



DATE: November 19, 2007

TO: Chairman and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-5-04) AND CONDITIONAL USE PERMIT (C-8-07) FOR THE SUBDIVISION OF AN APPROXIMATELY 0.92-ACRE SITE, INTO TWO LOTS LOCATED NORTHWEST OF THE INTERSECTION OF IVY AND AVOCADO ROAD. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE - B DISTRICT) AND IS SITUATED WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD. – AVOCADO PARCEL MAP – APPLICANT: LOREN SAXTON & ERIC HAMILTON**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 15, Categorical Exemption per Section 15315 of the California Environmental Quality Act; and
2. Adopt Planning Commission Resolution No. 2007-P47 approving Parcel Map (P-5-04) and Conditional Use Permit (C-8-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Site Review: The project site is located along the west side of Avocado Road and is surrounded by custom single-family homes. The property is currently vacant. Its ground surface elevation varies from 100 feet MSL (mean sea level) at the north easterly portion adjacent to Avocado Road to approximately 65 feet MSL at the westerly portion of the site. Access to the subject parcel will be provided from Avocado Road.

The zoning designation for the site is Residential Estate - B (RE-B) and the corresponding General Plan land use designation is Estate B - Residential (EB-R) which permits 1-3.5 dwelling units per gross acre. The property is surrounded by single-family residential uses (residential structures and vacant lots).

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

Tentative Parcel Map No. P-5-04 represents a request for the following:

- (a) To subdivide an approximately 0.92-acre site into two legal parcels pursuant to Article VI of the Oceanside Subdivision Ordinance. Listed below is the proposed parcel breakdown:

	Gross	Approximate Net
Parcel 1	19,440 SF	16,580 SF
Parcel 2	19,814 SF	17,000 SF

Conditional Use Permit No. C-8-07 represents a request for the following:

- (a) To subdivide the site into two legal parcels, in excess of the applicable base density of one dwelling unit per acre.

The applicant proposes to subdivide an existing 0.92-acre lot into two parcels consisting of 19,440 square feet (parcel one) and 19,814 square feet (parcel two). Due to the site's hillside topography, any residential development on the property will be subject to an administrative development plan review to ensure compliance with Hillside Development regulations. The administrative development plan is not apart of this entitlement request and will be subject to a separate review.

ANALYSIS

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

1. General Plan
2. Zoning Ordinance
3. Subdivision Ordinance

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. The General Plan Land Use Map designation on the subject property is Estate-B Residential (EB-R) and the proposed project is consistent with this designation and the goals and objectives of the City's General Plan as follows:

Objective 1.12 Land Use Compatibility: To minimize conflicts with adjacent or related land uses.

The proposed project is consistent with the General Plan Land Use Map designation on the subject property - Estate B - Residential (EB-R) - and compatible with surrounding residential uses.

The following table summarizes and provides comparisons between the existing land uses, zoning and the general plan designation on the adjoining properties:

Land Use compatibility with surrounding developments

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

The subject proposal is consistent with applicable zoning and general plan designation and compatible with existing adjacent residential uses.

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 2.0 Subdivision of Land or Real Property: To create legal divisions of land or real property that shall provide long-term enhancement for the community.

The proposed subdivision will implement the goals and objectives specified in the General Plan through compliance with the density range for the subject land use designation of 1-3.5 dwelling units per gross acre.

Objective 2.02 Residential Subdivision: To assure residential subdivisions of land shall be of sufficient size, dimensions, and topography to promote overall community enhancement, and the aesthetic and efficient functioning of the particular residential unit.

The design of the subject subdivision will provide two parcels with pad areas of sufficient size and dimension to accommodate development of one single family detached dwelling per Parcel. Parcel 1 is conditioned to transfer five feet of frontage to parcel 2 to create a greater pad area due to the steep slopes existing on Parcel 1.

2. Zoning Compliance

This project is located in the Residential Estate-B District (RE-B) zone district and complies with the requirements of that zone. Future residential development is subject to compliance with Hillside Development standards. The following table summarizes proposed and applicable development standards for the project site:

Development standards

	REQUIRED STANDARDS	PROPOSED STANDARDS
LOT SIZE	10,000 sq. ft. (min)	19,440 & 19,814 sq. ft.
PARKING SPACES	3-car garage min. (Bldg. 2,500+ sq. ft.)	3-car garage min. (Bldg. 2,500+ sq. ft.)
FRONT YARD	25-ft. (min)	25-ft.
INTERIOR SIDE YARD	7.5 -ft.	7.5-ft.
REAR YARD	20-ft.	20-ft.
COVERAGE	35% (max)	35%
LOT WIDTH	70-ft. (min)	70.5 (+) -ft.
HEIGHT	36-ft. (max)	36-ft. (max)

3. Subdivision Ordinance

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

- A. Article VI Subdivisions of Four or Fewer Parcels Pursuant to Section 600 of the Subdivision Ordinance, this Tentative Parcel Map has been prepared in a manner acceptable to the Engineering Department.

DISCUSSION

Issue: Project Compatibility with the Existing Neighborhood Character:

Recommendation: The project site is located within the Fire Mountain Neighborhood and many of the surrounding lots have been subject to similar small parcel subdivisions as the proposed project.

The project as conditioned will be able to accommodate the type of infill development that is encouraged throughout the Fire Mountain Neighborhood. The proposed parcels will provide additional housing stock for independent ownership consistent with the City's Zoning Ordinance and General Plan for residential estate type developments.

Recommendation: Staff finds that the overall design of the project will be consistent with the existing neighborhood character. Due to Land-Use policy 2.32 for the potential range of residential densities, the project exceeds the minimum density requirements, therefore compatibility of overall site design shall be considered and the project will be conditioned to provide a superior design that shall compliment the neighborhood. Therefore staff supports the applicant's request, subject to compliance with the staff recommended conditions of the project approval.

ENVIRONMENTAL DETERMINATION

The proposed development is exempt for environmental review as a Class 15, Categorical Exemption per Section 15315 of the California Environmental Quality Act (CEQA) and is not subject to any further CEQA review procedures.

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 and individuals/organizations requesting notification, applicant, and interested parties.

SUMMARY

The proposed project is consistent with the land use policies of the General Plan with the exception of the requested conditional use permit for exceeding the base density requirement. The project, as conditioned to be reviewed will be compatible in terms of lot size and site design with existing developments within the surrounding neighborhood. As such, staff recommends that the Planning Commission:

- Confirm issuance of a Class 15, Categorical Exemption per Section 15315 of the California Environmental Quality Act; and
- Adopt Planning Commission Resolution No. 2007-P47 approving Parcel Map (P-5-04) and Conditional Use Permit (C-8-07) with findings and conditions of approval attached herein.

