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RECORDING REQUESTED BY:

OFFICE OF THE COUNTY CLERK

WHEN RECORDED RETURN TO:

City Clerk
City of Oceanside
704 Third Street
Oceanside, California 92054

RECORDED
INDEXED

89 JUL 12 PM 2:00

VERA L. LYLE
COUNTY RECORDER

RF 24
AP 25
MG 2

This Space For Recorder's Use Only

977415-22

**DECLARATION OF
COVENANTS, CONDITIONS AND RESTRICTIONS**
Rancho Del Oro Village IV

THIS DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS ("Declaration") is executed as of April 4, 1989, by THE FIELDSTONE COMPANY, a California corporation ("Developer"), with reference to the following

RECITALS:

A. Developer owns certain real property consisting of approximately 70.85 acres located in the City of Oceanside, County of San Diego, California, more particularly described on Exhibit "A" attached hereto and made a part hereof ("Property").

B. The Property is covered by Tentative Map No. T-18-88 ("Implementing Tentative Map") and Development Plan D-36-88 ("Implementing Development Plan"), which were approved by the City of Oceanside ("City") subject to certain conditions set forth in City Planning Commission Resolution No. 88-P95 adopted on November 14, 1988, a copy of which is attached hereto as Exhibit "B" and made a part hereof.

C. The Property is included within the Phase II Development Area of the Rancho Del Oro Development Agreement DA-1-85 ("Development Agreement") entered into on December 26, 1985 between City and Rancho Del Oro Investments, a California

No 367479

24

general partnership, and Developer's predecessor in interest Rancho Del Oro Development, a California general partnership (collectively, "Master Developer"). The Development Agreement was recorded in the Office of the County Recorder of San Diego County on December 27, 1985 as File/Page No. 85-490775.

D. In addition to the Development Agreement, the Property is subject to the conditions of approval of Rancho Del Oro Specific Plan S-1-84 ("Specific Plan") and the Rancho Del Oro Master Tentative Map T-5-84 ("Master Tentative Map"), and is encompassed within RANCHO DEL ORO MASTER SUBDIVISION MAP EAST, according to Map thereof No. 11408 recorded in the Office of the County Recorder of San Diego County on December 27, 1985 ("Master Subdivision Map"). In connection with recordation of the master Subdivision Map, that certain Declaration of Covenants made by master Developer and recorded in the Office of the County Recorder of San Diego County on December 27, 1985 as File/Page No. 85-490780 ("Master Subdivision Map Covenants").

E. Conditions No. 68 and No. 90 of the conditions to City's approval of the Implementing Tentative Map and Implementing Development Plan ("Conditions No. 68 and No. 90") requires as a prerequisite to the approval of any final map of all or part of the Property that there be recorded a notice, declaration or other document setting forth the requirements and conditions placed by City on the development of the Property.

F. Developer intends by this Declaration to satisfy Conditions No. 68 and No. 90.

NOW, THEREFORE, in consideration of City's approval of the Implementing Tentative Map and Implementing Development Plan, Developer hereby covenants and declares as follows:

1. The Property and any portion thereof shall be owned, held, conveyed, mortgaged, encumbered, leased, used, occupied, developed and improved subject to: (i) the conditions of approval of the Implementing Tentative map and the Implementing Development Plan as set forth in the Resolution attached as Exhibit "B"; (ii) the Specific Plan; (iii) applicable conditions of approval of the Master Subdivision Map; and (iv) applicable terms and conditions of the Development Agreement during the term thereof, unless terminated or released pursuant to its terms. All of the foregoing shall constitute covenants running with the land and shall bind Developer and all successor owners, lessees, transferees, heirs and assigns of all or any portion of the Property.

2. Upon recordation of this Declaration, the Property shall be released from the Master Subdivision Map Covenants.

NO
367479

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3. This Declaration shall not be modified, removed or released without the prior written consent of City.

IN WITNESS WHEREOF, Developer has executed this Declaration as of the date first set forth above.

THE FIELDSTONE COMPANY, a California corporation

By *[Signature]*

By _____

ACKNOWLEDGED AND APPROVED:

CITY OF OCEANSIDE, a California municipal corporation

By *Debra E. Carlett*
Title *Asst City Mgr*

No 367479

24

1289

600

EXHIBIT 'A'

Legal Description of Property

Lots 1 through 97, inclusive, and Lots A through J, inclusive,
of RANCHO DEL ORO VILLAGE IV in the City of Oceanside,
County of San Diego, State of California, according to Map
thereof No. 12420 filed in the Office of the County Record-
er of San Diego County on July 12, 1989.

