



**DATE:** October 20, 2008

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

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

**SUBJECT:** **CONSIDERATION OF A DEVELOPMENT PLAN (D-13-07) AND A VARIANCE (V-13-08) TO CONSTRUCT A NEW 6,157-SQUARE FOOT SINGLE FAMILY RESIDENCE ON A 2.5-ACRE PARCEL AND TO REDUCE THE FRONT YARD SETBACK FROM 40 FEET TO 30 FEET LOCATED AT 6221 HIDDEN VALLEY ROAD. THE PROJECT SITE IS ZONED A (AGRICULTURAL) AND IS SITUATED WITHIN THE MORRO HILLS NEIGHBORHOOD – FAWCETT RESIDENCE – APPLICANT: JASON AND CARIANNE FAWCETT**

**RECOMMENDATION**

Staff recommends that the Planning Commission by motion:

- (1) Adopt Planning Commission Resolution No. 2008-P65, adopting a Mitigated Negative Declaration, in light of the whole record that the project will not have a significant effect on the environment, and approving Development Plan (D-13-07) and Variance (V-13-07) with findings and conditions of approval attached herein.

**PROJECT DESCRIPTION AND BACKGROUND**

**Background:** The original subdivision map for Sleeping Indian Ranch Unit No. 1 was approved on September 19, 1979 by the City Council. This approval included the subdivision of 11 lots, including 6221 Hidden Valley Road. The subdivision occurred, however, lots 9 and 10 never split, and therefore remained one large lot. The first lot developed was #5 in 1984 containing approximately 3,708 square feet of habitable living space. The next lots developed were in 1991, lots #3 and #7. Currently lot #3 has approximately 2,991 square feet of habitable living space and lot #7 has 3,000 square feet of habitable living space. Lot #1, containing approximately 4,281 square feet of habitable living space and lot #2, containing approximately 3,527 square feet of habitable living space, were developed in 1993. Lot #4 was developed in 2003 and contains approximately 2,419 square feet of habitable living space. The last lot developed was lot

approximately 3,664 square feet of habitable living space. Lots #9 and #10, which never split, developed 4,914 square feet of habitable living space in 2007. Currently, lot #11 and #6 are vacant. Lot #6 is the location of the proposed project.

**Site Review:** The site is zoned A (Agricultural) and has a General Plan Land Use designation of Agricultural (A). The property is located at 6221 Hidden Valley Road at the end of the cul-de-sac. The property is 2.5 acres and is devoid of any structures. Surrounding land uses include Agricultural to the north, south, east, and west, many of which have been developed with single-family residences. The larger neighborhood area encompassing the project site is the Morro Hills Neighborhood.

**Project Description:** The project application is comprised of two components; Development Plan (D-13-07) and Variance (V-13-07) as follows:

Development Plan (D-13-07) represents a request for the following:

- (a) To construct a two-story single-family residence to include a four-car garage and a 60-foot by 95-foot soccer field on a 2.5-acre parcel. The proposed gross floor area is 6,157 square feet of which 4,445 square feet is habitable residential living space, 837 square feet of porches and a veranda, and 875 square feet is an attached four-car garage. The proposed project would be a Tuscan style home with a stucco finish and a tile roof. An existing curb cut will be closed according to the City guidelines and a new curb cut will be made to access the proposed single-family residence. There would not be a usable rear yard due to the topography and the protected habitat currently located on the subject site. Per Section 1010 (AA), the depth of the usable rear yard area shall equal the minimum rear yard setback requirement of the underlying zoning district. Planning Commission may approve a waiver to this provision.

Variance (V-13-07) represents a request for the following:

- (a) To permit the reduction of the front yard setback from 40 feet to 30 feet in order to reduce the amount of grading and impact to Diegan Coastal Sage Scrub.

The Zoning Ordinance requires a forty foot front yard setback for residences within the Agricultural Zone, and the proposed project is requesting to reduce this setback in order to reduce the amount of grading on the hillside and lessen impacts to sensitive habitat.

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

1. General Plan Land Use Element
2. Zoning Ordinance
3. California Environmental Quality Act (CEQA)

## **ANALYSIS – KEY PLANNING ISSUES**

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

The General Plan Land Use Map designation on the subject property is Agricultural (A). The proposed project is consistent with the existing land use designation, and is consistent with the goals and objectives of the City's General Plan as follows:

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

##### **I. Community Enhancement**

###### **Goal 1.22: Landscaping**

**Objective:** The enhancement of community and neighborhood identity through landscaping requirements that frame and soften the built environment consistent with water and energy conservation.

**Policy C:** Drought-tolerant materials, including native California plant species, shall be encouraged as a landscape type.

Bermuda Grass will be used for the soccer field. This type of grass requires significantly less water than other grasses. Because all development plans require landscape plans, the project would be using drought tolerant plants, as well as a minimal amount of landscaping to conserve water. The proposed landscaping is in accordance with the Fire Department's plant list.

###### **Goal 1.23: Architecture**

**Objective:** The architecture quality of all proposed project shall enhance neighborhood and community values and the City image.

**Policy C:** Structures shall work in harmony with landscaping and adjacent urban and/or topographic form to create an attractive line, dimension, scale, and/or pattern.

The proposed design of the new single-family residence is meant to complement the surrounding residential neighborhood buildings. The architecture of the proposed single-family residence is similar to homes within the Morro Hills neighborhood.

### **2. Zoning Compliance**

The project meets all of the established development regulations of the underlying A zone including, with the exception of the front yard setback. However, the property line is set back approximately 10 feet from the street, and the proposed structure is setback

30 feet from the property line. The request for a reduced setback is to reduce grading and environmental impacts. Such projects are reviewed for compatibility with existing and surrounding development.

The purpose of the A District is to permit only very low-density residential development.

The Agricultural Zoning District is subject to the Oceanside Zoning Ordinance Sections 1430, 3039, 3103, and 4105 (b) development regulations.

The following table summarizes proposed and applicable development standards for the A District and the project site:

	Zoning Requirements	Proposed (approximates)
Minimum Lot Size	2.5 Acres	2.5 Acres
Front Yard	40 feet Minimum	30 feet
Side Yard	30 feet Minimum	135 feet
Rear Yard	40 feet	40 feet
Building Height	36 feet Maximum	28 feet
Landscaping	n/a	28%
Parking (Single Family Residential)	Garage space for 3 cars is required for all new single family residential units in excess of 2,500 sq. ft.	4 spaces
Lot Coverage	25% Maximum	4.5%

The requested variance would reduce grading and impact on the environment. The house is located at the end of a cul-de-sac, and the property line is set back 10 feet from the side walk. The appearance of the house from the street would look like a 40-foot setback. Additionally, the requested variance would not set precedence. The neighbor to the north is setback 20 feet from the property line.

**DISCUSSION**

*Issue: Project compatibility with surrounding neighborhood.*

*Recommendation:* The proposed habitable square footage for the single-family residence is consistent with the surrounding single-family residences within the Agricultural Zoning District. The proposed reduced front yard setback will not set

precedence; currently the neighbor located to the northwest is closer than 30 feet to their front property line. The proposed structure is a large custom home, like most of the residences in the Agricultural Zone.

*Issue: Diegan Costal Sage Scrub and Non-native Grass.*

*Recommendation:* The mitigated negative declaration for the proposed project describes that the project would mitigate the disturbed Coastal Sage Scrub at a 2:1 ratio and the disturbed non-native grass at a 1:1 ratio. The project has been conditioned as appropriate.

*Issue: Reduced front yard setback*

*Recommendation:* The proposed project is generally meeting the requirements of the Development Regulations. The reduced front yard setback would reduce the amount of grading and it would also reduce the amount of environmental impact. Due to the irregular shape and the topography of the property, a reduction in the front setback will create a grading plan that flows with the natural topography of the site. It also allows for the creation of a flat pad for the house foundation reducing the visual impact by removing the sub floor and minimizing the height of the house as seen from the north, west and south. Neighboring houses will not be affected by the granting of a variance due to their distance from the site and the location of the house at the end of a cul-de-sac. The neighboring property is currently closer than 40 feet from the front yard property line. Therefore, the Fawcett Residence will not be setting precedence.

## **ENVIRONMENTAL DETERMINATION**

Staff has reviewed the environmental assessment and determined that the project will result in potentially significant impacts, all of which can be mitigated, to the following environmental resources: biological and cultural. Subsequently, a Mitigated Negative Declaration was prepared with mitigation measures pursuant to the provisions of the California Environment Quality Act (CEQA) with the following supplemental reports: biological letter report (March, 2008); phase I archaeological study (April, 2007); and a stormwater management plan (August, 2008).

The Planning Division advertised a draft Mitigated Negative Declaration for thirty (30) days commencing on August 1, 2008 and ending on September 2, 2008. Comments were received from the following:

- San Luis Rey Band of Mission Indians,
- California Department of Fish and Game,
- United States Fish and Wildlife Service

Each correspondent received a response to their comments on the Mitigated Negative Declaration.

Prior to any action on D-13-07 and V-13-07 Fawcett Residence, it is necessary for the Planning Commission to review and act on the Mitigated Negative Declaration. Staff, in its initial study of the project, is recommending that the mitigated negative declaration be approved with findings and mitigation measures, including a finding that the new mitigation measures are equivalent or more effective in mitigation or avoiding potential significant effects and will not cause any potentially significant effect on the environment.

### **PUBLIC NOTIFICATION**

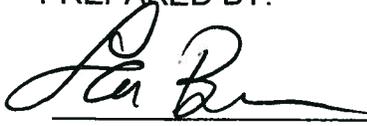
Legal notice was published in the North County Times and notices were sent to property owners of record within a 300-foot radius of the subject property, individuals and or organizations requesting notification, applicant and other interested parties. As of October 20, 2008 one letter supporting the project has been received.

### **SUMMARY**

In summary, staff believes that the proposed Development Plan and Variance are consistent with the requirements of the Zoning Ordinance and the policies outlined in the General Plan. The project meets or exceeds all development standards and is compatible with the surrounding development pattern and architectural styles found throughout the neighborhood. As such, staff recommends that the Planning Commission approve the project. The Commission's action should be:

- Move to adopt a mitigated negative declaration and approve Development Plan (D-13-07) and Variance (V-13-07) by adopting Planning Commission Resolution No. 2008-P65 as attached.

PREPARED BY:



Faith Burton  
Planner I

SUBMITTED BY:



Jerry Hittleman  
City Planner

REVIEWED BY:



Richard Greenbauer, Senior Planner

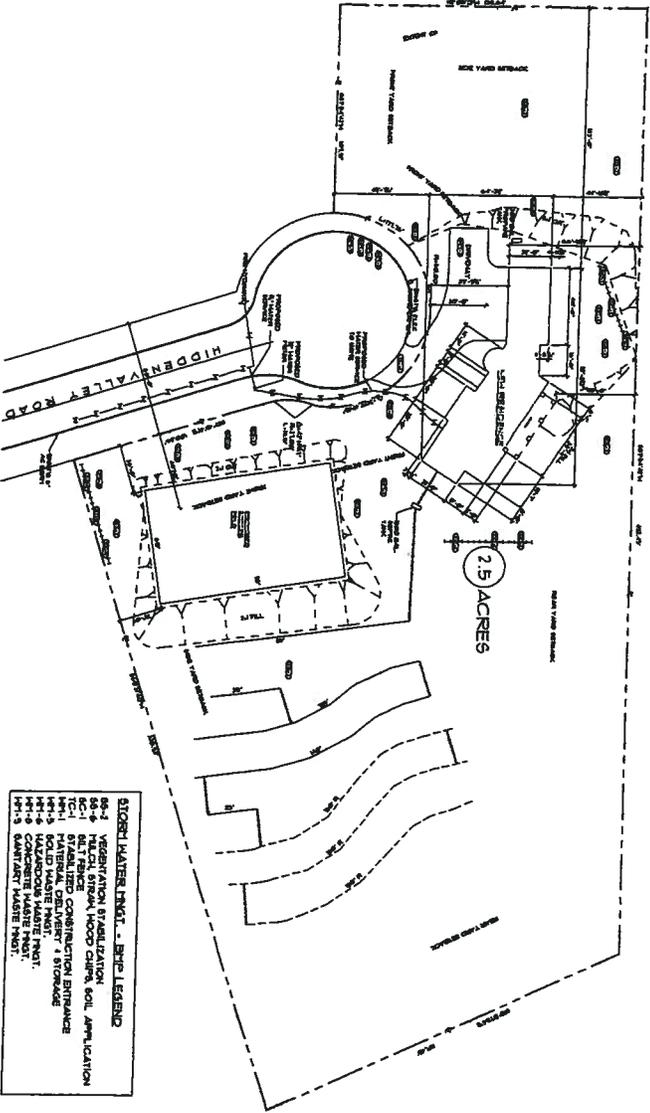
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Attachments:

