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RECORDING REQUESTED BY, AND  
WHEN RECORDED, MAIL TO:

1675

RECORDED IN  
OFFICIAL RECORDS  
CITY OF OCEANSIDE, CA

RF 30  
AR 26  
MG 1

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

90 JAN -5 AM 10:14

VERA L LYLE  
COUNTY RECORDER

(Space Above For Recorder's Use)

982212-14

DECLARATION OF  
COVENANTS, CONDITIONS AND RESTRICTIONS  
(Rancho Del Oro Village V, Tract 5.3)

THIS DECLARATION is made by THE FIELDSTONE COMPANY, a California corporation ("Developer").

P R E A M B L E:

A. Developer owns certain real property consisting of approximately 97 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-25-88 ("Implementing Tentative Map") and Development Plan D-45-88 ("Implementing Development Plan"), which were approved by the City of Oceanside ("City") subject to certain conditions set forth in City Planning Commission Resolution No. 89-P1 adopted on January 23, 1989 ("Resolution") set out in Exhibit "B" attached hereto and made a part hereof.

C. The Property is also subject to the Rancho Del Oro Development Agreement DA-1-85 between Rancho Del Oro Investments, a California general partnership, Rancho Del Oro Developments, a California general partnership (collectively, "Master Developer"), and City, which was recorded in the Office of the County Recorder of San Diego County on December 27, 1985 as File/Page No. 85-490775 ("Development Agreement"); and 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").

D. The Resolution 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.

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 the following (collectively, "Restrictions"): (a) the Resolution; (b) the Implementing Tentative Map and the Implementing Development Plan; (c) the Specific Plan; (d) the Master Tentative Map; and (e) applicable terms and conditions of the Development Agreement during the term thereof, unless terminated or released pursuant to its terms.

2. No provision of this Declaration is intended, nor shall it be deemed, to modify, waive, delete or amend any provision of the Resolution, which is incorporated herein by this reference. All of the Restrictions 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.

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 this \_\_\_\_\_ day of \_\_\_\_\_, 1989.

THE FIELDSTONE COMPANY, a California corporation

By: *[Signature]*

Its: Assistant Secretary

By: *[Signature]*

Its: Assistant Secretary

ACKNOWLEDGED AND APPROVED:

CITY OF OCEANSIDE, a California municipal corporation

By: *[Signature]*

Title: Assistant City Attorney

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On November 27, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared Mike Stewart and Jim Hansen, personally known to me or proved to me on the basis of satisfactory evidence to be the persons who executed the within instrument as Assistant Secretary and Ass. Sec. Secretary on behalf of THE FIELDSTONE COMPANY, the corporation therein named, and acknowledged to me that the corporation executed it.

WITNESS my hand and official seal.



Judith A. Meyncke  
Notary Public in and for said State

STATE OF CALIFORNIA )  
 ) ss.  
COUNTY OF SAN DIEGO )

On \_\_\_\_\_, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared \_\_\_\_\_, personally known to me or proved to me on the basis of satisfactory evidence to be the person who executed the within instrument as \_\_\_\_\_ or on behalf of the CITY OF OCEANSIDE, the municipal corporation therein named, and acknowledged to me that the municipal corporation executed it.

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary Public in and for said State

SUBORDINATION AGREEMENT

1673

The undersigned, as Beneficiary of the beneficial interests in and under that certain deed of trust recorded on ~~December 17, 1987 at File/Page No. 87-694281 of Official Records of San Diego County, California, and that certain deed of trust recorded on~~ November 16, 1989 at File/Page No. 89-624083 of Official Records of San Diego County, California (collectively, the "Deeds of Trust"), which Deeds of Trust are 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 Deeds 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 one or both of the Deeds of Trust, the undersigned will acquire title subject to the provisions of the Declaration, which shall remain in full force and effect.

Dated: November 22, 1989.

Wells Fargo Bank, National Association, a national banking association

By:

Its: Vice President

By:

Its: Vice President

STATE OF CALIFORNIA

1673

COUNTY OF Orange

) ss.

On November 24, 1989, before me, the undersigned, a Notary Public in and for said State, personally appeared DALE VAN DAHM and REED HUMMEL, 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 Vice President, 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.



Connie Jean Brahams  
Notary Public in and for said State

LEGAL DESCRIPTION OF PROPERTY

All of RANCHO DEL ORO VILLAGE V, TRACT 5.3,  
in the City of Oceanside, County of San  
Diego, State of California, according to Map  
No. 12534 filed in the Office of the  
County Recorder of San Diego County on  
JAN. 5, 1990.