No 367479

2

601

EXHIBIT 'B'

CITY OF OCEANSIDE PLANNING COMMISSION
RESOLUTION NO. 88-295

No 367479

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PLANNING COMMISSION
RESOLUTION NO. 88-P95

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

APPLICATION NO: T-18-88, D-36-88, V-18-88
APPLICANT: The Fieldstone Company
LOCATION: West of College Boulevard and north and south of Citrus Avenue

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Map, Development Plan and Variance under the provisions of the Zoning Ordinance and the Subdivision Ordinance of the City of Oceanside to permit the following:

subdivision of a 70.9 acre site and the construction of 97 single-family detached homes

on certain real property legally described as shown on EXHIBIT "A" attached hereto and incorporated herein by reference thereto.

WHEREAS, the Planning Commission, after giving the required notice, did on the 11th day of October, 1988 conduct a duly advertised public hearing as prescribed by law to consider said application.

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

For the Variance:

1. That because of special circumstances or conditions applicable to the development site -- including size, shape, topography, location or surroundings -- strict application of the requirements of the Zoning Ordinance deprive such property or privileges enjoyed by other property in the vicinity and under identical zoning classification.

- The topography of the project site is such that a deviation from the Zoning Ordinance standards for required street frontage is justified in order to subdivide the property in a manner more sensitive to the site.

No 367179

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603

1 Planning Commission
Resolution No. 88-P95

November 14, 1988
Page 2

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3 2. That granting the application will not be detrimental or
4 injurious to property or improvements in the vicinity of the
5 development site, or to the public health, safety or general
6 welfare.

7 - The granting of the Variance will in no way be
8 detrimental to the rest of the proposed development or
9 to surrounding properties.

10 3. That granting the application is consistent with the
11 purposes of the Zoning Ordinance and will not constitute a
12 grant of special privilege inconsistent with limitations on
13 other properties in the vicinity and in the same zoning
14 district.

15 - The granting of the Variance will not constitute a
16 special privilege to the property as other properties
17 in the area have been granted similar variances in
18 similar situations.

19 For the Tentative Map:

20 1. That the proposed map is consistent with the General Plan of
21 the City.

22 - The proposed subdivision is consistent with the
23 policies and standards of the General Plan.

24 For the Development Plan:

25 1. That the site plan and physical design of the project as
26 proposed is consistent with the purposes of the Zoning
27 Ordinance.

28 - The proposed project is consistent with the purposes
29 and standards of the Zoning Ordinance, the Rancho Del
30 Oro Specific Plan and the Rancho Del Oro Planned
31 Residential Development Master Plan.

32 2. That the Development Plan as proposed conforms to the
33 General Plan of the City.

34 - The proposed project is consistent with the policies of
35 the Land Use Element of the General Plan.

36 3. That the area covered by the Development Plan can be
37 adequately, reasonably and conveniently served by existing
38 and planned public services, utilities and public
39 facilities.

40 - The project site is so located that all necessary
41 public services, utilities and public facilities are
42 either existing or planned.

No 367479
2

1 Planning Commission
 Resolution No. 88-P95

November 14, 1988
 Page 3

2 For the Allocation Amendment:

- 3 1. The current allocation range for the area represented by
 4 this Implementing Tentative Map is from 79 to 108 units.
 5 The project proposal is for 97 units which is 14 more than
 6 the initial allocation of 83 units, but is consistent with
 7 the current allocation range and densities.

8 WHEREAS, the Planning Commission finds that the project
 9 was determined to have no major significant adverse effect upon
 10 the environment and a Negative Declaration has been issued.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning
 12 Commission does hereby APPROVE TENTATIVE MAP T-18-88, DEVELOPMENT
 13 PLAN D-36-88, and VARIANCE V-18-88 subject to the following
 14 conditions:

15 Building:

- 16 1. Applicable Building Codes and Ordinances shall be based on
 17 the date of submittal for Building Department plan check.
 18 2. The granting of approval under this action shall in no way
 19 relieve the applicant/project from compliance with all State
 20 and local building codes.
 21 3. All electrical, communication, CATV, etc. service lines,
 22 within the exterior lines of the property shall be
 23 underground (City Code Sec. 6.30).
 24 4. Application for Building Permit will not be accepted for
 25 this project until plans indicate that they have been
 26 prepared by a licensed design professional (Architect,
 27 Engineer or Registered Building Designer). The design
 28 professional's name, address, phone number, State license
 number and expiration date shall be printed in the Title
 Block of the plans.
 5. Miscellaneous structures such as retaining walls, light
 standards, signs, etc. require separate building permits.

Environmental:

6. Geotechnical evaluation and all applicable mitigation
 measures shall be incorporated into the project design prior
 to the issuance of grading permits as concurred with and
 approved by the City Engineer.
 7. A comprehensive erosion control program shall be implez ited
 in conformance with the City's Grading Ordinance and
 Development Guidelines for Hillsides. Implementation of the
 erosion control program shall be strictly enforced by
 periodic site inspections.

