DATE: November 3, 2008

TO: Chairperson and Members of the Planning Commission

FROM: Development Services Department/Planning Division

SUBJECT: **CONSIDERATION OF A TENTATIVE PARCEL MAP (P-12-01) AND CONDITIONAL USE PERMITS (C-2-03, C-21-07) FOR THE SUBDIVISION OF AN APPROXIMATELY 1.02-ACRE SITE, INTO TWO LOTS LOCATED ON THE EAST SIDE OF AVOCADO ROAD BETWEEN IVY ROAD AND VIEW STREET. THE PROJECT SITE IS ZONED RE-B (RESIDENTIAL ESTATE - B DISTRICT) AND IS SITUATED WITHIN THE FIRE MOUNTAIN NEIGHBORHOOD. – HENSEL PARCEL MAP – APPLICANT: DONALD D. HENSEL**

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

1. Confirm issuance of a Class 19, Categorical Exemption per Section 15315 of the California Environmental Quality Act; and

2. Adopt Planning Commission Resolution No. 2008-P69 approving Parcel Map (P-12-01) and Conditional Use Permits (C-2-03, C-21-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

Background: On March 18, 1974, the Planning Commission approved Variance V-20-73 to allow two panhandle lots. The recording of Parcel Map 2951 on August 12, 1974 created two parcels with panhandle access from Avocado Road. Parcel 1 of Map 2951 is the subject site and Parcel 2 is owned by Mr. Vance Campbell.

On April 11, 2008, Mr. Vance Campbell and Mr. Hensel recorded a Certificate of Compliance for a lot merger and lot line adjustment number PLA-06-2006, that created the existing parcel layout.

Site Review: The project site is located along the east side of Avocado Road between Ivy Road and View Street at 1846 Avocado Road. This property is surrounded by custom single-family homes, and currently exists with a 3,840-square foot residence with an existing 1,831-square foot garage. The properties ground surface elevation varies from 140 feet MSL (mean sea level) at the south easterly portion to approximately 170 feet MSL at the northern portion of the site. Access to the subject parcel will be provided from an existing access easement via 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 the following components: a Tentative Parcel Map and two Conditional Use Permits.

Tentative Parcel Map No. (P-12-01) represents a request for the following:

(a) To subdivide an approximately 1.02-acre site into two legal parcels pursuant to Article VI of the Oceanside Subdivision Ordinance. The proposed project is within the Residential Estate-B District and as per the Oceanside Zoning Ordinance the minimum lot area in this zoning district is 10,000 square feet. The proposed parcels would exceed the minimum allowable lot area and listed below is the proposed parcel breakdown:

	Gross	Approximate Net
Parcel 1	28,589 SF	25,744 SF
Parcel 2	18,031 SF	18,031 SF

Conditional Use Permit No. C-2-03 represents a request for the following:

(a) To exceed the base density of one dwelling unit per acre.

The applicant proposes to subdivide an existing 1.02-acre lot into two parcels consisting of 28,589 square feet (parcel one) and 18,031 square feet (parcel two). The project density is one dwelling unit per acre, which is within the density range of the underlying land use designation of RE-B (1 unit - 3.5 units per acre) as per Oceanside Zoning Ordinance Section 1010. The proposed parcels exceed the RE-B requirement for minimum lot size (10,000 sq. ft.) and the minimum lot width requirement (70 ft). This project's site density is 3.7 units per acre based of the existing 1.02 acres site, and the proposed two lots are within the allowable density thresholds.

Since the project is subject to compliance and consistency with the surrounding neighborhood, any residential development on the property will be subject to an administrative development plan review to ensure compliance with Hillside Development regulations, General Plan policies, and the Zoning Designation development regulations. The administrative development plan is not a part of this entitlement request and will be subject to a separate review.

Conditional Use Permit No. C-21-07 represents a request for the following:

(b) To permit the use of a panhandle design for vehicle access.

As mentioned previously, Parcels 1 and 2 have access via the panhandle driveway. The project proposes a 32-foot wide paved panhandle driveway. Section 1050 (Y) of the Zoning Ordinance outlines the development criteria for panhandle access. A Fire Department Turnaround Easement, with a 30-foot radius, is shown on Parcel 1. At this time development has not been proposed on Parcel 2; therefore, the location of the garages and their 20-foot setback from the turnaround is depicted on the map. The demolition of the existing 1,831-square foot garage, and the construction of a three-car garage on the newly created parcel 1 will be conditioned with this project.

ANALYSIS

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

1. General Plan
2. Zoning Ordinance
3. Subdivision Ordinance
4. 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. 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 1.13 Neighborhood Character: To promote and reinforce the unique

and positive attributes of individual neighborhoods of Oceanside while strengthening Citywide goals, involvement, and identity.

Policies:

B. The area which includes the Fire Mountain single-family residential district shall ensure that the rustic and rural nature of the district is preserved and enhanced. A key to this objective is providing for: (1) minimum lot sizes of 10,000 square feet or greater, (2) view preservation, and (3) extensive landscaping.

H. For lands within the ... Fire Mountain, ... 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.

This proposal complies with Objective 1.13 Policies B and H of the Land Use Element. The subject site is located within the Fire Mountain Neighborhood and proposes seven lots that exceed 10,000 square feet net area. As such, the lot sizes are considered consistent with the underlying Land Use designation of Estate B Residential.

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.

Policies:

A. No proposed division of land or real property shall be created which fails to implement the General Plan, City policies and ordinances, or development standards.

B. Any City action creating a legal division of land or real property shall identify and consider adjacent and surrounding land uses and land divisions to assure compatibility and proper integration.

C. A subdivision of land or real property must provide adequate on-site improvements consistent with the general plan, including street design, drainage and sanitary facilities, and easements.

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. This proposal satisfies implementation of local standards and regulations including Objective 2.0 of the General Plan (Subdivision of Land or Real Property), and will be compatible with surrounding developments in terms as land use, density, and lot size.

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.

Policies:

A. A subdivision of land or real property must include provisions for off-site improvements or the payment of fees for off-site improvements consistent with the General Plan, including temporary and permanent school facilities, road and bridge improvements, parks, and sewers.

B. A subdivision of land or real property must be designed to accommodate, protect, and preserve environmentally sensitive areas identified in the General Plan.

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. This proposal includes adequate street design, panhandle access, drainage, and easements. The resolution identifies provisions for the payment off-site improvement fees that are consistent with the General Plan.

2. Zoning Compliance

This project is located in the Residential Estate-B (RE-B) zone district and complies with the requirements of that zone. Future residential development is subject to compliance with Development standards, and is subject to an administrative development plan. 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)	28,589 & 18,031 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)	80.41 (+) -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 lot design and layout 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 19 "Minor Land Divisions," 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 19 "Minor Land Divisions," Categorical Exemption per Section 15315 of the California Environmental Quality Act; and

-- Adopt Planning Commission Resolution No. 2008-P69 approving Parcel Map (P-12-01) and Conditional Use Permits (C-2-03, C-21-07) with findings and conditions of approval attached herein.

PREPARED BY:

Scott Nightingale
Planner II

SUBMITTED BY:

Jerry Hittleman
City Planner

REVIEWED BY:
Richard Greenbauer, Senior Planner

JH/SN/fil

Attachments:
1. Plans/Site Map
2. Planning Commission Resolution No. 2008-P69

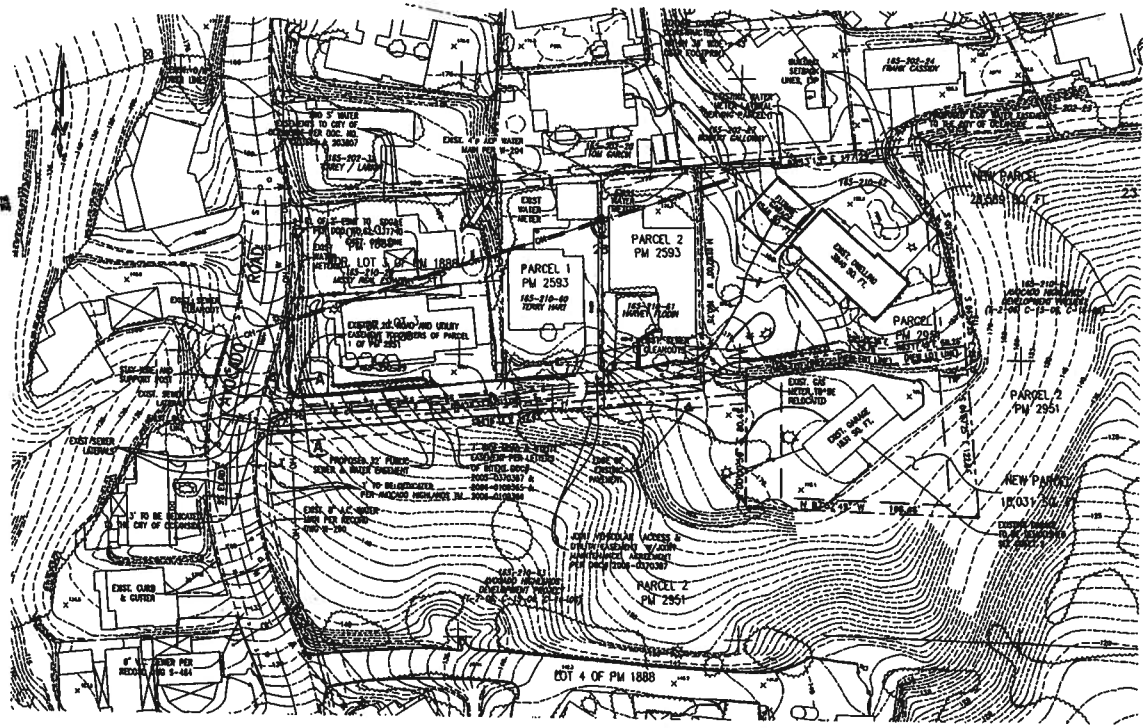
TENTATIVE PARCEL MAP
1846 AVOCADO ROAD
THE CITY OF OCEANSIDE, CALIFORNIA