1. Site Plan/Architectural Plans/Conceptual Landscape Plan/Conceptual Grading Plan
2. Planning Commission Resolution No. 2008-P65
3. Waiver Request
4. Letter of support

# NOTES

1. DRAINAGE SHALL BE DONE AWAY FROM ALL PROPOSED STRUCTURES.
2. THERE SHALL BE ALL WORK SHALL COMPLY WITH THE CALIFORNIA BUILDING STANDARDS AND ADOPTED BY THE COUNTY OF SAN DIEGO FOR AS APPROVED AND ADOPTED BY THE COUNTY OF SAN DIEGO.
3. THE INSPECTOR WILL REQUIRE FROM EXPANSIVE SOILS AND/OR GRAVING REQUIREMENTS AT THE FIRST FOUNDATION INSPECTION.
4. PROJECT WILL COMPLY WITH THE COUNTY OF SAN DIEGO LIGHTING ORDINANCE.
5. THE FIRST FIVE FEET OF REBAR AND OTHER ITEMS ATTACHED TO A STRUCTURE SHALL BE CONCRETE OR NON-COMBUSTIBLE MATERIAL OR MEET THE SAME FIRE RESISTANCE STANDARDS AS THE EXTERIOR WALLS OF THE STRUCTURE.
6. PROVIDER A JOINT ASSESSOR SYSTEM, THE SYSTEM SHALL BE DESIGNED PER NFPFA, 100 AND SHALL BE APPROVED BY THE COUNTY OF SAN DIEGO FOR THE INSTALLATION OF SPLITTER SYSTEMS IN ONE AND TWO-FAMILY DWELLINGS.
7. THE WATER SERVICE MUST RUN THROUGH THE WATER METER AND NOT DIRECTLY OFF OF THE WATER MAIN. PLUMBING SHALL BE DONE IN ACCORDANCE WITH THE WATER SERVICE LOCATION, AN AIR RELEASE VALVE MUST BE INSTALLED AT THE END POINT OF THE EXISTING WATER MAIN.
8. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL WATER AND SEWER UTILITIES NECESSARY TO DEVELOP THE PROJECT. THE RESPONSIBILITY OF THE DEVELOPER SHALL BE DONE BY AN APPROVED LICENSED CONTRACTOR AT THE DEVELOPER'S EXPENSE.
9. THE PROPERTY OWNER SHALL MAINTAIN PRIVATE WATER AND SEWER LATERALS LOCATED ON PRIVATE PROPERTY.
10. WATER SERVICES AND SEWER LATERALS CONSTRUCTED IN EXISTING BUILDING SHALL BE CONSTRUCTED BY APPROVED AND LICENSED CONTRACTORS AT DEVELOPER'S EXPENSE.
11. ALL WATER AND SEWER LATERALS CONSTRUCTION SHALL COMPLY TO THE DESIGN AND CONSTRUCTION MANUAL OR AS APPROVED BY THE WATER UTILITIES DIRECTOR.
12. ALL PUBLIC WATER AND/OR SEWER FACILITIES NOT LOCATED WITHIN THE PUBLIC RIGHT-OF-WAY SHALL BE PROVIDED WITHIN THE PROJECT. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RELEVANT WATER DESIGN AND CONSTRUCTION MANUAL. EASEMENTS SHALL BE CONSTRUCTED FOR ALL WATER ACCESS.
13. NO TREES, STRUCTURES OR BUILDINGS OVERHANG SHALL BE LOCATED WITHIN ANY WATER OR WATER MAIN UTILITY EASEMENT.
14. ALL NEW OR EXISTING OF SINGLE-FAMILY AND MULTI-FAMILY RESIDENTIAL UNITS SHALL BE PROVIDED WITHIN THE INSTALLATION AND MAINTENANCE OF A HOT WATER REHEATER WATER PIPE INSTALLATION AND PROVIDE HOT WATER TO THE TAP WITHIN 8 SECONDS IN ACCORDANCE WITH CITY OF OCEANSIDE ORDINANCE NO. 07-0022-1.



**SLOTTED WATER TREATMENT LEGEND**

- 60-1 VEGETATION STABILIZATION
- 60-2 FILLING STRAW WOOD CHIPS, SOIL APPLICATION
- 70-1 STABILIZED CONSTRUCTION ENTRANCE
- 80-1 HABITAT DEVELOPMENT + STORAGE
- 80-2 HABITAT DEVELOPMENT
- 80-3 HABITAT DEVELOPMENT
- 80-4 CONCRETE WATER TREATMENT
- 80-5 HABITAT DEVELOPMENT
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- 80-50 HABITAT DEVELOPMENT

**PROJECT GEOTECHNICAL CONSULTANT**

NAME: HOPE WASSON-BILLO  
 HENDERSON ENGINEERING INC.  
 ADDRESS: 5400 AVENIDA BICHAS  
 CARLSBAD, CA 92008  
 PHONE #: (760) 730-1871

# PROJECT DATA

OWNER: MASON, L. & DANIELLE  
 5661 CORTE ALAMANTE  
 OCEANSIDE, CA 92051

SITE ADDRESS: 4321 HIDDEN VALLEY ROAD  
 FALLBROOK, CA 92028

LEGAL DESCRIPTION: SEE GRANT DEED  
 ASSessor PARCEL NO.: 017-290-00-000

ZONE: A

OCCUPANT GROUP: R3

TYPE OF CONST: V-1N

NO. OF STORIES: TWO

ENTRANCE: FRONT: 36'-0"  
 SIDE: 36'-0"  
 REAR: 40'-0"

AREAS: MAIN FLOOR PLAN: 2,341 S.F.  
 GARAGE PLAN: 2,269 S.F.  
 TOTAL OFF FLOOR AREA: 4,610 S.F.  
 DECORATION: SAN DIEGO, CA 92101

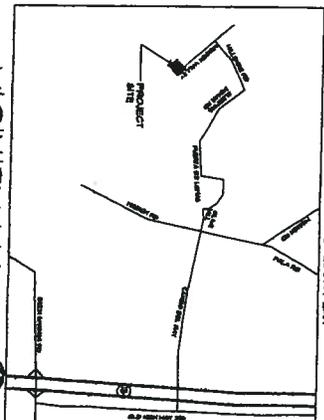
# SCOPE OF WORK

NEIL HOOVER RYAN TWO STORY SINGLE FAMILY RESIDENCE WITH ATTACHED 4 CAR GARAGE.

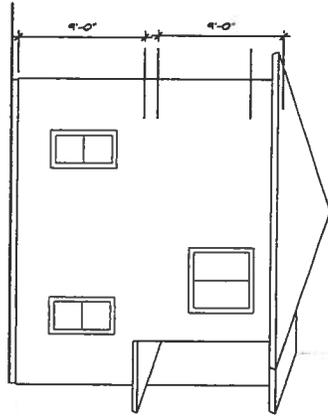
PLANS PER 2001 CALIF. BUILDING CODE + CALIF. ELEC. CODE

# INDEX

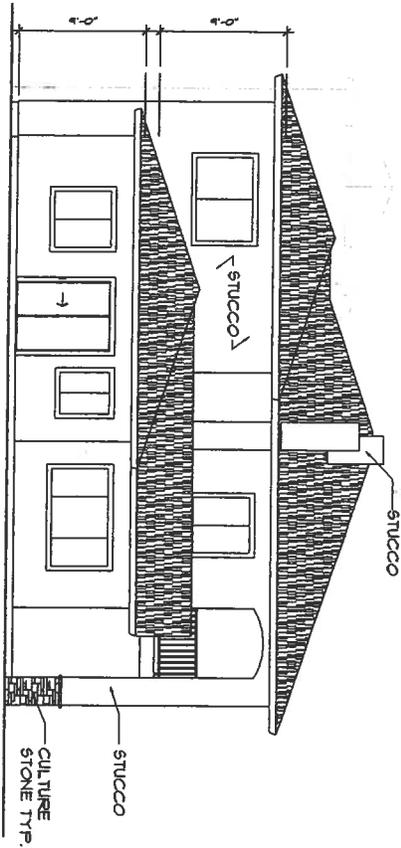
- 1 SITE PLAN + PROJECT DATA + INDEX + VICINITY MAP SHEETS
- 2 MAIN FLOOR PLAN
- 3 UPPER FLOOR PLAN
- 4 ROOF PLAN
- 5 EXTERIOR ELEVATIONS
- 6 EXTERIOR ELEVATIONS
- 7 FOUNDATION PLAN
- 8 UPPER FLOOR ROOFING PLAN
- 9 ROOF FLASHING PLAN
- 10 BUILDING SECTIONS
- 11 BUILDING SECTIONS
- 12 DETAILS
- 13 DETAILS
- 14 DETAILS
- 15 TITLE 24
- 16 GENERAL NOTES
- 17 MAIN ELECTRICAL FLOOR PLAN
- 18 UPPER ELECTRICAL FLOOR PLAN



RECEIVED  
 FEB 20 2008  
 Planning Department



EAST ELEVATION

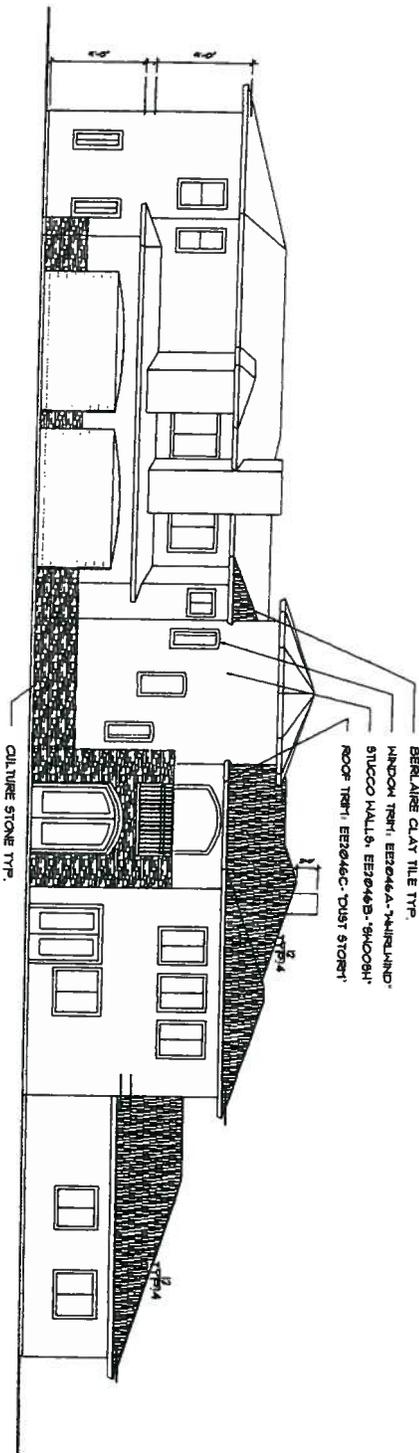


WEST ELEVATION

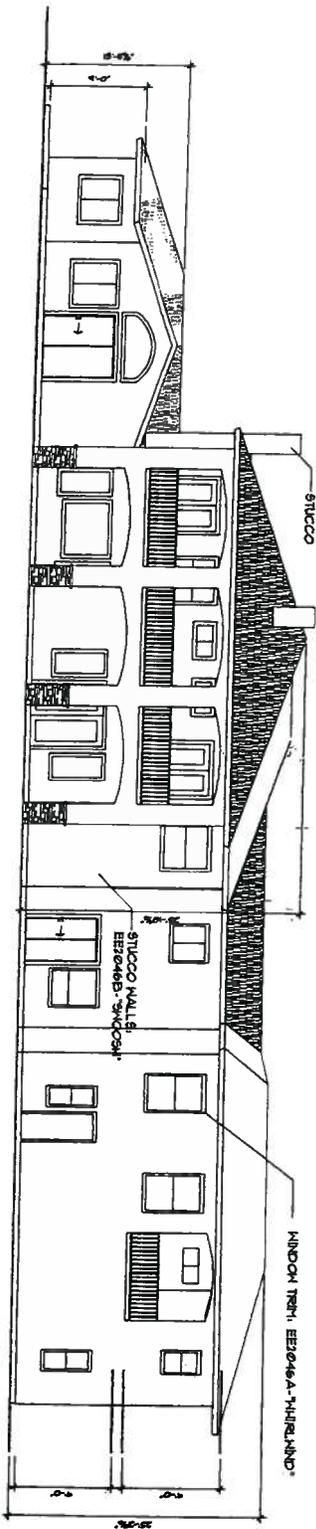


NOTES

- 1. HOOD SHALL BE 6" MINIMUM ABOVE FINISH GRADE.
- 2. SURFACE WATER WILL DRAIN AWAY FROM BUILDING.



