AGENDA NO. 4

PLANNING COMMISSION *STAFF REPORT*

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

TO: Chairman and Members of the Planning Commission

FROM: Community Development Department/ Planning Division

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

RECOMMENDATION

Staff recommends that the Planning Commission by motion:

(1) Confirm issuance of a Class 15, Categorical Exemption "Minor Land Divisions"; and,

(2) Adopt Planning Commission Resolution No. 2007-P50 approving Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07) with findings and conditions of approval attached herein.

PROJECT DESCRIPTION AND BACKGROUND

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

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

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

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

Tentative Parcel Map represents a request for the following:

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

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

Conditional Use Permit represents a request for the following:

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

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

Background

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

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

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

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

ANALYSIS

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

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

KEY PLANNING ISSUES

1. General Plan conformance

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

A. Land Use Element I. Community Enhancement

Goal 1.12: Land Use Compatibility
Objective: To minimize conflicts with adjacent or related land uses.
Policy: B. The use of land shall not create negative visual impacts to surrounding land uses.

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

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

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

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

B. Land Use Element II. Community Development

Goal 2.02: Residential Subdivision
Objective: To assure residential subdivisions of land shall be of sufficient size, dimensions, and topography to promote overall community enhancement, and the aesthetic and efficient functioning of the particular residential unit.
Policy: A. Individual residential parcels shall provide building pads areas of sufficient size and dimensions to accommodate an aesthetically pleasing and efficient dwelling unit.

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

2. Zoning Compliance

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

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

3. Subdivision Ordinance

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

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

DISCUSSION

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

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

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

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

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

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

ENVIRONMENTAL DETERMINATION

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

PUBLIC NOTIFICATION

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

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

SUMMARY

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

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

PREPARED BY:

Richard Greenbauer
Senior Planner

SUBMITTED BY:

Jerry Hittleman
City Planner

JH/RG/fil

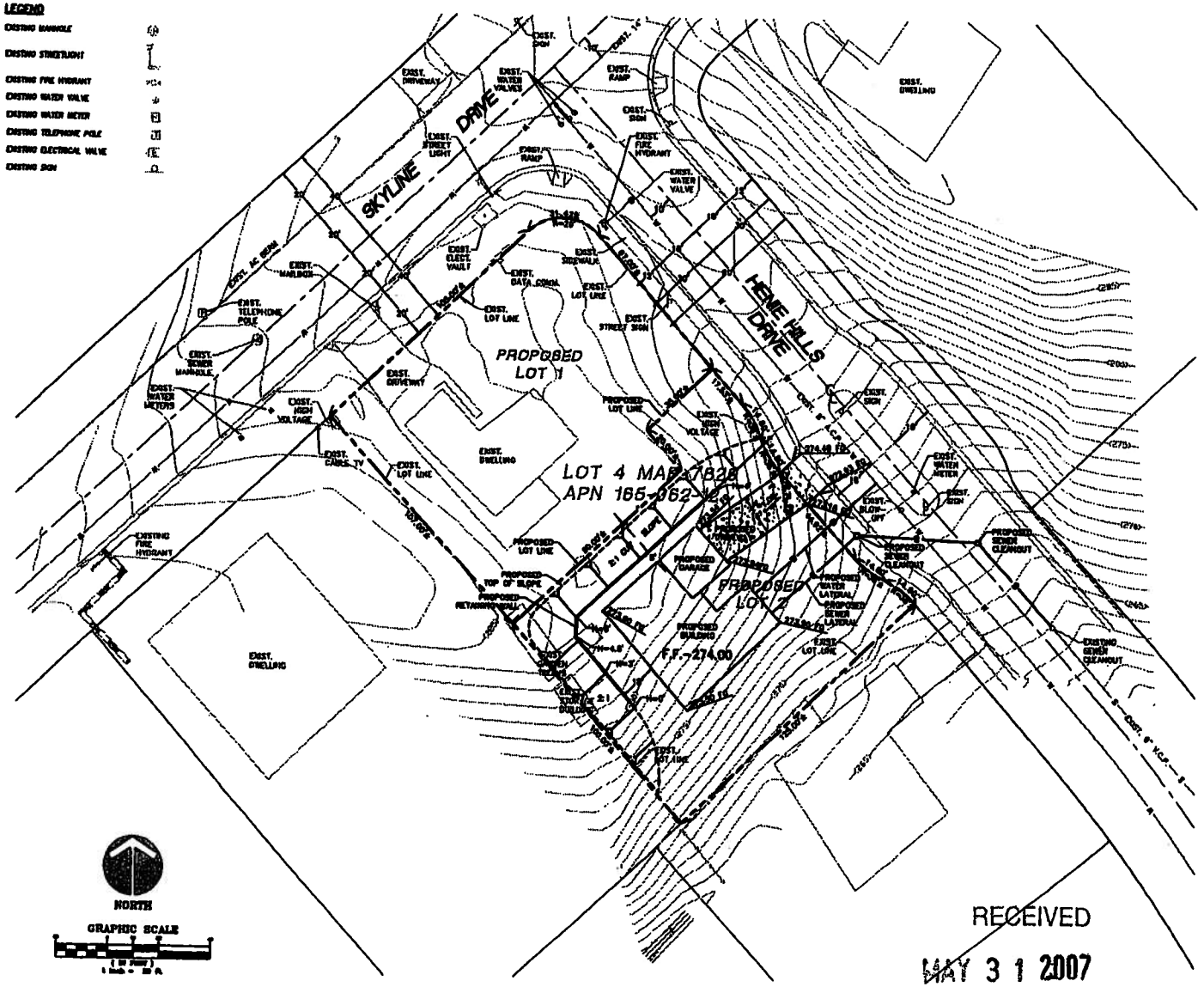
Attachments:

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

TENTATIVE PARCEL MAP

LEGEND

EXISTING MANHOLE
EXISTING STREETLIGHT
EXISTING FIRE HYDRANT
EXISTING WATER VALVE
EXISTING WATER METER
EXISTING TELEPHONE POLE
EXISTING ELECTRICAL VALVE
EXISTING SIGN



GENERAL NOTES

OWNER/APPLICANT:

MILAN MILJKOVIC
3079 SKYLINE DRIVE
OCEANSIDE, CA 92056
(760) 439-8348

REPRESENTATIVE:

PIETER DE MONCHY
KIMLEY-HORN AND ASSOCIATES
701 PALOMAR AIRPORT ROAD SUITE 100
CARLSBAD, CA 92011
(760) 602-7803

TOTAL SQUARE FOOTAGE:

EXISTING- 23347 SQ. FT.

PROPOSED-
LOT 1- 12500 SQ. FT.
LOT 2- 12750 SQ. FT.

EXISTING ZONING- RE-9

PROPOSED ZONING- RE-9

NUMBER OF LOTS:

EXISTING- 1
PROPOSED- 2

NUMBER OF DWELLING UNITS:

EXISTING- 1
PROPOSED- 2

DENSITY-3.33%

CONTOUR INTERVALS-1 FOOT

MAXIMUM SLOPE GRADIENT-2:1

PERCENT OF PROJECT IN STREETS-0%

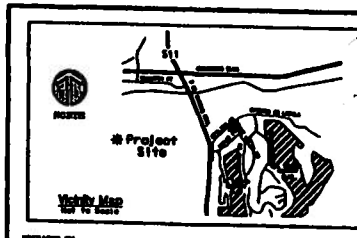
AMOUNT OF GRADING:

PROPOSED CUT-500 CUBIC YARDS

PROPOSED EXPORT-500 CUBIC YARDS

GEOTECHNICAL ENGINEER

VOLE & MIDDLETON ENGINEERING, INC.
2430 VINEYARD AVENUE, SUITE 102
ESCONDIDO, CALIFORNIA 92029



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MAY 3 1 2007
Planning Department

SEAL-ENGINEER

Kimley-Horn and Associates, Inc.

PLANNING COMMISSION
RESOLUTION NO. 2007-P50

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

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

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

WHEREAS, there was filed with this Commission a verified petition on the forms prescribed by the Commission requesting a Tentative Parcel Map (P-5-07) and Conditional Use Permit (C-22-07) under the provisions of Articles 10 and 41 of the Zoning Ordinance of the City of Oceanside to permit the following:

the subdivision of one residential lot into two parcels;

on certain real property described in the project description.

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

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

WHEREAS, there is hereby imposed on the subject development projects 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:

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

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

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

1. The development portion of the subject property is zoned RE-B with a corresponding Land Use designation of Residential Estate B (1-3.5 dwelling units per acre). The project density of 3.3 dwelling units per acre is consistent with the density range of 1-3.5 dwelling units per acre established by the Residential Estate B District.
2. The location and conditions under which the subject application must comply insure that the project will not cause detriment to the public health safety or welfare of persons residing or working in or adjacent to the project area.
3. The project has been adequately conditioned or designed to comply with applicable requirements of the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission does hereby approve Tentative Parcel Map (P-05-07) and Conditional Use Permit (C-22-07) subject to the following conditions:

Engineering:

1. 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.
2. Prior to issuance of a building permit 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.
3. The approval of the tentative parcel 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 developer 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 under separate process(es) per codes, ordinances, and policies in effect at the time of the application.
4. 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.

5. 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 3:00 p.m. unless approved otherwise.

6. Approval of this development project is conditioned upon payment of all applicable impact fees and connection fees in the manner provided in chapter 32B of the Oceanside City Code. All 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, in accordance with City Ordinances and policies. The 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 (project) 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 final map or building permit approval, and to join, contribute, and/or participate in such districts.

7. Sight distance requirements at the project driveway or street shall conform to the corner sight distance criteria as provided by the California Department of Transportation Highway Design Manual.

8. Prior to approval of the grading plans, the developer shall contract with a geotechnical engineering firm 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 plus 12 feet along the project's frontage. The field investigation shall include a minimum of one pavement boring per every 50 linear feet of street frontage. Should the existing AC thickness be determined to be less than three inches or without underlying Class II base material, the developer shall remove and reconstruct the pavement section as determined by the pavement analysis submittal process detailed in Item No. 2 below.

9. 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 Transportation/Development Inspector, 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.

