

AGENDA NO. 5

PLANNING COMMISSION



CITY OF OCEANSIDE

DATE: October 26, 2009

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF TENTATIVE PARCEL MAP (P-2-05) AND CONDITIONAL USE PERMITS (C-2-05, C-40-05) FOR A THREE-LOT SUBDIVISION, WHICH EXCEEDS THE BASE DENSITY, AND PANHANDLE ACCESS ON A 1.0-ACRE SITE LOCATED AT 1814 AVOCADO ROAD – AVOCADO ROAD TENTATIVE PARCEL MAP – APPLICANT: ANN AND GRAHAM FRASER**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15 categorical exemption for minor land divisions pursuant to Section 15315 of the California Environmental Quality Act; and
2. Approve Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-40-05) and adopt Planning Commission Resolution No 2009-P47 with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The subject 1.0 –acre lot is a portion of the North Carlsbad Annex that was created in 1926, and it is currently vacant. The existing elevation at the street is 184 feet, and the slopes on the land do not exceed 20 percent. The site gently rises to an elevation of 218 feet at the rear property line.

The proposed pad elevations are 186.0 feet on Parcel 1; 210 feet on Parcel 2; and 208 feet on Parcel 3.

Surrounding land uses include single-family detached residences on 10,000-square-foot minimum lots. The zoning designation for the site is Residential Estate B (RE-B) District and the General Plan Land Use Category is Estate B Residential (EB-R), which permits 1.0-3.5 dwelling units per gross acre.

Project Description: The project application is comprised of three components: a Tentative Parcel Map and two Conditional Use Permits.

Tentative Parcel Map (T-2-05) represents a request for the following:

1. To permit the division of 1.0-acre of land into three parcels pursuant to Section 302 of the Oceanside Subdivision Ordinance.

Conditional Use Permit (C-2-05) represents a request for the following:

2. To permit development above the base density (1 dwelling unit per gross acre) and to permit 3.0 dwelling units per gross acre, pursuant to Section 1050(B) of the Oceanside Zoning Ordinance.

Conditional Use Permit (C-40-05) represents a request for the following:

3. To permit panhandle access to Parcels 1, 2, and 3 from Avocado Road pursuant to Section 1050(Y) the Oceanside Zoning Ordinance.

ANALYSIS

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

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

KEY PLANNING ISSUES

1. General Plan conformance

A. Land Use Element I. Community Enhancement

Goal: The consistent, significant, long term preservation and improvement of the environment, values, aesthetics, character and image of Oceanside as a safe, attractive, desirable and well-balanced community.

Objective 1.13 Neighborhood Character: To promote and reinforce the unique and positive attributes of individual neighborhoods of Oceanside while strengthening citywide goals, involvement, and identity.

Policy H: For lands within the Loma Alta, Fire Mountain, and South Oceanside Neighborhood Planning Areas that are designated Estate B (1 - 3.5 dwelling unit/acre) and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet as defined in the Zoning Ordinance shall be considered consistent with the underlying Land Use designation of Estate B Residential.

The project site is located within the Fire Mountain Neighborhood Planning Area. The applicant has applied for a conditional use permit to exceed the base density of one (1)

dwelling unit per gross acre. The proposed division of land will create three lots that are at least 10,000 square feet. Pursuant to Policy H of the General Plan, which is consistent with the underlying Land Use designation of the Estate B Residential. The proposed lot sizes are 11,403 net square feet, 15,497 net square feet, and 14,600 net square feet.

The General Plan Land Use Map designation on the subject property is Estate B Residential (EB-R). The proposed project is consistent with this designation and compatible with surrounding lot sizes. Table 1 provides comparisons with adjacent lots.

Table 1 Land Use compatibility with surrounding developments

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property:	EB-R	RE-B	Residential
North of the site	EB-R	RE-B	Residential
East of the site	EB-R	RE-B	Residential
South of the site	EB-R	RE-B	Residential
West of the site	EB-R	RE-B	Residential

The Fire Mountain Neighborhood is distinctive in Oceanside, because it is characterized by single unit-conventional (SU-C) developments, a lack of sidewalks and curbs, and subdivisions with panhandle lots. The architecture of the area is eclectic and frequently includes custom homes. The proposed subdivision of land will contribute to the character and image of the City of Oceanside as a safe, attractive desirable and well-balanced community in that it proposes residential lots that are larger than the typical 10,000-square-foot lots in the Fire Mountain Neighborhood. This proposal includes lot sizes that reinforce the unique and positive attributes of the Fire Mountain Neighborhood. As such, the proposal satisfies General Plan Community Enhancement Goal, its Objective 1.13 and Policy H.

The panhandle access has been designed and located to avoid excessive grading with respect to the existing topography. The project is specifically conditioned to limit site disturbances to a minimum; to re-establish groundcover as early as possible; and to stockpile topsoil from excavated areas for reuse on the site as appropriate. The preliminary grading plan and the tentative subdivision map are consistent with the characteristics of the Fire Mountain Neighborhood. The proposed design preserves the natural topographic features of the area and it does not contribute to slope instability and erosion hazards.

B. Land Use Element II. Community Development

Goal: The continual long term enhancement of the community through the development and use of land which is appropriate and orderly with respect to type, location, timing, and intensity.

Objective 2.3 Residential Development: To direct and encourage the proper type, location, timing, and design of housing to benefit the community consistent with the enhancement and establishment of neighborhoods and a well balanced and organized City.

2.32 Potential Range of Residential Densities Policy C: Residential projects with densities below the base density shall be considered to be consistent with the land use designation.

The applicant proposes a density of three (3) dwelling units per gross acre, which is slightly less than the maximum potential density within the RE-B District of 3.5 dwelling units per gross acre. The proposed unit type (SU-C) is consistent with the Estate B land use designation.

The proposed subdivision will contribute to the overall vitality of residential areas in Oceanside, and more particularly to the Fire Mountain Neighborhood. This proposal to subdivide a 1.0-acre site into three residential lots will be compatible with the Fire Mountain Neighborhood. As such, the proposed subdivision satisfies General Plan Community Development Goal 2.32 and Policy C.

2. Zoning Compliance

This project is located in the Residential Estate B District (RE-B) and complies with the requirements of that zone. The application does not include a proposal for development. Rather, development standards are proposed as part of the application (see the *Description and justification*) and incorporated into the conditions of approval. In accordance with Article 43 of the Oceanside Zoning Ordinance, future applicant(s) will need to submit a development plan for each of the proposed three lots. Table 2 summarizes applicable development standards for the project site.

Table 2 Development standards

	REQUIRED	PROPOSED
MINIMUM LOT SIZE	10,000 SF or 0.23 net acres	Parcel 1: 0.26 net acres Parcel 2: 0.36 net acres Parcel 3: 0.33 net acres
PARKING SPACES	2-car garage	2-car garage
FRONT YARD	25-feet	25-feet
CORNER SIDE YARD	15-feet	15-feet
INTERIOR SIDE YARD	7.5-feet	7.5-feet
REAR YARD	20-feet	20-feet
MINIMUM LOT WIDTH	70-feet	Parcel 1: 89 feet wide Parcel 2: 124 feet wide Parcel 3: 100 feet wide
MAXIMUM HEIGHT	36-feet	All Parcels: 36-feet

The proposal to create three residential lots meets the regulations of the Zoning Ordinance.

3. Subdivision Ordinance

The proposed project is subject to the Subdivision Map Act and the Oceanside Subdivision Ordinance (Article VI Subdivision of Four or Fewer Parcels; Article IX Improvements Section 901.G.4. Deferral Provisions).

Article VI Subdivision of Four or Fewer Parcels: Pursuant to Section 601 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Division.

DISCUSSION

Issue: The applicant has not proposed development. Rather design guidelines are proposed for future development.

Recommendation: The project's *Description and justification* includes specific development standards which are incorporated into project conditions 79, 80, 81, and 82. Project conditions require the approval of a Administrative Development Plan(s) prior to the issuance of a building permit(s). Development proposals will be reviewed by staff in accordance with Article 43 of the Zoning Ordinance. Staff finds that the design requirements will satisfy the *General Plan Land Use Element* Community Enhancement goals and the Neighborhood Character Objective 1.13 and will satisfy the *General Plan Land Use Element* Community Development goals and the Residential Development Objective 2.3. The requirement to process Administrative Development Plans for future residences will ensure that the proposed design guidelines are followed and that all future development will be of the highest caliber.

ENVIRONMENTAL DETERMINATION

The proposed project is categorically exempt pursuant to Class 15, Minor Land Divisions, in Section 15315 of the California Environmental Quality Act.

PUBLIC NOTIFICATION

Legal notice was published in the North County Times on October 13, 2009, and notices were sent to property owners of record within a 1,500-foot radius of the subject property, individuals/organizations requesting notification, applicant, and interested parties. As of October 8, 2009, no communication supporting or opposing the request had been received.

SUMMARY

The proposed Tentative Parcel Map (T-2-05) and Conditional Use Permits (C-2-05, C-40-05) are consistent with the requirements of the Zoning Ordinance and the land use policies of the General Plan. The project meets or exceeds all applicable development standards. The project is compatible in terms of density and site design with the surrounding neighborhood. As such, staff recommends that the Planning Commission approve the project based on the findings and subject to the conditions contained in the attached staff Resolution. Staff recommends that the Planning Commission:

- Move to approve Tentative Parcel Map (T-2-05) and Conditional Use Permits (C-2-05, C-40-05) and adopt Planning Commission Resolution No. 2009-P47 as attached.

