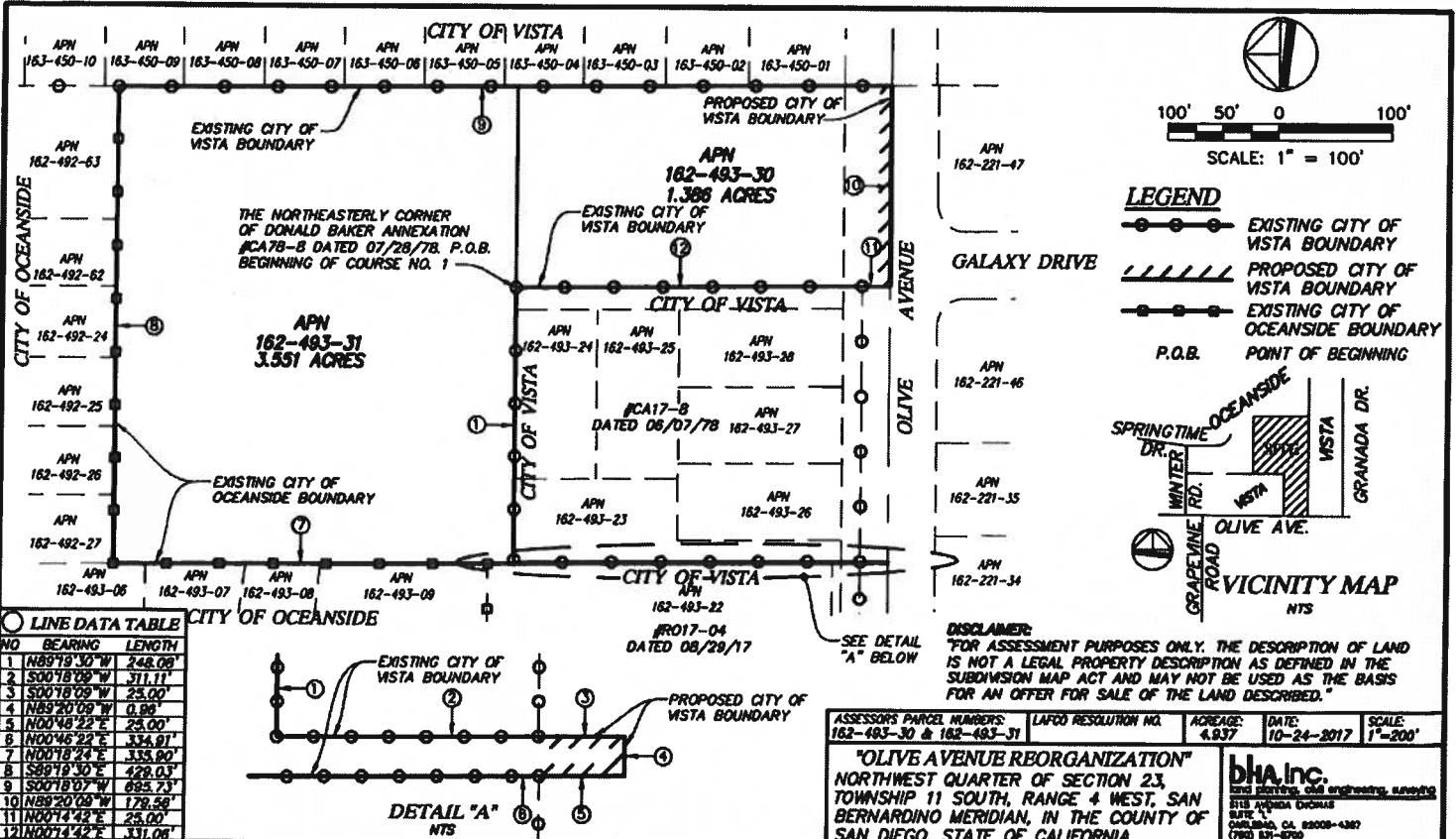
ATTEST:  
KATHY VALDEZ, CITY CLERK

By:  \_\_\_\_\_

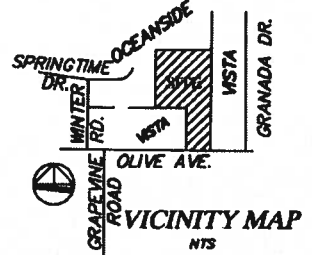
Exhibits:

A. Area subject to reorganization – APN 162-493-30 & 31

APPROVED  
Darold Pieper  
20200211082452

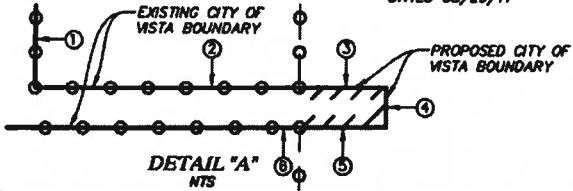


**LEGEND**  
 —●—●—●— EXISTING CITY OF VISTA BOUNDARY  
 - - - - - PROPOSED CITY OF VISTA BOUNDARY  
 —●—●—●— EXISTING CITY OF OCEANSIDE BOUNDARY  
 P.O.B. POINT OF BEGINNING



**LINE DATA TABLE**

NO	BEARING	LENGTH
1	N89°18'30" W	248.00'
2	S00°18'09" W	311.11'
3	S00°18'09" W	25.00'
4	N89°20'09" W	0.89'
5	N00°46'22" E	25.00'
6	N00°46'22" E	324.81'
7	N00°18'24" E	335.80'
8	S89°18'30" E	428.03'
9	S00°18'07" W	685.73'
10	N89°20'09" W	178.56'
11	N00°14'42" E	25.00'
12	N00°14'42" E	331.06'



**DISCLAIMER:**  
 "FOR ASSESSMENT PURPOSES ONLY. THE DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

ASSESSORS PARCEL NUMBERS: 162-493-30 & 162-493-31	LAFD RESOLUTION NO.	ACREAGE: 4.937	DATE: 10-24-2017	SCALE: 1"=200'
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**"OLIVE AVENUE REORGANIZATION"**  
 NORTHWEST QUARTER OF SECTION 23,  
 TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN  
 BERNARDINO MERIDIAN, IN THE COUNTY OF  
 SAN DIEGO, STATE OF CALIFORNIA.

**bha, inc.**  
 LAND SURVEYING AND ENGINEERING, SURVEYING  
 8115 AVENIDA DECEMBER  
 SUITE 111  
 OAKLAND, CA 94612-4387  
 (760) 531-8700

**RESOLUTION NO. 2020-35**

**A RESOLUTION OF THE CITY COUNCIL OF THE CHARTERED CITY OF VISTA, CALIFORNIA, APPROVING A TENTATIVE SUBDIVISION MAP, GENERAL PLAN AMENDMENT TO CHANGE LAND USE DESIGNATION FROM RURAL RESIDENTIAL (RR) TO MEDIUM LOW DENSITY (MLD) AND ZONING CHANGE (PRE-ZONING TO R-1) FOR A 15-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION LOCATED IMMEDIATELY NORTH OF OLIVE AVENUE, BETWEEN WINTER ROAD TO THE WEST AND GRANADA DRIVE TO THE EAST (APNS 162-493-30 & 31)**

**The City Council of the City of Vista does resolve as follows:**

**1. Findings. The City Council hereby makes the following findings:**

**A. The applicant, Olive Avenue, LLC, has submitted an application for an Annexation/Reorganization, Tentative Subdivision Map, General Plan Amendment (land use designation change from Rural Residential (RR) to Medium Low Density Residential (MLD) and Zoning Change (pre-zoning R-1) to create 15 residential lots located immediately north of Olive Avenue, between Winter Road to the west and Granada Drive to the east (APNs 162-493-30 & 31);**

**B. Pursuant to Title 17 of the Vista Development Code, the City Council did consider the recommendations of the City Planner, City Engineer, the Vista Irrigation District, and the San Diego Gas and Electric Company, or their authorized representatives, with respect to appropriate fire flow, fire hydrants, public improvements and connections to be installed, and such other agencies as may have been deemed necessary by the Community Development Director, pertaining to P17-0388, a subdivision of property located immediately north of Olive Avenue, between Winter Road to the west and Granada Drive to the east (APNs 162-493-30 & 31);**

**C. The Planning Commission is an advisory body to the City Council with respect to annexation requests, and any associated actions related to the project may be addressed at a combined proceeding;**

**D. The Planning Commission recommended approval of the Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program at a duly noticed public hearing on January 21, 2020, with the approval of Planning Commission Resolution No. 2020-02.**

**E. The City Council held a duly noticed public hearing to consider the Annexation/Reorganization, Tentative Subdivision Map and General Plan Amendment applications and proposed Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program on February 25, 2020;**

**F. At said hearing, the City Council adopted Resolution No. 2020-33, approving a Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for an 15-lot single-family residential subdivision located immediately north of Olive Avenue, between Winter Road to the west and Granada Drive to the east (APNs 162-493-30 & 31);**

**RESOLUTION 2020-35  
CITY COUNCIL OF THE CHARTERED CITY OF VISTA  
PAGE 2**

**G. At said hearing, the City Council adopted Resolution No. 2020-34, making an application to the Local Agency Formation Commission for reorganization of Assessor's Parcel Numbers 162-493-30 & 31;**

**H. The Zoning designation for the project site is hereby changed to pre-zoning of R1 (Residence Zone), and a corresponding change shall be made to the Zoning Map;**

**I. With approval of the accompanying Tentative Subdivision Map and General Plan Amendment, the proposed zone change (pre-zoning to R-1) will be consistent with the General Plan as required by Government Code Section 65860; and**

**J. At said hearing, staff reports, both written and oral were received in evidence and all persons desiring to speak on the proposed project were heard. At the conclusion of said hearing, after consideration of all evidence presented, the City Council reached a decision on the matter as set forth.**

**2. Action.**

**A. The above recitations are true and correct.**

**B. The City Council hereby makes the following findings with regard to the request for a Tentative Subdivision Map to create 15 residential lots located immediately north of Olive Avenue, between Winter Road to the west and Granada Drive to the east:**

**1. The proposed use is consistent with the General Plan and any applicable specific plan for the following reasons:**

**a. The General Plan Land Use Element currently designates the area as Rural Residential, allowing a maximum of one dwelling unit per acre. The proposed General Plan Amendment to Medium Low Density (MLD) designation (maximum of 5 dwelling units per acre) for this site would be consistent with surrounding MLD designated properties to the immediate east, west, and south of subject parcel and the subdivision has a density of 3.04 dwelling units per acre. Therefore, the density of the proposed project would be consistent with the proposed MLD designation per the Vista General Plan Land Use Element.**

**b. The subdivision as designed is consistent with the Land Use and Community Identity Element. The subject property is surrounded by residential land uses on all sides. Therefore, the proposed residential subdivision is compatible with adjacent land uses. The density of the proposed subdivision is consistent with the density allowed by the proposed General Plan land use designation.**

**2. The design and improvements of the proposed subdivision are compatible with the Vista General Plan for the following reason:**

**The design and improvements meet the criteria of Development Code Titles 16, 17 and 18 to implement the General Plan.**

**3. The site is physically suitable for the type of development for the following reason:**

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The land area and topography will support the 15 residential lots and related private road proposed by the Tentative Subdivision Map.