EXHIBIT "B"

1681

PLANNING COMMISSION RESOLUTION NO. 89-P1

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wvj134/21661/000/0090/cityccr5.3  
049/168 11-17-89

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PLANNING COMMISSION  
RESOLUTION NO. 89-P1

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

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APPLICATION NO: T-25-88 and D-45-88  
APPLICANT: The Fieldstone Company  
LOCATION: East of College Boulevard and south of Silver Bluff  
Drive in the Ivey Ranch/Rancho Del Oro Neighborhood

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

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15

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

16

subdivision of a 107.4 acre site and the construction of 414  
single family detached patio homes

17  
18

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

19  
20

WHEREAS, the Planning Commission, after giving the  
required notice, did on the 9th day of January, 1989 conduct a  
duly advertised public hearing as prescribed by law to consider  
said application.

21  
22

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

23

For the Tentative Map:

24

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

25  
26

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

27

For the Development Plan:

28

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



3 - The proposed project is consistent with the purposes  
4 and standards of the Zoning Ordinance, the Rancho Del  
5 Oro Specific Plan and the Rancho Del Oro Planned  
6 Residential Development Master Plan.

7 2. That the Development Plan as proposed conforms to the  
8 General Plan of the City.

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

11 3. That the area covered by the Development Plan can be  
12 adequately, reasonably and conveniently served by existing  
13 and planned public services, utilities and public  
14 facilities.

15 - The project site is so located that all necessary  
16 public services, utilities and public facilities are  
17 either existing or planned.

18 For the Allocation Amendment:

19 1. The current allocation range for the area represented by  
20 this Implementing Tentative Map is from 440 to 1,486 units.  
21 The project proposal is for 414 units which is 173 fewer  
22 than the initial allocation of 587 units, but is consistent  
23 with the current allocation range and densities.

24 WHEREAS, the Planning Commission finds that a Negative  
25 Declaration has been prepared pursuant to the California  
26 Environmental Quality Act which indicates that mitigation  
27 measures which would be incorporated into project design would  
28 reduce potential impacts to below a level of significance.

NOW, THEREFORE, BE IT RESOLVED that the Planning  
Commission does hereby APPROVE TENTATIVE MAP T-25-88 and  
DEVELOPMENT PLAN D-45-88 subject to the following conditions:

Building:

1. Applicable Building Codes and Ordinances shall be based on  
the date of submittal for Building Department plan check.

2. The granting of approval under this action shall in no way  
relieve the applicant/project from compliance with all State  
and local building codes.

3. All electrical, communication, CATV, etc. service lines,  
within the exterior lines of the property shall be  
underground (City Code Sec. 6.30).

4. Application for Building Permit will not be accepted for  
this project until plans indicate that they have been  
prepared by a licensed design professional (Architect,  
Engineer or Registered Building Designer). The design

3 professional's name, address, phone number, State license  
4 number and expiration date shall be printed in the Title  
5 Block of the plans.

- 6 5. Miscellaneous structures such as retaining walls, light  
7 poles, signs, irrigation power pedestals, etc.; require  
8 separate building permits.

9 Environmental:

- 10 6. A comprehensive erosion control program shall be implemented  
11 in conformance with the City's Grading Ordinance and  
12 Development Guidelines for Hillides. Implementation of the  
13 erosion control program shall be strictly enforced by  
14 periodic site inspections.

- 15 7. Based on the geotechnical evaluation of the site, the  
16 developer shall provide remedial measures for landslide  
17 stabilization as recommended by the City Engineer, or the  
18 developer's representative shall recommend remedial measures  
19 with equivalent effectiveness as concurred with and approved  
20 by the City Engineer.

- 21 8. Residential units adjacent to College Boulevard, Silver  
22 Bluff Drive and Frazee Road, shall provide a solid  
23 decorative masonry block wall at the top of slopes adjacent  
24 to these roadways per noise mitigation delineated in the  
25 Acoustic Analysis Report for Rancho Del Oro Village V and  
26 Village VI South as concurred with and approved by the  
27 Planning Director.

- 28 9. All outdoor lighting shall be properly shielded and directed  
so as to prevent glare on surrounding properties.

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

11. All studies and analyses required as conditions of approval  
or mitigation measures shall be completed before grading  
and/or building permits are applied for.

Engineering:

12. Vehicular access rights to Silver Bluff Drive, Frazee Road  
and College Boulevard shall be relinquished to the City from  
all abutting lots.

13. Property line returns, knuckles, and all other street right  
of way alignments and widths shall be dedicated and improved  
as required by the City Engineer.