PREPARED BY:



Scott Nightingale
Acting Associate Planner

SUBMITTED BY:



Jerry Hittleman
City Planner

REVIEWED BY:

Richard Greenbauer, Senior Planner _____

Attachments:

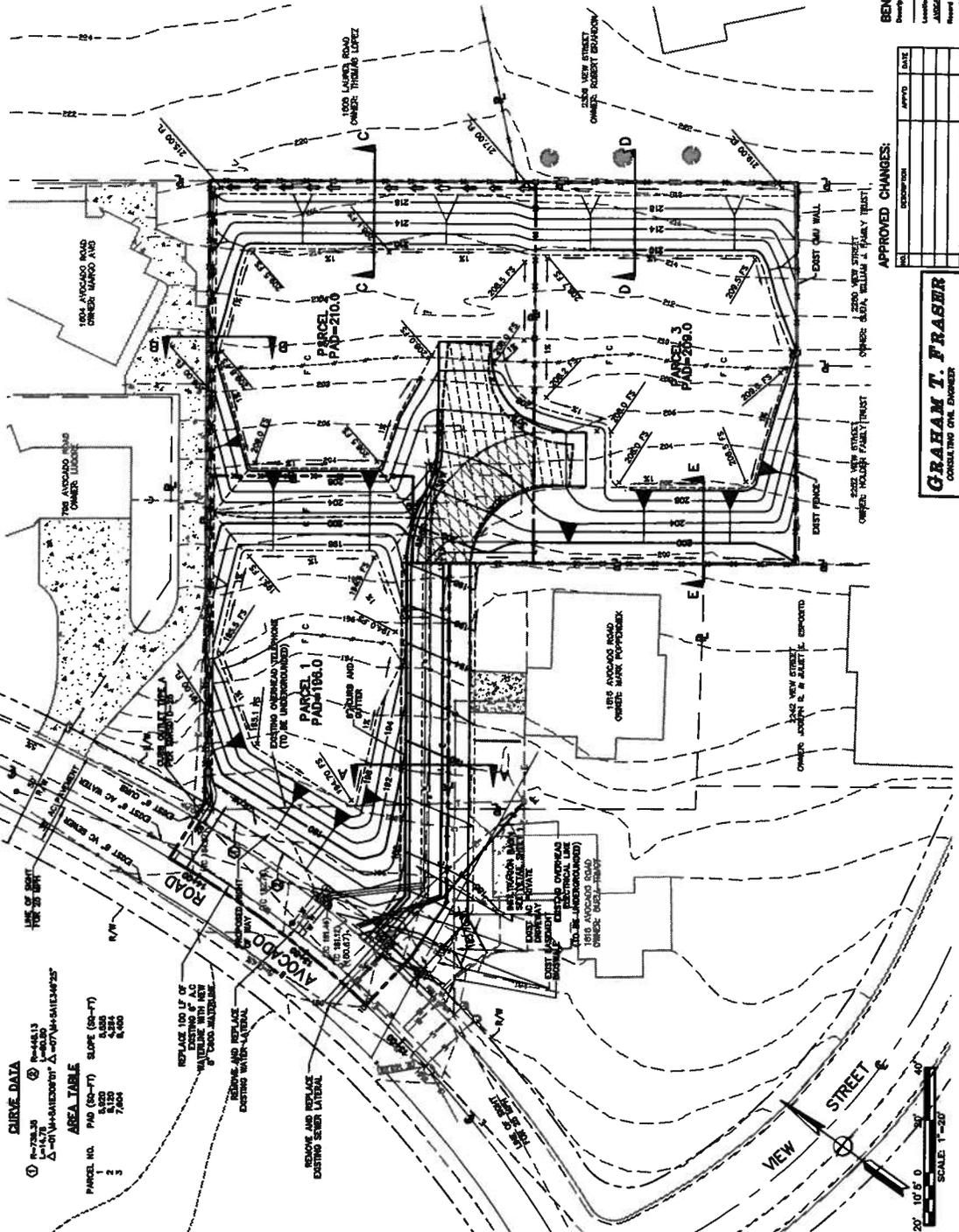
1. Plans/Site Map
2. Planning Commission Resolution No. 2009-P47

Received

APR 23 2009

Planning Division

PRELIMINARY GRADING & DRAINAGE PLAN 1814 AVOCADO ROAD



BY: [Signature] PROJECT: 1814 AVOCADO ROAD

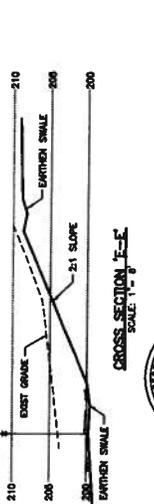
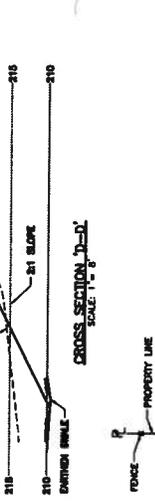
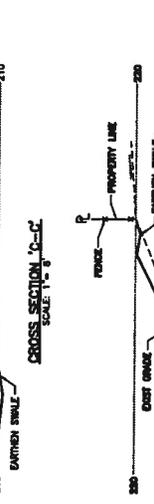
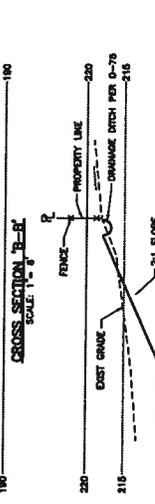
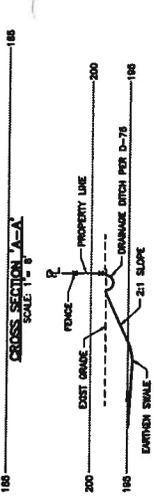
DATE: 04/23/09

SCALE: 1"=20'

PROJECT NO. 08-001

DATE: 04/23/09

SCALE: 1"=20'



APPROVED: [Signature]

CITY ENGINEER: [Signature]

CITY ENGINEER: [Signature]

PLANNING DIVISION: [Signature]

DATE: 04/23/09

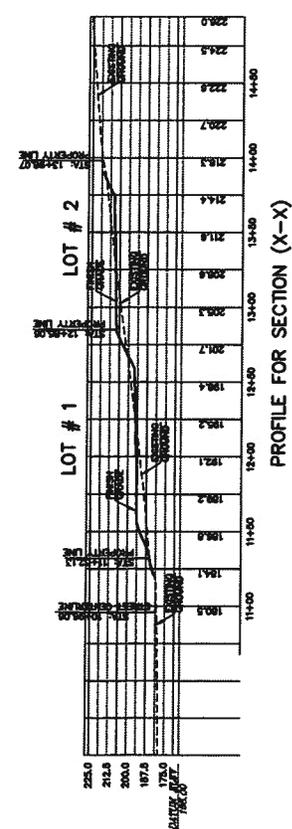
BENCHMARK:
 BENCH: 1814 AVOCADO ROAD
 ELEVATION: 180.00

APPROVED CHANGES:

NO.	DESCRIPTION	APPROVED	DATE

GRAHAM T. FRASIER
 CONSULTING CIVIL ENGINEER
 2700 S. CALIFORNIA STREET, SUITE 100, OCEANSIDE, CA 92081
 TEL: 760-434-1111 FAX: 760-434-1112

Received
 APR 23 2009
 Division



1 PLANNING COMMISSION
2 RESOLUTION NO. 2009-P47

3 A RESOLUTION OF THE PLANNING COMMISSION OF THE
4 CITY OF OCEANSIDE, CALIFORNIA APPROVING A
5 TENTATIVE PARCEL MAP AND CONDITIONAL USE
6 PERMITS ON CERTAIN REAL PROPERTY IN THE CITY OF
OCEANSIDE

7 APPLICATION NO: P-2-05, C-2-05, C-40-05
8 APPLICANT: Ann and Graham Fraser
9 LOCATION: 1814 Avocado Road

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

12 WHEREAS, there was filed with this Commission a verified petition on the forms
13 prescribed by the Commission requesting Tentative Parcel Map and Conditional Use Permits
14 under the provisions of Articles 10, 41 and 43 of the Zoning Ordinance of the City of Oceanside
to permit the following:

15 a three-lot subdivision, that exceeds the base density for the RE-B District and has
16 panhandle access to each lot;
17 on certain real property described in the project description.

18 WHEREAS, the Planning Commission, after giving the required notice, did on the 26th
19 day of October, 2009 conduct a duly advertised public hearing as prescribed by law to consider
20 said application.