10. Pavement sections for all streets, alleys, driveways and parking areas 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.

11. 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.

12. 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.

13. The applicant 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.

14. Prior to any grading of any part of the tract or project, 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.

15. 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 applicant with cash securities and approved by the City Engineer.

16. A precise grading and private improvement plan 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, signage, footprints of all structures, walls, drainage devices and utility services.

17. Landscape plans, including plans for the construction of walls, fences or other structures at or near intersections, must conform to intersection sight distance requirements. Conceptual landscape plans for disturbed areas must be submitted to the City Engineer prior to the issuance of a grading permit and approved by the City Engineer prior to the issuance of building permits. Landscaping shall be installed prior to the issuance of certificates of occupancy. Any project fences, sound or privacy walls shall be shown on the landscape plans. These features shall also be shown on the precise grading plans for

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

18. 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 applicant shall be responsible for obtaining any off-site easements for storm drainage facilities.

19. 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.

20. 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 (N.P.D.E.S.) permit requirements for urban runoff and stormwater discharge and any regulations adopted by the City pursuant to the N.P.D.E.S. regulations or requirements. Further, the applicant may be required to file a Notice of Intent with the State Water Resources Control Board to obtain coverage under the N.P.D.E.S. 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 applicant 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.

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

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

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

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

25. 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 Community Development Director.

Fire:

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

Planning:

27. This Tentative Parcel Map and Conditional Use Permit shall expire on November 5, 2009, unless a time extension is granted by the Planning Commission.

28. 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 Conditional Use Permits C-22-07 and Parcel Map P-5-07. 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.

29. Landscape plans, meeting the criteria of the City's Landscape Guidelines and Water Conservation Ordinance No. 91-15, including the maintenance of such landscaping, shall

be reviewed and approved by the Community Development Director prior to the issuance of building permits. Landscaping shall not be installed until bonds have been posted, fees paid, and plans signed for final approval. The following special landscaping requirements shall be met:

a) Parkway tree plantings along collector roads shall be a minimum of two-inch diameter trees so as to ensure a mature landscape theme is achieved in a reasonable amount of time.

b) The developer shall be responsible for irrigating and landscaping all embankments within the project, and all slopes along major streets.

c) Street/parkway trees (minimum 15-gallon) shall be planted at a minimum of one tree per unit or lot and two trees per corner lot. Approved root barriers shall be incorporated.

d) Local street trees in parkways shall be planted at a minimum of 30 feet on center, each side of street, as a solitary planting. Approved root barriers shall be incorporated.

e) To mitigate the loss of landmark and/or mature existing trees on-site the determination of replacement shall be based on tree number, type, and caliper (caliper measured 2 1/2 feet from the base of the tree at existing grade). The total number of tree caliper lost shall be equal to the total number of caliper replaced. Replacement trees shall be a minimum of 15-gallon container stock. A field survey shall be performed under the supervision of the City Landscaping Section to evaluate the existing tree population and the replacement requirements. The existing trees to remain or proposed for removal shall be identified on the Preliminary Grading Plan, Precise Grading Plan and Landscape Plan. The existing tree type, location, and caliper shall be shown on the above plans. Replacement trees shall be identified and shown on the Landscape Plan and shall be subject to review and approval by the Community Development Director.

30. All landscaping, fences, walls, etc. on the site, in medians in the public right-of-way and in any adjoining public parkways shall be permanently maintained by the owner, his assigns or any successors-in-interest in the property. The maintenance program shall include

normal care and irrigation of the landscaping; repair and replacement of plant materials; irrigation systems as necessary; and general cleanup of the landscaped and open areas, parking lots and walkways, walls, fences, etc. Failure to maintain landscaping shall result in the City taking all appropriate enforcement actions by all acceptable means including but not limited to citations and/or actual work with costs charged to or recorded against the owner. This condition shall be recorded with the covenant required by this resolution.

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

32. 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.

33. 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.

34. 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.

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

36. 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, Management Plan and other materials and information submitted with this application, unless specifically waived by an adopted condition of approval.

37. The residence created by this parcel map shall meet the following development standards: Lot size, 10,000 square feet; minimum unit size, 2,500 square feet; 3-stories (maximum); garage, three cars (minimum); front yard, 25 feet; side yard 7.5 feet; rear yard 20 feet; corner yard, 15 feet; maximum height 36 feet; lot coverage, 35 percent (maximum);

fencing, six-foot high wood privacy; roofing, fire resistant concrete tile; siding, stucco, wood accents and decorative trims. An Administrative Development Plan shall be processed and approved for each lot prior to the issuance of a building permit.

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

Water Utilities:

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

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

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

42. 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.

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

44. 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 of the Uniform Plumbing Code.

45. 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.

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

47. 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.

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

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

AYES:

NAYS:

ABSENT:

ABSTAIN:

_____

Dennis Martinek, Chairman
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. 2007-P50.