- 3 14. Prior to approval of any final map increment, all of the  
4 above requirements within such increment, or outside of it  
5 if required by the City Engineer, shall be covered by a  
6 subdivision agreement, secured with sufficient improvement  
7 securities or bonds guaranteeing performance, payment for  
8 labor and materials, setting of monuments, and warranty  
9 against defective materials and workmanship.
- 10 15. Where proposed off-site improvements including but not  
11 limited to slopes, public utility facilities, and drainage  
12 facilities are to be constructed, the applicant shall, at  
13 his own expense, obtain all necessary easements or other  
14 interests in real property and shall dedicate the same to  
15 the City as required. The applicant shall provide  
16 documentary proof satisfactory to the City that such  
17 easements or other interest in real property have been  
18 obtained prior to the approval of the final map.  
19 Additionally, the City, may at its sole discretion, require  
20 that the applicant obtain at his sole expense a title policy  
21 insuring the necessary title for the easement or other  
22 interest in real property to have vested with the City of  
23 Oceanside or the applicant, as applicable.
- 24 16. All streets shall be improved with concrete curbs and  
25 gutters, street lights, 5 ft. wide sidewalks and pavement,  
26 providing a parkway width in accordance with the Rancho Del  
27 Oro Specific Plan.
- 28 17. Curb return radii shall be 35 feet at the intersections of  
College Boulevard and Frazee Road; College Boulevard and  
Citrus Avenue; Frazee Road and "Q" Street/"N" Street; Frazee  
Road and "A" Street/"V" Street; Citrus Avenue and "A"  
Street. All other curb return radii in the tract shall be a  
minimum of 25 ft.
18. Curb radius at the cul-de-sac turnarounds shall be at least  
40 feet with a minimum 50 foot radius right-of-way line.
19. All street dedications, alignments, widths, and exact  
geometrics shall be as approved by the City Engineer in  
accordance with the Rancho Del Oro Specific Plan.
20. The developer shall provide public street dedication as  
required to serve the property.
21. The exact alignment, width and design of all median islands,  
turning lanes, travel lanes, driveways, striping, and all  
other traffic control devices and measures, including  
turnouts, bike lanes, and width transitions, shall be  
approved by the City Engineer.
22. Pavement sections for all streets, alleys, driveways and  
parking areas shall be based upon soil tests and traffic  
index. The pavement design to be prepared by the  
subdivider's soil engineer must be approved by the City  
Engineer.

- 3 23. All traffic signal contributions, highway thoroughfare fees,  
4 park fees, reimbursements, and other applicable charges,  
5 fees and deposits shall be paid prior to the issuing of any  
6 building permits in accordance with City policies. The  
7 developer shall also be required to join into, contribute,  
8 or participate in any improvement lighting, or other special  
9 district affecting or affected by this project. Approval of  
10 the tentative map shall constitute the developer's approval  
11 of all such payments, and his agreement to pay for any other  
12 similar assessments or charges in effect at the time any  
13 increment is submitted for final map or building permit  
14 approval, and to join, contribute, or participate in such  
15 districts.
- 16 24. Design and construction of all improvements shall be in  
17 accordance with standard plans, specifications of the City  
18 of Oceanside and subject to approval by the City Engineer.
- 19 25. A raised landscaped concrete median shall be required as  
20 determined by the City Engineer in College Boulevard, in  
21 accordance with the Rancho Del Oro Specific Plan.
- 22 26. All streets shall be improved with street name signs, and  
23 traffic control devices, as required by the City Engineer.
- 24 27. Traffic signals shall be constructed at the intersections of  
25 Citrus Avenue and College Boulevard; Frazee Road and College  
26 Boulevard. The design, construction and operation shall be  
27 as required by the City Engineer. The timing of  
28 construction of these signals shall depend upon the phasing  
of the recordation and development of the tract increments,  
as determined by the City Engineer.
- 29 28. A traffic signal contribution shall be made as required by  
the City's signal contribution formula.
- 30 29. The developer shall pay thoroughfare fees as required by the  
City's Thoroughfare Fee Ordinance.
- 31 30. Sight distance requirements along College Boulevard and  
32 Frazee Road shall conform to the intersectional sight  
distance criteria as provided by CalTrans Table 405-1A as  
shown on the Tentative Map. All other intersections shall  
be per City standards.
- 33 31. 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.
- 34 32. Traffic control during the construction of streets which  
have been opened to public travel shall be in accordance