4. The site is suitable for the proposed density of development for the following reason:

The density of the subdivision is 3.04 dwelling units per acre which is below the density (maximum five dwelling units per acre) allowed by the proposed General Plan land use designation.

5. The design of the subdivision or the proposed improvement are not likely to cause substantial environmental damage, or substantially and avoidably injure fish, wildlife, or other habitat for the following reason:

The project site is substantially surrounded by existing single-family units and it does not contain any endangered, rare or threatened species. Approval of the project would not result in significant effects related to traffic, noise, air quality, or water quality.

6. The design of the subdivision or the type of improvements is not likely to cause serious public health problems for the following reasons:

a. Adequate public services, including emergency services, and utilities, including sewer service, will be extended to the subdivision to ensure no public health problems occur as a result of the subdivision.

b. The road improvements as proposed and imposed by the Conditions of Approval meet City standards.

7. The design of the subdivision or the type of improvements will not conflict with easements of record or easements established by court judgment acquired by the public at large for access through, or use of property within the proposed subdivision for the following reason:

All such easements shall be relocated or reserved from development.

C. In view of the necessary findings heretofore made, and considering the applicable law, the City Council hereby approves the Tentative Subdivision Map, included as Exhibit B to this Resolution and subject to Conditions of Approval imposed by Exhibit A to this resolution.

D. Failure to abide by and faithfully comply with any and all Conditions of Approval included in Exhibit A shall constitute grounds for revocation of the approval by the City Council.

E. The applicant must execute a written acceptance of these Conditions of Approval no later than thirty (30) days after the permit is approved or the permit shall become null and void.


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**3. Adoption. PASSED AND ADOPTED** at a meeting of the City Council of the City of Vista held on February 25, 2020, by the following vote:

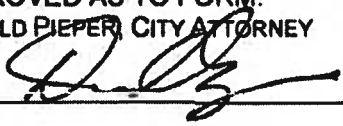
**AYES:** Mayor Ritter, Rigby, Franklin, Green, Contreras

**NOES:** None

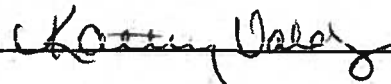
**ABSTAIN:** None

  
\_\_\_\_\_  
JUDY RITTER, MAYOR

**APPROVED AS TO FORM:**  
DAROLD PIEPER, CITY ATTORNEY

By:   
\_\_\_\_\_

**ATTEST:**  
KATHY VALDEZ, CITY CLERK

By:   
\_\_\_\_\_

**Exhibits:**

- A. Conditions of Approval
- B. Tentative Subdivision Map

APPROVED  
Darold Pieper  
20200211083223

EXHIBIT "A"  
CONDITIONS OF APPROVAL  
P17-0388  
Olive Avenue, LLC  
Olive Avenue Annexation

A. SCOPE OF PROJECT

This project consists of an annexation/reorganization, general plan amendment, a tentative subdivision map and zoning change (pre-zoning R-1) for a 15-lot single-family residential subdivision to be located in the R-1 Zone which shall conform to Exhibit "B".

B. APPLICABLE REGULATIONS

1. Where not otherwise specified, this project shall be subject to the regulations of the City of Vista Municipal and Development Codes as well as other applicable local, State and Federal regulations.
2. Prior to any construction on the site, all required permits shall be obtained.

C. FINAL MAP

A Final Map is required for this subdivision as set forth in Condition F-1.

D. EXPIRATION AND PHASING OF TENTATIVE MAP

1. Unless a Final Map is recorded or an extension granted pursuant to Title 17 of the Development Code, this Tentative Subdivision Map shall expire at 11:59 PM on the third anniversary of the adoption of this Resolution.
2. The recordation of the Final Map and construction of all access improvements and public utility improvements may not be phased.

E. BUILDING AND STRUCTURAL INFORMATION AND CONDITIONS

1. All construction and designs are to comply with the model codes adopted by the City of Vista at the time permit applications are filed, and construction documents are submitted for plan check.

F. ENGINEERING INFORMATION AND CONDITIONS

1. General
  - a. A Final Map shall be prepared by a Registered Civil Engineer or Licensed Land Surveyor, and shall be in accordance with the approved Tentative Map, the Subdivision Map Act and Vista Development Code Title 17, Chapter 17.68, and shall be subject to approval by the Land Development Engineer.
  - b. Prior to acceptance of any building plans, the grading and public improvement plan sets shall be submitted for the second plan check and deemed substantially complete by the Land Development Engineer. Prior



to issuance of any building permits, the public improvement plans shall be approved by the Land Development Engineer and bonded for.

- c. An Owners Association shall be formed for this project to address the maintenance of private facilities. The applicant shall submit two sets of CC&Rs with the Final/Parcel Map for concurrent review and approval. The CC&R's shall be recorded before or concurrent with the Final Map recordation. The CC&R's shall address the maintenance of private street(s), monument signage, common area (and inaccessible non-common area) landscaping, private drainage systems (including detention basins), BMP's, access roads, streetlights, gates, and perimeter fencing. The CC&R submittal shall include a spreadsheet noting each applicable condition of approval and the page within the CC&R's where the item is addressed. Recorded CC&Rs shall include a signature line for the City with a declaration that the recorded CC&Rs satisfy the terms of the land use approval authorizing the map. The signature block for the CC&R's shall be accepted by the City with the following signature block:

The City of Vista has reviewed these CC&R's and the terms of the land use approval authorizing the map have been complied with, based on language included in the following provisions \_\_\_\_\_ or the CC&R's. Any amendment to those provisions must be countersigned by the City to confirm that the changes do not materially modify the preceding list of the CC&R's in a manner to deviate from the requirements of the land use approvals.

\_\_\_\_\_  
City of Vista Representative

- d. The approval of the Tentative Subdivision Map shall not mean that closure, vacation, or abandonment of any public street, right of way, easement, or facility is granted or guaranteed to the applicant. Section 66434(g) or 66445(j) of the Government Code may be applied at the discretion of the City Engineer. If not applied, the applicant is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) for such actions shall be reviewed and approved or rejected by the City under separate process per codes, ordinances, and policies in effect at the time of the application.
- e. Where proposed off-site improvements, including but not limited to slopes, public utility facilities, and drainage facilities, are to be constructed, the applicant shall, at his own expense, obtain all necessary easements or other interests in real property and shall dedicate the same to the City as required. The applicant shall provide documentary proof satisfactory to the City that such easements or other interest in real property have been obtained prior to the approval of the parcel map. Additionally, the City, may at its sole discretion, require that the applicant obtain at his sole expense a

title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Vista or the applicant, as applicable.

- f. For this project APN's 162-493-24-00 and 162-493-25-00 shall grant a private sewer easement to this development so the proposed sewer laterals for lots 1, 2 and 3 can be connected to a public sewer main within the adjacent properties. Recorded easements shall be completed before a grading permit is issued. These two parcels shall also grant a construction easement to the developer for all work to be completed on their property.
- g. A boundary adjustment shall be recorded between this project and APN 162-493-23-00 for the 1 foot strip that exists along the southerly boundary of APN 162-493-23-00. Recording shall be completed before grading permit is issued.
- h. The applicant shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.
- i. The drainage design on the Tentative Subdivision Map is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the Land Development Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the Land Development Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.
- j. Prior to grant of occupancy, the Engineer of record must submit "As-Built" drawings to the construction inspector assigned to this project for final approval. The Inspector will review the "As-Built" drawings, sign and return them to the contractor.
- k. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (N.P.D.E.S.) permit requirements for urban runoff and storm water discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or requirements. Further, the applicant shall be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the N.P.D.E.S. General Permit for Storm Water Discharges

Associated with Construction Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. SWPPPs shall include construction pollution prevention and pollution control measures. The applicant shall comply with all the provisions of the Clean Water Program during and after all phases of the development process, including but not limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units.

- I. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during construction along the frontage of the project, shall be repaired or replaced as directed by the Inspector.

## 2. Grading

- a. Prior to any grading of any part of the project, a comprehensive soils and geologic investigation shall be conducted of the soils, slopes, and formations of the project. All necessary measures shall be taken and implemented to assure slope stability, erosion control, and soil integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with the Development Code, is approved by the Land Development Engineer.
- b. If the project involves demolition of an existing structure or surface improvements, the grading and erosion control plans shall be approved by the Land Development Engineer prior to the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.
- c. A precise grading and private improvement plan shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The grading plan shall be prepared by a California Registered Civil Engineer. The plan shall reflect all pavement, flatwork, drainage devices, utility services, landscaped areas, special surfaces, curbs, gutters, walls, medians, striping, signage, streetlights, and footprints of all structures. Parking lot striping and any on-site median islands shall be shown on all Precise Grading and Private Improvement Plans. An erosion control plan shall be submitted along with the grading plans for the site.
- d. The applicant shall monitor, supervise and control all construction and construction-supportive activities, so as to prevent these activities from causing a public nuisance, including but not limited to, insuring strict adherence to the following:
  1. Dirt, debris and other construction material shall not be deposited on any public street or within the City's storm water conveyance system.

2. All grading and related site preparation and construction activities shall be limited to the hours of 7 AM to 5 PM, Monday through Friday, and from 8 AM to 4 PM on Saturdays. No Engineering related construction activities shall be conducted on Sundays or legal holidays unless written permission is granted by the Land Development Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing residential development. Because construction noise may still be intrusive in the evening or on holidays, the City's Noise Ordinance also prohibits any disturbing, excessive, or offensive noise which causes discomfort or annoyance to reasonable persons of normal sensitivity.
3. The construction site shall accommodate the on-site parking of all motor vehicles used by persons working at or providing deliveries to the site.
- e. Grading and drainage facilities shall be designed and installed to adequately accommodate the local storm water runoff and shall be in accordance with the City's Development Code and as directed by the Land Development Engineer. Drainage facilities shall include an onsite detention basin to attenuate the peak flows resulting from a 100-year storm event down to a level equal or less than the pre-development flow.

3. Improvements

- a. Prior to approval of the Final Map all improvement requirements shall be covered by a subdivision agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship. Any private streets that are created shall be subject to a Subdivision Maintenance Agreement to be recorded concurrently with the Final Map.
- b. All public improvements are required at the time of subdivision and/or development and shall be under construction to the satisfaction of the Land Development Engineer prior to the issuance of the first building permit, excluding retaining wall permits. All public improvements including underground conversion of overhead utilities (if required) shall be completed prior to issuance of any Certificate(s) of Occupancy.
- c. Engineered street, and sewer improvement plans for Olive Avenue shall be prepared and submitted by a California Registered Civil Engineer for plan check and approval of the Land Development Engineer.