21 WHEREAS, pursuant to the California Environmental Quality Act of 1970, and State
22 Guidelines thereto; this project has been found to be categorically exempt per Article 19 from
environmental review;

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

25 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that
26 the project is subject to certain fees, dedications, reservations and other exactions as provided
27 below:
28

<u>Description</u>	<u>Authority for Imposition</u>	<u>Current Estimate Fee or Calculation Formula</u>
Parkland Dedication/Fee	Ordinance No. 91-10 Resolution No. 06-R0334-1	\$3,503 per unit.
Drainage Fee	Ordinance No. 85-23 Resolution No. 06-R0334-1	Depends on area (range is \$2,843-\$15,964 per acre).
Public Facility Fee	Ordinance No. 91-09 Resolution No. 06-R0334-1	\$2,072 per unit for residential.
School Facilities Mitigation Fee	Ordinance No. 91-34	\$2.63 per square foot residential.
Traffic Signal Fee	Ordinance No. 87-19 Resolution No. 06-R0334-1	\$15.71 per vehicle trip.
Thoroughfare Fee	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).
Water System Buy-in Fees	Oceanside City Code §37.56.1 Resolution No. 87-96 Ordinance No. 09-OR 0093-1	Fee based on water meter size. Residential is typically \$4,597 per unit.
Wastewater System Buy-in fees	Oceanside City Code § 29.11.1 Resolution No. 87-97 Ordinance No. 09-OR 0092-1	Based on capacity or water meter size. Residential is typically \$6,313 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,326 per unit.
Inclusionary housing in lieu fees— Residential only.	Chapter 14-C of the City Code	\$1,000 per development project + \$100 per unit plus \$10,275 per unit

WHEREAS, the current fees referenced above are merely fee amount estimates of the impact fees that would be required if due and payable under currently applicable ordinances and

1 resolutions, presume the accuracy of relevant project information provided by the applicant, and
2 are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

17 FINDINGS:

18 For the Tentative Parcel Map:

- 19 1. That the proposed Tentative Parcel Map is consistent with the General Plan of the City by
20 meeting and exceeding lot size requirements and other applicable provisions of the
21 Zoning Ordinance and the Subdivision Ordinance.
- 22 2. That the site is physically suitable for the type and proposed density of development by
23 providing lot areas consistent with the Fire Mountain Neighborhood Planning Area.
- 24 3. That the design of the subdivision or the proposed improvements will not cause
25 substantial environmental damage or substantially and avoidably injure fish or wildlife or
26 their habitat and has been categorically exempted from review under the California
27 Environmental Quality Act.
- 28 4. That the design of the subdivision or the type of improvements meets City standards and
will not conflict with easements, acquired by the public at large, for access through or the
use of property within the proposed subdivision.

1 5. That the subdivision complies with all other applicable ordinances, regulations and
2 guidelines of the City of Oceanside.

3 For the Conditional Use Permit - Increase in base density (C-2-05):

- 4 1. The development portion of the subject property is zoned RE-B with a corresponding
5 Land Use designation of Residential Estate-B (1-3.5 dwelling units per acre). The density
6 of 3.0 dwelling units per acre is consistent with the density range of 1–3.5 dwelling units
7 per acre established by the Residential Estate–B designation.
- 8 2. The location of the conditional use permit and proposed conditions under which the
9 Tentative Parcel Map will be implemented shall not cause detriment to the public health
10 safety or welfare of persons residing or working in or adjacent to the neighborhood of
11 such use or to properties or improvements in the vicinity.
- 12 3. The Tentative Parcel Map has been adequately conditioned and designed to comply with
13 applicable requirements of the Zoning Ordinance.

14 For the Conditional Use Permit - Panhandle access (C-40-05):

- 15 1. The proposed use of a panhandle access design to serve five lots (two existing lots and
16 three new lots) and the proposed location of the easements are in accord with the
17 objectives of the Zoning Ordinance and the purposes of the districts in which they are
18 located.
- 19 2. The use of panhandle access design, and the proposed conditions under which they would
20 be established or maintained will be consistent with the General Plan; will not be
21 detrimental to the public health, safety or welfare of persons residing or working in or
22 adjacent to the neighborhood of such use; and will not be detrimental to properties or
23 improvements in the vicinity or to the general welfare of the City.

24 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
25 approve Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-40-05) subject
26 to the following conditions:

27 **Building:**

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

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- 1 2. The granting of approval under this action shall in no way relieve the property owner and
2 or developer from compliance with all State and Local building codes.
- 3 3. Compliance with the Federal Clean Water Act shall be demonstrated on the plans.
- 4 4. The developer shall monitor, supervise and control all building construction and
5 supporting activities so as to prevent these activities from causing a public nuisance,
6 including, but not limited to, strict adherence to the following:
 - 7 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
8 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
9 work that is not inherently noise-producing. Examples of work not permitted on
10 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
11 producing nature. No work shall be permitted on Sundays and Federal Holidays
12 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, and
13 Christmas Day) except as allowed for emergency work under the provisions of the
14 Oceanside City Code Chapter 38 (Noise Ordinance).
 - 15 b) The construction site shall be kept reasonably free of construction debris as
16 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
17 approved solid waste containers shall be considered compliance with this
18 requirement. Small amounts of construction debris may be stored on-site in a neat,
19 safe manner for short periods of time pending disposal.
- 20 5. Separate and unique addresses shall be required to facilitate utility releases. Verification
21 that the addresses have been properly assigned by the City's Planning Division must
22 accompany the Building Permit application.
- 23 6. Documentation of properly recorded easements (for access and utilities) is required for
24 plan check review of building projects on panhandle lots.
- 25 7. Setbacks and type of construction must comply with UBC Table 5-A.
- 26 8. A complete soils report, structural calculations, and energy calculations and
27 documentation will be required at time of plan submittal to the Building Division for plan
28 check.

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1 **Engineering:**

- 2 9. Design and construction of all improvements shall be in accordance with standard plans,
3 specifications of the City of Oceanside and subject to approval by the City Engineer.
- 4 10. The owner/developer shall provide three (3') feet of public street dedication along the
5 frontage of Avocado Road as required serving the property.
- 6 11. With the exception of the driveway approved by the City Engineer, vehicular access
7 rights to Avocado Road shall be relinquished to the City from the abutting lot.
- 8 12. The approval of the Tentative Parcel Map shall not mean that closure, vacation, or
9 abandonment of any public street, right-of-way, easement, or facility is granted or
10 guaranteed to the owner/developer. The owner/developer responsible for applying for all
11 closures, vacations, and abandonments as necessary. The application(s) shall be reviewed
12 and approved or rejected by the City of Oceanside under separate process(es) per codes,
13 ordinances, and policies in effect at the time of the application.
- 14 13. Prior to approval of the final Parcel Map all improvement requirements shall be covered
15 by a subdivision 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. Where proposed off-site improvements, including but not limited to slopes, public utility
19 facilities, and drainage facilities, are to be constructed, the applicant shall, at their own
20 expense, obtain all necessary easements or other interests in real property and shall
21 dedicate the same to the City of Oceanside as required. The owner/developer shall
22 provide documentary proof satisfactory to the City of Oceanside that such easements or
23 other interest in real property have been obtained prior to issuance of any grading,
24 building or improvement permit for the development and or project. Additionally, the
25 City, may at its sole discretion, require that the applicant obtain at their sole expense a
26 title policy insuring the necessary title for the easement or other interest in real property to
27 have vested with the City of Oceanside or the applicant, as applicable.

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- 1 15. Pursuant to the State Map Act, improvements shall be required at the time of
2 development. A covenant, reviewed and approved by the City Attorney, shall be recorded
3 attesting to these improvement conditions and a certificate setting forth the recordation
4 shall be placed on the final Parcel Map.
- 5 16. Prior to the issuance of a grading permit, the owner/developer shall notify and host a
6 neighborhood meeting with all of the area residents located within 300 feet of the project
7 site, and residents of property along any residential streets to be used as a haul route, to
8 inform them of the grading and construction schedule, haul routes, and to answer
9 questions.
- 10 17. A traffic control plan shall be prepared according to the City traffic control guidelines and
11 be submitted to and approved by the City Engineer prior to the start of work within open
12 City rights-of-way. Traffic control during construction of streets that have been opened to
13 public traffic shall be in accordance with construction signing, marking and other
14 protection as required by the CalTrans Traffic Manual and City Traffic Control
15 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
16 approved otherwise.
- 17 18. The owner/developer shall monitor, supervise and control all construction and
18 construction-supportive activities, so as to prevent these activities from causing a public
19 nuisance, including but not limited to, insuring strict adherence to the following:
- 20 a) Dirt, debris and other construction material shall not be deposited on any public
21 street or within the City's storm water conveyance system.
- 22 b) All grading and related site preparation and construction activities shall be limited
23 to the hours of 7 a.m. to 6 p.m., Monday through Friday. No engineering related
24 construction activities shall be conducted on Saturdays, Sundays or legal holidays
25 unless written permission is granted by the City Engineer with specific limitations
26 to the working hours and types of permitted operations. All on-site construction
27 staging areas shall be as far as possible (minimum 100 feet) from any existing
28 residential development. Because construction noise may still be intrusive in the
evening or on holidays, the City of Oceanside Noise Ordinance also prohibits "any
disturbing excessive or offensive noise which causes discomfort or annoyance to
reasonable persons of normal sensitivity."

- 1 c) The construction site shall accommodate the parking of all motor vehicles used by
2 persons working at or providing deliveries to the site. An alternate parking site
3 can be considered by the City Engineer in the event that the lot size is too small
4 and cannot accommodate parking of all motor vehicles.
- 5 d) The owner/developer shall complete a haul route permit application (if required
6 for import/export of dirt) and submit to the City of Oceanside Engineering
7 Department forty eight hours (48) in advance of beginning of work. Hauling
8 operations (if required) shall be 8:00 a.m. to 3:30 p.m. unless approved otherwise.
- 9 19. Approval of this Tentative Parcel Map is conditioned upon payment of all applicable
10 impact fees and connection fees in the manner provided in chapter 32B of the Oceanside
11 City Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare
12 fees, park fees, reimbursements, and other applicable charges, fees and deposits shall be
13 paid prior to recordation of the final Parcel Map or the issuance of any building permits,
14 in accordance with City Ordinances and policies. The owner/developer shall also be
15 required to join into, contribute, or participate in any improvement, lighting, or other
16 special district affecting or affected by this project. Approval of the Tentative Parcel Map
17 shall constitute the applicant's approval of such payments, and their agreement to pay for
18 any other similar assessments or charges in effect when any increment is submitted for
19 the final Parcel Map or building permit approval, and to join, contribute, and or
20 participate in such districts.
- 21 20. A minimum of 10 feet parkway between the face-of-curb and the right-of-way line shall
22 be provided along the property's frontage with Avocado Road.
- 23 21. Sight distance requirements at the driveway or property's entrance from Avocado Road
24 shall conform to the corner sight distance criteria as provided by San Diego Regional
25 Standard Drawings, DS-20A and or DS-20B.
- 26 22. Streetlights shall be maintained and installed on all public streets per City Standards. The
27 system shall provide uniform lighting, and be secured prior to occupancy. The
28 owner/developer shall pay all applicable fees, energy charges, and or assessments
associated with City-owned (LS-2 rate schedule) streetlights and shall also agree to the
formulation of, or the annexation to, any appropriate street lighting district.