No 367479

1289

2 8. Prior to the issuance of grading permits, the applicant
3 shall establish a monitoring program with a qualified
4 paleontologist to monitor grading activities. The
5 paleontological monitoring program shall be concurred with
6 and approved by the City Planning Director prior to the
7 issuance of grading permits.

8 **Engineering:**

- 9 9. Vehicular access rights to College Boulevard shall be
10 relinquished to the City from all abutting lots.
- 11 10. Property line returns, knuckles, and all other street right
12 of way alignments and widths shall be dedicated and improved
13 as required by the City Engineer.
- 14 11. Prior to approval of the final map, all of the above
15 requirements shall be covered by a subdivision agreement,
16 secured with sufficient improvement securities or bonds
17 guaranteeing performance, payment for labor and materials,
18 setting of monuments, and warranty against defective
19 materials and workmanship.
- 20 12. Where proposed off-site improvements including but not
21 limited to slopes, public utility facilities, and drainage
22 facilities are to be constructed, the applicant shall, at
23 his own expense, obtain all necessary easements or other
24 interests in real property and shall dedicate the same to
25 the City as required. The applicant shall provide
26 documentary proof satisfactory to the City that such
27 easements or other interest in real property have been
28 obtained prior to the approval of the final 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
Oceanside or the applicant, as applicable.
- 13. All streets shall be improved with concrete curbs and
gutters, street lights, 5 ft. wide sidewalks and pavement,
providing a parkway width in accordance with the RDO
Specific Plan.
- 14. Curb return radii shall be 35 feet at the intersection of
Citrus Avenue and College Boulevard. All other curb return
radii in the tract shall be a minimum of 25 ft.
- 15. Curb radius at the cul-de-sac turnarounds shall be at least
40 feet with a minimum 50 foot radius right-of-way line.
- 16. All street dedications, alignments, widths, and exact
geometrics shall be as approved by the City Engineer in
accordance with the RDO Specific Plan.

No 367479
24

7-12-89

606

1 Planning Commission
2 Resolution No. 88-P95

November 14, 1988
Page 5

- 3 17. The developer shall provide public street dedication as
4 required to serve the property.
- 5 18. The exact alignment, width and design of all median islands,
6 turning lanes, travel lanes, driveways, striping, and all
7 other traffic control devices and measures, including
8 turnouts, bike lanes, and width transitions, shall be
9 approved by the City Engineer.
- 10 19. Pavement sections for all streets, alleys, driveways and
11 parking areas shall be based upon soil tests and traffic
12 index. The pavement design to be prepared by the
13 subdivider's soil engineer must be approved by the City
14 Engineer.
- 15 20. All traffic signal contributions, highway thoroughfare fees,
16 park fees, reimbursements, and other applicable charges,
17 fees and deposits shall be paid prior to the issuing of any
18 building permits in accordance with City policies. The
19 developer shall also be required to join into, contribute,
20 or participate in any improvement lighting, or other special
21 district affecting or affected by this project. Approval of
22 the tentative map shall constitute the developer's approval
23 of all such payments, and his agreement to pay for any other
24 similar assessments or charges in effect at the time any
25 increment is submitted for final map or building permit
26 approval, and to join, contribute, or participate in such
27 districts.
- 28 21. Design and construction of all improvements shall be in
accordance with standard plans, specifications of the City
of Oceanside and subject to approval by the City Engineer.
22. A raised landscaped concrete median shall be required in
College Boulevard as determined by the City Engineer in
accordance with the RDO Specific Plan.
23. All streets shall be improved with street name signs, and
traffic control devices, as required by the City Engineer.
24. A traffic signal contribution shall be made as required by
the City's signal contribution formula.
25. The developer shall pay thoroughfare fees as required by the
City's Thoroughfare Fee Ordinance.
26. Sight distance requirements along College Boulevard shall be
per CalTrans Design Manual, Design Table 405 1A. All other
intersections shall be per City standards.
27. Landscaping plans for trees, bushes and shrubs, or plans for
the construction of walls, fences or other structures at or
near intersections must conform to sight distance
requirements and must be submitted to and approved by the
City Engineer prior to the issuance of building permits and
prior to the implementation of any landscape improvements.