- d. The following streets shall be dedicated on the Final Map and improved as noted:

***Olive Avenue:***

- a) An 84-foot wide right-of-way (ROW) improved with a 64-foot wide curb-to-curb pavement section centered within the ROW.
  - b) Improvements shall consist of streetlights, 6-inch curb/gutter, 5 foot wide sidewalk, a minimum pavement section of 4" AC over 8" CLIIAB structural pavement section with a TI of 8.0.
  - c) For this project the ROW has been dedicated and Olive Avenue meets the City of Vista requirements for width and improvements. This project shall complete a pavement investigation in accordance with conditions o and p below and at a minimum construct a 2 inch grind and overlay to centerline of Olive Avenue along the project frontage.
- e. Street name signs and traffic control devices shall be built to City standards as required by the Land Development Engineer and the Traffic Engineer.
- f. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated and improved as required by the Land Development Engineer.
- g. Center to curb face radius for private cul-de-sacs shall be 40 feet minimum with an easement radius of 45 feet.
- h. Sight distance requirements at all street intersections shall conform to the Cal Trans intersectional sight distance criteria. Landscaping features such as slopes, fencing, retaining walls, trees, shrubs, and signage shall be designed to conform to the Cal Trans sight distance criteria.
- i. This project shall provide a standard City of Vista street light at the intersection of the private street and Olive Avenue. The applicant shall pay all applicable fees, energy charges, and/or assessments and privately maintain said street lights on all public or private streets within the subdivision boundary. Streetlight plans shall be submitted and approved prior to recordation of the Final Map.
- j. Design and construction of all improvements shall be in accordance with standard plans and requirements of the City of Vista and subject to approval by the Land Development Engineer.
- k. All public streets shall provide a minimum of 10 foot parkway between the face of curb and the right of way line. Public and private sidewalk and hardscape designated as "ADA path of travel" shall comply with ADA requirements.

- l. Any public street adjacent to the project shall be improved as required by the Land Development Engineer.**
- m. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the applicant's soil engineer and must be approved by the Land Development Engineer, prior to paving.**
- n. All existing overhead utility lines within the property and/or in the public right of way on the same side of a public right-of-way or private street abutting a new project, 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 City Code requirements and as required by the Land Development Engineer and current City policy.**
- o. Prior to approval of the grading plans, the applicant shall contract with a geotechnical engineering firm to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street along the project frontage. The field investigation shall include a minimum of one pavement boring per every fifty (50) linear feet of street frontage. Should the existing AC thickness be determined to be less than three (3) inches or without underlying Class II base material, the applicant shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in following condition.**
- p. Upon review of the pavement investigation, the Land Development Engineer shall determine whether the applicant shall: 1) Repair all failed pavement sections, 2) header cut and grind per the direction of the Public Works Inspector, and construct a minimum two (2)-inch thick rubberized AC overlay; or 3) Perform R-value testing and submit a study that determines if the existing pavement meets current City standards/traffic indices. Should the study conclude that the pavement does not meet current requirements, rehabilitation/mitigation recommendations shall be provided in a pavement analysis report, and the applicant shall reconstruct the pavement per these recommendations, subject to approval by the Land Development Engineer.**
- q. The City of Vista does not provide water service for projects within our city limits. A separate submittal and/or permits, fees, bonds, agreements and other conditions may be required to be attained by Vista Irrigation District.**
- r. Any private water lines shall be designed by a registered Civil Engineer in the State of California. The plan check and inspection for private water lines shall be paid for by the developer as part of the Engineering review and construction process.**

4. Stormwater

- a. The applicant shall prepare and submit an Operations & Maintenance (O&M) Plan to the Engineering Division with the first submittal of engineering plans. The O&M Plan shall be prepared by the applicant's Civil Engineer. It shall be directly based on the project's Storm Water Quality Management Plan (SWQMP) previously approved by the Land Development Engineer. The O&M Plan shall be approved by the Land Development Engineer prior to approval of any plans by the Land Development Division. At a minimum the O&M Plan shall include the designated responsible parties to manage the storm water BMP(s), employee's training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, and any other necessary elements
- b. The applicant shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the future owner(s) to maintain, repair and replace the storm water Best Management Practices (BMPs) identified in the project's approved Storm Water Quality Management Plan (SWQMP), as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney and shall be recorded at the County Recorder's Office prior to issuance of any precise grading permit.
- c. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The project proponent shall complete and maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least 5 years. These documents shall be made available to the City for inspection upon request at any time.
- d. The project shall provide a separate sheet as part of the grading plan showing all construction BMP's required. This construction BMP sheet shall be phased as needed and required by the City of Vista, alterations and or updated plans may be required during construction. Additional BMP's when requested by the City of Vista shall be implemented at least before the next rain event or within 48 hours of request whichever comes first.
- e. The BMPs described in the project's approved Storm Water Quality Management Plan (SWQMP) shall not be altered in any way, shape or form without formal approval by the City Engineer.
- f. This project will be required to implement post construction BMP's in accordance with the City of Vista BMP Design Manual and the San Diego Regional Water Quality Control Board (SDRWQCB) MS4 permit reissued as order no R9-2013-0001. A separate sheet shall be provided as part of the grading plans that indicates all site design, source control and

treatment control BMP's. This sheet shall be signed by the architect, civil engineer, landscape architect, and geotechnical engineer. It shall show construction level details for all BMP's as required by the City Engineer.

- g. The storm water treatment, hydromodification and Q100 detention design on the Tentative Subdivision Map is conceptual only. The final design shall be based upon a final SWQMP submitted that meets all of the most current requirements from the Region 9 Water Resource Control Board and the City of Vista. Any unresolved issues shall be addressed at the final design stage. This Final designed report shall be approved by the Land Development Engineer during final engineering.
  - h. All post construction BMP's shall be surveyed by a professional land surveyor. A written certification signed and stamped by the Civil Engineer of record shall be submitted prior to final inspection and occupancy release. The certification shall include language that the civil engineer has personally visited the site and confirms the BMP's as constructed are in conformance with the approved SWQMP and H&H reports and that all water quality requirements have been satisfied.
3. Public Sewer and Water Utilities (insert Sanitation conditions here)
- a. The Residential development proposed density is in compliance with the current General Plan and zoning requirements. Therefore, the project proposed sewer capacity is within the allowable sewer capacity as *determined by the current '2017-Sewerage Master Plan'*.
  - b. The proposed residential development project is outside the City of Vista Jurisdictional Boundary and the Sewer Service Area (V03), but it is within the City of Vista Sphere of Influence. Annexation of the parcel into the City of Vista Jurisdictional Area will be required in order to obtain sewer service.
  - c. Sewer capacity is available upon recordation of the required *'Annexation into the City Of Vista'* Jurisdictional Boundary.
  - d. The *peak sewer capacity estimate* for this project, based on the Site Development Plan submittal dated *August-2019*, will be calculated based on the current City of Vista Municipal Codes (*Ref. VMC Sections 14.01.030, 06.110, 120, & 130*).
  - e. The current sewer capacity charge per EDU is available at City's Development Services Counter, and is due and payable immediately prior to issuance of the building permit. The capacity charge is subject to change based on the charge schedule and plans submitted at the time the building permit is issued. Prorated sewer service charges are initially billed for the current fiscal year and thereafter collected on the property tax roll (*Ref. VMC 14.06.040 & 14.06.090, & 100*). The



capacity charge is subject to change based on the charge schedule at the time the building permit is issued.

- f. *Developer shall obtain a 'Sewer Discharge' permit from the City of Vista, and pay all related fees and charges, prior to obtaining a Building permit. Commitment to provide sewer services is made by the District's Board and/or City Council, and is subject to compliance with Sewer District's conditions, terms, rules, and regulations, posting required securities/bonds, and payment of all pertinent fees and charges.*
- g. *An existing 8-in VCP (Dwg-3539, 1965-Yr) public sewer main within a public sewer easement (Doc.1978484309, Rec'd. 11/8/1978) is available for connection. Refer to the existing record drawings and the existing CCTV inspection logs and videos for location and condition of the existing pipes, respectively.*
- h. Abandonment of 'Private &/or Public' Sewer Facilities: The existing residential buildings are currently being served by an existing private septic system. Developer shall obtain a County Department of Environmental and Health (DEH) plumbing permit to abandon the septic system. Below is the link to the County of San Diego's website for abandonment of septic systems. Click the link at the bottom of the page "Design Manual for Onsite Wastewater Systems". This will provide you the latest requirements. Add note on the Grading and Improvement Plans stating that existing private septic system is required to be removed.  
[http://www.sdcountry.ca.gov/deh/water/lu\\_septic\\_systems.html](http://www.sdcountry.ca.gov/deh/water/lu_septic_systems.html). Also, the Geotechnical/Soils Report shall address the removal & backfill of the septic system.
- i. *The existing 8-in VCP (Dwg-3539, 1965-Yr) public sewer main within the public sewer easement (Doc.1978484309, Rec'd. 11/8/1978) shall be remove and realigned and replaced per public standards, and as directed by the Sanitation Engineer.*
- j. *Access shall be provided from Lot-C into the public sewer easement (Doc.1978484309, Rec'd. 11/8/1978) for the purposes of access and sewer maintenance, and an Access gate shall be install per public standards, and as directed by the Sanitation Engineer.*
- k. *Developer shall extend an 8-in PVC (SDR35) public sewer main along Lot-C and out of the existing public sewer easement (Doc.1978484309, Rec'd. 11/8/1978) to provide sewer service to the proposed residential development.*
- l. *Construction Sewer Improvement plans are to be designed per public standards, and prepared by a California Registered Professional Civil Engineer, and construction and inspection of the 'public' sewer main is*

to be done per Public Standards and/or as directed by the City Engineer, including Pre- & Post-CCTV inspection (*Ref. VMC 14.08*).

- m. Each proposed detached building shall have an individual, dedicated, gravity flow, private sewer lateral and cleanout fronting and connecting to the private sewer main.
- n. The Grading and Improvement Plans shall include an 'AS-BUILT' Sanitation Signature block as noted below.

<b>"AS BUILT"</b>		
RCE _____	EXP. _____	DATE _____
REVIEWED BY: _____		
INSPECTION: _____	DATE: _____	
SANITATION *** _____	DATE: _____	

- o. This project does not qualify for public sewer reimbursement. All cost incurred for the removal and replacement of the 'off-site' public sewer facilities shall be borne by the developer (*Ref. VMC14.08-050, & 16.56.150*).
- p. Lot-C shall be dedicated on the Final Map as a public sewer easement for the benefit of the City of Vista.
- q. The Final Map **GENERAL NOTES** shall include the following notes:
  - r. Grading, drainage, surface & underground improvements, landscape and irrigation, and BMPs requirements per approved planning commission (City Council) Resolution 2020-\_\_\_\_\_.
  - s. All public sewer and drainage easements dedicated within the Final Map shall be subject to the '*VSD Restrictions for Sewer & Drainage Easements*', *Doc#1991-0433396, Recorded August 23, 1991*.
  - t. All Parcels shall be subject to a recorded 'Private Subdivision Facilities Maintenance Agmt' *Doc#2020-\_\_\_\_\_*, *Recorded \_\_\_\_\_*, 2020.
  - u. All Parcels shall be subject to a recorded 'Covenants, Conditions and Restrictions' (CC&Rs) *Doc#2019-\_\_\_\_\_*, *Recorded \_\_\_\_\_*, 2020.
  - v. Developer is to comply with the SWRCB requirements to prevent *Sanitary Sewer Overflows (SSOs) and Spills*. Compliance can be met by complying with the conditions and requirements noted above, and by performing the required pre- and post-CCTV inspection, and installing approved sewer manholes and access roads.

- w. For questions regarding the above sanitation terms and conditions, please contact Mr. Tony Tirado, P.E, at 1.760.643.5432, or email: [ttirado@cityofvista.com](mailto:ttirado@cityofvista.com).