1 23. It is the responsibility of the owner/developer to evaluate and determine that all soil
2 imported as part of this development is free of hazardous and/or contaminated material as
3 defined by the City and the County of San Diego Department of Environmental Health.
4 Exported or imported soils shall be properly screened, tested, and documented regarding
5 hazardous contamination.

6 24. Prior to approval of the final parcel map, the owner/developer shall contract with a
7 geotechnical engineering firm to perform a field investigation of the existing pavement on
8 all streets adjacent to the project boundary. The limits of the study shall be half-street plus
9 twelve (12) feet along the project's frontage. The field investigation shall include a
10 minimum of one pavement boring per every 50 linear feet of street frontage. Should the
11 existing AC thickness be determined to be less than three inches or without underlying
12 Class II base material, the owner/developer shall remove and reconstruct the pavement
13 section as determined by the pavement analysis submittal process detailed in Item No. b
14 below. Upon review of the pavement investigation, the City Engineer shall determine
15 whether the owner/developer shall:

- 16 a) Repair all failed pavement sections, header cut and grind per the direction of the
17 City Engineer, and construct a two-inch thick rubberized AC overlay; or
- 18 b) Perform R-value testing and submit a study that determines if the existing
19 pavement meets current City standards and traffic indices. Should the study
20 conclude that the pavement does not meet current requirements, rehabilitation and
21 mitigation recommendations shall be provided in a pavement analysis report, and
22 the developer shall reconstruct the pavement per these recommendations, subject
23 to approval by the City Engineer.

24 25. Pavement sections for Avocado Road and driveway shall be based upon approved soil
25 tests and traffic indices. The pavement design is to be prepared by the developer's soil
26 engineer and must be approved by the City Engineer, prior to paving.

27 26. Any existing broken pavement, concrete curb, gutter or sidewalk or any damaged during
28 construction of the project, shall be repaired or replaced as directed by the City Engineer.

27 27. All existing overhead utility lines within the subdivision and within the full width street
28 or right-of-way abutting the new subdivision, and all new extension services for the
development of the project, including but not limited to, electrical, cable and telephone,

1 shall be placed underground prior to the approval of the final Parcel Map per Section
2 901.G of the Subdivison Ordinance (R91-166) and as required by the City Engineer and
3 current City policy. For the determination of compliance with said Section,
4 owner/developer shall submit undergrounding plans and quantity takeoff estimates for
5 review and approval by the City Engineer. The plans should be prepared by a qualified
6 professional in full compliance with the design requirements set forth by Section 901.G.
7 Prior to submittal to the City Engineer, the plans and estimates shall be approved by all
8 utility companies whose overhead lines are required to be undergrounded.

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

11 29. Grading and drainage facilities shall be designed and installed to adequately
12 accommodate the local stormwater runoff and shall be in accordance with the City's
13 Engineers Manual and as directed by the City Engineer.

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

20 31. Prior to any grading of any part of the property, a comprehensive soils and geologic
21 investigation shall be conducted of the soils, slopes, and formations in the project. All
22 necessary measures shall be taken and implemented to assure slope stability, erosion
23 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
24 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved
25 by the City Engineer.

26 32. This project shall provide year-round erosion control including measures for the site
27 required for the phasing of grading. Prior to the issuance of grading permit, an erosion
28 control plan, designed for all proposed stages of construction, shall be reviewed, secured
29 by the owner/developer with cash securities and approved by the City Engineer.

30 ///

- 1 33. A precise grading and private improvement plan shall be prepared, reviewed, secured and
2 approved prior to the issuance of any building permits. The plan shall reflect all
3 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, striping, signage,
4 drainage devices and utility services.
- 5 34. Landscaping plans, including plans for the construction of walls, fences or other
6 structures at or near intersections, must conform to intersection sight distance
7 requirements. Landscape and irrigation plans must be submitted to the City Engineer
8 prior to the issuance of a grading permit and approved by the City Engineer prior to the
9 issuance of occupancy permits. All plans must be approved by the City Engineer and a
pre-construction meeting held, prior to the start of any improvements.
- 10 35. The drainage design on the project is conceptual only. The final design shall be based
11 upon a hydrologic and hydraulic study to be approved by the City Engineer during final
12 engineering. All drainage picked up in an underground system shall remain underground
13 until it is discharged into an approved channel, or as otherwise approved by the City
14 Engineer. All public storm drains shall be shown on City standard plan and profile sheets.
15 All storm drain easements shall be dedicated where required. The owner/developer shall
16 be responsible for obtaining any off-site easements for storm drainage facilities.
- 17 36. Sediment, silt, grease, trash, debris, and or pollutants shall be collected on-site and
18 disposed of in accordance with all state and federal requirements, prior to stormwater
19 discharge either off-site or into the City drainage system.
- 20 37. The owner/developer shall comply with the provisions of National Pollution Discharge
21 Elimination System (NPDES) General Permit for Storm Water Discharges Associated
22 with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The
23 General Permit continues in force and effect until a new General Permit is issued or the
24 SWRCB rescinds this General Permit. Only those owner/developers authorized to
25 discharge under the expiring General Permit are covered by the continued General
26 Permit. Construction activity subject to the General Permit includes clearing, grading, and
27 disturbances to the ground such as stockpiling, or excavation that results in soil
28 disturbances of at least one acre of total land area. The owner/developer shall obtain
coverage under the General Permit by submitting a Notice of Intent (NOI) and obtaining a
Waste Discharge Identification Number (WDID#) from the State Water Resources

1 Control Board (SWRCB). In addition, coverage under the General Permit shall not occur
2 until an adequate SWPPP is developed for the project as outlined in Section A of the
3 General Permit. The site specific SWPPP and associated NOI shall be maintained on the
4 project site at all times. The SWPPP shall be provided, upon request, to the United States
5 Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control
6 Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies.
7 The SWPPP is considered a report that shall be available to the public by the RWQCB
8 under section 308(b) of the Clean Water Act. The provisions of the General Permit and
9 the site specific SWPPP shall be continuously implemented and enforced until the
10 owner/developer obtains a Notice of Termination (NOT) for the SWRCB. The
11 owner/developer is required to retain records of all monitoring information, copies of all
12 reports required by this General Permit, and records of all data used to complete the NOI
13 for all construction activities to be covered by the General Permit for a period of at least
14 three years from the date generated. This period may be extended by request of the
15 SWRCB and/or RWQCB.

15 38. The Owner/developer shall provide a copy of the title/cover page an approved Runoff
16 Assessment Report (RAR) with the first engineering submittal package. The RAR shall
17 be prepared by the owner/developer's Civil Engineer. All Stormwater Quality documents
18 shall be in compliance with the latest edition of submission requirements.

19 39. Upon acceptance of any fee waiver or reduction by the developer, the entire project will
20 be subject to prevailing wage requirements as specified by Labor Code section
21 1720(b)(4). The developer shall agree to execute a form acknowledging the prevailing
22 wage requirements prior to the granting of any fee reductions or waivers.

23 40. Setbacks of tops and toes of manufactured slopes to property lines shall comply with the
24 minimum requirements in the City Grading Regulations Manual.

25 41. Provide appropriate drainage facility to intercept drainage and irrigation flows at the toe
26 of the westerly manufactured slope on Parcel 3.

27 42. The private access driveway including private utilities to serve the parcels as shown on
28 the approved Tentative Parcel Map shall be constructed prior to, or concurrent with, the
first building permit.

- 1 43. It is the responsibility of the owner/developer to provide insurable access to future
2 owners of parcel numbers one, two and three. The following note shall be placed on the
3 final map: "RESERVING HERON A RECIPROCAL ACCESS EASEMENT FOR
4 INGRESS AND EGRESS AND FOR UTILITY PURPOSES FOR THE BENEFIT OF
5 THE FUTURE OWNERS OF PARCELS ONE, TWO AND THREE."
- 6 44. Prior or concurrent with the recordation of parcel map, the owner/developer shall reserve
7 a reciprocal access for ingress and egress over and across the common driveways for the
8 purpose of providing pedestrian and vehicular access to and from Avocado Road, and for
9 drainage and utility purposes, for the benefit of the future owners of parcels.
- 10 45. Private driveways used as access to the land being divided as well as the map being
11 created, must include a private road /driveway maintenance agreement. The following
12 note shall be placed on the parcel map reflecting the recording information: "PRIVATE
13 DRIVEWAY (AND PRIVATE DRAINAGE AND UTILITY EASEMENTS) ARE TO
14 BE MAINTAINED IN ACCORDANCE WITH THE PRIVATE DRIVEWAY
15 MAINTENANCE AGREEMENT RECORDED ----- AS DOCUMENT
16 NUMBER -----"
- 17 46. The responsibility of private driveway maintenance shall be included as an exhibit to the
18 covenant required by Condition No. 78 of this resolution.
- 19 47. Provide the City of Oceanside with a certification from each public utility and each public
20 entity owning easements within the proposed project stating that: (a) they have received
21 from the owner/developer a copy of the proposed map; (b) they object or do not object to
22 the filing of the map without their signature; (c) in case of a street dedication affected by
23 their existing easement, they will sign a "subordination certificate" or "joint-use
24 certificate" on the map when required by the governing body. In addition, the
25 owner/developer shall furnish proof to the satisfaction of the City Engineer that no new
26 encumbrances have been created that would subordinate the City's interest over areas to
27 be dedicated for public road purposes since submittal of the project.
- 28 48. Landscape plans, meeting the criteria of the City's Landscape Guidelines or City
Engineer criteria and Water Conservation Ordinance No. 91-15, and the maintenance of
such landscaping, shall be approved by the City Engineer prior to the issuance of building

1 permits. Landscaping shall not be installed until bonds have been posted, fees paid, and
2 plans signed for final approval.