- 2 with construction signing, marking and other protection as  
3 required by the State Department of Transportation  
(CalTrans) Traffic Manual.
- 4 33. A left-turn pocket on College Boulevard shall be constructed  
5 with appropriate transitions per State Department of  
6 Transportation (CalTrans) Traffic Manual at the  
intersections of College Boulevard and Frazee Road; College  
Boulevard and Citrus Avenue.
- 7 34. Grading and drainage facilities shall be designed to  
8 adequately accommodate the local storm water runoff and  
9 shall be in accordance with standard plans and  
specifications of the City of Oceanside and subject to the  
approval of the City Engineer.
- 10 35. Development shall be in accordance with City Floodplain  
11 Management Regulations.
- 12 36. This subdivision is subject to payment of Master Plan of  
13 Drainage acreage fees, to be paid prior to approval of the  
14 final map. All storm drains and appurtenances shall be  
15 designed and installed to the satisfaction of the City  
16 Engineer. On and off-site drains shall be shown on City  
17 standard plans and profile sheets. Storm drain easements  
18 shall be dedicated where required.
- 19 37. Storm drain facilities shall be designed and located such  
20 that the inside travel lanes on College Boulevard shall be  
21 passable during conditions of a 100-year frequency storm.
- 22 38. All drainage picked up in an underground system shall remain  
23 in underground system until outlet into an approved channel.
- 24 39. On-site grading design and construction shall be in  
25 accordance with the City's current Grading Ordinance.
- 26 40. The applicant shall obtain the appropriate permits and  
27 clearance from the U.S. Army Corps of Engineers and/or U. S.  
28 Fish and Wildlife Service prior to the issuance of building  
permits, if applicable.
41. Prior to any grading of any part of the tract or project, a  
comprehensive soils and geologic investigation shall be  
conducted of the soils, slopes, and formations in the 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 Zoning Ordinance, is approved by the City  
Engineer.
42. 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

2 lines shall be dedicated to the City, and appropriate  
3 easements shall be provided. The sewer system to serve the  
4 tract shall be designed and constructed to City standards.  
5 All other utilities to serve the project, including  
6 electrical, telephone, and cable T.V., shall be constructed  
7 underground.

8 43. All existing continuous overhead utility lines and all new  
9 extension services for the development of the project,  
10 including electrical and telephone, shall be constructed  
11 underground.

12 44. Street lights shall be installed along all streets in the  
13 subdivision or project under the City's LS-2 rate schedule  
14 (City owned). The subdivider or developer shall pay all  
15 applicable fees, energy charges, and/or assessments and  
16 shall agree to the formulation of or the annexation to any  
17 appropriate street lighting district.

18 45. Prior to the City Council approval of the first final map, a  
19 phasing plan for the construction of public and private  
20 improvements shall be reviewed and approved by the City  
21 Engineer.

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

25 47. Any broken concrete curb, gutter or sidewalk within Village  
26 V & VI South shall be repaired or replaced as required by  
27 the City Engineer prior to acceptance of improvements.

28 48. The developer shall install 1-1/2 inch P.V.C. conduit and  
1/4 inch pull rope on the frontage of the project on all  
collector streets and above, for signal interconnect cable.

49. Slope setbacks shall be provided in accordance with page 59  
of the Grading Ordinance. Grading of slopes adjacent to  
street rights-of-way shall accommodate franchise utility  
structures without the use of retaining walls.

50. Any additional retaining walls not shown on the Tentative  
Map shall be reviewed by the Planning Director and City  
Engineer, and approved by Substantial Conformity Committee,  
if deemed necessary, prior to the issuance of grading  
permit.

51. Tangent sections shall be provided at intersections in  
curves and between reversing curves unless otherwise shown  
as an "exception" on the Tentative Map.

52. Intersection approach grades shall be no greater than 5%  
unless otherwise approved by the City Engineer.

2 53. A slope maintenance easement shall be provided for the off-  
site slope east of Lots 1 through 11 in Tract 5.2.

3 54. Secondary drainage relief shall be provided at sumped cul-  
4 de-sacs such as "P", "L", "J", "T" and "S" Courts, and  
5 sumped streets such as "V" Street.

6 55. All local streets in the project shall be dedicated 56 feet  
7 wide and shall be improved with concrete curbs, gutters,  
sidewalks and pavement having a 36 foot wide curb to curb  
section (TI=4.5).

8 56. Citrus Avenue shall be dedicated 56 feet wide and shall be  
9 improved with concrete curbs, gutters, sidewalks and  
pavement having a 36 foot wide curb to curb section  
(TI=7.0).

10 57. Frazee Road shall be dedicated 84 feet wide and shall be  
11 improved with concrete curbs, gutters, and meandering  
12 sidewalks and two 15 foot travel lanes separated by an 18  
foot landscaped median (TI=7.0).

13 58. Silver Bluff Drive shall be dedicated 84 feet wide and shall  
14 be improved with concrete curbs, gutters, and meandering  
15 sidewalks and two 15 foot travel lanes separated by an 18  
foot wide landscaped median (TI=7.0).

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

19 **Fire:**

20 60. Provide minimum fire flow of 1,000 gallons per minute.

21 61. Fire hydrants shall be 2-1/2" X 4".