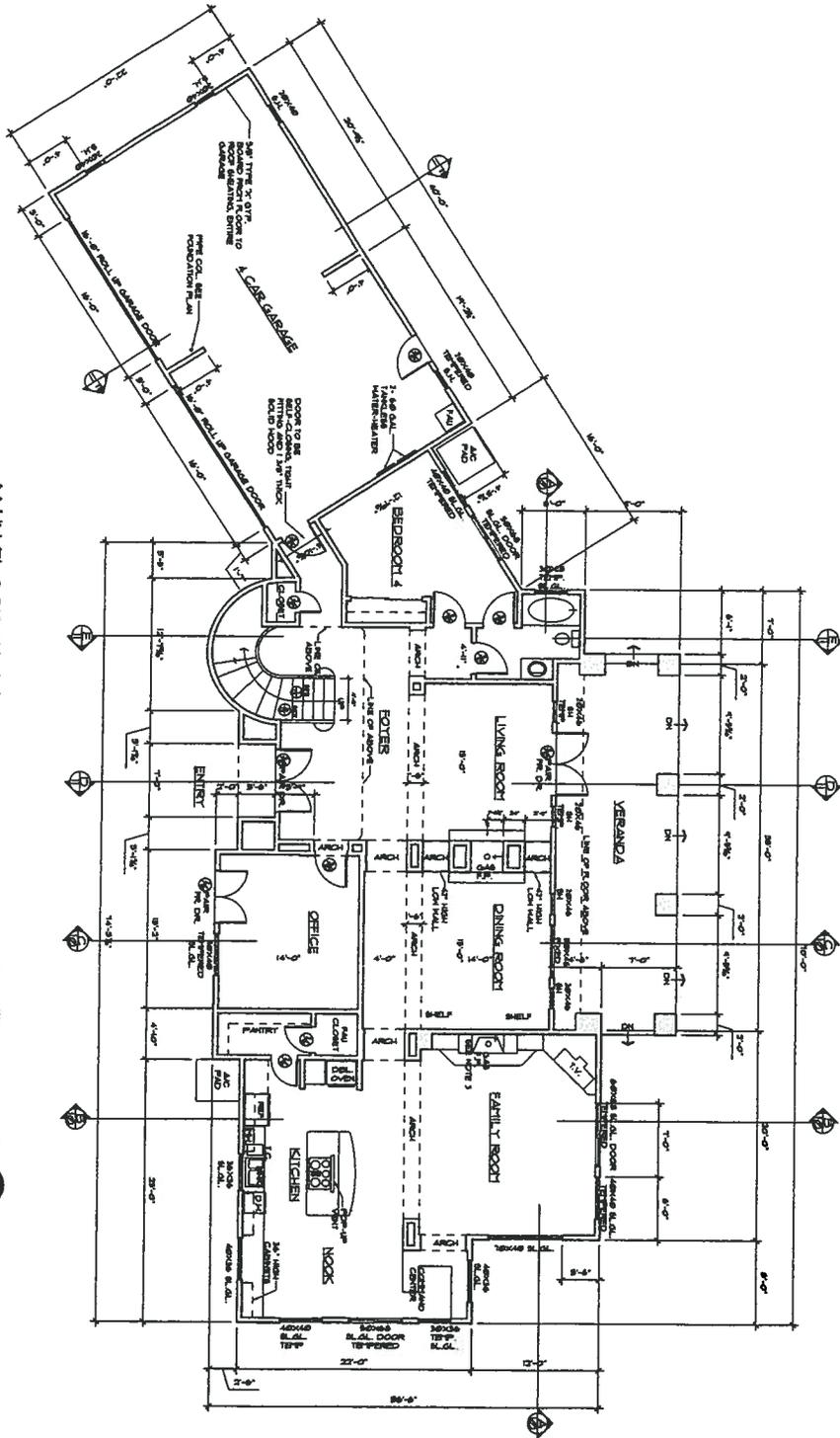
NORTH ELEVATION



SOUTH ELEVATION

NOTES

- 1. HOOD SHALL BE 6" HEIGHT ABOVE FINISH GRADE.
- 2. SURFACE WATER SHALL DRAIN AWAY FROM BUILDING.



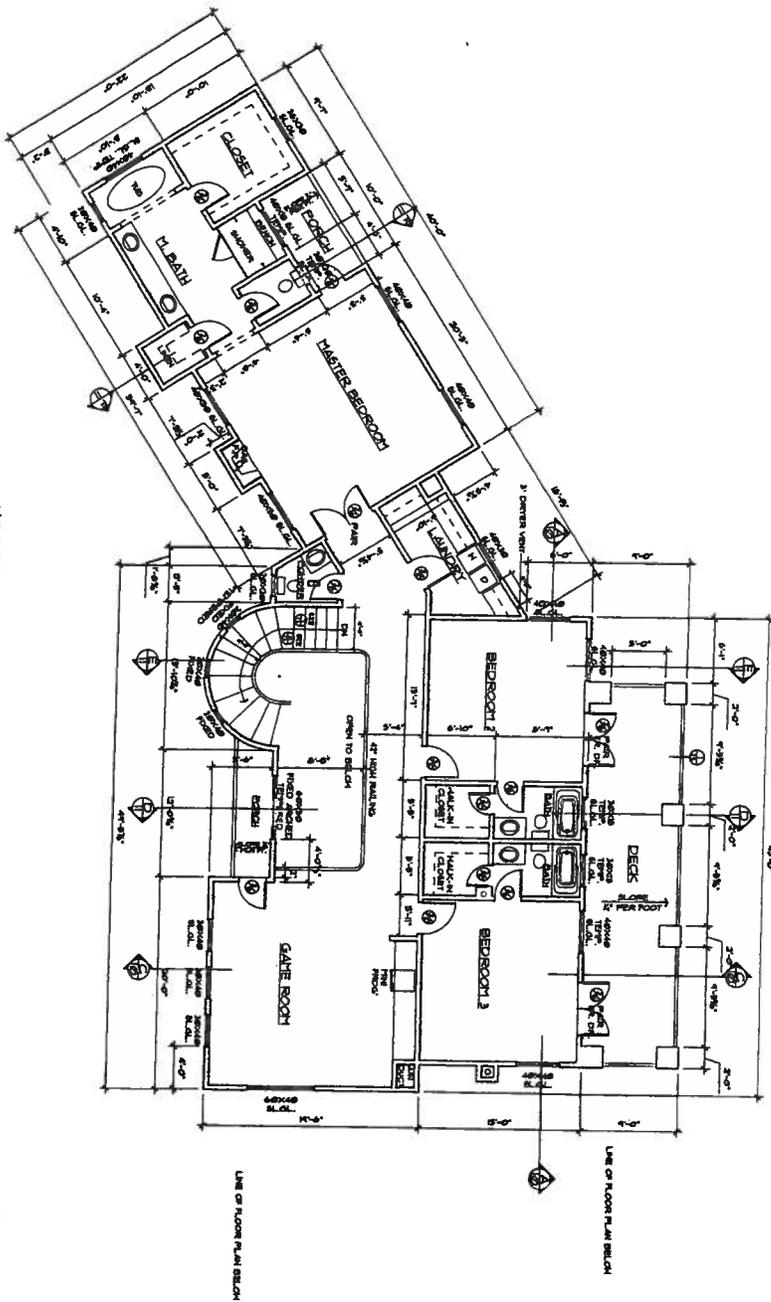
MAIN FLOOR PLAN  
3/16/07



**NOTES**

1. DOORS MAY OPEN TO THE EXTERIOR ONLY IF THE EXTERIOR LANDSCAPE IS NOT MORE THAN 1 INCH LOWER THAN THE DOOR THRESHOLD.
2. PAU CLOSET OR ALCOVE MUST BE 6" WIDER THAN THE RANGE OR FINISHERS BEING INSTALLED.
3. FAMILY ROOM FIREPLACE TO USE CHINA CORNING CAL TUBES ABOVE THICKS COUNTY COUNTRY LEADSTONE (CV-34488) (1 REARTHSTONE).
4. FAMILY ROOM FIREPLACE: HEATKILD MODEL, EXCLAM-36.
5. LIVING ROOM/FINDING ROOM FIREPLACE: HEATKILD MODEL, SEE THROUGH

ARCHITECT  
ALLEN DUEBER  
6300 CRESTHAVEN DRIVE LA MESA CA 91942 619-468-9110

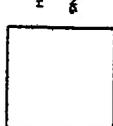


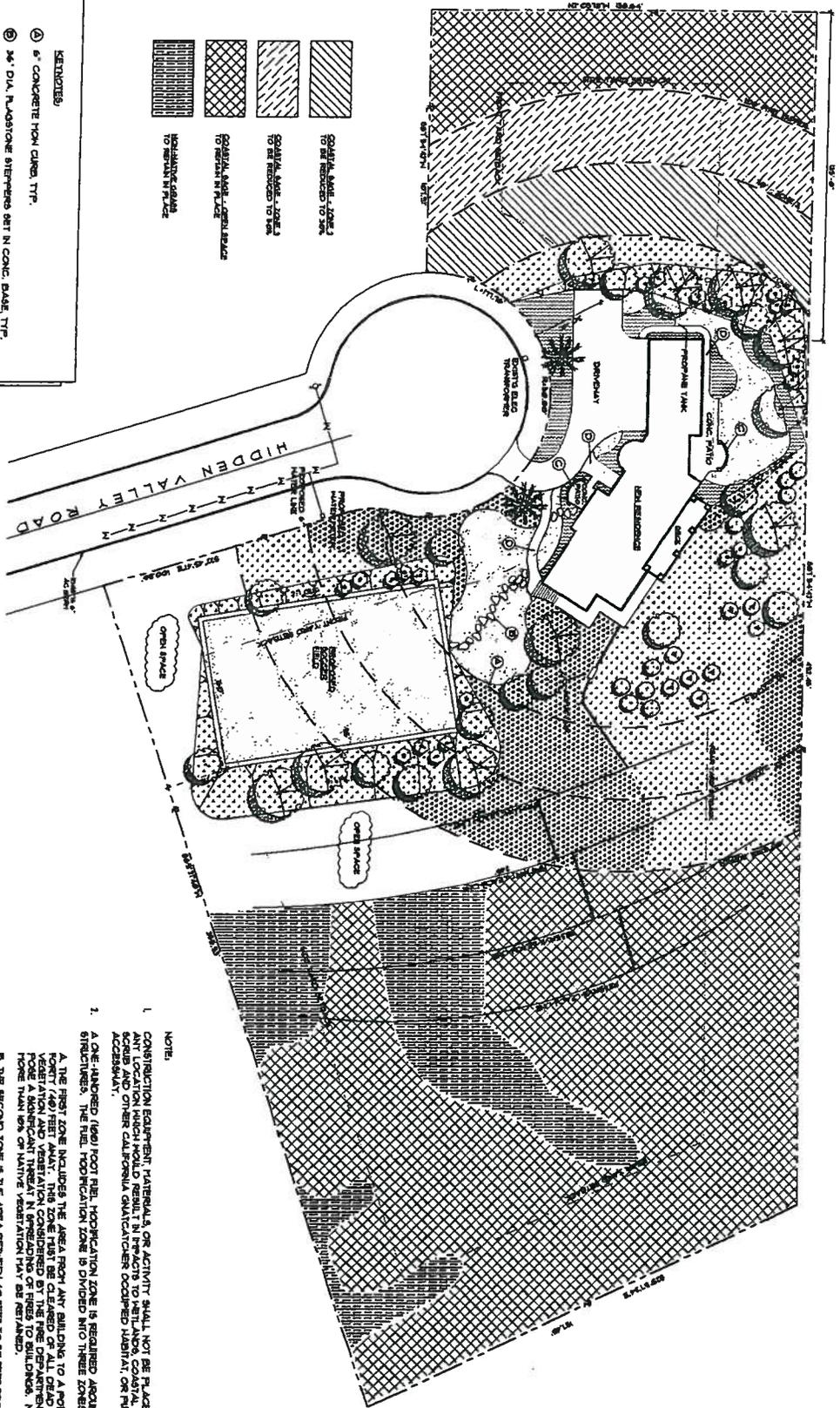
UPPER FLOOR PLAN  
1/8" = 1'-0"

**NOTES**

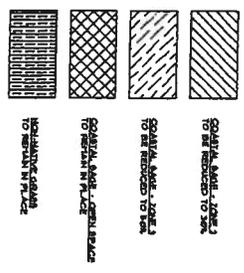
1. DOORS MAY OPEN TO THE EXTERIOR ONLY IF THE EXTERIOR LANDING IS NOT MORE THAN 1' INCH LOWER THAN THE DOOR THRESHOLD.
2. MASTER BEDROOM FIREPLACE, HEAT/COOL HOOD, POT/AL. HEARTH

THIS SET OF ARCHITECTURAL DRAWINGS IS THE PROPERTY OF ARCHITECT ALLEN DUEBER. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN. ANY REUSE OR REPRODUCTION OF THESE DRAWINGS WITHOUT THE WRITTEN CONSENT OF ARCHITECT ALLEN DUEBER IS STRICTLY PROHIBITED. THE USER OF THESE DRAWINGS AGREES TO HOLD ARCHITECT ALLEN DUEBER HARMLESS FROM AND AGAINST ALL LIABILITY, INCLUDING REASONABLE ATTORNEY'S FEES, IN CONNECTION WITH THE USE OF THESE DRAWINGS.