3 a) The owner/developer shall be responsible for irrigating and landscaping all
4 embankments within the project, and all slopes along major streets.

5 b) To mitigate the loss of landmark and or mature existing trees on-site the
6 determination of replacement shall be based on tree number, type, and caliper
7 (caliper measured 24 inches from the base of the tree at existing grade). The total
8 number of tree caliper lost shall be equal to the total number of caliper replaced.
9 Replacement trees shall be a minimum of 15-gallon container stock. A field
10 survey shall be performed under the supervision of the City Landscaping Section
11 to evaluate the existing tree population and the replacement requirements. The
12 existing trees to remain or proposed for removal shall be identified on the
13 Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing
14 tree type, location, and caliper shall be shown on the above plans. Replacement
15 trees shall be identified and shown on the Landscape Plan and shall be subject to
16 review and approval by the City Engineer.

16 49. Landscape plans shall comply with the current Street Tree Memorandum and City of
17 Oceanside Guidelines and Specifications for Landscape Developments 1985, addenda
18 1997.

19 50. In accordance with City of Oceanside requirements, automatic irrigation shall be provided
20 for all landscaped areas in the right-of-way and on-site.

21 51. The landscape plan shall depict existing vegetation on-site.

22 52. Utility, storm drain and sewer easements, and sight-distance requirements shall be field
23 verified by the Landscape Architect and landscape placement designed to meet the
24 satisfaction of the City Engineer.

25 53. Landscape plans shall comply with RAR, sight-distance requirements, the Oceanside
26 Zoning Ordinance, and Fire Department requirements. Landscape plans shall match the
27 precise grading and street improvement plans.

28 54. To the satisfaction of the City Engineer, native and naturalized drought tolerant plant
materials shall be incorporated with the Conceptual Landscape Plan plant palette.

- 1 55. The right-of-way and panhandle access shall be landscaped to the satisfaction of the City
2 Engineer and meet City of Oceanside requirements.
- 3 56. Walls, fences and gates shall be shown on the landscape plan and meet the approval of
4 the Planning Division and Fire Department.
- 5 57. All landscaping, fences, walls, etc. on the site and in any adjoining public parkways shall
6 be permanently maintained by the owner, their assigns or any successors-in-interest in the
7 property. The maintenance program shall include normal care and irrigation of the
8 landscaping; repair and replacement of plant materials; irrigation systems as necessary;
9 and general cleanup of the landscaped and open areas, and walkways, walls, fences, etc.
10 Failure to maintain landscaping shall result in the City taking all appropriate enforcement
11 actions by all acceptable means including, but not limited to, citations and or actual work
12 with costs charged to or recorded against the owner. This condition shall be recorded with
13 the covenant required by this resolution.
- 14 58. An automatic irrigation system shall be installed to provide coverage for all planting
15 areas. Low precipitation equipment shall provide sufficient water for plant growth with a
16 minimum water loss due to water run-off. Irrigation systems shall use high quality,
17 automatic control valves, controllers and other necessary irrigation equipment. All
18 components shall be of non-corrosive material. All drip systems shall be adequately
19 filtered and regulated per the manufacturer's recommended design parameters. All
20 irrigation improvements shall follow the City of Oceanside Guidelines and Water
21 Conservation Ordinance.
- 22 59. The selection of plant material is based on cultural, aesthetic, and maintenance
23 considerations. All planting areas shall be prepared with appropriate soil amendments,
24 fertilizers, and appropriate supplements. Ground covers or bark mulch shall fill in
25 between the shrubs to shield the soil from the sun, evapotranspiration and run-off. All the
26 flower and shrub beds shall be mulched to a 3" depth to help conserve water, lower the
27 soil temperature and reduce weed growth. All landscape improvements shall follow the
28 City of Oceanside Guidelines.
60. Existing landscaping on and adjacent to the site shall be protected in place and
supplemented or replaced to meet the satisfaction of the City Engineer.

1 61. In the event that the conceptual landscape plan (CLP) does not match the conditions of
2 approval, the resolution of approval shall govern.

3 62. In the event that the conceptual plans do not match the conditions of approval, the
4 resolution of approval shall govern.

5 **Fire Prevention:**

6 63. Oceanside Fire Department requirements shall be placed on plans in the notes section.

7 64. Fire hydrants shall be installed and tested prior to placing any combustible materials on
8 the job site.

9 65. All weather access roads shall be installed and made serviceable prior to and maintained
10 during time of construction.

11 66. Oceanside Fire Department emergency access shall not exceed 15 percent grade.

12 67. All streets less than 32 feet wide shall be posted "NO PARKING FIRE LANE" per
13 Vehicle Code Section 22500.1 and in accordance with the Oceanside Fire Department
14 Standard Guidelines for Emergency Access. This requirement includes the hammerhead
design on Parcels 2 and 3.

15 68. In accordance with the California Fire Code Sec. 901.4.4, the approved address for
16 residential occupancies shall be placed on the structure in such a position as to be plainly
17 visible and legible from the street or roadway fronting the property. Numbers shall
18 contrast with their background.

19 69. Single-family dwelling units require 4-inch address numbers.

20 70. Plans shall be submitted to the Fire Prevention Bureau for plan check review and
21 approval prior to the issuance of grading permits.

22 71. The landscape plans shall show trees, shrubs, and groundcover dimensions on the
23 planting legend. Plant symbols shall be shown at 100 percent maturity in accordance with
the Western Garden Book.

24 72. All structural mitigation notes and details resulting from Oceanside Fire Department
25 conditions shall be included on the architectural plans when submitted to the Engineering
26 Department for grading permits.

27 a) **Roof covering:** Roofs shall be a Class A assembly. Roofs shall have a Class "A"
28 roof covering. For roof coverings where the profile allows a space between the

1 roof covering and roof decking, the space at the eave ends shall be fire stopped to
2 preclude entry of flames or embers.

- 3 b) **Insulation:** In the urban wildland interface areas, paper faced insulation shall be
4 prohibited in attics or ventilated spaces.
- 5 c) **Protection of eaves:** Eave assembly must be 1 hour fire rated construction. Eaves
6 and soffits shall be protected on the exposed underside by materials approved for
7 a minimum one hour fire resistance rated construction. Fascias are required and
8 must be protected on the backside by materials approved for a minimum of one
9 hour fire resistance rated construction or 2-inch (51 mm) nominal dimension
10 lumber.
- 11 d) **Gutters and downspouts:** Gutters and downspouts shall be constructed of
12 noncombustible material. Gutters shall be designed to reduce the accumulation of
13 leaf litter and debris that contributes to roof edge ignition.
- 14 e) **Exterior walls:** Exterior walls of buildings or structures shall be constructed with
15 materials approved for a minimum of one hour fire resistance rated construction
16 on the exterior side or constructed with approved noncombustible materials.
17 Exterior wall coverings must meet the one hour fire resistance requirement.
18 Exception: Heavy timber or log wall construction. Such material shall extend
19 from the top of the foundation to the underside of the roof sheathing.
- 20 f) **Unenclosed under floor protection:** Buildings or structures shall have all under
21 floor areas enclosed to the ground with exterior walls with a one hour fire rating.
22 Exception: Complete enclosure may be omitted where the underside of all
23 exposed floors and all exposed structural columns, beams and supporting walls
24 are protected as required for exterior one hour fire resistance rated construction or
25 heavy timber construction.
- 26 g) **Appendages and projections:** Where fencing attached to or immediately
27 adjacent to structures face the vegetative fuels, the first 5 feet (1 524 mm) of such
28 fencing which connects to the structure, shall be constructed of noncombustible,
heavy timber or fire retardant pressure treated wood or material.

- 1 h) **Unenclosed accessory structures** attached to buildings with habitable spaces and
2 projections such as deck assemblies shall be a minimum of a one hour fire rated
3 assembly, which includes railings. When the attached structure is located and
4 constructed so that the structure or any portion thereof projects over a descending
5 slope surface greater than 10 percent, the area below the structure shall have all
6 under floor areas enclosed to within 6 inches (152 mm) of the ground, with
7 exterior wall construction that meets the 1 hour fire resistance rating.
- 8 i) **Exterior glazing, and skylights:** Exterior glazing or other transparent, translucent
9 or opaque glazing shall be tempered glass, multilayered glass panels, or glass
10 block each having a fire protection rating of not less than 20 minutes. Glazing
11 frames made of vinyl materials shall have welded corners, metal reinforcement in
12 the interlock area, and be certified to ANSI/AAMA/NWDA 101/I.S.2-97
13 structural requirements. Skylights shall be tempered glass or a class "A" rated
14 assembly. Exterior windows, window walls and glazed doors, windows within
15 exterior doors, and skylights shall be tempered glass, multilayered glazed panels,
16 glass block, or have a fire protection rating of not less than 20 minutes.
- 17 j) **Exterior doors:** Exterior doors shall be approved noncombustible construction,
18 solid core wood not less than 1 3/4 inches thick (45 mm), or have a fire protection
19 rating of not less than 20 minutes. Windows within doors and glazed doors shall
20 be in accordance rated in accordance with the Exterior glazing and skylights
21 section. Exception: Vehicle access doors.
- 22 k) **Vents:** Attic ventilation openings, foundation or under floor vents, or other
23 ventilation openings in vertical exterior walls and vents through roofs shall not
24 exceed 144 square inches (0.0929 m²) each. Such vents shall be covered with
25 noncombustible corrosion resistant mesh with openings not to exceed ¼ inch (6.4
26 mm), or shall be designed and approved to prevent flame or ember penetration
27 into the structure. Turbine attic vents shall be equipped to allow only one way
28 direction rotation and shall not free spin in both directions. Attic ventilation
 openings shall not be located in soffits, in eave overhangs, between rafters at
 eaves, or in other overhang areas. Gable end and dormer vents shall be located at

1 least 10 feet (3048 mm) from property lines. Under floor ventilation openings
2 shall be located as close to grade as practical.