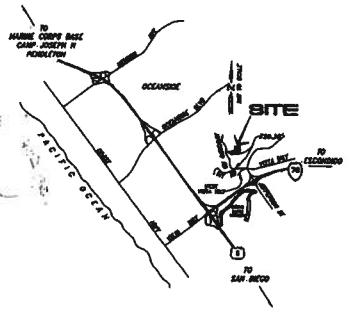
LEGEND

DESCRIPTION	SYMBOL
EXIST EOP	
EXIST WATER, (SIZE STATED ON PLANS)	
EXIST SEWER W/ MANHOLE (SIZE STATED ON PLAN)	
EXIST GAS	
EXIST OVERHEAD WIRE	
FUTURE WATER METER	
EXIST WATER METER	
EXIST GAS METER	
EXIST FIRE HYDRANT	
EXIST DIRECTION OF SURFACE FLOW	
EXIST SPOT ELEVATION	
EXIST CONTOUR	
EXISTING RETAINING WALL	
EXISTING RETAINING WALL HEIGHT	
PROPOSED ELEVATION (FILL OR CUT)	
EXIST. STREET LIGHT	
EXIST. O/H LINE AND POLE	
EXIST. AC PAVEMENT	
EXIST. CONCRETE	
FUTURE 6" WATER LINE	
FUTURE SEWER LATERAL	
FUTURE FIRE HYDRANT	
FUTURE AC PAVEMENT OVERLAY OR REPLACEMENT	
FUTURE PAVEMENT (FUTURE IMPERVIOUS SURFACE AREA)	
FUTURE TRENCH RESURFACING	
NEW PROPERTY LINE	
EASEMENT LINE	
BUILDING SETBACK LINE	
SUBDIVISION LINE	

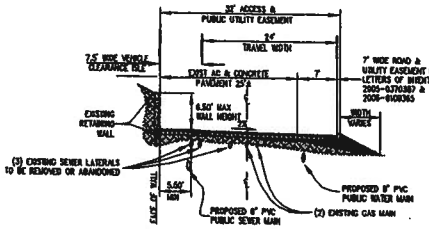
PUBLIC UTILITIES

WATER SUPPLY	CITY OF OCEANSIDE
SEWER	CITY OF OCEANSIDE
STORM DRAIN	CITY OF OCEANSIDE
GAS & ELECTRIC	S.D.G.&E.
TELEPHONE	AT&T
FIRE	CITY OF OCEANSIDE
POLICE	CITY OF OCEANSIDE
SCHOOLS	OCEANSIDE UNIFIED SCHOOL DISTRICT
CABLE	COX CABLE

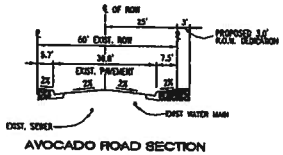




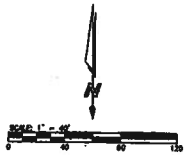
VICINITY MAP
NOT TO SCALE



SECTION A-A
SCALE: 1"= 10'



AVOCADO ROAD SECTION
NOT TO SCALE



PARCEL AREAS

GROSS: 28,569 SQ. FT.
NET: 25,744 SQ. FT.

PARCEL	GROSS AREA	NET AREA
1	28,569 SQ. FT.	25,744 SQ. FT.
2	18,031 SQ. FT.	18,031 SQ. FT.

REGISTERED PROFESSIONAL ENGINEER BRUCE A. TAIT No. 32247 Exp. 12/31/08 CIVIL STATE OF CALIFORNIA

TAIT CONSULTING, INC.
702 Chris Center Drive
Oceanside, CA 92054
Phone: 760-435-1166

GENERAL NOTES

1.	TOTAL SITE ACREAGE	46,629 SF, OR 1.07 Ac
	PARCEL 1	GROSS: 28,569 SQ. FT. NET: 25,744 SQ. FT.
	PARCEL 2 (ALSO R.O.W. TAKEN AREAS TO BE REMOVED)	GROSS: 18,031 SQ. FT. NET: 18,031 SQ. FT.
2.	ZONING EXISTING PROPOSED	RESIDENTIAL ESTATE-B (RE-B) NO CHANGE
3.	GENERAL PLAN DESIGNATION	ESTATE-B RESIDENTIAL (ES-B) NO CHANGE
4.	EXISTING LAND USE PROPOSED LAND USE	VACANT/SINGLE FAMILY RESIDENTIAL SINGLE FAMILY RESIDENTIAL
5.	TOTAL NUMBER OF LOTS	2
6.	DWELLING UNITS	2
7.	PROPOSED DENSITY	2 DU/ACRE
8.	AMOUNT OF PROPOSED BUILDING COVERAGE	N/A
9.	COMMON, TOTAL OPEN SPACE COMMON, USEABLE OPEN SPACE PRIVATE, USEABLE OPEN SPACE	N/A N/A N/A
10.	PERCENT OF STREETS	N/A
11.	PAVING PAVEMENT (FUTURE ADDITIONAL IMPERVIOUS AREA)	2,513 S.F.
12.	ACCESSOR'S PARCEL NUMBER	165-210-62
13.	OFF STREET PARKING	N/A
14.	LANDSCAPING REQUIRED LANDSCAPING PROPOSED	N/A N/A PER ZONING ORDINANCE, ART. 30, NOTE 7.
15.	MAXIMUM SLOPE GRADIENT:	N/A

EASEMENT NOTE

THE TITLE REPORT SHOWS THAT AN EASEMENT TO SAN DIEGO CONSOLIDATED GAS & ELECTRIC CO. PER PAGE 53, BOOK 1053, O.R. THE LEGAL DESCRIPTION FOR SAID EASEMENT DOES NOT PROVIDE SUFFICIENT INFORMATION TO PLOT THE EASEMENT.

GENERAL DESIGN NOTES

1. ALL PROPOSED UTILITIES TO BE UNDERGROUND
2. CONTOUR INTERVAL IS 1'
3. GRADING: CUT 500 CY – FILL 500 CY (BALANCE)
4. AREA OF GRADING = 0.875 AC (PUBLIC)
5. CUBIC YARDAGE OF GRADING PER GRADED AREA: 27000 CY/Ac (MINIMUM)

LEGAL DESCRIPTION

PARCEL A
PARCEL 1 AS SHOWN ON A PARCEL MAP FILED IN BOOK OF PARCEL MAPS AT PAGE 2951 IN THE OFFICE OF THE COUNTY RECORDER OF SAN DIEGO COUNTY ON AUGUST 12, 1974, BEING A PORTION OF LOT 3, BLOCK "C", 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 1, 1928, AS ABANDONED BY PLA-88-98.

TOGETHER WITH A 30 FEET EASEMENT ACROSS LOT 3 OF SAID MAP 1888.

OWNER / APPLICANT

DON HENSEL
P.O. BOX 1742
CARLSBAD, CALIFORNIA 92018
PHONE: 760-721-9400

DON HENSEL DATE

REPRESENTATIVE

THE LIGHTFOOT PLANNING GROUP
5750 FLEET STREET, SUITE 250
CARLSBAD, CALIFORNIA 92008
PHONE: 760-722-1924

SOURCE OF TOPOGRAPHY:

CANYON LAND SURVEYING & TOPOLL, INC., - MAY 2004

TOPO ON PANHANDLE BY THOMPSON LAND SURVEYS – 2003

UNDERGROUNDING OF EXISTING OVERHEAD UTILITIES:

SEE SHEET 3

PRELIMINARY GEOTECHNICAL STUDY:

TAYLOR GROUP, INC.
819 CHC CENTER DRIVE
OCEANSIDE, CA 92054
PHONE: (760) 721-9888
PROJECT NO.: 003.00244
DATED JULY 10, 2003
UPDATED MAY 16, 2007

PRELIMINARY HYDROLOGY STUDY:

SEE LETTER BY TAIT CONSULTING, INC., DATED 3/28/02 ON FILE WITH THE CITY OF OCEANSIDE ENGINEERING DIVISION. AND LETTER DATED 6/13/08.

STORMWATER QUALITY REQUIREMENTS:

THE OWNER/APPLICANT SHALL COMPLY WITH THE CITY OF OCEANSIDE STANDARD URBAN STORMWATER MITIGATION PLAN REQUIREMENTS IN EFFECT AT THE TIME OF DEVELOPMENT OF THE PARCELS.