- KEYNOTES:**
- ① 6" CONCRETE HIGH CURB, TYP.
  - ② 3/4" DIA. PLASTIC STEPPERS SET IN CONC. BASE, TYP.
  - ③ 1/2" DIA. SEATTLE, 2" BRICK CAP, STUCCO TO MATCH HOUSE
  - ④ NATURAL GREY CONCRETE PAVEMENT, TYP.



PLAN NORTH  
 CONCEPTUAL LANDSCAPE PLAN  
 SCALE: 1"=20'-0"

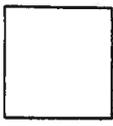
- NOTE:**
1. CONSTRUCTION EQUIPMENT, MATERIALS, OR ACTIVITY SHALL NOT BE PLACED IN ANY LOCATION WHICH WOULD RESULT IN DAMAGE TO THE LAND OR NEIGHBORHOOD. SOILS AND OTHER CALIFORNIA QUALIFIER OCCUPIED HERETOFOR OR PUBLIC ACCESSIBLE.
  2. A ONE- (ONE) 1000 FOOT RIBL MODIFICATION ZONE IS REQUIRED AROUND ALL STRUCTURES. THE RIBL MODIFICATION ZONE IS DIVIDED INTO THREE ZONES:
    - A. THE FIRST ZONE INCLUDES THE AREA FROM ANY BUILDING TO A POINT OF VEGETATION THAT IS NOT A SIGNIFICANT THREAT TO THE BUILDING. NO MORE THAN 50% OF NATIVE VEGETATION MAY BE RETAINED.
    - B. THE SECOND ZONE IS THE AREA BETWEEN 40 FEET TO 70 FEET FROM STRUCTURES. IN THIS ZONE NO MORE THAN 50% OF THE NATIVE VEGETATION MAY BE RETAINED.
    - C. THE THIRD ZONE IS THE REMAINING AREA BETWEEN 70 FEET TO 100 FEET FROM STRUCTURES. IN THIS ZONE NO MORE THAN 50% OF THE NATIVE VEGETATION MAY BE RETAINED. ALL DEAD AND DYING VEGETATION MUST BE REMOVED FROM THE REMAINING VEGETATION.
  3. DISTANCES SHALL BE MEASURED ON A HORIZONTAL PLANE.
  4. CLEARING MAY BE DONE USING METHODS SUCH AS TROWING AND TRIPPING THAT LEAVE THE PLANT ROOT STRUCTURE INTACT TO STABILIZE THE SOIL.
  5. PLANTING TREES MUST BE TRIMMED TO BRUSH (6 FEET ABOVE GROUND OR AS OTHERWISE SPECIFIED BY THE LANDSCAPE ARCHITECT) AT LEAST 10 FEET FROM THE GROUND AND THE ROOF.
  6. CHAIRS MUST BE EQUIPPED WITH AN APPROVED SPARK ARRESTOR.

14 NOVEMBER 2007  
 OF 2 SHEETS

A CONCEPTUAL LANDSCAPE PLAN FOR  
**FAWCETT RESIDENCE**  
 5221 HIDDEN VALLEY RD.  
 OCEANSIDE, CA 92053  
 (949) 442-5470

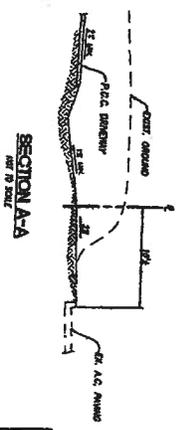
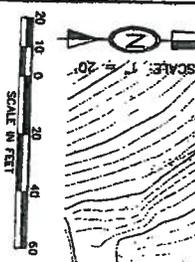
STUDIOSOLUTION  
 2725 CONGRESS ST. 63F  
 SAN DIEGO, CA 92110  
 TONY VITALE  
 www.studiosolution.com Ph: 619.446.6482

STUDIOSOLUTION  
 2725 CONGRESS ST. 63F  
 SAN DIEGO, CA 92110  
 TONY VITALE  
 www.studiosolution.com Ph: 619.446.6482





PLANS PREPARED BY  
**SPEAR & ASSOCIATES, INC.**  
 420 PRODUCTION STREET  
 FORT WORTH, TEXAS 76102  
 PHONE (780) 736-2040 FAX (780) 736-2040



**APPROVED CHANGES:**

NO.	DESCRIPTION	DATE	BY

**BENCHMARK:**  
 SPICE IN EXISTENCE OF POWER POLE -  
 S.P. & P. 1/2 MILE S.W. CORNER  
 ROAD & AVENUE, STA. 81511  
 ADJUSTED FROM CITY OF DALLAS  
 2/28/87



**6221 HIDDEN VALLEY ROAD**

PROJECT 1 -

DATE: 11/11/87

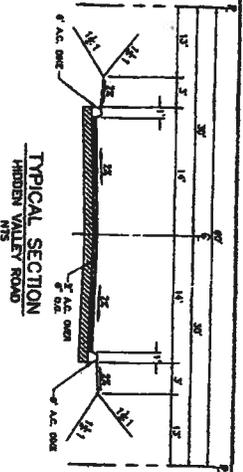
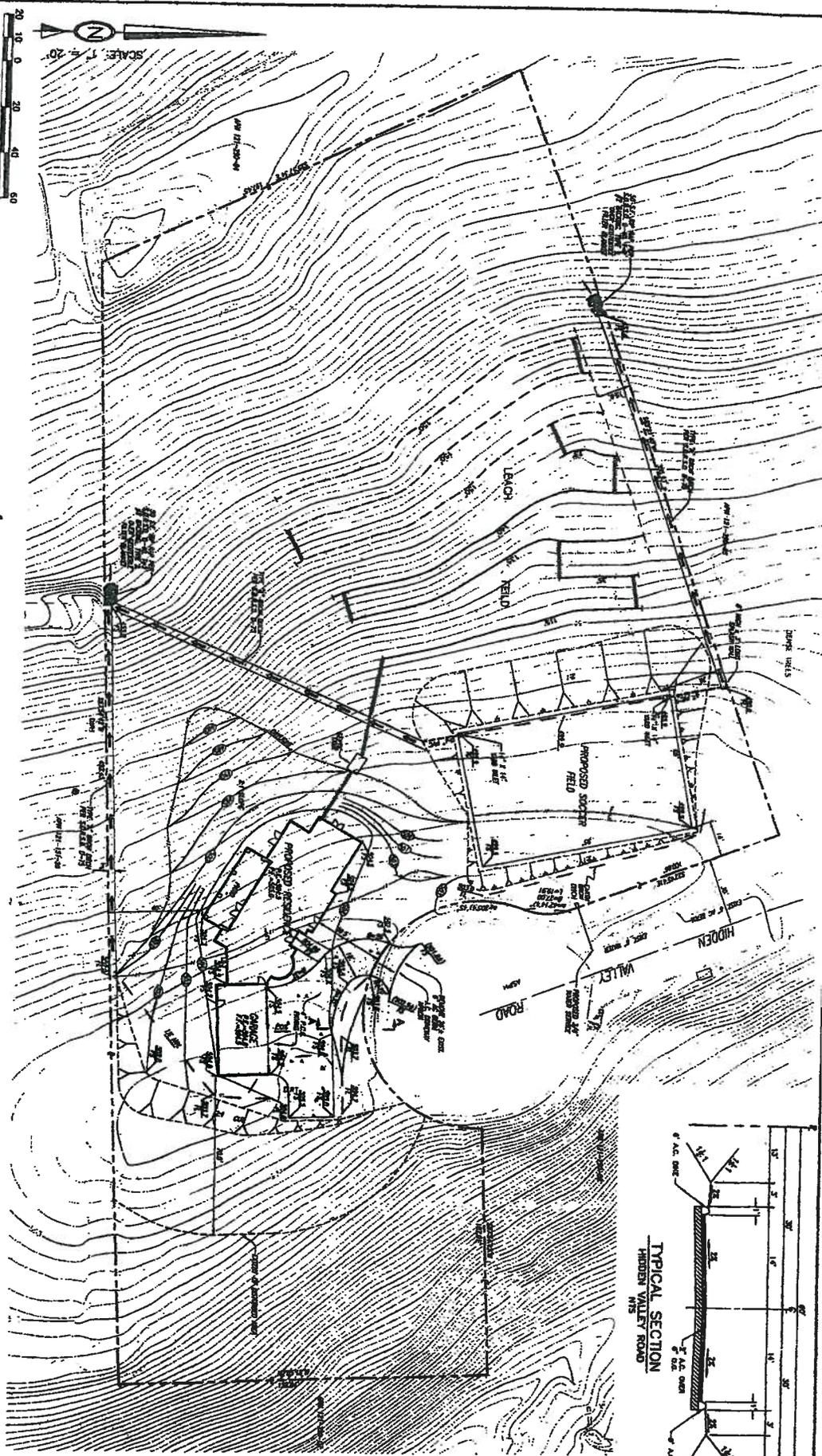
DESIGNED BY: [Signature]

CHECKED BY: [Signature]

APPROVED BY: [Signature]

PROJECT NO. [Blank]

DATE: 11/11/87



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PLANNING COMMISSION  
RESOLUTION NO. 2008-P65

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

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APPLICATION NO: D-13-07, V-13-07  
APPLICANT: Jason and Carianne Fawcett  
LOCATION: 6221 Hidden Valley Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Development Plan under the provisions of Articles 14, 41, and 43 of the Zoning Ordinance of the City of Oceanside to permit the following:

to construct a new 6,157-square foot single-family residence and to reduce the front yard setback from 40 feet to 30 feet;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on the 20th day of October, 2008 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; an Initial Study/Mitigated Negative Declaration has been prepared stating that if the mitigation measures are met there will not be an adverse impact upon the environment;

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

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

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

1	Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
2			
3	Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit
4			
5			
6	Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre)
7			
8	Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$.713 per square foot or \$713 per thousand square feet for non-residential uses and \$2,072 per unit for residential
9			
10			
11	School Facilities Mitigation Fee	Ordinance No. 91-34	\$.42 per square foot non-residential for Oceanside (\$.42 for Vista and Fallbrook) \$2.63 per square foot residential (\$2.63 for Vista; \$2.63 for Fallbrook)
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15			
16	Thoroughfare Fee (For commercial and industrial please note the 75 percent discount)	Ordinance No. 83-01 Resolution No. 06-R0334-1	\$255 per vehicle trip (based on SANDAG trip generation table available from staff and from SANDAG)
17			
18			
19	Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 05-OR 0611-1	Fee based on water meter size. Residential is typically \$4,395 per unit; Non-residential is \$35,160 for a 2" meter.
20			
21			
22			
23	Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 05-OR 0610-1	Based on capacity or water meter size. Residential is typically \$6,035 per unit; Non-residential is \$48,280 for a 2" meter.
24			
25			
26			
27	San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit; Non-residential is \$22,495 for a 2" meter.
28			
29			

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

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

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

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

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

17           WHEREAS, the Mitigated Negative Declaration together with any comments received,  
18 and Mitigation and Monitoring and Reporting Program (MMRP) incorporated into the conditions  
19 of approval for the project, were presented to the Planning Commission, and the Planning  
20 Commission reviewed and considered the information contained in these documents prior to  
21 making a decision on the project.

22           WHEREAS, the Mitigated Negative Declaration and Mitigation and Monitoring and  
23 Reporting Program (MMRP) have been determined to be accurate and adequate documents,  
24 which reflect the independent judgment and analysis of the Planning Commission. On the basis  
25 of the entire record before it, the Planning Commission finds that there is no substantial evidence  
26 that the project, with implementation of the mitigation measures proposed, will have a significant  
27 impact on the environment.

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

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

3 **FINDINGS:**

4 **For the Development Plan D-13-07:**

- 5 1. The site plan and physical design of the project as proposed is consistent with the  
6 purposes of the Zoning Ordinance. The project meets or exceeds the requirements of  
7 Articles 14 and 43 of the Oceanside Zoning Ordinance.
- 8 2. The proposed residence is consistent with the General Plan and will not be detrimental to  
9 the public health, safety, or welfare and to properties or improvements in the vicinity.
- 10 3. The project is consistent with the existing and potential development on adjoining  
11 properties or in the surrounding neighborhood. There are many large residential  
12 structures throughout the Agricultural District.