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

23 63. Fire hydrants shall be located as indicated on a map filed  
24 in the Fire Prevention Bureau.

25 64. All-weather access roads shall be installed and made  
26 serviceable prior to and during time of construction. Sec.  
10.301(c) and (d) Uniform Fire Code.

27 65. Any security gates shall have a Knox-box override.

28 66. Plans shall be submitted to the Fire Prevention Bureau.

- 1  
2 67. Cul-de-sacs to be 40 feet radius minimum and shall be  
3 appropriately signed "No Parking - Fire Lane".  
4 68. Fire hydrants shall be located as indicated on a map filed  
5 with the Fire Prevention Bureau.  
6 69. Buildings shall meet Oceanside Sprinkler Ordinance in effect  
7 at the time of building permit application.  
8 70. Units are located in Fire Service Fee Area #2 and shall pay  
9 \$253 per unit unless otherwise included in the Public  
10 Facilities fee.  
11 71. All open areas shall be landscaped with approved fire  
12 retardant/anti-erosion type plants with an approved  
13 permanent irrigation system and maintenance program.

14 Planning:

- 15 72. The property covered by this Tentative Map T-25-88 and  
16 Development Plan D-45-88 is included within the Phase II  
17 Development Area of the Rancho Del Oro Development Agreement  
18 DA-1-85 (hereinafter referred to as the "Development  
19 Agreement") and is subject to said Development Agreement,  
20 and the conditions of approval of the Rancho Del Oro  
21 Specific Plan S-1-84 (hereinafter, the "Specific Plan"), the  
22 Rancho Del Oro Master Tentative Map T-5-84 (hereinafter the  
23 "Master Tentative Map") and the Rancho Del Oro Master Final  
24 Map (recorded on December 27, 1985 and hereinafter the  
25 "Master Final Map"). Development of this 107.4 acre site  
26 shall proceed only upon compliance with all conditions of  
27 this Resolution and the requirements of the Development  
28 Agreement, the Specific Plan, the Master Tentative Map, and  
the Master Final Map, except as expressly modified in this  
Resolution.
73. This Implementing Tentative Map and Implementing Development  
Plan, and other approvals constitute consent of the  
Developer and all Subsequent Developers of the property  
covered by the Implementing Tentative Map and Implementing  
Development Plan to all applicable provisions of the  
Development Agreement, the Specific Plan, and the Master  
Tentative Map and that they will develop in accordance with  
these documents. The approval of the project further  
constitutes the applicant's and other developer's agreement  
with all statements in the Description and Justification and  
other materials and information submitted with this  
application, as modified by the conditions of this  
Resolution.
74. This Tentative Map T-25-88 is an implementing tentative map  
as required by the Development Agreement, the Specific Plan,  
and Master Tentative Map. This Development Plan D-45-88 is  
the concurrent implementing development plan required by  
said Development Agreement, the Specific Plan and Master  
Tentative Map.



- 2  
3 75. This Implementing Tentative Map T-25-88 and Implementing  
4 Development Plan D-45-88 shall run concurrently, and for any  
5 unrecorded portions shall expire on January 23, 1991 unless  
6 an extension is granted under local ordinance and State law.  
7 If the Implementing Tentative Map and Implementing  
8 Development Plan expire, no development shall occur on any  
9 portion of the entire Village not finalized by the expiration  
10 date until approval of a new Implementing Tentative Map and  
11 concurrent Implementing Development Plan, for the entire  
12 unfinished portion.
- 13 76. The conditions and requirements of this Implementing  
14 Tentative Map and Implementing Development Plan shall be  
15 binding upon the applicant and any subsequent owner,  
16 assignee, transferee, successor, or any other person, party  
17 or entity pursuing development within the 107.4 acre site.  
18 Such conditions and requirements run with the land, and all  
19 such persons, parties or entities shall abide by and comply  
20 with the conditions of the Master Tentative Map, Specific  
21 Plan, Development Agreement and this Resolution.
- 22 77. As a prerequisite to the approval of any final map for any  
23 property covered by this Implementing Tentative Map, a  
24 notice, declaration, covenant or other recordable document  
25 shall be recorded setting forth that all requirements and  
26 conditions placed on this Implementing Tentative Map T-25-  
27 88, Implementing Development Plan D-45-88, the Specific  
28 Plan, the Master Tentative Map and the Development  
Agreement, run with the land and bind all owners, lessees,  
transferees, heirs and successors of any portion or all of  
the approximately 107.4 acre site. Such notice,  
declaration, covenant or other document shall also generally  
list the conditions of approval, and shall be subject to the  
review and approval of the City Attorney prior to  
recordation. A note referencing the recordation of the  
notice, declaration, covenant or other document shall appear  
on every Final Map for this Implementing Tentative Map T-25-  
88. Upon recordation of this notice, declaration, covenant  
or other document against any portion of this 107.4 acre  
site, the Declaration of Covenants recorded against this  
107.4 acre site on December 27, 1985, File No. 85-490780,  
shall be released from such portion by an appropriate  
document reviewed and approved by the City Attorney.
78. If any future or subsequent Implementing Tentative Map,  
Implementing Development Plan or any other permit or  
approval is processed for the subject property, conditions  
may be imposed in addition to the conditions and  
requirements imposed by this Resolution.
79. Upon the failure of any developer of Implementing Tentative  
Map T-25-88 and Implementing Development Plan D-45-88, or  
any other responsible representative or owner of any portion  
of the 107.4 acre site, to comply with any conditions for