4. Miscellaneous

- a. Traffic control during the construction of streets which have opened to public travel shall be in accordance with construction signing, marking and other protection as required by the State Department of Transportation (CalTrans) Traffic Manual.
- b. Water improvements are separately approved by and bonded with the Vista Irrigation District prior to approval of the grading plan. Please submit with VID concurrently to avoid project delays.
- c. A Right-of-Way permit shall be required prior to commencement of any work within the City right-of-way.

G. FIRE DEPARTMENT CONDITIONS AND REQUIREMENTS

1. Fire Department Access

- a. Fire apparatus roads shall be designed and maintained to support an imposed load of at least 75,000 pounds and shall provided an approved paved surface

All fire access roadways must be maintained unobstructed and drivable by fire apparatus throughout the construction process. If the roadway becomes undrivable, a Stop Work Order may be issued until access is restored.

- b. A paved all-weather driving surface approved by the Fire Chief, capable of supporting fire apparatus must be installed prior to combustible construction materials being brought to the site. *(Exception: forming lumber for foundations permitted prior to all-weather surface.)* Minimum required paving shall consist of at least the first lift. Complete paving is required prior to building final inspection.
- c. Any gate or barrier across a fire access roadway whether manual or automatic, must meet Vista Fire Department standards and have specific plans reviewed and approved prior to installation.
- d. Roadway design features (speed bumps, speed humps, speed control dips, etc.) which may interfere with emergency apparatus responses shall not be installed or allowed to remain on fire access roadways.

2. Street Address Numbers/Signs

- a. Permanent three-dimensional street numbers, minimum 4" in height,

shall be provided at approved locations, visible from either direction of approach.

- b. Street name signs meeting the requirements of the City shall be installed at the intersections. Temporary address and street name signs shall be provided during construction.

3. Hydrants & Waterlines

- a. Jones model 3700 and Clow model 2050 are the only acceptable hydrants. Required fire flow at hydrant is 1500 GPM.
- b. Prior to any building construction at the site all fire hydrants shall be installed and operational. If any existing fire hydrant does not meet minimum fire flow or approved type as indicated above it shall be the responsibility of the applicant to improve the system as needed.
- c. Waterlines for fire control must be capable of supplying the required demand of the hydrant(s), plus the largest fire sprinkler demand, plus any domestic use supplied from that line.
- d. Fire hydrants shall be painted per Vista Fire Department standards and be maintained free of obstructions. Blue reflective raised pavement marker shall be installed on pavement at approved location marking each hydrant.
- e. If any hydrants are taken out of service, the Fire Marshal's office shall be notified in advance and the hydrants clearly marked OUT OF SERVICE per department policies.

4. Fire Sprinklers

- a. All residential structures and attached garages built on the subject property are required to have residential fire sprinkler systems meeting NFPA 13-D, current edition, and local VFD sprinkler policy.
- b. All Building Plan framing and floor plan pages shall include the following statement in bold type:

**"BUILDING SHALL NOT BE ENCLOSED UNTIL FIRE DEPARTMENT APPROVES FIRE SPRINKLER HYDROSTATIC TEST.**

5. Emergency Response Map

- a. Provide an "as built" site plan for emergency response mapping in a format compatible with current Fire Department mapping contractor needs. Fee for map update is charged. Map update is required prior to building permit issuance

H. VISTA IRRIGATION DISTRICT INFORMATION AND CONDITIONS

1. The site is entirely within the Vista Irrigation District.
2. All Grading and Improvement plans are required to be submitted to the District for review and approval.
3. One or more of the following requirements apply in order for the District to supply water to this project:
  - a. A public water line extension
  - b. Installation of a reduced pressure detector assembly (RPDA) to serve your private system
  - c. Installation of water facilities off existing District water line(s)
  - d. All lots being created must be adjacent to a public water main and served through individual water meters(s) and/or RPDA(s)
4. A Specific Easement (ref. Vista Irrigation District Standard Drawing 5-1) is necessary for: public waterline extension.
5. District Blanket Easement No. M105 & M106 encumbers the property. Specific Easement No. P20 encumbers the property.
6. An existing District waterline crosses or is adjacent to the land being developed (see-attached plat) and should be shown on the final map. These waterlines may need to be replaced or relocated due to the grading operations or project configuration.
7. Service is being provided via an existing 2" water meter, Account No. 5467-0190 and ¾" water meter, Account No. 5467-0096. Additional meters or water facilities may be needed.
8. This project is subject to payment of the District's Capacity Fee as well as the San Diego County Water Authority's Capacity Charge at the time application is made for water service.
9. A complete hydraulic analysis and design study will be required to determine available domestic service pressures, fire flow availability, on-site and/or off-site system improvements required to serve the project. The owner is to contact the District's Engineering Department to make arrangements for the study.
10. When the required fire flow amount and fire hydrant locations are known, the developer and his engineer must meet with District staff to discuss water service to the site.
11. The District's water system design criteria requires that a minimum residual pressure of 30 psi during peak hour conditions be provided at each water

meter required for the project. Additionally, required fire flows for the project must maintain a minimum of 20 psi during maximum day conditions. The District has a 10-inch size waterline in Olive Avenue with a maximum hydraulic gradient of 565 feet. The owner should contact the Fire Agency having jurisdiction over this project to obtain fire flow requirements and fire control facilities needed to serve the project.

12. Owner to coordinate project with District. Contact Jay Vittachi, Engineering Specialist II, at (760) 597-3122 for more information.
13. Meters serving commercial or industrial zoned lands are required to have an approved District backflow device. If fire hydrants are required which are not adjacent to any District waterlines or which are adjacent to undersized waterlines, a waterline extension may be required which may also require specific easements.

**I. VISTA UNIFIED SCHOOL DISTRICT INFORMATION AND CONDITIONS**

The applicant must mitigate the impact of this development before a building permit is issued. Fees may be paid at the Vista Unified School District Office, 1222 Arcadia Avenue, Vista, California, 92084 between the hours of:

**Monday through Thursday 9 a.m. to 1 p.m.**

**Monday through Thursday 1 p.m. to 4 p.m. by appointment only**

**Fridays 9 a.m. to 4 p.m. by appointment only**

**Appointments can be made by telephone at 760-726-2170 ext. 2893 or 2820.**

**J. PLANNING INFORMATION AND CONDITIONS**

1. The project applicant shall be responsible for all fees charged by the Local Agency Formation Commission (LAFCO) associated with the application for annexation/reorganization for subject project.
2. The Final Map shall not be approved until the annexation/reorganization process is completed with LAFCO for the annexation of subject project site into the City of Vista's jurisdictional boundary.
3. A condition of the annexation into the City of Vista shall be imposed to ensure that the project parcels (APN 162-493-30 &31) to be annexed will be subject to certain assessments, such as the Citywide Landscaping and Lighting District and Citywide Street Maintenance District.
4. Any proposed fence or wall details and materials shall be submitted for review and approval by the City Planner. No razor wire, barb wire or chain link fencing is allowed. The use of unfinished CMU as a wall material is not permitted.
5. Building setbacks shall conform to the setback lines delineated on the Tentative Map as well as setback requirements per the zone (R-1). Setbacks shall also be shown on the Final Map.

6. **Street Name, Numbers and Warning Signs:**
  - a. **Building addresses shall be assigned by the Planning Division.**
  - b. **The applicant shall cause to be installed in all public and private rights of way, at his/her expense, street signs and City standard warning signs, including stop signs, as required by the Traffic Engineer, to ensure the safety of the public. Street name signs shall be of the type approved by the Traffic Engineer. The placement of all signs shall be shown on the approved street improvement plans. Public street name signs shall be green with white letters and private street name signs shall be blue with white letters.**
7. **Prior to Final Map approval, the subdivider shall give notice to public utilities as required by the Subdivision Map Act.**
8. **Prior to the Final Map approval, the subdivider shall have a mail collection system approved by the Postmaster. The mail collection system shall be installed with the onsite street systems.**
9. **The Final Map shall conform to the Tentative Map as determined by the Land Development Engineer. A Final Map shall be deemed to conform if public infrastructure meets City standards, even if it is not as shown on the Tentative Map. A Final Map shall also be deemed to conform to the Tentative Map if there are fewer residential lots, or if the lots are larger, or if the grading varies slightly from the concept shown but meets the City Ordinance and generally conforms as determined by the City Planner.**
10. **Prior to Final Map approval, construction drawings showing all slopes, street trees, and any other proposed landscaping shall be submitted to the City Planner. These plans shall be prepared by a licensed landscape architect and shall comply with the applicable City ordinances. The plans must be approved by the City Planner prior to Final Map approval.**

#### **Landscape**

11. **The landscape construction drawings shall be modified from Exhibit "B" to provide a planting design that demonstrates that the estimated total water use (ETWU) will not exceed the maximum allowable water allowance (MAWA). The construction drawings shall contain complete planting and irrigation plans, details & specifications to meet the requirements of the City of Vista's Water Efficient Landscaping Ordinance (Chapter 18.56) and The City of Vista's Landscape Manual.**
12. **All areas that are graded or disturbed as a result of the project must be re-landscaped to the requirements of the City of Vista's Water Efficient Landscaping Ordinance (Chapter 18.56) and the City of Vista's Landscape Manual.**

13. Following grading put prior to the commencement of the irrigation system's installation, a soils management report must be submitted to the City for review and approval. It shall contain the following: An analysis of the soil for the proposed landscape area of the project including soil texture, soil infiltration rate, pH, total soluble salts, plant sodium, percent organic matter, horticultural suitability, and recommendations for soil amendments and mulch that may be necessary to provide for healthy plant survival and growth.
14. The project Landscape Architect shall supervise the installation to insure that the work is installed per the plans approved by the City. This shall include an observation of the irrigation system of all points of connection (prior to backfill), backflow protection devices, mainlines, electrical connections, automatic controllers, control valves, as well as all soil amendments, root barriers, existing and proposed plantings, tree staking and mulch. The completed irrigation system must be tested to verify adequate coverage and that no overspray or runoff is occurring.
15. Prior to the request of the applicant for review and approval by the City of the project's completion, provide an irrigation schedule showing the time period when irrigation will be scheduled and confirm that no overhead irrigation shall be used between the hours of 10:00 a.m. and 8:00 p.m. and also in compliance with current Vista Irrigation District's limitations.
16. Prior to the request of the applicant for review and approval by the City of the project's completion, identify the entity who will be responsible for maintenance and provide a landscape and irrigation maintenance schedule to include the following:
  - A. Adjustments and repair of the irrigation system to prevent runoff and erosion and to detect irrigation system failure,
  - B. replacement of dead, dying and diseased vegetation,
  - C. eradication of invasive species,
  - D. addition of soil amendments when necessary to support and maintain healthy plant growth,
  - E. fertilizing, pruning and weeding and maintaining turf areas, and
  - F. maintenance to avoid obstruction of motorists' view.
17. The submission by the project landscape architect's Certificate of Completion shall serve as a formal request for final observation by the City. The Certificate of Completion shall include:
  - A. Conformance with the approved plans and specifications with any deviations noted,
  - B. an updated irrigation schedule,
  - C. irrigation and maintenance schedule, and
  - D. soils management report.