Dated: November 5, 2007

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
MILAN DJOKICH		3260 Avenida De Loyola	11/19/06
BARBARA L EGELHOFF		3226 Ave de Loyola	11/01/06
Don Bell		3313 AVENIDA DE LOYOLA	12/2/06
Larry Mort		3325 Avenida de Loyola	12/2/06
Joan Jaureguy		3357 Avenida De Loyola	12/2/06
Robert Strong		3374 Avenida De Loyola	12/2/06
Suzanne Stewart Wilson		3360 Avenida de Loyola	12/2/06
Terry Barnum		3354 Avenida de Loyola	12/2/6
BoB Mabson		3346 AVENIDA DE Loyola	12/2/06
Andrew Andeck		3336 Ave. de Loyola	12/2/06
Della Pajak		3326 Ave de Loyola	12/2/06

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STATEMENT OF OPINION

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PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
GARY ACTUNION		3066 SONJA CT.	10-24-06
Richard Slozone	Richard Slozone	1965 Valley	10 24-06
Jennifer Lab-Elsner	Jennifer Lab-Elsner	1941 Valley	10-24-06
TAYLOR CLAWSON	Taylor Clawson	2033 OCEANVIEW RD	10-24-06
NADYA KATONA		2133 Valley Rd	10/25/06
Ronald M. McCormack	Ronald M. McCormack	2250 Valley Rd	10/25/06
Nancy Holguin		2242 Valley Road	10/25/06
[illegible]		2218 Valley Rd	10/25/06
Roger Marshall		2202 Valley Rd	10/25/06
Karen Dianella	Karen Dianella	2109 Valley Rd	10/25/06
Vicki Byers	Vicki Byers	2126 Valley Rd	10-28-06

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
MARTHA SULLIVAN		3022 SONJA CT OSD. 92056	10-21-06
JASON FOLKER		3070 Sonja Ct. OSD. 92057	10/21/06
Connie J. Strause	Connie J. Strause	3046 Sonja Ct. Oside 92056	10/21/06
MARIANNE MORAN		3074 Sonja Ct 92056	10/21/6
PATTICIA J. MORAN	Patricia J Moran	3074 SONJA CT 92054	10/21/06
Amelia S Barnes	Amelia S. Barnes	3029 Sonja Ct 92056	10/21/06
William T Barnes	William T Barnes	3029 Sonja Ct 92056	10/21/06
Julie Hough		3073 Sonja Ct 9054	10/22/06
FRANCISCO CASTILLO		3038 Sonj Court 92056	10-22-06
Mark Kingsbury		3079 SONJA CT 92056	10/24/06
CLARINE PUGH	C Pugh	3057 Sonja Ct	

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
Lee K Hicks		3089 Sonja Ct	10/23/06
Zachary Neff		2029 Oceanview Rd	10/29/06
Wendy Curtiss		2029 Oceanview Rd.	10/29/06
Bruce Blaie		2101 Valley Rd	10/29/06
Julie Cardin		2201 Valley Rd.	11/3/06
Mack Sabinski		2102 Valley Rd	11/4/06
Steven Dicken		2049 Stetson Lane	11/4/06
Mike Scaco		3119 Lynn Ct	11-4-06
Heather Castillo		3038 Sonja Court	11-7-06
Laura Saenz (one time only)		1973 Valley Rd	11-17-06
Kathleen Becker		3040 Sonja Court	11-17-06

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
F. J. WELMAN	F. J. Welman	2034 STEIGER LN	10-22-06
TAMMY HORAK	Tammy Horak	2010 Steiger Ln	10-22-06
MARIAN COACHOT	Marian Coachot	2017 STEIGER LN	10/23/06
Grace Turner	Grace Turner	2081 Steiger Ln.	10/23/06
Sara Saunders	SARA SAUNDERS	2150 Steiger Ln	10/23/26
Debbie Saenz	Debbie Saenz	2149 Steiger Ln	10-23-06
JOHN BERTITOTY		2049 VALLEY RD.	10-23-06
FRED COSTELLO		2134 STEIGER LN	10-23-06
Janis Siems	Janis Siems	2026 steiger	10-23-06
JOHN CROWE		2058 STEIGER	10-23-06
Joanne Lohrey	Joanne Lohrey	2157 Steiger	10-23-06

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
GWEN E MOORE		2145 Oceanview Rd	10/27/06
Glen Ohnesorge		2231 OCEANVIEW RD	10/27/06
Bettye LAPD- time lot split		2050 Valley Rd	10/28/06
GREG BURT		2141 STEIGER LN	10/28/06
Fred Brick 1 time lot split only	This property only	2011 Oceanview Road	10/28/06 This time only
Malinda Brick The Miljkovic Property only - Not if this sets a precedent for other properties		2011 Oceanview Road	10-28-06
Lisel Sutter		2313 Oceanview Rd	10-28-06
Ron Ritter		3111 Skyline Dr.	10/28/06
MARK McDERMAN		3031 Skyline Dr	10/28/06
STEPHEN J. KALAFUT		3045 SONJA CT	10/28/06
Jules Briskin	Jules Briskin	2025 OCEANVIEW	11/02/06