13 **For the Variance V-13-07:**

- 14 1. Due to the topography of the site, a reduced front yard setback from 40 feet to 30 feet  
15 would to reduce the amount of grading and reduce the environmental impacts on the  
16 Diegan Coastal Sage Scrub.
- 17 2. The neighboring property was constructed at a closer front yard setback than 40 feet.  
18 Therefore, this project will not be setting precedence.
- 19 3. The reduced setback will not have a visual impact on the surrounding neighborhood  
20 because the project site is located at the end of a cul-de-sac.

21 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby  
22 approve the Mitigated Negative Declaration and adopt the mitigation measures provided therein,  
23 and approve Development Plan (D-13-07, V-13-07), subject to the following conditions:

24 **Building:**

- 25 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for  
26 Building Division plan check. (Currently the 2007 California Building Code, and 2007  
27 California Electrical Code)
- 28 2. The granting of approval under this action shall in no way relieve the applicant/project  
29 from compliance with all State and Local building codes.

- 1 3. The building plans for this project are required by State law to be prepared by a licensed  
2 architect or engineer and must be in compliance with this requirement prior to submittal  
3 for building plan review.
- 4 4. All electrical, communication, CATV, etc. service lines within the exterior lines of the  
5 property shall be underground (City Code Sec. 6.30).
- 6 5. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the  
7 plans.
- 8 6. The developer shall monitor, supervise and control all building construction and  
9 supporting activities so as to prevent these activities from causing a public nuisance,  
10 including, but not limited to, strict adherence to the following:
  - 11 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00  
12 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for  
13 work that is not inherently noise-producing. Examples of work not permitted on  
14 Saturday are concrete and grout pours, roof nailing and activities of similar noise-  
15 producing nature. No work shall be permitted on Sundays and Federal Holidays  
16 (New Year's Day, Memorial Day, July 4<sup>th</sup>, Labor Day, Thanksgiving Day, and  
17 Christmas Day) except as allowed for emergency work under the provisions of the  
18 Oceanside City Code Chapter 38 (Noise Ordinance).
  - 19 b) Construction site shall be kept reasonably free of construction debris as specified in  
20 Section 13.17 of the Oceanside City Code. Storage of debris in approved solid  
21 waste containers shall be considered compliance with this requirement. Small  
22 amounts of construction debris may be stored on-site in a neat, safe manner for  
23 short periods of time pending disposal.
- 24 7. A complete Soils Report, Structural Calculations & Energy Calculations/documentation  
25 will be required at time of plans submittal to the Building Division for plan check. The  
26 Soils Report & Structural Calculations must show that the hillside soils conditions are  
27 suitable to support the Buildings, Retaining walls, etc. for this project.
- 28 8. As part of your plan check submittal for a Building Permit, submit a "plat" drawing  
29 showing the first floor elevations for each segment, the locations of the points where the  
floor level is six feet above grade, and the lowest elevation within five feet from the  
building for each segment.

- 1 9. Verification of County Health Department review/approval for the septic system must be  
2 submitted to the Building Division with the plans submittal. LPG/Propane tank  
3 locations and capacities must be shown on the Plot Plan.
- 4 10. Separate/unique addresses will/may be required to facilitate utility releases. Verification  
5 that the addresses have been properly assigned by the City's Planning Division must  
6 accompany the Building Permit application.

7 **Engineering:**

- 8 11. If the project involves demolition of an existing structure or surface improvements, the  
9 grading plans shall be submitted and erosion control plans be approved by the City  
10 Engineer prior to the issuance of a demolition permit. No demolition shall be permitted  
11 without an approved erosion control plan.
- 12 12. Design and construction of all improvements shall be in accordance with standard plans,  
13 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 14 13. Prior to issuance of a building permit all improvement requirements shall be covered by  
15 a development agreement and secured with sufficient improvement securities or bonds  
16 guaranteeing performance and payment for labor and materials, setting of monuments,  
17 and warranty against defective materials and workmanship.
- 18 14. The approval of the project shall not mean that closure, vacation, or abandonment of any  
19 public street, right-of-way, easement, or facility is granted or guaranteed to the  
20 developer/owner. The developer/owner is responsible for applying for all closures,  
21 vacations, and abandonments as necessary. The application(s) shall be reviewed and  
22 approved or rejected by the City of Oceanside under separate process (es) per codes,  
23 ordinances, and policies in effect at the time of the application.
- 24 15. Where proposed off-site improvements, including but not limited to slopes, public utility  
25 facilities, and drainage facilities, are to be constructed, the developer/owner shall, at his  
26 own expense, obtain all necessary easements or other interests in real property and shall  
27 dedicate the same to the City of Oceanside as required. The applicant shall provide  
28 documentary proof satisfactory to the City of Oceanside that such easements or other  
29 interest in real property have been obtained prior to issuance of any grading, building or  
improvement permit for the project. Additionally, the City of Oceanside, may at its sole  
discretion, require that the applicant obtain at his sole expense a title policy insuring the

1 necessary title for the easement or other interest in real property to have vested with the  
2 City of Oceanside or the applicant, as applicable.

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

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

11 a) Dirt, debris and other construction material shall not be deposited on any public  
12 street or within the City's stormwater conveyance system.

13 b) All grading and related site preparation and construction activities shall be  
14 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No  
15 engineering related construction activities shall be conducted on Saturdays,  
16 Sundays or legal holidays unless written permission is granted by the City Engineer  
17 with specific limitations to the working hours and types of permitted operations.  
18 All on-site construction staging areas shall be as far as possible (minimum 100  
19 feet) from any existing residential development. Because construction noise may  
20 still be intrusive in the evening or on holidays, the City of Oceanside Noise  
21 Ordinance also prohibits "any disturbing excessive or offensive noise which  
22 causes discomfort or annoyance to reasonable persons of normal sensitivity."

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

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

28 18. It is the responsibility of the owner/developer to evaluate and determine that all soil  
29 imported as part of this development is free of hazardous and/or contaminated material  
as defined by the City and the County of San Diego Department of Environmental

1 Health. Exported or imported soils shall be properly screened, tested, and documented  
2 regarding hazardous contamination.

3 19. A traffic control plan shall be prepared according to the City traffic control guidelines  
4 and be submitted to and approved by the City Engineer prior to the start of work within  
5 open City rights-of-way. Traffic control during construction of streets that have been  
6 opened to public traffic shall be in accordance with construction signing, marking and  
7 other protection as required by the Caltrans Traffic Manual and City Traffic Control  
8 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless  
9 approved otherwise.

10 20. Approval of this development project is conditioned upon payment of all applicable impact  
11 fees and connection fees in the manner provided in chapter 32B of the Oceanside City  
12 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,  
13 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid  
14 prior to recordation of the map or the issuance of any building permits, in accordance with  
15 City Ordinances and policies. The developer/owner shall also be required to join into,  
16 contribute, or participate in any improvement, lighting, or other special district affecting or  
17 affected by this project. Approval of the tentative map (project) shall constitute the  
18 developer's approval of such payments, and his agreement to pay for any other similar  
19 assessments or charges in effect when any increment is submitted for final map or building  
20 permit approval, and to join, contribute, and/or participate in such districts.

21 21. Sidewalk improvements (if any) shall comply with ADA requirements and all pedestrian  
22 ramps for public access must be fully located within public right-of-way.

23 22. The developer/owner shall pay all applicable fees, energy charges, and/or assessments  
24 associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the  
25 formulation of, or the annexation to, any appropriate street lighting district.

26 23. Prior to approval of the grading plans, the developer/owner shall contract with a  
27 geotechnical engineering firm to perform a field investigation for the existing pavement of  
28 the cul-de-sac. The limits of the study shall be the cul-de-sac area. The field investigation  
29 shall include a minimum of two pavement borings. Should the existing AC thickness be  
determined to be less than the current minimum standard for AC and Class II Base as set  
forth in the table for City of Oceanside Pavement Design Guidelines in the City of

1 Oceanside Engineers Manual, the developer/owner shall remove and reconstruct the  
2 pavement section as determined by the pavement analysis submittal process detailed in  
3 Item No. 24 below.

4 24. Upon review of the pavement investigation of the cul-de-sac, the City Engineer shall  
5 determine whether the developer shall: 1) Repair all failed pavement sections, header cut  
6 and grind per the direction of the City Engineer, and construct a two-inch thick rubberized  
7 AC overlay; or 2) Perform R-value testing and submit a study that determines if the  
8 existing pavement meets current City standards/traffic indices. Should the study conclude  
9 that the pavement does not meet current requirements, rehabilitation/mitigation  
10 recommendations shall be provided in a pavement analysis report, and the developer/owner  
11 shall reconstruct the pavement per these recommendations, subject to approval by the City  
12 Engineer.

13 25. Any existing broken pavement, concrete curb, AC berg, gutter or sidewalk or any  
14 damaged during construction of the project, shall be repaired or replaced as directed by  
15 the City Engineer.

16 26. All existing overhead utility lines within the property and all new extension services for  
17 the development of the project, including but not limited to, electrical, cable and  
18 telephone, shall be placed underground per Section 901.G. of the Subdivision Ordinance  
(R91-166) and as required by the City Engineer and current City policy.

19 27. The developer/owner shall comply with all the provisions of the City's cable television  
20 ordinances including those relating to notification as required by the City Engineer.

21 28. Grading and drainage facilities shall be designed and installed to adequately accommodate  
22 the local stormwater runoff and shall be in accordance with the City's Engineers Manual  
23 and as directed by the City Engineer.

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

- 1 30. The approval of the project shall not mean that proposed grading or improvements on  
2 adjacent properties (including any City properties/right-of-way or easements) is granted  
3 or guaranteed to the developer/owner. The developer/owner is responsible for obtaining  
4 permission to grade to construct on adjacent properties. Should such permission be  
5 denied, the project shall be subject to going back to the public hearing or subject to a  
6 substantial conformity review.
- 7 31. Prior to any grading of any part of the tract or project, a comprehensive soils and geologic  
8 investigation shall be conducted of the soils, slopes, and formations in the project. All  
9 necessary measures shall be taken and implemented to assure slope stability, erosion  
10 control, and soil integrity. No grading shall occur until a detailed grading plan, to be  
11 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by  
12 the City Engineer.
- 13 32. This project shall provide year-round erosion control including measures for the site  
14 required for the phasing of grading. Prior to the issuance of grading permit, an erosion  
15 control plan, designed for all proposed stages of construction, shall be reviewed, secured  
16 by the applicant with cash securities and approved by the City Engineer.
- 17 33. A precise grading plan shall be prepared, reviewed, secured and approved prior to the  
18 issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped  
19 areas, special surfaces, curbs, gutters, medians, striping, and signage, footprints of all  
20 structures, walls, drainage devices and utility services. Parking lot striping and any on-site  
21 traffic calming devices shall be shown on all Precise Grading and Private Improvement  
22 Plans.
- 23 34. Landscaping plans, including plans for the construction of walls, fences or other structures  
24 at or near intersections, must conform to intersection sight distance requirements.  
25 Landscape and irrigation plans for disturbed areas must be submitted to the City Engineer  
26 prior to the issuance of a preliminary grading permit and approved by the City Engineer  
27 prior to the issuance of occupancy permits. Frontage and median landscaping shall be  
28 installed prior to the issuance of any certificates of occupancy. Any project fences, sound  
29 or privacy walls and monument entry walls/signs shall be shown on, bonded for and built  
from the landscape plans. These features shall also be shown on the precise grading plans  
for purposes of location only. Plantable, segmental walls shall be designed, reviewed and

1 constructed by the grading plans and landscaped/irrigated through project landscape plans.  
2 All plans must be approved by the City Engineer and a pre-construction meeting held,  
3 prior to the start of any improvements.

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

11 36. Install type "B" brow ditch per San Diego County Regional Standards Drawings D-75  
12 along the interior southern boundary of the project to convey drainage discharge into the  
13 existing detention facility located at the most south westerly corner of the property.

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

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

1 drains and other drainage facilities to include Best Management Practices to minimize  
2 non-point source pollution, satisfactory to the City Engineer.

3 39. Upon acceptance of any fee waiver or reduction by the developer/owner, the entire  
4 project will be subject to prevailing wage requirements as specified by Labor Code  
5 section 1720(b) (4). The developer/owner shall agree to execute a form acknowledging  
6 the prevailing wage requirements prior to the granting of any fee reductions or waivers.

7 40. The project requires submission and approval of a Storm Water Mitigation Plan  
8 (SWMP); the developer/owner shall prepare and submit an Operations & Maintenance  
9 (O&M) Plan to the City Engineer with the first submittal of engineering plans. The  
10 O&M Plan shall be prepared by the developer's/owner's Civil Engineer. It shall be  
11 directly based on the project's SWMP previously approved by the project's approving  
12 authority (Planning Commission/City Council/Community Development Commission).  
13 At a minimum the O&M Plan shall include the designated responsible parties to manage  
14 the stormwater BMP(s), employee's training program and duties, operating schedule,  
15 maintenance frequency, routine service schedule, specific maintenance activities, copies  
16 of resource agency permits, cost estimate for implementation of the O&M Plan and any  
17 other necessary elements.