3 l) **Detached accessory structures:** Detached accessory structures located less than
4 50 feet (15 240 mm) from a building containing a habitable space shall be a
5 minimum one hour fire resistance rated assembly. When the detached structure is
6 located and constructed so that the structure or any portion thereof projects over a
7 descending slope surface greater than 10 percent, the area below the structure
8 shall have all under floor areas enclosed to within 6 inches (152 mm) of the
9 ground, with exterior wall construction with a one hour fire resistance rating.
10 Exception: The enclosure may be omitted where the underside of all exposed
11 floors and all exposed structural columns, beams and supporting walls are
12 protected as required for exterior one hour fire resistance rated construction or
heavy timber construction.

13 m) **Site Inspection:** site inspection may reveal conditions which have changed since
14 the plan review. When such discrepancies arise, field inspection shall take
15 precedence. Final approval is contingent upon field inspection. If the field
16 inspection reveals that the conditions have not been met, you will be required to
17 bring the project into compliance with the conditions, or your final approval will
18 be rescinded until the project is compliant.

19 **Planning:**

20 73. This Tentative Parcel Map (P-2-05) shall expire three years from the effective date of the
21 Planning Commission action, unless a time extension is granted by the Planning
22 Commission.

23 74. Conditional Use Permits (C-2-05) and (C-40-05) shall expire on October 26, 2012, unless
24 implemented as required by the Zoning Ordinance or a time extension is granted by the
Planning Commission.

25 75. The Tentative Parcel Map and the two Conditional Use Permits approve only a three-lot
26 subdivision and panhandle access as shown on the plans and exhibits presented to the
27 Planning Commission for review and approval. No deviation from these approved plans
28 and exhibits shall occur without City Planner approval. Substantial deviations shall
require a revision to the Tentative Parcel Map and Conditional Use Permits.

1 76. The applicant, permittee, or any successor-in-interest shall defend, indemnify and hold
2 harmless the City of Oceanside, its agents, officers or employees from any claim, action
3 or proceeding against the City, its agents, officers, or employees to attack, set aside, void
4 or annul an approval of the City, concerning Tentative Parcel Map (P-2-05) and
5 Conditional Use Permits (C-2-05, C-40-05). The City will promptly notify the applicant
6 of any such claim, action or proceeding against the City and will cooperate fully in the
7 defense. If the City fails to promptly notify the applicant of any such claim action or
8 proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be
9 responsible to defend, indemnify or hold harmless the City.

10 77. All single-family dwelling units shall dispose of or recycle solid waste in a manner
11 provided in City Code Section 13.3.

12 78. A covenant or other recordable document approved by the City Attorney shall be
13 prepared by the applicant and recorded prior to the approval of the final Parcel Map. The
14 covenant shall provide that the property is subject to this resolution, and shall generally
15 list the conditions of approval.

16 79. Prior to the issuance of building permits, compliance with the applicable provisions of the
17 City's anti-graffiti (Ordinance No. 93-19, Section 20.25 of the City Code) shall be
18 reviewed and approved by the Planning Division. These requirements, including the
19 obligation to remove or cover with matching paint all graffiti within 24 hours, shall be
20 noted on the Landscape Plan and shall be recorded in the form of a covenant affecting the
21 subject property.

22 80. Prior to the transfer of ownership of the property the applicant shall provide a written
23 copy of the applications, staff report(s), and resolution(s) to the new owner(s). This
24 notification's provision shall run with the life of the Tentative Parcel Map and shall be
25 recorded as a covenant on the property.

26 81. Failure to meet any conditions of approval for this residential subdivision shall constitute
27 a violation of the Tentative Parcel Map (P-2-05) and Conditional Use Permits (C-2-05, C-
28 40-05).

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- 1 82. Unless expressly waived, all current zoning standards and City ordinances and policies in
2 effect at the time grading permits are issued are required to be met by this project. The
3 approval of this Tentative Parcel Map constitutes the applicant's agreement with all
4 statements in the Description and Justification, and other materials and information
5 submitted with this application, unless specifically waived by an adopted condition of
6 approval.
- 7 83. Pursuant to General Plan Objective 1.24, Policy R, topsoil from excavated areas shall be
8 stockpiled for reuse on the site where appropriate.
- 9 84. Pursuant to General Plan Objective 1.24, Policy Q, as construction proceeds groundcover
10 shall be re-established and or planted new as early as possible.
- 11 85. Panhandle access ways shall have recorded joint maintenance agreements and cross
12 easements for use.
- 13 86. The developer is prohibited from entering into any agreement with a cable television
14 franchisee of the City which gives such franchisee exclusive rights to install, operate, and
15 or maintain its cable television system in the development.
- 16 87. This Tentative Parcel Map is subject to the provisions of Chapter 14C of the City Code
17 regarding Inclusionary Housing.
- 18 88. Pursuant to Article 43, Development Plan(s) shall be processed and approved for Parcels
19 1, 2, and 3 of the Tentative Parcel Map prior to the issuance of building permits for each
20 lot. Development on each lot shall provide superior architectural, landscaping design and
21 materials compatible with those found within the Fire Mountain Neighborhood Planning
22 Area. Front yard landscaping shall be provided by the developer of each lot and shall be
23 shown on each Development Plan application.
- 24 89. The subdivision of land does not include the construction of retaining walls. The location,
25 material, design, and construction of any retaining walls shall be constructed in
26 conjunction with future Development Plan(s) approval(s).
- 27 90. Building floor plans, elevations, architectural style and color and materials palette
28 employed on the design of structures on each lot shall differ from but compliment
development on adjoining parcels.

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1 91. Development on each of the new lots created by this Tentative Parcel Map shall meet the
2 following development standards:

- 3 a) minimum net lot size: 10,000 square feet;
- 4 b) minimum unit size: 2,500 square feet;
- 5 c) required yards are 25-foot front, 7.5-foot side, 20-foot rear, and 15-foot corner
6 side;
- 7 d) maximum height of 36 feet on Parcels 1,2 and 3;
- 8 e) maximum lot coverage: 35 percent;
- 9 f) roofing material is required to be fire resistant roof tile;
- 10 g) off-street parking requirements are a minimum combination of a 2-car garage (19-
11 feet wide by 20-feet deep) and a 1-car garage (9-feet wide by 19-feet deep). A
12 minimum 20-foot setback from the vehicle access easement for any off-street
parking is required.

13 92. Development on Parcels 1, 2 and 3 created by this Tentative Parcel Map shall meet the
14 following design guidelines:

- 15 a) Use of retaining walls shall be avoided. Where use of retaining walls cannot be
16 avoided, such walls shall be screened to the maximum extent possible and use of
17 plantable walls shall be employed as part of the design solution.
- 18 b) Structures shall complement the surrounding natural and built environment in
19 pattern, function, scale, character and materials.
- 20 c) Variable structural setbacks shall be provided along vehicle access routes and
21 between adjoining properties in order to establish different patterns of open space,
22 thereby achieving an aesthetically pleasing building frontages and minimizing
privacy loss between dwellings.
- 23 d) Garages shall be designed to be subordinate to the main dwelling. Garages with
24 side entries, split, recessed garages or motor courts are required.
- 25 e) Garage doors shall incorporate multi-panel designs, windows or architectural
26 detailing to reduce their impact and scale.
- 27 f) Garage frontages shall be setback from the dwelling's first story façade. Garages
28 may project in front of the dwelling only if they occupy no more than 50 percent
of the building frontage and incorporate at least one of the following mitigating

1 design features: (i) A porch not less than 12 feet wide and 8 feet deep in front of
2 the living area; or (ii) A trellis and or arbor extending not less than 2 feet beyond
3 the front of the garage; or (iii) A balcony above the garage with a trellis or roof
4 along the garage frontage.

- 5 g) A minimum 15-foot wide landscaped planting area shall be provided between
6 adjacent driveways to minimize adverse visual impacts from expansive driveway
7 surfaces.
- 8 h) Walls and fences visible from public right-of-ways shall be architecturally
9 enhanced and complimented by adjoining, tiered landscaping.
- 10 i) Pursuant to General Plan Objective 1.24, Policy M, permeable (and all weather)
11 surfaces shall be used to pave driveways and the panhandle easement to the
12 satisfaction of the City Engineer and City Planner. The use of impervious
13 surfacing shall be limited and shall be designed to support the natural drainage
14 system.
- 15 j) The type and location of site and building lighting shall preclude direct glare onto
16 adjoining properties and streets.
- 17 k) Dwelling structures shall be designed to compliment, yet be distinguishable from
18 adjacent structures. Buildings shall relate in terms of mass but utilize different
19 form and detail compositions to create a unique design statement. The same
20 building elevations shall not be repeated within the subdivision.
- 21 l) One story architectural elements and massing shall be incorporated into two-story
22 building designs to the greatest extent possible. Where two-story building massing
23 occurs, one or more of the following features should be used to soften the visual
24 impact of a two-story wall surface: (1) variety of hip and gable roofs; (2) arbors,
25 trellises and shade structures; (3) balconies; and (4) cantilevered building
26 elements.
- 27 m) Roof designs shall be compatible in terms of type, slope, size, materials and colors
28 to surrounding residential structures. Flat roofs are discouraged, unless they are
appropriate to the selected architectural style.
- n) All building elevations shall be architecturally enhanced. The selected
architectural design shall be consistently employed on all building elevations.