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
OLD. ~~Peter de Monchy~~	~~[illegible]~~	2057 Steiger Lane	10/22/'06
Antti Tirronen	[illegible]	2081 Steiger Ln.	10/22/06
Rebecca Vogel	Rebecca Vogel	2101 Steiger Lane	10.22.06
MICHELE NIX-SCHMANTZ	Michele Nix-Schmantz	2133 STEIGER LN	10-22-06
John & Sherri Sortomme	Sherri Sortomme	2158 Steiger Lane	10-22-06
Michelle & Chris Scobba	M Scobba	2166 Steiger lane	10-22-06
Vicki & Herb Morgan	Vicki Morgan	2102 Steiger Lane	10-22-06
Alicia This	Alicia Rinta This	2082 Steiger Lane	10-22-06
JEAN E. COSTAIN	Jean E Costain	2074 STEIGER LANE	10-22-06
Kellee Aragon	Kellee Aragon	2066 Steiger Lane	10.22-06
Tobyann Davis	Tobyann Davis	2066 Steiger Lane	10.22-06

STATEMENT OF OPINION

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

PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
R. CHARD GROVE	[signature]	3054 SONSA CT	11/3/06
Gregory Hall	[signature] (This is proper only!)	2110 Steiger LN	11/11/06
Miljkovic Milan	[signature]	3079 SKYLINE DR.	12-2-06
Earl F. HUFFSTUTLER	[signature]	3081 Sonja Court	2-20-07
Mark Katona	[signature]	2144 Valley RD	6/16/07

STATEMENT OF OPINION

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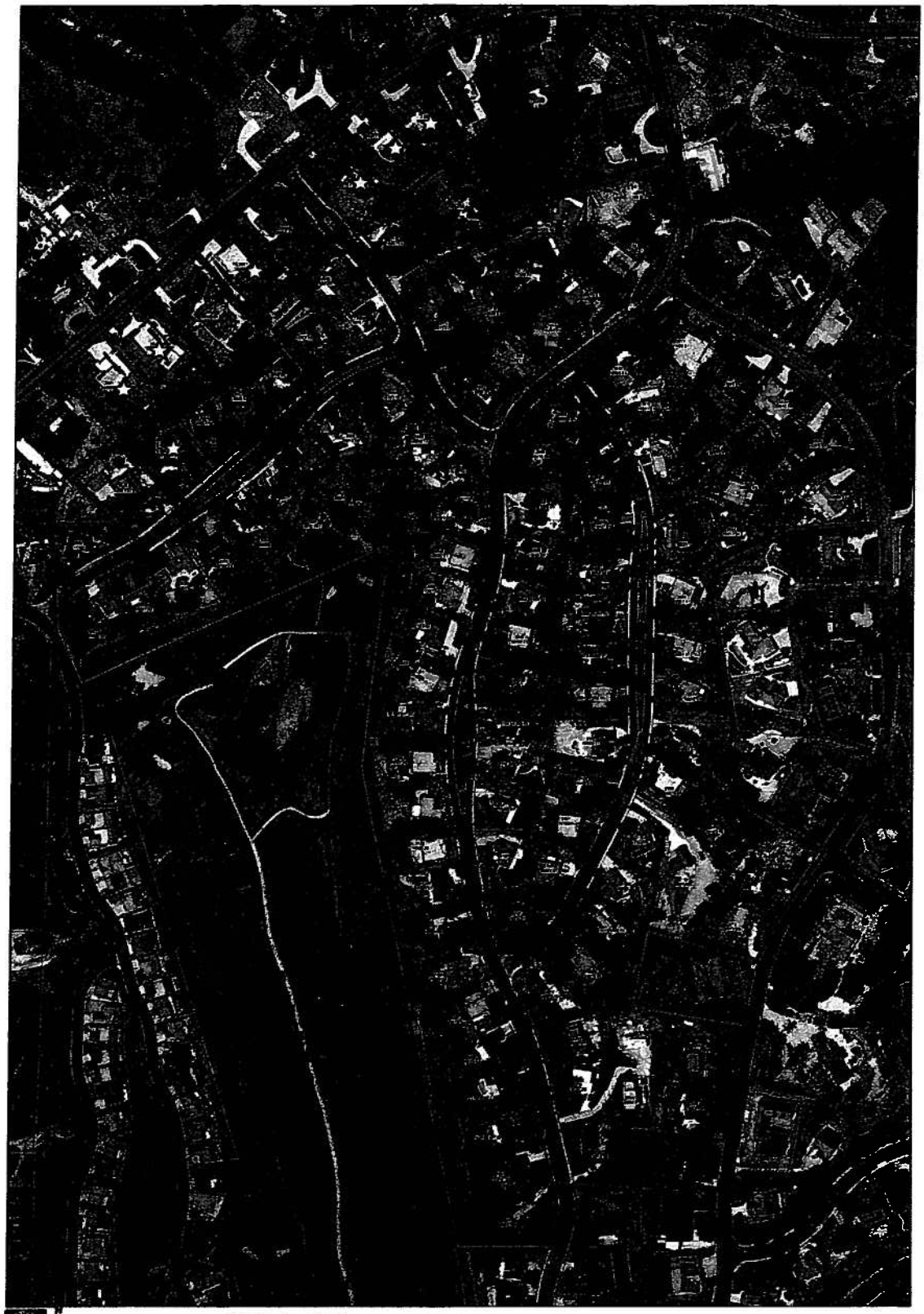
We the undersigned, after consideration of additional information regarding the Miljkovic Tentative Parcel Map, P-15-05, at the 3079 Skyline Drive, Oceanside, property in the Henie Hills Estates community, agree that We have no objections for this lot split to go forward.