PREPARED BY:



Scott Nightingale
Planner II

SUBMITTED BY:

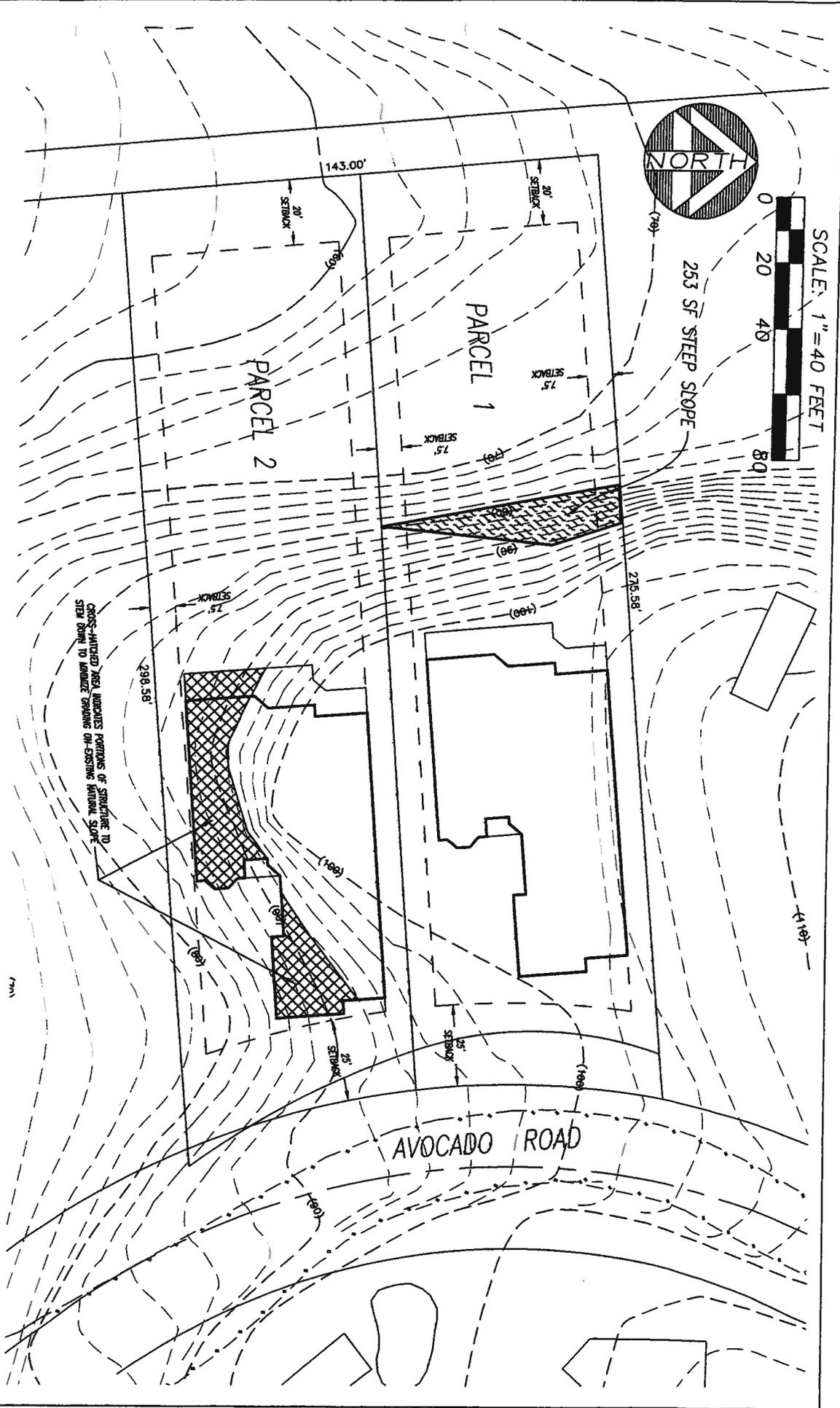


Jerry Hittleman
City Planner

JH/SN/fil

Attachments:

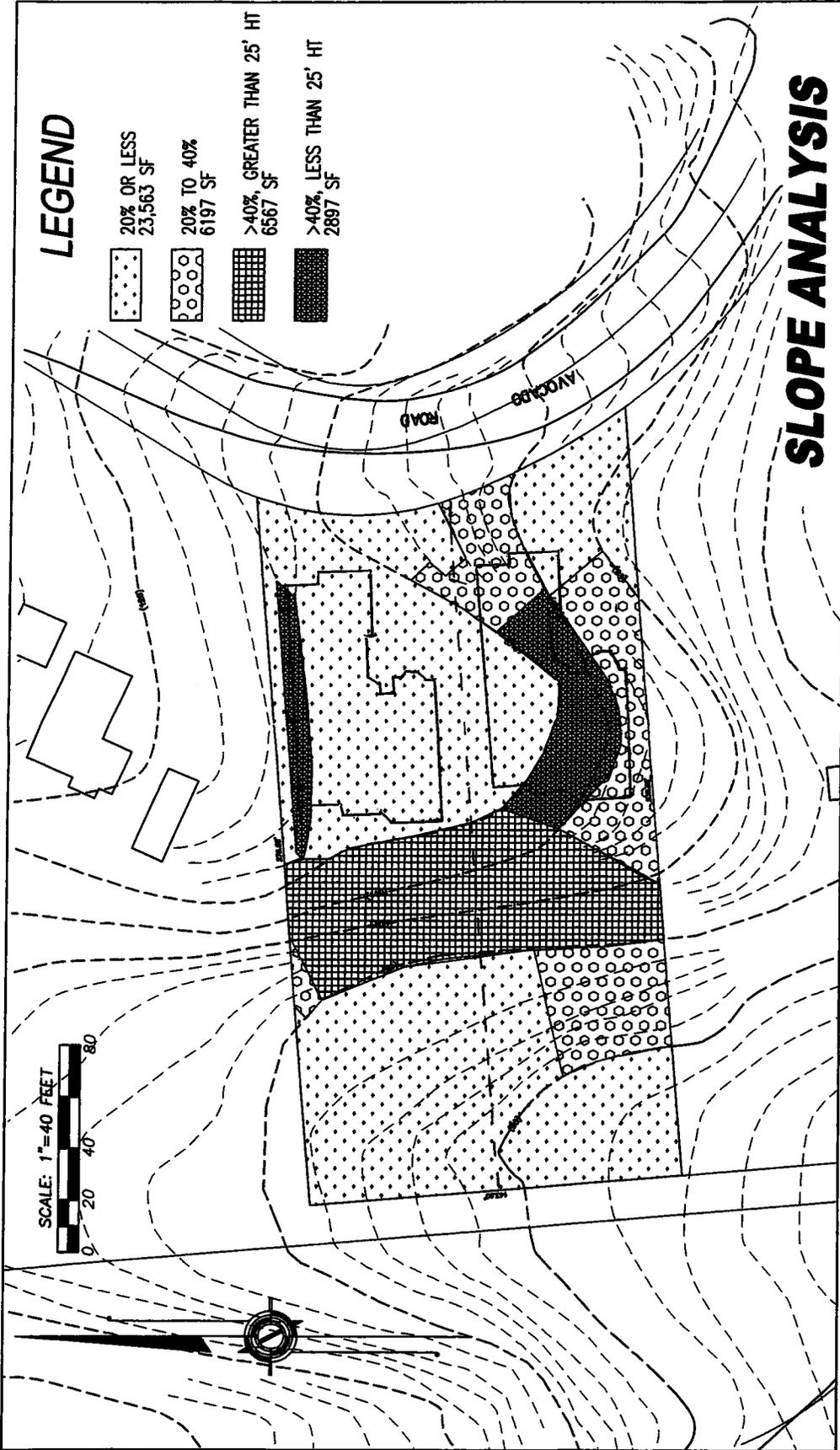
1. Plans/Site Map
2. Planning Commission Resolution No. 2007-P54