18. The City's inspection shall include, but not be limited to conformance with the approved irrigation and planting plans. Tentative approval shall be granted when the City is satisfied that the installation of the landscaping and irrigation system has been satisfactorily installed per the approved plans.
19. Final approval of landscape installation shall require an additional field observation of the landscaping and irrigation system by the City no sooner than one year from the date of tentative approval. Prior to the request for final approval, the owner is required to obtain an irrigation audit report prepared by a certified landscape irrigation auditor, certifying satisfactory testing for the following: distribution uniformity, over spray and runoff control, and that water use does not exceed the MAWA once landscaping has been established. This report must be submitted prior to the requested final inspection by the City.
20. All plantings shall be maintained in a healthy and thriving condition and relatively weed free. All plants which fail to thrive because of disease, damage, accident or other cause shall be immediately replaced with a plant of the same species and size as originally approved. At the discretion of the City planner, replacement of any plant materials that have been improperly maintained shall be required at a size equal to the size of the plant had it been properly cared for.
21. All trees shall be maintained in a manner that retains the natural form of the species. Topping and aggressive pruning will not be allowed.
22. Maintenance of landscaping within all perimeter slope areas shall be the responsibility of the homeowner's association for the project in perpetuity. The Final Map and CC&Rs shall include easements over perimeter landscaped slope areas and require homeowner's association maintenance of the perimeter slope areas in perpetuity.
23. Prior to Final Map approval, a Notice of Land Use Restriction approved by the City Planner must be recorded acknowledging all Conditions of Approval.

**Development Service Fees:**

24. The proposed project will require development fees to be paid at the time of building permit issuance. Please check with the Development Services Division for the current City fee schedule.

**Indemnification:**

25. By accepting the permit or approval, applicant agrees to accept responsibility for defending against any third party challenge to the grant of this permit or approval. Except as otherwise provided by state or federal law, the applicant shall defend, indemnify and hold the City harmless from any costs, claims, penalties, fines, judgments, or liabilities arising from the approval, including without limitation, any award or attorney's fees that might result from the third party challenge.

26. The City shall promptly notify the applicant of any challenge and the City shall cooperate fully in the defense. If the City fails to promptly notify the applicant of any challenge or if the City fails to cooperate fully in the defense, the applicant shall not thereafter be responsible to defend, indemnify, or hold harmless the City. For the purposes of this indemnity, the term "City" shall include the City of Vista, its officers, officials, employees, agents and representatives. For the purposes of this section, the term "challenge" means any legal or administrative action to dispute, contest, attach, set aside, limit, or modify the approval, project conditions, or any act upon which the approval is based, including any action alleging a failure to comply with the California Environmental Quality Act or other laws.
27. For this permit or approval to become effective, the applicant must, within thirty business days of the grant of this permit or approval, execute a form accepting the permit or approval with all conditions. Upon executing the form, the applicant may not challenge the imposition of any condition, except as otherwise provided by law.

**Mitigation Measures:**

The following Mitigation Measures have been incorporated into the project design or are to be implemented before or during construction in accordance with the Conditions of Approval for the project, thereby reducing all identified impacts to less than significant levels.

**BR-1** All vegetation removal or grading will be performed prior to or after the bird breeding season, January 1 through September 15 (i.e., only between September 16 and December 31). If clearing or grading cannot be avoided during the bird-breeding season, a one-time pre-construction nest survey conducted by a Qualified Biologist (i.e., with experience in conducting breeding bird surveys) shall be conducted within the proposed impact area 72 hours prior to construction. This survey is necessary to assure avoidance of impacts to nesting raptors (e.g., Cooper's hawk and red-tailed hawk) and/or birds protected by the federal Migratory Bird Treaty Act. If nesting activities within 300 feet of the proposed work area (within 500 feet for raptors) are not detected, construction activities may proceed. If any active nests are detected, the area shall be flagged and mapped on the construction plans with buffers as determined by the project biologist and avoided until the nesting cycle is complete. Project personnel shall be instructed about the protocol. The results of the survey would be provided in a summary report to the Director of Community Development, and to CDFW (if required). By avoiding clearing during the bird breeding season and/or impacts to nesting birds and raptors, the proposed project would be in compliance with the MBTA and pertinent sections of the CFG Code.

**CR-1** Cultural resource mitigation monitoring shall be conducted to provide for the identification, evaluation, treatment, and protection of any cultural resources that

are affected by, or may be discovered during, the construction of the proposed project. In addition, archaeological monitoring will address the identification, evaluation, treatment, and potential mitigation of impacts to historic archaeological resources encountered during construction. The monitoring shall consist of the full-time presence of a Qualified Archaeologist and a TCA (traditionally and culturally affiliated) Native American Monitor for, but not limited to, any clearing or grubbing of vegetation, tree removal, demolition and/or removal of remnant foundations, pavements, abandonment and/or installation of infrastructure; grading or any other ground disturbing or altering activities, including the placement of imported fill materials (note: all fill materials shall be absent of any and all cultural resources); and related off-site road improvements, including, but limited to, the installation of infrastructure, and the realignments and/or expansions to Olive Ave. Other tasks of the monitoring program shall include the following:

- The requirement for cultural resource mitigation monitoring shall be noted on all applicable construction documents, including demolition plans, grading plans, etc.
- Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City of Vista's (COV) Director of Community Development, stating that a Qualified Archaeologist and a TSA Native American Monitor have been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program, as described in the pre-excavation agreement, noted below. A copy of the letter shall be included in the grading plan submittals for the Grading Permit.
- The Qualified Archaeologist and TCA Native American Monitor shall attend all applicable pre-construction meetings with the Contractor and/or associated Subcontractors to present the cultural monitoring program.
- The Qualified Archaeologist shall maintain ongoing collaborative consultation with the TCA Native American monitor during all ground-disturbing or ground-altering activities, as identified above. The Applicant and/or Owner, and/or Grading Contractor shall notify the Director of Community Development, preferably through e-mail, of the start and end of all ground-disturbing activities.
- The Qualified Archaeologist and/or TCA Native American monitor may halt ground disturbing activities if archaeological artifact deposits or cultural features are discovered. In general, ground disturbing activities shall be directed away from these deposits for a short time to allow a determination of potential significance, the subject of which shall be determined by the Qualified Archaeologist and the TSA Native American monitor, in consultation with the San Luis Rey Band. Ground disturbing activities shall not resume until the Qualified Archaeologist, in consultation with the TCA Native American monitor, deems the cultural resource or feature has been appropriately documented and/or protected. At the Qualified Archaeologist's discretion, the location of ground disturbing activities may be relocated elsewhere on the project site to avoid further disturbance of cultural resources.
- The avoidance and protection of discovered unknown and significant cultural

resources and/or unique archaeological resources is the preferable mitigation for the proposed project. If avoidance is not feasible, a Data Recovery Plan may be authorized by the COV as the Lead Agency under CEQA. If data recovery is required, then the San Luis Rey Band shall be notified and consulted in drafting and finalizing any such recovery plan.

**CR-2** Prior to the issuance of a Grading Permit, and subject to approval of terms by the COV, the Applicant or Owner, and/or Contractor shall enter into a Pre-Excavation Agreement with the San Luis Rey Band. A copy of the signed Agreement shall be forwarded to the City Planner. The purpose of this agreement shall be to formalize protocols and procedures between the Applicant or Owner, and/or Contractor, and the San Luis Rey Band for the protection and treatment of, but not limited to, such items as Native American human remains, funerary objects, cultural and religious landscapes, ceremonial items, traditional gathering areas and cultural items located and/or discovered through the cultural resource mitigation monitoring program in conjunction with the construction of the proposed project, including additional archaeological surveys and/or studies, excavations, geotechnical investigations, soil surveys, grading, or any other ground disturbing activities.

**CR-3** Prior to the release of the Grading Bond, a Monitoring Report and/or Evaluation Report, which describes the results, analysis and conclusions of the cultural resource mitigation monitoring efforts (such as, but not limited to, a Research Design, Data Recovery Program, etc.) shall be submitted by the Qualified Archaeologist, along with the TCA Native American monitor's notes and comments if necessary, to the COV's Director of Community Development for approval. Once reviewed and approved, the City shall submit a copy of the final report to the Rincon Band of Luiseño Indians.

**CR-4** All cultural materials that are associated with burial and/or funerary goods will be repatriated to the Most Likely Descendant as determined by the Native American Heritage Commission per California Public Resources Code Section 5097.98.

**CR-5** Recovered cultural material of historic significance shall be curated with accompanying catalog, photographs, and reports to a San Diego curation facility that meets federal standards per 36 CFR Part 79. Recovered cultural material of tribal cultural significance shall be repatriated as stipulated in the pre-excavation agreement as described in CR-2.

**CR-6** As specified by California Health and Safety Code Section 7050.5, if human remains are found on the project site during construction or during archaeological work, the person responsible for the excavation, or his or her authorized representative, shall immediately notify the San Diego County Coroner's office by telephone. No further excavation or disturbance of the discovery or any nearby area reasonably suspected to overlie adjacent remains (as determined by the Qualified Archaeologist and/or the TCA Native American monitor) shall occur until the Coroner has made the necessary findings as to origin and disposition pursuant to Public Resources Code 5097.98. If such a discovery occurs, a temporary

construction exclusion zone shall be established surrounding the area of the discovery so that the area would be protected (as determined by the Qualified Archaeologist and/or the TCA Native American monitor), and consultation and treatment could occur as prescribed by law. As further defined by State law, the Coroner would determine within two working days of being notified if the remains are subject to his or her authority. If the Coroner recognizes the remains to be Native American, he or she shall contact the Native American Heritage Commission (NAHC) within 24 hours. The NAHC would make determination as to the Most Likely Descendent. If Native American remains are discovered, the remains shall be kept "in situ" ("in place") or in a secure location in close proximity to where they were found, and the analysis of the remains shall only occur on-site in the presence of the TCA Native American monitor.

**GS-1** Due to the high potential for uncovering fossils, paleontological resources mitigation monitoring shall be undertaken for on-site mass grading activities. Paleontological monitoring shall be conducted to provide for the identification, evaluation, and recovery of any exposed fossil remains that may be discovered during the construction of the proposed project. The monitoring shall consist of the on-site presence of a Qualified Paleontologist (or a Paleontological Resources Monitor under the supervision of a Qualified Paleontologist) during initial cutting, grading or excavation into the underlying Santiago Formation. Other tasks of the monitoring program shall include the following:

- Prior to the issuance of a Grading Permit, the Applicant or Owner, and/or Contractor shall provide a written and signed letter to the City of Vista's Director of Community Development, stating that a Qualified Paleontologist (or a Paleontological Resources Monitor under the supervision of the Qualified Paleontologist) has been retained at the Applicant or Owner and/or Contractor's expense to implement the monitoring program. A copy of the letter shall be included in the Grading Plan Submittals for the Grading Permit.
- The requirement for paleontological resource mitigation monitoring shall be noted on all grading plans.
- The Qualified Paleontologist shall attend all pre-grading/pre-construction meetings to consult with grading contractors regarding the requirement of monitoring for paleontological resources.