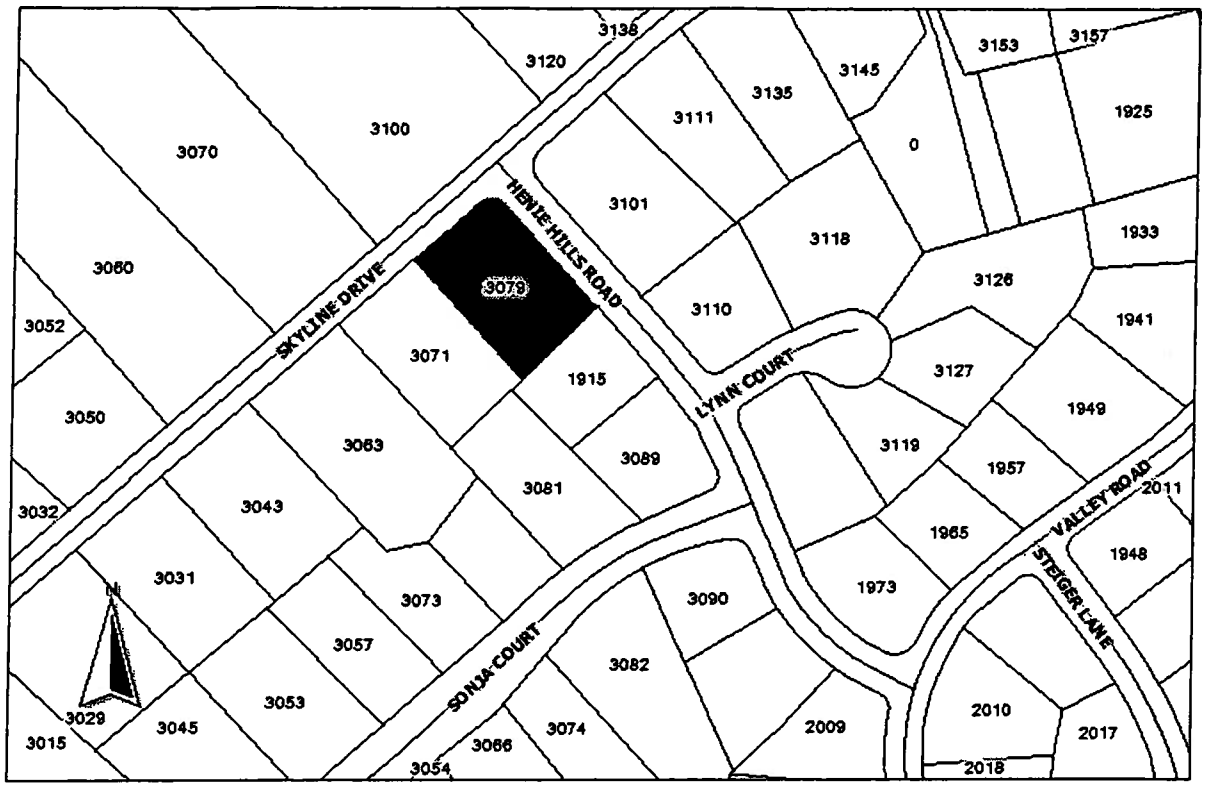
PRINTED NAME	SIGNATURE	STREET ADDRESS	DATE
Joseph CHAPON	Joseph Chapon	2242 Oceanview Rd	11-17-06
Matthew Ferguson		2248 Oceanview Rd	11/18-06
Eleanor Pennington	Eleanor Pennington	2271 Oceanview Rd.	11-19-06
Kristen Brown	Kristen Brown	2267 Oceanview Rd	11/19/06
[illegible]		2426 CARRIAGE	11/19/06
Fred Knepp		2438 Carriage Circle	11-19-06
Gayle Fairbanks	Gayle Fairbanks	2240 Oceanview Rd.	11/19/06
Catherine Hamilton	CATHERINE S. HAMILTON	2261 OceanviewRD.	11/19/06
Robert Percin	Robert Percin	2283 OCEAN VIEW RD.	11-19-06
F.A. BRAUER		2359 Sheffield Dr.	12-02-06



☆ Parcels with Potential for Subdivision

★ Milan Miljkovic Parcel

—— Henie Hills Subdivision Boundaries



File Number: **P-5-07, C-22-07**

Applicant: **Milan Miljkovic**

Description:

TENTATIVE PARCEL MAP (P-5-07) and CONDITIONAL USE PERMIT (C-22-07) to subdivide a 25,437-square foot lot into two parcels located at 3079 Skyline Drive. The project site is zoned RE-B (Residential Estate-B) and is situated within the Mira Costa Neighborhood. – **MILJKOVIC 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

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Application For Planning Commission Hearing

Planning Department (760) 435-3520
Oceanside Civic Center
300 North Coast Highway
Oceanside, California 92054-2885

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Planning Department

Please Print or Type All Information

STAFF USE ONLY	
ACCEPTED	BY
5/31/07	SN.
HEARING	
GPA	
MASTER/SP PLAN	
ZONE CH	
TENT MAP	
PAR. MAP	P-5-07
DEV PL	
C U P	C-~~30~~-07
VARIANCE	22
COASTAL	
O H P A C.	