18 41. The developer/owner shall enter into a City-Standard Stormwater Facilities Maintenance  
19 Agreement with the City obliging the project proponent to maintain, repair and replace  
20 the Storm Water Best Management Practices (BMPs) identified in the project's approved  
21 SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved  
22 by the City Attorney prior to issuance of any precise grading permit and shall be  
23 recorded at the County Recorder's Office prior to issuance of any building permit.  
24 Security in the form of cash (or certificate of deposit payable to the City) or an  
25 irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise  
26 grading permit. The amount of the security shall be equal to 10 years of maintenance  
27 costs, as identified by the O&M Plan, but not to exceed a total of \$25,000. The  
28 applicant's Civil Engineer shall prepare the O&M cost estimate.

29 42. At a minimum, maintenance agreements shall require the staff training, inspection and  
maintenance of all BMPs on an annual basis. The developer/owner shall complete and  
maintain O&M forms to document all maintenance activities. Parties responsible for the

1 O&M plan shall retain records at the subject property for at least 5 years. These  
2 documents shall be made available to the City for inspection upon request at any time.

3 43. The Agreement shall include a copy of executed on-site and off-site access easements  
4 necessary for the operation and maintenance of BMPs that shall be binding on the land  
5 throughout the life of the project to the benefit of the party responsible for the O&M of  
6 BMPs, satisfactory to the City Engineer. The agreement shall also include a copy of the  
7 O&M Plan approved by the City Engineer.

8 44. The BMPs described in the project's approved SWMP shall not be altered in any way,  
9 shape or form without formal approval by either an Administrative Substantial  
10 Conformance issued by the Community Development Department/Planning Division or  
11 the project's final approving authority (Planning Commission/Community Development  
12 Commission/City Council) at a public hearing. The determination of whatever action is  
13 required for changes to a project's approved SWMP shall be made by the Community  
14 Development Department/Planning Division.

15 45. The developer/owner shall provide a copy of the title/cover page of an approved SWMP  
16 with the first engineering submittal package. If the project triggers the City's  
17 Stormwater requirements but no approved Stormwater document SWMP exists, the  
18 appropriate document shall be submitted for review and approval by the Public Works  
19 Department. The SWMP shall be prepared by the applicant's Civil Engineer. All  
20 Stormwater documents shall be in compliance with the latest edition of submission  
21 requirements.

22 46. In the event that the conceptual plan does not match the conditions of approval, the  
23 resolution of approval shall govern.

24 **Fire Prevention:**

25 47. All structural mitigation notes and details resulting from the Fire Department conditions  
26 shall be included on the architectural plans when submitted to the Building Division for  
27 building permit.

28 48. Fire Department requirements shall be placed on plans in the notes section, and details  
29 section.

1 49. Roof covering: Roofs shall have a class “A” roof covering. For roof coverings where  
2 the profile allows a space between the roof covering and roof decking, the space at the  
3 eave ends shall be fire stopped to preclude entry of flames or embers.

4 Insulation:

5 Paper faced insulation shall be prohibited in attics or ventilated spaces.

6 Protection of eaves:

7 Eave assembly must be one-hour fire rated construction.

8 Eaves and soffits shall be protected on the exposed underside by materials approved for  
9 a minimum one-hour fire resistance rated construction.

10 Fascias are required and must be protected on the backside by materials approved for a  
11 minimum of one-hour fire resistance rated construction or two-inch (51mm) nominal  
12 dimension lumber.

13 Gutters and downspouts:

14 Gutters and downspouts shall be constructed of noncombustible material.

15 Gutters shall be designed to reduce the accumulation of leaf litter and debris that  
16 contributes to roof edge ignition.

17 Exterior walls:

18 Exterior walls of buildings or structures shall be constructed with materials approved for  
19 a minimum of one-hour fire resistance rated construction on the exterior side or  
20 constructed with approved noncombustible materials.

21 Exterior wall coverings must meet the 1 hour fire resistance requirement.

22 Exception:

23 Heavy timber or log wall construction. Such material shall extend from the top of the  
24 foundation to the underside of the roof sheathing.

25 Unenclosed under floor protection:

26 Buildings or structures shall have all under floor areas enclosed to the ground with  
27 exterior walls with a one-hour fire rating

28 Exception:

29 Complete enclosure may be omitted where the underside of all exposed floors and all  
exposed structural columns, beams and supporting walls are protected as required for  
exterior 1 hour fire resistance rated construction or heavy timber construction.

1           Appendages and projections:

2           Where fencing attached to or immediately adjacent to structures face the vegetative  
3           fuels, the first five feet (1 524 mm) of such fencing which connects to the structure, shall  
4           be constructed of noncombustible, heavy timber or fire retardant pressure treated wood  
5           or material.

6           Unenclosed accessory structures attached to buildings with habitable spaces and  
7           projections such as deck assemblies shall be a minimum of a one-hour fire rated  
8           assembly, which includes railings.

9           When the attached structure is located and constructed so that the structure or any  
10          portion thereof projects over a descending slope surface greater than 10 percent, the area  
11          below the structure shall have all under floor areas enclosed to within six inches (152  
12          mm) of the ground, with exterior wall construction that meets the one-hour fire  
13          resistance rating.

14          Exterior glazing, and skylights:

15          Exterior gazing or other transparent, translucent or opaque glazing shall be tempered  
16          glass, multilayered glass panels, or glass block each having a fire protection rating of not  
17          less than 20 minutes. Glazing frames made of vinyl materials shall have welded corners,  
18          metal reinforcement in the interlock area, and be certified to ANSI/AAMA/NWDA  
19          101/I.S.2-97 structural requirements. Skylights shall be tempered glass or a class "A"  
20          rated assembly.

21          Exterior windows, window walls and glazed doors, windows within exterior doors, and  
22          skylights shall be tempered glass, multilayered glazed panels, glass block or have a fire  
23          protection rating of not less than 20 minutes.

24          Exterior doors:

25          Exterior doors shall be of approved noncombustible construction, solid core wood not  
26          less than 1 3/4 inches thick (45mm), or have a fire protection rating of not less than 20  
27          minutes. Windows within doors and glazed doors shall be in accordance with the  
28          exterior glazing and skylights section.

29          Exception:

            Vehicle access doors

1           Vents:

2           Attic ventilation openings, foundation or under floor vents, or other ventilation openings  
3           in vertical exterior walls and vents through roofs shall not exceed 144 square inches  
4           (0.0929 m<sup>2</sup>) each. Such vents shall be covered with noncombustible corrosion resistant  
5           mesh with openings not to exceed ¼ inch (6.4 mm), or shall be designed and approved to  
6           prevent flame or ember penetration into the structure.

7           Turbine attic vents shall be equipped to allow only one way direction rotation and shall  
8           not free spin in both directions.

9           Attic ventilation openings shall not be located in soffits, in eave overhangs, between  
10          rafters at eaves, or in other overhang areas. Gable end and dormer vents shall be located  
11          at least 10 feet (3048 mm) from property lines. Under floor ventilation openings shall be  
12          located as close to grade as practical.

13          Detached accessory structures:

14          Detached accessory structures located less than 50 feet (15 240 mm) from a building  
15          containing a habitable space shall be a minimum one-hour fire resistance rated assembly.  
16          When the detached structure is located and constructed so that the structure or any  
17          portion thereof projects over a descending slope surface greater than 10 percent, the area  
18          below the structure shall have all under floor areas enclosed to within six inches (152  
19          mm) of the ground, with exterior wall construction with a 1 hour fire resistance rating.

20          Exception:

21          The enclosure may be omitted where the underside of all exposed floors and all exposed  
22          structural columns, beams and supporting walls are protected as required for exterior  
23          one-hour fire resistance rated construction or heavy timber construction.

24          50. Provide a 100-foot fire buffer measured from the farthest projection of the structure on a  
25          horizontal plane. Approval of Fuel Modification Plan by the Fire Department does not  
26          eliminate the requirement to obtain appropriate environmental grading and zoning  
27          clearance/permits from the agency having jurisdiction.

28          51. The size of fire hydrant outlets shall be 2 ½ "X 4".

29          52. A minimum fire flow of 1500 gallons per minute shall be provided.

            53. A fire apparatus access road shall be provided to within 150 feet of all exterior walls of  
            the first floor of the building. The route of the fire apparatus access road shall be

1 approved by the fire department. The 150 feet is measured by means of an unobstructed  
2 route around the exterior of the building.

3 54. Apparatus access roads shall have a minimum unobstructed width of 28 feet. A  
4 minimum vertical clearance of 14 feet shall be provided for the apparatus access roads.

5 55. Fire Department emergency access shall not exceed 15 percent grade.

6 56. Cul-de-sacs shall be shown on the site plan with a 40-foot radius minimum.

7 57. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per City  
8 Vehicle Code Section 22500.1 and in accordance with the Fire Department Standard  
9 Guidelines for Emergency Access.

10 58. Provide a 13D fire sprinkler system. The system shall be designed per N.F.P.A. 13D and  
11 U.B.C. Standard 9-3. The Standard for the Installation of Sprinkler Systems in one-and  
12 two-Family Dwellings and Manufactured Homes.

13 59. In accordance with the Uniform Fire Code Sec. 901.1.4.4, approved addresses for  
14 residential occupancies shall be placed on the structure in such a position as to be plainly  
15 visible and legible from the street or roadway fronting the property. Numbers shall  
16 contrast with their background.

17 60. Single-family dwellings require 4-inch address numbers.

18 61. Plans shall be submitted to the Fire Prevention Bureau for plan check review and  
19 approval prior to the issuance of building permits.

20 62. Buildings shall meet Oceanside Fire Department's current codes at the time of building  
21 permit application.

22 63. Structural Mitigation may be required with the notes and details for the structural  
23 mitigation on the building plans prior to project approval.

24 64. Plans shall be submitted to the Oceanside Fire Prevention Bureau for review and  
25 approval prior to construction.

26 65. Submit a copy of as built plans on a CD for all projects on the job site before final  
27 occupancy.

28 66. Future development of the property will require compliance with all applicable Fire  
29 Department Codes and Standards.

67. Fire Department requirements shall be placed on plans in the notes section.

- 1 68. Show photographs and an aerial map showing a 1000-foot beyond the property line in a  
2 360 degree view. Prior to the application being approved.
- 3 69. All structural mitigation notes and Fire Department conditions shall be included on the  
4 architectural plans when submitted to the Building Division for building permit.
- 5 70. Remove the need for plantable walls on the project; they are prohibited per Fire  
6 Department requirements. The applicant has the option to design the project without  
7 retaining walls, so there is no need for plantable walls.
- 8 71. Trees must be 10 feet off of structures measured at maturity of the tree from the dripline  
9 of the tree to the farthest projection of the structure.
- 10 72. Brush management is required in all zones when they are adjacent to any highly  
11 flammable area of native or naturalized vegetation.
- 12 73. Brush management zones shall be measured on a horizontal plane. Brush management  
13 zone one is the area from the building to a point 40 feet away. This zone shall be  
14 modified and planted with drought tolerant, fire resistive plants. Grass and other  
15 vegetation located more than 50 feet from buildings or structures and less than six inches  
16 in height need not be removed where necessary to stabilize the soil and prevent erosion.  
17 Irrigation is required for zone one. The second zone is the area between 40 to 70 feet  
18 from the building. In this zone the native vegetation may remain, but all native,  
19 unbroken vegetation must be thinned out by 70 percent. All dead and dying vegetation  
20 in addition to undesirable plants and weeds listed in the Fire Department plant  
21 guidelines shall be removed; this zone shall be permanently irrigated. Zone three is the  
22 area between 70 and 100 feet from the building. In this zone the native vegetation may  
23 remain, but all native unbroken vegetation must be thinned out by 50 percent. All dead  
24 and dying vegetation in addition to undesirable plants and weeds as listed in the Fire  
25 Department plant guidelines shall be removed.
- 26 \*Zone 3 was exempted from any Fire Department requirements for thinning.
- 27 74. Zone one shall contain no habitable structures, structures that are directly attached to  
28 habitable structures, or other combustible construction that provides a means for  
29 transmitting fire to the habitable structures. Structures such as fences, walls, and non-  
habitable gazebos shall be of non-combustible construction, and not plantable.

1 75. Off-site fuel modification is not recommended due to problems inherent with  
2 enforcement of regulations on adjacent property and the potential for confusion  
3 regarding responsibility for fuel modification on areas outside of legal ownership.  
4 Proper on-site fuel modification design should determine where development can safely  
5 be located and should be an integral part of the development proposal. Should off-site  
6 fuel modification be deemed a necessity, appropriate legally recorded instruments must  
7 be established that clearly state the responsibilities and rights of the parties involved  
8 relative to the establishment and maintenance of the fuel modification area. It should be  
9 understood that the allowance of off-site fuel modification by an adjacent property owner  
10 may affect the rights and/or use of the off-site property. All agreements for any off-site  
11 fuel modifications shall be integrated into fuel modification plans with a letter from  
12 adjoining property owner giving rights to maintain fuels.