HOUSE SITTING EXHIBIT
 TO SHOW HOUSE LOCATIONS WITH LEAST GRADING AND
 LOCATION OUT OF EXISTING STEEP SLOPE AREA

LEGEND

- 20% OR LESS
23,563 SF
- 20% TO 40%
6197 SF
- >40%, GREATER THAN 25' HT
6567 SF
- >40%, LESS THAN 25' HT
2897 SF

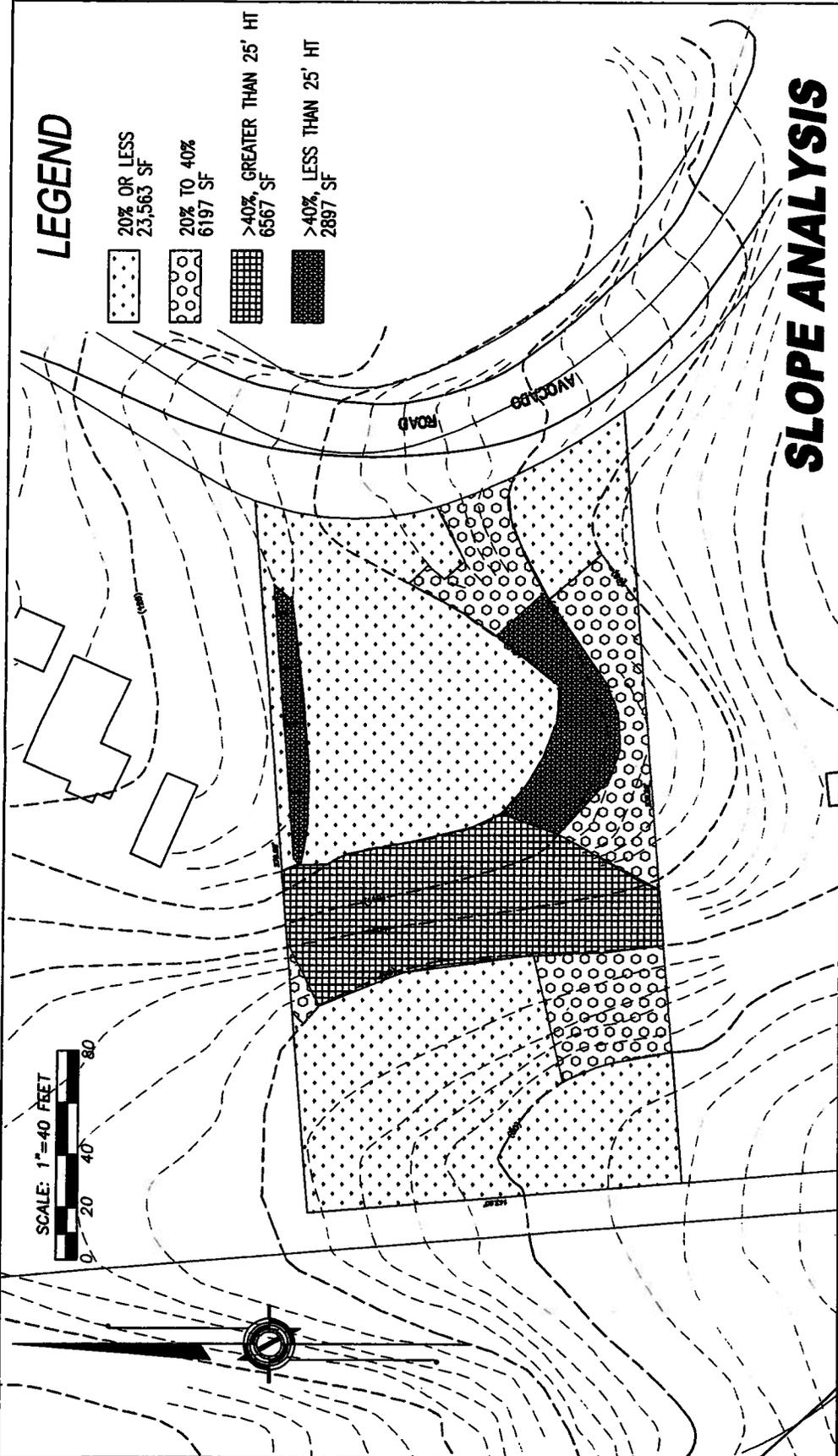


SLOPE ANALYSIS

LEGEND

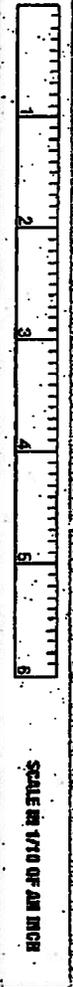
-  20% OR LESS
23,563 SF
-  20% TO 40%
6197 SF
-  >40%, GREATER THAN 25' HT
6567 SF
-  >40%, LESS THAN 25' HT
2897 SF