PART I – APPLICANT INFORMATION

1 APPLICANT: Milan Miljkovic

2 STATUS: M

3 ADDRESS: 3079 Skyline Dr. Oceanside, CA

4 PHONE/FAX:

5 APPLICANT'S REPRESENTATIVE (or person to be contacted for information during processing): NADA MILJKOVIC and BARBARA MILJKOVIC

6. ADDRESS: 504 DUFOUR SANTA CRUZ CA 95060
905 CASAD Line ANAHEIM CA 92808

7 PHONE/FAX: 831-566-5866
714-273-9399

PART II – PROPERTY DESCRIPTION

8 LOCATION: 3079 Skyline Drive

9. SIZE: 25,347

10 GENERAL PLAN	11 ZONING	12. LAND USE	13. ASSESSOR'S PARCEL NUMBER
	RE-B		165-062-12

PART III – PROJECT DESCRIPTION

14 GENERAL PROJECT DESCRIPTION
Tentative Parcel Map; subdivide existing S.F. lot into two lots, each with 10,000 S.F.

15. PROPOSED GENERAL PLAN	16 PROPOSED ZONING	17 PROPOSED LAND USE	18. NO. UNITS	19. DENSITY
same	same	same	2	4/acre

20 BUILDING SIZE	21 PARKING SPACES	22. % LANDSCAPE	23 % LOT COVERAGE
S.F.D	Garage	S.F.D Yard	

PART IV – ATTACHMENTS

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

PART V – SIGNATURES

THE APPLICANT OR HIS/HER REPRESENTATIVE MUST BE PRESENT AT THE HEARING. FAILURE TO BE PRESENT MAY RESULT IN DENIAL OF THE APPLICATION

SIGNATURES OF ALL OWNERS OF THE SUBJECT PROPERTY ARE NECESSARY BEFORE THE APPLICATION CAN BE ACCEPTED. IN THE CASE OF PARTNERSHIPS OR CORPORATIONS. THE GENERAL PARTNER OR CORPORATION OFFICER SO AUTHORIZED MAY SIGN (ATTACH ADDITIONAL PAGES AS NECESSARY)

33. APPLICANT OR REPRESENTATIVE (Print): Milan Miljkovic
34. DATE:
Sign: Milan Miljkovic

37 OWNER (Print): Milan Miljkovic
38. DATE:

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

Sign: Milan Miljkovic

35. APPLICANT (Print): Milan Miljkovic
36 DATE:
Sign: Milan Miljkovic

39. OWNER Print): Diane D. Miljkovic
40 DATE:
Sign: Diane D. Miljkovic

RICHARD

Proposed Miljkovic Lot Split
Project Description

Milan and Diane Miljkovic
3079 Skyline Drive
Oceanside, CA 92056
760-439-8249

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The following is a project description regarding the proposed Parcel Map (P-15-05) and Conditional Use Permit (C-35-05) at 3079 Skyline Drive, Oceanside CA, the home of Milan and Diane Miljkovic.

Milan and Diane Miljkovic currently own a 25,437 square foot lot on the corner of Skyline Drive and Henie Hills Drive, in Oceanside, CA. Milan and Diane bought one of the original model homes from the first owner and have been residents of Henie Hills Estates (HHE) for over 20 years. They have a clear appreciation of the quality of living HHE affords those who live there.

Over the years Milan and Diane, who are currently in their late seventies, have long wished for a single story home as opposed to their tow story home they currently live in. Their eldest daughter, Barbara Miljkovic, wishes to be near them as they get older and plans to occupy their current home once they move into the new one.

The City of Oceanside Zoning Ordinance has given this area the zone of RE-B or Residential Estate B. HHE is located in the Mira Costa Neighborhood. As such, the minimum lot size for this area is 10,000Sq. Ft. and no lot can be created with less then 10,000 square feet.

The base density for this Neighborhood is One (1) Dwelling Unit per acre. Per the Oceanside Zoning Ordinance, the base density can be exceeded within a certain range. In other words, one may exceed the One (1) Dwelling Unit per acre up to 3.5 Dwelling Units per acre in density, or an average lot size of 12,446 Sq. Ft.

Milan and Diane propose to create two lots out of the one (lot split) with each of them being approximately 12, 720 Sq. Ft. in size. This size is consistent with many of the current lots in HHE and exceeds the 10,000 Sq. Ft. size required by the City of Oceanside.

In addition, Milan and Diane plan to build a new single story home no smaller than a 2,500 Sq. Ft., with a 3-car garage, and a re-circulating water heater system and many of the other amenities found in today's newer move-up quality homes. They also plan to install landscaping material in accordance with the City's Zoning Ordinance.