No 367479
24

7 12 89

807

1 Planning Commission
2 Resolution No. 88-795

November 14, 1988
Page 6

- 3 28. Traffic control during the construction of streets which
4 have been opened to public travel shall be in accordance
5 with construction signing, marking and other protection as
6 required by the State Department of Transportation
7 (CalTrans) Traffic Manual.
- 8 29. A left-turn pocket on College Boulevard shall be constructed
9 with appropriate transitions per State Department of
10 Transportation (CalTrans) Traffic Manual at the intersection
11 of Citrus Avenue and College Boulevard.
- 12 30. Grading and drainage facilities shall be designed to
13 adequately accommodate the local storm water runoff and
14 shall be in accordance with standard plans and
15 specifications of the City of Oceanside and subject to the
16 approval of the City Engineer.
- 17 31. This project is subject to payment of Master Plan of
18 Drainage acreage fees, to be paid prior to approval of the
19 final map. All storm drains and appurtenances shall be
20 designed and installed to the satisfaction of the City
21 Engineer. On and off-site drains shall be shown on City
22 standard plans and profile sheets. Storm drain easements
23 shall be dedicated where required.
- 24 32. Storm drain facilities shall be designed and located such
25 that the inside travel lanes on College Boulevard shall be
26 passable during conditions of a 100-year frequency storm.
- 27 33. All drainage picked up in an underground system shall remain
28 in underground system until outlet into an approved channel.
34. On-site grading design and construction shall be in
accordance with the City's current Grading Ordinance.
35. The applicant shall obtain the appropriate permits and
clearance from the U.S. Army Corps of Engineers and/or U. S.
Fish and Wildlife Service prior to the issuance of building
permits if applicable.
36. 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 in the tracts
or projects. All necessary measures shall be taken and
implemented to assure slope stability, erosion control, and
soil integrity. No grading shall occur until a detailed
grading plan, to be prepared in accordance with the Grading
Ordinance and Hillside Ordinance, is approved by the City
Engineer.
37. The entire project shall be served with a water system
adequate enough for fire protection and domestic supply,
with hydrants and other appurtenances as needed. The main
lines shall be dedicated to the City, and appropriate

No 367479

24

7 12 89

608

1 Planning Commission
Resolution No. 88-995

November 14, 1988
Page 7

- 2 easements shall be provided. The sewer system to serve the
tract shall be designed and constructed to City standards.
3 All other utilities to serve the project, including
electrical, telephone, and cable T.V., shall be constructed
4 underground.
- 5 38. All existing continuous overhead utility lines and all new
extension services for the development of the project,
6 including electrical and telephone, shall be constructed
underground (City Code Section 6.30).
- 7
8 39. Street lights shall be installed along all streets in the
subdivision or project under the City's LS-2 rate schedule
(City owned). The developer shall pay all applicable fees,
9 energy charges, and/or assessments and shall agree to the
formulation of or the annexation to any appropriate street
10 lighting district.
- 11 40. Prior to the City Council approval of the first final map, a
phasing plan for the construction of public and private
12 improvements shall be reviewed and approved by the City
Engineer.
- 13
14 41. The developer shall comply with all the provisions of the
City's cable television ordinances including those relating
to notification as required by the City Engineer.
- 15
16 42. Any broken concrete curb, gutter or sidewalk within the
tract shall be repaired or replaced as required by the City
Engineer prior to the acceptance of improvements.
- 17
18 43. The maximum approach grades at all intersections shall be 5%
maximum in accordance with the Engineer's Manual.
- 19
20 44. The maximum angle of any skewed intersection shall be 10
degrees.
- 21
22 45. A secondary drainage outlet shall be provided at the
northerly end of "A" Street.
- 23
24 46. All weather accesses shall be provided to all structures for
both the water facilities and utility facilities at the
northerly end of "A" Street.
- 25
26 47. The median in Citrus Avenue as indicated on the Tentative
Map shall be eliminated or designed to adequate length and
to accommodate necessary truck turning movements.
- 27
28 48. "A", "B" and "C" Streets shall be dedicated 56 feet wide and
shall be improved with concrete curb, gutter and pavement
having a 36 foot wide curb-to-curb section.
49. Citrus Avenue shall be dedicated 56 feet wide and shall be
improved with concrete curb, gutter and pavement having a 36
foot wide curb-to-curb section. At the intersection with

No 367479
24

7 12 89

609

1 Planning Commission
Resolution No. 88-795

November 14, 1988
Page 8

2 College Boulevard, the right-of-way shall be dedicated as
3 shown on the Tentative Map.

4 50. College Boulevard shall be improved with a full median and
5 concrete curb, gutter and sidewalk across the project
6 frontage ("Final Improvement" per Development Agreement).
These improvements shall be half-width. Twelve foot
acceleration and deceleration lanes shall be provided at
Citrus Avenue to the satisfaction of the City Engineer.

7 **Fire:**

8 51. Minimum fire flow of 1,000 gallons per minute shall be
9 provided.

10 52. Fire hydrants shall be 2-1/2" X 4".

11 53. The fire hydrants shall be installed and tested prior to
placing any combustible materials on the job site.

12 54. Fire hydrants shall be located as indicated on a map filed
13 in the Fire Prevention Bureau.

14 55. All-weather access roads shall be installed and made
15 serviceable prior to and during time of construction. Sec.
16 10.301(c) and (d) Uniform Fire Code.

17 56. Any security gates shall have a Knox-box override.