SCALE: 1"=40 FEET
0 20 40 80



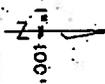
SLOPE ANALYSIS

SAN DIEGO COUNTY ASSESSOR'S MAP OF 154 22

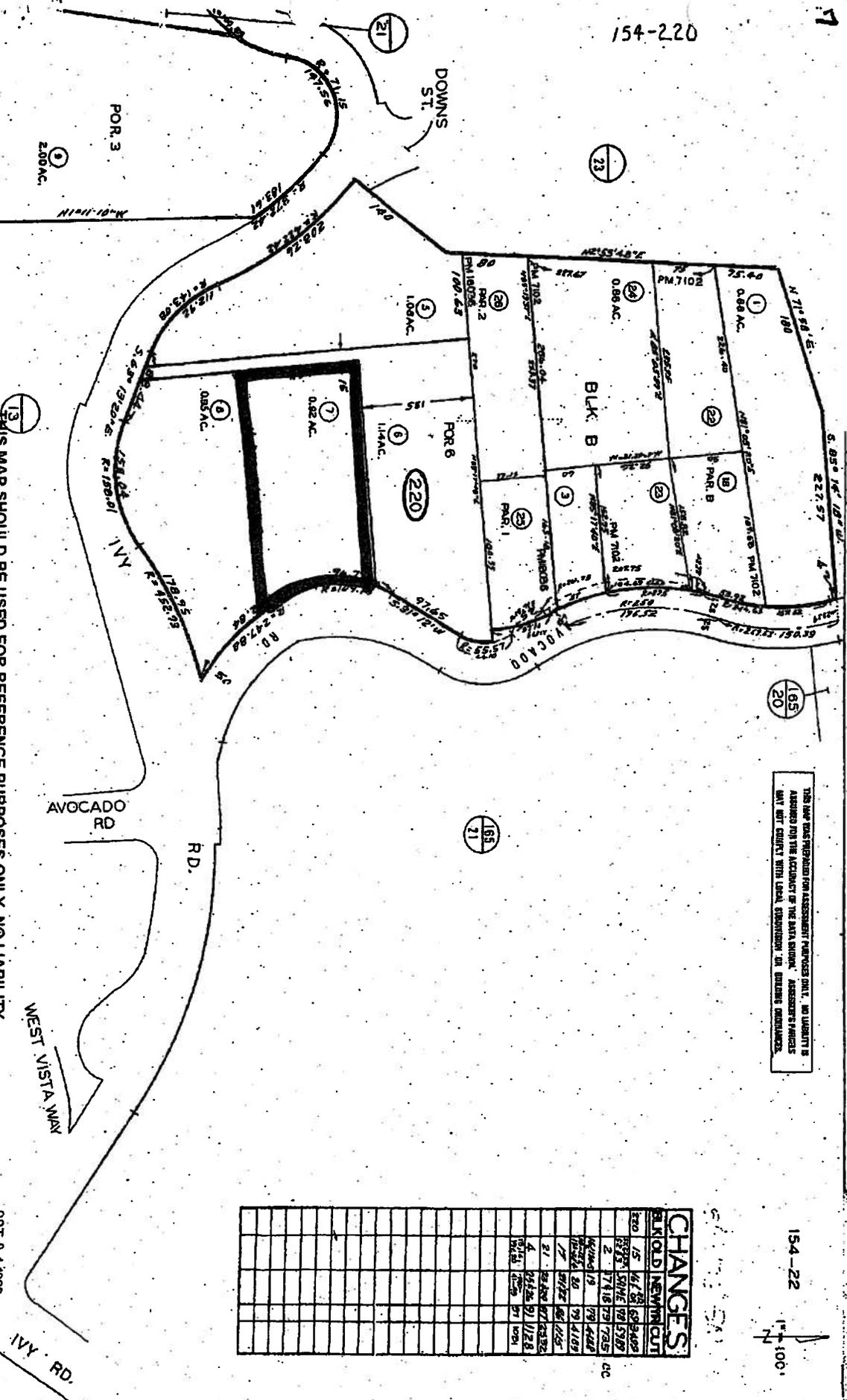


THIS MAP WAS PREPARED FROM ASSESSOR'S RECORDS ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. ASSESSOR'S RECORDS MAY NOT CORRELATE WITH LOCAL GOVERNMENT OR BUILDING DEPARTMENTS.

154-22



CHANGES	
BLK/OLD	NEW/IN/OUT
15	4/1/81 694409
2	7/4/81 5787
19	7/4/81 725
20	7/4/81 725
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THIS MAP SHOULD BE USED FOR REFERENCE PURPOSES ONLY. NO LIABILITY IS ASSUMED FOR THE ACCURACY OF THE DATA SHOWN. PARCELS MAY NOT COMPLY WITH LOCAL SUBDIVISION OR BUILDING ORDINANCES.

MAP 1888 - NORTH CARLSBAD ANNEX - BLK A - LOTS 4 & POR. 3 & BLK B - LOT 6

OCT 0 4 1996

1
2 PLANNING COMMISSION
3 RESOLUTION NO. 2007-P54

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

8 APPLICATION NO: P-5-04 , C-8-07
9 APPLICANT: Loren Saxton & Eric Hamilton
10 LOCATION: Northwest of Ivy and Avocado Road intersection.

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 a Tentative Parcel Map and Conditional Use Permit
14 under the provisions of Articles 10 and 41 of the Zoning Ordinance of the City of Oceanside to
15 permit the following:

16 two-lot subdivision and a deferral of the requirement to underground existing overhead
17 utilities;
18 on certain real property described in the project description.

19 WHEREAS, the Planning Commission, after giving the required notice, did on the 19th day
20 of November, 2007 conduct a duly advertised public hearing as prescribed by law to consider said
21 application.

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

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

27 WHEREAS, pursuant to Gov't Code §66020(d)(1), NOTICE IS HEREBY GIVEN that the
28 project is subject to certain fees, dedications, reservations and other exactions as provided below:
29

Description	Authority for Imposition	Current Estimate Fee or Calculation Formula
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
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 \$3,746 per unit.
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 \$4,587 per unit.
San Diego County Water Authority Capacity Fees	SDCWA Ordinance No. 2005-03	Based on meter size. Residential is typically \$4,154 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 resolutions, presume the accuracy of relevant project information provided by the applicant, and are not necessarily the fee amount that will be owing when such fee becomes due and payable;

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

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

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

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

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

15 FINDINGS:

16 For the Tentative Parcel Map:

- 17 1. The proposed subdivision, as conditioned to be revised, will create parcels that are
18 consistent with the requirements of the RE-B (Residential Estates-B) zoning designation.
19 The subdivision map will be consistent with the General Plan of the City.
- 20 2. The proposed building pads, as conditioned to be revised, will conform to the topography
21 of the site; therefore, making it suitable for residential development. The 0.92-acre site is
22 physically suitable to allow for the development of two residential lots.
- 23 3. The subdivision will comply with all applicable ordinances, regulations and guidelines of
24 the City. Future residential development shall require the approval of an administrative
25 development plan and will meet the provisions of the hillside development regulations for
26 any new construction.
- 27 4. The design of the subdivision or the proposed improvements will not cause substantial
28 environment damage or substantially and avoidably injure fish or wildlife or their
29 habitat.

1 For the Conditional Use Permit to allow for the Increase in Base Density:

- 2 1. The subject property is zoned Residential Estate-B (RE-B) with a corresponding Land Use
3 designation of Estate- B Residential (1 – 3.5 dwelling units per acre). The proposed project
4 density of 3.22 dwelling units per acre is consistent with the density range of (1 – 3.5
5 dwelling units per acre) established by the Estate-B Residential designation.
- 6 2. The project will not be detrimental to the public health, safety or welfare of persons residing
7 or working in or adjacent to the neighborhood of such use; and will not be detrimental to
8 properties or improvements in the vicinity or to the general welfare of the City.
- 9 3. The project has been adequately conditioned to ensure excellence of design features
10 consistent with Section 2.32 of the General Plan.