**GS-2** If paleontological resources are unearthed, the Qualified Paleontologist (or a Paleontological Monitor under supervision of a Qualified Paleontologist) shall:

- Direct, divert, or halt any grading or excavation activity until such time that the sensitivity of the resource can be determined, and the appropriate recovery implemented.
- Grading activities shall not resume until the Qualified Paleontologist, or Paleontological Monitor, deems the fossil has been appropriately documented and/or protected. At the Paleontologist Archaeologist's discretion, the location of grading activities may be relocated elsewhere on the project site to avoid further disturbance of the paleontological resources.
- Salvage unearthed fossil remains, including simple excavation of exposed

specimens or, if necessary, other required methods (e.g., plaster-jacketing of large and/or fragile specimens).

- Record stratigraphic and geologic data to provide a context for the recovered fossil remains, if feasible, and photographic documentation of the geologic setting.
- Curate, catalog and identify all fossil remains, and transfer the cataloged fossil remains to an accredited institution (museum or university) in California that maintains paleontological collections for archival storage and/or display.

**N-1 Exterior-to-Interior Noise Level Limit.** For residential facades where exterior noise levels exceed 60 CNEL (estimated to be within 145 feet of the Olive Avenue roadway centerline), the project applicant and/or owner shall coordinate with the project architects and other contractors to ensure compliance with the 45 CNEL interior noise standard for residential uses.

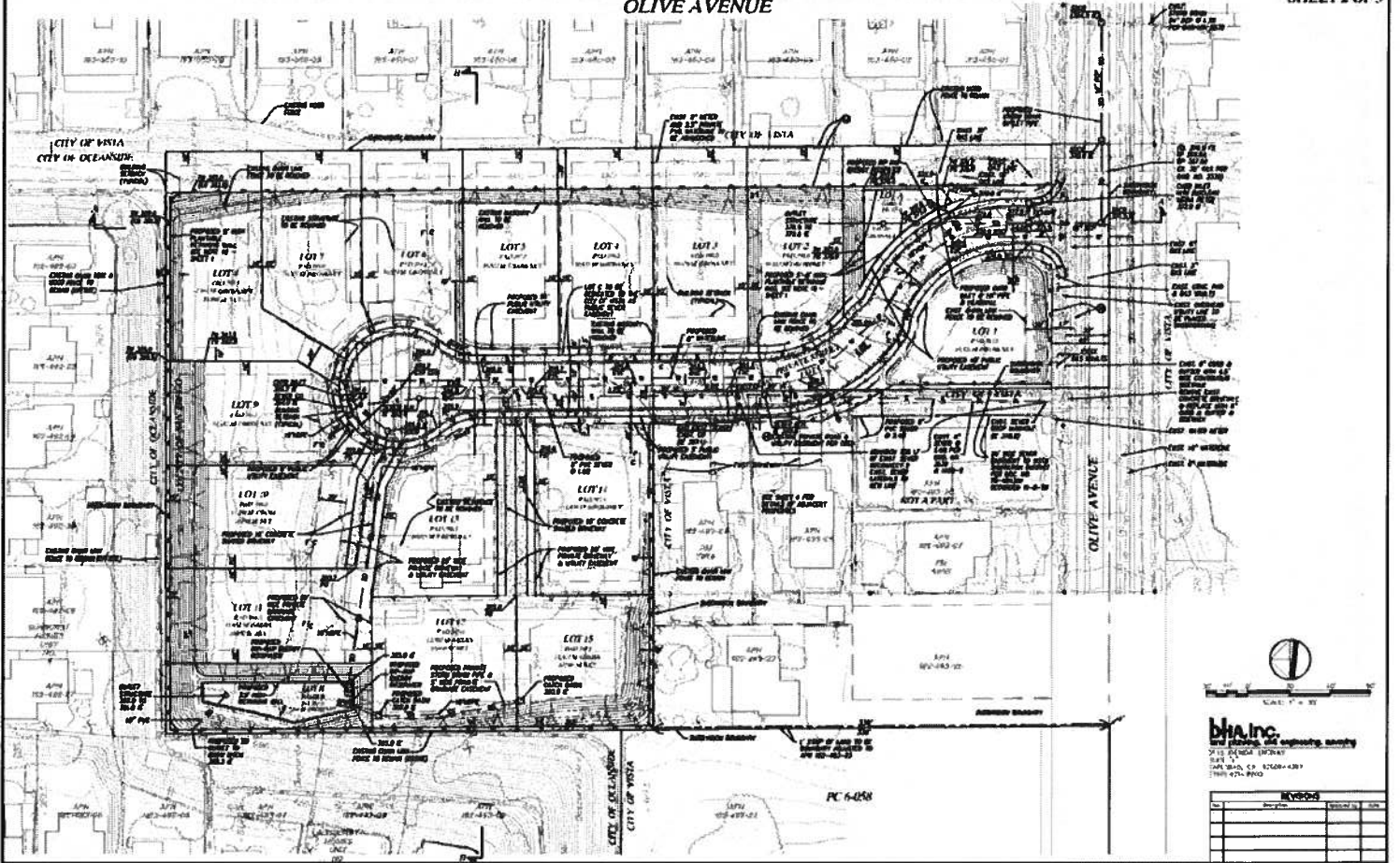
This shall be achieved through additional exterior-to-interior noise analysis once specific building plan information is available. This analysis shall be conducted for the proposed residences where exterior noise levels are expected to exceed 60 CNEL, which is within 145 feet of the Olive Avenue roadway centerline, to demonstrate that interior levels do not exceed the applicable City of Vista Noise Element limit. The information in the analysis shall include wall heights and lengths, room volumes, window and door tables typical for a building plan, as well as information on any other openings in the building shell. With this specific building plan information, the analysis shall determine the predicted interior noise levels at the planned on-site residential units. If predicted noise levels are found to be in excess of the applicable limit, the report shall identify architectural materials or techniques that could be included to reduce noise levels to the applicable limit. The report shall be submitted with the application for a building permit from the COV.

**TT-1** Prior to obtaining a City of Vista (COV) Building Permit, the applicant and/or owner shall participate in the COV's Impact Fees for Arterials Streets and Traffic Signals program to pay its fair-share of the mitigation for cumulative impacts to the N. Emerald Drive/Olive Avenue intersection.



# GENERAL PLAN/ZONE CHANGE/TENTATIVE SUBDIVISION MAP OLIVE AVENUE

P17-0388  
SHEET 2 OF 5



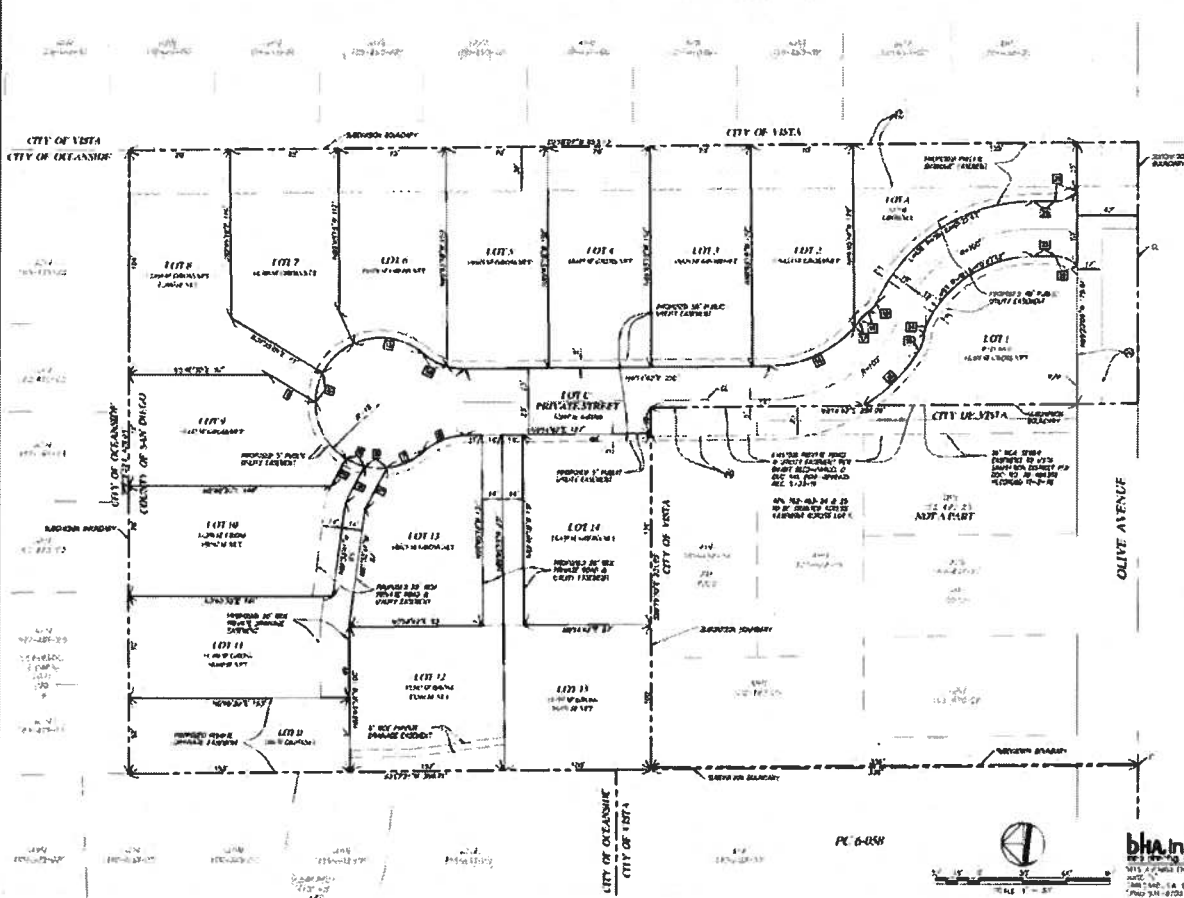
**bja, inc.**  
land planning and engineering, llc  
2115 RIVERVIEW DRIVE  
SAN DIEGO, CA 92108-4387  
760.478.8900

REVISION			
No.	Description	DATE	BY



# GENERAL PLAN/ZONE CHANGE/TENTATIVE SUBDIVISION MAP OLIVE AVENUE

P17-0388  
SHEET 3 OF 5



- EASEMENTS:**
- 1. AN EASEMENT FOR THE USE OF THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IS HEREBY GRANTED TO THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IN AND TO THE TRACT OF LAND DESCRIBED IN THE PUBLIC RECORDS.
  - 2. AN EASEMENT FOR THE USE OF THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IS HEREBY GRANTED TO THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IN AND TO THE TRACT OF LAND DESCRIBED IN THE PUBLIC RECORDS.
  - 3. AN EASEMENT FOR THE USE OF THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IS HEREBY GRANTED TO THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IN AND TO THE TRACT OF LAND DESCRIBED IN THE PUBLIC RECORDS.
  - 4. AN EASEMENT FOR THE USE OF THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IS HEREBY GRANTED TO THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IN AND TO THE TRACT OF LAND DESCRIBED IN THE PUBLIC RECORDS.
  - 5. AN EASEMENT FOR THE USE OF THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IS HEREBY GRANTED TO THE PUBLIC HIGHWAY, SUBJECT TO THE RIGHTS OF THE STATE AND ALL OTHER STATE AND FEDERAL INTERESTS, IN AND TO THE TRACT OF LAND DESCRIBED IN THE PUBLIC RECORDS.