18 57. Plans shall be submitted to the Fire Prevention Bureau.

19 58. Buildings shall meet Oceanside Sprinkler Ordinance in effect
20 at the time of building permit application.

21 59. Units located in Fire Service Fee Area #2 shall pay a \$253
22 per unit fee.

23 60. All open areas shall be landscaped with approved fire
24 retardant/anti-erosion type plants with an approved
25 permanent irrigation system and maintenance program as per
26 the Landscape Concept Plan.

27 61. A 100 foot permanent fire break shall be constructed along
28 the perimeter of the "open space" lots.

62. A paved secondary approved emergency access as shown on the
Tentative Map is required for "A" Street north of Citrus.

Planning:

63. The property covered by this Tentative Map T-18-88 and
Development Plan D-36-88 is included within the Phase II
Development Area of the Rancho Del Oro Development Agreement
DA-1-85 (hereinafter referred to as the "Development
Agreement") and is subject to said Development Agreement.

7 12 89

610

1 Planning Commission
Resolution No. 88-P95

November 14, 1988
Page 9

2 and the conditions of approval of the Rancho Del Oro
3 Specific Plan S-1-84 (hereinafter, the "Specific Plan"), the
4 Rancho Del Oro Master Tentative Map T-5-84 (hereinafter the
5 "Master Tentative Map") and the Rancho Del Oro Master Final
6 Map (recorded on December 27, 1985 and hereinafter the
7 "Master Final Map"). Development of this 39.2 acre site
8 shall proceed only upon compliance with all conditions of
9 this Resolution and the requirements of the Development
10 Agreement, the Specific Plan, the Master Tentative Map, and
11 the Master Final Map, except as expressly modified in this
12 Resolution.

13 64. This Implementing Tentative Map and Implementing Development
14 Plan, and other approvals constitute consent of the
15 developer and all subsequent developers of the property
16 covered by the Implementing Tentative Map and Implementing
17 Development Plan to all applicable provisions of the
18 Development Agreement, the Specific Plan, and the Master
19 Tentative Map and that they will develop in accordance with
20 these documents. The approval of the project further
21 constitutes the applicant's and other developer's agreement
22 with all statements in the Description and Justification and
23 other materials and information submitted with this
24 application, as modified by the conditions of this
25 Resolution.

26 65. This Tentative Map T-18-88 is an implementing tentative map
27 as required by the Development Agreement, the Specific Plan,
28 and Master Tentative Map. This Development Plan D-36-88 is
the concurrent implementing development plan required by
said Development Agreement, the Specific Plan and Master
Tentative Map.

66. This Implementing Tentative Map T-18-88, Implementing
Development Plan D-36-88 and Variance V-18-88 shall run
concurrently, and for any unrecorded portions shall expire
on November 14, 1990 unless an extension is granted under
local ordinance and State law. If the Implementing
Tentative Map and Implementing Development Plan expire, no
development shall occur on any portion of the entire Village
not finalized by the expiration date until approval of a new
Implementing Tentative Map and concurrent Implementing
Development Plan, for the entire unfinished portion.

67. The conditions and requirements of this Implementing
Tentative Map and Implementing Development Plan shall be
binding upon the applicant and any subsequent owner,
assignee, transferee, successor, or any other person, party
or entity pursuing development within the 70.9 acre site.
Such conditions and requirements run with the land, and all
such persons, parties or entities shall abide by and comply
with the conditions of the Master Tentative Map, Specific
Plan, Development Agreement and this Resolution.

No 367479
24

- 2 68. As a prerequisite to the approval of any final map for any
3 property covered by this Implementing Tentative Map, a
4 notice, declaration, covenant or other recordable document
5 shall be recorded setting forth that all requirements and
6 conditions placed on this Implementing Tentative Map T-18-
7 88, Implementing Development Plan D-36-88, Variance V-18-88,
8 the Specific Plan, the Master Tentative Map and the
9 Development Agreement, run with the land and bind all
10 owners, lessees, transferees, heirs and successors of any
11 portion or all of the approximately 70.9 acre site. Such
12 notice, declaration, covenant or other document shall also
13 generally list the conditions of approval, and shall be
14 subject to the review and approval of the City Attorney
15 prior to recordation. A note referencing the recordation of
16 the notice, declaration, covenant or other document shall
17 appear on every Final Map for this Implementing Tentative
18 Map T-18-88. Upon recordation of this notice, declaration,
19 covenant or other document against any portion of this 70.9
20 acre site, the Declaration of Covenants recorded against
21 this 70.9 acre site on December 27, 1985, File No. 85-
22 490780, shall be released from such portion by an
23 appropriate document reviewed and approved by the City
24 Attorney.
- 14 69. If any future or subsequent Implementing Tentative Map,
15 Implementing Development Plan or any other permit or
16 approval is processed for the subject property, conditions
17 may be imposed in addition to the conditions and
18 requirements imposed by this Resolution.
- 17 70. Upon the failure of any developer of Implementing Tentative
18 Map T-18-88, Implementing Development Plan D-25-88, and
19 Variance V-18-88 or any other responsible representative or
20 owner of any portion of the 70.9 acre site, to comply with
21 any conditions for the development and/or improvement of any
22 of the 70.9 acre site, including but not limited to the
23 timing of the posting of security and the construction of
24 the improvements, infrastructure, dedication or other
25 requirements of this Resolution, the City of Oceanside shall
26 have the right to suspend development of any portion or all
27 of the 70.9 acre site affected by the default. The City's
28 rights include, but are not limited to the right to withhold
building permits and other permits and to amend or modify
the land use rules, including but not limited to the zoning,
applicable to the property affected by the default, to the
extent rights to develop have not vested under then-existing
State law.
- 26 71. The 97 dwelling units of this project constitutes 97 units
27 out of the 2,420 dwelling units permitted in the Phase II
28 Development Area in accordance with the Development
Agreement. The project also represents 97 units out of the
overall 4,840 dwelling units permitted in the entire
Specific Plan area, and pursuant to the Specific Plan, the
unit allocation for Tracts 4.1 and 4.2 (Village IV) shall be
fixed at 97 dwelling units.