11 NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby
12 approve Tentative Parcel Map (P-5-04) and Conditional Use Permit (C-8-07) subject to the
13 following conditions:

14 **Building:**

- 15 1. Applicable Building Codes and Ordinances shall be based on the date of submittal for
16 Development Services Department/Building Division plan check.
- 17 2. The granting of approval under this action shall in no way relieve the applicant/project from
18 compliance with all State and local building codes.
- 19 3. All electrical, communication, CATV, etc. service lines, within the exterior lines of the
20 property shall be underground (City Code Sec. 6.30).
- 21 4. Compliance with the Federal Clean Water Act (BMPs) shall be demonstrated on the plans.
- 22 5. A complete soils report, structural calculations and energy calculations/documentation shall
23 be required at time of plans submittal to the Building Division for plan check.
- 24 6. Separate/unique addresses shall be required to facilitate utility releases. Verification that
25 the addresses have been properly assigned by the Development Services
26 Department/Planning Division shall accompany the building permit application.
- 27 7. The developer shall monitor, supervise and control all building construction and supportive
28 activities so as to prevent these activities from causing a public nuisance, including, but not
29 limited to, strict adherence to the following:

- 1 a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00
2 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for
3 work that is not inherently noise-producing. Examples of work not permitted on
4 Saturday are concrete and grout pours, roof nailing and activities of similar noise-
5 producing nature. No work shall be permitted on Sundays and Federal Holidays
6 (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day,
7 Christmas Day) except as allowed for emergency work under the provisions of the
8 Oceanside City Code Chapter 38 (Noise Ordinance).
- 9 b) The construction site shall be kept reasonably free of construction debris as
10 specified in Section 13.17 of the Oceanside City Code. Storage of debris in
11 approved solid waste containers shall be considered compliance with this
12 requirement. Small amounts of construction debris may be stored on-site in a neat,
13 safe manner for short periods of time pending disposal.

14 **Engineering:**

- 15 8. For the demolition of existing structures or surface improvements demolition permit(s)
16 shall be secured. Grading plans shall be submitted and erosion control plans be approved
17 by the City Engineer prior to the issuance of a demolition permit. No demolition shall be
18 permitted without an approved erosion control plan.
- 19 9. With the exception to the approved driveways, vehicular access rights to Avocado Road
20 shall be relinquished to the City from all abutting lots.
- 21 10. The subdivider/developer shall provide public street dedication along the subdivision's
22 frontage for the current and ultimate alignments of Avocado Road. The dedication shall be
23 consistent with the road design prepared by a California licensed Civil Engineer and
24 approved by the City Engineer at final engineering but no later than prior to issuance of any
25 grading or building permits.
- 26 11. All right-of-way alignments, street dedications, exact geometrics and widths shall be
27 dedicated and improved as required by the City Engineer.
- 28 12. Design and construction of all improvements shall be in accordance with standard plans,
29 specifications of the City of Oceanside and subject to approval by the City Engineer.

- 1 13. Prior to approval of the final parcel map, monumentation requirements shall be covered by
2 a subdivision agreement and secured with sufficient securities.
- 3 14. Prior to issuance of any building permit all improvement requirements shall be covered by
4 a development agreement and secured with sufficient improvement securities or bonds
5 guaranteeing performance and payment for labor and materials, and warranty against
6 defective materials and workmanship.
- 7 15. The approval of the tentative map shall not mean that closure, vacation, or abandonment of
8 any public street, right-of-way, easement, or facility is granted or guaranteed to the
9 developer. The developer is responsible for applying for all closures, vacations, and
10 abandonments as necessary. The application(s) shall be reviewed and approved or rejected
11 by the City of Oceanside under separate process(es) per codes, ordinances, and policies in
12 effect at the time of the application. The City of Oceanside retains its full legislative
13 discretion to consider any application to vacate a public street or right-of-way.
- 14 16. Where proposed off-site improvements, including but not limited to slopes, public utility
15 facilities, and drainage facilities, are to be constructed, the subdivider/developer shall, at
16 his own expense, obtain all necessary easements or other interests in real property and shall
17 dedicate the same to the City of Oceanside as required. The subdivider/developer shall
18 provide documentary proof satisfactory to the City of Oceanside that such easements or
19 other interest in real property have been obtained prior to the approval of the final parcel
20 map or issuance of any grading, building or improvement permit, whichever occurs first.
21 Additionally, the City of Oceanside, may at its sole discretion, require that the
22 subdivider/developer obtain at his sole expense a title policy insuring the necessary title for
23 the easement or other interest in real property to have vested with the City of Oceanside or
24 the subdivider/developer, as applicable.
- 25 17. Pursuant to the State Map Act, improvements shall be required at the time of development.
26 A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to
27 these improvement conditions and a certificate setting forth the recordation shall be placed
28 on the map.
- 29 18. Prior to issuance of any building permit a phasing plan for the construction of public and
private improvements including landscaping and street improvements shall be approved by

1 the City Engineer. All improvements shall be under construction to the satisfaction of the
2 City Engineer prior to the issuance of any building permits. All improvements shall be
3 completed prior to issuance of any certificates of occupancy.

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

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

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

14 b) All grading and related site preparation and construction activities shall be
15 limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No
16 engineering related construction activities shall be conducted on Saturdays,
17 Sundays or legal holidays unless written permission is granted by the City Engineer
18 with specific limitations to the working hours and types of permitted operations.
19 All on-site construction staging areas shall be as far as possible (minimum 100
20 feet) from any existing residential development. Because construction noise may
21 still be intrusive in the evening or on holidays, the City of Oceanside Noise
22 Ordinance also prohibits "any disturbing excessive, or offensive noise which
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 a.m.
27 to 3:30 p.m. unless approved otherwise.
28
29

- 1 21. A traffic control plan shall be prepared according to the City traffic control guidelines
2 and be submitted to and approved by the City Engineer prior to the start of work within
3 open City rights-of-way. Traffic control during construction of streets that have been
4 opened to public traffic shall be in accordance with construction signing, marking and
5 other protection as required by the Caltrans Traffic Manual and City Traffic Control
6 Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless
7 approved otherwise.
- 8 22. Approval of this development project is conditioned upon payment of all applicable impact
9 fees and connection fees in the manner provided in chapter 32B of the Oceanside City
10 Code. All drainage fees, traffic signal fees and contributions, highway thoroughfare fees,
11 park fees, reimbursements, and other applicable charges, fees and deposits shall be paid
12 prior to recordation of the map or the issuance of any building permits, in accordance with
13 City Ordinances and policies. The subdivider/developer shall also be required to join into,
14 contribute, or participate in any improvement, lighting, or other special district affecting or
15 affected by this project. Approval of the tentative parcel map shall constitute the
16 subdivider/developer's approval of such payments, and his agreement to pay for any other
17 similar assessments or charges in effect when any increment is submitted for final parcel
18 map or building permit approval, and to join, contribute, and/or participate in such
19 districts.
- 20 23. Avocado Road shall be improved with curb and gutter.
- 21 24. Avocado Road shall provide a minimum of 10 feet parkway between the face of curb and
22 the right-of-way line.
- 23 25. Sight distance requirements at the project driveway shall conform to the corner sight
24 distance criteria as provided by the California Department of Transportation Highway
25 Design Manual or as approved by the City Engineer and shown in the City Engineering
26 Manual, Standard Drawing T-1.
- 27 26. Streetlights shall be maintained and installed on all public streets per City Standards. The
28 system shall provide uniform lighting, and be secured prior to occupancy. The developer
29 shall pay all applicable fees, energy charges, and/or assessments associated with City-

1 owned (LS-2 rate schedule) streetlights and shall also agree to the formulation of, or the
2 annexation to, any appropriate street lighting district.