- o) Unarticulated building wall planes and monolithic forms are prohibited. Use of horizontal and vertical massing offsets is required.
- p) Selection and application of building materials and colors shall take into consideration and relate to surrounding development. Use of colors that reduce and eliminate reflectivity and blend structures into the terrain is recommended.
- q) Materials shall stylistically compliment architectural details. Frequent changes in materials shall be avoided. Changes in colors and materials shall occur at interior corners and shall coincide with vertical and horizontal wall plane changes.
- r) Landscaping shall frame, soften and embellish the quality of the residential environment, buffer residences from noise and enhance privacy. Tiered planting shall be used to enhance the character of the project. Preservation of existing vegetation, to the maximum extent possible, and effective integration within the overall landscaping plan shall be required.

93. In the event any subsurface archaeological resources are encountered during grading or construction activities, such activities in the locality of the find shall be halted immediately. An archaeologist, certified by the Society of Professional Archaeologists (SOPA), shall be brought in to determine the significance of the archaeological resources and implement appropriate mitigations prior to recommending earthwork.

94. An archaeologist and a Native American monitor shall be present for a pre-grade meeting to discuss the monitoring program with the grading contractor, City staff and the developer. The archaeologist and the Native American monitor may determine, in coordination with City staff, that the full-time presence of a monitor is not required, that checking the grading at regular intervals is sufficient. Alternatively, they may determine that an archaeologist and a Native American monitor be on-site during grading and trenching within the project area.

95. If archaeological materials are encountered, their importance must be evaluated to assess the significance of impacts. If significant cultural resources are encountered, mitigation 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 96. Any cultural material recovered shall be accurate at an appropriate facility, except as
2 stipulated differently in the pre-excavation agreement.

3 **Water Utilities:**

4 97. The developer will be responsible for developing all water and sewer utilities necessary to
5 develop the property. Any relocation of water and or sewer utilities is the responsibility of
6 the developer and shall be done by an approved licensed contractor at the developer's
7 expense.

8 98. The property owner will maintain private water and wastewater utilities located on
9 private property.

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

12 100. All Water and Wastewater construction shall conform to the most recent edition of the
13 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
14 the Water Utilities Director.

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

18 102. No trees, structures or building overhang shall be located within any water or wastewater
19 utility easement.

20 103. All lots with a finish pad elevation located below the elevation of the next upstream
21 manhole cover of the public sewer shall be protected from backflow of sewage by
22 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
23 Code (UPC).

24 104. Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees are
25 to be paid to the City and collected by the Water Utilities Department at the time of
26 Building Permit issuance.

27 ///

28 ///

///

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

5 PASSED AND ADOPTED Resolution No. 2009-P47 on October 26, 2009 by the
6 following vote, to wit:

7 AYES:

8 NAYS:

9 ABSENT:

10 ABSTAIN:

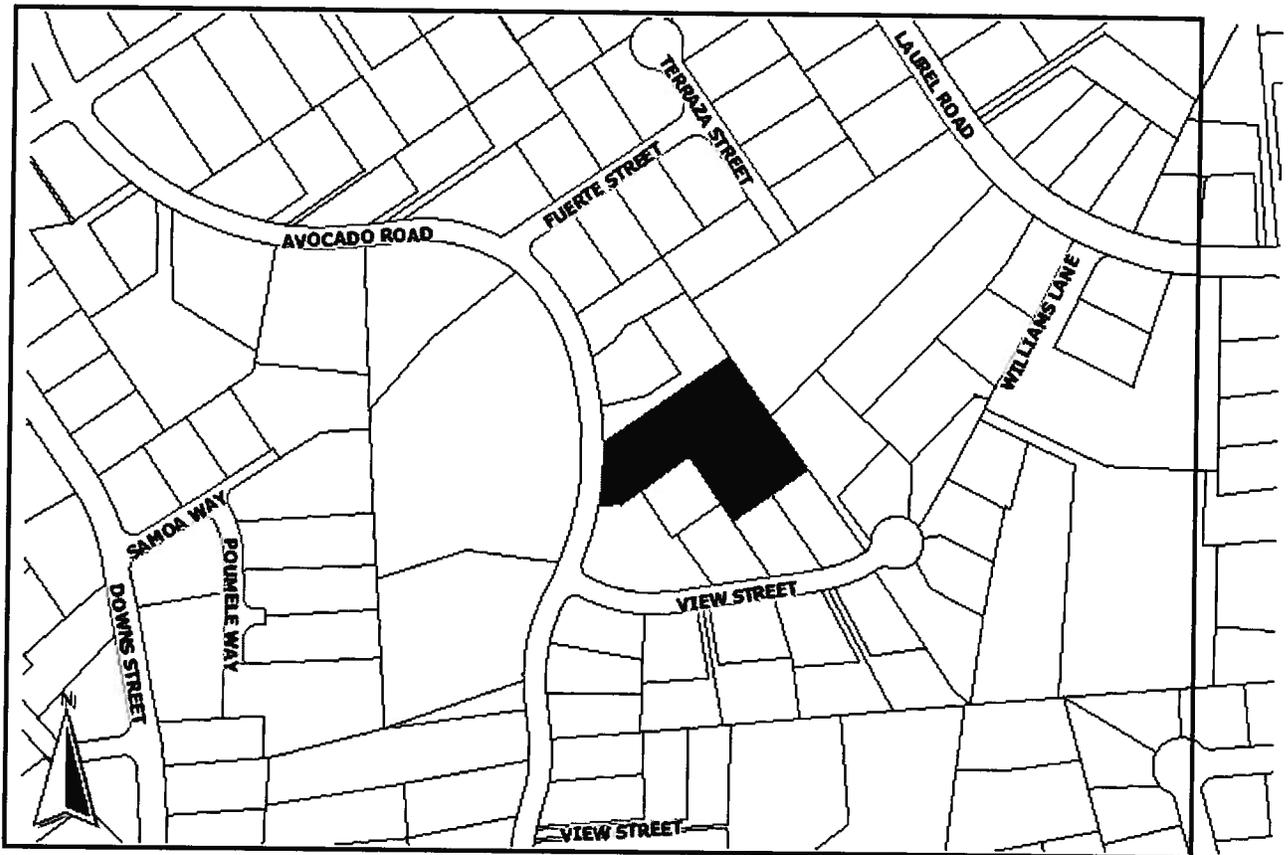
11
12 _____
13 Claudia Troisi, Chairperson
14 Oceanside Planning Commission

15 ATTEST:

16 _____
17 Jerry Hittleman, Secretary

18 I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this
19 is a true and correct copy of Resolution No. 2009-P47.

20 Dated: October 26, 2009



File Number: P-2-05, C-2-05, C-40-05

Applicant: Ann and Graham Fraser

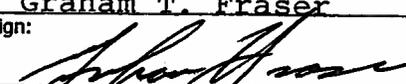
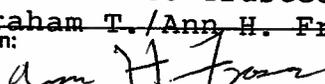
Description:

Consideration of a TENTATIVE PARCEL MAP (P-2-05) and CONDITIONAL USE PERMITS (C-2-05, C-40-05) for a three-lot subdivision, which exceeds the base density and has panhandle access, on a 1.0-acre site located at 1814 Avocado Road. The project site is zoned RE-B (Residential Estate B District) and is situated within the Fire Mountain Neighborhood. – **AVOCADO ROAD PARCEL MAP – Applicant: Ann and Graham Fraser**

Environmental Determination:

The project is exempt from the California Environmental Quality Act.