13 76. Site Inspection – site inspection may reveal conditions which have changed since plan  
14 review. When such discrepancies arise, field inspection shall take precedence.

15 77. Two-story structures must have a 30-foot setback from the top of the slope, single-story  
16 structures must have a 15-foot setback from the top of the slope.

17 78. Submit three sets of plans prepared by a licensed landscape architect or other design  
18 professional with equivalent credentials, for review.

19 79. The following shall be included on the conceptual fuel modification plan:

- 20 a) Delineation of each zone (setback, irrigated, and thinning) with a general  
21 description of each zone's dimensions and character; i.e., 0-40' Zone 1, with  
22 existing vegetation removed, irrigated, and planted with drought-tolerant and  
23 fire-resistant plant material. (Refer to fuel modification packet)
- 24 b) Identify removal of undesirable plant species in accordance with the Oceanside  
25 Fire Prone Plant Species List (refer to fuel modification packet)
- 26 c) Existing vegetation impacted by the required fuel modification and, if available,  
27 proposed vegetation to be planted in the fuel modification area. The conceptual  
28 plans should be sensitive to rare and endangered species.
- 29 d) The design professional must be prepared to address their disposition in the final  
plans.

- 1 e) Identify the design of the proposed development, showing all property lines,
- 2 contour lines, and the proposed location of all structures nearest to the fuel
- 3 modification area, if available.
- 4 f) Photographs of the area that show the type of vegetation that currently exist,
- 5 including height and density, and the topography of the site. Include aerial
- 6 photographs.
- 7 g) Description of the methods to be used for vegetation removal, if appropriate; i.e.,
- 8 mechanical or manual.
- 9 h) Location of emergency and maintenance access easements every 500 feet of the
- 10 fuel modification area. Access easements shall have a minimum 10 feet width;
- 11 alternatively 5 feet wide easements provided every 250 feet is acceptable. Gates
- 12 shall be a minimum of 36 inches wide. The easements shall be maintained free
- 13 of vegetation or any structures.
- 14 i) Identify what exists 1000 feet beyond the development property lines in all
- 15 directions; i.e., construction, natural vegetation, roads, parks, etc. (Note: the OFD
- 16 may require additional information on a project-specific basis.)
- 17 j) Identify all proposed off-site fuel modification areas and appropriate legal
- 18 agreements with adjacent property owners.
- 19 k) Existing and new plants will be in accordance with the Oceanside Fire
- 20 Department's approved plant palette.

21 86. Precise fuel modification plans shall include all information required on conceptual fuel  
 22 modification plans and the following additional information.

- 23 a) Location and detail of permanent zone markers. (Refer to fuel modification
- 24 packet)
- 25 b) Plant palette to be installed in accordance to acceptable guidelines .
- 26 c) Irrigation plans and specifications.
- 27 d) Building footprints or statements that clearly indicates the limits of proposed
- 28 development.
- 29 e) All applicable maintenance requirements and assignments of responsibility.
- f) Tracked or project conditions, CC&R and/or deed restrictions relative to fuel  
 modifications. (Refer to fuel modification packet)

1 **Mitigation and Monitoring Measures:**

- 2 87. The following mitigation measures identified in the approved Mitigated Negative  
3 Declaration shall be complied with -at a minimum- as stated in that document or as  
4 modified by more restrictive City Code, Zoning Ordinance requirements or conditions of  
5 project approval.
- 6 88. A survey will be conducted prior to any construction activities taking place on the property.  
7 The survey will follow the U.S. Fish and Wildlife Service protocol as well as the  
8 California Department of Fish and Game.
- 9 89. In the event any subsurface archaeological resources are encountered during grading or  
10 construction activities, such activities in the locality of the find shall be halted immediately.  
11 An archaeologist, certified by the Society of Professional Archeologists (SOPA), shall be  
12 brought in to determine the significance of the archaeological resources and implement  
13 appropriate mitigations prior to recommending earthwork.
- 14 90. A pre-excavation agreement shall be executed between the applicant and the San Luis Rey  
15 Band of Mission Indians, specifying the disposition of human remains, grave goods, or  
16 other culturally sensitive material encountered during grading, trenching or other ground  
17 disturbance in conjunction with implementation of the proposed project.
- 18 91. An archaeologist and a Native American monitor shall be on-site during grading and  
19 trenching within the project area. The archaeologist and the Native American monitor may  
20 determine, in coordination with City staff, that the full-time presence of a monitor is not  
21 required, that checking the grading at regular intervals is sufficient.
- 22 92. The monitors shall have the power to temporarily halt or redirect grading if sensitive  
23 cultural material is found.
- 24 93. An archaeologist and a Native American monitor shall be present for a pre-grade meeting  
25 to discuss the monitoring program with the grading contractor, City staff and the  
26 developer.
- 27 94. If archaeological materials are encountered, their importance must be evaluated to assess  
28 the significance of impacts. If significant cultural resources are encountered, mitigation  
29 would be accomplished through documentation and excavation of features, cataloging and  
analysis of cultural material collected, and preparation of a report detailing the methods  
and results of the monitoring/data recovery program.

- 1 95. Any cultural material recovered shall be curated at an appropriate facility, except as  
2 stipulated differently in the pre-excavation agreement.
- 3 96. Prior to the issuance of grading permits, the applicant shall establish a program with a  
4 qualified paleontologist to monitor grading activities. The applicant shall provide the  
5 Planning Division with a copy of the paleontological resource-monitoring program.
- 6 97. All disturbed habitat will be mitigated for at an off-site location.
- 7 98. A member of the San Luis Rey Ban of Mission Indians shall be present during all  
8 groundbreaking activities. A pre-excavation agreement shall be executed between the  
9 applicant and the San Luis Rey Band of Mission Indians specifying the appropriate  
10 treatment of remains and cultural items and that items recovered during the grading  
11 treatment of remains and cultural items and that items recovered during the grading process  
12 be returned to the Band or re-interred in the same area in which they were discovered. This  
13 mitigation/condition will be required prior to the issuance of grading permits.

14 **Planning:**

- 15 99. This Development Plan D-13-07 and Variance V-13-07 shall become effective on the  
16 date of adoption of the Planning Commission Resolution, unless appealed, as provided  
17 for in the Zoning Ordinance.
- 18 100. This Development Plan and Variance approves only a new 6,157-square foot single-family  
19 residence and to reduce the front yard setback from 40 feet to 30 within the site as shown  
20 on the plans and exhibits presented to the Planning Commission for review and approval.  
21 No deviation from these approved plans and exhibits shall occur without City Planner  
22 approval. Substantial deviations shall require a revision to the Development Plan and or a  
23 new Development Plan.
- 24 101. Upon application by the project applicant filed prior to the expiration of a D-13-07 and  
25 Variance V-13-07, the time at which the development plan expires may be extended by  
26 the Planning Commission for a period not to exceed City Council Policies or the Zoning  
27 Ordinance regulations. Application for a time extension shall be made in writing to the  
28 City Planner no less than 30 days or more than 90 days prior to expiration.
- 29 102. A request for changes in conditions of approval of a development plan and/or variance,  
or a change to the development plan and/or variance that would affect a condition of  
approval shall be treated as a new application. The City Planner may waive the

1 requirement for a new application if the changes requested are minor, do not involve  
2 substantial alterations or addition to the plan or the conditions of approval, and are  
3 consistent with the intent of the project's approval or otherwise found to be in substantial  
4 conformance.

5 103. This Development Plan D-13-07 and Variance V-13-07 shall lapse two years after the  
6 effective date of approval unless implemented as required by the Zoning Ordinance.

7 104. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold  
8 harmless the City of Oceanside, its agents, officers or employees from any claim, action  
9 or proceeding against the City, its agents, officers, or employees to attack, set aside, void  
10 or annul an approval of the City, concerning Development Plan D-13-07 and Variance  
11 V-13-07. The City will promptly notify the applicant of any such claim, action or  
12 proceeding against the City and will cooperate fully in the defense. If the City fails to  
13 promptly notify the applicant of any such claim action or proceeding or fails to cooperate  
14 fully in the defense, the applicant shall not, thereafter, be responsible to defend,  
15 indemnify or hold harmless the City.

16 105. A covenant or other recordable document approved by the City Attorney shall be  
17 prepared by the property owner and recorded prior to the issuance of building permits.  
18 The covenant shall provide that the property is subject to this resolution, and shall  
19 generally list the conditions of approval.

20 106. Prior to the transfer of ownership and/or operation of the site the owner shall provide a  
21 written copy of the applications, staff report and resolutions for the project to the new  
22 owner and or operator. This notification's provision shall run with the life of the project  
23 and shall be recorded as a covenant on the property.

24 107. Failure to meet any conditions of approval for this development shall constitute a violation  
25 of the Development Plan D-13-07 and Variance V-13-07.

26 108. Unless expressly waived, all current zoning standards and City ordinances and policies in  
27 effect at the time building permits are issued are required to be met by this project. The  
28 approval of this project constitutes the applicant's agreement with all statements in the  
29 Description and Justification, and other materials and information submitted with this  
application, unless specifically waived by an adopted condition of approval.

1 109. All mechanical rooftop (for example, HVAC units) and ground equipment (for example,  
2 generators) shall be screened from public view as required by the Zoning Ordinance. That  
3 is, on all four sides and top; alternatively, a line-of-sight study can be submitted to the City  
4 Planner to determine whether mechanical rooftop and ground equipment is not visible  
5 from any R District. The roof jacks, mechanical equipment, screen and vents shall be  
6 painted with non-reflective paint to match the roof. This information shall be shown on  
7 the building plans.

8 **Water Utilities:**

9 110. The developer will be responsible for developing all water and sewer utilities necessary to  
10 develop the property. Any relocation of water and/or sewer utilities is the responsibility of  
11 the developer and shall be done by an approved licensed contractor at the developer's  
12 expense.

13 111. The property owner will maintain private water and wastewater utilities located on private  
14 property.

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

17 113. All Water and Wastewater construction shall conform to the most recent edition of the  
18 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by  
19 the Water Utilities Director.

20 114. The proposed water meter shall be located behind the property line and not in the right-of-  
21 way.

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

25 116. No trees, structures or building overhang shall be located within any water or wastewater  
26 utility easement.

27 117. San Diego County Health Department must approve the septic layout and issue a septic  
28 tank permit before the City's Water Utilities Department will approve the plans.

29 118. The project grading plans will require County of San Diego Health Department signoff to  
ensure the proposed septic system design conforms to the approved septic tank permit.

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

4 120. All new development of single-family and multi-family residential units shall include hot  
5 water pipe insulation and installation of a hot water recirculation device or design to  
6 provide hot water to the tap within 15 seconds in accordance with City of Oceanside  
7 Ordinance No. 02-OR126-1.

8 PASSED AND ADOPTED Resolution No. 2008-P65 on October 20, 2008 by the following  
9 vote, to wit:

10 AYES:

11 NAYS:

12 ABSENT:

13 ABSTAIN:

14  
15 \_\_\_\_\_  
16 Claudia Troisi, Chairperson  
17 Oceanside Planning Commission

18 ATTEST:

19 \_\_\_\_\_  
20 Jerry Hittleman, Secretary

21 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that  
22 this is a true and correct copy of Resolution No. 2008-P65.

23 Dated: \_\_\_\_\_ October 20, 2008  
24  
25  
26  
27  
28  
29

Carianne Fawcett  
5062 Corte Alacante  
Oceanside, Ca 92057

December 5, 2007

Dear Oceanside City Planner and Planning Commission,

In regards to project ADP-3-07, "Fawcett Residence", we would like to request a waiver to the "usable rear lot provision" due to the unique construction techniques and site design of the project in conjunction with a Hillside Development Plan. This request is being made in order to reduce the amount of grading and preserve the natural topography. Creating a usable rear yard according to guidelines would involve an excessive amount of grading as well as increase the impact on the Coastal Sage habitat. Angling the house in order to more closely parallel the natural topography as well as the use of a crawl space were both design elements used in order to reduce the impact on the site in following with the specific purposes of the Hillside Development Plan.. Useable rear yard is available behind the garage.