3 27. Prior to approval of the grading plans, the developer shall contract with a geotechnical
4 engineering firm to perform a field investigation of the existing pavement on all streets
5 adjacent to the project boundary. The limits of the study shall be half-street plus 12 feet
6 along the project's frontage. The field investigation shall include a minimum of one
7 pavement boring per every 50 linear feet of street frontage. Should the existing AC
8 thickness be determined to be less than three inches or without underlying Class II base
9 material, the developer shall remove and reconstruct the pavement section as determined
10 by the pavement analysis submittal process detailed in Item No. 2 below.

11 28. Upon review of the pavement investigation, the City Engineer shall determine whether
12 the Developer shall: 1) Repair all failed pavement sections, header cut and grind per the
13 direction of the City Engineer, and construct a two-inch thick rubberized AC overlay; or
14 2) Perform R-value testing and submit a study that determines if the existing pavement
15 meets current City standards/traffic indices. Should the study conclude that the
16 pavement does not meet current requirements, rehabilitation/mitigation
17 recommendations shall be provided in a pavement analysis report, and the developer
18 shall reconstruct the pavement per these recommendations, subject to approval by the
19 City Engineer.

20 29. Any existing broken pavement, curb, gutter or sidewalk or any damaged during
21 construction of the project, shall be repaired or replaced as directed by the City Engineer.

22 30. All existing overhead utility lines within the subdivision/development and/or within any
23 full width street or right-of-way abutting a new subdivision/development, and all new
24 extension services for the development of the project, including but not limited to,
25 electrical, cable and telephone, shall be placed underground per Section 901.G. of the
26 Subdivision Ordinance (R91-166) and as required by the City Engineer and current City
27 policy.

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

- 1 32. Grading and drainage facilities shall be designed and installed to adequately accommodate
2 the local stormwater runoff and shall be in accordance with the City's Engineers Manual
3 and as directed by the City Engineer.
- 4 33. The applicant shall obtain any necessary permits and clearances from all public agencies
5 having jurisdiction over the project due to its type, size, or location, including but not
6 limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U.
7 S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board
8 (including NPDES), San Diego County Health Department, prior to the issuance of grading
9 permits.
- 10 34. Prior to any grading of any part of the subdivision/developemnt, a comprehensive soils and
11 geologic investigation shall be conducted of the soils, slopes, and formations in the project.
12 All necessary measures shall be taken and implemented to assure slope stability, erosion
13 control, and soil integrity. No grading shall occur until a detailed grading plan, to be
14 prepared in accordance with the Grading Ordinance and Zoning Ordinance, is approved by
15 the City Engineer.
- 16 35. Year-round erosion control for the site shall be provided. Prior to the issuance of grading
17 permit, an erosion control plan, designed for all proposed stages of construction, shall be
18 reviewed, secured by the applicant with cash securities and approved by the City Engineer.
- 19 36. Precise grading and private improvement plans shall be prepared, reviewed, secured and
20 approved prior to the issuance of any building permits. The plans shall reflect all
21 pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, striping, signage,
22 footprints of all structures, walls, drainage devices and utility services.
- 23 37. 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 landscaping shall be installed prior
28 to the issuance of any certificates of occupancy. Any project fences or sound or privacy
29 walls 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,

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

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

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

14 40. Unless an appropriate barrier is approved on a landscape plan, a minimum 42-inch high
15 barrier, approved by the City Engineer, shall be provided at the top of all slopes whose
16 height exceeds 20 feet or where the slope exceeds four feet and is adjacent to an arterial
17 street or state highway.

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

1 limited to: mass grading, rough grading, construction of street and landscaping
2 improvements, and construction of dwelling units. The applicant shall design the
3 project's storm drains and other drainage facilities to include Best Management Practices
4 to minimize non-point source pollution, satisfactory to the City Engineer.

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

10 43. The developer shall prepare and submit a Runoff Assessment Report (RAR) to the
11 Public Works Department with the first submittal of engineering plans. The RAR shall
12 be prepared by the applicant's Civil Engineer. It shall be directly based on the approved
13 by the Public Works Department. The RAR shall be in compliance with the latest
14 edition of submission requirements.

15 44. The subdivider/developer shall pay all applicable traffic signal and thoroughfare fees.

16 45. A four-inch white edge stripe shall be installed along the project frontage to delineate the
17 existing curvature of the roadway from the southern terminus of the Avocado Road
18 realignment to approximately 16 feet north of the northerly driveway.

19 46. Existing "Curve Warning" (W1-8) and "Stop Ahead" (W3-1) signing along the project
20 frontage shall be relocated to the new back of curb location.

21 47. A barricade per Regional Standard Drawing M-9 shall be installed at the southern
22 terminus of the Avocado Road realignment.

23 48. Detailed signing and striping plans with appropriate calculations supporting the design
24 of the proposed road alignment at the subdivisions frontage and all necessary off-site
25 transitions shall be prepared by a California Civil Engineer and submitted for the City
26 Engineer's review at final engineering but no later than prior to issuance of any grading
27 or building permits.

28 49. Striping and signing shall be installed to the satisfaction of the City Engineer prior to
29 issuance of any certificate of occupancy.

1 **Planning:**

2 50. This Tentative Parcel Map and Conditional Use Permit shall expire on November 19,
3 2009, unless a time extension is granted by the Planning Commission.

4 51. This Tentative Parcel Map and Conditional Use Permit approves only a two-lot
5 subdivision, with the associated development standards amended by conditions of project
6 approval, as stated herein. No retaining walls approvals are included as part of this
7 tentative parcel map and conditional use permit.

8 52. The Final Parcel Map shall depict Parcel 1 with a 70-ft. lot width. The remaining property
9 width shall be allocated to Parcel 2.

10 53. Residential development on Parcel 1 and Parcel 2 is contingent upon approval of a joint
11 Administrative Development Plan for said parcels. The Administrative Development Plan
12 shall be in compliance with the following standards: a) the primary residential dwelling
13 structures on each parcel shall not exceed 3,500 sq. ft.; b) the residential dwelling design
14 shall utilizing split level footprints sensitive to the each parcels topography; c) residential
15 development shall comply with applicable Hillside Development Provisions. Where
16 conflict(s) exist between said provisions and the applicant proposed development standards
17 the Hillside Development Provisions shall prevail.