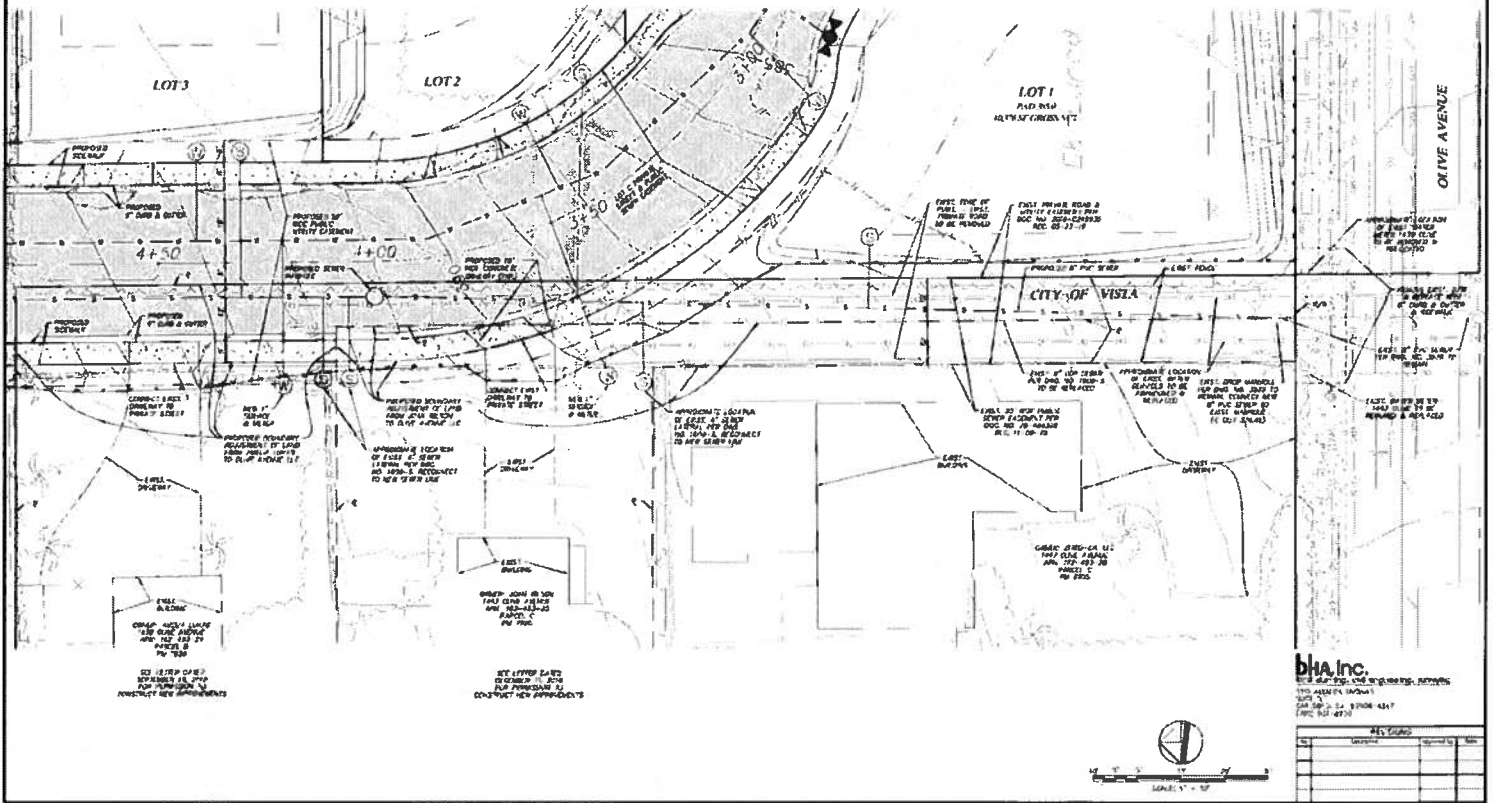
AREA TABLE			
NO.	DESCRIPTION	ACRES	SQ. FT.
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2	LOT 101B	0.15	10,433
3	LOT 101C	0.15	10,433
4	LOT 101D	0.15	10,433
5	LOT 101E	0.15	10,433
6	LOT 101F	0.15	10,433
7	LOT 101G	0.15	10,433
8	LOT 101H	0.15	10,433
9	LOT 101I	0.15	10,433
10	LOT 101J	0.15	10,433
11	LOT 101K	0.15	10,433
12	LOT 101L	0.15	10,433
13	LOT 101M	0.15	10,433
14	LOT 101N	0.15	10,433
15	LOT 101O	0.15	10,433
16	LOT 101P	0.15	10,433
17	LOT 101Q	0.15	10,433
18	LOT 101R	0.15	10,433
19	LOT 101S	0.15	10,433
20	LOT 101T	0.15	10,433
21	LOT 101U	0.15	10,433
22	LOT 101V	0.15	10,433
23	LOT 101W	0.15	10,433
24	LOT 101X	0.15	10,433
25	LOT 101Y	0.15	10,433
26	LOT 101Z	0.15	10,433

**bha inc.**  
3855 LA JOLLA VILLAGE DRIVE  
SAN DIEGO, CA 92131  
PH: 619-594-8750

REVISIONS		
NO.	DATE	DESCRIPTION

# GENERAL PLAN/ZONE CHANGE/TENTATIVE SUBDIVISION MAP OLIVE AVENUE

P17-0388  
SHEET 4 OF 5

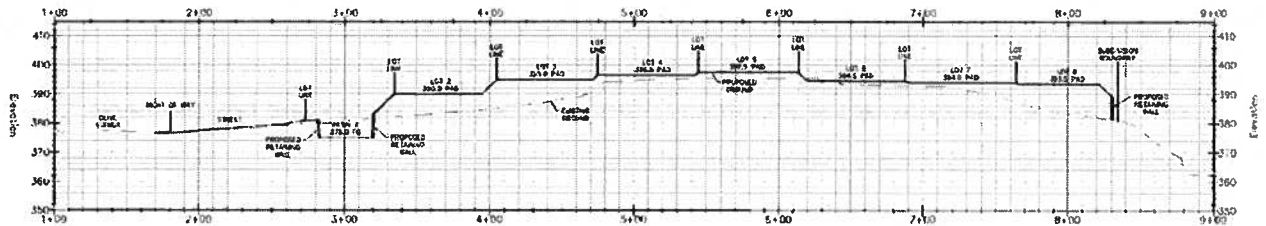


**bha inc.**  
 1700 AVENUE 1000  
 SUITE 2  
 SAN DIEGO, CA 92108-4347  
 TEL: 619 477 7171

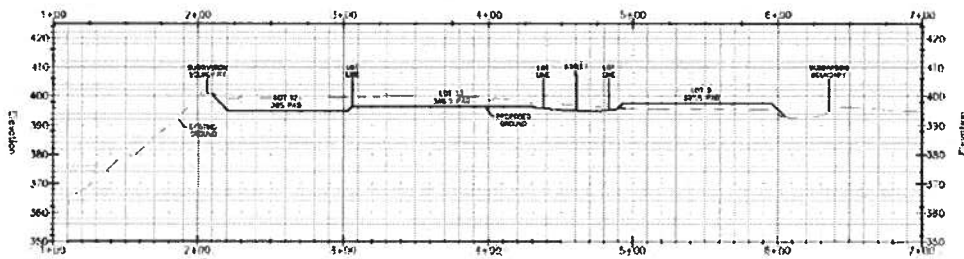
No.	Description	Approved by	Date

# GENERAL PLAN/ZONE CHANGE/TENTATIVE SUBDIVISION MAP OLIVE AVENUE

P17-0388  
SHEET 5 OF 5



SECTION A-A  
SCALE: HORIZ. 1"=40'  
VERT. 1"=5'

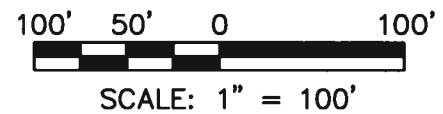
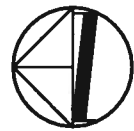
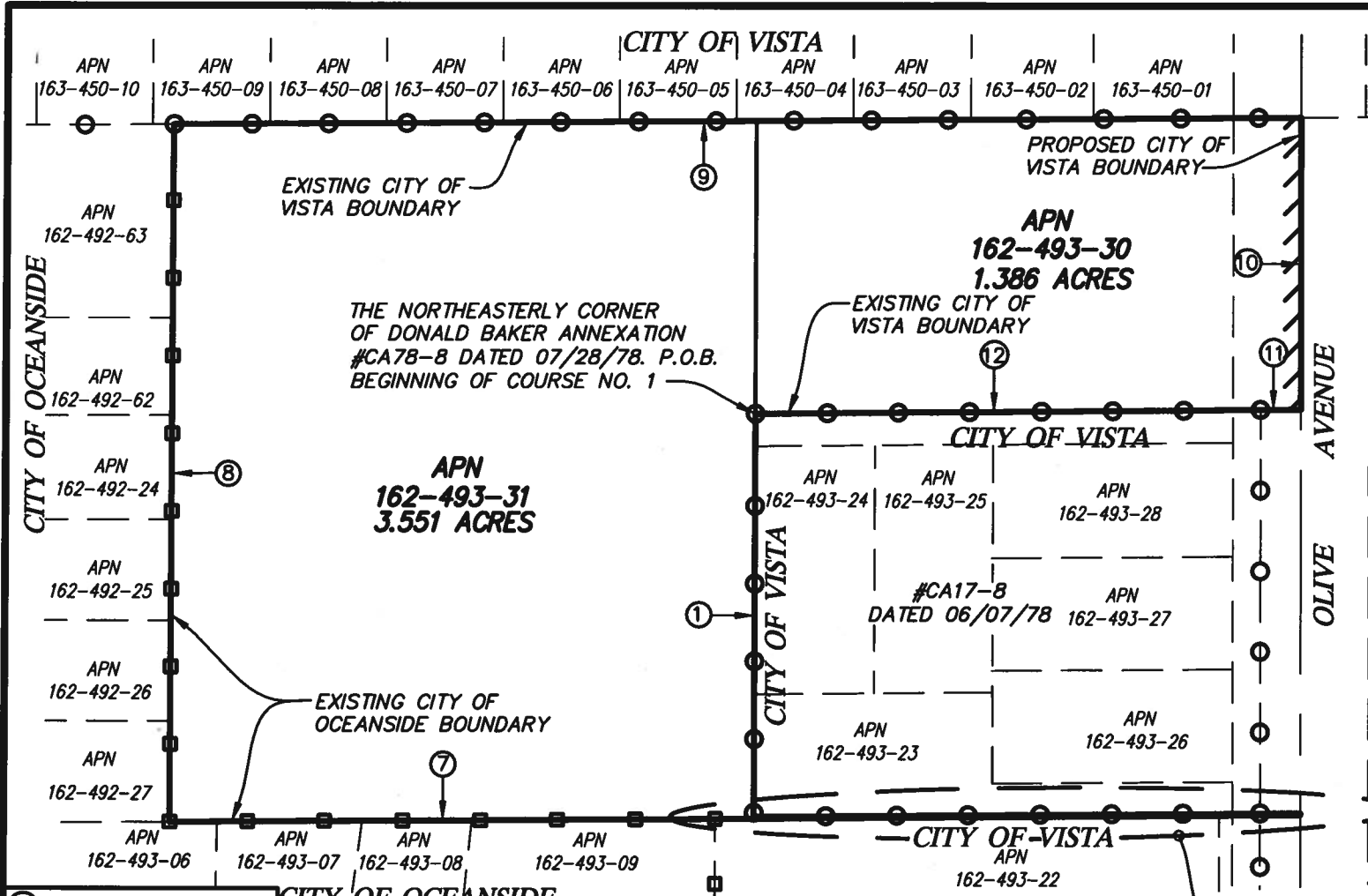