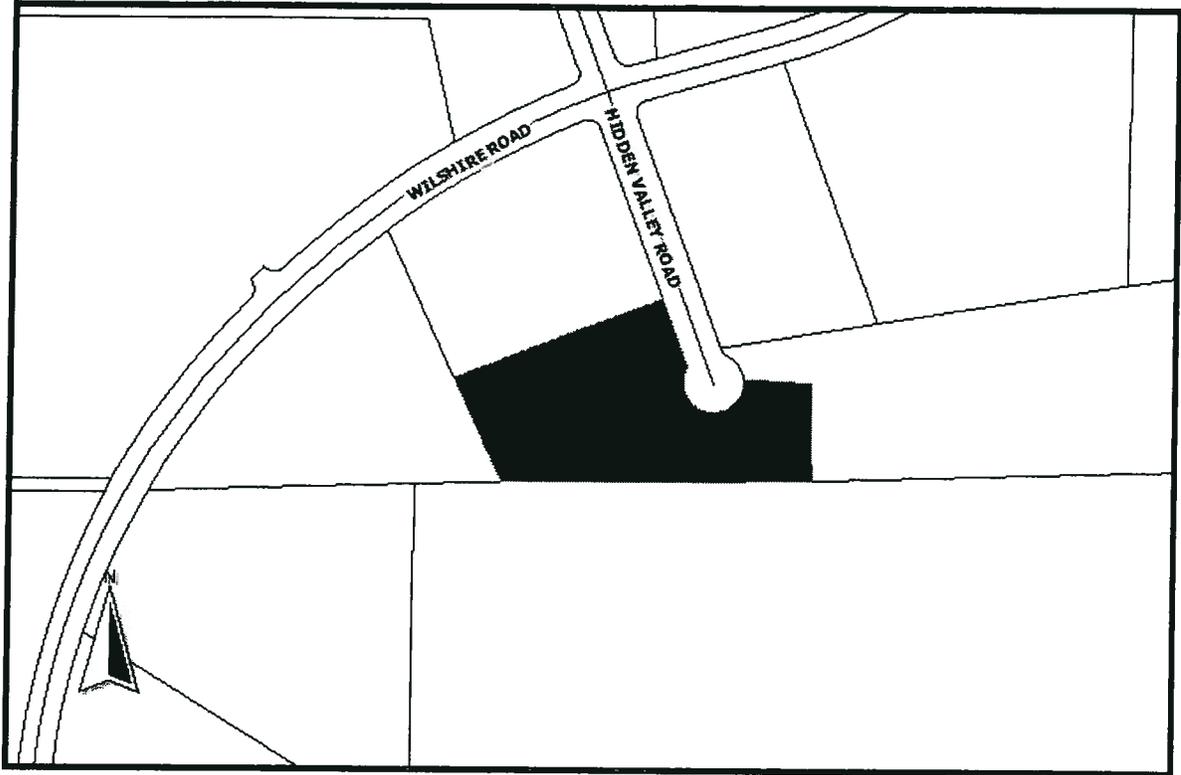
Thank you,  
Carianne Fawcett

This letter is in response to the Fawcett Family

We are the Mertz, Crawford Family at 1494 Wilshire RD. We have met the Fawcett family on many occasions. It is our opinion that their proposal to build their new home would be welcomed and that their family would be an asset to our community. I have spoke with other near by residents and have got the same opinion from them all. We would like to see them start their project as soon as possible.

Respectively Submitted,

Richard E Mertz  
(760)631-1133 HM  
(760)801-5052 Cell



**File Number:** D-13-07, V-13-07

**Applicant:** Jason and Carianne Fawcett

**Description:**

DEVELOPMENT PLAN (D-13-07) and VARIANCE (V-13-07) to allow for the construction of a 5,320-square foot single-family residence and a reduced front yard set back from 40 feet to 30 feet located at 6221 Hidden Valley Road. The project site is zoned A (Agricultural) and is situated within the Morro Hills Neighborhood. — **FAWCETT RESIDENCE**

**Environmental Determination:**

A Mitigated Negative Declaration (MND) has been prepared for the proposed project. The accuracy and adequacy of the MND will be considered, and if appropriate, the document will be certified for compliance with the California Environmental Quality Act (CEQA).

City of Oceanside, Planning Division  
300 N. Coast Highway  
Oceanside, CA 92054 (760) 435-3520

Application For Planning Commission Hearing				STAFF USE ONLY	
Planning Department (760) 435-3520 Oceanside Civic Center 300 North Coast Highway Oceanside, California 92054-2885				ACCEPTED	BY
Please Print or Type All Information				HEARING	
PART I - APPLICANT INFORMATION				GPA	
1. APPLICANT Carianne Fawcett		2. STATUS Owner		MASTER/SP.PLAN	
3. ADDRESS 5062 Corte Alacante Oceanside, Ca 92057		4. PHONE/FAX 949 842-0470		ZONE CH.	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Allen Dueber				TENT. MAP	
6. ADDRESS 9131 Fletcher Pkwy Studio 119 La Mesa, Ca 91942		7. PHONE/FAX 619 504-9110		PAR. MAP	13 7
				DEV. PL.	D-12-C-107-07
				C.U.P.	13
				VARIANCE	V-13-07
				COASTAL	
PART II - PROPERTY DESCRIPTION				O.H.P.A.C.	
8. LOCATION 6221 Hidden Valley Rd. Oceanside, Ca 92078			9. SIZE 2.5 acres		
10. GENERAL PLAN Agricultural	11. ZONING Agricultural	12. LAND USE vacant	13. ASSESSOR'S PARCEL NUMBER 121-290-06-00		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION Construction of a new single family residence REV-2/20/08 4/22/08					
15. PROPOSED GENERAL PLAN Agricultural	16. PROPOSED ZONING Agricultural	17. PROPOSED LAND USE Agricultural	18. NO. UNITS 1	19. DENSITY 1	
20. BUILDING SIZE House - 4730 Garage - 1040	21. PARKING SPACES 4	22. % LANDSCAPE 24%	23. % LOT COVERAGE 54% 4.5%		
PART IV - ATTACHMENTS					
ALL APPLICATIONS			DEV. PLANS, C.U.P.s & TENT. MAPS		
<input checked="" type="checkbox"/> 24. DESCRIPTION/JUSTIFICATION	<input checked="" type="checkbox"/> 25. LEGAL DESCRIPTION		<input checked="" type="checkbox"/> 30. FLOOR PLANS AND ELEVATIONS		
<input checked="" type="checkbox"/> 26. 300-FT. RADIUS MAP	<input checked="" type="checkbox"/> 27. PROPERTY OWNERS' LIST		<input checked="" type="checkbox"/> 31. CONSTRUCTION SCHEDULE		
<input checked="" type="checkbox"/> 28. ENVIRONMENTAL ASSESSMENT	<input checked="" type="checkbox"/> 29. PLOT PLANS		<input checked="" type="checkbox"/> 32. OTHER		
PART V - SIGNATURES					
THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION.			SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS, THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN. (ATTACH ADDITIONAL PAGES AS NECESSARY).		
33. APPLICANT OR REPRESENTATIVE (Print): Carianne Fawcett		34. DATE 8/1/07	37. OWNER (Print) Jason Fawcett		38. DATE 8/1/07
Sign: Carianne M Fawcett		Sign: [Signature]			
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print): Carianne Fawcett		36. DATE 8/1/07	39. OWNER (Print): Carianne Fawcett		40. DATE 8/1/07
Sign: Carianne M Fawcett		Sign: Carianne M Fawcett			

**Fawcett Residence Variance Request  
Submitted to the City of Oceanside  
February 20, 2008**

**Description and Justification**

The proposed project will consist of developing a 2.5 acre parcel for a single family residence. The site is located at 6221 Hidden Valley Road, Oceanside in the neighborhood of Morro Hills. APN 121-290-06-00. The new 2 story residence will be 4,445 square feet and consist of 4 bedroom, 4.5 baths plus an office and bonus room. There will be an 875 square foot attached 4 car garage. It will be a Tuscan style house with a stucco finish and tile roof. Grading will also be done to include a small, 60 foot by 95 foot, grass play area as part of this proposal. A septic system, in accordance with San Diego County guidelines, will also be installed. Electricity will be extended to the house from the street. A 1000 gallon propane tank will be installed. A  $\frac{3}{4}$ " water meter and  $\frac{3}{4}$ " waterline will connect the property to the city water supply. An existing curb cut will be closed according to city guidelines and a new curb cut will be made. All conditions set forth by the city of Oceanside will be met as well as recommendations and requirements made by outside sources (ie Biological, Archaeological and Geotechnical). The proposed project, when completed, will be the primary residence of the Fawcett Family and will be the final property to be developed in the Sleeping Indian Ranch Unit 1 subdivision.

We would also like to request a variance to have the front yard setback reduced from 40' to 30'. Due to the irregular shape and the topography of the property, a reduction in the front setback will create a grading plan that flows with the natural topography of the site. It also allows for the creation of a flat pad for the house foundation reducing the visual impact by removing the sub floor and minimizing the height of the house as seen from the north, west and south. The slope created conforms to the regulations of the Hillside development plan in that it is less than 30' in height and 400' in length and the amount of grading is kept under 7500 cubic yards per developed acre. Neighboring houses will not be affected by the granting of the variance due to their distance from the site and the location of the house at the end of a cul-de-sac. Granting of the application will not constitute a grant of special privilege since the request is being made because of the limitations caused by the property's irregular shape and topography which is unlike those in the vicinity of the site.

### SCHEDULE A

Premium: \$1,545.00

Amount of Insurance: \$420,000.00

Policy Number: DSM-2267654

Date of Policy: April 12, 2006 at 3:20 P.M.

1. Name of insured:

Jason LaVon Fawcett and Carianne Michele Fawcett, husband and wife as joint tenants

2. The estate or interest in the land which is covered by this policy is:

A fee.

3. Title to the estate or interest in the land is vested in:

Jason LaVon Fawcett and Carianne Michele Fawcett, husband and wife as joint tenants

4. The land referred to in this policy is described as follows:

Real property in the City of Oceanside, County of San Diego, State of California, described as follows:

LOT 6 OF SLEEPING INDIAN RANCH UNIT NO. 1, IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA ACCORDING TO MAP THEREOF NO. 9638 FILED IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON MAY 1, 1980.

APN: 121-290-06-00



## NOTICE OF DETERMINATION

City of Oceanside, California

**TO:**  
Recorder/County Clerk  
County of San Diego  
P.O. Box 1750  
San Diego, CA. 92112-4147

**FROM:**  
City of Oceanside  
Environmental Coordinator  
300 N. Coast Highway  
Oceanside, CA 92054

**Subject:** Filing of Notice of Determination in compliance with Public Resources Code, Sections 21108 and 21152.

**SCH No.:** n.a.

**Lead Agency:** City of Oceanside

**Project Manager:** Faith Burton

**Applicant:** **Jason and Carianne Fawcett**

**Address:** 5062 Corte Alacante, Oceanside, CA 92057

**Project Location:** 6221 Hidden Valley Road

**Project Title:** Fawcett Residence

**Description:** To construct a 6,157 square-foot single-family residence with a thirty (30) foot front yard setback

This is to advise that the Planning Commission of the City of Oceanside, as Lead Agency, approved the above described project on October 20, 2008 and determined that:

1. The project will not have a significant effect on the environment.
2. Mitigated Negative Declaration was prepared pursuant to the provisions of CEQA.
3. Mitigation measures were made a condition of approval.
4. A Statement of Overriding Consideration was not adopted.
5. Findings were made pursuant to CEQA.

Furthermore, this certifies that the Mitigated Negative Declaration with comments and responses and the record of project approval is available to the general public at the Development Services Department, Planning Division Counter, 300 N. Coast Highway, Oceanside, California.

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Jerry Hittleman,  
Environmental Administrator

Date: October 21, 2008



DATE POSTED: 10/20/2008  
REMOVE POST: 4/20/2009  
 20 days; or,  
 30 day for SCH review

## MITIGATED NEGATIVE DECLARATION

City of Oceanside, California

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1. **APPLICANT:** Carianne Fawcett
2. **ADDRESS:** 5062 Corte Alacante, Oceanside, CA 92057
3. **PHONE NUMBER:** (949) 842-0470
4. **LEAD AGENCY:** City of Oceanside, 300 N. Coast Hwy., 92054
5. **PROJECT MGR.:** Faith Burton, Planner I
6. **PROJECT TITLE:** Fawcett Residence
7. **DESCRIPTION:** Development plan to construct a 6,157 square foot single family residence with a thirty (30) foot front yard setback.

**CITY PLANNER DETERMINATION:** This project has been evaluated by the City Planner of the City of Oceanside in accordance with the Section 21080(c) of the California Environmental Quality Act (CEQA). On October 20, 2008, the City Planner determined that this project will not have a potentially significant adverse effect on the environment and issued a Mitigated Negative Declaration (MND). The basis for the City Planner's determination is the Initial Study prepared pursuant to Section 15063 of the California Environmental Quality Act (CEQA) Guidelines. Copies may be reviewed or obtained from the Planning Division in City Hall located at 300 N. Coast Hwy. South Building. All public comments on the negative declaration must be provided in writing to the Planning Division on or before the "Posting Removal Date" cited above.

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Jerry Hittleman, City Planner

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cc: County Clerk  
Project file (project manager)  
CEQA file  
Project Applicant  
Posting:  Civic Center;  Public Library;