FLOOD ZONE: X
PANEL # 0762
COMMUNITY # 060294
SUFFIX F - JUNE 19, 1997

C-2-03 P-12-01

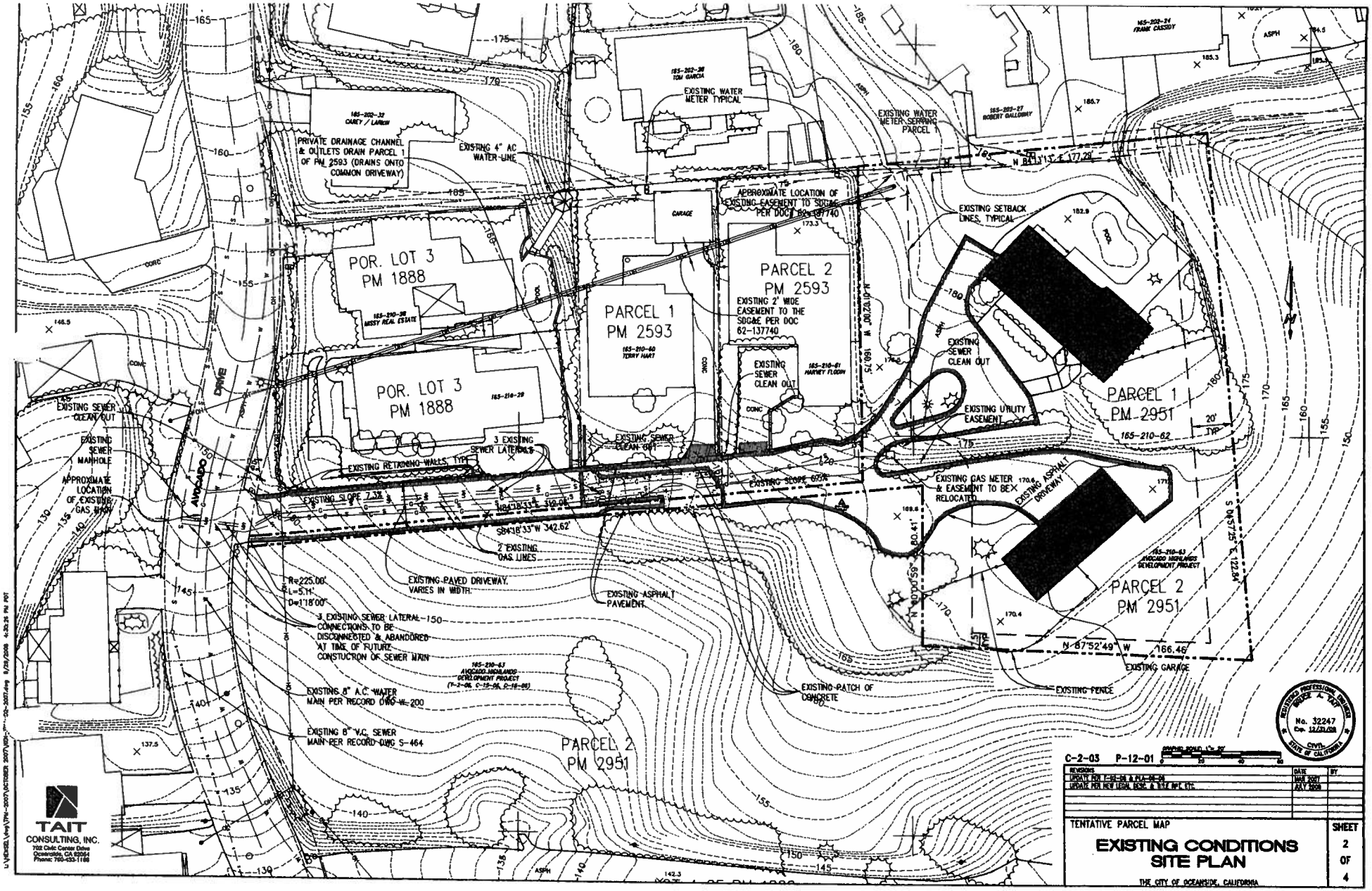
REVISIONS	DATE	BY
UPDATE PER 1-02-08 & 8-1-08-08	MAR. 2007	
UPDATE PER NEW LEGAL DESC. & TITLE RPT. ETC.	JULY 2008	

TENTATIVE PARCEL MAP
1846 AVOCADO ROAD
THE CITY OF OCEANSIDE, CALIFORNIA

SHEET 1 OF 4

Received
SEP 10 2008
Planning Division

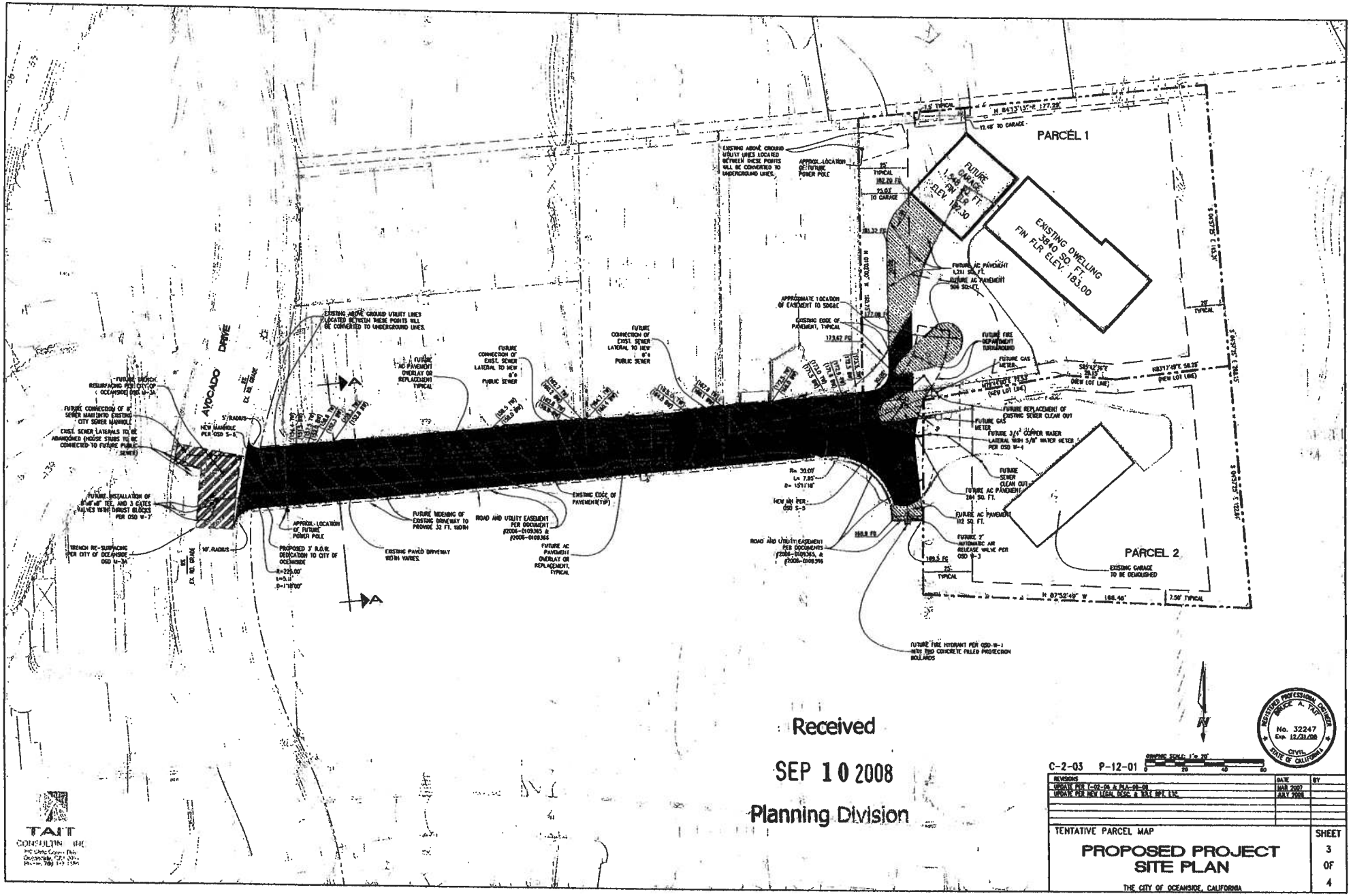
Received
SEP 10 2008
Planning Division



Received

SEP 10 2008

Planning Division



Received

SEP 10 2008

Planning Division

TAIT CONSULTING INC

REGISTERED PROFESSIONAL ENGINEER BRUCE A. TAIT No. 32247 Exp. 12/31/08 CIVIL STATE OF CALIFORNIA

C-2-03 P-12-01

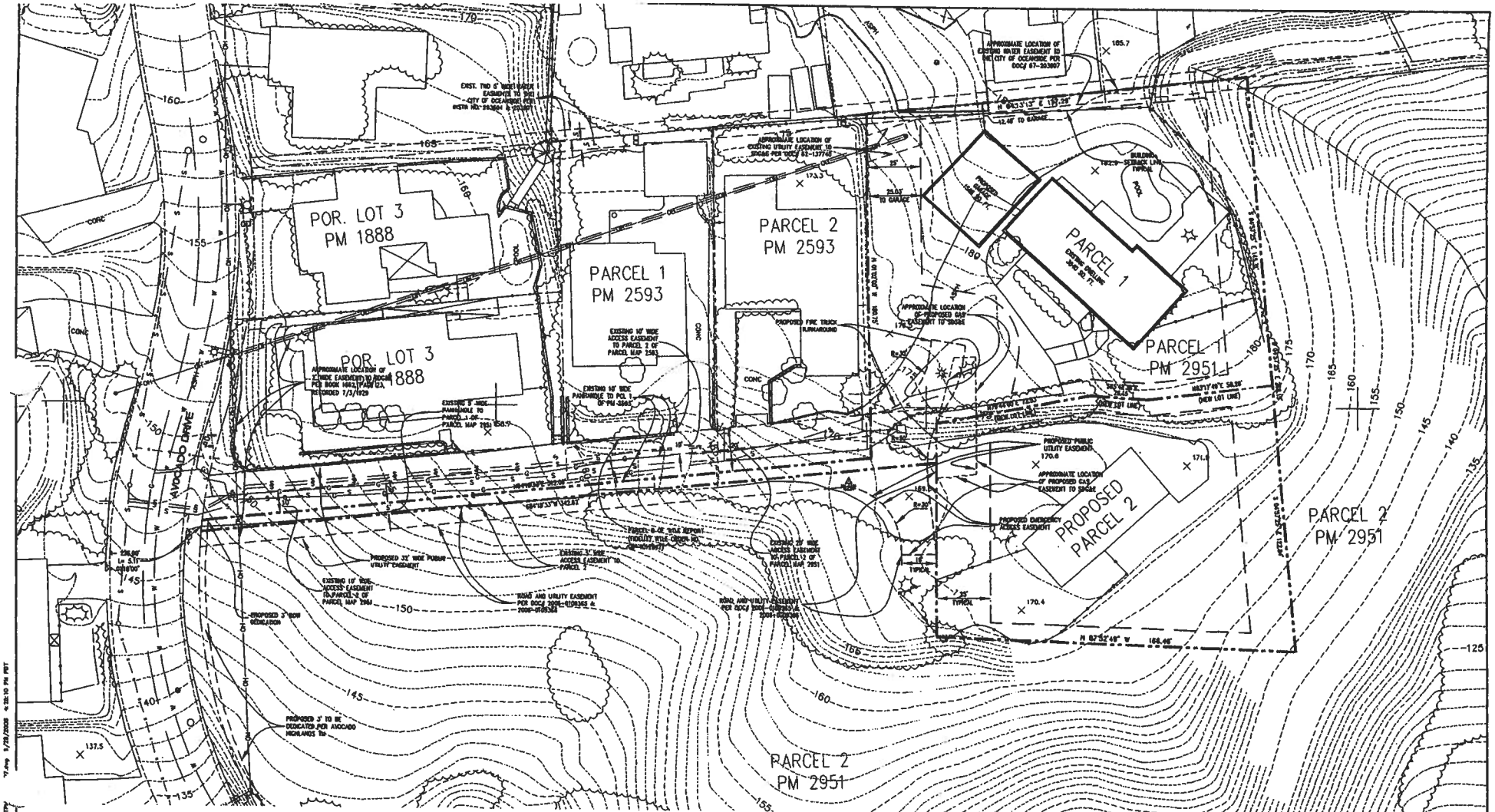
REVISIONS	DATE	BY
UPDATE PER 1-02-06 & PLA-06-08	MAR 2007	
UPDATE PER NEW LEGAL DESC. & SDGE APPT. ETC.	JULY 2008	

TENTATIVE PARCEL MAP

PROPOSED PROJECT SITE PLAN

THE CITY OF OCEANSIDE, CALIFORNIA

SHEET 3 OF 4



C-2-03 P-12-01

REVISIONS	DATE	BY
UPDATE PER 1-07-08 & 2-6-08	MAR 2007	
UPDATE PER NEW LEGAL DESC. & SALE APP. ETC.	JULY 2008	

TENTATIVE PARCEL MAP

EXISTING AND PROPOSED PROJECT EASEMENTS

THE CITY OF OCEANSIDE, CALIFORNIA

SHEET 4 OF 4

REGISTERED PROFESSIONAL ENGINEER BRUCE A. TAIT No. 32247 Exp. 12/31/08 CIVIL STATE OF CALIFORNIA

TAIT CONSULTING, INC. 702 Civic Center Drive Oceanside, CA 92054 Phone: 760-433-1164

Received

SEP 10 2008

Planning Division

PLANNING COMMISSION
RESOLUTION NO. 2008-P69

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

APPLICATION NO: P-12-01, C-2-03 and C-21-07
APPLICANT: Donald D. Hensel
LOCATION: 1846 Avocado Road

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Parcel Map and Conditional Use Permits under the provisions of Articles 10, 41, and 40 of the Zoning Ordinance of the City of Oceanside to permit the following:

a two-lot single-family subdivision with panhandle access, and to exceed base density;

on certain real property described in the project description.

WHEREAS, the Planning Commission, after giving the required notice, did on 3rd day of November, 2008, conduct a duly advertised public hearing as prescribed by law to consider said application.

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

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

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

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

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

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 $4,395 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 $6,035 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 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;

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

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

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

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

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

FINDINGS:

For the Tentative Parcel Map:

1. The proposed parcel map is consistent with the General Plan and provisions of the Subdivision Ordinance of the City of Oceanside. The subject subdivision creates parcels that are consistent with the requirements of the RE-B (Residential Estate B) zoning designation. Pursuant to Section 1.13 H of the General Plan, lands within the Fire Mountain Neighborhood Planning Area that are designated Estate B Residential and with the corresponding zoning of RE-B, a minimum lot size of 10,000 square feet shall be considered consistent with the underlying Land Use designation of Estate B Residential. Parcel 1 shall be 25,744 square feet and Parcel 2 shall be 18,031 square feet.
2. The proposed building pads on the site will conform to the topography of the site, therefore, making it suitable for residential development. The 1.02-acre site is physically suitable to allow for the development of two residential lots.
3. The subdivision map is consistent with the General Plan of the City, including Sections 2.02 *Residential subdivision* and 2.35 *Dwelling Unit/Land Use Consistency Through*

Density Reduction. The site is physically suitable for the proposed density of development, which are 3.5 dwelling units on a 42,705-square foot lot. The proposed density range of 1 to 3.5 dwelling per gross acre is below the maximum allowable density of the EB-R designation. The density is consistent with the Single-Family Residential Structures (MUS) as determined by the "Residential Unit Type/Residential Land Use Designation Consistency Matrix."

4. That the design of the subdivision or the proposed improvements will not cause substantial environment damage with the proposed mitigation or substantially and avoidably injure fish or wildlife or their habitat.

5. The project site can be adequately served by existing public facilities, services and utilities in the area and the neighborhood.

6. The project, as proposed, is compatible with the existing and potential development on adjoining properties or in the surrounding neighborhood. Many Single-Family homes and developments are located in this neighborhood have similar density ranges and lot configurations.

7. The site plan and parameters for the architecture and physical design of the project is consistent with the policies contained within Sections 1.24 and 1.25 of the Land Use Element of the General Plan.

For the Conditional Use Permits:

Panhandle Access:

1. The proposed use of a panhandle access design on parcel one and two is consistent with the objectives of the Zoning Ordinance and the purposes of the RE-B zoning district in terms of width and design as specified in the Oceanside Zoning Ordinance Section 3100.

2. The use of the panhandle access design, and the proposed conditions under which they would be established or maintained, will be consistent with the General Plan; will not be detrimental to the public health, safety or 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.

3. The use of panhandle access design will comply with the provisions of the Zoning Ordinance of the City of Oceanside and any specific condition required for panhandle access in the Single-Family Residential District.

Increase in Base Density:

1. The proposed location for the subject land use is in accord with the objectives of the Zoning Ordinance and the purposes of the RE-B zoning district. The development portion of the subject property is zoned RE-B with a corresponding Land Use designation of Estate B Residential (1-3.5 dwelling units per acre). The project density is 3.6 dwelling units per acre. However, pursuant to Section 1.13 H of the General Plan, a minimum lot size of 10,000 square feet shall be considered consistent with the underlying Land Use designation of Estate B Residential for property within the Fire Mountain Neighborhood Planning Area, despite the proposed project density. Parcel 1 shall be 25,744 square feet and Parcel 2 shall be 18,031 square feet.
2. The project will not be detrimental to the public health, safety or 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.
3. The project has been adequately conditioned and designed to ensure excellence of design features consistent with Section 2.32 of the General Plan including increased front, and side yard, and large open spaces.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Parcel Map (P-12-01) and Conditional Use Permits (C-2-03, C-21-07) subject to the following conditions:

Building:

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

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

4. Compliance with the Federal Clean Water Act (BMP's) must be demonstrated on the plans.

5. A Building (Demo) Permit will be required for the demolition of any existing structures. Plans for the Demolition Permit must clearly show that all utilities (electric, gas, water, & sewer) are properly terminated/capped in accordance with the requirements of the utility service provider. All/any underground septic or water storage tanks must be removed or filled in accordance with the Uniform Plumbing Code and/or the City's Grading Ordinance.

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

   a) Building construction work hours shall be limited to between 7:00 a.m. and 6:00 p.m. Monday through Friday, and on Saturday from 7:00 a.m. to 6:00 p.m. for work that is not inherently noise-producing. Examples of work not permitted on Saturday are concrete and grout pours, roof nailing and activities of similar noise-producing nature. No work shall be permitted on Sundays and Federal Holidays (New Year's Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Christmas Day) except as allowed for emergency work under the provisions of the Oceanside City Code Chapter 38 (Noise Ordinance).

   b) The construction site shall be kept reasonably free of construction debris as specified in Section 13.17 of the Oceanside City Code. Storage of debris in approved solid waste containers shall be considered compliance with this requirement. Small amounts of construction debris may be stored on-site in a neat, safe manner for short periods of time pending disposal.

Engineering:

7. For the demolition of any existing structures or surface improvements, grading plans shall be submitted and erosion control plans be approved by the City Engineer prior to

the issuance of a demolition permit. No demolition shall be permitted without an approved erosion control plan.

8. All right-of-way alignments, street dedications, exact geometrics and widths shall be dedicated and improved as required by the City Engineer.

9. Design and construction of all improvements shall be in accordance with standard plans, specifications of the City of Oceanside and subject to approval by the City Engineer.

10. Prior to issuance of a building permit, unless already fully covered by an appropriately binding subdivision agreement, all improvement requirements shall be covered by a development agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

11. Legal access shall be provided to Avocado Road prior to the filing of the parcel map.

12. The developer shall provide public street dedication along the property's frontage on Avocado Road as required to serve the property. The dedication shall bring the half right-of-way width (measured from the right-of-way centerline of the road) to 28 feet on the developer's side of the road.

13. Prior to approval of the parcel map or any increment, all improvement requirements, within such increment or outside of it if required by the City Engineer, shall be covered by a subdivision agreement and secured with sufficient improvement securities or bonds guaranteeing performance and payment for labor and materials, setting of monuments, and warranty against defective materials and workmanship.

14. Prior to approval of the parcel map, a phasing plan for the construction of public and private improvements including landscaping and streets shall be approved by the City Engineer. All improvements shall be under construction to the satisfaction of the City Engineer prior to the issuance of any building permits. All improvements shall be fully completed prior to issuance of any certificates of occupancy.

15. The subdivision shall be recorded as one. The subdivision may be developed in phases. A construction-phasing plan for the construction of on-site public and private improvements shall be reviewed and approved by the City Engineer prior to the recordation of the parcel map. Prior to the issuance of any building permits all off-site improvements including

landscaping, frontage improvements shall be under construction to the satisfaction of the City Engineer. Prior to issuance of any certificates of occupancy the City Engineer shall require the dedication and construction of necessary utilities, and streets and other improvements outside the area of any particular parcel map, if such is needed for circulation, parking, access or for the welfare or safety of future occupants of the development.

16. The subdivider shall provide the City of Oceanside with a certification from each public utility and each public entity owning easements within the proposed project stating that: (a) they have received from the developer a copy of the proposed map; (b) they object or do not object to the filing of the map without their signature; (c) in case of a street dedication affected by their existing easement, they will sign a "subordination certificate" or "joint-use certificate" on the map when required by the governing body. In addition, the subdivider shall furnish proof to the satisfaction of the City Engineer that no new encumbrances have been created that would subordinate the City's interest over areas to be dedicated for public road purposes since submittal of the project.

17. Where off-site public or private improvements, including but not limited to slopes, utility facilities, and drainage facilities, or on-site public facilities are to be constructed and/or maintained, the developer shall, at his own expense, obtain all necessary easements or other interests in real property and, in case of public facilities, shall dedicate the same to the City of Oceanside or to the appropriate utility company as required. The developer shall provide documentary proof satisfactory to the City of Oceanside that such easements or other interest in real property have been obtained prior to the approval of the parcel map or issuance of appropriate grading, building or improvement permit for the development. Additionally, the City of Oceanside, may at its sole discretion, require that the developer obtain at his sole expense a title policy insuring the necessary title for the easement or other interest in real property to have vested with the City of Oceanside or the developer, as applicable.

18. Pursuant to the State Map Act, improvements shall be required at the time of development. A covenant, reviewed and approved by the City Attorney, shall be recorded attesting to

these improvement conditions and a certificate setting forth the recordation shall be placed on the parcel map.

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

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

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

b) All grading and related site preparation and construction activities shall be limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday. No engineering related construction activities shall be conducted on Saturdays, Sundays or legal holidays unless written permission is granted by the City Engineer with specific limitations to the working hours and types of permitted operations. All on-site construction staging areas shall be as far as possible (minimum 100 feet) from any existing 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."

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

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

21. A traffic control plan shall be prepared according to the City traffic control guidelines and be submitted to and approved by the City Engineer prior to the start of work within open City rights-of-way. Traffic control during construction of streets that have been

opened to public traffic shall be in accordance with construction signing, marking and other protection as required by the Caltrans Traffic Manual and City Traffic Control Guidelines. Traffic control plans shall be in effect from 8:00 a.m. to 3:30 p.m. unless approved otherwise.

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

23. Avocado Road, along the frontage of the subject property and this project's interior private streets, including access to/from Avocado Road, shall be improved with portland cement concrete curb and gutter.

24. The subdivider shall provide a minimum of 10 feet parkway between the face of curb and the right-of-way line along the project's frontage on Avocado Road. All improvements, structures, including retaining wall(s), and the landscaping of the unpaved portion of the parkway shall be maintained by the owner of the subject property or by a Home Owners' Association in perpetuity.

25. The intersection of the private access roads and Avocado Road shall be designed and constructed per appropriate City road standards to the satisfaction of the City Engineer.

26. Sight distance and clear space easement requirements at intersections and vehicular access points shall conform to the corner sight distance criteria as provided by SDRSD DS-20A and or DS-20B for each direction of traffic. The project's civil engineer shall submit an

appropriate "Sight Distance Letter" to the City Engineer certifying compliance with this requirement.

27. Streetlights shall be maintained and installed on all public streets along the project's frontage per City Standards. The system shall provide uniform lighting, and be secured prior to occupancy. The 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.

28. This project's interior circulation, including access to/from Avocado Road, shall remain private and shall be maintained by an association or an appropriate private road maintenance agreement binding on the owners of all affected lots. Such agreement shall be submitted for review and approval by the City Attorney and the City Engineer and shall be recorded prior to or concurrent with the parcel map. The pavement sections, traffic indices, alignments, widths and all geometrics shall meet appropriate City street standards.

29. The alignments and all geometrics for streets, alleys, and driveways shall meet the City's applicable standards, unless alignment or geometric deviations are otherwise specifically approved by satisfying sight distance and fire truck turning movement requirements approved with the tentative map and development plan.

30. Pavement sections for all streets, alleys, driveways and parking areas within the project and along the project's frontage shall be based upon approved soil tests and traffic indices. The pavement design is to be prepared by the developer's soil engineer and must be approved by the City Engineer, prior to paving.

31. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineer to perform a field investigation of the existing pavement on all streets adjacent to the project boundary. The limits of the study shall be half-street (including median, if any) plus 12 feet along the project's frontage. If required, the field investigation shall be performed according to a specific boring plan prepared by a licensed Geotechnical Engineer and approved by the City Engineer. In the absence of such approved boring plan, the field investigation shall include a minimum of one pavement boring per every 100 linear feet of street frontage. Should the existing structural section be determined to

be less than the current minimum standard for AC and Class II Base as set forth in the table for City of Oceanside Pavement Design Guidelines in the City of Oceanside Engineers Manual, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed below.

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

33. All proposed and/or required street improvements shall be completed to the satisfaction of the City Engineer.

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

35. All existing overhead utility lines within the subdivision and within the full width street, alley 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, shall be placed underground prior to issuance of a building permit for Parcel 2 per Section 901.G. of the Subdivision Ordinance (R91-166) and as required by the City Engineer and current City policy.

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

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

38. The developer shall obtain any necessary permits and clearances from all public agencies having jurisdiction over the project due to its type, size, or location, including but not

limited to the U. S. Army Corps of Engineers, California Department of Fish & Game, U. S. Fish and Wildlife Service and/or San Diego Regional Water Quality Control Board (including NPDES), San Diego County Health Department, prior to the issuance of grading permits.

39. The approval of the tentative map shall not mean that proposed grading or improvements on adjacent properties (including any City properties/right-of-way or easements) is granted or guaranteed to the developer. The developer is responsible for obtaining permission to grade or to construct on adjacent properties. Should such permission be denied, the resulting changes to the Tentative Map shall be subject to a Substantial Conformity review. Changes not meeting substantial conformity requirements shall be submitted for appropriate public hearing action.

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

41. The extent and location of the proposed grading including "overexcavation", if any, should be clearly depicted on a grading plan. The consultant shall provide recommendations and the means for temporary excavations for removals during construction and the sequence of construction. Appropriate cross sections depicting the location of adjacent structures and public ways where the excavations would remove the lateral support shall be part of the excavation plans.

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

43. This project shall provide year-round erosion control including measures for the site required for the phasing of grading. Prior to the issuance of grading permit, an erosion

control plan, designed for all proposed stages of construction, shall be reviewed, secured by the developer with cash securities and approved by the City Engineer.

44. Precise grading and private improvement plans shall be prepared, reviewed, secured and approved prior to the issuance of any building permits. The plan shall reflect all pavement, flatwork, landscaped areas, special surfaces, curbs, gutters, medians, striping, and signage, footprints of all structures, walls, drainage devices and utility services.

45. Landscaping plans, including plans for the construction of walls, fences or other structures at or near intersections or project entrances, must conform to intersection sight distance requirements.

46. Landscape and irrigation plans must be submitted to the City Engineer prior to the issuance of a preliminary/rough grading permit and approved by the City Engineer prior to the issuance of occupancy permits. Frontage landscaping shall be installed prior to the issuance of any certificates of occupancy. Any project fences, sound or privacy walls and monument entry walls/signs shall be shown on, bonded for and built from the landscape plans. These features shall also be shown on the precise grading plans for purposes of location only. Plantable, segmental walls shall be designed, reviewed and constructed by the grading plans and landscaped/irrigated through project landscape plans. All plans must be approved by the City Engineer and a pre-construction meeting held, prior to the start of any improvements.

47. The drainage design on the tentative parcel map is conceptual only. The final design shall be based upon a hydrologic/hydraulic study to be approved by the City Engineer during final engineering. All drainage picked up in an underground system shall remain underground until it is discharged into an approved channel, or as otherwise approved by the City Engineer. All public storm drains shall be shown on City standard plan and profile sheets. All storm drain easements shall be dedicated where required. The developer/subdivider shall be responsible for obtaining all easements for storm drainage facilities.

48. All storm drains shall be designed and constructed per current editions of the City's *Engineers Design and Processing Manual,* the *San Diego County Hydrology* and *Drainage Design Manuals*, and *San Diego Area Regional Standard Drawings.*

49. For any increase of storm water flows from the development site to other properties, the developer shall secure appropriate easement(s) from and maintenance agreement(s) with the owner(s) of the impacted properties to the satisfaction of the City Engineer. Upon approval by City Engineer and the City Attorney, the appropriate documents shall be recorded prior to issuance of any permits for the development. Should the developer be unable to secure such easement(s) or agreement(s), the resulting changes to the Development Plan shall be subject to a Substantial Conformity review. Changes not meeting substantial conformity requirements shall be submitted for appropriate public hearing action.

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

51. The development shall comply with all applicable regulations established by the United States Environmental Protection Agency (USEPA) as set forth in the National Pollutant Discharge Elimination System (NPDES) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the NPDES. regulations or requirements. Further, the developer may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the NPDES. General Permit for Storm Water Discharges Associated with Construction Activity and may be required to implement a Storm Water Pollution Prevention Plan (SWPPP) concurrent with the commencement of grading activities. SWPPPs include both construction and post construction pollution prevention and pollution control measures and identify funding mechanisms for post construction 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 limited to: mass grading, rough grading, construction of street and landscaping improvements, and construction of dwelling units. The developer shall design the Project's storm drains and other drainage facilities to include Best Management Practices to minimize non-point source pollution, satisfactory to the City Engineer.

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

53. The Landowner shall comply with the provisions of National Pollution Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated with Construction Activity (General Permit) Water Quality Order 99-08-DWQ. The General Permit continues in force and effect until a new General Permit is issued or the SWRCB rescinds this General Permit. Only those Landowners authorized to discharge under the expiring General Permit are covered by the continued General Permit. Construction activity subject to the General Permit includes clearing, grading, and disturbances to the ground such as stockpiling, or excavation that results in soil disturbances of at least one acre of total land area. The Landowner 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 Control Board (SWRCB). In addition, coverage under the General Permit shall not occur until an adequate SWPPP is developed for the project as outlined in Section A of the General Permit. The site specific SWPPP and associated NOI shall be maintained on the project site at all times. The SWPPP shall be provided, upon request, to the United States Environmental Protection Agency (USEPA), SWRCB, Regional Water Quality Control Board (RWQCB), City of Oceanside, and other applicable governing regulatory agencies. The SWPPP is considered a report that shall be available to the public by the RWQCB under section 308(b) of the Clean Water Act. The provisions of the General Permit and the site specific SWPPP shall be continuously implemented and enforced until the Landowner obtains a Notice of Termination (NOT) for the SWRCB. The Landowner is required to retain records of all monitoring information, copies of all reports required by this General Permit, and records of all data used to complete the NOI for all construction activities to be covered by the General Permit for a period of at least

three years from the date generated. This period may be extended by request of the SWRCB and/or RWQCB.

54. Prior to approval of any development entitlement for the subject property, the developer shall submit either a Storm Water Mitigation Plan (SWMP) or a Runoff Assessment Report (RAR) as required by the City's Standard Urban Stormwater Mitigation Plan (SUSMP) in effect at the time of the approval of said entitlement.

55. Following approval of the SWMP by the City Engineer and prior to issuance of grading permits, the Project Proponent shall submit and obtain approval of an Operation & Maintenance (O&M) Plan, prepared to the satisfaction of the City Engineer. The O&M Plan shall include an approved and executed Maintenance Mechanism pursuant to Section 4.1 of the Interim Standard Urban Storm Water Mitigation Plan (ISUSMP). The O&M shall satisfy the minimum Maintenance Requirements pursuant to Section 4.3 of the ISUSMP. At a minimum the O&M Plan shall include the designated responsible party to manage the stormwater BMP(s), employee training program and duties, operating schedule, maintenance frequency, routine service schedule, specific maintenance activities, copies of resource agency permits, cost estimate for implementation of the O&M Plan, a security to provide maintenance in the event of noncompliance to the O&M Plan, and any other necessary elements. The Project Proponent shall provide the City with access to site for the purpose of BMP inspection and maintenance by entering into an Access Rights Agreement with the City. The Project Proponent shall complete and maintain O&M forms to document all operation, inspection, and maintenance activities. The Project Proponent shall retain records for a minimum of five years. The records shall be made available to the City upon request.

56. The developer/owner shall enter into a City-Standard Stormwater Facilities Maintenance Agreement with the City obliging the project proponent to maintain, repair and replace the Storm Water Best Management Practices (BMPs) identified in the project's approved SWMP, as detailed in the O&M Plan into perpetuity. The Agreement shall be approved by the City Attorney prior to issuance of any precise grading permit and shall be recorded at the County Recorder's Office prior to issuance of any building permit. Security in the form of cash (or certificate of deposit payable to the City) or an

irrevocable, City-Standard Letter of Credit shall be required prior to issuance of a precise grading permit. The amount of the security shall be equal to 10 years of maintenance costs, as identified by the O&M Plan, but not to exceed a total of $25,000. The applicant's Civil Engineer shall prepare the O&M cost estimate.

57. At a minimum, maintenance agreements shall require the staff training, inspection and maintenance of all BMPs on an annual basis. The developer/owner shall complete and maintain O&M forms to document all maintenance activities. Parties responsible for the O&M plan shall retain records at the subject property for at least five years. These documents shall be made available to the City for inspection upon request at any time.

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

59. The BMPs described in the project's approved SWMP shall not be altered in any way, unless reviewed and approved to the satisfaction of the City Engineer. The determination of whatever action is required for changes to a project's approved SWMP shall be made by the City Engineer.

60. The developer/owner shall provide a copy of the title/cover page of either an approved SWMP or Runoff Assessment Report (RAR) with the first engineering submittal package. If the project triggers the City's Stormwater requirements but no approved Stormwater document (SWMP or RAR) exists, the appropriate document shall be submitted for review and approval by the Public Works Department. The RAR or SWMP shall be prepared by the applicant's Civil Engineer. All Stormwater documents shall be in compliance with the latest edition of submission requirements.

61. The approval of the tentative map shall not mean that closure, vacation, or abandonment of any public street, right-of-way, easement, or facility is granted or guaranteed to the developer. The subdivider is responsible for applying for all closures, vacations, and abandonments as necessary. The application(s) shall be reviewed and approved or rejected by the City of Oceanside under separate process(es) per codes, ordinances, and

policies in effect at the time of the application. The City of Oceanside retains its full legislative discretion to consider any application to vacate a public street or right-of-way.

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

Fire:

63. Plans shall be submitted to the Fire Prevention Bureau for plan check review and approval prior to the issuance of building permits. A site plan indicting the fire access and hydrant locations must also be submitted on CD Rom.

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

Planning:

65. This Tentative Parcel Map and Conditional Use Permits shall expire on November 3, 2010, unless a time extension is granted by the Planning Commission.

66. This Tentative Parcel Map and Conditional Use Permits approve only a two-lot single-family subdivision as shown on the plans and exhibits presented to the Planning Commission for review and approval. No deviation from these approved plans and exhibits shall occur without City Planner approval. Substantial deviations shall require a revision to the Tentative Parcel Map and Conditional Use Permits or a new Tentative Parcel Map and Conditional Use Permit.

67. Panhandle access ways shall have recorded joint maintenance agreements and cross easements for use.

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

69. Residential development on Parcel 2 is contingent upon approval of an Administrative Development Plan. The Administrative Development Plan shall be in compliance with the Oceanside Zoning Ordinance and the Residential Estate-B (RE-B) development regulations.

70. The applicant, permittee or any successor-in-interest shall defend, indemnify and hold harmless the City of Oceanside, its agents, officers or employees from any claim, action or

proceeding against the City, its agents, officers, or employees to attack, set aside, void or annul an approval of the City, concerning Tentative Parcel Map P-12-01, Conditional Use Permits C-2-03 and C-21-07. The City will promptly notify the applicant of any such claim, action or proceeding against the City and will cooperate fully in the defense. If the City fails to promptly notify the applicant of any such claim action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify or hold harmless the City.

74. All single-family projects shall dispose of or recycle solid waste in a manner provided in City Ordinance 13.3.

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

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

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

78. Failure to meet any conditions of approval for this development shall constitute a violation of the Tentative Parcel Map and Conditional Use Permits.

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

80. A letter of clearance from the affected school district in which the property is located shall be provided as required by City policy at the time building permits are issued.

81. A demolition permit shall be required for the removal of the existing 1,831-square foot garage, and a permit shall be required for the construction of a new three car-garage on parcel one prior to approval of the Final Map.

Water Utilities:

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

83. The property owner shall maintain private water and wastewater utilities located on private property.

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

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

86. Residential units shall be metered individually. Private utility systems for residential developments are not allowed.

87. The public 8-inch water main and 8-inch sewer main shown on the Tentative Map shall be constructed along the private drive and provided with a 30-foot public utility easement. All existing sewer services shall be abandoned and connected to the proposed sewer main.

88. The pressure for the proposed single-family resident is calculated using the existing pad elevation of 171 feet to be around 50 psi +/-. Please note the required pressure for a single-family home that is fire-sprinkled is 60 psi. The minimum static pressure for all new single-family residents is 50 psi. This project may require the use of a booster pump.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PASSED AND ADOPTED Resolution No. 2008-P69 on November 3, 2008 by the following vote, to wit:

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Claudia Troisi, Chairperson
Oceanside Planning Commission

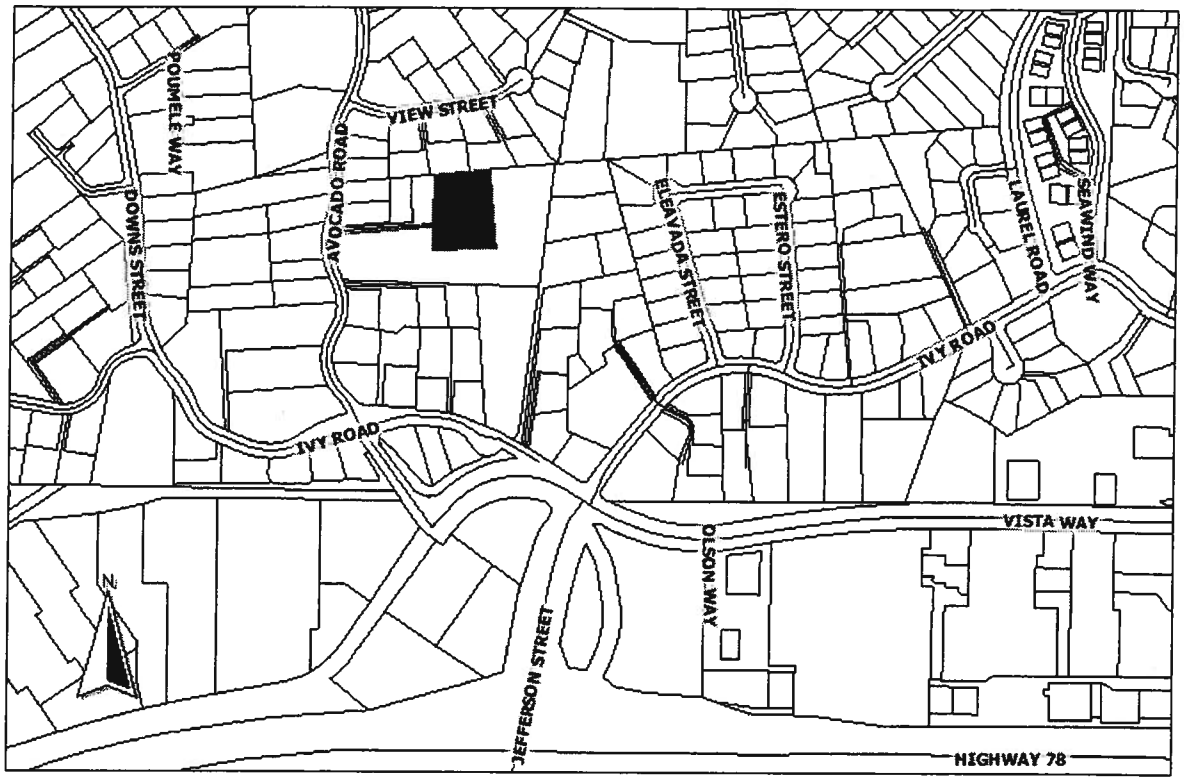
ATTEST:

_____

Jerry Hittleman, Secretary

I, JERRY HITTLEMAN, Secretary of the Oceanside Planning Commission, hereby certify that this is a true and correct copy of Resolution No. 2008-P69.