SECTION B-B  
SCALE: HORIZ. 1"=40'  
VERT. 1"=5'

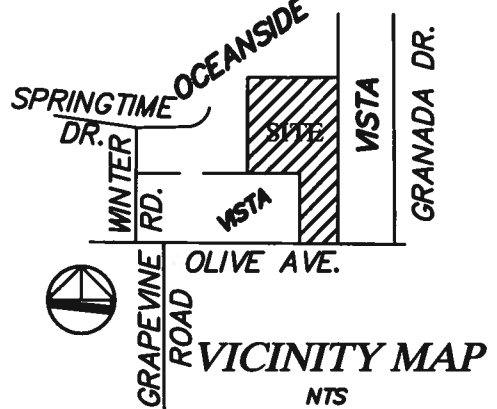


**bha inc.**  
 2000 W. 10th Street, Suite 100  
 Lincoln, NE 68502  
 (402) 441-1111  
 FAX: (402) 441-1112

REVISIONS			
NO.	DESCRIPTION	DATE	BY

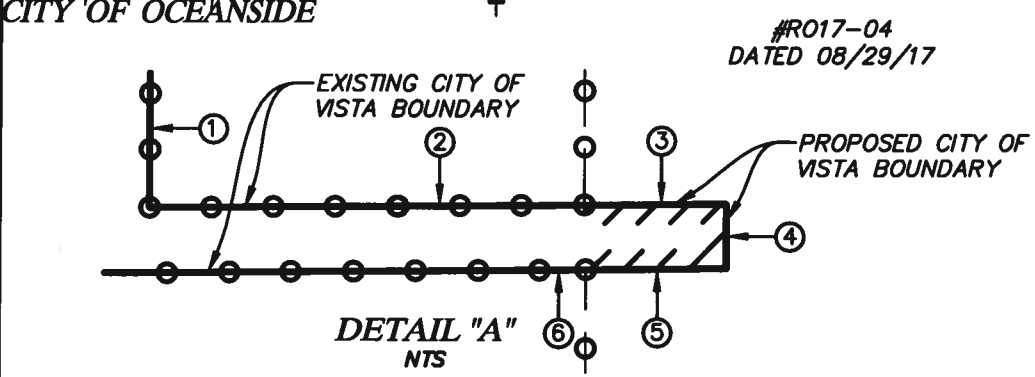


- LEGEND**
- EXISTING CITY OF VISTA BOUNDARY
  - PROPOSED CITY OF VISTA BOUNDARY
  - EXISTING CITY OF OCEANSIDE BOUNDARY
  - P.O.B. POINT OF BEGINNING



**LINE DATA TABLE**

NO	BEARING	LENGTH
1	N89°19'30"W	248.08'
2	S00°18'09"W	311.11'
3	S00°18'09"W	25.00'
4	N89°20'09"W	0.96'
5	N00°46'22"E	25.00'
6	N00°46'22"E	334.91'
7	N00°18'24"E	335.90'
8	S89°19'30"E	429.03'
9	S00°18'07"W	695.73'
10	N89°20'09"W	179.56'
11	N00°14'42"E	25.00'
12	N00°14'42"E	331.06'

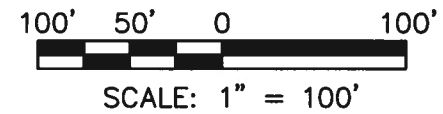
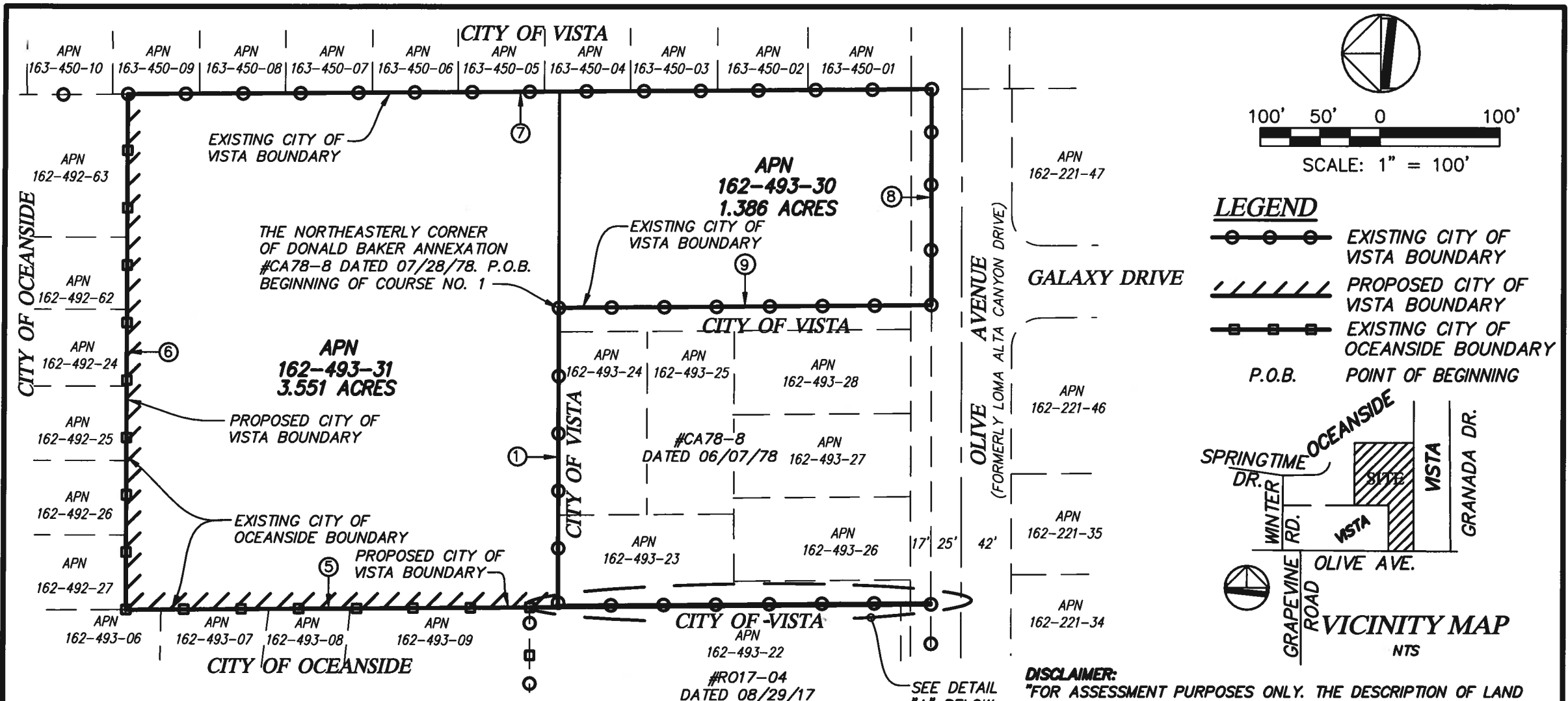


**DISCLAIMER:**  
"FOR ASSESSMENT PURPOSES ONLY. THE DESCRIPTION OF LAND IS NOT A LEGAL PROPERTY DESCRIPTION AS DEFINED IN THE SUBDIVISION MAP ACT AND MAY NOT BE USED AS THE BASIS FOR AN OFFER FOR SALE OF THE LAND DESCRIBED."

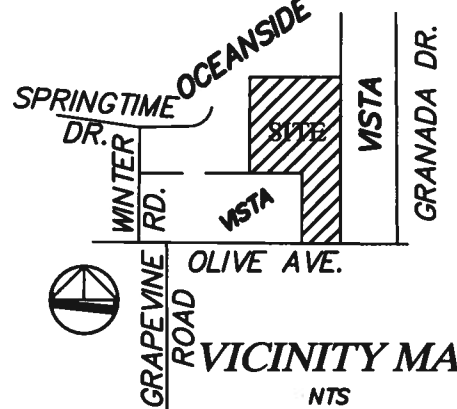
ASSESSORS PARCEL NUMBERS: 162-493-30 & 162-493-31	LAFCO RESOLUTION NO.	ACREAGE: 4.937	DATE: 10-24-2017	SCALE: 1"=200'
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**"OLIVE AVENUE REORGANIZATION"**  
NORTHWEST QUARTER OF SECTION 23,  
TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN  
BERNARDINO MERIDIAN, IN THE COUNTY OF  
SAN DIEGO, STATE OF CALIFORNIA.

**bHA, Inc.**  
land planning, civil engineering, surveying  
5115 AVENIDA ENCINAS  
SUITE "L"  
CARLSBAD, CA. 92008-4387  
(760) 931-8700

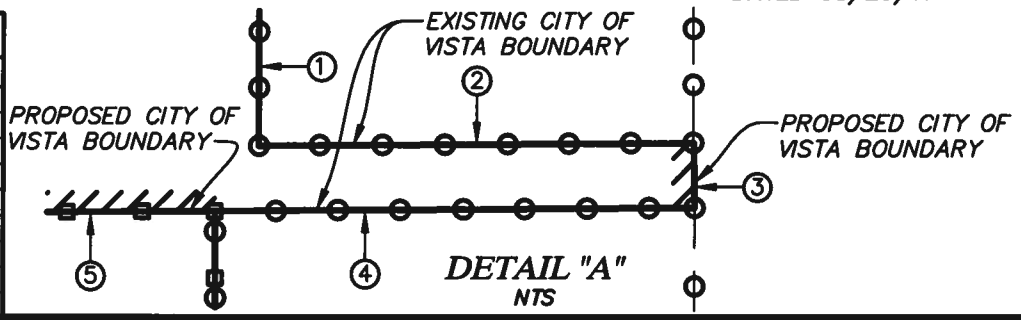


- LEGEND**
- EXISTING CITY OF VISTA BOUNDARY
  - PROPOSED CITY OF VISTA BOUNDARY
  - EXISTING CITY OF OCEANSIDE BOUNDARY
  - P.O.B. POINT OF BEGINNING



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NO	BEARING	LENGTH
1	N89°19'30"W	248.02'
2	S00°18'09"W	311.11'
3	N89°20'09"W	0.97'
4	N00°46'22"E	334.91'
5	N00°46'22"E	335.91'
6	S89°19'30"E	429.23'
7	S00°18'07"W	670.73'
8	N89°20'09"W	179.56'
9	N00°14'42"E	311.06'



ASSESSORS PARCEL NUMBERS: 162-493-30 & 162-493-31	LAFCO REFERENCE NO.	ACREAGE: 4.834	DATE: 6-08-2020	SCALE: 1"=200'
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**"OLIVE AVENUE REORGANIZATION"**  
 NORTHWEST QUARTER OF SECTION 23,  
 TOWNSHIP 11 SOUTH, RANGE 4 WEST, SAN  
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