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 Please Print or Type All Information				ACCEPTED	BY
				2/1/05	LT
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT		2. STATUS		GPA	
Graham T./ Ann H. Fraser Family trust		Trustee		MASTER/SP.PLAN	
3. ADDRESS		4. PHONE/FAX		ZONE CH.	
c/o Fraser Engineering		760-722-3495		TENT. MAP	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing)				PAR. MAP	P-2-05
Steve Barger, Cornerstone Engineering, Inc.				DEV. PL.	
6. ADDRESS		7. PHONE/FAX		C.U.P. C-40-05, C-2-05	
2191 El Camino Real#208		760-722-3495		VARIANCE	
PART II - PROPERTY DESCRIPTION				COASTAL	
8. LOCATION				O.H.P.A.C.	
1814 Avocado Road				9. SIZE	
				1.0 acre	
10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER		
Fire Mountain	RE-B	Residential	165-202-02		
PART III - PROJECT DESCRIPTION					
14. GENERAL PROJECT DESCRIPTION					
A 3-lot tentative parcel map on an existing 1-acre lot in the Fire Mountain are of Oceanside, CA					
Rev - 8/31/05, 4/20/06, 8/10/06, 12/21/06, 12/17/07					
15. PROPOSED GENERAL PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. NO. UNITS	19. DENSITY	
no changes	no changes	Residential	3	3.0	
20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
n/a	n/a	n/a	n/a		
PART IV - ATTACHMENTS 4/23/09					
ALL APPLICATIONS				DEV. PLANS, C.U.P.s & TENT. MAPS	
24. DESCRIPTION/JUSTIFICATION		25. LEGAL DESCRIPTION		30. FLOOR PLANS AND ELEVATIONS	
26. 300-FT. RADIUS MAP		27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE	
28. ENVIRONMENTAL ASSESSMENT		29. PLOT PLANS		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):		34. DATE		37. OWNER (Print)	
Graham T. Fraser		1/13/05		Trustee of the	
Sign: 				Graham T./Ann H. Fraser Family Trust	
38. DATE		39. OWNER (Print):		40. DATE	
1/13/05		Co-Trustee of the			
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.			39. OWNER (Print):		
35. APPLICANT (Print):		36. DATE		40. DATE	
Ann H. Fraser		1/13/05		Graham T./Ann H. Fraser Family Trust	
Sign: 				Sign: 	

OK

APR 23 2009

DESCRIPTION AND JUSTIFICATION FOR AVOCADO ROAD
PARCEL MAP P-2-05, C-2-05 and C-40-05

This parcel map is for a 1-acre site located at 1814 Avocado Road. Proposed are three new parcels, all in excess of 10,000 square feet, which is the minimum standard applied to new parcels in Zone RE-B. For this project, Parcels 1, 2 and 3 are, respectively, 13,824, 15,530 and 14,600 square feet in size, all exceeding the minimum standard.

The parcel was previously developed with a single-family residence (which was demolished under a permit) and disturbed over the years. The property is now vacant and is devoid of any trees. The site slopes gently toward a canyon to the west, with views from two of the future parcels.

The future subdivision has been designed to be especially "neighborhood friendly" and to provide a unique opportunity for individualized custom homes. It is anticipated that each of the parcels will be built out by owner-builders using the criteria outlined by the developer and approved by the City, so that a unique neighborhood fitting into the Fire Mountain area will be created rather than having a mass-produced "product."

Administrative Development Plans will be required to be approved by the Planning Department (appealable to the Planning Commission) prior to the issuance of any building permits.

Development criteria have been prepared and submitted to the City with this application, which provides building envelopes, guidelines for sizes of homes (larger than 2500 square feet), three car garage requirements and fencing standards.

The RE-B Zone in most of Fire Mountain's residential neighborhoods allows minimum lot sizes of 10,000 square feet. To coordinate this requirement with the General Plan Land Use Designation of 1 to 3.5 dwelling units per acre, the City asks all projects with more than one unit per acre to present factors that allow that development to be "above the base density." All of the lots on this Parcel Map are well in excess of 10,000 square feet, and the site's density is just at three units per acre.

The City asks that a Conditional Use Permit application be submitted for each project in Fire Mountain that "exceeds the base density" (has more than one unit per acre in this case), and that several factors be discussed to show the superiority of design to justify the findings for the CUP.

The characteristics suggested for these factors speak to lot design standards, infrastructure improvements, home size standards, setbacks, and landscaping. This project, with its opportunity for unique new custom homes, is a superior candidate for making the findings of compliance with these criteria.

Each home will be required to be larger than 2500 square feet in size and have a three-car garage. This project will be a unique opportunity for luxury custom homes with the requirement that each new home receives an Administrative Development Plan approval from the City.

EXHIBIT B

Suggested Findings for the Avocado Road Parcel Map and Conditional Use Permits (P-2-05, C-2-05 & C-40-05)

APR 23 2009

Planning Division

For the Tentative Parcel Map:

1. That the proposed map is consistent with the General Plan of the City or any applicable specific plan or other provisions of the Zoning Ordinance and the Subdivision Ordinance.

The proposed map meets the minimum lot sizes prescribed in Fire Mountain and is similar in design pattern to many other parcels in the area. It adheres to the standards of the Zoning Ordinance and Subdivision Ordinance.

2. That the site is physically suitable for the type and proposed density of development.

The site gently slopes with opportunities for views and for large single family homes adhering to the criteria set forth as part of this application.

3. That the design of the subdivision or the proposed improvements will not cause substantial environment damage or substantially and avoidably injure fish or wildlife or their habitat; and has been categorically exempted from review under the California Environmental Quality Act.

The site is a small infill parcel surrounded by existing developed lots and has been graded or disturbed over the years.

4. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or the use of property within the proposed subdivision.

There are no such easements

5. That the subdivision complies with all other applicable ordinances, regulations, and guidelines of the City of Oceanside, including but not limited to the Local Coastal Plan, Hillside regulations and the Local Floodplain Ordinance.

The subdivision with each parcel individually laid out and built separately conforms to the general plan policies for Fire Mountain relating to density and to retaining the "rural and rustic" nature of the neighborhood.

For the Conditional Use Permit for panhandle parcels:

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

EXHIBIT B

The type of development plan featuring panhandle access is typical of the Fire Mountain Neighborhood and the RE-B Zone as it is interpreted throughout the area. The project proposes separate, uniquely designed parcels to be marketed to for builder owners.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

Panhandles are often seen in Fire Mountain contributing the unique rural and rustic nature of the neighborhood and adding to the ambience of large custom view homes. They will add to the value and general welfare of the city and the ordinance.

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

The panhandle access complies with the requirements of the City and with the RE-B zone as it is used in the Fire Mountain Neighborhood.

For the Conditional Use Permit for the parcels having a density of three units per acre in the Fire Mountain Neighborhood (building above base density):

The City of Oceanside's Guidelines for Residential base Density Factors outline a number of characteristics that allow development to exceed the base density and advance into the density ranges. Fire Mountain, with its 10,000 square foot standard lot size, has a special Conditional Use requirement which implements the General Plan Designation of 1-3.5 dwelling units per acre. The City has asked that several factors to be used in approving a Conditional Use Permit for each development that has lot sizes which exceed the base density of 1 dwelling unit per acre but are within the 10,000 square foot lot size and the upper limit of the density range which is 3.5 dwelling units per acre.

The characteristics speak to lot design standards, infrastructure improvements, and standards for setbacks, size, and landscaping. These standards will be natural for new custom homes in Fire Mountain.

The most important qualitative factor is that each of this project's parcels exceeds 10,000 square feet in size. Parcel 1 is 13,824 square feet, parcel 2 is 15,530 square feet and parcel 3 is 14,600 square feet in size. The overall density is three units per acre, which is much less than if all of the parcels were 10,000 square feet in size.

Each home will be required to be more than 2500 square feet in size and have a three-car garage. Tile roofs will be required and the subdivision design to maintain views will be carried out with an appropriate height limitation on one of the parcels.

This project will be a unique opportunity for luxury custom homes with the requirement that views be preserved and that each new home will be required to receive an Administrative Development Plan.

EXHIBIT B

Below are the suggested Conditional Use Permit findings which can be used for approving the project with parcels larger than 10,000 square feet, and an overall density of just at 3 per acre.

Conditional Use Permit Findings (for above the base density):

1. That the proposed location of the use is in accord with the objectives of the Zoning Ordinance and the purposes of the district in which the site is located.

Fire Mountain's development pattern and the zoning and general plan policies which govern its development are carried out in this development which will allow for the development of three unique custom homes carrying out the development criteria established with the creation of the map and as reviewed by a City of Oceanside Administrative Development Plan.

2. That the proposed location of the conditional use and the proposed conditions under which it would be operated or maintained will be consistent with the General Plan; will not be detrimental to the public health, safety, welfare of persons residing or working in or adjacent to the neighborhood of such use; and will not be detrimental to properties or improvements in the vicinity or to the general welfare of the City.

This project's development pattern is consistent with its surroundings and will enhance neighboring values rather than being detrimental to the area. It is consistent with the General Plan and its policies concerning the Fire Mountain Neighborhood.

3. That the proposed conditional use will comply with the provisions of the Zoning Ordinance, including any specific condition required for the proposed conditional use in the district in which it would be located.

The project is being required to adhere to strict development criteria and each unit will be required to obtain an Administrative Use Permit.

Legal Description

A portion of lot two (2) in block C of North Carlsbad Annex, in the City of Oceanside, County of San Diego, State of California, according to map thereof no. 1888 filed in the office of The County Recorder of San Diego County, March 01, 1926.

RECEIVED
FEB 01 2005
Planning Department

Graham Fraser
765-0545
home



NOTICE OF EXEMPTION

City of Oceanside, California

Post Date: 10/26/2009
Removal: 04/24/2010
(180 days)

1. **APPLICANT:** Ann and Graham Fraser
2. **ADDRESS:** 2191 El Camino Real #208, Oceanside, CA 92054
3. **PHONE NUMBER:** (760) 722-3495
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Juliana von Hacht
6. **PROJECT TITLE:** P-2-05, C-2-05, C-40-05 Avocado Road Tentative Parcel Map
7. **DESCRIPTION:** a three lot subdivision that exceeds base density, provides panhandle access to each lot, and includes the deferral of utility conversion to underground.

ADMINISTRATIVE DETERMINATION: Planning Division staff has completed a preliminary review of this project in accordance with the City of Oceanside's Environmental Review Guidelines and the California Environmental Quality Act (CEQA), 1970. Based on that review, the Associate Planner finds that the proposed project constitutes subdivision of land and the deferral of utility conversion. Therefore, the Associate Planner determined that further environmental evaluation is not required because:

- "The activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA" (Section 15061(b)(3)); or,
- The project is statutorily exempt, Section _____, <name> (Sections 15260-15277); or,
- The project is categorically exempt, Class 15, Section 15315 Minor Land Divisions; or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Jerry Hittleman, City Planner

Date: October 26, 2009

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee