

STAFF REPORT



ITEM NO. 19
CITY OF OCEANSIDE

DATE: January 9, 2008

TO: Honorable Mayor and Members of the City Council

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-5-07), AND CONDITIONAL USE PERMIT (C-22-07) TO SUBDIVIDE A 25,347-SQUARE-FOOT LOT INTO TWO PARCELS LOCATED AT 3079 SKYLINE DRIVE – MILJKOVIC PARCEL MAP – APPLICANT: MILAN MILJKOVIC**

SYNOPSIS

The item under consideration is a review of the Planning Commission's decision to deny Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07) requesting to subdivide a 25,347-square-foot lot located at 3079 Skyline Drive into two parcels (Miljkovic Parcel Map).

Councilmember Rocky Chavez called this application for review on November 15, 2007.

Staff is recommending that following the review, the City Council overturn the Planning Commission's decision and approve the project based on the findings contained in the attached City Council resolution. Staff is also recommending that the City Council adopt the attached resolution.

BACKGROUND

Site Review: The subject site is located at 3079 Skyline Drive within the Henie Hills Estates subdivision, and consists of a single lot approximately 25,347 square feet in size. Current development of the site consists of a single-family residence situated on the corner of Skyline and Henie Hills Dr., and is oriented in a manner that locates the existing single-family residence on the northern portion of the property with the front yard of the residence and its access being established off of Skyline Drive. The remaining portion of the lot exists as landscaped yard area, and has a topography that can be characterized as gently sloping downward from north to south, with an elevation change of approximately 18 feet as you transition from the north central portion of the site to the southeastern portion of the site.

Project Description: The project application is comprised of two components; Tentative Parcel Map (P-05-07), and Conditional Use Permit (C-22-07), as follows:

Tentative Parcel Map represents a request for the following:

- (a) To subdivide one 25,347-square-foot lot into two lots, each approximately 12,500 square feet in size pursuant to Article VI of the Oceanside Subdivision Ordinance.

The applications under consideration at this time do not propose to develop the parcel as part of this discretionary review; however, the applicant has included a conceptual grading plan within the Tentative Parcel Map in order to illustrate how a suitable pad area could be established. The conceptual pad area would be accomplished through the cut and export of 500 cubic yards of soil from the site, and implementation of approximately 118 linear feet of retaining walls that would not exceed a height of 5'0".

Conditional Use Permit represents a request for the following:

- (a) To exceed the base density for the Residential Estate – B zoned property. The project proposes a density of 3.3 dwelling units per acre, which exceeds the base density of 1.0 dwelling unit per acre for the RE-B zone (1-3.5 du.ac.).

While the proposed subdivision would exceed the established base density, the proposed density would be slightly under the maximum density permitted within the RE-B zoned parcel. Projects that propose to exceed base density require a superior architectural and landscape/hardscape design; therefore, staff has conditioned the project to process an Administrative Development Plan prior to construction of a single-family residence on the newly created parcel. The requirement to process an Administrative Development Plan will ensure that the overall design of a future residence is consistent with the character and overall architectural design established throughout Henie Hills, and that provides superior architectural and landscape/ hardscape design and materials in accordance with the City's General Plan Land Use Policy 2.32 B. (4 &5) for exceeding the base density.

Following the Planning Commission hearing and prior to the end of the appeal period, a call for review was filed by Councilmember Rocky Chavez's Office requesting that the application for entitlement be presented to the City Council. This report identifies and addresses the issues raised by the Planning Commission in its action to deny the project. Previous Planning Commission and City Council resolutions are also attached to this report.

Previous actions: On February 27, 2006, the Planning Commission reviewed the subject project as currently proposed and moved to approve Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05) by a vote of 4-2-1.

On March 8, 2006, the City of Oceanside received a petition to appeal the Planning Commission action to approve Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05).

On May 3, 2006, the City Council reviewed the project under appeal, and moved to approve the appeal of the Planning Commission's decision, and denied the project by a vote of 3-2.

On May 31, 2007, the applicant Milan Miljkovic submitted a new application for discretionary review and consideration by the Planning Commission. The application is a request for approval of Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07).

General Plan conformance: The General Plan Land Use Map designation on the subject property is EB-R (Estate B - Residential), which permits development of the property at a density of 1 – 3.5 dwelling units per gross acre. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I. Community Enhancement

Goal 1.12: Land Use Compatibility

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

Policy: B. The use of land shall not create negative visual impacts to surrounding land uses.

The subdivision of land is for the future development of the site with a single-family residence, and based upon the conceptual grading plan incorporated into the Tentative Parcel Map, site design would provide for a pad location and driveway consistent with the developed community of Henie Hills Estate and would be compatible with the surrounding land uses of single-family residential. Conditioning of the project to process an Administrative Development Plan will further ensure that no visual impacts to surrounding land uses would occur based on architectural design or materials used.

The proposed project would be consistent with the General Plan Land Use Map designation of Estate B - Residential (EB-R), and has been determined to be compatible with surrounding residential uses. The following table summarizes the existing general plan and zoning designations, as well as the existing land uses that are adjacent to the subject project site located at 3079 Skyline Drive:

LOCATION	GENERAL PLAN	ZONING	LAND USE
3079 Skyline Dr.	EB-R	RE-B	SFD - Residential
North of the site	EB-R	RE-B	SFD - Residential
East of the site	EB-R	RE-B	SFD - Residential
South of the site	EB-R	RE-B	SFD - Residential
West of the site	EB-R	RE-B	SFD - Residential

Staff further concludes that the design of the subdivision and the type of

improvements proposed will not result in any serious public safety or health issues for the surrounding Henie Hills neighborhood.

B. Land Use Element II. Community Development

Goal 2.02: Residential Subdivision

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

Policy: A. Individual residential parcels shall provide building pads or pad areas of sufficient size and dimensions to accommodate an aesthetically pleasing and efficient dwelling unit.

The proposed subdivision of land that would allow the 25,347-square-foot parcel located at 3079 Skyline Drive to be split into two lots approximately 12,589 and 12,758 square feet in size respectively, would allow for a building pad area on the newly created lot that is consistent with the pad areas found throughout the surrounding Henie Hills Subdivision. Conceptual grading plans that have been incorporated within the Tentative Parcel Map under review provides the basis of determination that a sufficient pad size and overall site dimensions would be achieved with future development of the site.

Zoning Compliance: This project is located within a Residential Estate-B (RE-B) designated zone district, and as conceptually proposed, will provide a pad area that complies with the development standards established within the OZO. Furthermore, future residential development on the proposed lot would require an Administrative Development Plan be approved by the City Planner. The following table summarizes the required and proposed development standards for the project site:

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	10,000 sq. ft. (min)	12,589 & 12,758 sq. ft.
PARKING SPACES	2,500 sq. ft. Residence with a 3-car garage	Conditioned to develop a 2,500 sq. ft. Residence with a 3-car garage
FRONT YARD	25-ft. (min)	40-ft.
INTERIOR SIDE YARD	7.5 -ft.	20-ft.
REAR YARD	20-ft.	35-ft.
COVERAGE	35% (max)	35%
LOT WIDTH	70-ft. (min)	100-ft.
HEIGHT	36-ft. (max)	36-ft. (max)

Subdivision Ordinance: The proposed project is subject to the Subdivision Map Act

and the Oceanside Subdivision Ordinance (Article VI. Subdivision of Four or Fewer Parcels).

A. Article VI Subdivision of Four or Fewer Parcels:

Pursuant to Section 600 of the Subdivision Ordinance, the proposed Tentative Parcel Map has been prepared to the satisfaction of the City Engineer, and as conditioned would allow for a two-lot subdivision of an existing 25,347-square-foot lot into two approximately 12,500-square-foot lots.

ANALYSIS

Issue: Project Compatibility with the Existing Neighborhood Character: The proposed subdivision has been determined by staff to be consistent with the overall character of the Henie Hills Neighborhood to provide large estate-type lots with single-family homes. The subject project would provide additional housing stock for independent ownership consistent with the City’s Zoning Ordinance and General Plan vision to provide for an estate-type development. Although a varied mix of architectural designs exists throughout the Henie Hills Community, no one neighborhood design characteristic dominates future direction on architectural design. In order for the project to be compatible with the neighborhood character, the project has been conditioned to process an Administrative Development Plan prior to developing the newly created lot with a single-family residence.

Previous concerns of the subdivision back in 2006 were based upon the perception that approval of the lot split would significantly change the overall character of the neighborhood with an abundance of small lot sizes. Staff has analyzed the potential for future lot splits throughout the Henie Hills Community, and provides the following table utilized in the analysis:

Lot No.	Address Number	Address Street	Lot Square Footage	Corner Lot	Prohibitive Configuration	Prohibitive Slope	No Access
1	3135	Skyline Drive	25,265.59				x
2	3111	Skyline Drive	25,934.68				
3	3101	Skyline Drive	26,500.32	x			
4	3079	Skyline Drive	26,572.26	x			
5	3071	Skyline Drive	26,273.55				
10	3118	Lynx Court	36,911.53		x	x	
14	3126	Lynx Court	27,415.08		x	x	
15	1933	Valley Road	24,856.70		x	x	x
17	1949	Valley Road	24,856.10			x	
45	2011	Oceanview Road	27,792.98			x	
46	2021	Oceanview Road	26,083.65		x	x	

47	2025	Oceanview Road	26,373.98		x	x	
48	2029	Oceanview Road	27,030.52		x	x	x
49	2033	Oceanview Road	26,177.25		x	x	x
61	2145	Oceanview Road	24,605.03	x	x	x	x
62	2213	Oceanview Road	24,477.84		x	x	
63	2134	Steiger Lane	36,498.92		x	x	x
72	2231	Oceanview road	26,973.09		x	x	x
73	2235	Oceanview road	24,038.23		x	x	x
76	2241	Valley Road	34,070.86			x	
77	2233	Valley Road	25,078.86		x	x	x
78	2225	Valley Road	24,586.19		x	x	x
97	3082	Sonja Court	28,784.99			x	
98	3074	Sonja Court	34,187.72		x	x	
99	3066	Sonja Court	30,652.12			x	
100	3054	Sonja Court	29,525.17			x	
101	2046	Sonja Court	25,788.91			x	
102	3038	Sonja Court	25,166.06			x	
104	3022	Sonja Court	28,681.00	x	x	x	x
105	3053	Sonja Court	25,073.04				
107	3031	Skyline Drive	27,793.90				
108	3043	Skyline Drive	27,328.98				
2-2645	3045	Sonja court	27,731.30		x	x	x

Approximately 115 lots were legally created during the original development of the Henie Hills Subdivision and range in size from 36,911.53 square feet to 14,330.84 square feet. Analysis of the entire Henie Hills community revealed approximately 33 lots that were of sufficient size to be subdivided in accordance with the development standards established for the Residential Estate-B (RE-B) zoned properties. While the 33 lots were identified to be of sufficient size for further subdivision, additional analysis into other development constraints such as, slope gradient, lot configuration, and access issues were conducted. Approximately 25 of the 33 lots identified as sufficient in size to be subdivided were determined to be constrained from further subdivision based upon prohibitive slopes, prohibitive lot configuration, and/or access issues. The remaining eight lots (**In Bold**) do have the potential to be subdivided, but only two lots could be subdivided without requiring a complete tear down of the existing residence in order to provide for a site design consistent with the original Henie Hills Subdivision.

Staff finds that the overall conceptual site design of the project is consistent with the existing neighborhood character and the project plans as submitted should be considered.

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based upon that review, staff finds that the

proposed project constitutes a division of property in an urbanized area zoned for residential into four or fewer parcels, and the project is categorically exempt, Class 15, "Minor Land Divisions" (Section 15315).

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot and tenants within a 100-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and his representative.

It should be further noted that the applicant has conducted public outreach efforts on the development proposal to the surrounding neighborhood and to Henie Hills Association as a courtesy. The only written documentation received to date is a Statement of Opinion Petition with 91 signatures. The subject document was part of the projects' original submittal on May 31, 2007, by the applicant, and states that the undersigned individuals on the document have no objections to the subject lot split based on information contained on Tentative Parcel Map (P-15-05) which is the same information contained on Tentative Parcel Map (P-5-07). Although no additional written documentation has been received by staff prior to the preparation of this report, it should be noted that the same points of opposition conveyed during the original P-5-05 entitlement process exist and the Henie Hills Community remains divided on the issue to allow further subdivision.

FISCAL IMPACT

Not applicable.

COMMISSION OR COMMITTEE REPORT

On November 5, 2007, upon conclusion of hearing considerable public testimony from area residents, as well as the applicant, the Planning Commission denied the project by a 5-to-1 vote (1 absent). Commissioners indicated that the project site is not physically suitable for the proposed density and intensity of development. The Commissioners established findings that concluded that the project would be inconsistent with similar type of developments within the surrounding Henie Hills neighborhood and that the project density of 3.3 dwelling units per acre is inconsistent with the density range found throughout the Henie Hills development.

CITY ATTORNEY'S ANALYSIS

The City Attorney's Office has reviewed the proposed resolution and approved it as to form.

In accordance with Section 4605 of the Zoning Ordinance, the City Council shall consider the same application, plans, and related project materials that were the subject of the original decision denying the project by the Planning Commission.

The City Council shall review the record of the decision and hear testimony from staff, the applicant, and any interested parties.

After the public hearing, the City Council shall affirm, modify or reverse the Planning Commission's decision. If a decision is modified or reversed, the City Council shall state the specific reasons for the modification or reversal.

RECOMMENDATION

The proposed Tentative Parcel Map is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project as conceptually designed meets or exceeds all applicable development standards. The project is compatible in terms of residential product type (single-family), density, and site design elements with the surrounding neighborhood. As such, staff recommends that the City Council overturn the Planning Commission's decision to deny the project based on the findings and subject to the conditions contained in the attached City Council Resolution. Staff is also recommending that the City Council adopt the attached resolution.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:



Peter A. Weiss
City Manager

REVIEWED BY:

Michelle Skaggs-Lawrence, Deputy City Manager
Lauren Wasserman, Interim Development Services Director
Jerry Hittleman, City Planner



ATTACHMENTS:

1. Site Plans
2. City Council Resolution
3. Planning Commission Resolution No. 2007-P50
4. Planning Commission Staff Report dated November 5, 2007
5. Statement of Opinion
6. Call For Review

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

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 05-R0628-1	\$3,278 per unit
Drainage Fee	Ordinance No. 85-23 Resolution No. 05-R0628-1	\$3,667 per acre
Public Facility Fee	Ordinance No. 91-09 Resolution No. 05-R0628-1	\$1,939 per unit for residential
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.14 per square foot
Traffic Signal Fee	Ordinance No. 87-19	\$14.70 per vehicle trip
Thoroughfare Fee (For commercial and industrial please note the .75 per cent discount)	Ordinance No. 83-01	\$239 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Based on meter size Typical \$3,746
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on meter size Typical \$4,587 per unit
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Typical \$4,154

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

1 WHEREAS, unless otherwise provided by this resolution, all impact fees shall be calculated and
2 collected at the time and in the manner provided in Chapter 32B of the Oceanside City Code and the City
3 expressly reserves the right to amend the fees and fee calculations consistent with applicable law;

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

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

10 WHEREAS, studies and investigations made by the City Council and in its behalf reveal the
11 following facts:

12 FINDINGS:

13 For the Tentative Parcel Map:

- 14 1. The proposed subdivision creates parcels that are consistent with and exceed the requirements of
15 the RE-B zoning designation. The subdivision map is consistent with the General Plan of the
16 City.
- 17 2. The proposed building pad on the site will conform to the topography of the site, therefore,
18 making it suitable for residential development. The 24,347-square foot site is physically
19 suitable to allow for the creation of two lots.
- 20 3. The subdivision complies with all other applicable ordinances, regulations and guidelines of the
21 City.
- 22 4. The design of the subdivision or proposed improvements will not conflict with easements,
23 acquired by the public at large, for access through or use of property within the subdivision.
- 24 5. The design of the subdivision or the proposed improvements will not cause substantial
25 environment damage or substantially and avoidably injure fish or wildlife or their habitat.

26 For the Conditional Use Permit for the Increase in Base Density:

- 27 1. The development portion of the subject property is zoned RE-B with a corresponding Land Use
28 designation of Residential Estate B (1-3.5 dwelling units per acre). The project density of 3.3
dwelling units per acre is consistent with the density range of 1-3.5 dwelling units per acre
established by the Residential Estate B District.

- 1 2. The location and conditions under which the subject application must comply insure that the
2 project will not cause detriment to the public health safety or welfare of persons residing or
3 working in or adjacent to the project area.
- 4 3. The project has been adequately conditioned or designed to comply with applicable requirements
5 of the Zoning Ordinance.

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

8 1. The Council overturns the Planning Commission action of November 5, 2007 to deny
9 Tentative Parcel Map (P-05-07) and Conditional Use Permit (C-22-07).

10 2. The decision of the Planning Commission is reversed based on the fact that the
11 project is consistent with the Land Use Element of the General Plan and the City's Zoning Ordinance in
12 that the project meets the density and development criteria set forth by these documents, the proposed
13 project density does not exceed the applicable maximum density of 3.5 dwelling units per acre
14 as set forth by the Residential Estate B (RE-B) zoning district, is consistent with the intensity
15 and established character found within the surrounding residential neighborhood referred to as
16 Henie Hills Estates, and as designed will not cause detriment to the public health, safety, or
17 welfare of persons residing or working in or adjacent to the project area.

18 3. Pursuant to CCP Section 1094.6 (f), notice is hereby given that the time within
19 which judicial review must be sought on this decision is governed by CCP Section 1094.6 as set
20 forth in Oceanside City Code Section 1.10.

21 4. The City Council does hereby approve Tentative Parcel Map (P-05-07) and
22 Conditional Use Permit (C-22-07) subject to the following conditions:

23 **Engineering:**

- 24 1. Design and construction of all improvements shall be in accordance with standard plans,
25 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 26 2. Prior to issuance of a building permit all improvement requirements shall be covered by a
27 development agreement and secured with sufficient improvement securities or bonds
28 guaranteeing performance and payment for labor and materials, setting of monuments, and
warranty against defective materials and workmanship.

- 1 3. The approval of the tentative parcel map shall not mean that closure, vacation, or abandonment
2 of any public street, right-of-way, easement, or facility is granted or guaranteed to the developer.
3 The developer is responsible for applying for all closures, vacations, and abandonments as
4 necessary. The application(s) shall be reviewed and approved or rejected by the City under
5 separate process (es) per codes, ordinances, and policies in effect at the time of the application.
- 6 4. Prior to the issuance of a grading permit, the developer shall notify and host a neighborhood
7 meeting with all of the area residents located within 300 feet of the project site, and residents of
8 property along any residential streets to be used as a "haul route", to inform them of the grading
9 and construction schedule, haul routes, and to answer questions.
- 10 5. The developer shall monitor, supervise and control all construction and construction-supportive
11 activities, so as to prevent these activities from causing a public nuisance, including but not limited
12 to, insuring strict adherence to the following:
- 13 a) Dirt, debris and other construction material shall not be deposited on any public street or
14 within the City's stormwater conveyance system.
 - 15 b) All grading and related site preparation and construction activities shall be limited to the
16 hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related
17 construction activities shall be conducted on Saturdays, Sundays or legal holidays unless
18 written permission is granted by the City Engineer with specific limitations to the working
19 hours and types of permitted operations. All on-site construction staging areas shall be as
20 far as possible (minimum 100 feet) from any existing residential development. Because
21 construction noise may still be intrusive in the evening or on holidays, the City of
22 Oceanside Noise Ordinance also prohibits "any disturbing excessive or offensive noise
23 which causes discomfort or annoyance to reasonable persons of normal sensitivity."
 - 24 c) The construction site shall accommodate the parking of all motor vehicles used by persons
25 working at or providing deliveries to the site.
 - 26 d) A haul route shall be obtained at least 7 days prior the start of hauling operations and must
27 be approved by the City Engineer. Hauling operations shall be 8:00 a.m. to 3:00 p.m.
28 unless approved otherwise.
6. Approval of this development project is conditioned upon payment of all applicable impact fees
and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All

1 drainage fees, traffic signal fees and contributions, highway thoroughfare fees, park fees,
2 reimbursements, and other applicable charges, fees and deposits shall be paid prior to recordation
3 of the map or the issuance of any building permits, in accordance with City Ordinances and
4 policies. The developer shall also be required to join into, contribute, or participate in any
5 improvement, lighting, or other special district affecting or affected by this project. Approval of
6 the tentative map (project) shall constitute the developer's approval of such payments, and his
7 agreement to pay for any other similar assessments or charges in effect when any increment is
8 submitted for final map or building permit approval, and to join, contribute, and/or participate in
such districts.

- 9 7. Sight distance requirements at the project driveway or street shall conform to the corner sight
10 distance criteria as provided by the California Department of Transportation Highway Design
11 Manual.
- 12 8. Prior to approval of the grading plans, the developer shall contract with a geotechnical
13 engineering firm to perform a field investigation of the existing pavement on all streets adjacent
14 to the project boundary. The limits of the study shall be half-street plus 12 feet along the
15 project's frontage. The field investigation shall include a minimum of one pavement boring per
16 every 50 linear feet of street frontage. Should the existing AC thickness be determined to be
17 less than three inches or without underlying Class II base material, the developer shall remove
18 and reconstruct the pavement section as determined by the pavement analysis submittal process
19 detailed in Item No. 2 below.
- 20 9. Upon review of the pavement investigation, the City Engineer shall determine whether the
21 developer shall: 1) Repair all failed pavement sections, header cut and grind per the direction of
22 the Transportation/Development Inspector, and construct a two-inch thick rubberized AC
23 overlay; or 2) Perform R-value testing and submit a study that determines if the existing
24 pavement meets current City standards/traffic indices. Should the study conclude that the
25 pavement does not meet current requirements, rehabilitation/mitigation recommendations shall
26 be provided in a pavement analysis report, and the developer shall reconstruct the pavement per
these recommendations, subject to approval by the City Engineer.
- 27 10. Pavement sections for all streets, alleys, driveways and parking areas shall be based upon approved
28 soil tests and traffic indices. The pavement design is to be prepared by the developer's soil

1 engineer and must be approved by the City Engineer, prior to paving.

- 2 11. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
3 construction of the project, shall be repaired or replaced as directed by the City Engineer.
- 4 12. Grading and drainage facilities shall be designed and installed to adequately accommodate the
5 local stormwater runoff and shall be in accordance with the City's Engineers Manual and as
6 directed by the City Engineer.
- 7 13. The applicant shall obtain any necessary permits and clearances from all public agencies having
8 jurisdiction over the project due to its type, size, or location, including but not limited to the U. S.
9 Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service
10 and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County
11 Health Department, prior to the issuance of grading permits.
- 12 14. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic
13 investigation shall be conducted of the soils, slopes, and formations in the project. All necessary
14 measures shall be taken and implemented to assure slope stability, erosion control, and soil
15 integrity. No grading shall occur until a detailed grading plan, to be prepared in accordance with
16 the Grading Ordinance and Zoning Ordinance, is approved by the City Engineer.
- 17 15. This project shall provide year-round erosion control including measures for the site required for
18 the phasing of grading. Prior to the issuance of grading permit, an erosion control plan, designed
19 for all proposed stages of construction, shall be reviewed, secured by the applicant with cash
20 securities and approved by the City Engineer.
- 21 16. A precise grading and private improvement plan shall be prepared, reviewed, secured and
22 approved prior to the issuance of any building permits. The plan shall reflect all pavement,
23 flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, signage, footprints of
24 all structures, walls, drainage devices and utility services.
- 25 17. Landscape plans, including plans for the construction of walls, fences or other structures at or near
26 intersections, must conform to intersection sight distance requirements. Conceptual landscape
27 plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a grading
28 permit and approved by the City Engineer prior to the issuance of building permits. Landscaping
shall be installed prior to the issuance of certificates of occupancy. Any project fences, sound or
privacy walls shall be shown on the landscape plans. These features shall also be shown on the

1 precise grading plans for purposes of location only. All plans must be approved by the City
2 Engineer and a pre-construction meeting held, prior to the start of any improvements.

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

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

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

21. Upon acceptance of any fee waiver or reduction by the developer, the entire project will be
subject to prevailing wage requirements as specified by Labor Code section 1720(b) (4). The

1 developer shall agree to execute a form acknowledging the prevailing wage requirements prior
2 to the granting of any fee reductions or waivers.

3 22. Any proposed grading within the SDG&E easement will require easement holder's written
4 approval.

5 23. Setbacks from top of cut slopes to property lines shall comply with the minimum requirements
6 in the City Grading Regulation Manual.

7 24. It shall be the responsibility of the developer to obtain adjacent property owners agreement for
8 removal of existing improvements shown crossing the property line.

9 25. Design and construction of all improvements shall be in accordance with standard plans,
10 specifications of the City of Oceanside and subject to approval by the Community Development
11 Director.

12 **Fire:**

13 26. Future development of the property shall require compliance with all applicable Fire Department
14 standards and codes.

15 **Planning:**

16 27. This Tentative Parcel Map and Conditional Use Permit shall expire on January 9, 2010, unless a
17 time extension is granted by the Planning Commission.

18 28. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the
19 City of Oceanside, its agents, officers or employees from any claim, action or proceeding against
20 the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the
21 City, concerning Conditional Use Permits C-22-07 and Parcel Map P-5-07. The City will
22 promptly notify the applicant of any such claim, action or proceeding against the City and will
23 cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim
24 action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
25 responsible to defend, indemnify or hold harmless the City.

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

- 1 a) Parkway tree plantings along collector roads shall be a minimum of two-inch diameter
- 2 trees so as to ensure a mature landscape theme is achieved in a reasonable amount of time.
- 3 b) The developer shall be responsible for irrigating and landscaping all embankments within
- 4 the project, and all slopes along major streets.
- 5 c) Street/parkway trees (minimum 15-gallon) shall be planted at a minimum of one tree per
- 6 unit or lot and two trees per corner lot. Approved root barriers shall be incorporated.
- 7 d) Local street trees in parkways shall be planted at a minimum of 30 feet on center, each side
- 8 of street, as a solitary planting. Approved root barriers shall be incorporated.
- 9 e) To mitigate the loss of landmark and/or mature existing trees on-site the determination of
- 10 replacement shall be based on tree number, type, and caliper (caliper measured 2 1/2 feet
- 11 from the base of the tree at existing grade). The total number of tree caliper lost shall be
- 12 equal to the total number of caliper replaced. Replacement trees shall be a minimum of
- 13 15-gallon container stock. A field survey shall be performed under the supervision of the
- 14 City Landscaping Section to evaluate the existing tree population and the replacement
- 15 requirements. The existing trees to remain or proposed for removal shall be identified on
- 16 the Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing tree
- 17 type, location, and caliper shall be shown on the above plans. Replacement trees shall be
- 18 identified and shown on the Landscape Plan and shall be subject to review and approval by
- 19 the City Engineer.

20 30. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and

21 in any adjoining public parkways shall be permanently maintained by the owner, his

22 assigns or any successors-in-interest in the property. The maintenance program shall

23 include normal care and irrigation of the landscaping; repair and replacement of plant

24 materials; irrigation systems as necessary; and general cleanup of the landscaped and

25 open areas, parking lots and walkways, walls, fences, etc. Failure to maintain

26 landscaping shall result in the City taking all appropriate enforcement actions by all

27 acceptable means including but not limited to citations and/or actual work with costs

28 charged to or recorded against the owner. This condition shall be recorded with the

covenant required by this resolution.

- 1 31. All single-family dwelling unit projects shall dispose of or recycle solid waste in a
2 manner provided in City Ordinance 13.3.
- 3 32. A letter of clearance from the affected school district in which the property is located
4 shall be provided as required by City policy at the time building permits are issued.
- 5 33. A covenant or other recordable document approved by the City Attorney shall be
6 prepared by the subdivider and recorded prior to the approval of the final map. The
7 covenant shall provide that the property is subject to this resolution, and shall generally
8 list the conditions of approval.
- 9 34. Prior to the transfer of ownership and/or operation of the site the owner shall provide a
10 written copy of the applications, staff report and resolutions for the project to the new
11 owner and/or operator. This notification's provision shall run with the life of the project
12 and shall be recorded as a covenant on the property.
- 13 35. Failure to meet any conditions of approval for this development shall constitute a
14 violation of the Conditional Use Permit and Parcel Map.
- 15 36. Unless expressly waived, all current zoning standards and City ordinances and policies in
16 effect at the time building permits are issued are required to be met by this project. The
17 approval of this project constitutes the applicant's agreement with all statements in the
18 Description and Justification, Management Plan and other materials and information
19 submitted with this application, unless specifically waived by an adopted condition of
20 approval.
- 21 37. The residence created by this parcel map shall meet the following development
22 standards: Lot size, 10,000 square feet; minimum unit size, 2,500 square feet; 3-stories
23 (maximum); garage, three cars (minimum); front yard, 25 feet; side yard 7.5 feet; rear
24 yard 20 feet; corner yard, 15 feet; maximum height 36 feet; lot coverage, 35 percent
25 (maximum); fencing, six-foot high wood privacy; roofing, fire resistant concrete tile;
26 siding, stucco, wood accents and decorative trims. An Administrative Development Plan
27 shall be processed and approved for each lot prior to the issuance of a building permit.
28

1 38. Front yard landscaping is required to be provided by the developer of each lot and shall
2 be shown on the Administrative Development Plan.

3 **Water Utilities:**

4 39. All public water and/or sewer facilities not located within the public right-of-way shall
5 be provided with easements sized according to the City's Engineers Manual. Easements
6 shall be constructed for an all weather access.

7 40. No trees or structures or building overhang shall be located within any water or
8 wastewater utility easement.

9 41. The property owner shall maintain private water and wastewater utilities located on
10 private property.

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

13 43. The developer shall be responsible for developing all water and sewer facilities
14 necessary to develop the property. Any relocation of water and/or sewer lines is the
15 responsibility of the developer and shall be done by an approved licensed contractor at
16 the developer's expense.

17 44. All lots with a finish pad elevation located below the elevation of the next upstream
18 manhole cover of the public sewer shall be protected from backflow of sewage by
19 installing and maintaining an approved type backwater valve, per of the Uniform
20 Plumbing Code.

21 45. The water and wastewater buy-in fees and the San Diego County Water Authority Fees
22 are to be paid to the City and collected by the Water Utilities Department at the time of
23 building permit issuance.

24 46. All water and wastewater construction shall conform to the most recent edition of the
25 City's Engineers Manual, or as approved by the Water Utilities Director.

26 47. All new development of single-family and multi-family residential units shall include hot
27 water pipe insulation and installation of a hot water recirculation device or design to
28

1 provide hot water to the tap within 15 seconds in accordance with City of Oceanside
2 Ordinance No. 02-OR126-1.

3 48. Remove the existing cleanout and extend the sewer main to terminate at a new four-foot
4 manhole. The proposed lateral shall be perpendicular to the sewer main.

5
6 PASSED and ADOPTED by the City Council of the City of Oceanside, California this
7 day of _____, 2008 by the following vote:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

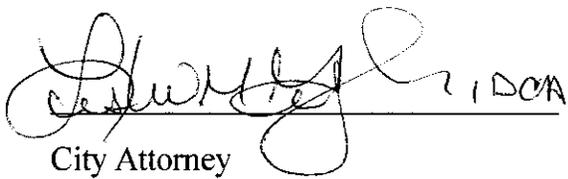
12
13 _____
14 Mayor of the City of Oceanside

15 ATTEST:

16 APPROVED AS TO FORM:

17 OFFICE OF THE CITY ATTORNEY

18
19 _____
20 City Clerk

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27
28

City Attorney

Order No: 53040347 U50

Your Ref: MILJKOVIC

1. The estate or interest in the land hereinafter described or referred to covered by this report is:

A FEE

RECEIVED
MAY 31 2007
Planning Department

2. Title to said estate or interest at the date hereof is vested in:

MILAN MILJKOVIC AND DIANE D. MILJKOVIC, AS TRUSTEES OF THE MILJKOVIC FAMILY TRUST INITIALLY CREATED JUNE 4, 1996

3. The land referred to in this report is situated in the State of California, County of SAN DIEGO and is described as follows:

LOT 4 OF HENIE HILLS ESTATES, IN THE CITY OF OCEANSIDE, IN THE COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, ACCORDING TO MAP THEREOF NO. 7829, FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON DECEMBER 21, 1973.

PLANNING COMMISSION
RESOLUTION NO. 2007-P50

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

APPLICATION NO: P-5-07, C-22-07
APPLICANT: Milan Miljkovic
LOCATION: 3079 Skyline Drive

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 Parcel Map (P-5-07) and Conditional Use
Permit (C-22-07) under the provisions of Articles 10 and 41 of the Zoning Ordinance of the City
of Oceanside to permit the following:

the subdivision of one residential lot into two parcels;
on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 5th day
of November, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
application.

WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
Guidelines thereto; this project is exempt per Article 19, Section 15315, "Minor Land Divisions"
from environmental review;

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

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

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

1 FINDINGS:

2 For the Denial of the Tentative Parcel Map:

- 3 1. The proposed Tentative Parcel Map is inconsistent with applicable general and specific
4 plans as specified in Government Code (Section 65451) and/or other applicable provisions
5 of the City ordinances and codes.
- 6 2. The proposed 12,400-square foot lots are not suitable for estate type lot development
7 and are inconsistent with similar type of developments within the surrounding Henie
8 Hills neighborhood.

9 For the Denial of the Conditional Use Permit for the Increase in Base Density:

- 10 1. The development portion of the subject property is zoned RE-B with a corresponding
11 Land Use designation of Residential Estate B (1 - 3.5 dwelling units per acre). The
12 project density of 3.3 dwelling units per acre is inconsistent with the density range found
13 throughout the Henie Hills development.

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1 2. The proposed use will be detrimental to properties or improvements in the vicinity or to
2 the general welfare of the City.

3 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
4 deny Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07).

5 PASSED AND ADOPTED Resolution No. 2007-P50 on November 5, 2007 by the
6 following vote, to wit:

7 AYES: Martinek, Parker, Troisi, Balma and Bertheaud

8 NAYS: Neal

9 ABSENT: Horton

10 ABSTAIN: None

11
12 
13 _____
14 Dennis Martinek, Chairman
15 Oceanside Planning Commission

16 ATTEST:

17 
18 _____
19 Jerry Hittleman, Secretary

20 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that
21 this is a true and correct copy of Resolution No. 2007-P50.

22 Dated: November 5, 2007
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DATE: November 5, 2007 (Continued from the October 22, 2007 meeting)

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/ Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-5-07) AND
CONDITIONAL USE PERMIT (C-22-07) TO SUBDIVIDE A 25,347-
SQUARE FOOT LOT INTO TWO PARCELS LOCATED AT 3079
SKYLINE DRIVE – MILJKOVIC PARCEL MAP – APPLICANT:
MILAN MILJKOVIC**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

- (1) Confirm issuance of a Class 15, Categorical Exemption “Minor Land Divisions”; and,
- (2) Adopt Planning Commission Resolution No. 2007-P50 approving Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject site is located at 3079 Skyline Drive within the Henie Hills Estates subdivision, and consists of a single lot approximately 25,437 square feet in size. Current development of the site consists of a single-family residence situated on the corner of Skyline and Henie Hills Dr., and is oriented in a manner that locates the existing single-family residence on the northern portion of the property with the front yard of the residence and its access being established off of Skyline Drive. The remaining portion of the lot exists as landscaped yard area, and has a topography that can be characterized as gently sloping downward from north to south, with an elevation change of approximately 18 feet as you transition from the north central portion of the site to the south eastern portion of the site.

The zoning designation for the property is RE-B (Residential Estate-B), and has a corresponding General Plan designation of EB-R (Estate B - Residential), which permits development of the property at a density of 1 — 3.5 dwelling units per gross acre. The subject project’s density is proposed to be 3.3 dwelling units per gross acre.

Adjoining properties to the north, south, east, and west of the site are developed with single-family dwellings and the El Camino Country Club and Golf Course.

Project Description: The project application is comprised of two components; Tentative Parcel Map (P-05-07), and Conditional Use Permit (C-22-07), as follows:

Tentative Parcel Map represents a request for the following:

- (a) To subdivide one 25,437-square foot lot into two lots, each approximately 12,500 square feet in size pursuant to Article VI of the Oceanside Subdivision Ordinance;

The applications under consideration at this time do not propose to develop the parcel as part of this discretionary review; however, the applicant has included a conceptual grading plan within the Tentative Parcel Map in order to illustrate how a suitable pad area could be established. The conceptual pad area would be accomplished through the cut and export of 500 cubic yards of soil from the site, and implementation of approximately 118 linear feet of retaining walls that would not exceed a height of 5'0".

Conditional Use Permit represents a request for the following:

- (a) To exceed the base density for the Residential Estate – B zoned property. The project proposes a density of 3.3 dwelling units per acre, which exceeds the base density of 1.0 dwelling unit per acre for the RE-B zone (1-3.5 du.ac.).

While the proposed subdivision would exceed the established base density, the proposed density would be slightly under the maximum density permitted within the RE-B zoned parcel. Projects that propose to exceed base density require a superior architectural and landscape/hardscape design; therefore, staff has conditioned the project to process an Administrative Development Plan prior to construction of a single-family residence on the newly created parcel. The requirement to process an Administrative Development Plan will ensure that the overall design of a future residence is consistent with the character and overall architectural design established throughout Henie Hills, and that provides superior architectural and landscape/hardscape design and materials in accordance with the City's General Plan Land Use Policy 2.32 B. (4 &5) for exceeding the base density.

Background

On February 27, 2006, the Planning Commission reviewed the subject project as currently proposed and moved to approve Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05) by a vote of 4-2-1.

On March 8, 2006, The City of Oceanside received a petition to appeal the Planning Commission action to approve Tentative Parcel Map (P-15-05) and Conditional Use Permit (C-53-05).

On May 3, 2006, the City Council reviewed the project under appeal, and moved to approve the appeal of the Planning Commissions decision, and denied the project by a vote of 3-2.

On May 31, 2007, the applicant Milan Miljkovic submitted a new application for discretionary review and consideration by the Planning Commission. The application is a request for approval of Tentative Parcel Map (P-5-07), and Conditional Use Permit (C-22-07).

ANALYSIS

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

1. Zoning Ordinance
2. General Plan
3. California Environmental Quality Act (CEQA)
4. The Subdivision Ordinance

KEY PLANNING ISSUES

1. General Plan conformance

The General Plan Land Use Map designation on the subject property is EB-R (Estate B - Residential), which permits development of the property at a density of 1 – 3.5 dwelling units per gross acre. The proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

A. Land Use Element I. Community Enhancement

Goal 1.12: Land Use Compatibility

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

Policy: B. The use of land shall not create negative visual impacts to surrounding land uses.

The subdivision of land is for the future development of the site with a single-family residence, and based upon the conceptual grading plan incorporated into the Tentative Parcel Map, site design would provide for a pad location and driveway consistent with the developed community of Henie Hills Estate and would be compatible with the surrounding land uses of single-family residential. Conditioning of the project to process an Administrative Development Plan will further ensure that no visual impacts to surrounding land uses would occur based on architectural design or materials used.

The proposed project would be consistent with the General Plan Land Use Map designation of Estate B - Residential (EB-R), and has been determined to be compatible with surrounding residential uses. The following table summarizes the existing general plan and zoning designations; as well as, the existing land uses that are adjacent to the subject project site located at 3079 Skyline Drive:

LOCATION	GENERAL PLAN	ZONING	LAND USE
3079 Skyline Dr.	EB-R	RE-B	SFD - Residential
North of the site	EB-R	RE-B	SFD - Residential
East of the site	EB-R	RE-B	SFD - Residential
South of the site	EB-R	RE-B	SFD - Residential
West of the site	EB-R	RE-B	SFD - Residential

Staff further concludes that the design of the subdivision and the type of improvements proposed will not result in any serious public safety or health issues for the surrounding Henie Hills neighborhood.

B. Land Use Element II. Community Development

Goal 2.02: Residential Subdivision

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

Policy: A. Individual residential parcels shall provide building pads areas of sufficient size and dimensions to accommodate an aesthetically pleasing and efficient dwelling unit.

The proposed subdivision of land that would allow the 25,437-square foot parcel located at 3079 Skyline Drive to be split into two lots approximately 12,589 and 12,758 square feet in size respectfully, would allow for a building pad area on the newly created lot that is consistent with the pad areas found throughout the surrounding Henie Hills Subdivision. Conceptual grading plans that have been incorporated within the Tentative Parcel Map under review provides the basis of determination that a sufficient pad size and overall site dimensions would be achieved with future development of the site.

2. Zoning Compliance

This project is located within a Residential Estate-B (RE-B) designated zone district, and as conceptually proposed, will provide a pad area that complies with the development standards established within the OZO. Furthermore, future residential development on the proposed lot would require an Administrative Development Plan be approved by the City Planner. The following table summarizes the required and proposed development standards for the project site:

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	10,000 sq. ft. (min)	12,589 & 12,758 sq. ft.
PARKING SPACES	2,500 sq. ft. Residence with a 3-car garage	Conditioned to develop a 2,500 sq. ft. Residence with a 3-car garage
FRONT YARD	25-ft. (min)	40-ft.
INTERIOR SIDE YARD	7.5 -ft.	20-ft.
REAR YARD	20-ft.	35-ft.
COVERAGE	35% (max)	35%
LOT WIDTH	70-ft. (min)	100-ft.
HEIGHT	36-ft. (max)	36-ft. (max)

3. Subdivision Ordinance

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

A. Article VI Subdivision of Four or Fewer Parcels:

Pursuant to Section 600 of the Subdivision Ordinance, the proposed Tentative Parcel Map has been prepared to the satisfaction of the City Engineer, and as conditioned would allow for a two-lot subdivision of an existing 25,347-square foot lot into two approximately 12,400-square foot lots.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood Character: The proposed subdivision has been determined by staff to be consistent with the overall character of the Henie Hills Neighborhood to provide large estate type lots with single-family homes. The subject project would provide additional housing stock for independent ownership consistent with the City's Zoning Ordinance and General Plan vision to provide for an estate type development. Although a varied mix of architectural designs exists throughout the Henie Hills Community, no one neighborhood design characteristic dominates future direction on architectural design. In order for the project to be compatible with the neighborhood character, the project has been conditioned to process an Administrative Development Plan prior to developing the newly created lot with a single-family residence.

Previous concerns of the subdivision back in 2006 were based upon the perception that approval of the lot split would significantly change the overall character of the neighborhood with an abundant of small lot sizes. Staff has analyzed the potential for future lot splits throughout the Henie Hills Community, and provides the following table utilized in the analysis:

Lot No.	Address Number	Address Street	Lot Square Footage	Corner Lot	Prohibitive Configuration	Prohibitive Slope	No Access
1	3135	Skyline Drive	25,265.59				x
2	3111	Skyline Drive	25,934.68				
3	3101	Skyline Drive	26,500.32	x			
4	3079	Skyline Drive	26,572.26	x			
5	3071	Skyline Drive	26,273.55				
10	3118	Lynx Court	36,911.53		x	x	
14	3126	Lynx Court	27,415.08		x	x	
15	1933	Valley Road	24,856.70		x	x	x
17	1949	Valley Road	24,856.10			x	
45	2011	Oceanview Road	27,792.98			x	
46	2021	Oceanview Road	26,083.65		x	x	
47	2025	Oceanview Road	26,373.98		x	x	
48	2029	Oceanview Road	27,030.52		x	x	x
49	2033	Oceanview Road	26,177.25		x	x	x
61	2145	Oceanview Road	24,605.03	x	x	x	x
62	2213	Oceanview Road	24,477.84		x	x	
63	2134	Steiger Lane	36,498.92		x	x	x
72	2231	Oceanview road	26,973.09		x	x	x
73	2235	Oceanview road	24,038.23		x	x	x
76	2241	Valley Road	34,070.86			x	
77	2233	Valley Road	25,078.86		x	x	x
78	2225	Valley Road	24,586.19		x	x	x
97	3082	Sonja Court	28,784.99			x	
98	3074	Sonja Court	34,187.72		x	x	
99	3066	Sonja Court	30,652.12			x	
100	3054	Sonja Court	29,525.17			x	
101	2046	Sonja Court	25,788.91			x	
102	3038	Sonja Court	25,166.06			x	
104	3022	Sonja Court	28,681.00	x	x	x	x
105	3053	Sonja Court	25,073.04				
107	3031	Skyline Drive	27,793.90				
108	3043	Skyline Drive	27,328.98				
2-2645	3045	Sonja court	27,731.30		x	x	x

Approximately 115 lots were legally created during the original development of the Henie Hills Subdivision and range in size from 36,911.53 s.f. to 14,330.84 s.f. Analysis of the entire Henie Hills community revealed approximately 33 lots that were of sufficient size to be subdivided in accordance with the development standards

established for the Residential Estate-B (RE-B) zoned properties. While the 33 lots were identified to be of sufficient size for further subdivision, additional analysis into other development constraints such as, slope gradient, lot configuration, and access issues were conducted. Approximately 25 of the 33 lots identified as sufficient in size to be subdivided were determined to be constrained from further subdivision based upon prohibitive slopes, prohibitive lot configuration, and/or access issues. The remaining eight lots do have the potential to be subdivided, but only two lots could be subdivided without requiring a complete tear down of the existing residence in order to provide for a site design consistent with the original Henie Hills Subdivision.

Recommendation: Staff finds that the overall conceptual site design of the project is consistent with the existing neighborhood character, and since a majority of the previously known opposition has signed a petition supporting the land division, the project should not be modified in any manner and plans as submitted should be considered.

ENVIRONMENTAL DETERMINATION

Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based upon that review, staff finds that the proposed project constitutes a division of property in an urbanized area zoned for residential into four or fewer parcels, and the project is categorically exempt, Class 15, "Minor Land Divisions" (Section 15315).

PUBLIC NOTIFICATION

Pursuant to Article 41 of the Oceanside Zoning Ordinance, Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot and tenants within a 100-foot radius of the subject property, to individuals/organizations requesting notification, and to the applicant. Copies of this agenda item have been mailed to the applicant and their representative.

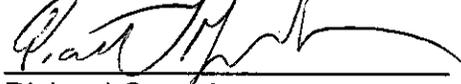
It should be further noted that the applicant has conducted public outreach efforts on the development proposal to the surrounding neighborhood and to Henie Hills Association as a courtesy. The only written documentation received to date is a Statement of Opinion Petition with 91 signatures. The subject document was part of the projects original submittal on June 21, 2007 by the applicant, and states that the undersigned individuals on the document have no objections to the subject lot split based on information contained on Tentative Parcel Map (P-15-05) which is the same information contained on Tentative Parcel Map (P-5-07). Although no additional written documentation has been received by staff prior to preparation of this report, no known issues or points of opposition have been conveyed.

SUMMARY

The proposed Tentative Parcel Map is consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project as conceptually designed meets or exceeds all applicable development standards. The project is compatible in terms of residential product type, density, and site design elements with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

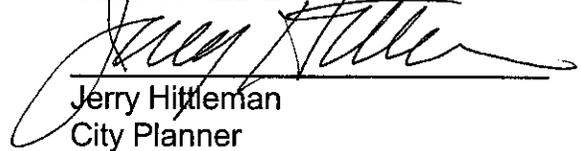
- Move to approve Tentative Parcel Map (P-05-07), and Conditional Use Permit (C-22-07), and adopt Planning Commission Resolution No. 2007-P50 as attached.

PREPARED BY:



Richard Greenbauer
Senior Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

JH/RG/fil

Attachments:

1. Tentative Parcel Map
2. Planning Commission Resolution No. 2007-P50
3. Statement of Opinion
4. Henie Hills Site Map (color)

STATEMENT OF OPINION

We the undersigned, after consideration of additional information regarding the Miljkovic Tentative Parcel Map, P-15-05, at the 3079 Skyline Drive, Oceanside, property in the Henie Hills Estates community, agree that We have no objections for this lot split to go forward.

PRINTED NAME

SIGNATURE

STREET ADDRESS

DATE

MILAN DJOKICIT

Milankovic

3260 AVENIDA DE LOYOLA

11/19/06

BARBARA L EGGLESTON

Barbara Eggleston

5226 AVENIDA DE LOYOLA

11/01/06

Don Deak

Don Deak

3313 AVENIDA DE LOYOLA

12/2/06

Larry Mont

Larry Mont

3325 AVENIDA DE LOYOLA

12/2/06

Joan Jauregui

Joan Jauregui

3357 AVENIDA DE LOYOLA

12/2/06

Robert Strong

Robert Strong

3374 AVENIDA DE LOYOLA

12/2/06

Suzanne Seemiller Holman

Suzanne Seemiller Holman

3360 AVENIDA DE LOYOLA

12/2/06

Terry Barnum

Terry Barnum

3354 AVENIDA DE LOYOLA

12/2/06

Bob Morrison

Bob Morrison

3346 AVENIDA DE LOYOLA

12/2/06

Andrew Andeck

Andrew Andeck

3336 AVENIDA DE LOYOLA

12/2/06

Walter Czajka

Walter Czajka

3326 AVENIDA DE LOYOLA

12/2/06

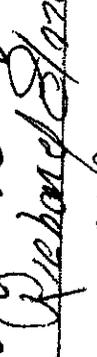
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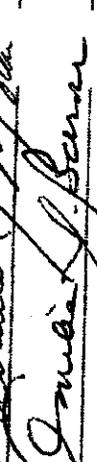
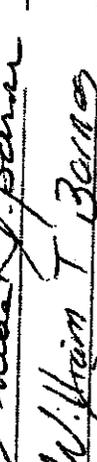
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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
Gary Actunian		3066 Sanja Ct.	10-24-06
Richard Spore		1965 Valley	10-24-06
Jennifer Lab-Esney		1941 Valley	10-24-06
TAYLOR CHAWSON		2079 OPENVIEW RD	10-24-06
NUOYA KATONA		2135 Valley Rd	10/25/06
Ronald W. Cermack		2250 Valley Rd	10/25/06
Nancy Hagan		2242 Valley Road	10/25/06
A. A. Johnson		2218 Valley Rd	10/25/06
Roger Marshall		2202 Valley Rd	10/25/06
Karin Chonella		2109 Valley Rd	10/25/06
Vicki Byers		2166 Valley Rd	10-28-06

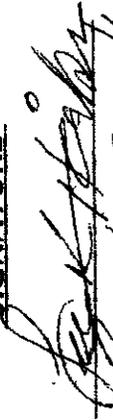
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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
MARTHA SULLIVAN		3022 Sonja Ct	10-21-06
Jason Folker		OSD-72056 3070 Henie Ct. OSD 92057	10/21/06
Omnie J. Strause		3046 Sonja Ct. Oside 92056	10/21/06
MARISAPNE MORAN		3074 Sonja Ct 92056	10/21/06
PATRICIA J. MORAN		3074 Sonja Ct 92056	10/21/06
Amelia S Barnes		3029 Sonja Ct 92056	10/24/06
William Y Barnes		3029 Sonja Ct 92056	10/21/06
Julie Hough		3073 Sonja Ct 92056	10/22/06
Francisco Cis-Hill		3038 Sonja Court 92056	10-22-06
Mark Kingsbury		3074 Sonja Court 92056	10/24/06
CLARINE PUGLID		3057 Sonja Ct	

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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
Lee K Hicks		3089 Sonja Ct	10/29/06
Eachus Naff		2029 Oceanview Rd	10/29/06
Wendy Curtiss		2029 Oceanview Rd	10/29/06
Bruce Blair		2101 Dunes Rd	10/29/06
Julie Cardin		2201 Valley Rd	10/3/06
MARK SYBINSKI		2102 Valley rd	11/4/06
STEVEN DICKEN		2044 Steiger Lane	11/4/06
MARK SCALO		3119 LYNDEN	11-8-06
HEATHER CASTILLO		3038 Sonja Court	11-7-06
LAURA SAENZ <small>(one time only)</small>		1973 Valley Rd	11-17-06
Kathleen Becker		3090 Sonja Court	11-17-06

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PRINTED NAME

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DATE

F. J. WELMAN



2034 STEIGER LN 10-22-06

TAMARA HECK



2010 Steiger Ln 10-22-06

MARIAN CONCHOT



2017 STEIGER LN. 10/23/06

Grace Trinton



2081 Steiger Ln. 10/23/06

SARA SANDERS



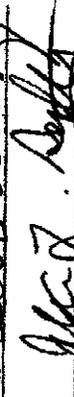
2150 Steiger Ln 10/23/06

Debbie Saenz



2149 Steiger Ln 10-23-06

JOHN BERTITORY



2049 VALLEY RD. 10-23-06

FRED COSIELLO



213A STEIGER LN 10-23-06

JANIS SIEMS



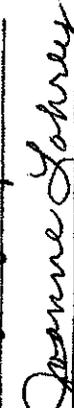
2026 Steiger 10-23-06

JOHN CROWE



2058 STEIGER 10-23-06

Joanne Lohrey



2157 Steiger 10-23-06

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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
LOWEN FIMDRE		2145 Oceanview Rd	10/27/06
COEN OTHNESORGE		2231 Oceanview Rd	10/27/06
Bette LADD - ^{1 time} lot split		2050 Valley Rd	10/28/06
GREG BURT		2141 STEIGER LN	10/28/06
Fred Brick ^{1 time lot split only}		2011 Oceanview Road	10/28/06 ^{this time only...}
Malinda Brick ^{The Miljkovic Property only - Not if this Malinda Brick sets a precedent for other properties}		2011 Oceanview Road	10-28-06
Lisel Sutter		2213 Oceanview Rd	10-28-06
Ron Ritter		3111 Skyline Dr.	10/28/06
MARK McORMAN		9031 Skyline Dr	10/28/06
STEPHEN J. KAYAFU		3045 Skyline Dr	10/28/06
Judith Baur		2025 Oceanview	11/02/20

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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
SOLD. → PETER & MARY	[Signature]	2057 Steiger Lane	10/22/06
Antti Tirronen	[Signature]	2081 Steiger Ln.	10/22/06
Rebecca Vogel	[Signature]	2101 Steiger Lane	10-22-06
MICHERE M. SARRANT	[Signature]	2133 Steiger Ln	10-22-06
John & Sherri Costomme	[Signature]	2158 Steiger Lane	10-22-06
Michelle & Chris Scobba	[Signature]	2166 Steiger lane	10-22-06
Vicki & Herb Morgan	[Signature]	2102 Steiger Lane	10-22-06
Alicia This	[Signature]	2082 Steiger lane	10-22-06
JEAN E. COSTAIN.	[Signature]	2074 Steiger Lane	10-22-06
Kelley Aragon	[Signature]	2066 Steiger Lane	10-22-06
Tobynn Davis	[Signature]	2066 Steiger Lane	10-22-06

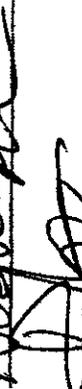
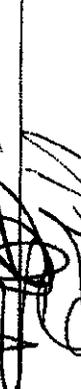
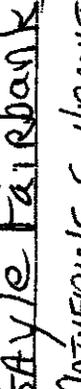
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<u>PRINTED NAME</u>	<u>SIGNATURE</u>	<u>STREET ADDRESS</u>	<u>DATE</u>
Josiah Chappon		2242 Oceanview Rd	11-17-06
Matthew Ferguson		2248 Oceanview Rd	11/18-06
Eleanor Pennington		3201 Oceanview Rd.	11-19-06
Kristen Brown		2267 Oceanview Rd	11/19/06
Steve Bernier		2926 CARRIAGE	11/19/06
Ford Knepp		2438 Carriage Circle	11-19-06
Gayle Fairbanks		2240 Oceanview Rd.	11/19/06
Catherine Hamilton		2261 Oceanview Rd.	11/19/06
Robert Percin		2283 OCEANVIEW RD.	11-19-06
PA. BRAUER		2359 Shoreland Dr.	12-02-06

From: Rocky Chavez
Sent: Wednesday, November 14, 2007 4:05 PM
To: Barbara Riegel Wayne
Cc: Peter Weiss; Michelle Skaggs-Lawrence; John Mullen; Jerry Hittleman; Richard Greenbauer; Janene Shepherd
Subject: Call for Council Review for Miljkovic Parcel (Resolution No. 2007-P50)

I would like to call for a Council Review on the Miljkovic Parcel decision made at November 5th Planning Commission meeting with the following specific comments:

Whether the Planning Commission's decision to deny the CUP and tentative parcel map was based upon substantial evidence in the record. In particular, whether the evidence supported the finding that the proposed lot split and CUP would adversely effect the character of the community and/or violate the Land Use Element of the City's General Plan.

Respectfully,

Rocky J. Chavez

email: rchavez@ci.oceanside.ca.us
telephone: 760 435-3061