Dated: November 3, 2008



File Numbers: **P-12-01, C-2-03, C-21-07**

Applicant: **Donald D. Hensel**

Description:

TENTATIVE PARCEL MAP (P-12-01) and CONDITIONAL USE PERMITS (C-2-03, C-21-07) to allow the subdivision of an existing 1.02-acre parcel into two lots at 1846 Avocado Road. The project site is zoned Residential Estate District-B (RE-B) and is situated within the Fire Mountain Neighborhood. – **HENSEL PARCEL MAP**

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
PLANNING DEPARTMENT (760) 966-4770
OCEANSIDE CIVIC CENTER
300 NORTH COAST HIGHWAY, OCEANSIDE, CA 92054-2885

STAFF USE ONLY	
ACCEPTED 5/23/07	BY RKM
HEARING	
VAR.	V-~~07-02~~
C.U.P.	C-2-03
DEV.PL.	C-2-07
SP.PL.	
ZONE CH.	
G.P.A.	
PAR.MAP	P-12-07
TENT.MAP	
O.H.P.A.C.	
COASTAL	

PLEASE PRINT OR TYPE ALL INFORMATION

PART I - APPLICANT INFORMATION

1. APPLICANT	2. STATUS
Donald D. Hensel	Owners
3. ADDRESS	**4. PHONE**
1846 Avocado Road	(760) 721-8400
5. APPLICANT'S REPRESENTATIVE (OR PERSON TO BE CONTACTED FOR INFORMATION DURING PROCESSING)	
The Lightfoot Planning Group (attn: Brenna Weatherby)	
6. ADDRESS	**7. PHONE**
5750 Fleet Street, Suite 250 Carlsbad, CA 92008	(760) 692-1924

RECEIVED
MAY 23 2007
Planning Department

PART II - PROPERTY DESCRIPTION

8. LOCATION	9. SIZE
East side of Avocado Road between Ivy Road and View Street	Total: 1.02 acres; Parcel 1: .60 acres; Parcel 2: .42 acres

10. GENERAL PLAN	11. ZONING	12. LAND USE	13. ASSESSOR'S PAR. NO.
Estate B Residential (EB-R)	Residential Estate-B (RE-B)	Residential	165-201-62

PART III - PROJECT DESCRIPTION REV - 5/23/07, 12/20/07, 7/10/08, 9/10/08

14. GENERAL PROJECT DESCRIPTION

Tentative Parcel Map to divide 1.02 acres into two parcels consisting of 0.60 and 0.42 acres, respectively. Also included is a request for Conditional Use Permits for panhandle access and exceeding the base density, an exception for the lot depth to width ratio and a request for deferment of undergrounding.

15. PROPOSED GEN. PLAN	16. PROPOSED ZONING	17. PROPOSED LAND USE	18. # UNITS	19. DENSITY
No Change	No Change	No Change	N/A	N/A

20. BUILDING SIZE	21. PARKING SPACES	22. % LANDSCAPING	23. % LOT COVERAGE
N/A	N/A	N/A	N/A

PART IV - ATTACHMENTS

ALL APPLICATIONS				DEV.PLANS,CUP & TENT.MAPS*	
X	24. DESCRIPTION/JUSTIFICATION	X	25. LEGAL DESCRIPTION		30. FLOOR PLANS & ELEVATIONS
X	26. 300 FT. RADIUS MAP	X	27. PROPERTY OWNERS' LIST		31. CONSTRUCTION SCHEDULE
X	28. ENVIRONMENTAL ASSESSMENT	X	29. PLOT PLANS		32. OTHER

PART V - SIGNATURES

THE APPLICANT OR HIS 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 INFORMATION AS NECESSARY)

33. APPLICANT OR REPRESENTATIVE	34. DATE
Donald D. Hensel	5-21-07

I DECLARE UNDER PENALTY OF PERJURY THAT THE ABOVE INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE

Received
SEP 10 2008
Planning Division

35. APPLICANT	36. DATE
Donald D. Hensel	5-21-07

37. OWNER	38. DATE
Donald D. Hensel	5-21-07
39. OWNER	40. DATE
41. OWNER	42. DATE

* TENTATIVE MAPS FOR CONDOMINIUM DEVELOPMENTS (ONLY ATTACHMENT 30)

Received
OCT 14 2008
Planning Division

Hensel Property
1846 Avocado Road

Tentative Parcel Map, Development Plan
Conditional Use Permits, Exception,
and Request for Non-Standard Engineering Features

Description and Justification
July 2008 (revised)

INTRODUCTION

This application includes a Tentative Parcel Map to divide a 1.07 acre lot into two parcels. Parcel 1 will be 28,589 square feet (0.66 acres) and Parcel 2 will be 18,031 square feet (0.41 acres). Also included are requests for Conditional Use Permits for panhandle access and exceeding the base density, an exception from the Planning Director for exceeding the required lot depth-to-width ratio of 2.5:1 and a request to defer undergrounding of overhead electrical lines.

The Hensel property is located within the Fire Mountain Neighborhood Planning Area on the eastern side of Avocado Road between Ivy Road and View Street at 1846 Avocado Road (APN 165-210-62). The property is bordered on the west by Avocado Road and single family homes, single family homes to the north, single family homes to the east, and an undeveloped three-acre parcel to the east and south. Access is provided to the site from Avocado Road by a panhandle driveway which serves four homes, including the applicant's residence that is located on the subject property. The existing single family home is located in the northeast corner of the property and a detached garage is located on the southeast portion. The garage will be demolished and a new garage will be constructed on Parcel 1. No additional development is proposed for the second parcel at this time, although minimum design standards have been addressed in this document.

The current General Plan Land Use Element designation for the site is Estate B-Residential (EB-R) with a corresponding density of 1-3.5 dwelling units per acre (du/acre). The current zoning for the subject property is Residential Estate-B (RE-B). Zoning classifications for the surrounding properties are also RE-B.

TENTATIVE PARCEL MAP

The project will divide an existing 1.07 acre lot into two parcels. Parcel 1 will be 28,589 square feet (0.66 acres) and contains the existing single family residence. Parcel 2 will be 18,031 square feet (0.41 acres) and currently contains the existing detached garage. This garage will be demolished, and a new garage for the existing residence will be constructed on Parcel 1.

Access

Access to the subject property is currently provided via a 25 foot wide private panhandle driveway that extends from Avocado Road. Existing retaining walls of varying heights run along the northerly side of the private access driveway. A five foot wide access is owned by the applicant, with existing easements providing the additional 20 feet of width. As part of the Avocado Highlands project, proposed for the adjacent parcel located to the south and east, the existing access will be widened seven (7) feet, to 32-feet. As part of the Avocado Highlands project, four additional homes will be accessed via this driveway.

This project will also construct a hammerhead turnaround at the eastern end of the access driveway to accommodate emergency access vehicles. The applicant has worked with the Avocado Highlands project applicant on easement documentation to ensure that the hammerhead has been appropriately sized, and is shown on plans for both projects.

Utilities

The Avocado Highlands has proposed the construction of an 8-inch public water main in the access easement. As previously mentioned, the Avocado Highlands project is proposed for the adjacent parcel located to the south and east of the Hensel parcel. The proposed water main will provide service to Parcel 2 of this project, and the four westerly lots proposed as part of the Avocado Highlands project. Water service will continue to be provided to the existing homes along the north side of the access easement via the water main which runs parallel to the northern boundaries of these lots. The new Parcel 2 will obtain water service from the new proposed 8-inch public water main within the panhandle.

In addition, an 8-inch sewer main is also proposed for the access driveway as part of the Avocado Highlands project. Existing sewer laterals that provide service to the existing homes along the access panhandle will be abandoned, and the stubs will be connected to the new sewer line.

A new fire hydrant will also be installed as part of this project. The installation of the new fire hydrant and hammerhead turnaround for emergency access will greatly improve fire protection for the existing homes within the easement.

Development Standards

Because no development plan is being proposed with this application, it is agreed that the following minimum design standards for the new Parcel 2 will be met when a development plan application is filed in the future:

Table 1

Development Standards

Standard	Minimum Provision
Area of house	2,200 square feet
Elevation of pad	approximately 170 feet
Garage	If the house exceeds 2,500 square feet in size, a three-car garage will be provided

A condition requiring construction of a new garage on Parcel 1 and removal of the existing garage on Parcel 2 will be met at the time the final map is recorded. The new garage will be sited within the building envelope as shown on Sheet 1 of the Tentative Parcel Map, providing maximum flexibility in the design and placement of the structure upon approval.

CONDITIONAL USE PERMIT - USE OF PANHANDLE ACCESS

This Conditional Use Permit is necessary in order to permit the use of a panhandle design. In accordance with Section 1050(Y) of the Zoning Ordinance, panhandle lots are permitted with a Use Permit subject to meeting specific development standards. This project has met these standards and is compatible to the existing development in the Fire Mountain neighborhood.

The proposed project anticipates the addition of one lot to an existing panhandle lot. The property owner currently owns a five foot wide panhandle that provides access to his property. Easements are in place for the remaining access driveway. This configuration is quite common in the Fire Mountain neighborhood. Many of the units in the area are custom home sites utilizing this type of access design. Therefore, the design is consistent and compatible with the surrounding neighborhood.

CONDITIONAL USE PERMIT - EXCEEDING BASE DENSITY

This application includes a Use Permit to allow the project to exceed the base density of 1 dwelling unit per acre (du/ac). The project is designed at a density of 1.87 du/ac, which is above the base density, yet similar to the density achieved by adjacent development and less than the maximum density of 3.5 du/ac. Throughout the project extreme care was taken in designing a project which provided the large lots, while trying to achieve a density consistent with the intent of the General Plan. The project density achieved is still below the maximum density for the site established by the General Plan.

Furthermore, Section 1.13(H) of the City of Oceanside Land Use Element states, "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". Therefore, given that the subject site has RE-B zoning and has proposed lots greater than 10,000 square feet in size, the project is considered consistent with the underlying Land Use designation.

EXCEPTION FOR EXCEEDING LOT DEPTH-TO-WIDTH RATIO

The proposed project will create a new Parcel 2 which exceeds the Zoning Ordinance lot depth-to width ratio of 2.5:1, and it is requested that the Planning Director grant an exception as outlined in Section 1050 (F) of the Zoning Ordinance. With attention given to existing topography of the site, the new lot line between Parcel 1 and Parcel 2 was placed at the top of an existing slope, maximizing usable lot area for both parcels and minimizing necessary grading. If the new parcel line was drawn to meet the lot depth-to-width ratio requirement, it would result in unusable space on irregularly shaped lots, which would combine awkwardly with the existing topography.

The existing property boundaries and topography make conformance to the required lot depth-to-width ratio inefficient and impractical. The location of the proposed new lot line has no impact on surrounding properties or public health and safety.

REQUEST FOR NON-STANDARD ENGINEERING FEATURES

The applicant has requested the use of non-standard engineering features to allow the private access driveway to have a 7.5 foot wide unobstructed horizontal setback from existing retaining walls that are 30 inches or greater in height.

As previously mentioned, access to the subject property is currently provided via a 25 foot wide joint use private panhandle driveway, and existing retaining walls located along the northerly side of the private access driveway are 30 inches or greater in height. This condition requires a setback distance of 10 feet per Section 3.15 (E) (2) of the City's Engineering Design Manual. With the development of the adjacent parcel (proposed Avocado Highlands project), the existing driveway will be widened to 32 feet. However, In addition, Section 3.15 (F) (3) requires that driveways serving three or more lots must be a minimum of 24 feet wide. Including the additional width needed as part of the required setback discussed above, a 34 foot wide driveway would be necessary. The proposed driveway will have a 31.5 foot travel-way for ingress and egress, with a 7.5 foot unobstructed horizontal setback. This horizontal obstruction condition will exist for approximately 60 feet of the 340 foot long private access driveway.

The proposed 2.5 foot reduction in the unobstructed horizontal setback is justified because the reduction will actually increase the current setback distance. Existing conditions provide a setback

of one foot, and the proposed 7.5 foot setback will result in a 6.5 foot increase. In addition, the proximity of the wall will not impact drivers as volumes and speeds are quite low on the driveway. This request will not have a significant impact on safety as sight distance is not affected, and emergency vehicle access will not be impacted.

SUMMARY

The proposed Tentative Parcel Map will create two legal parcels which are consistent with the size and configuration of other parcels in the surrounding neighborhood. The unique location of property which supports the proposed project cannot strictly comply with all of the requirements of the Zoning Ordinance due to several existing factors, including the natural topography of the parcel, boundary lines and the panhandle access easement. It is these same features that contribute to the rustic and rural nature of the Fire Mountain Neighborhood, which through the Zoning Ordinance and the Land Use Element of the General Plan, the City has endeavored to preserve. An increased lot depth-to-width ratio will allow the future proposed development on the new parcel to fully maximize usable area, and effectively meet the minimum design standards proposed for a future single family home. The installation of a new fire hydrant and hammerhead turnaround for emergency access will greatly improve fire protection for the existing homes within the easement.

Your approval is respectfully requested.

ATTACHMENT A
REQUIRED FINDINGS

Development Plan
The City of Oceanside Zoning Ordinance stipulates that five specific findings must be made before a Development Plan can be approved. This proposal meets those conditions as follows:

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

   The Hensel Property is designated for residential use. The property is located in the Fire Mountain Neighborhood, and is surrounded by residential uses similar in size and scope. The proposed project does not have a negative impact on surrounding neighborhoods, and therefore the proposed uses are in compliance with the Zoning Ordinance and appropriate for a site of this nature.

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

   The Development Plan as proposed conforms to the City's General Plan because the proposed use is consistent with the Land Use Element requirements established for the site. The proposed project will not conflict with adjacent land uses, and the rustic and rural nature of the neighborhood has been taken into account through the use of architectural guidelines and lot sizes that will complement the Fire Mountain neighborhood.

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

   The area covered by the Development Plan can be adequately, reasonably and conveniently served by existing and planned public services, utilities and public facilities as public services, utilities and facilities are currently located near the site. Provisions have been successfully incorporated into the proposed project to allow for the expansion of these facilities to serve the future residents.

4. **That the project as proposed is compatible with existing and potential development on adjoining properties or in the surrounding neighborhood.**

   The proposed development is compatible with existing surrounding land uses because the site is proposed to be developed under the regulations previously established for the site. Future development will meet all setbacks and height restrictions, and many other developments in the surrounding neighborhood have been developed in a similar fashion.

5. **That the site plan and physical design of the project is consistent with the policies contained within Section 1.24 and 1.25 of the Land Use Element of the General Plan, the Development Guidelines for Hillsides, and Section 3039 of this ordinance.**

The subject site does not contain undevelopable land or qualifying slopes, and is therefore not subject to provisions of the Land Use Element or the Development Guidelines for Hillsides in Section 3039 of the Zoning Ordinance.

Conditional Use Permit - Use of Panhandle Access

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be approved. This proposal meets those conditions as follows:

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.**

The use of panhandle access is consistent with the development pattern within Fire Mountain, and all panhandle lots meet the additional development regulations of the Zoning Ordinance. Panhandle access driveways are commonly found in this older Fire Mountain Neighborhood where properties are comprised of larger lots. The subject panhandles will be consistent with the purposes of the underlying district and the objectives of the Zoning Ordinance.

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 or 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.**

The panhandle design will continue to provide safe and adequate access to the existing parcels which it serves. Each neighbor within the panhandle has been notified of and supports the proposed project which is not injurious to their property or improvements, or those in the vicinity. The panhandles are consistent with the General Plan and will not be detrimental to the public health, safety or welfare.

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 which it would be located.**

The proposed panhandle access design conforms to the provisions of the Zoning Ordinance and the design is similar to other lots in the surrounding neighborhood.

Conditional Use Permit - Exceeding Base Density

The City of Oceanside Zoning Ordinance stipulates that three specific findings must be made before a Conditional Use Permit can be approved. This proposal meets those conditions as follows:

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.**

   The location of the proposed subdivision is in accord with the objectives of the Zoning Ordinance and is consistent with the surrounding properties in the district because it is a residential project on property designated for residential development by the General Plan and Zoning Ordinance. The proposed density is below the maximum density of 3.5 du/ac, and the Land Use Element of the General Plan states that all projects in the Fire Mountain neighborhood which provide for 10,000 square foot lots are found to be consistent with the underlying Land Use designation.

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 or 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.**

   Although the proposed project exceeds the base density of 1 du/ac, it is consistent with the Land Use Element of the City's General Plan which requires lots which are a minimum of 10,000 square feet in size. The single family home lots in this project exceed 10,000 square feet, and are consistent with the development pattern within Fire Mountain. As previously mentioned the City's Land Use General Plan contains a policy that indicates such lots are consistent with the RE-B designation and zone. The proposed project is also consistent with the existing development patterns throughout 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 which it would be located.**

   The proposed density conforms to the provisions of the Zoning Ordinance.

LEGAL DESCRIPTION

EXHIBIT "ONE"

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF OCEANSIDE, COUNTY OF SAN DIEGO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

Parcel A:

Portions of Parcels 1 and 2 of Parcel Map No. 2951, in the City of Oceanside, County of San Diego, State of California, filed in the Office of the County Recorder of said County, August 12, 1974, more particularly described as follows:

Beginning at the Northeast corner of said Parcel 1 of Parcel Map No. 2951; thence, along the Easterly line of said Parcel 1, South 04°57 '25"East 268.15 feet to the Southerly line of said Parcel 1; thence, along said Southerly line, North 87°52 '49"West 166.46 feet; thence, North 00°00 '59"East 80.41 feet to a point in a line that is parallel with and 5.00 feet Southerly of, measured at right angles, the Northerly line of the Westerly portion of said Parcel 1 of Parcel Map No. 2951; thence, along said parallel line, South 84°18 '33"West 343.08 feet to the Easterly line of Avocado Road, 50.00 feet wide; thence, Northerly along said Easterly line of Avocado Road, being also a curve concave Easterly, from which the radius point of said curve bears South 84°41 '11"East 225.00 feet, through a central angle of 01°18 '00" an arc length of 5.11 feet to the Northwesterly corner of the Westerly portion of said Parcel 1; thence, along the Northerly line of said Parcel 1, North 84°18 '33"East 312.06 feet; thence, along the Westerly line of said Parcel 1 of Parcel Map No. 2951, North 01°02 '00"West 160.75 feet to the Northwest corner of said Parcel 1; thence, along the Northerly line of said Parcel 1 of Parcel Map No. 2951, North 84°13 '13"East 177.29 feet to the Point of Beginning.

Containing 46,623 square feet (1.070 acres) of land, more or less.

Parcel B:

An easement for road and utility purposes and incidents thereto over, under, along and across a strip of land 20.00 feet in width lying within Lot 3, Block "C", 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 1, 1926, the Northerly line of said strip being described as follows:

Commencing at the Northwest corner of said Lot 3; thence along the Northerly line of said Lot, North 84°18 '33"East, 286.00 feet to the Northeast corner of the land described in Deed to Oceanside Optical Company, recorded June 21, 1971 as File No. 131756 of Official Records; thence along the East line of said land South 01°02 '00"East, 140.46 feet to a line drawn parallel with and 20.00 feet Northerly from the Southerly line of said land being the True Point of Beginning; thence along said parallel line South 84°18 '33"West, 310.42 feet to the Easterly line of that easement described in Deed to the City of Oceanside recorded August 8, 1968 as File No. 135287 of Official Records. Said strip to terminate Westerly in said Easterly line of said easement described in Deed to the City of Oceanside.

Parcel C:

An easement for ingress, egress, road and utility purposes and incidental thereto, over, above, and across the Northerly seven (7) feet of the following described land:

Parcel 2 as show on Parcel Map filed in Book of Parcel Maps at Page 2951 in the Office of the County Recorder of San Diego County on August 12, 1974, being a portion of Lot 3, Block "C", 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 1, 1926.

Assessor's Parcel No: A portion of 165-210-62 and a portion of 165-210-63

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Donald Hensel

2. **ADDRESS:** 1846 Avocado Rd.
   Oceanside, CA. 92054
3. **PHONE NUMBER:** (760) 721-8400
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Scott Nightingale, Planner II
6. **PROJECT TITLE:** Hensel Parcel Map (P-12-01, C-2-03, C-21-07)
7. **DESCRIPTION:** A request to subdivide an existing 1.02 acre lot into two legal parcels located at 146 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,

[X] 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).

Date: November 3, 2008

Scott Nightingale, Planner II

cc: [ ] Project file [ ] Counter file [ ] Library Posting: [ ] County Clerk $50.00 Admin. Fee