No 367479
24

- 3 72. Public improvements required under this Resolution shall be
 4 constructed by the property owner, or cooperation provided
 5 for construction of such improvements with other developers
 6 of property within Rancho Del Oro also needing the same
 7 improvements. Approval of the Implementing Tentative Map
 8 and Implementing Development Plan constitutes the property
 9 owner's consent to enter into such private reimbursement
 10 agreements with adjacent or nearby property owners of Rancho
 11 Del Oro who need the same off-site improvements.
- 12 73. Any developer of any property covered by this Implementing
 13 Tentative Map and/or Implementing Development Plan shall
 14 grant, prior to the City's approval of any Final Map for
 15 this Implementing Tentative Map and Implementing Development
 16 Plan, the right to the City for a license to enter upon
 17 their respective parcel(s) for the purpose of constructing
 18 any improvements required under the infrastructure phasing
 19 program of the Specific Plan. This shall include
 20 infrastructure within Village IV and between Village IV and
 21 the other villages in the Specific Plan area. A note to
 22 this effect shall appear on each Final Map, or upon a
 23 separate instrument reviewed and approved by the City
 24 Engineer and City Attorney.
- 25 74. No Declaration of Conditions, Covenants, and Restrictions,
 26 contract of sale, lease or other written document or other
 27 means or method shall be established or shall attempt to
 28 establish any requirement, restriction or limitation on any
 of this property or any person, individual or entity which
 would operate, directly or indirectly, to prevent or
 preclude said or other person, individual or entity from
 complying with all applicable provisions of the Development
 Agreement, the Master Tentative Map, this Implementing
 Tentative Map, Implementing Development Plan, the Planned
 Residential Development Master Plan or any applicable site
 development plan.
75. All property covered by this Implementing Tentative Map and
 Implementing Development Plan shall be included in the
 Master Homeowners Association for Rancho Del Oro. (Master
 Declaration of Conditions, Covenants and Restrictions for
 the Villages of Rancho Del Oro dated August 28, 1986,
 recorded September 1, 1986 as File No. 86-388367 as
 amended.) Each portion of the property shall be annexed
 into the Master Homeowners Association in accordance with
 the stated procedures for annexation of the Association.
76. Prior to the approval of each Final Map for any property
 covered by this Implementing Tentative Map T-18-88,
 Implementing Development Plan D-36-88, and Variance V-18-88
 a Village Homeowners Association shall be formed which shall
 have the responsibility to carry out, at a minimum, the
 following duties in Village IV to the extent that such
 duties or provisions are not covered by the Master
 Association:

No 367479

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- (a) Provision for maintenance of common open space lots identified on the Implementing Tentative Map T-18-88 to the extent that such maintenance shall not be carried out by the Master Association.
- (b) Conditions, covenants, and restrictions (hereinafter the Tract C.C.&R's) for said Village Association shall be prepared by the property owner or other developer of the property and shall be recorded prior to and/or concurrently with the recordation of each such Final Map. The Village C.C.&R's shall be reviewed and approved by the City Attorney prior to recordation, and shall contain, at a minimum, the following:
 - (1) Provisions for the maintenance of the common open space and other areas described in Subsection (a), above, including provisions establishing mechanisms to ensure adequate and continued monetary funding for such maintenance by the Village Association.
 - (2) Provisions ensuring the access of the Rancho Del Oro residents to the Hillside Recreation Facility, all parkways, all medians, all tot lots and other future common open space areas located in Villages I through VII.
 - (3) Provisions to ensure the annexation into said Village Association, the remaining portions of each tract as they are finalized.
 - (4) Provisions specifying that neither the C.C.&R's nor any contract of sale, lease, or other written document or any means or method shall be established or shall attempt to establish any requirement, restriction, or limitation on this developer or any person, individual or entity which would operate, directly or indirectly, to prevent or preclude any other developers of this land or any person, individual, or entity in complying with all applicable provisions of the Development Agreement, the Master Tentative Map, the Implementing Tentative Map or Implementing Development Plan.
 - (5) Provisions stating that none of the above provisions of the C.C.&R's shall be deleted or modified without the consent of the City Attorney, that the City shall have the right, but not the obligation, to enforce any of the above provisions, and that in the event the City pursues legal action to enforce any of its rights, the City shall be entitled to reasonable attorney's fees.

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No 367479

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3 (c) All property of any tract covered by this Implementing
4 Tentative Map and Implementing Development Plan shall
5 be included in one Village Association; each portion of
6 the property covered by the Implementing Tentative Map
7 and Implementing Development Plan shall be annexed into
8 the one Village Association prior to the approval of
9 the Final Map for each such portion. Property in other
10 phases of the tract shall be annexed into the Village
11 Association as such property is finalized.

12 (d) Provisions controlling and specifying the location of
13 patio covers, room additions and accessory structures.

14 (e) Provisions prohibiting parking of recreational vehicle
15 on the street, in the cul-de-sacs and in the driveways
16 or yards.

17 77. The developer shall provide rear or side yard fencing for
18 all lots visible from College Boulevard. Said fencing shall
19 be designed in a manner that insures adequate screening of
20 private yards from College Boulevard. The fencing shall be
21 shown on the Landscape Plan and shall be approved by the
22 Planning Director.

23 78. No portions of the properties covered by this Implementing
24 Tentative Map and Implementing Development Plan shall be
25 leased, sold or otherwise transferred, during the term of
26 the Development Agreement without compliance with the
27 provisions of the Development Agreement. Each developer,
28 down to and including the first individual, person, party or
entity or developer who acquires each portion of the
property must provide, deliver and record their written
acknowledgment of the Development Agreement to the City in
accordance with the requirements of the Development
Agreement. Nothing in this condition is intended to
preclude the leasing to tenants that does not constitute a
subdivision.

79. This Implementing Tentative Map and Implementing Development
Plan are subject to the Declaration of Covenants, Conditions
and Restrictions for the Rancho Del Oro Planned Community,
recorded December 27, 1985 (File No. 85-490781).

80. No landscape installation work in any portion of this map
shall commence without City-approved individual landscape
plans which comply with the Master Landscaping Plan. An
individual landscape plan shall be approved prior to the
issuance of any building permits.

81. The location of common mailboxes shall be approved by the
City Engineer.

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

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618

1 Planning Commission
2 Resolution No. 88-P95

615

November 14, 1988
Page 14

- 3 83. A public facilities fee shall be paid as required by City
4 policy at the time building permits are issued.
- 5 84. Landscape plans, meeting the criteria of the City's
6 Landscape Guidelines, including the maintenance of such
7 landscaping, shall be reviewed and approved by the City
8 Engineer and Planning Director prior to the issuance of
9 building permits. Landscaping shall not be installed until
10 bonds have been posted, fees paid, and plans signed for
11 final approval. The following special landscaping
12 requirements shall be met:
13 (a) Median landscaping shall be shown on the plan for
14 Citrus Avenue and shall meet the criteria of the Rancho
15 Del Oro Specific Plan and Rancho Del Oro Master
16 Landscap^e Plan.
17 (b) The developer shall be responsible for landscaping all
18 embankments 3 feet and over in height. All embankments
19 5 feet in height and over (and for all slopes along
20 major streets) shall be landscaped and irrigated.
21 (c) Street/parkway trees (minimum 15 gallon) shall be
22 planted at a minimum of one tree per unit or lot and
23 two trees per corner lot. Approved root barriers shall
24 be incorporated.
25 (d) Local street trees in parkways shall be planted at a
26 minimum of 30 feet on center, each side of street, as a
27 solitary planting. Approved root barriers shall be
28 incorporated.
- 29 85. Model landscape plans shall be submitted, reviewed and
30 approved by the City Engineer and the Planning Director
31 prior to the issuance of building permits. Landscaping
32 shall not be installed until bonds have been posted, fees
33 paid, and plans signed for final approval.
- 34 86. Prior to the transfer of ownership and/or operation of the
35 site the owner shall provide a written copy of the
36 applications, staff report and resolutions for the project
37 to the new owner and or operator. This notification's
38 provision shall run with the life of the project.
- 39 87. All retaining and other free-standing walls, fences, and
40 enclosures shall be architecturally designed in a manner
41 similar to and consistent with the primary structures.
42 These items shall be approved by the Planning Department
43 prior to the issuance of building permits.
- 44 88. Elevations, siding materials, colors, roofing materials and
45 floor plans shall be substantially the same as those
46 approved by the Planning Commission. These shall be shown
47 on plans submitted to the Building Department and Planning
48 Department.