2 the development and/or improvement of any of the 107.4 acre  
3 site, including but not limited to the timing of the posting  
4 of security and the construction of the improvements,  
5 infrastructure, dedication or other requirements of this  
6 Resolution, the City of Oceanside shall have the right to  
7 suspend development of any portion or all of the 107.4 acre  
8 site affected by the default. The City's rights include,  
9 but are not limited to the right to withhold building  
10 permits and other permits and to amend or modify the land  
11 use rules, including but not limited to the zoning,  
12 applicable to the property affected by the default, to the  
13 extent rights to develop have not vested under then-existing  
14 State law.

9 80. The 414 dwelling units of this project constitutes 414 units  
10 out of the 2,420 dwelling units permitted in the Phase II  
11 Development Area in accordance with the Development  
12 Agreement. The project also represents 414 units out of the  
13 overall 4,840 dwelling units permitted in the entire  
14 Specific Plan area, and pursuant to the Specific Plan, the  
15 unit allocation for Tracts 5.1, 5.2, 5.3, 5.4, 6.1 and 6.2  
16 (Village 5 and 6 South) shall be fixed at 414 dwelling  
17 units.

14 81. Public improvements required under this Resolution shall be  
15 constructed by the property owner, or cooperation provided  
16 for construction of such improvements with other developers  
17 of property within Rancho Del Oro also needing the same  
18 improvements. Approval of the Implementing Tentative Map  
19 and Implementing Development Plan constitutes the property  
20 owner's consent to enter into such private reimbursement  
21 agreements with adjacent or nearby property owners of Rancho  
22 Del Oro who need the same off-site improvements.

19 82. No Declaration of Conditions, Covenants, and Restrictions,  
20 contract of sale, lease or other written document or other  
21 means or method shall be established or shall attempt to  
22 establish any requirement, restriction or limitation on any  
23 of this property or any person, individual or entity which  
24 would operate, directly or indirectly, to prevent or  
25 preclude said or other person, individual or entity from  
26 complying with all applicable provisions of the Development  
27 Agreement, the Master Tentative Map, this Implementing  
28 Tentative Map, Implementing Development Plan, the Planned  
Residential Development Master Plan or any applicable site  
development plan.

25 83. All property covered by this Implementing Tentative Map and  
26 Implementing Development Plan shall be included in the  
27 Master Homeowners Association for Rancho Del Oro. (Master  
28 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.

←  
T.C.  
#54164

←

84. Prior to the approval of each Final Map for any property covered by this Implementing Tentative Map T-25-88 and Implementing Development Plan D-45-88, a Supplementary Declaration of Covenants, Conditions, Restrictions and Reservations shall be recorded for Villages V and VI South which sets forth the responsibility to carry out, at a minimum, the following duties in Villages V and VI South to the extent that such duties or provisions are not covered by the Master Association:

(a) Provision for maintenance of common open space lots and tot lots identified on the Implementing Tentative Map T-25-88 to the extent that such maintenance shall be carried out by the Master Association.

(b) Village C.C.&R.'s 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) Provision for the maintenance of the common open space and other areas described in Subsection (a), hereinabove, including a provision establishing a mechanism to ensure adequate and continued monetary funding for such maintenance.

(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 of the remaining portions of each tract as they are finalized into the general plan and scheme of the Village C.C.&R.'s.

(4) Provisions specifying that neither the Village 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 requirements, 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.

3 (5) Provisions stating that none of the above  
4 provisions of the Village C.C.&R.'s shall be  
5 deleted or modified without the consent of the  
6 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.

7 (6) Provisions to ensure the establishment of a  
8 Delegate District for purposes of electing a  
9 Delegate to membership in the Master Association.  
At a minimum these provisions shall set forth:

10 (i) A procedure for delegate selection and  
voting.

11 (ii) A provision establishing a procedure for a  
12 Village Owners meeting.

13 ~~(iii) A provision for the establishment of an~~  
14 ~~Architectural Review Committee to act upon~~  
15 ~~any and all plans and specifications~~  
16 ~~submitted for its approval and perform such~~  
17 ~~other duties as shall be assigned to it by~~  
18 ~~the Village Owners.~~

19 (c) All property of any tract covered by this Implementing  
20 Tentative Map and Implementing Development Plan shall  
21 be included in the general plan and scheme of the  
22 Village C.C.&R.'s; each portion of the property covered  
23 by the Implementing Tentative Map and Implementing  
24 Development Plan shall be annexed into the Master  
25 Association prior to the approval of the Final Map for  
26 each such portion. Property in other phases of the  
27 tract shall be annexed into the Village C.C.&R.'s as  
28 such property is finalized.

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

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

85. Walls as required by the acoustical analysis for Village V  
and VI South shall be placed at the tops of slopes on all  
lots along College Boulevard, Silver Bluff Drive and Frazee  
Road of Implementing Tentative Map T-25-88. These shall be  
maintained by the Master Homeowners Association. The sound  
wall shall be six feet in height. Where greater heights are  
required by the acoustical analysis this shall be  
accomplished through a six foot wall on top of a landscaped  
berm of the appropriate height.



- 3 86. No portions of the properties covered by this Implementing  
4 Tentative Map and Implementing Development Plan shall be  
5 leased, sold or otherwise transferred, during the term of  
6 the Development Agreement without compliance with the  
7 provisions of the Development Agreement. Each developer,  
8 down to and including the first individual, person, party or  
9 entity or developer who acquires each portion of the  
10 property must provide, deliver and record their written  
11 acknowledgment of the Development Agreement to the City in  
12 accordance with the requirements of the Development  
13 Agreement. Nothing in this condition is intended to  
14 preclude the leasing to tenants that does not constitute a  
15 subdivision.
- 16 87. This Implementing Tentative Map and Implementing Development  
17 Plan are subject to the Declaration of Covenants, Conditions  
18 and Restrictions for the Rancho Del Oro Planned Community,  
19 recorded December 27, 1985 (File No. 85-490781).
- 20 88. The developer shall be responsible for installing front yard  
21 landscaping for all units.
- 22 89. The developer shall provide a tot lot equipment program for  
23 the review and approval of the City Engineer and Planning  
24 Director with the landscape plan approval.
- 25 90. The location of common mailboxes shall be approved by the  
26 City Engineer.
- 27 91. A letter of clearance from the affected school district in  
28 which the property is located shall be provided as required  
by City Policy at the time building permits are issued.
92. A public facilities fee shall be paid as required by City  
policy at the time building permits are issued.
93. Landscape plans, meeting the criteria of the City's  
Landscape Guidelines and the Rancho Del Oro Master Landscape  
Plan, including the maintenance of such landscaping, shall  
be reviewed and approved by the City Engineer and Planning  
Director prior to the issuance of building permits.  
Landscaping shall not be installed until bonds have been  
posted, fees paid, and plans signed for final approval. The  
following special landscaping requirements shall be met:
- (a) A recreation facility phasing plan so that amenities  
are provided through each phase of development shall be  
part of the landscape plan approval.
- (b) Median landscaping shall be shown on the plan for  
Silver Bluff Drive and Frazee Road, and shall meet the  
criteria of the Rancho Del Oro Specific Plan and Rancho  
Del Oro Master Landscape Plan.

- 3 (c) The Hillside Recreation area on Lot "C" shall include  
4 fencing in conformance with the Rancho Del Oro Master  
5 Landscape Plan as approved by the Planning Director.
- 6 (d) The developer shall be responsible for landscaping all  
7 embankments 3 feet and over in height. All embankments  
8 5 feet in height and over (and for all slopes along  
9 major streets) shall be landscaped and irrigated.
- 10 (e) Street/parkway trees (minimum 15 gallon) shall be  
11 planted at a minimum of one tree per unit or lot and  
12 two trees per corner lot. Approved root barriers shall  
13 be incorporated.
- 14 (f) Local street trees in parkways shall be planted at a  
15 minimum of 30 feet on center, each side of street, as a  
16 solitary planting. Approved root barriers shall be  
17 incorporated.
- 18 94. Model landscape plans and Front Yard landscape plans shall  
19 be submitted as schematic drawings and shall be approved and  
20 signed by the Engineering Department and the Planning  
21 Department prior to the issuance of building permits. No  
22 bonding shall be required. Precise Grading Plans for model  
23 homes shall be prepared by a Civil Engineer and shall be  
24 approved by the City Engineer prior to the issuance of  
25 building permits. Prior to the issuance of occupancy  
26 permits the City's Landscape Technician/Inspector shall  
27 review each unit requested for occupancy to ensure that the  
28 installation of planting and irrigation has occurred in  
conformance with the approved schematic drawings. The  
irrigation system will also be tested to ensure adequate  
operation and coverage.
95. Prior to the transfer of ownership and/or operation of the  
site the owner shall provide a written copy of the  
applications, staff report and resolutions for the project  
to the new owner and or operator. This notification's  
provision shall run with the life of the project.
96. All retaining and other free-standing walls, fences, and  
enclosures shall be architecturally designed in a manner  
similar to and consistent with the primary structures  
(stucco block, split-face block or slump stone). These  
items shall be approved by the Planning Department prior to  
the issuance of building permits and must conform to the  
Rancho Del Oro Master Landscape Plan.
97. Elevations, siding materials, colors, roofing materials and  
floor plans shall be substantially the same as those  
approved by the Planning Commission. These shall be shown  
on plans submitted to the Building Department and Planning  
Department.

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

6 99. All street names shall be approved by the Planning  
7 Department prior to the approval of the final map for each  
8 phase of development.

9 100. Any project entrance signs shall be approved by the Planning  
10 Director.

11 101. The developer is prohibited from entering into any agreement  
12 with a cable television franchisee of the City which gives  
13 such franchisee exclusive rights to install, operate, and/or  
14 maintain its cable television system in the development.

15 102. Garages shall be kept available and useable for the parking  
16 of tenant's automobiles at all times.

17 103. The following unit type and floor plan mix, as approved by  
18 the Planning Commission, shall be indicated on plans  
19 submitted to the Building Department and Planning Department  
20 for building permit:

21 TRACT 5.1, 5.2 & 5.3

Sq.Ft.	# Bedrms.	# Baths	# Stories	# Units	\$
1469	3	1.5	1	47	25
1781	4	2.5	2	66	35
1895	4	3	2	75	40

22 TRACT 5.4 & 6.1

Sq.Ft.	# Bedrms.	# Baths	# Stories	# Units	\$
1679	3	2	1	33	25
2096	4	2.5	2	47	35
2252	4	3	2	54	40

23 TRACT 6.2

Sq.Ft.	# Bedrms.	# Baths	# Stories	# Units	\$
1216	3	2	1	14	15
1509	3	2.5	2	18	20
1744	3	2.5	2	28	30
1867	4	3	2	32	35

24 104. Staggered front yard setbacks which vary from a minimum of  
25 20 feet to a maximum of 25 feet, as measured from back of  
26 sidewalk, shall be provided.

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

2  
3 106. The developer shall provide rear yard fencing for all lots  
4 visible from College Boulevard. Said fencing shall be  
5 designed in a manner that insures adequate screening of  
private yards from College Boulevard. The fencing shall be  
shown on the Landscape Plan and shall be approved by the  
Planning Director.

6 Water Utilities:

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

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

10 109. Water facilities located on private property shall be  
11 private lines and shall be maintained by the owner. ←

12 110. Sewer facilities located on private property shall be  
13 private lines and shall be maintained by the owner. ←

14 111. The developer shall be responsible for developing all water  
15 and sewer facilities necessary to this property. Any  
relocation of water or sewer lines are the responsibility of  
the developer.

16 112. Lots with higher elevations (175 feet to 365 feet) shall be  
17 served by the Guajome Reservoir. Lots with lower elevations  
18 (less than 175 feet) shall be served by the Talone/Heritage  
19 Reservoir. A check valve shall separate the two systems.

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2 113. All lots which drain into the Influence Area of the Rancho  
3 Del Oro Trunk Sewer project will be held upon Certificate of  
4 Occupancy for building permits until completion of this  
5 project.

6 PASSED on January 9, 1989 by the following vote, to  
7 wit:

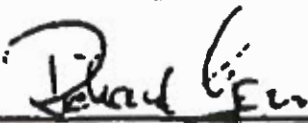
8 AYES: Wilson, Cassan, Lyon, Sullivan, Jakovac, Skinner

9 NAYES: None


10 ABSENT: Wanschura

11 ABSTAIN: None

12 ADOPTED on this 23rd day of January, 1989.

13   
14 \_\_\_\_\_  
15 Richard Lyon, Chairman

16 ATTEST:

17   
18 \_\_\_\_\_  
19 Michael J. Blessing, Secretary

20 I, MICHAEL J. BLESSING, Secretary of the Oceanside Planning  
21 Commission, hereby certify that this is a true and correct copy  
22 of Resolution No. 89-P1.

23 Dated: 1/24/89

24 MICHAEL J. BLESSING, Secretary  
25 OCEANSIDE PLANNING COMMISSION  
26  
27  
28