Proposed Miljkovic Lot Split
Project Description

Milan and Diane plan to provide proof of "excellence in design" as part of the requirements imposed by the City when one exceeds the base density of the zone. This will result in an upscale addition, a positive enhancement of the neighborhood, which will ultimately result in increased home values in the surrounding area.

The lot split lends itself for access to the new lot to be taken off Henie Hills Drive, avoiding the creation of a "flag" lot. No street improvements or changes of the median are necessary to complete the lot split.

The City street trees that currently exist within the 12-ft. parkway along Henie Hills Drive will remain. If for some unforeseen reason one needs to be removed to accommodate construction, a minimum 15-gallon tree will be planted as a replacement tree, in accordance with the City requirements. Some trees on the Miljkovic property may need to be moved to make room for the new house, but new ones will be planted to take their place.

The grading of the lot will be designed so as to minimize, as much as possible, the amount of dirt that will need to be moved and also keep the elevation of the new house low enough so as not to be overlooking the neighbors wile maintaining the natural view corridors the lot offers.

Since there are currently several other lots in the area that are approximately half an acre, or about 22,000 Sq. Ft., there was a perception in the community that if the Miljkovic Lot Split was to move forward, there would be more and more lot splits and the community character will be diluted. This is highly unlikely as Milan and Diane's lot is one of two lots in the HHE Home Owner's Association that has the size, geometry, topography, and access from an existing street necessary to split into two, without creating a "flag lot".

Milan and Diane have enlisted legal counsel, specializing in enforcement of CC&R's for private homeowners and associations, who reviewed the Covenants, Conditions and Restriction for Henie Hills Estates (CC&R's) and Amendments, as well as the applicable City of Oceanside codes, rules and requirements, and found no violation of any of the above listed requirements. Legal counsel concluded that the Henie Hills Estates CC&R's contain no provision that prohibits or attempts to regulate creation of lots within the subdivision. The parcel map process followed by the Miljkovices to divide their property is regulated by state and local laws, not the private Henie Hills Estates CC&R's.

On February 27, 2006, the City of Oceanside Planning Commission action approved the proposed lot split (reference Application No. P-15-05, C-53-05, and Approval No. 2006-P09).

However, on March 8, 2006 a one page handwritten appeal by Karen Bitker provided as the sole basis for the claim that the proposed lot split "is not in keeping with the CC&R's or development plans of Henie Hills Estates..."

On April 12, 2006, the City Council of the City of Oceanside held a duly noticed public hearing, which resulted in the City's reversal and adoption of Resolution No. 06-R0276-1.

Subsequent to the above events, over the last year, Milan and Diane have gained the communities' support to proceed with the lot split and they wish to move forward with their petition to gain approval from the City of Oceanside Planning Commission for the proposed lot split.

Although not required, the Henie Hills Estates Homeowners Association Board has considered the Miljkovic lot split on several occasions. The project was endorsed by the Board and additionally at the annual Homeowners Association meeting in September of 2006, the majority of the homeowners again supported the Miljkovic Lot Split. Subsequently Milan and Diane obtained endorsement supporting the project to move forward and signatures from majority of the homeowners within the Henie Hills Estates Homeowners Association and adjacent neighbors in close proximity of the Miljkovic property who are not part of the Henie Hills Estates Homeowners Association.

During the annual Homeowners Association meeting in September of 2006, this issue was also discussed and it was suggested that the homeowners vote (via secret ballad) on the following issues: 1.) Change or amend the Henie Hills Estates Homeowners Association CC&R' to prevent future lot splits;

2.) Re-write the CC&R's to prevent future lot splits;
3.) Make no changes/amendments, or re-write the CC&R.

The result of the secret voting was that the majority voted to not make any changes, or amendments, and to not re-write the CC&R's.

In conclusion, the proposed lots would be fully consistent with the surrounding community. The new parcel created by the proposed lot split will not alter or change the neighborhood character in any way, but rather it will be an upscale addition, and a positive enhancement of the neighborhood, which will ultimately result in increased property values in the surrounding area.

SCHEDULE A

Order No: 53040347 U50 Your Ref: MILJKOVIC

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

A FEE

RECEIVED
MAY 31 2007
Planning Department

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

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

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

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

NOTICE OF EXEMPTION

City of Oceanside, California

Post Date:
Removal:
(30 days)

1. **APPLICANT:** Milan Miljkovic
2. **ADDRESS:** 3079 Skyline Dr., Oceanside, CA. 92056
3. **PHONE NUMBER:** (714) 273-9399
4. **LEAD AGENCY:** City of Oceanside
5. **PROJECT MGR.:** Richard Greenbauer, Senior Planner
6. **PROJECT TITLE:** P-5-07, C-22-07; Miljkovic Subdivision
7. **DESCRIPTION:** A request to subdivide a 25,347 square foot lot into two parcels on property located at 3079 Skyline Drive. The project site is zoned RE-B (Residential Estate - B) and is situated within the Mira Costa Neighborhood and more specifically within the Henie Hills Estates community.

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 a division of property in an urbanized area zoned for residential into four or fewer parcels, 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 Division" (Section 15315); or,

[ ] The project does not constitute a "project" as defined by CEQA (Section 15378).

Richard Greenbauer, Senior Planner

Date: 15OCT07

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