No 367479

89

2

4

1 Planning Commission
2 Resolution No. 88-P95

November 14, 1988
Page 15

3 89. Side and rear elevations shall be trimmed to substantially
4 match the front elevations. A set of building plans shall
5 be reviewed and approved by the Planning Department prior to
6 the issuance of building permits.

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

12 91. All street names shall be approved by the Planning
13 Department prior to the approval of the final map for each
14 phase of development.

15 92. Any project entrance signs shall be approved by the Planning
16 Director.

17 93. The developer is prohibited from entering into any agreement
18 with a cable television franchisee of the City which gives
19 such franchisee exclusive rights to install, operate, and/or
20 maintain its cable television system in the development.

21 94. Garages shall be kept available and useable for the parking
22 of tenant's automobiles at all times.

23 95. The following unit type and floor plan mix, as approved by
24 the Planning Commission, shall be indicated on plans
25 submitted to the Building Department and Planning Department
26 for building permit:

Sq. Ft.	# Bedrms.	# Baths	# Stories	# Units	#
1917	4	2	1	24	254
2236	5	3	2	34	351
2512	4	3	2	39	404

27 96. Staggered front yard setbacks which vary between 20 and 25
28 feet measured from back of sidewalk shall be provided.

97. Park fees shall be calculated against the dedication of land
and improvements as specified in the Development Agreement.
Any required fees are payable prior to the issuance of
Building Permits.

Water Utilities:

98. All public water and/or sewer facilities not located within
the public right-of-way, shall be provided with adequate
sized easements.

99. No trees or structures shall be located within any public
utility easement.

No 367479

24

7 12 89

618

617

1 Planning Commission
2 Resolution No. 88-P95

November 14, 1988
Page 16

3 100. Water facilities located on private property shall be
4 private lines and shall be maintained by the owner.

5 101. Sewer facilities located on private property shall be
6 private lines and shall be maintained by the owner.

7 102. The developer shall be responsible for developing all water
8 and sewer facilities necessary to this property. Any
9 relocation of water or sewer lines are the responsibility of
10 the developer.

11 PASSED on October 11, 1988 by the following vote, to
12 wit:

13 AYES: Jakovac, Wilson, Cassan, Werschura, Lyon, Sullivan, Stinner

14 NAYES: None

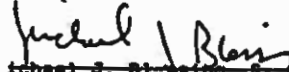
15 ABSENT: None

16 ABSTAIN: None

17 ADOPTED on this 14th day of November, 1988.

18 
19 Richard Lyon, Chairman

20 TEST:

21 
22 ~~Michael J. Blessing, Secretary~~

23 MICHAEL J. BLESSING, Secretary of the Oceanside Planning
24 Commission, hereby certify that this is a true and correct copy
25 of Resolution No. 88-P95.

26 Dated: 14th Nov 88

MICHAEL J. BLESSING, Secretary
OCEANSIDE PLANNING COMMISSION

No 367479

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618

SUBORDINATION AGREEMENT

The undersigned, as Beneficiary of the beneficial interest in and under that certain Deed of Trust recorded on December 17, 1987 at File/Page No. 87-694281 of Official Record of San Diego County, California, which Deed of Trust is between The Fieldstone Company, a California corporation, as Trustor, American Securities Company, a corporation, as Trustee, and Wells Fargo Bank, National Association, a national banking association, as Beneficiary, hereby expressly subordinates such Deed of Trust and its beneficial interests thereunder to the foregoing Declaration of Covenants, Conditions and Restrictions ("Declaration"). By executing this Subordination, the undersigned agrees that should the undersigned acquire title to all or any portion of the Properties by foreclosure (whether judicial or nonjudicial), deed-in-lieu of foreclosure or any other remedy in or relating to the Deed of Trust, the undersigned will acquire title subject to the provisions of the Declaration, which shall remain in full force and effect.

Dated: 4-21, 1989.

WELLS FARGO BANK, NATIONAL ASSOCIATION, a national banking association

By: [Signature]

Its: Vice President

By: [Signature]

Its: LOAN OFFICER

STATE OF CALIFORNIA }
COUNTY OF Orange } ss.

On April 21, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Reed Hummel and Patrick J. Murphy, personally known to me or proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as Vice President and Loan Officer, respectively, or on behalf of WELLS FARGO BANK, NATIONAL ASSOCIATION, the national banking association therein named and acknowledged to me that the national banking association executed it.

WITNESS my hand and official seal.

Concepcion Brade
Notary Public in and for said State



NO 367479
24