18 54. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold
19 harmless the City of Oceanside, its agents, officers or employees from any claim, action or
20 proceeding against the City, its agents, officers, or employees to attack, set aside, void or
21 annul an approval of the City, concerning Tentative Parcel Map P-5-06 and Conditional
22 Use Permit C-8-07. The City will promptly notify the applicant of any such claim, action
23 or proceeding against the City and will cooperate fully in the defense. If the City fails to
24 promptly notify the applicant of any such claim action or proceeding or fails to cooperate
25 fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify
26 or hold harmless the City.

27 55. A covenant or other recordable document approved by the City Attorney shall be prepared
28 by the subdivider and recorded prior to the approval of the final map. The covenant shall
29 provide that the property is subject to this resolution, and shall generally list the conditions
of approval.

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

5 57. Failure to meet any conditions of approval for this development shall constitute a violation
6 of the Tentative Parcel Map and the Conditional Use Permit. Unless expressly waived, all
7 current zoning standards and City ordinances and policies in effect at the time building
8 permits are issued are required to be met by this project. The approval of this project
9 constitutes the applicant's agreement with all statements in the Description and
10 Justification, and other materials and information submitted with this application, unless
11 specifically waived by an adopted condition of approval.

12 **Water Utilities:**

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

17 59. The property owner will maintain private water and wastewater utilities located on private
18 property.

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

21 61. All Water and Wastewater construction shall conform to the most recent edition of the
22 Water, Sewer, and Reclaimed Water Design and Construction Manual or as approved by
23 the Water Utilities Director.

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

27 63. No trees, structures or building overhang shall be located within any water or wastewater
28 utility easement.

29 64. All lots with a finish pad elevation located below the elevation of the next upstream
manhole cover of the public sewer shall be protected from backflow of sewage by

1 installing and maintaining an approved type backwater valve, per the Uniform Plumbing
2 Code (U.P.C.).

3 65. All Water and Wastewater Buy-in fees and the San Diego County Water Authority Fees
4 are to be paid to the City and collected by the Water Utilities Department at the time of
5 Building Permit issuance.

6 PASSED AND ADOPTED Resolution No. 2007-54 on November 19, 2007 by the following
7 vote, to wit:

8 AYES:

9 NAYS:

10 ABSENT:

11 ABSTAIN:

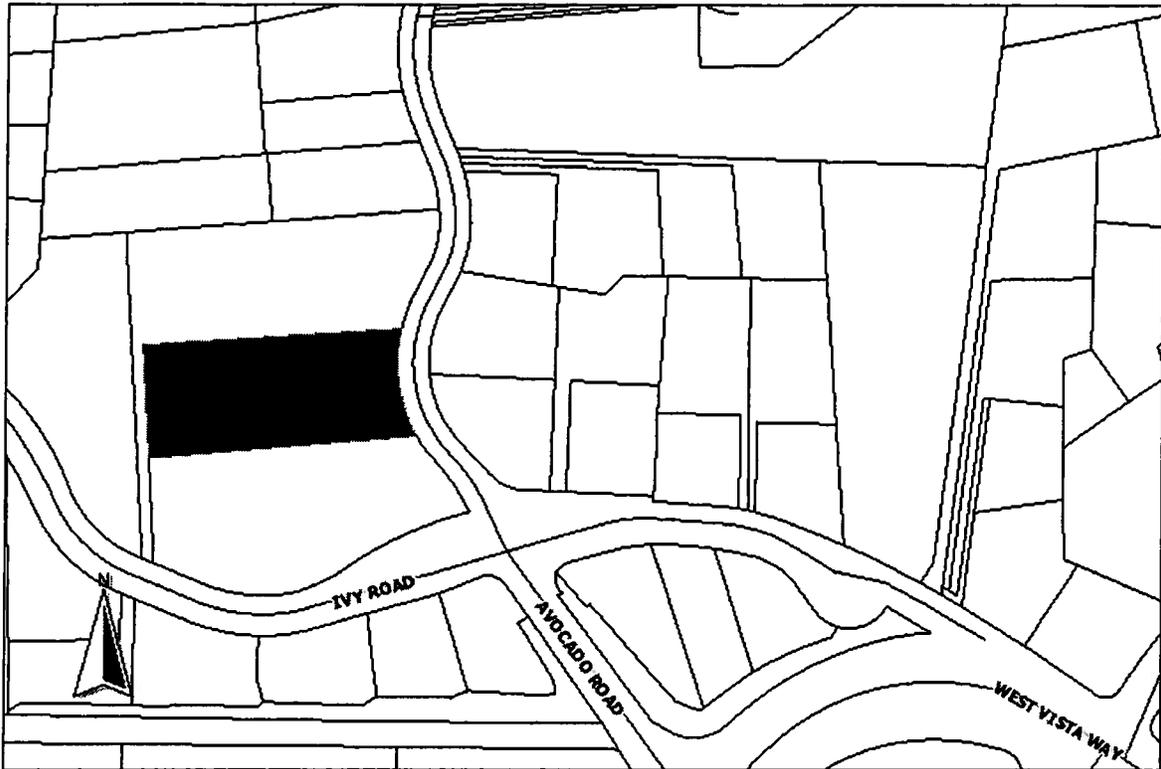
12
13
14 _____
15 Dennis Martinek, Chairman
16 Oceanside Planning Commission

17 ATTEST:

18
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. 2007-P54.

23 Dated: November 19, 2007
24
25
26
27
28
29



File Number: P-5-04, C-8-07

Applicant: Eric Hamilton

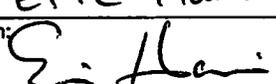
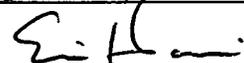
Description:

PARCEL MAP (P-5-04) and CONDITIONAL USE PERMIT (C-8-07) for a two-lot subdivision, to create two approximate 19,000-square foot lots. The property is located northeast of the intersection of Ivy and Avocado Road within the Fire Mountain Neighborhood. – **AVOCADO PARCEL SPLIT**

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				RECEIVED APR 21 2004 Planning Department	ACCEPTED BY 4/21/04 
PART I - APPLICANT INFORMATION				HEARING	
1. APPLICANT Loren Saxton & Eric Hamilton		2. STATUS		GPA	
3. ADDRESS 1940 LINCOLN ST. 1607 Alvarado St. Oceanside 92054		4. PHONE/FAX (760) 967-0377		MASTER/SP.PLAN	
5. APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing) Eric Hamilton				ZONE CH.	
6. ADDRESS 1940 LINCOLN ST. 1607 Alvarado St.		7. PHONE/FAX (760) 908-4328		TENT. MAP	
PART II - PROPERTY DESCRIPTION				PAR. MAP	P-5-04
8. LOCATION Avocado Rd.			9. SIZE 0.92 Acres		
10. GENERAL PLAN EB-R	11. ZONING REEB	12. LAND USE Single-Family	13. ASSESSOR'S PARCEL NUMBER 154-220-007		
PART III - PROJECT DESCRIPTION				REV-10/29/04, 1/31/05, 2/3/06, 8/31/06	
14. GENERAL PROJECT DESCRIPTION Lot Split /					
15. PROPOSED GENERAL PLAN N/A	16. PROPOSED ZONING N/A	17. PROPOSED LAND USE SFD	18. NO. UNITS 2	19. DENSITY 2.17	
20. BUILDING SIZE 2,885 s.f.	21. PARKING SPACES	22. % LANDSCAPE	23. % LOT COVERAGE		
PART IV - ATTACHMENTS Rev-3/15/07					
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 Title, Sales, Hydrology			
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): Eric Hamilton		34. DATE 4/20/04		38. DATE 4/20/04	
Sign: 		37. OWNER (Print): Eric Hamilton		Sign: 	
I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.					
35. APPLICANT (Print):		36. DATE		39. OWNER (Print):	
Sign:		Sign:		40. DATE	

Description and Justification

This project submittal consists of a **Tentative Parcel Map (P-5-04)** and a **Conditional Use Permit (C-8-07)**, for the consideration of a two lot parcel split. The property is located in the Fire Mountain neighborhood and just North West of the intersection of Ivy Road and Avocado Road. The Parcel Map will consist of a two lot split of an existing 0.92 acre site into one 19,440 square feet for (PARCEL 1) and 19,814 for (PARCEL 2). The site consist of slopes that are not greater than 40% and an Administrative Development Plan will be needed for any new construction on either of the two parcels. No development of single family homes is being processed with this application. The lot is currently vacant and covered with dirt and weeds. The parcel map will enable opportunities to enhance the property and the neighborhood. The property provides opportunities for single family development with beautiful ocean views that would provide quality housing to the neighborhood.

The Conditional Use Permit is for the request to permit the subdivision and the creation of two parcels that are in excess of the required base density of the RE-B (Residential Estate District) of one dwelling unit per acre. The Oceanside Zoning ordinance does allow for a density of 3.5 units per acre with required findings and the findings are listed below:

Findings for CUP:

- The request to subdivide the two lots will be consistent in size, topography and orientation as the surrounding properties in the neighborhood.
- The parcel map will not only provide opportunities for additional housing in the area, but will promote development and improvements to the neighborhood.
- The development of the single family homes will be reviewed for enhanced and consistent neighborhood architecture through an Administrative Development Plan with the City of Oceanside's Planning Department.
- The Parcel Map will provide right away improvements to the area that is needed for the neighborhood.

We have talked to several neighbors in the area and they seem happy about the future development that is in the midst. The neighborhood concerns were about the up keep of the vacant lots and with the future development the concerns will not be an issue.

Please feel free to contact me at (760) 908-4328 if you have any concerns with the application.

Thanks,

Eric Hamilton/Loren Saxton

**Development Criteria and Architectural Guidelines
For Lot Split on Avocado Rd.
TPM P-5-04 and CUP C-8-07**

The project site is located on Avocado Road in the Fire Mountain area of Oceanside. The existing lot is 0.92 acres or 19,440 sq. ft. The existing lot is flat on top and bottom with some slope area in between. The current application proposes to divide the property into two lots accessing from Avocado Rd. The following development criteria are hereby established for the future parcels.

1. Administrative development plans shall be processed and approved by the Planning Director prior to issuance of building permits for new homes on the proposed parcels.
2. Each home shall be 3,500 sq. ft. or larger with 3 car garages.
3. Front yard setback shall be 25 ft.
4. Side yard setback shall be 7.5 ft.
5. Rear yard setback shall be 20 ft.
6. Maximum height of house shall not exceed 36 ft.
7. Maximum lot coverage of dwelling shall not exceed 35%.
8. Lots shall incorporate a 6 ft. high privacy fence or wall around the property. Excluding the front setback area.
9. The new homes shall demonstrate the enhanced architecture.

The following architecture guidelines are set as a minimum basis for future development.

1. Architecture styles shall be consistent with custom craftsman designs throughout entire Fire Mountain neighborhood.
2. Both parcel developments shall not be exactly the same in design but consist of similar aspects.
3. Minimum floor area shall be 2500 sq. ft.
4. Roofing materials can range from tile to composite to metal. No wood shingle roofing will be accepted.
5. Building materials can range from standard wood construction to steel framing with stucco. Wood, field stone, brick, slate, or equivalent materials that enhance the overall architectural look of the home are permitted.
6. The architectural style should reflect the eclectic custom home feel of the Fire Mountain area.

RECEIVED
APR 21 2004
Planning Department

Order Number: DIV-963723
Page Number: 5

LEGAL DESCRIPTION

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

The Northerly 143 feet (measured along the Westerly line) of that portion of Lot 6 in Block "B" of North Carlsbad Annex, in the County of San Diego, State of California, according to Map thereof No. 1888, filed in the Office of the Recorder of said San Diego County, March 1, 1926, described as follows:

Beginning in the Westerly line of said Lot 6, distant thereon South 2 degrees 55'48" West 383.03 feet from the corner common to Lots 3, 4 and 6; thence North 85 degrees 17'48" East, 100.63 feet to a point designated herein as Point "A"; thence Southerly along a straight line (which runs Southerly from said Point "A" to a point in the Southwesterly line of said Lot 6 distant therealong 340.13 feet from the most Westerly corner of said Lot 6; 135 feet more or less, to an intersection with a line which is 135.0 feet Southerly at right angles from that line which bears North 85 degrees 17'43" East from said above described Point "A"; said intersection being the true point of beginning of said property herein described; thence continuing Southerly along said straight line to said point in said Southwesterly line of said Lot 6; thence Easterly and Northerly along said Southwesterly line and along the Southerly and Easterly boundaries of said Lot 6 to an intersection with a line which bears North 85 degrees 17'48" East from the true point of beginning; thence along said line South 85 degrees 17'48" West to the true point of beginning.

Excepting from the above described property the Westerly 15 feet.

APN: 154-220-07-00



NOTICE OF EXEMPTION

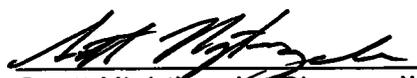
City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Eric Hamilton
2. **ADDRESS:** 1940 Lincoln Street
Oceanside CA. 92054
3. **PHONE NUMBER:** (760) 908-4328
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Avocado Parcel Map (P-5-04 & C-8-07)
7. **DESCRIPTION:** A request to subdivide an existing 0.92 acre lot into two legal parcels located north west of the intersection of Ivy and Avocado Road.

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 Environmental Coordinator finds that the proposed project constitutes division of property in an urbanized area zoned for residential use into four or fewer parcels when the division is in conformance with the General Plan and Zoning, no variances or exceptions are required, all services and access to the proposed parcels to local standards are available, the parcel was not involved in a division of a larger parcel within 2 years, and the project is categorically exempt. Therefore, the Environmental Coordinator has 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, "Minor Land Divisions" (Section 15315); or,
- The project does not constitute a "project" as defined by CEQA (Section 15378).



Scott Nightingale, Planner II

Date: November 19, 2007

cc: Project file Counter file Library

Posting: County Clerk \$50.00 Admin. Fee